



Traffic Engineering and Parking Divisions

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ADDENDUM

January 22, 2009

Rev. January 23, 2009

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: * **ADDENDUM – 4021 Grand Crossing Road – Rezoning – PUD (GDP) to Amended PUD (GDP) – Mixed-Use Development with Theatre/Entertainment Complex**

The applicant has requested relief of condition #43 of the original GDP (City Approval Letter dated July 23, 2001 attached).

An alternative has been proposed to replace this original condition. The alternative is that the applicant shall install a number of pedestrian-bicycle facilities as noted on the Exhibit entitled "Marcus Crossing, Pedestrian/Bicycle Options dated January 21, 2009."

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Christopher Thiel

Fax: 608-255-7750

Email: Cthiel@saa-madison.com

Enclosure: **Exhibit entitled "Marcus Crossing, Pedestrian/Bicycle Options dated January 21, 2009."**

DCD: DJM: dm

Marcus Theatres Corporation

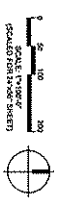
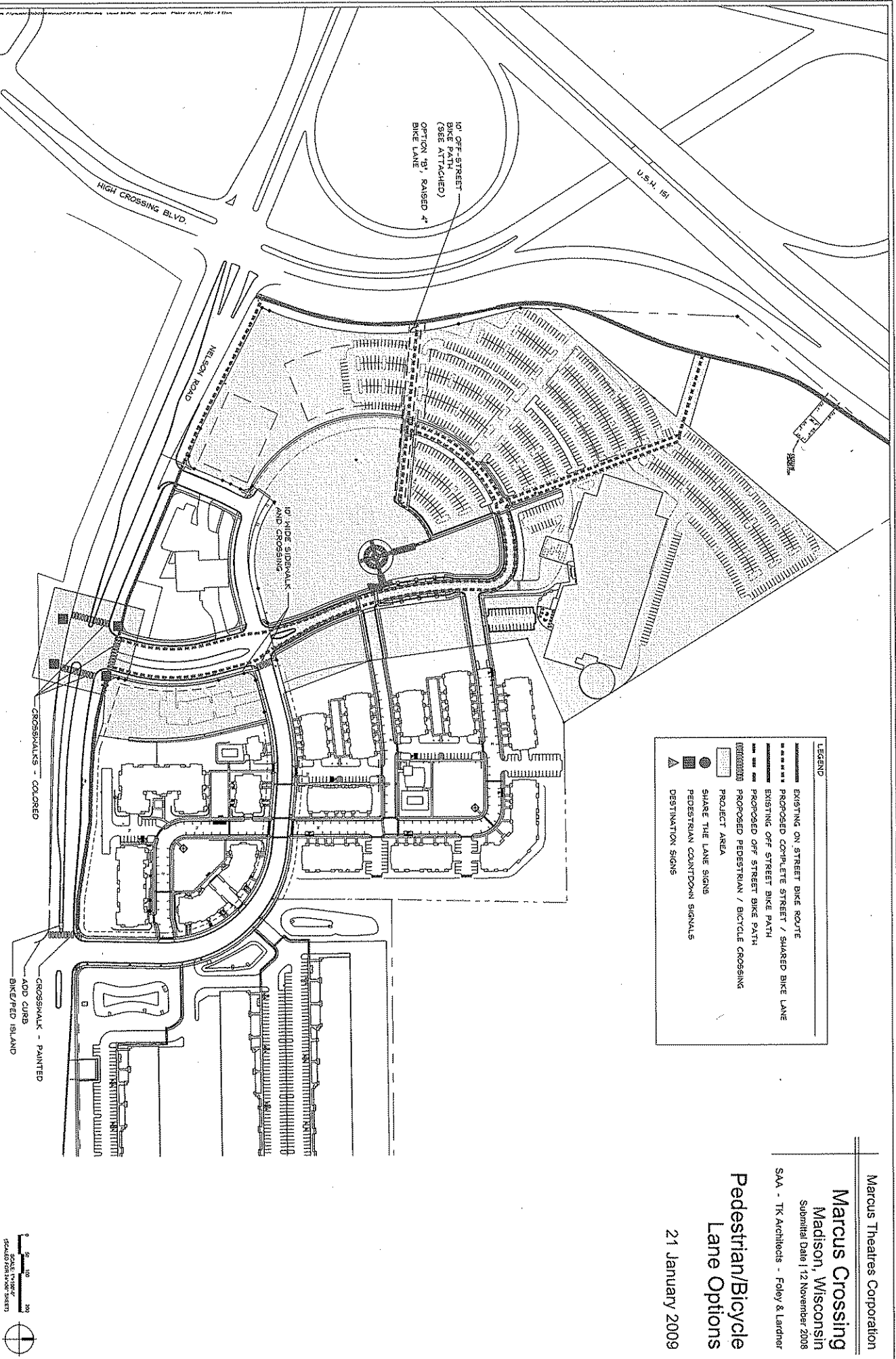
Marcus Crossing
Madison, Wisconsin

Submittal Date | 12 November 2008

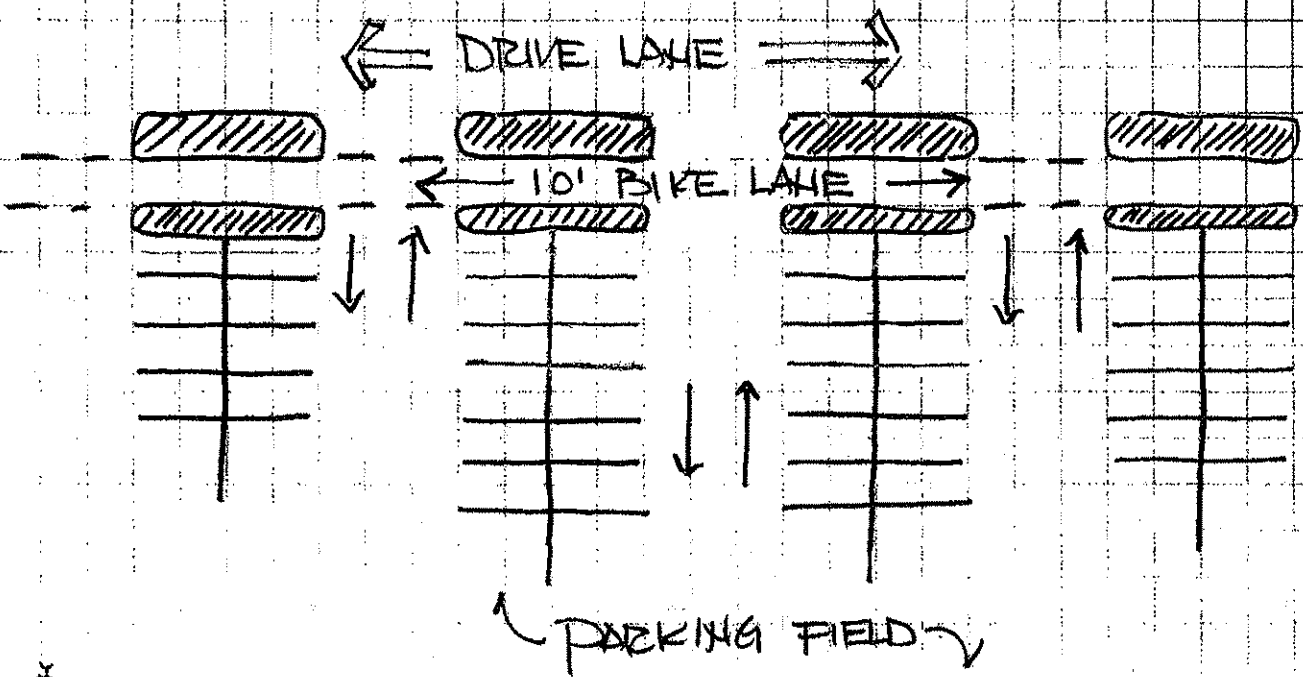
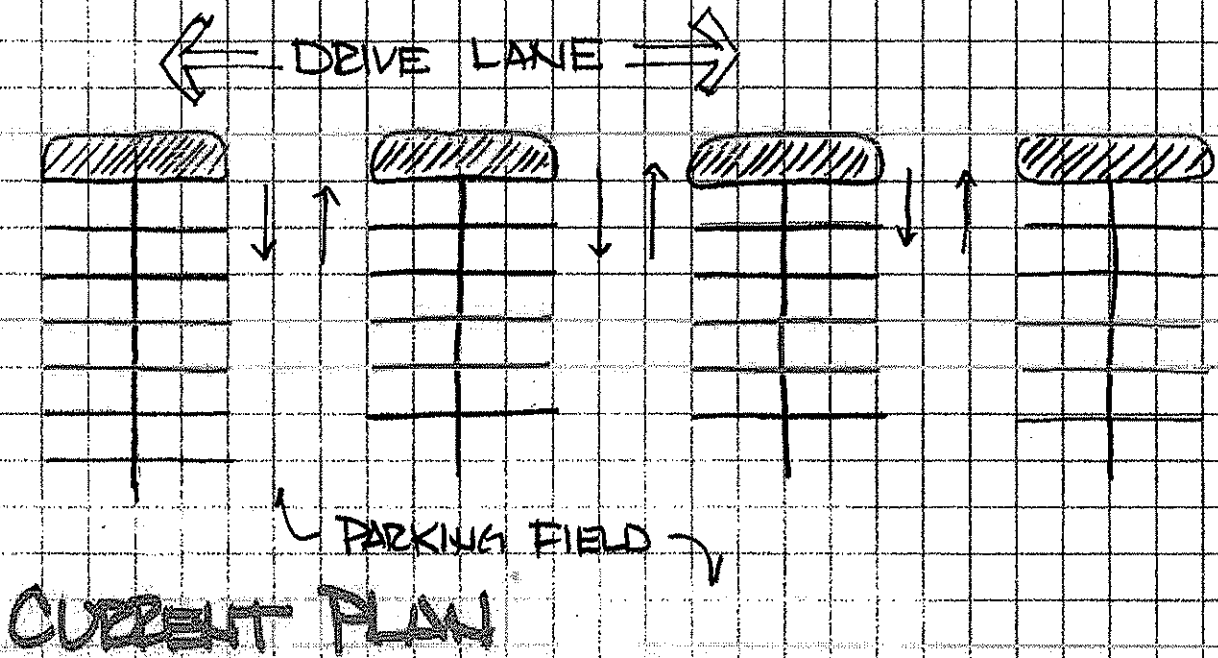
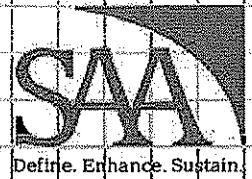
SAA - TK Architects - Foley & Lander

Pedestrian/Bicycle Lane Options

21 January 2009



Project MADISON THEATRES - BIKE PLAN
P/M #
Date 9 JANUARY 2009
By



* LOSS OF APPROXIMATELY 12 PARKING SPACES

CITY'S PROPOSED 10' OFF-STREET BIKE LANE



ATTORNEYS AT LAW

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 150 EAST GILMAN STREET
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 MADISON, WI 53701-1497
 608.257.5035 TEL
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 foley.com

January 22, 2009

WRITER'S DIRECT LINE
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CLIENT/MATTER NUMBER
 052560-0194

City of Madison Plan Commission
 Plan Department
 215 Martin Luther King Jr. Blvd.
 Room LL100
 Madison, WI 53703-3348

Re: PUD/GDP Zoning – 4021 Grand Crossing Road

Dear Commission Member:

In December, the consideration of the PUD/GDP zoning was referred to permit an opportunity for the Developer to meet with City staff to discuss and better understand the conditions set forth in the staff reports addressing the proposed PUD/GDP zoning.

In early 2008, as a part of the preliminary due diligence, Marcus requested staff to identify which of the 2001 approval conditions remained outstanding. Staff responded in a memo dated February 13, 2008, a copy of which is attached hereto. Since the more recent staff reports (as enumerated and dated as described below) set forth a greater number of conditions than reflected in February, 2008 and with extensive cross-references to the 2001 comments, it is necessary to confirm in writing what is or is not applicable to the proposed Marcus Development. We request that the comments/positions contained herein be acknowledged and included in the Plan Commission's review and subsequent approval.

After several recent meetings with staff, the most recent occurring on December 22, 2008, the following is our understanding and position with respect to the staff comments:

- I. Planning Division Report Dated November 12, 2008
 - A. Main Street/looped road – Will be constructed in Phase I and will be a private, complete street including marked bike lanes.
 - B. Zoning Text
 - i. Residential Uses – The mixed-use development along “Main Street” will include residential uses. The mix, number, size and type of unit will depend upon market demand.

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- ii. Commercial Uses – The mixed-use development along “Main Street” and within the two development pads to the west will include uses generally allowed in the C2 general commercial district. The Developer will work with staff to determine which uses are unlikely to occur within the development.
 - iii. Office/Clinic Uses – Within the mixed-use development along “Main Street” and within the two development pads to the west.
- C. Detailed Site Plan – Developer will work with staff to prepare a table of potential buildings and a range of square footage, gross floor area and heights for each building.
 - D. Community Separation/Green Space – The Developer does not and will not own the green space and, therefore, cannot commit to rezoning the space and/or any building removal thereon. Developer believes the structure has been removed. Developer will maintain space in its natural state per agreement with Owner.
- II. Report of Urban Design Commission Dated October 15, 2008
- A. Plantings – Trees and sidewalks along the radial spokes within the parking will be included.
 - B. Parking along back of theater – Will include use of porous pavement where appropriate.
 - C. Structured Parking – Options for structured parking are shown in the enclosed exhibits. Development of structured parking may occur following build out under the proposed GDP and market demand. As noted in the Plan Department staff report, there exists significant amounts of land (over 1.5 million square feet) nearby in both Madison and Sun Prairie “...where structured parking is not an expectation or requirement...”. See Plan report dated October 14, 2008.
 - D. Plaza – Will be designed as a part of the Phase I SIP but not constructed until the adjacent mixed-use buildings have greater definition. It is the intent to integrate the plaza space into the adjacent “Main Street” development.
- III. Report of City Engineering Dated November 3, 2008
- A. Conditions 1 through 6 – Agreed.

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- B. Conditions 7/Bike Paths – The pedestrian bike path along Nelson Road will be completed to connect to the existing bike path parallel to Highway 151. A designated bike path will be included within the complete street “Main Street/looped road” to bring bicyclists into the development, including a 10 ft. wide sidewalk/pedestrian path on Crossing Place between Nelson Road and Felland Road. In addition, two connections from the “Main Street/looped road” to the existing Highway 151 bike path will be constructed as shown on the proposed GDP per staff recommendations.
- C. Condition 9 – Understood (did not see a condition number 8).

IV. Report of Traffic Engineer Dated November 7, 2008

The Developer has met with Traffic Engineering several times and addressed the following issues to their satisfaction. We understand a new/revised report by Traffic Engineering will be forthcoming.

- A. Comment 1a – Vague – To the extent the condition means the Developer will comply with conditions of zoning approval, it is understood (note the proposed Marcus Development, while conforming in general to the proposed 2001 development, it does not however conform to the specific project description attached to the 2001 resolution).
- B. Comment 1b – In discussions with City staff, we understand that this comment incorporates only 2001 conditions numbers 37-47 and does not include 2001 conditions 1-36 nor conditions 48-82. Conditions number 37-47 will be addressed below.
- C. Comment 2/Noise Study – A noise study was prepared in 2001 and planning staff agrees that a new study is not needed.
- D. Comment 3 – The Developer agrees to pay its proportionate share of traffic signal assessments but will not agree to waive its right to question the amount of such assessment.
- E. Comment 4 – Agreed.
- F. Comment 5/Bike Ped Connection – The connection shown in the 2001 GDP is not proposed as a part of this development. An alternative pedestrian and bicycle access will be accommodated in the complete street “Main Street/looped road” to better integrate movement into the heart of the development. At grade bicycle crossings will be added at

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Crossing Place/Nelson Road and Felland Road/Nelson Road intersections. A perimeter bike path is available parallel to Highway 151.

- G. Ped Bike Plan – The pedestrian/bicycle movement is clearly shown on the proposed GDP. We have already modified the site plan per staff comments and staff has approved the details of the ped/bike amenities.
- H. Comments 7-14 – Agreed.
- I. 2001 Condition 37 – Transportation impact of the proposed development has less trips than the 2001 proposed development, and the theatre peak hours occur later than the adjacent street peak hours.
- J. 2001 Condition 38
- i. The neighborhood plan has been revisited with the approval of the 2001 plan and comment is not applicable to this project.
- ii. Additional comments:
- Pedestrian bicycle – Will be constructed as part of the complete street “Main Street/looped road” construction and per the bike plan reviewed with and approved by staff.
 - Financial assistance for transit – The condition is too vague for agreement.
 - Strict adherence – Understood.
 - Proportional commitment to highway improvements – The condition is too vague for agreement. Developer understands that it may be required to pay its fair share of special assessments for public improvements levied in accordance with applicable law against all benefiting properties. (See next comment)
- K. 2001 Condition 39/Potential Incremental Cost Sharing – Too vague for agreement. Developer understands that it may be required to pay its fair share of special assessments for public improvements levied in accordance with applicable law against all benefiting properties. We understand the remaining improvements to the roadway as outlined in the February 13, 2008 letter from staff. The improvements to the High

Crossing interchange have been completed. The issue of the bike path/pedestrian bridge is addressed in item "O" below.

- L. 2001 Condition 40/Trip Generation – Understood. The trip generation for the Marcus Development is projected as less than 11,000 trips per day, well below the 14,200 trips per day referenced in the condition.
- M. 2001 Condition 41/Proposed Development – Understood with the exception of the ped bike overpass discussed in Condition 43 below.
- N. 2001 Condition 42/Plan Commission Review – We assume the Plan Commission always carefully reviews and approves future land use approvals.
- O. 2001 Condition 43/Pedestrian Bicycle Overpass – The Developer will not agree to construct a pedestrian bike overpass. The estimated cost of an accessible overpass is \$1.5 to \$2 million, and in the opinion of the Developer, is not needed to accommodate pedestrian bike movement. The development's location, traffic volume and access is not so unique (such as Beltline or University Avenue) that an overpass is warranted. In its place, the Developer proposes to accommodate pedestrian bike movement as follows:
 - i. Traffic control signals at Nelson Road and Crossing Place for safe, at grade pedestrian/bicycle crossing.
 - ii. Pedestrian crossing at Nelson Road and Felland Road.
 - iii. Pedestrian/bicycle island at Nelson Road and Felland Road for safe, at grade crossing.
 - iv. Marked bike lanes within Nelson Road.
 - v. A ten foot pedestrian bike lane along the north side of Nelson Road connecting to the Highway 151 bike lane.
 - vi. Pedestrian sidewalks along the complete street "Main Street/looped road".
 - vii. Designated bike lane within the complete street "Main Street/looped road".
 - viii. Bike lanes and pedestrian walks throughout project as shown on the proposed GDP.

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ix. Two internal connections to Highway 151 bike lane.

The development location, traffic volume and access is not so unique (such as Beltline or University Avenue) that an overpass is required.

- P. 2001 Condition 44/BID District – The consideration of such a district is subject to City discretion. The Developer understands that transit does not currently extend service to the site.
- Q. 2001 Condition 45/High Crossing Interchange – Developer understands the subject property has been added to the district.
- R. 2001 Condition 46
- a. Completed, except for items noted in February 2008 letter from staff.
 - b. The intersection has been constructed. Traffic signal to be installed by City when required.
 - c. Completed.
 - d. Completed.
 - e. Unrelated to this development.
 - f. Completed.
 - g. To be completed as needed.
 - h. Completed.
 - i. Completed, except for the section between Highway 151 and Morgan Way, which will be completed in Phase I.
 - j. Bus pullouts as part of Nelson Road improvements as designed by the City.
 - k. Completed.
- S. 2001 Condition 47/Development Agreement – Understood.
- V. Metro Transit System Report Dated November 3, 2008

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- A. Comment 1 – Developer understands development is outside the current service area. Pedestrian access to the Phase I development will be available through the complete street “Main Street/looped road”.
 - B. Comment 2 – Developer accepts that transit service is not currently available to the site.
 - C. Comment 3 – Pedestrian access will be available through the complete street “Main Street/looped road” to be constructed in Phase I.
 - D. Comment 4/Feland Road Bus Stop – The bus stop location will be constructed as a part of the Phase I road improvements by the City. The Developer will agree to enter into a development agreement with the City to install waiting shelters with benches and trash receptacles when transit service is available and provided that the service location meets the City’s criteria for bus stops and shelters.
 - E. Comment 5/Nelson Road Bus Stop Location – Same answer as 4 above.
 - F. Comment 6 – Understood and agreed.
 - G. Comments 7 and 8 – Understood.
- VI. Water Utility Report Dated October 7, 2008
- A. Comments understood and agreed.
- VII. Zoning Report dated November 17, 2008
- A. Comments 1-7 – Understood and agreed.

Thank you for your attention to and consideration of the above. We welcome the opportunity to clarify the applicable comments and conditions and our response to each and ask that



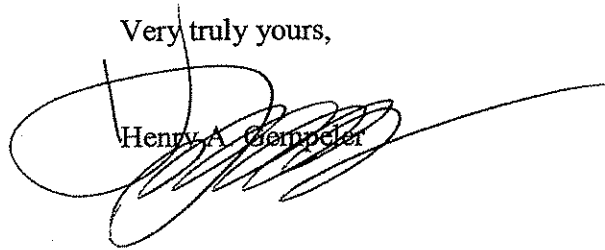
FOLEY & LARDNER LLP

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the proposed PUD/GDP be approved in accordance with our comments to the applicable conditions as set forth in this correspondence.

Very truly yours,



Henry A. Gampeler

Enclosure

- cc Alderman Joseph Clausius
- Mario Mendoza
- Brad Murphy
- Tim Parks
- Larry Nelson
- David Dryer
- Dan McCormick
- Tim Sobota
- Dennis Calley
- Patrick Anderson

**CITY OF MADISON
ENGINEERING DIVISION
210 Martin Luther King Jr. Blvd., Rm. 115
Madison, WI 53709 (608) 266-4751**

**FAX (608) 264-9275
TDD (608) 267-8677**



Date: February 13, 2008

To: Norman Flynn, Norman D. Flynn Associates, Inc.
Troy Mayne, DeWitt Ross & Stevens SC
Mark Gramz, Marcus Theatres Corporation

Subject: Morgan Plat Requirements for the Development of Lots 1, 2 and 5

Attached is a list of the requirements that have been identified by City staff for the development of Lots 1, 2 and 5 of the Morgan Plat. This list is meant as a guide to aid you and your clients better to understand what the City anticipates as this development proceeds. Please be aware that additional comments and conditions may result as this moves forward and staff has a better understanding of the proposed development.

If you have any questions or concerns with regards to these conditions, please contact Janet Dailey at 608-261-9688 or Rob Phillips at 608-266-4090.

Sincerely,



Larry D. Nelson, PE
City Engineer

for

LDN:jd

cc: Dan McCormick, Traffic Engineering
Tim Parks, City Planning
Matt Tucker, City Zoning

Morgan Plat Improvements Required for Lots 1, 2 & 5

Street Improvements:

- Nelson Road improvements (see attached exhibit)
 - Nelson Road from Felland Rd to Crossing Place
 - Widen the west bound lanes of Nelson Road to provide for two 11-ft lanes and a 15-ft lane
 - Construct median on Nelson Road providing a left turn lane on Nelson Road north to Felland Rd.
 - New pavement and incidental utility work as required to modify the Nelson Road geometry
 - Nelson Road from Crossing Place to Morgan Way
 - Widen west bound lanes of Nelson Road to provide for two 11-ft lanes and a 15-ft lane
 - Modify median as required for the widening of the west bound lanes
 - New pavement and incidental utility work as required to modify the Nelson Road geometry
 - Nelson Road from Morgan Way to High Crossing Boulevard
 - Modify median to provide additional capacity to the existing left turn lane onto south bound High Crossing Boulevard
- Sidewalk improvements on Nelson Road, Morgan Way, and Grand Crossing Road adjacent to Lots 1 and 2.
- Bus pull-outs and related pedestrian facilities on the north and south side of Nelson Road. Pedestrian facilities shall connect towards the existing transit service on High Crossing Boulevard.

Street Lighting:

- Street lighting on Nelson Road and on the streets interior to the plat shall be constructed by the City and assessed to the adjacent properties.

Traffic Signals:

- Intersection improvements on Nelson Road at Crossing Place. The City Traffic Engineer shall determine if this will be paid by assessment or by an Impact Fee District.

Bike Path Improvements:

- Completion of bike path on Lot 3 (requires easement) – Outstanding requirement under Contract No. 1795
- Construction of bike path on Lot 2 and connection to existing bike path adjacent to USH 151 (requires easement on Lot 2)
- A pedestrian / bike bridge was a requirement of the GDP / Plat. An equitable way to finance the pedestrian / bike bridge will need to be determined.

Sanitary Sewer:

- Public Sanitary sewer to serve Lot 1 and 2 (requires easement)

2/8/2008

- The City is installing an interceptor sewer to relieve the existing pump station. This construction is scheduled for 2009. Capacity for the development shall be provided at that time.

Water:

- Public Water main to serve Lot 1 and 2 (requires easement)

Storm Sewer:

- Private Storm Sewer to serve Lot 1 and 2 – may require agreement for sharing maintenance
- Storm Water Management Master Plan for Lots 1, 2 & 5 – may include use of OL 2
- Storm sewer required on Nelson Road as part of the street reconstruction (approximately 450 LF of 42" RCP, miscellaneous inlets and leads as required for reconstruction of the intersections and medians).

Landscaping requirements:

- OL 1 maintenance and planting requirements shall be determined at the time the developer submits for site plan approval.

Miscellaneous Fees / Assessments:

- Crossing Place, Grand Crossing Road and Morgan Way Assessment District - 2003 (Final Assessed in 2007)
- Felland Road Neighborhood Sanitary Sewer Impact Fee District (MGO20.08(7), ORD-07-00192). Impact Fees as of January 2008 are \$56.2268/1000 SF.
- MMSD Fees for Lots 1, 2 and 5
- High Crossing Interchange Assessments – Deferred (\$194,025.98 as of January 1, 2008).
- Signing and marking deposits related to transportation facilities.

Misc.

- Use of OL 2 for signage purposes is not recommended. This may be possible, but it is subject to the review and approval from the Planning Director. If allowed, signage would be limited to a height less than 16 ft and would be no larger than 32 SF in area.
- Change of use of OL 2 for development purpose is dependant on review of the storm water management needs for the plat and would require the purchase the land from the City.
- At a minimum, development of the property will require prior approval of a specific implementation plan that conforms to the approved general development plan, or a major alteration to the general development plan if the development contemplated deviates from the approved plan. Additional comments and conditions may result based on the plans submitted for approval.