



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 910 Oscar Avenue  
**Application Type:** Certified Survey Map  
**Legistar File ID #** [57818](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicant & Property Owner:** Nate Ellis, 910 Mayer, LLC; 21 Locust Avenue, Suite 1; Mill Valley, California.

**Surveyor:** Wade Wyse and Julius Smith, Wyser Engineering; 312 E Main Street; Mount Horeb.

**Requested Actions:** Approval of a Certified Survey Map (CSM) to create four industrial lots.

**Proposal Summary:** The applicant and property owner are requesting approval of a CSM to divide the 49.5-acre site developed with the former Oscar Mayer food production facility and headquarters into four lots. The entire site is currently zoned IG (Industrial-General District) and is developed with a myriad of office, warehousing and production buildings, physical plant buildings and surface parking lots associated with the historic use of the site by Oscar Mayer prior to the Kraft-Heinz Company closing the Madison facility in 2017. The letter of intent submitted with the proposed land division indicates that creation of the four lots will assist with “cost assignment, taxes, [the] ability to finance and future rezon[ing]” for the property. In addition to the buildings, many of which are interconnected in some fashion, the 49.5-acre parcel consists of unplatted land, underlying platted lots, numerous easements, and vacated rights of way. The applicant wishes to record the CSM as soon as all regulatory approvals have been granted.

**Note:** The applicant, 910 Mayer, LLC and its associated entities, own additional former Oscar Mayer holdings located nearby but beyond the limits of the proposed CSM. While area planning will include recommendations for all of the former Oscar Mayer properties, the review of this land division and any conditions of approval shall be focused on the 49.5 acres shown on the CSM.

**Applicable Regulations & Standards:** 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 CSM is deemed approved. The CSM application was accepted for review by the City on October 23, 2019. Therefore, the 90-day review period for this land division request will end around January 23, 2020.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward the four-lot Certified Survey Map of 910 Mayer Avenue to the Common Council with a recommendation 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 49.5-acre parcel generally bounded on the west by the Canadian Pacific Railroad, on the north by Aberg Avenue, on the east by Oscar Avenue (formerly Packers Avenue Service Road) and Packers Avenue (STH 113), and on the south by Commercial Avenue; Aldermanic District 12 (Abbas); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is developed with the former Oscar Mayer food production facility and headquarters, which consists of a number of office, warehousing, production and physical plant buildings and surface parking lots. The entire site is zoned IG (Industrial–General District).

**Surrounding Land Uses and Zoning:** The 49.5-acre site extends just over a half-mile north to south and is generally 1,000 feet wide east to west when measured at various points. As such, the property is surrounded by too many individual uses and zoning districts to enumerate. However, noteworthy nearby landmarks and uses framing the site include the North Transfer Point and Hartmeyer Ice Arena located west of the site across the railroad, the predominantly low-density residential Eken Park neighborhood to the east across Packers Avenue, Demetral Field and various light industrial and service uses located due south of the site along Packers Avenue south of Commercial Avenue, and a variety of commercial service and storage facilities located to the north across Aberg Avenue. The Plan Commission should consult the locator map included with its materials for this request to review the zoning districts present in the surrounding area.

**Adopted Land Use Plans:** The 2018 [Comprehensive Plan](#) recommends all of the subject lands for Industrial uses.

The 2009 [Northport–Warner Park-Sherman Neighborhood Plan](#) includes most of the subject property within its boundaries. However, the plan includes few recommendations for the main production facility and headquarters offices and instead focuses mostly redevelopment opportunities for properties located to the west between the railroad and N Sherman Avenue, including Oscar Mayer-related properties not included in the proposed CSM.

The 2016 [Emerson East-Eken Park-Yahara Neighborhood Plan](#) includes the subject property within its boundaries. However, there are no other land use, connectivity, or community development recommendations for the lands proposed for division with this CSM. [A multi-purpose path recommended in the plan to connect Roth Street to Commercial Avenue is located west of the subject site and railroad.]

The site is also the focus of two contemporary planning efforts. First, the Common Council adopted the [Oscar Mayer Strategic Assessment Report](#) on February 5, 2019 to establish the vision and redevelopment objectives for the former Oscar Mayer area. One of the implementation recommendations in the report calls for an interim strategy to be developed by the Planning Division and Plan Commission to review land use changes in accordance with the report until the forthcoming [Oscar Mayer Special Area Plan \(project page\)](#) is complete in an effort to limit piecemeal redevelopment proposals and approvals. The special area plan effort is ongoing, with issuance of a draft plan anticipated in the first quarter of 2020. [The Plan Commission received an update on the plan at its November 11, 2019 meeting.] Adoption of the plan is anticipated by the end of the second quarter of 2020. As of the writing of this staff report, no strategy has been developed for review of interim land use approvals for the campus.

**Zoning Summary:** The proposed lots are zoned IG (Industrial–General District):

Requirements	Required	Proposed
Lot Area	10,000	All lots will exceed
Lot Width	65'	All lots will exceed
Front Yard	None	All lots can comply
Side Yards	None if adjacent to IL or IG zoning	All lots are zoned IG or border a public right of way
Rear Yard	30'	(See conditions)
Outdoor processing, storage or loading	100' from residential district boundary	Not applicable to land division
Maximum Lot Coverage	75%	(See conditions)
<b>Other Critical Zoning Items</b>		
Yes:	Urban Design (UDD 4), Barrier Free, Utility Easements	
No:	Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Planning and Zoning staff</i>		

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

**Public Utilities and Services:** The subject site is served by a full range of urban services, including seven-day Metro Transit at the North Transfer Point and along Aberg Avenue.

## Project Description

The applicant is requesting approval of a Certified Survey Map (CSM) to divide a 49.5-acre parcel developed with the former Oscar Mayer food production facility and headquarters into four lots. The entire site is currently zoned IG (Industrial–General District).

The 49.5-acre parcel proposed for division consists mostly of unplatted land and vacated rights of way, although some underlying platted lots exist primarily along the eastern edge of the property between old/vacated Packers Avenue and existing Packers Avenue (STH 113). The eastern edge of most of the CSM is Oscar Avenue, which until recently was known as Packers Avenue Service Road, a 50- to 66-foot wide public right of way that extends from approximately Myrtle Avenue on the north to Commercial Avenue and primarily provides public access to three parcels (a house, union hall, and tavern) not historically associated with the Oscar Mayer plant and office complex. The site is otherwise bounded by the Canadian Pacific Railroad, Aberg Avenue, and Commercial Avenue. The property is also subject to numerous easements, as shown on the 15-page draft CSM.

The property is developed with a myriad of office, warehousing and production buildings, physical plant buildings, and surface parking lots associated with the historic use of the site by Oscar Mayer prior to the Kraft-Heinz Company closing the Madison facility in 2017. The applicant indicates in property listings for the site that there is 700,000 square feet of leasable space for office, “creative work space,” industrial manufacturing, warehouse and cold storage within existing eight buildings. Sheet 12 of 15 of the CSM includes an overall map of existing site features, with close-up views of sections of the overall site provided on sheets 2-8, including the outlines and dimensions of existing buildings as well as the limits of the various easements and vacated rights of way that impact the property.

A summary of the lots proposed is as follows:

- Lot 1 will be an approximately 8.0-acre parcel with roughly 500 feet of depth as measured from Aberg Avenue. The site is almost entirely developed with automobile and truck parking and greenspace, with a driveway from Aberg located in the northwestern corner.
- Lot 2 will be an approximately 19.8-acre parcel located in the center of the property at the northern end of Oscar Avenue. The proposed lot will include most of the significant existing buildings on the Oscar Mayer campus, including the seven- and nine-story office buildings on the east closest to the street, and the multi-story production and warehousing buildings behind closest to the railroad and to the north of the office core. Lot 2 will extend east to the right of way of existing Packers Avenue and include the surface parking field east of the building complex and north of Myrtle Avenue.
- Lot 3 will be a 19.45-acre parcel that contains most of the remaining land located between the main building complex on proposed Lot 2 and Commercial Avenue. Lot 3 will include a series of smaller-scaled support buildings and the prominent striped smokestack, as well as a large field of existing truck parking.
- Lot 4 will front Oscar Avenue and be entirely comprised of a one-story, approximately 56,640 square-foot industrial building.

The letter of intent submitted with the proposed land division indicates that creation of the four lots will assist with “cost assignment, taxes, [the] ability to finance and future rezon[ing]” for the property. In addition, staff understands that some of the buildings and proposed lots are interconnected in some fashion to one another, which may require cross-access easements, shared parking agreements, and utility easements or agreements to be established to support the four lots proposed. Final approval of the CSM for recording will require approval of those agreements and plans by the City as a condition of this approval.

## Related Regulations

A Planned Multi-Use Site is defined in the Zoning Code as “a specified area of land comprised of one or more contiguous ownership parcels or building sites that share access and circulation or off-street parking” subject to the requirements in Section 28.137 excerpted below. The purpose of planned multi-use sites is to allow “efficient and economical design and greater coordination and flexibility in the development of a variety of building types and land uses, while ensuring substantial compliance with the basic intent of the Zoning Code and Subdivision Regulations.”

- (a) A planned multi-use site, as defined, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
- (b) An existing planned multi-use site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development, or approval of the Plan Commission.
- (c) The uses allowed within a planned multi-use site are limited to those uses that are allowed within the zoning district(s) in which the site is located...
- (d) Every planned multi-use site shall front on a public street.

## Analysis and Conclusion

The division of a lot or parcel of land for the purpose of transfer of ownership or building development where the act of division creates four or less parcels or building sites of 40 acres or less in area may be accomplished by Certified Survey Map in lieu of approval and recording of a final plat. Section 16.23(5)(g) provides the process for review of CSMs in the City and its extraterritorial jurisdiction. Unless waived by the Secretary of the Plan Commission or her/his designee, a preliminary plat shall be filed by the subdivider prior to or with the CSM. In making a determination as to whether the preliminary plat requirement may be waived, the Secretary or designee shall consider the recommendations of other reviewing departments and may require information to be supplied by the subdivider to determine whether the objectives of the subdivision regulations can be achieved without the preliminary plat.

Annually, the vast majority of land divisions by CSM in the City are reviewed administratively by the Secretary of the Plan Commission as allowed by the Subdivision Regulations. However, given the scale and relative complexity of the proposed division of the 49.5-acre core of the former Oscar Mayer complex, the Planning Division felt that review by the Plan Commission was more appropriate. Staff feels that the information submitted with the land division application, including the detailed information for the complex shown on the CSM, is sufficient to review the land division without a separate preliminary plat.

The Planning Division believes that the Plan Commission may find that the proposed CSM to divide the 49.5-acre site into four lots meets the standards for approval. The four lots proposed all meet the minimum requirements for lot area and width in the IG zoning district of 10,000 square feet and 65 feet of frontage, respectively. However, prior to recording, the applicant will need to work with staff to confirm that the required yards and maximum lot coverage in the IG district are met for the proposed lots, which may require minor reconfiguring of the lots to comply.

The proposed land division is generally consistent with the adopted plan recommendations applicable to the site in the Comprehensive Plan and two adopted neighborhood plans, the Northport-Warner Park-Sherman Neighborhood Plan and the Emerson East-Eken Park-Yahara Neighborhood Plan, as outlined in the earlier 'Background' section of this report.

Additionally, staff does not believe that the proposed land division will impact the ability to implement the recommendations of the ongoing planning efforts for the former Oscar Mayer area. The Common Council adopted the Oscar Mayer Strategic Assessment Report on February 5, 2019 to establish the vision and redevelopment objectives for the area. Although one of the implementation recommendations in the report calls for an interim strategy to be developed by the Planning Division and Plan Commission to review land use changes in accordance with the report until the forthcoming Oscar Mayer Special Area Plan is complete in an effort to limit piecemeal redevelopment proposals and approvals, no such strategy has been developed at this time. Staff also does not believe that any such strategy would necessarily prevent the division of the property as currently proposed, and would instead likelier be more focused on any requests to rezone the property, demolish buildings, and/or obtain conditional use approvals. The special area plan effort is ongoing, with issuance of a draft plan anticipated in the first quarter of 2020 for adoption by the end of the second quarter of 2020. As of the writing of this staff report, no other development proposals have been submitted for the 49.5-acre site, although staff is aware of permitted work occurring across the campus to repurpose parts of it for new users.

The proposed land division will create a planned multi-use site subject to the requirements in the Zoning Code outlined above. Prior to final approval of the CSM, the applicant will be required to submit a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development for recording at the Register of Deeds.

## Recommendation

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

The Planning Division recommends that the Plan Commission forward the four-lot Certified Survey Map of 910 Mayer Avenue to the Common Council with a recommendation of **approval** subject to input at the public hearing and the following conditions:

#### **Recommended Conditions of Approval** *[All phone numbers in 608 area code]*

Major/Non-Standard Conditions are Shaded

#### Planning Division

1. Prior to final approval of the Certified Survey Map for recording, the applicant shall work with Planning and Zoning staff to verify that the yard requirements and maximum lot coverage requirements in the IG zoning district are met for the proposed lots.
2. Prior to final approval and recording, the applicant shall submit a plan and reciprocal land use agreement for approval by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development per Section 28.137 of the Zoning Code. The approved plan and agreement(s) shall be recorded in the office of the Dane County Register of Deeds concurrent with the recording of the final CSM.

3. Sheet 12 ("Existing Site Features") shall be revised to darken the proposed lots lines for clarity purposes.

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

4. A minimum of two (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).
5. The property is an open contaminant site with the Wisconsin Department of Natural Resources (WDNR) (BRRS #02-13-580721, 02-13-580722, and 02-13-580723). Submit proof of coordination with the WDNR to remediate the site and address residual contaminant concerns associated with the proposed site plan (e.g. vapor mitigation, soil management, dewatering).

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

6. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management and storm water drainage that are necessary to accomplish the land division as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording.
7. There appears to be a hydrant outside of the existing City Utility Easement area near or at the intersection of vacated Roth Street and vacated Packers Avenue. If confirmed to be true, grant a new public water main easement on the face of the CSM. Please contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) to receive the appropriate easement terms/conditions language for inclusion on this CSM.
8. The applicant shall grant a 25-foot radius corner Public Sidewalk Easement at the intersection of Oscar Avenue and Commercial Avenue to encompass the sidewalk at that corner. Also, confirm that the sidewalk along Commercial Avenue is within the right of way. If not, provide a Public Sidewalk Easement one-foot behind the existing sidewalk. Contact Jeff Quamme for the required easement terms and conditions.
9. Consideration should be made to remove the reference to the 20-foot building setback line on sheet 5. Roth Street has been vacated; therefore, a setback to a road is not valid.
10. It is recommended that the owner work with Madison Gas and Electric to have the un-needed easement areas that were set forth in Document No. 1191913 released to clear up title.
11. Remove the portion of the Wisconsin Bell Easement per Document No. 2061488 that lies within recently renamed Oscar Avenue. This was a public right of way at the time of the easement grant; therefore, it is not valid within the public right of way. Also, correct the document number to be “2061488” on all sheets labeling the easement.
12. 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 Jeff Quamme, 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.
13. Prior to final Engineering sign-off by the main office for Certified Survey Maps (CSM), the 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 (2) working days prior to final Engineering Division sign-off. E-mail submittal of the final CSM in PDF form is preferred; transmit to jrquamme@cityofmadison.com.
14. Packers Avenue Service Road has been officially changed to Oscar Avenue. Replace all references on the drawings and in the descriptions to reflect Oscar Avenue.
15. Add to the note for the bridge over the railroad on sheet 7 that Document No. 977551 was modified by Document No. 983420.

16. Correct the access restriction note on sheet 2 that cites the resolution vacating Packers Avenue as Document No. 119190 to Document No. 1191910.
17. Correct the coordinate information for the E 1/4 Corner of Section 31-8-10.
18. Provide closure summaries for the exterior boundary and for the individual lots to Jeff Quamme. (jrquamme@cityofmadison.com)
19. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, 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 (i.e. all shown on the plat/CSM (including wetland & floodplain boundaries).

This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

**Traffic Engineering Division** (Contact Sean Malloy, 266-5987)

This agency did not submit any comments or conditions of approval for this request.

**Fire Department** (Contact Bill Sullivan, 261-9658)

20. The existing buildings shall comply with IBC 602 and 705.
21. Addresses shall be established and posted for all buildings in accordance with City of Madison standards and ordinances. Addresses off of Aberg Avenue and/or Commercial Avenue may require site improvements and signage to ensure the locations are readily identified.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

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

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

This agency did not submit any comments or conditions of approval for this request.

**Parks Division** (Contact Kathleen Kane, 261-9671)

22. The following note should be included on the CSM: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued." The Parks Division will be required to sign off on this CSM prior to recording.
23. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development



associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 19050 when contacting Parks Division staff about this project.

**Parks Division–Forestry Section** (Contact Brad Hofmann, 267-4908)

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

**Metro Transit** (Contact Tim Sobota, 261-4289)

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

**Office of Real Estate Services** (Contact Heidi Radlinger, 266-6558)

24. Signature block certifications shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.
25. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other option interest, please include a Certificate of Consent for the option holder.
26. A Consent of Lessee shall be included for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
27. The Interim Secretary of the City of Madison Plan Commission is Nan Fey.
28. 2018 real estate taxes are paid for the subject property. 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. This includes property tax bills for the prior year that are distributed at the beginning of the year.
29. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto:hradlinger@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (March 21, 2019) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. The surveyor shall update the CSM with the most recent information reported in the title update.
30. The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.