

PLANNING DIVISION STAFF REPORT

April 10, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 4001-4005 Marsh Road
Application Type: Zoning Map Amendment and Certified Survey Map Referral
Legistar File ID # [76502](#) and [76310](#)
Prepared By: Timothy M. Parks, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant & Property Owner: Timothy Neitzel, MMI LLC Properties; 5301 Voges Road; Madison.

Contact Person: Khrist Barber, Advanced Building Corporation; 4125 McFarland Drive; McFarland.

Requested Actions: Consideration of a request to rezone 4001-4005 Marsh Road from Temporary A (Agricultural District) to IL (Industrial–Limited District), and consideration of a Certified Survey Map (CSM) to create one lot for future industrial development.

Proposal Summary: The applicant is seeking IL (Industrial–Limited District) zoning for two parcels comprising approximately 2.2 acres of land on the east side of Marsh Road at Voges Road, which were attached to the City from the Town of Blooming Grove in 2022. If approved, the subject parcel would be developed with one or two multi-tenant flex industrial buildings to be located on the lot created by the accompanying CSM. Construction on the subject site will commence as soon as all regulatory approvals have been granted, with completion scheduled for later this year.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends the Plan Commission forward Zoning Map Amendment ID 28.022–00622, rezoning 4001-4005 Marsh Road from Temp. A to IL, to the Common Council with a recommendation of **approval**; and forward the Certified Survey Map to create one lot to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the conditions from reviewing agencies on the CSM beginning on **page 3**.

Background Information

Parcel Location: An approximately 2.2-acre site located on the east side of Marsh Road at Voges Road; Alder District 16 (Currie); Madison Metropolitan School District.

Existing Conditions and Land Use: Undeveloped land, zoned Temp. A (Agricultural District).

Surrounding Land Use and Zoning:

North: Future industrial development in the Marsh Road Industrial Subdivision, zoned IL (Industrial–Limited District); stormwater management pond, zoned CN (Conservancy District);

South: Free-Up Storage and future industrial development in the Tradesmen Commerce Park subdivision, zoned IL;

East: Pellitteri Waste Systems transfer station, zoned IL; and

West: Crown Lift Trucks, multi-tenant industrial flex building, personal indoor storage facility, zoned IL.

Adopted Land Use Plans: The 1999 [Marsh Neighborhood Development Plan](#) and 2018 [Comprehensive Plan](#) recommend that the subject site and surrounding properties north of Kampmeier Quarry be developed with Industrial (I) uses.

Zoning Summary: The project will be developed in the IL (Industrial–Limited District) district.

Requirements	Required	Proposed
Lot Area	20,000 sq. ft.	96,337 sq. ft.
Lot Width	75'	313'
Front Yard Setback	0 or 5'	To be determined at permitting
Side Yard Setback	0 or 5'	To be determined at permitting
Rear Yard	30'	To be determined at permitting
Maximum Lot Coverage	75%	To be determined at permitting
Maximum Building Height	N/A	---
Other Critical Zoning Items		
Yes:	Barrier Free, Utility Easements	
No:	Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator		

Environmental Corridor Status: The property is not located in a mapped environmental corridor. The adjacent City-owned pond parcel and a portion of the neighboring lot in the Marsh Road Industrial Subdivision are located in a mapped corridor.

Public Utilities and Services: The subject site is served by a full range of urban services, including Metro Transit, which operates seven-day service in a one-way loop eastbound along Marsh Road between the southeast side and East Transfer Point (Route 31). As part of the Metro Transit network redesign scheduled to begin this June, bus service will serve the subject site on the 'L' line north of the Voges Road-Marsh Road intersection.

Project Description, Analysis and Conclusion

The applicant is requesting approval to rezone two parcels totaling approximately 2.2 acres of land from Temp. A to IL and create one lot by Certified Survey Map to accommodate future industrial development. The parcels to be rezoned and combined were attached to the City of Madison from the Town of Blooming Grove by separate petitions; 4005 Marsh Road was attached effective June 13, 2022, while the attachment of 4001 Marsh took effect on December 12, 2022. Temp. A zoning was assigned to both parcels at the time of attachment.

The subject site is located on the east side of Marsh Road opposite the eastern end of Voges Road in the industrial portion of the Marsh Road neighborhood. The subject parcels were developed with single-family residences and associated accessory buildings prior to their attachment to the City. However, all site improvements were removed prior to the parcels coming into the City. Both parcels contain mature trees that previously surrounded

the now-demolished buildings. The property is otherwise characterized by a modest slope from south to north, which drains towards a pond located on a City-owned parcel north of the site.

Following approval of the zoning map amendment and recording of the CSM, the applicant proposes to erect two multi-tenant flex industrial buildings on the site. A concept plan was submitted with the rezoning request and is attached to File ID 76502 for informational purposes only. In addition to creating the development lot, the proposed CSM will dedicate right of way for Marsh Road to create 40 feet from centerline consistent with the right of way width elsewhere in the developed portions of the neighborhood.

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City's Comprehensive Plan as required by Section 66.1001(3) of Wisconsin Statutes. "Consistent with" is defined as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan."

The Planning Division believes that the Plan Commission may find that the proposed rezoning is consistent with the recommendations in the 1999 Marsh Road Neighborhood Development Plan and the 2018 Comprehensive Plan, both of which recommend the subject site and surrounding properties for industrial development. The Marsh Road neighborhood encompasses the existing and future portion of the City bounded by the West Beltline Highway (US Highways 12 and 18) on the north, Interstate 39/90 on the east, Siggelkow Road and the Village of McFarland on the south, and S Stoughton Road (US Highway 51) on the west. In general, the neighborhood has developed over the last 25 or so years with industrial development occupying the northern half of the area generally between Kampmeier Quarry and the Beltline, including both sides of Voges Road and the portion of Marsh Road abutting the site, while the remainder of the neighborhood south of the quarry has developed with various residential uses as recommended by the plan. Over that time, the parcels historically occupied by mostly single-family residences and agricultural uses in the northern part of the neighborhood have transitioned to the industrial development pattern recommended by the neighborhood development plan. That transition is proposed to continue with the rezoning of the subject parcels to IL and the industrial development envisioned for the proposed lot.

Recommendation

Planning Division Recommendation (Timothy M. Parks, (608) 261-9632)

The Planning Division recommends the following to the Plan Commission:

- That the Plan Commission forward Zoning Map Amendment ID 28.022-00622, rezoning 4001-4005 Marsh Road from Temp. A to IL, to the Common Council with a recommendation of **approval**. No conditions of approval are recommended for the requested zoning map amendment.
- That the Plan Commission forward the Certified Survey Map to combine two parcels at 4001-4005 Marsh Road into one lot to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies that follow.

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

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

1. Enter into a City / Developer agreement for required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.

2. Construct sidewalk along Marsh Road to a plan approved by the City Engineer.
3. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
4. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at (608) 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at (608) 261-9127 (bstanley@cityofmadison.com) 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 and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
5. Provide proof of septic system abandonment from Public Health–Madison and Dane County as a condition of plan approval.
6. The property owner is notified that upon development of this lot, stormwater treatment will be required in accordance with Madison General Ordinances (MGO) Chapter 37.

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

7. The applicant shall dedicate 40 feet of right of way along the east side of the centerline of Marsh Road over the existing right of way and the additional area not previously subject to right of way.
8. Note: Having two separate interests in a single joint parcel becomes problematic and creates ownership lines despite a joint mapped title line. Consolidate title ownership to one entity or explain plan for sale that will be suitable to avoid illegal land division.
9. One parcel is in the name of Timothy Nietzel, the other is in the name of 4005 Marsh Rd LLC. One of the owner certificates is listed as TNT of McFarland. Please verify the proper owner(s) prior to final sign-off.
10. Assuming parcel can be transferred to a single entity prior to land division, state on CSM the Common Ownership Private Onsite Wastewater Treatment System Easement per Document 5004977 is extinguished via Merger of Title into one unified owner and parcel in this CSM. If this cannot be done, the easement will need to be released from one entity to the other.
11. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final CSM.
12. A note shall be added to all areas labeled to be dedicated on the CSM, "Dedicated to the Public", as required by Wis. Stats. Section 236.20(4)(b).
13. 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 monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jquamme@cityofmadison.com).

14. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
15. Per ss 236.20(3)(d) and (e), show the width of Marsh Road and Voges Road, and label Voges Road.
16. Per ss 236.20(3)(d), correct the label and line work for Lot 3 of Tradesmen Commerce Park. This now CSM 12856. Additionally, the common line between Lot 3 of Tradesman Commerce Park – now CSM 12856 – and Outlot 2 of Tradesman Commerce Park that intersects with Lot 4 does so more perpendicular than shown. There appears to be a missing line segment; please show this correctly.
17. Remove parcel numbers from map.
18. Include square feet in the overall legal description for the parcel.
19. State the datum and adjustment used for County coordinates.
20. Note on the final CSM that there are currently no structures on parcel and they have been recently razed.
21. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.
22. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

This agency has reviewed the request and recommended no conditions of approval.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

This agency has reviewed the request and recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

This agency has reviewed the request and recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

This agency has reviewed the request and recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed the request and recommended no conditions of approval.

Parks Division (Contact Kathleen Kane, (608) 261-9671)

This agency has reviewed the request and recommended no conditions of approval.

Forestry Division (Contact Jeffrey Heinecke, (608) 266-4890)

This agency has reviewed the request and recommended no conditions of approval.

Office of Real Estate Services ((608) 266-4222)

23. A certificate of consent for all mortgagees shall be included following the Owner's Certificate(s) and executed prior to CSM approval sign-off. If the CSM is signed electronically, a PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off. Prior to approval sign-off by the Office of Real Estate Services, the Owner's Certificate on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a).

24. Per 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 may become due prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.

25. Include/ update the Plan Commission certificate as follows:

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

By: _____ Date: _____
Matthew Wachter, Secretary of the Plan Commission

26. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to the Office of Real Estate Services (ORES) as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

27. Please note that the Office of Real Estate Services is reviewing the report of title provided with this survey and may have additional comments. That office will send any comments separately, which shall be addressed prior to final approval of the CSM for recording.