

## PLANNING DIVISION STAFF REPORT

November 13, 2023

PREPARED FOR THE PLAN COMMISSION



**Project Address:** 6550 Maahic Way (formerly 6550 US Highways 12 and 18)  
**Application Type:** Certified Survey Map (CSM) Referral  
**Legistar File ID #** [79988](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

### Summary

**Applicants & Property Owners:** Ronald Likas; 7223 Twin Ponds Drive; Manitowoc.

**Surveyor:** Bryan Stueck, Birrenkott Surveying, Inc.; PO Box 237; 1617 N Bristol Street; Sun Prairie.

**Requested Action:** Approval of a Certified Survey Map (CSM) of property owned by Ronald Likas located at 6550 Maahic Way.

**Proposal Summary:** The applicant is proposing to create two lots in IL (Industrial–Limited District) zoning.

**Applicable Regulations & Standards:** The subdivision process is outlined in Section 16.23(4) of the Subdivision Regulations.

**Review Required By:** Plan Commission.

**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 originally submitted for review on September 18, 2023. Therefore, the 90-day review period for this CSM will end around December 17, 2023.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission **place on file without prejudice** the Certified Survey Map to divide 6550 Maahic Way into two lots due to the proposed lots’ nonconformance with the minimum width and street frontage required by the Zoning Code and Subdivision Regulations, as outlined in this report.

### Background Information

**Parcel Location:** The subject site is a landlocked 18.82-acre parcel located approximately a quarter-mile south of Femrite Drive in the northeastern quadrant of the Interstate 39/90–US Highways 12 and 18 interchange; Ald. Dist. 16 (Currie); Madison Metropolitan School District.

**Existing Conditions and Land Use:** Undeveloped land, zoned IL (Industrial–Limited District).

#### Surrounding Land Uses and Zoning:

North: Undeveloped lots for future industrial uses, zoned IL (Industrial–Limited District), and stormwater management outlot, zoned CN (Conservancy District), in the McAllen 120 Business Park subdivision;

South: US Highways 12 and 18;

West: Interstate 39/90; and

East: Undeveloped land, zoned CN; Dane County Rodefild Landfill in the City of Madison, zoned PD; Valued Stay Madison Hotel in the Town of Blooming Grove.

**Adopted Land Use Plans:** The 2018 [Comprehensive Plan](#) recommends the approximate western two-thirds of the subject property for Park and Open Space (P), while the remainder of the site is recommended for Industrial (I) uses.

The 2017 [Yahara Hills Neighborhood Development Plan](#) recommends most of the subject site for Other Open Space and Stormwater Management, with the exception of the eastern third of the site, which is recommended for Industrial uses.

Both plans show a southerly extension of Meier Road from its current terminus south of Femrite Drive southerly over US Highways 12 & 18 reflecting a previous plan to link the commercial and entertainment area south of the freeway to Femrite Drive.

**Zoning Summary:** The property is zoned IL (Industrial–Limited District).

Requirements		Required	Proposed
Lot Area		20,000 sq. ft.	5.1 acres – 8.9 acres
Lot Width		75’	0’ (All Lots)
Front Yard Setback		0' or 5'	To Be Determined
Side Yard Setback		None if adjacent to property zoned IL or IG; 10’ if adjacent to property zoned anything other than IL or IG	To Be Determined
Rear Yard		30’	To Be Determined
Maximum Lot Coverage		75%	To Be Determined
Other Critical Zoning Items			
Yes:	Barrier Free, Utility Easements, Wetlands		
No:	Urban Design, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park, Floodplain		
Prepared by: Planning and Zoning staff			

**Environmental Corridor Status:** Most of the subject property is located in a mapped environmental corridor due to the presence of open water, wooded wetlands, and a wetland meadow.

**Public Utilities and Services:** The subject site is served by City of Madison water and sanitary sewer located on the southern edge of the subject site and parallel to the eastern property line on the adjacent CN-zoned property.

## Project Description

The applicant and property owner, Ronald Likas, is requesting approval of a Certified Survey Map (CSM) to divide an undeveloped 18.82-acre property at 6550 Maahic Way into two lots. The subject site is zoned IL.

The subject site is located approximately a quarter-mile south of Femrite Drive in the northeastern quadrant of the Interstate 39/90–US Highways 12 and 18 interchange. The property does not include frontage on a public street and has access from Maahic Way via a private access easement across a portion of a privately-owned 66-foot wide property located between the subject property and the nearby Dane County Rodefild Landfill to the east. [The 66-foot wide parcel is Outlot 4 of the McAllen 120 Business Park plat, which includes a note that the 66-foot wide parcel could become a public right of way if so ordered by the Common Council.] Maahic Way is the name of the northern frontage road created by the Wisconsin Department of Transportation as part of the recent conversion of two miles of US Highways 12 & 18 between the Interstate and Door Creek to a limited access freeway, which included the creation of a grade-separated interchange at CTH AB.

The property is C-shaped and encircles a parcel located in the Town of Blooming Grove that is developed with a two-story hotel at 6606 Maahic Way. The site is characterized by a series of natural features, which include a pond located on the western half of the property, which may accept water from the adjacent State highway rights of way. According to a wetland delineation submitted with the CSM, approximately 14.14 acres of the 18.82-acre site have wetland on them. Specifically, three wetlands are identified in the delineation, including a 13.6-acre wetland that encompasses most of the site and includes the open water pond. Two smaller areas are also identified, including one atop a gravel mound east of the pond, and a small wetland southeast of the adjacent hotel. [None of these natural features are depicted on the CSM as required by Wis. Stats. Ch. 236 or MGO Section 16.23(5).] The Wisconsin Department of Natural Resources reviewed the delineation dated May 17, 2023 and exempted the two smaller wetlands from State wetland regulations per Wis. Stats. Section 281.36(4n) as outlined in a letter dated July 21, 2023.

Lot 1 of the proposed CSM will be a 1.32-acre parcel located at the southeastern corner of the property, with the remainder of the property to comprise Lot 2. The letter of intent indicates that a potential purchaser of Lot 1 intends to develop the property with uses as allowed in the existing IL zoning. There are no plans to develop Lot 2 at this time.

## Analysis

Procedurally, a CSM shall be reviewed by the Department of Planning and Community and Economic Development, and other City agencies as determined by the Director of Planning and Community and Economic Development for comment concerning matters within their jurisdiction, for conformity with the provisions of the ordinances and for the possible effect of the proposed division on any plans as set forth in the Comprehensive Plan, the Official Map, or neighborhood unit development studies. The comments from agencies are to be submitted to the secretary of the Plan Commission. The Secretary of the Plan Commission or their designee may approve, approve conditionally, or refer the CSM to the Plan Commission for its consideration. The Plan Commission shall act on the land division within 90 days of the filing of the complete application, unless the time is extended by agreement with the applicant. In this case, the Secretary of the Plan Commission has referred consideration of the proposed CSM to the Plan Commission as allowed by MGO Section 16.23(4).

While staff does not oppose the development of the subject property with uses allowed by the IL zoning of the property, the Planning Division has reviewed the proposed CSM and believes that it cannot be approved as submitted. The subject site is zoned IL, which requires a minimum of 75 feet of width for each lot. Additionally, both the Subdivision Regulations and Zoning Code requires that every zoning lot front on an improved public street, with the Zoning Code specifying that a minimum of 30 feet of street frontage be provided.

In zoning, a “street” is a “public right-of-way which affords traffic circulation and a principal means of access to abutting property. For the purpose of this ordinance, an alley shall not be considered a street.” US Highways 12 and 18 do not meet this requirement because the freeway does not provide a means of access to abutting property due to an access restriction imposed by the Wisconsin Department of Transportation. “Lot Width” is defined as “the horizontal distance between the side lines (“any lot line that is not a front lot line or a rear lot line”) of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line,” while “Lot Line, Front” is generally defined as “the boundary of a lot which abuts an existing, dedicated or officially mapped street or a park.” “Frontage” is “the relationship between the front facade of a building and the abutting street, encompassing the placement of the building and its entrances, and the treatment of front setback areas.” Lots located in an approved planned multi-use site are an exception to the frontage requirement except that a planned multi-use site shall front on a public street, which this site does not. The access easement that connects the subject site to Maahic Way across the adjacent 66-foot wide privately owned parcel would not address the street frontage issue for the purposes of approving the proposed land division.

## Conclusion & Recommendation

The property owner is requesting approval of a Certified Survey Map (CSM) to divide the 18.82-acre parcel into two lots. However, the proposed lots do not meet the minimum street frontage and lot width requirements in the Zoning Code and the street frontage requirements in the Subdivision Regulations.

Due to the fundamental nonconformity of the proposed land division with the requirements in the Zoning Code and Subdivision Regulations, staff does not believe that the land division can be approved or conditionally approved within the 90 days provided by statute. Further, staff does not feel that a written agreement with the applicant to extend review of the current application proposal beyond the 90 days allowed under statute is in the best interest of the City compared to placing the current request on file without prejudice.

Therefore, staff recommends that the proposed land division be **placed on file without prejudice**. As the CSM cannot be approved as submitted, conditions from reviewing City agencies have not been included.