



Legislation Text

File #: 71941, **Version:** 1

Title

Re-approving the revised preliminary plat and final plat of *The American Center Eastpark Fourth Addition* on property addressed as 4846-4902 Eastpark Boulevard; 17th Ald. Dist., 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).

Body

WHEREAS American Family Insurance Corporate Real Estate filed a revised preliminary plat and final plat known as *The American Center Eastpark Fourth Addition* on property addressed as 4902 Eastpark Boulevard, City of Madison, Dane County, Wisconsin for approval by the Madison Common Council; and

WHEREAS the proposed plat divides Outlot 1 of Certified Survey Map 15289, recorded as Document No. 5778376 at the Dane County Register of Deeds on October 7, 2021; and

WHEREAS the Common Council approved *The American Center Eastpark Fourth Addition* by Resolution 21-00754 (ID 67273) on November 2, 2021 subject to conditions to be satisfied prior to recording of the final plat; and

WHEREAS approval of said plat was conditioned upon creation of 15-foot radius returns where the new public street, Dreamer Drive, intersects Eastpark Boulevard and S Biltmore Lane, as required by Section 16.23(8)(a) 7.d. of the Subdivision Regulations; and

WHEREAS the subdivider has been unable to obtain the land required for the corner radius dedication for the corner of proposed Dreamer Drive and S Biltmore Lane from the owner of 4702 S Biltmore Lane (Lot 34, The American Center Biltmore Second Addition); and

WHEREAS Plan Commission can grant a variance or waiver under Section 16.23(10) 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; and

WHEREAS the City Engineering Division has determined that a full street cross-section may be constructed at the intersection of proposed Dreamer Drive and S Biltmore Lane as otherwise required in Madison General Ordinances without the dedication a full 15-foot corner radius at the southwestern corner of the future intersection; and

WHEREAS the Plan Commission may find that, based on the recommendation of staff from the City Engineering Division, Traffic Engineering Division, and Planning Division, the public interest is secured in granting the requested waiver to Section 16.23(8)(a)7.d. of the Subdivision Regulations;

NOW THEREFORE BE IT RESOLVED that said plat is hereby approved subject to all conditions as required by the reviewing City departments as required by Section 16.23 of the General Ordinances of the City of Madison, subject to the conditions noted in the Plan Commission files, and that same shall be recorded with the Dane County Register of Deeds.

BE IT FURTHER RESOLVED that a waiver to Section 16.23(8)(a)7.d. of the Subdivision Regulations is hereby granted to allow the public street intersection of Dreamer Drive and S Biltmore Lane to be established without the required corner radius on the south side of said intersection.

BE IT FURTHER RESOLVED that any additional design requirements in the Subdivision Regulations that require adjustment or modification to implement the approved subdivision are hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of the City of Madison are hereby authorized to sign the plat, bond and subdivision contract, subsequent affidavits of corrections, parkland acquisition documents, easement or right-of-way release or procurement documents or any other related document or documents as deemed necessary by the Secretary of the Plan Commission in accordance with the approved plat.

BE IT FURTHER RESOLVED that the said plat is hereby added to the official map and the street grades for said plat on file in the City Engineer's Office are hereby approved.

BE IT FURTHER RESOLVED that the Planning Division is authorized to reflect the recorded subdivision in the Comprehensive Plan and any applicable neighborhood plans.

BE IT FURTHER RESOLVED that all dedications included in this plat or required as a condition of approval of this plat be and are hereby accepted by the City of Madison.

BE IT FURTHER RESOLVED that the Common Council authorizes City staff to request approval from the Capital Area Regional Planning Commission of any minor revisions to adopted environmental corridor boundaries within the Central Urban Service Area relating to this subdivision, and that the Council recognizes and adopts said revised boundaries.