



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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****BY E-MAIL ONLY****

December 14, 2021

Daniel N. Perry
Vierbicher Associates
999 Fourier Drive, Suite 201
Madison, Wisconsin 53717

RE: Approval of a request to rezone land generally addressed as 3953-4051 Kipp Street from Temporary A (Agricultural District), CN (Conservancy District), and IL (industrial–Limited District) to CN and IL; and approval of the preliminary plat and final plat of *Replat of Tradesmen Commerce Park*, creating four lots for future industrial development, re-creating an outlot for public stormwater management, and creating one outlot for private stormwater management. [ID 67825 and 67807; LNDSP-2021-00006]

Dear Dan;

At its December 7, 2021 meeting, the Common Council **approved** the rezoning and preliminary and final plat of *Replat of Tradesmen Commerce Park* 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-eight (28) items:

1. Madison Metropolitan Sewerage District (MMSD) 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 ((608)261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering sign-off.
2. A stormwater management plan will need to be reviewed and approved prior to plat recording to determine the different needs of the plat, including size and layout of the public outlots and easement needs (public, private and inter-lot drainage agreements). If any lots are to provide their own Stormwater management that should be clearly noted on the face of the plat. Easements will need to be labeled as public or private. Public easements for stormwater or drainage will be required if necessary for conveyance of public water. If water is not considered "public" (originating from the street or from public lands) then those easements will be considered private.
3. Note purpose for all publicly dedicated outlots (e.g. dedicated to the public for public stormwater management and open space).

4. Remove the note for non-exclusive drainage easements. These will not be required for this plat. If any lots are dependent on each other for cross drainage or underground conveyance a separate document will be required to outline the rights and responsibilities.
5. 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.
6. Construct Kipp Street/Tradesmen Drive and sidewalk improvements from current terminus to Marsh Road.
7. Construct a 10-foot wide multi use path to a plan approved by City Engineer from Kipp Street to the southeast corner of the plat.
8. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
9. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, contact either Tim Troester (West) at (608) 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at (608) 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 and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
10. An Erosion Control Permit is required for this project.
11. A Storm Water Management Report and Storm Water Management Permit is required for this project.
12. 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 of the WDNR at 273-5612 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.
13. A portion of this plat may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland, floodplain, or navigable waterway issues. A permit for these items may be required prior to construction. Contact the WDNR and USACOE for a jurisdictional determination. Provide a revised wetland delineation report to the City and include any revised delineation and setback lines on the face of the plat. Note: Wetland delineations cannot be over five (5) years old.

14. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis ((608) 695-1385, bbemis@cityofmadison.com).
15. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
16. The applicant shall show storm water "overflow" paths that will safely route runoff during the 100-year 24-hour design storm when the storm sewer is at capacity.
17. Provide calculations for the 100-year storm event, as identified in MGO Chapter 37, as part of the plat design and stormwater management plan. The flows from this design storm event will be routed through the development to ensure that all public water stays within the public right of way or within public lands or easements.
18. Provide calculations for the 500-year storm event, as identified in MGO Chapter 37, as part of the plat design and stormwater management plan. The flows from this design storm event will be routed through the development and used to determine an anticipated safe top of concrete foundation elevation for future buildings in critical areas.
19. Record a deed restriction in areas prone to flooding may be required to restrict construction of building openings. Further review of the stormwater management plan will be required to make this determination.
20. Submit proposed lot corner grades with the stormwater management plan as these two items must be reviewed together to properly determine stormwater overflow conditions. Prior to the issuance of building permits, submit a master stormwater drainage plan with final as-built lot corner grades. These grades may be modified from the originally proposed grades provided they continue to meet design tolerances. No building permits shall be issued prior to the City Engineering Division's final approval of this plan.
21. Install a property boundary witness markers along the boundary of lands dedicated for public stormwater purposes at property corners or in locations that are mutually agreeable to the applicant and Engineering Division.
22. 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.
23. Submit proposed lot corner grades with the stormwater management plan, as these two items must be reviewed together to properly determine stormwater overflow conditions. Prior to the issuance of building permits, submit a master stormwater drainage plan with final as-built lot corner grades. These grades may be modified from the originally proposed grades provided they continue to meet

design tolerances. No building permits shall be issued prior to City Engineering's final approval of this plan.

24. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL zone and therefore will be regulated to meet a higher standard.
25. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" by 17" copy of an erosion control plan (PDF electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
26. Demonstrate compliance with MGO Sections 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.
27. 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.
28. 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 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.
 - Detain the 2-, 10-, 100- and 200-year storm events, matching post development rates to predevelopment 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.
 - Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any best management practices (BMP) used to meet stormwater management requirements on this project.

Please contact Eric Pederson of the City Engineering Division—Mapping Section at (608) 266-4056 if you have any questions regarding the following seven (7) items:

29. Existing permanent easement for Public Pedestrian/Bicycle Path Purposes per Document Nos. 4561013 and 4561014 shall be clearly depicted on the final plat, including the retraceable location in

accordance with Chapter 236, Wisconsin Statutes. The applicant shall show the type, location and width of any and all easements on a plat for this and any others of record. Clearly identify the difference between existing easements (cite recording data) and easements which are being conveyed by the subdivision. 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.

30. This proposed Replat of Tradesmen Commerce Park intends to reconfigure existing City-owned Outlot 3, Tradesmen Commerce Park. Outlot 3 was previously dedicated to the public for stormwater management purposes. This replat has proposed to reconfigure said public outlot, thus the City of Madison, who accepted dedication for these special purposes, shall release such restriction in accordance with s. 66.1025(1) of the Wisconsin Statutes, which requires City resolution and/or ordinance adopted by Common Council with a minimum of two-third approval votes by its members. The City of Madison, following conditional approval of this replat, shall proceed with preparation of resolution and/or ordinance by Engineering for introduction to Common Council. Upon adoption of such resolution, authorizing City Real Estate (ORES) personnel to proceed, ORES staff shall then process the necessary conveyance/grant of land back to the owner/dedicator/heirs allowing the replatting of the outlots with the replat. Coordinate this with Eric Pederson of Engineering- Mapping, (608) 266-4056 or epederson@cityofmadison.com.
31. Existing ORES Project No. 12173 (ORES 12098 for title work) was previously created with intent to release prior to recording of CSM. The owner went ahead with recording CSM without finalization of City and utility company releases as the CSM outlot as created could not be developed as created. This easement release project shall be completed prior to final approval/recording of this replat.
32. Provide a new 20-foot wide permanent limited easement for bike path purposes along edge of 100-year floodplain for new multi-use path in locations where existing easement falls within 100-year floodplain and floodway. The developer/owner may choose to request that the City release any unused remnant easement portions due to relocation, yet may not feel necessary as remnant easement is located within wetland boundary, thus not significant added burden or hindrance to remain. Owner/developer can make decision to request release or not.
33. 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.
34. The City Engineering Division requests that clarification be made to existing note tables on page 2 of 2. The note tables currently makes reference to conditions created by prior CSM 15489 and the original Tradesmen Commerce Park plat. Complete suggested clarification updates so the final replat makes reference to what land record document created each and only include existing notes/conditions that remain in current title. (i.e. MGO Chapter 37 compliance no longer applies to outlots from CSM 15489 that have been replatted, therefore that note shall be removed.)

35. Submit to Jeff Quamme, prior to City Engineering Division 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: a) right-of-way lines (public and private); b) lot lines; c) lot numbers; d) lot/plat dimensions; e) street names; and f) easement lines (i.e. all shown on the plat 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 item:

36. The applicant shall construction a multi-use path according to plans approved by the City Engineer.

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

37. Upon development, a separate water service lateral and water meter will be required to serve each parcel. Thewater laterals shall be directly connected to the public water main with the shut-off valve located in the public right of way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

Please contact Andy Miller of the Office of Real Estate Services at (608) 261-9983 if you have any questions regarding the following thirteen (13) items:

38. Prior to approval sign-off by the Office of Real Estate Services (“ORES”), all parties having an interest in the property, pursuant to Wis. Stats 236.21(2)(a), shall execute the Owner’s Certificate on the plat. Certificates shall be prepared with the ownership interests consistent with the most recent title report. When possible, the executed original hard stock recordable plat shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the plat containing electronic signatures shall be provided to ORES to obtain final sign-off.

39. Prior to plat approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s).

40. A Consent of Lessee certificate shall be included on the plat for any tenancy in excess of one year, recorded or unrecorded, and executed by said tenant prior to agency plat approval sign-off.

41. All consents and certifications for any holder of interests in the subject lands shall conform with Wis. Stats. 236.21(2) and 236.29, i.e., to include the language “...surveyed, divided, mapped and dedicated...”

42. If any portion of the lands within the plat boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and executed prior to approval sign-off.
43. Update the City of Madison Plan Commission certificate currently labeled "CITY OF MADISON APPROVAL" to "CITY OF MADISON PLAN COMMISSION CERTIFICATE" and update the signature line to read, "Matthew Wachter, Secretary of the Plan Commission".
44. The is following City of Madison Treasurer certificate shall appear on the plat:

I, Craig Franklin, being the duly appointed, qualified and acting Treasurer of the City of Madison, Dane County, Wisconsin, do hereby certify that, in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of this _____ day of _____, 20____ on any of the lands included in the plat of _____.

Craig Franklin, City Treasurer
City of Madison, Dane County, Wisconsin

45. A certificate for the Dane County Treasurer similar to the City of Madison Treasurer Certificate above shall appear on the plat. Adam Gallagher is the County Treasurer.
46. The lands within the plat boundary are partially located within Tax Incremental Financing District 39. Discussions with Joe Gromacki, the City of Madison's tax increment financing coordinator, may be necessary before recording the plat if a TIF application is required. Mr. Gromacki can be reached at (608) 267-8724 or jgromacki@cityofmadison.com. Please inform Andy Miller in the City's Office of Real Estate Services (acmilller@cityofmadison.com) if a TIF Loan has been authorized for the project.
47. As of November 12, 2021, the 2020 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 and special assessments that are accrued or delinquent for all parcels within the plat boundary prior to recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. 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.
48. As of November 12, 2021, 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, including accrued interest in the case of delinquencies, shall be paid by the owner prior to plat approval sign off. Receipts for payment shall be provided to the City's Office of Real Estate Services in advance of plat approval sign-off.
49. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Andy Miller (acmilller@cityofmadison.com) in the City's Office of Real Estate Services (ORES), as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (October 19, 2021) 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. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the plat.

50. The following revisions shall be made on the final plat prior to final approval and recording:
- a.) Depict, dimension, name, note and/or identify by document number all relevant easements, declarations, plans, conditions, agreements, and other documents cited in record title and the updated title report, and include relevant notes from plats or CSMs of record.
 - b.) Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. associated with the lands described for the proposed plat.
 - c.) For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.
 - d.) Create and record, or show as being dedicated in the proposed plat, easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.
 - e.) Record satisfactions or releases for all recorded instruments that encumber or benefit the subject lands, if all interested parties agree that the purpose for such instrument is no longer necessary or relevant for the purposes of the land division.
 - f.) Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats or CSMs, if this proposed plat is a re-division of existing plats or CSMs with utility easements that will no longer be applicable; and, prior to requesting sign-off, place a note in the proposed plat citing the recording data for the City's recorded release of same.
 - g.) Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for _____ purposes."

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

51. The final plat shall include notes/ labels for the use and ownership of the proposed outlots.
52. The 75-foot "wetland offset" shall be revised to be a 75-foot wetland *setback*.
53. Prior to final approval and recording of the final plat, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission (CARPC) to revise the environmental corridor map to reflect the approved subdivision.

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

ID # #67825 & 67807
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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 261-9632.

Sincerely,

Timothy M Parks

Timothy M. Parks
Planner

cc: Brenda Stanley, City Engineering Division
John Sapp, City Engineering Division
Eric Pederson, City Engineering Division – Mapping Section
Jenny Kirchgatter, Assistant Zoning Administrator
Sean Malloy, Traffic Engineering Division
Jeff Belshaw, Madison Water Utility
Andy Miller, Office of Real Estate Services