

CITY OF MADISON  
**INTER-DEPARTMENTAL**  
CORRESPONDENCE

DATE: January 23, 2012

TO: Plan Commission

FROM: Timothy M. Parks, Planner, Planning Division

SUBJECT: **ID# 25102 – Consideration of an alteration to an approved Planned Unit Development-Specific Implementation Plan to modify the conditions of approval for the previously approved Wingra Clinic project, *and***

**ID# 25104 – Approving Certified Survey Maps of property owned by Charles A. Ghidorzi, Crab Tree Ridge, LLC and Wingra Point, LLC, all located at 1002-1102 S. Park Street, 906-918 Midland Street and 1101-1109 Fish Hatchery Road.**

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On October 4, 2011, the Common Council conditionally approved requests to rezone 1002-1102 S. Park Street, 906-918 Midland Street and 1101-1109 Fish Hatchery Road from R4 General Residence zoning and C3 Highway Commercial zoning to PUD-GDP to guide redevelopment of the overall 4.3-acre site as a mixed-use/employment development, and PUD-GDP-SIP to allow construction of a 76,800 square-foot medical office/ clinic building and parking ramp on the southernmost 2.64 acres of the site. On September 19, 2011, the Plan Commission recommended approval of the proposed PUD rezoning and approved a demolition permit to allow the former Bancroft Dairy, 8 residential structures and an electrical substation to be demolished as part of the proposed redevelopment. The project also received conditional approvals to vacate High Street between Midland Street and Fish Hatchery Road, and to subdivide the entire 4.3-acre site into 3 lots by Certified Survey Map (CSM). Copies of the PUD rezoning and demolition permit approval letter and CSM approval letter are attached.

One of the conditions of the project approval (#52 of the PUD/demolition approval letter) required that the recording order for these land use approvals be as follows: Planned Unit Development zoning; vacation ordinance for High Street; CSM. The condition required that all 3 of these approvals shall be accepted for recording or recorded prior to the issuance of demolition permits for the existing buildings located on the 4.3-acre site.

Subsequent to the granting of approvals enumerated above, the developer of the proposed medical office/clinic building, Mr. Charles Ghidorzi, approached City staff with concerns about the ability to record the three-lot CSM as approved. At issue is a private contract to purchase the two-family residence located at 910 Midland Street, which includes a provision that requires the closing to occur no earlier than January 1, 2013. As presented, the CSM including this property cannot be approved for recording until Mr. Ghidorzi acquires the property. At the same time, Mr. Ghidorzi has an agreement with the major tenants to complete the medical office/clinic building by early 2013.

To remedy this situation, Mr. Ghidorzi proposes to amend his CSM approvals to allow a two-phased approach that will allow construction of the medical office/ clinic building to commence prior to the final acquisition of all of the properties included in the earlier PUD zoning and land division approvals. The first CSM would be a three-lot CSM similar in design to the CSM approved last October with the exception that it would exclude the 910 Midland Street property. Recording of the revised three-lot CSM would allow construction of the new clinic to proceed.

Following the scheduled closing on the 910 Midland Street property on or after January 1, 2013, Mr. Ghidorzi would record the second CSM, which is proposed as a one-lot CSM to combine Lot 1 of the first CSM with the 910 Midland parcel, at which time construction of the approved 239-stall parking ramp could proceed.

While somewhat unconventional, Planning staff believes that the phased land division approach proposed by Mr. Ghidorzi can meet the requirements contained in the Subdivision Regulations. Staff recommends that the Plan Commission **approve** the two Certified Survey Maps included in the Plan Commission materials and the corresponding alteration to the approved PUD-SIP for the clinic to acknowledge the phased land division approach.

These amended approvals should be conditioned upon the conditions contained in the October 5, 2011 PUD rezoning/ demolition permit approval letter and separate October 5, 2011 CSM approval letter, except that Planning staff recommends that no permits be issued for the demolition of the residential structures located at 906-918 Midland Street or the construction of the parking structure until Mr. Ghidorzi has closed on the property at 910 Midland Street and the one-lot CSM combining that parcel with the rest of the Wingra Clinic development parcel (Lot 1 of the first CSM) has received final staff approval and been recorded with the Register of Deeds. Staff does not believe that the developer should commence construction of the parking structure until he can demonstrate his ability to fully implement the approved specific implementation plan, which calls for the demolition of those residences to accommodate the parking ramp that will serve the new Wingra Clinic.

In addition to the conditions contained in the October 5, 2011 CSM approval letter, Jennifer Frese of the City's Office of Real Estate Services (267-8719) offers the proposed additional conditions to be addressed prior to final approval of the two CSMs for recording:

1. The Owner's Certificate on the proposed CSMs shall be executed by all parties having an ownership interest in the property as stated on a current, final report of title submitted for review prior to final City approval. For parties other than sole proprietorships, the signatories shall provide to the City, prior to approval, documentation, which proves that, said signatories have legal authority to sign the Owner's Certificate.
2. All real estate taxes, stormwater management charges, and special assessments due against the properties involved in the CSMs shall be paid in full (with copies of receipts for recent payments not reflected in City records) prior to final signoff of the survey for recording. As of the date of the submittal of these comments, real estate taxes and special assessments were due for some of the parcels included in these CSMs.

3. A certificate of consent by the mortgagee/vendor shall be included on the CSMs following the Owner(s) Certificate for each of the mortgagees/vendors listed in the final report of title.
4. The three-lot CSM (CSM #1) shall be revised prior to final approval by the Office of Real Estate Services as follows:
  - a. Depict, name, and identify by document number on the proposed CSM all existing easements cited in record title and the updated title report. These document numbers include, but not limited to the following:
    - 762264 – Limited Highway Easement
    - 758414 – Conveyance
    - 749555 – Conveyance
    - 752614 – Conveyance
  - b. Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats or CSM's, if this proposed CSM is a re-division of existing plats or CSM's with utility easements that will no longer be applicable; and, prior to requesting sign-off, place a note in the proposed CSM citing the recording data for the City's recorded release of same.
  - c. Remove driveway easement with Document #974678, depicted on Page 4, as this easement has been released by Document #4831041.
  - d. Include on the proposed CSM a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title.
  - e. Accurately depict location of sanitary sewer sampling pit that encroaches into the Park Street right of way, per encroachment agreement as Real Estate Project #668, and represented in Document #2054970.
  - f. Coordinate with Real Estate and Engineering staff regarding the vacation of High Street, to be executed upon the condition of title proof showing conveyance of the surrounding property to Crab Tree Ridge, LLC.
  - g. Identify, depict and provide a certificate of consent for any tenancy in excess of one year. Said tenancy shall be made evident in record title and the document number shall also be cited on the proposed CSM. A copy of the recorded document giving evidence of the tenancy shall be included with and/or made part of the required title report.
5. The one-lot CSM (CSM #2) shall be revised prior to final approval by the Office of Real Estate Services as follows:
  - a. Depict, name, and identify by document number on the proposed CSM all existing easements cited in record title and the updated title report. These document numbers include, but not limited to the following:

- 762264 – Limited Highway Easement
  - 758414 – Conveyance
- b. Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats or CSM's, if this proposed CSM is a re-division of existing plats or CSM's with utility easements that will no longer be applicable; and, prior to requesting sign-off, place a note in the proposed CSM citing the recording data for the City's recorded release of same.
- c. Remove driveway easement with Document #974678, depicted on Page 3, as this easement has been released by Document #4831041.
- d. Include on the proposed CSM a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title.
- e. Coordinate with Real Estate and Engineering staff regarding the vacation of High Street, to be executed upon the condition of title proof showing conveyance of the surrounding property to Crab Tree Ridge, LLC.
- f. Identify, depict and provide a certificate of consent for any tenancy in excess of one year. Said tenancy shall be made evident in record title and the document number shall also be cited on the proposed CSM. A copy of the recorded document giving evidence of the tenancy shall be included with and/or made part of the required title report.