

**PLANNING DIVISION REPORT  
DEPARTMENT OF PLANNING AND COMMUNITY  
AND ECONOMIC DEVELOPMENT  
Of November 12, 2008**

**RE: ID #12113: Zoning Map Amendment ID 3390 to Rezone 4021 Grand Crossing Road from PUD-GDP to Amended PUD-GDP**

1. Requested Actions: Approval of a request to amend a previously approved PUD-GDP (Planned Unit Development, General Development Plan) for the western 26.7 acres of the approximately 48-acre The Crossing Planned Unit Development/ Morgan Plat.
2. Applicable Regulations: Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments; Section 28.12 (9) provides the process for zoning map amendments; Section 33.24 (f) provides the requirements for large-format retail establishments.
3. Report Prepared By: Timothy M. Parks, Planner

**GENERAL INFORMATION**

1. Applicant: B& G, LLC (The Marcus Corporation); 100 E. Wisconsin Avenue; Milwaukee; Katie Falvey, representative.  
  
Agent: Christopher Thiel, Schriber Anderson Associates; 717 John Nolen Drive; Madison.  
  
Property owner: Bartell Limited Partnership, c/o Dewitt, Ross & Stevens, SC; 2 E. Mifflin Street, Suite 600; Madison.
2. Development Schedule: The applicant wishes to proceed with Phase I of the development, featuring the movie theater, in spring 2009, with completion of that phase in fall 2009. Development of other aspects of the project will commence as market demand dictates.
3. Location: Approximately 26.7 acres generally located on the north side of Nelson Road and east of US Highway 151 and High Crossing Boulevard; Aldermanic District 17; Sun Prairie School District.
4. Existing Conditions: Undeveloped lands
5. Proposed Land Use: Phase I of the amended PUD will call for the development of an approximately 95,000 square-foot, 16-screen movie theater/entertainment complex. Future phases of the project call for 108,000-276,000 square feet of mixed-use development that may include some combination of regional and neighborhood commercial uses, office, service and residential uses to be located generally south and west of the proposed theater.

6. Land Use and Zoning Surrounding Site:  
North: Permanent community separation zone open space, Browning-Ferris Industries landfill, zoned PUD-GDP;  
  
South: Fire Station 11, zoned M1 (Limited Manufacturing District); undeveloped lands, zoned A (Agriculture) and C2 (General Commercial District), including the site of the proposed Wilde Honda dealership across Nelson Road;  
  
West: US Highway 151, with the American Center located further to the west;  
  
East: Existing and proposed multi-family residential development in The Crossing PUD, with multi-tenant light manufacturing buildings further to the east in M1 zoning.
7. Adopted Land Use Plan: The Nelson Neighborhood Development Plan identifies the subject 26.7 acres for a mixed-use retail/service commercial development and the adjacent 15.4 acres for residential development, reflecting a neighborhood development plan amendment approved concurrent with the original Crossing Planned Unit Development/ Morgan Plat. Both sites were previously identified for manufacturing/ distribution development in the original neighborhood development plan. The Comprehensive Plan identifies the site for future community mixed-use and transit-oriented development.
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

#### **STANDARDS FOR REVIEW**

This application is subject to the standards for zoning map amendments and planned unit developments in the Zoning Ordinance and the standards for large-format retail establishments in the Urban Design Commission ordinance.

#### **PREVIOUS APPROVALS**

On July 17, 2001, the Common Council approved a request to rezone approximately 48 acres located on the north side of Nelson Road east of US Highway 151 from A (Agriculture District) to PUD-GDP to accommodate the future construction of a mixed-use development known as "The Crossing," which was approved to include approximately 317,000 square feet of retail/ office/ entertainment/ hotel uses on the western 25-30 acres of the site and approximately 380

multi-family residential units primarily on the eastern 17 acres. A preliminary plat of the Morgan Plat was also approved, which called for the PUD to be subdivided into six lots to facilitate implementation of the mixed-use development.

On June 17, 2003, the Common Council approved the final plat of the Morgan Plat creating three lots for the retail/ office/ entertainment/ hotel development, two lots for multi-family residential development, a lot for a future City fire station, one outlot for public stormwater management and a private outlot to be retained as a permanent community separation greenspace adjacent to US Highway 151. The fire station parcel was also rezoned from PUD-GDP to M1 at this Council meeting. The final plat was recorded on September 19, 2003.

On January 18, 2005, the Common Council approved a request to rezone the easternmost 15.4 acres of The Crossing Planned Unit Development from PUD-GDP to PUD-SIP to allow the construction of 306 multi-family residences in 15 buildings located on both sides of extended Felland Road.

## **PLAN REVIEW**

The applicant, The Marcus Corporation, is requesting approval of an amendment to the approved general development plan for The Crossing Planned Unit Development to propose a revised mix of uses and overall site layout for the western 26.7 acres of the approximately 52-acre planned unit development originally approved in July 2001. The amended general development plan calls for an approximately 95,000 square-foot, 16-screen movie theater/entertainment complex to be developed on the northern portion of the site, with 108,000-276,000 square feet of additional regional and neighborhood commercial uses, office, service and limited residential uses to be developed on the remaining land. The proposed amendment will apply to Lots 1, 2 and 5 of the recorded Morgan Plat subdivision. No changes are proposed to the multi-family residential components of The Crossing PUD, which occupy Lots 3 and 6 of the same plat.

### Existing Conditions & General Development Plan

The site of the proposed amended mixed-use development is currently undeveloped land located generally north of Nelson Road east of US Highway 151 and High Crossing Boulevard. The site has approximately 500 feet of frontage along Nelson Road located on either side of Fire Station 11, which occupies Lot 4 of the Morgan Plat. The remainder of the southern exposure of the site fronts onto Grand Crossing Road, a short one-block public street that extends between Crossing Place and Morgan Way one block north of Nelson and is itself the extension of Felland Road north from Nelson Road and west through the multi-family phases of The Crossing. The primary access into the retail/ entertainment/ office, etc. components of The Crossing development will

be provided by Crossing Place, which extends north from a future signalized intersection at Nelson Road.

The residential component of The Crossing development is located east of the amendment area. The specific implementation plan approved in January 2005 for those 15.4 acres called for 306 multi-family units to be constructed in 15 buildings with a clubhouse and pool. Currently, two buildings containing a total of 18 units have been completed on the southwesterly side of Felland Road with a third 48-unit building currently under construction. Development north of Felland Road has not commenced. The amendment site is otherwise surrounded to the north by a Browning-Ferris Industries landfill site and a large community separation greenspace abutting the City of Sun Prairie further to the northeast. Lands south of Nelson Road are undeveloped at this time, though a request to rezone property at the southeasterly corner of Nelson Road and High Crossing Boulevard to accommodate a Honda dealership is pending. The US Highway 151 freeway and the expansive interchange for American Parkway and Nelson Road form the western boundary of the subject site, with the American Center located further to the west.

The site is characterized by a gradual slope that extends west to east across the site from a ridge located adjacent to the freeway interchange to the west. The property is sparsely vegetated overall with the exception of a modest tree line located along the northwesterly edge of the amendment site abutting the permanent community separation outlot located between the site and freeway and a scattering of trees adjacent to the landfill/ greenspace parcel to the north. A narrow private road extends north and west from Felland Road across the northern edge of the amendment area to provide access to the former Degenhart Auto Repair facility located on what is now part of the community separation greenspace outlot. Finally, a section of a future regional bike path extends north from Nelson Road along the western edge of the site and parallel to the USH 151 freeway. A branch off this bike path was shown extending south through The Crossing to connect to a possible bike overpass of Nelson Road west of Felland Road identified as part of the original PUD.

As approved in 2001, the general development plan for this portion of The Crossing called for the future development of 317,000 square feet of retail/ office/ entertainment/ hotel uses on the site. More specifically, the plan proposed up to 85,000 square feet of future retail development to occur in approximately 16 buildings to primarily be located on either side of a boulevard extending north from Nelson Road, which was platted as Crossing Place and constructed as a median-divided public street between Nelson and extended Felland roads. North of Felland, the central "main street" is shown extending through the eastern half of the subject site before transitioning into a conventional private loop road through the western half of the site before connecting back to Crossing Place north of what is now Fire Station 11. Portions of the western and southern legs of this road were to be signed as Grand Crossing Road. The 16 retail buildings were shown extending primarily along the eastern portion of the loop roadway north of Felland

Road. The initial GDP included a provision for up to 68 residential units to be located on the second floors of some of the retail buildings.

Further north past the northernmost of the 16 retail buildings, two professional office buildings with up to 20,000 square feet were shown on the north side of the loop road. Along the west side of the loop road, two sites for large-format retail development were shown, with a combined future floor area of up to 120,000 square feet. Lastly, a hotel with a maximum of 72,000 square feet of future floor area was identified on the east side of Crossing Place at the entrance from Nelson Road. The remainder of the site was primarily given to surface parking that included 725 asphalt-surfaced spaces primarily at the center of the development and adjacent to the various buildings proposed, and 400 "field" parking spaces located on the northernmost third of the site. A general parking ratio of 4.76 stalls per 1,000 square feet of retail space was envisioned. The original general development plan also included the provision of a covered marketplace area to occupy some of the asphalt-surfaced stalls located at the center of the overall development, which was designed to provide a central unifying element for the mixed-use development.

Implementation of this portion of The Crossing Planned Unit Development has been limited to date to the construction of the fire station and the surrounding roads, which were constructed as public streets. The fire station was not shown on the original development concept, was removed from the PUD zoning, and replaced one of the 16 mixed-use buildings proposed on the original general development plan.

#### Amended General Development Plan

The amendments to the general development plan proposed by the Marcus Corporation preserve many of the core elements of the original general development plan. However, the developers propose to introduce an approximately 95,000 square-foot movie theater/entertainment complex on the northern portion of the site at the "top" of a slightly modified private loop road through the subject site.

At Nelson Road, Crossing Place will continue in its current configuration as a public street for the first block until Felland Road. A retail/commercial building is shown occupying the northeastern corner of the Nelson Road-Crossing Place intersection, with a parking lot of unspecified size to occupy the remainder of that site abutting Felland Road. North of the intersection of Felland Road, Crossing Place and Grand Crossing Road, the developers propose to construct four mixed-use buildings on the east side of the eastern leg of the loop road, which will continue to serve as the project's "main street." Four mixed-use buildings are proposed on the west side of main street, with three smaller buildings to frame a central plaza located west of the main street corridor. The proposed movie theater/entertainment complex would be north of the loop road, which takes on more of a crescent shape with the proposed redesign. The remaining

floor area of the amended general development plan would be comprised of two commercial buildings on the western half of the subject site. The two buildings include an approximately 25,000 square-foot structure proposed in the southwestern corner of the site on the south side of the loop road, west of Morgan Way and the fire station and on the north side of Nelson Road. The second building would contain approximately 28,500 square feet of floor area and would be located due north of the first on the west side of loop road and southwest of the theater complex. The letter of intent indicates that the last two buildings could be destination commercial uses, including medium-sized retail users, health care providers or entertainment facilities.

The proposed movie theater/entertainment complex will serve as the centerpiece of the amended general development plan. The complex will include 16 theater auditoriums, which will occupy approximately three-quarters of the 95,000 square-foot building proposed and contain approximately 2,945 seats. The largest of the auditoriums will provide seating for approximately 500. The remainder of the complex will include a 12-lane bowling alley and lounge, and a restaurant with outdoor seating in a plaza east of the main entrance. The lobby of the complex will generally face to the south, with a substantial porte cochere off the southern wall of the building covering a patron loading area along the primary drive into the site from the loop road. The building has generally been designed to provide a strong terminal view at the northern end of the mixed-use main street. Specific details of the theater/entertainment complex will be provided with a subsequent SIP for this portion of the development. However, the early design concepts call for a tall single-story building designed in a contemporary Art Moderne style. The developers indicate they will pursue LEED certification for the facility.

As noted above, the original general development plan for this portion of The Crossing included up to 68 residential dwelling units on the second floors of the main street mixed-use buildings. While the developers have verbally indicated to staff that they would entertain the inclusion of dwelling units within the amended general development plan, the materials submitted provide no specific references to the number and location of any such residential units.

The site will accommodate approximately 1,425-1,450 surface parking stalls to serve the initial phases of development. Circulation through the site aside from the loop road would feature parking aisles radiating outward from the central plaza space. The amended plan calls for pedestrian circulation to be provided by sidewalks located along many of the parking lot aisles in an effort to facilitate users moving throughout the site to the various uses within the development without the need to move their vehicles. The letter of intent indicates that the ratio of parking provided throughout the amended development proposal ranges from 3.84 stalls per 1,000 square feet of development to 5.45 stalls per 1,000 square feet depending on the ultimate build-out of the project. The developers state that the theater/entertainment complex could require approximately 1,000 of the proposed stalls at peak times. The applicants indicate that some of the surface parking proposed along the edge of the parking fields adjacent to the community

separation greenspace area will use alternative construction such as porous paving, though details regarding the construction of those stalls will not be provided until the specific implementation plan stage of the PUD review process. Lastly, the developers have included site plans showing how the site could accommodate structured parking within the overall development in later phases. The potential parking structures include a ramp or deck located west of the movie theater/entertainment complex in place of what will initially be a portion of the surface parking field, as well as structures under or between the two stand alone retail/entertainment/healthcare/office buildings conceptually shown on the western half of the site.

The first phase of the amended development will feature the movie theater/entertainment complex and parking areas generally north of the central plaza located just west of the main street portion of the loop road. At the request of the Urban Design Commission, who granted the GDP amendment final approval on October 15, 2008, the developers will also construct the main street and central plaza in an effort to spur the implementation of the central mixed-use corridor on the eastern half of the subject site. The remaining elements of the amended general development plan will be implemented based on market demand. The Urban Design Commission report is attached.

## **ANALYSIS**

The proposed amended general development plan before the Plan Commission and Common Council represents a modest departure from the previously approved general development plan for The Crossing approved in 2001, primarily owing to the introduction of the 95,000 square-foot movie theater/entertainment complex proposed to occupy approximately the northern third of the 26.7-acre subject site. The singular theater/entertainment facility occupies an area that was previously proposed for development with multiple mixed-use and professional office buildings, which substantially alters the character of the northern half of The Crossing development.

Changes elsewhere in this portion of the planned unit development are more subtle in staff's opinion. The private loop road is continued from the previous plan, although the north-south depth of the private road has been reduced to accommodate the footprint of the Marcus Theatre. The "main street" concept has been retained in principal, with mixed-use buildings proposed on both sides, and a central plaza feature has been incorporated into the development to replace the central covered marketplace area that was included in the previous development. The hotel that was included in the earlier general development plan has been removed in favor of a standalone retail building adjacent to Nelson Road. Otherwise, the proposal generally maintains the concept of two larger-format uses along the western half of the subject site, although the footprints of each appear to be slightly reduced. The remainder of the site continues to be given to surface parking, as was the case with the original development concept.

### Conformance with Adopted City Plans

The Comprehensive Plan identifies The Crossing development as a future community mixed-use project (CMU) and transit-oriented development (TOD) reflecting the 2001 approval as a large-scale mixed-use development. Staff believes that the amended general development for the 26.7-acre subject site may ultimately conform well to the recommendations for community mixed-use developments, though how well the project conforms cannot fully be determined until specific implementation plans are submitted for review and approval.

The Comprehensive Plan recommends that CMU projects either be located adjacent to medium or high-density residential areas or be large enough to accommodate high density residential uses when adjacent to lower density areas, the latter of which applies to this project when the 306-unit residential development to the east (with a net density of approximately 20 units an acre) is considered. Community mixed-use areas are recommended to have a focal point developed at high densities and focused on a commercial core, a plaza or square, a civic use or dense residential development. Buildings with these zones should be located close to the sidewalk with parking located at the rear of the buildings or underground, and pedestrian-level amenities should be provided.

At the conceptual level, the amended general development plan appears to comply with many of these guidelines, including the continuation of the earlier concept to frame a main street corridor with mixed-use buildings. While the theater/entertainment complex will not be located on the central plaza space along the main street, it does provide a high-density focal point that will both draw activity into the center as well as provide a terminal view for the main street corridor, which should aide in the latter's viability.

Finally, while there is a substantial amount of surface parking proposed in the early phases of the development, staff does not feel that the parking ratio proposed is excessive in light of the intensity of uses anticipated. Furthermore, the developers have identified opportunities for future structured parking to serve the project if the scale of development reaches the point where cost of structured parking can be supported. The developer does not believe that structured parking is economically feasible in the early stages of the development and staff concurs given the availability of significant amounts of land nearby for office and/or retail development both in the City and in Sun Prairie. Staff also feels that the applicant has made a reasonable effort to locate the surface parking proposed in a fashion that allows the overall project to adhere to the tenets of an urban-style mixed-use development and to provide meaningful pedestrian connections that will allow patrons to park once to utilize the different development components located throughout the site.

In general, the Comprehensive Plan generally calls for transit-oriented developments to include



high-density developments with a variety of activities and uses within walking distance of transit facilities, with buildings placed so as to create a sense of place. Transit-oriented developments generally include high-capacity multi-modal pedestrian activity, create high-quality urban spaces (streetscapes, plazas, etc.), and provide shared and structured parking facilities.

Staff believes that the amended Crossing Planned Unit Development contains some of the components encouraged in transit-oriented developments. The amended general development plan includes a variety of land uses (medium-density housing, dense retail, entertainment, etc.), including the theater/entertainment facility that should provide an activity generator to drive the rest of the project. The amended plan includes many buildings placed in an effort to create a sense of spatial enclosure, in this case along the main street corridor. Finally, the mixed-use main street corridor and central plaza should serve as the foundation for high-quality public spaces.

Unfortunately at this time, the development will be located nearly three-quarters of a mile from existing Metro service, with the nearest fixed route service being located at High Crossing Boulevard and City View Drive (Route 6). While the Planning Division concurs with Metro about the implications of the interim absence of transit service to serve the site, it does not believe that approval of this amended general development plan should be delayed. Staff feels that, if anything, the introduction of the movie theater/entertainment complex and ultimate implementation of The Crossing mixed-use development at transit-supportive densities will allow transit service to be extended all the way out High Crossing Boulevard to serve this site and future development anticipated in the Nelson Neighborhood Development Plan.

Finally, regarding the Nelson Neighborhood Development Plan, staff believes that the amended general development plan complies with the amended neighborhood plan approved with the original Crossing PUD, which called for a well-designed mixed-use development for this site.

#### Conformance with Large Retail Establishment ("Big Box") Regulations

In April 2005, the Common Council adopted requirements in the Urban Design Commission ordinance (Section 33.24 (f)) for large retail establishments, otherwise known as "big boxes." The purpose of the ordinance amendment was to provide standards for retail developments of 40,000 square feet or more of gross floor area either as one building or in multiple buildings on a single zoning lot, which "promotes the efficient use of land and preserves and enhances the urban fabric through a more urban site and building design." The standards include specifications for the treatment of exterior walls and facades, roofs, entrance locations, parking lots, outdoor storage and loading areas, pedestrian circulation and central features. In the case of The Crossing, the large retail establishment provisions will apply to the design of the overall development but not to any individual buildings within the project. While the proposed theater/entertainment

complex will have 95,000 square feet of gross floor area, the building-specific provisions of the code apply to *retail* buildings greater than 40,000 square feet.

In reviewing this development against the site-related standards, Planning Division staff feels that the amended general development plan can meet the general requirements for large retail sites. The project will include buildings fronting the private loop road south of the theater, while the proposed theater will be located beyond a small parking area for handicapped patrons between the loop road and the building. The project includes a good pedestrian circulation network and staff will work with the developers to ensure that the sidewalks throughout the development meet the design standards set forth in the code. Staff will also work with the developers at the specific implementation plan stage to ensure that the buildings throughout the development address both the public and private roads through and adjacent to the site and that the buildings include the highest quality architecture. The developers will also be required to provide specific details on the community spaces and central features that will be included within the development as it builds out to make sure that those code requirements are satisfied.

## **CONCLUSION**

The introduction of the movie theater/entertainment complex to the overall development adds a dynamic to the project that was apparently lacking when The Crossing mixed-used development was first proposed, as evidenced by the failure to date to see implementation in accordance with the initial plan after seven-plus years. While the residential component of the planned unit development has received all of its development approvals and is slowly being implemented, with approximately 15-20% of the approved buildings either built or under construction, the only portion of the original mixed-use component of the PUD to see development is the portion of the site developed with Fire Station 11, which was not shown on the original general development plan and was ultimately removed from the PUD zoning. Although staff feels that the original general development plan for The Crossing incorporated many attractive design elements, it was proposed without the benefit of commitments from any businesses to occupy the project. As such, it failed to gain a foothold in the market.

The theater/entertainment complex proposed, however, unquestionably provides a destination that should bring traffic, interest and activity to the amended PUD and should act as the catalyst for the implementation of the remaining, albeit slightly reduced aspects of the mixed-use project. If the theater/entertainment complex does in fact spur the implementation of the mixed-use main street concept as shown, The Crossing PUD has the potential to become the mixed-use development originally envisioned and approved for the site in 2001.

The implementation of this amended general development plan will be key to ensuring that the project can comply with the recommendations for community mixed-use developments, transit-

oriented developments and large retail establishments, particularly in the phases of the project proposed to follow the construction of the 95,000 square-foot theater/entertainment complex in the first phase. The Planning Division believes that it is essential for the buildings proposed along the main street corridor to contain elements with at least two active floors above grade and usable entrances from the main street and/or central plaza depending on their location within the development. These buildings will ideally be mixed-use buildings with a combination of first floor pedestrian-oriented uses and second floor spaces for office, service or residential tenants. It will also be of considerable importance that the project provide the high-quality urban spaces called for in the Comprehensive Plan for community mixed-use projects and transit-oriented developments and for the development to have as strong a "front door" along Nelson Road to the extent possible to prevent the project from be isolated from the rest of the City.

### **RECOMMENDATION**

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment 3390, rezoning 4021 Grand Crossing Road from PUD-GDP to Amended PUD-GDP, to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the zoning text be revised per Planning Division approval as follows:
  - a.) the list of uses shall be revised to note multi-family residential uses as shown on approved specific implementation plans and accessory uses related thereto;
  - b.) signage shall be limited to the maximum permitted in the C2 district as approved by the Urban Design Commission and Zoning Administrator;
  - c.) the family definition shall be revised to follow the R4 family definition.
3. That the amended general development plan be revised per Planning Division approval to include a detailed site plan that clearly identifies each building proposed in the project by either a letter or number that corresponds to a table to be included in both the plan and the final letter of intent, which specifies the minimum and maximum square footage of all building footprints and the minimum and maximum possible gross floor areas and heights of each building. The table shall also identify the general use of each proposed building (retail, office, entertainment, residential, etc.) and include a summary of all square footages proposed. [Note: The Planning Division strongly encourages the inclusion of residential dwelling units on upper floors of the "main street" mixed-use buildings.]

4. That the community separation greenspace outlot (Outlot 1, Morgan Plat) be rezoned to PUD-SIP with the first specific implementation plan submitted under the amended general development plan. The SIP for the greenspace outlot shall include the following:
  - a.) a plan to govern the ongoing maintenance of the outlot by its property owner for approval by the Planning Division, Parks Division and City Engineering Division;
  - b.) plans for the final removal of any remaining private structures and improvements on this outlot, including a reuse & recycling plan to be approved by the Recycling Coordinator if determined to be need by the Planning Division.

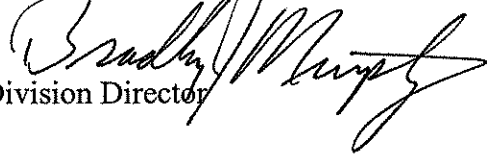


Department of Planning & Community & Economic Development  
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**TO:** Urban Design Commission

**FROM:** Bradley J. Murphy, Planning Division Director 

**DATE:** October 14, 2008

**SUBJECT:** Planning Division Comments on Marcus Theatre's Planned Unit Development

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Prior to the Plan Commission's consideration of Marcus Theatre Corporation's proposed Planned Unit Development for 4021 Grand Crossing Road, Planning Division staff will prepare a detailed report on the project. Although a complete evaluation has not yet been completed, staff wanted to share some preliminary comments with the Urban Design Commission.

1. While the proposal represents a departure from the original adopted PUD for this site, the proposed amendment maintains many positive aspects of the original PUD. The strength of the proposal is the maintenance of the main street leading from Felland Road and terminating at the Marcus Theatre building. The inclusion of mixed-use multi-story buildings along the main street with the incorporation of a plaza midway along the street are very much in keeping with the original development concept.
2. Staff supports the location of the Marcus Theatre building as proposed and recognize that the theatre complex will be one of the main anchors for this development. The location of the theatre should enhance the viability of retail stores along main street. The revised plans have adjusted the orientation of the Marcus Theatre building by moving it closer to the main street and reducing the size of the parking areas in front of the building. This will allow the public spaces along the front of the building to be enhanced with attractive connections to the main street.
3. In order to address the western portion of the site plan, staff have recommended that Marcus prepare a build-out concept plan that includes the potential locations for additional mixed-use buildings, additional vertical development on the site, as well as structured parking to support this additional building square footage. While the incorporation of structured parking may not be feasible in the initial build-out phases of the project, staff believe it is important to demonstrate how the site can further intensify and urbanize when it is feasible.
4. Staff recognize that currently there is a significant amount of land available for office development and retail development located in close proximity to this site. The presence of the High Crossing Office Park, the American Center Office Park and the Sun Prairie Commercial power center, which already includes General Development Plan approvals for over 1.5 million square feet of retail development, may limit the ability to attract business users that could initially afford to build structured parking when so much land exists in close proximity where structured parking is not an expectation or requirement.

5. Staff have reviewed the project against the standards for the approval of large format retail development. Staff believe that the proposal is consistent with the site plan standards included in the ordinance related to building placement, parking placement, etc.
6. While the original PUD incorporated many attractive design principles, it unfortunately was prepared without the commitment of any businesses which would actually occupy the retail spaces being proposed. After seven years of marketing the concept, and given the existence of 1.5 million square feet of approved retail development one mile to the east in the city of Sun Prairie, staff welcome the Marcus Theatre proposal as an opportunity to work with a company that is prepared to actually carry-out the plan that is ultimately approved. It is worth noting that this project will also open up Marcus Theatres East Gate Cinema site for redevelopment.
7. With the addition of a longer-term build-out concept plan that demonstrates how structured parking and the intensification of the site can be accomplished over time, staff believe that this development proposal will fit in well with the adjoining residential uses to the east and represents an attractive development proposal given the presence of the BFI landfill to the north, the limited access Highway 151 freeway to the west, and the highway commercial uses along High Crossing Boulevard to the south.

c: Mark A. Olinger, Director, Department of Planning & Community & Economic Development  
Bill Fruhling, Principal Planner  
Al Martin, Planner III, Secretary, Urban Design Commission  
Mario Mendoza, Mayor's Office  
Hank Gempeler, Foley & Lardner, 150 E. Gilman St., Madison, WI 53703

## AGENDA # 5

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: October 15, 2008
TITLE: 4021 Grand Crossing Road – Amended PUD-GDP for Retail, Mixed-Use, Large Retail and Office, and a Multiple Venue Movie Theater Complex. 17 <sup>th</sup> Ald. Dist. (10258)	REFERRED: REREFERRED: REPORTED BACK:
AUTHOR: Alan J. Martin, Secretary	ADOPTED: POF:
DATED: October 15, 2008	ID NUMBER:

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Members present were: Lou Host-Jablonski, Chair; Bruce Woods, Jay Ferm, John Harrington, Ron Luskin, Marsha Rummel, Dawn Weber, Richard Slayton and Richard Wagner.

### SUMMARY:

At its meeting of October 15, 2008, the Urban Design Commission **GRANTED FINAL APPROVAL** of an Amended PUD-GDP located at 4021 Grand Crossing Road. Appearing on behalf of the project were Christopher Thiel, representing SAA Architects; and Katie Falvey and Att. Henry Gempeler, representing Marcus Corporation, with Ald. Joe Clausius speaking in support. Revisions to the project as presented were also noted within a cover letter within the application packet dated October 9, 2008. The presentation paralleled much of the information contained within the letter as follows:

- The orientation of the Marcus building has been tilted southerly with parking downsized and adjusted to include hybrid parking and handicapped accessible parking with more screening at the front with the building closer in proximity to the Main Street with an extended porte cochere.
- The density of the size of the two outlying westerly commercial buildings (Buildings A and B) have been modified to reflect the possible location of parking structures. Two additional buildings have been added on the westerly rim of the circular plaza feature, in addition to the one previously proposed.
- Opportunities for structured parking will be provided between the two existing westerly retail pads under the commercial buildings or closer to the entertainment facility as densities and economics dictate for future phasing and development.
- The parking to the north of the theater building provides primarily for employee parking and overflow parking for the theater.
- The request to move retail pads closer was not done, it interferes with the site lines to the theater and smaller retail.
- Consideration for parking structures follows future phasing at appropriate higher densities will follow.
- The realignment and adjustment of the location of the theater with extended porte cochere provides for protection from northwesterly winds.
- The request to consider squeezing an additional building in between the main street and the theater was not done due to adjustments with the orientation of the theater.
- Provisions for hybrid and handicapped accessible parking.

- Landscaping and other improvements.
- A request to reconsider the internal layout of the theater was not changed due to the efficiency of the theater complex as already designed.

The applicants and staff noted an evaluation of the project by Brad Murphy, Planning Division Director that contained preliminary comments on the project. Both the applicants and the Commission noted its value in providing input in consideration of the idea.

Following the presentation Ald. Clausius spoke in support of the project noting the preliminary approval with conditions warranted. Following the presentation the Commission noted the following:

- Done a lot in response but question if additional stories instead of spreading out of theater was considered. The applicant noted multiple stories was more costly and effect accessibility.
- Like strength of connection of theater to the main street.
- Need to consider TDM program and measures for employees to provide alternatives to parking and auto-oriented design; need a strong effort as required according to the (big box) standards.
- Involved and supported original vision for an alternative approach with original project.
- All of Phase I involves a large parking field and theater, would like circular plaza to be part of Phase I to create something special.
- Like east's linear corridor. The radial pattern on the remainder limits ability to develop in a more pedestrian friendly manner. Question the long-term viability of the outer reaches of the development plan.
- Building cuts site off from the dominant greenspace in area and needs to be more integrated with the main street.
- Not confirmed that a parking structure could not be supported with initial phases.
- Not convinced about paving over northerly area behind the theater.
- Need more canopy tree plantings in the radial parking lot areas as well as behind mixed-use buildings, extend sidewalks along radial spokes.
- Parking needs large canopy trees and islands; especially major shade trees.
- Critical to have a strong pedestrian link to main street; needs work.
- No loss of previous project concern with development along main street not happening. The first phase should include circular plaza and several buildings along the northerly rim of the plaza.

Continued discussion by the Commission noted that final approval of the project could be granted with conditions beyond the applicant's request for initial approval.

**ACTION:**

On a motion by Slayton, seconded by Rummel, the Urban Design Commission **GRANTED FINAL APPROVAL**. The motion was passed on a vote of (9-0). The motion required address of the following with consideration of the first phase SIP:

- Provide for additional canopy tree plantings in radial parking lot areas as well as behind the mixed-use building, including extending sidewalks fully along the radial spokes. Provide for large canopy trees in islands, especially major shade trees. All landscaping shall emphasize the use of native plantings.
- The surfaced parking area along the backside of the theater shall incorporate the use of porous pavement.



- Consideration options for the development of structured parking shall be further detailed including address of TDM measures.
- Consideration of the first phase SIP shall address the development of the circular plaza feature.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 5, 5, 5, 5.5, 6, 6, 6 and 7.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 4021 Grand Crossing Road

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
<b>Member Ratings</b>	-	-	-	-	-	-	-	5.5
	-	-	-	-	-	-	-	5
	6	-	-	-	-	6	7	6
	5	-	5	-	-	4.5	5	5
	5	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	6
	8	-	6	-	-	8	-	7
	-	-	-	-	-	-	-	6
	5	-	-	-	-	6	5	5

General Comments:

- Applicant has demonstrated dogged refusal to consider positive suggestions.
- East of theater consider future pedestrian path to greenspace.
- Plan revisions greatly improve design. Nice main street adaptation.
- Nice main street, but theatre building site cuts off adjacent greenspace.
- Improved with entry changes, circle of retail around plaza. Inclusion of plaza into Phase I is essential for success of new vision for site. Appreciate seeing parking structure placeholder.

## AGENDA # 8

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION	<b>PRESENTED:</b> September 24, 2008
TITLE: 4021 Grand Crossing Road – Amended PUD-GDP for Retail, Large Retail, Office and Movie Theater. 17 <sup>th</sup> Ald. Dist. (10258)	<b>REFERRED:</b> <b>REREFERRED:</b> <b>REPORTED BACK:</b>
AUTHOR: William A. Fruhling, Acting Secretary	<b>ADOPTED:</b> <b>POF:</b>
DATED: September 24, 2008	<b>ID NUMBER:</b>

---

Members present were: Lou Host-Jablonski; Chair, Todd Barnett, Richard Slayton, Ald. Marsha Rummel, Ron Luskin, Dawn Weber, Bruce Woods, and John Harrington.

### SUMMARY:

At its meeting of September 24, 2008, the Urban Design Commission **REFERRED** a request for an amended PUD-GDP for retail, large retail, office and movie theater located at 4021 Grand Crossing Road. Appearing on behalf of the project were Henry Gempeler, Katie Falvey, Michael Cummings, Christopher Thiel, and Jeff Tomachek. Falvey stated that they are proposing to construct a facility with 16 movie screens, a bowling alley and a restaurant to serve as an anchor for the project. They are also proposing to construct the internal street system, including the loop street. Cummings reviewed the design for the theater facility and concepts for the “Main Street” buildings. He explained that locating the theater at the end of the street will draw people through that space and make it attractive for retail development. Gempeler noted that the “Main Street” buildings will be built out as the market demands. Thiel described the plaza area design, stating that it could host public activities such as a farmer’s market, performances, or art fairs. He also stated that a stormwater management system will be incorporated throughout the site and that LEED certification will be sought for the theater.

The Commission’s discussion focused on the following items:

- The amount of surface parking and the possibility of incorporating parking structures now or in the future. It was suggested that a potential future phasing plan could be created to reflect the ultimate potential build-out of the site.
- The location and orientation of buildings on the site (including the placement of parking areas) and whether their relationships would create an engaging environment that would encourage people to walk from building to building.

Ald. Joe Clausius registered in support, noting that he has heard overwhelming support from neighborhoods in the area and from the East Side Business Association.

**ACTION:**

On a motion by Barnett, seconded by Rummel, the Urban Design Commission **REFERRED** a request for an amended PUD-GDP for retail, large retail, office and movie theater located at 4021 Grand Crossing Road, requesting that the applicants address the following:

1. Locating the theater so that it is the hub of the overall development (it was noted that this could possibly be achieved in a linear fashion);
2. Rethinking the size and location of the parking lot behind the theater;
3. Pulling the two proposed larger retail stores closer to the center of the site;
4. Exploring a placeholder for a future parking structure (topography should also be considered);
5. Considering the orientation/design of the theater building in relation to the northwest winter winds;
6. Exploring placing a building, instead of the small parking lot, in front of the theater;
7. Enhancing the active spaces along the front of the theater.

The motion was passed on a vote of (5-3) with Slayton, Host-Jablonski and Luskin voting no.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 3, 5, 5, 6, 7, 8 and 9/7.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 4021 Grand Crossing Road

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	5	-	5	-	-	5	6	6
	-	-	-	-	-	-	-	7
	5	5	5	-	-	6	6	5
	5	-	-	-	-	5	-	-
	-	7	-	-	-	-	2	3
	7	6	7	8	-	7	7	9*/7
	7	7	6	-	-	7	6	8
	-	-	-	-	-	-	-	5

General Comments:

- Lots of potential, but not quite there.
- Interesting pedestrian main street concept with activity in contrast to existing east side site. Comments were in support of that exciting goal.
- Too much parking.
- Sorry, but this is just not good urban design. It is a small suburban mall with a “lifestyle” strip next to it. It is a drive-to destination, not the neighborhood center that was originally approved.
- \*On saving the tree. Isolated doesn’t mean affording poor design. “Kalwall” windows at bowling alley. Two sided buildings around plaza. Architecture fine. Not an issue of parking count specifically, but placement of buildings.
- Not even a good example of suburban retail center hoping you will create a great place.



Department of Public Works  
**City Engineering Division**

608 266 4751

Larry D. Nelson, P.E.  
City Engineer

City-County Building, Room 115  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703  
608 264 9275 FAX  
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**Principal Engineers**  
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Gregory T. Fries, P.E.

**Facilities & Sustainability**  
Jeanne E. Hoffman, Manager  
James C. Whitney, A.I.A.

**Operations Manager**  
Kathleen M. Cryan

**Hydrogeologist**  
Joseph L. DeMorett, P.G.

**GIS Manager**  
David A. Davis, R.L.S.

**Financial Officer**  
Steven B. Danner-Rivers

DATE: November 3, 2008

TO: Plan Commission

FROM: Larry D. Nelson, P.E. City Engineer

SUBJECT: 4021 Grand Crossing Road Rezoning

The City Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Several public easement conveyances to the City of Madison (ped-bike, sanitary, water) may be required for this development. If Bartell Limited Partnership desires to sell property to Marcus Theatre for their portion of the site, a Certified Survey Map (CSM) would be the optimum vehicle to resolve both the land division and easement conveyance issues. If a CSM is not desired by the applicant, numerous City of Madison Real Estate projects will have to be opened to convey the necessary easements and all related Real Estate fees shall be paid by the owner/applicant.
2. Informational comment: When this project moves forward to final plan approval, the applicant shall coordinate addresses and private street names with Engineering. In accordance with 10.34 MGO – STREET NUMBERS: Submit a PDF of all building floor plans, tenant spaces, etc. to Engineering Mapping Lori Zenchenko ([Lzenchenko@cityofmadison.com](mailto:Lzenchenko@cityofmadison.com)) so that a preliminary interior addressing plan can be developed. 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.
3. Revise the site plan to correctly identify the existing public and private street names, including but not limited to: Felland Road, Grand Crossing Road, Morgan Way, Joe Pie Lane (PVT), Cap Lily Lane (PVT) and Currant Lane (PVT).
4. Parking lot encroachments shown within the Grand Crossing Road public right-of-way near the intersection with Norman Way shall be removed. Phasing plan, utility plan, fire protection plan, and grading/erosion control plans shall be revised to remove parking lot encroachment in the Grand Crossing right-of-way.
5. The legal description provided on the cover sheet of the plan set shall be revised to represent the overall site limits, or be labeled as simply a partial area description of the overall site for rezone intentions, whichever is the intended purpose of the same.
6. Define any proposed storm and sanitary sewer as public or private. If public, a Developer agreement is required prior to approval. If private, an ownership and maintenance agreement is required prior to approval.
7. The applicant shall dedicate a pedestrian/bike path easement and construct the path from Felland

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Road where the existing path ends northwesterly to the existing trail along USH 151 as required by the City Engineer and the City Traffic Engineer.

9. The City's sanitary lift station at Nelson Road has a limited remaining capacity. Developer's engineer will be required to submit sanitary flow calculations to determine how many phases of this development are accepted at this time. The City has plans to install a relief sanitary sewer on Felland Road to eliminate this lift station and flow restrictions to potential developments in this area. There are City sewer area fees due for this development (Nelson Road Lift Station and Felland Road Impact Fee) with the amounts due depended on the phasing of the development.

## GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

### Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 4021 Grand Crossing Road Rezoning

#### General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant 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. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 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.
- 1.6 Submit a PDF of all floor plans to Lori Zenchenko [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. 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.
- 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.
- 1.8 The Developer is required to pay Impact Fees for this development. The Developer shall indicate the method of payment as provided below:
- 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
  - 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 receive the invoices to pay the outstanding impact fees at the time of permit issuance. 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 transmitted to Janet Dailey by e-mail at [jdailey@cityofmadison.com](mailto:jdailey@cityofmadison.com), or on a CD to:

Janet Dailey

- 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.

The Developer shall put the following note on the face of the plat:

**LOTS / BUILDINGS WITHIN THIS SUBDIVISION / DEVELOPMENT ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.**

**Right of Way / Easements**

- 2.1 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_.
- 2.2 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping \_\_\_\_\_ feet wide along \_\_\_\_\_.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement \_\_\_\_\_ feet wide from \_\_\_\_\_ to \_\_\_\_\_.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from \_\_\_\_\_ to \_\_\_\_\_.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
  - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
  - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
  - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
  - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified



Survey Map or Subdivision Plat is/are subject to the following conditions:

- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
- b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.  
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

- 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
  - b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
  - e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

**Streets and Sidewalks**

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] \_\_\_\_\_ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along Nelson Road.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along \_\_\_\_\_. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] \_\_\_\_\_ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along \_\_\_\_\_ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.8 The Applicant shall make improvements to \_\_\_\_\_ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) \_\_\_\_\_.
- 3.9 The Applicant shall make improvements to Nelson Road as required by the City Engineer and Traffic Engineer.

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~~The improvements shall consist of \_\_\_\_\_~~

- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 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.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.18. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816.

#### Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 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.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.8 If 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 Co Register of Deeds.
- 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
  - Detain the 2 & 10-year storm events.
  - Detain the 2, 10, & 100-year storm events.
  - Control 40% TSS (20 micron particle) off of new paved surfaces

- Control 80% TSS (5 micron particle) off of new paved surfaces
- Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
- Provide substantial thermal control.
- Provide oil & grease control from the first 1/2" of runoff from parking areas.
- 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.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

- 4.10 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) All Underlying Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words "unplatted"
  - h) Lot/Plat dimensions
  - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.

- 4.13 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) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. 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.

- 4.14 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.
 

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.
  - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
- 4.15 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...
  - d) Sediment loading calculations

2

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.

- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

#### Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall be satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

#### Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 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.



## Traffic Engineering and Parking Divisions

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

Suite 100  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2986  
Madison, Wisconsin 53701-2986  
PH 608 266 4761  
TTY 866-704-2315  
FAX 608 267 1158

November 7, 2008

TO: Plan Commission

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

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

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The GDP is subject to previous, major conditions of approval as approved by:
  - a) the Amendment to the Nelson Neighborhood Development (Resolution from 2001 attached). In particular the Resolution's last clause states that the amendment to the Plan shall not take effect until all of the conditions of approval placed on the concurrent rezoning are met; and
  - b) the original GDP (City Approval Letter dated July 23, 2001 attached). In particular conditions #37 through #47 of the City Approval Letter of July 23, 2001 shall remain in force with the subject GDP.
2. The applicant shall contact the Department of Planning and Development to comply with M.G. O. Sec. 16.23(3)(d)--Highway Noise Land Use Provisions policies and ordinances. The applicant has modified the site plans as approved using the buildings as the noise barrier in the approved model. The Department of Planning and Development will need to determine if the applicant will be resubmit model to comply with M.G.O. Sec. 16.23(3)(d)--Highway Noise Land Use Provisions.
3. The development shall acknowledge their proportionate share of traffic signal assessments. The development shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.
4. The applicant shall be responsible for securing all proper permits and approvals from any municipality or government unit having jurisdiction with the project. In particular, the applicant shall contact Lisa Stern, Wisconsin Department of Transportation (608-246-5635), with site plans sets for review and approval. The

applicant shall return a set of site plans or letter with WDOT-approved copies to the City of Madison Traffic Engineering Division.

#### PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

5. The applicant shall revise the site plan according to the plat restriction. "Lots 1, 2, & 3 shall provide a 20 ft wide Bike/Ped easement, the location of which is to be determined by the City." The applicant shall note the existing graded bike/ped to Nelson Road as approved.
6. Prior to approval, the applicant shall prepare and provide a master ped-bike plan for all the plat that is consistent with the City's area wide plans and the plat's specific provisions, to be reviewed and approved by the Traffic Engineer. The applicant may need to modify the site to accommodate the ped-bike plan.

#### GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

7. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
8. All special design "Street Type Entrance" with a radius of twenty-five (25) feet at the right-of-way shall require 1" – 20' detail drawing for Stop bars, Cross Walks, Lane Line, and Bike Lakes to be approved by the Traffic Engineer. In addition, a note shall be shown on the plan, "ALL PAVEMENT MARKING SHALL BE INSTALLED IN EPOXY AND MAINTIAN BY THE PROPERTY OWNER."
9. The applicant shall install private street name and other signs that comply with Madison General ordinances 10.34(3). The applicant shall show detail drawing of signs and installation that comply with M.G.O. Sign Installation. Street name signs shall be installed five (5) feet behind the property line on private property on the right hand side of the private street approach to the public street. Signs may be mounted on wood posts, drive posts or on two (2) inch (I.D.) steel pipe mounted on a concrete stub buried in the ground. At all private-public street intersections, the property owner shall install and maintain a regulation stop sign (minimum 24" x 24") and a "Private Drive" sign (minimum 18" x 18") mounted on the street name sign post seven (7) feet above ground (measured to the bottom of the sign). Street name signs shall be mounted no less than nine (9) feet, nor more than ten (10) feet above ground (measured to the bottom of the sign). The applicant shall submit site plans for all the PUD (SIP) installing "Stop" and Private Street Name signs to be include in the PUD (GDP) plan.
10. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway approaches and private streets. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan. The signage and marking plan shall be approved by City Traffic Engineering.

11. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
12. The applicant shall design the proposed surface or underground parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas.
13. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
14. 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 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

DCD: DJM: dm

2001 NELSON NOP AMENDMENT  
FOR "THE CROSSING"

TE

AGENDA # \_\_\_\_\_

Copy Mailed to Alderperson \_\_\_\_\_

City of Madison, Wisconsin

A RESOLUTION \_\_\_\_\_

Amending the Nelson Neighborhood Development Plan, an element of the City of Madison Master Plan, to revise the land use recommendation for approximately forty-seven acres located north of Nelson Road.

Drafted By: Michael Waidelich, Principal Planner

Date: March 27, 2001

Fiscal Note: City costs associated with the development and provision of urban services to serve the proposed development will need to be included in future Operating and Capital Budgets. One of the consequences of the proposed Plan amendment will be to allow land uses which generate more traffic than otherwise would have been generated under the existing plan. This additional traffic will result in existing nearby roadways, intersections, and interchanges reaching capacity more quickly than otherwise would have occurred. The additional cost to make additional improvements to these roadways, intersections, and interchanges to relieve future congestion resulting, in part, from this development proposal is not known at this time. Planning and Development Department staff and Traffic Engineering staff have recommended that any land use approvals based on this Plan amendment require the developers to commit to cover their proportional share of these future off-site road improvements, when they become necessary prematurely partially as a result of this development.

PRESENTED April 3, 2001  
REFERRED Plan Commission

REREFERRED May 15, 2001  
REPORTED BACK \_\_\_\_\_

ADOPTED \_\_\_\_\_ POF \_\_\_\_\_  
RULES SUSPENDED \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_

APPROVAL OF FISCAL NOTE IS NEEDED  
BY THE COMPTROLLER'S OFFICE  
Approved By \_\_\_\_\_  
Comptroller's Office

RESOLUTION NUMBER \_\_\_\_\_  
ID NUMBER 29302

Sponsors: Aids. Judy Compton and Roberta Kiesow (request of the Plan Commission)

WHEREAS the Nelson Neighborhood Development Plan, an element of the Land Use Plan and the Master Plan of the City of Madison was adopted by the Madison City Plan Commission on March 2, 1992 and by the Madison Common Council on March 17, 1992; and

WHEREAS the Nelson Neighborhood Development Plan recommends that lands located north of Nelson Road comprising approximately sixty-one acres be developed with distribution and light manufacturing uses; and

WHEREAS an amendment to the Nelson Neighborhood Development Plan has been proposed to change the land use recommendation for an approximately forty-seven acre portion of the lands located north of Nelson Road to retail/service and residential uses to allow the future development of these lands as a retail, entertainment, office, and residential community; and



WHEREAS the general design and operational characteristics of the specific proposed commercial and residential center known as The Crossing that may be developed within the forty-seven acre site in the event that the neighborhood development plan is amended to support the retail/service and residential uses are available for review and evaluation through a concurrent application for Planned Unit Development District zoning; and

WHEREAS the Planning Unit and the Traffic Engineering Division have prepared analyses of the proposed amendment to the Nelson Neighborhood Development Plan, including an evaluation of the specific proposed development in the amendment area; and

WHEREAS information regarding the proposed amendment to the Nelson Neighborhood Development Plan has been provided to surrounding residents and property owners and a public hearing has been held on the proposed amendment; and

WHEREAS the proposed amendment to the Nelson Neighborhood Development Plan has also been considered by the Long-Range Transportation Planning Commission and the Pedestrian/Bicycle/Motor Vehicle Commission, and their comments and recommendations on the amendment have been provided to the Plan Commission and Common Council;

NOW THEREFORE BE IT RESOLVED that the Nelson Neighborhood Development Plan is hereby amended to incorporate revised land use recommendations for approximately forty-seven acres located north of Nelson Road as presented in the attached map and narrative; and

BE IT FURTHER RESOLVED that this amendment is approved to allow the specific type of development concurrently proposed as a Planned Unit Development known as The Crossing, and is not a recommendation to support general regional retail development within the amendment area; and

BE IT FURTHER RESOLVED that this amendment is not intended to encourage or support further large-scale, region-serving or highway-oriented development on other commercial development lands in the Nelson Neighborhood or in the Rattman Neighborhood beyond what is currently recommended in the adopted neighborhood development plans for these areas; and

BE IT FURTHER RESOLVED that it is the intention of the Plan Commission and Common Council in adopting this amendment to the Nelson Neighborhood Development Plan that appropriate conditions of approval be placed upon the concurrent Planned Unit Development known as The Crossing to ensure that the project developed within the amendment area incorporates all of the essential design attributes, amenities, and functional characteristics, including maximum potential vehicle trips generated, presented in the materials submitted with the application for Planned Unit Development District zoning; and

BE IT FURTHER RESOLVED that it is the intention of the Plan Commission and Common Council in adopting this amendment to the Nelson Neighborhood Development plan that appropriate conditions of approval be placed upon the concurrent Planned Unit Development known as The Crossing to ensure that the development will address and mitigate to the extent possible the impacts, and particularly the transportation impacts, of the development, as recommended by City agencies and commissions; and

BE IT FURTHER RESOLVED that the amendment to the Nelson Neighborhood Development Plan made by this resolution shall not take effect until all of the conditions of approval that may be placed on the concurrent Planned Unit Development known as The Crossing are met and all reviewing agencies have signed-off.

## Amendment to the Nelson Neighborhood Development Plan

Adopted July 17, 2001

*This amendment to the Nelson Neighborhood Development Plan is adopted to revise the land use recommendations for approximately forty-seven acres located north of Nelson Road and east of U. S. Highway 151.*

In the section of the plan titled "Recommended Land Use" add the following paragraphs to the narrative for Commercial Uses:

A 30-acre site north of Nelson Road is designated for retail and service uses to provide a location for a planned commercial development that will include retail and entertainment uses totaling about 225,000 square feet, office uses totaling about 20,000 square feet, and a small hotel of about 72,000 square feet. About one-half of the proposed retail uses will be located along a pedestrian-oriented "main street" designed to incorporate many of the characteristics of older neighborhood business streets. Up to 68 dwelling units are also proposed above the retail shops along the "main street."

The type of development proposed is anticipated to serve as an activity center for the adjacent neighborhood residential areas, as well as a destination site serving larger regional markets. The project will be developed under Planned Unit Development zoning to ensure that the special mix of uses, design qualities and amenity features that led to the determination that the location would be acceptable for this mixed-use development will be implemented.

In the section of the plan titled "Recommended Land Use" add the following paragraph to the narrative for Residential Uses:

A residential use area of about 17 acres is designated north of Nelson Road, just east of the "main street" portion of the proposed retail/service district, which will be developed as part of the same integrated commercial-residential project. A variety of medium-density housing is proposed, including apartments and townhouses, at an average density between 16 and 25 units per acre. Apartment units are also proposed above the "main street" shops in the commercial portion of the project. Together, it is anticipated that the mixed-use development on "main street" and the residential development could provide a total of approximately 380 housing units.

In the section of the plan titled "Recommended Land Use" replace the narrative for Distribution/Manufacturing/Service Uses with the following paragraph:

About 14 acres located north of Nelson Road are designated for distribution, manufacturing and related activities. These uses are recommended to provide development sites for additional types of businesses that cannot be accommodated in the exclusive office and retail districts located nearby, and to provide additional employment opportunities within the neighborhood. Future developments on this site will need to be carefully designed to ensure compatibility with the residential uses proposed on lands adjacent to the west.



2001 APPROVAL LETTER FOR  
"THE CROSSING" PUD-GDP AND  
MORGAN PRELIMINARY PLAT

Department of Planning & Development  
Planning Unit

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, WI 53701-2985  
TDD (608) 266-4747  
FAX (608) 267-8739  
PH (608) 266-4635

July 23, 2001

Michael Christopher  
DeWitt, Ross & Stevens  
2 East Main Street, Suite 600  
Madison, WI 53703-2865

SUBJECT: 5702 - 5802 Nelson Road - PUD/GDP, 1 and Morgan Preliminary Plat Application  
- "The Crossing"

Dear Mr. Christopher:

The Common Council, at its July 17 2001 meeting, conditionally approved your application for rezoning from A Agriculture and C3 to M1 and PUD (GDP) and the revised preliminary plat known as the "Morgan Plat" for property located at 5702 - 5802 Nelson Road. The Common Council also approved a land use map amendment for this property at the July 17 2001 meeting.

This is a comprehensive approval letter that covers the zoning map amendments I.D. 29788 and 29789 and the preliminary plat known as "Morgan Plat". Prior to any development occurring on this site, a final plat, Certified Survey Map and a Planned Unit Development - Specific Implementation Plan (PUD-SIP) shall be reviewed, approved and recorded.

The conditions of approval are:

Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following items:

The City Engineering Division has the following comments on 5702 Nelson Road (The Crossing) Planned Unit Development:

1. The applicant 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.
2. The applicant shall satisfy the requirements of the plat.
3. 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.

4. This site is greater than five (5) acres, 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) 266-7078 to discuss this requirement.
5. This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
6. Prior to recording, this plat shall comply with Chapter 37 of the Madison General Ordinances regarding onsite detention. Contact Greg Fries at 267-1199 to discuss this requirement.
7. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
8. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
9. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
10. The GDP/SIP will have to be phased such that development does not exceed available sewer capacity. A deed restriction approved by the City Engineer shall be recorded against all platted lots, acknowledging limited sewer capacity available. Full development may be delayed several years.

The City Engineering Division has the following comments on the Morgan Plat (Revised Preliminary):

11. The Developer shall enter into a City/Developer agreement for the improvements required for this plat/csm. 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 plat/csm without the agreement executed by the developer.
12. 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.
13. The applicant shall confirm that Cross Hill Drive in this plat is intended to match up with Cross Hill Drive south of Nelson Road.
14. The Developer shall petition for the street vacation of Daniel Morgan Avenue/Paul Revere Drive and provide a legal description and sketch of the right-of-way to be vacated after consultation with the City Engineer. Note: WDOT must authorize the City to vacate.
15. The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.

16. The Developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of Nelson Road in accordance with Section 66.60(18) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to all lots abutting Nelson Road.
17. Developer shall make improvements to Nelson Road to facilitate ingress and egress to the plat/csm as required by the City Engineer and City Traffic Engineer.
18. The Developer shall confirm that adequate sight distance exists on Nelson Road where public streets intersect. If adequate sight distance does not exist, the Developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
19. A Street and B Street shall be private streets. Cross Hill Drive north of Felland Road shall be private street. The loop streets formed by Cross Hill Drive and Felland Road shall remain public.
20. The City Engineer may require the dedication of additional right-of-way upon determination of the final roadway configuration required on Nelson Road, Cross Hill Drive and Felland Road.
21. The Developer shall dedicate a bike/pedestrian path easement along Nelson Road and USH 151 as required by the City Engineer and City Traffic Engineer.
22. 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.
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. 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.
25. Prior to recording, this plat/csm shall comply with Chapter 37 of the Madison General Ordinances regarding onsite detention. Contact Greg Fries at 267-1199 to discuss this requirement.
  26. This site is greater than five (5) acres, 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) 266-7078 to discuss this requirement.
  27. Prior to approval, the City Engineer shall review and approve a storm water management plan for this plat. Additionally, Dane County Regional Planning shall review the same plan for compliance with their requirements regarding stormwater quality.
  28. All outstanding Madison Metropolitan Sewerage District (MMSD) sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
  29. All City of Madison sanitary sewer connection charges for the Nelson Road Sewer District are due and payable prior to recording the plat.
  30. The applicant shall convey an additional 10-foot easement street along the westerly, northerly and easterly boundaries of the existing lift station easement for a total easement size of 40-feet by 50-feet.
  31. The plat shall be revised to show the existing 20-foot public sanitary sewer easements to the east and west of the sanitary sewer lift station at 5950 Nelson Road (Document No. 2890681 and 2984295).
  32. The City's sanitary lift station at Nelson Road does not have sufficient capacity to serve full development of the plat. Development of the plat shall be phased such that development does not exceed the available sanitary sewer capacity, as determined by the City Engineer. No development shall be approved by the City at the Specific Implementation Plan (SIP) stage without a determination by the City Engineering Division that adequate sanitary sewer capacity exists for any proposed phase of development. A minor upgrade in capacity at the lift station may be feasible by modification of the existing pumping equipment and the relay of 290 feet of sanitary sewer on High Crossing Boulevard. All costs of any such minor upgrade improvements shall be the responsibility of the developer/applicant. On the face of the plat, the following statement shall be included: "This plat is subject to the GDP conditions of approval adopted by the Common Council on July 17, 2001, as recorded in the Office of the Dane County Register of Deeds on [month and day], 2001, as Document No. [ ] including, but not limited to the condition that, no development shall be approved by the City at the Specific Implementation Plan (SIP) stage without a determination by the City Engineering Division that adequate sanitary sewer capacity exists for any proposed phase of development."

33. 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.**
34. 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.
35. 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.

36. 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 John Leach, City Traffic Engineering, at 266-4761 if you have questions regarding the following thirty-four items:**

**PBVMC Report.** As noted in their July 3, 2000 report, the PBVMC approved the 6/8/00 TE staff report for forwarding to the Plan Commission with the following additional points of emphasis (No. 37 and 38 below).

37. The proposal's transportation impacts may provide grounds for rejection because it represents a significant departure from the neighborhood plan. It would add significantly (4-15%) to traffic volumes [in total 10,200 more trips per day than planned (now revised to approx. 9,800 vpd more)] and would lead to earlier peak-hour highway facility failures than otherwise projected for the plan. In at least three cases Level of Service (LOS) drops to D and E levels.
38. If the proposal is approved, the Plan Commission needs to:
- a. Revisit the neighborhood development plan. The PBMVC does not wish to start a "domino" process that unravels the entire logic of how land use in the neighborhood plan impacts the plan's transportation provisions. Also, some components of the plan no longer fit as efficiently as before from a transportation viewpoint, including pedestrian access from the residential areas to the Bartell "neighborhood" retail center;
  - b. Impose the following additional conditions [to the 6/8/00 staff report]:
    - Pedestrian and bicycle accommodations must occur at the same time as roadway construction;
    - Financial assistance for transit must be committed for an appropriate time as the neighborhood plan is fulfilled;
    - Strict adherence in the proposal implementation to the final design and proposed uses;
    - Proportional commitment to highway improvements when they become necessary prematurely as a result of the proposal.
39. **Potential Incremental Cost Sharing.** As part of the discussion with the Long Range Transportation Planning Commission (LRTPC) and the Common Council, staff developed the following modification to one of the conditions of approval originating from the PBMVC shown as the last bullet above. The condition of approval originating from the PBMVC that states "The development shall be responsible for its proportional commitment to highway improvements when they become necessary prematurely as a result of the development proposal and land use plan change request," shall be modified to the effect of the following: "The Developer shall be responsible for his proportionate share of the costs for incremental transportation and street infrastructure improvements precipitated by the proposed land use plan amendment and development (here known as "The Crossing"). Incremental transportation and street infrastructure improvements are those improvements considered above and beyond improvements now built, sized, and/or planned based upon the City's adopted Master Plan and which includes neighborhood development plan(s). The incremental cost(s) shall be allocated on a proportional basis to those developer(s)/property owner(s) who have precipitated the need for incremental or additional transportation and street infrastructure improvements through their Land Use Plan amendment.
- "Incremental improvements are considered those improvements over and above the transportation and street infrastructure built and planned prior to July 17, 2001. The developer acknowledges that the traffic generated from the proposed development exceeds the traffic anticipated from the adopted neighborhood development plan in existence prior to July 17, 2001 (Council adoption date)."



**Staff Findings and Recommendations.** [The following comments are staff recommended conditions approved by the PBVMC as part of their July 3, 2000 report to the Plan Commission.]

40. The land use change/development shall be constrained and/or scaled to a trip generation of 14,200 trips per day—the level noted in the developer's original traffic impact study.
41. The concepts, the size, amount and mix of uses, buildings and retail space shall remain the same or close to that proposed and represented in the development plan drawings. This shall include the pedestrian-bicycle and transit oriented provisions proposed and represented by the development and its plans and drawings, such as the ped-bike overpass.
42. The Plan Commission shall carefully review and approve future land use proposals and potential changes so as not to create a domino effect of changes to higher trip generation land uses.
43. To provide multi-modal linkages to the development, the developer shall be responsible for the dedication and construction of a pedestrian-bicycle overpass from the proposed development at the Nelson Road-Cross Hill Drive (in lieu of High Crossing Blvd and Nelson Road) or other location acceptable to the Traffic Engineer, including right-of-way and acceptance from affected property. Any other alternative arrangement shall not "jump" or usurp funding for other nearby planned pedestrian-bicycle projects. The actual construction of the pedestrian-bicycle overpass shall be completed by no later than the last phase of the Bartell development. It is noted that the development proposed/represented such a pedestrian-bicycle overpass in its plans. There is concern that not providing such a pedestrian-bicycle overpass raises questions as to whether the proposed development and request for land use plan change is adequate in terms of pedestrian-bicycle accommodations.
44. As raised in the June 2000 report to provide multi-modal linkages to development, the Plan Commission should consider a special arrangement by the developer and/or surrounding uses, such as a business improvement district (BID), to provide for limited but tailored transit service to the area. This could involve the subject Bartell development, High Crossing area, East Towne area, and the American Center. Currently there is limited to no public transit service to this area. Not providing or having some level of transit service to the area raises questions as to whether the proposed development and request for land use plan change is adequate in terms of transit accommodations. Traffic Engineering staff recommends further input from the developer and Madison Metro transit on this issue.
45. The roughly \$4.3M High Crossing interchange special assessment district adopted in 1997 did not include the subject property in its boundaries, but this shall be revised to include the land use change and reflect information regarding the developer traffic impact study indications that the proposed land uses may generate about 25% of traffic from this direction.
46. As noted under comment 8 of the Traffic Engineering staff June 8, 2000, report, and consistent with the developer TIS and City policy and practice, the developer shall be responsible for the following improvements (a-k) to accommodate, mitigate and provide for the impacts, needs and services of the proposed development. The final designs shall be determined per the plans and specifications of the City Engineer and City Traffic Engineer. Any right-of-way needed on the subject property for the improvements shall be the responsibility of the developer.

- a) Nelson Road shall be constructed to at least a four lane divided street with bicycle lanes facility from High Crossing Boulevard through Daniel Morgan with transitions to Felland Road.
- b) Construction of a new signalized intersection at the intersection of Nelson Road and Cross Hill Drive/Daniel Morgan Road with interconnection to the High Crossing Boulevard signal.
- c) The intersection of Daniel Morgan Road should be widened and constructed with a double left turn lane on the west leg, a separate right-turn on the east leg, and a left through and right-turn lane on the north leg. The west leg left turn should be a minimal of 200 ft. in length; the north leg right turn lane should be 175 ft. in length.
- d) A right turn in and out only driveway shall be constructed between Daniel Morgan and High Crossing Boulevard, unless otherwise determined by the City Traffic Engineer.
- e) The present and future lane requirements and turn lane storage length needs at the High Crossing and Nelson Road intersection shall be evaluated more thoroughly; in particular the eastbound right turn lane storage, the westbound left turn lane storage and a new northbound right turn lane improvements at the existing intersections needs further investigation. Additional right of way may be required
- f) A third lane for right turns should be constructed on the north side of Nelson Road between the High Crossing Boulevard westbound double right turn lane and the right-turn only outlet from the development.
- g) Felland Road/Nelson Road intersection should be widened to accommodate a left turn lane on the west leg, the north leg of Felland should be designed to accommodate a left turn and a combined right through movement.
- h) Additional right-of-way shall be reserved (12 ft. on each side) along Nelson Road to provide a 90-ft. right-of-way east of Daniel Morgan to allow the widening of Nelson Road to Felland Road in the future.
- i) Construction of a 10 ft.-12 ft. wide off-street pedestrian bike path along the north side of Nelson Road from High Crossing Boulevard and future pedestrian-bicycle path along USH 151 to the development limits near Felland Road.
- j) Construction of transit stop pull outs on either or both sides of Nelson Road in the vicinity of the development, including potential bus shelter and sidewalk amenities leading to and from the development. Final design review and approval shall include Madison Metro.
- k) Construction of a 10 ft. off-street pedestrian-bike path along the USH 151 corridor abutting the west side of the development. This off-street pedestrian-bike path shall be constructed from High Crossing Boulevard to a logical eastern limit of the development. Construction and financing off-road pedestrian-bicycle path shall be the responsibility of the developer with review and approvals and potential cost sharing with WisDOT. **The City shall not be responsible for this.**

47. The developer shall enter into a developer agreement with the City to provide for all the transportation infrastructure-related items, including those noted above.

More Detailed Comments on the rezoning to PUD/GDP/Plat

The following items are additional comments which pertain specifically to the rezoning to PUD/GDP/plat.

48. The applicant shall contact the Department of Planning and Development to comply with M.G. O. Sec. 16.23(3)(d)--Highway Noise Land Use Provisions policies and ordinances.
49. The applicant shall note on the face of the plat the following: "*Lots P-1 & P3 shall comply with M.G.O. Sec. 16.23(3)(d)-- Highway Noise Land Use Provisions policies and ordinances.*"
50. The applicant shall execute and return the attached declaration of conditions and covenants for street lights and traffic signals prior to sign off.
51. There will be access restrictions for Morgan Plat for development of this final plat and shall be noted on the face of the plat as follows:
  - "No Access" shall be granted along the easterly right-of-way line of U.S.H. 151.
52. The applicant shall dedicate a one-hundred (100) foot by one-hundred (100) foot public ped/bike easement pad on Nelson Rd. at Cross Hill Drive or other location and size acceptable to the Traffic Engineer. The exact requirements shall be reviewed and approved by the City Traffic Engineer.
53. The plat shall dedicate a twenty (20) foot wide public ped/bike easement through lot P-1 and Outlot I to accommodate the USH 151 ped/bike pathway. The final aspects of the ped-bike easement(s), including installation, maintenance and liability shall be reviewed and approved by the Traffic Engineer.
54. All access points and landscaping placed in the right-of-way shall require approval from the State of Wisconsin Department of Transportation, (WDOT). The applicant will be required to submit letters of approval from the WDOT. The applicant and City Traffic Engineer staff will work with WDOT for approval of access on Nelson Road.
55. Because the number of parking stalls proposed is over 1,000, the applicant is advised of the Wisconsin Administrative Code NR 406 requirements as they pertain to parking lot size and air quality. The applicant should contact the Wisconsin Department of Natural Resources, John Roth, Air Quality Analyst (267-0805). A letter from the DNR should be provided to City Traffic Engineering demonstrating that the Indirect Source Permit was issued or exempted.
56. The Common Council's adopted resolution shall be revised such that the development and parcel(s) is subject to special assessments for the High Crossing Boulevard Interchange Improvement District.
57. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions of radii, islands, aisles, driveways, private streets, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
58. The applicant shall provide scaled drawing at 1" = 100' or larger on one contiguous plan sheet showing all the PUD (GDP) facility's access, proposed buildings, layouts of parking lots, loading areas, trees, signs, semitrailer and vehicle movements, ingress/egress easements and approaches.
59. The main driveway approaches shall be further reviewed and approved by the City Traffic Engineer. All lane lines, channelizing lines, crosswalks and stop bars on-site and off-site

- shall be installed in epoxy as determined by the City Traffic Engineer. The applicant and Traffic Engineering staff will need to work on the final design of on-site circulation, pavement marking, signage and intersections design prior to sign off on the GDP.
60. The final right of way of the streets and intersections may need to be modified after review and approval by the City Traffic Engineer.
  61. Traffic Engineering staff may require that the developer pay a deposit for installation of a conduit(s) as determined by the Traffic Engineer per driveway when they submit plans for approval.
  62. All existing driveway approaches which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
  63. The applicant shall modify and show the dimensions for the proposed parking stalls' items A, B, C, D, E, F and O degree angle parking with nine (9) foot wide stalls and minimum drive aisles, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. (If two (2) feet of overhang are used for a vehicle, it shall be shown on the plan.)
  64. The applicant shall install private street name and other signs that comply with Madison General ordinances 10.34(3). The applicant shall show detail drawing of signs and installation that comply with M.G.O.
  65. The applicant shall provide 1"=20' detail drawings of the approaches and pavement markings.
  66. The bike parking facilities shall be located in a safe and convenient location in each piazza as determined by the City Traffic Engineer. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving and be shown as a detail on the plan. The Traffic Engineer shall approve and determine the locations of bike racks.
  67. The applicant shall install eight (8) ft. bike paths connecting to the bike path along U.S. Hwy 151 to Sun Prairie to the westerly side of the facility. The Traffic Engineer shall approve and determine the locations of the bike path connections. The developer shall provide a 15-20 foot wide public pedestrian-bicycle easement for the internal path shown running along the main Cross Hill Drive entrance road, extending from Nelson Road to the USH 151 ped-bike path on the eastern edge of the site. The applicant may need to modify the site to accommodate the subject easements. The applicant shall be required to make modifications to the site and development for bike easements, paths, and Nelson Road overpass easements/linkages as determined by the City Traffic Engineer. This may be a private easement that provides for public pedestrian and bicycle use. The developer shall be responsible for the ongoing construction and maintenance of the path. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate staff to administer this easement. Applicable fees shall apply.
  69. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
  70. The Traffic Engineer may have additional comments and/or requirements upon review of the final building plans and site plans. This proposed project shall comply with all applicable Madison General ordinances and policies.

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

71. The M1 lands shall use M1 uses "permitted" and "conditional" per the Madison General Ordinances. If the applicant wishes to vary from these ordinances, the properties can be deed restricted but Zoning will not enforce those deed restrictions. If they rezone to PUD it will be code that Zoning can enforce.

72. Chapter 28 of the Madison General Ordinances states that C1 permitted and conditional uses are allowed in the C2 district as either permitted or conditional.

In the subject zoning text "B", referring to C1 uses is not needed. The text shall clearly list those uses that are either permitted or list uses that are not permitted but don't mix them within the same list.

73. Address the use of Outlot 1 in the Zoning Text.

74. The parking field shall be a paved, striped and landscaped parking lot per 28.11 (3)(h)2.a.

**Please contact Michael Waidelich of the Planning Unit staff at 266-4635 if you have questions regarding the following items:**

75. The Specific Implementation Plan shall substantially reflect the types and arrangement of uses, sizes of individual uses, variety of housing types, site design, orientation and general architectural character of buildings, extensive pedestrian and bicycle facilities, open space and other amenities and features described in the Letter of Intent, Project Narrative and other materials submitted with the application.

76. The Zoning Text for the General Development Plan shall be revised to clarify the uses that will be allowed on each of the lots within the project. As submitted, the text is not internally consistent and, in some cases, the allowed uses do not appear to be consistent with the intent of the project.

- The allowed uses intended for each lot shall be specifically listed in the GDP Zoning Text, rather than by reference to the uses allowed in Districts defined by the City Zoning Code. All of the uses intended to be allowed on the parcel shall be included in the listing, even if they are also described in an introductory narrative for that lot.
- The allowed commercial uses on Parcels 1, 2, 3, and 4 shall be limited to uses and activities that would be consistent with the special type of mixed-use commercial development described in Project Narrative and the other materials submitted with the GDP. It would be expected that this more focused list would be significantly less extensive than the list of uses allowed in the C2 General Commercial District, for example.
- Residential uses shall be allowed uses on Parcels 3, 5 and 7, but not on Parcels 1, 2, or 4, consistent with the narrative for this project.
- If there are particular non-residential or residential uses that the Plan Commission wants included as allowed uses on one or more lots, they should specify these uses as a condition of approval. This will provide guidance to the Planning Unit staff in their review of the revised GDP zoning text.

- Since the Outlot adjacent to USH 151 is included in the GDP, and will remain in private ownership, the zoning text shall cover that lot also. The definition of allowed open space uses shall be approved by the Parks Division staff.
- The revised zoning text shall be reviewed and approved by Planning Unit staff prior to recording in the General Development Plan.

77. The site and building plans for development of individual lots within the M1 District shall seek to maintain an attractive terminal view looking northward along Felland Road, and an appropriate entryway to the residential and commercial areas that will also have access via this roadway. Landscaping shall be provided along all street frontages. These conditions can be implemented through the proposed Architectural Review Committee.

**Please contact Bob Gutzman, staff to the Urban Design Commission, at 266-4635 if you have questions regarding the following two items:**

78. The rear of the small retail buildings facing the residential development to the east needs to be sensitively designed and screening provided for the loading dock area.
79. The Urban Design Commission noted that the revised site plan, which incorporates small retail spaces for street vendors, provides an attractive transition and enhances the pedestrian experience. The parking lots are small in comparison to typical shopping center developments.

**Please contact the Madison Water Utility at 266-4651 if you have questions regarding the following item:**

- 80: All public water mains and water service laterals shall be installed by private contract, except water mains on High Crossing Boulevard and Nelson Road may be installed by Standard City of Madison Assessment Reimbursement Contract. The owner shall dedicate minimum 20' public water main easements over all water mains not installed in the public right-of-way.

The Water Utility will not need to sign off on the final plans, nor need a copy of the approved plans.

**Please contact Si Widstrand, City Parks Division, at 266-4711 if you have questions regarding the following four items:**

81. On the adopted Neighborhood Plan, this area is shown entirely as non-residential. Therefore, there is no neighborhood park planned for the site. The density and layout of the site does not lend itself to creating and maintaining a typical 5-acre recreational park. This lack of recreation space makes it essential to require the private development and maintenance of the basketball court, green, and open space as the developers have proposed on their plan. Outlot 1, the highway buffer, shall not be accepted as park dedication. Consistent with how it was done north of the highway, it shall be landscaped as part of this development and ownership and maintenance shall be assigned to one or more of the lot owners in the plat.
82. Park Development Fees and fees in lieu of dedication will be required from the proposed plat, and will be used to provide larger open space facilities in other parks that serve the area. The closest public park is Patriot Park, a half-mile to the south, half of which (5.4 acres) has been dedicated. It is also very important that the other half of Patriot Park be dedicated as shown on the adopted neighborhood plan.



## Metro Transit System

1245 East Washington Avenue  
Suite 201  
Madison, Wisconsin, 53703  
Administrative Office: 608 266 4904  
Fax: 608 267 8778 [www.mymetrobus.com](http://www.mymetrobus.com)



November 3, 2008

TO: Plan Commission  
FROM: Timothy Sobota, Transit Planner, Metro Transit  
SUBJECT: 4021 Grand Crossing Road – Rezoning– “Marcus Crossing”

Metro Transit has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The proposed development site is outside Metro Transit's current service area for both fixed route and paratransit buses. In addition, due to the location of phase one development at the rear of the property, pedestrian access across any undeveloped portions of phase two and three of the site could be impassable coming from the nearest bus stop on High Crossing Boulevard south of Nelson Road – at City View Drive.
2. Due to the nature of mixed use commercial developments and movie theaters generating a higher than average transit service demand, particularly from paratransit-eligible riders who in some cases do not have other transportation options, Metro Transit expresses some concern about the proposed development being approved before new operational funds are identified for extension of transit service to this property.
3. The developer shall provide a direct path of accessible pedestrian access from the intersection of High Crossing Boulevard and Nelson Road to the entrance of the proposed theater. Such access would require improvements in the portion of the site identified as phase two.
4. The developer shall install and maintain a concrete pad, passenger waiting shelter with bench, and trash receptacle for a possible future bus stop location on the south side of Felland Road, east of Crossing Place (adjacent proposed phase two parking area). These improvements shall be completed as part of phase one development, and may also require the relocation of the proposed driveway access to the adjacent parking area.
5. The developer shall install and maintain a bus pull-out lane, concrete pad, passenger waiting shelter with bench, and trash receptacle for a possible future bus stop location on the north side of Nelson Road, east of Crossing Place (adjacent phase two retail). These improvements shall be completed as part of phase one development, and could involve modifications to the Nelson Road right-of-way.
6. The developer shall include the design and locations of the proposed transit elements on the final documents filed with their permit application so that Metro Transit may review and approve the design.

### GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

7. The proposed movie theater site would be just over  $\frac{3}{4}$  of a mile from the nearest fixed route bus stop providing all day transit service. Approximately a  $\frac{1}{4}$  mile of this distance would be across the parking fields in the southwest corner of the site.

November 3, 2008

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8. Metro Transit's paratransit service boundary is dictated as the parcels within  $\frac{3}{4}$  miles of a transit route service providing all day service. As stated above, the distance from the theater site to such a fixed route bus is just over  $\frac{3}{4}$  of a mile. Metro Transit does not have any current funding source to pay for the extension of transit service, or associated paratransit services.

Please contact Tim Sobota, Metro Transit at 261-4289  
or by email at <tsobota@cityofmadison.com>  
if you have questions regarding the above items.



A handwritten signature in black ink, appearing to read 'Tim Sobota', written over a horizontal line.

Digitally signed  
by Tim Sobota  
Date: 2008.11.03  
15:38:40 -06'00'

CC: Project contact person, Chris Thiel: <cthiel@saa-madison.com>



**CITY OF MADISON  
MADISON WATER UTILITY  
119 East Olin Avenue  
266-4651**

**MEMORANDUM**

**Date:** October 7, 2008

**To:** The Plan Commission  
**From:** Dennis M. Cawley, Engineer 4 - Water Utility  
**Subject:** REZONING – 4021 Grand Crossing Road

Madison Water Utility has reviewed this rezoning and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS**

None

**GENERAL OR STANDARD REVIEW COMMENTS**

All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

This property is not in a Wellhead Protection District.

All looped water mains shall be public water mains installed under standard City of Madison subdivision contract. A minimum 20 ft. wide public water main easement shall be dedicated over these water mains.

The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

Dennis M. Cawley

**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date:** November 17, 2008

**To:** Planning Commission  
**From:** Patrick Anderson, Assistant Zoning Administrator  
**Subject:** 4021 Grand Crossing Rd

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**Present Zoning District:** PUD(GDP)

**Proposed Use:** A planned mixed-use development phase 1 includeing a 95,000 sq. ft. entertainment facility with potential future retail, office, commercial and residential uses.

**Requested Zoning District:** Amended PUD(GDP)

1. The PUD(GDP) zoning text shall include a legal description of the Phase I portion of the project. The suggested zoning text refers to an exhibit A. Provide an exhibit A. The statistics of the Text shall be consistent with the plans and letter of intent.
2. Amend the Family Definition in the zoning text, item J. to read: The family definition shall coincide with the definition given in Chapter 28.03 (2) of the Madison General Ordinances.
3. Provide 72 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
4. Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect.) Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.)
5. On the Commercial portion of the site, lighting is not required. However, if it is provided, it must comply with the attached ordinance. Lighting will be limited to .10 watts per square foot. If lighting will be provided, plans will be required.

