



Department of Planning & Community & Economic Development
Planning Division

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December 3, 2008

Carl T. Chenoweth, PE
Ruedebusch Development & Construction
4605 Dovetail Drive
Madison, Wisconsin 53704

Wayne Barsness
D'Onofrio Kottke & Associates
7530 Westward Way
Madison, Wisconsin 53717

RE: Approval of a final plat for the future creation of 6 industrial lots and 4 outlots on 6403 and 6504 Femrite Drive and 3102 Meier Road, a total of approximately 78 acres in an area zoned M1 (Limited Manufacturing District) and W (Wetlands District).

Gentlemen:

At its December 2, 2008 meeting, the Common Council **approved** the revised preliminary and final plat for the "McAllen 120 Business Park" subdivision subject to the following conditions of approval from reviewing agencies:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following twenty-eight (28) items:

1. Private Subdivision Contract No. 2209 will include language providing the City of Madison temporary limited easement rights over all lots contained within this subdivision plat. The temporary easement rights shall allow the City of Madison and their Contractors, Subcontractors, and agents to enter upon the property with equipment used for constructing adjacent roadways and utilities and shall allow for the grading of the properties adjacent to the right of ways to match the grade of the proposed streets.
2. Outlots 1, 2, and 3 shall be dedicated for "Stormwater Management".
3. City Engineering provided the Developer the alignments of proposed public sanitary sewer that are to be constructed outside of public street right of ways and require the subdivision plat create 20 feet wide public sanitary sewer easements. The location of the required public sanitary sewer easement and a combined 25' wide public sanitary sewer and water main easements based on preliminary design work are as follows:
 - a) The north 20 feet of Outlot 2 from McAllen Way to the west plat line.

- b) 25 feet wide public sanitary sewer and water main easement with a location based on 20 feet wide centered on the proposed sanitary sewer facility with additional 5 feet of width added to the south across proposed Lot 4 of the submitted final plan from McAllen way to Outlot 4.
 - c) Also, preliminary City Engineering design requires a 25 feet wide public storm sewer and drainage easement along the west line of Lot 3 from Femrite Drive to public Outlot 2.
4. Clearly label and identify the purpose of the dashed line along the north line of Lot 1 adjacent to Outlot 1. It appears to be a 75' Wetlands Buffer similar to line shown just to the southwest.
 5. Confirm with city staff and clarify on the plat whom the dedication of Outlot 3 will be to, either the Parks or Engineering Divisions.
 6. Confirm with city staff and clarify on the plat the public or private ownership intent of Outlot 4 and the need for the plat to create all public street easement purposes at the time of plat recording if the ownership is to remain private at that time.
 7. Revise the plat to identify the approved street name, which is McAllen Way. The use of an apostrophe in a street name is not allowed under 10.34 Madison General Ordinances.
 8. Provide better information and/or definition of the derivative basis of bearings and the actual coordinate values of all Public Land Survey section corners contained on this Subdivision Plat.
 9. The plat shall contain a note requiring the dedication of Outlot 4 for public street purposes, upon the adoption of a resolution by the Common Council requesting the dedication.
 10. The Developer has requested that the City lower Femrite Drive an amount greater than what is required for intersection site distance. The developer shall pay for all costs associated with the additional lowering.
 11. A 25-foot storm sewer easement along the west of Old Meier Road shall be removed or abandoned with this plat construction.
 12. Dedicate to the public a drainage greenway with a 100-foot minimum width in the northeast corner of P-7 from the existing culvert to the east property line.
 13. Dedicate public sanitary sewer easements as required by City Engineer.
 14. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this plat. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer.
 15. The applicant shall dedicate a Permanent Limited Easement for grading and sloping 10-foot wide along Outlot 4.
 16. The developer shall construct Madison standard street improvements for all streets within the plat.
 17. The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of Femrite Drive in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09, MGO.
 18. The developer shall construct sidewalk along Femrite Drive and Meier Road to a plan approved by the City Engineer and complete ditching as required by the City Engineer along Femrite Drive and Meier Road.

19. The following notes shall be included on the final plat:

- a) All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

Note: In the event of a City Of Madison Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

- b) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Note: In addition to notes such as this, Wisconsin State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

21. A portion of this plat may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat. Contact the WDNR and USACOE for a jurisdictional determination.
22. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2 & 10-year storm events; control 40% TSS (20 micron particle), and; control 80% TSS (5 micron particle). Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.
23. This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Please contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
24. A minimum of two working days prior to requesting City Engineering signoff on the plat 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).

25. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
26. 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. 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. Note: Land tie to two PLS corners required
27. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Plat in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the Engineering Division for this information.
28. The developer shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS section of the Engineering Division. The digital copies shall be submitted in both NAD27 and WIDOT County Coordinate System, Dane County Zone datums in either AutoCAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name or level number:
 - a) Right-of-way lines (public and private)
 - b) Lot lines
 - c) Lot numbers
 - d) Lot/Plat dimensions
 - e) Street names
 - f) Easement lines (i.e. street, sanitary, storm, wetland and floodplain boundaries, water, pedestrian/bike/walkway, or any public and/or private easement except local service for Cable TV, gas, electric, and fiber optics.)

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following four items:

29. The developer shall put the following note on the face of the plat: "All the lots within this subdivision are subject to impact fees that are due and payable within fourteen days of the issuance of building permit(s)." Note: The development may be delayed until the Council approves the transportation impact fees.
30. Prior to approval, the applicant shall prepare and provide a master ped-bike plan for the plat that is consistent with the City's area wide plans and the plat's specific provisions, to be reviewed and approved by the Traffic Engineer. The applicant may need to modify the right-of-way to accommodate the ped-bike plan.

31. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
32. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

33. All public water mains and water service laterals shall be installed by standard City of Madison Subdivision Contract, except water mains on Meier Road, north of Femrite Drive, may be installed by standard City of Madison assessments reimbursement agreement.
34. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

Please contact my office at 266-5974 if you have questions about the following five items:

35. That the revised final plat of the site designates the approximately 2-acre strip extending south from the proposed McAllen Drive to the US 12 & 18 frontage road (the southern portion of which was attached June 17, 2008) as a private outlot. The applicant shall dedicate easements for the installation and maintenance of public sanitary & storm sewer, water, other utilities, and bicycle and pedestrian facilities. A note shall be placed on the plat stating that this Outlot shall be dedicated as right-of-way at such time as requested by the City Engineer to accomplish the extension of Meier Road.
36. That the Subdivision Improvement Contract for this subdivision include a provision requiring the developer to work cooperatively with the City to petition the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources for approval of the Meier Road extension from the proposed McAllen Drive to the US 12 & 18 frontage road.
37. That the applicant submits for Planning Division Staff approval revised covenants, conditions and restrictions for the McAllen 120 Business Park.
 - a) Section A.6 shall be revised as follows:
 - i. note that the use of EIFS on any elevation shall be limited so as not to come into contact with the ground;
 - ii. note that the use of EIFS shall be in a fashion that is integrated into the overall design of the building and complimentary with other materials forming a particular facade
 - b) Section A.7.a.i. shall be revised as follows: “i) There shall be at least one tree of not less than 2.5” diameter for every 50’ of road frontage. At least twenty five percent of these trees shall be evergreen.”
 - c) Section A.7.c. shall be revised as follows: “At the time of planting, evergreens shall be at least 6’ in height and shrubs shall be 18”-24” in diameter.”

38. Any changes to the Covenants and Restrictions are subject to prior written approval by the Director of the Department of Planning and Community and Economic Development or his/her designee.
39. That future development of buildings and facilities within the subdivision meets all requirements related to wetland and shoreland zoning.

Specific questions regarding comments or conditions should be directed to the commenting agency. Any appeal regarding the plat, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter. If I may be of any further assistance, do not hesitate to contact me at 266-5974.

Sincerely,

Heather Stouder, AICP
Planner

cc: Janet Dailey, City Engineering
John Leach, Traffic Engineering
Dennis Cawley, Madison Water Utility
Jeff Ekola, Office of Real Estate Services
Norb Scribner, Dane County Land Records and Regulations