

LAND USE APPLICATION

LND-B

City of Madison
Planning Division
126 S. Hamilton St.
P.O. Box 2985
Madison, WI 53701-2985
(608) 266-4635



FOR OFFICE USE ONLY:

Paid _____ Receipt # _____

Date received _____

Received by _____

Parcel # _____

Aldermanic district _____

Zoning district _____

Special requirements _____

Review required by _____

UDC PC

Common Council Other _____

Reviewed By _____

All Land Use Applications must be filed with the Zoning Office at the above address.

This completed form is required for all applications for Plan Commission review except subdivisions or land divisions, which should be filed using the Subdivision Application found on the City's web site.

1. Project Information

Address: 10250 Mineral Point Road, Madison, WI. 53593

Title: Herrling Property

2. This is an application for (check all that apply)

- Zoning Map Amendment (rezoning) from Agricultural District to SR-C3, SR-V2, TR-V2, TR-U1 & PR
- Major Amendment to an Approved Planned Development-General Development Plan (PD-GDP) Zoning
- Major Amendment to an Approved Planned Development-Specific Implementation Plan (PD-SIP)
- Review of Alteration to Planned Development (PD) (by Plan Commission)
- Conditional Use or Major Alteration to an Approved Conditional Use
- Demolition Permit
- Other requests

3. Applicant, Agent and Property Owner Information

Applicant name Ryan McMurtrie Company United Financial Group, Inc.

Street address 660 W. Ridgeview Drive City/State/Zip Appleton/WI./54911

Telephone (920) 968-8100 ext. 137 Email RMcMurtrie@UFGroup.net

Project contact person Ryan McMurtrie Company United Financial Group, Inc.

Street address 660 W. Ridgeview Drive City/State/Zip Appleton/WI./54911

Telephone (920) 968-8100 ext. 137 Email RMcMurtrie@UFGroup.net

Property owner (if not applicant) Herrling Family Limited Partnership

Street address 3991 Barlow Road City/State/Zip Cross Plains/WI./53528

Telephone (608) 798-2268 Email PHerr@aol.com

4. Project Description

Provide a brief description of the project and all proposed uses of the site:

A master-planned community proposed to consist of owner-occupied single-family homes, a variety of high-end rental residences (55+ and market-rate), regional storm water detention, and a neighborhood park with adjacent greenway corridor.

Scheduled start date To be determined Planned completion date To be determined

5. Required Submittal Materials

Refer to the Land Use Application Checklist for detailed submittal requirements.

- Filing fee
- Land Use Application
- Letter of intent
- Legal description
- Pre-application notification
- Vicinity map
- Survey or existing conditions site plan
- Development plans
- Land Use Application Checklist (LND-C)
- Supplemental Requirements
- Electronic Submittal*

**Electronic copies of all items submitted in hard copy are required. Individual PDF files of each item submitted should be compiled on a CD or flash drive, or submitted via email to pcapplications@cityofmadison.com. The email must include the project address, project name, and applicant name. Electronic submittals via file hosting services (such as Dropbox.com) are not allowed. Applicants who are unable to provide the materials electronically should contact the Planning Division at (608) 266-4635 for assistance.*

For concurrent UDC applications a separate pre-application meeting with the UDC Secretary is required prior to submittal. Following the pre-application meeting, a complete UDC Application form and all other submittal requirements must be submitted to the UDC Secretary. An electronic submittal, as noted above, is required. Electronic submittals should be compiled on a CD or flash drive, or sent via email to udapplications@cityofmadison.com.

6. Applicant Declarations

- Pre-application meeting with staff.** Prior to preparation of this application, the applicant is strongly encouraged to discuss the proposed development and review process with Zoning and Planning Division staff. Note staff persons and date.

Planning staff Jeffrey Gregger Date 3/15/18 (D.A.T. Meeting)

Zoning staff Matt Tucker Date 3/15/18 (D.A.T. Meeting)

- Demolition Listserv
- Public subsidy is being requested (indicate in letter of intent)
- Pre-application notification:** The zoning code requires that the applicant notify the district alder and any nearby neighborhood and business associations **in writing** no later than **30 days prior to FILING this request**. List the alderperson, neighborhood association(s), business association(s), AND the dates you sent the notices:

Alder Paul E. Skidmore (District #9) and the Elderberry Neighborhood Association (Sharon Goss and Carrie Sanders) were provided with the Pre-application notification on February 1st, 2019. A copy of the notification has been included with this submittal.

The alderperson and the Director of Planning & Community & Economic Development may reduce the 30-day requirement or waive the pre-application notification requirement altogether. Evidence of the pre-application notification is required as part of the application materials. A copy of the notification letters or any correspondence granting a waiver is required as part of the application materials.

The applicant attests that this form is accurately completed and all required materials are submitted:

Name of applicant Ryan McMurtrie Relationship to property Construction Manager for entity purchasing Herring Property

Authorizing signature of property owner Owner authorization included with submittal Date March 15th, 2019

HERRLING FAMILY LIMITED PARTNERSHIP
RESOLUTION PERTAINING TO
DEVELOPMENT AND ANNEXATION OF PROPERTY

BACKGROUND RECITALS

Whereas, Herrling Family Limited Partnership (herein “the Partnership”) was formed by filing a Certificate of Limited Partnership with the Wisconsin Department of Financial Institutions effective October 8, 2001; and

Whereas, the Agreement of Limited Partnership of Herrling Family Limited Partnership dated September 28, 2001 (herein “the Partnership Agreement”) is the current and complete Partnership Agreement of the Partnership; and

Whereas, pursuant to the Partnership Agreement, the Partnership is managed by G & M Herrling LLC, the General Partner of the Partnership, holding a 1% ownership interest (herein individually “the General Partner”), and Gregory B. Herrling and Mark Herrling are the Limited Partners holding a 99% ownership interest (herein collectively “the Limited Partners”), and together the General Partner and Limited Partners (herein “the Partners”) own 100% of the Partnership interests; and

Whereas, the Partnership currently own a 100% interest in real property located in the Southwest 1/4 of Section 20, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin (herein “the Property”) and the Partners desire to facilitate development of the Property under the jurisdiction of the City of Madison and to petition the Common Council of the City of Madison to attach the Property by direct annexation from the Town of Middleton to the City of Madison; and

Whereas, in accordance with Article 5.1 of the partnership Agreement, the General Partner has the sole and exclusive right in the management and control of the affairs of the Partnership to make the decisions affecting the Partnership affairs and may take such action as it deems necessary to accomplish the purpose of the Partnership including, pursuant to Article 5.2, the right to execute and deliver any and all agreements, documents, certifications, and instruments necessary or convenient in connection with management, maintenance, and operation of the Partnership assets, or in connection with managing the affairs of the Partnership, including amendments to the Partnership Agreement, if approved by the holders of more than 50% of the Limited Partner Units, and subject to the restrictions of Article 9.9 of the Partnership Agreement, and the Certificate of Limited Partnership; and to execute, in furtherance of the purposes of the Partnership, any deed, lease, mortgage, deed of trust, mortgage note, promissory note, bill of sale, contract or other instrument purporting to convey or encumber any Partnership asset; and to engage in any kind of activity and perform and carry out agreements of any kind necessary or incidental to, or in connection with, the accomplishment of the purposes of the Partnership as may be lawfully carried on or performed by the Partnership; and

Whereas, the Partnership, by its authorized General Partner, hereby adopts the following resolution, which is acknowledged and consented to by the Partnership’s two Limited Partners:

(Resolution on following page)

RESOLUTION

Resolved, that the Partnership, upon signature on behalf of its General Partner, is hereby authorized to petition the City of Madison for direct annexation of the Property, and the General Partner does hereby direct the Partnership to facilitate the annexation, including executing and delivering any and all other documents as deemed necessary, at the discretion of the General Partner, for the Partnership to effect the annexation and development of the Property.

Copy signatures transmitted by fax, email, or other electronic transmission and counterpart signature pages are deemed as binding and valid as originals for purposes of this document.

Dated and effective August 1, 2018, regardless of the date signed below.

HERRLING FAMILY LIMITED PARTNERSHIP

BY: G & M Herrling LLC, General Partner

SUBSCRIBED AND SWORN to before me
this 26 day of September, 2018.

Christine Frame
Notary Public, State of Wisconsin
My commission expires 2-8-2022

By: Gregory B. Herrling
Gregory B. Herrling, Member

By: _____
Mark Herrling, Member

ACKNOWLEDGMENT AND CONSENT BY LIMITED PARTNERS

The forgoing recitals and Resolution are hereby acknowledged as true and accurate expressions of the exclusive authority of G & M Herrling LLC as the sole General Partner to act on behalf of Herrling Family Limited Partnership for all purposes stated above including but not limited to petitioning the City of Madison for direct annexation of the Partnership's property referenced above to be removed from the Town of Middleton and become part of the City of Madison.

LIMITED PARTNERS:

SUBSCRIBED AND SWORN to before me
this 26 day of September, 2018.

Christine Frame
Notary Public, State of Wisconsin
My commission expires 2-8-2022

Gregory B. Herrling
Gregory B. Herrling

Mark Herrling

