



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

[www.cityofmadison.com](http://www.cityofmadison.com)

August 25, 2015

Justin Frahm, ASLA;  
JSD Professional Services, Inc.  
161 Horizon Drive, Ste 101  
Verona, WI, 53593

RE: Approval of a conditional use for a major alteration to a planned multi-use site, and for a planned multi-use site containing more than forty thousand (40,000) square feet of gross floor area and where 25,000 square feet of gross floor area is designed or intended for retail, hotel, or motel use.

Dear Mr. Frahm:

At its August 24, 2015 meeting, the Plan Commission found the standards met and **approved** your request to construct a multi-tenant commercial building at 5235 High Crossing Boulevard. In order to receive final approval of the conditional use, and for any necessary permits to be issued for your project, the following conditions shall be met:

**Please contact my office at 266-5974 if you have any questions regarding the following 2 items:**

1. Final elevations shall include a detailed materials schedule, and shall reflect conditions of approval recommended by the Urban Design Commission.
2. Final plans shall be revised so that the proposed floor plan with patio space is consistent with the site and landscape plans.

**Please contact Brenda Stanley, City Engineering, at 266-4537 if you have any questions regarding the following 16 items:**

3. The existing sanitary sewer located within a public easement near the corner of High Crossing and City View Drive will need to be relocated to accommodate the proposed building as shown on the Conditional Use Application. This work will require a developer's agreement. The new sanitary sewer will be relocated into the High Crossing Blvd public right of way.
4. Portion(s) of a public utility easement and all of a sanitary sewer easement are to be released per the site plan. The easements shall be released by separate documents prepared by City Office of Real Estate Services. Applicant must prepare metes and bounds legal descriptions and scale map exhibits for the portions to be released and provide to Engineering Land Records Coordinator Jeff Quamme for review. Upon approval of the exhibits and payment of the required \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds. The releases are required to be completed and recorded prior to recording of the pending CSM. Acknowledgement of the release and document number shall be noted on the face of the pending CSM.

5. The address of the proposed building is 5251 High Crossing Blvd. Individual addresses will be assigned when the addressing plan PDF is created.
6. The joint Easement and Maintenance Agreement per Doc No. 2542988 shall be modified as needed due to the modifications of the easement area that are planned. This amendment shall be recorded and referenced on the face of the pending Certified Survey Map.
7. The original CSM indicates that there is to be a mutual agreement between the lots within this total development. A current recorded easement has not been provided. An easement/agreement shall be drafted and recorded addressing access and parking between all of the lots prior to building permit issuance.
8. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
9. The proposed lots within this development are dependent on each other for overland and subsurface stormwater drainage. A private Storm Sewer/Drainage Easement/Agreement for all lots within this development shall be drafted, executed and recorded prior to building permit issuance.
10. Submit a PDF floor plan to Lori Zenchenko (Lzenchenko@cityofmadison.com); so that a preliminary tenant space addressing plan can be developed prior to plans being submitted for permit review. 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.
11. 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 (MGO 16.23(9)c).
12. The approval of this Conditional Use or PUD 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 (MGO 16.23(9)(d)(6)).
13. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
14. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system (POLICY).

15. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
16. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan (POLICY).
17. 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, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
  - b) Internal walkway areas
  - c) Internal site parking areas
  - d) Lot lines and right-of-way lines
  - e) Street names
  - f) Stormwater Management Facilities
  - g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans)
18. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's/Subdivision Contract. Contact Janet Schmidt (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).

**Please contact Eric Halvorson, Traffic Engineering, at 266-6527 if you have any questions regarding the following 4 items:**

19. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
20. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
21. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
22. All parking facility design shall conform to MGO standards, as set in section 10.08(6)

**Please contact Kay Rutledge, Parks Division at 266-4714 if you have any questions regarding the following 2 items:**

23. Existing street tree shall be protected. Please include the following note on the site plan:  
Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of *City of Madison Standard Specifications for Public Works Construction* -  
<http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.
24. Please reference ID# 15138 when contacting the Parks Division about this project.

**Please contact Dennis Cawley, Water Utility at 266-4651 if you have any questions regarding the following item:**

25. 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 Jenny Kirchgatter, Assistant Zoning Administrator at 266-4429 if you have any questions regarding the following 12 items.**

26. This project is designed as a planned multi-use site. Pursuant to section 28.137(2)(a) A planned multi-use site, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
27. Submit an overall site plan showing the entire planned multi-use site including the property to the south at 5201 High Crossing Blvd.
28. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
29. Provide the lot coverage calculation as defined in section 28.211 with the final plan set. The maximum lot coverage is 85%.
30. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
31. Submit the landscape plan stamped by the registered landscape architect with the final plan submittal. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
32. Install a landscape island with the west row of parking stalls. A planting island shall be located at least every twelve (12) contiguous stalls where there is no break.
33. The trash enclosure area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure screening.

34. The number of bicycle parking stalls proposed (6) is adequate for general retail and service business uses. The number of required bicycle parking stalls will be re-evaluated as the individual tenant spaces are filled. Provide a detail of the model of bike rack to be installed.
35. An outdoor patio is identified on the site plan at the north end of the building. An outdoor eating area associated with a food and beverage establishment is a permitted use in the Commercial Center district. The outdoor patio shall meet the applicable supplement requirements of Section 28.151. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Building Inspection Plan Reviewer Mike VanErem at 266-4559 to help facilitate this process.
36. Submit a rooftop plan showing the location of any rooftop mechanical equipment. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Section 28.060(2)(f). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
37. Provide details showing that the primary street façade meets the door and window opening requirements of section 28.060(2)(d). Note that at least fifty percent (50%) of windows on the primary street façade shall have the lower sill within three (3) feet of grade.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No building permits shall be issued until the applicant has met all of the conditions of approval stated in this letter.**

**Please now follow the procedures listed below for obtaining your conditional use permit:**

1. Please revise your plans per the above conditions and submit ten (10) 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. The final site plan shall be accompanied by the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. This submittal shall all also include one complete digital plan set in PDF format. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting 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.

If you have any questions regarding obtaining the conditional use approval, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 266-5974.

Sincerely,

Heather Stouder, AICP  
Planner

cc: Matt Tucker, Zoning Administrator  
Brenda Stanley, City Engineering  
Jeff Quamme, Engineering Mapping  
Eric Halvorson, Traffic Engineering  
Bill Sullivan, Fire Department  
Kay Rutledge, Parks Division  
Al Martin, Urban Design Commission

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

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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. (H. Stouder)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" 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 Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Real Estate