



Department of Planning & Community & Economic Development
Planning Division

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June 22, 2010

Michael S. Marty
Vierbicher
999 Fourier Drive, Suite 201
Madison, Wisconsin 53717

RE: File No. LD 1001 – Certified survey map – 430-450 Commerce Drive (Menard's, Inc.)

Dear Mr. Marty:

The **revised three-lot** certified survey of your client's property located at 430-450 Commerce Drive, Section 27, Township 7N, Range 8E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The site is zoned C3L (Commercial Service and Distribution District). The conditions of approval from the reviewing agencies to be satisfied before final approval and recording of the revised CSM are:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following four conditions:

1. The lots within this certified survey map are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the CSM and recorded at the Dane County Register of Deeds.
2. A minimum of two working days prior to requesting City Engineering Division signoff on the CSM, the applicant shall contact Janet Dailey (261-9688) 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).
3. 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 condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering Division. 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. The applicant shall identify monument types on all PLS corners included on the plat or CSM. Note: Land tie to two PLS corners required.
4. Prior to City Engineering final sign-off by the main office of the CSM, the final CSM shall be submitted to the 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 signoff. Electronic mail submittal of the final CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com.

Please contact Dennis Cawley, Madison Water Utility, at 261-9243 if you have any questions about the following two items:

5. Lot 3 will require a new water service lateral.
6. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

Please contact Bill Sullivan, Madison Fire Department, at 261-9658 if you have any questions about the following item:

7. The current proposal would cause the building to violate the State of Wisconsin Commercial Building Code. The owner has chosen to use IBC 507.3 for an unlimited area building, which requires a minimum setback from property lines of 60 feet. This CSM could not go forward without an inclusion of a permanent no-build easement to maintain the code required setbacks.

The applicant shall work with Fire Department and Planning Division to identify the no-build easement on the final CSM and/ or the shifting of the common line between Lots 1 and 3 to provide the required IBC setbacks.

Please contact my office at 261-9632 if you have questions about the following two items:

8. Please clarify how proposed Lot 3 will be accessed, as it appears that parcel will not be able to take direct access from Commerce Drive due to site conditions and the existing greenway easement. There does not appear to be an existing access easement to serve Lot 3 depicted on the CSM; if it is one of the documents noted on page 2, please revise the CSM to provide additional detail about the scope of that easement and/ or provide a copy of the easement to the Planning Division for its records. The applicant may be required to work with the owners of the adjacent parcels to the south (Lots 3 and 4, Commerce Square) to acquire a new driveway/ ingress-egress easement to serve future development on Lot 3 from the adjacent driveway that serves the Tires Plus and Petsmart properties.
9. Note: The proposed land division creates a planned commercial site as defined in the Zoning Code and Subdivision Regulations. Any future building constructed on proposed Lots 2 and 3 will require Urban Design Commission and Plan Commission approval of a conditional use for a modification or addition to a planned commercial site with over 25,000 square feet of retail.

Please note that the City's Office of Real Estate Services is reviewing the report of title provided with this survey and may have comments. That office will send any comments to you by fax or e-mail. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

A resolution approving the CSM and authorizing the City to sign it and any other documents related to the proposed land division was approved by the Common Council on March 2, 2010.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (attached), the original along with the revised Certified Survey Map, with all signatures and approvals from the reviewing agencies, shall be brought to this office for final signoff. You or your client may then

record the certified survey at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Upon acceptance and recording of the certified survey map by the Dane County Register of Deeds, please transfer the recorded volume, document number, and page numbers to the copies and forward a copy to this office for our records. The original survey map with the recording information is permanently kept on file in the Dane County Register of Deeds Office. A copy of the recorded document can be obtained from the Register of Deeds Office, Room 110, City-County Building or the Real Estate Office in the Madison Department of Planning and Development.

Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within 30 days from the date of this letter. **The approval of this CSM shall be null and void if not recorded in two years from the date of the approving resolution.** If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Bryan Walker, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Bill Sullivan, Madison Fire Department
Pat Anderson, Assistant Zoning Administrator
Dane County Land Records and Regulations