

PLANNING DIVISION STAFF REPORT

July 29, 2024



PREPARED FOR THE PLAN COMMISSION

Project Address: 4538-4610 East Broadway (District 16 – Alder Currie)
Application Type: Zoning Map Amendment, Certified Survey Map
Legistar File ID # [83946](#) & [83755](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Randy Manning; PO Box 459; Spring Green, WI 53588

Surveyor: Matthew Hoglund; Quam Engineering, LLC; 4604 Siggelkow Rd, Ste A; McFarland, WI 53558

Owner: 401 North Third Street NV, LLC; c/o Greg Polacheck; Summit Credit Union; 1709 Landmark Dr; Cottage Grove, WI 53558

Requested Action: The applicant is seeking approval of a zoning map amendment from Industrial Limited (IL) district to Suburban Employment (SE) district and a certified survey map to create two lots and an outlot to be reserved for a future public street.

Proposal Summary: The applicant is seeking to rezone the property at 4538-4610 East Broadway from IL to SE for future development and approval of a CSM to create two lots for future development and one outlot for a future public street.

Applicable Regulations & Standards: Standards for zoning map amendments are found in §28.182(6) MGO. Standards for certified survey maps are found in §16.23(5) M.G.O.

Review Required By: Plan Commission, Common Council

Summary Recommendations: The Planning Division recommends the following to the Plan Commission regarding the applications for 4538-4610 East Broadway. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission forward the zoning map amendment from IL to SE to Common Council with a recommendation to approve;
- That the Plan Commission forward the certified survey map to the Common Council with a recommendation to approve, subject to the conditions from reviewing agencies beginning on page 4;

Background Information

Parcel Location: The subject site is located on the north side of East Broadway, just west of its intersection with Dutch Mill Road. The three existing subject parcels total 6.03 acres and are within Alder District 16 (Alder Currie) and the Madison Metropolitan School District.

Existing Conditions and Land Use: All three existing parcels comprising the site are zoned IL (Industrial Limited) district and are currently undeveloped.

Surrounding Land Uses and Zoning:

North: Warehouse and shop buildings with some office space, zoned IL;

West: Warehouse and shop buildings with some office space, zoned IL;

South: Across East Broadway, the Dutch Mill Park and Ride within public right of way, with the West Beltline Highway beyond; and

East: Shop and office buildings zoned IL.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2023) recommends Employment (E) for the site. The [Stoughton Road Revitalization Project Plan](#) (2008) recommends a mixed-use business district with employment, employment services, and general commercial uses.

Zoning Summary: The subject property is proposed to be zoned SE (Suburban Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	Lot 1: 187,609 sq. ft. Lot 2: 32,552 sq. ft.
Lot Width	65'	Lot 1: >65' Lot 2: 137.64'
Front Yard Setback	0' or 5'	TBD
Side Yard Setback: Street side yard	0' or 5'	TBD
Side Yard Setback	15' or 20% building height	TBD
Rear Yard Setback	30'	TBD
Maximum Lot Coverage	75%	TBD
Minimum Building Height	22' measured to building cornice	TBD

Other Critical Zoning Items	Urban Design (UDD 1), Utility Easements
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Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: There are no mapped environmental corridors within the subject site.

Public Utilities and Services: The site is served by a full range of urban services.

Project Description, Analysis, & Conclusion

The applicant is seeking approval of a zoning map amendment to change the zoning of the subject site from the IL district to SE district, and to subdivide the three existing parcels into two new lots for future development and one outlot to be reserved as public right of way for a future public street. The site is currently undeveloped. No development is proposed at this time, but the letter of intent indicates that Lot 1 (western lot) is anticipated to be a future gas station and Lot 2 (eastern lot) is anticipated to be a future commercial building. The future public street would eventually connect Dutch Mill Road and East Broadway to Femrite Drive and Progress Road.

This request is subject to the standards for zoning map amendments and land divisions. This section continues with a summary of adopted plan recommendations, followed by zoning map amendment standards, land division standards, and finally a conclusion.

Consistency with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends Employment (E) for the site and all surrounding lands bounded by Femrite Drive, Dairy Drive, South Stoughton Road, and the West Beltline Highway. Employment areas include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. The [Stoughton Road Revitalization Project Plan](#) (2008) includes this site in the “Gateway Development Area” and recommends a mixed-use business district with employment, employment services, and general commercial uses. Improved retail and service uses are intended to create a gateway to and support adjacent employment uses. Additional new streets are intended to allow for better connectivity between disconnected areas.

Zoning Map Amendment

The Zoning Map Amendment standards, found in 28.182(6), MGO state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the [Comprehensive Plan](#), and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City’s [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified “consistent with” as “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.” As described above, the request and its uses can be found to be generally consistent with the E land use recommendations for this area in the [Comprehensive Plan](#) and various business, employment, and commercial recommendations of the [Stoughton Road Revitalization Project Plan](#).

Land Division

The applicant has submitted a certified survey map to create two lots. The applicant has coordinated with City Engineering and Traffic Engineering staff to establish the appropriate location for the outlot to be reserved for future right of way. Staff believe that all applicable standards for land divisions can be found met.

Conclusion

Staff believes that the proposed use in this location and requested zoning map amendment are consistent with underlying land use recommendations of adopted plans and the Plan Commission can find the applicable standards met. Staff also believes the Plan Commission can find the applicable land division standards met for the accompanying CSM.

At time of writing, Staff is unaware of any written comments from the public.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends the following to the Plan Commission regarding the applications for 4538-4610 East Broadway. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission forward the zoning map amendment from IL to SE to Common Council with a recommendation to approve;

- That the Plan Commission forward the certified survey map to the Common Council with a recommendation to approve, subject to the conditions from reviewing agencies below;

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

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

1. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com).
2. Creation of a new road requires stormwater treatment of the runoff - the developer will be required to enter into a developer agreement with the City for construction of the road and the utilities including public stormwater treatment. If it is preferable to treat the new public ROW in the pond systems that are proposed for the private development an easement shall be granted to the City over those and a maintenance agreement between the City and Property owner signed to define rights and responsibilities.
3. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
4. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d))
5. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering 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. (MGO 16.23(9)(d)(4))
6. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 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). (POLICY)
7. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
8. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.

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

9. The applicant has submitted the requested Traffic Impact Analysis study. Traffic Engineering is requesting that the study be updated to include an analysis of a single-lane roundabout option at the intersection of E Broadway and Dutch Mill Road.

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

10. Grant a Permanent Limited Easement for grading and sloping 10 feet wide along the outside of Outlot 1 over Lot 1 and Lot 2 Contact Julius Smith of Engineering Mapping (jsmith4@cityofmadison.com, 608-264-9276) for easement language.
11. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Julius Smith of Engineering Mapping (jsmith4@cityofmadison.com, 608-264-9276) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat.
12. Prepare and exhibit and description for the release of the Utility Easement as set forth on Certified Survey Map No.3441. The portion of this easement to be released shall extend through the entire limits of Outlot 1.
13. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance. It appears that the existing driveway that is located with 4516 E Broadway Service Rd to the West of the parcel and on the parcel may have rights to use the entire drive afforded to it via document 3993852 amend this document as needed to for the planned development, and obtain any permissions/agreements to change/remove the existing drive as shown in the provided plans.
14. Revise note 1 to state that Outlot 1 is private. Add the language at the end to further read, this Outlot is undevelopable and shall be dedicated to the City at no cost upon request by the Common Council. No street, driveway, utility or any other form of construction will be allowed on the Outlot without the approval of the City Engineer.
15. Prior to recording the Certified Survey Map, Applicant/Developer shall provide, for City review and approval, a non-exclusive ingress/egress, storm sewer and storm water easement to Lots 1 and 2 over Outlot 1, which easement will create and address access rights and maintenance responsibilities over improvements on Outlot 1. No improvements to the easement area will be allowed without the consent of the City Engineer. The easement will expire, with no compensation, upon the dedication to City of Outlot 1 as a right-of-way.
16. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), 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.
17. 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 plat.
18. on Sheet 3 in the Easement notes cite the Document no. for CSM 3441 which is 1659883

19. On sheet 3 change the Diamond note 1 to state Rights of Access subject to Doc. 1027605.
20. 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 Jule Smith, City Engineering (jsmith4@cityofmadison.com)
21. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jule Smith (jsmith4@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.
22. Add 25' Radii at the corners of Outlot 2 with Lot 2 and Lot 1 at the frontage Dutch Mill Road
23. The bearing and distance along south line of the SW quarter along with the provided coordinate appear to be showing the South quarter corner of Section 22-Town 7N - Range 10E. This monument appears to be mislabeled as the SE Corner.
24. Update the street name text of East Broadway Frontage Road to E Broadway.
25. Shift Dutch Mill Road text to start at the southerly corner of Lot 2. The street segment before that is E Broadway (which runs from S Stoughton Rd and makes the angled curve to the right in front of Outlot 1).
26. Correct the first bearing after the Point of Beginning to read Northeast in both the parcel description and on the face of the map.
27. Removed the linework and text for POS 2004-722 as these parcels do not exist.
28. Revise Note 2 on Sheet 2 of 7 to include E Broadway and Dutch Mill Road
29. Submit to Jule Smith, prior to Engineering sign-off of the subject plat, 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, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
 - 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. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

Water Utility (Contact Jeff Belshaw, 261-9835)

30. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

Office of Real Estate Services (Contact Heidi Radlinger, 266-6558)

31. Please note that the City's Office of Real Estate Services is reviewing the report of title provided with this CSM and may have additional comments and conditions. That office will send any comments separately. Please contact Heidi Radlinger at (608) 266-6558 or Jenny Freese at (608) 267-8719 for more information. Any conditions or comments must be satisfactorily addressed prior to the Secretary of the Plan Commission or their assigns sign the CSM.

The Planning Division, Office of the Zoning Administrator, Fire Department, Parks Division, Forestry Section, Metro Transit, Assessor, and Parking Utility have reviewed this request and recommended no conditions of approval.