



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 6001-6033 Gemini Drive  
**Application Type:** Preliminary Plat and Final Plat  
**Legistar File ID #** [41154](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicant & Property Owner:** MREC VH Madison Investors, LLC; 6801 South Towne Drive; Madison.

**Surveyor:** Brett Stoffregan and Dan Day, D’Onofrio Kottke & Associates; 7530 Westward Way; Madison.

**Requested Action:** Approval of a preliminary plat and final plat to create 5 lots to coincide with the proposed construction of up to 35,000 square feet of commercial space in 5 buildings on the “B Block” at Grandview Commons Town Center on parcels addressed as 6001-6033 Gemini Drive. [Information on the companion PD (GDP-SIP) for the B Block project can be found in [ID 39894](#).]

**Proposal Summary:** The applicant is requesting approval of the “Grandview Commons Replat No. 3”, which proposes 5 lots to coincide with the locations of the 5 commercial buildings proposed on the related Planned Development District General Development Plan and Specific Implementation Plan for the B Block. The applicant indicates that construction of the project will commence as soon as all regulatory approvals have been granted, with completion scheduled in 2018.

**Applicable Regulations & Standards:** The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

**Review Required By:** Plan Commission and Common Council.

**Review Schedule:** The State’s subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The proposed preliminary plat application was submitted to the City on December 9, 2015. Therefore, the 90-day review period for this plat will end circa March 9, 2016.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward the preliminary and final plats of Grandview Commons Replat No. 3, to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** The “B” Block of the Grandview Commons Town Center is a 2.7-acre parcel bounded by Cottage Grove Road on the south, Gemini Drive on the east, Sharpsburg Drive on the north, and North Star Drive on the west; Aldermanic District 3 (Hall); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is undeveloped and zoned PD.

**Surrounding Land Uses and Zoning:** The proposed B Block is located west of the 58,000 square-foot Metro Market grocery store completed in 2014 and a one-story 3,800 square-foot multi-tenant retail building identified in the Planned Development as Building C3, which is currently under construction at the northeastern corner of Gemini Drive and Cottage Grove Road. West of the block, the A Block of the town center includes the two-story Great Dane Brew Pub and a one-story multi-tenant commercial building, while the northern edge of the B Block is opposite a private park across Sharpsburg Drive. All of the adjacent properties in Grandview Commons are zoned PD. The property south of Cottage Grove Road is developed with the Shrine of the Schoenstatt Sisters of Mary compound in A (Agricultural District) zoning, with the Richmond Hill residential subdivision further to the east.

**Adopted Land Use Plans:** The Comprehensive Plan recommends the portion of the Grandview Commons Town Center west of extended Gemini Drive, including the subject block, is recommended for Neighborhood Mixed-Use development. The portion of the town center located east of extended Gemini Drive, which includes the grocery store, is recommended for Community Mixed-Use development.

The Sprecher Neighborhood Development Plan identifies the Grandview Commons neighborhood mixed-use center properties located on both sides of North Star Drive for mixed-use development, including the B Block.

**Zoning Summary:** The site is zoned PD. The SIP will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Urban Design, Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection, Waterfront Development, Landmark, Adjacent to a Park
<i>Prepared by: Planning and Zoning staff</i>	

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor (see Map G7).

**Public Utilities and Services:** The site is served by a full range of urban services, including weekday peak hour Metro Transit service.

## Previous Related Approvals

On February 5, 2002, the Common Council approved a request to rezone 232.6 acres of land located in the northeastern quadrant of Cottage Grove Road and Interstate 39-90 from A (Agriculture District) to PUD-GDP [1966 Zoning Code] and approved the preliminary plat of Grandview Commons for the future development of 557 single-family residences, 20 two-family residences, up to 785 multi-family residential units (throughout the development), 100,000 square feet of retail/ office uses, and 20,000 square feet of additional office space above the first floor in the neighborhood center.

On June 4, 2002, the Common Council approved an Amended PUD-GDP and a PUD-SIP for the first phase of Grandview Commons to allow development of 557 single-family residences, 20 two-family residences, up to 1,248 multi-family residential units (throughout the development), 100,000 square feet of retail/ office uses, 50,000 square feet of flex space, and 20,000 square feet of additional office space above the first floor in the neighborhood center.

On July 17, 2007, the Common Council approved a major alteration to the general development plan for the Grandview Commons Neighborhood Center–Mixed-Use district to allow up to 90,000 square feet of retail/office uses and 162 residential units to be developed on the portion of the neighborhood center located east of North Star Drive. The Council also approved a Certified Survey Map to create two lots within the mixed-use center, including a lot donated to the City for a future City library.

On March 20, 2012, the Common Council approved a request to rezone properties generally addressed as 5925 Sharpsburg Drive, 5901-5939 Sharpsburg Drive and 857 Jupiter Drive from Temp. A (Agriculture District), PUD-GDP and PUD-SIP to Amended PUD-GDP and R2T (Single-Family Residence District) to establish a General Development Plan for the future development of 109,000 square feet of retail/office space, a 24,000 square-foot library and 110 multi-family residential units; and approved the preliminary plat of Town Center Addition to Grandview Commons, creating 18 single-family lots, 5 town center lots and 1 outlot for the future development. The approved rezoning request coincided with approval of requests to amend the Comprehensive Plan and the Sprecher Neighborhood Development Plan to support the proposed town center mixed-use development contained in the amended general development plan.

## Project Description, Analysis & Conclusion

Concurrent with the request to amend the Planned Development zoning General Development Plan and Specific Implementation Plan for the “B Block” at Grandview Commons Town Center to allow construction of 5 commercial buildings surrounding a mid-block surface parking lot, the applicant is also requesting approval of a preliminary plat and final plat to create 5 lots for the proposed development. The lots proposed by “Grandview Commons Replat No. 3” generally coincide with the locations of the 5 commercial buildings proposed to occupy the 2.7-acre block, which are depicted on the related development plans (see Legislative File [ID 39894](#)) also scheduled for consideration by the Plan Commission on January 25, 2016. The 5 lots, Lots 1009–1013, coincide with Buildings B-1 through B-5, respectively, on the proposed PD (GDP-SIP). The mid-block parking lot that will serve the development will cross the proposed lot lines; prior to final approval of the plat for recording, the applicant will be required to submit the necessary access and parking easements and agreements for the review and approval of the City Engineer, Traffic Engineer and Planning Division Director.

## Recommendation

**Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward the preliminary plat and final plat of Grandview Commons Replat No. 3 located at 6001-6033 Gemini Drive to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

**Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

### Planning Division

1. The developer shall submit reciprocal cross-access and shared parking easements and agreements necessary to govern development and operation of the B Block for the review and approval of the City Engineer, City Traffic Engineer and Planning Division Director prior to final approval and recording of the final plat.

2. The approved lot lines and limits of any shared parking and access easements shall be reflected on the final PD (GDP-SIP) plan sheets for reference.

**City Engineering Division** (Contact Brenda Stanley, 261-9127)

3. Lots within this replat are individually responsible for compliance with Chapter 37 MGO regarding erosion control and stormwater management.
4. Stormwater impact fees or connection fees may be due for this plat. Contact the City Engineer prior to plat signoff for any amounts due for the Door Creek North Phase 2 Impact Fee District.
5. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
6. If sanitary sewer extending through property is to be public, the applicant shall dedicate a 20-foot wide sanitary sewer easement centered over public sanitary sewer as a condition of plan approval.
7. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
8. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this project. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer. [Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.]
9. The lots within this site plan are inter-dependent 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 site plan and recorded at the Dane County Register of Deeds.
10. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Brenda Stanley (261-9127) to obtain the final stormwater utility charges that are due and payable prior to subdivision of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
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. All work in the public right-of-way shall be performed by a City licensed contractor.

13. All damage to the pavement on North Star Drive, Sharpsburg Drive, Gemini Drive and Cottage Grove Road adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.

**City Engineering Division – Mapping Section** (Contact Jeff Quamme, 266-4097)

14. The applicant shall provide for review reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas and storm water management that are necessary to accomplish the development as proposed. The easement/agreements shall be recorded immediately after the final plat has been recorded to allow proper reference to the proposed lots of this land division. Copies of the recorded documents shall be provided prior to final any issuance of a building permit on any of the proposed lots. This requirement shall include the amendment/modification or termination of Document No. 5097043.

15. Add Document No. 5143981 to Note 2(a) referencing the 11th Amendment of the covenants.
16. Provide an overall dimension for the south line of Lots 1009 - 1011.
17. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat. Note: Land tie to two PLS corners required.
18. This plat shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded plat image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data so that the permitting system can upload this data and permit issuance made available for this new land record.
19. Insert the standard language per MGO 16.23(9)(d)2.a. verbatim. Once this is done, all of the previous nonexclusive easements for drainage easements are released and new drainage easements defined by the current plat.
20. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

\*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

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

This agency did not provide comments for this request.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

This agency did not provide comments for this request.

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

This agency submitted a response with no comments or conditions for this request.

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

21. Each lot of record shall have a separate water service lateral connection to a public water main.
22. 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.

**Parks Division** (Contact Janet Schmidt, 261-9688)

23. The rezoning application for PD(GDP) to Amended PD(GDP-SIP) eliminates residential units from the original zoning. If residential units are incorporated into the development in the future, park impact fees will be due. Please reference ID # 14136.1 when contacting Parks Division staff.

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

This agency submitted a response with no comments or conditions for this request.

**Office of Real Estate Services** (Heidi Radlinger, 266-6558)

24. Per Chapter 236.21(3) of Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject properties prior to final approval of the final plat for recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. As of January 14, 2016, the 2015 real estate taxes are unpaid for the subject property. Receipts are to be provided on or before sign-off of the final plat. As of January 14, 2016, there are no special assessments owed for the subject property. All special assessments levied prior to sign-off and recording must be paid in full pursuant to MGO Section 16.23(5)(e)1 and Wis. Stats. 236.21(3).
25. Please coordinate with Tim Troester (267-1995) or Brenda Stanley (261-9127) in the City Engineering Division to obtain any outstanding storm water management fees from the City of Madison Water Utility. Receipts for the payment of the prorated fee shall be presented prior to final plat sign-off.
26. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to the City's Office of Real Estate Services, as well as the surveyor preparing the plat, an updated title report covering the period between the date of

the initial title report (November 18, 2015) and the date when sign-off of the final plat is requested. The surveyor shall update the plat with the most recent information available in the title report update.

27. The following revisions shall be made to the final plat prior to final approval and recording:

- a.) Note 2, Item A: Missing Document Nos. 4744838 and 5143981.
- b.) Add a Public Utility depiction to the Legend and include the following sentence: "Utility Easements as herein set forth are for the use of public bodies, as well as private utilities having the right to serve the area."
- c.) The title report contains documents that are not applicable to the lands within the plat boundary. Thoroughly research each document to determine if it benefits or encumbers the subject property. Depict or note those that are appropriate.