

## PLANNING DIVISION STAFF REPORT

October 27, 2014

PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION



**Project Address:** 627 Jupiter Drive  
**Application Type:** Planned Development Zoning Map Amendment  
**Legistar File ID #** [35481](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Katherine Cornwell, Planning Division Director

### Summary

**Applicant:** Jason and Kris Eckles; Avenue E Properties, LLC; PO Box 264; Cottage Grove, WI 53527  
**Contact:** Gary P. Brink; Gary Brink & Associates; 7780 Elmwood Ave; Suite 204; Middleton, WI 53562  
**Property Owner:** 801 Jupiter Drive, LLC; 3392 Brooks Drive; Sun Prairie, WI 53590  
Wingate Clapper; Lions Gate LLC; N20W29316 Oakton Road, Pewaukee WI 53072

**Requested Action:** The applicant requests approval of an amended PD-GDP-SIP (Planned Development-General Development Plan-Specific Implementation Plan).

**Proposal Summary:** The applicant proposes to amend an existing Planned Development within the Grandview Commons development. Plans for a two-building complex were most recently approved in 2010. At this time, one of the buildings is completed and occupied. The second building, previously approved for 29 units has not been constructed. The applicant proposes to modify the second building to allow 37 units. Physical changes from the original approval include an addition to the third story and changes to the material palette including an increase in the amount of brick on the façade.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Zoning Map Amendments [M.G.O. Section 28.182(6)] and Planned Developments [M.G.O 28.098].

**Review Required By:** Urban Design Commission (UDC), Plan Commission (PC), and Common Council.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards for Zoning Map Amendments and Planned Developments are met and forward Zoning Map Amendment 00149, rezoning 627 Jupiter Drive from PD-GDP (Planned Unit Development Plan-General Development Plan-Specific Implementation Plan) to amended PD-GDP-SIP, to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### Background Information

**Parcel Location:** The subject properties are Lots 443 and 444 of the Grandview Commons subdivision. Combined, these lots are approximately 2.16 acres in area, located at 5801 Gemini Drive and 825 Jupiter Drive (southeast corner of Gemini and Jupiter Drives). The subject properties are in Aldermanic District 3 and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes the aforementioned 40-unit building and other site improvements as shown on the attached plans.

**Surrounding Land Use and Zoning:**

North: Aforementioned 40-unit apartment with a 58-unit senior housing development, beyond. Properties zoned Planned Development);

South: 57-unit apartment building, zoned Planned Development;

East: 24-unit apartment building and 51-unit apartment building, zoned Planned Development; and

West: Undeveloped property zoned PD.

**Adopted Land Use Plan:** The Comprehensive Plan and the Sprecher Neighborhood Development Plan recommend medium density residential uses for this area.

**Zoning Summary:** The property is an existing Planned Development (PD).

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services.

## Previous Approvals

The original approval for this site, the “Lions Gate” development, was granted in 2004 and the SIP plans were recorded in 2005. That approval included 69 dwelling units divided between two three-story buildings. Originally, this included a “Phase I” 33-unit building and a “Phase II” 36-unit building. Construction of the first phase building commenced but was not completed until a subsequent amendment to the plans was approved in 2010. That amendment shifted seven (7) units from the Phase II to building to the partially constructed Phase I structure. Based on the 2010 approval, the subject site is now approved for 29-units with 40-units approved in the completed building.

Please note that an amendment to convert this site into a 66-unit senior housing facility was withdrawn by the applicant and placed on file (without prejudice) by the Common Council in November 2009.

## Project Description, Analysis, and Conclusion

The applicant requests approval of an amended PD-GDP-SIP (Planned Development-General Development Plan-Specific Implementation Plan) to modify an approved two-building apartment complex. The project’s first phase, a 40-unit building, is constructed and occupied. Currently the second phase of this site is not developed, but approved for a three-story, 29-unit building. This request would increase the number of dwelling units in the second phase building to 37-units. This request is subject to the approval standards for zoning map amendments and Planned Developments.

The proposed 37-unit building is three-stories in height, with the proposed building including a full third story where the previous version only had a partial third floor. The building includes 15 one-bedroom units, two (2) one-bedroom units with dens, and 20 two-bedroom units for a total of 53 total bedrooms. The building includes

a shared patio space and a community room on the third floor. There are 37 automobile parking stalls beneath the building. Staff notes that the existing site includes 13 existing surface parking stalls immediately east of the building that would be shared between the two structures. There are 42-bicycle stalls beneath the building and five (5) additional stalls proposed on the exterior.

The proposed building is primarily clad in utility size brick with a synthetic wood siding proposed as a secondary material. Staff believes this to be preferable compared to the approved plans that included multiple exterior materials, including a large amount of EIFS, which is generally not considered as durable an exterior material. Staff believes the relatively simple exterior palette will provide for a building that fits well within the surrounding context.

The applicant has indicated that individual HVAC wall-pack units will be utilized, though these will be tucked into building and balcony recesses and therefore do not appear on the elevation drawings.

The Planning Division's only concern with the proposal is the relative lack of orientation towards Jupiter Drive, where the building is setback just over 12-feet. In this location the building includes about seven feet of exposed basement level. The applicant's architect has brought the masonry down to the ground level and has indicated he could potentially lower some of the detailing on the projecting bays. Based on feedback from staff, the applicant provided a revised basement floor plan and western elevation drawing showing a ground level door providing access to a bike parking area. This change was provided to the Planning Division just prior to finalization of this report.

Staff believes the approval standards can be met. Staff doesn't object to the addition of eight (8) units to this development site and believes the proposed building, with a larger amount of masonry, is an improvement over the current approved plans. The proposed project appears to provide adequate bike and automobile parking to support the units. At the time of report writing, staff was not aware of any concerns on this request.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 266-5974)

The Planning Division recommends that the Plan Commission find the standards for Zoning Map Amendments and Planned Developments are met and forward Zoning Map Amendment 00149, rezoning 627 Jupiter Drive from PD-GDP (Planned Unit Development Plan-General Development Plan-Specific Implementation Plan) to amended PD-GDP-SIP, to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

### Planning Division

1. No HVAC "wall-pack" penetrations/louvers are shown. Floor plans depict and applicant has stated that such penetrations will be located within balconies/recesses and not on the outward-facing façade walls. The addition of wall packs on outward-facing walls is not included in this approval and will require approval of an alteration to this PUD should they be proposed at a later time.

2. That the applicant provides an update to the zoning text, for staff approval and recording, indicating the change in the unit count approved for this site.

**City Engineering Division** (Contact Janet Schmidt, 261-9688)

3. The Declaration of Joint Easements per Document No. 4671645 shall be amended in regard to the walking path easements set forth in the document to reflect the change in the configuration of the walking path easements proposed by this plan. A recorded copy of the amended document shall be provided prior to issuance of a building permit.
4. As designed, when the storm sewer surcharges it will flood the underground parking. This is not acceptable. The Developer shall redesign the system and present plans for approval to City Engineering.
5. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
6. Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
7. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
8. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
9. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
10. All damage to the pavement on Jupiter Drive adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
11. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
12. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity. (POLICY)
13. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.

14. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)

15. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances and b) Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances.
16. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
17. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including :a) SLAMM DAT files, b) RECARGA files, c) TR-55/HYDROCAD/Etc... and d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided. (POLICY and MGO 37.09(2))
18. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

19. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

20. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
21. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
22. All parking facility design shall conform to MGO standards, as set in section 10.08(6). (Parking stalls at 8' 8" do not meet this standard.)
23. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including :a) SLAMM DAT files, b) RECARGA files, c) TR-55/HYDROCAD/Etc... and d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided. (POLICY and MGO 37.09(2))

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

Comments were not provided in time to be included in this report.

**Fire Department** (Contact Bill Sullivan, 261-9658)

Comments were not provided in time to be included in this report.

**Parks Division** (Contact Kay Rutledge, 266-4714)

24. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development in this subdivision. The developer must select a method for payment of park fees prior to signoff on the rezoning. This development is within the Door Creek Park impact fee district (SI23). Please reference ID# 14151 when contacting the Parks Division about this project.
25. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

**Water Utility** (Contact Dennis Cawley, 261-9243)

26. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.