



Department of Planning & Community & Economic Development  
**Planning Division**

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August 8, 2012

Angie Waege  
Ho-Chunk Nation Department of Business  
PO Box 667  
W9814 Airport Road  
Black River Falls, Wisconsin 54615

RE: Approval of a request to rezone 3822-3902 Evan Acres Road from Temp A. (Agriculture District) to C2 (General Commercial District) and a conditional use for an accessory off-site parking lot to serve Ho-Chunk Gaming Madison.

Dear Ms. Waege;

At its August 7, 2012 meeting, the Common Council **approved** your request to rezone 3822-3902 Evan Acres Road from Temp A. to C2 to allow construction of an accessory parking lot for Ho-Chunk Gaming Madison. The Plan Commission **conditionally approved** the related conditional use request on July 23, 2012 subject to approval of the rezoning of the property. The following conditions of approval shall be satisfied prior to final approval of this request and the issuance of permits for new construction:

**Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following nineteen (19) items:**

1. City Engineering staff suggests that the Ho-Chunk Nation Land Records Office request in writing (e-mail notification is sufficient) to Maureen Richards of the City of Madison Assessor's Office ([mrichards@cityofmadison.com](mailto:mrichards@cityofmadison.com)) combination of parcels 0710-261-0302-9 and 0710-261-0303-7. If this is acceptable, combining these parcels would eliminate the need for two parcel listings for this single platted lot.
2. The developer shall be responsible for the reconstruction of half of Evan Acres Road along the frontage of the development including to, but not limited to, new sidewalk, curb and gutter, pavement, storm sewer as necessary, and utility adjustments.
3. The discharge of the new stormwater from this development to the Wisconsin Department of Transportation right of way shall require WisDOT and the Dane County Highway & Transportation Department approvals prior to sign off of the site plans. Provide copies to City Engineering of all permits from both agencies.
4. Provide additional detail for the proposed storm sewer and drainage. The plans submitted show a storm sewer pipe end directly under a proposed sidewalk. Modify the plans accordingly.
5. The construction of this project 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.
6. The applicant shall install public sidewalk along the west side of Evan Acres Road adjacent to this site. The applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City

Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later.

7. The approval of this conditional use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
8. All work in the public right of way shall be performed by a City-licensed contractor.
9. All damage to the pavement on Evan Acres Road adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria.
10. 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.
11. 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.
12. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over one acre of disturbance for stormwater management and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR-216 and NR-151, but a separate permit submittal is now required from the WDNR for this work as well.

As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the DNR, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Please contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.

13. The lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan, and recorded at the Dane County Register of Deeds.
14. 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, 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 MGO Chapter 37.
15. 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.
16. The applicant shall submit, prior to plan signoff, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas;

other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

17. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. 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).
18. 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.
19. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff.

**Please contact Dan McCormick of the Traffic Engineering Division at 267-1969 if you have questions about the following six (6) items:**

20. The applicant should provide a traffic impact study and overall, master plan land use plan for review and approval, including a letter from the Wisconsin Department of Transportation as to the interim intersection improvements planned for the intersection of USH 12/18 and Millpond Rd.
21. TE staff recommend that prior to any City agreements and land use approvals that the IGA and Joint Planning Committee address the impacts of the proposed developments on the intersection of Long Drive/Mill Pond and USH 12/18 with the U.S. Government, FHWA, State of Wisconsin, and WisDOT.
22. Traffic Engineering staff has identified the following with the proposed developments:
  - a.) Currently one local street, minimally improved, with minimum access to USH 12/18 serves today's development.
  - b.) In staff's opinion, the proposed developments will result in future arterial-level traffic demands, congestion and conflicts at the subject intersection.
  - c.) The subject intersection falls under the jurisdiction of the FHWA and WisDOT.
23. 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 2-foot overhang, and a scaled drawing at 1" = 20'.
24. The applicant 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.
25. 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 266-5978 if you have any questions regarding the following five (5) items:**

26. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6.(m) which includes all applicable State accessible requirements, including but not limited to:

- a.) Provide a minimum number of accessible stalls striped per State requirements while combining both parking lots to establish the number. Provide the total number of parking stalls for both sites. A minimum of 1 of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side for the surface parking.
  - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
27. 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 feet of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. All plant materials in islands shall be protected from vehicles by concrete curbs.
28. The site is not accessible by bicycle at this time. The final plans shall show an area dedicated for bike parking once the site is accessible by bicycle.
29. Lighting is required and shall be in accordance with City of MGO Section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line.
30. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31, Sign Codes. Signage permits are issued by the Zoning Office of the Department of Planning and Community & Economic Development.

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

31. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Please contact my office at 261-9632 if you have questions about the following item:**

32. The final site and landscaping plans shall be revised to clearly show the areas of existing vegetation on and adjacent to the subject site, with the areas of existing vegetation on the subject site to remain so noted.

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

**Please now follow the procedures listed below for obtaining permits for your project:**

1. Please revise your plans per the above conditions and submit **eight (8) copies** of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off.
2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/ or building permit approval.
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

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 261-9632.

Sincerely,

Timothy M. Parks  
 Planner

cc: Janet Dailey, City Engineering Division  
 Dan McCormick, Traffic Engineering Division  
 Bill Sullivan, Madison Fire Department  
 Dennis Cawley, Madison Water Utility  
 Pat Anderson, Asst. Zoning Administrator

I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.

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*Signature of Applicant*

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*Signature of Property Owner (If Not Applicant)*

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. 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 type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Rec. Coord. (R&R Plan)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: