



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

[www.cityofmadison.com](http://www.cityofmadison.com)

January 28, 2014

Brian Munson  
Vandewalle & Associates  
120 E. Lakeside Street  
Madison, Wisconsin 53715

RE: Approval of an amended General Development Plan and a Specific Implementation Plan for 5851 Gemini Drive to allow construction of a mixed-use building containing 2,000-15,000 square feet of commercial space and 82 residential units, and approval of an amended General Development Plan for 841 Jupiter Drive to allow for the future construction of a 38-unit apartment building adjacent to the mixed-use building. (DSI Real Estate Group, Inc.)

Dear Mr. Munson;

At its January 21, 2014 meeting, the Common Council **conditionally approved** your application to amend the Planned Development zoning for 5851 Gemini Drive and 841 Jupiter Drive in Grandview Commons subject to the following conditions of approval, which shall be satisfied prior to final approval and recording of the specific implementation plan and the issuance of permits for new construction:

**Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following twenty-five (25) items:**

1. The site plan indicates that the lot line between Lot 2 and Lot 3 of Certified Survey Map 11827 will be reconfigured. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Division. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and all new parcel land records information completed in appropriate City databases prior to issuance of building permits.
2. The proposed lots within this development have a common access shown for the underground parking facilities and also common sidewalk areas for pedestrian access. A private common access easement/agreement between the lots within this development shall be drafted, executed and recorded prior to site plan sign off.
3. The proposed lots within this development are dependent on each other for overland and subsurface stormwater drainage. A private storm sewer/drainage easement/agreement for all lots within this development shall be drafted, executed and recorded prior to site plan sign off.
4. All of the boundary information, easements and restrictions (dimensioning, easements, etc.) contained on the final recorded Certified Survey Map for this site shall be shown on the site plan.

5. Provide details on the method of construction. If extensive public infrastructure repairs are necessary to accommodate the construction, a Developer's Agreement may be required.
6. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineering Division signing off on this project.
7. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat
8. In accordance with 10.34 MGO, Street Numbers, submit a PDF of each floorplan to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)) at Engineering-Mapping 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.
9. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
10. The approval of this development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
11. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
12. The applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
13. All work in the public right of way shall be performed by a City-licensed contractor.
14. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the Parks Division ([dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816). Approval and permitting of any tree removal or

replacement shall be obtained from the City Forester and/or the Board of Public Works prior to final approval of the site plan.

15. All damage to the pavement on North Star Drive, Jupiter Drive and Gemini Drive adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
16. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
17. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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.
18. Effective January 1, 2010, the Wisconsin Department of Commerce's authority to permit commercial sites for stormwater and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the WDNR prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement. The City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR.
19. The lots within this certified survey map are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the Certified Survey Map and recorded at the Dane County Register of Deeds.
20. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: provide infiltration in accordance with Chapter 37 of MGO; provide oil & grease control from the first 1/2" of runoff from parking areas, and; 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 MGO.
21. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the City Engineering Division. (Lori Zenchenko) [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

22. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
23. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; 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.
24. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
25. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

**Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following five (5) items:**

26. The applicant shall enter into a developer's agreement with the City Engineering and Traffic Engineering divisions to extend the bump-outs located on North Star Drive at Jupiter Drive to accommodate Metro buses picking up and dropping off passengers at this location.
27. When the applicant submits plans for approval, the applicant shall show the following on one contiguous plan: existing items in the terrace (e.g., signs and street light poles), type of surfaces, percent of slope, existing and proposed property lines, addresses, all easements, all pavement markings, building placement, adjacent driveway approaches to lots on either side and across the street, signage, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, parking stall dimensions including the 2 feet overhang on a scaled drawing at 1" = 20'. Contact the Traffic Engineering Division if you have questions.
28. 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.
29. 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.
30. All parking facility design shall conform to the standards in MGO Section 10.08(6).

**Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following two (2) items:**

31. Provide a detail of how the 20% required open space in Section 28.098 of the Zoning Code is being provided for this development.

32. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31, Sign Code prior to sign installations.

**Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:**

33. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

**Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following item:**

34. The building is required to be protected with an automatic fire sprinkler system in accordance with NFPA 13, 2013 edition.

**Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following three (3) items:**

35. The developer shall pay approximately \$201,879.90 for park dedication and development fees for the new 82 multi-family units at the E1 site. Park fees for the E5 site development will be assessed at the time of the SIP amendment submittal (38 multi-family units are proposed as part of the GDP). The developer must select a method for payment of park fees before signoff on the PD-GDP-SIP approval. This development is within the Door Creek park impact fee district (SI23). Please reference ID# 13168 when contacting Parks Division staff about this project. Park dedication fees for 2014 are \$1,799.00 per multi-family unit; park development fees in 2014 are \$662.95 per multi-family unit for a combined fee of \$2,461.95. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.

36. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in Section 107.13 of the City of Madison Standard Specifications for Public Works Construction.

37. 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.

**Please contact my office at 261-9632 if you have any questions about the two (2) items:**

38. The development plans shall be revised for final Planning Division approval prior to recording and the issuance of building permits as follows:

- a.) Provide a detail of how the 20% required open space in Section 28.098 of the Zoning Code is being provided for this development, including all applicable yard spaces and all porches and balconies, but not including the surface parking area;
  - b.) Show the plaza and its proposed uses on Sheets A101 and A101.1 based on the build-out of the first floor.
39. The zoning text shall be revised for final Planning Division approval prior to recording and the issuance of building permits as follows:
- a.) Permitted uses for the E1 building shall follow the final use list included in the approved PD-GDP for Grandview Commons Town Center, except for the E5 parcel, which shall be limited to multi-family residences as shown on the approved future specific implementation plan for that property and any accessory uses related thereto;
  - b.) A family definition shall be provided; staff recommends that the definition as it applies in the TR-V2 residential district be used.

**Metro Transit did not provide conditions of approval for this request but will work with the City Engineering and Traffic Engineering divisions on modifications to the bump-outs located on North Star Drive at Jupiter Drive to accommodate Metro buses picking up and dropping off passengers at that intersection. Contact Tim Sobota at 261-4289 for more information on this requirement.**

**The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.**

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

After the planned unit development has been revised per the above conditions, please file **ten (10) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a

building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.181(5), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Janet Dailey, City Engineering Division  
Eric Halvorson, Traffic Engineering Division  
Dennis Cawley, Madison Water Utility  
Pat Anderson, Assistant Zoning Administrator  
Kay Rutledge, Parks Division  
Bill Sullivan, Madison Fire Department

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: