



Department of Planning & Community & Economic Development
Planning Division

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December 19, 2012

Dan Day
D'Onofrio Kottke & Associates
7530 Westward Way
Madison, Wisconsin 53717

RE: Approval of a final plat creating 18 single-family lots, 4 lots for future mixed-use development, 1 lot for a future City library, and 2 outlots for private open space, all generally located at 6002 Cottage Grove Road and 5901-5939 Sharpsburg Drive in the Grandview Commons development (Jeff Rosenberg, Veridian).

Dear Mr. Day;

At its November 27, 2012 meeting, the Common Council **conditionally approved** the final plat of Town Center Addition to Grandview Commons subject to the following conditions of approval from reviewing agencies. In order for the final plat to be approved for recording, the following conditions shall be met:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following twenty-six (26) items:

1. The City Engineering Division will prepare the Kilpatrick Lane street vacation resolution necessary to facilitate this proposed Town Center Addition to Grandview Commons subdivision plat and redevelopment. The vacation resolution shall be adopted by the Common Council and recorded with the Register of Deeds prior to final City approval and recording of the subdivision plat. The street vacation resolution will also include the appropriate authority to release various public easements as well as the street name change language renaming portions of Kilpatrick Lane to Big Dipper Drive and Kilpatrick Court. The owner/ developer/ surveyor have previously provided City Engineering with the necessary maps, legal descriptions and exhibits to accomplish these matters.
2. If the proposed street vacation and street name change resolution is adopted and recorded with the Register of Deeds, the final plat shall be revised to depict the amended street name of Big Dipper Drive from Sharpsburg Drive to McLean Drive and Kilpatrick Court west off of McLean Drive adjacent to proposed Lots 643-646 inclusive.
3. All applicable City agency comments from the March 27, 2012 conditional approval letter for the Amended PUD-GDP and preliminary plat as well as the conditions stated with the LNDSPPR-2012-00033 application shall be completed prior to final plat sign-off.
4. Coordinate with the City Engineering Division (project number 53B2254) and Office of Real Estate Services staff the necessary easement releases of existing public sanitary sewer and water main easements prior to final plat sign-off.
5. The rezoning application for 6002 Cottage Grove Road shows a sidewalk connection from the end of Kilpatrick Lane to the grocery store site. Provide details on where the sidewalk will be constructed and if necessary, provide a private easement for the sidewalk with the plat. The private sidewalk connection from proposed Kilpatrick Lane to this property shall be considered a Type V sidewalk, which is privately owned and maintained.

6. The applicant shall meet with City Engineering and Traffic Engineering staff to determine the contractual requirements for the improvements proposed for this application and the applications for rezoning of 5925 Sharpsburg Drive and 6002 Cottage Grove Road from PUD-GDP to PUD-SIP.
7. The developer shall execute a waiver for hearing and notice of assessments related to the reconstruction of Cottage Grove Road scheduled for 2015.
8. The applicant shall coordinate all construction with the City's proposed Cottage Grove Road reconstruction project.
9. The applicant shall dedicate additional right of way for Cottage Grove Road to provide the necessary sidewalk easements for an 8-foot wide sidewalk and construct the required sidewalk and terrace improvements, as approved by the City Engineer and City Traffic Engineer.
10. The developer is proposing to install public water and sanitary sewer for this development. Dedication of public easements shall be coordinated with the final plat. Access easements for maintenance across the parking areas will be required if these improvements are outside of the public right of way.
11. The applicant shall be responsible for the completion of the improvements adjacent to the existing Doric Lodge site, which shall include the construction of curb and gutter, street, sidewalk, and public and private utilities. The applicant shall meet with City staff to determine the cost sharing requirements for these Cottage Grove Road improvements beyond those required for the frontage of the Doric Lodge site, to accommodate the development of the proposed grocery store.
12. The Developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this plat. 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 without the agreement executed by the developer.
13. 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 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
14. This development is subject to impact fees for the Door Creek North– Phase 2 Sanitary Sewer and Stormwater Impact Fee District. All impact fees are due and payable at the time building permits are issued (per MGO Ch. 20). The following note shall be placed on the face of the plans and final 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."
15. Big Dipper Drive shall have a minimum centerline radius of 150 feet.
16. The cul-de-sac on Kilpatrick Lane shall have a minimum radius of 50 feet with a minimum reverse curve radius of 50 feet.
17. The developer shall construct Madison standard street improvements for all streets within the plat.
18. The developer shall make improvements to Cottage Grove Road considered temporary to facilitate ingress and egress to the plat until such time as the ultimate improvement of the roadway is undertaken by the City.
19. The following notes shall be included on the final plat per MGO 16.23(8)(9)(b)2:
 - a.) All lots within this plat (EXCEPT Lots 648-651) 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 re-division 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.

- 20. 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. Note: It is required that this plan shall be stamped by and Registered Land Surveyor.

The following note shall accompany the master stormwater drainage plan: "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 the City Engineering Division's approval of this plan."

- 21. Lots 648-651 within this plat are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the final plat and recorded at the Dane County Register of Deeds.
- 22. Prior to final approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2, 10, & 100-year storm events; control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with NR 151, and; provide oil & grease control from the first 1/2" of runoff from parking areas. Stormwater management plans shall be approved by the City Engineer prior to signoff.
- 23. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites for stormwater and erosion control has been transferred to the Department of Natural Resources. As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project

Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. The City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR.

24. A minimum of 2 working days prior to requesting City Engineering Division signoff on the plat, the applicant shall contact Janet Dailey (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).
25. All outstanding Madison Metropolitan Sewerage District (MMSD) and 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. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
26. 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. Note: Land tie to two PLS corners required.

Please contact David Dryer of the Traffic Engineering Division at 267-8750 if you have questions about the following eleven (11) items, including the condition modified by the Plan Commission (#30, see emphasis):

27. Consistent with the general development plan, the final plat shall be modified for and contain a number of improvements to adequately support the development, City concerns, and multimodal options.
28. The applicant shall enter into a developer's agreement contract with the City to pay for and provide the necessary improvements and roadway modifications that are required to support the proposed development, prior to final approval. The applicant may need to make improvements to public streets considered temporary until such time as the ultimate improvements are undertaken.
29. To address concerns with traffic impacts on adjoining neighborhood streets, the developer shall be responsible for entering into a developer's agreement and contract with the City. The developer shall develop a street re-design and/ or traffic calming design in cooperation with the neighborhood(s) and shall enter into a private contract with the City for the subject street's reconstruction and/ or package of treatments. These would be reviewed and approved by the Board of Public Works as a private development requirement. A deposit and surety is to be required as a failsafe if the developer isn't able to perform this work. This approach would be similar to the developer installing new streets like Gemini Drive and temporary changes on Cottage Grove Road. The subject streets are Sharpsburg Drive (Gemini Drive to McLean Drive); Sharpsburg Drive (McLean Drive to McClellan Drive), and; McLean Drive (Cottage Grove Road to Cottontail Trail). It is recommended the developer conduct sufficient meetings with the neighborhoods and alders, first to gain input and second for review and comment. Following these public meetings the City's Board of Public Works shall review and approve the recommended design(s) in order for the developer and City to proceed to developing final engineering plans and specifications. The recommended improvements shall be implemented such that they are in place when the store opens in 2014 or shortly thereafter.
30. The applicant shall provide a considerable deposit for signing and marking for new traffic control measures, including McLean Drive and Sharpsburg Drive and its intersections with Gemini Drive and North Star Drive. This includes money for stops signs, parking, crosswalks and bike lanes.
31. The applicant shall work with Planning, City Engineering and Traffic Engineering staff to develop an interim construction plan for Cottage Grove Road for the development until Cottage Grove Road is reconstructed in

the future (currently planned for 2015). This shall include installation of widened, minimum 8-foot wide sidewalk, shared use path like the one installed along University Avenue. This shall also include wider crosswalk ramps and markings at the intersections of McLean Drive and Gemini Drive. The agreed upon reconstruction shall be in place when the store opens in 2014.

32. The applicant shall work with Planning, City Engineering and Traffic Engineering staff to develop and install Gemini Drive. Its right of way shall be 80 feet wide with a 44-foot wide street, a 14-foot wide terrace on the west side, and a 20-foot wide terrace on the east side. The 20 feet shall include a 6-foot sidewalk, 8-foot cycle track, and 6-foot tree/sign terrace.
33. Prior to final approval, the applicant shall be responsible for securing all proper permits and approvals for driveway approaches and proposed median breaks onto Cottage Grove Road (CTH BB) from the Dane County Highway and Transportation Department. The applicant shall provide copies of all approved permits to the Traffic Engineering Division prior to approval of plans.
34. The applicant shall be required to provide any necessary easements for the installation of street lights and traffic signals, including control boxes, loops, hand-holes, markings and signing.
35. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off.
36. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
37. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible. If the internal street is to be public, the developer shall provide an upfront capital fee for the annual upkeep and maintenance, to be determined by the Traffic Engineer.

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

38. All public water mains and water service laterals shall be installed by a standard City subdivision contract. A minimum 20-foot wide public water main easement shall be dedicated over those mains not located in the public right-of-way.
39. Per MGO Section 13.21, all operating private wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned.

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

40. Final park dedication and development fees for any future multi-family residential units in the Town Center development (Lots 648-652) will be determined when specific implementation plans are submitted that include residential units on those lots. Park dedication and development fees are required for the additional single-family lots proposed in R2T zoning (Lots 630-647). The applicant must select a method for payment of park impact fees for the single-family lots before final approval and recording of the final plat creating those single-family lots. This development is within the Door Creek impact fee district (SI23).

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following item:

41. Note: The Madison Fire Department submitted comments for the final plat with no conditions of approval. However, the Department requests that the following information be provided to the buyer of the proposed single-family lots: "The Madison Fire Department recommends the installation of a residential fire sprinkler

system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>.

Please contact Jenny Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following four (4) items:

42. Prior to final approval of the final plat for recording, the Owner's Certificate(s) on the final plat shall be executed by all parties having an interest in the property, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). Certificates shall be consistent with the ownership interests in the most recent title report. Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate. Certificates shall be prepared with the ownership interests consistent with the most recent title report:
 - MREC VH Madison, LLC
 - Grandview Commons Homeowners Association, Inc. (*please update certificate to include full name as it appears in title*)
 - Premium Real Estate, LLC
 - MREC VH Madison Investors, LLC
 - DJK Holdings, Inc.
 - City of Madison
43. Prior to final approval of the final plat for recording, certificate(s) of consent by any mortgagee/ vendor shall be executed by the following:
 - First Business Bank, Document No. 4930400
 - Bank of Sun Prairie, Document No. 4221566
44. As of November 15, 2012, the 2011 real estate tax bills have been paid for all the subject parcels. In addition, there are no outstanding stormwater fees. A special assessment is due for 6002 Cottage Grove Road (251-0710-111-0101-2) in the amount of \$8.67. Prior to circulating the proposed plat for final sign-off and recording, please present a paid receipt for the amount owed and listed above. [Note: 2012 real estate tax bills have now been levied; those taxes shall be paid in full prior to final approval and recording of the final plat.]
45. That the final plat be revised prior to final approval for recording as follows:
 - a.) Include on the final plat a complete and accurate legal description of the lands that are to be included in the proposed plat. The legal description shall be reconciled with the legal description of said lands in record title.
 - b.) Include a note on the final plat that some of the lands within the plat boundary are subject to additional terms of Special Warranty Deeds recorded as Document Nos. 4897646, 4897643, 4897649 and 4897639.
 - c.) Include a note that some of the lands within the plat boundary are subject to plans recorded as Document No. 4931251.
 - d.) Extend the 40-foot setback line through proposed Lots 648, 651 & 652 per the plat of Grandview Commons, as well as CSM 12305 & 11058.
 - e.) Remove Document No. 3872555 from Note 2B on Sheet 2, which is shown twice.
 - f.) Update Note 3 to state "Lots 630-647", if "617" is a typo.
 - g.) Depict and label the access restricted areas on the final plat, per prior plat and Certified Survey Maps.
 - h.) Depict the easement shown in Exhibit A of Document No. 4362638

- i.) Update the labeling of Outlot 33 to match the description in Note 10 on Sheet 2.
- j.) Correct typo in Note 9 on Sheet 2.
- k.) Depict and label the easement shown in Exhibit A of Document No. 4329450. If this easement has been released, please provide the recording information for the document that does so.
- l.) Please research whether or not Document No. 1240317 is still applicable for the subject lands and if so, place a note on the final plat that the lands are subject to the reservations contained within this Warranty Deed.
- m.) Coordinate with city staff regarding the 10-foot easement shown in City mapping database (GT Viewer) as Document No. 3709551.
- n.) Depict and dimension all existing improvements (buildings, drives, parking lots, etc.), encroachments, wells and septic systems associated with the lands described for the final plat (Well abandonment: ref. NR 141).
- o.) Record satisfactions or releases for all mortgages, liens, judgments, or other instruments that encumber the title of the subject lands, but where the purpose for such instrument has been satisfied, fulfilled or resolved.
- p.) Create notes that define the purpose of and the ownership (whether public or private) of all outlots. Notes for outlots dedicated to the public shall say: "Dedicated to the public for _____ purposes."

Please contact my office at 261-9632 if you have questions about the following six (6) items, including the condition added by the Plan Commission (#51):

- 46. The applicant shall submit a landscaping plan for all of Outlot 32 for approval by the Planning Division prior to final approval of the plat for recording. The approved landscaping plan for Outlot 32 shall be included in the subdivision improvement contract for this final plat. The final landscaping plan shall include a detailed grading plan and sections for the area located between the rear yards of Lots 643 and 647 and the eastern edge of pavement at the rear of the grocery store on Lot 648, including a construction detail for the private staircase proposed to extend between the grocery store and Kilpatrick Lane. Sufficient surety shall be provided with the contract to ensure complete implementation of the approved grading plan, staircase construction plans, and landscaping plan.
- 47. The applicant shall submit a detailed tree preservation plan and identify a tree preservation easement to preserve the existing mature trees located on the northern 30 feet of Lots 630-639 as suggested in area 12 of the tree preservation information submitted with the specific implementation plan for 6002 Cottage Grove Road. The tree preservation plan for Lots 630-639 shall include an inventory of the trees located within the 30-foot easement and the grading plan for those lots. The tree preservation plan shall identify opportunities for the mature tree cover within the northern 30 feet of those lots to be preserved during the implementation and build-out of the development. Disturbance within these areas may be limited, and the final location of subdivision utilities and utility and drainage easements for those lots may be varied to allow mature tree cover to be avoided. The tree preservation easement and reference to the approved preservation plan shall be noted on the final plat prior to recording.
- 48. An easement shall be dedicated on the final plat between the grocery store on Lot 648 and the Kilpatrick Lane cul-de-sac to provide for the use, maintenance and operation of the staircase providing access to the rear of the store. The City of Madison shall not be responsible for the construction or ongoing maintenance of this stair.

49. The developer shall submit reciprocal cross-access and shared parking easements and agreements to govern the town center development for the review and approval of the City Engineer, City Traffic Engineer and Planning Division Director prior to the recording of the final plat.
50. The applicant shall submit to the Planning Division two copies of the private subdivision covenants, conditions and restrictions that govern the organizational structure, use, maintenance and continued protection of the development and any common services, open areas or other facilities to serve the proposed subdivision. These documents shall be approved by the Planning Division in consultation with the City Attorney's Office prior to final approval of the plat for recording.
51. That the final plat be revised to include a vehicular access restriction along the northern right of way line of Cottage Grove Road. The restriction shall be shown graphically on the face of the plat and as a note acknowledging that no vehicular access shall be granted

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

Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (attached), the original along with the revised final plat, with all signatures and approvals from the reviewing agencies, shall be brought to this office for final signoff. You or your client may then record the final plat at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Any appeal regarding the plat, including the conditions of approval related thereto, must be filed with the Circuit Court within thirty (30) days from the date of this letter. **The approval of this plat shall be null and void if not recorded in twelve (12) months from the date of this letter.** If I may be of any further assistance, do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Dave Dryer, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Kay Rutledge, Parks Division
Bill Sullivan, Madison Fire Department
Pat Anderson, Assistant Zoning Administrator
Jenny Frese, Office of Real Estate Services
Dan Everson, Dane County Planning & Development