



## PLANNING DIVISION STAFF REPORT

February 9, 2015

PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION

**Project Address:** 617 Jupiter Drive and 610 Hercules Trail (3<sup>rd</sup> Aldermanic District – Ald. Cnare)  
**Application Type:** Planned Development (PD) Zoning Map Amendment  
**Legistar File ID #** [36627](#) and [35624](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Jay Wendt, Principal Planner

### Summary

**Applicant & Contact:** Ulian Kissiov; 476 Presidential Lane; Madison, WI 53711

**Property Owner:** Infinity, LLC; 6417 Odana Road; Madison, WI 53719

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

**Proposal Summary:** The applicant proposes to develop a three-story, 80-unit apartment building in the Grandview Commons subdivision. There are two changes proposed to the underlying GDP. The first is to increase the number of allowable dwelling units on the subject site from 71 to 80 units. The second change to the GDP is an increase in permitted height. The GDP has a maximum height requirement of three-stories and 45 feet. The proposed building is three stories and approximately 53 feet tall. The detailed development plans included in the SIP show the proposed building will be clad in a combination of multi-colored composite wood panels and siding. The proposed building includes a mix of studio, one, and two-bedroom units with a total of 94 units. There are 80 underground automobile parking stalls and 48 surface parking stalls.

**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]. The Urban Design Commission is required to review and make a recommendation (or conditional recommendation) to the Plan Commission on both the GDP and SIP based on the design objectives in Subsection 28.098(1) and other PD requirements.

**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 00155, rezoning 617 Jupiter Drive and 610 Hercules Trail from PD-GDP (Planned Unit Development Plan-General Development Plan) to amended PD-GDP and PD-SIP (Planned Development – General Development Plan and Specific Implementation Plan) 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 455 and 456 of the Grandview Commons subdivision. The site is bounded by Hercules Trail (east), Charon Lane (south), and Jupiter Drive (west). The subject properties are within Aldermanic District 3 and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** Lots 455 and 456 are currently undeveloped and characterized by a gradual slope from south to north. The provided topographic survey shows the site falls approximately 12-18 feet from south to north.

**Surrounding Land Use and Zoning:**

North: 16-unit, two-story townhouse development, zoned PD-SIP;

South: 95-unit apartment complex with two/three story buildings, zoned PD-SIP;

East: Two-family twin homes with single-family homes beyond, zoned PD-SIP; and

West: Four-story senior apartment facility connected to assisted living complex, zoned PD-SIP.

**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). Comments were not received in time to be included in this report.

**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 subject site includes Lots 455 and 456 of the Grandview Commons Subdivision. Lot 457, adjacent to the subject site, is developed with 16-townhouse units, approved in 2005. Combined, these three lots are approved in the General Development Plan (GDP) for 96-units and a maximum density of 24.4 dwelling units per acre. Considering the existing 16 developed units, the GDP allows for 71 units across Lots 455 and 456.

A previous SIP for the subject properties was approved for Lots 455 and 456 in 2007. That development included 36 dwelling units distributed between eight (8) smaller buildings. That approval was never implemented and that approval has since expired.

## Project Description

The applicant proposes to develop a three-story, 80-unit apartment building on Lots 455 and 456 of the Grandview Commons Subdivision. This proposal includes requested amendments to the existing GDP (General Development Plan) and a new SIP (Specific Implementation Plan) for the proposed building.

There are two changes proposed to the underlying GDP. The first is to increase the number of allowable dwelling units on the subject site from 71 to 80 units. As part of the justification for this change, the applicant notes that a nearby site, 502 Apollo Way, was approved with 79 fewer units than the maximum allowed in the GDP. The second change to the GDP is an increase in permitted height. The GDP has a maximum height of three-stories and 45 feet. Measured in accordance to the 2013 zoning code, the proposed three-story building has a height of approximately 53 feet. Under the 2013 zoning code, height is measured to the roof peak and not to the mid-point between the peak and the eave, as previously measured in the code that was in effect when this GDP was developed.

The SIP plans provide a mix of studio, one, and two-bedroom units with a total of 94 units as summarized below:

	<b>Number of Units</b>	<b>Percent of Total</b>	<b>Number of Bedrooms</b>
Studio Units	20	25.0%	20
One-Bedroom Units	38	47.5%	38
One-Bedroom + Den Units	8	10.0%	8
Two-Bedroom Units	14	17.5%	28
TOTAL	80	100%	94

The proposed “U-shaped” building has an approximate footprint of 29,300 square feet and the total impervious area of the site is estimated at 56,530 square feet. A courtyard is provided within the rear building recess. Behind that area is a drive aisle and surface parking. A sloped landscaped buffer separates the parking area from the townhouses to the north. The landscape buffer sits between 10 and 12 feet higher than the abutting townhouse property.

The proposed building will be clad in a combination of multi-colored composite wood panels and siding. The building’s varied rooflines and projections break the facades into smaller projections, typically every 26 feet. The ground-level units have individual outdoor entrances, many of which are elevated from the sidewalk and accessed through steps.

There are 80 underground automobile parking stalls and 48 surface parking stalls. In total, there are 1.6 parking stalls per unit and 1.4 parking stalls per bedroom.

The floor plans and supplemental perspective exhibits show that the building will use individual unit wall-packs for HVAC purposes. The associated louvers are shown to be side-loaded within building recesses and balcony areas and are not on the street-facing facades.

## **Analysis and Conclusion**

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]. The below analysis begins with a summary of adopted plan recommendations as the applicable standards site these recommendations.

### **Conformance with Adopted Plans**

The Comprehensive Plan and the Sprecher Neighborhood Development Plan recommend medium density residential uses for this area. Staff believes that the proposed development is consistent with the both of these recommendations.

### **Zoning Map Amendment Standards**

Staff believes that the broad standards for Zoning Map Amendments can be met. Such standards state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City’s Comprehensive Plan. 2010 Wisconsin

Act 372 clarified “consistent with” as “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan.”

### **Planned Development Standards**

Planned Developments are intended to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural and economic considerations. Specific design objectives include promoting green building technologies, integrated land uses, preservation and enhancement of environmental features, preservation of historic buildings, enhanced open space, and the facilitation of high-quality development consistent with adopted plans. See Zoning Code Section 28.098 (1) for further information.

The specific approval standards for Planned Developments are provided in Section 28.098(2) of the Zoning Code. In summary, staff believes the following standards of 28.098(2), summarized below, are met:

- (a) Other potential base zoning districts cannot be used to achieve a substantially similar development pattern
- (b) Facilitate the development or redevelopment goals of adopted plans
- (c) Shall not adversely affect the City’s economic health or the cost of municipal services
- (d) Shall not create disproportionate traffic or parking demands
- (f) Project Phasing and Assurances of Completion

Considering the applicant’s request to exceed the approved GDP height and the project’s unique architectural design, staff believes careful consideration should be given to Planned Development Standard (e) which requires the PD District plan to coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses.

In regards to the excess height, the applicant has provided massing studies (Sheet A-0.1) that shows how the proposed structure, while taller than the underlying recommended height by approximately eight (8) feet, transitions from the single- and two family homes to the larger, taller developments to the west. The Planning Division doesn’t object to the additional height, noting that at the time this GDP was established, the Zoning Code measured height to a point midway between the roof peak and eave. The current measurement of maximum height is to the roof peak. Comments from the Grandview Commons Architectural Review Committee also indicate support for the height as proposed.

In regards to the building architecture, staff notes that there are a wide variety of architectural styles for larger multi-family developments in Grandview Commons. Most buildings of this size and scale incorporate some masonry, typically a significant amount. Based on the proposed exterior pallet and colorful exterior, staff notes that the proposed development would be of a very distinct appearance. This project was generally well-received when presented for informational purposes to the Urban Design Commission on October 1, 2014. Staff notes that while this design would be unique to the Grandview Commons Neighborhood, a very similar apartment development, proposed by the same architect and developer, was recently approved at 10202 Rustling Birch Road on the City’s west side.

The Planning Division recommends that the Urban Design Commission discuss both building base details and fastening and joint details for the panels to ensure a high-quality application of the proposed panels.

## Public Comment

At the time of report writing, staff had not received comments from nearby residents or property owners on this request.

## Conclusion

The Planning Division believes the standards for Zoning Map Amendments and Planned Developments can be met. While a large structure, the mass of the building is broken down into smaller increments through projections, varied roof heights, and the establishment of individual unit entrances. The building's exterior is primarily clad in multi-colored wood composite panels, providing an exterior very unique to Grand View Commons. Since the initial concepts were discussed, the applicant has made some site plan revisions which have created a central green space and reconfigured rear parking which results in a much improved site plan. The applicant has previously presented at the Urban Design Commission for informational purposes and the project was well-received at that time.

## 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 00155, rezoning 617 Jupiter Drive and 610 Hercules Trail from PD-GDP (Planned Unit Development Plan-General Development Plan) to amended PD-GDP and PD-SIP (Planned Development – General Development Plan and Specific Implementation Plan) 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 on the street-facing facades. Floor plans and perspective illustrations show 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 PD 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 and height approved for this site.

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

3. For addressing & parceling purposes, this is considered one building. The address of the new apartment building is 5850 Charon Lane.
4. Correct spelling of (Apolo Way) to Apollo Way on Fire Access Plan sheet.

5. The proposed new building will cross an underlying platted lot line. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
  6. The majority of the storm water from this site is planned to be conveyed with a connection to a storm sewer system within the Lot to the north of this site. (Lot 457, Grandview Commons). The Applicant shall provide a recorded copy of the easement/agreement permitting the discharge of storm water into the storm sewer system located on the Lot to the north. The recording information of the easement/agreement shall also be noted on the pending Certified Survey Map.
  7. The Joint Driveway and Fire Access Easement per Document No. 4315217 shall be released. The document does not correlate to the site as proposed with this application.
  8. A pumping plan for the underground garage entrances shall be provided to the City Engineer for review and approval. The plan must be stamped by a Professional Engineer or a Master Plumber.
9. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
  10. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed before the project is submitted for permit review. 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.
  11. 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)
  12. 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)
  13. 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.
  14. 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.
  15. 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)

16. 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) Control 80% TSS (5 micron particle) off of new paved surfaces; b) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; c) Provide oil & grease control from the first 1/2" of runoff from parking areas; and d) 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.
17. 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).
18. 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))
19. 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>.
20. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, of the land use approval. This property is subject to Sanitary Connection charges for the Heritage Prairie Sanitary Sewer Interceptor Assessment District.
21. 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. (POLICY)

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

22. 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.

23. 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.
24. 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.
25. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

**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)

26. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
27. Additional review and/or coordination of the aerial access will be necessary as the project details are finalized.

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

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| <ol style="list-style-type: none"><li>28. 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. The developer must select a method for payment of park fees before signoff on the rezoning. This development is within the Door Creek park impact fee district (SI23). Please reference ID# 15104 when contacting Parks about this project.</li><li>29. 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.</li></ol> |
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**Water Utility** (Contact Dennis Cawley, 261-9243)

30. 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.