

**VARIANCE FEES**

MGO \$50.00

COMM \$490.00

Priority – Double above

**PETITION FOR VARIANCE  
APPLICATION****City of Madison Building****Inspection Division**

215 Martin Luther King Jr Blvd

Suite 017 Madison, WI 53703

(608) 266-4568

Amount Paid \$490.00 5/18/19

Name of Owner Thomas Peterson	Project Description Creating two tenant spaces within the existing building through construction of a 2-hour fire barrier.	Agent, architect, or engineering firm Strand Associates, Inc.
Company (if applies) Realty Income Corporation		No. & Street 910 West Wingra Drive
No. & Street 11995 El Camino Real	Tenant name (if any) Amarcor Flexibles; Attn: Mark Pearson	City, State, Zip Code Madison, WI 53715
City, State, Zip Code San Diego, CA 92130	Building Address 1513 Parkside Dr. Madison, WI 53704	Phone 608-251-4843
Phone 858-284-5241	608-628-8689	Name of Contact Person Brendan Kress, AIA
e-mail tpeterson@realtyincome.com	mark.pearson@amcor.com	e-mail brendan.kress@strand.com

1. The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)

IBC (2015) - 1016.2.1 Multiple tenants: Where more than one tenant occupies any one floor of a building or structure, each tenant space, shall be provided with access to the required exits without passing through adjacent tenant spaces. The nonconforming condition for this project is access to required exits through adjacent tenant spaces.

2. The rule being petitioned cannot be entirely satisfied because:

In order to provide access to the required exits without passing through adjacent tenant spaces a combination of interior exit stairways and elevated exit passageways would have to be constructed through the adjacent tenant space. These exit stairways and passageways will bisect the tenant space and obstruct the production and manufacturing processes performed within the building.

3. The following alternatives and supporting information are proposed as a means of providing an equivalent degree of health, safety, and welfare as addressed by the rule:

The maximum exit access travel distance from each room or space within each tenant space is satisfied. The required exit access paths shall be discernibly marked and maintained navigable at all times. At the (4) locations where exit access travel paths pass through an adjacent tenant space, personnel doors shall be unlocked, alarmed, and provided with panic or fire exit hardware. The personnel doors will only be operable from the exit side and used in the event of an emergency as to maintain complete separation between tenants during normal operation.

Where the tenant spaces are not separated by an existing 3-hour fire wall, a 2-hour fire barrier shall be constructed to separate the tenant spaces. The IBC (2015) does not require any fire separation between tenants in this facility based on its use and occupancy. Maintaining a minimum 2-hour separation between tenants provides an additional level of safety not otherwise required by code. See attached exhibit for location of tenant separation wall.

Each major addition to the facility has been separated from adjacent rooms or spaces by 3-hour fire walls. Portions of the facility separated by 3-hour fire walls are considered separate buildings per IBC (2015) - 706.1 General. The existing construction of the facility as multiple buildings separated by 3-hour fire walls provides an additional level of safety as compared to an unlimited area building of similar size. See attached exhibit for location of existing fire walls.

The entire facility is fully sprinklered.

\*See exhibits for additional supporting information.

**VERIFICATION BY OWNER – PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY A REVIEW FEE AND ANY REQUIRED POSITION STATEMENTS.**

Note: Petitioner must be the owner of the building. Tenants, agents, contractors, attorneys, etc. may not sign the petition unless a Power of Attorney is submitted with the Petition for Variance Application.

Mark Pearson

Print name of owner

, being duly sworn, I state as petitioner that I have read the foregoing petition, that I believe it to be true, and I have significant ownership rights in the subject building or project.

Signature of owner <i>Mark Pearson</i>	Subscribed and sworn to before me this date: 02, May 2019
Notary public <i>Barbara A. Furdell</i>	My commission expires: July 20, 2022

**NOTE: ONLY VARIANCES FOR COMMERCIAL CODES ARE REQUIRED TO BE NOTARIZED.**

## City of Madison Fire Department Position Statement


Owner: Thomas Peterson Realty Income Corporation	Project Name: Amcor Flexibles	Contact: Brendan Kress Strand Associates, Inc 608-251-4843 <a href="mailto:brendan.kress@strand.com">brendan.kress@strand.com</a>
Address: 11995 El Camino Real San Diego, CA 92130	Building Location: 1513 Parkside Drive	Owner's Rep Mark Pearson <a href="mailto:Mark.pearson@amcor.com">Mark.pearson@amcor.com</a>
Owner Phone: 858-284-5241 Email: <a href="mailto:tpeterson@realtyincome.com">tpeterson@realtyincome.com</a>	Building Occupancy or Use: Group F1-Factory, H3-Hazardous	Phone: Email:

**Rule Being Petitioned: IBC 1016.2.1.**

**I have read the application for variance and recommend:** (check appropriate box)

☐ Approval      ☒ **Conditional Approval**      ☐ Denial      ☐ No Comment

- Future renovations shall attempt to streamline the exiting where practical.
- Exit signs and emergency lighting shall comply with the 2015 edition of the IBC as adopted in the City of Madison.

Name of Fire Chief or Designee (type or print) Bill Sullivan, Fire Protection Engineer	
City of Madison Fire Department	Telephone Number 608-261-9658
Signature of Fire Chief or Designee 	Date Signed May 8, 2019



The Monthly Dividend Company™

Thomas Peterson | Property Manager

Realty Income Corporation

11995 El Camino Real, San Diego, CA 92130

New York Stock Exchange Symbol "O"

Direct Dial: 858-284-5193

E-mail: [tpeterson@realtyincome.com](mailto:tpeterson@realtyincome.com)

May 23, 2018

Mark Pearson  
Manufacturing Director  
Amcor  
4101 Lien Rd.  
Madison, WI 53704

Re: Amcor  
4101 Lien Rd., Madison, WI 53704 ("Premises")  
Our File #5701

Sbj: Parking lot construction and building expansion ("Expansion Project")

Dear Mark:

Amcor Flexibles LLC, as "Tenant" under that certain Lease dated June 23, 2017 (if and as amended, the "Lease"), proposes to construct a new parking lot on or about the Premises, all as more particularly set forth in that certain Letter of Intent for the Proposed Expansion and Lease Extension of the Amcor Facility Located at 4101 Lien Rd., Madison, WI, RI#5701, dated April 24, 2018.

Subject to all applicable private and public restrictions of any kind and the limitations described herein, Realty Income Corporation ("Realty Income"), on behalf of itself or as manager of the fee owner of the Premises and "Landlord" under the Lease, authorizes Tenant to execute any and all submittals and applications required or desired to be made to the City of Madison, Planning Division, or any other governmental agency in connection with obtaining the permits and authorizations required in connection with the Expansion Project; provided however, that Tenant shall not be authorized to execute on Realty Income's behalf any document or instrument that imposes restrictions or conditions that will affect the Premises beyond the term of the Lease without Realty Income's prior written approval. Moreover, in the event Tenant requests Realty Income to execute any documentation in connection with the Expansion Project, any such execution shall be subject to the conditions of the Lease and this letter.

Under no circumstances shall Realty Income or the Landlord be liable under any contract or agreement, written or otherwise, entered into by Tenant, except as may be provided in a separate written agreement executed by an authorized officer of Realty Income or the Landlord. Without limiting any indemnification by Tenant of Landlord under the Lease, Tenant shall indemnify Landlord from and against any and all suits, claims, actions, damages, liability, and expenses in connection with Tenant's use and occupancy of the Premises, the Expansion Project, and Tenant's exercise of the authorization granted pursuant to this letter.

Tenant acknowledges and agrees that (i) in no event shall Landlord's authorization diminish, amend, or waive any of the duties, liabilities and obligations of Tenant under the Lease; (ii) this letter is not an amendment or modification to the Lease; and (iii) this letter supplements, and does not supersede or replace, any other letter issued by Landlord to Tenant.

Please sign below in acceptance of the above and return a copy to my attention.

Sincerely,

**REALTY INCOME CORPORATION**

BY: T. Peterson

NAME: Thomas Peterson

TITLE: Property Manager

Approved As To Form  
Legal Department  
Y. Giller

**ACKNOWLEDGED AND AGREED TO BY:**

AMCOR FLEXIBLES LLC,  
a Washington limited liability company

BY: [Signature]

NAME: DANIEL SUGA

TITLE: GENERAL COUNSEL

DATE: 5/23/18



Date	2 May 2019
From	Amcor Flexibles
Subject	Building Variance Exhibit A

- 1.) The original building was not built for multi-tenants.
- 2.) Fire rated corridors to maintain complete tenant separation will bisect established traffic patterns for forklift, materials, and employee traffic.
  - a. Significant equipment downtime causing business loss and customer stock-out in the medical/pharmaceutical industries.
  - b. Manufacturing processes / heavy equipment in place.
    - i. Existing equipment was installed on engineered foundations.  
Moving it even slightly would require complete re-installation including foundations.
  - c. Utility impact; gas, water and electric mains will have to be re-routed in multiple areas.
- 3.) Written approval from co-tenant (see attached exhibit b).

**Amcor Flexibles Madison**

1513 Parkside Dr. Madison, WI 53704 T: 608-243-7223 [www.amcor.com](http://www.amcor.com)

[ABN number]

# TEKNI-PLEX

Global strength. Superior solutions.

Project:  
Location:  
Date:

Cotenant Emergency Egress  
Madison Wisconsin  
May 1, 2019

To: Mr. Mark Pearson

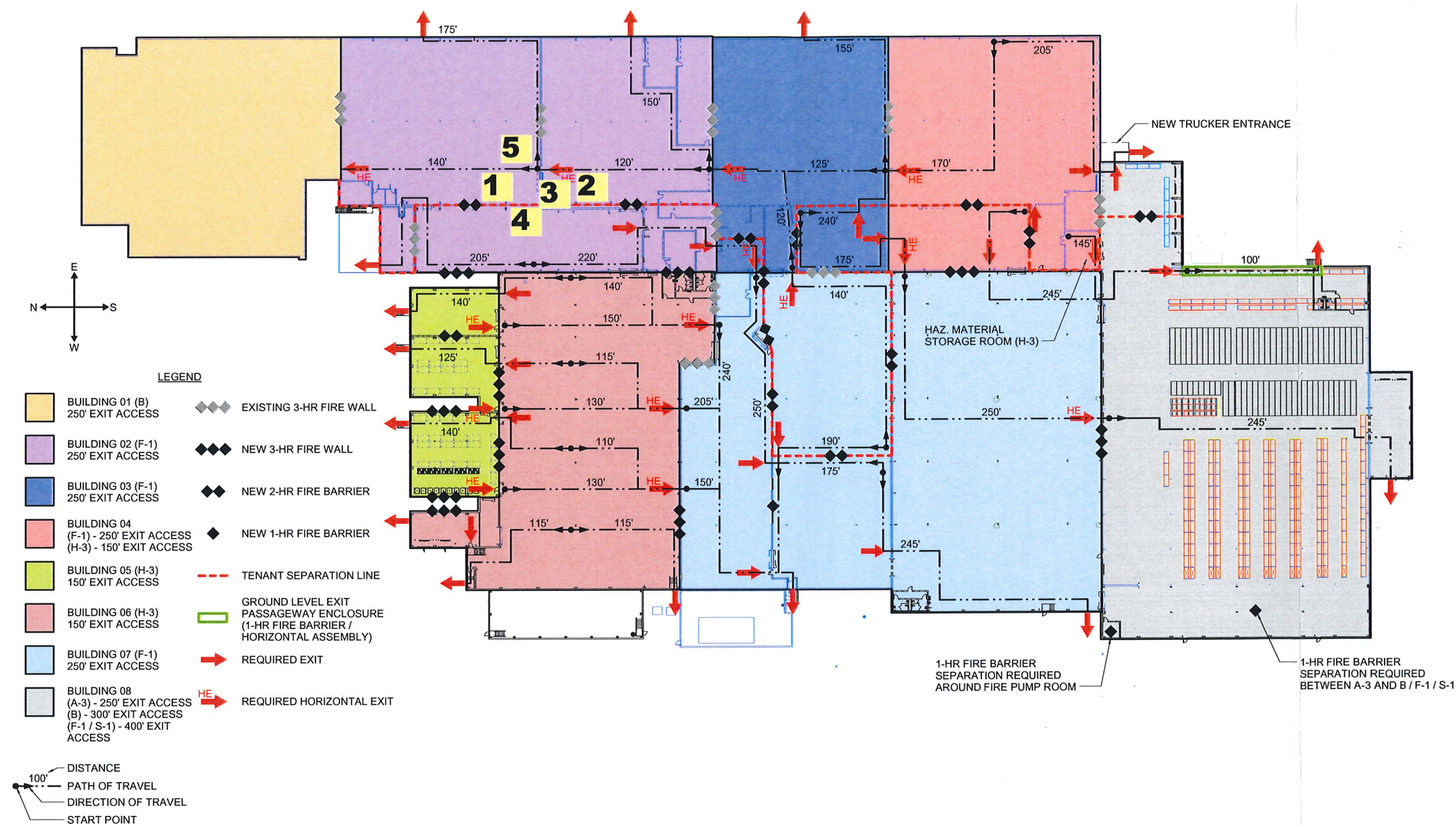
Tekni-Plex has reviewed the proposed egress plan provided by Amcor regarding the Madison Wisconsin location. Tekni-plex is in agreement to provide two-way tenant access for three locations to be used for emergency or fire evacuation.

Lance Novotny

  
VP Manufacturing Engineering 5/1/19



1-5  
See attached photos



OVERALL PLANT PLAN  
TENANT SEPARATION EGRESS DISPLAY

TENANT SEPARATION EGRESS DISPLAY  
POWER UP PLANT EXPANSION & RENOVATIONS  
AMCOR FLEXIBLES AMERICAS  
Enter address here

JOB NO.  
1928.025  
PROJECT MGR.

**STRAND ASSOCIATES**

SHEET  
G0.2

NOT FOR  
CONSTRUCTION



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