



Department of Planning & Community & Economic Development
Planning Division

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July 17, 2008

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7530 Westward Way
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RE: Approval of a request to rezone 121.2 acres located at 6403-6703 Femrite Drive and 3102 Meier Road from Temp. A (Agriculture District) to M1 (Limited Manufacturing District) and W (Wetlands District); and approval of a preliminary plat for the future creation of 6 industrial lots and 3 outlots.

Gentlemen:

At its July 15, 2008 meeting, the Common Council **approved** the rezoning and preliminary 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-four (24) items:

1. Proposed "A Court" will have to be moved south and be dedicated entirely from within this proposed plat as both the City of Madison and Town of Blooming Grove have vacated Old Meier Road from Meier Road to Ohmeda Drive. If the construction of "A Court", located entirely within this proposed plat, adversely affects the existing driveway access to the William Blatterman property, it may be necessary for the Developer to allow and construct a new driveway to "A Court" for the same.
2. Proposed McAllen Drive will require a street name change at the property line between P-3 and P-4. Submit an alternative street name to Engineering Mapping for approval.
3. Proposed Conservancy Outlot 3 may be required to be split into two separate Outlots dedicated to the public for Park and Greenway/Storm Water purposes.

4. Public dedication and/or easement rights shall be conveyed to allow for the sanitary sewer to be constructed to serve this plat, across the lands south of this proposed plat, which were conveyed by warranty deed from the Town of Blooming Grove to McAllen Properties 120, LLC by Document No. 4421467. This warranty deed also included the frontage road access to the motel located in the Town, which may require resolution.
5. The subject warranty deed off-plat property conveyed from the Town to McAllen was attached to the City of Madison at the June 17, 2008 Common Council meeting. Now that these adjacent lands are within the City of Madison, it is suggested these lands be included in this proposed subdivision plat to allow for the conveyance/dedication of any necessary public rights by subdivision plat.
6. The right of way width for Femrite Drive shall be 106 feet. The plat shall be revised to show the required right of way dedication.
7. The developer shall note that existing wetlands south of this plat make the extension of Meier Road to the south unlikely. The developer shall work with City Engineering, City Planning, and Traffic Engineering on a loop street system (McAllen Drive and Meier Road) that works well in the event that Meier Road is not extended. The developer shall revise the plat accordingly as required by the City Engineer.
8. Prior to approval, provide all wetland delineation reports along with letter on concurrence from the WDNR. Wetland boundaries shall be provided in electronic format compatible with Microstation Version 7. The wetland report shall be provided in PDF format.
9. Wetlands shall not be used for stormwater management purposes; facilities to meet the requirement of Chapter 37 MGO shall be met outside the wetland boundaries.
10. Developer will require developer constructing off-site sanitary sewer which will cross wetlands. Developer will be responsible for obtaining all applicable WDNR and Army Corps of Engineers permits for this wetland crossing.
11. Portions of the proposed plat are not within the Central Urban Service Area and are not eligible for sewer service at this time.
12. 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.
13. Two weeks prior to recording the final plat, 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 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
14. The developer shall construct Madison standard street improvements for all streets within the plat.

15. 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.
16. 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.
17. The developer shall make improvements to Femrite Drive and Meier Road to facilitate ingress and egress to the plat.
18. An erosion control plan and land disturbing activity permit shall be submitted to the 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 the 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 7.5-tons per acre per year.
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.

20. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27.

The following note shall accompany the master storm water drainage plan:

“For purposes of this plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows.”

No building permits shall be issued prior to City Engineering’s approval of this plan.

21. 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 80% TSS (5 micron particle), provide oil & grease control from the first 1/2” of runoff from parking areas, and; provide infiltration in accordance with NR-151.
22. 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>.
23. 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).
24. 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.

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

25. 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 impacts fees.

26. The right of way for Femrite Drive shall be revised to [106] feet total.
27. The right of way for Meier Road shall be revised to 80 feet for a distance of 200 feet from Femrite Drive, both north and south of Femrite.
28. The street right of way of McAllen Drive shall be extended across Meier Rd for a distance of 100 feet and Lot P-6 modified accordingly.
29. 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.
30. The applicant shall execute 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.
31. 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 item:

32. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. All public water mains and water service laterals shall be install by standard City of Madison Subdivision Contract, except water mains on Meier Road and Femrite Drive may be installed by an assessment reimbursement agreement. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions about the following item:

33. Lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 15,000 square feet. No building together with its accessory buildings shall occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of the area of a corner lot.

Please contact Si Widstrand, Parks Division, at 266-4711 if you have questions about the following item:

34. If the Conservancy outlots are being accepted for public dedication, use and management, they should include a minimum 25-foot upland buffer to provide access without conflicting with wetland regulations.

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

35. That the applicant submit a revised preliminary plat with the first final plat of the site that incorporates the 1.5-acre parcel extending south from the proposed McAllen Plat to the US 12 & 18 frontage road (attached June 17, 2008) into the subdivision. Said strip shall be dedicated to the City for public right of way purposes and for the installation and maintenance of public sanitary & storm sewer, water and other utilities. Improvement of this right of way for street purposes is dependent on gaining Wisconsin Department of Natural Resources approval.
36. That the applicant submits covenants, conditions and restrictions for the entire McAllen 120 Business Park for consideration and approval with the first final plat of the project. The covenants, conditions and restrictions approved with the first final plat shall establish site design guidelines and an architectural review committee for the entire subdivision. The City may desire a seat on the proposed architectural review committee.
37. That staff is authorized to make an application to the Capital Area Regional Planning Commission to amend the Central Urban Service Area boundaries to include the portion of the subject site located east of Meier Road and other nearby properties.
38. That a final plat of the 40-acre parcel addressed as 6703 Femrite Drive not be submitted for any City, County or State approval until such time as the developable portions of that property have been added to the Central Urban Service Area.
39. That future development of buildings and facilities within the subdivision meets all requirements related to wetland and shoreland zoning.

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

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 261-9632.

Sincerely,

Timothy M. Parks
Planner

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