

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of January 21, 2009**

RE: I.D. #13348, Certified Survey Map – 448 S. Gammon Road/ 7357 West Towne Way/ 66 West Towne Mall

1. Requested Action: Consideration of a four-lot Certified Survey Map of property owned by CBL Madison I, LLC & Madison Joint Venture located at 448 S. Gammon Road/ 7357 West Towne Way/ 66 West Towne Mall.
2. Applicable Regulations: Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION:

1. Applicant: Robert Snetman, CBL & Associates Properties, Inc.; 2030 Hamilton Place Boulevard, Suite 500; Chattanooga, Tennessee.

Surveyor: Robert Talarczyk, R.A. Smith National, Inc.; 14 W. Mifflin Street; Madison.
2. Development Schedule: The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.
3. Parcel Location: An approximately 46.3-acre parcel generally located on the west side of S. Gammon Road between Mineral Point Road and the Beltline Highway; Aldermanic District 9; Madison Metropolitan School District.
4. Existing Conditions: The subject 46.3 acres of land under consideration are part of the larger approximately 133-acre West Towne Mall regional shopping center, which is comprised of 17 individual parcels occupied by various commercial buildings that are governed by a number of existing cross-access, parking and utility easements and operating agreements. The greater West Towne Mall complex is zoned C3L (Commercial Service and Distribution District) and is considered a planned commercial site for zoning purposes.
5. Proposed Use: The applicant proposes to subdivide their 46.3 acres into four lots, including two lots located along the West Towne Mall ring road for future development.
6. Surrounding Land Use and Zoning: The subject site is primarily surrounded to the north, east and west by a significant number of highway-oriented commercial uses in various zoning districts as shown on the locator map included in the Plan Commission packet. The Beltline Highway forms the southern boundary of the proposed Certified Survey Map and West Towne complex.

7. Adopted Land Use Plan: The Comprehensive Plan identifies the overall West Towne Mall complex for regional mixed-use and transit-oriented development.
8. Environmental Corridor Status: This property is not located within a mapped environmental corridor.
9. Public Utilities & Services: This property is served by a full range of urban services.

STANDARDS FOR REVIEW:

This application is subject to the standards for Certified Survey Maps.

ANALYSIS, EVALUATION AND CONCLUSION

CBL & Associates Properties, Inc. is requesting approval of a Certified Survey Map to divide a 46.3-acre parcel generally located on the west side of S. Gammon Road between Mineral Point Road and the Beltline Highway into 4 lots. The subject property is comprised of 3 parcels developed with 9 of the approximately 25 commercial buildings that comprise the larger 17-parcel, 133-acre West Towne Mall regional shopping center complex.

Buildings on the parcel to be subdivided include the main shopping mall building and food court, Dick's Sporting Goods, the Wells Fargo and Associated bank buildings, Best Buy, Toys'R'Us and Granite City Brewery. The site also includes a 60-foot wide peninsula containing the private portion of West Towne Way, which connects the ring road that encircles the main mall building with the public section of West Towne Way just offsite. Other prominent uses in the mall complex, including J.C. Penney's, Sears, Boston Store, Kohl's, Firestone and Cub Foods, are not located on the property to be subdivided and are instead located on separate ownership parcels that are governed in common with the subject site by a number of operating agreements and easements for utilities, parking and shared access.

The proposed four-lot Certified Survey Map will create the following parcels:

- Lot 1 of the CSM will be a 2.2-acre parcel to be located on the southwesterly side of the mall ring road, which is currently developed with the now vacant Mountain Jack's restaurant and Goodyear auto repair center buildings and is adjacent to an Alliant Energy substation located on a separate parcel to the south.
- Lot 2 will be a 1.1-acre parcel located east of proposed Lot 1 on the southerly side of the ring road. Lot 2 is currently developed with surface parking located north of the Toys'R'Us building, which will be located on proposed Lot 3.
- Lot 3 will be a 41.6-acre parcel, which will include the main mall building and food court, Wells Fargo Bank, Dick's Sporting Goods, Best Buy, Granite City Brewery, Toys'R'Us and the private section of West Towne Way.
- Lot 4 is proposed as a 1.27-acre lot to be located along the S. Gammon Road frontage at the mall entrance opposite Odana Road. Lot 4 is developed with an existing Associated Bank branch and related surface parking, and no changes to this parcel are proposed at the present time. The applicant included this parcel in this CSM at the request of staff to retroactively acknowledge a prior land transaction.

The applicant is proposing to offer Lots 1 and 2 for sale or long-term lease to a third party for development with commercial uses intended to be complimentary to the mall and a note on the CSM indicates that the vacant restaurant and auto repair buildings on Lot 1 will be demolished. At this time, no proposals to demolish the existing buildings or develop new projects on these sites have been submitted for formal review. While a third-party did make an informational presentation to the Urban Design Commission on October 15, 2008 regarding the development of a 127-room hotel on proposed Lot 1, no further submittals for that proposal or any others have been made.

West Towne Mall is a planned commercial site, which is defined in the Zoning Ordinance as a specified area of land comprising one or more contiguous ownership parcels or building sites for non-residential uses that is governed by a reciprocal land use agreement or plan of building placement, reciprocal use off-street parking, a cross-access easement or a reciprocal use ingress and egress system for buildings, loading and parking. Both the Zoning Ordinance and the Subdivision Regulations allow lots to be created without frontage on a public street if said lots are located within an approved planned commercial site. In addition, a planned commercial site containing more than 40,000 square feet of gross floor area and where 25,000 square feet of gross floor area is designed or intended for retail, hotel or motel use is a conditional use. All new retail establishments with a total gross floor area of 40,000 square feet or more that are part of a planned commercial site are also subject to the large format retail establishment provisions of the Urban Design Commission Ordinance (MGO 33.24(4)(f)).

Staff generally supports the subdivision of the 46.3-acre subject site into the four lots proposed, including the two lots (Lots 1 and 2) intended for the development of additional commercial uses at the mall possibly following the demolition of the two existing buildings shown. While Lots 1 and 2 will not front onto a public street, staff feels that the existing reciprocal land use and cross-access agreements and easements already in place will provide sufficient access to these parcels.

Finally, Planning staff notes that any new construction on these four lots will likely be treated as major alterations to the planned commercial site conditional use for the 133-acre West Towne Mall complex subject to approval by the Plan Commission following a review by the Urban Design Commission. In the event that the property owner should propose additional commercial uses for Lots 1 and 2, including the addition of further retail or service uses or the introduction of lodging to the mall complex, staff will likely request at that time that the developer provide improvements along the mall ring road to adequately accommodate additional vehicular and pedestrian traffic. In particular, staff will be looking to ensure that pedestrian accommodations are provided to connect the two pad sites to the main mall building as well as other uses present within the complex. In addition, any future razing of the two existing buildings on proposed Lot 1 will require prior Plan Commission approval of demolition permits. Staff requests that a note acknowledging the need for these future approvals be placed on this Certified Survey Map as a condition of approval. Staff also requests that a note be placed on the CSM stating that Lots 1 and 2 shall not be transferred prior to the granting of conditional use and/or demolition permit approvals for any proposed demolition or new construction on those parcels

RECOMMENDATION

The Planning Division recommends that the Plan Commission find that the standards for land divisions met with this request and **approve** the four-lot Certified Survey Map of property located at 448 S. Gammon Road/ 7357 West Towne Way/ 66 West Towne Mall subject to input at the hearing and the following conditions:

1. Comments from reviewing agencies.

2. That the following notes be placed on the Certified Survey Map:

“The subdivider acknowledges that future development on the four lots shown on this CSM may be subject to Plan Commission approval as major alterations to the West Towne Mall planned commercial site conditional use following review and approval by the Urban Design Commission. As part of the approval of such major alterations, the developer may be required to make vehicular and pedestrian circulation improvements to the commercial complex, including but not limited to the mall ring road, to accommodate addition vehicular and pedestrian traffic within the mall complex, including the provision of dedicated pedestrian connections between existing and proposed uses.”

“The demolition of the structures on Lot 1 of the CSM will require Plan Commission approval of demolition permits.”

“ Any new retail establishments with a total gross floor area of 40,000 square feet within this planned commercial site shall be subject to the large format retail establishment provisions of the Urban Design Commission Ordinance (MGO 33.24(4)(f)).”

3. That Lots 1 and 2 of the proposed Certified Survey Map not be transferred prior to the granting of conditional use and/or demolition permit approvals for any proposed demolition or new construction on those parcels. A note to this effect shall be placed on the final CSM prior to recording.



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

GIS Manager
David A. Davis, R.L.S.

Financial Officer
Steven B. Danner-Rivers

DATE: December 1, 2008

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: 66 West Towne Mall, 7357 West Towne Way, and 448 South Gammon Road Certified Survey Map

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.)

- | |
|---|
| <ol style="list-style-type: none"> 1. Show all existing private utilities. Any shared facilities shall require agreement for recordation prior to approval. 2. Specifically identify whether easements shown are "public" and/or "private" either on the face of the CSM or in the specific easement notes on supplemental pages. 3. Interior lot dimensions were omitted for Lots 1 and 3 on Sheet 2. 4. Public water main easements listed as items #22 and #23 on Sheet 5 could not be found on the CSM map portion. |
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GENERAL OR STANDARD REVIEW COMMENTS

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

**Engineering Division Review of Plats (Pre-Preliminary, Preliminary, Final)
and Certified Survey Maps**

Name: 66 West Towne Mall, 7357 West Towne Way, and 448 South Gammon Road Certified Survey Map

General

- 1.1 The Developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this plat/csm. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat/csm without the agreement executed by the developer.
- 1.2 Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

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- 1.3 The Developer is required to pay Impact Fees for this development. The Developer shall indicate the method of payment as provided below:
- 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 receive the invoices to pay the outstanding impact fees at the time of permit issuance. 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, 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:

LOTS / BUILDINGS WITHIN THIS SUBDIVISION / DEVELOPMENT ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.

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 Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.3 It is anticipated that the improvements on [roadway name] _____ required to facilitate ingress and egress to the plat/csm will require additional right of way and/or grading easements located outside the plat/csm boundary. The developer shall acquire the right of way and/or sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
- 2.4 The Developer shall petition for the street vacation of (roadway name) _____ and provide a legal description and sketch of the right of way to be vacated after consultation with the City Engineer.

Are the following requirements met?

- * Streets Intersect at right angles.
- * A 15 foot minimum tangent at intersections from PC of curve to property line.
- * Arterial intersection spacing generally greater than 1200 feet.
- * Jogs are avoided at intersections. Arterial streets shall be adjusted to align if spacing less than 300 feet.
- * Spacing of intersections on local streets shall be greater than 300 feet.
- * Cul-de-sacs shall be less than 1000 feet long.
- * 100 foot tangents between curves.

- 2.5 _____

- 2.6 Property lines at intersections shall be rounded with a 15 foot radius on _____

- 2.7 Property lines at intersections shall be rounded with a 25 foot radius on _____

- 2.8 The right of way width on _____ shall be _____ feet, on _____ shall be _____ feet and on _____ shall be _____ feet.

- 2.9 _____ shall have a minimum centerline radius of _____ feet and _____ shall have a minimum centerline radius of _____ feet.
- 2.10 The cul-de-sac on _____ shall have a minimum radius of _____ feet with a minimum reverse curve radius of _____ feet.
- 2.11 The plat/csm shall show a temporary limited easement for a temporary cul-de-sac on _____ having a radius of _____ feet and a reverse curve radius of _____ feet. The easement(s) shall expire when the streets are extended.
- 2.12 The developer shall show on the plat/csm a 40 foot utility easement adjacent to [roadway name] _____. The easement wording shall be approved by the City Engineer. The intent of the easement is to allow for the relocation of a major transmission line. The actual poles would remain on the right of way however major transmission lines require an easement beyond the space occupied by the poles for safety.
- 2.13 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.14 The Developer shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.15 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____. 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.
- 2.16 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.
- 2.17 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.
- 2.18 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.

- 2.19 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, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
 - b. 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 Developer shall construct Madison Standard street improvements for all streets within the plat/csm.
- 3.2 The developer shall show a 30 40 (*Strike one, 30 collector, 40 Arterial*) foot building setback line on the plat/csm adjacent to [Roadway Name] _____ for all lots in the plat/csm adjacent to said roadway.
- Note: No buffer strip shall be dedicated to the City as the City does not want the maintenance.*
- 3.3 Extensive grading may be required due to steep roadway grades.
- 3.4 The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
- 3.5 The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to Lot(s) _____.
- 3.6 The Developer shall make the following improvement to [Roadway Name] _____. The Developer shall construct sidewalk and _____ feet of a future _____ foot roadway including curb and gutter on the _____ side of the roadway.
- 3.7 The Developer shall construct sidewalk to a plan approved by the City Engineer and complete ditching as required by the City Engineer along [Roadway Name] _____.
- 3.8 The Developer shall grade the right of way line to a grade established by the City Engineer and complete ditching along the roadway as specified by the city engineer along [Roadway Name] _____.
- 3.9 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____. (Also require the City / Developer agreement line 1.1)
- 3.10 **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>.
- 3.11 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.
- 3.12 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>.
- 3.13 Developer shall make improvements to [Roadway Name] _____ considered temporary to facilitate ingress and egress to the plat/csm until such time as the ultimate improvement of the roadway is undertaken by the city.

- 3.14 The Developer shall make improvements to [Roadway Name] _____ to facilitate ingress and egress to the plat/csm.

[Select one of the below comments for either of the above or leave general]

- The above improvement will consist of acceleration and deceleration tapers.
- The above improvement consists of rights turn lanes.
- The above improvement will consist of passing lanes.
- The above improvement will consist of median openings.
- Caution – The improvements indicated above may require right of way outside of the plat/csm. See comment 2.3 to require additional right of way for this purpose.*
- 3.15 The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat/csm.
- 3.16 The developer shall confirm that adequate sight distance exists on _____ where public streets intersect. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
- 3.17 All proposed street names shall be approved by the City Engineer. Applicant shall contact Lori Zenchenko (608-266-5952) with street name requests.
- 3.18 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.19 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952

Storm Water Management

- 4.1 An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. 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.
- 4.2 The following notes shall be included on the final plat:
- a. All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.
- NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.**
- b. The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

- 4.3 Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
- a. Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.

- b. All lots within this certified survey are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the certified survey. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the certified survey. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

- 4.4 Prior to the issuance of building permits, the Developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The Developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27.

The following note shall accompany the master storm water drainage plan:

- a. For purposes of this plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows.

No building permits shall be issued prior to City Engineering's approval of this plan.

- 4.5 If the lots within this certified survey map are inter-dependent upon one another for storm water 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 certified survey map and recorded at the Dane Co Register of Deeds.
- 4.6 The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."
- 4.7 This plat/csm could affect a flood plain, wetland or other sensitive areas. As such, it shall be reviewed by the Commission on the Environment. Contact Mike Dailey at 266-4058 for further details. The proposed plat/csm may be considered a major change to the environmental corridor and be subject to a public hearing and approval of the Dane County Regional Plan Commission.
- 4.8 A portion of this plat/csm may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat/csm. Contact the WDNR & USACOE for a jurisdictional determination.
- 4.9 Prior to recording the plat/csm, the applicant 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).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.10 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 4.11 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.

- 4.12 A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact Janet Dailey (608-261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

Sanitary Sewer

- 5.1 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to 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.
- 5.2 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 5.3 This land division contains or is adjacent to facilities of MMSD. Prior to approval, applicant shall provide evidence that MMSD has reviewed and approved the proposed land division.

Mapping / Land Records

- 6.1 Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. **Note: Land tie to two PLS corners required.**
- 6.2 In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference **City of Madison WCCS Dane Zone, 1997 Coordinates** on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
- 6.3. The Applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the **final plat/CSM** to the Mapping/GIS Section of the Engineering Division. **The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number:**
 - a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names
 - f. Easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except **local service** for Cable TV, gas, electric and fiber optics).

NOTE: This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

NOTE: New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

- 6.4 In accordance with Section s.236.34(1) (c) which says a CSM shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the Plat/CSM. Identify the owner

and/or benefiting interest of all easements.

- 6.5 Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com



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

December 4, 2008

TO: Plan Commission

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

SUBJECT: **66 West Towne Mall, 7357 West Towne Way & 448 South Gammon Road - Town of Middleton Sec. 26 - Certified Survey (Lot Division)**

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. None

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. None

GENERAL OR STANDARD REVIEW COMMENTS

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

3. There will be access restriction for C.S.M. and shall be noted on the face as follows:
 - a. No Access shall be granted along the northerly right-of-way line of U.S.H. 12-14 Beltline Highway.
 - b. The applicant shall graphically show the "No Vehicular Access" restriction on the face of the C.S.M. map.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Robert Talarczyk
Fax: 441-1305
Email: robert.talarczyk@rasmithnational.com

DCD:DJM:dm



Department of Planning & Community & Economic Development
 Planning/Neighborhood Preservation & Inspection/Economic & Community Development
 Mark A. Olinger, Director

Bradley J. Murphy
 Planning Division
 215 Martin Luther King, Jr. Boulevard
 P.O. Box 2985
 Madison, WI 53701-2985
 (608) 266-4635

REVIEW REQUEST FOR:

- PRELIMINARY PLAT
- FINAL PLAT
- LOT DIVISION/CSM
- CONDITIONAL USE
- DEMOLITION
- REZONING
- INCLUSIONARY ZONING
- OTHER

West Towne CSM : Section 26 - Town of Middleton
 66 West Towne Mall, 7357 W Towne Way & 448 South Gammon Road
 4 Retail/Office Lots
 Robert Snetman - CBL & Associates Properties, Inc/Robert Talarczyk - R.A.
 Smith National, Inc.

PLANNING DIVISION CONTACT: Tim Parks

RETURN COMMENTS BY: 04 December 2008

PLEASE ALSO EMAIL OR FAX ANY COMMENTS TO THE APPLICANT:

Applicant E-mail: robert.talarczyk@rasmithnational.com Fax: 441-1305

Date Submitted: 05 November 2008

Plan Commission: _____

Date Circulated: 07 November 2008

Common Council: _____

CIRCULATED TO:

- ZONING
- FIRE DEPARTMENT
- PARKS DIVISION
- TRAFFIC ENG.
- CITY ENG. - DAILEY
- CITY ENG. - PEDERSON
- WATER UTILITY
- CDBG - CONSTANS
- REAL ESTATE - EKOLA

- DISABILITY RIGHTS
- POLICE DEPT. - THURBER
- CITY ASSESSOR - M. RICHARDS
- MADISON METRO - SOBOTA
- MMSD BOARD, C/O SUPT.
- PUBLIC HEALTH - SCHLENKER
- NEIGHBORHOOD ORGANIZATION

- ALD. Skidmore DIST. 9
- MADISON GAS & ELECTRIC
- ALLIANT ENERGY
- A T & T
- T D S
- MT. VERNON TELE
- _____
- _____

Review the above as per time schedule set in Chapter 16.23(5)(b)2; 16.23(5)(3)3; or Chapter 28, City of Madison Ordinance; OR your agency's comments cannot be considered prior to action.

One copy for your files; one copy for file of appropriate telephone company; PLEASE RETURN one copy with joint comments.

The above is located in your district. A copy is on file in the Planning Division Office for review. If you have any questions or comments, contact our office at 266-4635.

The above is located within or near the limits of your neighborhood organization. A copy is on file in the Planning Division Office for review. If you have any questions or comments, contact our office at 266-4635.

RETURN COMMENTS TO: PLANNING DIVISION, DEPT. OF PLANNING & COMMUNITY & ECONOMIC DEVELOPMENT, ROOM LL100 MMB, 215 MARTIN LUTHER KING JR. BLVD.

NO COMMENTS / YOUR COMMENTS:

I FULLY SUPPORT THIS APPLICATION AND PROJECT.

Paul Spinkman 11/11/08

Parks, Timothy

From: Parks, Timothy
Sent: Friday, January 23, 2009 8:21 AM
To: 'White, William F (22246)'
Cc: Murphy, Brad; Brian_Auger@CBLProperties.com; Robert_Snetman@cblproperties.com; stuart_smith@cblproperties.com; paul_matyas@cblproperties.com; Talarczyk, Robert; Kenneth B. Axe
Subject: RE: West Towne CSM ID #13348, 448 South Gammon Rd., etc. AGENDA ITEM NO. 7

Bill,

Brad and I spoke after our conversation and are in agreement that the condition shall only apply to transfers of those lots to third-party interests. Transfers within the existing CBL ownership structure will not apply.

All the best,

TIM PARKS
 Planner, Planning Division
 Dept. of Planning and Community
 and Economic Development
 City of Madison, Wisconsin
 T: 608.261.9632
 F: 608.267.8739

From: White, William F (22246) [mailto:WFWhite@michaelbest.com]
Sent: Thursday, January 22, 2009 5:00 PM
To: Parks, Timothy
Cc: Murphy, Brad; Brian_Auger@CBLProperties.com; Robert_Snetman@cblproperties.com; stuart_smith@cblproperties.com; paul_matyas@cblproperties.com; Talarczyk, Robert; Kenneth B. Axe
Subject: West Towne CSM ID #13348, 448 South Gammon Rd., etc. AGENDA ITEM NO. 7

Tim- This will confirm that CBL Properties accepts the staff' Conditions of Approval for the above item. However, as we discussed, the transfer restrictions would **not** apply to an intra-company transfer from CBL Madison I LLC and Madison Joint Venture to one of their affiliates and that the off-site improvements would be incremental in nature and tied to a specific development or redevelopment proposal for the shopping center, and not done in advance of that development. Please let me know if there are any needed clarifications. Bill



William F. White
 Attorney at Law

Direct: (608) 283-2246
 wfwhite@michaelbest.com

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 P.O. Box 1806 Madison WI 53701-1806
 Phone: (608) 257-3501 Fax: (608) 283-2275