



Department of Planning & Community & Economic Development
Planning Division

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March 3, 2010

Alex Weis
Livesey Company
1818 W. Beltline Highway
Madison, Wisconsin 53713

RE: Approval of a request to rezone 6701-6801 McKee Road and 3210 Maple Grove Drive from Temp. A (Agriculture District), R1 (Single-Family Residence District) and Planned Unit Development-General Development Plan (PUD-GDP) to PUD-GDP to allow the future construction of 110 apartments in 4 residential buildings and up to 90,000 square feet of retail in 6 commercial buildings; also

Approval of a request to rezone approximately 5.65 acres of land at 6901-6921 McKee Road from PUD-GDP to PUD-GDP to allow plans for an 80-unit senior apartment building.

Dear Mr. Weis;

At its March 2, 2010 meeting, the Common Council **conditionally approved** your application to rezone 6701-6801 McKee Road and 3210 Maple Grove Drive from Temp. A, R1 and PUD-GDP to PUD-GDP.

Previously on January 19, 2010, the Common Council **conditionally approved** your application to rezone 6901-6921 McKee Road from PUD-GDP to PUD-GDP.

The following conditions of approval shall be satisfied prior to or as part of the final approval and recording of the general development plan:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following twenty-one (21) items:

1. The conditional approval for build out will require public right of way dedications as well as other probable public easement rights conveyed to facilitate this development. It is understood this is to be accomplished by the submittal, approval and recording of either a Certified Survey Map (CSM) or Subdivision Plat. The site plan appears to include only portions of platted lots as well, which presumably the CSM or Plat will also resolve.
2. The applicant shall dedicate additional right of way along Maple Grove Drive to facilitate the new intersection with the proposed driveway as required by the City Engineer.
3. The applicant shall dedicate right of way along Maple Grove Drive for sidewalk and tree terrace as required by the City Engineer.
4. The applicant shall make improvements to Maple Grove Drive to facilitate ingress and egress to the proposed driveway.

5. The applicant shall make improvements to McKee Road to facilitate ingress and egress to the proposed driveway.
6. Site drainage must be safely passed to adjacent right of ways. Proposed Buildings "H" and "I" cannot discharge to adjacent private property.
7. The proposed development shall require extending public storm sewer and public sanitary sewer.
8. The construction of this development 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. (Per MGO 16.23(9)c)
9. The applicant shall construct sidewalk along Maple Grove Drive according to a plan approved by the City Engineer. (Per MGO 16.23(9)(d)(6))
10. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
11. The applicant shall replace all sidewalk and curb and gutter that abuts the property, which is damaged by the construction or any sidewalk and curb and gutter that 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.
12. All work in the public right of way shall be performed by a City-licensed contractor. (Per MGO 16.23(9)(c)5) and MGO 23.01)
13. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan in PDF format to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816.
14. 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.
15. If the lots within this site plan are interdependent 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 County Register of Deeds.
16. 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, & 100-year storm events; 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, and;

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.

17. 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.
18. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
19. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; 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.
20. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff. (Per MGO 16.23(9)(d)(4))
21. 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.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following thirteen items:

22. The applicant will need to submit a traffic impact study to as determined by the Traffic Engineering Division. The traffic impact study will need to be reviewed and approved by the Traffic Engineering Division. The applicant has been working with Traffic Engineering staff to develop the Traffic Impact Study.
23. In order to provide adequate capacity, the applicant shall dedicate additional 10 feet of right of way along Maple Grove Drive frontage beginning from the southerly right of way line of McKee Road southerly along the westerly right of way line to the southerly extended curb line of the proposed driveway approach for Mader Drive (Private Street). The applicant will need to start a 150-foot taper from Maple Grove Drive driveway southerly. This dedication is required for the orderly development of this land use and to provide transportation accommodations to serve this development. The exact dedication and street improvement requirements shall be reviewed and approved by the City Traffic Engineer.
24. The developer shall enter into a subdivision contract/ developer's agreement and make improvements to Maple Grove Drive and McKee Road (CTH PD) as determined by the City Traffic Engineer and City Engineer.
25. The applicant shall be responsible for securing all proper permits and approvals from any municipality or government unit having jurisdiction with the project. In particular, the applicant shall

submit site plans for review and approval to the Dane County Department of Public Works, Highways & Transportation. The applicant shall return a set of site plans or a letter with Dane County's approved copies to the City of Madison Traffic Engineering Division.

26. A special design "Street Type Entrance" at McKee Road will need to be designed and reviewed and approved by Traffic Engineering staff. The Maple Grove Drive entrance shall be a Class 4 driveway approach with a maximum width of 40 feet.
27. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2-foot overhang, and a scaled drawing at 1" = 20'.
28. The applicant shall note "Mader Drive (Private Street)" on the PUD-GDP. The applicant shall note the following for private street signs:

The applicant shall install private street name and other signs that comply with Madison General ordinances 10.34(3). The applicant shall show detail drawing of signs and installation that comply with M.G.O.

 - a. Sign Installation. Street name signs shall be installed five (5) feet behind the property line on private property on the right hand side of the private street approach to the public street. Signs may be mounted on wood posts, drive posts or on two (2) inch (I.D.) steel pipe mounted on a concrete stub buried in the ground. At all private-public street intersections, the property owner shall install and maintain a regulation stop sign (minimum 24" x 24") and a "Private Drive" sign (minimum 18" x 18") mounted on the street name sign post seven (7) feet above ground (measured to the bottom of the sign). Street name signs shall be mounted no less than nine (9) feet, nor more than ten (10) feet above ground (measured to the bottom of the sign).
29. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
30. When a final plat or CSM is submitted for approval, the developer shall note on the face the joint driveway ingress/egress and easements.
31. The applicant will need to submit a pavement marking and signage plan to be reviewed and approved by Traffic Engineering staff for the PUD (GDP-SIP) submittal. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
32. A traffic signal/street light declaration of conditions and covenants shall be executed and returned with a future plat or CSM submittal. The development shall acknowledge on their proportionate share of traffic signal assessments. The developer shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.
33. 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.

34. 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 Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following seven items:

35. Bike parking shall comply with MGO Section 28.11: Provide one bike parking stall for each apartment and one bike stall for each 10 surface parking stalls provided in a safe and convenient locations on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. Note: A bike-parking stall is 2' by 6' with a 5-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

36. Parking and loading shall comply with City of Madison General Ordinances Section 28.11 (4): Provide (1) 10' x 35' loading areas with 14-foot vertical clearance to be shown on the plan. Work with Zoning staff to determine location.

37. Parking requirements for persons with disabilities must comply with MGO Section 28.11 (3)6.(m) which includes all applicable State accessible requirements, including but not limited to:

- a.) Provide minimum of 5 accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
- b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
- c.) Show the accessible path from the stalls to the buildings. Parking stalls shall not block the entry to the elevators. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.

38. Identify useable open space areas and area calculations for the residential dwelling units.

39. Lighting will be required and shall be in accordance with MGO Section 10.085: Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 footcandle at 10 feet from the adjacent lot line. (See City of Madison Lighting Ordinance).

40. Off-street parking requirement shall comply with MGO Sections 28.04 (12) and 28.11: Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.

41. Signage approvals are not granted by the Plan Commission. Signage must be approved by the Urban Design Commission or staff. for compliance with MGO Section 31, Sign Code, and MGO Section 33, the Urban Design ordinance. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.

Please contact Kay Rutledge, Parks Division, at 266-4714 if you have any questions regarding the following item:

42. Final park dedication and development fees will be determined when specific implementation plans are submitted for the two residential components of the project. Park impact fees will be due prior to signoff of those SIPs and/or the issuance of building permits. Park impact fees for the 190 multi-family units, including the 80 age-restricted units, will be based on the fees due and payable in the year the SIP is approved and/ or building permits are issued.

Please contact Scott Strassburg, Madison Fire Department, at 261-9843 if you have any questions regarding the following two items:

43. Provide fire apparatus access as required by MGO 34.19, as follows:
- a.) The site plans shall clearly identify the location of all fire lanes.
 - b.) Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire lane within 30-feet of the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
 - c.) Provide a fire lane that extends to within 150-feet of all exterior portions of the structure, or it can be extended to within 250-feet if the building is fully sprinklered.
44. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500 feet of at least two fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.

Please contact Dennis Cawley, Madison Water Utility, at 261-9243 if you have any questions regarding the following two items:

45. The proposed public water distribution design is now acceptable to the Madison Water Utility. The Water Utility will need to sign off the final plans, but not need a copy of the approved plans.
46. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Please contact Tim Sobota, Metro Transit, at 261-4289 if you have any questions regarding the following item:

47. The applicant shall install and maintain a concrete passenger boarding pad on the west side of Maple Grove Drive, south of McKee Road. The concrete pad shall occupy the full distance of the terrace, measure a minimum of 10 feet in width parallel to the street, and lie flush between the sidewalk and the top of curb. Future transit service expansions or restructuring could be routed along Maple Grove Drive to points south of McKee Road—creating the possible need for the concrete boarding pad location and bus stop identified above at this major intersection. The applicant shall include the location of these passenger amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

Please contact my office at 261-9632 if you have questions about the following four items:

48. That the approval of this PUD-GDP grants no specific authority to demolish or remove the one-story building at 3210 Maple Grove Drive. However, the general intent to demolish this structure is recognized as part of the approval of the general development plan. Specific approval to demolish this structure shall be granted as part of the review of a specific implementation plan for this portion

of the site using the standards for approval of demolition permits in Section 28.12 (12) of the Zoning Ordinance. The future application to demolish this building shall include photographs of the interior and exterior of the building as well as a written assessment of its condition and the potential for any buildings to be relocated to other sites.

49. That the applicant work with the Planning Division and Zoning Administrator prior to final approval and recording of the planned unit development zoning to develop an enumerated list of permitted commercial and residential uses for the zoning text. [Staff believes that it would be best going forward to approve PUD zoning texts with such use lists so as to avoid references to the Zoning Code, which is currently being rewritten and will likely have different, more contemporary use lists.]
50. That the zoning text for the general development plan be revised per Planning Division approval prior to recording to state that individual commercial buildings will be designed to be as oriented to or more oriented to the adjacent public and private streets than to the internal parking lots through the inclusion of architectural features including but not limited to vision glass, usable entrances and fully screened utility and mechanical facilities along all street-side elevations. Enforcement of this requirement will occur as part of the specific implementation plan approval for individual commercial buildings.
51. Note: Implementation of the planned unit development will likely require subdivision of the subject parcel by a final plat or Certified Survey Map proceeded by a preliminary plat or amended general development plan that outlines the proposed layout of the subdivision.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

After the plans have been changed as per the above conditions, please file **eleven (11) sets** of the final general development plan and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. **No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.**

Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.12 (10)(e), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the

general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

- cc: Janet Dailey, City Engineering Division
- John Leach, Traffic Engineering Division
- Kay Rutledge, Parks Division
- Scott Strassburg, Madison Fire Department
- Tim Sobota, Metro Transit
- Dennis Cawley, Madison Water Utility
- Pat Anderson, Asst. Zoning Administrator

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Water Utility
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro Transit