



Report to the Plan Commission

June 10, 2009

Legistar I.D. #15034
4802 Femrite Drive & 2730 Daniels Street
Certified Survey Map Referral

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Consideration of a two-lot Certified Survey Map (CSM) of 38.81 acres of property owned by Certco, Inc. generally located at 4802 Femrite Drive and 2730 Daniels Street.

Applicable Regulations & Standards: Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for land divisions met with this request and **approve** the two-lot Certified Survey Map of property located at 4802 Femrite Drive and 2730 Daniels Street subject to input at the hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Applicant & Property Owner: Certco, Inc.; 5321 Verona Road; Fitchburg; Randal M. Simon, representative.

Surveyor: Hans Justeson, JSD Professional Services, Inc.; 161 Horizon Drive, Suite 101; Verona.

Proposal: The applicant proposes to subdivide the subject property into two lots. The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.

Parcel Location: An approximately 38.81-acre parcel that fronts onto the north side of Femrite Drive and the southwesterly side of Daniels Street between Progress Drive and Dairy Drive; Urban Design District 1 (proposed Lot 2 only); Aldermanic District 16; Madison Metropolitan School District.

Existing Conditions: The northern approximately 34 acres of the subject site is developed with an existing approximately 352,600 square-foot Certco food distribution warehouse. A second 172,176 square-foot freezer warehouse is currently under construction in the center of the site. The Femrite Drive frontage of the site is currently developed with a former single-family residence at 4706 Femrite Drive and will also be partially developed with surface parking for the proposed freezer building. The majority of the site is zoned M1 (Limited Manufacturing District), though a small portion of the Femrite Drive frontage is located in C3 (Highway Commercial District) zoning.

Surrounding Land Use and Zoning: The subject site is generally surrounded to the north, west and east by a variety of light manufacturing, distribution, commercial flex space and office uses in M1 Limited Manufacturing zoning, including the World Dairy Center plat. The area south of the site across Femrite Drive includes myriad commercial, low-density residential and distribution uses located in C3 (Highway Commercial District) and C3L (Commercial Service and Distribution District) zoning. In addition, a City-owned stormwater management tract generally bounds the subject property on the north and west, including a section thereof that separates the subject parcel from the Daniels Street right of way.

Adopted Land Use Plan: The Comprehensive Plan identifies most of the area north of Femrite Drive between S. Stoughton Road and Dairy Drive, including the subject site, for industrial uses. The Stoughton Road Revitalization Project Plan also recommends the subject site and most of the properties north of Femrite Drive for industrial uses. Lands generally south of Femrite Drive are recommended for development as part of a larger gateway mixed-use commercial and employment district to be situated in the northeastern quadrant of S. Stoughton Road and the Beltline Highway.

Environmental Corridor Status: The subject property is not located within a mapped environmental corridor, though the adjacent City-owned stormwater management properties are identified on those maps due to the presence of shoreline, 100-year floodplain, a perennial stream, wetlands and public land. The corridor maps suggest the presence of wetlands on a small portion of the western property line of the site, which will be confirmed as part of a condition of approval of this CSM.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: Existing M1 (Limited Manufacturing District) & C3 (Highway Commercial District).

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	All proposed lots will exceed
Lot width	50'	All proposed lots will exceed
Usable open space	N/A	---
Front yard	0'	10' from Daniels Street
Side yards	0'	Adequate
Rear yard	1-story 10'; 2-story 30'	Adequate
Floor area ratio	2.0	Existing buildings approx. 0.31
Building height	N/A	---
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

Project Review, Analysis & Conclusion

Certco, Inc. is requesting approval of a Certified Survey Map (CSM) to divide their 38.81-acre property located at 4802 Femrite Drive and 2730 Daniels Street into two lots. The proposed land division responds to a condition of the northern 33.7-acres of the property being excluded from the recently expanded Urban Design District #1. In reviewing the proposed expansion to UDD #1 on April 20, 2009, the Plan Commission recommended to the Urban Design Commission and Common Council that the area shown as Lot 1 of the proposed CSM be excluded from the expanded district subject to covenants and restrictions for the property being approved by Planning Division staff, the district alder, and property owner. The review of the required covenants was to occur at the time a CSM was submitted to divide the Certco property from the portion of the site to be located in the UDD #1 and the portion to be left outside the district. The land division is necessary to accomplish the exclusion of the 33.7 acres because the Urban Design Commission ordinance, Sec. 33.24, states that any portion of a parcel that is located within an urban design district is subject to review by the Urban Design Commission.

The northern 33.7 acres of the site excluded from the expanded urban design district is shown as Lot 1 of the proposed CSM. The proposed lot is currently developed with a 352,600 square-foot food distribution warehouse located on the northern portion of the lot. The existing warehouse includes loading facilities along most of the western wall and the southern portion of the eastern wall, with two

parking lots located adjacent to the southwestern corner of the building. A second 172,176 square-foot freezer warehouse is currently under construction on the southern portion of the proposed lot, which will include loading docks along the entire southern wall facing towards Femrite Drive. Primary access to the warehouse complex is provided by an asphalt driveway extending into the site from Femrite Drive that is located in the southeastern corner of the property. The driveway winds around to follow the western property line of the site and the loading docks along the western wall of the 352,600 square-foot warehouse. A second access to the site is provided from Daniels Street across the City-owned stormwater management property that adjoins the property on the north and west. The Daniels Street access connects to the Femrite Drive access across a gravel area along the northern wall of the larger warehouse.

Lot 2 of the proposed CSM will be a 5.07-acre parcel that will front Femrite Drive in three places. The proposed lot will surround two single-family residences located on unrelated parcels at 4702 and 4710 Femrite Drive. A residential building owned by the applicant addressed as 4706 Femrite Drive, which is located between the other two residences, will be located on proposed Lot 2, as will a new parking lot to serve the Certco warehouse complex on Lot 1. The CSM notes that all of the buildings located on Lot 2 will be removed. However, the property owner will be required to receive separate approval from the Plan Commission of a demolition permit prior to razing the house at 4706 Femrite Drive. Staff is aware that the applicant has been in negotiations in the past with the owner of the residences at 4702 and 4710 Femrite to purchase those parcels for inclusion with the rest of proposed Lot 2. If the applicant is successful in acquiring those two parcels, Planning staff recommends that the applicant submit a subsequent CSM prior to any future development to combine those parcels and Lot 2 into a more uniform lot arrangement that eliminates the "saw tooth" configuration currently proposed.

Despite the unique configuration of Lot 2, staff feels that the proposed CSM can meet the standards for approval and that it will satisfy the condition placed on this property as part of the expansion of Urban Design District #1. In addition to the saw tooth configuration of Lot 2, Lot 1 of the CSM also deviates somewhat from the provisions of the Subdivision Regulations and Zoning Ordinance in regard to a technical lack of frontage for that lot onto a public street. Because a City-owned stormwater tract lays between the northeasterly line of the Certco property and Daniels Street, the lot does not have technical street frontage as generally required. However, the City previously granted an access easement across the stormwater tract to provide access to the northern portion of the subject site from Daniels Street, and staff feels that this easement satisfies the intent of the access and frontage requirements in the Subdivision Regulations and Zoning Ordinance. In addition, staff considers the proposed land division a planned commercial site owing to the presence of shared access and parking. The Subdivision Regulations allow for parcels to be landlocked if part of a planned commercial site if a reciprocal land use agreement and access easements are in place to serve all the parcels contained in the subdivision. As a condition of approval of the proposed land division, staff is requesting a unified site plan showing all approved improvements on the 38.81-acre site as well as establishment of cross-access easements between the two proposed lots.

The Planning Division feels that the proposed land division generally comports to the recommendations for this site in the Comprehensive Plan and Stoughton Road Revitalization Project Plan, both of which recommend the subject site for industrial uses. The Plan Commission may wish to consider requesting the reservation of an easement for future right of way through the site in accordance with the plan. The Stoughton Road Revitalization Project Plan shows the creation of an expanded street grid in this area of the City to facilitate increased access and circulation as redevelopment occurs. While many of the additional streets conceptually shown in the plan will be located south of the site between Femrite Drive and the Beltline Highway, one street is shown traversing the Certco property from east to west. This street is shown potentially connecting Prairie Dock Drive in the World Dairy Center east of the site to

the current terminus of the east frontage road for S. Stoughton Road in the vicinity of the Madison Turners property in an effort to facilitate greater circulation and development within this part of the planning area. The extension of this street is conceptually shown in Exhibit A on page 79 of the plan, which is attached. However, because the eastern segment of this conceptual street is on land already developed and because the lands to the west are also developed, staff is not sure this reservation is necessary. The Plan Commission will need to make this determination.

Finally, the applicant will be required to submit covenants and restrictions for approval by the Plan Commission prior to final approval and recording of the CSM in accordance with the agreement reached between the alder and property owner as part of the exclusion of proposed Lot 1 from the expanded urban design district. In addition, the district alder has submitted comments requesting a restriction on the CSM requiring Plan Commission or Common Council approval for any future development on the subject site.

Note: Although the subject site is within 300 feet of the landward side of a regulatory floodplain (located on the adjacent City-owned property), the subject property is not considered a shoreland property for purposes of zoning because the property was annexed to the City before May 7, 1982.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission find that the standards for land divisions met with this request and **approve** the two-lot Certified Survey Map of property located at 4802 Femrite Drive and 2730 Daniels Street subject to input at the hearing and the following conditions:

1. That the applicant work with the Planning Division and staff of the Capital Area Regional Planning Commission to confirm the presence of any wetlands on this property and to revise the Certified Survey Map and/or environmental corridor maps as needed prior to final staff approval of the CSM for recording. Provide a 75-foot protective buffer for any wetlands present pursuant to Madison General Ordinances 37.09(3)(h) and the Wisconsin Administrative Code (NR 103.04)
2. That as a condition of the exclusion of proposed Lot 1 from the recently expanded Urban Design District 1, the applicant shall submit covenants and restrictions for approval by the Plan Commission prior to final approval and recording of the Certified Survey Map.
3. That the applicant receive separate approval from the Plan Commission of a demolition permit to allow the future demolition of the principal building located at 4706 Femrite Drive, which is located on proposed Lot 2. Approval of this CSM does not convey approval to demolish that structure.
4. That a note be placed on the final CSM prior to recording requiring the owner of Lot 2 to submit a site plan for the entire property at the time of further development that addresses the use of the portions of that lot adjacent to the residences at 4702 and 4710 Femrite Drive. Any development on Lot 2 west of the eastern line of the 4710 Femrite Drive parcel shall be fully screened from the residences on the adjacent properties and shall not include any open storage, trash enclosures or utility or refrigeration equipment appurtenant to the development elsewhere on the CSM. In the event that the applicant acquires one or both of the residences, a subsequent CSM is

recommended to combine the parcel(s) with Lot 2 and to eliminate the "saw tooth" configuration, at which time the restrictions stated above may be reduced or eliminated at the discretion of the Planning Division.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

5. Curve segment C2 has a very minor rounding error between the Curve Table on Sheet 1 of 5 and the legal description on Sheet 4 of 5.
6. Prior to approval, provide evidence that proposed Lot 2 shall direct runoff to Femrite Drive with minimal discharge to adjacent Lots 50 & 51, Fourth Addition to World Dairy Center.
7. The applicant shall dedicate a 15-foot wide Permanent Limited Easement for grading and sloping along Femrite Drive.
8. The applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along Femrite Drive in accordance with Section 66.0703(7)(b) Wisconsin Statutes and section 4.09 of the MGO.
9. Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
 - a.) Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
 - b.) All lots within this survey are subject to a public easement for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easement shall be 12-feet in width on the perimeter of the certified survey map. Easements shall not be required on property lines shared with green ways or public streets. No structures may be constructed within said easement and no other obstructions to drainage, including landscaping are permitted without the prior written approval of the City Engineer.

Note: In the event of the City of Madison Plan Commission and/or Common Council approve re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.
10. If the lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane County Register of Deeds.

11. The following note shall be added to the certified survey map: "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."
12. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract.
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 condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
14. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL CSM in PDF form is preferred.

Traffic Engineering Division (Contact John Leach, 267-8755)

15. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off.

Zoning Administrator (Contact Pat Anderson, 266-5978)

16. A planned commercial site created after October 6, 1998 shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Development recorded in the Office of the Dane County Register of Deeds. An existing planned commercial site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Development or approval of the Plan Commission.
17. Prior to final sign off of the CSM, obtain site plan approval showing the showing car parking stalls, bike stalls, accessible stalls, landscaping and loading [for the entire site shown on the CSM]. Submit current/ proposed uses along with information required to determine the required number of stalls/loading areas needed for the existing Lot 1 site. Future development of Lot 2 may require conditional use approval for accessory parking located on a lot elsewhere than the principal use served. Cross-access easements shall be obtained between the two lots.
18. Lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. (See parking lot packet). Lighting will be limited to .10 watts per square foot.

Parks Division (Contact Tom Maglio, 266-6518)

This agency did not submit a response for this request.

Fire Department (Contact Scott Strassburg, 261-9843)

19. All declarations of fire lane easements shall be maintained.

20. All fire lanes shall be maintained and kept clear and accessible during any and all construction.

Water Utility (Contact Dennis Cawley, 261-9243)

21. In accordance with MGO 13.21, all operating wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned.

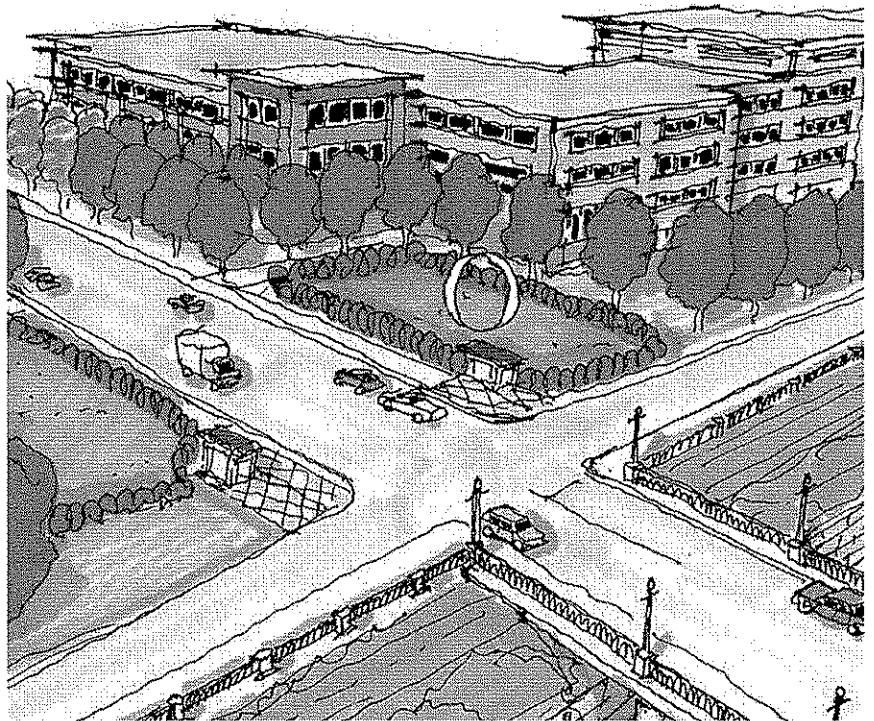
Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.

Stoughton Road Revitalization Project Plan

City of Madison, Wisconsin

Adopted: June 3, 2008



Prepared for:

The Stoughton Road Revitalization Project Group (SRRP) and the City of Madison, Wisconsin

Prepared by:

Cunningham Group Architecture, P.A.
Meyer Mohaddes Associates, Inc.

CUNNINGHAM
GROUP

Strategic Phasing

Given the likelihood of rebuilding the U.S. Highway 12-18 and Stoughton Road intersection is approximately 15 to 20 years away, this Plan recommends focusing redevelopment efforts in the northeast portion of the Gateway Development Area, away from the intersection. This allows the area to evolve in anticipation of WisDOT's plans, but independent of the effects of a potential flyover. Once the non-flyover versus flyover decision is made, development will respond accordingly.

This Plan works with both the non-flyover and flyover options. Phases 1 and 2 develop in the same way regardless of WisDOT's plans. The difference is in Phase 3, when development options reflect non-flyover or flyover conditions.

SRRP Plan Recommendations

The main difference illustrated by this Plan is the degree of commercial and mixed uses in the southwest corner of the Gateway Development Area and the degree to which the development is oriented west. Since the flyover renders the southwest corner less viable for mixed-use development and more viable for single-use or campus-like development, it will be less of a gateway if the flyover is built. With either scenario, the area can be a destination employment center.

Despite its proximity to the Interstate and to several successful businesses, this area is underperforming economically. Access to the area is poor, and there are many oddly shaped, mismatched property sizes with varied owners and zoning classifications. While some new infrastructure, such as the Voges Road bridge, was created as part of the BioAg Gateway, the remaining infrastructure is substandard. Street network improvements will improve access to and connectivity within the area. These improvements also will create more efficient and appropriately sized development parcels. The infrastructure improvements are strategically phased to work with the larger Stoughton Road improvements timetable, specifically with the eventual reconstruction of the U.S. Highway 12-18 and Stoughton Road intersection.

Phase 1

- *Connect East Broadway (on the west side of Stoughton Road) to Femrite Drive (on the east side of Stoughton Road).* This connection will relocate the primary intersection with Stoughton Road approximately 800 feet north of its current location. The existing intersection will remain, but will become a right-in and right-out intersection. This connection will also improve access to development areas west of I-90 / I-39.
- *Connect Stoughton Road to Tradewinds Parkway and eventually to Agriculture Drive.* This connection will improve access to the Gateway Development Area and BioAg Gateway by creating a "back door" via Agriculture Drive.
- *Extend the Stoughton Road frontage road south to Femrite Drive.* This connection will improve access to the Gateway Development Area by creating additional street network independent of Stoughton Road.
- *Provide access to parcels and the wetlands with a new park drive.* This will increase public visibility and access to these important natural features.

Phase 2

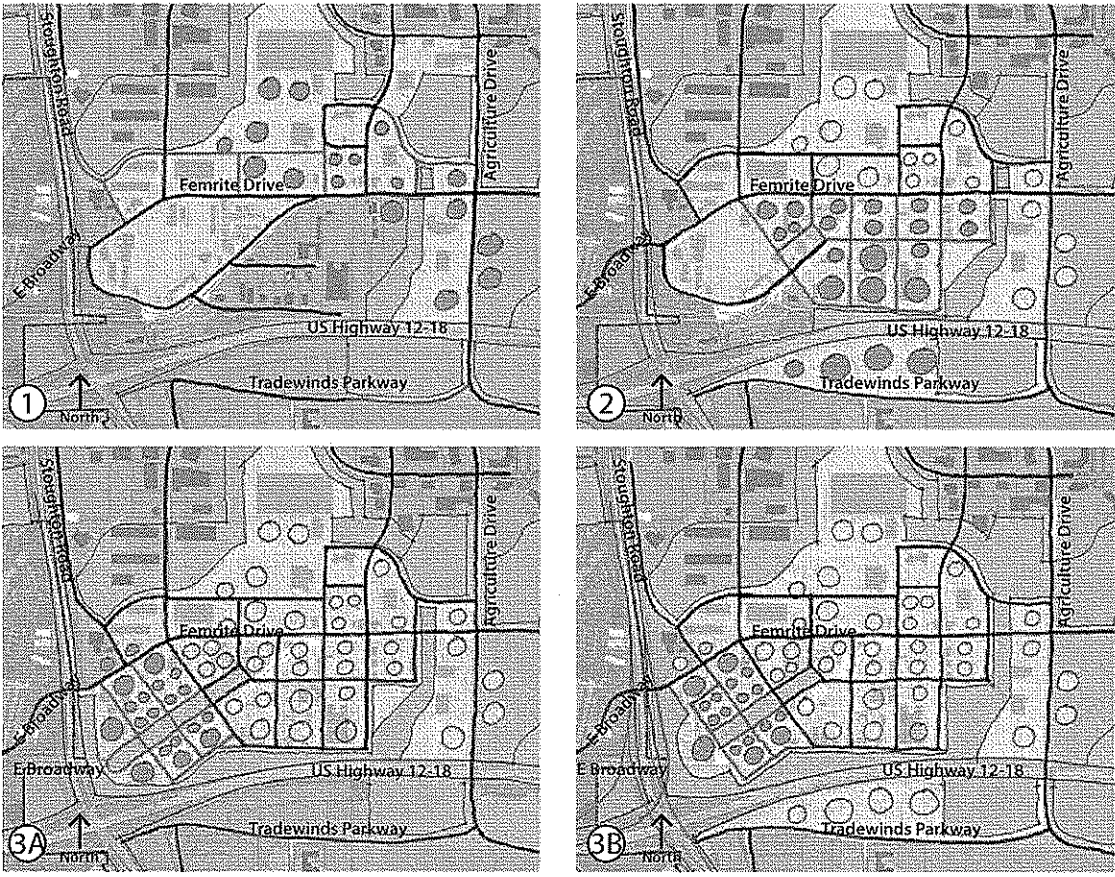
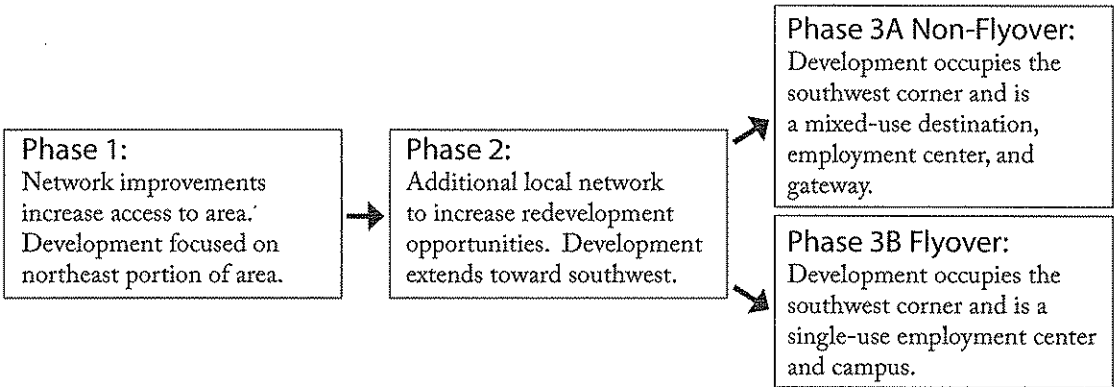
- *Create new streets between Femrite Drive and East Broadway.* A new street grid will encourage investment in underutilized properties. Improving this area will create high-quality, highly-visible parcels. The properties will occupy highway frontage and will become the front door to Madison from the east.

Phase 3A (Non-Flyover)

- *Create new streets oriented to the Stoughton Road and U.S. Highway 12-18 intersection.* A significant new park, oriented toward the intersection, can organize the development and create a second highly visible development addresses for the area.

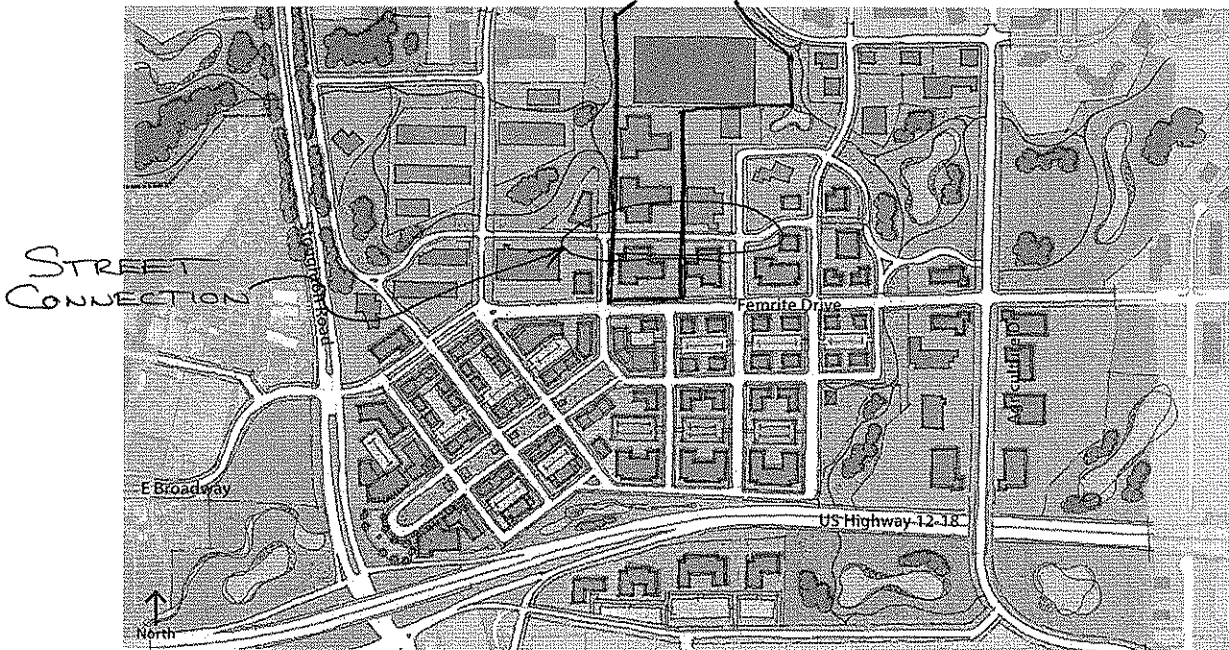
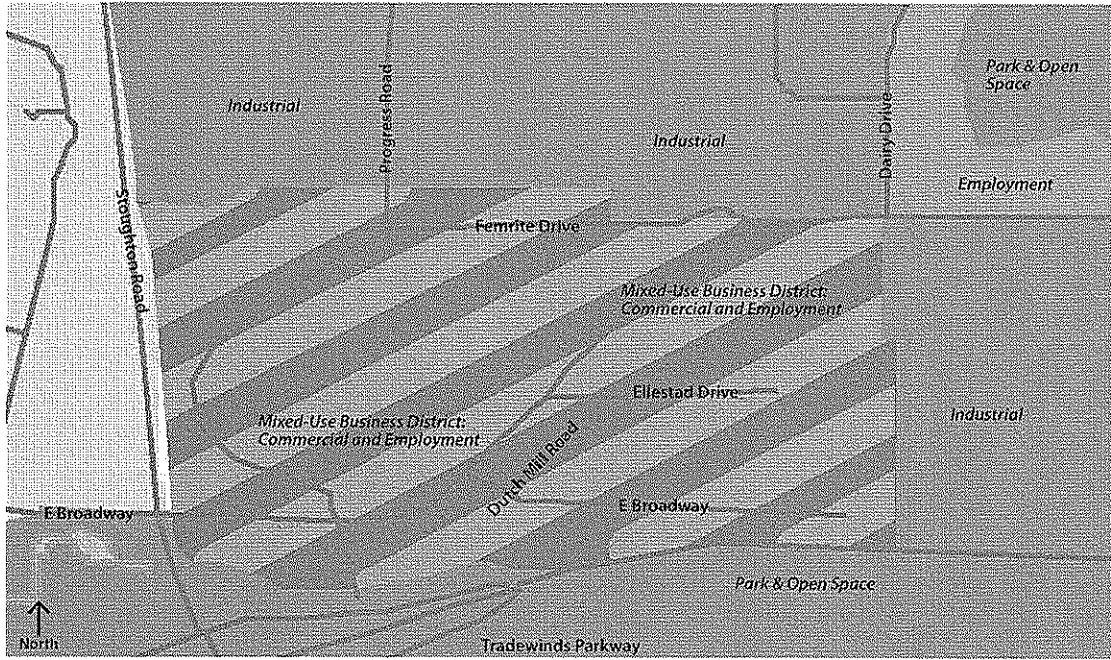
Phase 3B (Flyover)

- *Insert a new street between Femrite Drive and Dutch Mill Road.* This redevelopment area can be oriented around an internally focused green space.



Gateway Area Phasing Plans: Phase 1 includes new streets (red) and development opportunities (salmon) focused primarily in the northeast part of the area (1), Phase 2 makes additional connections and buildings extending toward the southwest and the U.S. Highway 12-18 and Stoughton Road intersection (2), Phase 3A shows build-out without flyover (3A), and Phase 3B shows build-out with flyover (3B).

Land Use



Proposed Land Use Map (top) & Illustrative Conceptual Redevelopment Plan (bottom)