



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

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February 12, 2016

John Scott  
LSCOTT Enterprises, LLC  
320 Pine Way  
Oregon, Wisconsin 53575

RE: Approval of a request to rezone property located at 9025 Mid Town Road from A (Agricultural District) to SR-C1 (Suburban Residential–Consistent 1 District) and approval of a demolition permit and conditional uses to allow a single-family residence to be demolished and a daycare center to be constructed.

Dear Mr. Scott;

At its February 2, 2016 meeting, the Common Council **approved** your request to rezone 9025 Mid Town Road from A to SR-C1. On January 25, 2016, the Plan Commission **approved** the related demolition permit and conditional use subject to approval of the rezoning and the following conditions of approval, which shall be satisfied prior to final approval of this request and the issuance of permits for demolition or new construction:

**Please contact Tim Troester of the City Engineering Division at 267-1995 if you have questions regarding the following twenty-two (22) items:**

1. This development is in the Upper Badger Mill Creek Stormwater Impact fee district - fees shall be paid for this prior to approval of the plan set.
2. The applicant shall provide proof of septic system abandonment from Public Health-Madison and Dane County as a condition of final plan approval.
3. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
4. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. This property is subject to Sanitary Connection charges for the Hawks Ridge Estates Sewer Assessment District. The applicant shall provide evidence that assessment paid for prior to plan signoff.

5. 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.
6. The construction of this project will require the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering 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. Note: Obtaining a developer's agreement generally takes approximately a minimum of 4-6 weeks.
7. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
8. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. The party responsible for the CAD file e-mail transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.
9. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: 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 or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
10. 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.

11. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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 5.0-tons per acre per year.
12. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
13. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls; provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event; provide substantial thermal control; 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.
14. The approval of this zoning approval 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.
15. 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.
16. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
17. All work in the public right of way shall be performed by a City-licensed contractor.
18. All damage to the pavement on Mid Town Road and Silverstone Lane adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
19. The applicant shall make improvements to Mid Town Road in order to facilitate ingress and egress to the development as required by City Engineer.
20. The applicant shall dedicate 14 feet of right of way along Mid Town Road.

21. The applicant shall execute a waiver of notice and hearing on the assessments for the improvement of Mid Town Road in accordance with Section 66.0703(7)(b) Wisconsin Statutes and MGO Section 4.09
22. The applicant shall construct sidewalk along frontage of Mid Town Road according to a plan approved by the City.

**Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have any questions regarding the following seven (7) items:**

23. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel- Owner (APO) data so that the permitting system can upload this data and permit issuance made available for this new land record. The Certified Survey shall include the required dedications of public right of ways along Mid Town Road and Silverstone Lane and shall grant the required Public Bicycle and Pedestrian Path along its southerly side. The final required configuration of the dedications and easements shall be determined by City Engineering/City Traffic Engineering staff as part of the approval process for the pending Certified Survey Map.
24. Provide a recorded copy of the easement/agreement allowing the encroaching driveway that currently exists over the southeasterly side of this site. If one does not currently exist, an agreement shall be drafted, executed and recorded at the Dane County Register of Deeds Office and referenced on the required Certified Survey Map.
25. If any excavation or access necessary over any adjacent property is required for installation and maintenance of the proposed retaining walls shown along the east and west property lines (this includes any required wall anchoring system installation), applicant shall provide a copy of the easement/agreement recorded at the Dane County Register of Deeds providing for the use of the adjacent properties for this purpose.
26. The Private Driveway Easement Agreement with the property located at 9001 Mid Town Road providing future common access to Silverstone Lane over the south side of this site shall be drafted, reviewed and recorded and the recording information referenced on the pending Certified Survey Map.
27. A copy of the recorded private storm water discharge agreement with University Ridge Golf Course to the south shall be provided and referenced on the pending Certified Survey Map.
28. The address of 9025 Mid Town Road will be retired with the moving (or demo) of the house to a new location and a new address will be created for the daycare center (along with the creation of a new parcel ID number from the recorded CSM). The address of the proposed daycare center is 9037 Mid Town Road.
29. 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.

**Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following ten (10) items:**

30. Traffic impact fees will be due and payable for the proposed daycare center prior to the issuance of building permits. The final impact fees due will be based on the final plans submitted for approval prior to permit issuance.
31. The applicant shall provide sidewalk connection from front of building to new property line along Mid Town Road to make connection to future Mid Town Road sidewalk.
32. The applicant shall provide a clearly defined 5-foot walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheelchair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
33. All sidewalks adjacent parking stalls shall be 7 feet to accommodate vehicle overhang.
34. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
35. The applicant shall submit one contiguous plan for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
36. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City-owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
37. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.
38. All parking facility design shall conform to the standards in MGO Section 10.08(6).
39. Note: As of October 2, 2015, Traffic Engineering will no longer be accepting paper plans; to ensure a timely review, all submittals shall include an electronic copy (PDF preferred).

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following twelve (12) items:**

40. Reconfigure the driveway to meet the requirements of Section 28.141(9)(g). Driveways shall be oriented in a perpendicular fashion to the street from which they take access, and shall cross

required setbacks in a perpendicular fashion, to the extent feasible. The driveway shall be reconfigured to cross the required 30-foot front yard setback in a perpendicular manner.

41. The proposed surface parking lot exceeds the maximum number of parking spaces. The minimum automobile parking requirement for a daycare center is 1 space per 15 clients, and the maximum is 200% of the minimum requirement. Per Section 28.141(6)(b)4., an increase of more than 20 parking spaces that is also more than 10% of the maximum parking requirement may be approved by the Plan Commission as a conditional use. Submit documentation supporting the request to exceed the maximum automobile parking requirement per Section 28.141(6)(c).
42. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator prior to a demolition permit being issued. MGO Section 28.185(7)(a)5 of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
43. Provide a calculation for lot coverage with the final submittal. The lot coverage maximum is 60%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than 5 feet, pervious pavement, green roofs and decks.
44. A designated area for the short-term parking of vehicles engaged in loading and unloading children shall be provided. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk. Identify the short-term parking area on the final site plan.
45. Submit a bike rack detail with the final plan submittal.
46. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3), Landscape Plan and Design Standards: Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. The landscape plan shall comply with the requirements for interior parking lot landscaping per Section 28.142(6) for percentage of planted areas and required canopy trees. Development frontage landscaping shall meet the requirements of Section 28.142(5). Note that existing trees and shrubs located on the private property may contribute to the requirement, but trees located within the right of way will not count toward the requirement.
47. Relocate the trash enclosure outside the 30-foot front yard setback. The enclosure may be located within the building envelope, outside of the front and side yard setback areas. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of 6 feet and not greater than 8 feet.
48. Submit details of the proposed storage shed. A building permit will be required for the shed.
49. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning

Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

50. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
51. Exterior lighting shall be in accordance with MGO Section 10.085. Provide an exterior lighting photometric plan and fixture cut sheets with the final plan submittal.

**Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following two (2) items:**

52. There are water main assessments that will be due against this parcel [at the time the new building connects to the water system].
53. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21.

**Please contact Tim Sobota of Metro Transit at 261-4289 if you have any questions about the following item:**

54. The proposed building has no connection to the public sidewalk network. The site plan does not show plans to install sidewalk along the Mid Town Road frontage (currently unimproved), nor any walkway connection between the building and the existing public sidewalk in the Silver Stone Lane cul-de-sac.

**Please contact Janet Schmidt of the Parks Division at 261-9688 if you have any questions about the following item:**

55. All proposed street tree shall be coordinated with City Forestry; contact Brian Meiller at bmeiller@cityofmadison.com or 266-4816. Reference Parks Division Memo 16101 when contacting staff about this project.

**Please contact my office at 261-9632 if you have any questions about the following four (4) items:**

56. That the applicant receives the approval of Planning, Zoning, and Building Inspection Plan Review staff of plans for the relocation of the residence. If the new site is located within the City of Madison, the applicant shall receive zoning and building plan approval for the receiving site prior to the issuance of raze/ relocation permits for the current site. In the event that the building is not relocated, a reuse and recycling plan approved by the Recycling Coordinator will be required prior to the issuance of wrecking permits.
57. Revise the elevations to correctly label the east elevation.
58. The final plans shall be revised to show a designated area for the short-term parking of vehicles engaged in loading and unloading children, which shall be located as close as practical to the

principal entrance of the building. The short-term stalls shall be connected to the building entrance by a sidewalk.

59. Future construction of the gymnasium shall require approval by the Plan Commission as an alteration to the approved conditional use subject to the process and standards in Section 28.183 of the Zoning Code.

**Note: The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.**

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.**

**Please now follow the procedures listed below for obtaining permits for your project:**

1. After the plans have been revised per the above conditions, please file **nine (9) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, 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 Zoning staff to the City department staff listed above for their final approval prior to issuance of building permits.
2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on next page]
3. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Section 28.185(10) of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
4. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development



may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building or occupancy permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Tim Troester, City Engineering Division  
Jeff Quamme, City Engineering Division –Mapping Section  
Eric Halvorson, Traffic Engineering Division  
Jenny Kirchgatter, Assistant Zoning Administrator  
Janet Schmidt, Parks Division  
Dennis Cawley, Madison Water Utility  
Bill Sullivan, Madison Fire Department  
Tim Sobota, Metro Transit

I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.

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*Signature of Applicant*

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*Signature of Property Owner  
(If Not Applicant)*

LNDUSE-2015-00069			
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 checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: