

**PLANNING DIVISION REPORT**  
**DEPARTMENT OF PLANNING AND COMMUNITY**  
**AND ECONOMIC DEVELOPMENT**  
**Of February 22, 2008**

**RE: ID# 05466: Zoning Map Amendment L.D. 3243, rezoning 733 County Trunk Highway M from Temp. A to PUD-GDP**

1. Requested Actions: Approval of a request to rezone 3.9 acres generally located at 733 CTH M from Temporary A (Agriculture District) to Planned Unit Development, General Development Plan (PUD-GDP).
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments; Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments.
3. Report Prepared By: Timothy M. Parks, Planner

**GENERAL INFORMATION**

1. Applicant & Property owner: Kenton Peters; 155 E. Wilson Street; Madison.
2. Development Schedule: The applicant is requesting approval of a general development plan only at this time. A timeframe for development of the project has not been provided.
3. Parcel Location: Approximately 3.9 acres located on the east side of CTH M, approximately a quarter-mile south of Watts Road, in Aldermanic District 9; Madison Metropolitan School District.
4. Existing Conditions: Undeveloped land, zoned Temp. A (Agriculture District).
5. Proposed Land Use: The applicant proposes the future development of 66 apartment units to be located in five multi-family buildings.
6. Surrounding Land Use and Zoning:  
N/E: The Bishop O'Connor Catholic Pastoral Center, zoned A (Agriculture District);  
  
South: Single-family residences in the Applewood Hill subdivision in the Town of Middleton;  
  
West: Undeveloped site of future Pioneer Research Park, zoned Temp. A.
7. Adopted Land Use Plan: The site is not located within the boundaries of a neighborhood development plan. The Comprehensive Plan recommends the subject site and adjacent Catholic property for special institutional uses. The adjacent Applewood Hill subdivision to the south is identified for low-density residential uses.

8. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor. The corridor map, however, identifies the entire property with woodlands and shows areas of slope greater than 12% over half of the site.
9. Public Utilities & Services: The property is located in the Central Urban Service Area and will be served by a full range of urban services.

### **STANDARDS FOR REVIEW**

This application is subject to the standards for zoning map amendments and planned unit developments.

### **PLAN REVIEW**

The applicant is requesting approval to rezone a 3.9-acre parcel from Temporary A (Agriculture) to PUD-GDP to allow future construction of a 66-unit, five building multi-family development. The subject property was attached to the City of Madison from the Town of Middleton in January 2007 and is located a quarter-mile south of Watts Road on the east side of CTH M.

### **Background**

The triangularly shaped subject site is located between the majority western property line of the Bishop O'Connor Catholic Pastoral Center and CTH M. The parcel is bordered on the south by the Applewood Hill subdivision, which consists of approximately 40 single-family residences located on roughly one-acre lots in the Town of Middleton. Applewood Drive, which serves as the sole vehicular entrance into the Applewood Hill development, is located about 60 feet from the southwestern corner of the applicant's site. The subject site is also located across CTH M from the future University Pioneer Research Park, a 270-acre future employment center that extends along the west side of CTH M between Mineral Point and Valley View roads and will also include a portion of a mixed-use town center envisioned at the center of the Pioneer neighborhood in the Pioneer Neighborhood Development Plan.

In addition to these uses immediately adjoining the 3.9-acre subject site, the larger area also includes an area of medium-density multi-family development located along the south side of Watts Road north of the Catholic Diocesan property as well as two large single-family residences located on 8-10 acre parcels and the Westview Hills residential subdivision south of Applewood Hill on CTH M, with undeveloped agricultural lands extending further south towards Mid Town Road.

The subject site is a heavily wooded parcel characterized by a considerable grade change of over 40 feet from the southeasterly portion of the site towards CTH M, with an additional 8-12 feet of fall from the western property line to the edge of the roadway. Overall, the property has a slope in excess of 12%, which is considered steep and is the break point for inclusion of land in the environmental corridor for preservation. Approximately the eastern half of the property is

mapped as having slopes in excess of 12% on the environmental corridor maps. A portion of the slope was quarried at one time.

The subject site is not currently located within the boundaries of a neighborhood development plan. The Comprehensive Plan identifies the subject site and adjacent Bishop O'Connor Catholic Pastoral Center as special institutional lands representative of the use of the larger Catholic center, which occupies 70.5 acres of land east of the subject site extending to S. High Point Road. Recognizing that the Comprehensive Plan was not intended to provide parcel by parcel land use recommendations, Planning Division staff has determined that the low-density residential land use recommendation that applies to the Applewood Hill subdivision and other parcels generally to the south and southeast of the subject site as a more appropriate land use recommendation for the applicant's 3.9-acre remnant-like property. In general, low-density residential uses (up to 15 units an acre per the Comprehensive Plan) represent the predominant land use envisioned along the east side of CTH M from the subject site south to Mid Town Road.

The low-density residential uses are also reflected in the High Point-Raymond Neighborhood Development Plan, which guides development south of Applewood Hill in an area roughly bounded by S. High Point Road, McKee Road/CTH PD and CTH M. Unlike the Comprehensive Plan, however, the upper end of the low-density residential density range in the High Point-Raymond NDP is 8 units an acre. At the time that the boundaries of this neighborhood plan were established, the northern limits were set at Applewood Hill in part due to the established nature of that subdivision, although the land use map in the plan shows Applewood Hill as low-density residential and the applicant's property and the Catholic Diocese property as institutional lands.

#### Development Review

The proposed 66-unit apartment development will consist of a total of five interconnected buildings built above a shared underground parking level for approximately 90 cars. Three of the five buildings proposed will contain three stories, including two buildings of 12 units (2 two-bedroom and 2 one-bedroom units per floor) that will surround a building of 18 units, which will extend across the drive aisle serving the site. The two remaining buildings will contain three floors initially before stepping down to two and then one-story. The northern of these stepped buildings will contain 8 units, including 3 units located at the same level as the underground parking level. The southern stepped building will contain 12 units. The remaining four units comprising the 66 proposed will be located at the third floor level between the five buildings, with an open plaza space located below. A total of 36 one-bedroom and 30 two-bedroom units are proposed.

Access to the site will be provided from a driveway that will enter the site at the northern tip of the property and generally extend parallel to the eastern property line before terminating in a turnaround located within 20 feet of the southern property line. Access to the underground parking facility will be located off the north wall of the northernmost building. In addition to the 90 structured spaces proposed, 38 surface spaces will be located along the private drive.

The applicant has submitted conceptual elevations of the five interconnected buildings with the general development plan application. In general, the applicant proposes a modern, angular motif

for the project that emphasizes daylighting through the placement of many of the 66 units on corners so that they have exposure along two walls. The applicant has not provided a building material schedule at this stage of the project. Such detailing would customarily be provided with the submittal of a specific implementation plan.

The applicant has also provided conceptual grading and landscaping plans with the general development plan that suggest significant grading will occur along the entrance drive and along most of the western property line. The applicant indicates that grading for the project will not extend into the right of way for CTH M, which will allow the existing woodlands in the right of way to remain, at least in the interim, as a vegetative screen between the development and highway. (Staff would note, though, that these materials could be removed when CTH M is expanded, potentially leaving less screening for this development.) The landscaping and grading concepts also propose the maintenance of the steep slope in the southeasterly corner of the site, with additional undisturbed areas located along smaller areas of the western property line. The applicant proposes to plant coniferous trees along portions of the eastern and western property lines to supplement the screening provided by the undisturbed woodland areas both on and adjacent to the site. A more detailed planting plan will be provided with the specific implementation plan submittal for this project.

The Urban Design Commission reviewed the general development plan on February 13, 2008 and recommended initial approval (see attached report).

### **ANALYSIS AND EVALUATION**

The Planning Division does not believe that the special institutional land use designation in the Comprehensive Plan can be applied explicitly in the case of the 3.9-acre subject site, which is a separate ownership from the adjacent institutional use. Instead, it will be incumbent upon the Plan Commission to determine the appropriate use and intensity of development for the property giving due consideration to surrounding land uses, nearby neighborhood development plans and the precedent that the approval of this project could have on the future development of nearby properties.

Staff believes that using the low-density residential land use recommendation for the lands along the east side of CTH M south of the subject site is an appropriate benchmark for determining the appropriate density for the applicant's development, given the presence of other low-density residential developments either in existence or planned in the future for nearby properties. Under the Comprehensive Plan, low-density residential development has a density range of 0-15 units an acre with the general expectation, particularly in outlying areas of the City, that more specific density recommendations will be made as part of the preparation of a neighborhood development plan in advance of urban development commencing. In this case, this property is not inside of an existing neighborhood development plan study area, although the High Point-Raymond Neighborhood Development Plan identifies the adjacent Applewood Hill subdivision for low-density residential development with a range of 0-8 units an acre.

The density of the proposed 66-unit apartment development equals 16.9 units an acre on the 3.9-acre site. In contrast to the benchmark density range of 0-15 units an acre in the Comprehensive

Plan, which would permit approximately 58 units to be developed on the site at 15 units an acre, the proposed density of the project is not grossly in excess of the top of the low-density development range. If the density range for low-density residential development from the High Point-Raymond NDP were used, the proposed project would be more than double the highest density allowed by that plan.

The Planning Division, however, believes that there are other factors that merit consideration when weighing the appropriate intensity of development at the subject site.

One issue staff considered in reviewing the appropriateness of the proposed development is access. While the project will have a direct vehicular access from CTH M, the site will be largely isolated from other nearby properties, and proposes no connectivity between the actual buildings, other adjacent uses or the highway. In addition, the site lacks facilities for both bicycle and pedestrians at the present time. CTH M is a heavily traveled regional county highway that currently connects Madison's west side to the City of Verona and points further south. In the future, plans call for Pleasant View Road to be extended south from Mineral Point Road through the University Pioneer Research Park to connect to CTH M at Valley View Road, which will provide an arterial roadway connecting Middleton and points north with Verona. While that will likely shift some vehicle trips from CTH M, it is likely that high traffic volumes will persist along CTH M due to the extensive development both existing and proposed along Junction Road and in the University Pioneer Research Park.

At such time as CTH M is reconstructed between Valley View Road and Mineral Point Road, it is likely that sidewalks will be incorporated into the design. The plans for a widened arterial alignment adjacent to the property, which will ultimately include four lanes within a 130-foot right of way, will also likely include dedicated bicycle facilities, although no detailed road reconstruction plans or a timeline for construction have been approved at this time.

In the interim, staff believes that the project could have very poor access that will essentially preclude residents who do not have an automobile or who choose to travel by other means from residing in this development. Although there are neighborhood-serving retail uses, a public park and seven-day Metro Transit service located along Watts Road a quarter-mile north of the property and within reasonable walking distance of the site, the proposed development will have no access to those facilities unless a sidewalk is extended across the Diocesan property, requiring instead that residents use an automobile for all or most basic daily needs. In addition, residents accessing the site by car are likely to experience the same lengthy delays waiting for gaps to accommodate turns that presently affect residents in both the Westview Hills and Applewood Hill developments further to the south on CTH M.

The Planning Division also recommends that the Commission give consideration to the impact the proposed development may have on the future development of nearby properties, in particular the Diocesan property that abuts the property to the east.

As noted earlier, the Catholic Diocese of Madison owns the 70.5 acres of property generally extending east of the subject site to S. High Point Road. The adjoining portion of the Diocesan property is largely undeveloped, containing an athletic field and baseball diamond in addition to

the driveway that connects the rest of the site to CTH M. The southwest corner of the Diocesan property exhibits many of the same topographical features as the subject site in regard to the presence of steep slopes and significant woodlands. It is likely that additional development will occur on this property in the future, although there is no indication how the applicant's proposal would relate or connect to it.

The All Saints multi-family development is located north of the combined Diocesan property along the south side of Watts Road, west of Commerce Drive. At the time that project was approved, a collector street, Plaza Drive, was platted to abut the northern property line of the Diocesan property to allow its potential future southerly extension to serve future development of the western portions of the Diocesan property before potentially turning west to connect to CTH M.

Staff believes that development of the subject site would benefit greatly from a coordinated planning effort between the applicant and the Catholic Diocese that would ideally result in a cohesive development concept and shared access for the subject site and the adjacent Diocesan property. A coordinated plan would ideally also include an internal circulation network between the two undeveloped sites and the All Saints development to the north that provides interconnectivity between those properties, thereby resulting in improved access to Watts Road while reducing the need for direct access to CTH M. With such a cohesive plan in place, it might be more appropriate to consider the development densities envisioned on the applicant's site. However, staff does not believe that the Diocese is ready to undertake such a planning effort.

## **CONCLUSION**

The planned unit development for 66 multi-family dwelling units in five buildings on the subject 3.9-acre site is not without some merit, especially given the challenges presented by the site, which features a significant slopes and heavy vegetation throughout as well as a history of quarrying. The Planning Division believes the project concept incorporates some innovative design elements, including a modern architectural style and a sincere attempt to preserve as many of the natural features of the site as possible given the type and intensity of development being contemplated. The 66-unit proposal is the second formal proposal the applicant has made for the 3.9-acre parcel, replacing an earlier proposal for a 74-unit, 4-building project that was submitted in early 2007 and then withdrawn. The revised plans also include varying building heights toward the northern and southern (Applewood Hill) sides of the property.

However, in reviewing the proposed project against the planned unit development standards, staff notes that specific criteria 1.a. and 1.b. require the proposed uses and their intensity, appearance and arrangement to be of a visual and operational character which are compatible with the physical nature of the site or area and that the development produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.

Staff believes that the proposed development may not meet all of these criteria at this time. First, the proposed development may be premature given that it appears to require the installation of off-site transportation improvements to allow the project to be a fully functional residential

development at the densities being proposed by the applicant. Were the proposed development to be implemented within the next few years, staff believes that the project will suffer from very poor access focused solely on CTH M, which currently experiences high traffic volumes that have made access to other developments nearby difficult at different times of the day. CTH M also currently provides no facilities for bicycles or pedestrians, further heightening the need to access the site by car and thereby reducing its functional practicality and potentially its market viability. Were this project to be approved now, staff recommends that sidewalks be extended along CTH M from their current terminus at the northern property line of the adjacent Catholic Diocese of Madison to Applewood Drive, which requires improvements off-site, in order for the proposed development to have some non-vehicular access to nearby services and properties.

In order for staff to be able to find that this project meets all of the above listed criteria, staff feels it would be very beneficial to know how this development would relate to surrounding properties, in particular any possible future development of the adjacent Diocesan property. Additional planning for the subject site and nearby properties could address the issues raised in this report prior to enabling the character and intensity of development being contemplated with this application. This planning could also presumably resolve the issues related to the appropriate density of development on this property as well as the Diocesan property if it were to develop in the future. Additional planning could also address circulation in this area, particularly between the subject site and the adjacent Diocesan-owned property to the east, with the goal of providing significantly greater connectivity between those two sites and Watts Road.

### **RECOMMENDATION**

Following the public hearing, the Plan Commission will need to determine if the requested amendment is appropriate and in conformance with the standards for zoning map amendments and planned unit developments. If it determines that the standards can be met, it should forward Zoning Map Amendment I.D. 3243, rezoning 733 CTH M from Temp. A (Agriculture) to Planned Unit Development, General Development Plan (PUD-GDP), to the Common Council with a recommendation of approval, subject to input at the public hearing and the following conditions:

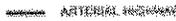
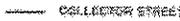
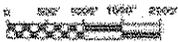
1. Comments from reviewing agencies.
2. That the applicant submit a one-lot Certified Survey Map and application to the City for approval prior to the recording of this general development plan.
3. That the general development plan be revised to show the connection of the driveway to CTH M serving this project per Planning Division approval. Staff recommends that the applicant work with the Catholic Diocese to tie his proposed access onto CTH M into the existing driveway leading to the Diocesan property as an alternative to creating another driveway along the highway.
4. That the applicant revise the zoning text per Planning Division and Zoning staff approval as follows:
  - a.) That the list of uses permitted within the planned unit development note multi-

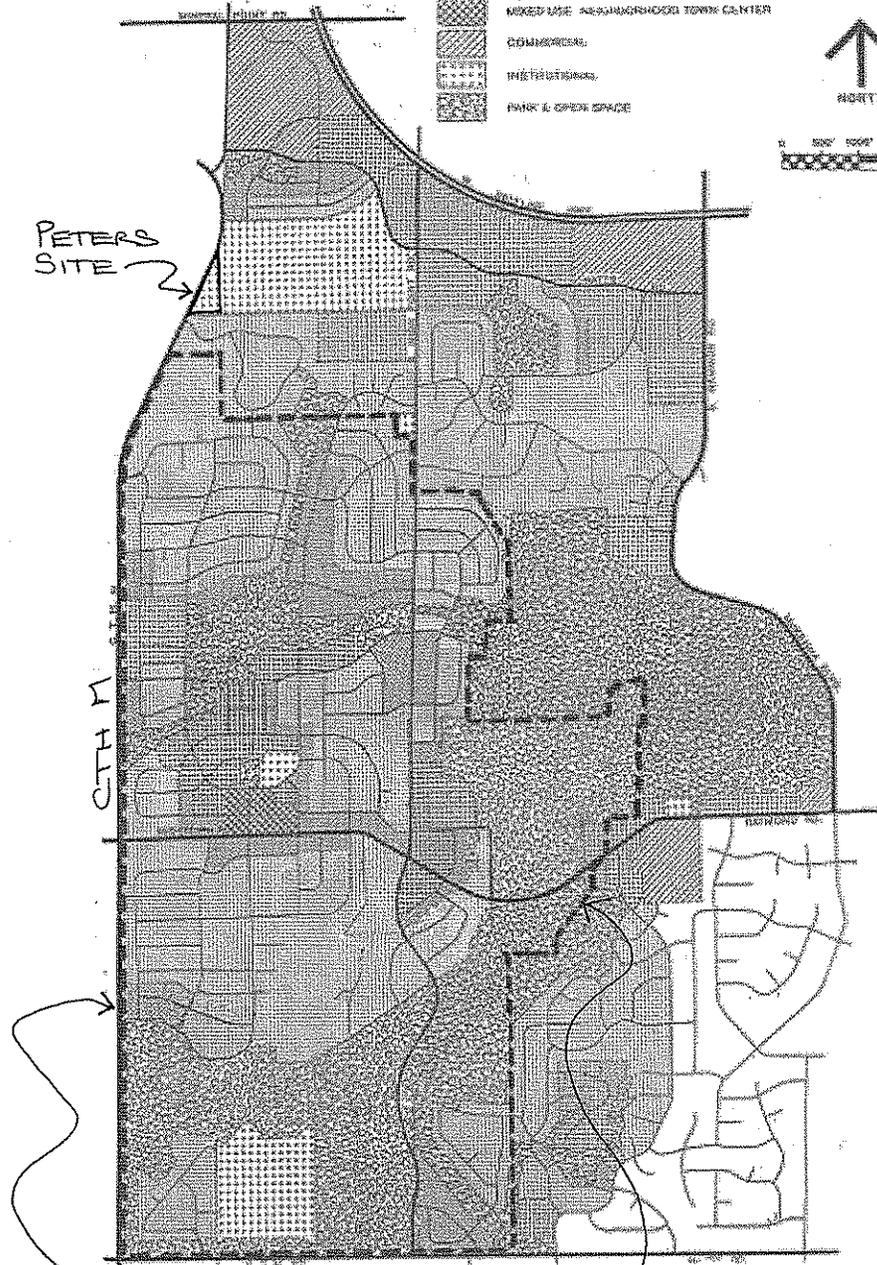
family residences as shown on the approved plans and any accessory uses related thereto, including but not limited to management offices, resident fitness facilities and parking;

- b.) That the family definition shall be per the R4 residential zoning district;
  - c.) That signage shall be limited to the maximum permitted in the C2 zoning district and as approved by the Urban Design Commission and Zoning Administrator.
5. That the applicant receive final approval of the general development plan from the Urban Design Commission.
  6. That the applicant receive approval of a specific implementation plan for this project that addresses all of the comments from reviewing agencies and the Urban Design Commission on the general development plan, and that addresses the provision of usable open space for residents of the project and the exact setback of buildings and the cul-de-sac at the southern edge of the property.
  7. That sidewalks be installed along the east side of CTH M adjacent to this property to create a continuous sidewalk connection from the existing sidewalk north of the Catholic Diocese property south to Applewood Drive according to plans approved by the City Engineer's Office. [Note this condition requires improvements off the subject site and will need additional approvals by the City Engineer, Board of Public Works and Common Council.]

MAP 4  
 HIGH POINT / RAYMOND NEIGHBORHOOD PLAN

LEGEND

- |   |                                    |   |                          |
|---|------------------------------------|---|--------------------------|
|  | LOW DENSITY RESIDENTIAL            |  | FREEWAY                  |
|  | LOW-MEDIUM DENSITY RESIDENTIAL     |  | ARTERIAL HIGHWAY         |
|  | MEDIUM DENSITY RESIDENTIAL         |  | COLLECTOR STREET         |
|  | MIXED USE NEIGHBORHOOD TOWN CENTER |  | NORTH                    |
|  | COMMERCIAL                         |  | 0 500' 1000' 1500' 2000' |
|  | INSTITUTIONS                       |   |                          |
|  | PARK & OPEN SPACE                  |   |                          |



FINAL  
 HIGH POINT-RAYMOND  
 STUDY AREA

City of Madison, Wisconsin

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|--|-------------------------------------|-------------|
| <b>REPORT OF:</b> URBAN DESIGN COMMISSION  | <b>PRESENTED:</b> February 13, 2008 |             |
| <b>TITLE:</b> 733 County Road M – PUD-GDP for 66 Apartment Units. 9 <sup>th</sup> Ald. Dist. (05443) | <b>REFERRED:</b>                    |             |
|  | <b>REREFERRED:</b>                  |             |
|  | <b>REPORTED BACK:</b>               |             |
| <b>AUTHOR:</b> Alan J. Martin, Secretary   | <b>ADOPTED:</b>                     | <b>POF:</b> |
| <b>DATED:</b> February 13, 2008  | <b>ID NUMBER:</b>                   |             |

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Members present were: Lou Host-Jablonski, Marsha Rummel, Todd Barnett, Bruce Woods, Richard Slayton, John Harrington, Bonnie Cosgrove, Richard Wagner and Jay Ferm.

**SUMMARY:**

At its meeting of February 13, 2008, the Urban Design Commission **GRANTED INITIAL APPROVAL** for a PUD-GDP located at 733 County Road M. Appearing on behalf of the project were Kenton Peters and Chuck Nahn, representing the Neighborhood of Quarry Ridge. Appearing in opposition was Frederic Ross, representing the Applewood Hill Homeowners Association. Peters provided a summary of changes to the project in response to the Commission's previous comments, highlighting the following:

- A review of the site and building plans emphasizing the preservation of existing natural vegetation around the perimeter of the building pad.
- Chuck Nahn spoke on the stormwater management plan noting the incorporation of potential bioretention areas around the perimeter of the building pad, the site's driveway entry and at the center of a turn around at the terminus of the entry drive to the property. Both Nahn and Peters emphasized the utilization of green roofs on the end modules of the two opposing ends of the interconnected structure.
- Peters noted reduction in surface parking as previously requested by the Commission with the elimination of 16 guest and residents surface parking stalls along the easterly façade of the interconnected building in areas now noted for use as potential bioretention areas. The overall reduction in parking reduces the amount from the previously proposed 128 stalls (90 lower level enclosed stalls with 38 surface parking stalls) reduced to a total of 112 stalls (90 underground, 22 surface) in response to the Commission's concern.
- In regards to traffic issues, Peters noted that discussions with the adjacent seminary to provide for shared access as requested.
- Additional landscaping and screening in the form of the addition of conifer plantings as an enhancement to existing landscaping is proposed along the property's County Trunk Highway M frontage, as well as adjacent to single-family lots at the southerly end of the site and proposed building.
- Relevant to the connectivity and access issue, attempts to work with the adjacent single-family subdivision (Applewood) for pedestrian connectivity were noted as not receptive by the subdivision's residents where the applicant maintains his willingness to provide access to any adjacent development as well as the adjacent Diocese property.

Following the presentation the Commission noted the following:

- Consider enhancing the natural environment for what is there in the form of existing landscape vegetation. Plan for additional landscaping amenities is too linear, too formal, the concept is OK but needs to be more complementary.
- There appears to be no address on proposed building materials and colors. The applicant noted that those issues will be dealt specifically at the SIP level in response to the Commission's concerns about the potential "white" coloration of the proposed residential structure.
- At minimum provide and identify potential pedestrian access to adjacent properties.

Several Commission members raised concerns with the need for additional detail on the proposed residential development. As a follow-up staff provided a detailed explanation on the requirements for the development of a Planned Unit Development-General Development Plan (PUD-GDP) in response to the issues raised.

### **ACTION:**

On a substitute motion by Wagner, seconded by Cosgrove, the Urban Design Commission **GRANTED INITIAL APPROVAL**. The motion was passed on a vote of (9-0). A prior motion by Barnett, seconded by Rummel for referral requesting additional details on the site plan as well as location of building entrances and other elements was withdrawn by Barnett. The motion for initial approval required address of the above stated requirements, in addition to:

- All issues relevant to pedestrian connectivity to adjacent sites be addressed at the SIP level, including the coloration of the building and material palette to depart from its current white/stark appearance.
- Relevant to the architecture the Commission noted its encouragement that something of architectural merit be provided at the SIP level relevant to the final form of the proposed residential structure in regards to detailing materials and fenestration.
- The applicant shall consult with staff prior to a return for final approval to ensure that all previous elements associated with this redevelopment proposal are reconstructed and organized as part of the fully detailed PUD-GDP packet for final approval by the Commission, including the previously reviewed tree study and analysis.
- Fully dimensioned and detailed site plans.
- Corrected text and notations relevant to the number of parking stalls as well as other consistent detailing relevant to the current extent of the project.

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

**URBAN DESIGN COMMISSION PROJECT RATING FOR: 733 County Road M**

|                       | Site Plan | Architecture | Landscape Plan | Site Amenities, Lighting, Etc. | Signs | Circulation (Pedestrian, Vehicular) | Urban Context | Overall Rating |
|-----------------------|-----------|--------------|----------------|--------------------------------|-------|-------------------------------------|---------------|----------------|
| <b>Member Ratings</b> | 5         | 5            | -              | -                              | -     | 5                                   | 5             | 5              |
|                       | 5         | -            | 5              | -                              | -     | 5                                   | 5             | -              |
|                       | -         | -            | -              | -                              | -     | -                                   | -             | 7              |
|                       | -         | -            | -              | -                              | -     | -                                   | -             | 5              |
|                       | -         | -            | -              | -                              | -     | -                                   | -             | 7              |
|                       | 5         | 7            | 5              | -                              | -     | 5                                   | 6             | 6              |
|                       | -         | -            | -              | -                              | -     | -                                   | 6             | 6              |
|                       | 5         | 5            | 4              | -                              | -     | 5                                   | -             | 5              |
|                       | -         | 7            | -              | -                              | -     | 5                                   | -             | -              |
|                       |           |              |                |                                |       |                                     |               |                |

**General Comments:**

- Terraces will potentially enhance social interaction; include seating areas.
- Need to see the architecture more clearly. But concept and site/massing is approvable.
- We'll need more detail later, but this is a generally good project.
- Model helps, but site context drawings need to be at the table.

## AGENDA # 2

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: December 5, 2007

TITLE: 733 County Road M – PUD-GDP for 66  
Apartment Units. 9<sup>th</sup> Ald. Dist. (05443)

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: December 5, 2007

ID NUMBER:

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Members present were: Lou Host-Jablonski, Chair; Bruce Woods, Richard Wagner, Bonnie Cosgrove, Marsha Rummel, John Harrington, Richard Slayton and Todd Barnett.

### SUMMARY:

At its meeting of December 5, 2007, the Urban Design Commission **REFERRED** consideration of a PUD-GDP located at 733 County Road M. Appearing on behalf of the project was Kenton Peters, developer. Appearing in opposition to the project were Fred Ross, Att. Michael Christopher and Thomas D. Zilavy, representing the Applewood Hills Homeowners Association. Prior to the presentation staff noted to the Commission that the project as currently proposed has been totally redesigned to provide for the development of a multi-level/tiered 3-4 story, featuring five individual building modules connected at the third floor level with the center module enlarged including a fourth story element. The building provides for a total of 66 upscale apartment units as a departure from the 74 residential units proposed within four individual detached structures reviewed by the Commission in February of 2007. Peters noted that the proposal locates the building across from the top of a former quarry area with a contiguous parking structure below. Each building features two dual exposures where the collective buildings have been generally moved toward County Trunk Highway M to preserve the wooded vegetation adjacent to the property's lot lines. Each building is generally 3-stories in height and steps down at opposing ends, where the building covers approximately 17.7% of the total site. The building is designed to take advantage of its sloped site. Peters anticipates negotiating with adjacent Archdiocese Seminary to share existing access, as well as provisions to limit left turn movement onto County Trunk Highway M in order to address traffic concerns. Following the presentation the Commission noted the following:

- Issue with the lack of on-site stormwater management which must be addressed. The use of the quarry as an opportunity to store water for reuse on-site, in addition creating more impervious areas is necessary as an option to channel through run-off on the site.
- Need to look at opportunity for on-site stormwater management.
- Like the current design scheme more than the previous version. The concept is stronger.
- Consider the upper bridges as shared outdoor spaces not to be enclosed to provide more access to open space at the upper levels for residents.
- It is unfortunate that the isolation of the project may require the level of parking as proposed, but move guest parking to the south end of the site.
- In terms of density, is not necessarily the issue but more concerned with resolving traffic conflicts.

Speaking in opposition to the project were Thomas D. Zilavy and Fred Rouse, president and member of the Applewood Hills Homeowners Association, in addition to Attorney Michael Christopher, representing the association. The comments in opposition were as follows:

- The 66-unit apartment project is incongruous with the adjacent neighborhood (Applewood) and adjacent neighborhoods, which are primarily low density residential in character.
- The project is too much too soon, not appropriate land use planning, not in keeping with providing for a transitional land use and planning principles.
- Issue with traffic and loading onto County Trunk Highway M.
- Support residential use as Applewood.
- The economics of the project has dictated the density as proposed. The project has no connectivity to adjacent neighborhood. Density needs to be looked at in terms of context. The Applewood residents would not support density as proposed if included in the neighborhood plan would have been considered for low density land use.

Following the comments the Commission noted the following:

- Low density land use is a principle which is not encouraged due to inefficiencies.
- Encourage pedestrian connectivity with Peters' development in to Applewood.
- The number of units proposed with this development is not high density.
- The project is not essentially the same as previous, much different, much improved.
- Comments in opposition noting that the project is essentially the same as previous were not consistent with that of the Commission which felt that the project was different and much improved.
- Connectivity going east to the Diocese property not practical. Going to the south is difficult with the adjacent neighborhood; therefore need to get together to create connectivity.
- Relevant to planning issues, what happened on the Diocese property and what will happen on its undeveloped portions will be much different than has occurred on the Applewood property and lands to the south; envision Diocese property's redevelopment to be more like what's on property to the north that consist of multi-family and commercial development. This is more of a land use issue, more of a Plan Commission issue.
- The design is good, urban, impressed.
- Like design but concerned about traffic.
- Perfect and appropriate that something like the project that is proposed is across from a University of Wisconsin Research Park employment center; not dense at all.
- Parking is excessive, seems high, reduce to create more pervious area, as well as consider options to relate to the adjoining street or highway ("M").
- Need to provide connectivity but none of the neighbors are connected.
- The traffic that will be generated by this project is nothing compared to the adjacent research park.
- Have to combine entrance with the adjacent Archdiocese/Seminary property.
- Needs to provide for on-site stormwater management along with the consideration of the use of green roofs and use of permeable pavement.
- Need to beef up trees if existing tree vegetation is required to be removed with the redevelopment.
- Redo main entry in coordination with the Diocese property, including consideration for a reduction of the angle of the driveway entry.
- Landscape plan should be provided which includes an ecological plant restoration, as well as provisions for on-site stormwater management.

**ACTION:**

On a motion by Barnett, seconded by Rummel, the Urban Design Commission **REFERRED** this item. The motion was passed on a unanimous vote of (8-0). The motion required address of the following:

- Look at parking count in relationship to the total number of units/parking stalls, reduce the amount of surface parking and provide less overall.
- Footpath connectivity with the adjacent Applewood and Archdiocese property should be provided.
- Adjust relationship of the southerly extension of the building to the neighboring single-family properties to provide for appropriate screening.
- Prepare a study of on-site stormwater management.
- Provide an accurate and full landscape/site plan survey.
- Provide context of overall area with adjoining neighborhoods.
- Use more natural colored materials; softer not the “white” of the adjacent research park.

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

**URBAN DESIGN COMMISSION PROJECT RATING FOR: 733 County Road M**

|                       | Site Plan | Architecture | Landscape Plan | Site Amenities, Lighting, Etc. | Signs | Circulation (Pedestrian, Vehicular) | Urban Context | Overall Rating |
|-----------------------|-----------|--------------|----------------|--------------------------------|-------|-------------------------------------|---------------|----------------|
| <b>Member Ratings</b> | 5         | 6.5          | -              | -                              | -     | 4                                   | 5             | 5              |
|                       | 6         | 5            | 4              | -                              | -     | 4                                   | 5             | 5              |
|                       | -         | -            | -              | -                              | -     | -                                   | 6             | 6              |
|                       | 7         | -            | -              | 7                              | -     | 6                                   | 6             | 7              |
|                       | -         | -            | -              | -                              | -     | -                                   | -             | 8              |
|                       | 7         | 9            | -              | -                              | -     | -                                   | -             | 8              |
|                       | 6         | 6            | -              | -                              | -     | 5                                   | 5             | 5              |
|                       | 6         | 6            | -              | -                              | -     | 6                                   | 6             | 6              |
|                       |           |              |                |                                |       |                                     |               |                |
|                       |           |              |                |                                |       |                                     |               |                |

**General Comments:**

- This is an interesting project. The traffic issues are significant and should be resolved before the plans are finalized.
- Viewed alone the design is quite interesting, however, the stormwater, off-site visual context and entry context to road needs some more thought.
- Interesting start. Address density, connectivity, parking, stormwater.
- Possibility of outdoor spaces at “bridges?” Good, strong concept. Consider broad western exposure with building architecture. High pervious area – very good (is it really only 17%). No left turn with shared access with seminary. Push surface parking to south to take advantage of eastern views? Look at future linkages to east for possible diocese development.
- Massing and site use is appropriate for this site, as is density. The following need resolution: permanent landscaping plan, stormwater management plan, and natural materials and colors @ architecture.
- Good design.
- Greatly improved from last time.
- Angle intersection of entry drive with “M” is acute; creating poor visibility. Pursue a more ecological approach to stormwater management.



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: November 30, 2007  
TO: Plan Commission  
FROM: Larry D. Nelson, P.E., City Engineer  
SUBJECT: 733 County Highway M Rezoning and Revised Plans

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. Site plan shall be revised to show point connection of driveway to a public street. Any access to CTH M must be approved by Dane County. All work in Dane County right-of-way will require a permit from Dane County Highway Department.
2. Sanitary sewer is not readily available to serve the proposed development. The Developer shall delay his schedule until such time as the sewer is available, or alternatively, the Developer shall request to extend sewer beyond the limits of this development (CTH M) at the Developer's expense.
3. The applicant shall dedicate additional right-of-way at the northerly end of the parcel if required by the City Engineer. The exact right-of-way needs for CTH M and the current right-of-way at this site needs further research.
4. Current site plan layout will require a private street name for the private drive to this proposed development. Submit proposed private street name to City Engineering Mapping and Land Records Program Specialist Lori Zenchenko for approval. [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) or 266-5952. Coordination of an address plan for this development is also required.
5. There are inconsistencies in the number of proposed units between the plan, application and letter of intent.
6. The City of Madison may change the name of County Trunk Highway M to Junction Road.



## 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: 733 County Highway M Rezoning and Revised Plans

#### General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 1.6 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) or (608) 266-5952
- 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 the \_\_\_\_\_ Impact Fee District for Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ Plat/CSM. The current rate is \$ \_\_\_\_\_ /1000SF for a total of \$ \_\_\_\_\_. The Developer shall select one of the following two options for payment of these fees:
- 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 have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off;
    - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
    - b) All information shall transmitted to Janet Dailey by e-mail at [jdailey@cityofmadison.com](mailto:jdailey@cityofmadison.com), or on a CD to:  
  
Janet Dailey  
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:

**ALL THE LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).**

#### Right of Way / Easements

- 2.1 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_

- 2.2 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping \_\_\_\_\_ feet wide along \_\_\_\_\_.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement \_\_\_\_\_ feet wide from \_\_\_\_\_ to \_\_\_\_\_.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from \_\_\_\_\_ to \_\_\_\_\_.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
  - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
  - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
  - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
  - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
  - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division. The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, 2

- b. 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.)
- c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

**Streets and Sidewalks**

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of CTH M in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along CTH M.
- 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 CTH M in order to facilitate ingress and egress to the development.
- 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

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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.

#### 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 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) Lot lines
  - g) Lot numbers

- h) Lot/Plat dimensions
- i) Street names

NOTE: Email file transmissions preferred [Izenchenko@cityofmadison.com](mailto:Izenchenko@cityofmadison.com) . Include the site address in this transmittal.

- 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 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.



## Traffic Engineering and Parking Divisions

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

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

February 10, 2007

Revised December 6, 2007

TO: Plan Commission

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

SUBJECT: **733 County Highway M – Rezoning – Temp A to PUD (GDP)- Multi-Family Residential 65 Unit Apartments**

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 applicant's contractor shall be responsible for securing all proper permits and approvals from Dane County Highway and Transportation Department for grading along and access onto County Trunk Highway (CTH) "M." The contractor shall provide copies of all approved permits to Traffic Engineering prior to approval of PUD (GDP-SIP) plans.
2. The applicant shall enter into a developer's agreement to make improvements on CTH "M" and the site access as determined by Dane County and City Traffic Engineer prior to approval.

### PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

3. A five ft sidewalk with 3 ft grass terrace shall be installed from the building entrance to the Junction Road public roadway sidewalk with ramps and crosswalks as needed.
4. The applicant shall dedicate Junction Road right-of-way extending the southerly dedication to the northerly property line for future use.

### GENERAL OR STANDARD REVIEW COMMENTS

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

5. When the applicant shall submit 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 and proposed 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'.

6. The applicant shall show the dimensions for proposed and existing parking stalls' items A, B, C, D, E, F, and 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.
7. "Stop" signs shall be installed at a height of seven (7) feet at all driveway approaches behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
8. The attached Traffic Signal/Street Light declaration of conditions and covenants shall be executed and returned with site plans.
9. 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.
10. 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: Kenton Peters  
Fax: 255-0126  
Email: [kentonpeters@sbcglobal.net](mailto:kentonpeters@sbcglobal.net)

DCD: DJM: dm



# CITY OF MADISON FIRE DEPARTMENT

## Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295  
Phone: 608-266-4484 • FAX: 608-267-1153

DATE: December 6, 2007  
TO: Plan Commission  
FROM: Edwin J. Ruckriegel, Fire Marshal  
SUBJECT: **733 County Highway M**

The City of Madison Fire Department (MFD) 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.)

None.

### **GENERAL OR STANDARD REVIEW COMMENTS**

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

No comments on rezoning only.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan

**Parks, Timothy**

---

**From:** Michael R. Christopher [mrc@dewittross.net]  
**Sent:** Wednesday, February 20, 2008 11:49 AM  
**To:** Murphy, Brad; Parks, Timothy  
**Cc:** Skidmore, Paul; Thomas D. Zilavy; fred ross; Michael R. Christopher  
**Subject:** Peters Project - 733 CTH "M"  
**Importance:** High

You are quite aware of the basis for Applewoods' opposition to this project. However, as you know, development is often about making compromises so Applewood has authorized me to make a good faith offer to attempt to resolve this matter.

The bottom line is that if this project were reduced to a maximum of 8 units per acre or a total of 32 units, Applewood would be prepared to drop their opposition to the re-zoning to PUD(GDP.) It is my understanding that this is consistent with what you indicated to Mr. Peters last year as to what would be an acceptable density level from your viewpoint. Of course, if the City were to approve this re-zoning based on this density, Applewood may have concerns when this reaches the SIP level.

Applewood believes that due to an oversight and not because of any valid land use consideration, the Peters parcel was inadvertently left out of the neighborhood plan designation that would have provided for a maximum of 8 units per acre. Thus, Applewood's position is not taken "out of the air" but is based on rational land use considerations.

I hope that this offer will be taken into account in finalizing the Planning Unit's recommendation for the February 25 Plan Commission meeting.

Michael



Michael R. Christopher  
Chair, Real Estate and Land Use Practice Group  
DeWitt Ross & Stevens, S.C.  
2 E. Mifflin St. Suite 600  
Madison, WI 53703-2865  
[mrc@dewittross.com](mailto:mrc@dewittross.com)  
Office: 608-252-9365  
Fax: 608-252-9243

\*\*\*\*\*  
IRS Circular 230 Disclosure: To comply with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained herein (including any attachments), unless specifically stated otherwise, is not intended or written to be used, and cannot be used, for the purposes of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter herein.  
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\*\*\*\*\*

APPLEWOOD HILL HOMES ASSOCIATION  
MADISON, WISCONSIN

November 20, 2007

Madison Plan Commission Room LL100  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, WI 53701-2985



RE: 733 CTH "M"

Dear Commissioners:

This letter represents the position of the Applewood Hill Homes Association ("Applewood") regarding Mr. Peters' application to rezone his 3.9 acre vacant parcel which is located along the northern perimeter of the Applewood neighborhood. The Applewood neighborhood consists of 40 single-family residences and was developed in the 1960s by the late Professor James A. Grasskamp. Exhibit A attached to this letter is a map showing Mr. Peters' property, the Applewood neighborhood, and the surrounding land uses.

After having met with the developer, the Applewood Board voted unanimously to oppose Mr. Peters' request for rezoning which would permit him to construct a 65-unit apartment complex. Applewood residents are opposed to this project for the following reasons:

1. Inappropriate Land Use Planning. The construction of a 65-unit multifamily apartment complex immediately adjacent to a single-family residential neighborhood would create an island with no attempt to achieve land use transition. The addition of 65 apartment units on the developer's parcel would be in conflict with the City's High Point-Raymond Neighborhood Development Plan ("Neighborhood Plan"). A map of that neighborhood planning area is attached as Exhibit B. Exhibit B shows that the planning area includes undeveloped lands which abut the southern boundary of Applewood. Notwithstanding the fact that Mr. Peters' land is not yet part of a neighborhood planning area<sup>1</sup>, it would be logical for the lands on the northern boundary of a single-family residential area like Applewood to be developed as provided for in the Neighborhood Plan. The Neighborhood Plan provides that the lands adjacent to Applewood should be subject to the lowest density residential development. Thus, it is Applewood's view that Mr. Peters' proposed 65 units would violate established transition principles of land use planning.

<sup>1</sup> The Peters' land apparently will be part of the Junction Neighborhood Development Plan. See page 1 of High Point-Raymond Neighborhood Development Plan.

2. Exacerbation of Existing Traffic Problems. Mr. Peters' apartment project would require vehicular access to and from County Trunk Highway M ("CTH 'M'"). CTH "M" is a two-lane road carrying over 20,000 vehicles daily, and the road is likely to remain two lanes for the foreseeable future. In addition, because of the configuration of the highway and the topography of the land near the Peters' parcel, access at that point would be potentially dangerous to northbound traffic and to vehicles exiting the Peters' parcel. Left turns on CTH "M" from and into the developer's proposed project would make it virtually impossible to navigate safely during busy traffic times. Between the City of Verona and the Mineral Point Road intersection, CTH "M" is heavily used and quite congested, especially in the early morning and late afternoon hours. The additional vehicular trips<sup>2</sup> which would be generated by the proposed 65-unit apartment project will add to the current traffic malaise on CTH "M".
  
3. Significant Destruction of Trees and Vegetation. The development would result in the destruction of many mature trees and other environmentally important vegetation. Mr. Peters points out in his Letter of Intent that his property is heavily wooded. That is true, and Applewood is concerned that construction of this very dense apartment complex would result in the destruction of many of the trees and other vegetation on the site, which would permanently alter the nature of that site and negatively impact the adjacent Applewood neighborhood.

In addition to summarizing the reasons for our opposition, Applewood wishes to respond to some offensive and inflammatory statements made by Mr. Peters in his Letter of Intent. Contrary to the assertions made by Mr. Peters that Applewood residents are narrow-minded naysayers who are unwilling to come to grips with the way the surrounding lands are being developed, for the past 15 years Applewood has established excellent communication and working relationships with numerous residential and commercial developers, including Menard's, the proposed University Research Park, commercial development south of Mineral Point Road, and multifamily and single-family residential development to the east of Applewood. In addition, Applewood actively and positively participated in the planning process of developer Roger Bowden, who developed the Cortland Park multifamily housing along Watts Road and commercial properties south of the Menard's facility. Applewood also worked with the developer of the Coventry Village single-family retirement community located on its eastern boundary. The facts clearly show that Applewood has never tried to block reasonable development but has worked hard to be a good neighbor and to encourage high quality development in the area. Unfortunately, Mr. Peters has chosen to ignore our concerns and has chosen not to compromise, but instead has decided to misrepresent Applewood's motives in his Letter of Intent.

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<sup>2</sup> Trip generation tables from the Institute of Traffic Engineers indicate that the 65 units would generate an additional 500 vehicular trips on CTH "M" each day.

Applewood has taken the initiative to establish an excellent working relationship with the Madison City Planning Department. Applewood has made it clear to your staff that it is well aware of the fact that the remaining undeveloped lands in the vicinity of our neighborhood will in fact be developed. Applewood intends to be cooperative with and helpful to the City. For example, Applewood has advised the City that with respect to future developments, Applewood would like to be considered an integral part of a neighborhood area, notwithstanding the fact that Applewood is currently located in the Town of Middleton.<sup>3</sup> Applewood has proposed to Planning staff the idea of providing a connector for walking and bicycle paths which may be located in other neighborhoods lying north and south of its boundaries.

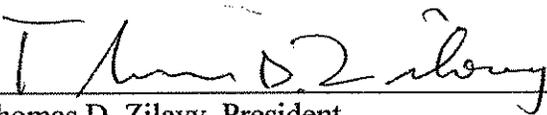
The developer's Letter of Intent is quite revealing as to why the developer is proposing to construct a project with such extreme density levels. Mr. Peters believes that the triangular shape of the site and the existence of the quarry make it uneconomical for him to develop the parcel unless he is able to generate revenue from 65 housing units. It is disingenuous for Mr. Peters to embrace principles supporting dense development when the real rationale behind this proposal is to solve the economic problems faced by the developer.

Constructing a 65-unit apartment project immediately adjacent to a single-family residential development like Applewood appears to us to represent poor planning and land use. Mr. Peters' contention that his project would be an "infill" development is, under the circumstances, without any merit. Indeed, we believe approving Mr. Peters' proposed development would run starkly counter to a key objective in Madison's land use planning. Quoting from the High Point-Raymond Neighborhood Plan, "When planning for additional development within the neighborhood, locate planned land uses so that they are compatible with existing development already in the neighborhood" (see page 7, under "Land Use Objectives and Policies").

Representatives of Applewood will elaborate on our opposition at your December 17, 2007 meeting.

Sincerely,

APPLEWOOD HILL HOMES ASSOCIATION

By:   
Thomas D. Zilavy, President

---

<sup>3</sup> Applewood remained in the Town of Middleton at the time that the City of Madison and the Town of Middleton entered into an agreement regarding annexation and land use which permitted both the City of Madison and the Town of Middleton to understand, for a substantial period of time, the parameters of development within those two governmental units.

cc: Mayor David Cieslewicz  
Alderson Paul Skidmore  
Joel Plant  
Mark Olinger  
Brad Murphy  
Tim Parks  
David Dryer  
Dan McCormick  
Al Martin  
Urban Design Commission Members

**EXHIBIT A**

PROPOSED RESEARCH PARK

↑ TO MINERAL POINT RD.

WATTS ROAD

Cortland Pond

**PETERS' PROPERTY**

DIOCESAN PROPERTY

Existing driveway

COUNTY TRUNK M

COVENTRY VILLAGE

070827462542

SINGLE FAMILY

APPLEWOOD HILL

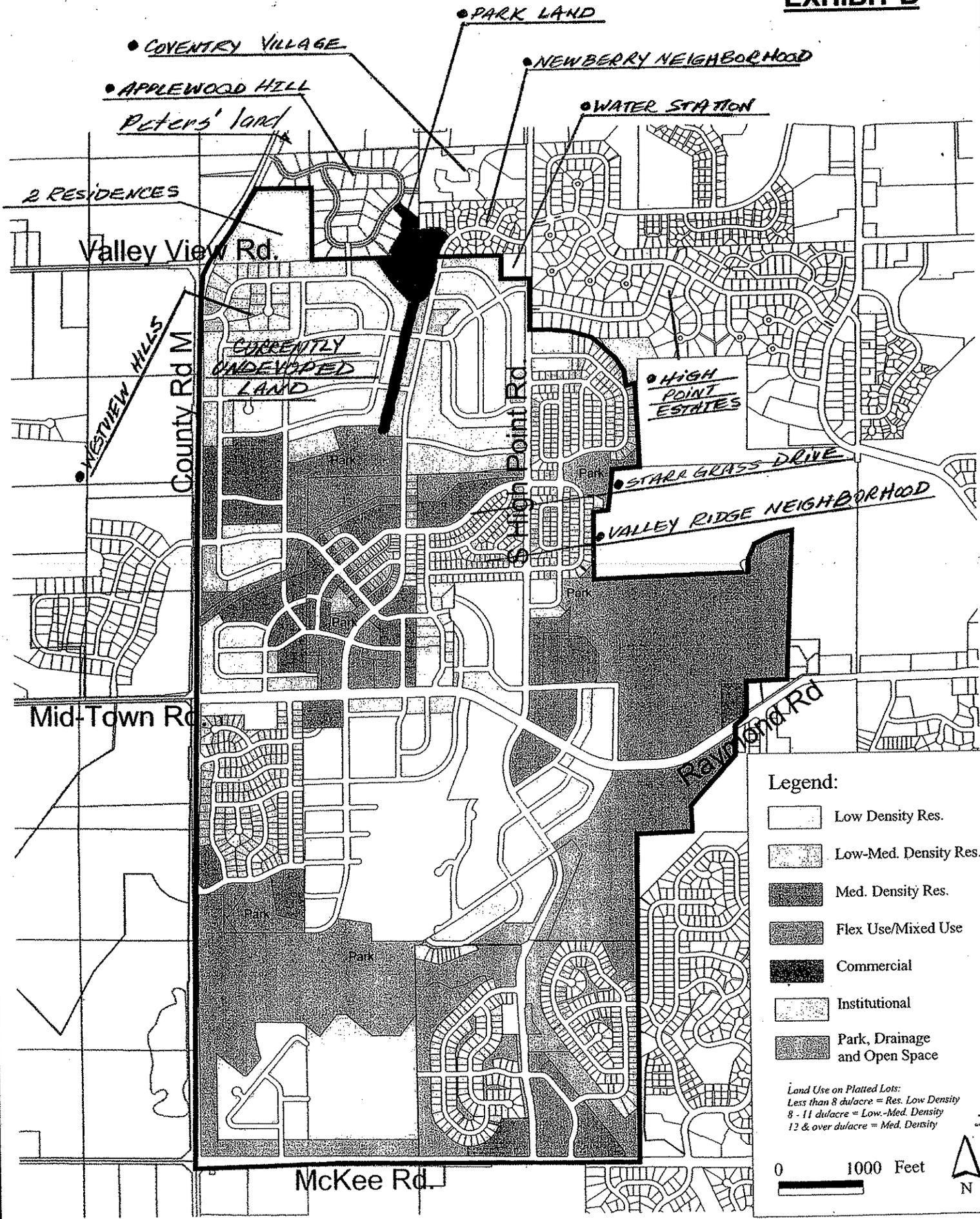
Newberry

WestView Hills

Undeveloped Lands

# High Point - Raymond

**EXHIBIT B**



APPLEWOOD HILL HOME ASSOCIATION  
MADISON, WISCONSIN

March 30, 2007

Mr. Bradley Murphy  
Mr. Tim Parks  
City of Madison  
Department of Planning and Development, Planning Unit  
Suite LL 100, Municipal Building, Madison, WI 53703  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, WI 53701-2985



RE: Development Bordering Applewood Hill Neighborhood

Gentlemen:

Thank you for participating in yesterday's meeting in your offices with representatives of the Applewood Hill Home Association ("Applewood"). The purpose of the meeting was to discuss Applewood's vision for neighborhood developments on lands that are in the City of Madison and are adjacent to Applewood. Prior to the meeting, Applewood provided you with a statement of its vision regarding the development of adjacent land and its desire to establish a constructive and cooperative relationship with the City regarding the development of such lands. From comments made during the meeting, it is our understand that the City will treat Applewood as if it were a City neighborhood association and, if possible, will include Applewood in the City's list of neighborhood associations.

At the meeting there was discussion regarding the development recently proposed by Kenton Peters on a three-acre triangular-shaped piece of property which is adjacent to two lots in the Applewood plat, the possible future development of the property owned by the Catholic diocese, and future development of the property on the southern perimeter owned by Mr. Mullins.

During the meeting we also discussed the City's High Point-Raymond Neighborhood Development Plan ("High Point Plan") and learned that the vacant property located on the northern perimeter of Applewood, which includes the diocesan lands and Mr. Peters' parcel, was identified in the City's planning documents as being institutional. The fact that the Peters' parcel was privately owned was inadvertently overlooked. When Mr. Peters submitted his development proposal, the City learned that all of the property in question was not owned by the Catholic diocese and thus not all of it could be classified as institutional.

Applewood is of the opinion that in the City's neighborhood and comprehensive development plans, the Peters' parcel should be handled in the same fashion as the Mullins' parcel. In the High Point Plan, the lands located along the Applewood border are designated for low density residential development. It is Applewood's view that the property along the northern perimeter, including the Peters' parcel, should also be designated for low density residential development. We urge the City to take whatever steps are necessary to immediately amend the High Point Plan to accomplish that objective. Doing so would be consistent with the City's neighborhood and comprehensive development plans and with the developments to the east which have already occurred around the Applewood plat. In addition, we suggest that consideration be given to incorporating into the High Point Plan Applewood's vision regarding development of lands on the neighborhood's southern border.

With respect to Mr. Peters' proposed development of his three-acre parcel, Applewood continues to be strongly of the opinion that the application of sound planning principles supports a conclusion that Mr. Peters' development should consist of single-family, owner-occupied structures with a density comparable to the density projected for lands adjacent to Applewood in the High Point Plan, i.e., low density. As we have stated in Applewood's letter dated March 4, 2007, as the lands around Applewood are developed, Applewood would consider various means that might be available to integrate the Applewood neighborhood into adjacent neighborhoods. Applewood intends to cooperate with the City in this regard and with respect to future development of lands around the Applewood plat.

Again, all the residents of Applewood appreciate the courtesy you extended with respect to meeting with representatives of our neighborhood association. We look forward to developing and maintaining a cooperative relationship with the City.

Sincerely,

APPLEWOOD HILL HOMES ASSOCIATION

By:   
Michael Franco, President

cc: Attorney Michael R. Christopher



# Applewood Hill Homes Association, Inc.

Applewood Drive  
Madison, Wisconsin 53719

Mr. Bradley Murphy  
City of Madison  
Director, Planning Unit  
Madison Municipal Building  
215 M.L. King Jr. Blvd  
Madison, WI 53703

March 4, 2007



**RE: Development of lands surrounding the Applewood Hill  
Neighborhood--A proposal for cooperation.**

Dear Mr. Murphy:

Following your telephone call to Fred Ross several weeks ago alerting the Applewood Neighborhood to Kenton Peter's proposal to develop the 3.9 acre parcel of land immediately abutting our northern boundary, we have collected additional information on the proposal, talked to a number of individuals, including Tim Parks of your Planning Department, and held a number of meetings with members of the Applewood Hill Homes Association.

As you likely realize, Peters' proposed project of 74 rental apartment units in four large buildings took us very much by surprise and it has taken several weeks to come to a neighborhood consensus on a response. Our surprise is the result not just of the project coming at us unannounced by Peters, but also because of the massiveness and character of the project. Our residents have repeatedly been told by Peters that he would be developing this land for one or perhaps several single-family homes. We of course understand that such comments are not binding, but the fact is this proposal now is vastly beyond what any of us had expected. I would also note that the Highpoint-Raymond Neighborhood Plan, despite some confusion about Peters' acreage being "institutional," clearly implies that lands surrounding Applewood will be developed as low density residential.

Our neighborhood is rapidly urbanizing. Forty years ago, when Applewood was developed, we were literally "out in the country." This is no longer the case, and we accept--admittedly with much regret--the inevitable process of urbanization. Indeed, over the past few years our Association has worked with developments around us, including the University Research Park, the Courtland Ponds Apartments, and Coventry Village Retirement Center, to shape these projects to our mutual satisfaction. It would be our hope that we can ultimately work with the City of Madison and Peters in the shaping of his project, which brings me to the point of this letter.

Over the past several weeks we have met in a number of ever-enlarging neighborhood groups, culminating finally in an all-member Association meeting on February 27. At this meeting several members walked the group through the history of Applewood's involvement with past developments in the area, current information, as we have it, on the Peters project, and the overall development pressures that we will likely be facing over the next ten years or so. From the earlier discussions in small groups, the idea emerged that Applewood should have a general policy position—perhaps “vision” is a better term—of our aspirations regarding development of lands immediately abutting our boundaries, which of course means developments such as Peters’.

I am pleased to report that the policy statement as presented was overwhelmingly endorsed by our members. What is particularly noteworthy about this endorsement is that this policy represents a new and, if I may say, enlightened vision. I am submitting this policy to you at this time, exactly as it has been approved by our members and, subsequently, by our Board of Directors.

Our vision for the Applewood Hill Homes Association is that undeveloped lands immediately abutting our current boundaries be developed in a manner generally in harmony with our neighborhood. Our desire is that any new development be of a character that can be naturally integrated into our neighborhood, and that, ultimately, this expanded neighborhood can be integrated within a common community. To this end, we envision that abutting development will be:

1. Residential
2. Owner occupied
3. Architecturally designed with low profile dwellings
4. Connected in some manner (sidewalks, paths, roads) to Applewood
5. Sensitive to traffic impacts on local roads
6. Fitted to the existing natural landscape.

As an Association, we are committed to working toward this vision.

In view of this policy, it should be no surprise that we are highly dissatisfied with the massive apartment project Peters has proposed. In fact, other than being residential, which is the first item, Peters’ proposal, in our judgment, fails to meet any of the other five criteria. Specifically, it calls for 74 rental apartment units rather than owner-occupied dwellings; the proposed three-story buildings are anything but “low profile”; there is no connection to Applewood and thus no attempt to integrate it into our neighborhood; it would force some 500 auto trips directly onto CTH “M” at a location with very marginal sight distance; and it would, because of its massiveness, require obliteration of most of the useable acreage on this steeply wooded old quarry site.

Therefore, we wish to go on record as strenuously opposing Peters’ project as it now stands. Most emphatically, we do not oppose development of these lands, but we believe there are uses, designs, connections, and building arrangements that can make the development more in keeping with the Neighborhood Plan, with the Applewood neighborhood, and with the existing topography. We will make every effort to monitor alterations that Peters presents to the Urban Design Commission, the Plan Commission,

and the Common Council, and we stand ready to meet with you or members of your staff at any time you feel our views and ideas may be useful.

Sincerely,



Michael Franco, President

APPLEWOOD HILL HOMES ASSOCIATION



Department of Planning & Community & Economic Development  
**Planning Division**

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

Madison Municipal Building, Suite LL100  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
TTY/TEXTNET 866 704 2318  
FAX 608 266-8739  
PH 608 266-4635

September 7, 2007

Mr. Kenton Peters  
155 East Wilson Street  
Madison, WI 53703

Dear Mr. Peters:

This letter is in response to the letter I received from you on August 22, 2007. In that letter, you summarized a meeting between you, Matt Aro and myself on August 16, 2007. I would like to correct a couple of the statements in the letter.

At the meeting, I indicated that I would be discussing the revised development plans with Planning Division staff and that staff would be carefully reviewing the revised application once it was submitted for our review. The Plan Commission and Common Council will need to address the appropriateness of residential development at the densities that you are recommending given the existence of the Catholic Diocese property to the east, Applewood subdivision to the south, other land uses in the area and the fact that we do not have an adopted plan for this area that supports the densities being proposed. I would like to acknowledge the positive design changes that have been made to address concerns that have been expressed. I encourage you to continue to look for ways to improve the project. For example, the latest plans seemed to provide very little usable open space for residents. The buildings also seem to continue to crowd the southern boundary of the site.

Your letter indicates that I indicated that projects which conform to the position of the Department receive little attention or concern focused on the details of the proposed project. What I had said is that projects that conform to adopted City plans are likely to move through the process more smoothly than those which do not conform to adopted plans.

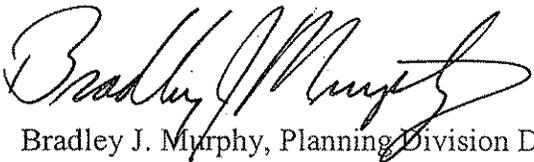
Your letter also indicates that the position of the Planning Division is based heavily on the commitment to support the Applewood neighborhood. What I said is that the City has made a commitment through the adoption of the intergovernmental agreement between the City of Madison and the Town of Middleton to notify Town residents and property owners of land use applications being submitted for City Plan Commission and Common Council review. Your letter states that the Department and the Applewood neighborhood have expressed a willingness to accept a density of 10 units per acre. I would like to clarify that the acceptable densities on this property will need to be determined based on a specific development plan submitted for review and ultimately it will be the Plan Commission and Common Council which will need to decide the appropriate density of development given the land uses in the area, services that can be provided, and the standards for approval of a zoning map amendment and Planned Unit Development.

Your letter goes on to ask several questions concerning the development of your apartment project and describes it as the creation of a "new neighborhood the same size as Applewood." I expressed concerns

in the meeting with you that the building of an apartment project with one access onto County Trunk Highway M, with limited access to neighborhood services, and with no integration or connectivity to adjoining uses makes it difficult to envision the apartment project being a neighborhood or a well-integrated part of a larger neighborhood.

We look forward to seeing the submittal of your revised plans and will be carefully reviewing it as we formulate our recommendation for consideration by the Plan Commission and the Common Council. If you would like to discuss the plans further, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Bradley J. Murphy". The signature is fluid and cursive, with a large initial "B" and "M".

Bradley J. Murphy, Planning Division Director

Received 8/22/07

**Brad Murphy**  
**Department of Planning and Development**  
**City of Madison**

**Re. The Neighborhood of Quarry Ridge**

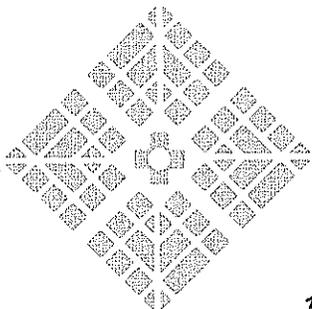
**Brad:**

**Accompanying this note are the diagrammatic floor plans of the Neighborhood of Quarry Ridge ( NQR ) project., for your information.**

**I appreciated the opportunity to meet and discuss this project with you last week. I found our discussion to be very informative. So, I noted below items discussed which had the most significant impact on the project and which seemed to illustrate your position most clearly.**

- **The NQR related very well to the land use pattern of the lands immediately to the west.**
- **The traffic situation is temporal: it should be well addressed by the extension of Pleasant View Road south, and the improvement of the existing Co. Hwy M, planned within the next 5 years.**
- **You acknowledged that we have made a concerted effort to address the concerns of the Applewood neighborhood. And , made a major redesign to address their concerns**
- **You identified three options open to you regarding the approval of this project.**
  - **Support the project (this was not likely)**
  - **Oppose the project as designed**
  - **Identify the issues involved and submit them**

KENTON COMPANIES LLC



**to the policy makers for their decision. (this is probably the best I could hope for, you advised)**

**I expressed that from my point of view, it would be fairest if the Department issued no statement at all and left it up to the Policy Makers to identify in their own way, how they saw the issues involved.**

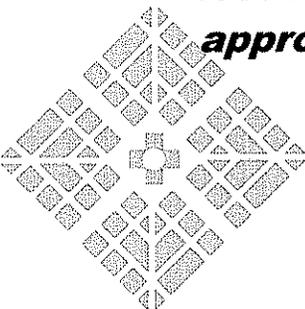
- **When discussing the pending approval process, you acknowledged that when a project conforms with the position of the Department, little attention or concern is focused on the details. But when a project proposes something other than what the Plan Section envisioned, a great deal of attention is directed toward the details of the project.**
- **You also advised, that your position was based heavily on the commitment to support the Applewood Neighborhood and their desire to limit adjacent development to very low densities such as single family or duplex developments. But you also expressed a willingness of both the Department and the Applewood neighborhood to accept densities of 10 units per acre.**

*advised plan.*

*not true*

*not true*

**The recollections offered here are only to show that I am well aware of what I can expect from the Department when the approval process proceeds. But the meeting had positive aspects with regard to the gap between the position of the Plan Section and the Developer. This difference has actually been distilled down to one cogent issue. While both agree that multi-family housing is the appropriate use,, there is a difference of 25 units between**



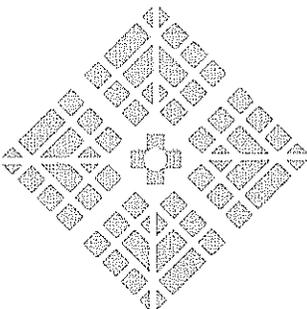
***the two positions. 6 units per acre is the gap. To look at this gap another way, several questions are posed below.***

***Does putting 6 more units on each acre destroy or even affect the integrity of the Applewood neighborhood?***

***Does creating a new neighborhood the same size as Applewood, composed of a younger, more diverse population have any effect at all on the self-contained closed in character , composition or integrity of Applewood?***

***Does building a new neighborhood of 65 dwellings, affordable to people of more modest income than those in Applewood, adding significant benefit to the City, pose any threat to the exclusive character of Applewood?***

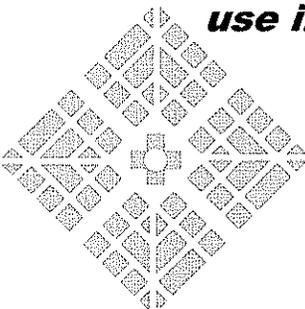
***The answer to these three questions is I strongly believe , NO ! Offered below is an extensive list of reasons to justify the creation of this new neighborhood as designed with 65 dwellings. You are invited, and I urge you and your staff to consider them as you formulate your public position on the future of this project.***



## **THE NEIGHBORHOOD OF QUARRY RIDGGE**

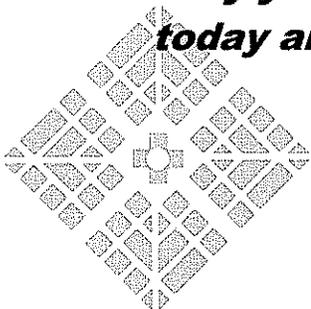
### **Supportive judgements for density as designed**

- ***Creates a “critical mass”, socially, environmentally,,and financially***
- ***Turns a “lemon” site into “lemonade”***
- ***Serves safety and welfare of the public: no hazardous quarry pit to contend with***
- ***Sensitive to and responds to the exclusivity , privacy and integrity of adjacent neighborhood***
- ***Sensitive to and respects the topography, landscape and aesthetic character of the site.***
- ***Utilizes but does not exceed the “carrying capacity “ of the site***
- ***Maintains and enhances the tax base of the City (see code PURPOSE # 8)***
- ***Consistent with City policy for increased desity of land use***
- ***Consistent with universal land use planning principles placing higher densities in closer proximity to commercial and office land uses***
- ***Site is not appropriate for single or duplex dwelling unit development***
- ***Site is very compatible with land use plan for Pioneer District immediately west of project site; and with land use immediately to the north (CORTLAND POND APTS)***



- ***Responds to vital, growing market for modest sized dwelling units generated by EPIC and other development of job opportunities in the SW Madison, Verona area***
- ***Compatible with and sensitive to possible future development of Seminary property immediately to the east, affording a wooded landscape buffer.***
- ***The neighborhood of Quarry Ridge offers a reserve of privacy, quiet seclusion away from the bustle of the dynamic growth around this area.***
- ***The design of The NQR affords the residents a sophisticated***
- ***urban garden setting in a wooded rural hill top.***
- ***Development at a density less than 65 units will be a waste of ideal development property that does not consume valuable farm land.***
- ***Perpetuating the very low densities of Applewood and the recent development to the east would be an affront to prudent land use policy in our fast growing city. Providing municipal services to very low density neighborhoods costs considerably more than that to serve higher density neighborhoods,***
- ***From every environmental consideration, reasonable higher densities are more environmentally sound than lower densities. As designed, The Neighborhood of Quarry Ridge is a very environmentally friendly development.***

***There is almost every reason in the world to support and approve The Neighborhood of Quarry Ridge as designed. There is little justification to apply a land use standard set forty years ago, under much different conditions than exist today and that will exist for the years to come; and then***

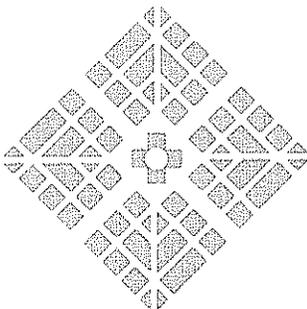


***impose those obsolete standards on lands that must serve generations much different than those who built Applewood. In fact, the creation of The Neighborhood of Quarry Ridge as designed, will protect the character and integrity of Applewood from future projects that are less respectful of our neighbor and less sensitively and carefully designed to honor the homesteads and sense of place instilled there by those good people who have called that beautiful setting HOME for so many years past.***

***Yes, the world has and is changing. The way we live is different than it was. But the quality of life need not decline or depreciate. Through good, sensitive, respectful design the privacy and intimacy of our lives, though compressed into a different scale, can be preserved and in fact, enhanced. It is my contention that The Neighborhood of Quarry Ridge as designed, is a significant step in that direction.***

***I urge all that sit in review of this proposal to consider with a receptive mind, the thoughts offered here. And, if necessary, set aside thoughts of times past, when things were different, and form your stance on a view of what things will be like in the future.***

***Kenton Peters AIA***



Board of Directors

|                 |                 |
|-----------------|-----------------|
| Tom Zilavy      | Rick Gulbrand   |
| Fred Ross       | Robert Brooks   |
| Allen Christian | Margaret Kramer |

July 9, 2007

Mr. Kenton Peters  
Kenton Peters & Associates  
155 East Wilson Street  
Madison, WI 53703

RE: Quarry Ridge Project

Dear Mr. Peters:

This letter is a follow-up to your meeting with the Applewood Board of Directors on Tuesday, June 19. The site plan and model you revealed at the meeting did address some of the issues which Applewood raised with you in connection with your original plan for the apartment project. The Board concluded that you successfully addressed the aesthetic issues which the Board felt existed with respect to the initial design of the project. However, the current proposed design did not satisfactorily address Applewood's two principal concerns. These concerns are discussed below.

Applewood recognizes that the lands on its northern and southern perimeters, which are located within the City of Madison, will be developed at some time in the future. Applewood's policy is not to stymie any and all development but rather to influence development so that it occurs in a manner which will not have a negative impact on the Applewood neighborhood. Applewood has taken the position that the Neighborhood Plan of the City of Madison for lands on the northern perimeter of Applewood should have the same density standards as the City's Neighborhood Plan provides for development on the southern perimeter of the neighborhood. Applewood has asked the City of Madison to consider amending its Neighborhood Plan for the lands located on Applewood's northern perimeter to provide for a density of eight units per acre. Applewood intends to pursue that goal with the Plan Department of the City of Madison. Thus, the density you have proposed for the revised apartment project continues to exceed the density which Applewood feels would be most appropriate for lands immediately adjacent to a high quality and mature residential neighborhood.

Second, the Board has concluded that the traffic which would be generated by your proposed apartment project would contribute significantly to the traffic problems which currently exist on County Trunk M. In the Board's opinion, the traffic issue presented by your proposed project would have a negative impact on the safety and convenience of the Applewood residents.

Accordingly, Applewood cannot support the apartment project as revised by you and will express its concerns about the project to the Plan Department of the City of Madison.

Sincerely,

BOARD OF DIRECTORS  
APPLEWOOD HILL HOMES ASSOCIATION

By: \_\_\_\_\_  
Thomas D. Zilavy, President

APPLEWOOD HILL HOMES ASSOCIATION  
MADISON, WI

March 26, 2007

Mr. Kenton Peters  
Kenton Peters & Associates  
155 East Wilson Street  
Madison, WI 53703

RE: Development of Quarry Ridge Apartments

Dear Mr. Peters:

I am writing to you as President of the Applewood Hill Homes Association, Inc., the members of which are the owners of single family residential properties located within the plat of Applewood Hill in the Town of Middleton.

As you know, the apartment project referred to above which you propose to construct is located on the northern perimeter of the Applewood Hill plat. Although your proposed project would be adjacent to only two of our Association members (the Shelp and Powless homes), the development of your lands has implications for all members of the Association.

The Applewood neighborhood is close-knit, and issues like those presented by your proposed development have always been addressed by the Association rather than by individual land owners/residents. Therefore, I respectfully request that your contacts regarding the proposed development be directed to the president of the Association or to a person or persons hereafter designated by the board of directors of the Association.

I thought it would be helpful to you in understanding Applewood's position regarding development on its borders if I provided you with some background about the neighborhood and the Association.

Applewood was developed in the 1960s by the late James Graaskamp, a well-known professor of real estate at the University of Wisconsin, and Jim Burkhard, a builder who constructed several of the homes in Applewood. Professor Graaskamp advocated for an environmental ethic in real estate development because, he stated, development would have a considerable and irreversible impact on our limited land resources. Graaskamp also recognized that there is a social component to real estate development which needs to be considered. Several members of the

Association are original members who acquired their property from Graaskamp's development corporation.

During the past few years, the Association has worked cooperatively with Menard's regarding the development of the commercial properties located in the southwest quadrant at the intersection of Mineral Point Road and County M. We also worked closely with Roger Bowden in the development of commercial and residential improvements in the same area, and with Mark Bugher in development of the new University Research Park across County M.

The Association has several concerns regarding your proposed development and, as you probably know, the concerns have been conveyed to the City of Madison Plan Department. Our Association members, collectively, hope you give consideration to the concerns we have about your development project. We believe that it would be fruitful for a few members of the Association to meet with you to see if a mutual agreement could be reached regarding your development.

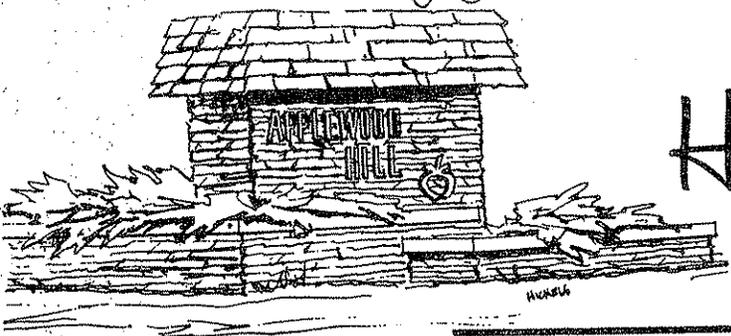
We suggest that we meet either during the week of March 26 or the week of April 2. Roger Bowden has offered his conference room as a place to meet. Bowden's office is located in Suite 201 (second floor) in Cortland Commons just north of Watts Road, between County M and High Point. Perhaps you or your secretary could give me a call to arrange a mutually convenient day and time to meet. It is likely that I would be joined by a few other members of the Association, including Fred Ross, Scott Kramer, Don Herrman and Tom Zilavy. We look forward to meeting with you.

Sincerely,

APPLEWOOD HILL HOMES ASSOCIATION

By:   
Michael Franco, President

cc: Brad Murphy, Director, Madison Plan Department  
City of Madison, Planning Unit  
215 Martin Luther King Blvd.  
Madison, WI 53703



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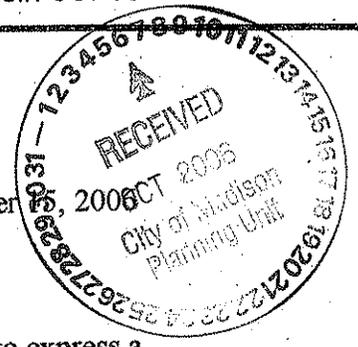
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# Applewood Hill Homes Association, Inc.

Applewood Drive  
Madison, Wisconsin 53719

Mr. Mark Bugher  
Director, University of Wisconsin Research Park  
510 Charmany Drive  
Madison, WI 53719

September



Dear Mark:

As the new President of the Applewood Hill Homes Association, I want first to express a very belated thank you for sharing information about the proposed University of Wisconsin Research Park with members of the Association during our annual meeting several months ago. I also want to thank you for your recent meeting with Fred Ross and Scott Kramer of our Association.

As you know, the Research Park will soon be our next door neighbor, and we are naturally interested in being mutually good neighbors. We in Applewood Hill have long realized that eventual development of the lands across from us is inevitable, and we feel the proposed Research Park is a very appropriate use for those lands.

We have, through your cooperation, tracked progress of the development to date, and we hope to continue doing so. To that end, the Association has authorized Fred Ross, Scott Kramer, and Don Herrmann to function as a Research Park Standing Task Force, maintaining contact with you and reporting as appropriate to our Board of Directors.

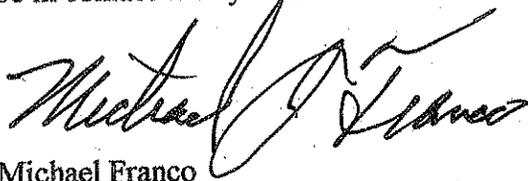
During your meeting with Fred and Scott, I understand that you were able to answer a number of questions, although there were obviously a number of questions we have that are unanswerable at this time. Many of these questions involve traffic issues on existing Junction Road (CTH "M"), and we agreed to provide you with a summary of our desires and urgings in this regard. That summary is shown below.

1. Our preferred solution for the safety and egress problems from the Applewood Hill neighborhood is to divert existing and future traffic on Junction Road to other roads and streets. To this end, we urge completion of the proposed extension of Pleasant View Road between Mineral Point and Valley View Roads as a high and early priority.
2. Reviewing possible improvements in the area of the Junction Road/Applewood Drive intersection, we consider four improvements to be essential: (a) creation of a four-lane boulevard between Valley View Road and Mineral Point Road, (b) protected left-turn bays at the Junction Road/Applewood Drive intersection, (c) a

northbound right turn lane onto Applewood Drive from Junction Road, and (d) a traffic signal at the Junction Road/Valley View Road intersection.

3. We urge the University to develop, as the initial and principal construction access to the Research Park, either Watts Road or Valley View Road, rather than Applewood Drive.
4. We are impressed with the open and rolling character of the existing Research Park in the Mineral Point Road/Whitney Way area, and we urge this model be used in the new park. In particular, we urge that the same natural rolling berm screening be used along Junction Road across from Applewood Hill.

Again, Mark, I want to thank you for your willingness to work with us as the process of development continues in our neighborhood. I'm certain that Fred, Scott, and/or Don will be in contact with you in the future.

A handwritten signature in black ink, appearing to read "Michael Franco". The signature is fluid and cursive, with a large initial "M" and "F".

Michael Franco  
President  
Applewood Hill Homes Association