



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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June 20, 2019

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Approval of a request to rezone a portion of 2801 Hickory Ridge Road from SR-V2 (Suburban Residential–Varied 2 District) to TR-C1 (Traditional Residential–Consistent 1 District); approval of a conditional use–residential building complex to allow construction of 202 multi-family units in eight buildings on land addressed as 7801 Raymond Road; and consideration of a conditional uses in the SR-V2 district for an accessory management office and outdoor recreation to allow a pool for the complex; and approval of the preliminary plat and final plat of *Esker*, creating four single-family lots along Hickory Ridge Road in TR-C1 zoning and three lots in SR-V2 zoning for the residential building complex (TR McKenzie, Inc./ Esker Apartments, LLC). [ID 55535, 55180, and 55429; LNDUSE-2019-00031 and LNDSP-2019-00006]

Gentlemen;

At its June 18, 2019 meeting, the Common Council **approved** the zoning map amendment and preliminary and final plat of “Esker.” The Plan Commission **approved** the conditional use–residential building complex at its May 20, 2019 meeting. Approval of the subdivision and conditional use is subject to the conditions in the following sections, which shall be addressed prior to final approval and recording of the final plat and issuance of building permits for the new multi-family buildings.

**Please contact Tim Troester of the City Engineering Division at 267-1995 if you have questions regarding the following twenty-two (22) items:**

1. The applicant shall have private sanitary sewer easement and a recorded ownership/maintenance agreement for the private sanitary sewer that provides sewer service to this development.
2. This development is required to provide detention for the 1-, 2-, 10- and 100-year events, provide infiltration, TSS and oil and grease control, all in accord with MGO Chapter 37. The single-family lots are not exempt from this requirement but their requirements could be addressed on the commercial lot if the developer so chooses.

3. This development is in the Upper Badger Mill Impact Fee area; fees are due prior to issuance of building permits.
4. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted “unplatted lands” if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.
5. A minimum of two (2) working days prior to requesting City Engineering signoff on the final plat, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
6. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151. However a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement..
7. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record

shall be provided using the state plane coordinate system–NAD 27. Note: It is required that this plan shall be stamped by and Registered Land Surveyor.

The following note shall accompany the master stormwater drainage plan: “For purposes of this plan, it is assumed that grading shall be a straight-line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows. No building permits shall be issued prior to the City Engineering Division’s approval of this plan.”

8. The following notes shall be included on the final plat (MGO: 16.23(9)(d)2. (a. & b.): A) All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes, without the approval of the City Engineer at the time of site plan review. Fences may be placed in the easement only if they do not impede the anticipated flow of water. NOTE: In the event of a City of Madison Plan Commission- and/or Common Council-approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision. B) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved stormwater drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances. Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.
9. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering 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. Note: Obtaining a developer’s agreement generally takes approximately 4-6 weeks, minimum.
10. The approval of this project 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.
11. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street.

12. The applicant shall construct sidewalk along S. High Point Road according to a plan approved by the City Engineer.
13. Provide private Easements or Outlots on the plat to accommodate the now United States Postal Service (USPS) required centralized delivery of mail using Cluster Box Units (CBUs). Applicant shall coordinate with the USPS Development Coordinator and City Engineering and Traffic Staff the required locations for the CBUs. CBUs serving this plat will not be permitted within any publicly owned or dedicated lands. If the Developer is not able to determine the final locations prior to recording the final plat, the final placement of the CBUs shall be determined and all documents recorded for the placement of the CBUs (after City review and approval) prior to construction of each phase. A recorded CBU owner's agreement shall be required prior to execution of the development agreement and prior to final sign-off of the plat.
14. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
15. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
16. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with MGO Chapter 37 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.
17. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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 5.0 tons per acre per year.
18. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14-inch paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Daniel Olivares (east) at [DAOlivares@cityofmadison.com](mailto:DAOlivares@cityofmadison.com) final document and fee should be submitted to City.

19. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 24-hour, 100-year design storm. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin PE that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin PE or licensed Plumber that show this requirement has been met.
20. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
21. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM .DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc., and; d) 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.
22. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; and k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

**Please contact Jeff Quamme of the City Engineering Division—Mapping Section at 266-4097 if you have any questions regarding the following sixteen (16) items:**

23. The applicant shall dedicate right of way for S. High Point Rd to allow for a 14-foot terrace behind the existing face of curb (1-foot behind sidewalk, 5-foot sidewalk, 7.5-foot grass terrace, and 0.5-foot curb head).
24. With the required dedication along S. High Point Road, applicant shall coordinate with Jeff Quamme the release of the 40-foot wide public pedestrian and drainage easement along the southeasterly side of the site adjacent to S. High Point Road. This shall be completed prior to the final sign off of the final plat.
25. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, shared private utilities, common areas and storm management that are necessary to accomplish the site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the recording of this plat and prior to issuance of any building permit within any of the lots within this plat.

26. A note shall be added to the Access Easement shown on the plat defining the beneficiaries of the easement and to see a separately recorded easement document setting forth uses, restrictions and maintenance responsibilities within the easement area.
27. Add a City of Madison Plan Commission certificate to the plat.
28. A note shall be added that this plat is subject to Declaration of Conditions and Covenants per Document Nos. 4109867, 4109868 and 4323131.
29. A note shall be added that this plat is subject to Notice of Potential Use per Document No. 4622523.
30. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The developer's surveyor and/or applicant must submit copies of required tie sheets or monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com ). If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office and shall be attached to a signed and sealed monument condition report.
31. A note shall be added under the required dedication, "Dedicated to the Public" as required by Wis. Stats. Section 236.20(4)(b).
32. The final plat 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 the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
33. Remove Note 2 under the notes from Glacier Valley. The new drainage note per note 10 releases the previous easement areas and grants new drainage easements.
34. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & 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).

\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic

data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.

35. Prior to Engineering final sign-off by main office for plats, the final Plat must be submitted to Engineering Division Surveyor/Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the **final** plat in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.
36. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, shared utilities, common areas and storm management that are necessary to accomplish the site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the pending plat of Esker recording and prior to building permit issuance.
37. Provide a list of proposed private street names to Lori Zenchenko (LZenchenko@cityofmadison.com) for review and approval. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
38. Submit a floorplan for each separate building in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floorplan for each floor on a separate sheet for the development of a complete building and interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the submittal of the final Site Plan Approval application with Zoning. The approved Addressing Plan shall be included in the final application. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Addressing Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

**Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following twelve (12) items, including condition #50, which was added by the Plan Commission on May 20, 2019:**

39. The applicant shall be financially responsible for the installation of street lighting on S. High Point Road and Raymond Road. The applicant shall post a deposit for all related conduits, electrical handholes, and street light bases associated with street light installation.
40. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off of the final plat.
41. 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; vision triangles; 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.

42. 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.
43. 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.
44. All parking facility design shall conform to the standards in MGO Section 10.08(6).
45. All bicycle parking adjacent pedestrian walkways shall have a two- (2) foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
46. All pedestrian walkways adjacent parking stalls shall be seven (7) feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
47. Per Section MGO Section 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
48. The applicant shall provide a clearly defined five- (5) foot walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
49. The applicant shall construct sidewalk along S. High Point Road as required by the City Engineer.
50. That a deposit for pedestrian safety be provided by the developer if a school bus stop is located adjacent to the site.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following six (6) items:**

51. Identify qualifying usable open space areas and show the minimum dimensions. A minimum of 101,000 sq. ft. of useable open space is required for the residential building complex. Usable open space shall be at ground level in a compact area of not less than 200 square feet, with no dimension less than 8feet and no slope grade greater than 10%. Usable open space shall be outside of a required front or corner side yard, as extended to the rear lot line. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet and pervious pavement may be included as usable open space.



52. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). The access aisle must extend the entire length of the angled accessible stalls. Show the required signage at the head of the stalls.
53. The future pool area will require an alteration to the approved conditional use review prior to construction.
54. Submit detailed floorplans for the eight proposed multi-family buildings. Include the loft floorplans for Buildings 1, 6, 7, and 8.
55. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
56. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following two (2) items:**

57. The private eight-inch water main appears to be connected to the public water system at both Raymond Road and S. High Point Road., which is not permitted. Revise the private water main configuration so that any private main line does not interconnect with the public water system at more than one location. The Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.
58. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website, otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size and obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.

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

59. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition.

An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

**Please contact Sarah Lerner of the Parks Division at 261-4281 if you have any questions regarding the following four (4) items:**

60. A 40-foot planting strip shall be provided in the south and east sides of existing Lot 11 of Glacier Valley to comply with the November 18, 2003 conditional approval of the final plat.
61. Park-Infrastructure Impact Fee, per MGO Sec. 20.08(2), will be required for all new residential development associated with this subdivision. The applicant may enter into a development agreement for the park infrastructure improvements in lieu of paying Park impact fees. This development is within the West Park-Infrastructure Impact Fee district. The developer must select a method for payment of park impact fees prior to signoff of the final plat. Please reference ID# 05118.1 when contacting Parks Division staff about this project.
62. Prior to sign off on the final plat the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the Park Impact Fees for this development. This document will be recorded at the Register of Deeds. The applicant shall be responsible for all recording fees.
63. The following note should be included on the subdivision: “Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued.”

**Please contact Brad Hoffman of the Parks Division–Forestry Section at 267-4908 if you have any questions regarding the following three (3) items:**

64. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.
65. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
66. Existing street trees 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 prior to the start of construction. Tree protection specifications can be found in Section 107.13 of the *City of Madison Standard Specifications for Public Works Construction*. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour waiting period before a tree removal permit can be issued by Forestry,= to notify the Alder of the change in the tree plan.

**Please contact my office at 261-9632 if you have any questions regarding the following three (3) items added by the Plan Commission at its May 20, 2019 meeting:**

67. That the applicant minimize tree removal.
68. That the applicant work with staff to located bike parking in Buildings 1, 6, 7, and 8 closer to the elevators and entrances.
69. That the applicant work with staff to add bollards to protect the bike parking located in the underground garages of Buildings 1, 6, 7, and 8.

**Please contact Janine Glaeser of the Urban Design Commission at 267-8740 if you have any questions regarding the following five (5) items, which shall be addressed during the final review of your project by the commission:**

70. Simplify the corner on Building 7, including the roofing material when requesting final approval.
71. Replace the stone mulch with bark mulch.
72. [Amend the landscaping plan to increase diversity of plantings, including introducing perennials and ornamental grasses into the mix.]
73. Bring samples of the brick originally proposed for the building when requesting final approval.
74. Provide additional renderings covering more of the site when requesting final approval.

**Please contact Andy Miller of the Office of Real Estate Services at 261-9983 if you have any questions regarding the following nine (9) items:**

75. Prior to final plat approval sign-off, the Owner's Certificate(s) on the Final Plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificates shall be prepared with the ownership interests consistent with the most recent title report. The executed original hard stock recordable plat shall be presented at the time of plat approval sign-off.
76. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to plat approval sign-off. If mortgages of record are paid off prior to plat approval, a copy of the recorded satisfaction for said mortgage shall be provided prior to sign-off.
77. An Environmental Site Assessment is required for all dedication areas on the plat. Please provide this material to Brynn Bemis in the City Engineering Division for review ([bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)).
78. The final plat shall include all of the necessary certificates and signature blocks for the City of Madison Common Council, Dane County Register of Deeds, City Treasurer, and Dane County Treasurer.

79. As of May 8, 2019, there are no special assessments reported for the parcel within the plat boundary and the 2018 property taxes are paid. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for all parcels within the plat boundary prior to recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts are to be provided on or before sign-off; checks are payable to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701. Real estate taxes for 2018 are paid for the subject property, and there are special assessments reported for the parcel within the plat boundary.
80. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Andy Miller in the City's Office of Real Estate Services ([acmiller@cityofmadison.com](mailto:acmiller@cityofmadison.com)) as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (March 12, 2019) and the date when sign-off approval is requested. A title commitment may be provided, but will only be considered as supplementary information to the title report update. The surveyor shall update the plat with the most recent information available in the title report update.
81. The following revisions shall be made on the final plat prior to final approval and recording:
- a.) Accurately reflect the contents of the title report in the proposed plat.
  - b.) Depict, name, and identify by document number on the proposed plat all existing easements cited in record title.
  - c.) Add a note related to Document Nos. 4109867, 4109868 and 4323131.
  - d.) Add a note related to Document No. 4622523.
  - e.) If the lands within the Plat boundary are farmed agricultural lands, the applicant shall enter into a lease with the City for those lands to be dedicated and/or conveyed to the City through Plat recording. Please contact Heidi Fischer at 264-9297 to discuss the potential lease terms. Said leases are authorized by Resolution File ID 29183, Resolution 13-00247, adopted April 16, 2013.
  - f.) Include the following sentence with the dedicated utility easements depiction in the Legend: "Utility Easements as herein set forth are for the use of public bodies, as well as private utilities having the right to serve the area."
  - g.) Coordinate with City Engineering and the USPS to accommodate the USPS-required centralized delivery of mail using Cluster Box Units (CBUs).

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

Any appeal regarding the plat, including the conditions of approval related thereto, must be filed with the Circuit Court within thirty (30) days from the date of this letter. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

After the conditional use plans have been revised per the above conditions, please file **eight (8) sets** of complete, fully dimensioned, and to-scale plans, 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 017, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. **This**

**submittal shall all also include one (1) complete digital plan set in PDF format.** The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.

No alteration of the conditional use shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void two (2) years 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 (6) months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to twelve (12) months from the expiration date. The Plan Commission shall retain jurisdiction over the conditional use for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Tim Troester, City Engineering Division  
John Sapp, City Engineering Division  
Jeff Quamme, City Engineering Division – Mapping Section  
Sean Malloy, Traffic Engineering Division  
Jenny Kirchgatter, Asst. Zoning Administrator  
Sarah Lerner, Parks Division  
Bill Sullivan, Madison Fire Department  
Adam Wiederhoeft, Madison Water Utility  
Andrew Miller, Office of Real Estate Services