



Department of Planning & Community & Economic Development
Planning Division

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April 20, 2007

Karyl Rice
W.C. Development
3553 University Avenue
Madison, Wisconsin 53705

RE: Approval of a request to rezone 6.6 acres located at 8102 Midtown Road from Planned Unit Development, General Development Plan (PUD-GDP) to Amended PUD-GDP, and; approval of a preliminary and final plat creating seven lots for future mixed-use development and one outlot for private stormwater management.

Dear Ms. Rice:

At its April 17, 2007 meeting, the Common Council **approved** your rezoning and preliminary and final plat for the "Midtown Center" subdivision subject to the following conditions of approval from reviewing agencies. In order for the general development plan and final plat to be recorded, the following conditions shall be addressed:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following fourteen (14) items:

1. A City licensed contractor shall perform all work in the right of way.
2. All pavement restoration shall be in accordance with City Engineering's Patching Criteria.
3. Connection to storm sewer shall be completed under a permit to work in the right of way.
4. The Developer is required to pay Impact Fees for the Upper Badger Mill Creek Stormwater Improvement Impact Fee District for Lot 1 of the Midtown Commons Plat. The current rate is \$60.0037/ 1,000SF for a total of \$7,252.05. The Developer shall select one of the following two options for payment of these fees:
 - 1.) Impact Fees shall be paid in full prior to Engineering sign-off of the plat.
 - 2.) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off:
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a Cadd file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision.

- b) All information shall be transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to: Janet Dailey; City of Madison Engineering Division; 210 Martin Luther King Jr. Blvd. Room 115; Madison, WI 53703
- c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.
- d) The Developer shall put the following note on the face of the plat:

All the lots within this subdivision are subject to impact fees that are due and payable within fourteen days of the issuance of building permit(s).

- 5. All existing and proposed sanitary sewer facilities shall have invert elevations provided on the plan set.
- 6. Proposed private sanitary sewers shall have ownership/maintenance agreements (recorded) for all lots either being crossed or being provided sanitary sewer service by the private sanitary sewer extension.
- 7. Private sanitary sewer shall have recorded private sewer easements over effected lots.
- 8. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. 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.
- 9. The following notes shall be included on the final plat:
 - a.) All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6 feet in width measured from the property line to the interior of each lot except that the easements shall be 12 feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

Note: In the event of a City Of Madison Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.
 - b.) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Note: In addition to notes such as this, Wisconsin State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

10. 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 NR-151; provide substantial thermal control, and; provide oil & grease control from the first 1/2" of runoff from parking areas.
11. 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 or CSM. Note: Land tie to two PLS corners required.
12. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison NAD 1927 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established NAD 1927 Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address site for current tie sheets and control data. If a surveyor encounters an area without a published NAD 1927 value, contact Engineering Division for this information.
13. Prior to Engineering final sign-off by main office for final plats, the plat must be submitted to Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. E-mail submittal of the final plat in PDF form is preferred. Transmit to epederson@cityofmadison.com.
14. The applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: 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.

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following fourteen (14) items:

15. The applicant shall be required to make improvements to Midtown Road to accommodate the proposed Midtown Road Access as determined by City Traffic Engineer. The applicant shall enter to a subdivision contract or developer's agreement prior to Plat or PUD approval for this reconstruction work.
16. The applicant shall pay all outstanding Transportation Impact Fees for this area.

17. The applicant shall show driveway approaches across the street for Carns Drive and Mayo Drive. If necessary, the applicant shall modify the driveway approaches to align the proposed driveway approaches to the approaches across the street.
18. The applicant shall center the proposed Waldorf Boulevard approach to center on the Waldorf Boulevard median break.
19. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turn around area ten (10) to twelve (12) feet in width and signed "No Parking Anytime."
20. The approval of this PUD-GDP does not include the approval of the changes to roadways, proposed median break, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and Common Council for the restoration of the public right-of-way including any changes requested by the developer. The applicant shall enter into a subdivision contract or developer's agreement to accommodate proposed street improvements.
21. The ramp down to underground parking percent of sloped shall be designed to accommodate low-clearance vehicles for a transition. The applicant shall provide a profile of the ramp showing the slopes critical clearance, when plans are submitted for approval.
22. The developer shall contact City Traffic Engineering, Kevin Fahey (266-4761) prior to submitting PUD-SIP lot plans to arrange for relocation of the existing street light, and wiring. All cost related to this relocation shall be the responsibility of the developer.
23. The applicant shall show the dimensions for proposed all surface and underground parking stalls' items A, B, C, D, E, F, H and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two feet of vehicle overhang. The two feet of vehicle overhang shall be shown on the plan and dimensioned.
24. "Stop" signs shall be installed at a height of seven (7) feet at all driveway approaches behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
25. The applicant shall add the following Maintenance of Traffic Measures to the GDP/SIP Zoning Text:

“MAINTENANCE OF TRAFFIC MEASURES

Several streets within the GDP and plat include special traffic islands and traffic calming measures within the public right-of-way. The _____ (Association) shall be responsible, at the Association's sole cost and expense, for the maintenance and upkeep of such physical traffic measures. Such maintenance and upkeep shall be performed at the discretion of the Association except to the extent required by the City of Madison and shall include landscaping. If the landscaping is not maintained, the City will give notice to the _____ (Association) that it is not being maintained. If the Association does not respond to the notice within 60 days, the physical traffic measures will be topped with an asphalt pavement.

The _____ (Association) and persons involved with the maintenance and upkeep of the special traffic measures shall indemnify and hold harmless the City of Madison and its Boards

and Commission and their officers, agent and employees from and against all claims, demands, loss of liability of any kind or nature for any possible injury incurred during maintenance and upkeep.”

26. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
27. There will be access restriction as noted on the Plat and shall be noted on the face of the plat and the PUD-GDP as follows:
 - a.) Remove note 7 on the Plat.
 - b.) Note 8 shall state “No More Than One Private Access Shall Be Granted along the Northerly Right-Of-Way Of Midtown Road, Unless Otherwise Determined by the City Traffic Engineer.”
28. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Scott Strassburg, Madison Fire Department, at 261-9643 if you have questions about the following item:

29. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows (*commercial structures only*):
 - a.) The site plans shall clearly identify the location of all fire lanes.
 - b.) Provide an aerial apparatus access fire lane that is at least 26 feet wide, with the near edge of the fire lane within 30 feet of the structure, and parallel to one entire side of the structure.

Please contact Dennis Cawley, Madison Water Utility, at 266-4651 if you have any questions regarding the following item:

30. The proposed Utility Plan does not meet the Madison Water Utility Rules and Regulations. Each lot of record shall have a separate water service lateral connected to a public water main. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

Please contact Hickory Hurie or Barb Constans, Community Development Block Grant Office, at 267-0740 regarding the following condition regarding Inclusionary Zoning:

31. That the developer, W.C. Development Corporation, sign an Inclusionary Zoning Land Use Restriction Agreement for each separate lot as described in the PUD-GDP, including those currently being defined as being only commercial space. Require each subsequent buyer/ developer to submit an Inclusionary Dwelling Unit Plan as part of their specific implementation plan for their lot(s). If any one developer acquires more than one of the seven parcels, require that the IZ offset review for their parcels be done as a whole rather than considered individually. Use as a base density for each lot the base density for the lot that exists pre-approval of this general development plan.

Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following item:

32. The zoning text shall include the 8102 Midtown Road address in the heading.

Please contact my office at 261-9632 if you have questions about the following three items:

33. That the zoning text be revised per Planning Division approval as follows:

- a.) that the list of uses be revised to note the following:
 - commercial uses as allowed in the C2 zoning district as permitted uses and subject to approval as part of the individual specific implementation plans;
 - accessory uses directly associated with those permitted uses, including parking for residents and guests, and outdoor eating areas as shown on approved specific implementation plans.
 - b.) signage for the commercial buildings shall be limited to the maximum permitted in the C2 zoning district and to the maximum permitted in the R5 district for the residential buildings, as approved by the Urban Design Commission and Zoning Administrator;
 - c.) the height regulations shall be amended to note that each of the buildings will be a minimum of two stories; this note shall also be included in the design guidelines recorded with the general development plan;
 - d.) the usable open space section shall be amended to include the provision of patios, porches and balconies and some greenspace for each dwelling unit developed to the extent possible; this note shall also be included in the design guidelines recorded with the general development plan;
 - e.) individual buildings shall be designed to orient the primary entry to the adjacent streets rather than to the parking lot.
34. That the applicant work with Planning Division and Urban Design Commission staff on the final form and contents of the design guidelines for this project prior to the recording of the amended general development plan. Any appeal of a staff decision on the guidelines shall be submitted to the Urban Design Commission for consideration.
35. The Madison Police Department asks that parking lot planting not obscure night time lighting of the parking lot or decrease line of sight.

Please see the attached memo from Si Widstrand, Parks Division regarding the status of park fees paid to date in Midtown Commons and the fees due for the Midtown Commons/ Center projects. The memo includes the options for electing how to pay future park fees. Please contact Si at 266-4711 about any park fee-related questions prior to the recording of the amended general development plan and final plat.

Please note that the City Real Estate Office is reviewing the report of title provided with the final plat and may have comments. That office will send any comments to you by fax. If you have any questions, please contact that office at 266-4222 for more information.

Specific questions regarding comments or conditions should be directed to the commenting agency.

After the plans have been changed as per the above conditions, please file **nine (9) sets** of the revised, complete site plans, building elevations, floor plans 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 signature of 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. 28.12(10)(e), 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.

Any appeal regarding the plat, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter. If I may be of any further assistance, do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

- cc: Janet Dailey, City Engineering
John Leach, Traffic Engineering
Si Widstrand, Parks Division
Barb Constans, CDBG Office
Scott Strassburg, Madison Fire Department
Kathy Voeck, Assistant Zoning Administrator
Dennis Cawley, Madison Water Utility
Jeff Ekola, Real Estate Unit
Norb Scribner, Dane County Land Records and Regulations

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