



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266-4747
FAX 608 266-8739
PH 608 266-4635

September 5, 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 5 industrial lots and 3 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 September 2, 2008 meeting, the Common Council **approved** the 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-four (24) items:

1. In order to avoid having town names for proposed "McAllen Drive", Developer shall work with Engineering on the address of the parcels.
2. The developer shall provide grading easements along Femrite Drive as required by the City Engineer to facilitate the reconstruction of Femrite Drive. The grading easement may be included in the development agreement.
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 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.

6. 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.
7. 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.
8. Development 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.
9. 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.
10. 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.
11. The developer shall dedicate a permanent limited easement for grading and sloping 15 feet wide on Lot 4 along Meier Road.
12. The developer shall construct Madison standard street improvements for all streets within the plat.
13. 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.
14. 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.
15. The developer shall make improvements to Femrite Drive and Meier Road to facilitate ingress and egress to the plat.
16. 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.
17. 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.

18. 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. Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

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.
25. 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 five items:

26. 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.
27. 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.

28. 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.
29. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the plat.
30. 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:

31. 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.
32. 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 seven items:

33. So that all developable lots may be included in any future tax increment financing district, the applicant shall submit a revised final plat incorporating all wetlands into outlots dedicated to the City of Madison Storm Water Utility for conservancy and management. Specifically, this will require the expansion of Outlot 2 to the eastern edge of the wetlands it includes, as well as the creation of an additional outlot encompassing the wetlands in the southeastern corner of proposed Lot 4.
34. With regard to the artificial wetland on Lot 5, the applicant must accomplish one of three alternatives prior to recording the final plat:
 - a) Obtain all necessary approvals from the Wisconsin Department of Natural Resources to fill the wetland;
 - b) Include on the final plat a 75-foot buffer around the wetland, necessitating a relocation of the proposed McAllen Drive, or;
 - c) Obtain approval from the staff of the Capital Area Regional Plan Commission to locate a public right-of-way within 75 feet of an existing wetland.
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.

In addition, Madison Gas and Electric Company and AT&T have requested 10-foot wide utility easements along property borders as follows: the entire western border of the property adjacent to Ohmeda Drive and Town of Blooming Grove lands; the entire eastern border of the property along Meier Road and Meier Road extended; and both sides of the entire length of McAllen Drive and Femrite Drive through the property. These easements should be shown on the final plat prior to sign-off.

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
Si Widstrand, Parks Division
Dennis Cawley, Madison Water Utility
Jeff Ekola, Office of Real Estate Services
Norb Scribner, Dane County Land Records and Regulations