



PREPARED FOR THE PLAN COMMISSION

Project Address: 6932 Manufacturers Drive and 3750 Hoepker Road
Application Type: Demolition Permit, Certified Survey Map Referral, and Discontinuing and Vacating Right of Way
Legistar File ID # [56125](#), [56152](#) and [56279](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Dave Nelsen, Ruedebusch Development/ 2020 Madison, LLC; 4605 Dovetail Drive; Madison.

Property Owners: Barbara J. Hoel, Hooper Construction Corporation, and Interstate Commerce Park, Inc.

Surveyor: Chris Adams, Williamson Surveying and Associates, LLC; 104A W. Main Street; Waunakee.

Requested Actions:

- ID 56125 – Approval of a demolition permit to demolish a single-family residence at 6932 Manufacturers Drive;
- ID 56152 – Approving a revised and enlarged Certified Survey Map (CSM) to divide 71.2 acres of land in IL (Industrial–Limited District) zoning to create two lots for industrial development and dedicate right of way for the extension of Manufacturers Drive; and
- ID 56279 – Discontinuing and vacating the remaining portion of the Commerce Park Drive public street right of way.

Proposal Summary: Ruedebusch Development is seeking approval to divide 71.2 acres of land into two lots by CSM, which will be developed with a 385,400 square-foot package distribution facility and accessory structures located on Lot 1 and an employee parking lot on Lot 2. The CSM to create the two lots will dedicate the last section of Manufacturers Drive from its current terminus in Interstate Commerce Park north to its ultimate terminus at Anderson Road. A single-family residence addressed as 6932 Manufacturers Drive and located in the southeastern corner of the enlarged parcel adjacent to the intersection of Hoepker Road and Manufacturers Drive will be razed. All of the land included on the proposed CSM is zoned IL. Development of the package distribution facility and subdivision improvements will commence as soon as all regulatory approvals have been granted, with completion of the facility anticipated by August 2020 according to the application materials.

Applicable Regulations & Standards: Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Board of Public Works (vacation), Plan Commission (all requests) and Common Council (vacation and CSM).

Review Schedule: The State’s subdivision statute, Wis. Stats. 236, requires that a Certified Survey Map be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the CSM

is deemed approved. The proposed land division was submitted to the City on June 4, 2019; therefore, the 90-day review period for this CSM is scheduled to expire circa September 4, 2019.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit for the residence at 6932 Manufacturers Drive and the revised and enlarged two-lot Certified Survey Map, and recommend the discontinuance/vacation of the remaining section of Commerce Park Drive to the Common Council with a recommendation of **approval**, all subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: Approximately 71.2 acres of land extending along the north side of Hoepker Road between N. Stoughton Road (US Highway 51) and Manufacturers Drive; Aldermanic District 17 (Baldeh); DeForest Area School District.

Existing Conditions and Land Use: Most of the site is undeveloped with the exception of a two-story single-family residence and barn at 6932 Manufacturers Drive. All of the subject land is zoned IL (Industrial–Limited District).

Surrounding Land Use and Zoning:

North: Custom RV Services, JX Truck Center, Village of DeForest water tower, Keystone Automotive, all located in the Town of Burke, zoned Dane County C-1 or C-2 (Commercial Districts);

South: Future industrial development in the Center for Industry & Commerce in the City of Madison, zoned IL (Industrial–Limited District); single-family residences in the Town, zoned C-2;

East: Various commercial and industrial uses in the Interstate Commerce Park subdivision in the City, zoned IL, including Airoidi Brothers, Lakeside International Trucks, and Bobcat of Madison;

West: Madison Block and Stone, various commercial and industrial uses located along Acker Road, west of N. Stoughton Road in the Town, primarily in C-2 zoning.

Adopted Land Use Plans: The 2000 [Hanson Neighborhood Development Plan](#) recommends all of the subject lands for industrial uses. The plan recommends that a north-south local street extend through the site from Anderson Road to Hoepker Road, with two east-west streets to extend from Interstate Commerce Park to intersect the north-south street.

The 2018 [Comprehensive Plan](#) recommends all of the subject lands for Industrial uses. The proposed local streets in the neighborhood development plan are also reflected on the [Comprehensive Plan](#).

Environmental Corridor Status: The entire site is located in the Central Urban Service Area. There are no mapped environmental corridors on the overall property.

Public Utilities and Services: The overall site is served by a full range of urban services, with the exception of Metro Transit, which currently does not provide service west of The American Center development or north of the intersection of Hayes Road and Portage Road at this time.

Zoning Summary: The proposed lots will be zoned IL, which will be reviewed in the following sections of this report. There are no “critical zoning items” pertinent to the site.

Previous Approvals

Approximately 55.67 acres of the subject site are subject of an Early Attachment and Revenue Sharing Agreement with the Town of Burke, which was adopted by the Common Council on February 5, 2019 as Resolution 19-00107 (ID 53924). According to the 2007 *Town of Burke, Village of Deforest, City of Sun Prairie and City of Madison Cooperative Plan*, the 55.67 acres could remain in the Town until the final attachment of town parcels to their respective city or village occurs on October 27, 2036, and could not be attached sooner without Town of Burke approval. The early attachment agreement allowed the 55.67 acres to be attached sooner, with the City sharing fifty percent of its local tax revenue generated by the development with the Town until final attachment in 2036.

On April 16, 2019, the Common Council approved a request to attach 55.67 acres of land owned by Hooper Construction Corporation, addressed as 4202 and 4210 Hoepker Road, to the City of Madison from the Town of Burke and assigned IL (Industrial–Limited District) to the attached land. At the same meeting, the Common Council approving a Certified Survey Map (CSM) to divide 63.77 acres of land zoned IL to create two lots for industrial development and dedicate right of way for the extension of Manufacturers Drive. The attachment, rezoning and CSM will facilitate development of a 385,400 square-foot package distribution facility that will include 124 loading docks and drive-in access to the facility; a 4,215 square-foot “gateway building” and separate 7,565 square-foot vehicle maintenance garage on Lot 1, as well as employee, visitor and equipment parking. Additional employee parking is planned for Lot 2 of the CSM, which will require subsequent Plan Commission approval of a private parking facility.

Project Description

The applicant, Ruedebusch Development, is requesting land use and subdivision-related approvals to expand a recently approved campus for a 385,400 square-foot package distribution facility to be located on the north side of Hoepker Road between N. Stoughton Road/ US Highway 51 and Manufacturers Drive. The applicant has recently acquired the remaining developable land located east of the previously approved 63.77-acre site, which increases the campus to 71.2 acres.

Lot 1 of the new CSM will contain 62.07 acres of the site, including the entire frontage along N. Stoughton Road and Hoepker Road. Manufacturers Drive will be extended northwesterly through the site from its current terminus to Anderson Road through the panhandle, leaving a triangularly shaped, 3.84-acre Lot 2 northeast of the extended road. The applicant intends to develop a 385,400 square-foot package distribution facility and accessory structures on Lot 1 of the CSM and an employee parking lot on Lot 2. The applicant indicates that the expansion of Lot 1 and demolition of the residence and accessory buildings are needed to accommodate additional space for vehicle storage, stormwater management, and the future expansion of the distribution facility. As part of the expansion of the distribution facility campus, the applicant has petitioned to vacate/discontinue the remaining 280 feet of platted but unbuilt Commerce Park Drive from Manufacturers Drive west to the point where the street was vacated in support of the earlier division of the 63.77-acre site.

All of the land on the new, larger CSM is zoned IL (Industrial–Limited District), including land occupied by a two-story single-family residence located on Lot 6 of Interstate Commerce Park at 6932 Manufacturers Drive, which the applicant requests approval of a demolition permit to accommodate the expanded distribution facility campus; a barn and silo accessory to the residence will also be demolished. Photos of the single-family residence at 6932 Manufacturers Drive to be razed are included with the Plan Commission materials. The City Assessor’s Office indicates that the two-story wood- and brick-clad residence was constructed in 1910, and contains three bedrooms and two baths, with 2,200 square feet of living area and an unfinished basement. The residence sits on Lot 6 of the Interstate Commerce Park plat, while the silo and barn are located adjacent on the west on Lot 5.

Analysis and Conclusion

The Planning Division believes that the Certified Survey Map to divide the larger 71.2-acre property is consistent with the light industrial land use and circulation recommendations in the Hanson Road Neighborhood Development Plan, which was adopted in 2000 plan to implement the recommendations of a 1994 study by the City that emphasized the need to create large areas for light industrial and warehousing uses with good access to the regional transportation network. The large-scale logistics use proposed for the larger 71.2-acre subject site is consistent with the City’s goals for this area.

The Hanson Road Neighborhood Development Plan anticipated a finer-grained grid street network to serve a more conventional multi-use, multi-lot subdivision similar to the adjacent Interstate Commerce Park than the one resulting from the proposed division of the subject site, which now includes all of the remaining developable land extending east to Manufacturers Drive. However, there are no recommendations in the plan that would suggest the proposed lot configuration should not be supported, and the Plan Commission previously recommended that most of Commerce Park Drive, which was planned to be part of the finer-grained street network, be vacated in support of the two-lot land division of the 63.77-acre site. City staff similarly recommends that the remaining 280 feet of the platted but unbuilt right of way be vacated to Manufacturers Drive to allow the underlying land to be incorporated into the larger distribution facility campus.

Regarding the request to demolish the single-family residence at the southeastern corner of expanded Lot 1 adjacent to the Hoepker Road-Manufacturers Drive intersection, staff also believes that the Plan Commission may find the standards for demolition permits met.

However, as with any demolition permit, the Plan Commission shall consider the report of the City's preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission. On June 17, 2019, the Landmarks Commission informally reviewed the demolition of the single-family residence and voted to recommend to the Plan Commission that the residence “...has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, and/or as an intact or rare example of a certain architectural style or method of construction.” (The Commission did not elaborate on which of these criteria this demolition met.) During its discussion, preservation staff noted that a preservation file does not exist for this property but observed that the house is “remarkably intact.”

In making its recommendation to the Plan Commission on the demolition permit, staff acknowledges the historic significance of the house, which appears to be in average condition and was recently inhabited. However, staff does not believe that the maintenance of the residence at its current location is consistent with the industrial land uses recommended for the site in the neighborhood development plan, nor is it practical given the transportation and industrial land uses that have emerged on surrounding properties over the last twenty years. The February 2, 2005 staff report to the Plan Commission for the rezoning and subdivision approvals for the Interstate Commerce Park plat acknowledged the location of the residence on Lot 6 of that development and the long-time owner's desire to remain in the home, but noted that the residence would become non-conforming in the then-M1 (Limited Manufacturing District) zoning [1966 Zoning Code] assigned to the larger subdivision (which became IL in 2013). Staff at that time of plat approval did "not object to the interim use of this property to continue as a single-family home, however, as surrounding lands continue to develop for industrial purposes, this home should be vacated and removed."

Despite the character of the residence proposed for demolition, staff concludes that it would be appropriate for it to be razed to accommodate the current and future needs of the proposed distribution facility campus. However, staff believes that it would be appropriate for the Plan Commission to ask the applicant to delay demolition of the residence for 60 days to allow it to be marketed for relocation off-site. Delaying the demolition of the house while development of the rest of the campus commences should satisfy the applicant's project schedule while allowing the historic resource to be located to a more suitable long-term location.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit for the residence at 6932 Manufacturers Drive and the revised and enlarged two-lot Certified Survey Map, and recommend the discontinuance/vacation of the remaining section of Commerce Park Drive 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 applicant shall market the single-family residence at 6932 Manufacturers Drive for relocation off-site for a period of not less than 60 calendar days starting on a date to be agreed upon by the applicant and Planning Division. Demolition of the residence shall not be allowed within this 60-day period. Marketing of the house should include sharing its availability for relocation with local preservation organizations. If relocated to another property in the City of Madison, the proposed receiving site shall be appropriately zoned for the residence, and a site plan shall be approved by the Zoning Administrator prior to permits for the relocation being issued by the Building Inspection Division.
2. Notwithstanding the requirements in the preceding condition, the residence and barn shall be labeled as "To be demolished" on the final CSM.

3. Note: The parking lot on Lot 2 is considered a "private parking facility" as defined and regulated by the Zoning Code, which are a conditional use in the proposed IL zoning and require Plan Commission approval under a separate application. Approval of this zoning map amendment and Certified Survey Map by the Plan Commission and Common Council does not constitute approval of future development on Lot 2.

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

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

4. The applicant will need to coordinate any permitting requirements with agencies outside the City of Madison, including Wisconsin Department of Transportation (WisDOT), Town of Burke and / or Village of Deforest for work in the right of way outside of the City of Madison's jurisdiction.
5. The applicant will not be allowed to discharge any waters from this site onto the WisDOT right of way without express permission and permits to do so.
6. The applicant shall relocate driveway at 4195 Anderson Road to provide a safe distance from the new Manufacturers Drive-Anderson Road intersection as required by City Traffic Engineer.
7. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
8. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison 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 (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
9. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. This property is subject to sanitary connection charges for the Hanson Road Neighborhood Sanitary Sewer and Water Main Assessment District.
10. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. The applicant shall provide one (1) digital copy and a paper copy only if specifically requested. Staff review of this Phase 1 ESA will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for review.
11. 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.

12. Two weeks prior to recording the CSM, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a 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.
13. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0-tons per acre per year.
14. Note: Portions of this site have wetland indicators identified. A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources (WDNR) for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
15. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; and i) Street names. All other levels (contours, setbacks, elevations, etc) are not to be included with this file submittal. Email file transmissions preferred lzenchenko@cityofmadison.com . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.
16. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section) with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). All other levels (contours, elevations, etc) are not to be included with this file submittal. E-mail CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or tstroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any

changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

17. This site appears to disturb over one (1) acre of land and requires a permit from the 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.
18. A minimum of two (2) working days prior to requesting City Engineering signoff on the final 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).
19. The following note shall be placed on the CSM: "No changes in drainage patterns associated with development on any or all lots within this CSM shall be allowed without prior approval of the City Engineer."
20. The following note shall be added to the CSM: "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of Madison General Ordinances in regard to storm water management at the time they develop."
21. The applicant will be required to provide stormwater management for the new roadway and dedicate an outlot to the public for this purpose. If other means for providing the necessary stormwater management will be used the applicant shall demonstrate how and where the treatment will be located, including providing any written permissions, easements, recorded documents, etc. prior to the sign off of this CSM.
22. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
23. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. The PDF submittals shall contain the following information: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; and k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
24. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM .DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc., and; d) Sediment loading

calculations. 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.

25. 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. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14-inch paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Daniel Olivares at DAOlivares@cityofmadison.com final document and fee should be submitted to City Engineering.
26. The applicant shall show stormwater "overflow" paths that will safely route runoff when the storm sewer is at capacity.
27. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls; provide infiltration in accordance with MGO Chapter 37; and complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of Madison General Ordinances.
28. The developer shall construct Madison standard street and sidewalk improvements for all streets within the CSM, except that sidewalk shall not be required north of Lot 2.
29. The Developer shall make improvements to Hoepker Road, Anderson Road and N. Stoughton Road as required by City Traffic Engineer to facilitate ingress and egress to the CSM.
30. The developer shall confirm that adequate sight distance exists where public streets intersect. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
31. The applicant shall construct sidewalk along Hoepker Road from N. Stoughton Rd to east limits of the CSM.
32. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
33. The applicant shall provide proof of septic system abandonment from Public Health-Madison and Dane County as a condition of plan approval.

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

34. It is anticipated that the public improvements required to serve this proposed plat may require Temporary Grading Easements along Manufacturers Drive and driveway relocation on adjacent properties northerly to Anderson Road. The developer shall acquire the right of way and easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and easements required, the City shall proceed to acquire the right of way and easements. The developer shall reimburse the City for all costs associated with the acquisition, including attorney's fees and any and all costs associated with court ordered awards. The developer shall provide a deposit at the time of contract amendment execution to cover the estimated City staff expenses and right of way and easement costs for the acquisition. The developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards shall be retained by the City until such time as appeal rights have expired. The additional surety shall be provided prior to the City making an offer for the easements and/or right of way.
35. Wisconsin Statutes prohibit billboards within a public right of way. There currently is a lease per recorded notice Document No. 4973673 for a billboard that would lie within the proposed right of way dedication. Due to the lease still being enforceable, an outlot shall be created around the billboard and a note placed on the outlot that it is reserved for future public right of way. The outlot shall be conveyed for public road right of way at no cost by the owner upon the termination of the lease and removal of the billboard as per the terms of a separate Delayed Dedication Agreement. The applicant shall provide a copy of the notice of termination and agree to terms of the Dedication Agreement prior to Certified Survey Map sign off. The billboard and associated appurtenances shall be removed by the end of the year of 2019 and the conveyance shall be subsequently completed.
36. The demolition site plan shall include all, existing building locations, demolitions and pavement removal.
37. 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, City 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.
38. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on 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.

street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

*NOTE: 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 and a written notification to Engineering-Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.

39. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the CSM 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** CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.
40. This pending Certified Survey Map application shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel- Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
41. The applicant shall confirm with City of Madison Stormwater Engineering Staff any required public storm water management easements (or dedication) are required for storm water treatment of storm water from the public roads within this development. Refer to comment 18 of the April 19, 2019 approval letter.
42. Utility Easements per the plat of Interstate Commerce Park along the remainder of Commerce Park Drive now being discontinued and along the southerly side of Lots 5 and 6 of Interstate Commerce Park shall be released. The applicant shall be responsible to obtain releases from utilities other than the City of Madison prior to the City of Madison releasing its rights. Required information has been provided to the City for release of all Utility Easements for this CSM. City shall record the Utility Easement Release document upon receipt of these last releases by the utilities. Refer to Real Estate Project No. 11904.
43. The Partial Release of Public Stormwater Drainage Easement within parts of Lots 7, 8 and 15 shall be released by Real Estate Project No. 11945 shall be released prior to final sign off.
44. The grading and sloping easements shall be released as necessary as part of Real Estate Project No. 11905 prior to final sign off.
45. The remaining portion of Commerce Park Drive has been introduced for approval as File ID 56279. Final Action is anticipated on July 16, 2019. The resolution information and recording information shall be filled in on the CSM where required.
46. Dedicate the small triangular wedge between the new Manufacturers Drive and the parcel to the north of Lot 1.

- 47. Lots 5, 6 and 15 have been added to this CSM and were not part of the release from Covenants per Document No. 4137948 by First Amendment per Document No.5491046. Provide a recorded release of Lots 5, 6 and 15 from the Covenants or properly note that the portions of the CSM are subject to the restrictions.
- 48. Record sale deed from Barbara J. Hoel or add to Owners Certificate.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

- 49. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (266-4682). Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185 (7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. Section 28.185(9)(a). A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

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

- 50. The applicant shall be required to extend the westbound right turn lane at the Anderson Road/ N. Stoughton Road intersection as required by the City Traffic Engineer.
- 51. The applicant shall extend the westbound left-turn lane at the Hoepker Road/Stoughton Road intersection as required by the City Traffic Engineer.
- 52. The applicant shall extend the eastbound left-turn lane at the Hoepker Road/Manufacturers Drive intersection as required by the City Traffic Engineer.
- 53. The applicant shall be required to modify the existing southbound approach at the Hoepker Road/Manufacturers Drive intersection to provide an additional turn lane as required by the City Traffic Engineer.
- 54. No alterations to the CSM shall negatively impact the approved site plan and/or cause the approved site plan to be in non-compliance.

- 55. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off of the final plat.
- 56. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

Fire Department (Contact Bill Sullivan, 261-9658)

57. Please consider allowing Madison Fire Department to conduct training sequences prior to demolition. Contact the MFD Training Division – Chief Tracy Burrus at tburrus@cityofmadison.com or 266- 5959 to discuss this possibility.

58. Fire hydrants and fire access shall be provided.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

59. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at 266-4765 to schedule the meter removal appointment.

60. The developer shall construct the public water distribution system and services required to serve the proposed CSM per MGO 16.23(9)(d)(3).

61. 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.

Parks Division – Forestry Section (Contact Brad Hofmann, 267-4908)

62. An inventory of existing trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.

63. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Metro Transit (Contact Tim Sobota, 261-4289)

The agency reviewed this request and has recommended no conditions of approval.

Office of Real Estate Services (Lance Vest, 245-5794)

64. Signature block certifications shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary at the time of execution. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.
65. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to final CSM sign-off.
66. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off. In particular, include a Consent of Lessee for the Memorandum of Sign Site Lease recorded as Document No. 4973673, if applicable.
67. Please add "Maribeth L. Witzel-Behl, City Clerk City of Madison, Dane County, Wisconsin" after the signature line on the Common Council certificate.
68. As of February 11, 2019, there are no 2018 real estate taxes or special assessments reported as due or owing. 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 prior to recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23(5)(g)1. 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.
69. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest in City's Office of Real Estate Services (lvest@cityofmadison.com) as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report(s) 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.
70. For properties not connected to municipal utility services, consider whether well abandonment ref. NR-141 needs to be addressed.
71. If all parties of interest agree that certain easements from prior plats or CSMs of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM. In particular, consider whether a Termination for the Well Agreement recorded as Document No. 2382228 is necessary.
72. If the lands within the Plat boundary are farmed agricultural lands, the applicant shall enter into a lease with the City for those lands to be dedicated and/or conveyed to the City through Plat recording. Please contact

Legistar File ID #56125, 56152 & 56279
Demolition Permit, CSM and Vacation
6932 Manufacturers Drive
and 3750 Hoepker Road
July 8, 2019
Page 15

Heidi Fischer at 264-9297 to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.