



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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

November 10, 2023

Wade Wyse
Wyser Engineering, Inc.
300 E Front Street
Mount Horeb, Wisconsin 53572

RE: Consideration of a request to rezone 602-1202 and 601-1103 Boyer Street and 8825 Nelson Crossing from EC (Employment Campus District) and CN (Conservancy District) to SE (Suburban Employment District) and CN; and re-approval of the final plat of *University Research Park–Pioneer 1st Addition Replat* to replat Boyer Street and 14 lots for future employment and four outlots for private stormwater management and open space into 9 lots for future employment and re-create 3 outlots for private open space and 2 outlots for stormwater management (University of Wisconsin Board of Regents). [ID 80092 and 79952; LNDSP-2022-00004]

Dear Wade;

At its November 7, 2023 meeting, the Common Council **approved** the rezoning and final plat of *University Research Park–Pioneer 1st Addition Replat*. The conditions of approval in the following sections shall be addressed prior to final approval and recording of the final plat.

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following eighteen (18) items:

1. 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.
2. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat.
3. Make improvements to Valley View Road in order to facilitate ingress and egress to the development as required by the City Engineer.
4. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.

5. This development is subject to impact fees for the Valley View Road Sewer and Drainage Improvement Impact Fee District. All impact fees are due and payable at the time building permits are issued (MGO Chapter 20). Add the following note on the face of the plat: "Lots / buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
6. This development is subject to impact fees for the Upper Badger Mill Creek Storm and Sanitary Impact Fee District. All impact fees are due and payable at the time building permits are issued (MGO Chapter 20). Add the following note on the face of the plat: "Lots / buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
7. Madison Metropolitan Sewerage District (MMSD) 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 ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
8. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm 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).
9. An Erosion Control Permit is required for this project.
10. A Storm Water Management Report and Storm Water Management Permit is required for this project.
11. Submit a soil boring report that has been prepared by a Professional Engineer to the City Engineering Division two weeks prior to recording the final plat, which indicates 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.
12. 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.
13. The applicant shall construct multi-use path from southeast corner of plat to Valley View Road. This will include converting a portion of existing sidewalk on S Pleasant View Road.
14. The applicant shall construct multi-use path from Boyer Street to Greenside Park, and from Boyer Street to Outlot 11 and from S Pleasant View Road to Outlot 11. Note: City Engineering is open to adjusting the existing easements for these facilities depending on building and lot layout and grading/tree protection issues.

15. 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, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
16. 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.
17. 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.
18. 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 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.
 - Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.
 - The applicant shall demonstrate that water can leave the site and reach the public right of way 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 best management practices used to meet stormwater management requirements on this project.

Please contact Julius Smith of the City Engineering Division–Mapping Section at (608) 264-9276 if you have any questions regarding the following twenty-four (24) items:

19. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Jule Smith of Engineering Mapping (jsmith4@cityofmadison.com, (608) 264-9276) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat. there are multiple locations of public utility easements along two sections of Boyer Street, S Pleasant View Road and Valley View Road that need to be released, Along with a portion of blanket public sidewalk and bike path and easement being replatted over in Outlot 10, release blanket public sidewalk and bike path easement and also public stormwater drainage easement over Outlot 9, release the portion of Outlot 8 being replatted from the blanket tree preservation note and release of the 125-foot public sidewalk and bike path easement also public storm water drainage easement.
20. In accordance with Chapter 236, Wisconsin Statutes, the applicant shall 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 land division.
21. Grant a new 125-foot wide easement for public sidewalk and bike path and public storm water drainage easement to replaced in kind on the Replat with the proposed re-alignment of Boyer Street as have been show but the final location to be determined by City Engineering and Traffic Engineering staff prior to recording.
22. The applicant shall coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
23. Insert standard language pre MGO Section 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.
24. Add “See note 10” for all call outs to the existing 75-foot landscape buffer.
25. All existing and proposed easements shall be fully dimensioned on the final plat. Note that multiple existing outlots have easements over them, and cite the plat and document number.
26. The existing 30-foot wide utility easement along the southerly most portion of S Pleasant View Road is not shown.
27. Note that the portion of the Public Sanitary Sewer and Storm Sewer Easement that is just north of Ancient Oak Lane at the west edge of the plat located within the limits of the woodland/ landscape buffer is not subject to the buffer per the note on University Research Park-Pioneer 1st Addition, Document No. 5220401.
28. Show bearing and distances on public sanitary and storm sewer easement Document No. 3308632.

29. Revise the plat limits and legal descriptions for the plat. The plat shall be divided into two halves at Ancient Oak Lane is not part of the plat. A link to between the halves shall be shown
30. Call out any new easements notably the portions of utility easements along shown over vacated Boyer Street at Valley View, and S Pleasant View Road.
31. List the purpose of all the outlots on the face of the plat.
32. Do not show the existing Hawks Landing lots around Nelson Crossing in a solid line.
33. Remove the random section line running down S Pleasant View Road.
34. Label Lot 48 and Outlot 14 on Sheet 2 of 3 and add continued on sheet 1 at the top of the sheet.
35. Remove the language for public street easements.
36. Label Lots 51 and 52 on Sheet 1 of 3 and place a note continues on sheet 2 of 3 of bottom of sheet.
37. List all pertinent notes from University Research Park–Pioneer 1st Addition plat.
38. 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 Jule Smith, City Engineering (jsmith4@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.
39. 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 in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office for current tie sheets and control data that has been provided by the City of Madison.
40. Prior to City Engineering Division final sign-off by the main office for plats, the final plat must 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** version of the plat in PDF form is preferred. Transmit the final plat to jsmith4@cityofmadison.com.
41. Submit to Jule Smith, 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, preferably closed polylines for lot lines, 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 (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 two (2) items:

42. The applicant shall work with Traffic Engineering and City Engineering staff to determine the cross section of Boyer Street prior to final approval of the plat for recording.
43. The applicant shall work with Traffic Engineering and City Engineering staff to determine the location of multi-use paths.

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

44. 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).
45. 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.
46. The Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

Please contact Andy Miller of the Office of Real Estate Services at (608) 261-9983 if you have any questions regarding the following eight (8) items:

47. 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. Signatories shall provide documentation that proves legal authority to sign the Owner’s Certificate. 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 approval sign-off.
48. 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). If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the plat boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to plat approval sign-off.

49. 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.
50. 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.
51. The tax status for the subject lands is currently exempt. Should the tax status change and taxes become due prior to the recording of the final plat, under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to plat recording. Receipts are to be provided on or before sign-off.
52. As of October 14, 2022, there are special assessments reported for a portion of the parcels within the plat boundary. Pursuant to Madison City Ordinance 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.
53. 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 (August 25, 2022) and the date when sign-off approval is requested. A title commitment may be provided, but will be considered only as supplementary information to the title report. Surveyor shall update the plat with the most recent information reported in the title 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.
54. 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. For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.
 - c. 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.
 - d. 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.
 - e. Provide proof of satisfaction or release for all liens and/or judgments of record prior to plat approval sign-off.

- 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 (608) 261-9632 if you have any questions about the following four (4) items:

- 55. That the use note for Outlot 11 be revised to say ‘Outlot 11’ instead of Outlot 7 (from the original plat).
- 56. Include a reserved for/use note for Outlot 13 on the final plat.
- 57. That the tree preservation and management plan for the subdivision approved with the *University Research Park–Pioneer 1st Addition* be revised to reflect the proposed replat per Planning Division approval prior to commencement of any grading activities on the site. The tree preservation and management plan shall include a general inventory of the trees located across the site and shall identify opportunities for mature tree cover to be preserved within and adjacent to the proposed easement areas during the implementation and build-out of the development. Disturbance within these easements should be limited, and the final location of subdivision utilities may be varied to allow areas of mature tree cover to be avoided. Where necessary to augment the existing tree cover in these easements, a buffer landscaping plan shall be approved by the Planning Division, including the creation of a full landscaped buffer along S Pleasant View Road.
- 58. That the applicant work with staff from the Planning Division, Traffic Engineering Division, and City Engineering Division prior to recording of the final plat to develop detailed plans for the construction of the private path network located throughout the development, including details on the proposed width of the paths and the materials that will be used. The applicant shall also work with staff on easement/ plat language to address the future maintenance and right of use of non-City paths throughout the development.

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

In order to commence the process for obtaining the necessary City signatures on the final plat, the applicant shall e-mail the revised plat, updated title report, and any other materials required by reviewing agencies to the reviewing planner. The reviewing planner will share the updated materials with the relevant commenting City agencies for them to verify that their conditions have been satisfied and that the secretary or designee may sign the Plan Commission approval certificate. Once the Plan Commission certificate is executed, the Planning Division will notify the City Clerk’s Office that the Common Council certificate may be executed and the City Treasurer that his signature may be affixed.

Once all of the necessary City signatures have been affixed to the final plat, the instrument may be recorded at the Dane County Register of Deeds Office. For information on recording procedures and fees, please contact the Register of Deeds at (608) 266-4141.

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 regarding this project, please do not hesitate to contact me at (608) 261-9632 or tparks@cityofmadison.com.

Sincerely,

Timothy M Parks

Timothy M. Parks
Planner

cc: Tim Troester, City Engineering Division
Julius Smith, City Engineering Division – Mapping Section
Sean Malloy, Traffic Engineering Division
Jenny Kirchgatter, Assistant Zoning Administrator
Jeff Belshaw, Madison Water Utility
Andy Miller, Office of Real Estate Services