



PREPARED FOR THE PLAN COMMISSION

Project Address: 1902-1910 W. Beltline Highway, Town of Madison
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [35158](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: St. Joseph’s Ventures, LLC; 2616 Industrial Drive; Madison.

Surveyor: Brett Stoffregan, D’Onofrio Kottke & Associates, Inc.; 7530 Westward Way; Madison.

Requested Action: Approval of a Certified Survey Map (CSM) creating 2 lots at 1902-1910 W. Beltline Highway, Town of Madison, in the City of Madison’s Extraterritorial Jurisdiction.

Proposal Summary: The applicant and property owner wishes to reconfigure two existing unplatted parcels developed with a multi-tenant retail building and related parking. The applicant wishes to record the CSM as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. In particular, the Plan Commission shall determine that the proposed subdivision complies with each of the following criteria for approval in the extraterritorial plat approval jurisdiction:

1. The proposed subdivision or land division shall be compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
2. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City’s ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

Review Required By: Plan Commission.

Review Schedule: The State’s subdivision statute, Wis. Stats. 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless an extension is agreed to by the subdivider. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was accepted for review by the City on August 6, 2014. Therefore, the 90-day review period for this CSM will end circa November 6, 2014.

Summary Recommendation: The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to Lot 2 being designated as an outlot, input at the public hearing and the comments and conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: An approximately 2.3-acre property comprised of 2 unplatted parcels located on the north side of the W. Beltline Highway frontage road approximately 600 feet east of Whelan Lane and a half-mile east of Todd Drive; Madison Metropolitan School District.

Existing Conditions and Land Use: The site is developed with a one-story multi-tenant retail building (Pier One Imports, etc.) and associated parking primarily located between the building and frontage road. Additional parking extends onto adjacent parcels west and east of the site, which is zoned County C-1 (Commercial).

Surrounding Land Use and Zoning (all in the City of Madison):

North: Cannonball Path, University of Wisconsin Arboretum, zoned CN (Conservancy District);

South: Beltline Highway (US Highway 12-14-18-151);

East: Multi-tenant retail/ office buildings and undeveloped access strip, zoned CC (Commercial Center District);

West: Parcel developed with highway-oriented billboard, Cannonball Path overpass, Culver's, zoned CC.

Environmental Corridor Status: The subject site is located in the Central Urban Service Area but is not located in a mapped environmental corridor (Map D10).

Public Utilities and Services:

Water: The property is located in the City of Madison Water Utility's service area but is not connected;

Sewer: The property is served by City of Madison sanitary sewers;

Fire protection: Town of Madison Fire Department;

Emergency medical services: Town of Madison Fire Department;

Police services: Town of Madison Police Department;

School District: Madison Metropolitan School District.

Project Description

The applicant is requesting approval of a two-lot Certified Survey Map (CSM) to formally split an unplatted two-parcel property located on the north side of the W. Beltline Highway frontage road in the Town of Madison, which is developed with a one-story, approximately 28,000 square-foot multi-tenant retail building. The two parcels are the only parcels immediately surrounding not located in the City of Madison. The surrounding properties to the east include other multi-tenant commercial properties in CC (Commercial Center) zoning, with additional multi-tenant commercial properties west of the site past the Cannonball Path, which abuts the property on the north and is one parcel west of the site. The retail building on the site is served by approximately 60 parking stalls located between the south façade frontage road, with additional parking located on the adjacent parcel to the west, which is located in the City and is developed with a billboard. A loading dock is located along the north wall of the building. In addition to the two parcels in the town, the applicant also owns an approximately 30-foot wide strip of land located in the City, which provides access to the subject site as well as the commercial properties located to the east. At present, the parcel boundary extends through the commercial building.

Lot 1 of the proposed CSM will be a 62,559 square-foot lot that will include the commercial building and most of the surface parking, while Lot 2 will contain 36,217 square feet that will include the remaining onsite parking and a grassy area east of the building. The proposed land division will allow the building to be located entirely on one parcel. The proposed lots will have an irregular configuration, which the applicant indicates is intended to allow the “common areas” of the subject site to be reconfigured.

Analysis and Conclusion

Approval of CSM by the Town of Madison and Dane County: Section 236.10 (b) of the Wisconsin State Statutes requires that subdivisions in the City’s Extraterritorial Plat Approval Jurisdiction receive approval from the town of record and Dane County prior to consideration of the request by the Plan Commission.

Dane County granted conditional approval of the Certified Survey Map as outlined in a letter from Dan Everson, Land Division Review, Dane County Department of Planning and Development dated September 9, 2014. The Town of Madison Board conditionally approved the proposed Certified Survey Map on August 19, 2014.

City of Madison Land Use Plan: The Comprehensive Plan identifies the subject site and surrounding properties generally located between the Beltline Highway and University of Wisconsin Arboretum from Todd Drive to Fish Hatchery Road for General Commercial uses.

The subject site is also located in the Evergreen View Business Area in the Arbor Hills-Leopold Neighborhood Plan, which also generally recommends general commercial uses for the area bounded by the Beltline Highway, University of Wisconsin Arboretum, Todd Drive and Fish Hatchery Road. However, the plan recommends that the area evolve over time into a higher density, mixed-use development pattern that utilizes more compact, urban building forms that front the street to help create a more pedestrian-friendly, attractive and sustainable built environment.

In reviewing the CSM, the Planning Division supports the applicant’s goal to place the entire building onto one lot. The parcel line that bifurcates the building currently likely creates building and zoning code-related issues and is impractical. However, the irregular shape and configuration of the proposed lots in general and the design of Lot 2 specifically proposed does not appear to maintain the general land development pattern of the area as required by the extraterritorial approval criteria. If the subject site is to be divided, staff recommends that proposed Lot 2 be designated as an outlot, and that the construction of structures on that outlot be limited due to its relative size, limited lot width, and limited ability to host a structure. Designation of Lot 2 as an outlot and limiting its use to the common areas serving the multi-tenant building suggested by the applicant will allow a division of the subject site will allow the Plan Commission to find that the CSM should also not adversely affect the City’s future ability to provide public services, install public improvements or accomplish annexations. [The subject property and all remaining properties in the Town of Madison north of the Beltline are scheduled to be annexed to the City of Madison effective October 30, 2022 per the City’s intergovernmental agreement and cooperative plan with the Town of Madison and City of Fitchburg.]

As a condition of the CSM approval, staff also recommends that a reciprocal land use agreement and easements be approved by the City Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development to formalize cross-access between the 3 lots.

Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map (CSM) of property located at 1902-1910 W. Beltline Highway, Town of Madison, in the City's extraterritorial plat approval jurisdiction subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

1. That proposed Lot 2 be designated as an outlot, or that the CSM be approved as one lot. The outlot should be restricted with a note on the face of the CSM to parking, landscaping and access (common areas) for the building on Lot 1 and shall further note that the construction of structures on the outlot is prohibited.
2. As a planned multi-use site, as defined in the City's Zoning Code and Subdivision Regulations, the land division shall have a plan and reciprocal land use agreement approved by the City Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development and recorded in the office of the Dane County Register of Deeds.

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

City Engineering Division (Contact Janet Dailey, 261-9688)

3. The Certified Survey Map (CSM) shall show the pavements on the parcel and those pavements on the adjacent parcels to the east and west utilized by this CSM. There are parking stalls serving Lot 1 of this CSM that are located on Parcel 251-0709-344-0088-2 in the City of Madison. Note on the CSM the recording information of the agreement/easement of record permitting parking on the adjacent lands.
4. Note: This CSM reconfigures the parcel line between Parcels 032-0709-344-8720-6 and 032-0709-344-8770-6 in the Town of Madison.
5. The Center and South quarter-corner notes for the monuments shall be revised to be for Section 34, not Section 35. Provide measured and City of Madison Coordinate values for the Center quarter-corner of Section 34.
6. The adjoiner label for the adjacent 33-foot wide strip adjacent to the east side of this CSM shall be revised to read "Lands—This Owner in City of Madison".
7. Show and label the location of the current existing parcel line dividing these lands.
8. Provide "recorded as" information per the deeds of record on all four sides of this CSM and for the tie distance from the South quarter-corner of Section 34.
9. Revise the City of Madison Approval Certificate to be the standard City of Madison Plan Commission Certificate.
10. Add "West Beltline Highway" as a name for the frontage road as addressing utilizes the name.

11. Each property of the proposed CSM shall have a separate sanitary sewer lateral. Prior to approval the Developer shall enter into an agreement with the City to extend the public sewer main to serve proposed Lot 1 and Lot 2 and the existing lateral shall be abandoned. A shared lateral will not be allowed to provide sanitary sewer service to this newly created lot. The extension of the public sewer main will require public easement dedication for the property at 1898 W. Beltline Highway. This dedication will be completed by a separate real estate project administered by the City's Office of Real Estate Services.
12. The following note shall be added to the Certified Survey Map: "All lots created by this CSM are individually responsible for compliance with Chapter 37 of Madison General Ordinances in regard to stormwater management at the time they develop."
13. A minimum of 2 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 subdivision 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).
14. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
15. 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 Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
16. 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.
17. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. The 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 City Engineering Division for this information.
18. City of Madison Environmental Project Staff is not aware of any land dedications required for this CSM. As a result, a Phase 1 Environmental Site Assessment (ESA) **will not** be required of the applicant. If there are lands being dedicated, or rights conveyed, to the City of Madison for public use as a result of the project, the applicant shall notify Brynn Bemis (267-1986) to determine if a Phase I ESA will be required.

Zoning Administrator (Contact Pat Anderson, 266-5978)

19. Note: Future proposed signage may be subject to approval under Madison General Ordinances Section 31.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

This agency submitted a response with no comments or conditions for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

20. The new lot line shall not create a building code violation for the existing building. Fire separation distance shall comply with IBC 705 and Tables 601 and 602.

Water Utility (Contact Dennis Cawley, 261-9243)

21. This property in the Town of Madison is in the Madison Water Utility service area, but is not currently connected to the Madison municipal water system.

22. According to the requirements of MGO Section 13.21, any private well will need to be permitted or abandoned if a connection is made to the Madison municipal water system or if the parcel is annexed into the City of Madison.

23. In accordance with MGO Section 13.07, any structure in the City of Madison that is used for human habitation (i.e. single family home or multi-unit apartment) must be connected to the municipal water system, where available. Annexation into the City will trigger this requirement at which point the owner(s) will have 180 days to connect.

Office of Real Estate Services (Jenny Frese, 267-8719)

24. Prior to requesting final sign-off, executed signature block certifications shall be included for all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. Include the entire legal name of applicant in the Owner's Certificate: St. Joseph's Ventures, LLC.
25. If any tenancy or lease is in excess of one year, each such tenant shall execute a Consent of Lessee prior to final sign-off. Determine whether lease with Pier I Imports, Inc. has been renewed or terminated. If current, include a Consent of Lessee for Pier I Imports, Inc. to be executed prior to final signoff.
26. Include the name of Town Clerk in Town of Madison Approval Certificate.
27. Pursuant to MGO Section 16.23(5) (e) 4 and Wis. Stats. 236.21(2) (a), all CSMs that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: _____
Steven R. Cover, Secretary Plan Commission

Date: _____

28. The 2013 real estate taxes are paid for the subject property, payment of which included special assessments. 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 the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.
29. The following revisions shall be made to the CSM prior to final approval:
- a.) Depict and dimension all existing improvements (buildings, drives, parking lots, etc.), encroachments, wells and septic systems associated with the lands described for the proposed CSM.
 - b.) Add Note stating rights and easements, if any, in and to any and all railroad switches, sidetracks, spur tracks and rights of way located upon or appurtenant to the subject premises.
 - c.) Depict the remaining portion of MG&E easement Document No. 2192374, if any remains on the lands within the CSM boundary after release Document No. 4933916 was recorded.