



PREPARED FOR THE PLAN COMMISSION

Project Address: 5401 Eastpark Boulevard
Application Type: Certified Survey Map (CSM) Referral
Legistar File ID # [53524](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: American Family Mutual Insurance Co., 6000 American Parkway; Madison; Jane Grabowski-Miller, representative.

Surveyor: Jason Lietha, Ruekert & Mielke, Inc.; 4001 Nakoosa Trail, Suite 200; Madison.

Requested Action: Consideration of a Certified Survey Map (CSM) of property at 5401 Eastpark Boulevard to create one lot for future employment and one outlot for stormwater management, and authorizing the Planning Division to submit a request to the Capital Area Regional Plan Commission to revise the environmental corridor to reflect the proposed land division.

Proposal Summary: American Family is requesting approval to divide Outlot 7 of The American Center plat to create a developable lot on the northerly half of the property adjacent to the intersection of Eastpark Boulevard and American Parkway, and a reconfigured outlot for stormwater management and drainageway adjacent to East Terrace Drive. The applicant wishes to record the CSM as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions.

Review Required By: Plan Commission. A resolution of the Common Council is required to approve the land division and any related dedications, and authorizing the submittal of a request to the Capital Area Regional Plan Commission to revise the environmental corridor.

Review Schedule: The State’s subdivision statute, Wis. Stats. Chapter 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless a written extension is granted by the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was submitted to the City on October 3, 2018. Therefore, the 90-day review period for this CSM will end circa January 3, 2019.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards for land divisions met with this request and **approve** a Certified Survey Map of property located at 5401 Eastpark Boulevard subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: An approximately 4.7-acre parcel located in the southeasterly quadrant of Eastpark Boulevard and American Parkway; Aldermanic District 17 (Baldeh); Sun Prairie Area School District.

Existing Conditions and Land Use: An undeveloped stormwater management outlot, zoned SEC (Suburban Employment Center District).

Surrounding Land Uses and Zoning:

North: Office buildings, zoned SEC (Suburban Employment Center District);

South: UW Health/Group Health Cooperative East Clinic, zoned SEC;

West: Office buildings, zoned SEC;

East: American Parkway and US Highway 151.

Adopted Land Use Plans: The Rattman Neighborhood Development Plan (1992) recommends the subject site and the portion of the American Center west of American Parkway be developed with office uses. The 2018 Comprehensive Plan recommends the subject site and the American Center located west of American Parkway for Employment uses.

Zoning Summary: The property is zoned SEC (Suburban Employment Center District):

Requirements	Required	Proposed	
Lot Area	One acre	Proposed lot will comply	
Lot Width	100'	All proposed lots will comply	
Front Yard	25'	The bulk requirements to the left will be applied to Lot 1 at the time of building permit issuance.	
Side Yards	Greater of 15' or 20% building height		
Rear Yard	Greater of 30' or 45% of bldg. height		
Maximum Lot Coverage	75%		
Maximum Building Coverage	50%		
Maximum Floor Area Ratio	1.0		
Minimum Height	22'		
Building Form	To be determined		
Other Critical Zoning Items			
Yes:	Barrier Free, Utility Easements		
No:	Landmarks, Urban Design, Wellhead Protection, Waterfront Development, Floodplain		
<i>Prepared by: Jenny Kirchgatter, Asst. Zoning Administrator and Tim Parks, Planning Division</i>			

Environmental Corridor Status: The subject site is crossed by a navigable intermittent stream and was designated as environmental corridor at the time the plat was recorded in 1993. Approval by the Capital Area Regional Planning Commission of an amendment to the mapped corridor to reflect the proposed land division and relocation of the stream onto the proposed outlot will be required prior to recording of the CSM.

Public Utilities and Services: The property is served by a full range of urban services, including seven-day Metro Transit service along Eastpark Boulevard, East Terrace Drive and American Parkway.

Project Description

The applicant, American Family Mutual Insurance Co., is requesting approval of a Certified Survey Map (CSM) to create an additional developable lot from Outlot 7 of the initial final plat of The American Center recorded in 1993.

Outlot 7 is an undeveloped 4.7-acre parcel located in the southeasterly quadrant of Eastpark Boulevard and American Parkway at the southerly entrance to the larger American Center development from US Highway 151 and Nelson Road. The parcel also includes approximately 160 feet of frontage along East Terrace Drive. The outlot is used as a privately owned open space parcel and is configured as a basin with between 10-20 feet of slope along the edges and a channel that drains from east to west across the site. The outlot includes a greenway easement for stormwater detention/retention and environmental corridor granted to the City on the face of the American Center plat. The entire parcel is mapped as environmental corridor and the waterway is classified by the Wisconsin Department of Natural Resources (WDNR) as a navigable stream; however, no wetlands or floodplain are identified on the property.

The CSM proposes to create a 2.75-acre lot for future development from the northern half of the property. The overall parcel is zoned SEC and would be developed pursuant to the bulk requirements of that district. The remainder of the site would be platted as a smaller outlot along the southern edge of the property, which will contain a smaller, redesigned channel to convey stormwater through the site. The waterway is under the jurisdiction of the WDNR and United States Army Corps of Engineers (USACOE), and the approval of those organizations is required prior to final approval and recording of the proposed land division. Because the existing outlot is designated as environmental corridor, approval an amendment to the corridor map by the Capital Area Regional Planning Commission is also required before the CSM may be recorded.

The CSM includes detailed information on the existing and proposed conditions for reference; see sheets 3 and 4 of the CSM, respectively.

Analysis and Conclusion

The Planning Division generally believes that the proposed land division to create an additional lot can meet the standards for approval subject to the conditions in the "Recommendations" section of this report. Provided that the applicant can obtain the necessary permits from the WDNR and USACOE to modify the waterway that extends through the center of the site, staff does not object to the creation of a lot for future development on the northern roughly half of the property. The site is recommended for employment and office uses in the Comprehensive Plan and Rattman Neighborhood Development Plan, respectively (distinct from land use recommendations for drainage and open space), and the proposed lot appears to meet the minimum lot width and area requirements of the existing SEC zoning of the property.

However, due to the location of the proposed lot at the intersection of American Parkway and Eastpark Boulevard, Lot 1 will be subject to significant access restrictions. The Planning Division and Traffic Engineering Division are recommending that no access be granted to American Parkway for Lot 1, and that access to Eastpark Boulevard be limited to only the southwestern-most approximately 45 feet of the lot.

Finally, if approved, the CSM shall not be recorded until an amendment to the environmental corridor map is approved by the Capital Area Regional Planning Commission (CARPC) to take proposed Lot 1 out of the corridor. By CARPC rule, the amendment request shall be made by the City and not by the subdivider, although the subdivider will be required to reimburse any City expenses for submitting the request. In order to submit the request, the applicant shall provide the City with any permits and supporting information required by the WDNR and USACOE to relocate the waterway. If approved, the applicant shall be bound by any conditions of the CARPC amendment, including designating any required setbacks from the relocated waterway on the final CSM.

Recommendation

The Planning Division recommends that the Plan Commission find the standards met and **approve** a Certified Survey Map of property located at 5401 Eastpark Boulevard, subject to input at the hearing and the following conditions:

Planning Division (Contact Timothy M. Parks, 261-9632)

1. Access to Lot 1 shall be restricted for the entirety of the American Parkway frontage. This “No Vehicular Access” restriction be shown graphically and included in the notes on the final CSM.
2. Access to Lot 1 shall be restricted for the entirety of the curve (C3) along the Eastpark Boulevard frontage (effectively limiting access to the lot to the 47.44-foot long section of the Eastpark frontage at the southwesterly corner of Lot 1). This “No Vehicular Access” restriction be shown graphically and included in the notes on the final CSM.
3. An amendment to the Environmental Corridor Map approved by the Capital Area Regional Planning Commission (CARPC) to take proposed Lot 1 out of the corridor is required prior to final approval of the CSM for recording. The amendment request shall be made by the City by CARPC rule and not by the subdivider; however, the subdivider is required to reimburse the City’s expenses for submitting that request. In order to submit the request, the applicant shall provide any permits required by the Wisconsin Department of Natural Resources (WDNR) and United States Army Corps of Engineers (USACOE) to relocate the channel (and supporting information). Further, the applicant shall be bound by any conditions of the CARPC amendment, including designating any required setbacks from the relocated waterway on the final CSM. The CSM will not be approved for recording until all of the conditions of the CARPC approval have been met.
4. The final CSM shall include a note stating the use and ownership of proposed Outlot 1.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

City Engineering Division (Contact Brenda Stanley, 261-9127)

5. No lot created by this CSM shall be available for building until a development agreement is signed and approved by the City of Madison to move the storm sewer conveyance channel onto Outlot 1. This will require a full public works improvement project.
6. This site has a navigable waterway. The applicant is made aware that both Wisconsin Department of Natural Resources (WDNR) and United States Army Corps of Engineers (USACOE) permits are required for the work required to relocate the channel. Obtaining those permits is the responsibility of the developer and no work shall be allowed until those permits allowing the work are provided to City Engineering.
7. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering sign-off.

8. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM 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).
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 applicant shall construct sidewalk along Eastpark Boulevard according to a plan approved by the City Engineer.

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

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| <p>11. The portion of the Environmental Corridor/Greenway Easement for Stormwater Detention/ Retention within proposed Lot 1 shall be released by separate document prepared by City Office of Real Estate Services. The applicant shall prepare metes and bounds legal descriptions and scale map exhibits for the portions to be released and provide a \$500 administrative fee to Jeff Quamme for review (266-4097) (jrquamme@cityofmadison.com). This easement release will require an Urban Service Area Amendment by CARPC prior to final execution and recording by the City. This release shall be completed prior to final sign off of the CSM. Acknowledgement of the release and document number shall be noted on the face of the CSM.</p> |
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12. The note for the Easement per Document No. 3645618 shall be revised to be a "15' Wide Private Utility Easement per Document No. 3645618 as corrected by Document No. 3645618". Also, dimension the corner that intrudes into Outlot 1.
 13. Revise the label for the Easement for Document No. 5271471: it is a Permanent Limited Easement for Public Sidewalk and Bus Pad Purposes.
 14. Add a note on Outlot 1 that it is subject to an Environmental Corridor / Greenway Easement for Stormwater Detention / Retention per The American Center Plat, Document No. 2514291.
 15. Add dimensioning to the Public Water Main Easement to locate it where it is not centered on the property line. Also, indicate that it is a public water main easement.
 16. De-clutter the proposed conditions site plan by removing any existing conditions to be relocated.
 17. The bearing of the east line of the NE 1/4 of Section 22 varies from the bearing of record per City control by approximately 6 minutes. The surveyor shall check computations and also provide coordinates for the E 1/4 corner of Section 22.
 18. Records indicate the monument at the NE Corner of Section 22 is a 1 1/4" Rebar. Surveyor shall confirm the monument type that exists.

19. Label the centerlines of the right of ways. Also, label the location where the Eastpark Boulevard right of way becomes a consistent 120 feet wide.
20. Fix overlapping text near the southerly corner of the CSM on sheet 2.
21. The third line of the legal description Outlot reference shall be changed to Outlot 7. Also, curves 4 and 5 have been mistakenly merged into one course at the end of the description and needs to be corrected.
22. Per the title report, the owner of the lands within this CSM is The American Center Owner's Association. This shall be corrected or evidence of another conveyance shall be provided.
23. Any additional area necessary for the bus pullout required by Madison Metro shall be dedicated as public right of way on the face of the Certified Survey Map.
24. This pending Certified Survey Map application 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.
25. 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 condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme (jrquamme@cityofmadison.com), City Engineering. 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. The Applicant shall identify monument types on all PLS corners included on the Plat. Note: Land tie to two PLS corners required.
26. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject CSM, one (1) digital CADD drawing and one (1) signed copy of the final CSM 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 from the required 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.

27. Access to Lot 1 shall be restricted for the entirety of the American Parkway frontage and shall be noted on the CSM.
28. Access to Lot 1 shall be restricted for the entirety of the curve on the Eastpark Boulevard frontage and shall be noted on the CSM.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

This agency submitted a response with no comments or conditions for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a response with no comments or conditions for this request.

Parks Division (Contact Kathleen Kane, 261-9171)

This agency submitted a response with no comments or conditions for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

29. In order to effectively serve the proposed development on Lot 1, the applicant shall either dedicate any necessary land or convey appropriate easements and construct a bus pullout lane and associated passenger accessibility facilities in public right-of-way or public easement area on the west side of American Parkway, south of Eastpark Boulevard, which would accommodate the existing transit stop at this location. A draft concept of the potential orientation and dimensions of the bus pullout lane is attached to this review record.
30. In order to provide effective pedestrian access between the proposed development on Lot 1 and this existing transit stop location, the applicant shall construct public sidewalk along the full length of the south side of Eastpark Boulevard, between the existing pedestrian facilities on the northeast corner of East Terrace Drive and Eastpark Boulevard and at the southwest corner of American Parkway and Eastpark Boulevard. The applicant shall include these public improvements and any associated dedications or easements on the final documents filed with their permit application, so that Metro Transit may review these designs as part of the City approval process.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

This agency submitted a response with no comments or conditions for this request.

Office of Real Estate Services (Heidi Radlinger, 266-6558)

31. Signature block certifications shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). The executed original hard stock recordable CSM shall be presented at the time of sign-off.
32. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest, please include a Certificate of Consent for the option holder.
33. The Secretary of the Plan Commission is Natalie Erdman.

34. There are no real estate taxes for the subject property. As of the date of this letter there are no special assessments reported. If special assessments are levied against the property prior to CSM sign-off, they shall be paid in full pursuant to MGO Section 16.23(5)(g)1.
35. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services (hradlinger@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (September 14, 2018) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update.
36. The owner shall email the document number of the recorded CSM to Heidi Radlinger at the City's Office of Real Estate Services as soon as the recording information is available.
37. The CSM shall be revised to label the 24-foot easement on Sheet 2 prior to final approval and recording.