

**APPLICATION FOR
URBAN DESIGN COMMISSION
REVIEW AND APPROVAL**

AGENDA ITEM # _____
Project # _____

DATE SUBMITTED: <u>2/14/2007</u>	Action Requested
UDC MEETING DATE: _____	<input type="checkbox"/> Informational Presentation
	<input checked="" type="checkbox"/> Initial Approval and/or Recommendation
	<input type="checkbox"/> Final Approval and/or Recommendation

PROJECT ADDRESS: 8133 Mansion Hill Avenue

ALDERMANIC DISTRICT: 1

OWNER/DEVELOPER (Partners and/or Principals) ARCHITECT/DESIGNER/OR AGENT:
Owner: W.C. Development Corp. Supreme Structures Incorporated
Developer: Amden, LLC 4487 Robertson Road
3001 Winter Park Place, Madison, WI 53714 Madison, WI 53714

CONTACT PERSON: Dan Bertler
Address: 4487 Robertson Road
Madison, WI 53714
Phone: 224-0777
Fax: 224-0778
E-mail address: dan@supremestructures.com

TYPE OF PROJECT:

(See Section A for:)

- Planned Unit Development (PUD)
- General Development Plan (GDP)
- Specific Implementation Plan (SIP)
- Planned Community Development (PCD)
- General Development Plan (GDP)
- Specific Implementation Plan (SIP)
- Planned Residential Development (PRD)
- New Construction or Exterior Remodeling in an Urban Design District * (A public hearing is required as well as a fee)
- School, Public Building or Space (Fee may be required)
- New Construction or Addition to or Remodeling of a Retail, Hotel or Motel Building Exceeding 40,000 Sq. Ft.
- Planned Commercial Site

(See Section B for:)

- New Construction or Exterior Remodeling in C4 District (Fee required)

(See Section C for:)

- R.P.S.M. Parking Variance (Fee required)

(See Section D for:)

- Comprehensive Design Review* (Fee required)
- Street Graphics Variance* (Fee required)
- Other _____

*Public Hearing Required (Submission Deadline 3 Weeks in Advance of Meeting Date)

Where fees are required (as noted above) they apply with the first submittal for either initial or final approval of a project.

4/2/01

My commission expires: May 2, 2004

Notary Public

[Signature]
day of April, 2001

Subscribed and sworn before me this 2

Attachments

Karl Madsen

[Signature]

Sincerely,

See attached Exhibit.

SITE LEGAL DESCRIPTION

The attached set of plans and documents represent the PDD(GDP) project drawings and related zoning documents for Midtown Commons, a mixed-use neighborhood located in Madison, Wisconsin at 8102 Mid Town Road, more particularly described as:

To Whom It May Concern:

March 27, 2001

MAY 07 2001

MERIDIAN

PLANS

Document Number

Document Title

DANE COUNTY REGISTER OF DEEDS

3305705

04-10-2001 9:39 AM

Trans. Fee

Rec. Fee 92.00
Pages 42

000001

Recording Area

Name and Return Address
Karl Madsen

Great Dane Development

2249 Pinehurst Drive

Middleton, WI 53562

Parcel Identification Number (PIN)

251-0708-344-0099-0

Located in the Northeast Quarter and the Southeast Quarter of Section 34, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

Commencing at the South quarter corner of said Section 34; thence North 88 degrees 53 minutes 41 seconds East, along the South line of said Section 34, 1458.43 feet to the Southeast corner of Certified Survey Map (C.S.M.) 7192; thence North 01 degree 03 minutes 24 seconds East, along the East line of said C.S.M. 7192, 263.06 feet to the Northeast corner of said C.S.M. 7192; thence South 88 degrees 53 minutes 41 seconds West, along the North line of said C.S.M. 7192, 141.66 feet to the West line of the East half (1/2) of the Southeast Quarter of said Section 34; thence North 01 degree 02 minutes 59 seconds East, along said East line, 2,384.84 feet to the North line of the Southeast Quarter of said Section 34; thence North 88 degrees 48 minutes 20 seconds East, along said North line, 1315.78 feet to the East quarter corner of said Section 34; thence South 01 degree 01 minute 34 seconds West, along the East line of said Section 34, 2650.14 feet to the Southeast corner of said Section 34; thence South 89 degrees 14 minutes 51 seconds West, 37.05 feet to the Northeast corner of Section 3, Township 6 North, Range 8 East; thence South 88 degrees 53 minutes 41 seconds West, along the South line of said Section 34, 1138.11 feet to the point of beginning. This description contains approximately 3,446,946 square feet or 79.1310 acres.

BOUNDARY DESCRIPTION

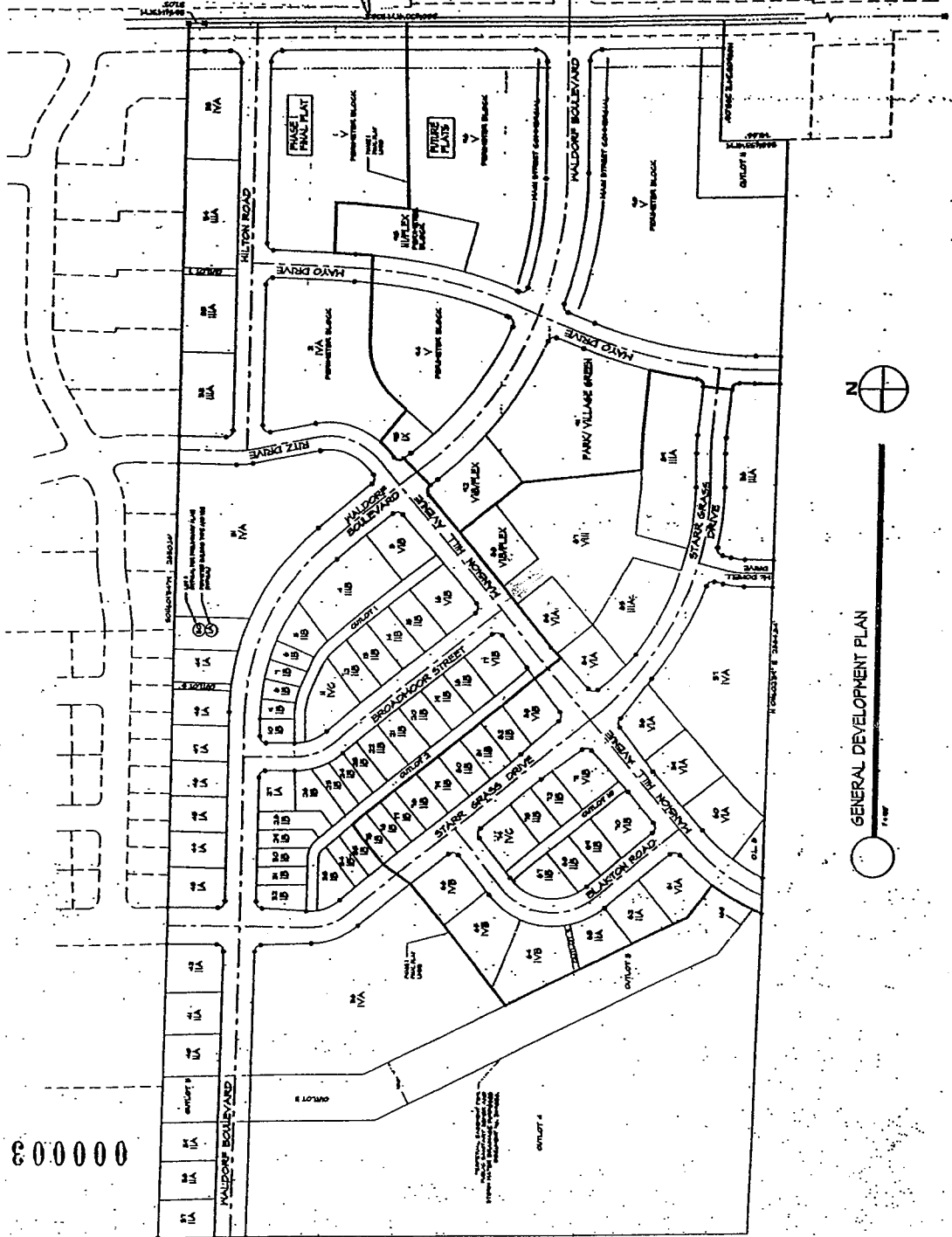
000002

March 22, 2001
FN: 00-CB211

NOTE: Please be advised that the document grantor hereby directs viewers to ignore the printed text material on this map. Only the spatial relationships of the illustrations on the map are being presented for your information.

Signed by grantor or grantor's agent: *Nancy Prusaitis* Date: 4-9-01
 Signed by grantor or grantor's agent: Nancy Prusaitis

000003



KNOTHE & BRUCE ARCHITECTS
 7811 Woodland Avenue Suite 100
 Houston, Texas 77055
 Telephone: 713.464.1234
 Fax: 713.464.1235

Proposed Building Approval

NO.	DATE	DESCRIPTION	APPROVED BY
1	4/9/01	Final Plat	[Signature]
2	4/9/01	Final Plat	[Signature]
3	4/9/01	Final Plat	[Signature]
4	4/9/01	Final Plat	[Signature]
5	4/9/01	Final Plat	[Signature]
6	4/9/01	Final Plat	[Signature]
7	4/9/01	Final Plat	[Signature]
8	4/9/01	Final Plat	[Signature]
9	4/9/01	Final Plat	[Signature]
10	4/9/01	Final Plat	[Signature]
11	4/9/01	Final Plat	[Signature]
12	4/9/01	Final Plat	[Signature]
13	4/9/01	Final Plat	[Signature]
14	4/9/01	Final Plat	[Signature]
15	4/9/01	Final Plat	[Signature]
16	4/9/01	Final Plat	[Signature]
17	4/9/01	Final Plat	[Signature]
18	4/9/01	Final Plat	[Signature]
19	4/9/01	Final Plat	[Signature]
20	4/9/01	Final Plat	[Signature]

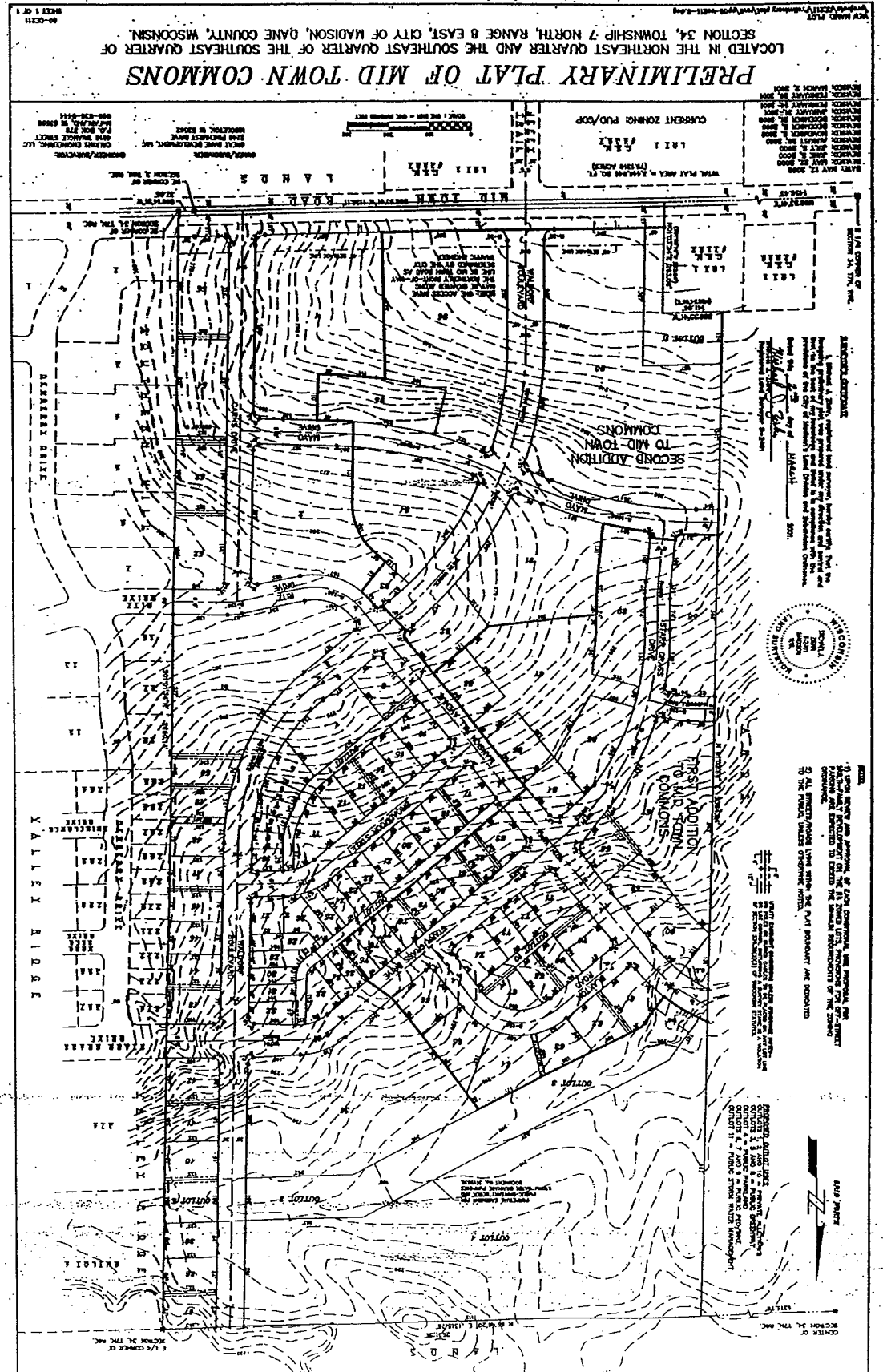
Midtown Commons
 Developer:
 Great Dose Development, LLC

General Development
 Plan
 SDP-1

NOTE: Please be advised that the document grantor hereby directs viewers to ignore the printed text material on this map. Only the spatial relationships of the illustrations on the map are being presented for your information.

Signed by grantor or grantor's agent: *Nancy Prusaitis* Date: *4-9-01*

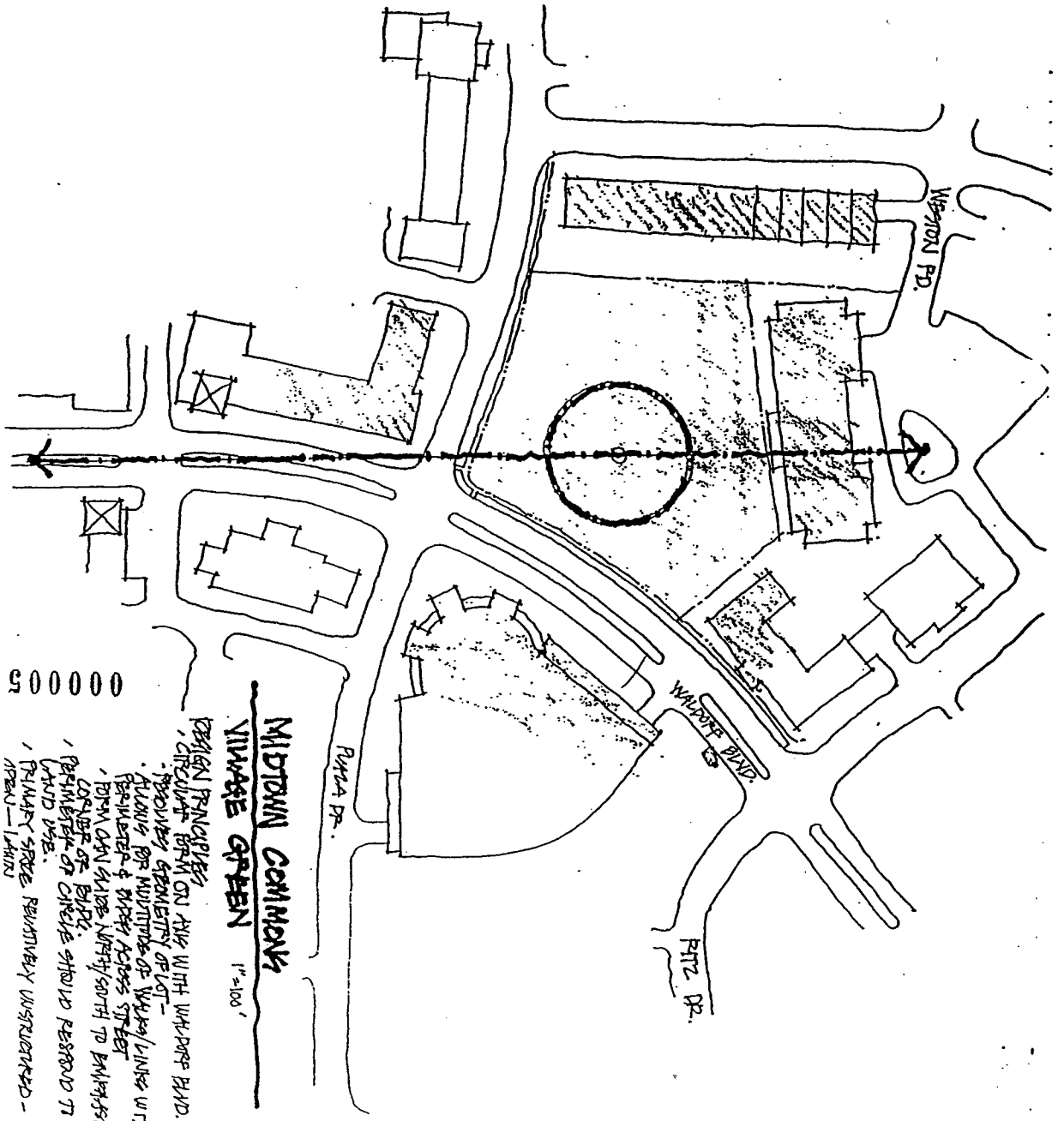
Name of grantor or grantor's agent: Nancy Prusaitis



0000004

NOTE: Please be advised that the document grantor hereby directs viewers to ignore the printed text material on this map. Only the spatial relationships of the illustrations on the map are being presented for your information.

Signed by grantor or grantor's agent: Nancy Prusaitis Date: 4/20/01
 Name of grantor or grantor's agent: Nancy Prusaitis



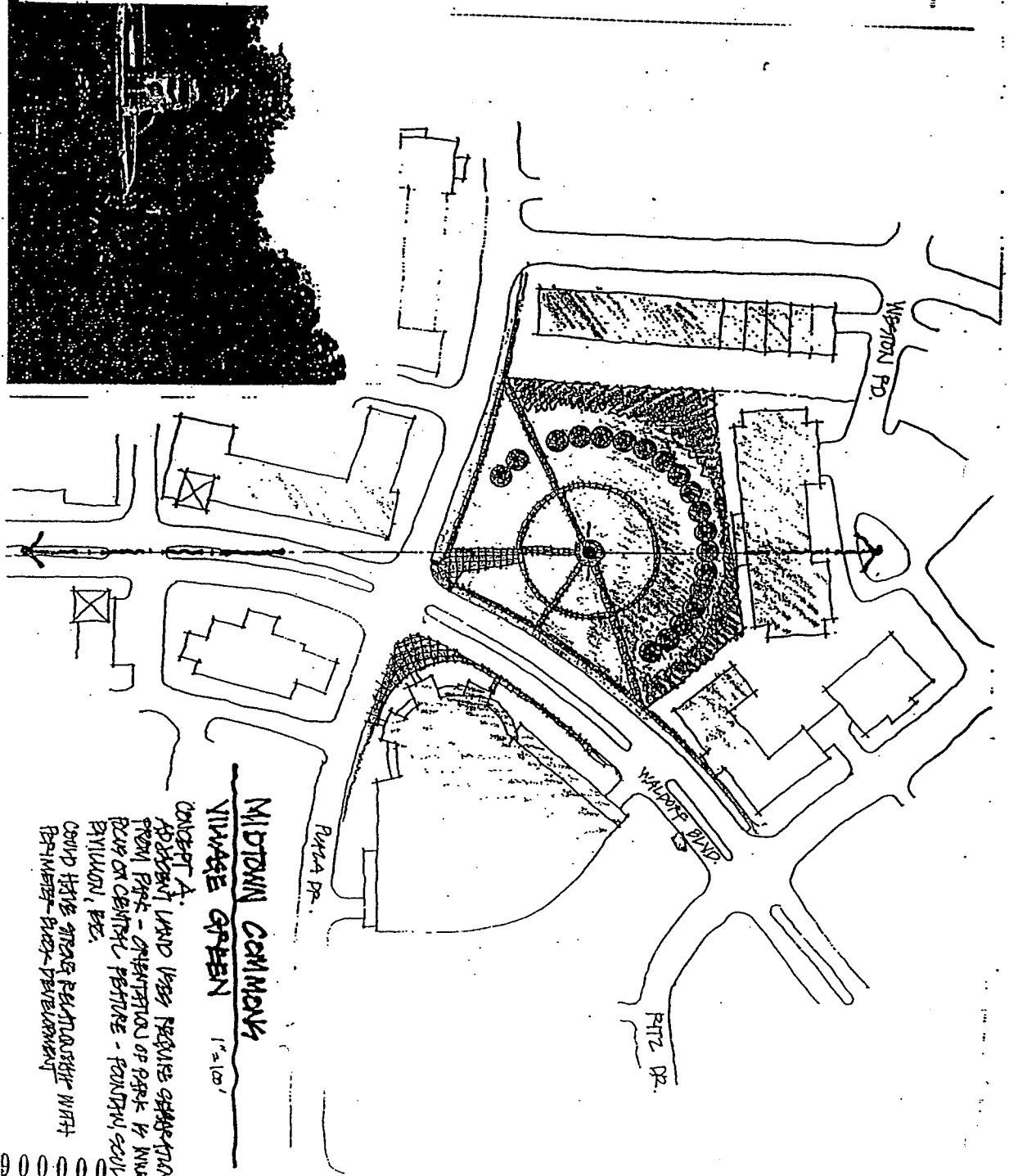
000005

MIDTOWN COMMONS VILLAGE GREEN 1" = 100'

DESIGN PRINCIPLES
 CIRCULAR FORM ON THE LEFT WITH WALKWAY BAND.
 - PRODUCE A SERIES OF SPACES WITH
 - ALLOW FOR MULTIPLE USES WITH
 REQUIREMENTS & BUFFER ACCESS STREET
 - FORM CAN VARY NORTH TO SOUTH TO
 CORNER OF BLOCK.
 - PERIMETER OF CIRCLE SHOULD RESOUND TO
 LAND USE.
 - PRIMARY STREET REMAINING UNSTRUCTURED -
 OPEN - LAND

NOTE: Please be advised that the document grantor hereby directs viewers to ignore the printed text material on this map. Only the spatial relationships of the illustrations on the map are being presented for your information.

Signed by grantor or grantor's agent: Nancy Prusaitis Date: 4-9-01
 Name of grantor or grantor's agent: Nancy Prusaitis



MIDTOWN COMMONS
VILLAGE GREEN 1" = 100'

CONCEPT A.
 ADJACENT LAND USES REQUIRE GRABATION FROM PARK - ORIENTATION OF PARK BY WALKWAY - FOCUS ON CENTRAL FEATURE - FOUNTAIN, SCULPTURES, BENCHES, ETC.
 COULD HAVE STRONG RELATIONSHIP WITH REHABILITATION AREA DEVELOPMENT

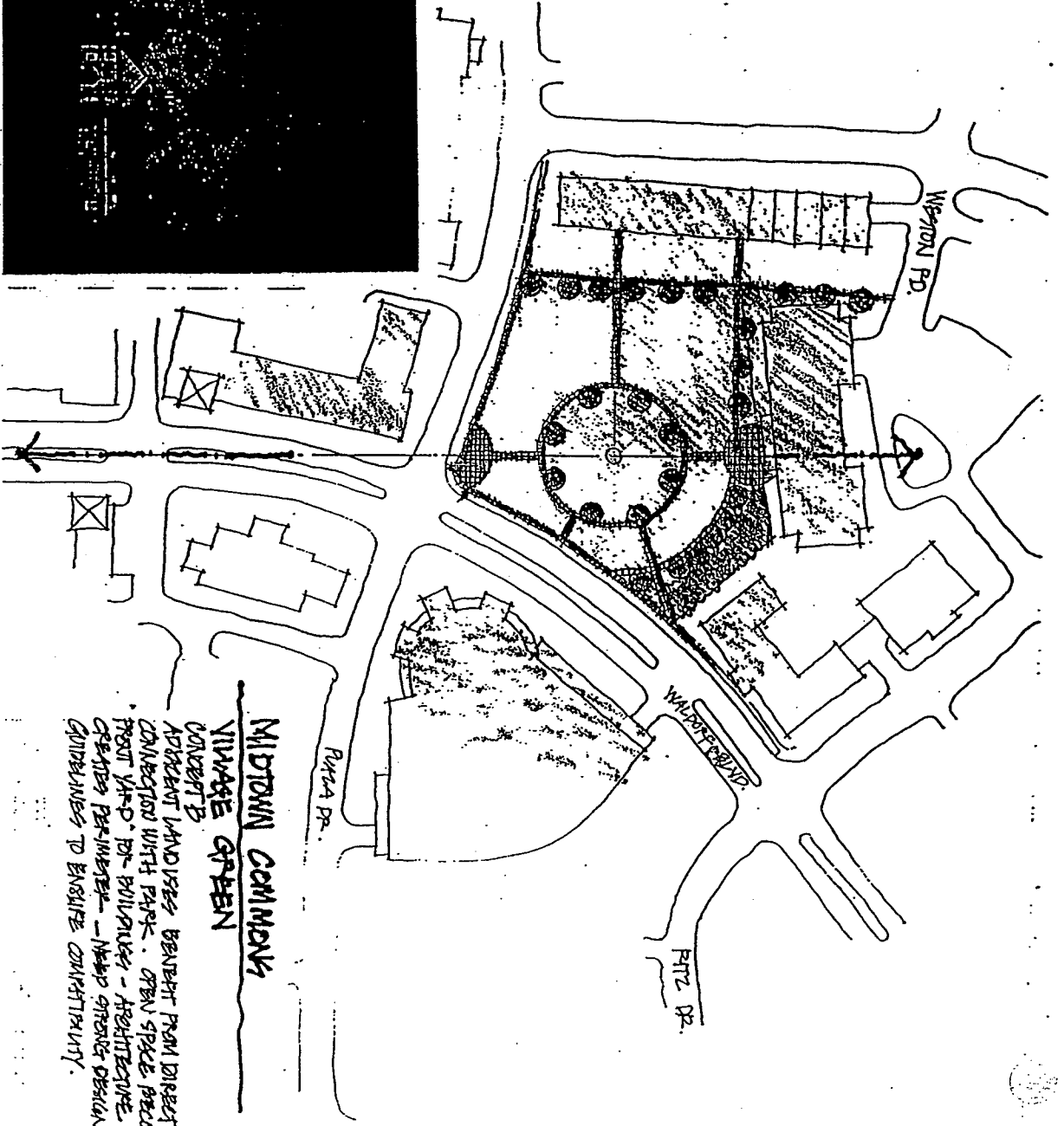
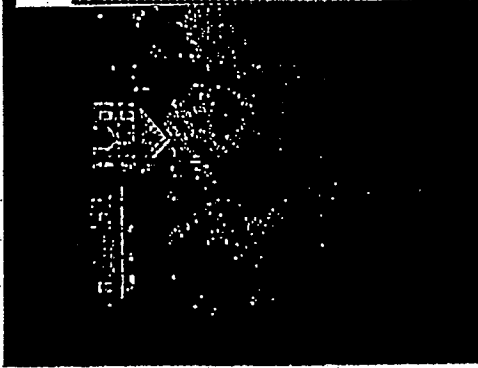
KEN SA
 DESIGN
 LANDSCAPE ARCHITECT
 303 S. LAUREL
 SUITE 105
 MADISON, WI 53702
 PHONE 608.261.8111
 FAX 608.261.8112



Name of grantor or grantor's agent: Nancy Prusaitis

Signed by grantor or grantor's agent: Nancy Prusaitis Date: 4/9/01

NOTE: Please be advised that the document grantor hereby directs viewers to ignore the printed text material on this map. Only the spatial relationships of the illustrations on the map are being presented for your information.



MIDTOWN COMMONS
VILLAGE GREEN
CONCEPT
ADJACENT LANDS USES BEARHEAT FROM DIRECT
CONNECTION WITH PARK. OPEN SPACE PERSONS
FRONT YARD FOR BILLBOARD - ARCHITECTURE
CREATES PARKWAY - NEW SPONSOR DESIGN
GUIDELINES TO ENSURE COMPATIBILITY.

000000

KEN SA
DESIGN
LANDSCAPE
ARCHITECT

201 SOUTH
E 111
MADISON, TN 37203
PHONE: 615 257

Revised February 26, 2001

Mr. Bradley J. Murphy, AICP
Director of Planning
Dept. of Planning & Development
215 Martin Luther King Jr., Blvd
PO Box 2985
Madison, WI 53701-2985

Re: Letter of Intent
Midtown Commons
8102 Mid Town Road
General Development Plan

Dear Mr. Murphy:

The following is submitted together with the plans, application and zoning text for staff, plan commission and council consideration of approval of the proposed development.

Owners:

Great Dane Development, LLC
2249 Pinehurst Drive
Middleton, WI 53562
Contact: Karl Madsen
608-836-1152
608-836-8021 Fax

Architect:

Knothe & Bruce Architects, LLC
7611 Elmwood Avenue, Ste. 102,
Middleton, WI 53562
Contact: J. Randy Bruce
608-836-3690
608-836-6934 Fax

Project:

Midtown Commons
8201 Mid Town Road
Madison, Wisconsin

Engineer:

Calkins Engineering, LLC
4918 Triangle Street
PO Box 379
McFarland, WI 53558
Contact: Mike Calkins
608-838-0444
608-838-0445 Fax

7611 Elmwood Ave, Suite 102
Middleton, WI 53562
608-836-3690 Fax 836-6934
Email kba@globaldialog.com

000009

Letter of Intent
 Midtown Commons
 8102 Mid Town Road
 Revised February 26, 2001
 Page 2

Background:

Midtown Commons is a 79 acre development on the north side of Mid Town Road east of Highway M on the City's far west side. The development has been designed to create a Town Center within the larger Highpoint/Raymond neighborhood plan. A mix of uses and densities are planned including retail and office, residential, civic and institutional uses, parking and dedicated parkland.

The project has obtained approvals from the Common Council for the preliminary plat and the amended General Development Plan (PDD-GDP) on September 5, 2000. This revised letter of intent is submitted so the preliminary and final plats, the zoning text and the letter of intent are coordinated and in accordance with the Common Council conditional approval letter dated September 14, 2000.

Site Development Statistics:

The proposed development consists of a total of 96 lots and 11 outlots. The lot numbers (per the Preliminary Plat), their uses and sizes are listed below.

Preliminary Plat

<u>Lot Number</u>	<u>Permitted Use (Type)</u>	<u>Lot Area</u>	<u>Min. Dwelling Units</u>	<u>Max. Permitted Dwelling Units</u>
Outlot 01:	Private Service Driveway	13,604	0	0
Outlot 02:	Private Service Driveway	18,877	0	0
Outlot 03:	Stormwater Management	118,540	0	0
Outlot 04:	Park and Passive Recreation Uses	448,644	0	0
Outlot 05:	Stormwater Management	13,313	0	0
Outlot 06:	Pedestrian Access and Passive Recreation Uses	2,035	0	0
Outlot 07:	Pedestrian Access and Passive Recreation Uses	1,875	0	0
Outlot 08:	Stormwater Management	4,329	0	0
Outlot 09:	Pedestrian Access and Passive Recreation Uses	1,215	0	0
Outlot 10:	Private Service Driveway	7,991	0	0
Outlot 11:	Stormwater Management	32,339	0	0
Lot 01:	Mixed Use (Type V)	123,472	0	10
Lot 02:	Apartment/Condominium (Type IV-A)	86,664	84	96
Lot 03:	Mansion (Typed VI-B)	11,663	4	4
Lot 04:	Rowhouse/Townhouse (Type III-B)	26,798	7	7

000010

Permitted
 Dwelling Units
 Min. Max.

Permitted Use (Type)	Lot Area	Min.	Max.
Duplex (Type II-B)	7,163	2	2
Single Family (Type I-B)	3,583	1	1
Single Family (Type I-B)	3,400	1	1
Single Family (Type I-B)	3,159	1	1
Single Family (Type I-B)	2,997	1	1
Single Family (Type I-B)	4,019	1	1
Apartment/Condominium (Type IV-C)	12,648	2	2
Duplex (Type II-B)	7,651	2	2
Duplex (Type II-B)	7,680	2	2
Duplex (Type II-B)	7,680	2	2
Duplex (Type II-B)	7,680	2	2
Duplex (Type II-B)	7,680	2	2
Duplex (Type II-B)	7,680	2	2
Mansion (Type VI-B)	11,940	4	4
Mansion (Type VI-B)	10,492	4	4
Duplex (Type II-B)	6,588	2	2
Duplex (Type II-B)	6,588	2	2
Duplex (Type II-B)	6,588	2	2
Duplex (Type II-B)	6,588	2	2
Duplex (Type II-B)	6,588	2	2
Duplex (Type II-B)	6,588	2	2
Single Family (Type I-B)	4,392	1	1
Single Family (Type I-B)	4,449	1	1
Single Family (Type I-B)	4,813	1	1
Single Family (Type I-B)	7,825	1	1
Single Family (Type I-A)	7,208	1	1
Single Family (Type I-B)	6,659	1	1
Single Family (Type I-B)	5,186	1	1
Single Family (Type I-B)	4,606	1	1
Single Family (Type I-B)	4,570	1	1
Single Family (Type I-B)	6,064	1	1
Single Family (Type I-B)	7,074	1	1
Single Family (Type I-B)	4,408	1	1
Single Family (Type I-B)	4,408	1	1
Apartment/Condominium (Type IV-A)	148,677	143	143
Duplex (Type II-A)	11,078	2	2
Duplex (Type II-A)	11,121	2	2
Duplex (Type II-A)	11,121	2	2
Duplex (Type II-A)	11,121	2	2
Duplex (Type II-A)	12,124	2	2
Duplex (Type II-A)	12,124	2	2

000011

Preliminary Plat
 Permitted Use (Type)
 Lot Area
 Min. Dwelling Units
 Max. Permitted

Preliminary Plat	Permitted Use (Type)	Lot Area	Min. Dwelling Units	Max. Permitted
Lot 42:	Duplex (Type II-A)	13,939	2	2
Lot 43:	Single Family (Type I-A)	11,480	1	1
Lot 44:	Single Family (Type I-A)	10,320	1	1
Lot 45:	Single Family (Type I-A)	10,320	1	1
Lot 46:	Single Family (Type I-A)	10,320	1	1
Lot 47:	Single Family (Type I-A)	10,320	1	1
Lot 48:	Single Family (Type I-A)	10,315	1	1
Lot 49:	Single Family (Type I-A)	10,287	1	1
Lot 50:	Single Family (Type I-A)	11,591	1	1
Lot 51:	Apartment/Condominium (Type IV-A)	107,723	84	84
Lot 52:	Rowhouse/Townhouse (Type III-A)	22,790	6	6
Lot 53:	Rowhouse/Townhouse (Type III-A)	21,014	6	6
Lot 54:	Rowhouse/Townhouse (Type III-A)	29,610	8	8
Lot 55:	Apartment/Condominium (Type IV-A)	29,605	15	24
Lot 56:	Rowhouse/Townhouse (Type III-A)	41,833	14	15
Lot 57:	Apartment/Condominium (Type IV-A)	79,076	40	40
Lot 58:	Mansion (Type VI-A)	12,578	4	4
Lot 59:	Mansion (Type VI-A)	14,306	4	4
Lot 60:	Mansion (Type VI-A)	15,926	4	4
Lot 61:	Mansion (Type VI-A)	13,055	4	4
Lot 62:	Duplex (Type II-A)	10,784	2	2
Lot 63:	Duplex (Type II-A)	9,858	2	2
Lot 64:	Apartment/Condominium (Type IV-B)	20,903	6	6
Lot 65:	Apartment/Condominium (Type IV-B)	17,715	6	6
Lot 66:	Apartment/Condominium (Type IV-B)	13,783	4	4
Lot 67:	Duplex (Type II-B)	8,010	2	2
Lot 68:	Duplex (Type II-B)	6,662	2	2
Lot 69:	Duplex (Type II-B)	6,630	2	2
Lot 70:	Mansion (Type VI-B)	11,079	4	4
Lot 71:	Mansion (Type VI-B)	10,124	4	4
Lot 72:	Duplex (Type II-B)	6,495	2	2
Lot 73:	Duplex (Type II-B)	6,516	2	2
Lot 74:	Apartment/Condominium (Type IV-C)	10,761	4	4
Lot 75:	Single Family (Type I-B)	4,408	1	1
Lot 76:	Single Family (Type I-B)	4,408	1	1

000012

Preliminary Plat	Lot Number	Permitted Use (Type)	Lot Area		Permitted Dwelling Units
			Min.	Max.	

Lot 77:	Single Family (Type I-B)	4,408	1	1	1
Lot 78:	Duplex (Type II-B)	6,612	2	2	2
Lot 79:	Duplex (Type II-B)	6,612	2	2	2
Lot 80:	Duplex (Type II-B)	6,612	2	2	2
Lot 81:	Duplex (Type II-B)	6,612	2	2	2
Lot 82:	Duplex (Type II-B)	6,612	2	2	2
Lot 83:	Mansion (Type VI-B)	10,028	4	4	4
Lot 84:	Mansion (Type VI-A)	11,250	4	4	4
Lot 85:	Rowhouse/Townhouse (Type III-A)	23,721	7	7	14
Lot 86:	Mansion (Type VI-A)	13,862	4	4	4
Lot 87:	Civic/Institutional (Type VIII)	73,846	0	0	0
Lot 88:	Flex Use	15,320	2	2	6
Lot 89:	Rowhouse/Townhouse (Type III-A)	42,225	14	14	24
Lot 90:	Mixed Use (Type V) Residential	216,091	30	30	42
Lot 91:	Park/Village Green	78,549	0	0	0
Lot 92:	Flex Use	21,866	4	4	10
Lot 93:	Plaza (Type IX)	6,470	0	0	0
Lot 94:	Mixed Use (Type V)	65,545	1	1	2
Lot 95:	Flex Use	32,726	11	11	11
Lot 96:	Mixed Use (Type V)	130,440	0	0	5
Totals			631	708	

Design Guidelines:

Midtown Commons has a set of architectural, site design and landscape standards that are provided in the Covenants and Restrictions. It is intended that these design guidelines be reviewed by city staff, the Urban Design Commission and the Plan Commission. After City approvals these documents will be recorded for public record. However, they are considered separate from the General Development Plan and related zoning text.

An Architectural Control Committee will administer the regulations and standards. Prior to an application for a building or foundation permit, the committee must review and approve the proposed plans for construction on each individual lot. Reviews will include site and landscape plans, building elevations, construction details, color scheme and exterior lighting.

000013

Project Schedule:

It is the developer's intent to obtain the necessary approvals for the final plat, the General Development Plan and the first Specific Implementation Plan before December 1, 2000. The subdivision contract covering the public infrastructure will then be finalized and construction of the Phase I plat improvements will begin Spring, 2001 with completion scheduled for Fall, 2001. After completion of the Phase I plat improvements, individual lots will be available for building permit. It is anticipated that the lots in Phase I of this development will be built-out by Spring, 2003. Landscaping will be completed with construction of each lot.

Future phases of the plat improvements will proceed as financial and economic market conditions dictate. It is expected that the vast majority of the plat will be completed and built-out by 2005.

Service Management and Maintenance:

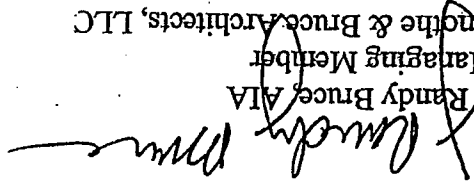
Each lot within this district will be privately owned and managed. Building and site maintenance will be the responsibility of the property owner and regulated by the Covenants and Restrictions. The City will provide typical public services such as snow and trash removal and public street maintenance. The maintenance of the private service driveways and walkways will be the responsibility of the Neighborhood Association as covered in the Neighborhood Association Agreement.

Social and Economic Impact:

The Midtown Commons has been designed to meet the needs of the City as stated in the High Point-Raymond Neighborhood Plan. More specifically it implements Land Use Objective 3 to: "Provide and maintain an economically viable neighborhood commercial/mixed-use district or town center as a source of local employment, a focus of neighborhood activity, and a centralized convenient shopping and service center for residents in the neighborhood". The development provides a diversity of housing, minimizes vehicular travel and encourages pedestrian use.

000014

J Randy Bruce, AIA
Managing Member
Knothe & Bruce Architects, LLC



Sincerely,

Thank you for your time in reviewing our proposal.

The development will have a positive economic impact. Significant tax increases will be generated from the property while the community design minimizes public services. Construction of the facilities will provide employment for local businesses and tradespeople.

Letter of Intent
Midtown Commons
8102 Mid Town Road
Revised February 26, 2001
Page 7

000014

March 2, 2001

Mid Town Commons:

000015

New lot numbers on the "Preliminary Plat of Mid Town Commons" with the latest revision date of March 2, 2001 which correspond to the lot numbers on the "Preliminary Plat of Mid Town Commons" with the latest revision date of August 28, 2000, which corresponds to the September 14, 2000 letter of approval from the City of Madison Department of Planning & Development [City Traffic Engineering comment number two (2)] with regards to providing utility easements on certain lot lines of the proposed plat.

Utility Easements to be provided on:

Old lot numbers: New lot numbers: (March 2, 2001)

3-4	57-58
7-8	61-62
15-OLS	70-OL10
16-17	68-69
18-OLS	67-OL10
23-24	82-83
24-25	81-82
27-28	78-79
31-32	35-75
35-OL6	32-OL2
49-50	17-18
53-54	13-14
57-OL7	10-OL1
64-OL7	3-OL1
73-74	37-38
76-OLS	40-OLS
77-78	41-42
79-80	43-44
82-83	46-47
85-86	49-50
86-87	50-51
91-92	52-53
92-OL10	53-OL7
93-94	54-55



Department of Planning & Development
 Planning Unit

000016

Madison Municipal Building
 215 Martin Luther King, Jr. Boulevard
 P.O. Box 2985
 Madison, WI 53701-2985
 TDD (608) 266-4747
 FAX (608) 267-8739
 PH (608) 266-4635

September 14, 2000

Peter Frautschi
 Mid Town Properties, LLC
 2819 Dewey Court
 Middleton, WI 53562

SUBJECT: 8102 Mid Town Road

Dear Peter:

The Common Council, at its September 5, 2000 meeting, conditionally approved your application for a preliminary plat AND for rezoning from PUD(GDP) to Amended PUD(GDP) for property located at 8102 Mid Town Road.

The conditions of approval are:

Please contact John Leach, City Traffic Engineering, at 266-4761 if you have questions regarding the following sixteen items:

1. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights prior to sign off.

2. Utility easements shall be provided as follows:

Between Lots	Between Lots	Between Lots
3-4	53-54	92-OL 10
7-8	57-OL 7	93-94
15-OL 5	64-OL 7	
16-17	73-74	
18-OL 5	76-OL 8	
23-24	77-78	
24-25	79-80	
27-28	82-83	
31-32	85-86	
35-OL 6	86-87	
49-50	91-92	

000017

3. The plat shall note the following note, "One Access Drive shall be granted along the northerly right-of-way line of Mid Town Road." (Amended by Plan Commission on 8-28.)
4. The applicant shall note on the face of the plat as follows: A Note: Upon review and approval of each conditional use proposal for multi-family development on the R4 zoned lots, provisions for off-street parking are expected to exceed the minimum requirements of the Zoning Ordinance.

5. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
6. Outlot 9 of the plat shall be revised to 15-foot wide and located with respect to the existing ped-bike easements of the adjoining already adopted Valley Ridge plat. The final aspects of the easement including installation, grades, maintenance and liability shall be reviewed and approved by the Traffic Engineer. *(Revised to Outlot 6)
7. Outlot 10 of the plat shall be revised to 15-foot wide and located with respect to the existing ped-bike easement of the adjoining already adopted plat. The final aspects of the easement including installation, grades, maintenance and liability shall be reviewed and approved by the Traffic Engineer. *(Revised to Outlot 7)
8. Outlot 3 may need to be increased in width depending on the design planned with the Parks Division. *(Revised to Outlot 9)

9. The rights-of-way of Starr Grass Drive, Mansion Hill Avenue and Waldorf Boulevard shall be 70-feet. (Amended by Plan Commission on 8-28.)
10. The intersection of Starr Grass Drive and Mansion Hill Avenue shall be designed to include a roundabout design to help provide for the east-west collector function planned for this part of the neighborhood and neighborhood development plan. The ROW shall reflect this and be reviewed and approved by the Traffic Engineer. The islands shall be landscaped and maintained by the developer, unless otherwise determined by the Traffic Engineer.
11. In areas where there is dense residential or commercial development the streets rights-of-way may need to be increased to 60-feet. The streets that may need to be increased to 60-feet ROW include Plaza Drive, parts of Starr Grass Drive, and parts of Ritz Road. (Amended by Plan Commission on 8-28.)

12. The final design for Waldorf Drive, including the right-of-way, shall be reviewed and approved by the Traffic Engineer and City Engineer.
13. The applicant shall execute a waiver of notice and hearing on special assessments for the future traffic signal and associated street improvements at the intersections the City plans to signalize. The traffic signal waiver may also require a deposit for future area traffic signals and associated intersection changes.

14. The developer may, at the determination of the City Engineer and City Traffic Engineer, be required to enter into a subdivision contract and make improvements to be considered temporary until such time as the ultimate improvement of public roadways is undertaken. The plans shall be reviewed and approved by the City Traffic Engineer.
15. The Plan Commission, other Boards and Commissions, and the Common Council should be advised that the subject development will be one cause for the need to widen adjoining and surrounding roadways to adequately serve this and other development. Like the other

000018

infrastructure and development elements, the adjacent and surrounding streets and ped/bike and transit accommodations are or will be programmed for construction or reconstruction to serve the development planned and approved.

16. The Traffic Engineer may have additional comments and/or requirements upon review of the final plat. This proposed plat shall comply with all applicable Madison General Ordinances and policies.

Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following twenty-three items:

17. The streets named Plaza Drive, Weston Drive, and Hilton Road shall be changed because they conflict with existing streets having the same or similar names. The street named Midtown Road shall be changed to Mid Town Road. All street names are subject to approval of the City Engineering Division.

18. The plat shall be revised to show a 40-foot setback line on all lots adjacent to Mid Town Road.

19. The developer shall construct Madison standard street improvements for all streets within the plat.

20. The developer shall construct Madison standard concrete sidewalk on Mid Town Road adjacent to Lots 1, 97, 95, 94 and Outlot 11. The developer shall also execute a waiver of notice and hearing on assessments for the future improvement of Mid Town Road adjacent to said lots.

*Revised to Lots 1, 55, 90, 96 and Outlot 11

21. The developer shall make improvements to Mid Town 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.

22. All Madison Metropolitan Sewerage District and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.

23. Each unit of a duplex building shall be served by a separate sanitary sewer lateral.

24. Public sanitary sewer may not be readily available to serve the south portion of this plat. Sewer availability in that direction is dependent on off plat sewer extensions.

25. Prior to recording the final plat, an erosion plan and land disturbing activity permit application shall be submitted to the City Engineering Division for review and approval. This plat is subject to the requirements of 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.

26. 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 this 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 plan coordinate system - NAD 27. The following note shall accompany the master storm water drainage plan:

- a. For the 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.

27. The following notes shall be included on the final plat:

- a. All lots within this plat are subject to a non-exclusive easement 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 easement shall be 12-feet in width on the perimeter of this plat. Easements shall not be required on property lines shared with greenways or public streets.
- b. The intra-block drainage easements shall be graded with the construction of each principal structure in accordance with the approved stormwater drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

28. This site is greater than five (5) acres, and the developer 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 (608) 266-7078 to discuss this requirement.

29. Prior to approval, this plat shall comply with Chapter 37 of the Madison General Ordinances regarding onsite detention. The development shall be capable of detaining the 100-year storm for this watershed. Contact Greg Fries at 267-1199 to discuss this requirement.

30. The developer shall indicate if outlots are to be dedicated to the public and for what purpose. The plat shall be revised to show at 100-foot wide greenway dedication to tie in the major drainage way to the north of this plat.

32. 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 groundwater table and rock conditions in the area. If the report indicates wither 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.

33. Prior to recording the final plat, the developer shall enter into a subdivision contract with the City and furnish surety in the amount of the estimate of the City Engineer for the installation of all the public improvements required to serve the plat. The developer shall meet with City Engineering and other City staff to establish a project schedule for the design of these improvements, approvals, and preparation of the previously mentioned agreement.

34. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) sheets must be filed with the Dane County Surveyor's Office. The applicant must submit

000020

copies of required the 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 the sheet is not required under A-E 7.08, Engineering requests a copy of the latest the sheet on record with Dane County Surveyor's Office. The applicant shall identify monument types on all PLS corners included on the Plat or C.S.M.. Note: Land tie to two PLS corners required.

35. In accordance with Section 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison NAD 1927 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The applicant shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established NAD 1927 Coordinates on all PLS corners within its corporate boundary. If a surveyor encounters an area without a published NAD 1927 value, contact Engineering Division for this information.

36. The applicant shall submit, at the time of recording, a digital and hard copy of the final Plat/CSM to the Mapping/GIS Section of the Engineering Division. The digital copy shall be consistent with previous formats delivered to the City by the applicant 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 and 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 information will expedite entry into the City's Mapping Program and Geographic Information System.

37. All public street/road dedications can be addressed with a simple note: "All streets/roads lying within the Plat/CSM boundary are dedicated to the public, unless otherwise noted."

38. In accordance with Section 236.34(1)(c) which says a CSM shall be prepared in accordance with Section 236.20(2)(c) and (f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements.

39. In the event lands be required dedicated to the public, for any public use, the owner of said lands shall provide the City Real Estate Section with a copy of a Phase I Environmental Site Assessment Report. In cases where a Phase I Assessment reveals contaminants, subsequent site assessment may be required.

Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following items:

40. The GDP zoning text shall coincide with the final approved GDP. Meet with Zoning and Planning staff prior to submitting final plans and text for the GDP sign-off.

000021

Please contact Peter Olson of the Planning Unit staff at 266-4635 if you have questions regarding the following seven items:

41. The applicant shall comply with all ordinance requirements regarding park land dedication based upon the actual number of residential dwelling units constructed as part of this development. Final determination for park land dedication requirements shall be made at the time that individual Specific Implementation Plan phases are submitted for review and approval. In no case shall the 100-foot wide perpetual easement for public sanitary sewer and stormwater drainage purposes which is located along the southerly property line of proposed Outlot 4 be counted toward this park land dedication requirement.

42. The applicant shall dedicate Outlots 2 and 4* to the public as part of the first final plat. *(Revised to Outlots 3, 4 and 8)

43. The applicant shall identify in the face of each final plat the number of dwelling units authorized on each lot.
44. The applicant shall continue to work with Mike Dailey, City Engineering Division, regarding stormwater management and stormwater detention pond design and locations and shall finalize preliminary designs for these facilities to the satisfaction of City Engineering Division staff.

45. All alleyways and walkways (identified as Outlots 3, 5, 6, 7, 9, and 10) shall remain in private ownership. Maintenance and upkeep of the Outlots shall be adequately addressed in the covenants and restrictions for this development

46. Final approval of the General Development Plans by the Urban Design Commission is required prior to staff sign-off on the Planned Unit Development District documents.

47. Final review and approval of the GDP Plan text by the Planning Unit, prior to staff sign-off on the plans.

Please contact the Madison Water Utility at 266-4651 if you have questions regarding the following four items:

48. All unused private wells shall be abandoned in accordance with Section 13.21 Madison General Ordinances.

49. The developer shall sign a Waiver of Notice and Hearing for Water Main Assessments on Mid Town Road.

50. Water mains and water service laterals shall be installed by Private Contract.

51. The Water Utility will not need to sign-off on the final plans, but will need a copy of the approved plans.

Please contact SI Widstrand, City Parks Division, at 266-4711 if you have questions regarding the following seven items:

52. For purposes of park dedication and fees, the unit count for each lot shall be shown on the face of the final plat. An increase in the proposed unit count would require adjustment of the park dedication and fees.

000022

53. Earlier proposals had discussed a variety of right-of-way and pavement widths. When these issues are resolved, they should include a terrace of at least 7.5 feet for tree planting purposes. City policy is for spacing trees 40-60 feet on center, not the 20-30 feet previously proposed. In alleys, there should be no public trees, and homeowners would be responsible for maintaining clearance for vehicles such as garbage trucks, fire trucks and moving vans. The expectations for the development of the town square park may exceed the Parks Division budget for typical neighborhood parks, and some participation from the neighborhood or developer may be required if more amenities or a higher level of maintenance are desired.

54. The area park at the north end of the development will include detention and trail systems in addition to park facilities, and will be expanded to the north and west with additional platting. The area required for detention will not be credited as park dedication. For the drainage coming through the park from the north, the developer shall be required to pipe it through the park, and will receive park dedication credit for the land involved. The way the detention is actually constructed may change to enhance its aesthetics, compatibility with park uses, and function within the regional drainage system.

55. A trail system will be built on the greenway east to High Point Road (probably on the north side of the drainage way). The proposed grading of Outlot 8 shall accommodate a trail built to bike trail standards. ^(Revised to Outlot 3 and 4)

57. Outlot 4 shall be dedicated as part of the first final plat.

58. Park Development Fees shall be paid with each final plat.

Please contact J.C. Carver, Madison Fire Department, at 266-4484 if you have questions regarding the following three items:

59. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Additional comments and/or requirements may be noted upon review of the final construction plans.

60. Provide fire apparatus access as required by COMM Chapter 66. (See 66.335) Revision required.

61. All portions of the exterior wall of this new building shall be within 500 feet of at least two fire hydrants. Distances are measured along the path of the hose lay. See MGO 34.14(9) for additional information.

Please contact Jeff Ekola or Jerry Lund, Real Estate Section, at 266-4222 if you have questions regarding the following ten items:

62. The Owner's Certificate on the proposed plat shall be executed by all parties having an ownership interest in the property. For parties other than sole proprietors, 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. The title report shows the following parties have an ownership interest in the property and said parties shall be signatories on the Owner's Certificate:

63. If applicable, a certificate of consent by the mortgagee/vendor shall be included following the Owner(s)' Certificate for each of the mortgagees/vendors listed below:

RECORDING

Mortgagee/Vendor	Date	Doc. No.
Johnson Bank	5/1/2000	3209895

64. CERTIFICATE AND CONSENTS REQUIREMENTS

a) Execution

Prior to sign-off by the City Real Estate Section, the owner shall fully execute signature blocks for all owners, mortgagees, vendors and lessees as listed; pursuant to Madison City Ordinance Section 16.23(5)(e)4 and Wis. Statutes 236.21(2)(a); and

b) Format and Content

All consent and certifications required by owner and any holder of interests in subject lands shall be revised and included on the Plat or Certified Survey Map in manner in conformance with Wis Stats. 236.21(2) and 236.29, i.e., include language ... surveyed, divided, mapped and dedicated....

65. Is a property tax proration required? No

66. a) The owner shall provide the City Real Estate Section with a copy of a Phase I environmental site assessment report; and

b) Remove or seal any wells and/or private septic systems as required by State and local regulation; and

c) Any and all oil tanks shall be removed and verification provided that no contamination exists, by way of the Phase I ESA cited above.

67. The special assessments listed below apply to the subject property as of September 18, 2000. Additional interest, if any, which has accrued between this date and the requested sign-off date shall be added to the total amount of special assessments due. Prior to circulating the proposed plat for final sign off and recording, the owner shall pay in full all special assessments levied against the subject property within the City limits, including accrued interest, if any, and present the appropriate paid receipts from the City Treasurer to the City's Real Estate Section when sign off by the Real Estate Section is requested; pursuant to Madison City Ordinance Section 16.23(5)(e)1 and Wis. Statutes 236.21(3).

In lieu of this requirement, the owner may present written documentation from the City's Board of Public Works that the special assessments may be continued to be paid on the installment basis authorized by the Board of Public Works. However, if lands within the subject property are to be dedicated, the special assessments levied against the dedicated lands are to be paid in full.

Tax Parcel No.	Special Assessment	Amount
251-0708-344-0099-0	None	\$-0-

000024

68. The owner shall furnish to the City's Real Estate Section an interim title report prepared by the title company that prepared the title report submitted with the application for the proposed land division covering the intervening period between the date of the initial title report and the date when sign off and recording is requested.

69. The owner shall furnish the Real Estate Section with a copy of the recorded plat within 30 days of recording. Document shall be sent to:

City of Madison
Real Estate Section
Martin Luther King, Jr. Blvd.
P.O. Box 2983
Madison, WI 53701-2983
Attn: Jerry Lund

70. The owner shall revise the proposed final plat as follows:

- a) Include notation referencing the purpose of Outlots 2 and 8, including text regarding the existing sanitary and storm easement with recording data, i.e., Document No. 3119038; and
- b) Separate Outlot 4 into two Outlots and include a reference as to the purpose of Outlots and recording data for new Outlot including Document No. 3119038; and
- c) Include a notation as to the purpose of the remaining Outlots as shown on the plat.

When these conditions have been satisfied, bring in the revised plan originals (Mylar or reproducible) to obtain signatures on the cover sheet from the following reviewing departments: City Engineering, Traffic Engineering, Zoning and Planning. After this is accomplished, submit the final plans and documents for recording to the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void.

No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty (30) months of Common Council approval of the General Development Plan or within eighteen (18) months of the recording of the Specific Implementation Plan, whichever is less, the basis right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless the project, as approved, is

10

c: Zoning Administrator
City Engineering
Traffic Engineering
Michael Ziehr, Calkins Engineering, LLC, 4918 Triangle St., McFarland, WI 53558
Karl Madsen, Great Dane Development, 2249 Pinehurst Dr., Middleton, WI 53562

Planner II
Peter Olson

Peter Olson
Sincerely,

If you have any questions regarding recording this plan or obtaining permits, please call George Carran, Zoning Administrator, at 266-4551.

commenced by the issuance of a building permit. If a new building permit is required pursuant to Sec. 28.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain Specific Implementation Plan approval.

000025

Zoning Text: General Development Plan
Project Name: Midtown Commons
Project Site Address: 8102 Mid Town Road
 Revised March 2, 2001

000026

Legal Description: The lands subject to this Planned Development District shall include those described in the preliminary plat dated March 2, 2001 and the General Development Plan, which is attached to and made a part of this zoning text as Exhibit A (the "General Development Plan").

A. Statement of Purpose: This zoning district is established to allow for the construction of a compact, mixed-use neighborhood center. The district is intended to provide a diversity of housing, civic, institutional, recreational, entertainment, retail, office and commercial uses in a cohesive, pedestrian-friendly neighborhood.

B. Terms and Definitions:

* Some of the terms and definitions of this section have been borrowed in whole or in part from The Lexicon of the New Urbanism, Duany Plater-Zyberk & Company, 1999.

1. **Accessory unit:** ("granny flats") A temporary accessory apartment as defined in the R-1 zoning district, a depending living arrangement as defined in 28.03(2) of the Madison Zoning code, or a home occupancy that does not exceed 600 square feet. Accessory units may be located above garages or other living space.
2. **Build-to-Line:** A type of setback line that requires 60% of the building's street-facing facade to be built along that line. The remainder of the facade may be set back further away from the street. Only permitted encroachment elements may extend further toward the street.
- Floating Build-to-Line:** Allows the build-to-line to move toward the back of the parcel if the building is designed so that a permitted encroachment is deeper than the permitted encroachment zone. For example, if a lot has a permitted encroachment zone that is six feet deep and the building plans call for a front porch that is eight feet deep the build-to-line may be moved 2 feet further back from the front of the lot.
3. **Civic Use:** Premises used by organizations considered to support the common good. Institutional/civic uses include but are not limited to, educational, cultural, religious, public and not-for-profit organizations and Community Based Residential Facilities.
4. **Commercial Use:** Includes retail, office, entertainment, recreational/fitness, clinic/health, small business, and other types that would fit into the proposed plan.
5. **Flex-Use:** A special designation to allow maximum flexibility of function in determining permitted uses of certain parcels. The function for a flex-use parcel may be altered in the future to address special unforeseeable circumstances.
6. **Main Street Commercial:** refers to Lots 90 and 96 in which building facades are required to front onto Waldorf Boulevard.
7. **Mixed-use:** Allows a mix of various commercial uses and inclusion of residential and civic use components.
8. **Parking terms:**
 - a) **Front Loaded:** garage/parking access from the public road at the front of the lot.

- b) Rear Loaded: garage/parking access from the private service drive at the rear of the lot.
- c) Park Under: common garage parking lot under a building in the basement level.
- d) Tuck Under: parking in an attached garage at grade level with regular living space above. A maximum of twenty five percent (25%) of the garage may project beyond the limits of the living space above.
- e) Park Behind: detached garages accessed from an alley (outlot). They may be attached by breezeway, walkway, etc
- f) Recessed Garage: a garage face recessed behind (towards the rear of the lot) the main building facade.
- g) Attached Garage: a garage that is directly attached to a building so that access from one to the other is immediate.
- h) Garage Public Area: an area allowed for construction of an attached or detached garage. The garage may have living or workspace above it and the garage may extend into the House Buildable Area if required to accommodate parking. Surface parking is allowed within this area.
- i) Surface Parking: off-street parking, which may be located in any required or provided yard and may be located in the driveway directly behind an individual dwelling unit parking space. The surface parking must be accessed in the same way as the garage access (ie: from front loaded or rear loaded). Surface parking and driveways may be shared between adjoining lots.

- 9. Perimeter Block: A type of block wherein the buildings form an edge along the street frontages. Perimeter blocks define the most urban streetscapes. The perimeter blocks of Midtown Commons include Lots 1, 2, 90, 94, 95, 96.
- 10. Permitted Encroachment Elements: Architectural elements extending toward the street from the main volume and facade of the building. Such elements include porches, stoops, bay or bow windows, balconies, eaves, overhangs, etc. Porches or balconies may be screened but not fully enclosed four-season living space. Eaves and overhangs may project into any required yard up to 18 inches.
- 11. Permitted Encroachment Zone: The area that extends beyond the build-to-line in which permitted encroachment elements may be built.
- 12. Street Wall: A structure used in the absence of a facade to mask parking.
- 13. Story: for the purposes of this zoning text a story is a floor level within a building as defined in 28.03(2) of the Madison Zoning code. A mezzanine shall be permitted and not included as a story if its floor area does not exceed 50% of the area of the ground story.
- 14. Yard: An open space as defined in 28.03(2) of the Madison Zoning code. The yard requirements within this Planned Development District will be prescribed by Lot Use Diagrams for Single-Family (Type I) and Duplex (Type II) uses and within Section D, Permitted Use Definitions of this zoning text. Lot Use Diagrams will supersede the dimensions given in Section D herein. The maximum yard dimensions (specified within Section D) may be increased as specifically authorized by the Architectural Review Committee.

000027

C. Permitted Uses: Following are permitted uses by, Preliminary Plat lot number, within Midtown Commons: (A cross-reference, sorted by permitted us, is attached as Exhibit B.)

000028

Permitted Dwelling Units
 Min. Max.

Lot Number	Permitted Use (Type)	Lot Area	Min.	Max.
Outlet 01:	Private Service Driveway	13,604	0	0
Outlet 02:	Private Service Driveway	18,877	0	0
Outlet 03:	Stormwater Management	118,540	0	0
Outlet 04:	Park and Passive Recreation Uses	448,644	0	0
Outlet 05:	Stormwater Management	13,313	0	0
Outlet 06:	Pedestrian Access and Passive Recreation Uses	2,035	0	0
Outlet 07:	Pedestrian Access and Passive Recreation Uses	1,875	0	0
Outlet 08:	Stormwater Management	4,329	0	0
Outlet 09:	Pedestrian Access and Passive Recreation Uses	1,215	0	0
Outlet 10:	Private Service Driveway	7,991	0	0
Outlet 11:	Stormwater Management	32,339	0	0
Lot 01:	Mixed Use (Type V)	123,472	0	10
Lot 02:	Apartment/Condominium (Type IV-A)	86,664	84	96
Lot 03:	Mansion (Type VI-B)	11,663	4	4
Lot 04:	Rowhouse/Townhouse (Type III-B)	26,798	7	7
Lot 05:	Duplex (Type II-B)	7,163	2	2
Lot 06:	Single Family (Type I-B)	3,583	1	1
Lot 07:	Single Family (Type I-B)	3,400	1	1
Lot 08:	Single Family (Type I-B)	3,159	1	1
Lot 09:	Single Family (Type I-B)	2,997	1	1
Lot 10:	Single Family (Type I-B)	4,019	1	1
Lot 11:	Apartment/Condominium (Type IV-C)	12,648	2	2
Lot 12:	Duplex (Type II-B)	7,651	2	2
Lot 13:	Duplex (Type II-B)	7,680	2	2
Lot 14:	Duplex (Type II-B)	7,680	2	2
Lot 15:	Duplex (Type II-B)	7,680	2	2
Lot 16:	Mansion (Type VI-B)	11,940	4	4
Lot 17:	Mansion (Type VI-B)	10,492	4	4
Lot 18:	Duplex (Type II-B)	6,588	2	2
Lot 19:	Duplex (Type II-B)	6,588	2	2
Lot 20:	Duplex (Type II-B)	6,588	2	2
Lot 21:	Duplex (Type II-B)	6,588	2	2
Lot 22:	Duplex (Type II-B)	6,588	2	2
Lot 23:	Single Family (Type I-B)	4,392	1	1

Preliminary Plat
 Lot Number

Permitted Use (Type)

Lot Area
 Min. Permitted
 Dwelling Units
 Max.

Preliminary Plat Lot Number	Permitted Use (Type)	Lot Area	Min. Permitted Dwelling Units	Max.
Lot 24:	Single Family (Type I-B)	4,449	1	1
Lot 25:	Single Family (Type I-B)	4,813	1	1
Lot 26:	Single Family (Type I-B)	7,825	1	1
Lot 27:	Single Family (Type I-A)	7,208	1	1
Lot 28:	Single Family (Type I-B)	6,659	1	1
Lot 29:	Single Family (Type I-B)	5,186	1	1
Lot 30:	Single Family (Type I-B)	4,606	1	1
Lot 31:	Single Family (Type I-B)	4,570	1	1
Lot 32:	Single Family (Type I-B)	6,064	1	1
Lot 33:	Single Family (Type I-B)	7,074	1	1
Lot 34:	Single Family (Type I-B)	4,408	1	1
Lot 35:	Single Family (Type I-B)	4,408	1	1
Lot 36:	Apartment/Condominium (Type IV-A)	148,677	143	143
Lot 37:	Duplex (Type II-A)	11,078	2	2
Lot 38:	Duplex (Type II-A)	11,121	2	2
Lot 39:	Duplex (Type II-A)	11,121	2	2
Lot 40:	Duplex (Type II-A)	12,124	2	2
Lot 41:	Duplex (Type II-A)	12,124	2	2
Lot 42:	Duplex (Type II-A)	13,939	2	2
Lot 43:	Single Family (Type I-A)	11,480	1	1
Lot 44:	Single Family (Type I-A)	10,320	1	1
Lot 45:	Single Family (Type I-A)	10,320	1	1
Lot 46:	Single Family (Type I-A)	10,320	1	1
Lot 47:	Single Family (Type I-A)	10,320	1	1
Lot 48:	Single Family (Type I-A)	10,315	1	1
Lot 49:	Single Family (Type I-A)	10,287	1	1
Lot 50:	Single Family (Type I-A)	11,591	1	1
Lot 51:	Apartment/Condominium (Type IV-A)	107,723	84	84
Lot 52:	Rowhouse/Townhouse (Type III-A)	22,790	6	6
Lot 53:	Rowhouse/Townhouse (Type III-A)	21,014	6	6
Lot 54:	Rowhouse/Townhouse (Type III-A)	29,610	8	8
Lot 55:	Apartment/Condominium (Type IV-A)	29,605	15	24
Lot 56:	Rowhouse/Townhouse (Type III-A)	41,833	14	15
Lot 57:	Apartment/Condominium (Type IV-A)	79,076	40	40
Lot 58:	Mansion (Type VI-A)	12,518	4	4
Lot 59:	Mansion (Type VI-A)	14,306	4	4
Lot 60:	Mansion (Type VI-A)	15,926	4	4
Lot 61:	Mansion (Type VI-A)	13,055	4	4

Permitted Dwelling Units
 Min. Max.

000030

Lot Number	Permitted Use (Type)	Lot Area	Min.	Max.
Lot 62:	Duplex (Type II-A)	10,784	2	2
Lot 63:	Duplex (Type II-A)	9,858	2	2
Lot 64:	Apartment/Condominium (Type IV-B)	20,903	6	6
Lot 65:	Apartment/Condominium (Type IV-B)	17,715	6	6
Lot 66:	Apartment/Condominium (Type IV-B)	13,783	4	4
Lot 67:	Duplex (Type II-B)	8,010	2	2
Lot 68:	Duplex (Type II-B)	6,662	2	2
Lot 69:	Duplex (Type II-B)	6,630	2	2
Lot 70:	Mansion (Type VI-B)	11,079	4	4
Lot 71:	Mansion (Type VI-B)	10,124	4	4
Lot 72:	Duplex (Type II-B)	6,495	2	2
Lot 73:	Duplex (Type II-B)	6,516	2	2
Lot 74:	Apartment/Condominium (Type IV-C)	10,761	4	4
Lot 75:	Single Family (Type I-B)	4,408	1	1
Lot 76:	Single Family (Type I-B)	4,408	1	1
Lot 77:	Single Family (Type I-B)	4,408	1	1
Lot 78:	Duplex (Type II-B)	6,612	2	2
Lot 79:	Duplex (Type II-B)	6,612	2	2
Lot 80:	Duplex (Type II-B)	6,612	2	2
Lot 81:	Duplex (Type II-B)	6,612	2	2
Lot 82:	Duplex (Type II-B)	6,589	2	2
Lot 83:	Mansion (Type VI-B)	10,028	4	4
Lot 84:	Mansion (Type VI-A)	11,250	4	4
Lot 85:	Rowhouse/Townhouse (Type III-A)	23,721	7	14
Lot 86:	Mansion (Type VI-A)	13,862	4	4
Lot 87:	Civic/Institutional (Type VIII)	73,846	0	0
Lot 88:	Flex Use	15,320	2	6
Lot 89:	Rowhouse/Townhouse (Type III-A)	42,225	14	24
Lot 90:	Mixed Use (Type V) Residential	216,091	30	42
Lot 91:	Park/Village Green	78,549	0	0
Lot 92:	Flex Use	21,866	4	10
Lot 93:	Plaza (Type IX)	6,470	0	0
Lot 94:	Mixed Use (Type V)	65,545	1	2
Lot 95:	Flex Use	32,726	11	11
Lot 96:	Mixed Use (Type V)	130,440	0	5
Totals		631	708	

000031

2. Accessory uses directly associated with those permitted uses.
3. Accessory units and home occupations are specifically allowed above an attached or detached garage provided they meet the requirements of building and fire codes.
4. Temporary buildings for storage of building materials and equipment for construction purposes when on the same lot as a principle use for a period not to exceed the duration of such construction.

D.

Permitted Use Definitions:

1. **Single Family (Type I):** A single-family detached dwelling.

a. **Lot Area:** As shown on the Final Plat of Midtown Commons

b. **Height Regulations:** No building shall exceed 3 stories or 45 feet in height

c. **Yard Requirements:**

(1) **Type I-A:**

Front Yard: 4 foot minimum/16 foot maximum

Side Yard: 6 foot minimum

Corner Street Side Yard: 4 foot minimum/16 foot maximum

Rear Yard: 10 minimum

(2) **Type I-B:**

Front Yard: 4 foot minimum/16 foot maximum

Side Yard: 5 foot minimum

Corner Street Side Yard: 4 foot minimum/16 foot maximum

Rear Yard: 4 foot minimum

d. **Site Landscaping:** Site Landscaping will be provided as required by the

covenants and restrictions.

e. **Usable Open Space Requirements:** Usable open space will be as provided within

the required yards.

f. **Parking & Loading:**

(1) **Type I-A:** Garage access may be from the public road at the front of the

lot. Garages may be located below the residence (a tuck-under garage)

or may be located to the side and set back from the street facade of the

residence (a recessed garage).

(2) **Type I-B:** Garage access may be from the private service driveway

(Outlot) at the rear of the lot. Parking may be allowed in the required

rear yard with a minimum setback from the outlet to the garage or

parking space of 4 feet.

(3) One parking space per 1000 square feet, or traction thereof, of residential

area is required up to a maximum requirement of two spaces per

dwelling unit (including garage and surface parking spaces).

g. **Family Definition:**

The family definition shall coincide with the definition given in M.G.O. 28.03 for

the R-2 zoning district.

000032

h. Signage: Signage will be allowed as per Chapter 31 of the M.G.O. as compared to the R-2 district.

2. Duplex (Type H): A two-family dwelling.

a. Lot Area: As shown on the Final Plat of Midtown Commons.
 b. Height Regulations: No building shall exceed 3 stories or 45 feet in height
 c. Yard Requirements: (1) Type II-A:
 Front Yard: 4 foot minimum/16 foot maximum
 Side Yard: 6 foot minimum
 Corner Street Side Yard: 4 foot minimum/16 foot maximum
 Rear Yard: 10 foot minimum
 maximum

(2) Type II-B:
 Front Yard: 4 foot minimum/16 foot maximum
 Side Yard: 5 foot minimum
 Corner Street Side Yard: 4 foot minimum/16 foot maximum
 Rear Yard: 4 foot minimum
 maximum

d. Site Landscaping: Site Landscaping will be provided as required by the covenants and restrictions.

e. Usable Open Space Requirements: Usable open space will be as provided in the required yards.

f. Parking & Loading:
 (1) Type II-A: Garage access may be from the public road at the front of the lot. Garages may be located below the residence (a tuck-under garage) or may be located to the side and set back from the street facade of the residence (a recessed garage).
 (2) Type II-B: Garage access may be from the private service driveway (Outlot) at the rear of the lot. Parking may be allowed in the required rear yard with a minimum setback from the outlot to the garage or parking space of 4 feet.
 (3) One parking space per 1000 square feet, or fraction thereof, of residential area is required up to a maximum requirement of two spaces per dwelling unit (including garage and surface parking spaces).
 Family Definition: The family definition shall coincide with the definition given in M.G.O. 28.03 for the R-3 zoning district.
 Signage: Signage will be allowed as per Chapter 31 of the M.G.O. as compared to the R-3 district.

g. Rowhouse/Townhouse (Type III): Multiple-family buildings with side-by-side attached residential units, (ie: townhouses, brownstones, etc.). Multifamily buildings which are designed so that the exterior appearance is that of a rowhouse/townhouse may have units attached vertically (stacked flats).
 a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.

000033

- b. Height Regulations: No building shall exceed 3 stories or 45' in height.
- c. Yard Requirements:
- (1) Type III-A: Front Yard: 4 foot minimum/16 foot maximum
 Side Yard: 8 foot minimum
 Corner Street Side Yard: 4 foot minimum/16 foot maximum
 maximum
 Rear Yard: 25 foot minimum/10 foot minimum for detached garage/10 foot minimum along east property line of Lots 85 and 89.
- (2) Type III-B: Front Yard: 4 foot minimum/16 foot maximum
 Side Yard: 8 foot minimum
 Corner Street Side Yard: 4 foot minimum/16 foot maximum
 maximum
 Rear Yard: 6 foot minimum
- d. Site Landscaping: Site Landscaping will be provided as shown on the approved S.I.P. plans.
- e. Usable Open Space Requirements: Usable open space will be as provided in the required yards.
- f. Parking & Loading:
- (1) Type III-A: Garage access may be from the public road at the front or side of the lot. Garages may not face the front of the lot.
- (2) Type III-B: Garage access may be from the private service driveway (Outlot) at the rear of the lot. Garages shall not face the front of the lot.
- (3) Off-street and surface parking shall be provided as required in the R-5 zoning district.
- g. Family Definition: The family definition shall coincide with the definition given in M.G.O. 28.03 for the R-4 zoning district.
- h. Signage: Signage will be allowed as per Chapter 31 of the Madison General Ordinances as compared to the R-4 district or signage will be provided as approved on the S.I.P. plans.
4. Apartment/Condominium (Type IV): Any type of multiple-family residential building that is neither Type III (above) or Type VI (below).
- (1) Type IV-A: Large apartment/condominium building with more than eight (8) dwelling units per building.
- (2) Type IV-B: Small apartment/condominium building with no more than eight (8) dwelling units per building.
- (3) Type IV-C: Small apartment/condominium building with no more than eight (8) dwelling units per building.
- a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.
- b. Height Regulations:
- (1) Type IV-A: No building shall exceed 4 stories or 60' in height.
- (2) Type IV-B: No building shall exceed 3 stories or 45' in height.
- (3) Type IV-C: No building shall exceed 3 stories or 45' in height.

000034

- c. Yard Requirements:
- (1) Type IV-A: Front Yard: 4 foot minimum/16 foot maximum
 Side Yard: 10 foot minimum
 Corner Street Side Yard: 4 foot minimum/16 foot maximum
 maximum
 Rear Yard: Lot 2: 6 foot minimum
 Lot 36: 10 foot minimum
 Lots 51, 55, 57: 25 foot minimum
- (2) Type IV-B: Front Yard: 4 foot minimum/16 foot maximum
 Side Yard: 10 foot minimum
 Corner Street Side Yard: 4 foot minimum/16 foot maximum
 maximum
 Rear Yard: 10 foot minimum
- (3) Type IV-C: Front Yard: 4 foot minimum/16 foot maximum
 Side Yard: 10 foot minimum
 Corner Street Side Yard: 4 foot minimum/16 foot maximum
 maximum
 Rear Yard: 10 foot minimum
- d. Site Landscaping: Site Landscaping will be provided as shown on the approved S.I.P. plans.
- e. Usable Open Space Requirements: Usable open space will be as provided in the required yards.
- f. Parking & Loading:
- (1) Type IV-A: Parking may be in a common parking garage under a building in the basement level with limited available surface parking. Type IV-B: Garage access may be from the road at the front of the lot. Garages may be located below the residence (a tuck-under garage) or may be located to the side and set back from the street facade of the residence (a recessed garage).
- (3) Type IV-C: Garage access may be from the private service driveway (Outlot) at the rear of the lot.
- (4) Off-street and surface parking shall be provided as required in the R-5 zoning district.
- g. Family Definition:
- The family definition shall coincide with the definition given in M.G.O. 28.03 for the R-5 zoning district.
- h. Signage: Signage will be allowed as per Chapter 31 of the Madison General Ordinances as compared to the R-5 district or signage will be provided as approved on the S.I.P. plans.

000035

5. Commercial/Mixed Use (Type V): Any commercial use or combination of commercial uses with civic and/or residential uses. Uses shall include the permitted and conditional uses in the C-2, O-1 and R-5 zoning districts or other uses defined herein. Commercial use is required on the ground floor of Main Street Commercial Lots.
- a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.
 b. Height Regulations: No building shall be less than 2 stories or 25' in height or greater than 4 stories or 60' in height.
 c. Yard Requirements:
 Front Yard: 4 foot minimum/10 foot maximum
 Side Yard: none required
 Corner Street Side Yard: none required
 Rear Yard: 8 foot minimum
- d. Site Landscaping: Site landscaping will be provided as shown on the approved S.I.P. plans.
 e. Usable Open Space Requirements: Usable open space will be as provided in the approved S.I.P. plans.
 f. Parking & Loading: Accessory parking and loading will be provided as shown on the approved S.I.P. plans. Off-street parking is required to be behind or beside the buildings. (If beside a street, a wall may be required.)
 g. Family Definition: The family definition shall coincide with the definition given in M.G.O. 28.03 for the R-5 zoning district.
 h. Signage: Signage will be allowed as approved on the S.I.P. plans.
6. Mansion (Type VI): Multiple-Family building containing up to six (6) dwelling units. Mansions with frontage on Mansion Hill Avenue are required to treat the street as the primary street frontage.
- a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.
 b. Height Regulations: No building shall exceed 3 1/2 stories or 45' in height.
 c. Yard Requirements:
 (1) Type VI-A:
 Front Yard: 8 foot minimum/20 foot maximum
 Side Yard: 8 foot minimum
 Corner Street Side Yard: 8 foot minimum/16 foot maximum
 maximum
 Rear Yard: 8 foot minimum
 (2) Type VI-B:
 Front Yard: 8 foot minimum/20 foot maximum
 Side Yard: 8 foot minimum
 Corner Street Side Yard: 8 foot minimum/16 foot maximum
 maximum
 Rear Yard: 8 foot minimum
- d. Site Landscaping: Site landscaping will be provided as shown on the approved S.I.P. plans.
 e. Usable Open Space Requirements: Usable open space will be as provided in the required yards.
 f. Parking & Loading: required yards.

000036

- (1) Type VI-A: Garage access may be from the road at the front or side of the lot. Garages may not face the front of the lot.
- (2) Type VI-B: Garage access shall be from the private service driveway (Outlot) at the rear of the lot and may be attached or detached.
- (3) Off-street and surface parking shall be provided as required in the R-5 zoning district.
- g. Family Definition: The family definition shall coincide with the definition given in M.G.O. 28.03 for the R-4 zoning district.
- h. Signage: Signage will be allowed as per Chapter 31 of the Madison General Ordinances as compared to the R-4 district or signage will be provided as approved on the S.I.P. plans.

- 7. Flex Use (Type VII): A special designation to allow maximum flexibility of function in determining permitted uses. The function of a flex use parcel may be altered in the future to address market conditions in the future. Parcels bearing this designation may be mansion, commercial, mixed use or civic. Parcels 88 and 92 are designated flex-use parcels to allow functional changes from Mansion residential types to become Mansion commercial, mixed-use, or civic types. Parcel 95 is designated a flex-use parcel to allow functional changes from row house to become commercial, mixed-use or live-work.
- a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.
- b. Height Regulations: Shall coincide with the height restrictions specified herein for the actual use type specified and as shown in the approved S.I.P. plans.
- c. Yard Requirements: Yard areas will be provided as shown on the approved S.I.P. plans.
- d. Site Landscaping: Site landscaping will be provided as shown on the approved S.I.P. plans.
- e. Usable Open Space Requirements: Usable open space will be as provided in the approved S.I.P. plans.
- f. Parking & Loading: Accessory parking and loading will be provided as shown on the approved S.I.P. plans.
- g. Family Definition: Shall coincide with the definition specified herein for the actual use type specified in the approved S.I.P. plans.
- h. Signage: Signage will be as approved on the S.I.P. plans.

- 8. Civic/Institutional (Type VIII): Applies to Lot 87, which is reserved for civic or institutional uses only. Those uses would include the governmental, educational, institutional and religious uses allowed (permitted use or conditional use) in the C-2 zoning district or other uses defined herein.
- a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.
- b. Height Regulations: No building shall exceed 4 stories or 60' in height.
- c. Yard Requirements: Yard areas will be provided as shown on the approved S.I.P. plans.
- d. Site Landscaping: Site landscaping will be provided as shown on the approved S.I.P. plans.
- e. Usable Open Space Requirements: Usable open space will be provided as on approved S.I.P. plans.

000037

f. Parking & Loading: Accessory parking and loading will be provided as shown on the approved S.I.P. plans.
 g. Signage: Signage will be allowed as approved on the S.I.P. plans.

9. Plaza (Type IX): Neighborhood oriented public use with or without buildings or structures which serves as a social, recreational or entertainment space for the neighborhood.
 a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.
 b. Height Regulations: No building shall exceed 80 feet in height.
 c. Yard Requirements: Yard areas will be provided as shown on the approved S.I.P. plans.
 d. Site Landscaping: Site landscaping will be provided as shown on the approved S.I.P. plans.
 e. Parking & Loading: None required.
 f. Signage: Signage will be allowed as approved on the S.I.P. plans.

10. Park/Village Green: Neighborhood - oriented park for pedestrian access and passive recreation uses.
Lot Area: As shown on the Preliminary Plat of Midtown Commons.

E. Restricted Uses: Uses deemed to have Adverse Impacts on neighboring properties in general, such as excessive noise, vibrations, odor, pollution, or socioeconomic disruption. The architectural control committee shall have the power to determine such adverse impacts.

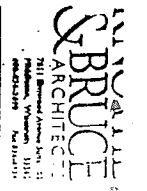
F. Alterations and Revisions: No alteration or revision of this Planned Unit Development shall be permitted unless approved by the City Planning Commission, however, the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Architectural Review Committee, Director Of Planning and Development and the Alderperson of the district and are compatible with the concept approved by the City Planning Commission.

G. Architectural review: No building or foundation permit shall be issued on any lot without written approval of the Architectural Review Committee of Midtown Commons.

H. Maintenance of Traffic Measures: Several streets within the GDP and plat include special traffic islands and traffic calming measures within the public right-of-way. The Midtown Commons Neighborhood Association (Association) shall be responsible, at the Association's sole cost and expense, for the maintenance and upkeep of such physical traffic measures. Such maintenance and upkeep shall be performed at the discretion of the Association except to the extent required by the City of Madison and shall include landscaping. If the landscaping is not maintained, the City will give notice to the Association that it is not being maintained. If the Association does not respond to the notice within 60 days the physical traffic measures will be topped with an asphalt pavement.

The Midtown Commons Neighborhood Association (Association) and persons involved with the maintenance and upkeep of the special traffic measures shall indemnify and hold harmless the City of Madison and its Boards and Commission and their officers, agent and employees from an against all claims, demands, loss of liability of any kind or nature for any possible injury incurred during maintenance and upkeep.

000038



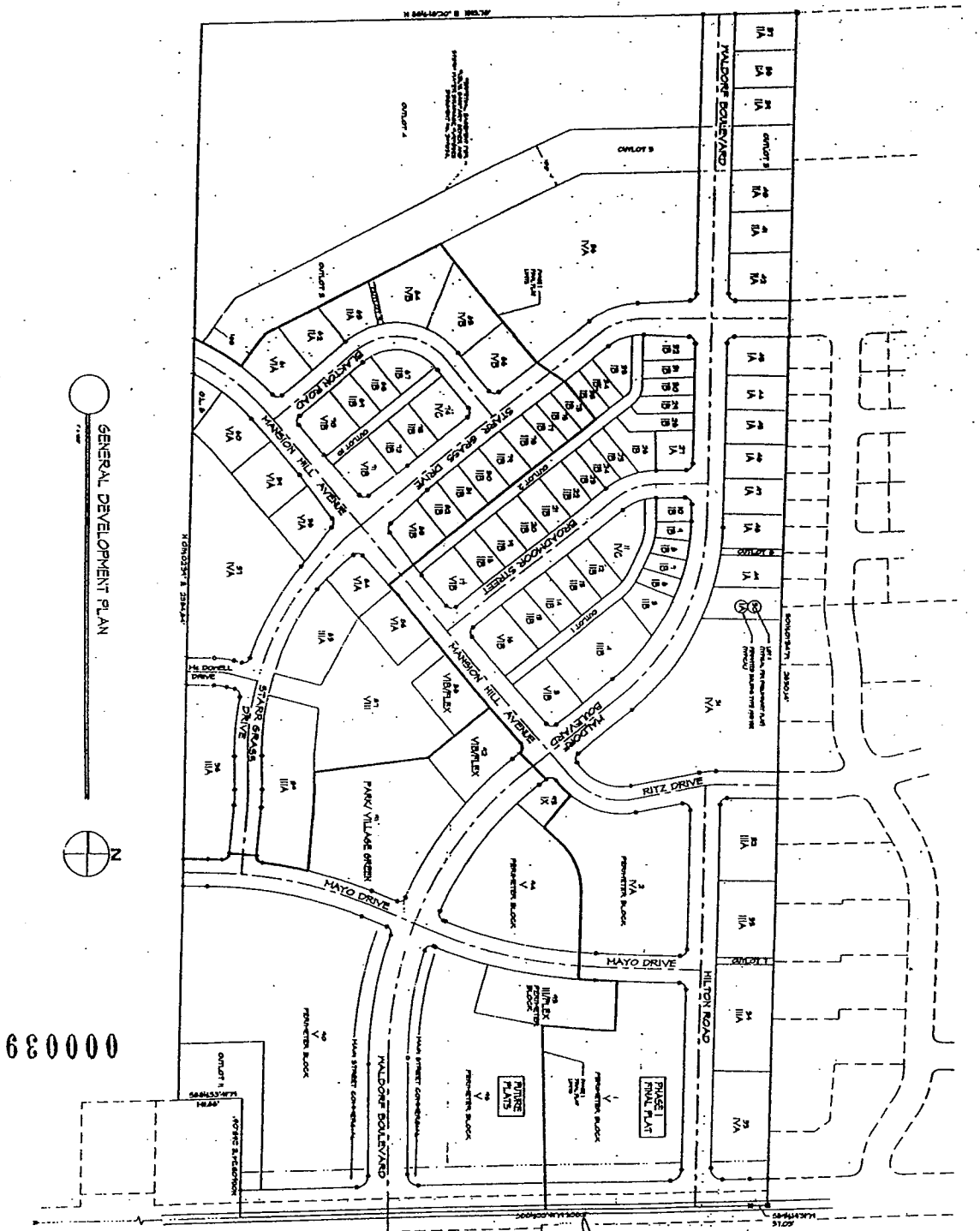
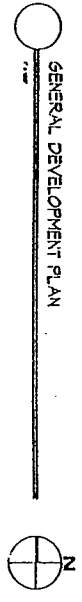
PREPARED BY	
DATE	10/17/91
DRAWN BY	W. BRUCE ARCHITECTS
CHECKED BY	W. BRUCE ARCHITECTS
APPROVED BY	W. BRUCE ARCHITECTS
DATE	10/17/91
DRAWN BY	W. BRUCE ARCHITECTS
CHECKED BY	W. BRUCE ARCHITECTS
APPROVED BY	W. BRUCE ARCHITECTS
DATE	10/17/91

TOTAL PLAT AREA: 241,656.56 SQ. FT.
PLANNING AGENCY

Midtown Commons
Developer:
Great Dome Developm...

EXHIBIT A
General Development
Plan (GDP)
0036 655

000039



NOTE: Please be advised that the document grantor hereby directs viewers to ignore the printed text material on this map. Only the spatial relationships of the illustrations on the map are being presented for our information.

Signed by grantor or grantor's agent: *Nancy Prusaitis* Date: 4/9/01
Name of grantor or grantor's agent: Nancy Prusaitis

EXHIBIT B

Permitted Use (Type)	Lot Number	Lot Area	Min. Permitted Dwelling Units	Max. Permitted Dwelling Units
Apartment/Condominium (Type IV-A)	Lot 02:	8,664	84	96
Apartment/Condominium (Type IV-A)	Lot 36:	148,677	143	143
Apartment/Condominium (Type IV-A)	Lot 51:	107,723	84	84
Apartment/Condominium (Type IV-A)	Lot 55:	29,605	15	24
Apartment/Condominium (Type IV-A)	Lot 57:	79,076	40	40
Apartment/Condominium (Type IV-B)	Lot 64:	20,903	6	6
Apartment/Condominium (Type IV-B)	Lot 65:	17,715	6	6
Apartment/Condominium (Type IV-B)	Lot 66:	13,783	4	4
Apartment/Condominium (Type IV-C)	Lot 11:	12,648	2	2
Apartment/Condominium (Type IV-C)	Lot 74:	10,761	4	4
Civic/Institutional (Type VIII)	Lot 87:	73,846	0	0
Duplex (Type II-A)	Lot 37:	11,078	2	2
Duplex (Type II-A)	Lot 38:	11,121	2	2
Duplex (Type II-A)	Lot 39:	11,121	2	2
Duplex (Type II-A)	Lot 40:	12,124	2	2
Duplex (Type II-A)	Lot 41:	12,124	2	2
Duplex (Type II-A)	Lot 42:	13,939	2	2
Duplex (Type II-A)	Lot 62:	10,784	2	2
Duplex (Type II-A)	Lot 63:	9,858	2	2
Duplex (Type II-B)	Lot 05:	7,163	2	2
Duplex (Type II-B)	Lot 12:	7,651	2	2
Duplex (Type II-B)	Lot 13:	7,680	2	2
Duplex (Type II-B)	Lot 14:	7,680	2	2
Duplex (Type II-B)	Lot 15:	7,680	2	2
Duplex (Type II-B)	Lot 18:	6,588	2	2
Duplex (Type II-B)	Lot 19:	6,588	2	2
Duplex (Type II-B)	Lot 20:	6,588	2	2
Duplex (Type II-B)	Lot 21:	6,588	2	2
Duplex (Type II-B)	Lot 22:	6,588	2	2
Duplex (Type II-B)	Lot 67:	8,010	2	2
Duplex (Type II-B)	Lot 68:	6,662	2	2
Duplex (Type II-B)	Lot 69:	6,630	2	2
Duplex (Type II-B)	Lot 72:	6,495	2	2
Duplex (Type II-B)	Lot 73:	6,516	2	2
Duplex (Type II-B)	Lot 78:	6,612	2	2
Duplex (Type II-B)	Lot 79:	6,612	2	2
Duplex (Type II-B)	Lot 80:	6,612	2	2
Duplex (Type II-B)	Lot 81:	6,612	2	2
Duplex (Type II-B)	Lot 82:	6,589	2	2
Flex Use	Lot 88:	15,320	2	6
Flex Use	Lot 92:	21,866	4	10
Flex Use	Lot 95:	32,726	11	11
Mansion (Type VI-A)	Lot 58:	12,518	4	4
Mansion (Type VI-A)	Lot 59:	14,306	4	4
Mansion (Type VI-A)	Lot 60:	15,926	4	4
Mansion (Type VI-A)	Lot 61:	13,055	4	4

Permitted Use (Type)	Lot Number	Lot Area
Mansion (Type VI-A)	Lot 84:	11,250
Mansion (Type VI-A)	Lot 86:	13,862
Mansion (Type VI-B)	Lot 70:	11,079
Mansion (Type VI-B)	Lot 71:	10,124
Mansion (Type VI-B)	Lot 83:	10,028
Mansion (Typed VI-B)	Lot 03:	11,663
Mansion (Typed VI-B)	Lot 16:	11,940
Mansion (Typed VI-B)	Lot 17:	10,492
Mixed Use (Type V)	Lot 01:	123,472
Mixed Use (Type V)	Lot 94:	65,545
Mixed Use (Type V)	Lot 96:	130,440
Mixed Use (Type V) Residential	Lot 90:	216,091
Park and Passive Recreation Uses	Outlot 04:	448,644
Park/Village Green	Lot 91:	78,549
Pedestrian Access and Passive Recreation Uses	Outlot 06:	2,035
Pedestrian Access and Passive Recreation Uses	Outlot 07:	1,875
Pedestrian Access and Passive Recreation Uses	Outlot 09:	1,215
Plaza (Type IX)	Lot 93:	6,470
Private Service Driveway	Outlot 01:	13,604
Private Service Driveway	Outlot 02:	1,887
Private Service Driveway	Outlot 10:	7,991
Rowhouse/Townhouse (Type III-A)	Lot 52:	22,790
Rowhouse/Townhouse (Type III-A)	Lot 53:	21,014
Rowhouse/Townhouse (Type III-A)	Lot 54:	29,610
Rowhouse/Townhouse (Type III-A)	Lot 56:	41,833
Rowhouse/Townhouse (Type III-A)	Lot 85:	23,721
Rowhouse/Townhouse (Type III-A)	Lot 89:	42,225
Rowhouse/Townhouse (Type III-B)	Lot 04:	26,798
Single Family (Type I-A)	Lot 27:	7,208
Single Family (Type I-A)	Lot 43:	11,480
Single Family (Type I-A)	Lot 44:	10,320
Single Family (Type I-A)	Lot 45:	103,210
Single Family (Type I-A)	Lot 46:	10,320
Single Family (Type I-A)	Lot 47:	10,320
Single Family (Type I-A)	Lot 48:	10,315
Single Family (Type I-A)	Lot 49:	10,287
Single Family (Type I-A)	Lot 50:	11,591
Single Family (Type I-B)	Lot 06:	3,583
Single Family (Type I-B)	Lot 07:	3,400
Single Family (Type I-B)	Lot 08:	3,159
Single Family (Type I-B)	Lot 09:	2,997
Single Family (Type I-B)	Lot 10:	4,019
Single Family (Type I-B)	Lot 23:	4,392
Single Family (Type I-B)	Lot 24:	4,449
Single Family (Type I-B)	Lot 25:	4,813
Single Family (Type I-B)	Lot 26:	7,825
Single Family (Type I-B)	Lot 28:	6,659

Preliminary Plat

Lot Area	Min.	Max.
11,250	4	4
13,862	4	4
11,079	4	4
10,124	4	4
10,028	4	4
11,663	4	4
11,940	4	4
10,492	4	4
123,472	0	10
65,545	1	2
130,440	0	5
216,091	30	42
448,644	0	0
78,549	0	0
2,035	0	0
1,875	0	0
1,215	0	0
6,470	0	0
13,604	0	0
1,887	0	0
7,991	0	0
22,790	6	6
21,014	6	6
29,610	8	8
41,833	14	15
23,721	7	14
42,225	14	24
26,798	7	7
7,208	1	1
11,480	1	1
10,320	1	1
103,210	1	1
10,320	1	1
10,320	1	1
10,315	1	1
10,287	1	1
11,591	1	1
3,583	1	1
3,400	1	1
3,159	1	1
2,997	1	1
4,019	1	1
4,392	1	1
4,449	1	1
4,813	1	1
7,825	1	1
6,659	1	1

Permitted Dwelling Units

000041

000042

Permitted Use (Type)	Preliminary Plat Lot Number	Lot Area	Min.	Max.	Permitted Dwelling Units
Single Family (Type I-B)	Lot 29:	5,186	1	1	1
Single Family (Type I-B)	Lot 30:	4,606	1	1	1
Single Family (Type I-B)	Lot 31:	4,570	1	1	1
Single Family (Type I-B)	Lot 32:	6,064	1	1	1
Single Family (Type I-B)	Lot 33:	7,074	1	1	1
Single Family (Type I-B)	Lot 34:	4,408	1	1	1
Single Family (Type I-B)	Lot 35:	4,408	1	1	1
Single Family (Type I-B)	Lot 75:	4,408	1	1	1
Single Family (Type I-B)	Lot 76:	4,408	1	1	1
Single Family (Type I-B)	Lot 77:	4,408	1	1	1
Stormwater Management	Outlet 03:	118,540	0	0	0
Stormwater Management	Outlet 05:	13,313	0	0	0
Stormwater Management	Outlet 08:	4,329	0	0	0
Stormwater Management	Outlet 11:	32,339	0	0	0
Totals			631		708



LAW OFFICES
MADISON OFFICE
740 Regent Street, Suite 400
P.O. Box 1507
Madison, Wisconsin 53701-1507
(608) 257-7766
Fax (608) 257-1507
www.lathropclark.com

POYNETTE OFFICE
111 N. Main Street
P.O. Box 128
Poynette, Wisconsin 53955
(608) 635-4324
Fax (608) 635-4690

LODI OFFICE
113 S. Main Street, Suite 301
P.O. Box 256
Lodi, Wisconsin 53555
(608) 592-3877
Fax (608) 592-5844

Donald L. Heaney
Theodore J. Long
Ronald J. Kotnik
Jerry E. McAdow
David S. Uphoff
John C. Frank
Michael J. Lawton
William L. Fahey
Michael J. Julka
Jeffrey P. Clark
Kenneth B. Axe
David E. Rohrer
Frank C. Sutherland
Paul A. Johnson
Shana R. Lewis
Joanne Harmon Curry
David P. Weller

Stephen J. Roe
Richard F. Verstegen
Christopher J. Hussin
Nate P. Birkholz
Josh C. Kopp
Todd J. Hepler
Carrie M. Benedon
Jennifer G. Taylor

Shelley J. Safer
Of Counsel

February 6, 2007

Bradley Murphy
Director of Planning
Department of Planning and Development
215 Martin Luther King, Jr. Blvd.
Madison, WI 53703

Re: Letter of Intent; Midtown Commons PUD – Amended GDP/SIP;
Lot 87-8133 Mansion Hill Avenue

Dear Mr. Murphy:

Please consider this information for the Midtown Commons PUD - GDP Amendment/SIP submittal. This information is provided at the request of Amden, LLC the prospective purchaser of Lot 87 of Midtown Commons pursuant to a binding purchase contract with the owner, WC Development Corporation, and this application is being submitted with the consent of the owner. Amden, LLC seeks to revise and implement a portion of the general development plan that was recorded on April 10, 2001, Document No. 3305705, a copy of which is attached.

It is the intent of Amden, LLC to amend the approved GDP, simultaneously submit the PUD/SIP for planning commission consideration, and begin construction in May of 2007, with completion of the proposed building in September of 2007. The revised zoning text for the amendment to the GDP is enclosed herewith, as well as the required plans and submittals for the PUD/SIP.

PARTIES

Owner: WC Development Corporation, 625 N. Segoe Road, Madison, WI 53705

Engineer: McCoy Engineering, 5440 Willow Road, Ste. 115, Waunakee, WI 53597

Josh Kopp

Direct Line: (608) 286-7165

Email: jkopp@lathropclark.com

Builder: Supreme Structures Incorporation 4487 Robertson Rd. Madison, WI 53714

Developer: Amden, LLC, 3001 Winter Park Place, Madison, WI 53719

BACKGROUND

Mid Town Commons is a seventy-nine (79) acre development on the north side of Mid Town Road east of Highway M on the City's far west side. The development has been designed to create a Town center within the larger High Point/Raymond Neighborhood Plan.

Lot 87 is the subject of this PUD – GDP Amendment/SIP submittal. Lot 87 permits civic/institutional uses and is located in an area of transition from single family residential uses to multi-family residential buildings and flex/commercial uses.

PROPOSED USE

Amden, LLC intends to construct a single building to serve as a childcare center/nursery school and coffee/bagel shop on Lot 87. The childcare center/nursery school is a permitted use under the present PUD/GDP for Mid Town Commons. The coffee/bagel shop will be ancillary to the use as a childcare center/nursery school, but such use is not permitted under the present PUD/GDP. The proposed amendment to the PUD/GDP provides that such a use will be permitted so long as it remains secondary to the primary use.

Lot 87 contains 73,846 square feet and Amden, LLC proposes to construct a building with gross square footage of 8,130 square feet. After development the lot would have 31 parking spaces. The childcare center will operate from 6:30 a.m. to 5:45 p.m. and will employ 22 people in total. Approximately 1,200 square feet of the building will be reserved for ancillary commercial uses, specifically a coffee/bagel shop. The date of commencement of operations of the coffee/bagel shop is not yet known, but it is anticipated that the hours of operation for such use would be 5:30 a.m. to 2:30 p.m. and that the operations would employ 15 people in total, with approximately 3 employees on site during operations. The inclusion of the coffee/bagel shop is seen as a convenience to be provided to parents and caretakers and to those people residing in the numerous multi-family dwelling units surrounding the proposed development.

SOCIAL AND ECONOMIC IMPACT

Mr. Bradley Murphy
February 6, 2007
Page 3

The development of Lot 87 for a childcare center and future coffee/bagel shop will provide a convenient childcare solution for the people residing in the Mid Town Commons neighborhood and shall provide a nearby after school option for those children and parents of children attending the future elementary school at the Linden Park site. Further, construction of the building will provide employment for local businesses and trades people, and significant tax increases will be generated from the proposed development of Lot 87. After completion, the development will provide significant employment opportunities

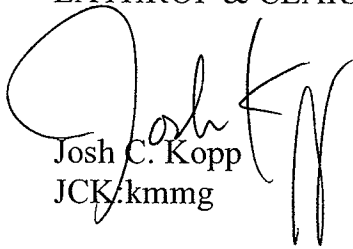
PROJECT SCHEDULE

It is the developer's intention to commence construction of the building by May 1, 2007 and complete construction of the building by September 1, 2007.

On behalf of the developer, Amden, LLC, I wish to thank you for your assistance. If you have any questions or concerns, please feel free to contact me at my direct line indicated above.

Very truly yours,

LATHROP & CLARK LLP



Josh C. Kopp
JCK:kmmg

Enclosures

cc: Amden, LLC
Dan Bertler
Travis Carter

amden\1\murphy 020507.doc

CITY OF MADISON REQUIREMENTS:

- NUMBER OF PARKING STALLS: 34
- NUMBER OF CANOPY TREES NEEDED: 3
- NUMBER OF POINTS NEEDED: 510
- NUMBER OF POINTS ACHIEVED: 529

PLAN NOTES:

ALL TOPSOIL TO BE IN PLACE TO WITHIN 1" OF FINAL GRADE BEFORE DECORATIVE LANDSCAPING STARTS

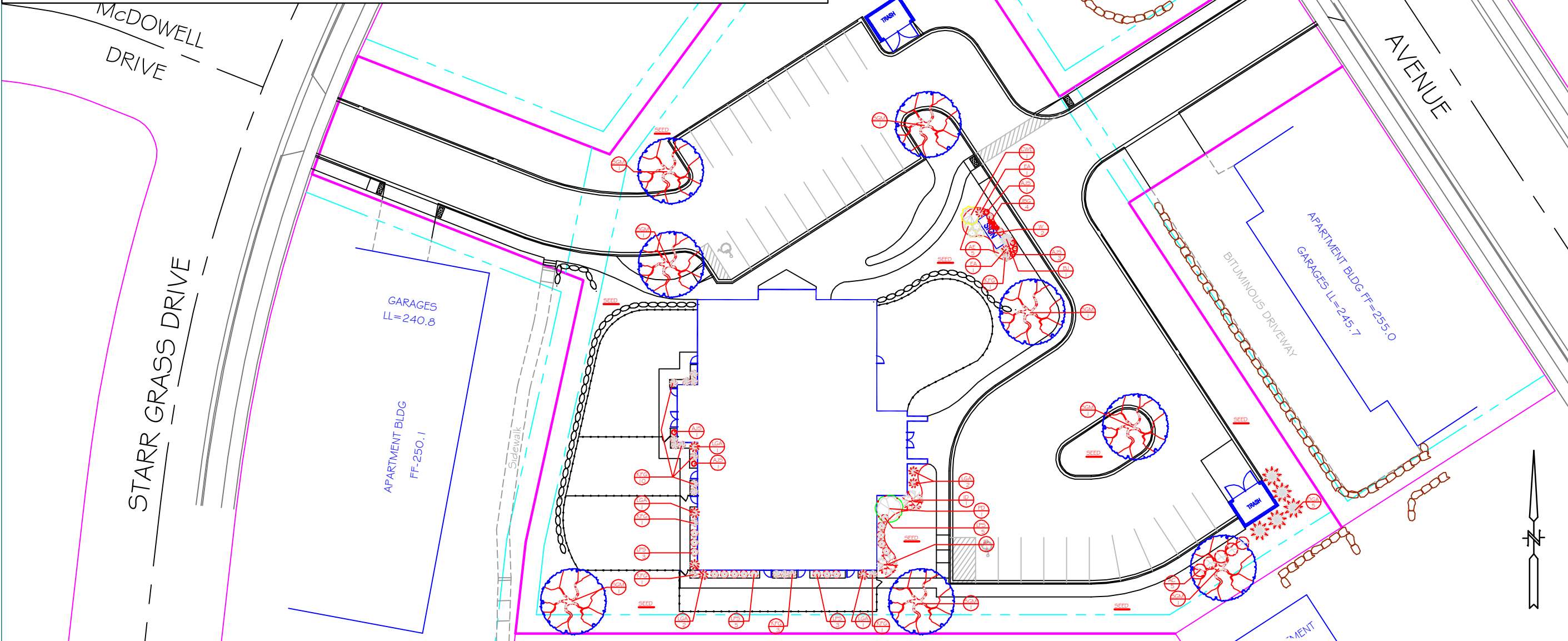
BEDS NEAR FOUNDATION AND AROUND SIGN TO RECEIVE 2" #2 WASHED LOCAL STONE OVER TYPAR. BEDS SHALL HAVE BORDER OF DIMEX PRO LANDSCAPE EDGING

ALL OUTER PLANTS TO RECEIVE 3' RING OF 3" DEPTH SHREDDED BARK MULCH, NO TYPAR, NO EDGING

FINE GRADE, SEED, (MADISON PARKS OR EQUIV.), FERTILIZE AND MULCH ALL DISTURBED AREAS

KEY/PLANT LIST AND POINTS

	TREES		QUANTITY	SIZE / ROOT	POINTS
SGM	ACER X FREEMANII 'SIENNA GLEN'	SIENNA GLEN MAPLE	8	2 1/2'	BB 5@50=250 (+3 REQUIRED AS CANOPY TREES)
SHRUBS					
AE	ARONIA ARBUTIFOLIA 'ERECTA'	ARONIA ERECTA	5	#3	CG 5@6=30
PD	CORNUS ALTERNIFOLIA	PAGODA DOGWOOD	1	5'	BB
ID	CORNUS SERICIA 'ISANTI'	ISANTI DOGWOOD	2	#3	CG
CWE	EUONYMUS ALATUS 'COMPACTUS'	COMPACT WINGED EUONYMUS	1	#3	CG 1@9=9
W	GENISTA TINCTORIA 'GOLDEN TEMPLATE'	WOADWAXEN GOLDEN TEMPLATE	2	#1	CG 2@3=6
AC	RIBES ALPINUM	ALPINE CURRANT	5	2 1/2'	BB RESIDENTIAL SCREENING
LPS	SPIREA 'LITTLE PRINCESS'	LITTLE PRINCESS SPIREA	16	#2	CG
EVERGREEN					
LGA	THUJA OCCIDENTALIS 'LITTLE GIANT'	LITTLE GIANT ARBORVITAE	7	#3	CG 7@3=21
EA	THUJA OCCIDENTALIS 'SMARAGD'	EMERALD ARBORVITAE	2	4'	BB 2@30=60
DGA	THUJA OCCIDENTALIS 'NIGRA'	DARK GREEN ARBORVITAE	5	5'	BB 5@30=150
BJ	JUNIPERUS 'SABINA 'BUFFALO'	BUFFALO JUNIPER	1	#3	CG 1@3=3
PERENNIALS					
KFG	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER GRASS	17	#1	CG
JBG	CRANESBILL GERANIUM 'JOLLY BEE'	JOLLY BEE GERANIUM	4	#1	CG
AJS	SEDUM 'AUTUMN JOY'	AUTUMN JOY SEDUM	6	#1	CG



Architect/Engineer:



General Contractor:



Landscape Consultant:



PROJECT

ACADEMY FOR
LITTLE LEARNERS

8133 MANSION HILL AVE
MADISON, WISCONSIN

ISSUED
2-06-07 PLAN COMMISSION SUBMITTAL

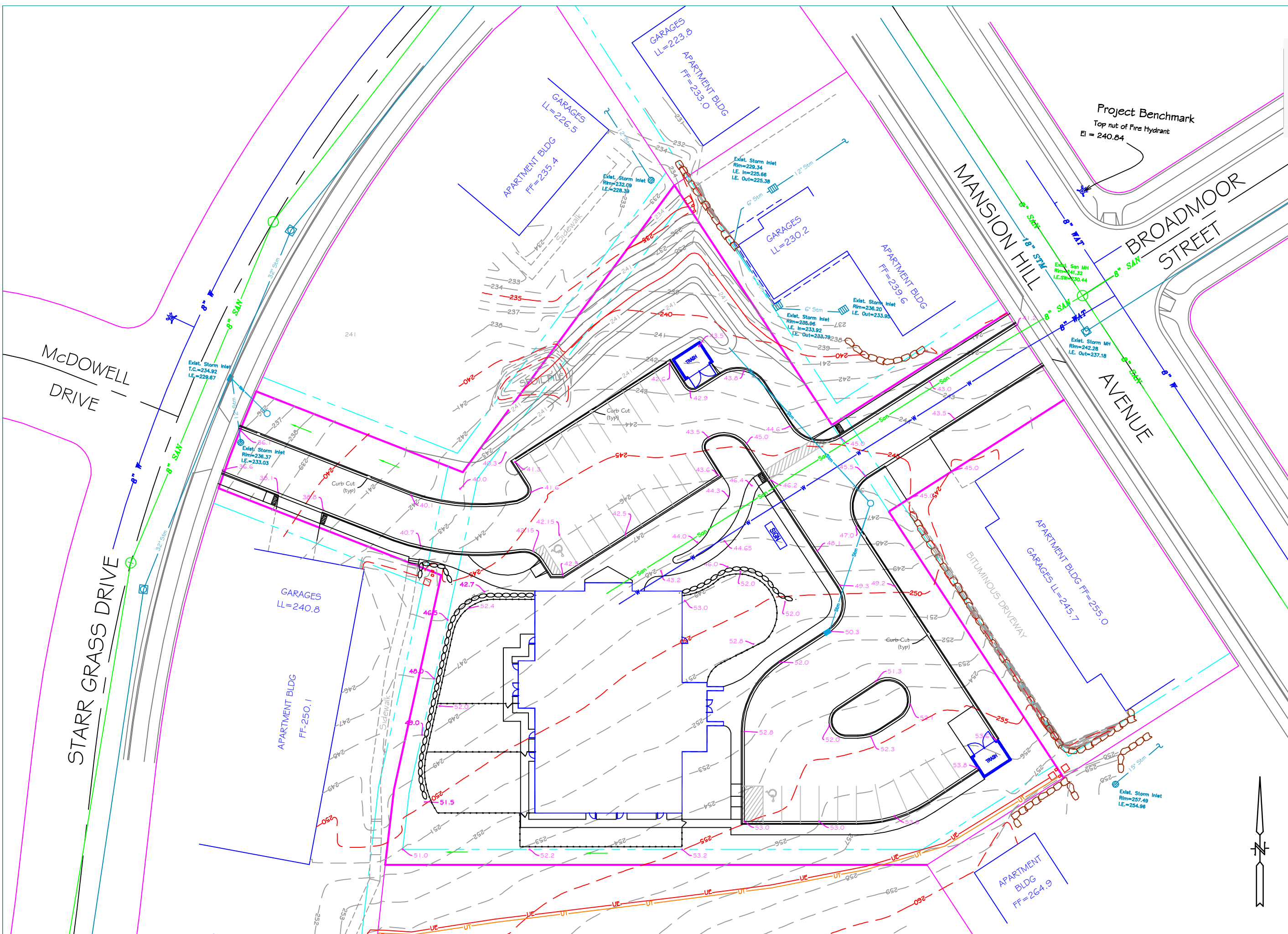
REVISED

DRAWN BY: TM, SB
© 2007, Homburg Contractors, Inc.

LANDSCAPE PLAN

SCALE: 1" = 20'

1.0



Architect/Engineer:
McCoy Engineering
 5440 Willow Rd., STE-115, Waunakee, WI, 53597
 Phone: 608-441-0715 Fax: 608-441-0732
 Architectural & Structural Planning & Design
 Commercial - Industrial - Institutional - Residential

General Contractor:
Supreme Structures Incorporated
 4487 Robertson Rd., Madison, WI 53714

Site Consultant:
Homburg Contractors, Inc.
 5590 Monona Drive
 Monona, WI 53716
 (608) 222-6597
 (608) 244-9113 Fax

PROJECT
ACADEMY FOR LITTLE LEARNERS
 8133 MANSION HILL AVE
 MADISON, WISCONSIN

ISSUED
 2-06-07 PLAN COMMISSION SUBMITTAL

REVISED

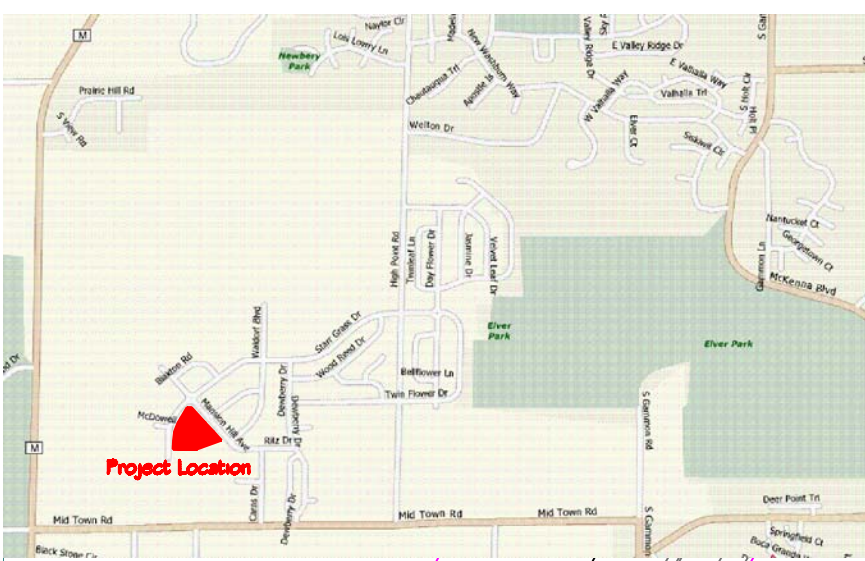
DRAWN BY: TM, SB
 © 2007, Homburg Contractors, Inc.

GRADING AND UTILITY PLAN

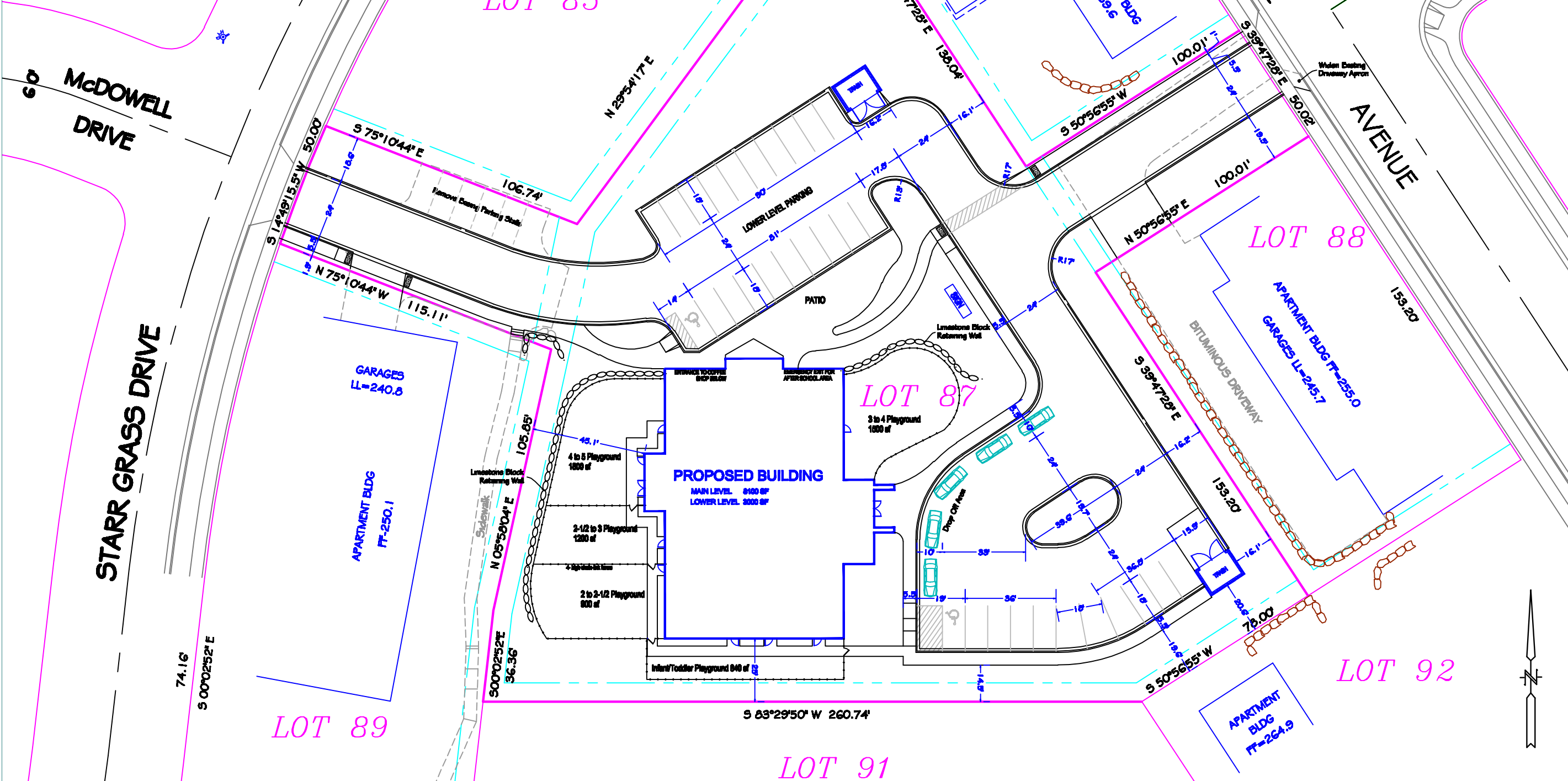
SCALE: 1" = 20'

C 2.0





Overview Map



McCOY ENGINEERING
 5440 Willow Rd., STE-115, Waukesha, WI, 53997
 Phone: 608-441-0715 Fax: 608-441-0732
 Architectural & Structural Planning & Design
 Commercial • Industrial • Institutional • Residential

General Contractor:

SUPREME STRUCTURES INCORPORATED
 4487 Robertson Rd., Madison, WI 53714

Site Consultant:

HOMBURG CONTRACTORS, INC.

5880 Monona Drive
 Madison, WI 53718
 (608) 255-0087
 (608) 244-8119 Fax

PROJECT

ACADEMY FOR LITTLE LEARNERS

8133 MANSION HILL AVE
 MADISON, WISCONSIN

ISSUED
 2-06-07 PLAN COMMISSION SUBMITTAL

REVISED

Drawn By: TM, GB
 © 2007, Homburg Contractors, Inc.

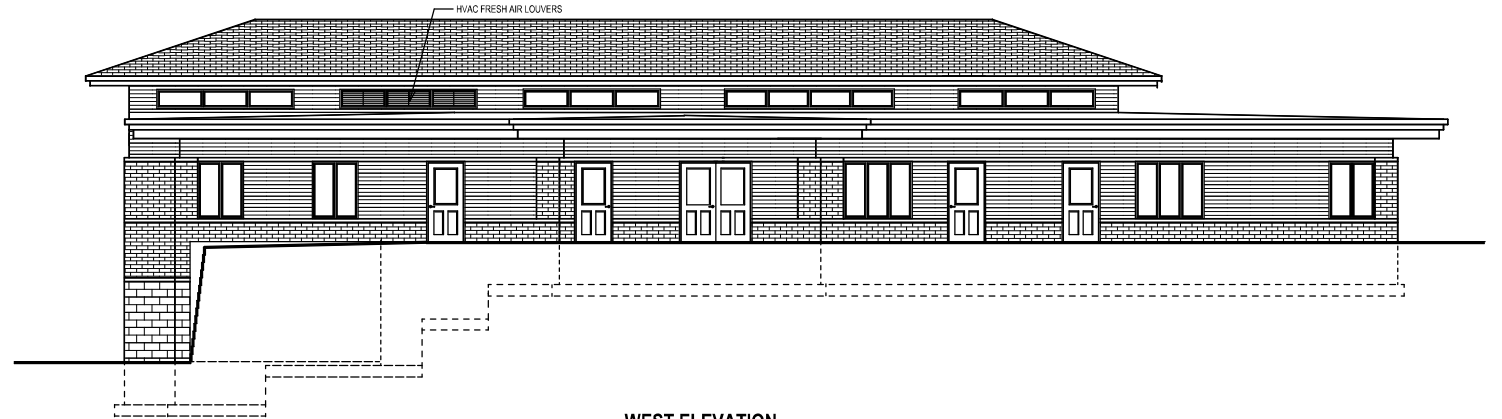
LAYOUT PLAN

SCALE: 1" = 20'

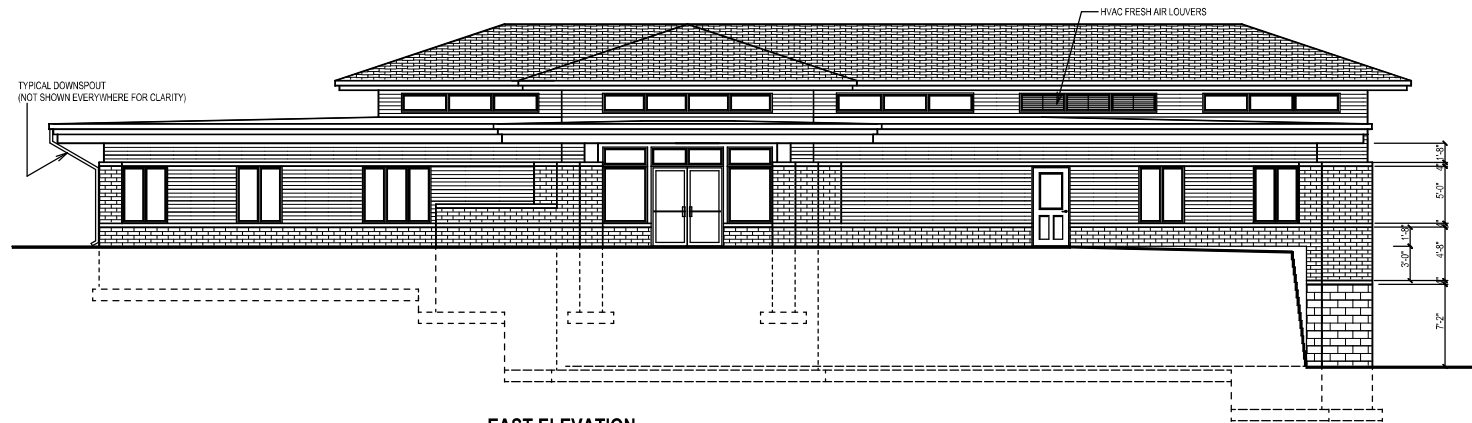
C 1.0



SOUTH ELEVATION
1/8"=1'-0"



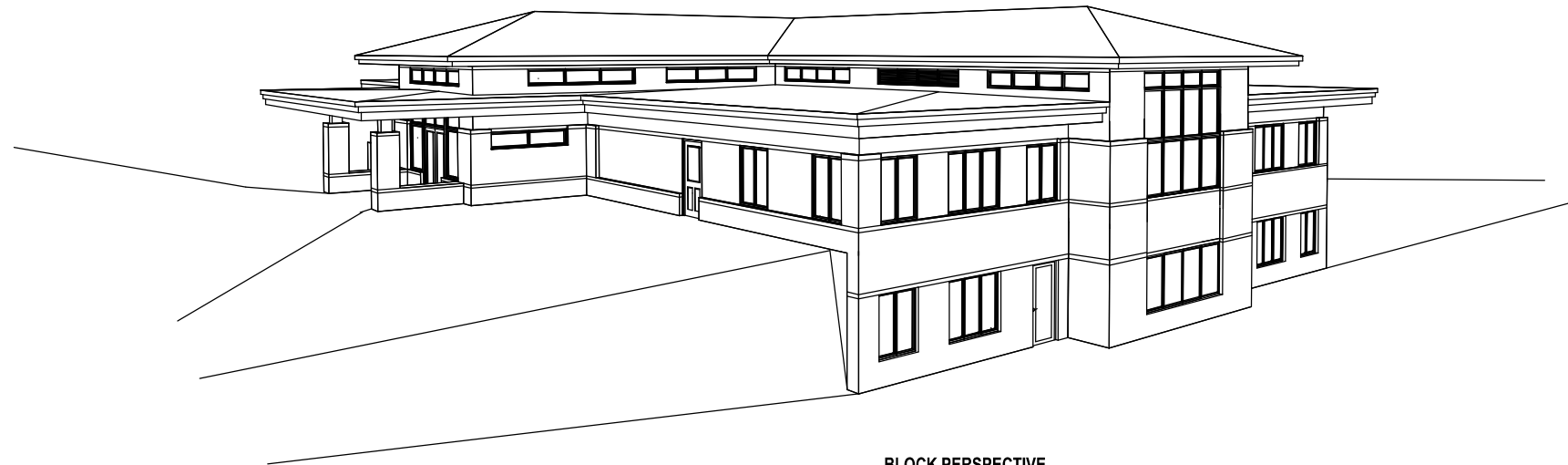
WEST ELEVATION
1/8"=1'-0"



EAST ELEVATION
1/8"=1'-0"



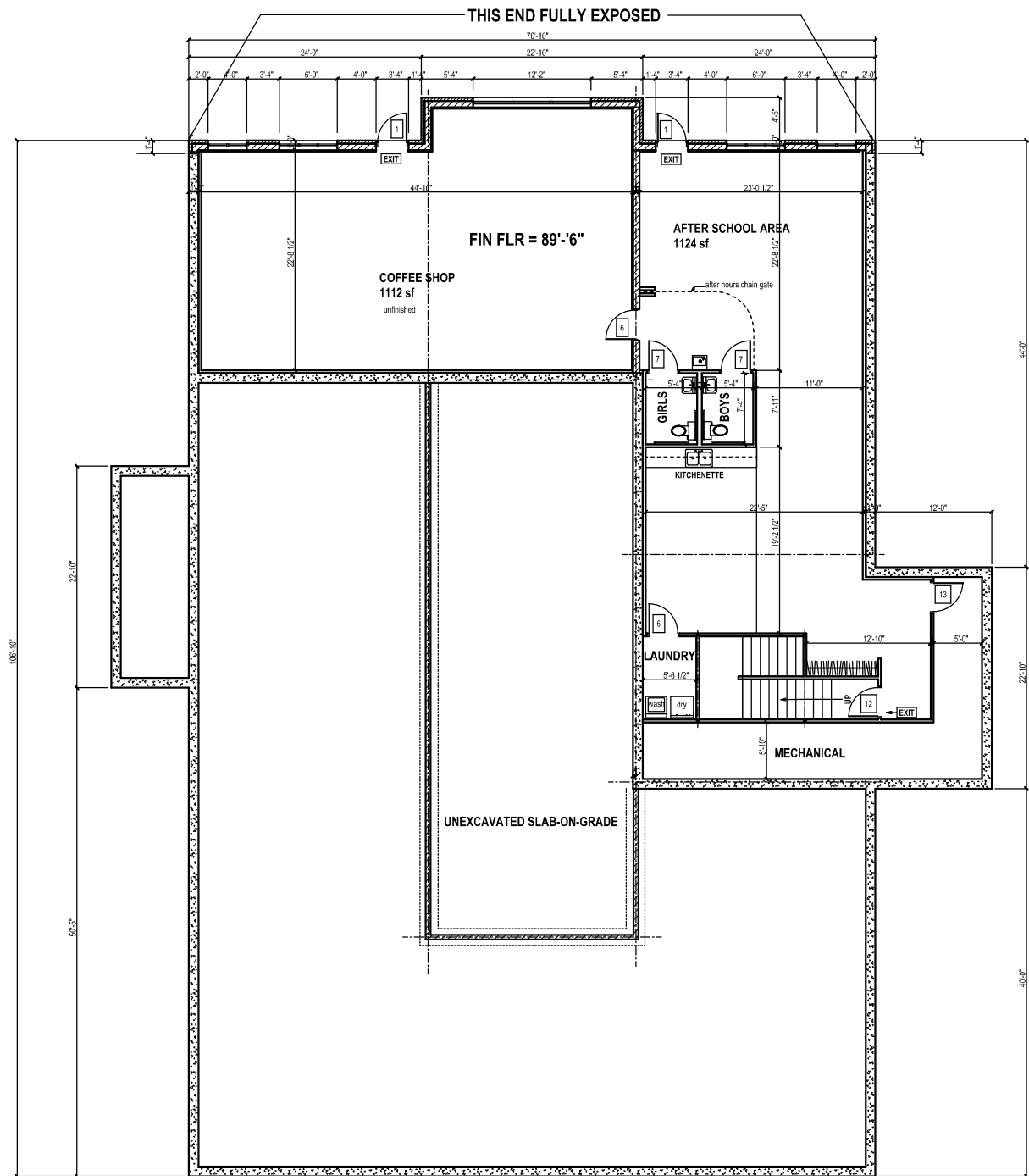
NORTH ELEVATION
1/8"=1'-0"



BLOCK PERSPECTIVE

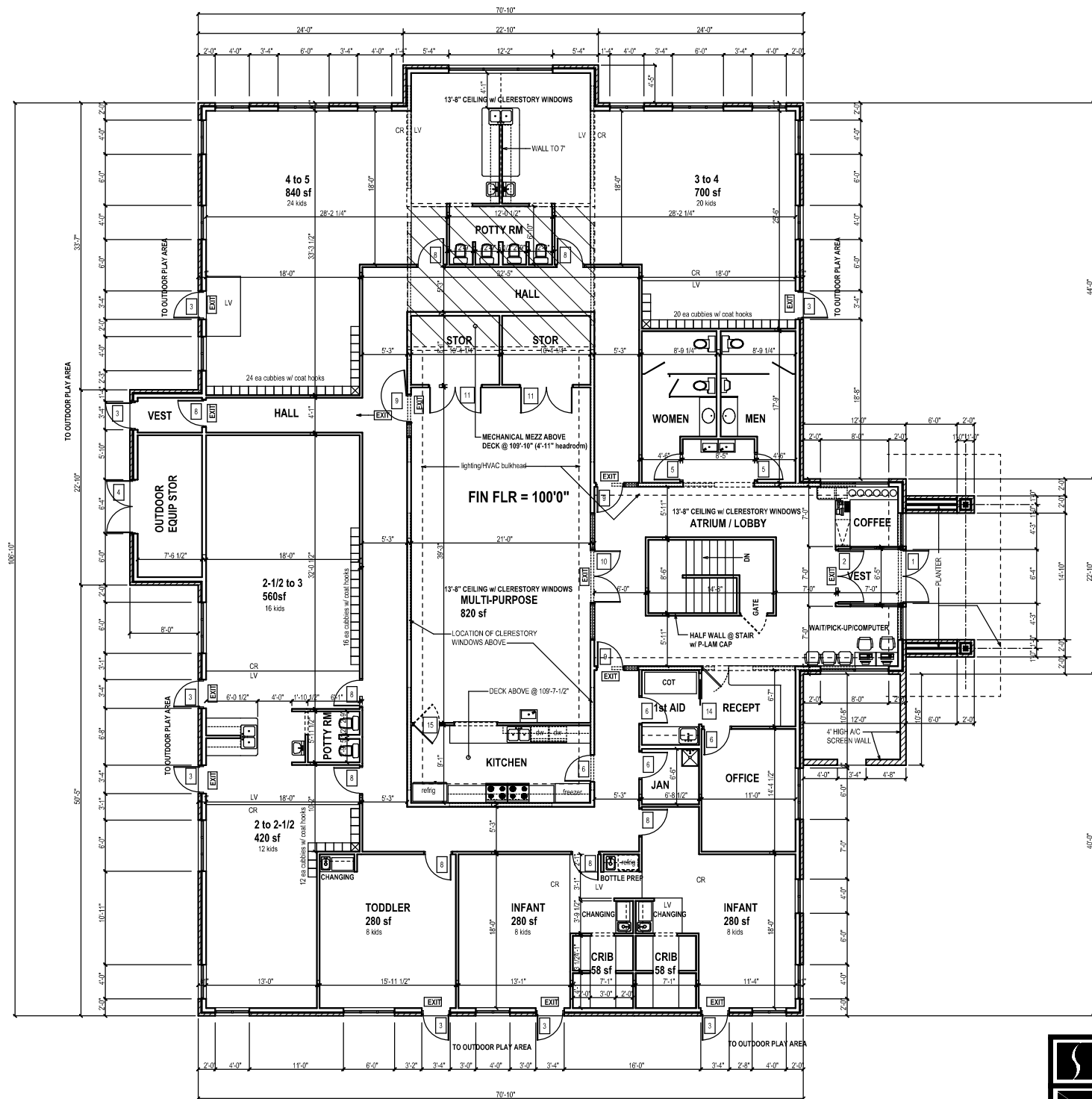
© COPYRIGHT
These plans and designs depicted therein, including but not limited to, the overall form, arrangement and composition of spaces and elements of the design, are protected under Copyright Laws. Collectively they are the property of Thomas W. McCoy. Any copying or other unauthorized use can result in the cessation of such construction or the demolition of such resultant construction.

<p>SUPREME STRUCTURES INCORPORATED 4487 Robertson Road, Madison, WI 53714 Phone: (608) 224-0777 Fax: (608) 224-0778</p>	<p>McCOY ENGINEERING 5440 Willow Rd, STE-115, Waunakee, WI, 53597 Phone: 608-441-0715 Fax: 608-441-0732</p>	<p>DRAWN BY:</p>
	<p>PROJECT: Academy for Little Learners</p>	<p>APPRVD BY:</p>
<p>LOCATION: 8133 Mansion Hill Ave Madison, WI</p>	<p>DATE:</p>	<p>SCALE: <i>As Shown</i></p>
<p>SHEET TITLE: ELEVATIONS</p>	<p>DRAWING NO: T0627</p>	<p>SHEET NO: A-3</p>



LOWER LEVEL CONCEPT FLOOR PLAN

1/8"=1'-0" 3000 SF



UPPER LEVEL CONCEPT FLOOR PLAN

1/8"=1'-0" 8100 SF



© COPYRIGHT
These plans and designs depicted therein, including but not limited to, the overall form, arrangement and composition of spaces and elements of the design, are protected under Copyright Laws. Collectively they are the property of Thomas W. McCoy. Any copying or other unauthorized use can result in the cessation of such construction or the demolition of such resultant construction.

<p>SUPREME STRUCTURES INCORPORATED 4487 Robertson Road, Madison, WI 53714 Phone: (608) 224-0777 Fax: (608) 224-0778</p>	<p>McCOY ENGINEERING 5440 Willow Rd, STE-115, Waunakee, WI, 53597 Phone: 608-441-0715 Fax: 608-441-0732</p>	<p>DRAWN BY:</p>
	<p>PROJECT: Academy for Little Learners</p>	<p>APPRVD BY:</p>
<p>LOCATION: 8133 Mansion Hill Ave Madison, WI</p>	<p>DATE:</p>	<p>SCALE: <i>As Shown</i></p>
<p>SHEET TITLE: CONCEPT FLOOR PLANS</p>	<p>DRAWING NO.: T0627</p>	<p>SHEET NO.: A-2</p>



Symbol	Qty	Label	Arrangement	Lumens	LLF	Description
	6	PR	SINGLE	12600	0.800	PR2615-M (150w psmh)
	2	PR/SBL	SINGLE	12600	0.800	PR2615-M (150w psmh)
	26	RT18MH	SINGLE	3000	0.650	R7M05 (50w mh)

- (8) PS4S17C1BZ 17 x 4 x .125 Square steel poles
- (2) SBL-16 Backlight shields
- *** Poles meet 140 mph wind zone requirements
- *** R7 recessed fixtures mounted under the soffit at 11'
- *** PR fixtures mounted at 17' w/no tilt

Parking Lot Only (at grade)

Illuminance Values(FC)
 Average =1.94
 Maximum =5.0
 Minimum =0.5
 Avg/Min Ratio=3.88
 Max/Min Ratio=10.00

RUUD LIGHTING

800.236.7000 USA <www.ruudlighting.com> 905.671.1991 CAN

Illumination results shown on this lighting design are based on project parameters provided to Ruud Lighting used in conjunction with luminaire test procedures conducted under laboratory conditions. Actual project conditions differing from these design parameters may affect field results. The customer is responsible for verifying compliance with any applicable electrical, lighting, or energy code.

Date: 6/2007	Engineer: Bill Schubert				
Project Name: Lyons Electric (#46126) - Little Learners					
Filename: 70206L.Y1BR5.a32					
FOOTCANDLES CALCULATED AT GRADE USING MEAN LUMENS					
Numeric Summary					
Label	AVG	Max	Min	AVG/Min	Max/Min
Site (at grade)	1.28	5.0	0.0	N/A	N/A
Spill (4' above grade)	0.01	0.2	0.0	N/A	N/A

Zoning Text: General Development Plan – Amended
Project Name: Midtown Commons
Project Site Address: 8102 Mid Town Road

Legal Description: The lands subject to this Planned Development District shall include those described in the preliminary plat dated March 2, 2001 and the General Development Plan, which is attached to and made a part of this zoning text as Exhibit A (the “General Development Plan”).

A. Statement of Purpose: This zoning district is established to allow for the construction of a compact, mixed-use neighborhood center. The district is intended to provide a diversity of housing, civic, institutional, recreational, entertainment, retail, office and commercial uses in a cohesive, pedestrian-friendly neighborhood.

B. Terms and Definitions:

* Some of the terms and definitions of this section have been borrowed in whole or in part from The Lexicon of the New Urbanism, Duany Plater-Zyberk & Company, 1999.

1. **Accessory unit:** (“granny flats”.) A temporary accessory apartment as defined in the R-1 zoning district, a depending living arrangement as defined in 28.03(2) of the Madison Zoning code, or a home occupancy that does not exceed 600 square feet. Accessory units may be located above garages or other living space.
2. **Build-to Line:** A type of setback line that requires 60% of the building’s street-facing façade to be built along that line. The remainder of the façade may be set back further away from the street. Only permitted encroachment elements may extend further toward the street.
Floating Build-to Line: Allows the build-to line to move toward the back of the parcel if the building is designed so that a permitted encroachment is deeper than the permitted encroachment zone. For example, if a lot has a permitted encroachment zone that is six feet deep and the building plans call for a front porch that is eight feet deep the build-to line may be moved 2 feet further back from the front of the lot.
3. **Civic Use:** Premises used by organizations considered to support the common good. Institutional/civic uses include but are not limited to, educational, cultural, religious, public and not-for-profit organizations and Community Based Residential Facilities.
4. **Commercial Use:** Includes retail, office, entertainment, recreational/fitness, clinic/health, small business, and other types that would fit into the proposed plan.
5. **Flex-Use:** A special designation to allow maximum flexibility of function in determining permitted uses of certain parcels. The function for a flex-use parcel may be altered in the future to address special unforeseeable circumstances.
6. **Main Street Commercial:** refers to Lots 90 and 96 in which building facades are required to front onto Waldorf Boulevard.
7. **Mixed-use:** Allows a mix of various commercial uses and inclusion of residential and civic use components.
8. **Parking terms:**
 - a) **Front Loaded:** garage/parking access from the public road at the front of the lot.
 - b) **Rear Loaded:** garage/parking access from the private service drive at the rear of the lot.

- c) Park Under: common garage parking lot under a building in the basement level.
 - d) Tuck Under: parking in an attached garage at grade level with regular living space above. A maximum of twenty five percent (25%) of the garage may project beyond the limits of the living space above.
 - e) Park Behind: detached garages accessed from an alley (outlot). They may be attached by breezeway, walkway, etc
 - f) Recessed Garage: a garage face recessed behind (towards the rear of the lot) the main building façade.
 - g) Attached Garage: a garage that is directly attached to a building so that access from one to the other is immediate.
 - h) Garage Public Area: an area allowed for construction of an attached or detached garage. The garage may have living or workspace above it and the garage may extend into the House Buildable Area if required to accommodate parking. Surface parking is allowed within this area.
 - i) Surface Parking: off-street parking, which may be located in any required or provided yard and may be located in the driveway directly behind an individual dwelling unit parking space. The surface parking must be accessed in the same way as the garage access (ie: from front loaded or rear loaded). Surface parking and driveways may be shared between adjoining lots.
9. Perimeter Block: A type of block wherein the buildings form an edge along the street frontages. Perimeter blocks define the most urban streetscapes. The perimeter blocks of Midtown Commons include Lots 1, 2, 90, 94, 95, 96.
10. Permitted Encroachment Elements: Architectural elements extending toward the street from the main volume and façade of the building. Such elements include porches, stoops, bay or bow windows, balconies, eaves, overhangs, etc. Porches or balconies may be screened but not fully enclosed four-season living space. Eaves and overhangs may project into any required yard up to 18 inches.
11. Permitted Encroachment Zone: The area that extends beyond the build-to line in which permitted encroachment elements may be built.
12. Street Wall: A structure used in the absence of a façade to mask parking.
13. Story: for the purposes of this zoning text a story is a floor level within a building as defined in 28.03(2) of the Madison Zoning code. A mezzanine shall be permitted and not included as a story if its floor area does not exceed 50% of the area of the ground story.
14. Yard: An open space as defined in 28.03(2) of the Madison Zoning code. The yard requirements within this Planned Development District will be prescribed by Lot Use Diagrams for Single-Family (Type I) and Duplex (Type II) uses and within Section D, Permitted Use Definitions of this zoning text. Lot Use Diagrams will supercede the dimensions given in Section D herein. The maximum yard dimensions (specified within Section D) may be increased as specifically authorized by the Architectural Review Committee.

C. **Permitted Uses**: Following are permitted uses by, **Preliminary Plat lot number**, within Midtown Commons: (A cross-reference, sorted by permitted use, is attached as Exhibit B.)

1.

Preliminary Plat		<u>Permitted Dwelling Units</u>		
<u>Lot Number</u>	<u>Permitted Use (Type)</u>	<u>Lot Area</u>	<u>Min.</u>	<u>Max.</u>
Outlot 01:	Private Service Driveway	13,604	0	0
Outlot 02:	Private Service Driveway	18,877	0	0
Outlot 03:	Stormwater Management	118,540	0	0
Outlot 04:	Park and Passive Recreation Uses	448,644	0	0
Outlot 05:	Stormwater Management	13,313	0	0
Outlot 06:	Pedestrian Access and Passive Recreation Uses	2,035	0	0
Outlot 07:	Pedestrian Access and Passive Recreation Uses	1,875	0	0
Outlot 08:	Stormwater Management	4,329	0	0
Outlot 09:	Pedestrian Access and Passive Recreation Uses	1,215	0	0
Outlot 10:	Private Service Driveway	7,991	0	0
Outlot 11:	Stormwater Management	32,339	0	0
Lot 01:	Mixed Use (Type V)	123,472	0	10
Lot 02:	Apartment/Condominium (Type IV-A)	86,664	84	96
Lot 03:	Mansion (Typed VI-B)	11,663	4	4
Lot 04:	Rowhouse/Townhouse (Type III-B)	26,798	7	7
Lot 05:	Duplex (Type II-B)	7,163	2	2
Lot 06:	Single Family (Type I-B)	3,583	1	1
Lot 07:	Single Family (Type I-B)	3,400	1	1
Lot 08:	Single Family (Type I-B)	3,159	1	1
Lot 09:	Single Family (Type I-B)	2,997	1	1
Lot 10:	Single Family (Type I-B)	4,019	1	1
Lot 11:	Apartment/Condominium (Type IV-C)	12,648	2	2
Lot 12:	Duplex (Type II-B)	7,651	2	2
Lot 13:	Duplex (Type II-B)	7,680	2	2
Lot 14:	Duplex (Type II-B)	7,680	2	2
Lot 15:	Duplex (Type II-B)	7,680	2	2
Lot 16:	Mansion (Typed VI-B)	11,940	4	4
Lot 17:	Mansion (Typed VI-B)	10,492	4	4
Lot 18:	Duplex (Type II-B)	6,588	2	2
Lot 19:	Duplex (Type II-B)	6,588	2	2
Lot 20:	Duplex (Type II-B)	6,588	2	2
Lot 21:	Duplex (Type II-B)	6,588	2	2
Lot 22:	Duplex (Type II-B)	6,588	2	2
Lot 23:	Single Family (Type I-B)	4,392	1	1

Preliminary Plat		<u>Permitted Dwelling Units</u>		
<u>Lot Number</u>	<u>Permitted Use (Type)</u>	<u>Lot Area</u>	<u>Min.</u>	<u>Max.</u>

Lot 24:	Single Family (Type I-B)	4,449	1	1
Lot 25:	Single Family (Type I-B)	4,813	1	1
Lot 26:	Single Family (Type I-B)	7,825	1	1
Lot 27:	Single Family (Type I-A)	7,208	1	1
Lot 28:	Single Family (Type I-B)	6,659	1	1
Lot 29:	Single Family (Type I-B)	5,186	1	1
Lot 30:	Single Family (Type I-B)	4,606	1	1
Lot 31:	Single Family (Type I-B)	4,570	1	1
Lot 32:	Single Family (Type I-B)	6,064	1	1
Lot 33:	Single Family (Type I-B)	7,074	1	1
Lot 34:	Single Family (Type I-B)	4,408	1	1
Lot 35:	Single Family (Type I-B)	4,408	1	1
Lot 36:	Apartment/Condominium (Type IV-A)	148,677	143	143
Lot 37:	Duplex (Type II-A)	11,078	2	2
Lot 38:	Duplex (Type II-A)	11,121	2	2
Lot 39:	Duplex (Type II-A)	11,121	2	2
Lot 40:	Duplex (Type II-A)	12,124	2	2
Lot 41:	Duplex (Type II-A)	12,124	2	2
Lot 42:	Duplex (Type II-A)	13,939	2	2
Lot 43:	Single Family (Type I-A)	11,480	1	1
Lot 44:	Single Family (Type I-A)	10,320	1	1
Lot 45:	Single Family (Type I-A)	10,320	1	1
Lot 46:	Single Family (Type I-A)	10,320	1	1
Lot 47:	Single Family (Type I-A)	10,320	1	1
Lot 48:	Single Family (Type I-A)	10,315	1	1
Lot 49:	Single Family (Type I-A)	10,287	1	1
Lot 50:	Single Family (Type I-A)	11,591	1	1
Lot 51:	Apartment/Condominium (Type IV-A)	107,723	84	84
Lot 52:	Rowhouse/Townhouse (Type III-A)	22,790	6	6
Lot 53:	Rowhouse/Townhouse (Type III-A)	21,014	6	6
Lot 54:	Rowhouse/Townhouse (Type III-A)	29,610	8	8
Lot 55:	Apartment/Condominium (Type IV-A)	29,605	15	24
Lot 56:	Rowhouse/Townhouse (Type III-A)	41,833	14	15
Lot 57:	Apartment/Condominium (Type IV-A)	79,076	40	40
Lot 58:	Mansion (Type VI-A)	12,518	4	4
Lot 59:	Mansion (Type VI-A)	14,306	4	4
Lot 60:	Mansion (Type VI-A)	15,926	4	4
Lot 61:	Mansion (Type VI-A)	13,055	4	4

Preliminary Plat		<u>Permitted Dwelling Units</u>		
<u>Lot Number</u>	<u>Permitted Use (Type)</u>	<u>Lot Area</u>	<u>Min.</u>	<u>Max.</u>
Lot 62:	Duplex (Type II-A)	10,784	2	2

Lot 63:	Duplex (Type II-A)	9,858	2	2
Lot 64:	Apartment/Condominium (Type IV-B)	20,903	6	6
Lot 65:	Apartment/Condominium (Type IV-B)	17,715	6	6
Lot 66:	Apartment/Condominium (Type IV-B)	13,783	4	4
Lot 67:	Duplex (Type II-B)	8,010	2	2
Lot 68:	Duplex (Type II-B)	6,662	2	2
Lot 69:	Duplex (Type II-B)	6,630	2	2
Lot 70:	Mansion (Type VI-B)	11,079	4	4
Lot 71:	Mansion (Type VI-B)	10,124	4	4
Lot 72:	Duplex (Type II-B)	6,495	2	2
Lot 73:	Duplex (Type II-B)	6,516	2	2
Lot 74:	Apartment/Condominium (Type IV-C)	10,761	4	4
Lot 75:	Single Family (Type I-B)	4,408	1	1
Lot 76:	Single Family (Type I-B)	4,408	1	1
Lot 77:	Single Family (Type I-B)	4,408	1	1
Lot 78:	Duplex (Type II-B)	6,612	2	2
Lot 79:	Duplex (Type II-B)	6,612	2	2
Lot 80:	Duplex (Type II-B)	6,612	2	2
Lot 81:	Duplex (Type II-B)	6,612	2	2
Lot 82:	Duplex (Type II-B)	6,589	2	2
Lot 83:	Mansion (Type VI-B)	10,028	4	4
Lot 84:	Mansion (Type VI-A)	11,250	4	4
Lot 85:	Rowhouse/Townhouse (Type III-A)	23,721	7	14
Lot 86:	Mansion (Type VI-A)	13,862	4	4
Lot 87:	Civic/Institutional (Type VIII)	73,846	0	0
Lot 88:	Flex Use	15,320	2	6
Lot 89:	Rowhouse/Townhouse (Type III-A)	42,225	14	24
Lot 90:	Mixed Use (Type V) Residential	216,091	30	42
Lot 91:	Park/Village Green	78,549	0	0
Lot 92:	Flex Use	21,866	4	10
Lot 93:	Plaza (Type IX)	6,470	0	0
Lot 94:	Mixed Use (Type V)	65,545	1	2
Lot 95:	Flex Use	32,726	11	11
Lot 96:	Mixed Use (Type V)	130,440	0	5
	Totals		631	708

2. Accessory uses directly associated with those permitted uses.
3. Accessory units and home occupations are specifically allowed above an attached or detached garage provided they meet the requirements of building and fire codes.

4. Temporary buildings for storage of building materials and equipment for construction purposes when on the same lot as a principle use for a period not to exceed the duration of such construction.

D. Permitted Use Definitions:

1. **Single Family (Type I):** A single-family detached dwelling.
 - a. Lot Area: As shown on the Final Plat of Midtown Commons
 - b. Height Regulations: No building shall exceed 3 stories or 45 feet in height
 - c. Yard Requirements:
 - (1) Type I-A: Front Yard: 4 foot minimum/16 foot maximum
Side Yard: 6 foot minimum
Corner Street Side Yard: 4 foot minimum/16 foot maximum
Rear Yard: 10 minimum
 - (2) Type I-B: Front Yard: 4 foot minimum/16 foot maximum
Side Yard: 5 foot minimum
Corner Street Side Yard: 4 foot minimum/16 foot maximum
Rear Yard: 4 foot minimum
 - d. Site Landscaping: Site Landscaping will be provided as required by the covenants and restrictions.
 - e. Usable Open Space Requirements: Usable open space will be as provided within the required yards.
 - f. Parking & Loading:
 - (1) Type I-A: Garage access may be from the public road at the front of the lot. Garages may be located below the residence (a tuck-under garage) or may be located to the side and set back from the street façade of the residence (a recessed garage).
 - (2) Type I-B: Garage access may be from the private service driveway (Outlot) at the rear of the lot. Parking may be allowed in the required rear yard with a minimum setback from the outlot to the garage or parking space of 4 feet.
 - (3) One parking space per 1000 square feet, or fraction thereof, of residential area is required up to a maximum requirement of two spaces per dwelling unit (including garage and surface parking spaces).
 - g. Family Definition:
The family definition shall coincide with the definition given in M.G.O. 28.03 for the R-2 zoning district.

- h. Signage:
Signage will be allowed as per Chapter 31 of the M.G.O. as compared to the R-2 district.
- 2. **Duplex (Type II):** A two-family dwelling.
 - a. Lot Area: As shown on the Final Plat of Midtown Commons.
 - b. Height Regulations: No building shall exceed 3 stories or 45 feet in height
 - c. Yard Requirements:
 - (1) Type II-A: Front Yard: 4 foot minimum/16 foot maximum
Side Yard: 6 foot minimum
Corner Street Side Yard: 4 foot minimum/16 foot maximum
Rear Yard: 10 foot minimum
 - (2) Type II-B: Front Yard: 4 foot minimum/16 foot maximum
Side Yard: 5 foot minimum
Corner Street Side Yard: 4 foot minimum/16 foot maximum
Rear Yard: 4 foot minimum
 - d. Site Landscaping: Site Landscaping will be provided as required by the covenants and restrictions.
 - e. Usable Open Space Requirements: Usable open space will be as provided in the required yards.
 - f. Parking & Loading:
 - (1) Type II-A: Garage access may be from the public road at the front of the lot. Garages may be located below the residence (a tuck-under garage) or may be located to the side and set back from the street façade of the residence (a recessed garage).
 - (2) Type II-B: Garage access may be from the private service driveway (Outlot) at the rear of the lot. Parking may be allowed in the required rear yard with a minimum setback from the outlot to the garage or parking space of 4 feet.
 - (3) One parking space per 1000 square feet, or fraction thereof, of residential area is required up to a maximum requirement of two spaces per dwelling unit (including garage and surface parking spaces).
 - g. Family Definition: The family definition shall coincide with the definition given in M.G.O. 28.03 for the R-3 zoning district.
 - h. Signage: Signage will be allowed as per Chapter 31 of the M.G.O. as compared to the R-3 district.
- 3. **Rowhouse/Townhouse (Type III):** Multiple-family buildings with side-by-side attached residential units, (ie: townhouses, brownstones, etc.). Multifamily buildings which are designed so that the exterior appearance is that of a rowhouse/townhouse may have units attached vertically (stacked flats).
 - a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.

- b. Height Regulations: No building shall exceed 3 stories or 45' in height.
 - c. Yard Requirements:
 - (1) Type III-A: Front Yard: 4 foot minimum/16 foot maximum
Side Yard: 8 foot minimum
Corner Street Side Yard: 4 foot minimum/16 foot maximum
Rear Yard: 25 foot minimum/10 foot minimum for detached garage/10 minimum along east property line of Lots 85 and 89.
 - (2) Type III-B: Front Yard: 4 foot minimum/16 foot maximum
Side Yard: 8 foot minimum
Corner Street Side Yard: 4 foot minimum/16 foot maximum
Rear Yard: 6 foot minimum
 - d. Site Landscaping: Site Landscaping will be provided as shown on the approved S.I.P. plans.
 - e. Usable Open Space Requirements: Usable open space will be as provided in the required yards.
 - f. Parking & Loading:
 - (1) Type III-A: Garage access may be from the public road at the front or side of the lot. Garages may not face the front of the lot.
 - (2) Type III-B: Garage access may be from the private service driveway (Outlot) at the rear of the lot. Garages shall not face the front of the lot.
 - (3) Off-street and surface parking shall be provided as required in the R-5 zoning district.
 - g. Family Definition: The family definition shall coincide with the definition given in M.G.O. 28.03 for the R- 4 zoning district.
 - h. Signage: Signage will be allowed as per Chapter 31 of the Madison General Ordinances as compared to the R-4 district or signage will be provided as approved on the S.I.P. plans.
4. Apartment/Condominium (Type IV): Any type of multiple-family residential building that is neither Type III (above) or Type VI (below).
- (1) Type IV-A: Large apartment/condominium building with more than eight (8) dwelling units per building.
 - (2) Type IV-B: Small apartment/condominium building with no more than eight (8) dwelling units per building.
 - (3) Type IV-C: Small apartment/condominium building with no more than eight (8) dwelling units per building.
- a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.
 - b. Height Regulations:
 - (1) Type IV-A: No building shall exceed 4 stories or 60' in height.
 - (2) Type IV-B: No building shall exceed 3 stories or 45' in height.
 - (3) Type IV-C: No building shall exceed 3 stories or 45' in height
 - c. Yard Requirements:

- (1) Type IV-A: Front Yard: 4 foot minimum/16 foot maximum
Side Yard: 10 foot minimum
Corner Street Side Yard: 4 foot minimum/16 foot maximum
Rear Yard: Lot 2: 6 foot minimum
Lot 36: 10 foot minimum
Lots 51, 55, 57: 25 foot minimum
 - (2) Type IV-B: Front Yard: 4 foot minimum/16 foot maximum
Side Yard: 10 foot minimum
Corner Street Side Yard: 4 foot minimum/16 foot maximum
Rear Yard: 10 foot minimum
 - (3) Typed IV-C: Front Yard: 4 foot minimum/16 foot maximum
Side Yard: 10 foot minimum
Corner Street Side Yard: 4 foot minimum/16 foot maximum
Rear Yard: 10 foot minimum
- d. Site Landscaping: Site Landscaping will be provided as shown on the approved S.I.P. plans.
- e. Usable Open Space Requirements: Usable open space will be as provided in the required yards.
- f. Parking & Loading:
- (1) Type IV-A: Parking may be in a common parking garage under a building in the basement level with limited available surface parking.
 - (2) Type IV-B: Garage access may be from the road at the front of the lot. Garages may be located below the residence (a tuck-under garage) or may be located to the side and set back from the street façade of the residence (a recessed garage).
 - (3) Type IV-C: Garage access may be from the private service driveway (Outlot) at the rear of the lot.
 - (4) Off-street and surface parking shall be provided as required in the R-5 zoning district.
- g. Family Definition:
The family definition shall coincide with the definition given in M.G.O. 28.03 for the R-5 zoning district.
- h. Signage: Signage will be allowed as per Chapter 31 of the Madison General Ordinances as compared to the R-5 district or signage will be provided as approved on the S.I.P. plans.

5. **Commercial/Mixed Use (Type V)**: Any commercial use or combination of commercial uses with civic and/or residential uses. Uses shall include the permitted and conditional uses in the C-2, O-1 and R-5 zoning districts or other uses defined herein. Commercial use is required on the ground floor of Main Street Commercial Lots.
 - a. **Lot Area**: As shown on the Preliminary Plat of Midtown Commons.
 - b. **Height Regulations**: No building shall be less than 2 stories or 25' in height or greater than 4 stories or 60' in height.
 - c. **Yard Requirements**:
 - Front Yard: 4 foot minimum/10 foot maximum
 - Side Yard: none required
 - Corner Street Side Yard: none required
 - Rear Yard: 8 foot minimum
 - d. **Site Landscaping**: Site landscaping will be provided as shown on the approved S.I.P. plans.
 - e. **Usable Open Space Requirements**: Usable open space will be as provided in the approved SIP plans.
 - f. **Parking & Loading**: Accessory parking and loading will be provided as shown on the approved S.I.P. plans. Off-street parking is required to be behind or beside the buildings. (If beside a street, a wall may be required.)
 - g. **Family Definition**: The family definition shall coincide with the definition given in M.G.O. 28.03 for the R-5 zoning district.
 - h. **Signage**: Signage will be allowed as approved on the S.I.P. plans.

6. **Mansion (Type VI)**: Multiple-Family building containing up to six (6) dwelling units. Mansions with frontage on Mansion Hill Avenue are required to treat the street as the primary street frontage.
 - a. **Lot Area**: As shown on the Preliminary Plat of Midtown Commons.
 - b. **Height Regulations**: No building shall exceed 3 ½ stories or 45' in height.
 - c. **Yard Requirements**:
 - (1) Type VI-A: Front Yard: 8 foot minimum/20 foot maximum
Side Yard: 8 foot minimum
Corner Street Side Yard: 8 foot minimum/16 foot maximum
Rear Yard: 8 foot minimum
 - (2) Type VI-B: Front Yard: 8 foot minimum/20 foot maximum
Side Yard: 8 foot minimum
Corner Street Side Yard: 8 foot minimum/16 foot maximum
Rear Yard: 8 foot minimum
 - d. **Site Landscaping**: Site landscaping will be provided as shown on the approved S.I.P. plans.
 - e. **Usable Open Space Requirements**: Usable open space will be as provided in the required yards.
 - f. **Parking & Loading**:

- (1) Type VI-A: Garage access may be from the road at the front or side of the lot. Garages may not face the front of the lot.
 - (2) Type VI-B: Garage access shall be from the private service driveway (Outlot) at the rear of the lot and may be attached or detached.
 - (3) Off-street and surface parking shall be provided as required in the R-5 zoning district.
 - g. Family Definition: The family definition shall coincide with the definition given in M.G.O. 28.03 for the R-4 zoning district.
 - h. Signage: Signage will be allowed as per Chapter 31 of the Madison General Ordinances as compared to the R-4 district or signage will be provided as approved on the S.I.P. plans.
7. **Flex Use (Type VII)**: A special designation to allow maximum flexibility of function in determining permitted uses. The function of a flex use parcel may be altered in the future to address market conditions in the future. Parcels bearing this designation may be mansion, commercial, mixed use or civic. Parcels 88 and 92 are designated flex-use parcels to allow functional changes from Mansion residential types to become Mansion commercial, mixed-use, or civic types. Parcel 95 is designated a flex-use parcel to allow functional changes from row house to become commercial, mixed-use or live-work.
 - a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.
 - b. Height Regulations: Shall coincide with the height restrictions specified herein for the actual use type specified and as shown in the approved S.I.P. plans.
 - c. Yard Requirements: Yard areas will be provided as shown on the approved S.I.P. plans.
 - d. Site Landscaping: Site landscaping will be provided as shown on the approved S.I.P. plans.
 - e. Usable Open Space Requirements: Usable open space will be as provided in the approved SIP plans.
 - f. Parking & Loading: Accessory parking and loading will be provided as shown on the approved S.I.P. plans.
 - g. Family Definition: Shall coincide with the definition specified herein for the actual use type specified in the approved S.I.P. plans.
 - h. Signage: Signage will be as approved on the S.I.P. plans.
8. **Civic/Institutional (Type VIII)**: Applies to Lot 87, which is reserved for civic or institutional uses. Those uses would include the governmental, educational, institutional and religious uses allowed (permitted use or conditional use) in the C-2 zoning district, **which uses include a daycare center for children**, or other uses defined herein. **Notwithstanding the foregoing, up to fifteen percent (15%) of the finished floor space of any building constructed on Lot 87 can be used for any use allowed (permitted use or conditional use) in the C-1 zoning district, provided, however, that the floor space that may be used for a C-1 use cannot exceed 1200 square feet in total.**
 - a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.
 - b. Height Regulations: No building shall exceed 4 stories or 60' in height.
 - c. Yard Requirements: Yard areas will be provided as shown on the approved S.I.P. plans.

- d. Site Landscaping: Site landscaping will be provided as shown on the approved S.I.P. plans.
 - e. Usable Open Space Requirements: Usable open space will be provided as on approved SIP plans.
 - f. Parking & Loading: Accessory parking and loading will be provided as shown on the approved S.I.P. plans.
 - g. Signage: Signage will be allowed as approved on the S.I.P. plans.
9. **Plaza (Type IX)**: Neighborhood oriented public use with or without buildings or structures which serves as a social, recreational or entertainment space for the neighborhood.
- a. Lot Area: As shown on the Preliminary Plat of Midtown Commons.
 - b. Height Regulations: No building shall exceed 80 feet in height.
 - c. Yard Requirements: Yard areas will be provided as shown on the approved S.I.P. plans.
 - d. Site Landscaping: Site landscaping will be provided as shown on the approved S.I.P. plans.
 - e. Parking & Loading: None required.
 - f. Signage: Signage will be allowed as approved on the S.I.P. plans.
10. **Park/Village Green**: Neighborhood - oriented park for pedestrian access and passive recreation uses.
Lot Area: As shown on the Preliminary Plat of Midtown Commons.
- E. *Restricted Uses***: Uses deemed to have Adverse Impacts on neighboring properties in general, such as excessive noise, vibrations, odor, pollution, or socioeconomic disruption. The architectural control committee shall have the power to determine such adverse impacts.
- F. *Alterations and Revisions***: No alteration or revision of this Planned Unit Development shall be permitted unless approved by the City Planning Commission, however, the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Architectural Review Committee, Director Of Planning and Development and the alderperson of the district and are compatible with the concept approved by the City Planning Commission.
- G. *Architectural review***: No building or foundation permit shall be issued on any lot without written approval of the Architectural Review Committee of Midtown Commons.
- H. *Maintenance of Traffic Measures***: Several streets within the GDP and plat include special traffic islands and traffic calming measures within the public right-of-way. The Midtown Commons Neighborhood Association (Association) shall be responsible, at the Association's sole cost and expense, for the maintenance and upkeep of such physical traffic measures. Such maintenance and upkeep shall be performed at the discretion of the Association except to the extent required by the City of Madison and shall include landscaping. If the landscaping is not maintained, the City will give notice to the Association that it is not being maintained. If the Association does not respond to the notice within 60 days the physical traffic measures will be topped with an asphalt pavement.

The Midtown Commons Neighborhood Association (Association) and persons involved with the maintenance and upkeep of the special traffic measures shall indemnify and hold harmless the City of Madison and its Boards and Commission and their officers, agent and employees from an against all claims, demands, loss of liability of any kind or nature for any possible injury incurred during maintenance and upkeep.

amden\1\zoning text 020507.doc