



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

---

Madison Municipal Building, Suite 017  
215 Martin Luther King Jr. Boulevard  
Madison, Wisconsin 53703  
Phone: (608) 266-4635  
[www.cityofmadison.com](http://www.cityofmadison.com)

February 14, 2023

Mike Ziehr  
Vierbicher & Associates, Inc.  
999 Fourier Drive, Suite 201  
Madison, Wisconsin 53717

RE: Approval of a request to rezone 4846 Eastpark Boulevard from SEC (Suburban Employment Center District) to CC-T (Commercial Corridor–Transitional District) and to TR-U2 (Traditional Residential–Urban 2 District); and approving the preliminary plat and final plat of *The American Center Eastpark Fifth Addition*, creating two lots for future mixed-use development, seven lots for future multi-family development, one outlot for private parkland, and one outlot to be dedicated to the public for stormwater management. [ID 75182 and 74911; LNDSP-2022-00005]

Dear Mike;

At its February 7, 2023 meeting, the Common Council **approved** the rezoning and preliminary and final plat of *The American Center Eastpark Fifth Addition* subject to the conditions of approval in the following sections, which shall be addressed prior to final approval and recording of the final plat.

**Please contact Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have questions regarding the following twenty-one (21) items:**

1. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one (1) digital copy to Brynn Bemis ((608) 267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)).
2. The City has limited sewer capacity in this area (particularly to the north of the plat). Off-site sanitary sewer improvements may be required by the developer as a condition for development. The applicant shall provide Mark Moder (608) 261-9250, [mmoder@cityofmadison.com](mailto:mmoder@cityofmadison.com), with projected wastewater flow data and the direction for which the flow will be directed.
3. The streets being constructed as part of the proposed plat are required by NR-151 to be treated for stormwater management. It is unclear how that requirement will be met. The applicant shall provide the City Engineer with a stormwater management plan that documents the intent to meet this requirement.
4. Enter into a City / Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign-off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.

5. Construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat.
6. Make improvements to Eastpark Boulevard and S Biltmore Lane in order to facilitate ingress and egress to the development. The improvements shall include medians, street widening, bike lanes and modified driveways as required by City Traffic Engineer.
7. Construct Dreamer Drive from the eastern plat terminus to S Biltmore Lane.
8. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
9. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering Division sign-off.
10. 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).
11. An Erosion Control Permit is required for this project.
12. A Storm Water Management Report and Storm Water Management Permit is required for this project.
13. A Storm Water Maintenance Agreement (SWMA) is required for this project.
14. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (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. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
15. Submit a soil boring report that has been prepared by a Professional Engineer two weeks prior to recording the final plat to the City Engineering Division indicating the ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

16. 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.
17. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval.
18. Demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
19. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
20. 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:
  - Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
  - 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))
  - Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post-development rates to pre-development rates and using the design storms identified in MGO Chapter 37.
  - Provide infiltration of 90% of the pre-development infiltration volume.
  - Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.
  - The applicant shall demonstrate that water can leave the site and reach the public ROW without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.
  - 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.

21. 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).

**Please contact Jeff Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have any questions regarding the following twenty-two (22) items:**

22. The portions of the Public Utility Easements that are within the any area being dedicated to the public for street purposes shall be released by the Private Public Utilities. They also shall be released in a separate document prepared by City Office of Real Estate Services. Contact Jeff Quamme of Engineering Mapping ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com), 266-4097) to coordinate the Real Estate project, and associated information and fees required. The releases shall be required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat.
23. The plat is located in two different school districts. Therefore, Lots 52 and 53 will be split and parceled by the Assessor's Office along the school district line. In order to recombine the parcels into the platted lot, a petition to the School District will be needed in order to place the square footage all in one school district.
24. In accordance with Chapter 236, Wisconsin Statutes, the applicant must show the type, location and width of any and all easements on a plat or CSM. Clearly identify the difference between existing easements (cite recording data) and easements which are being conveyed by the land division. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by this subdivision.
25. Remove the private sign easement from Outlot 21. Private use of public lands is to be avoided.
26. Dimension the vision corners from the property corners and place text in the labels directing to the text having the specifics of the restriction.
27. The Stormwater Easement in the southwest corner of Lot 47 will be a Public Storm Sewer Easement granted by the plat of the Fourth Addition. It will also extend to the east right of way of Eastpark Blvd. The note shall be modified accordingly and shall reference the Fourth Addition plat that is granting the easement.
28. The Private Storm Water Easements shown in the northeasterly corner of Lot 51 and the northerly side of Lot 53 treat public street stormwater, and therefore will be granted by the Fourth Addition as Public Stormwater Management Easements. Modify the notes accordingly to acknowledge the grant as per the plat of the Fourth Addition.
29. Insert standard language pre MGO 16.23(9)(d)2.a. verbatim. When done, all of the previous non-exclusive easements for drainage easements are released and new drainage easements defined by the current proposed plat.

30. Note: Comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary in the future to accomplish the future proposed site development within any of the lots within this plat will be required for any site development approval.
31. The Public Stormwater Easement at the westerly corner of Lot 55 will be a Private Storm Sewer Easement in favor of Outlot 19 of the Fourth Addition granted on the same plat. The easement shall include terms and conditions of construction, maintenance, repair and replacement.
32. Add a label to adjacent Outlot 20 that it is reserved for future public right of way per the Fourth Addition.
33. Currently only a portion of the private Drainage Easement per Document No. 5778376 is being released as part of the Fourth Addition. Public drainage rights are also to be granted as a condition of approval for the 4th Addition over the easterly side of Lots 51 - 53. The release and new easement shall be referenced on this plat. Coordinate with the consultant that is completing the plat of the Fourth Addition.
34. Notes containing the title information from the exceptions noted on the Preliminary Plat for Exceptions 10, 12, 16 and 17 shall be added to the final plat. Also on the map and in title correct Document Nos. 2379030 to 2379020.
35. The Owner's Certificate and Consent of Mortgagee Certificate shall be correctly updated with the required title update prior to final sign-off.
36. The measured coordinates for the Public Land and Meander Corners shall be provided. Currently, only record coordinates are shown and not measured values.
37. 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.
38. Prior to City Engineering Division final sign-off by main office, the final plat shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final City Engineering Division sign-off.
39. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with Madison General Ordinances and State of Wisconsin Statutes. The licensed

professional preparing the land division is fully responsible for full compliance with all ordinances and statutes regulating this proposed subdivision.

40. The required location map on the plat is missing.
41. This pending plat application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction or early start permit.
42. The north road segment will have a name of Luminous Lane. The south road segment will have a name of Jacks Lane.
43. 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.

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following two (2) items:**

44. Final public right of way configuration and design along with site plans are not approvable through the plat approval process. The applicant is showing, in their supplemental plans, a proposed 42-foot wide street, which is not supported by Traffic Engineering.
45. The applicant shall execute and return a declaration of conditions and covenants for streetlights prior to sign-off.

**Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:**

46. The Madison Fire Department does not object to the overall design of the project. It is the design team's responsibility to ensure the buildings comply with all applicable building and fire codes as well as all Madison General Ordinances.

**Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following three (3) items:**

47. Submit a Site Utility Plan indicating the proposed water main throughout the development.
48. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO 16.23(9)(d)(3).
49. All public water mains and water service laterals shall be installed by a standard City subdivision contract / City- Developer agreement. Applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

**Please contact Tim Sobota of Metro Transit at (608) 261-4289 if you have any questions regarding the following three (3) items:**

50. In coordination with public works improvements, the applicant shall install and maintain an accessible concrete boarding pad surface at the planned bus stop on the east side of Eastpark Boulevard, north of the Dreamer Drive intersection.
51. In coordination with public works improvements, the applicant shall install and maintain an accessible concrete boarding pad surface at the planned bus stop on the west side of Eastpark Boulevard, south of the Inspire Drive intersection.
52. The applicant shall install and maintain a new passenger waiting shelter with seating amenity - either as part of the private landscape plan or in the public right-of-way area - serving the curbside bus stop zone on the west side of Eastpark Boulevard, south of the Inspire Drive intersection area. If located in the public right-of-way, the applicant shall submit a Privilege in Streets (Bus Shelter) application for review by the City. An approved Encroachment Agreement, for the bus shelter, shall be executed prior to sign off. Contact City Real Estate to start the Privilege in Streets (Bus Shelter) application process. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

**Please contact Kathleen Kane of the Parks Division at (608) 261-9671 if you have any questions regarding the following five (5) items:**

53. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 20055 when contacting Parks Division staff about this project.
54. The plat, as currently proposed, includes two lots for future mixed-use development; seven lots for future multi-family development; one outlot for public stormwater management; and one outlot for private open space with public-access easement to occur over several phases of construction. The parkland dedication requirement for a single family / duplex unit is 1,081 square feet and for a multi-family unit is 734 square feet per MGO Sec. 16.23(8)(f) and 20.08(2).

55. Outlot 22 is described on the plat as “to be used as a private park” and is +/- 2.0851 acres (90,828 square feet) with a public access easement. Depending on final unit counts and as proposed, Outlot 22 is insufficient in size to fully meet the parkland dedication requirements and park land dedication fees (“fee in lieu”) will be due for the proposed development.
56. Prior to sign off on the final plat, the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the park impact fees for this development. This document will be recorded at the Register of Deeds. The applicant shall be responsible for all recording fees.
57. The following note should be included on the final plat: “Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued.” The Parks Division shall be required to sign-off on this subdivision.

**Please contact Jenny Frese of the Office of Real Estate Services at (608) 267-8719 if you have any questions regarding the following five (5) items:**

58. 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.
59. 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.
60. 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.
61. 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.
62. Pursuant to MGO Section 16.23(5)(g)(4), provide to the Office of Real Estate Services and the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report 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.

**Please contact my office at (608) 261-9632 if you have questions about the following three (3) items:**

63. The applicant shall work with the property owner to provide 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 that reflects the subdivision of the 24-acre subject property into the lots and outlots shown on the concurrent final plat.

64. That prior to final approval and recording of the final plat, the applicant shall demonstrate compliance with the requirements in Section 16.23(8)(f)8 of the Subdivision Regulations for privately-owned and maintained open space, including the execution of land use restrictions and open space easements in a form acceptable to the Parks Division, Planning Division, and City Attorney's Office.
65. Note: Recording of The American Center Eastpark Fifth Addition cannot occur until The American Center Eastpark Fourth Addition has been granted final City approvals and been recorded at the Dane County Register of Deeds.

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

Any appeal regarding the plat, including the conditions of approval related thereto, must be filed with the Circuit Court within thirty (30) days from the date of this letter. If I may be of any further assistance, please do not hesitate to contact me at (608) 261-9632 or [tparks@cityofmadison.com](mailto:tparks@cityofmadison.com).

Sincerely,

*Timothy M Parks*

Timothy M. Parks  
Planner

cc: Greg Held, Knothe & Bruce Architects, LLC  
Brenda Stanley, City Engineering Division  
Fadi El Musa Gonzalez, City Engineering Division  
Jeff Quamme, City Engineering Division – Mapping Section  
Sean Malloy, Traffic Engineering Division  
Jenny Kirchgatter, Assistant Zoning Administrator  
Bill Sullivan, Madison Fire Department  
Kathleen Kane, Parks Division  
Tim Sobota, Metro Transit  
Jeff Belshaw, Madison Water Utility  
Jenny Frese, Office of Real Estate Services