



PREPARED FOR THE PLAN COMMISSION

Project Address: 6802 Ronald Reagan Avenue, generally
Application Type: Zoning Map Amendment and Certified Survey Map
Legistar File ID # [45543](#) and [45461](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicants: City of Madison; Kris Koval, Office of Real Estate Services, representative; and St. John Properties Acquisitions, LLC; 1020 James Drive, Suite G; Hartland.

Surveyor: CJ Engineering, LLC; 9205 W. Center Street #214; Milwaukee.

Property Owner: City of Madison.

Requested Actions: Approval of a request to rezone 23.4 acres of land from SE (Suburban Employment District) to IL (Industrial–Limited District), and; approval of a Certified Survey Map (CSM) creating two lots for industrial/employment use and two outlots for future development.

Proposal Summary: St. John Properties and the City of Madison are requesting approval of a CSM to re-divide approximately 68.7 acres of The Center for Industry & Commerce subdivision to create two lots that will be conveyed to St. John Properties to develop multiple flex commercial/ industrial buildings on either side of realigned Ronald Reagan Avenue. The remaining land will be retained by the City as two outlots for future development. As part of the request, the City initiated a request to rezone Lots 62-80 of the existing Center for Industry & Commerce plat from SE zoning to IL to provide consistent industrial zoning for the western portions of the development. The applicants propose to commence construction as soon as all regulatory approvals have been granted, with no schedule for when the future flex buildings or development of the proposed outlots will be completed.

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. 236, requires that Certified Survey Maps be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The CSM application was submitted to the City on December 7, 2016. Therefore, the 90-day review period for this subdivision request will end circa March 7, 2017.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00265, rezoning a portion of lands generally addressed as 6802 Ronald Reagan Avenue from SE to IL, and the related four-lot/outlot Certified Survey Map, to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 6 of this report.

Background Information

Parcel Location: An approximately 68.7-acre site generally bounded on the west by N. Stoughton Road (US Highway 51), on the north by Hoepker Road and platted but unconstructed John Wall Drive, on the east by Manufacturers Drive, and on the south by Merchant Street; Aldermanic District 17 (Baldeh); DeForest Area School District.

Existing Conditions and Land Use: Undeveloped land in The Center for Industry & Commerce subdivision, zoned SE (Suburban Employment District) and IL (Industrial–Limited District).

Surrounding Land Uses and Zoning:

North: Undeveloped land in the Town of Burke; Interstate Commerce Park in the City, zoned IL (Industrial–Limited District)

South: Undeveloped airport approach land, zoned IL

West: Undeveloped Dane County-owned land west of N. Stoughton Road and Yahara Materials quarry in the Town of Burke;

East: State of Wisconsin Department of Military Affairs center and various office, employment, distribution and industrial facilities in the Center for Industry & Commerce and Tancho Business Park subdivisions, zoned IL.

Adopted Land Use Plans: The [Hanson Road Neighborhood Development Plan](#) recommends that the lands currently zoned SE along the western edge of The Center for Industry & Commerce be developed with neighborhood commercial uses adjacent to Hoepker Road, with a hotel site specifically identified further south along the western edge of the subdivision adjacent to N. Stoughton Road. The remaining Stoughton Road frontage is recommended for a mix of office and industrial development. The remaining land in The Center for Industry & Commerce subdivision is recommended for development with light industrial uses.

The [Comprehensive Plan](#) recommends the N. Stoughton Road frontage of the subject site for Employment uses, with the remaining land subject to the CSM and lands surrounding The Center for Industry & Commerce subdivision all recommended for Industrial development.

Zoning Summary: The proposed lots will be zoned IL, which will be reviewed in the following sections of this report. There are no “critical zoning items” pertinent to the site.

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: The overall site is served by a full range of urban services, with the exception of Metro Transit, which currently does not provide service west or north of The American Center development located east of the southernmost extents of The Center for Industry & Commerce development.

Project History and Previous Approvals

In January 1994 (updated in January 1996), the City published *The City of Madison Industrial Land Study*, which concluded that virtually no vacant sites for light industrial and warehouse uses were available within the city. In the resolution accepting that report, the Common Council recommended that the City acquire and hold significant-sized parcels for future industrial growth. In 1996, the City acquired approximately 265 acres extending from Hanson Road north to Hoepker Road between Interstate 39/90/94 and N. Stoughton Road/ US Highway 51 for the purpose of developing an industrial park, which was subsequently referred to as the “Northeast Industrial Property.”

Subsequently, the Hanson Road Neighborhood Development Plan was adopted in August 2000 to guide future development north of Hanson Road and west of The American Center development. The land use concept in the adopted plan emphasizes light industrial development, with the plan noting that relative access to the area from Dane County Regional Airport and the Interstate system combined with the topography of the land and use and height restrictions imposed by the airport combined to make the planning area ideal for such uses. A small amount of neighborhood-serving commercial development was recommended to support the industrial development, with a general area for this “ancillary” development identified east of N. Stoughton Road on both sides of Hoepker Road. This area was recommended for supporting commercial uses due to its relative accessibility from all parts of the neighborhood. Convenience-type retail and service establishments, restaurants, and gas stations were considered appropriate for the neighborhood-supporting commercial, while regional destination retailing and truck stops were not recommended. The neighborhood development plan recommended that design guidelines be adopted to implement the industrial development as a cohesive neighborhood.

Beginning in the fall of 2001 and continuing into the second quarter of 2002, the City solicited qualifications from developers to partner in the development of 165 acres of the City’s industrial lands, eventually choosing T. Wall Properties as its co-developer. On October 1, 2002, the Common Council approved rezoning the approximately 165 acres from Temp. M1 (Limited Manufacturing District) to M1, C (Conservancy District), C2 (General Commercial District) and W (Wetland District) [1966 Zoning Code] and the preliminary plat of The Center for Industry & Commerce, creating approximately 90 lots for future industrial development.

As part of the initial zoning and plat approvals, there was considerable debate about the amount and location of non-industrial development to be allowed in the development, including the amount of commercial development to be allowed in the future park, the number and size of hotel/ motel uses to be allowed, and the percentage of space in each building that could be devoted to uses other than light industrial. Ultimately, the Plan Commission and Common Council determined that only one hotel/motel use would be accommodated in the development on the west side of future Merchant Street abutting N. Stoughton Road instead of the two sought by T. Wall Properties. The Commission and Council also relaxed some of the restrictions on office and non-industrial uses in specific portions of the industrial park that were promoted by City staff to ensure that the park was developed with the light industrial and warehousing uses envisioned when the land was purchased and the Hanson Road area planned. All of the envisioned uses in The Center for Industry & Commerce could be accomplished in the M1 zoning district except the future hotel/motel use, which required the C2 zoning.

The C2-zoned lots, Lots 66-69 of the recorded plat, were deed restricted solely for use as a hotel/motel, while Lots 62-65 of the CIC plat comprised the area identified for the limited commercial uses to serve the industrial development, as allowed in M1 zoning. The remaining lots in the plat were restricted by a series of deed

restrictions that prohibited or limited the development of the more non-industrial uses otherwise allowed in M1 zoning, including a set of restrictions on lots in the center of the development, which prohibited standalone office uses and otherwise restricted the percentage of an individual project devoted to office uses.

The Common Council approved the final plat of The Center for Industry & Commerce on February 18, 2003, and the plat was recorded on May 8, 2003. The various deed restrictions and covenants, conditions and restrictions that govern the subdivision were recorded throughout the first half of 2003.

As part of the mapping of the new Zoning Code that took effect in 2013, the less restricted M1-zoned lots on the perimeter of the CIC development were mapped as SE (Suburban Employment). At the time, staff felt that the SE zoning better reflected the allowed uses of the lots in the 2003 restrictions, including the permissive stance on office development on the perimeter of the development versus the more restricted interior, the potential hotel/motel use of Lots 62-65, and the limited commercial uses allowed in the northwesternmost corner. The SE designation also better reflected the Employment land use designation given that portion of the CIC in the 2006 Comprehensive Plan, which enshrined the land use approvals granted in 2002 and 2003. The rest of the lots in CIC were assigned IL (Industrial-Limited) zoning. The restrictions and covenants recorded to govern the CIC in 2003 otherwise generally apply.

The 2002 co-development agreement between the City and T. Wall Properties included a series of specific performance measures regarding the implementation of the subdivision, cost-sharing, and the size of development phases. It was originally planned that the City would hold the land for up to ten years while T. Wall Properties implemented the subdivision over seven phases, which were stipulated to not be less than 23.5 acres in size. After ten years, the remaining undeveloped property would be conveyed to T. Wall Properties. However, prior to that final conveyance of the remainder of the subdivision, the City and T. Wall Properties agreed in 2013 to terminate the agreement, as described in Resolution 13-00460 (ID [30382](#)). Since 2013, the City has served as the owner/developer of the CIC.

On September 20, 2016, the Common Council approved Resolution 16-00714 (ID [44296](#)) to execute a Purchase and Sale Agreement between the City and St. John Properties Acquisitions, LLC for the purchase of Lots 62-70 and parts of Lots 47, 48, 49 and 50 of the CIC plus the adjacent public rights of way proposed to be discontinued and vacated abutting said lots. The agreement also includes an option to purchase Lots 35-37 and parts of Lots 38, 47, 48, 49, 50 of the CIC and the entire width of the adjacent public rights of way proposed to be discontinued and vacated abutting the eastern side of those lots. (This agreement was amended by Resolution 16-00881 (ID [45292](#)) on December 6, 2016 to include Lot 71 within the scope of the sale.)

Description of Proposed Development

St. John Properties and the City of Madison are jointly requesting approval of a Certified Survey Map (CSM) to re-subdivide most of the northern and western undeveloped portions of The Center for Industry & Commerce (CIC) subdivision to facilitate industrial and employment development. The CSM of the subject 68.7-acre site will create two lots for near-term development by St. John Properties on 20.85 acres of the site, and two outlots for future development to be retained in the interim by the City. As part of this re-division, the City has initiated a request to rezone 23.4 acres of land comprised of 18 original lots in the CIC from SE to IL to provide consistent zoning for the proposed industrial/employment lots.

The two development lots proposed, Lots 1 and 2, will be located in the northwestern quadrant of the 68.7 subject acres on either side of a realigned Ronald Reagan Avenue, which was first established with the CIC plat as a one-block street extending into the development from Hoepker Road. As part of the proposed development, the City has initiated a request to vacate/discontinue most of platted but unconstructed Graaskamp Way and Merchant Street (Resolution ID [45286](#)), which the Plan Commission recommended approval of on December 7, 2016. As a result of the vacation/discontinuance and proposed CSM, Ronald Reagan Avenue will extend further south from its original terminus at platted John Wall Drive as a north-south street to be located approximately 700 feet east of the western edge of the CIC before intersecting a shorter east-west Merchant Street near the center of the CIC development. A short section of Merchant Street constructed to serve development in the CIC will be demolished to accommodate the proposed development. Manufacturers Drive as platted and built will not be changed with this CSM. St. John Properties proposes to develop Lots 1 and 2 with multiple multi-tenant flex industrial/ commercial buildings.

The remaining 44.65 acres of the subject site will be divided into two outlots to be retained by the City for future development. It is anticipated that the two approximately 22-acre outlots will be further divided into multiple smaller lots to suit the needs of future users in the CIC development.

Unrelated to the subject zoning map amendment and CSM, the City has also entered into a purchase and sales agreement to sell six CIC lots and the portion of vacated Graaskamp Way adjacent thereto to another developer, who proposes to construct a 100,000-plus square-foot production and distribution facility.

Analysis and Conclusion

The Planning Division believes that the Plan Commission may find that the proposed rezoning of Lots 62-80 from SE to IL and the CSM for the northwestern 68.7 acres of The Center for Industry & Commerce subdivision meets the applicable standards for approval.

The uniform IL zoning proposed and re-division of the 68.7-acre site are consistent with the land uses originally envisioned when the Hanson Road Neighborhood Development Plan was adopted in August 2000 compared to the 2002 development approvals. At that time the neighborhood plan was approved, most of the developable land east of N. Stoughton Road from Anderson Road on the north south across Hanson Road was recommended for light industrial development with the exception of a small, generally defined area of "potential" neighborhood commercial uses along Hoepker Road. The 2002 approval, however, placed greater emphasis on allowing flexibility along the northern and western edges of the CIC along Hoepker Road and N. Stoughton Road, respectively, including allowing commercial uses near the intersection of those two roads and reserving a site for a future hotel/motel use. Staff believes that the subject approvals, resulting multi-tenant flex industrial/ commercial buildings proposed by St. John Properties, and the proposed resolution (ID [45607](#)) to terminate the deed restriction on Lots 66-69 for exclusive use as a hotel or motel, are consistent with the original vision for the CIC when it was first conceived and planned nearly twenty years ago.

Note: As part of the final design of the proposed outlots, a corner radius to create a two-point intersection at Ronald Reagan Avenue and Merchant Street may be pursued instead of the curved intersection of those streets shown if City staff feels such an alignment would be more favorable to future development of those outlots.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00265, rezoning a portion of lands generally addressed as 6802 Ronald Reagan Avenue from SE to IL, and the related four-lot/outlot Certified Survey Map, to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

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

Planning Division

1. The applicant shall submit a detailed landscaping plan for the 30-foot planting strip (as originally established by the plat of The Center for Industry & Commerce) for Lot 1 abutting N. Stoughton Road/ US Highway 51) for approval by the Planning Division prior to the issuance of building permits for Lot 1. The plan shall specify the species and size of landscape materials to be planted within the buffer. The landscaping shown on the approved buffer plan shall be reflected on the landscaping plan submitted for zoning site plan approval prior to permit issuance for Lot 1.

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

2. The City has sanitary sewer facilities in the existing streets (Merchant Street and Graaskamp Way) that will need to be taken out of service (removed/ abandoned) and relocated to serve the sewer needs of the proposed lot layout. This is also the case for the sewer between existing Lots 45 and 46 as well as between Lots 39 and 40.
3. The applicant shall be aware that prior to beginning work on the proposed development an assessable street/sewer/storm/water public project must be completed for which assessments will be made toward the newly created lots.
4. The applicant shall provide a 30-foot wide Temporary Limited Easement for grading and sloping along all roadways in the developers agreement. The TLE shall expire after City construction project #11461.
5. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
6. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat/ CSM. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer. [Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.]

7. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
8. All outstanding 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. This property is subject to Sanitary Connection charges for the Hanson Road Sewer Assessment District.
9. This property has deferred assessments for the assessment district that shall be paid in full as a condition of the subdivision approval: Northeast Industrial District Phase 1, CIC Sewer Assessment District-2014, Tancho/CIC Sewer Assessment District.
10. A minimum of 2 working days prior to requesting City Engineering Division signoff on the CSM, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 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. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
11. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with MGO Chapter 37.

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

12. The Surveyor's Certificate contained several bearing directional errors: Line 3, N 78 47 46 should be E; Line 4 same continuation s/b N & E; Line 20 bearing directional should be N & E. Also line 13, distance of 123.48 feet should be 523.99 ft. C7 curve table on various sheets has error for chord distance.
13. Portions of public utility easements along to-be vacated Merchant Street and Graaskamp Way shall be released by separate document prepared by City Office of Real Estate Services. City Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds.
14. Add the common name of N. Stoughton Road for US Highway 51 on all sheets.
15. The arrowhead for the 12-foot easement to Wisconsin Bell shall be corrected to point to the correct easement area. A 12-foot width dimension shall also be added to the map to clarify the limits of the easement.
16. Add the "No Vehicular Access" symbology to the legend on the Certified Survey Map.
17. Add a note to sheet 1: See Sheets 2-6 for additional parcel and easement details.

18. Add a note to the CSM that lands within this CSM benefit from Declaration of Easements per Document No. 3671349.
19. Add a note to the CSM that lands within this CSM are subject to Declaration of Covenants, Conditions and Restrictions per Document No. 3677132, amended by Document No. 4023951 and declarant rights assigned by Document No. 5007196.
20. Add a note to the CSM that lands within this CSM are subject to a Deed Restrictions per Document Nos. 3708482, 3708483, 3708485 and 3708486.
21. Add a note to the CSM that lands within this CSM are subject to Declaration of Conditions and Covenants per Document Nos. 3867640 and 3867641.
22. The original points of curvature for the dedication along Merchant Street shall have monuments shown as set as required by state statute.
23. Lot 2 shall include the fillet area in the northeast corner of the lot to include all of vacated Graaskamp Way.
24. Specific text is required for the Public Pedestrian and Bike Path easement. Contact Jeff Quamme for the required language (jrquamme@cityofmadison.com or 266-4097).
25. The pending vacation and discontinuance of Merchant Street and Graaskamp Way right of ways shall be adopted and recorded and the recording information placed on the CSM prior to final sign off.
26. The Public Storm Drainage and Sanitary Sewer Easements bisecting the Outlots shall be more completely and thoroughly dimensioned to allow complete retracement on the face of the CSM.
27. New 10-foot wide Public Utility Easements shall be added to the CSM on each side of the newly dedicated Ronald Regan Avenue. Also provide new 10-foot wide Public Utility Easement along the south side of John Wall Drive and the north side of Merchant Street where Graaskamp Way is to be vacated.
28. Standard Note for NEW Public Utility Easements: "Public Utility Easements as herein set forth are for the use by Public Bodies and Private Public Utilities having to right to serve the area."
29. Correct the location of the 30-foot Landscape Buffer easement and the proposed Pedestrian Bike Path easement along the westerly side of this CSM. The correct location is 10 feet further to the east per the plat of The Center for Industry & Commerce.
30. This pending CSM application shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
31. 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. Note: Land tie to two PLS corners required.

32. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

This agency reviewed the request and has recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency reviewed the request and has recommended no conditions of approval.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

This agency reviewed the request and has recommended no conditions of approval.

Water Utility (Contact Adam Wiederhoeft, 261-9121)

33. Existing Madison Water Utility facilities in the existing Merchant Way street right of way will need to be abandoned/ removed to accommodate proposed Outlot 1. Additional new facilities will need to be extended to serve the proposed lot configuration.

34. The applicant shall be aware that prior to beginning work on the proposed development an assessable street/sewer/storm/water public project must be completed for which assessments will be made toward the newly created lots.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency reviewed the request and has recommended no conditions of approval.

Parks Division (Contact Janet Schmidt, 261-9688)

This agency reviewed the request and has recommended no conditions of approval.

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

This agency reviewed the request and has recommended no conditions of approval. The final form of the CSM, including any minor revisions, will be handled by Real Estate staff prior to final staff approval and recording prior to closing on this City-owned land.