

ADDENDUM

PLANNING DIVISION REPORT DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT

November 3, 2008

RE: I.D. # 11614 Zoning Map Amendment I.D. 3382 To Rezone – 5555 High Crossing Boulevard from C2 (General Commercial District) to C3 (Highway Commercial District)

1. Requested Actions: Approval to rezone the subject property from C2 (General Commercial District) to C3 (Highway Commercial District) to allow for the construction of an auto dealership and approval of an amendment to the Nelson Neighborhood Development Plan (Legistar File Number 11792)
2. Applicable Regulations: Section 28.12 (10) provides the process for zoning map amendments.
3. Report Prepared By: Kevin Firchow, AICP, Planner

PREVIOUS ACTION

The Plan Commission recommended referral of this item at its September 15, 2008 meeting to the meeting of November 3, 2008. As part of the referral, staff was requested to work with the district alderperson to re-notice occupants and property owners in the surrounding neighborhood on this proposal prior to its return before the Plan Commission.

Additionally, the project was referred for the applicant to provide the following:

1. Clarification on whether the proposed High Crossing Boulevard access would be allowed under the existing access easement agreement with the adjacent property owner.
2. Clarification on the status of the proposed secondary Nelson Road access, under review by the Wisconsin Department of Transportation.
3. Information addressing stormwater runoff concerns raised by an adjacent property owner.
4. Additional information on landscaping and screening.

NEIGHBORHOOD NOTICE

At the request of the Plan Commission, staff worked with Alderperson Clausius to identify an expanded notice area. This expanded area included previously noticed properties within 200 feet of the subject property as well as the property owners and occupants along Cross Hill Drive, Congress Avenue, Promontory Place, and City View Drive (see attached map). This included the Patriot Hill Condominiums and the Lexington Ridge Apartment developments.

Staff provided the supplemental notice during the week of October 20, in the timeline notice is customarily provided. Staff have since learned that the addresses on file for officials from the

Patriot Hill Condominium Association and Lexington Ridge Apartments were not current and the original notice mailed in September 2008 was never circulated to residents. The subsequent, larger mailing that went out to residents the week of October 20 was not received in time for a larger neighborhood meeting to be organized.

Responding to a request from the Patriot Hill Condominium Association, Alderperson Clausius has requested the Plan Commission consider referral to allow additional time for a formal neighborhood meeting. Staff note that the High Crossing Neighborhood Association did not hold a formal meeting on this proposal.

Staff note that in addition to the request for the referral, a letter of support for the project was submitted by T.Wall Properties and included in the Plan Commission packet.

ANALYSIS AND CONCLUSION

The applicant has provided supplemental information to address the items requested in the referral. However, at the time of this report writing, not all of the requested information had been provided to staff. The status of individual items is noted below.

Clarification on High Crossing Boulevard Access

The Plan Commission and staff previously requested confirmation on the status of cross-access agreements with the adjacent property (3601 Cross Hill Drive). Planning staff has met with representatives for the adjacent property and they have stated the applicant's revised plans are consistent with the terms of the cross-access easement, although they have concerns with the proposed driveway design. Staff recommend that the applicant provide a copy of the recorded agreement, as previously requested. City Traffic Engineering has also raised concerns with the driveway's revised design, specifically noting the grade is too steep to provide access to the adjacent property. Traffic Engineering recommends the applicant submit revised plans including cross sections and grading information showing that access can be accommodated as a condition of approval. More information is provided in the Traffic Engineer's report.

Clarification on the Nelson Road Access

The applicant's attorney has provided a copy of an email indicating the Wisconsin DOT does not object to the proposed right-in / right-out access on Nelson Drive. Traffic Engineering has noted the specific design standards that would apply to this driveway.

Stormwater Runoff

The applicant was previously directed by the Plan Commission to provide further information addressing concerns raised by an adjacent landowner on stormwater runoff. The applicant's attorney has indicated that soil borings have been performed and that analysis is underway. At

the time of report writing only raw data was available. The accompanying report and conclusions are forthcoming. While this information could potentially be reviewed and approved as a condition of approval, staff believe that the potential referral would provide time for City Engineering staff to review and provide comments on the document, prior to the Plan Commission making its recommendation.

Landscaping and Screening

The applicant has revised the landscaping and screening plans to address conditions in the September 15, 2008 Planning Division Report. In that report, staff noted the importance of adequate screening along the southern property boundary to screen the service functions at the rear of the building. Future uses adjacent to the property are unknown at this time, but high-quality office-type uses, more compatible with adjacent residential developments, are recommended. The revised plans provide additional screening and plantings along the south property boundary including multiple deciduous trees (including hybrid maples, linden, and honey locust), evergreen juniper shrubs, and other deciduous shrubs and perennials. A previously recommended condition requesting details of the retaining wall and its spatial relationship to these perimeter plantings has not been submitted and will need to be reviewed prior to final plan sign-off.

The revised plans include additional landscape islands along the front row of parking, although it is not indicated how they will be treated.

Building Facade Changes

Staff previously requested that the applicant revise building elevations to reduce the amount of EIFS, specifically requesting that an alternative durable material be used along the building's base. The new building plans show two courses of concrete masonry units (CMUs) along the base of the High Crossing Boulevard and Nelson Road elevations, with additional courses of CMUs added to the rear elevations. Staff believe that the revised elevations meet the previously stated condition.

Zimbrick / Honda Legal Challenge

Staff is aware of a pending legal challenge between the Zimbrick auto dealership and the Honda Motor Company as to whether the proposed dealership meets the state's minimum distance requirements between auto dealerships of the same brand. This was reported in The Capital Times on October 15, 2008. The applicant is not directly involved in this challenge. Planning staff does not know the specific timeline in which this issue could be resolved, however, the applicant's attorney estimated that it could be several months. The applicant's attorney has previously noted that he believes the proposed site meets the distance requirement.

A relevant consideration for the Plan Commission would be the impacts of rezoning the property to the less restrictive C3-Highway Commercial District, if it is later determined by the courts that this dealership cannot be located at the proposed site. Planning staff discussed this situation with the Assistant City Attorney and are of the opinion that the Plan Commission could act on this proposal at this time. If the Plan Commission were to recommend approval the rezoning, the Plan Commission could require a deed restriction. Such a restriction could effectively "ensure" that a rezoning to C3 would limit permitted uses to the approved project. A similar approach was used for the C3 zoning map amendment at the Lancaster property at 5401/5425 High Crossing Boulevard in 2005.

Conclusion

The applicant has provided much of the supplemental information requested by the Plan Commission. However, at the time of report writing, information regarding stormwater requested by the Plan Commission has yet not been provided. Planning Division staff has been in contact with the applicant's attorney and understands this information is being completed. At this time, staff would not have sufficient time to review and provide comments before the November 3 meeting.

Staff has provided a supplemental notice to an expanded area of residents and occupants, many of which were beyond the area noticed for the initial Public Hearing. Upon receiving the supplementary notice, representatives from the Patriot Hill Condominium Association have requested additional time to allow for a formal neighborhood meeting and Alder Clausius has requested that the Commission consider such a referral. At the time of writing, the applicant was aware of the neighbors desire for referral, and was considering whether or not to formally request a referral.

Considering the missing stormwater information and the alderperson's request for referral, staff believe that this project should be referred by the Plan Commission for consideration at a future meeting date.

RECOMMENDATION

The Planning Division recommends the Plan Commission recommend **referral** of Zoning Map Amendment 3382, rezoning 5555 High Crossing Boulevard from C2 (General Commercial District) to C3 (Highway Commercial District), to the Common Council to allow time for the applicant to submit previously requested supplemental information and also allow time for a neighborhood meeting to be held. The Planning Division also recommends that the Commission **refer** the corresponding "Amendment to the Nelson Neighborhood Development Plan" (Legistar File Number 11792).

City of Madison
INTER-DEPARTMENTAL
Correspondence

DATE: September 11, 2008
TO: Madison Plan Commission
FROM: Michael Waidelich, Principal Planner
SUBJECT: Proposed Amendment to the *Nelson Neighborhood Development Plan*

One of the items on the September 15, 2008 Plan Commission agenda is consideration of a resolution amending the *Nelson Neighborhood Development Plan* to revise the land use recommendation for an area located south of the Nelson Road/High Crossing Boulevard intersection. This amendment has been prepared for consideration concurrently with a proposed ordinance amendment to rezone the parcel immediately south of Nelson Road from the C2 General Commercial District to the C3 Highway Commercial District to allow a Honda automobile dealership to be developed on that site. The proposed automobile dealership use would not be consistent with the current Office/Service land use recommendation for this property, and if the rezoning to allow the dealership is approved, a corresponding amendment to the neighborhood development plan would be required to maintain plan consistency. The proposed plan amendment would also revise the recommended alignment of future streets and street extensions to properly align with streets that have already been built. This memorandum provides additional information about the proposed neighborhood plan amendment.

Change to Recommend Land Uses

Background

When the *Nelson Neighborhood Development Plan* was adopted in 1992, the neighborhood was largely undeveloped, except for scattered uses and a concentration of primarily automobile-oriented businesses located between High Crossing Boulevard (previously called Burke Towne Drive) and East Washington Avenue (USH 151). These businesses, including several large automobile dealerships, were already established at the time this area was annexed from the Town of Burke in 1991. Lands on the south side of High Crossing Boulevard were undeveloped at that time.

The *Nelson Neighborhood Development Plan* recommended additional commercial and retail uses along most of both frontages of High Crossing Boulevard, but specifically recommended that future development on the south side not include large-scale or region-serving retail uses, but encouraged a step-down to less automobile-oriented uses that would support other planned neighborhood components---such as provision of goods and services valued by office workers or area residents. Office uses were recommended for the western part of the neighborhood adjacent to Interstate Highway 39-90-94, and also for an approximately 16-acre area located south of the new American Parkway interchange and High Crossing Boulevard. This area, located between Nelson Road and Cross Hill Drive, was seen as most appropriate for office-type uses that would be more compatible with the prominent "gateway to the neighborhood" location and the planned residential uses south and east of Cross Hill Drive.

As noted in the preamble to the plan amendment resolution, the recommended neighborhood- and employee-serving development has not occurred along the south side of High Crossing Boulevard, and this frontage has been primarily developed instead with a variety of highway-oriented uses. A 2005 amendment to the *Nelson Neighborhood Development Plan* removed the recommendation that highway-oriented uses not be located in the Retail/Service designated area, but retained the recommendation against large-scale region-serving retail development.

A 2001 neighborhood plan amendment changed the land use recommendation for lands north of Nelson Road from Distribution/Manufacturing to a combination of Retail/Service, Residential, and Distribution/Manufacturing to accommodate a proposed mixed-use development known as The Crossing. General Development Plan zoning for The Crossing was approved, but none of the retail or mixed-use elements, and only a small portion of the residential component, of that project has been developed at this time. There have been recent staff discussions with the Marcus Corporation, which is developing a plan to develop this property with a multiplex theatre and a mix of other retail and residential uses. This proposal will require changes to the approved general development plan.

Current Proposed Plan Amendment

The proposed amendment to the *Nelson Neighborhood Development Plan* currently being considered would change the land use recommendation for part of the area between Nelson Road and Cross Hill Drive from Office/Service to Retail/Service. As noted above, this amendment was prepared for concurrent consideration in the event that the Plan Commission recommends approval of the rezoning to allow a Honda automobile dealership on the property just south of Nelson Road. The proposed amendment would change the land use recommendation only for the parcel that is the site of the proposed automobile dealership, and a portion of the adjacent parcel to the south that has High Crossing Boulevard frontage. These lands are currently zoned C2 Commercial. The balance of the lands between Nelson Road and Cross Hill Drive would remain recommended for Office/Service land uses. These lands are currently zoned A Agriculture. In evaluating the proposed plan amendment, issues to consider include the potential effect of the proposed change on:

- the objective of establishing an attractive use at the gateway to the neighborhood
- the future development of the adjacent properties, and
- the compatibility of developments north of Cross Hill Drive with existing and planned residential areas located south and east of Cross Hill Drive.

Gateway Location

Staff continue to believe that, in general, the types of developments that would be consistent with an Office/Service land use recommendation may have a greater potential to create an attractive and engaging gateway to the neighborhood and the High Crossing Boulevard business district than the types of developments consistent with a Retail/Service recommendation (which now also acknowledges automobile- and highway-oriented uses as part of the mix). As a general case, uses such as a corporate office, a hotel, or a bank, for example, might reasonably be assumed to be more likely to feature larger buildings, higher-quality architecture, and more landscaping and amenities than most highway-oriented retail uses.

However, there is no guarantee that the Office/Service uses actually proposed here would necessarily

be attractive or high-quality, or that retail uses would not be. In the 16 years since the *Nelson Neighborhood Plan* was first adopted, several concepts for development of this and the adjacent parcel with uses that could be considered consistent with the Office/Service land use recommendation have been informally discussed, but none of these ideas has advanced to the level of a formal proposal, for one reason or another. The present proposal for a Honda automobile dealership is not an Office/Service use, but the proposed development does include a large main building with relatively attractive design for its purpose---although the development also exhibits the extensive surface parking and storage lots, relatively modest landscaping, and high level of site illumination typically associated with large automobile sales and service facilities.

There is already another automobile dealership opposite the site adjacent to Nelson Road on the north side of High Crossing Boulevard, and development trends along High Crossing generally would suggest that the demand for automobile- and highway-oriented sites is stronger than for most other types of commercial uses in this area---at least at the present time. Given the reality of how the area has been developing, and the absence of alternative proposals, it is reasonable to consider whether the current proposal may be an acceptable development on this parcel, compared to continuing to have a vacant property at the entry to the neighborhood.

Future Development of Adjacent Properties

The Office/Service use area where the plan amendment is proposed is comprised of three separate ownership parcels that were (or will be) separated from larger properties by the realignment of Nelson Road which occurred as part of the construction of the new American Parkway/USH 151 interchange, the subsequent vacation of the former Nelson Road right-of-way, and the extension of Cross Hill Drive south of High Crossing Boulevard. The two westernmost lots created as a consequence of these road alignments have awkward configurations and very limited access to the primary fronting streets, High Crossing Boulevard and Nelson Road. While the topography of the site creates additional challenges, staff have always believed that a better project could be developed on these two parcels if the lots were combined as a single development site (which would allow a fairly significant structure to be built closer to the High Crossing/Nelson Road corner), or at least if an overall site plan was in place to coordinate the development of the two lots separately. As noted above, however, none of the several development concepts that have been discussed over the years, some of which assumed coordinated development, have come to fruition.

The proposed automobile dealership would effectively preclude future consideration of developing a single project that would encompass both properties. Except for the proposed shared access drive onto Nelson Road (which reflects the limited access to these parcels), the development of the northern parcel will establish a hard edge along the southern property line which will include maintaining a significant grade difference between the two parcels through construction of retaining walls. As a consequence the southern property will have only limited visibility and (shared) access to High Crossing Boulevard, and no visibility or access to Nelson Road. This will necessarily shift larger-scale development farther east on the property and might encourage prospective developers to consider establishing Cross Hill Drive as the primary access point. For some types of Office/Service uses with limited traffic generation, this would not be a problem, but as described further below, the eastern portions of this parcel will be opposite existing and planned residential areas, and Cross Hill Drive is not intended as primarily a commercial-oriented street.

Otherwise, the difference in site elevation (the southern parcel being higher) and landscaping along the southern edge of the automobile dealership should create a fairly effective visual screening for future uses developed on the adjacent property.

Compatibility of Future Development North of Cross Hill Drive with Adjacent Residential Uses

As noted above, the Office/Service land use recommendation for the area between Nelson Road and Cross Hill Drive was partially based on the goal of establishing uses here that would be compatible with the existing and proposed residential areas located south and east of Cross Hill Drive. It was recognized that due to the unusual configuration of the parcels, Cross Hill Drive might need to help provide access to future uses along the north frontage, but it was not intended that Cross Hill become characterized as a "commercial" street, except at the western end near High Crossing Boulevard. While not specified in any detail in the neighborhood plan, an underlying assumption was that more-intensive uses would be located toward High Crossing, with relatively low-traffic, low-impact uses, such as smaller offices, located farther east. The proposed neighborhood plan amendment reemphasizes this distinction by changing only the High Crossing Boulevard frontage of the southern parcel from Office/Service to Retail/Service. The amendment recognizes that if the plan is amended to support the proposed Honda vehicle dealership, also allowing general retail uses on the remaining short segment of High Crossing frontage is only reasonable. However, there is no reason to expand the potential retail district eastward along Cross Hill Drive toward the residential areas.

The proposed Honda dealership on the parcel immediately south of Nelson Road should have little if any direct impact on the residential areas south of Cross Hill Drive. However, it is not unlikely that a change to the *Nelson Neighborhood Development Plan* land use recommendation for that property to Retail/Service might be cited by a prospective developer at some future time as a reason to also consider retail uses appropriate on other lands north of Cross Hill Drive. Staff believe that the current Office/Service recommendation continues to be appropriate for these lands, and would not support retail development here. The potential that a future developer might seek to claim the current proposed neighborhood plan amendment, if approved, as a relevant precedent for further changes to the plan is not necessarily a reason not to approve the present amendment; but the Plan Commission should be aware that this claim may be made, and may wish to clarify that the amendment is not intended to imply that additional future expansions to the Retail/Service area will be supported.

Staff would also note that if it continues to prove difficult to develop the properties north of Cross Hill Drive with the types of Office/Service uses that would be compatible with the adjacent residential neighborhood, it might be worth considering the possibility of re-designating a portion of this area to also allow some types of residential uses. This alternative seems at least as likely to have the potential to create an environment compatible with residential uses south and east of Cross Hill Drive as many types of commercial development. This is not being proposed at this time, however.

Proposed Changes to Future Street Alignments

The proposed amendment the *Nelson Neighborhood Development Plan* would also revise the recommended alignments of the future eastward extension of Cross Hill Drive and the planned future north-south street through the neighborhood east of existing Congress Avenue. The alignments illustrated in the current neighborhood plan show Cross Hill Drive looping northward to connect with Nelson Road; and the future north-south street has a T-intersection with Cross Hill Drive. This

alignment was designed to have Cross Hill Drive intersect Nelson Road directly opposite the intersection of Nelson Road with an existing street named Degenhardt Road. Degenhardt Road was built by the Wisconsin Department of Transportation to provide access to the Degenhardt property north of Nelson Road when its access to USH 151 was eliminated as part of the American Parkway interchange project.

In 2001, major changes in the proposed land uses north of Nelson Road were approved as part of the commercial/mixed-use/residential project known as The Crossing. The Morgan Plat approved in conjunction with that project substantially reconfigured the street alignments north of Nelson Road to better-serve the proposed development. Degenhardt Road was vacated, and primary access into the commercial/mixed-use portion of the development was provided by a new public street, Crossing Place, which intersects with Nelson Road farther to the west than the former Degenhardt intersection.

The proposed neighborhood plan amendment would revise the recommended alignments of future neighborhood streets so that the new north-south street intersects Nelson Road opposite Crossing Place, and Cross Hill Drive has a T-intersection with the new north-south street. Please note that the alignments are still somewhat conceptual, and may be revised as part of future detailed engineering when these streets are actually constructed.



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
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dalley, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
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: October 28, 2008

TO: Plan Commission

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

SUBJECT: 5555 High Crossing Boulevard Rezoning - Revised

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. Any damage to pavement will require restoration in accordance with the City's Patching Criteria.
2. Submit soil borings with proposed storm water management plan. It appears that proposed basin may encounter bedrock.
3. The public sidewalk installation shall require significant grading and retaining walls.
4. Sanitary lateral cleanouts need to be added to bends.
5. Label sanitary 6" force main on Nelson Road.
6. Outstanding City of Madison deferred sewer assessments are due upon approval.
7. Applicant shall provide soil boring report for review.

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: 5555 High Crossing Boulevard 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 location, 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 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 be transmitted to Janet Dailey by e-mail at jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

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.

- ☐ 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:
- 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.
 - 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.)
 - 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.
 - 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.
 - 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:
- 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.
 - 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.)
 - 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.
 - 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.
 - 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:
- 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.
 - 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.)
 - 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.
 - 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:
- 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.
 - 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.)
 - 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.
 - 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.
 - 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]

- ☒ 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along High Crossing Boulevard and 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 _____. 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 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 izenchenko@cityofmadison.com . Include the site address in the

subject line of 'transmittal. Any changes or additions to the location of a 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 dedicate 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

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 City Engineer's inspection of the plugging by City staff; and (2). \$900. 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

September 4, 2008

Revised September 9, 2008

Revised October 23, 2008

TO: Plan Commission

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

SUBJECT: **5555 High Crossing Blvd – Rezoning – C2 to C3 Wilde Honda Dealership**

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 site plan shall be revised to dedicate the future roadway extension of Crossing Place as shown in the proposed amendment to the Nelson Neighborhood Development Plan. The final right of way shall be reviewed and approved by the Traffic Engineer.
2. If the automobile laundry has some type of indoor drying equipment, the exit door shall be forty (40) feet beyond the dryers. However, the Director of the Inspection Unit may reduce this distance requirement when the applicant provides a noise study demonstrating that the sound levels of the indoor drying equipment and laundry equipment do not exceed 65 decibels (dbs) between 7:00 a.m. and 7:00 p.m. and 60 decibels (dbs) between 7:00 p.m. and 7:00 a.m. at a residential property line, and meets Section 28.08, Madison General Ordinances, and all other requirements.
3. Wisconsin Dept. of Transportation (WDOT) has all access control on Nelson Rd. and High Crossing Blvd. If the applicant proposed access is approved by WDOT, the applicant will need to modify the driveway approach to a Class 3 and signage design. 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.
4. The main driveway approach entrance on High Crossing Blvd. shall be a special design "Street Type Entrance" maximum of Thirty (30) feet in width with a radius of twenty-five (25) feet at the right-of-way. **The applicant shall revise the driveway and approach in the existing easement.** The egress shall be two lanes with a fifteen (15) foot lanes separated by a double yellow epoxy line. A six (6) inch epoxy white lines for the six (6) foot wide crosswalk and twenty-four (24) inch epoxy white stop bar five (5) feet behind the crosswalk shall be painted at the intersection of the street. The Applicant shall provide detail drawing of the approach. In addition, a note shall be shown on the plan, "ALL PAVEMENT MARKING SHALL BE INSTALLED IN EPOXY AND MAINTIAN BY THE PROPERTY OWNER."

5. The applicant shall submit detail drawing of for the joint High Crossing Blvd approach serving both 3601 Cross Hill Drive and 5555 High Crossing Blvd. The applicant shall submit grading and construct plans to accommodate both sites. The proposed grading as proposed needs to be modified to six- (6) or less percent slope to allow 3601 Cross Hill Drive access to the proposed approach. The applicant shall show cross section and grading information that the access can be accommodated.
6. The applicant shall revise the Nelson Road approach to a Class 3 driveway max. of 30 ft and 10 ft flares according to M.G.O.

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

7. To provide for adequate pedestrian pathways/linkage from the public sidewalks to the building entrance, the applicant shall modify site plans from Nelson Rd and High Crossing Blvd to the building front by construction of the raised islands along the main drive aisle and relocating the five (5) ft. sidewalk with a three (3) to five (5) ft. grass terrace/buffer behind the curb. The applicant shall provide pavement markings and ramps for all pedestrian crossings in the parking lot.
8. The applicant shall indicate the type of bicycle racks to be installed.

GENERAL OR STANDARD REVIEW COMMENTS

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

9. 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, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
10. The applicant shall demonstrate semi truck delivery of vehicles ingress, egress and loading / unloading area on-site. The applicant shall not use the High Crossing Blvd or Nelson Rd for loading and unloading vehicles.
11. The applicant shall show the dimensions for proposed parking stalls' items B, C, D, E, and F, degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.
12. When site plans are submitted, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
13. "Stop" and "No Left Turns" signs shall be installed at a height of six (6) feet to the bottom of the first sign at the driveway approaches High Crossing Blvd. and Nelson Rd. **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 applicant shall relocate all signs from the City right-of-way.

14. The applicant shall design the surface employee, customer and service 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. The display areas maybe noted as display outlined and does not need to be striped.
15. The attached Traffic Signal/Street Light declaration of conditions and covenants shall be executed and returned with site plans. The development shall acknowledge on 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.
16. 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.
17. 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: Patrick Donahue
Fax: 262-542-1653
Email: sbwam@execpc.com

DCD: DJM: dm

5

Leach, John

From: Stern, Lisa [lisa.stern@dot.state.wi.us]
Sent: Friday, August 08, 2008 3:28 PM
To: Leach, John
Subject: RE: Wilde Honda Location

WIDOT EMAIL
RE: ACCESS



John,

I have reviewed and discussed with my supervisor. We do not have any objections to the right-in/right-out to Nelson Road as shown on the attached site plan.

I do have a question though for the connection to High Crossing Blvd? Is this a public or private connection? what properties will this connection serve?

Thanks and have a nice weekend, Lisa.

-----Original Message-----

From: Leach, John [mailto:JLeach@cityofmadison.com]
Sent: Friday, August 01, 2008 10:10 AM
To: Stern, Lisa
Subject: RE: Wilde Honda Location

Have you review for comments. If I could get WDOT comments by the end of next week it would be helpful.
Thanks

From: Stern, Lisa [mailto:lisa.stern@dot.state.wi.us]
Sent: Tuesday, July 29, 2008 9:23 AM
To: Leach, John
Subject: RE: Wilde Honda Location

John, I will review this today and let you know what I find.

Thanks for resending it to me. Sorry, I missed the first one, I have let my e-mail inbox get a bit out of control.

-Lisa.

-----Original Message-----

From: Leach, John [mailto:JLeach@cityofmadison.com]
Sent: Tuesday, July 29, 2008 7:51 AM
To: Stern, Lisa
Subject: Wilde Honda Location

Please See Attached:
Map for proposed access & past review for access on High Crossing Blvd and Nelson Rd.

The High Crossing Blvd Access is okay with the City. It does fall within 1000 ft of interchange. Is the location okay with the WDOT?

10/7/2008

6

The Nelson Rd. access, if I recall Mike Rewey granted Temporary access onto Nelson Rd. that would be removed at owners cost if WDOT required it removed.

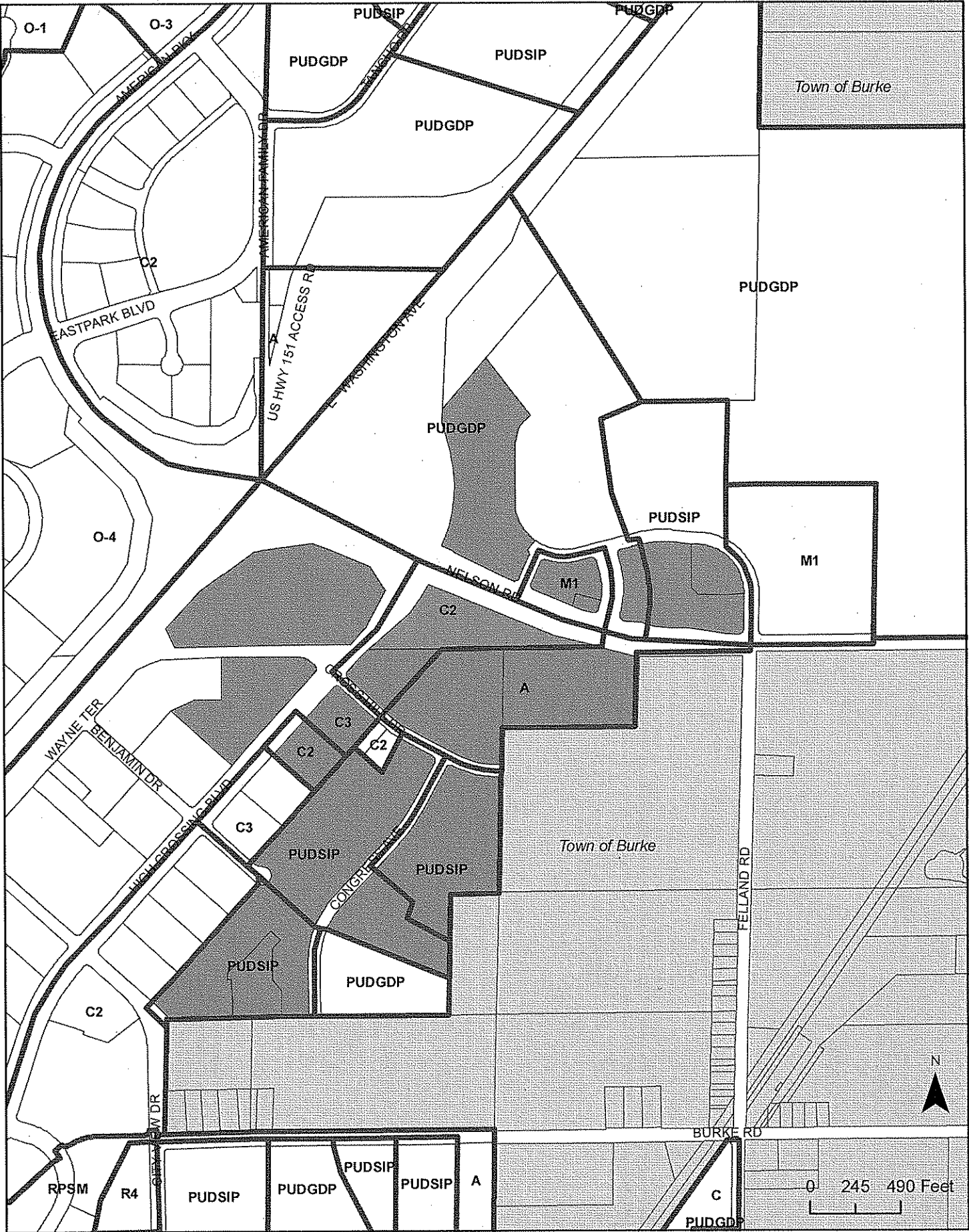
Let me know what you need for written comments to the Plan Commission.

Thanks

John

10/7/2008

5



Aaron M. Zitzelsberger

November 3, 2008

City of Madison
Department of Planning & Community & Economic Development
Madison Municipal Building, Suite LL100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, WI 53701

Dear Committee,

I would like to take this opportunity to extend a thank you to the Department of Planning for holding this public hearing in consideration of the proposed amendment to the Nelson Neighborhood Development Plan. Unfortunately due to a prior engagement I am unable to attend this evening and request that my letter in opposition to the change in zoning be entered into the public hearing record.

I reside at 4006 Felland Rd, a townhouse within site of the proposed Honda dealership. I purchased my property about 5 months ago after an exhaustive search looking at condos and townhouses around the greater Madison area. It was with some initial trepidation that I purchased my property due to the landfill and business park directly across the street. However, as both areas seemed to be well maintained and based on the zoning of the area I felt safe in my purchase.

I stand opposed to the change in zoning for the following reasons. First, the Nelson Neighborhood continues to contain its share of adverse factors affecting property value. Proximity to the highway, proximity to the landfill and the already 7 or 8 automobile dealerships lining High Crossing Boulevard. Second, despite the wonderful artist's rendering of the proposed dealership I see many more large flood lights that will continue to illuminate the area as well as the service area of the dealership which, though located in back, ultimately will hold a parking lot of broken down and nonfunctioning vehicles. Third, the Nelson Neighborhood is not in need of more auto dealerships but is in serious need of diversity of business. The initial development plan stated:

The plan recommended development of an office employment district on lands located adjacent to Interstate Highway 30-90-94, and a general retail and service district along the north side of High Crossing Boulevard which reflected the highway-oriented uses that were already established, including multiple automobile sales and service businesses.

What has changed? The development plan was drafted and agreed to for a reason and it does not appear to me there is any reason to deviate from that plan. The presence of auto related businesses on the opposite side of High Crossing certainly does illustrate to me the logic of allowing another dealership in an already infested area. It is time for other businesses to locate in the area and more dealerships will inhibit that process.

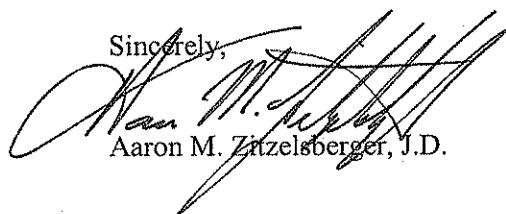
4006 Felland Road
Madison, Wisconsin 53718
608-467-6148

When the City zones a particular area it in essence makes an agreement with the people investing in that area. The agreement is that people can invest in property with full awareness and comfort that their investment, neighborhood aesthetics and way of life will not be adversely affected by changing the playing field. This is not to say that rezoning is never called for, however in this case I feel the proposal should be rejected.

Lastly, I was disappointed to receive a letter this past week from the primary owner of the proposed Wilde dealership Jorge F. Hidalgo, wherein he indicates that Alderman Joe Clausius has already indicated his support of this program. To me the beauty of local government is the direct proximity of the legislators to their constituents. I find it very disturbing for Alderman Clausius to indicate his support of this project even before the residents of the area have had a chance to voice their opinions and concerns.

In conclusion I will again thank the committee for its time and consideration. My hope is that the committee will reject the proposed change to the Nelson Neighborhood plan or, at a minimum, table the proposal so that the residents of the area have a more appropriate amount of time to look in to the project and review any potential consequences.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron M. Zitzelsberger', is written over the word 'Sincerely,'. The signature is stylized with a large initial 'A' and a long horizontal stroke.

Aaron M. Zitzelsberger, J.D.

CC: Alderman Joe Clausius

4006 Felland Road
Madison, Wisconsin 53718
608-467-6148

Firchow, Kevin

Subject: FW: Request Neighborhood Meeting re. Nelson Neighborhood Development Plan

From: MJ Krzewina [mailto:mj.live@live.com]

Sent: Tue 10/28/2008 2:18 PM

To: Clausius, Joe

Cc: Cheri/Kim Carryl; Chris H - DHFS Hendrickson; Gary Lindeman; Michelle McDowell; Terry Cremin

Subject: Request Neighborhood Meeting re. Nelson Neighborhood Development Plan

Alder Joe Clausius, District 17
Common Council Office
210 Martin Luther King Jr. Blvd., Room 417
Madison, WI 53703

SUBJECT: Proposed Amendment to the Nelson Neighborhood Development Plan

Alder Clausius,

I am writing on behalf of the Patriot Hill Condominium Association to request that you schedule a Neighborhood Meeting so that District 17 residents can have an opportunity to discuss with you a plan of action and our reasons for opposing the Proposed Amendment to the Nelson Neighborhood Development Plan and the rezoning of 5555 High Crossing Boulevard which, if approved, would allow a Honda motor vehicle dealership to be built.


On Friday, residents in the area received a letter dated October 23, 2008 from the Department of Planning & Community & Economic Development, Planning Division, notifying us that the Madison Plan Commission has scheduled a public hearing on this proposal for Monday, November 3, 2008, at 6:00 pm, Room 201, City-County Building, 210 Martin Luther King Jr. Blvd. We also request that you contact the Madison Plan Commission to delay the discussion of the Proposed Amendment to the Nelson Neighborhood Development Plan until after the Neighborhood Meeting.

The proposal to amend the Nelson Neighborhood Development Plan would change the recommended land use designation for property located south of Nelson Road, and the High Crossing Boulevard frontage of the adjacent property, from OFFICE/SERVICE to RETAIL/SERVICE. Also up for consideration at this meeting is an application to rezone 5555 High Crossing Boulevard (the property south of Nelson Road) from the C2 General Commercial District to the C3 HIGHWAY COMMERCIAL DISTRICT for a new Honda motor vehicle dealership on that currently-vacant site and a proposal to revise street alignment on Cross Hill Drive and Congress Avenue in order to accommodate the additional traffic that would be generated by the car dealership.

We are opposed to the Amendment to the Nelson Neighborhood Development Plan, the rezoning of 5555 High Crossing Boulevard, and the the realignment of Cross Hill Drive and Congress Avenue because:

- 1) Traffic congestion. It would increase traffic to an already busy residential neighborhood. This would include not only traffic to the dealership for people looking to purchase cars, but repeat "window" shoppers, service customers, and customers taking vehicles for test drives.
- 2) The increase in traffic would create an increase in risk of auto and pedestrian accidents. Many of our neighborhood residents use the streets for run, walk, and biking exercise and just to enjoy the beauty of our neighborhood.
- 3) Increased traffic would result in a dramatic increase in noise level to what is currently a quiet, serene neighborhood.
- 4) The proposed car wash and drying equipment would create a noise nuisance to the residential neighborhood.
- 5) The general everyday business of a car dealership and service area will cause a noise disturbance, ie. loading

10/29/2008



and unloading of vehicles, outdoor intercom system, again - the car wash, tools used to service vehicles, horns, the running of trucks and vehicles themselves.

6) The addition of lights for the car dealership. The lights would affect a large part of our residential community 24 hours a day 7 days a week and would pose a serious disturbance to the serenity of our community and our sleep.

7) The hours of operation. Service stations open at 7:00 am and close at 7:00 pm. Auto Dealerships are open from 9:00 am to 9:00 pm Monday through Friday, and also have Saturday hours. And, of course, people always peruse dealerships on Sundays even though the dealership is closed.

8) The aesthetics of having a RETAIL/SERVICE business, auto dealership, located on a highly visible piece of land and fixed adjacent to an upscale residential area.

9) The increased traffic from a car dealership would expose our neighborhood to transient traffic that would not otherwise be there and could put our neighborhood at an increased crime risk.

10) The increased traffic would put our children living in the neighborhood at risk.

AND not the least of which,

11) Our property value would decrease. Even in the best of housing markets, allowing a change in land use to accommodate the request of a commercial retail/service business such as a car dealership to build adjacent to a residential district would be detrimental to the homeowners' property value.

Thank you in advance for your prompt response.

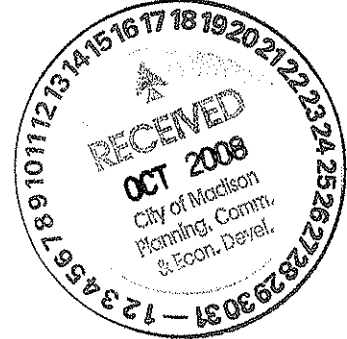
Respectfully,

Mary Jane Krzewina
Vice President, Board of Directors
Patriot Hill Condominium Association
5455 Patriot Hill
Madison, WI 53718

Stay organized with simple drag and drop from Windows Live Hotmail. [Try it](#)



T. Wall Properties®



October 15, 2008

Bradley J. Murphy
City of Madison Dept. of Planning & Dev.
City/County Building
P.O. Box 2985
Madison, WI 53701-2985

RE: Support for Proposed Dealership, High Crossing Blvd.

Dear Mr. Murphy:

As you know, T. Wall Properties previously owned the land now being proposed for a new Honda car dealership on 5555 High Crossing Blvd., which we since sold to that proposed dealer. *

Normally I would not support another car dealership in our High Crossing neighborhood. However, since the Honda dealer has proposed a very unique two-story car dealership building, I am in support of that project.

I encourage the city to quickly approve the project because by doing so you will encourage a new standard for car dealerships within the city. The proposed building provides the city with an opportunity to demonstrate to all future car dealers that two-story dealerships are feasible and can work. I would encourage the city to not pass up or miss the unique opportunity to set a new standard.

Sincerely,

T. Wall Properties, LLC

By: _____

Terrence R. Wall
President & CEO

TRW:sap

* we have no
"interest" in the
property now.

Waidelich, Michael

From: MJ Krzewina [mj.live@live.com]
Sent: Tuesday, October 28, 2008 4:38 PM
To: Waidelich, Michael
Cc: Cheri/Kim Carryl; Chris H - DHFS Hendrickson; Gary Lindeman; Michelle McDowell; Terry Cremin
Subject: Request for Referral regarding Amendment to Nelson Neighborhood Development Plan

Madison Plan Commission
City of Madison
215 Martin Luther King Jr. Blvd., Suite LL100
Madison, WI 53703

Attention: Michael Waidelich

SUBJECT: PROPOSED AMENDMENT TO THE NELSON NEIGHBORHOOD DEVELOPMENT PLAN & REQUEST TO REZONE 5555 HIGH CROSSING BLVD.

Dear Planning Commission:

I am writing on behalf of the Nelson Neighborhood to request a referral on the matter of the Proposed Amendment to the Nelson Neighborhood Development Plan and the application to rezone 5555 High Crossing Boulevard which includes a proposal to revise street alignment on Cross Hill Drive and Congress Avenue in order to accommodate a Honda motor vehicle dealership.

My neighbors and I first became aware of the proposal for change in land use and application for rezoning from a resident mailing sent out by the City of Madison Planning Commission on October 23, 2008. We received that notice on Friday, October 24, 2008. This was our first notice and has not allowed sufficient time for us to meet as a neighborhood to discuss these proposals. Upon inquiry, it was discovered that the Patriot Hill Condominium Association notice went to Fred Loeb in Mequon, Wisconsin. Mr. Loeb has not been a member of the Patriot Hill Condominium Association for more than a year and did not forward the information.

Therefore, we respectfully request a referral on both the request to change the recommended land use designation from Office/Service to Retail/Service and the request to rezone 5555 High Crossing Boulevard from the C2 General Commercial District to the C3 Highway Commercial District until we can hold a Neighborhood Meeting.

Please advise what steps are next in order.

Sincerely,

Mary Jane Krzewina
Vice President, Board of Directors
Patriot Hill Condominium Association
5455 Patriot Drive
Madison, WI 53718

cc: Terry Cremin
President, Board of Directors
Patriot Hill Condominium Association
5433 Patriot Drive
Madison, WI 53718

Cheri Carryl
The Carryl Company, LLC
Patriot Hill Condominium Mgt Company
4915 Monona Drive, Suite 206

10/28/2008

5