

**PREPARED FOR THE PLAN COMMISSION**

Project Address: 4699-4747 Eastpark Boulevard
Application Type: Revised Preliminary Plat and Final Plat
Legistar File ID # [53119](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

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

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

Requested Actions: Approval of 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.

Proposal Summary: The plat of *The American Center Eastpark Second Addition* will create two lots approximately 27 acres each in size on the westerly side of Eastpark Boulevard, which will be developed with employment uses consistent with other employment uses elsewhere in the American Center development. The plat will also dedicate an area of wetlands located the western edge of the subject site to the City for stormwater management, and create a 100-foot wide outlot to be privately maintained as a landscaped buffer strip adjacent to Interstate 39-90-94. 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.

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 application was submitted to the City on September 5, 2018. Therefore, the 90-day review period for this plat was scheduled to expire circa December 5, 2018.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the revised preliminary plat and final plat of *The American Center Eastpark Second Addition* at 4699-4747 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 71.7 acres of land that generally extends along the westerly side of Eastpark Boulevard from Hanson Road south towards West Terrace Drive; Aldermanic District 17 (Baldeh); Sun Prairie Area School District.

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

Surrounding Land Uses and Zoning:

North: UW Hospital at The American Center, 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: UW Health Rehabilitation Hospital, Alliant Energy office building, and undeveloped land, zoned SEC.

Adopted Land Use Plans: The Rattman Neighborhood Development Plan (1992) recommends the site and same general area of the American Center for office development.

Environmental Corridor Status: An area of known wetlands is located on the northern half of the subject site, which is located in a mapped environmental corridor. The 100-foot buffer adjacent to the interstate is also located in a mapped 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	Both lots will exceed
Lot Width		100’	Both lots will exceed
Front Yard		25’	To be determined at the time of future construction on Lots 1 and 2
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	
Minimum Building Height		22’ to building cornice	
Maximum Building Height		N/A	
Parking, Loading & Bike Parking		To be determined by Zoning Adm.	
Other Critical Zoning Items			
Yes:	Barrier Free, Utility Easements		
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development		
Prepared by: Tim Parks, Planning Division			

Project Description

The applicant, American Family Insurance, is requesting approval to subdivide 71.7 acres of undeveloped land located on the westerly side of Eastpark Boulevard south of Hanson Road into two lots for future development with employment uses and two outlots.

The site is zoned SEC (Suburban Employment Center District) and includes approximately 0.6 miles (3,260 feet) of frontage along Interstate 39-90-94, which forms the westernmost edge of the American Center development. The site is characterized by grades that primarily fall from two high points near the northern and southern boundaries of the property toward a crescent-shaped low spot that extends along a portion of the interstate frontage as well as through the center of the site. Most of the low-laying land is a Wisconsin Department of Natural Resources-indicated wetland, which the subdivider has recently had delineated. Most of the remaining property is currently in active tillage with the exception of an area of woodlands located at the northwestern corner of the site generally between the wetland and Hanson Road (which becomes Eastpark Boulevard upon entering the American Center).

Lot 1 of the proposed plat will be a 27.7-acre parcel that comprises the northerly half of the overall property and includes the developable land north and east of the wetland area. The remaining developable land south of the wetland will be platted as a 26.4-acre Lot 2. The letter of intent indicates that Lot 1 has been sized to suit the needs of a prospective buyer, while Lot 2 may be further subdivided in the future to accommodate multiple uses. The crescent-shaped wetland will be dedicated to the City for stormwater management with the final plat (Outlot 1), with the remainder of the 71.7-acre site to be retained by the applicant as a 100-foot wide, 7.45-acre Outlot 2 that will continue the 100-foot perimeter corridor that exists to the south parallel to the interstate right of way along the western edge of the American Center development.

Analysis and Conclusion

In addition to the final plat to create the two 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 71.7-acre subject property into the lots and outlots shown on the concurrent final plat; earlier versions of the preliminary plat for the American Center showed the same land being subdivided into seven smaller lots. The revised preliminary plat also reflects the proposed dedication of the low-laying wetland area to the City as an outlot, whereas earlier versions of the preliminary plat showed the same area in a public stormwater easement.

The proposed final plat continues the implementation of overall American Center development begun in the early 1990s, which includes 19 previous subdivision approvals. The proposed development lots meet the minimum requirements of the SEC-Suburban Employment Center District and are generally consistent with the employment land use recommendation for this portion of the American Center in the adopted 1992 Rattman Neighborhood Development Plan. [A process to comprehensively update the Rattman plan recently commenced; an amended plan developed by Planning Division staff is anticipated in the first half of 2019.]

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 Second Addition* subdivision at 4699-4747 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. Future development on Lots 1 and 2 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. That prior to final approval and recording of the final plat, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission to revise the environmental corridor map to reflect the approved subdivision, including any modifications needed to reflect the final location of the proposed stormwater management outlot.

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

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

3. The applicant shall provide revised stormwater management calculations that show the extent of flooding expected for the 100- and 500-year storm events that are routed through this wetland and box culvert under the Interstate. The applicant shall be required to show no build zones for all areas that are anticipated to be within the 500-year flood zone and note the requirement on the plat.
4. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for lands dedicated to the City. The applicant shall provide one (1) digital copy. Staff review of this Phase 1 ESA will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis (267-1986, bbemis@cityofmadison.com).
5. 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).

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

6. The Temporary Limited Easement for Lift Station Access Road expires in March of 2019. This easement shall be released and a final 30-foot wide access easement with adequate turn around at the lift station as determined by City Engineering shall be granted over the existing access route. The applicant may provide and alternative access route if there is one that better suits the needs for the site. Any alternative route shall be approved by City Engineering and shall include an adequate turnaround at the lift station. Contact Jeff Quamme for the required easement conditions to be placed on the plat.
7. The east-west portion (Parcel No. 1) of the MG&E, now ATC, easement per Document No. 1734881 appears to be shown incorrectly. Per the description, it is a 50-foot wide easement adjacent to the right of way of the Interstate from the north line of Section 22 going southerly to a line 302.9 feet south of and parallel with the north line of Section 22. This connects to Document No. 1736605. Note the direction of the easement per Document No. 1736605 matches the bearing within the document. This exact match of bearings is unlikely as the easement was not drafted on the same bearing reference as this plat. Also combine the detail of Document Nos. 1734881 and 1736605 on sheet 4 for continuity.
8. Label on the map the south end of the Wisconsin Telephone Easement per Document No 1775171. (Terminates at the south line of Section 15) Also add text that the easement was assigned to ATC per Document No. 3283453.
9. The MG&E gas easement per Document No. 2098771 is missing the exhibit in the recorded document, nor has this easement been noted or shown on the plat. The applicant shall confirm the location of this easement with Madison Gas and Electric and show it if it encumbers and lands within this plat.
10. L83 in the table for the Sanitary Easement per Document Nos. 2953057 and 4294443 is a curve along the south line of Eastpark Boulevard and not a line. Add a missing dimension opposite L94.
11. On the easement detail, show the area located in part of the SE 1/4 of the NW 1/4 of Section 22 that is subject to an Avigation Easement per Document No. 3485666 to Dane County.
12. For the detail of the Storm Water Drainage Easement per Document No. 4337650, provide the line and curves along the northeast side to close the easement.
13. A text shall be revised on the label for Outlot 1 and Note 10: "This plat grants to the City of Madison, the right of ingress and egress for construction and maintenance of lands and improvements lying within Outlot 1 of this plat. The right of ingress and egress is hereby granted over and across the portions lands within the easement areas as granted per Document Nos. 4337650, 4540394 and 4540396.
14. Some of the dimensions per Document Nos. 4540394 and 4540396 vary substantially from the document. Surveyor shall check the layout and dimensioning and provide explanation of discrepancies if any remain.
15. Course L123 for the Water Main Easement per Document No. 4540398 is a curve and shall be corrected on the table.

16. Each end of all easements shall be tied to a lot corner on the plat.
17. Add a label for the 15-foot wide Underground Electric and Communications Easement per Document No. 5019710 and corrected by Document No. 5129318 on sheet 3. Also, refer to both documents as above for all labels for the easement.
18. A No Vehicular Access Restriction shall be added along the right of way of Interstate 39-90-94. A note shall also be added that no right of access between any traveled way of Interstate 39-90-94 and any lands within this plat.
19. Add the Wisconsin Department of Transportation to the list of required agencies for submittal.
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 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, 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.
21. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Plat or Certified Survey Map. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations.
22. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement 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 original submittal of data and prior to final sign off.
23. In accordance with the plat requirements stated per s.236.20(2) (c) &(f), Wisconsin Statutes, the applicant shall show the type, location and width of any and all easements on the plat. 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. Include any and all language required to properly and legally create any easement by the plat.

24. 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.
25. Insert the standard language pre MGO Section 16.23(9)(d)2.a. verbatim and the text shall replace the current text in note 8.
26. Vary the line types of different easements on the face of the plat. The easements as currently drafted are difficult to differentiate.
27. Add recorded as data from plats, deeds and any other documents of record along the boundary of the plat as required by statute.
28. Show the south line of Lot 37 of Biltmore Third Addition as the adjoiner on the east side of Eastpark Boulevard.
29. The lot and outlot numbers shall be revised. In numbered additions to a subdivision, lot and outlot numbering must be sequential from the numbering of the initial plat.
30. Add a note that no buildings are permitted within the wetland buffer areas.

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

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

Fire Department (Contact Bill Sullivan, 261-9658)

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

Water Utility (Contact Adam Wiederhoeft, 261-9121)

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

Metro Transit (Contact Tim Sobota, 261-4289)

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

Parks Division (Contact Sarah Lerner, 261-4281)

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

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

31. The 2017 real estate taxes are 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.

32. As of the date of this letter 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.
33. Please coordinate with Tim Troester (267-1995) or Brenda Stanley (261-9127) in the City Engineering Division to obtain any outstanding stormwater management fees from the City of Madison Water Utility. Receipts for the payment of the prorated fee shall be presented prior to plat sign-off.
34. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Heidi Radlinger in the City's Office of Real Estate Services (hradlinger@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 (August 7, 2018) 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.
35. The owner shall email the document number of the recorded plat to Heidi Radlinger as soon as it is available.
36. The following revisions shall be made to the final plat prior to final approval and recording:
 - a.) Accurately reflect the contents of the title report in the proposed plat (see comments from Engineering Mapping).
 - b.) Provide proof of satisfaction or release for all judgments of record prior to plat approval sign-off.