

PLANNING DIVISION STAFF REPORT

June 21, 2024



PREPARED FOR THE PLAN COMMISSION AND COMMON COUNCIL

Proposal: Official Map Amendment – 2202 Darwin Road

Legistar File ID #: [83533](#)

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On June 24, the Plan Commission will consider an amendment to the Official Map, to be followed by Common Council consideration on July 2. The Official Map is a planning tool enabled by Wisconsin Statutes Section 62.23(6), which allows a municipality to map and reserve land for future streets. The City has utilized the Official Map since 1966. No building permits for construction of new buildings or additions may be issued within reserved areas, and when a property owner seeks to divide or combine property within or including an area reserved on the Official Map, the area must be dedicated to the public (MGO Section. 16.23(3)(a)2.)

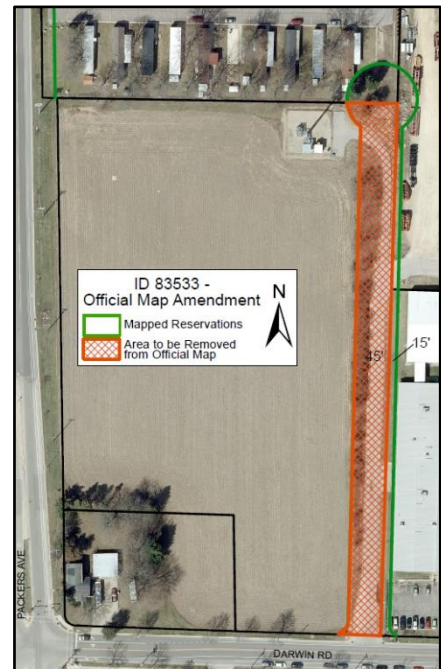
The proposed Official Map amendment would remove a north-south street reservation on 2202 Darwin Road. The portions of the street reservation on 2310 and 2320 Darwin Road and 3901 Packers Avenue would remain. The subject site is at the northeast corner of Darwin Road and Packers Avenue and is located south of the Oak Park Terrace mobile home community at 3901 Packers Avenue. At one time the site was considered for an expansion of the mobile home park. The properties at 2310 and 2320 Darwin Road are occupied by warehouses.

The [Comprehensive Plan](#) (2023) recommends Employment development for the subject site and adjacent sites. Properties to the north and south along Packers Avenue are also recommended for Employment development. The [Northport Warner Park Sherman Neighborhood Plan](#) (2009) includes hypothetical development concepts showing the north-south street. Finally, this site was explicitly identified during the 2021 President's Work Group on Environmental Justice process as a site inappropriate for future residential use.

Previous Approvals

From 1972 to 2022 the subject site also included an east-west street reservation at the northern edge of the site. In late 2022 an Official Map amendment was proposed to remove the east-west and north-south street reservations on 2202-2320 Darwin Road and 3901 Packers Avenue (Legistar ID [74140](#)). The Official Map amendment was proposed due to the expected development of 2102-2202 Darwin Road. Representatives for the owner had expressed strong concerns about the cost and other implications of dedication and construction of the two future streets shown on the Official Map, and District 18 Alder Charles Myadze sponsored the amendment to the Official Map accordingly.

Per the [Planning Division Staff Report](#), staff supported the recommendations of the Transportation Policy and Planning Board and the Board of Public Works to remove the east-west street reservation and retain the north-south street reservation, acknowledging that this portion would be reserved to support longer term future redevelopment in the area, and that the street did not need to be constructed concurrent with the near-term development of the site. At that time Planning staff did not believe that the dedication of right-of-way for the future north-south street



would unduly impact the imminent development of the subject site and noted that it is relatively important to maintain connectivity for any future redevelopment of the mobile home park property to the north.

The Plan Commission recommended approval of the amendment with the condition to retain the north-south street reservation. The Council approved the Official Map amendment with the recommended condition.

In late 2023 the following applications were approved to facilitate the development of 2102-2202 Darwin Road:

- Legistar ID [79327](#) – A demolition permit to demolish a single-family building at 2102 Darwin Road;
- Legistar ID [79525](#) – A zoning map amendment to change the zoning for 2202 Darwin Road from Planned Mobile Home Park (PMHP) District to Suburban Employment (SE) District;
- Legistar ID [79328](#) – A Certified Survey Map (CSM) to create two lots and one outlot, and dedicate land to the public for future right-of-way; and
- Legistar ID [79329](#) – A conditional use in the proposed SE District for an auto rental to allow construction of an auto rental business on proposed Lot 2 of the CSM.

The approved Certified Survey Map (CSM) includes the dedication of the north-south street. Per the conditions of approval, the owner was not required to enter into a Developer's Agreement to construct the street and could instead elect to sign a waiver for notice of public hearing for assessments for future roadway construction and enter into a privilege in streets agreement to allow the driveway in public right-of-way.

The owner recently contacted staff to discuss an issue with the CSM. There are existing easements located in the land that is to be dedicated for the street. The easements provide access to the neighboring properties and the cell tower that is located on 2202 Darwin Road. The applicant has been unable to negotiate the release of the existing easements, and the City cannot accept the street dedication unless the easements are released. Therefore the CSM cannot be recorded. The proposed developments on Lot 1 and Lot 2, which are anticipated to be the new location of the River Food Pantry facility and new car rental facility cannot move forward until the CSM is recorded.

Analysis

An Official Map amendment to remove the north-south street reservation on 2202 Darwin Road was proposed to allow the City to consider a revised CSM that does not require dedication of the street. The amendment was sponsored by District 18 Alder Charles Myadze, District 1 Alder John Duncan, District 3 Alder Derek Field, District 10 Alder Yanette Figueroa Cole, and District 12 Alder Amani Latimer Burris.

As staff noted when the 2022 Official Map amendment was considered, it is relatively important to maintain the street reservation, particularly to support connectivity for any future redevelopment of the mobile home park property to the north. At that time, staff did not believe that the street reservation would unduly impact the imminent development of the subject site. As the owner has indicated, continued reservation of the street would impact development of the subject site. City staff still believe that it is important to provide connectivity options in this area for future development. However, in consultation with the Attorney's Office and Engineering Mapping staff, a series of conditions have been proposed that would maintain options to create a public street and to acquire the land for the future street, even if it is removed from the Official Map.

While not directly before Plan Commission and Common Council as part of the Official Map amendment being contemplated, it is important to note that the applicant has submitted a revised Certified Survey Map (CSM). The CSM will be considered by the Plan Commission on June 24 and Common Council on July 2 (Legistar ID [83674](#)). The CSM would create an outlot in the location of the north-south street that is reserved for future right-of-way. The outlot would be conveyed to the City after the CSM is recorded and the required agreements are executed. Per the recommended conditions of approval, the owners of Lot 1, Lot 2, and Outlot 1 will enter into an ingress/egress and storm water easement to Lots 1, Lot 2, and Outlot 1 over Outlot 2. The easement will create and

address access rights and maintenance responsibilities over improvements on Outlot 2. Outlot 2 would be conveyed to the City after the CSM is recorded and the required easements and agreements are executed. The new easement shall be terminated when Common Council adopts a resolution to declare Outlot 2 as public right-of-way. The proposed outlot, in combination with the remaining street reservations on 2310 and 2320 Darwin Road and 3901 Packers Avenue, could allow the City to construct the street in the future.

Recommendation

Consistent with recommendations from the Transportation Commission and the Board of Public Works, Planning Division staff recommend that the Plan Commission forward a recommendation to the Common Council that the reservation for the north-south future street be removed from the Official Map.