



Department of Planning & Development  
**Planning Unit**

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

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September 7, 2005

Mr. Brian Munson  
Vandewalle & Associates  
120 East Lakeside Street  
Madison, WI 53715

Ms. Nancy Smith  
Blackhawk Evangelical Church  
110 North Whitney Way  
Madison, WI 53705

Mr. Kevin Pape  
D'Onofrio Kottke & Associates  
7530 Westward Way  
Madison, WI 53714

**SUBJECT: 9602 Mineral Point Road – Blackhawk Church Town Center Preliminary Plat, Attachment and Zoning – PUD-GDP**

Dear Mr. Munson, Ms. Smith and Mr. Pape:

The Common Council, at its September 6, 2005 meeting, conditionally approved your application for the following:

1. Attachment of land to the City of Madison from the Town of Middleton.
2. Planned Development Zoning General Plan (PUD-GDP).
3. Preliminary plat located at 9602 Mineral Point Road.

The Council approval was delayed because the attachment petition was not filed until late in the process.

The conditions of approval are:

**PLEASE CONTACT JOHN LEACH, CITY TRAFFIC ENGINEERING, AT 266-4761 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING NINE ITEMS:**

1. The plat and GDP shall include a note such that no development beyond Phase 1 of a specified number of lots shall occur until such time that intersection and traffic signal improvements are made

at South Point Road and CTH "S" in order to provide adequate transportation capacity to support the development.

2. The plat and GDP shall be revised to align the subject plat's western right-of-way line of South Point Road with the Silicon Prairie plat south of CTH "S".
3. The plat and GDP shall be revised to include right-of-way for two roundabout intersections at "A" Street and Ritchie and "A" Street and South Point Road. The Traffic Engineer will provide the right-of-way details.
4. The applicant shall execute and return the declaration of conditions and covenants for streetlights prior to sign-off.
5. The applicant shall provide a deposit for future area traffic signals and associated intersection changes at the intersections the City plans to signalize. The proportional share of the cost is based on a parcel's daily trips generated as defined by the industry standard known as the Institute of Transportation Engineers' Trip Generation Manual. As of 2004, the City is assessing approximately \$30 per trip for the capital cost of improvements for this area. The deposit may be paid in development phases.
6. There will be access restrictions on plat for development of this final plat and shall be noted on the face of the plat as follows:
  - a. No Access shall be granted along the northerly right-of-way line of Mineral Point Road.
7. The final form of the right-of-way dedication and limited highway easement for CTH "S" shall be reviewed and approved after further consultation with the Traffic Engineer and City Engineer.
8. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
9. The applicant shall enter into a subdivision contract for infrastructure elements required to serve the plat, including interim or temporary improvements to serve the plat, according to the City's plans and specifications.

**PLEASE CONTACT GARY DALLMANN, CITY ENGINEERING, AT 266-4751  
IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING TWENTY-TWO  
ITEMS:**

10. Change Ritchie Street. It conflicts with an existing street in the same zip code. All street names are subject to approval of the City Engineer.
11. The Developer shall review right-of-way needs for Mineral Point Road and South Point Road with the City Engineer and City Traffic Engineer and shall dedicate additional right-of-way if required by the City Engineer.

The Developer shall review the right-of-way width of Ritchie Street and "A" Street where they abut the plat boundary and shall make adjustment to these right-of-ways widths if required by the City Engineer.

12. This plat is subject to fees associated with the Lower Badger Mill Creek Impact Fee District. Those fees shall be paid prior to sign-off.

13. No Stormwater Management is shown. This plat shall provide 1, 10, 100 year detention, sediment control 80%, infiltration in accordance with NR-151, and thermal control.
14. The current sanitary sewer capacity is limited to approximately 65 gpm, 0.14 cfs which will allow only a portion of the proposed development to occur. This capacity limitation will be lifted when the new Upper Badger Mill Sewer Interceptor is installed (2007 expected construction).
15. Sanitary sewer connection fees shall be levied for either the South Point Lift Station on the Lower Badger Mill Creek.
16. Development schedule shall be dependent on the City extending storm and sanitary sewer to the Silicon Prairie Plat limits on the south side of Mineral Point Road. The City has not yet scheduled this extension. The developer shall be responsible for extending across Mineral Point Road.
17. The Developer 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.
18. Two weeks prior to recording the final plat, a soil boring report prepared by the Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9-feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
19. The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.
20. The Developer shall make improvements to Mineral Point Road to facilitate ingress and egress to the plat/csm.
21. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to recording the final plat/csm. 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.
22. The following notes shall be included on the final plat:
  - a. All lots within this plat are subject to a non-exclusive easement 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 easement shall be 12-feet in width on the perimeter of this plat. Easements shall not be required on property lines shared with greenways or public streets.
  - 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.
23. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of this plan, it shall be assumed that grading shall be done on a straight line grade between points unless other information is provided. The proposed slope between

points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27. The following note shall accompany the master storm water drainage plan:

- a. For purposes of this plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows.

No building permits shall be issued prior to City Engineering's approval of this plan.

24. Prior to recording, this plat shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Contact Greg Fries at 267-1199 to discuss this requirement.
25. This site is greater than one (1) acre, and the Developer is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at (608) 275-3201 to discuss this requirement.
26. NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR-151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter 111. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

27. All outstanding Madison Metropolitan Sewerage District (MMSD) sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
28. 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 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 Surveyor shall identify monument types on all PLS corners included on the Plat or CSM.  
**Note: Land tie to two PLS corners required.**

29. In accordance with Section S. 236.18(8) Wisconsin Statutes, the Developer's Surveyor 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. If a surveyor encounters an area without a published NAD 1927 value, contact Engineering Division for this information.
30. The applicant shall submit, at the time of Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat/CSM to the Mapping/GIS Section of the Engineering Division. **The digital copies shall be submitted in both NAD 27 and WIDOT County Coordinate System, Dane County Zone datums and be consistent with previous formats delivered to the City by the applicant and contain the minimum of the following, each on a separate layer name/level number:**
- a. Right-of-Way lines (Public and private)
  - b. Lot lines
  - c. Lot numbers
  - d. Lot/Plat dimensions
  - e. Street names
  - f. 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).

NOTE: 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.

NOTE: This transmittal is a separate requirement than the required submittals to Bob Arseneau for design purposes.

31. In accordance with Section s. 236.34(1)(c) which says a CSM shall be prepared in accordance with s. 236.20(3)(c) & (f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (site Register of Deeds recording data) and easements which are being conveyed by the Plat/CSM. Identify the owner and/or benefiting interest of all easements.

**PLEASE CONTACT KATHY VOECK, THE ASSISTANT ZONING ADMINISTRATOR, AT 266-4551 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING FOUR ITEMS:**

32. The zoning text shall include the "Family Definition" as it applies to a specific conventional zoning district (i.e. R4) per Chapter 28 of the Madison General Ordinances.
33. Page 16 of the zoning text references "see page 33" and there is no page 33.
34. In the plat, label buildings "to be demolished".

35. Note: For future SIP approvals, Section 28.04(24) provides that Inclusionary Zoning requirements shall be complied with as part of the approval process. Submit to Zoning a copy of the approved Inclusionary Zoning Plan for recording prior to Zoning sign-off on any SIPs.

**PLEASE CONTACT BILL ROBERTS OR BRAD MURPHY OF THE PLANNING UNIT STAFF AT 266-4635 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING NINE ITEMS:**

36. Final approval by and all conditions of the Urban Design Commission will be required.
37. DNR approval of the amendments of the Central Urban Service Area boundaries to include this site prior to recording of the GDP and the final plat.
38. Submittal of an overall Transportation Demand Management Plan for the GDP area for review by the Pedestrian, Bicycle, Motor Vehicle Commission and approval by the Traffic Engineer as part of the first SIP. Approval of the first SIP may be delayed if the plan is submitted late.
39. Submittal of an inclusionary dwelling unit plan as part of any SIP that includes residential development.
40. Sidewalks shall be installed on both sides of all streets and between development sites except as otherwise provided by the Plan Commission. The GDP shall be amended accordingly with the objective to provide pedestrian linkages throughout the entire site.
41. The square footage devoted to retail on Lots 1 and 2 shall be limited to 50% of the first floor area of each building and retail uses in these buildings shall not be allowed until buildings on Lots 3, 5 and 6 (the town center) have been approved and building permits have been issued for each. (Employee cafeterias are exempt from this requirement.)
42. For Site 3, some of the buildings shall be required to incorporate a second story. At least two buildings shall be built on Site 3.
43. Buildings fronting on Brader Way on Sites 5 and 3 shall be a minimum of two stories.

**PLEASE CONTACT SI WIDSTRAND, CITY PARKS DIVISION, AT 266-4711 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING ITEM:**

44. Park Development Fees and park dedication and/or fee in lieu of dedication will be required in the future when residential uses are approved for the property.

**PLEASE CONTACT JOHN LIPPITT, MADISON FIRE DEPARTMENT, AT 266-4484 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING THREE ITEMS:**

45. As stated in the submittal: "Appropriate fire department access for all buildings shall be supplied within this development and may include fire access drives, reduced setbacks, restricted on-street/off-street parking areas, and fire suppression systems."
46. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants.

Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.

47. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows:

- a. The site plans shall clearly identify the location of all fire lanes.
- b. Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.

Approval of these 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.

After the plans have been changed as per the above conditions, please file twelve (12) sets of the complete site plans, building elevation and floor plans with the Zoning Administrator, Room LL100, 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.

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 (30) months of Common Council approval of the General Development Plan or within eighteen (18) months of the recording of the Specific Implementation Plan, whichever is less, the basis right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If a new building permit is required pursuant to Section 28.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain Specific Implementation Plan approval.

**If you have any questions regarding recording this plan or obtaining permits, please call Kathy Voeck, Assistant Zoning Administrator, at 266-4551.**

Sincerely,

Bill Roberts  
Planner IV

c: Zoning Administrator  
City Engineering  
Traffic Engineering

Zoning
City Engineering
Traffic Engineering
Fire Department
Planning (BR)
UDC (AM)
Parks Division