



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4709-4851 Eastpark Boulevard  
**Application Type:** Revised Preliminary Plat and Final Plat  
**Legistar File ID #** [59520](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

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

**Property Owners:** American Family Mutual Insurance Co. and Live Park, LLC; 2248 Deming Way, Suite 200; Middleton

**Surveyor:** Ben Schulte, Ruekert & Mielke, Inc.; 4001 Nakoosa Trail, Suite 200; Madison.

**Requested Actions:** Approval of the revised preliminary plat and final plat of *The American Center Eastpark Third Addition*, creating three lots for future office development, one outlot for a private street, and one outlot for privately maintained open space.

**Proposal Summary:** The plat of *The American Center Eastpark Third Addition* proposes to create three lots for future employment uses from approximately 26.4 acres of land, which will range in size from approximately 3.5 acres to 14.9 acres. The subject site was recently divided by Certified Survey Map (CSM) 15252 to create a 7.8-acre lot on which a new four-story office building for Baker Tilly is being constructed (4803-07 Eastpark Boulevard). The proposed subdivision re-divides the three lots created by CSM 15252 to create a private street loop to serve the 26.4 acres (proposed Outlot 16) and a half-acre private open space formed by the private streets, which will be maintained by The American Center Owner’s Association (Outlot 17). The final plat will be recorded as soon as all regulatory approvals have been granted; there is no timeline for when the lots will be developed.

**Note:** A group of lots is also shown on the revised preliminary plat on the easterly side of Eastpark Boulevard opposite the three lots and two outlots on the subject site on the westerly side of Eastpark. City staff does not believe that sufficient information has been provided to review those proposed lots, and is recommending that the lot configuration shown on the easterly side of Eastpark not be approved at this time. A subsequent revised preliminary plat will be required for that portion of The American Center prior to approval of a final plat or CSM that includes that land.

**Applicable Regulations & Standards:** The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

**Review Required By:** Plan Commission and Common Council.

**Review Schedule:** The State’s subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The revised preliminary plat and final plat application was submitted to the City on February 5 2020. Therefore, the 90-day review period for this plat was scheduled to expire circa May 5, 2020.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward the revised preliminary plat and final plat of *The American Center Eastpark Third Addition* at 4709-4851 Eastpark Boulevard to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** The subject site contains approximately 26.4 acres of land that generally extends along the westerly side of Eastpark Boulevard between Hanson Road and West Terrace Drive; Aldermanic District 17 (Baldeh); Sun Prairie Area School District.

**Existing Conditions and Land Use:** Approximately 7.8 acres of the site are currently being developed with a four-story, 105,000 square-foot office building for Baker Tilly, which will be served by 440 surface automobile parking stalls and 50 underground auto parking stalls. The remainder of the site is undeveloped. The overall site and surrounding parcels are zoned SEC (Suburban Employment Center District).

**Surrounding Land Uses and Zoning:**

North: Undeveloped land, zoned SEC (Suburban Employment Center District);

South: Multi-tenant office buildings and the Cambria Suites and Holiday Inn hotels, zoned SEC;

West: Interstate 39-90-94;

East: Undeveloped land, zoned SEC.

**Adopted Land Use Plans:** The 2019 amendment to the Rattman Neighborhood Development Plan recommends the site and surrounding parcels in the American Center east of the interstate for employment uses.

**Environmental Corridor Status:** The 100-foot landscaped buffer adjacent to the interstate is located in a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services, including seven-day Metro Transit service along Eastpark Boulevard.

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

Requirements	Required	Proposed
Lot Area	1 acre	Proposed lots will exceed
Lot Width	100'	Proposed lots will exceed
Front Yard	25'	Compliance with these requirements will be determined at the time of future construction of Lots 42 and 44
Side Yards	15' or 20% of building height	
Rear Yard	30' or 45% of building height	
Maximum Lot Coverage	Maximum 75%	
Maximum Building Coverage	Maximum 50%	
Floor Area Ratio	1.0	See conditions re: Lot 43

Requirements	Required	Proposed
Minimum Building Height	22' to building cornice	
Maximum Building Height	N/A	
Parking, Loading & Bike Parking	To be determined by Zoning Adm.	
<b>Other Critical Zoning Items</b>		
Yes:	Barrier Free, Utility Easements	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development	
<i>Prepared by: Tim Parks, Planning Division</i>		

## Previous Approvals

On October 30, 2018, the Common Council approved the revised preliminary plat and final plat of *The American Center Eastpark Second Addition*, creating two lots for future office development, one outlot to be dedicated to the public for stormwater management, and one outlot for privately maintained open space at 4699-4747 Eastpark Boulevard. The final plat was recorded on February 21, 2019.

On September 4, 2019, a Certified Survey Map (CSM) of Lot 40 of *The American Center Eastpark Second Addition* was administratively approved to create three lots for employment development. A resolution approving the land division was approved by the Common Council on September 3, 2019.

## Project Description

The applicant, American Family Insurance, is requesting approval to subdivide 26.4 acres of land located on the westerly side of Eastpark Boulevard south of Hanson Road into three lots for future employment uses and two outlots for private streets and open space.

The site is zoned SEC (Suburban Employment Center District) and includes approximately 1,665 feet of frontage along Eastpark Boulevard on the westernmost edge of the American Center development. The subject property was previously platted as Lot 40 of the Eastpark Second Addition, which was subsequently divided by CSM 15252 to create a 7.8-acre lot for the construction of a four-story, 105,000 square-foot office building for the Baker Tilly, LLP accounting and consulting firm on the portion of the site abutting Interstate 39-90-94. Construction of the office building is ongoing, with completion scheduled for completion later this year. The remainder of the 26.4 acres is undeveloped. The approved and recorded CSM is attached for reference purposes.

The proposed Third Addition plat effectively re-divides the three lots created by CSM 15252 to implement common features for the larger American Center development that were previously contemplated for the subject site. In addition to the 7.8-acre Lot 1 being developed with the Baker Tilly offices, the CSM created a 15-acre Lot 2 and a 3.6-acre Lot 3. Lot 42 of the proposed plat will be a 14.92-acre lot that comprises most of Lot 2 of the CSM, while Lot 1 of the CSM becomes Lot 43 of the plat, a 6.76-acre lot on which the office building under construction will be located. Lot 3 of the CSM will become the 3.54-acre Lot 44 of the plat. The remaining 1.2 acres of the 26.4-acre subject property, which is mostly comprised of the extension of CSM Lot 1 to Eastpark Boulevard, will be platted as two outlots. Outlot 16 of the plat is proposed as a U-shaped parcel that will surround Outlot 17, with

the former to be used as a private street loop to serve development on the three proposed lots, and the latter to be a 0.5-acre private open space to be maintained by the subdivision owner's association.

## Analysis and Conclusion

In addition to the final plat to create the three lots and two outlots, the applicant has submitted an updated/revised preliminary plat for the overall approximately 825-acre American Center development generally bounded by Hoepker Road on the north, American Parkway on the east, US Highway 151 on the south, and Interstate 39-90-94 on the west. The revised preliminary plat reflects the subdivision of the 26.4-acre subject property into the lots and outlots shown on the concurrent final plat. The revised preliminary plat also shows a new layout for the 27.55 acres on the easterly side of Eastpark Boulevard (4902 Eastpark) opposite the three lots and two outlots on the subject site on the westerly side of Eastpark. City staff does not believe that sufficient information has been provided to review those proposed lots, and is recommending that the lot configuration shown on the easterly side of Eastpark not be approved at this time. A subsequent revised preliminary plat will be required for that portion of The American Center prior to approval of a final plat or CSM that includes that land.

The proposed subdivision plat of the 26.4 acres on the westerly side of Eastpark Boulevard continues the implementation of overall American Center development begun in the early 1990s, which includes 20 previous subdivision approvals. The proposed lots are generally consistent with the employment land use recommendation for this portion of the American Center in the 2019 amendment to the Rattman Neighborhood Development Plan.

Staff generally believes that the proposed lots will meet the various dimensional requirements of the SEC zoning district. However, final approval of the plat for recording will be contingent on review of the building and future surface parking area under construction on Lot 43 for compliance with the bulk requirements in the SEC district once the building footprint and parking areas are shown on the plat as required by ordinance and statutes.

## Recommendation

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

The Planning Division recommends that the Plan Commission forward the revised preliminary plat and final plat of the *American Center Eastpark Third Addition* subdivision at 4709-4851 Eastpark Boulevard to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions that follow.

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

#### Planning Division

1. Per the notes on The American Center Eastpark Second Addition plat pertaining to former Lot 40, future development on Lots 42-44 of the proposed Third Addition may be subject to the Highway Noise Land Use Provisions in MGO Section 16.23(3)(d) and State of Wisconsin Administrative Codes TRANS 233 and TRANS 405. The final plat shall be revised prior to recording to include the necessary notes as determined by the Planning Division to address compliance with those standards.

2. The revised preliminary plat is approved for the 26.4 acres comprising 4709-4851 Eastpark Boulevard only. Future subdivision of the 27.55 acres located at 4902 Eastpark Boulevard is not approved. A subsequent revised preliminary plat will be required for that portion of The American Center prior to approval of a final plat or Certified Survey Map that includes that land.
3. The building and future surface parking area under construction on Lot 43 of the plat shall be shown on the final plat. Final approval and recording of the plat will be subject to review of the lot for compliance with the bulk requirements in the SEC zoning district once the building footprint and parking areas are shown.

4. The applicant shall submit to the Planning Division two copies of the private subdivision covenants, conditions and restrictions that govern the organizational structure, use, maintenance and continued protection of the development and any common services, open areas or other facilities to serve the proposed subdivision, including the common elements and contracted services requirements proposed to serve certain lots or outlots within the plat. These documents shall be approved by the Planning Division in consultation with the City Attorney's Office prior to final approval of the plat for recording.

**The following conditions of approval have been submitted by reviewing agencies:**

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

5. Each lot shall have a separate sanitary sewer lateral. If a lateral (private sewer main) is to be shared, applicant shall provide a recorded ownership maintenance agreement prior to plan approval.
6. It is strongly encouraged that the American Center Plat complete a revised stormwater management plan for the entire plat. The plan on file is out of date and likely does not match what has been constructed.
7. All sites will be required to provide detention for the 100-year event. If the site previously detained for the 10- year event the new developments will be required to make up the difference to meet the requirement.

8. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public right of way. As a condition of the permit, surety to guarantee the construction of the improvements and a deposit to cover estimated City expenses will be required.
9. A minimum of two (2) working days prior to requesting City Engineering signoff on the 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).
10. A Storm Water Management Report and Storm Water Management Permit is required for this project.
11. Confirm that adequate sight distance exists where streets intersect per AASHTO design standards for intersection sight distance. If adequate sight distance does not exist, change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or

make mitigating improvements as required by the City. Note that the improvements indicated may require right of way outside of the plat limits.

12. The applicant shall show storm water "overflow" paths that will safely route runoff during the 100-year 24-hour design storm when the storm sewer is at capacity.
13. Provide concepts for the improvements to Outlots 16 and 17. Cross-access, surface, and subsurface drainage easements may be required. If this area is to be used for stormwater management, a perpetual maintenance agreement will be required.
14. Provide calculations for the 500-year storm event, as identified in MGO Chapter 37, as part of the plat design and stormwater management plan. The flows from this design storm event will be routed through the development and used to determine an anticipated safe top of concrete foundation elevation for future buildings in critical areas.
15. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL zone and therefore will be regulated to meet a higher standard.
16. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website. The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

Rate Control: Detain the 1-, 2-, 5-, 10-, and 100-year storm events, matching post development rates to predevelopment rates and using the design storms identified in MGO Chapter 37.

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

Volume Control: Provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event.

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.

17. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the City Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
18. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the City Engineering Division. E-mail PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

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

19. Add the following note to the plat: “All lots created by this plat are individually responsible for compliance with Chapter 37 of Madison General Ordinances in regard to stormwater management at the time they develop.”
20. The Declaration of Easements per Document No. 5530432 shall be amended by a separate instrument recorded immediately after this plat has been recorded. The private drive easement and plaza areas are not coterminous with this plat. Also, the document shall address cross drainage concerns of Engineering Main Office within the outlot areas. A draft of the amendment shall be provided for review and approval prior to final sign off on the plat. It shall be recorded immediately after the plat has been recorded and shall have proper references to the newly created lots and outlots.
21. Add a note to the final plat that Lot 43 is subject to Declaration of Conditions, Covenants, Restrictions and Easements for Maintenance of Stormwater Management Measures per Document No. 5530200. The applicant(s) may wish to amend the document after this plat has been recorded to properly correlate the facilities to new Lot 43.
22. Add a note to the final plat that “All Lots and Outlots of this plat are subject to Declaration of Restrictions recorded as Document No. 5473339.”
23. Show the building that exists on Lot 43 on the final plat as is required by State Statute. Provide ties to the property lines as required by MGO. Also, provide a chord on curve C-5.
24. Add Lot 43 to note 11 on Sheet 1 of the final plat.
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 monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering ([jrquamme@cityofmadison.com](mailto: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. The applicant shall identify monument types on all PLS corners included on the plat.

26. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, 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 plat: 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 from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

27. Prior to Engineering final sign-off by main office for plats, the final Plat shall 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.

**Traffic Engineering Division** (Contact Sean Malloy, 266-5987)

28. The developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plat.

**Fire Department** (Contact Bill Sullivan, 261-9658)

29. Cross access easements that include providing fire apparatus access lanes compliant with MGO Chapter 34 shall be accounted for Outlot 16 or provide other means for Lots 42, 43, and 44 to comply with fire access requirements.

**Water Utility** (Contact Adam Wiederhoeft, 261-9121)

30. Each lot shall have a separate water service connected to the public water main, unless a private water main will be proposed.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency reviewed the request and has recommended no conditions of approval.

**Parks Division** (Contact Kathleen Kane, 261-9671)

This agency reviewed the request and has recommended no conditions of approval.

**Forestry Section** (Contact Bradley Hofmann, 267-8740)

This agency reviewed the request and has recommended no conditions of approval.

**Office of Real Estate Services** (Andy Miller, 261-9983)

31. Prior to 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. Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate. The executed original hard stock recordable plat shall be presented at the time of sign-off.

32. 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.
33. As of March 6, 2020, the 2019 real estate taxes are not paid for the subject property. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to plat recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.
34. As of March 6, 2020, there are no special assessments reported for the parcels within the plat boundary. Pursuant to MGO Section 16.23(5)(e)1 and Wis. Stats. 236.21(3), all special assessments levied prior to plat signoff shall be paid in full.
35. 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 (January 10, 2020) and the date when sign-off of the final plat 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.
36. The following revisions shall be made to the final plat prior to final approval and recording:
  - 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 January 10, 2020 title report do not apply to the area within the proposed plat, have them removed from the updated title report.
  - b.) Record satisfactions or releases for all recorded instruments that encumber or benefit the subject lands, if all interested parties agree that the purpose for such instrument is no longer necessary or relevant for the purposes of the land division.
  - c.) Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats or CSMs, if this proposed plat is a re-division of existing plats or CSMs with utility easements that will no longer be applicable; and, prior to requesting sign-off, place a note in the proposed plat citing the recording data for the City's recorded release of same.