



Department of Planning & Community & Economic Development
Planning Division

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February 6, 2009

Christopher Thiel
Schriber Anderson Associates
717 John Nolen Drive
Madison, Wisconsin 53713

RE: Approval of a request to amend a previously approved PUD-GDP (Planned Unit Development, General Development Plan) for the western 26.7 acres of the approximately 48-acre The Crossing Planned Unit Development/ Morgan Plat, generally addressed as 4021 Grand Crossing Road (Marcus).

Dear Mr. Thiel:

At its February 3, 2009 meeting, the Common Council **conditionally approved** your client's application to amend the previously approved PUD-GDP (Planned Unit Development, General Development Plan) for the western portion of The Crossing Planned Unit Development. The following conditions of approval shall be satisfied prior to final approval and recording of the amended general development plan:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following twenty-two (22) items:

1. Several public easement conveyances to the City of Madison (ped-bike, sanitary, water) may be required for this development. If Bartell Limited Partnership desires to sell property to Marcus Theatre for their portion of the site, a Certified Survey Map (CSM) would be the optimum vehicle to resolve both the land division and easement conveyance issues. If a CSM is not desired by the applicant, numerous City of Madison Real Estate projects will have to be opened to convey the necessary easements and all related Real Estate fees shall be paid by the owner/applicant.
2. Informational comment: When this project moves forward to final plan approval, the applicant shall coordinate addresses and private street names with Engineering. In accordance with 10.34 MGO – Street Numbers: Submit a PDF of all building floor plans, tenant spaces, etc. to Lori Zenchenko, Engineering Mapping Section (Lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
3. Revise the site plan to correctly identify the existing public and private street names, including but not limited to: Felland Road, Grand Crossing Road, Morgan Way, Joe Pie Lane (PVT), Cap Lily Lane (PVT) and Currant Lane (PVT).
4. Parking lot encroachments shown within the Grand Crossing Road public right-of-way near the intersection with Norman Way shall be removed. Phasing plan, utility plan, fire protection plan, and grading/erosion control plans shall be revised to remove parking lot encroachment in the Grand Crossing right-of-way.

5. The legal description provided on the cover sheet of the plan set shall be revised to represent the overall site limits, or be labeled as simply a partial area description of the overall site for rezone intentions, whichever is the intended purpose of the same.
6. Define any proposed storm and sanitary sewer as public or private. If public, a Developer agreement is required prior to approval. If private, an ownership and maintenance agreement is required prior to approval.
7. The applicant shall dedicate a pedestrian/bike path easement and construct the path from Felland Road where the existing path ends northwesterly to the existing trail along USH 151 as required by the City Engineer and the City Traffic Engineer.
8. The City's sanitary lift station at Nelson Road has a limited remaining capacity. Developer's engineer will be required to submit sanitary flow calculations to determine how many phases of this development are accepted at this time. The City has plans to install a relief sanitary sewer on Felland Road to eliminate this lift station and flow restrictions to potential developments in this area. There are City sewer area fees due for this development (Nelson Road Lift Station and Felland Road Impact Fee) with the amounts due depended on the phasing of the development.
9. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City/ Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
10. The applicant shall construct sidewalk along Nelson Road to a plan approved by the City Engineer.
11. The applicant shall make improvements to Nelson Road as required by the City Engineer and Traffic Engineer.
12. A City-licensed contractor shall perform all work in the public right of way.
13. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
14. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
15. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the Wisconsin Department of Natural Resources is required.
16. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2 & 10-year storm events; control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; provide oil & grease control from the first 1/2" of runoff

from parking areas, and; complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 MGO.

17. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
18. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction, including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. Email file transmissions preferred. Please include the site address in this transmittal. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format.
19. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
20. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
21. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available online at:
<http://www.cityofmadison.com/engineering/permits.cfm>.
22. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Please contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following twenty (20) items:

Note: The City Traffic Engineer's report to the Plan Commission dated November 7, 2008 was amended by the Plan Commission and Common Council to delete several referenced conditions. Conditions 37, 38, 41, and 43 contained in "The Crossing" GDP approval letter dated July 23, 2001 were removed and not included in the approval. The project was approved with the alternative pedestrian and bicycle improvements proposed in Section O (sub sections i.- ix.) of the January 22, 2009 letter from Henry Gempeler (the applicant's attorney) to the Plan Commission. These improvements shall be funded by the developer.

23. The developer shall be responsible for his proportionate share of the costs for incremental transportation and street infrastructure improvements precipitated by the proposed [The Crossing development]. Incremental transportation and street infrastructure improvements are those improvements considered above and beyond now built, sized and/or planned based on the City's adopted Master Plan and which includes neighborhood

development plans. The incremental costs shall be allocated on a proportional basis to those developers/property owners who have precipitated the need for incremental or additional transportation and street infrastructure improvements through their [development].

Incremental transportation and street infrastructure improvements are considered those improvements over and above the transportation and street infrastructure built and planned prior to July 17, 2001. The developer acknowledges that the traffic generated from the proposed development exceeds the traffic anticipated from the adopted neighborhood development plan in existence prior to July 17, 2001.

24. That the [development] shall be constrained and/or scaled to a trip generation of 14,200 trips per day – the level noted in the developer’s [2001] traffic impact study.
25. The Plan Commission shall carefully review and approve future land use proposals and potential changes so as not to create a domino effect of changes to higher trip generation land uses.
26. As raised in the June 2000 report to provide multi-modal linkages to development, the Plan Commission should consider a special arrangement by the developer and/or surrounding uses, such as a Business Improvement District (BID), to provide for limited but tailored transit service to the area. This could involve the subject (Bartell) development, High Crossing area, East Towne area, and the American Center. Currently, there is limited to no transit service to this area. Not providing or having some level of transit service to this area raises questions as to whether the proposed development is adequate in terms of transit accommodations. Traffic Engineering staff recommends further input from the developer and Metro Transit on this issue.
27. The roughly \$4.3M High Crossing interchange special assessment district adopted in 1997 did not include the subject property in its boundaries, but this shall be revised to include [this site] and reflect information regarding the developer’s traffic impact study indications that the proposed land uses may generate 25% of traffic from this direction.
28. The developer shall be responsible for improvements (a-k) listed on page 8 of the July 23, 2001 conditional letter of approval for The Crossing/ Bartell Development, which are attached. Said conditions are intended to accommodate, mitigate and provide for the impacts, needs and services of the proposed development. The final designs shall be determined per the plans and specification of the City Engineer and City Traffic Engineer. Any right of way needed on the subject property for the improvements shall be the responsibility of the developer.
29. The developer shall enter into a developer’s agreement with the City to provide for all of the transportation infrastructure-related items, including the items listed on page 8 of the July 23, 2001 conditional letter of approval.
30. The applicant shall contact the Department of Planning and Community and Economic Development to comply with MGO Sec. 16.23(3)(d) – Highway Noise Land Use Provisions policies and ordinances. The applicant has modified the site plans as approved using the buildings as the noise barrier in the approved model. The Department of Planning and Community and Economic Development will need to determine if the applicant will resubmit the model to comply with MGO Sec. 16.23(3)(d) – Highway Noise Land Use Provisions.
31. The development shall acknowledge their proportionate share of traffic signal assessments. The developer shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City’s special assessment districts for traffic signals.

32. The applicant shall be responsible for securing all proper permits and approvals from any municipality or government unit having jurisdiction with the project. In particular, the applicant shall contact Lisa Stern, Wisconsin Department of Transportation (608-246-5635), with site plans sets for review and approval onto E. Washington Avenue. The applicant shall return a set of site plans or letter with WisDOT-approved copies to the City of Madison Traffic Engineering Division.
33. The applicant shall revise the site plan according to the plat restriction. "Lots 1, 2 and 3 shall provide a 20-foot wide bike/ped easement, the exact location of which is to be determined by the City." The applicant shall note the existing graded bike/ped [path] to Nelson Road as approved.
34. Prior to approval, the applicant shall prepare and provide a master ped-bike plan for the plat that is consistent with the City's area wide plans and the plat's specific provisions, to be reviewed and approved by the Traffic Engineer. The applicant may need to modify the right of way to accommodate the ped-bike plan.
35. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
36. All special design "Street Type Entrance" with a radius of 25 feet at the right of way shall require 1" = 20' detail drawing for stop bars, crosswalks, lane lines and bike lanes to be approved by the City Traffic Engineer. In addition, a note shall be shown on the plan, "ALL PAVEMENT MARKING SHALL BE INSTALLED IN EPOXY AND MAINTIAN BY THE PROPERTY OWNER."
37. The applicant shall install private street name and other signs that comply with MGO 10.34 (3). The applicant shall show a detailed drawing of the signs and installation that comply with MGO. The applicant shall submit sign plans to be included in the PUD-GDP plans.
38. A "Stop" sign shall be installed at a height of seven feet at all driveway approaches and private streets. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan. The signage and marking plan shall be approved by the Traffic Engineering Division.
39. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirements, which states that on a corner lot, no structure, screening or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections on a line joining points on such streets located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
40. The applicant shall design the surface or underground parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas.
41. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.

42. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following seven items:

43. The PUD-GDP zoning text shall include a legal description of the Phase I portion of the project. The suggested zoning text refers to an exhibit A. Provide an exhibit A. The statistics of the Text shall be consistent with the plans and letter of intent.

44. Amend the Family Definition in the zoning text, item J. to read: The family definition shall coincide with the definition given in Chapter 28.03 (2) of the Madison General Ordinances.

45. Provide 72 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.

46. Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect.) Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.)

47. On the commercial portion of the site, lighting is not required. However, if it is provided, it must comply with the attached ordinance. Lighting will be limited to .10 watts per square foot. If lighting will be provided, plans will be required.

48. When the residential portion of the site is developed, lighting plans are required for this portion of the project. Provide a plan showing at least .25 footcandle on any surface of the lot and an average of .75 footcandles. (See attached ordinance)

49. Provide detailed site plan that shows parking area devoted to entertainment facility as well a accessible stalls. Provide setback on site plan.

Please contact Tim Sobota, Metro Transit, at 261-4289 if you have questions about the following item:

Note: Madison Metro's recommended conditions that facilities (concrete pad, waiting shelter with bench, and trash receptacle) be installed prior to the extension of services was deleted by the Plan Commission and Common Council.

50. The developer shall provide a direct path of accessible pedestrian access from the intersection of High Crossing Boulevard and Nelson Road to the entrance of the proposed theater. Such access would require improvements in the portion of the site identified as phase two.

Please contact Dennis Cawley, Madison Water Utility, at 261-9243 if you have any questions regarding the following item:

51. All looped water mains shall be public water mains installed under standard City of Madison subdivision contract. A minimum 20-foot wide public water main easement shall be dedicated over these water mains. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

Please contact my office at 261-9632 if you have questions about the following five items, including the two conditions added by the Plan Commission (conditions #55-56):

52. That the zoning text be revised per Planning Division approval as follows:
- a.) the list of uses shall be revised to note multi-family residential uses as shown on approved specific implementation plans and accessory uses related thereto;
 - b.) signage shall be limited to the maximum permitted in the C2 district as approved by the Urban Design Commission and Zoning Administrator;
 - c.) the family definition shall be revised to follow the R4 family definition.
53. That the amended general development plan be revised per Planning Division approval to include a detailed site plan that clearly identifies each building proposed in the project by either a letter or number that corresponds to a table to be included in both the plan and the final letter of intent, which specifies the minimum and maximum square footage of all building footprints and the minimum and maximum possible gross floor areas and heights of each building. The table shall also identify the general use of each proposed building (retail, office, entertainment, residential, etc.) and include a summary of all square footages proposed. [Note: The Planning Division strongly encourages the inclusion of residential dwelling units on upper floors of the “main street” mixed-use buildings.]
54. That the community separation greenspace outlot (Outlot 1, Morgan Plat) be rezoned to PUD-SIP with the first specific implementation plan submitted under the amended general development plan. The SIP for the greenspace outlot shall include the following:
- a.) a plan to govern the ongoing maintenance of the outlot by its property owner for approval by the Planning Division, Parks Division and City Engineering Division;
 - b.) plans for the final removal of any remaining private structures and improvements on this outlot, including a reuse & recycling plan to be approved by the Recycling Coordinator if determined to be need by the Planning Division.
55. That the seven mixed-use buildings shown on the submitted plans dated November 12, 2008 shall be predominantly two stories in character.
56. That on-street bike lanes shall be a minimum of five feet wide.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final approval of the planned unit development for recording. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

After the plans have been changed as per the above conditions, please file **eight (8) sets** of the revised, complete site plans, building elevations, floor plans and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Marcus Crossing
4021 Grand Crossing Rd.
February 6, 2009
Page 8

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-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.12(10)(e), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 267-8735.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Pat Anderson, Assistant Zoning Administrator
John Leach, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Tim Sobota, Metro Transit

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Division (Parks)	<input checked="" type="checkbox"/>	Engineering – Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coordinator (R&R)
<input type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: