



PREPARED FOR THE PLAN COMMISSION

Project Address: 4864-4902 Eastpark Boulevard
Application Type: Revised Preliminary Plat and Final Plat
Legistar File ID # [71941](#)
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 and Ben Schulte, Ruekert & Mielke, Inc.; 4001 Nakoosa Trail, Suite 200; Madison.

Requested Actions: Re-approving the revised preliminary plat and final plat of *The American Center Eastpark Fourth Addition* and granting a waiver or variance to one or more design requirements in Section 16.23(8) of the Subdivision Regulations, as allowed by Section 16.23(10).

Proposal Summary: The plat of *The American Center Eastpark Fourth Addition* proposes to create two lots for future employment uses from approximately 24 acres of land. The proposed lots, Lots 45 and 46, will be located on either side of proposed “Dreamer Drive,” a proposed east-west public street, which will extend between Eastpark Boulevard and S Biltmore Lane. The proposed plat will also create a private street loop, “Inspire Drive,” (on proposed Outlot 19) and a 0.45-acre private open space formed by the private and public streets (Outlot 18), which will be maintained by the American Center Owner’s Association. The subject site is Outlot 1 of a recently recorded Certified Survey Map, CSM 15829, which also created a 3.54-acre lot that is currently being developed with a medical clinic at 5150 Eastpark Boulevard. The proposed 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.

Parcel Location: An approximately 24 acres of land generally located on the easterly side of Eastpark Boulevard between N Biltmore Lane and West Terrace Drive; Alder District 17 (Halverson); Sun Prairie Area School Dist.

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

Request, Analysis & Conclusion

On November 2, 2021, the Common Council conditionally approved an application by American Family Mutual Insurance Co. for approval of the revised preliminary plat and final plat of *The American Center Eastpark Fourth Addition*, creating two lots for future office development, one outlot for a private street, and one outlot for privately maintained open space. The subdivision also dedicates proposed “Dreamer Drive,” a proposed east-west public street that will extend between Eastpark Boulevard and S Biltmore Lane. The Plan Commission

recommended approval of the plat at its October 18, 2021 meeting. The full October 18, 2021 staff report and other materials related to the *Fourth Addition* plat are attached to file ID [67273](#).

One of the conditions of approval of the subdivision was the need for 15-foot corner radii to be dedicated to the City at the future intersections of Dreamer Drive with Eastpark Boulevard and S Biltmore Lane consistent with the design requirements in Section 16.23(8)(a)7.d. of the Subdivision Regulations. However, the subdivider has been unable to obtain the land required for the corner radius dedication at the southwestern corner of proposed Dreamer Drive and S Biltmore Lane from the owner of the adjacent lot at 4702 S Biltmore Lane.

During preparation of the plans for public improvements to serve the proposed subdivision, the City Engineering Division and Traffic Engineering Division determined that a full street cross-section could be constructed at the intersection of Dreamer Drive and S Biltmore Lane as otherwise required in Madison General Ordinances without the dedication the 15-foot corner radius at the southwestern corner of the future intersection.

Under Section 16.23(10), the Plan Commission may grant a variance or waiver because extraordinary hardship would result to apply literally the design requirements in Section 16.23(8) provided that the Commission may find that substantial justice be done and the public interest secured. In this case, staff from the City Engineering Division, Traffic Engineering Division, and Planning Division believe that the Plan Commission may find that the public interest is secured in granting the requested waiver to Section 16.23(8)(a)7.d. of the Subdivision Regulations. The dedication of Dreamer Drive with the proposed *Fourth Addition* plat will implement a key recommendation in the Rattman Neighborhood Development Plan that a public street be extended between Eastpark Boulevard and S Biltmore Lane to break up the large block created by Eastpark, N Biltmore Lane, and S Biltmore Lane. In general, the neighborhood development plan recommends that this and other large blocks in the American Center be broken up by new public streets to improve connectivity within the business park for all forms of transportation. Given that a full standard intersection can be constructed at Dreamer and S Biltmore without the corner radius at the southwestern corner, staff feels that the public interest will be more than adequately served by granting the needed waiver and allowing the plat to proceed as submitted. In the event that 4702 S Biltmore Lane is ever re-divided in the future, the 15-foot intersection radius would be obtained at that time.

No changes to the approved subdivision are proposed, and the other conditions of the 2021 approval would be carried forward with the requested re-approval. For clarity, however, staff has included a revised slate of conditions that specifically include the requested waiver and strike the radius requirement, which is listed in the City Engineering Division–Mapping Section’s comments on page 6, below. The project team anticipates recording the final plat soon after the resolution re-approving the plat is adopted.

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 Fourth Addition* subdivision of 4864-4902 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. The Plan Commission finds that, based on the recommendation of the City Engineering Division, Traffic Engineering Division, and Planning Division, the public interest is secured in granting a waiver to Section 16.23(8)(a)7.d. of the Subdivision Regulations for a 15-foot radius at the southwestern corner of the intersection of Dreamer Drive and S Biltmore Lane.
2. The portions of Dreamer Drive currently not owned by the subdivider shall be conveyed to American Family Mutual Insurance Co. prior to final sign-off of the final plat. If SLJ II, LLC is a subdivider and dedicates the right of way via this plat, the balance of Lot 1 of CSM 14195 shall be included on the final plat of *American Center Eastpark Fourth Addition*.
3. The applicant shall submit to the Planning Division two copies of the private subdivision covenants, conditions and restrictions that govern the organizational structure, use, maintenance and continued protection of the development and any common services, open areas or other facilities to serve the proposed subdivision, including the common elements and contracted services requirements proposed to serve certain lots or outlots within the plat. These documents shall be approved by the Planning Division in consultation with the City Attorney's Office prior to final approval of the plat for recording.

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

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

4. The lots adjacent to this plat appear to share cross drainage with the proposed lots. Provide an inter-lot drainage and stormwater easement to allow for shared drainage.
5. If the easements are not taking public street water then they shall be dedicated as private and document numbers shall be added to the plat prior to the plat recording. Note all easements that are private as such on the plat.
6. Note that Outlot 18 is to be dedicated for private open space.
7. The new street will need public Stormwater management in accordance with Chapter 37 of Madison General Ordinances. Provide a publicly dedicated outlot, a private easement with maintenance requirements by the owner, or demonstrate how the stormwater would be treated within the existing or proposed right of way.
8. Delete notes 2, 3, 4, 7 and 8 on Page 1 of the plat.
9. The stormwater management plan shall demonstrate that the drainage from this plat can be served with the existing 18-inch RCP from the north and the existing 15-inch RCP from the south. The developer may be required to upgrade the pipes as necessary or provide adequate stormwater management on site to satisfy the requirements of MGO Chapter 37.

10. 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.
11. Construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat.
12. 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.
13. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
14. 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.
15. 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).
16. An Erosion Control Permit is required for this project.
17. A Storm Water Management Report and Storm Water Management Permit is required for this project.
18. A Storm Water Maintenance Agreement (SWMA) is required for this project.
19. 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.
20. 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.

21. 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.
22. Include calculations in the stormwater management report that show how a 100-year storm event, as identified in MGO Chapter 37, would be handled by the proposed site design. These calculations are required to show that the flood water is contained to the public right of way or public easements during this design storm event using the site grades proposed.
23. Include calculations in the stormwater management report that show how a 500-year storm event, as identified in MGO Chapter 37, would be handled by the proposed site design. These calculations are required to show that the proposed building does not flood during this design storm event using the site grades proposed.
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" 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.
26. 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.
27. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
28. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering at 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
29. 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.
30. 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-, 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.

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.

31. Provide stormwater management specific for this plat that provides information on how the site will be developed and how the stormwater will be managed to determine public dedication needs.
32. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the City Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
33. 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 (East) or ttroester@cityofmadison.com (West).

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

- 34. As required by ordinance, a 15-foot radius returns shall be provided where the new public street intersects Eastpark Boulevard and S Biltmore Lane, unless a specific waiver to this requirement is granted by the Plan Commission as allow in MGO.**
35. 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, 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.
36. The portions of Dreamer Drive currently not owned by American Family Mutual Insurance Company shall be conveyed to American Family prior to final sign-off of the final plat and the SLJ II, LLC Owners Certificate

removed. If SLJ II LLC is a subdivider and dedicates the right of way via this plat, the balance of Lot 1 of CSM 14195 is required to be included in this plat. Update all notes accordingly.

37. Release the private Pedestrian Pathway Easement and Maintenance Agreement per Document No. 5221505 within the proposed right of way prior to final plat sign off. Note 12 shall be revised to include the future document number that releases the easement.
38. The set monuments in the legend are not adequate for the public right of way corners as required by statute; modify as required.
39. The label for the 25-foot wide private drainage easement and associated Note 13 shall be revised adding text that the easement will be Private and include text stating the Lots and / or Outlots that will benefit from the easement. This separate easement document shall be recorded prior to development of any lot or outlot within this plat and noted as such in note 13.
40. Update the note for the Private Stormwater Easement to reflect the easement was granted on CSM 15829. Provide the recording information of the CSM in the note for the easement on the plat.
41. Correct on the plat the drainage easements noted on the plat that are actually public utility easements.
42. 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.
43. 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.
44. 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 land division.
45. Revise the road dedication note to read "Dedicated to the Public for Public Street Purposes."
46. Break up Note 9 into separate notes restricting each individual outlot separately. Add text to the outlot labels to see the appropriate note numbers that restrict the specific outlots.

47. All labels of existing easements shall include the Document Number. Also the legal description under the Surveyor's Certificate header references to Certified Survey Maps shall include the Volume, page and Document Number as required by statute.
48. All references to Lot 2 of the CSM to be recorded shall be changed to Outlot 1 as the pending CSM has been conditionally approved.
49. Different easements shall have differing line types to differentiate between the different easement areas.
50. Provide adjoiner information to the west of Eastpark Boulevard.
51. The portion of Outlot 19 that points generally in a north to south direction requires a distinct name different from Inspire Lane to do the change in direction of the private road. If the private street names are to be shown on the plat, submit naming suggestions for the new segment to Lori Zenchenko (LZenchenko@cityofmadison.com) for review and approval.
52. 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.

Traffic Engineering Division (Contact Sean Malloy, 266-5987)

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

53. The proposed street Dreamer Drive will pass between existing developed properties at 4702 S Biltmore Lane and 4750 S Biltmore Lane affecting the existing driveways, parking lots and landscaping. Submit updated plans showing the proposed site changes for site plan review and approval.

Fire Department (Contact Bill Sullivan, 261-9658)

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

Water Utility (Contact Jeff Belshaw, 261-9835)

54. 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).

55. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

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

Parks Division (Contact Kathleen Kane, 261-9671)

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

Forestry Section (Contact Jeffrey Heinecke, 266-4890)

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

Office of Real Estate Services

56. 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.
57. 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.
58. 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.
59. 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.
60. 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.