



PREPARED FOR THE PLAN COMMISSION

Project Address: 3002-3020 Meier Road
Application Type: Zoning Map Amendment and Certified Survey Map (CSM) Referral
Legistar File ID # [80637](#) and [80234](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: The Estate of William C. Blatterman and Blatterman 1, LLC; Representative: Heather Carow, 620 Alpine Parkway; Oregon.

Surveyor: Mark Pynnonen, Birrenkott Surveying; PO Box 237; 1677 N Bristol Street; Sun Prairie.

Requested Actions: Consideration of a request to rezone a portion of 3002-3020 Meier Road from A (Agricultural District) to IL (Industrial–Limited District); and consideration of a Certified Survey Map (CSM) to create one lot in IL zoning and one outlot in A zoning.

Proposal Summary: The applicant is requesting to rezone approximately 3.75 acres of a larger 98.88-acre property from A (Agricultural District) to IL (Industrial–Limited District) to provide conforming zoning for two existing industrial/commercial buildings located along the Meier Road frontage. The remaining land will remain zoned A. A CSM has been submitted to create a lot for the two buildings and associated parking. The CSM also proposes an approximately 1.74-acre outlot in Agricultural zoning. The CSM will be recorded as soon as all regulatory approvals have been granted.

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.

Review Schedule: The State’s subdivision statute, Wis. Stats. Ch. 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 application was accepted for review on October 2, 2023. Therefore, the 90-day review period for this CSM will end circa January 1, 2024.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00657, rezoning a portion of 3002-3020 Meier Road from A to IL, and a Certified Survey Map to create one lot and one outlot, to the Common Council with recommendations of **approval** subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: The subject site is comprised of two parcels totaling 98.88 acres of land. 3002 Meier Road is a 3.57-acre parcel located along Meier Road approximately 1,500 feet north of Femrite Drive; 3020 Meier Road is a

95.3-acre parcel that extends west and north of 3002 Meier, with no frontage along an improved public street. The entire site is located in Alder District 16 (Currie) and the McFarland School District.

Existing Conditions and Land Use: The subject site includes two one-story industrial/commercial buildings and two smaller accessory buildings located on the Meier Road frontage of the site. The remainder of the site is undeveloped agricultural land. The entire 98.88-acre property is zoned A (Agricultural District). Two single-family residences located at 6602 and 6626 “Old Meier Road” south of the two industrial/commercial buildings are associated with the estate of the property owner but are existing separate parcels and not part of this CSM.

Surrounding Land Uses and Zoning:

North: Undeveloped agricultural land and public open space, zoned A (Agricultural District) and CN (Conservancy District); Penito Creek;

South: Existing and future industrial development in the McAllen 120 Business Park subdivision, zoned IL (Industrial–Limited District);

West: GE Healthcare (Datex-Ohmeda) and multi-tenant industrial buildings along Ohmeda Drive, zoned IL; and

East: Single-family residences along Meier Road zoned SR-C1 (Suburban Residential–Consistent 1 District) and A; solar electric power production facility, zoned A; Purple Organics composting facility across Meier Road, zoned IL.

Adopted Land Use Plans: The 2018 [Comprehensive Plan](#) and 2017/2022 [Yahara Hills Neighborhood Development Plan](#) recommend the southern half of the site for Industrial (I), while the remainder of the property and adjacent agricultural and public open space lands to the north are recommended for Park and Open Space (P). In addition, both plans identify an east-west local street crossing the subject property to connect future Ohmeda Drive west of the site to Meier Road to provide access to future, more intensive development of the site.

Zoning Summary: Proposed Lot 1 will be zoned IL (Industrial–Limited District):

	Required	Proposed
Lot Area (Sq. Ft.)	20,000 sq. ft. per lot	Proposed lot will exceed
Lot Width	75'	Proposed lot will exceed
Front Yard Setback	0' or 5'	Existing condition
Side Yard Setback	None if adjacent to property zoned IL or IG; 10' if adjacent to property zoned anything other than IL or IG	Adequate
Rear Yard	30'	Will exceed
Maximum Lot Coverage	75%	[See Conditions]
Maximum Building Height	None	Existing buildings
Other Critical Zoning Items		
Yes:	Utility Easements	
No:	Urban Design, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Parkland, Wetlands, Floodplain	
<i>Prepared by: Planning and Zoning Staff</i>		

Environmental Corridor Status: Penito Creek forms portions of the northern and western property lines of the site, with the mapped floodway and adjacent floodplains and wetlands located in mapped environmental corridor. The mapped corridor also includes constructed drainageways and wetlands otherwise located in the northwestern quadrant of the property. The existing buildings are not located in a mapped corridor, though a portion of a wooded ridge adjacent to Meier Road within proposed Outlot 1 is located in the mapped corridor.

Public Utilities and Services: The entire subject site is located in the Central Urban Service Area, and urban services (water, sanitary sewer, etc.) are located south of the site in the Meier Road right of way. Metro Transit service does not serve the area of the City east of Interstate 39/90, including the subject site.

Previous Approvals

On September 18, 2006, the Plan Commission approved a Certified Survey Map of 3.6 acres of land located at 3472 Meier Road, Town of Blooming Grove, in the City of Madison's extraterritorial plat approval jurisdiction. The CSM created one lot for an existing construction business. Though approved by the City, the final CSM (11930) was not signed by the City prior to its recording on October 6, 2006.

The entire 98.88-acre parcel was zoned A (Agricultural District) as part of the zoning of the Town of Blooming Grove South Phase Attachment Area, which brought 1,183.2 total acres (1.85 square miles) of land east of Interstate 39/90 and south of the Wisconsin and Southern Railroad into the City of Madison pursuant to the City-Town cooperative plan (2006). The South Phased Attachment and zoning took effect on December 28, 2020. Prior to attachment, the Meier Road frontage of the subject site was commercially zoned by Dane County.

Project Description

The applicant and property owner is seeking approval of a Certified Survey Map (CSM) to reconfigure an existing lot created for a light industrial/ commercial business in 2006 and developed with a one-story building to include an adjacent one-story building located to the west. The proposed CSM will encompass approximately 5.5 acres of the owner's two parcels at 3002 and 3020 Meier Road, which total 98.88 acres of land. All of the subject land is zoned A—Agricultural District.

The two buildings are located in the southeastern portion of the overall site adjacent to the north-south section of Meier Road (the road curves to run east-west just east of the eastern property line). The 3.57-acre parcel at 3002 Meier Road is developed with a 19,928 square-foot metal industrial building (per City records) housing a construction company, which includes loading docks facing Meier Road and parking on the north and east sides of the building. The northern portion of the 3002 Meier parcel is undeveloped agricultural land. The larger 95.3-acre 3020 Meier Road parcel extends west and north of 3002 Meier and is mostly undeveloped agricultural land with no frontage on an improved public street. However, an approximately 8,640 square-foot one-story warehouse is located in the southeastern corner of the parcel to the rear of the 19,928 square-foot building on the 3002 Meier parcel; a smaller 1,350 square-foot storage accessory building is also located to the south of the warehouse. Two single-family residences located at 6602 and 6626 "Old Meier Road" south of the two industrial/ commercial buildings are associated with the estate of the property owner but are on existing separate parcels and not part of the proposed re-division.

The proposed CSM reconfigures the property to place all of the buildings on one lot, shown as Lot 1; the proposed lot will include a panhandle of the 3020 Meier Road parcel that currently extends between the adjacent single-

family residences addressed off of Old Meier Road. In conjunction with the reconfiguration of the parcels to place the buildings together, the applicant and property owner is also requesting approval to rezone the proposed 3.75-acre lot to IL to provide zoning to allow the light industrial and storage uses on the property to remain. Additionally, the CSM proposes a 1.74-acre outlot to the north of proposed Lot 1. Outlot 1 represents the remainder of Lot 1 of CSM 11930, which is the lot that was created by the property owner in 2006 for the larger building while all of the subject lands were in the Town of Blooming Grove and in the City's extraterritorial jurisdiction.

As shown on Sheet 2 of the proposed CSM, the remaining land extending northwesterly of the proposed lot and outlot are proposed for exclusion from the land reconfiguration. The Subdivision Regulations apply to the creation of lots and outlots under 40 acres in area from contiguous land owned by a subdivider. For remaining land in excess of 40 acres, the ordinance requires that the excluded lands be shown on the final CSM as a scaled map based on recorded information with perimeter dimensions.

Analysis & Conclusion

The applicant and property is seeking approval of a zoning map amendment and CSM to create an approximately 3.75-acre lot for two existing industrial/commercial and warehouse buildings, which will be zoned IL. The remainder of the 98.88-acre property will remain zoned A, including a 1.74-acre outlot, which is the remains of a lot created by extraterritorial CSM in 2006. The subject property has been zoned A since it and many other surrounding properties were attached to the City from the Town of Blooming Grove in December 2020.

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 subject site is located within the boundaries of the [Yahara Hills Neighborhood Development Plan](#), which was adopted in 2017 and amended in 2022. The Yahara Hills plan designates approximately the southern half of the subject property and neighboring parcels to the south, west, and east for Industrial (I) uses, while the remaining property and lands to the north are recommended for open space and stormwater management. The recommended land uses in the neighborhood development plan are reflected on the 2018 Comprehensive Plan generalized future land use maps, which show the County lands as Industrial (I) and Parks and Open Space (P), respectively. Additionally, both plans show an east-west street crossing the subject property to connect future Ohmeda Drive west of the site to Meier Road; the planned street is intended to provide access to future, more intensive development of the site.

The Planning Division believes that the standards for approval for zoning map amendments and land divisions can be met with these requests. The IL zoning requested for the 3.75-acre Lot 1 containing the two principal buildings is consistent with the Industrial land use recommendations for that portion of the subject property in both the Yahara Hills Neighborhood Development Plan and Comprehensive Plan, and staff does not believe that the proposed configuration of Lot 1 will have a negative effect on the ability of the remaining property to develop consistent with the land use and development pattern recommended for the southern portion of the 98.88 acres.

Further, while a planned street can be required as part of a land division as outlined in the Subdivision Regulations, staff feels that it would be more appropriate to implement the east-west street planned to cross the site to link

Ohmeda Drive and Meier Road when more extensive plans for development of the remaining 95.13 acres are submitted for approval than with what is ostensibly the lot line adjustment now being proposed. Staff anticipates approval, dedication, and construction of the future east-west street once more detailed plans for the remaining lands are submitted for approval, at which time the exact alignment of the future street can be determined and approved. [Any future land use or subdivision applications will be reviewed for consistency with the adopted plans in effect at that time.] In the meantime, it does not appear that Lot 1 will impact the future alignment of the street, which is shown extending through the 95.13 acres of A-zoned land.

Recommendation

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00657, rezoning a portion of 3002-3020 Meier Road from A to IL, and a Certified Survey Map to create one lot and one outlot, to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions from reviewing agencies:

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

Planning Division (Contact Tim Parks, (608) 261-9632)

1. Prior to final approval of the Certified Survey Map (CSM) for recording, revise Sheet 1 to designate a use for Outlot 1, subject to approval by the Planning Division. Outlot 1 shall have a restriction restricting it from further development until it is included as part of a future subdivision or land division approved by the City of Madison.
2. Revise the CSM to label and dimension the three buildings on proposed Lot 1, and to include the approximate perimeter dimensions of the excluded lands.
3. Prior to final approval, confirm that the lot coverage of Lot 1 will not exceed 75%. Lot coverage is defined by the Zoning Code as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
4. Prior to final approval and recording of the CSM, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission to revise the environmental corridor map to adjust the mapped corridor so that proposed Lot 1 is excluded.
5. Note: The applicant and property are hereby notified that any future development of Outlot 1 and the excluded lands to the north and west of proposed Lot 1 and Outlot 1 will be reviewed for consistency with the City of Madison Comprehensive Plan and any sub-area plans in effect at the time of submittal, including consistency with recommended land uses and street connections, and protection of environmental corridors. A future applicant to develop these lands may be responsible for the future dedication and construction of an east-west public street planned to connect Ohmeda Drive with Meier Road as part of any development approvals.

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

6. A minimum of two (2) working days prior to requesting City Engineering signoff on the 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).

7. Add the following note to the CSM: "Each lot shall be individually responsible for compliance with MGO Chapter 37 requirements."
8. Add the following note to the CSM: "No change in grades shall be allowed without the approval of the City Engineer."

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, (608) 266-4097)

9. The applicant shall dedicate 7 feet of right of way for Meier Road as required by the Traffic Engineering Division.
10. Add the note from Sheet 1 of CSM 11930 regarding additional drainage not being allowed without approval to the North and West of the CSM. Include the CSM and document number in the text of the note placed on this CSM.
11. Correct the CSM number from 119302 to 11930 in all headers of each sheet and the legal description under the Surveyor's Certificate.
12. The portion of Old Meier Road vacated per Document No. 3948865 is the portion located in the NE 1/4 of the SE 1/4 of Section 23 and not part of this CSM. The portion within the SE 1/4 of the NE 1/4 is per Document No. 4018356 is within this CSM. Remove '3948865' from the headers of the sheets and legal description. Fix the notes in the southeast corner of the CSM to correctly note the two different vacation areas on each side of the Quarter Line.
13. The portion of Lot 1 that includes a part of Lot 1 of CSM 2951, per the title report, is subject to a mortgage per Document No. 2952209 modified by Document No. 3092943. Provide documentation of this area being released from the mortgage or the Mortgagee may need to execute a consent of corporate mortgage certificate on the CSM.
14. Per the title report, there is a triangular portion of this CSM that still has title owned by William Blatterman per Document No. 3806752. After CSM 11930 was recorded, there was not a conveyance of interest made for this separate area. This creates a divided ownership interest within the CSM. Title to each parcel cannot have a divided interest and needs resolution.
15. Outlot 1 shall have a restriction restricting it from further development until it is included as part of a future land division approved by the City of Madison.
16. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with Madison General Ordinances and State of Wisconsin Statutes. The licensed professional preparing the land division is fully responsible for full compliance with all ordinances and statutes regulating this proposed land division.
17. Add compliance with the City of Madison subdivision ordinance to the Surveyor's Certificate.

18. Correct on the map CSM no. 8865 to CSM No. 2951 and in the legal description. Also the second to last course in the legal description has an incorrect bearing.
19. Remove note 6 on sheet 2; these restrictions apply when Dane County and the Town of Blooming Grove have jurisdiction. The property is now in the City of Madison.
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 any required U.S. public land survey monument record provided to the County Surveyor's Office, or, in instances where a public the monuments and witness ties area recovered under A-E 7.08(1g), the Surveyor shall provide to the City of Madison monument condition reports (with current tie sheet attached) for all Public Land Survey monuments, including center of sections of record, used in this survey, to Julius Smith (JSmith4@cityofmadison.com) of City Engineering, Land Information.
21. Prior to Engineering Division final sign-off by main office for Certified Survey Maps, the CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Julius 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. 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)

23. The applicant shall be made aware that Outlot 1 of this CSM is located within the proposed area for a future east-west street in the Yahara Hills Neighborhood Development Plan.

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

This agency did not submit a response with comments or conditions for this request.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

This agency did not submit a response with comments or conditions for this request.

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

This agency did not submit a response with comments or conditions for this request.

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

This agency did not submit a response with comments or conditions for this request.

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

This agency did not submit a response with comments or conditions for this request.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

This agency did not submit a response with comments or conditions for this request.

Parking Division (Contact Trent W. Schultz, (608) 246-5806)

This agency did not submit a response with comments or conditions for this request.

Office of Real Estate Services (Contact Jenny Frese, (608) 267-8719)

24. Prior to approval sign-off by the Office of Real Estate Services (“ORES”), the Owner’s Certificate(s) 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). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
25. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s). If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
26. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest, include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off if said ownership interest meets the criteria set forth by Wis. Stats. Sec. 236.34 and Sec. 236.21(2)(a).
27. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
28. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.
29. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23(5)(g)1.

30. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report via email to the Office of Real Estate Services prior to final approval, as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A copy of the vesting deed shall be included with the updated 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.

31. The Office of Real Estate Services is still reviewing the proposed CSM and title report and may have additional comments to be addressed by the applicant prior to final approval and recording of this CSM.