



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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**\*\*BY E-MAIL ONLY\*\***

December 8, 2023

Brett Karns & Kevin Yeska  
JSD Professional Services, Inc.  
507 W Verona Avenue  
Verona, Wisconsin 53593

RE: Consideration of a request to rezone 7501-7625 Luds Lane and 8603-8901 and 8902 Femrite Drive from Temporary A (Agricultural District) to SE (Suburban Employment District) and [Permanent] A zoning; and consideration of a Certified Survey Map (CSM) of 8603-8901 Femrite Drive to create one lot in SE zoning and one lot/outlot in A zoning (Dane County Dept. of Public Works). [LNDCSM-2023-00036; ID 80638 & 80235]

Dear Brett and Kevin;

At its December 5, 2023 meeting, the Common Council **approved** the rezoning of 7501-7625 Luds Lane and 8603-8901 and 8902 Femrite Drive from Temporary A (Agricultural District) to SE (Suburban Employment District) and [Permanent] A zoning and **approved** a Certified Survey Map of property located at 8603-8901 Femrite Drive.

Prior to final approval and recording of the CSM, the conditions of approval in the following sections shall be addressed.

**Please contact Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have questions regarding the following nine (9) items:**

1. The developer shall enter into a City / Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign-off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement.
2. The developer shall construct Madison Standard street, multi-use path, and sidewalk improvements for all streets within the CSM. This may include a future phase agreement for Lot 2 [Outlot 1], and specific improvements required for Lot 1.
3. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
4. 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 ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering sign-off.

5. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 608-261-9127 (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 and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
6. Submit a soil boring report that has been prepared by a Professional Engineer two weeks prior to recording the final plat to the City Engineering Division indicating the ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
7. The applicant shall construct a temporary turn around on Luds Lane near east lot line of Lot 1.
8. Add the following note to the CSM: "Each lot shall be individually responsible for compliance with Madison General Ordinance Chapter 37 requirements."
9. Add the following note to the CSM: "No change in grades shall be allowed without the approval of the City Engineer."

**Please contact Jeffrey Quamme of the City Engineering Division—Mapping Section at (608) 266-4097 if you have questions regarding the following twenty-one (21) items:**

10. Provide necessary public storm water management and drainage easements that are planned within this CSM to treat and convey the stormwater from the public streets that will be constructed in the first phase.
11. The proposed road to be dedicated along the north side of this CSM shall be named other than Luds Ln. Provide the proposed street name to Lori Zenchenko (lzenchenko@cityofmadison.com) for review and approval.
12. Provide additional right of way along Femrite Drive as required by the Traffic Engineering Division.
13. Show a temporary limited easement for a temporary cul-de-sac planned east of the east line of Lot 1. The radius shall be determined upon the design of the future road. The easement text is as follows: "Temporary Limited Easement benefitting the City of Madison for temporary turnaround improvement purposes. Said Easement shall terminate without notice upon the extension of \_\_\_ Street improvements east of this easement and the removal of the public temporary turnaround improvements within the easement area." Any required easement north of the north line of this CSM shall be provided by separate instrument. Coordinate any additional offsite easement with Jeff Quamme. (jrquamme@cityofmadison.com)

14. The preliminary development plan contemplates a shared sanitary lateral through Lot 1 to be shared with Lot 2. Provide a private Sanitary Sewer Easement with terms and conditions for the construction and maintenance of the shared lateral.
15. Portions of the area proposed for road dedication are subject to a Construction Mortgage per Doc 5866704 and a Restated Land Lease for Solar Array per Document No 5859972 and Notice of Assignment and Assumption of Agreement per Doc 5856232. Title shall be cleared within and area dedicated prior to final Certified Survey Map sign off.
16. There is a no access restriction to CTH AB along the west side of this CSM per Transportation Project Plat 3080-01-25-4.02 and Document No. 5837544. This shall be noted on the CSM.
17. 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 any required U.S. public land survey monument record provided to the County Surveyor's Office, or, in instances where a public the monuments and witness ties area recovered under A-E 7.08(1g), the Surveyor shall provide to the City of Madison monument condition reports (with current tie sheet attached) for all Public Land Survey monuments, including center of sections of record, used in this survey, to Julius Smith (JSmith4@cityofmadison.com) of City Engineering, Land Information.
18. Prior to Engineering Division final sign-off by main office for Certified Survey Maps, the CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
19. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with City of Madison Ordinances and State of Wisconsin Statutes. The licensed professional preparing the land division is fully responsible for full compliance with all Ordinances and Statutes regulating this proposed land division.
20. Door Creek, a navigable water way, runs along the easterly boundary of this CSM and shall be duly noted. Also, the CSM shall be revised to show the required information per Chapter 236 of the Wisconsin Statutes including but not limited to approximate the Ordinary High Water Mark and elevations, a meander line monumented at least 20 feet from the ordinary high water mark and the standard note regarding the public trust per s. 236.20 (6).
21. The Door Creek Business Park Condo has been removed by Document No 5530643. Correct the reference on the CSM and remove references in the legal description.
22. Correctly show on the map as required the monuments found and set on this CSM.
23. At all road intersections, the right of way intersections shall be rounded with a 15-foot radius as required by MGO Section 16.23.
24. The north-south section of the cul-de-sac adjacent to the west side of this CSM is Luds Lane and shall be labeled as such.

25. Remove the reference to the road dedication as a "parcel". The street name shall be noted and a note included "Dedicated to the Public for street right of way purposes".
26. Show the East Quarter Corner of Section 30 with a tie as the south line of the CSM follows the South Quarter line of the NE 1/4 of Section 30.
27. Fix the readability in several locations of this map with overlapping and masked entities.
28. CTH AB is known as E Buckeye Road within the City limits. Label 'E Buckeye Road' alongside of CTH AB.
29. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.
30. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

\*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 submittal.

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following item:**

31. The applicant shall provide a temporary turnaround area to be approved by the Traffic Engineering Division.

**Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following item:**

32. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right of way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

**Please contact Matt Hamilton of the Madison Fire Department at (608) 261-9835 if you have any questions regarding the following two (2) items:**

33. Note: Regarding the proposed building on Lot 1, verify / update exiting from the flex space and executive office per online meeting on October 13, 2023.
34. All portions of the fire lanes for newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500 feet of at least **two** fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO Section 34.507 for additional information. Hose lay routes cannot run across multiple parking spaces.

**Please contact Andy Miller of the Office of Real Estate Services at (608) 261-9983 if you have any questions regarding the following eight (8) items:**

35. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
36. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s). If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
37. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest, include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off if said ownership interest meets the criteria set forth by Wis. Stats. Sec. 236.34 and Sec. 236.21(2)(a).
38. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
39. Per 236.21(3) Wis. Stats. and MGO Section 16.23, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.
40. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23.
41. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report via email to Andy Miller in the ORES ([acmiller@cityofmadison.com](mailto:acmiller@cityofmadison.com)), as well as the survey firm preparing the

proposed CSM. The report shall search the period subsequent to the initial title report, dated September 25, 2023, submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A copy of the vesting deed shall be included with the updated 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. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

42. The CSM shall be revised prior to final approval and recording as follows:

- a. Depict, dimension, name, note and/or identify by document number all relevant easements, declarations, plans, conditions, agreements, and other documents cited in record title and the updated title report, and include relevant notes from plats or CSMs of record. If documents included in the title report do not apply to the area within the proposed CSM, have them removed from the updated title report.
- b. Include a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title.
- c. Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.
- d. For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.
- e. Depict and dimension public easements for utilities and storm water drainage rights of way to be dedicated on the proposed CSM where necessary.
- f. If all parties of interest agree that certain easements from prior plats or CSMs of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.

**Please contact my office at (608) 261-9632 if you have questions about the following four (4) items:**

43. Revise the Certified Survey Map (CSM) to designate proposed Lot 2 as an outlot (1) for future development.
44. Revise the CSM to show the location of Door Creek, the location of any wetlands located within the boundaries of Lot 1 and the above outlot, and the limits of any FEMA-designated floodway and floodplains.
45. Revise the CSM prior to final approval and recording to show dedication of the proposed east-west street on Sheet 1 instead of 'Parcel A' and show the approved street name as approved by the City Engineer on all sheets.

46. Revise the CSM to provide approximate perimeter dimensions for the excluded land north of the proposed east-west street.

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

In order to commence the process for obtaining the necessary City signatures on the Certified Survey Map, the applicant shall e-mail the revised CSM, updated title report, and any other materials required by reviewing agencies to the reviewing planner. The reviewing planner will share the updated materials with the relevant commenting City agencies for them to verify that their conditions have been satisfied and that the secretary or designee may sign the Plan Commission approval certificate. Once the Plan Commission certificate is executed, the Planning Division will make the City Clerk's Office aware that the Common Council certificate may be executed.

Once all of the necessary City signatures have been affixed to the Certified Survey Map, the instrument may be recording at the Dane County Register of Deeds Office. For information on recording procedures and fees, please contact the Register of Deeds at (608) 266-4141.

Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within 30 days from the date of this letter. **The approval of this CSM shall be null and void if not recorded in twelve (12) months from the date of the approving resolution or this letter, whichever is later.**

If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or [tparks@cityofmadison.com](mailto:tparks@cityofmadison.com).

Sincerely,



Timothy M. Parks  
Planner

cc: Matt Bickel, Wold Architects and Engineers  
Todd Draper, Dane County Dept. of Public Works  
Brenda Stanley, City Engineering Division  
Jeffrey Quamme, City Engineering Division—Mapping Section  
Sean Malloy, Traffic Engineering Division  
Jenny Kirchgatter, Asst. Zoning Administrator  
Jeff Belshaw, Madison Water Utility  
Matt Hamilton, Madison Fire Department  
Andy Miller, Office of Real Estate Services