

## **ADDENDUM**

### **PLANNING DIVISION REPORT DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT December 1, 2008**

**RE: LD. # 11616 Zoning Map Amendment LD. 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 referred this item at its September 15, 2008 meeting to the meeting of November 3, 2008. At the request of the applicant, the project was further referred to December 1, 2008. As part of the original 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 motion to refer requested 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 / Neighborhood Meeting**

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. Supplementary notice of the public hearing was mailed the week of October 20 and the week of November 17.

Additionally, Alder Clausius held a neighborhood meeting on November 20. Representatives from the Wilde group and City staff were there to answer questions. The sign-in sheet from that meeting indicates there were twelve attendees at this meeting, including some that have previously provided comments to the Commission. Several questions were raised at the meeting on issues such as lighting, traffic circulation, stormwater, landscaping, and screening. One of the primary clarifications provided was that this development would not take access off of Cross Hill Drive, the street providing access to the nearby condominium development.

Staff and the alderperson have received correspondence noting concerns and objections to this rezoning and plan amendment. Staff has been made aware that additional letters of opposition from nearby residents is forthcoming. In addition, T.Wall Properties has provided a letter of support for the project. All correspondence received to date is provided in the Plan Commission's packet.

#### 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 that the applicant's revised plans are consistent with the terms of the cross-access easement. A copy of this easement is included in the Plan Commission materials. City Traffic Engineering previously 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. Planning staff note that the applicant has been working with the adjacent property owner and traffic engineering staff to revise this design.

#### Clarification on the Nelson Road Access

The project is planned to have access on both High Crossing Boulevard and Nelson Road. 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 Road. 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. A soil boring report was provided to City Engineering and Principal Engineer Mike Dailey, PE noted the following:

As condition of review for the proposed development at this site, City Engineering requesting soil boring information. I was concerned that the proposed stormwater management plan

would not work, as the pond depths would encounter bedrock. I believe the Plan Commission was also interested in the soil information as part of an effective storm water management plan.

We have received a detailed geotechnical report prepared by Kevin McLaughlin, EIT for Professional Service Industries Inc., of Waukesha Wisconsin. I have reviewed the report with particular attention to bedrock and groundwater findings and specific implications for the storm water management areas.

In summary, the site has no bedrock or groundwater. The site has been previously mined and the material now present is from filling the old quarry activities. It appears that the material for the most part is suitable for excavating and constructing. I make no recommendations regarding placing buildings on this soil, but I have no major concerns with the applicant's ability to successfully implement their proposed storm water management plan. Jeff Benedict will perform a detailed review of their plan prior to approval and as detailed plans are finalized, to ensure a safely implemented storm water management plan (including erosion control) that addresses all regulatory requirements.

#### Landscaping and Screening

The applicant has revised the landscaping plan to address the original conditions raised in the September 15, 2008 Planning Division Report. The revised plans include additional landscape islands along the front row of parking, although it is not indicated how they will be planted. In that report staff also 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 by staff. 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. Surrounding neighbors have raised concerns that the applicant provide year round screening and staff recommend that additional evergreen plantings with sufficient height to provide screening be included.

A previously recommended condition requesting details of the retaining wall and its spatial relationship to these perimeter plantings has been submitted and the details will need to be approved as a condition of approval.

#### 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 state's minimum 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 restrictive covenant. Such a restriction could effectively "ensure" that a rezoning to C3 would limit permitted uses to the approved project or create similar restrictions. A similar approach was used for the C3 zoning map amendment at the Lancaster property at 5401/5425 High Crossing Boulevard in 2005. The Assistant City Attorney has prepared a memo to the Plan Commission on legal considerations with this proposal and she will be in attendance to answer questions on December 1, 2008.

#### Conclusion

The applicant has provided the supplemental information requested by the Plan Commission. In addition to this information, notice has been provided to the surrounding neighbors and a neighborhood meeting was held to discuss the proposal. At that meeting the applicant had the opportunity to address many of the neighborhood questions regarding lighting, traffic circulation, stormwater, landscaping, and screening. Since that meeting, staff has been notified that neighborhood opposition remains. Staff anticipate additional correspondence in opposition to this proposal will be provided. Any new correspondence will be provided to the Commission.

Additionally, a copy of the Planning Division's original staff report on the rezoning proposal and the neighborhood plan amendment are included in the current packet.

## **RECOMMENDATION**

If the Plan Commission believes that the proposed vehicle dealership is an appropriate land use and that the zoning map amendment standards are met, then the Commission should forward the attached "Amendment to the Nelson Neighborhood Development Plan" (Legistar File Number 11792) to the Common Council with a recommendation of **approval**.

Further, the Plan Commission should then also forward Zoning Map Amendment 3382, rezoning 5555 High Crossing Boulevard from C2 (General Commercial District) to C3 (Highway Commercial District), 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 applicant revises site/landscaping plans to incorporate additional evergreen planting to provide additional year-round screening along the rear (southern) property line. This plan, along with the recently submitted retaining-wall graphic shall be reviewed and approved by Planning Division Staff.
3. That this rezoning shall be effective to allow automobile sales and service facilities (without auto body facilities). All other uses listed as permitted uses in the C3 Highway Commercial District shall require Plan Commission approval for this property, unless otherwise listed as permitted uses in the C1 or C2 zoning districts. A restrictive covenant to this effect in a form approved by the City Attorney shall be placed on the properties. The development plans for this dealership shall be constructed as approved. Any changes to these plans shall first be approved by Planning Division staff or by the City's Plan Commission.

**CITY OF MADISON**  
**OFFICE OF THE CITY ATTORNEY**  
Room 401, CCB  
266-4511

Date: November 14, 2008

**MEMORANDUM**

TO: Plan Commission

FROM: Katherine C. Noonan, Assistant City Attorney

RE: Zoning Map Amendment Request for 5555 High Crossing Blvd. –  
Proposed Honda Dealership

You have asked what consideration the Plan Commission should give to the fact that there is litigation, not involving the City, that may result in the applicant being unable to locate its Honda dealership at the location proposed for rezoning.

The applicant seeks to rezone 5555 High Crossing Blvd. from the C2 General Commercial District to the C3 Highway Commercial District in order to construct a Honda Dealership on the currently vacant site. Approval of the map amendment will require an amendment to the Nelson Neighborhood Development Plan, which currently recommends Office/Service uses at this site.

Because this map amendment is not a PUD, where the specific uses are approved and any changes to those uses requires an alteration to the zoning text of the PUD, approval of rezoning the site from C2 to C3 will allow all the permitted and conditional C3 uses, not just the automobile dealership. As with all map amendment requests, the decision to approve the map amendment should involve consideration of the public interest as well as City plans. Sec. 28.12(10)(f).

The fact that litigation may affect the applicant's ability to actually construct the proposed use does not preclude the Plan Commission from considering the request. There may be concerns that the litigation results may prevent a Honda dealership at the site, in which case, other C3 uses would be allowed, some permitted, some conditional. In the past, the Plan Commission has dealt with some map amendment requests by approving the proposed use, but restricting some or all of the other uses in the zoning district. This method of approving map amendments is not a particularly good way to control uses. Nonetheless, I am aware that, as a practical matter, it works better than turning all such requests into PUD's in order to have more control over uses at a particular site.

Planning staff has noted in its report and memo that it supports the map amendment in part because the uses proposed in the Nelson Neighborhood Development Plan have not materialized in the years since the adoption of the plan, and a use that is somewhat

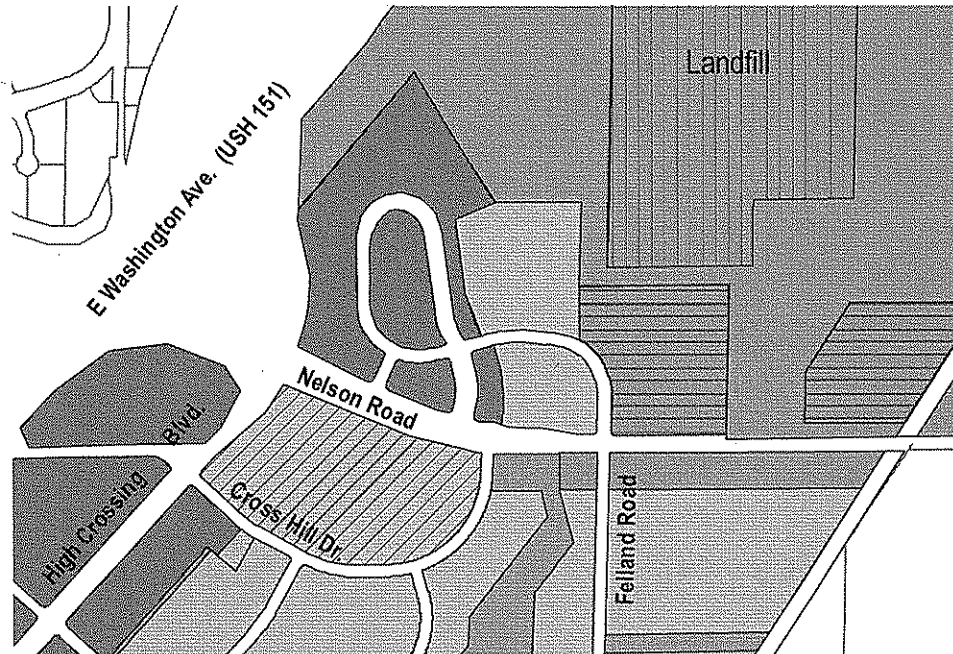
November 24, 2008

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different than originally contemplated may be preferable to vacant land at this site. Should the Plan Commission decide to approve the map amendment, I would hope that, before resorting to restrictions on other uses in the district, consideration be given to whether those other uses may in fact be acceptable at this site. Doing so may avoid the less than ideal practice of rezoning with restrictions.

# AMENDMENT to the NELSON NEIGHBORHOOD DEVELOPMENT PLAN Land Use and Street Plan

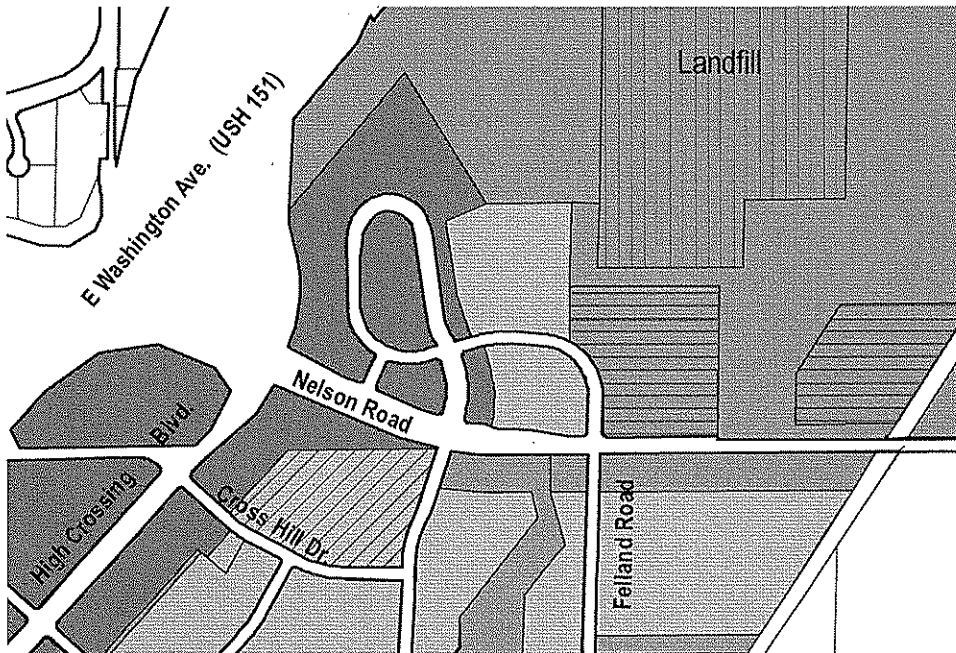
Nelson Neighborhood Development Plan as Adopted March 1992  
and Ammended August 1993, February 1999, July 2001, and March 2005



## PROPOSED LAND USE

- Residential
- Commercial**
  - Retail/Service
  - Office/Service
  - Institutional
- Industrial**
  - Landfill
  - Distribution/ Manufacturing
  - Park, Open Space and Drainage

## Proposed Nelson Neighborhood Development Plan Amendment



Feet  
0 500 1,000





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. Dailey, 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](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 be transmitted to Janet Dailey by e-mail at [jdailey@cityofmadison.com](mailto: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](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 signoff.

- ☐ 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](mailto:izenchenko@cityofmadison.com) . Include the site address in the

subject line of 'transmittal. Any changes or additions to the location a building, sidewalks,  
parking/pavem uring 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

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 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, 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.

November 24, 2008

City of Madison Department of Planning &  
Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
PO Box 2985  
Madison, WI 53701-2985

Attention: Kevin Firchow, AICP  
Planner, Planning Division

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

Dear Planning Commission:

I am writing to voice my opposition to the Proposed Amendment to the Nelson Neighborhood Development Plan and my opposition to the rezoning of 5555 High Crossing Boulevard from a C-2 General Commercial District to a C-3 Highway Commercial District.

When I purchased my property in the Nelson Neighborhood, I understood that the vacant land which is the subject of this proposal was zoned for Office/Service such as a bank or general office building. Changing the zone to Highway Commercial Retail/Service would have a serious negative impact on our community, our property value, and our chances for resale of our property.

Having a Highway Commercial Retail/Service on the property under discussion would greatly increase the traffic, noise, and lighting that fronts our property.

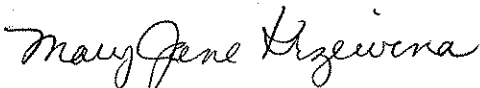
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I OPPOSE the Proposed Amendment to the Nelson Neighborhood Development Plan.

I OPPOSE the Rezoning of 5555 High Crossing Boulevard from a C-2 to a C-3 Highway Commercial District.

Please present my Letter of Opposition to the Plan Commission at the Meeting on December 1, 2008.

Sincerely,



Mary Jane Krzewina  
5455 Patriot Drive  
Madison, WI



**Clausius, Joe**

---

**From:** Michelle McDowell [michellemcdowell@yahoo.com] **Sent:** Sun 11/9/2008 1:02 PM  
**To:** Clausius, Joe  
**Cc:**  
**Subject:** Wilde Honda  
**Attachments:**

Dear Alderman Clausis,

I received your postcard in the mail regarding wilde Honda. Unfortunately, I am unable to attend the meeting at the fire station Nov 20, but would like to add my comments here.

I live in the Patriot Hill Condominiums on Congress and Cross Hill. I am vehemently opposed to having wilde Honda move into our neighborhood. Our neighborhood doesn't need another car dealership, we have plenty to choose from! What our area needs is some retail space to generate economic growth. Retail sales will offer more jobs and some much needed income to the area. Personally, I'd like to see a restaurant along with some shops in that part of the neighborhood. I have more money to buy dinner on occasion than I do a Honda.

Please reconsider your position on this deal with wilde Honda. It is NOT in the best interests of the neighborhood.

Sincerely,

Michelle McDowell  
5445 Patriot Dr  
Madison, WI 53718

# 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.

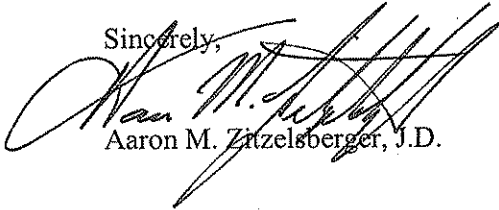
4006 Felland Road  
Madison, Wisconsin 53718  
608-467-6148

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,



Aaron M. Zitzelsberger, J.D.

CC: Alderman Joe Clausius

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



EHL Architecture, AIA  
ARCHITECTURE  
CONSULTING  
433 N. Broadway, Suite 206  
Madison, WI 53703  
Phone: 608.224.1233  
Fax: 608.224.1239

Project title:

A PROPOSED  
AUTOMOBILE  
DEalersHIP FOR

WILDE  
EAST  
TOWNE  
HONDA

5555 HIGH CROSSING  
BLVD.  
MADISON, WI

Sheet title:

ARCHITECTURAL  
SITE PLAN

Revisions:

Drawn by:

Checked by:

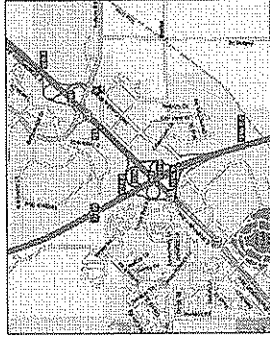
Scale:

Project number:

Client:

C12

SITE VICINITY



PROJECT INFORMATION

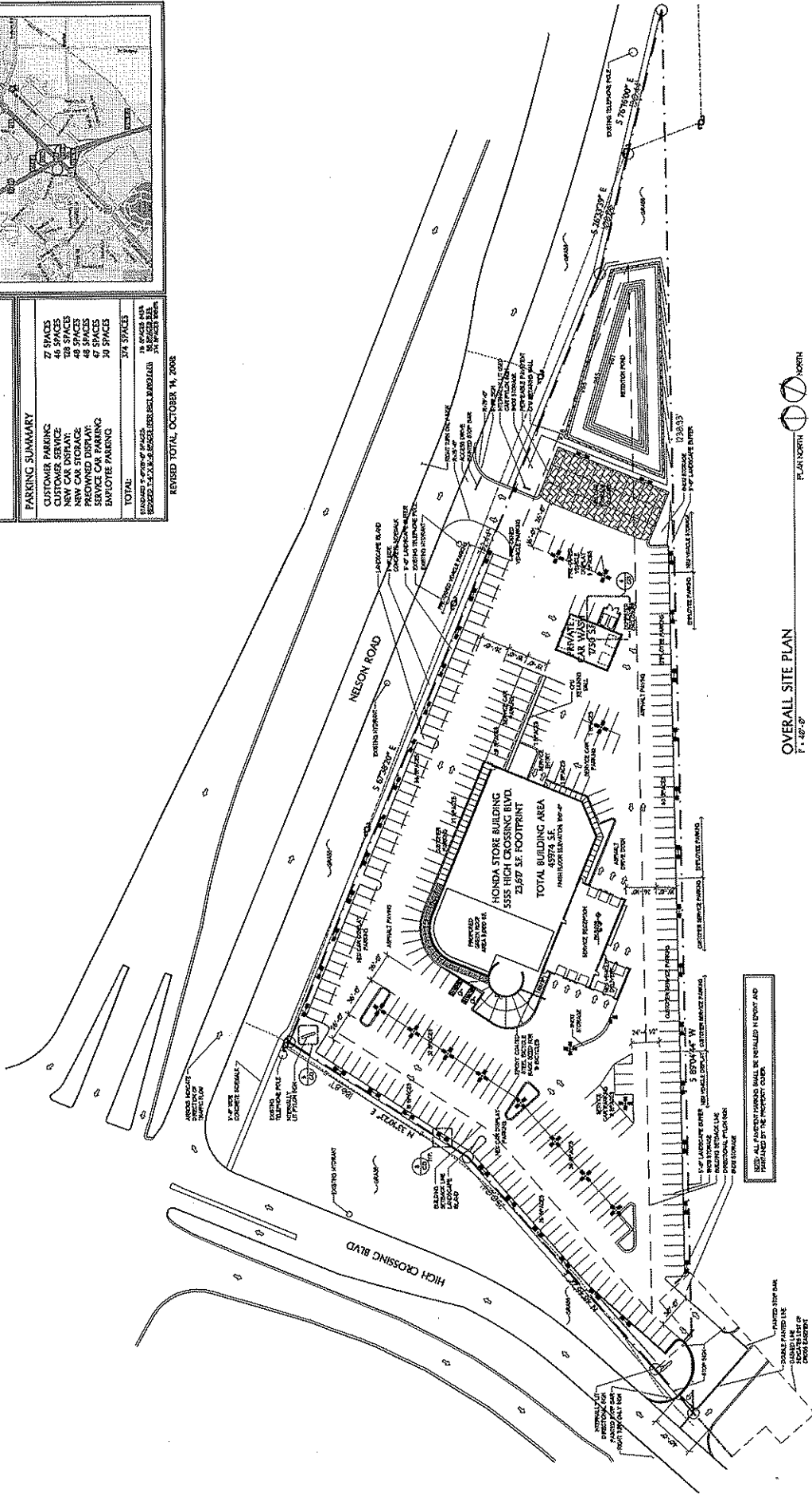
PROPERTY ADDRESS: 5555 HIGH CROSSING BLVD.	70%
OWNER: WILDE EAST TOWNE	25%
DESIGNER: EHL ARCHITECTURE, AIA	5%
DATE: 10/14/2008	
TOTAL SQUARE FEET: 48,574	
TOTAL PARKING SPACES: 274	

CUSTOMER PARKING	27 SPACES
CUSTOMER SERVICE	46 SPACES
NEW CAR DISPLAY	128 SPACES
NEW CAR STORAGE	48 SPACES
WORKSHOP/REPAIR	47 SPACES
BIKE PARKING	30 SPACES
EMPLOYEE PARKING	30 SPACES
TOTAL	274 SPACES

REVISIONS: 1. 10/14/2008: 274 SPACES TOTAL  
2. 10/14/2008: 274 SPACES TOTAL

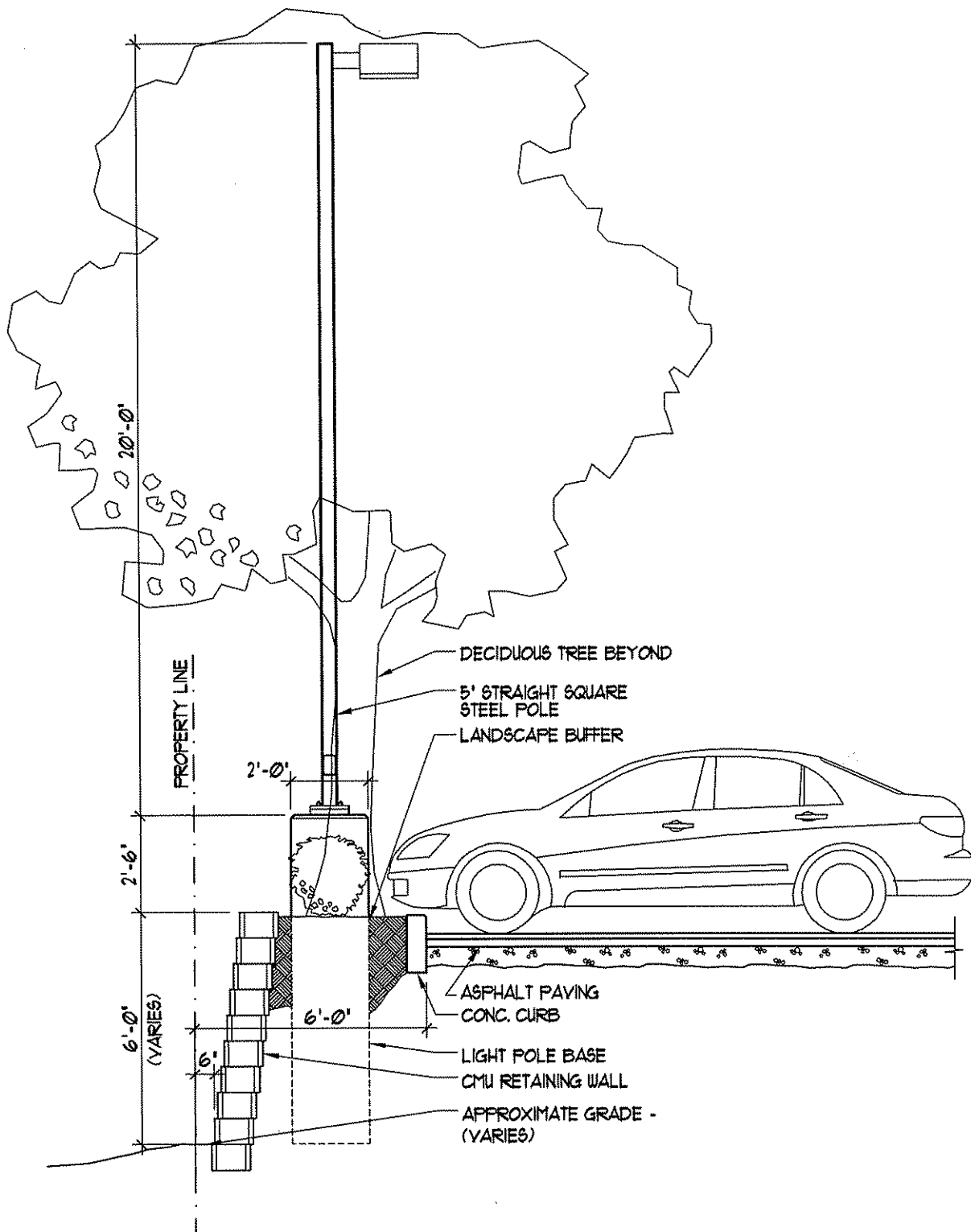
REVISED TOTAL, OCTOBER 14, 2008



OVERALL SITE PLAN  
1" = 40'-0"

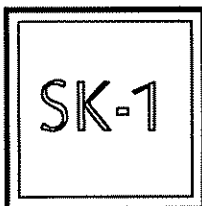
SITE AREA 4.48 ACRES  
APPROXIMATELY 79,573.8 SQUARE FEET





# 1 SECTION AT RETAINING WALL

1/4"=1'-0"



Erik L. Madisen, AIA  
architecture  
consulting

828 N. Broadway, Suite 206  
Milwaukee, Wisconsin 53202  
Phone: (414) 277-8000  
Fax: (414) 283-9569  
email: info@madisenarchitects.com

Project :

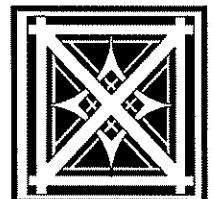
**WILDE EAST TOWNE  
HONDA  
5555 HIGHCROSSING  
MADISON, WI**

Date: NOVEMBER 13, 2008

Drawn by: ELM

Project No: 2007.050

Sheet title: RETAINING WALL SECTION



November 24, 2008

City of Madison Department of Planning &  
Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
PO Box 2985  
Madison, WI 53701-2985

Attention: Kevin Firchow, AICP  
Planner, Planning Division

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

Dear Planning Commission:

I am writing to voice my opposition to the Proposed Amendment to the Nelson Neighborhood Development Plan and my opposition to the rezoning of 5555 High Crossing Boulevard from a C-2 General Commercial District to a C-3 Highway Commercial District.

When I purchased my property in the Nelson Neighborhood, I understood that the vacant land which is the subject of this proposal was zoned for Office/Service such as a bank or general office building. Changing the zone to Highway Commercial Retail/Service would have a serious negative impact on our community, our property value, and our chances for resale of our property.

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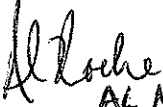
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I OPPOSE the Proposed Amendment to the Nelson Neighborhood Development Plan.

I OPPOSE the Rezoning of 5555 High Crossing Boulevard from a C-2 to a C-3 Highway Commercial District.

Please present my Letter of Opposition to the Plan Commission at the Meeting on December 1, 2008.

Sincerely,

  
AL Noche  
5459 PATRIOT DRIVE

November 24, 2008

City of Madison Department of Planning &  
Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
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Sincerely,

Michelle McDowell  
5445 Patriot Dr  
Madison, 53718

Thomas R. McDowell  
5445 Patriot Dr.  
Madison 53718

November 24, 2008

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Sincerely,



Chris Croce  
5426 Patriot Drive  
Madison WI 53718



November 24, 2008

City of Madison Department of Planning &  
Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
PO Box 2985  
Madison, WI 53701-2985

Attention: Kevin Firchow, AICP  
Planner, Planning Division

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Sincerely,

*Ronald D. Bull*

RONALD D. BULL

5423 CONGRESS AVE.

MADISON, WI. 53718

November 24, 2008

City of Madison Department of Planning &  
Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
PO Box 2985  
Madison, WI 53701-2985

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Sincerely,

April Brenzer

April Brazier  
5425 Patriot Drive  
Madison, WI 53718

November 24, 2008

City of Madison Department of Planning &  
Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
PO Box 2985  
Madison, WI 53701-2985

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Sincerely,



ROBBIE J. CHOKOLINSKI  
5465 Patriot Dr.  
Madison, WI 53718

November 24, 2008

City of Madison Department of Planning &  
Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
PO Box 2985  
Madison, WI 53701-2985

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Please present my Letter of Opposition to the Plan Commission at the Meeting on December 1, 2008.

Sincerely,

*Jeanette Kostä*  
*5454 Patriot Dr.*  
*Madison, WI*  
*53718*

November 24, 2008

City of Madison Department of Planning &  
Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
PO Box 2985  
Madison, WI 53701-2985

Attention: Kevin Firchow, AICP  
Planner, Planning Division

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

Dear Planning Commission:

I am writing to voice my opposition to the Proposed Amendment to the Nelson Neighborhood Development Plan and my opposition to the rezoning of 5555 High Crossing Boulevard from a C-2 General Commercial District to a C-3 Highway Commercial District.

When I purchased my property in the Nelson Neighborhood, I understood that the vacant land which is the subject of this proposal was zoned for Office/Service such as a bank or general office building. Changing the zone to Highway Commercial Retail/Service would have a serious negative impact on our community, our property value, and our chances for resale of our property.

Having a Highway Commercial Retail/Service on the property under discussion would greatly increase the traffic, noise, and lighting that fronts our property.

I purchased my property with the knowledge that the vacant lot that includes 5555 High Crossing Boulevard would eventually be used for Office/Service. I would NOT have purchased a property in this neighborhood had I known that a car dealership or Highway Retail/Service would eventually be built on this site.

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Sincerely,

*Janet K Palmer*  
*5471 Patriot Dr*

*Madison, WI 53718*

November 24, 2008

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Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
PO Box 2985  
Madison, WI 53701-2985

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Planner, Planning Division

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Sincerely,

*Michelle Eschler*

*CHAD ESCHLER*

*5479 Patriot Dr  
Madison, WI 53718*

November 24, 2008

City of Madison Department of Planning &  
Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
PO Box 2985  
Madison, WI 53701-2985

Attention: Kevin Firchow, AICP  
Planner, Planning Division

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Sincerely,

*Jim & Cher Carroll*  
*4915 Manna Drive, Ste #204*  
*Manna, WI 53714*

November 24, 2008

City of Madison Department of Planning &  
Community and Economic Development  
Madison Municipal Building, Suite LL-100  
215 Martin Luther King Jr. Blvd.  
PO Box 2985  
Madison, WI 53701-2985

Attention: Kevin Firchow, AICP  
Planner, Planning Division

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DEVELOPMENT PLAN & REQUEST TO REZONE 5555 HIGH CROSSING BLVD.**

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Please present my Letter of Opposition to the Plan Commission at the Meeting on December 1, 2008.

Sincerely,

  
5433 PATRIOT DRIVE  
MADISON 53718



November 21, 2008

**ATTORNEYS AT LAW**

VEREX PLAZA  
150 EAST GILMAN STREET  
MADISON, WI 53703-1481  
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MADISON, WI 53701-1497  
608.257.5035 TEL  
608.258.4258 FAX  
foley.com

WRITER'S DIRECT LINE  
608.258.4294  
hgempeler@foley.com EMAIL

CLIENT/MATTER NUMBER  
019335-0101

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

Re: Proposed Amendment to the Nelson Neighborhood Development Plan

Dear Commission Member:

I write on behalf of Lancaster Properties, Inc. ("LPI"), owner of the property immediately west of and adjacent to the proposed Wilde Honda Development. In connection with the rezoning of the Wilde Honda site, the City proposes to amend the Nelson Neighborhood Development Plan ("Amendment") to reflect retail development on the Honda site and a portion of the LPI property along High Crossing Blvd.

By this correspondence, LPI respectfully requests that the retail use boundary proposed in the Amendment for the LPI property be moved as shown on the enclosed exhibit.

In 1992 the City rezoned the LPI property (as part of an area wide rezoning) to C2 Zoning District. The zoning boundary is shown on the exhibit and is approximately 120 feet south of the proposed Amendment.

As you will see on the enclosed exhibit, the City staff proposed boundary for the LPI property results in a small, "pie shaped" and difficult to develop retail parcel. Moreover the proposal is not consistent with existing zoning and only a portion of the Lancaster property immediately adjacent to the auto dealership building will be retail development.

Under our proposal moving the boundary will:

1. Extend the south boundary of the City of Madison water tower site directly across Cross Hill Drive from the LPI property. This proposal results in expansion of the retail site without directly impacting residential development further to the south.
2. Extend the line for the retail development on the LPI property past the rear of the main Honda building (with service doors facing the common lot line) and, most importantly, past the car wash (shown on the exhibit) where the most intense uses are likely.
3. Office and/or residential development as proposed by City staff is inappropriate immediately adjacent to an auto dealership and car wash facility.

BOSTON  
BRUSSELS  
CENTURY CITY  
CHICAGO  
DETROIT

JACKSONVILLE  
LOS ANGELES  
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NEW YORK  
ORLANDO  
SACRAMENTO  
SAN DIEGO  
SAN DIEGO/DEL MAR

SAN FRANCISCO  
SHANGHAI  
SILICON VALLEY  
TALLAHASSEE  
TAMPA

TOKYO  
WASHINGTON, D.C.

Mayor  
Members of Common Council  
Members of Plan Commission  
November 21, 2008  
Page 2

4. Given the shape of the parcel, the bulk of the LPI property and the future development will likely occur in close proximity to the LPI/Wilde common lot line. Retail development is more appropriate for that proximity.
5. The LPI frontage on High Crossing Blvd. is encumbered by existing topography (a substantial berm) and numerous utility easements, including a high pressure gas main. A relocation of all of the utilities and cutting the grade down to accommodate retail development is highly impractical, and added depth to the proposed retail development will provide needed flexibility to accommodate these encumbrances.
6. The additional depth created by the proposed adjustment to the south boundary creates a size and shape more suitable to a functional, well designed retail development compatible with its neighbors.

Thank you for your consideration of the above. We do not believe the proposed adjustment in the south lot line is significant in the context of the overall development plan, but it is significant to the effective development of that portion of the LPI property abutting High Crossing Blvd. and immediately adjacent to the proposed Wilde Honda dealership.

We ask that you approve the amendment to the Nelson Neighborhood Development Plan with our requested adjustment.

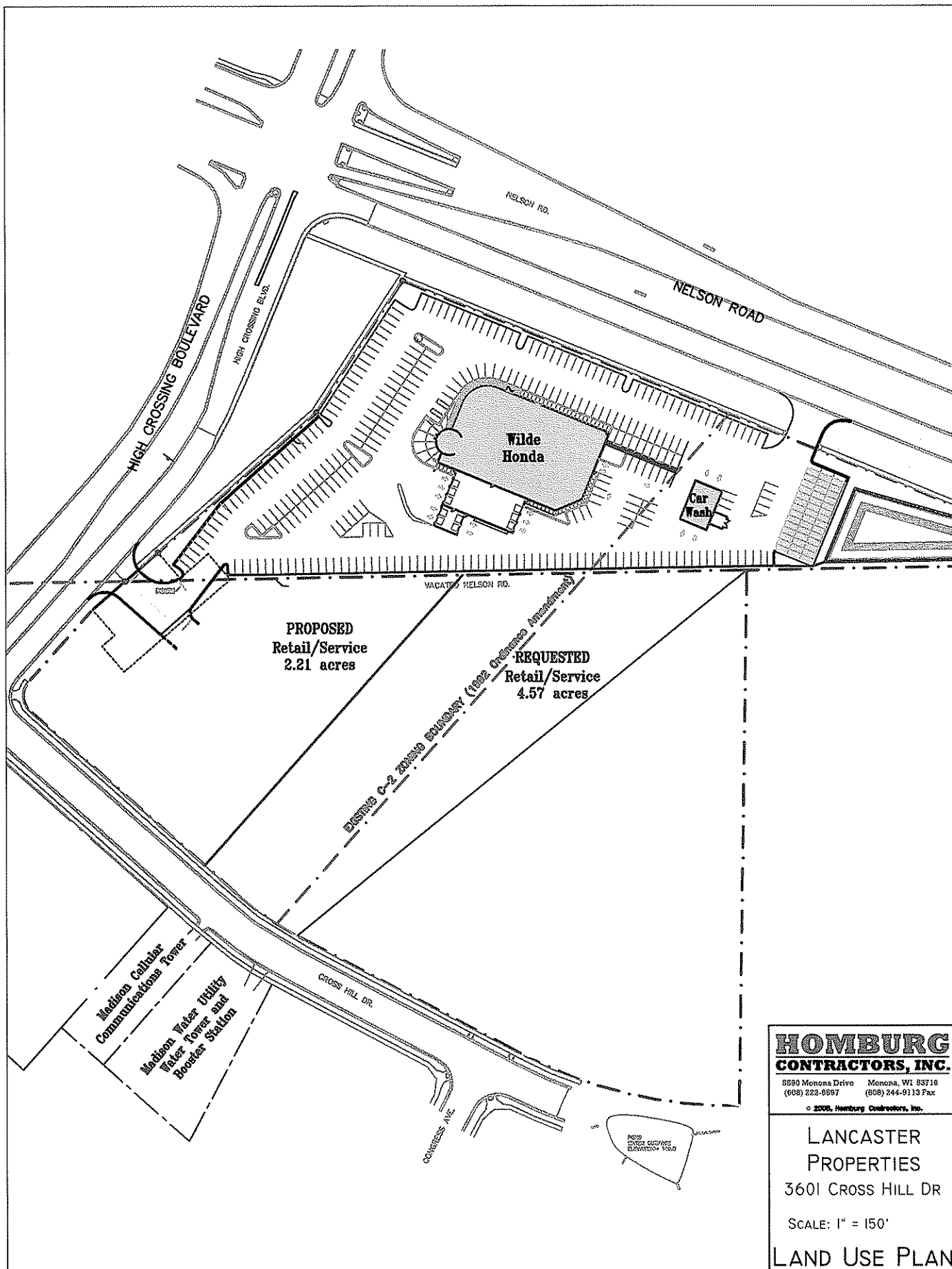
Very truly yours,



Henry A. Gempeler

Enclosure

cc Alderman Joe Clausius  
Brad Murphy  
Michael Waedlich  
Jon Lancaster  
David Walsh



**HOMBURG**  
**CONTRACTORS, INC.**  
8890 Monona Drive Monona, WI 53716  
(608) 222-6597 (608) 244-9113 Fax  
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**LANCASTER**  
**PROPERTIES**  
3601 CROSS HILL DR  
SCALE: 1" = 150'  
**LAND USE PLAN**