



Project Address: 4698 Eastpark Boulevard
Application Type: Final Plat
Legistar File ID # [31687](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicants & Property Owners: American Family Mutual Insurance Co., 6000 American Parkway; Madison; Dan Swift, representative.

Surveyor: Andrew W. Burt, Ruekert-Mielke, Inc.; 258 Corporate Drive, Suite 200; Madison.

Requested Action: Approval of a final plat creating 1 lot for the future development of a rehabilitation hospital and 1 outlot for an existing private access drive.

Proposal Summary: The applicant, American Family Insurance, is requesting approval of a final plat to allow the creation of a lot to be sold to a joint venture for the future construction of a rehabilitation hospital. The existing private drive that extends across a portion of the westerly 150 feet of the 13.3-acre subject site will be retained by the applicant as an outlot. Construction of the future medical facility is scheduled to commence in March 2014, with completion anticipated in May 2015. [Note: The proposed rehabilitation hospital requires approval of a conditional use by the Plan Commission on a separate application. To date, no such application has been filed with the Planning Division.]

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.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the final plat of The American Center – Hanson Second Addition 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: A 13.3-acre parcel generally located on the north side of N. Biltmore Lane east of Eastpark Boulevard; Aldermanic District 17 (Clausius); Sun Prairie Area School District.

Existing Conditions and Land Use: Undeveloped land, zoned SEC (Suburban Employment Campus District).

Surrounding Land Use and Zoning:

North: American Family Insurance's national headquarters, zoned SEC (Suburban Employment Campus District); undeveloped lands, zoned SEC and A (Agricultural District);

South: Alliant Energy office building, zoned SEC;

East: Multi-tenant office buildings, undeveloped lots, and American Family Drive, all zoned SEC;

West: UW Health East Hospital (under construction north of Eastpark Boulevard) and undeveloped land (west and south of Eastpark), zoned SEC.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and the American Center development west of American Parkway for Employment uses.

The Rattman Neighborhood Development Plan recommends the site and same general area of the American Center for office development.

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

| Requirements | Required | Proposed (Lot 1) |
|--|--|-------------------------------------|
| Lot Area | 1 acre | 10.22 acres |
| Lot Width | 100' | 741.5' +/- on N. Biltmore Lane |
| Front Yard | 25' | To be determined with future const. |
| Side Yards | 15' or 20% of building height | To be determined with future const. |
| Rear Yard | 30' or 45% of building height | To be determined with future const. |
| Maximum Lot Coverage | Maximum 75% | To be determined with future const. |
| Maximum Building Coverage | Maximum 50% | To be determined with future const. |
| Floor Area Ratio | 1.0 | To be determined with future const. |
| Minimum Building Height | 22' to building cornice | To be determined with future const. |
| Maximum Building Height | N/A | --- |
| Parking, Loading & Bike Parking | To be determined by Zoning Adm. | To be determined with future const. |
| Other Critical Zoning Items | | |
| Yes: | Barrier Free, Utility Easements | |
| No: | Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development | |
| Prepared by: Pat Anderson, Asst. Zoning Administrator and Tim Parks, Planning Division | | |

Environmental Corridor Status: A mapped environmental corridor extends along a portion of the westerly edge of the subject site roughly parallel to a public stormwater greenway that extends southwest from the ridge on which the American Family Insurance headquarters complex is located (Map G4). The greenway exists in a public easement of varying width that will straddle the proposed lot line between the lot and outlot proposed with this final plat. The private drive that extends between public Eastpark Boulevard and private American Family Drive crosses this environmental corridor.

Public Utilities and Services: The property is served by a full range of urban services with the exception of Metro Transit service. Extension of Metro service to serve this portion of the American Center development is anticipated concurrent with the opening of the nearby UW Health East hospital facility in 2014.

Project Description

The applicant, American Family Insurance, is requesting approval of a final plat to allow the creation of a lot to

be developed in the future with a rehabilitation hospital. The 10.22-acre lot proposed is identified as Lot 59 on the final plat, which is consistent with the lot numbering convention for the overall American Center subdivision established by the preliminary plat. An existing private drive, informally identified as “West Access Drive”, which extends across a portion of the northwesterly 150 feet of the 13.3-acre subject site, will be retained by the applicant as Outlot 1 of the subject plat. West Access Drive provides a connection between Eastpark Boulevard and private American Family Drive, which continues north to provide access to American Family Insurance’s national headquarters office complex. An existing dry drainage swale located adjacent to West Access Drive in a public stormwater/ greenway easement will straddle the proposed lot line. A private pedestrian path located southeast of the greenway will extend across the northwesterly edge of proposed Lot 59 in an easement to be retained by American Family Insurance as part of the plat.

Analysis and Conclusion

The proposed final plat is in general accordance with the approved preliminary plat of The American Center and continues the implementation of overall development begun in the early 1990s. Consistent with the 15 previous subdivision approvals for the development, the applicant has submitted an update to the preliminary plat to reflect the creation of the lot and outlot proposed with the proposed Hanson Second Addition final plat. The proposed development lot meets the minimum requirements of the SEC-Suburban Employment Center District and is consistent with the employment land use recommendations for this portion of the American Center in the Comprehensive Plan and Rattman Neighborhood Development Plan. The letter of intent submitted with the final plat notes that proposed Lot 59 will be sold for the development of a rehabilitation hospital, which will require separate approval of a conditional use by the Plan Commission prior to the issuance of building permits.

As a condition of approval of the proposed final plat, the Planning Division, City Engineering Division and Traffic Engineering Division are recommending that a right of way reservation be placed over proposed Outlot 1, which will contain the private “West Access Drive” that serves American Family Insurance’s national headquarters office complex to the north. In recent years, American Family Insurance and City staff have discussed the potential conversion of sections of American Family Drive and West Access Drive to a public roadway. Such a roadway could provide an additional north-south corridor between Portage Road and American Parkway to serve the American Center, including the potential future development of American Family-owned lands located west of the national headquarters complex. City staff also believes that this additional public roadway could provide improved traffic circulation through the western portions of the American Center as it continues to develop. To this end, staff requests that a public right of way reservation be placed on the plat over Outlot 1 to signal the potential for a future public street to replace the existing private drive. The future conversion of all or a portion of the private roads serving this portion of the American Center will be further considered as areas north and west of the subject site are developed.

Recommendation

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

The Planning Division recommends that the Plan Commission forward the final plat of The American Center – Hanson Second Addition to the Common Council with a recommendation of **approval** subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

1. Note: The subdivider should consider modifying the proposed sidewalk/ greenway easement to be dedicated/ retained along the northwesterly edge of Lot 59 to ensure that the entire pedestrian path is located within the easement.
2. The final plat shall be revised prior to final staff approval and recording to remove Note 11 regarding the SEC zoning of the site.
3. Provide a note on the final plat stating that there shall be a public right of way reservation over all of Outlot 1 for the potential future conversion of the existing private drive to a public street.

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

City Engineering Division (Contact Janet Dailey, 261-9688)

4. The word “reasonable” shall be changed to “responsible” in note 3. Correct the spelling of “withe” to “with” per note 6.
5. Insert the record bearing along the northeast boundary of the plat. Also note Lot 37, The American Center Plat Biltmore Addition for the lands south of N. Biltmore Lane.
6. Modify the note for the Utility Easement per Document No. 417862 to “15’ Wide Non-Exclusive Easement Doc. No. 4217862.”
7. Dimension with bearings and distances the exterior of the Public Storm Water Drainage Easement per Document No. 4337650 to enable proper retracement in relation to the new lot and outlot.
8. The 60-foot wide Sidewalk/Greenway easement shall note that the portion that overlaps the Public Storm Water Drainage Easement per Document No. 4337650 is subject to the restrictions set out within that document. It is also recommended that additional notes be inserted on the plat or by a separate document recorded at the Dane County Register of Deeds that set out the specific conditions and restrictions of the easement along with the requirements for construction, maintenance and repair of facilities installed in conjunction with the easement rights.
9. Note that the 60-foot wide Sidewalk/Greenway easement is a private easement dedicated to the American Family Mutual Insurance Company.
10. The label for the Non-Exclusive Drainage Easement shall refer to the numbered notes relevant to the easement. (eg. See note x, x and x for further information) Also add a 12-foot dimension for the easement along the northeast line of Lot 59.
11. The “15.0’ Proposed Utility Easement” label shall be revised to “15’ Wide Public Utility Easement.” Also a note shall be added to the plat in reference to the Public Utility Easement that establishes the rights, restrictions and beneficiaries of the easement.
12. Only show the improvements and labels necessary to demonstrate the proper division of the property.

13. If the pedestrian path is to be moved, add a note to that effect or modify the proposed Sidewalk/Greenway Easement area to encompass the entire path.
 14. Correct the Northing and Easting for the two section corners: The northing value should be an easting and the easting should be a northing.
 15. Identify the use of Outlot 1 on the face of the plat (i.e. private street purposes) in addition to the note.
 16. Provide a note on the plat stating that there shall be a public right of way reservation over all of Outlot 1 for a potential future public street.
 17. Provide an access easement for Lot 59 over Outlot 1 to allow access to the road on the outlot.
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18. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
 19. 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 Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
 20. 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 Eric Pederson, 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.
 21. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, 2 digital and 1 hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

22. In accordance with Wis. Stats. s.236.34(1)(c), which says a CSM shall be prepared in accordance with s.236.20(2)(c)&(f), the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

23. Lot 59 shall have no vehicular access to Eastpark Boulevard or to N. Biltmore Lane for the first 150 feet of lot frontage east of Eastpark Boulevard. This vehicular access restriction shall be shown graphically on the face of the final plat and acknowledged in a note.

24. An ingress/egress easement shall be provided between Lot 59 and Outlot 1. This easement shall be noted graphically on the face of the final plat and acknowledged in a note.

Zoning Administrator (Contact Pat Anderson, 266-5978)

This agency did not provide comments for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

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

Water Utility (Contact Dennis Cawley, 261-9243)

25. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not provide comments for this request.

Office of Real Estate Services (Jenny Frese, 267-8719)

26. Prior to final 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 MGO Section 16.23(5)(g)4 and 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.

27. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate.

28. As of October 4, 2013, the 2012 real estate taxes and special assessments are paid for the subject property.

29. Stormwater management fees, if any, shall be paid in full prior to final sign-off.

30. The following revisions shall be made to the final plat prior to final approval and recording:

- a.) Include on the proposed plat a complete and accurate legal description of the lands that are to be included in the proposed plat. The legal description shall be reconciled with the legal description of said lands in record title.
- b.) Revise Note #7 to match the note on the prior plat, if applicable.
- c.) Correct the numbering typo that shows two Note #4 entries.
- d.) Document No. 1775171 is reported in title, but it appears to be outside the plat boundary. Please plot the location and depict on the plat if relevant. If not, this document should be omitted in the title update received prior to final sign-off.
- e.) Include item #3e of the title report as a note on the plat, if applicable. If it is not applicable, it shall be omitted when the title update is performed.
- f.) Include item #3f of the title report as a note on the plat, if applicable. If it is not applicable, it shall be omitted when the title update is performed.
- g.) Revise the label for the depiction of amendment Document No. 4294443 to include the original easement document number per item #3i of the title report.
- h.) Depict item #3j of the title report, if applicable. If not applicable to the lands within the plat boundary, it shall be omitted when the title update is performed.
- i.) Avigation Easement recorded as Document No. 3485666 is noted on the plat, but not in title. Please research whether or not this document affects the lands within the plat boundary. If so, please have this document included in the title update. If not, please omit from the notes on the plat.