



PREPARED FOR THE PLAN COMMISSION

Project Address: 4202-4210 Hoepker Road, et al
Application Type: Attachment from the Town of Burke, Zoning Map Amendment and Certified Survey Map Referral
Legistar File ID # [54789](#) and [54671](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Dave Nelsen, Ruedebusch Development/ 2020 Madison, LLC; 4605 Dovetail Drive; Madison.

Property Owners: Hooper Construction Corporation and Interstate Commerce Park, Inc.

Surveyor: Chris Adams, Williamson Surveying and Associates, LLC; 104A W. Main Street; Waunakee.

Requested Actions:

- Attaching 55.67 acres of land owned by Hooper Construction Corporation, addressed as 4202 and 4210 Hoepker Road, to the City of Madison from the Town of Burke;
- Assigning IL (Industrial–Limited District) to the attached land; and
- Approving a Certified Survey Map (CSM) to divide 63.77 acres of land zoned IL to create two lots for industrial development and dedicate right of way for the extension of Manufacturers Drive.

Proposal Summary: Ruedebusch Development is seeking approval to attach two parcels totaling 55.67 acres of land to the City of Madison from the Town of Burke for the purposes of joining the attached land to seven platted lots and recently vacated right of way in the Interstate Commerce Park subdivision containing 8.1 acres of land. The 63.77 acres of land will be divided by CSM into two lots, which will be developed with a 385,400 square-foot package distribution facility and accessory structures located on Lot 1 and an employee parking lot on Lot 2. Both proposed lots will be zoned IL as part of the attachment petition. In addition, the CSM to create the two lots will dedicate the last section of Manufacturers Drive from its current terminus in Interstate Commerce Park north to its ultimate terminus at Anderson Road.

The two parcels and 55.67 acres of land to be attached to the City are subject of an Early Attachment and Revenue Sharing Agreement with the Town of Burke, which was adopted by the Common Council on February 5, 2019 as Resolution 19-00107 (ID 53924). The Plan Commission recommended adoption of the agreement at its December 17, 2018 meeting.

Development of the package distribution facility and subdivision improvements will commence as soon as all regulatory approvals have been granted, with completion of the facility anticipated by July 2020 according to the application materials.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. 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 Certified Survey Map 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 CSM is deemed approved. The proposed land division was submitted to the City on December 19, 2018. However, the proposed lots could not be considered until the entire property was petitioned for attachment to the City following adoption of the agreement with the Town of Burke (the land division would have otherwise been in two jurisdictions). The attachment petition to bring the CSM site into one jurisdiction was filed on February 8, 2019; therefore, the 90-day review period for this CSM is scheduled to expire circa May 8, 2019.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00369, zoning lands to be attached to the City at 4202 and 4210 Hoepker Road to the IL district, and the two-lot Certified Survey Map to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: Approximately 63.77 acres of land located on the north side of Hoepker Road between N. Stoughton Road (US Highway 51) and Manufacturers Drive; Aldermanic District 17 (Baldeh); DeForest Area School District.

Existing Conditions and Land Use: The overall site is undeveloped (a residence located on the 4202 Hoepker Road was demolished in 2018). The portion of the site located in the Town of Burke is currently zoned A-1 (Agriculture District) and C-2 (Commercial District). The land in the City is zoned IL (Industrial–Limited District).

Surrounding Land Use and Zoning:

North: Custom RV Services, JX Truck Center, Village of DeForest water tower, Keystone Automotive, all located in the Town of Burke, zoned Dane County C-1 or C-2 (Commercial Districts);

South: Future industrial development in the Center for Industry & Commerce in the City of Madison, zoned IL (Industrial–Limited District); single-family residences in the Town, zoned C-2;

East: Various commercial and industrial uses in the Interstate Commerce Park subdivision in the City, zoned IL, including Airoldi Brothers, Lakeside International Trucks, and Bobcat of Madison;

West: Madison Block and Stone, various commercial and industrial uses located along Acker Road, west of N. Stoughton Road in the Town, primarily in C-2 zoning.

Adopted Land Use Plans: The 2000 [Hanson Neighborhood Development Plan](#) recommends all of the subject lands for industrial uses. The plan recommends that a north-south local street extend through the site from Anderson Road to Hoepker Road, with two east-west streets to extend from Interstate Commerce Park to intersect the north-south street.

The 2018 [Comprehensive Plan](#) recommends all of the subject lands for Industrial uses. The proposed local streets in the neighborhood development plan are also reflected on the [Comprehensive Plan](#).

Environmental Corridor Status: The entire site is located in the Central Urban Service Area. There are no mapped environmental corridors on the overall property.

Public Utilities and Services: The overall site is served by a full range of urban services, with the exception of Metro Transit, which currently does not provide service west of The American Center development or north of the intersection of Hayes Road and Portage Road at this time.

Zoning Summary: The proposed lots will be zoned IL, which will be reviewed in the following sections of this report. There are no “critical zoning items” pertinent to the site.

Project Description

Ruedebusch Development, on behalf of the current owner, Hooper Construction Corp., has submitted a petition to attach two parcels totaling 55.67 acres of land to the City of Madison from the Town of Burke. The attachment petition includes a request to assign permanent IL (Industrial–Limited District) zoning to the property. Following attachment, Ruedebusch proposes to divide the 55.67 acres and seven platted lots in the Interstate Commerce Park subdivision containing 8.1 acres of land zoned IL into two lots by Certified Survey Map. In addition, the CSM will dedicate the last section of Manufacturers Drive from its current terminus in Interstate Commerce Park north to its ultimate terminus at Anderson Road.

The subject property is undeveloped. The site contains approximately 1,973.2 feet of frontage along N. Stoughton Road (US 51), and 1,725.5 feet of frontage along Hoepker Road. The property also includes a 66-foot wide “panhandle” that extends roughly 650 feet north from the majority of the property to connect the site to Anderson Road between two commercial parcels in the Town of Burke, as well as a 545-foot long section of platted but unbuilt Commerce Park Drive, which was discontinued/vacated by Resolution 19-00186 (ID [54383](#)) at the March 5, 2019 Common Council meeting. Surrounding properties are characterized by a variety of light industrial, commercial and transport-related land uses located to the east in the City of Madison in the Interstate Commerce Park development and to the north along Anderson Road in the Town.

Lot 1 of the CSM will contain 58.55 acres of the site, including the entire frontage along N. Stoughton Road and Hoepker Road. Manufacturers Drive will be extended northwesterly through the site from its current terminus to Anderson Road through the panhandle, leaving a triangularly shaped, 3.84-acre Lot 2 northeast of the extended road. The applicant intends to develop a 385,400 square-foot package distribution facility and accessory structures on Lot 1 of the CSM and an employee parking lot on Lot 2. The package distribution facility is a permitted use in the proposed IL district, while the employee lot on Lot 2 will require subsequent Plan Commission approval of a private parking facility following attachment and zoning of the property. References to the Lot 2 parking in the application materials are provided for informational purposes.

Plans for the package distribution facility on Lot 1 call for the 385,400 square-foot building to extend parallel to the western property line, with an approximately 147-foot setback proposed from the N. Stoughton Road right of way. The single-story, approximately 40-foot tall building will be constructed of precast concrete panels and will feature 124 loading docks along the east, west and south sides and six overhead doors for drive-in access to the facility along the west side. A 4,215 square-foot “gateway building” is proposed northwest of the main facility, which the letter of intent indicates is intended to serve as the entry point to the facility, which will have controlled

access. A separate 7,565 square-foot vehicle maintenance garage will be located east of the main facility, with a salt storage building to its north.

A 639-stall auto parking area is proposed between the north wall of the distribution facility and northern property line, which will be located outside an eight- to ten-foot security fence. Access to the Lot 1 facility will be provided by two driveways from Manufacturers Drive, with access beyond the security fence controlled by a gate adjacent to the gateway building. No access to N. Stoughton Road or Hoepker Road is proposed. Inside the security fence, the distribution facility will be surrounded on all sides by auto and truck parking as shown on the attached site plans. The eastern portion of Lot 1 will be devoted to stormwater management and seasonal snow storage for the distribution facility.

The two parcels and 55.67 acres of land to be attached to the City are subject of an Early Attachment and Revenue Sharing Agreement with the Town of Burke, which was adopted by the Common Council on February 5, 2019 as Resolution 19-00107 (ID 53924). The Plan Commission recommended adoption of the agreement at its December 17, 2018 meeting. As noted in the agreement, which is attached for reference, the two parcels are located in a "protected area" of the Town. According to the 2007 *Town of Burke, Village of Deforest, City of Sun Prairie and City of Madison Cooperative Plan*, the 55.67 acres could remain in the Town until the final attachment of town parcels to their respective city or village occurs on October 27, 2036, and could not be attached sooner without Town approval. However, in order to construct the project in one jurisdiction and on City of Madison water and sewer, attachment of the property entirely to the City was proposed, with the City to pay the Town one-half of the City's share of property taxes in quarterly installments following attachment and until the end of the Town in 2036.

Analysis and Conclusion

Attachment ordinances allowed by an intergovernmental agreement and cooperative plan do not typically come before the Plan Commission for a recommendation prior to being adopted by the Common Council. However, in addition to attaching the property to the City, the attachment petition includes a request for permanent IL zoning. Therefore, Ordinance ID 54789 includes zoning map amendment ID 28.022-00369 to permanently zone the site IL. In order for the Plan Commission to make its recommendation on the zoning, a Class 2 notice has been provided in the official municipal newspaper and notices were mailed to Town and City property owners and occupants located in 200 feet of the subject property as prescribed in Section 28.181(5) of the Zoning Code.

The Planning Division believes that the request to rezone the 55.67 acres to be attached with Ordinance ID 54789 to be consistent with the industrial land uses recommended for the subject site in the Hanson Road Neighborhood Development Plan. That 2000 plan followed a 1994 study by the City that emphasized the need to create large areas for light industrial and warehousing uses with good access to the regional transportation network and led to the City's investment in The Center for Industry & Commerce, Interstate Commerce Park and other developments. The large-scale logistics use proposed for the overall 63.77-acre, two-lot development is consistent with the City's goals for this area.

The proposed land division is also consistent with the land use and circulation recommendations in the Hanson Road planning area. While the 2000 plan anticipated a finer-grained grid street network than the one resulting from the proposed division of the subject site, the network shown on the lands to be attached anticipated a more

conventional multi-use, multi-lot subdivision similar to the adjacent Interstate Commerce Park. However, there are no recommendations in the plan that would suggest the proposed lot configuration should not be supported, and the Plan Commission previously recommended that most of Commerce Park Drive, which was planned to be part of the finer-grained street network, be vacated at its February 11, 2019 meeting. Further, the CSM will dedicate the right of way to complete Manufacturers Drive to Anderson Road, which itself connects to N. Stoughton Road opposite CTH CV at a signalized intersection. The connection to Anderson Road will be constructed by the developer in conjunction with a series of other public improvements needed to accommodate the opening of the proposed package distribution facility. At this time, primary access to the facility is planned to come from the south via the N. Stoughton Road- Hoepker Road and Hoepker-Manufacturers Drive intersections.

In anticipation of the establishment of a satellite parking facility on Lot 2 of the proposed CSM, staff recommends that the northern parking lot on Lot 1 be reconfigured to create a more direct sidewalk from where pedestrians from the Lot 2 facility will cross Manufacturers Drive to reach the gateway building. As proposed, the sidewalk shown along the northern driveway is likely too circuitous for those users and may result in pedestrians walking through parking aisles to the facility entrance from the satellite parking lot. Additional details of the satellite parking facility will be submitted separately as part of a conditional use application for a private parking facility on Lot 2 following this zoning approval and recording of the CSM.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Ordinance ID 54789, attaching 55.67 acres of land in the Town of Burke at 4202 and 4210 Hoepker Road to the City and Zoning Map Amendment ID 28.022-00369 to zone the lands to be attached to the IL district, and the two-lot Certified Survey Map to the Common Council with recommendations 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. That a “No Vehicular Access” restriction be shown graphically on the CSM along the entire Hoepker Road frontage of Lot 1.
2. Madison Gas & Electric requests that a 12-foot wide public utility easement be dedicated along both sides of Manufacturers Drive with this CSM. This easement shall be shown on the final CSM prior to Planning Division approval for recording.
3. As a condition of the IL zoning approval and in anticipation of the subsequent conditional use application for Lot 2, that a direct pedestrian path be created through the northern parking lot on Lot 1 to provide a more direct connection to the gateway building for users of the future private parking lot on Lot 2. Final details of this pedestrian path shall be approved by the Planning Division prior to issuance of permits for the Lot 1 facility.

4. Note: The parking lot on Lot 2 is considered a "private parking facility" as defined and regulated by the Zoning Code, which are a conditional use in the proposed IL zoning and require Plan Commission approval under a separate application. Approval of this zoning map amendment and Certified Survey Map by the Plan Commission and Common Council does not constitute approval of future development on Lot 2.

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

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

5. The Madison Metropolitan Sewerage District annexation fee shall be paid for prior to CSM sign off.
 6. The applicant will need to coordinate any permitting requirements with agencies outside the City of Madison, including Wisconsin Department of Transportation (WisDOT), Town of Burke and / or Village of Deforest for work in the right of way outside of the City of Madison's jurisdiction.
 7. The applicant will not be allowed to discharge any waters from this site onto the WisDOT right of way without express permission and permits to do so.
 8. The applicant shall relocate driveway at 4195 Anderson Road to provide a safe distance from the new Manufacturers Drive-Anderson Road intersection as required by City Traffic Engineer.
9. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
 10. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection 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 (2) working days prior to requesting City Engineering signoff.
 11. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. This property is subject to sanitary connection charges for the Hanson Road Neighborhood Sanitary Sewer and Water Main Assessment District.
 12. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. The applicant shall provide one (1) digital copy and a paper copy only if specifically requested. Staff review of this Phase 1 ESA will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for review.
 13. 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.

14. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. 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.
15. Note: Portions of this site have wetland indicators identified. A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources (WDNR) for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
16. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. 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: 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; and i) Street names. All other levels (contours, setbacks, elevations, etc) are not to be included with this file submittal. Email file transmissions preferred lzenchenko@cityofmadison.com . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.
17. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section) with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. 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 ttoester@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.
18. This site appears to disturb over one (1) acre of land and requires a permit from the 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.

19. 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).
20. The following note shall be placed on the CSM: "No changes in drainage patterns associated with development on any or all lots within this CSM shall be allowed without prior approval of the City Engineer."
21. The following note shall be added to the CSM: "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of Madison General Ordinances in regard to storm water management at the time they develop."
22. The applicant will be required to provide stormwater management for the new roadway and dedicate an outlot to the public for this purpose. If other means for providing the necessary stormwater management will be used the applicant shall demonstrate how and where the treatment will be located, including providing any written permissions, easements, recorded documents, etc. prior to the sign off of this CSM.
23. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
24. 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. The 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).
25. 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.
26. 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, or Daniel Olivares at DAOlivares@cityofmadison.com final document and fee should be submitted to City Engineering.

27. The applicant shall show stormwater "overflow" paths that will safely route runoff when the storm sewer is at capacity.
28. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls; 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 Chapter 37 of Madison General Ordinances.
29. The developer shall construct Madison standard street and sidewalk improvements for all streets within the CSM, except that sidewalk shall not be required north of Lot 2.
30. The developer shall confirm that adequate sight distance exists where public streets intersect. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
31. The Developer shall make improvements to Hoepker Road, Anderson Road and N. Stoughton Road as required by City Traffic Engineer to facilitate ingress and egress to the CSM.
32. The applicant shall construct sidewalk along Hoepker Road from N. Stoughton Rd to east limits of the CSM.

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

33. The applicant shall dedicate additional right of way along US Highway 51. The limits shall be 5 feet easterly of the WisDOT proposed Bicycle/Pedestrian path. Final configuration of the right of way shall be as mutually agreed upon between the City Engineer and the applicant.
34. The applicant shall dedicate the 60- by 160-foot area projecting into the Hoepker Road right of way and an additional 10 feet for public street adjacent to existing Hoepker Road.
35. The applicant shall dedicate an additional 11 feet for a total of 81 feet from the centerline adjacent to the north side of Hoepker Road for the first 450 feet of Hoepker Road lying immediately east of the right of way of US Highway 51.

36. It is anticipated that the public improvements required to serve this proposed plat may require Temporary Grading Easements along Manufacturers Drive and driveway relocation on adjacent properties northerly to Anderson Road. The developer shall acquire the right of way and easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and easements required, the City shall proceed to acquire the right of way and easements. The developer shall reimburse the City for all costs associated with the acquisition, including attorney's fees and any and all costs associated with court ordered awards. The developer shall provide a deposit at the time of contract amendment execution to cover the estimated City staff expenses and right of way and easement costs for the acquisition. The developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards shall be retained by the City until such time as appeal rights have expired. The additional surety shall be provided prior to the City making an offer for the easements and/or right of way.

37. Utility Easements per the plat of Interstate Commerce Park along Commerce Park Drive being discontinued shall be released. Also, the 10-foot and 12-foot wide Utility Easements along the south and west sides of Lot 2, CSM 9690 shall be released that lie within the required new road dedications. The applicant shall be responsible to obtain releases from utilities other than the City of Madison prior to the City of Madison releasing its rights. Coordinate the City releases with Jeff Quamme. (jrquamme@cityofmadison.com) Note on the CSM the easements to be released by separate document.

38. Remove from the notes on sheet 6 the following:

- a.) The note referencing Document No. 1804438. This is for the homestead outside of this CSM.
- b.) The Deed Restriction per Document No. 3634899. It is for Dane County Zoning and all lands will be in the City of Madison.
- c.) The reference to the Avigation Easement per Document No. 4121457 does not encumber lands within this CSM.
- d.) Remove the note referencing the Private Sewerage Maintenance Agreement per Document No. 2215895. The site has been razed.
- e.) Remove the note referring to Document No. 2559856. Lands are now in the City of Madison, not the Town of Burke.
- f.) Remove the note referencing the Agreement to Purchase and Develop interstate Commerce Park per Document No. 4108256. This has been satisfied for lands within this CSM.
- g.) Remove the note referring to the Well Agreement in Document No. 855339. The site has been razed.
- h.) Remove the reference to ETJ approval per Document No. 2267778. It does not apply with the CSM being in the City of Madison.
- i.) Remove the reference to the Well Agreement per Document No. 2382228. The site has been razed.
- j.) Remove the notes from Interstate Commerce Park on sheet 7 referring to access and setback to the Interstate Highway. This CSM does not abut the Interstate.
- k.) Remove the notes from Interstate Commerce Park and CSM 9690 referring to the non-exclusive easements for drainage purposes. Note 4 on sheet 7 releases these easements with the new land division.

39. Delineate on sheet 4 the area including Lots 1-4 & 8-10 as being subject to the Avigation Easement per Document No. 4111035.
40. Add a "Vehicular Access Restriction" along the frontage of Hoepker Road where none currently exists.
41. Correct the Surveyor's Certificate to state compliance with the subdivision regulations of the City of Madison and not Dane County.
42. With the required dedication of Hoepker Road, remove the area of Lot 1 that includes the right of way and adjust the area of the lot accordingly.
43. Provide the widths of Anderson Road on the CSM. Provide overall widths of Manufacturers Drive on all sheets where it has been mapped.
44. Dimension the bends for the Public Utility Easement per Document No. 3214154.
45. The Highway Setback line on sheets 2 and 3 shall reference the note pertaining to the setback note on sheet 7.
46. Properly dimension where the Utility and Grading and Sloping Easements do not line up along Hoepker Road. Also, provide a public utility easement to connect the public Utility Easements at this location.
47. All notes referring to "vacated" Commerce Park Drive shall be revised to be "vacated and discontinued". Also revise the note on Sheet 4 for Proposed Vacated Commerce Street. It shall read Vacated and Discontinued Commerce Park Dr. City of Madison Resolution RES-19-_____, File ID No. ____
48. 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, City 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.
49. Standard Note for Public Utility Easements: Public Utility Easements as herein set forth are for the use by Public Bodies and Private Public Utilities having to right to serve the area.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

The agency reviewed this request and has recommended no conditions of approval.

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

50. The applicant shall construct a dual southbound left-turn lane and receiving lane at the Hoepker Road/Stoughton Road intersection as required by the City Traffic Engineer.
51. The applicant shall extend the westbound left-turn lane at the Hoepker Road/Stoughton Road intersection as required by the City Traffic Engineer.
52. The applicant shall extend the eastbound left-turn lane at the Hoepker Road/Manufacturers Drive intersection as required by the City Traffic Engineer.
53. The applicant shall be required to modify the existing southbound approach at the Hoepker Road/Manufacturers Drive intersection to provide an additional turn lane as required by the City Traffic Engineer.
54. No alterations to the CSM shall negatively impact the approved site plan and/or cause the approved site plan to be in non-compliance.

55. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off of the final plat.

Fire Department (Contact Bill Sullivan, 261-9658)

56. Fire hydrants and fire access shall be provided.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

57. The developer shall construct the public water distribution system and services required to serve the proposed CSM per MGO 16.23(9)(d)(3).
58. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

Metro Transit (Contact Tim Sobota, 261-4289)

The agency reviewed this request and has recommended no conditions of approval.

Parks Division (Contact Sarah Lerner, 261-4281)

This agency did not provide conditions of approval for this request.

Office of Real Estate Services (Lance Vest, 245-5794)

59. 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). Said parties shall provide documentation of legal signing authority to the notary at the time of execution. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.
60. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to final CSM sign-off.
61. 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. In particular, include a Consent of Lessee for the Memorandum of Sign Site Lease recorded as Document No. 4973673, if applicable.
62. Please add "Maribeth L. Witzel-Behl, City Clerk City of Madison, Dane County, Wisconsin" after the signature line on the Common Council certificate.
63. As of February 11, 2019, there are no 2018 real estate taxes or special assessments reported as due or owing. 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 prior to recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. 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(5)(g)1. 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.
64. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest in City's Office of Real Estate Services (lvest@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 (November 30, 2018) 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.
65. For properties not connected to municipal utility services, consider whether well abandonment ref. NR-141 needs to be addressed.
66. 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. In particular, consider whether a Termination for the Well Agreement recorded as Document No. 2382228 is necessary.
67. 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 13-00247 (ID 29183), adopted April 16, 2013.