



PREPARED FOR THE PLAN COMMISSION

Project Address: 4015-4057 Kipp Street, et al
Application Type: Certified Survey Map and Vacation
Legistar File ID # [60163](#) and [60374](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Tom DeBeck, QRS Company, LLC/ Marsh Road Development Corporation; 8500 Greenway Boulevard; Middleton.

Contact Person: Gary Blazek, Vierbicher Associates; 999 Fourier Drive, Suite 201; Madison.

Requested Actions:

- ID 60163 – Approval of a Certified Survey Map (CSM) to create two outlots for future development; and
- ID 60374 – Discontinuing and vacating a portion of the public street right-of-way of Ballast Drive, being located in the NW ¼ of the SW 1/4 of Section 26, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin.

Proposal Summary: The applicant is requesting approval of a request to vacate platted but unconstructed Ballast Drive and to re-divide a series of undeveloped platted lots and unplatted land in the Tradesmen Commerce Park subdivision into two outlots for future development by CSM. The applicant wishes to record the CSM as soon as all regulatory approvals have been granted.

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 circa April 1, 2020. Therefore, the 90-day review period for this land division request will end around July 1, 2020.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the two-outlot Certified Survey Map of 4015-4057 Kipp Street, et al and vacation of Ballast Drive to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: An approximately 48.9-acre parcel generally located on the east side of Marsh Road, approximately 700 feet south of Voges Road; Aldermanic District 16 (Tierney); Madison Metropolitan School District.

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

Surrounding Land Uses and Zoning:

North: AppleWood Self Storage, Pellitteri Waste Systems and undeveloped lots in the Marsh Road Industrial Subdivision and Tradesmen Commerce Park subdivisions, zoned IL (Industrial–Limited District);

South: Wingra Stone – Kampmeier Quarry in the Town of Blooming Grove; residential development in the April Hill subdivision in the Town of Blooming Grove and in the Siggel-Grove and Quinn Ranch subdivisions in the City, primarily zoned SR-C2 (Suburban Residential–Consistent 2 District);

West: Single-family residences along Marsh Road in the Town; undeveloped land in the City, zoned IL;

East: Undeveloped land, zoned IL and CN (Conservancy District); single-family residences in the Secret Places at Sigglekow Preserve subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District).

Adopted Land Use Plans: The 2018 Comprehensive Plan recommends the portion of the subject site north of the adjacent quarry for Industrial uses. The quarry, southerly prolongation of the subject site, and adjacent residential developments are recommended for Low Residential.

Outlot 1 of the CSM and the lands located to the north are recommended in the 1999 Marsh Road Neighborhood Development Plan for Industrial uses. The lands comprising Outlot 2 and the lands generally to the south and east are recommended for residential development at varying densities. Outlot 2 and the immediately adjacent lands owned by Wingra Stone are recommended for future residential development once quarrying of the Wingra lands ends in the future.

Zoning Summary: The proposed outlots are zoned IL (Industrial–Limited District) and A (Agricultural District) and the lot design requirements of those districts will not apply with this CSM. Future subdivision or development of the proposed outlots will require compliance with the Zoning Code prior to issuance of building permits and/or the approval of subsequent subdivision instruments for one or both outlots.

Other Critical Zoning Items	
Yes:	Barrier Free, Utility Easements
No:	Urban Design, 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.

Previous Approvals

On January 8, 2008, the Common Council approved a request to rezone 90.6 acres located at 4131 Marsh Road from Temporary M1 (Limited Manufacturing District) to M1, W (Wetlands District) and A (Agriculture District) [1966 Zoning Code], and approved the preliminary plat of Tradesmen Industrial Park, creating 22 lots for industrial development, two outlots for public stormwater detention, and one outlot for future development.

On March 18, 2008, the Common Council approved the final plat of the Tradesmen Commerce Park, creating 10 industrial lots and three outlots. The final plat was recorded on April 7, 2008.

Project Description

The applicant is requesting approval of a Certified Survey Map (CSM) to create two outlots for future development from the undeveloped portions of the Tradesmen Commerce Park subdivision. The applicant is also requesting approval of a petition to vacate Ballast Drive, a 66-foot wide local street right of way platted with the Tradesmen Commerce Park to serve the southern portion of the development. The proposed CSM comprises the remaining 48.9 acres of the original 90.6-acre Tradesmen development.

Outlot 1 of the CSM is proposed as a 33.13-acre parcel that will extend along the south side of Tradesmen Drive, a 66-foot wide local street right of way that extends into the Tradesmen development from Marsh Road before curving to the north to become Kipp Street, which continues through the development to the north and the adjacent Marsh Road Industrial Subdivision. Outlot 1 will have approximately 1,325 feet of combined street frontage along Tradesmen Drive and Kipp Street. The outlot will include Lots 5-9 of the Tradesmen Commerce Park, as well as all of the Ballast Drive right of way to be vacated by Resolution ID 60374. To date, no improvements have been installed in the Ballast Drive right of way, and the five lots are undeveloped. The remainder of Outlot 1 will consist of unplatted land that was originally planned as 12 additional lots for industrial development to be located on both sides of an eastward extension of Ballast Drive to the southeastern corner of the site in the future phases of Tradesmen Commerce Park. The proposed outlot is zoned a combination of IL and A zoning, with the five previously platted lots zoned IL, and the remaining unplatted land zoned A. [The entirety of proposed Outlot 1 had been zoned M1 prior to the adoption of the new zoning maps in 2013.]

The remaining 15.8 acres of the subject site will comprise Outlot 2 of the proposed CSM. The portion of the site comprising Outlot 2 is largely removed from the rest of the Tradesmen development and is bounded by the adjacent Kampmeier Quarry in the Town of Blooming Grove to the west and by residential development in the April Hill and Secret Places at Siggelkow Preserve subdivisions to the south and east, respectively. Outlot 2 is zoned A, and was previously identified with the preliminary plat of Tradesmen Commerce Park as an outlot for future development.

The letter of intent submitted with the CSM and vacation requests indicates that that Outlot 2 will become part of the future residential development planned for the lands south of Tradesmen Commerce Park, while Outlot 1 is being marketed for industrial development. No development of either outlot is anticipated at this time.

Analysis and Conclusion

The Planning Division believes that the Plan Commission may find that the proposed CSM to create two outlots for future development from the undeveloped 48.9-acre site meets the standards for approval, and does not object to the vacation of Ballast Drive.

The proposed land division is generally consistent with the adopted plan recommendations applicable to the site in the Comprehensive Plan and the Marsh Road Neighborhood Development Plan. Both plans recommend that the land comprising proposed Outlot 1 be developed with industrial uses, while the land comprising proposed Outlot 2 is recommended for Low Residential development in the former, and “future residential” in the latter. The Generalized Future Land Use Map in the Comprehensive Plan shows the short segment of Ballast Drive platted to date, while the Marsh Road Neighborhood Development Plan only shows Tradesmen Drive and Kipp Street. However, neither plan shows the extension of Ballast Drive beyond where it currently ends.

At the time that Tradesmen Commerce Park was platted in 2008, the 15.76 acres of the site extending south of the industrial park between the adjacent quarry and Secret Places at Siggelkow Preserve subdivision was identified on the preliminary plat as an outlot for future development and rezoned to the A zoning district pending the identification of the eventual future use of this land. At that time, a subsequent zoning map amendment and further subdivision or development of the 15.76-acre parcel were anticipated, likely at the time the adjacent quarry was developed following the end of mineral extraction activities. The preliminary plat identified two “public roadway easements” across the future development outlot to connect the industrial park to the north with the residential areas to the south and east of the site. However, those future roads were not officially mapped, and the extension of those roads into this site are not depicted in the neighborhood development plan.

The future of Outlot 2 is largely dependent upon the future use of the Kampmeier Quarry, which is still actively being quarried. As noted above, the Marsh Road Neighborhood Development Plan anticipates that the quarry and proposed Outlot 2 will be developed with low-density residential uses, with the potential for an amendment to the neighborhood development plan to provide more detailed land use, circulation, and utility recommendations to precede development of those parcels. Beginning with the 1999 neighborhood development plan and continuing through the 2018 Comprehensive Plan, the Planning Division has felt that the quarry site and proposed outlot would be most appropriate for future residential development consistent with the established residential areas to the south and east, including the April Hill subdivision in the Town of Blooming Grove and Secret Places at Siggelkow Preserve and Twin Oaks subdivisions in the City.

While the 1999 Marsh Road Neighborhood Development Plan does not preclude a street connection between the Tradesmen Commerce Park plat and the residential areas generally to its south, staff feels that adequate access will exist to serve the distinct residential and industrial areas as the neighborhood continues to develop without the potential north-south connection created by an extension of Ballast Drive. In general, staff feels that future development of the quarry and Outlot 2 can be adequately served by connections to the west to Marsh Road, and to the south to Siggelkow Road via the existing and planned street network without a connection to Marsh Road through Tradesmen Commerce Park. City staff, the developer of the Tradesmen development (and current applicant), and owner of the quarry have all expressed some level of concern about the need to prevent cut-through traffic between the residential and industrial areas, which would be eliminated if Ballast Drive is not extended. The CSM and vacation proposals have been reviewed by City agencies, who have submitted no comments on either request to suggest that both should not be approved.

Finally, the proposed CSM should be viewed as creating two holding parcels pending more detailed development plans for the subject site. In general, an outlot may not be used as a building site but may be conveyed regardless of whether it may be used as a building site. Also, unlike a lot, the City's minimum lot design requirements in the Zoning Code for width, area, etc. do not apply to outlots. Therefore, prior to the future development of the proposed outlots, subsequent subdivision and zoning approvals will be required, including eliminating the split zoning of proposed Outlot 1, and creating buildable lots from the outlots.

Recommendation

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

The Planning Division recommends that the Plan Commission forward the two-outlot Certified Survey Map of 4015-4057 Kipp Street, et al and vacation of Ballast Drive 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. Note: No construction shall be allowed on the proposed outlots. Prior to the future development of the proposed outlots, subsequent subdivision and zoning approvals will be required, including eliminating the split zoning of proposed Outlot 1, and creating buildable lots from the outlots.

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

2. Enter into a City/ Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign-off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
3. Construct Madison standard street and sidewalk improvements for Kipp Street and Tradesmen Drive from Marsh Road to existing Kipp Street terminus.
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. A note shall be added to the CSM stating the each outlot is responsible for compliance with MGO Chapter 37 at the time that they develop.

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

6. The interior portions of the existing public utility easements inside of Outlot 1 shall be released by separate document prepared by City Office of Real Estate Services. The applicant shall be responsible to obtain the releases of the easements by the other public/private utilities serving this plat. Contact Jeff Quamme of

Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the CSM, acknowledgement of the release and document number shall be noted on the face of the CSM.

7. Insert standard language pre MGO Section 16.23(9)(d)2.a. verbatim. When done, all of the previous non-exclusive easements for drainage easements are released and new drainage easements defined by the current proposed Certified Survey Map.
8. Show label and dimension the 30-foot wide Pipeline Easement per Document No. 2110505 along the southern line of Outlot 1. Also, note Assignment of Koch Refining Company as Document No. 2231689 and Assignment and Assumption Agreement as Document No. 4759810.
9. Grant a new Public Utility Easement over the north 10 feet of vacated Ballast Drive to tie the easements together along the southerly side of the public right of way of Tradesmen Drive and Kipp Street.
10. Add a note under the Labels of Outlot 1 and Outlot 2 to refer to notes on sheet 4.
11. Show and label the 10-foot wide right of way to MG&E for underground electric over the east 10 feet of Outlot 2 and adjacent to the northeastern side of the gas pipeline easement per Document No. 3822087.
12. Add notes 2, 10, 12, 14 and 15 from the Plat of Tradesmen Commerce Park to the CSM and reference that they are notes that apply to this CSM. Also, show any wetland area and the required 75-foot setback within Outlot 2.
13. Add the Wisconsin Department of Transportation Note 3 from the plat of Tradesmen Commerce Park.
14. The pending vacation and discontinuance of Ballast Drive shall be adopted, any conditions met, and the resolution recorded prior to final sign off of the CSM.
15. 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.
16. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office web address for current tie sheets and control data that has been provided by the City of Madison. Also, the coordinates noted for the West Quarter Corner and Center to not match the bearings between the corners, nor the plat of Tradesmen Commerce Park.
17. 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.

18. Correct the dimension of the south line of Outlot 1 to 2017.21 feet
19. Add Tradesmen Drive to the adjoiner call in the legal description. Tradesmen lies to the west of vacated Ballast Drive.
20. Remove the "to be vacated" text for Ballast Drive on sheet 1. Add "Vacated by the City of Madison, Document No. _____."
21. There is a pending CSM to divide CSM 10313 to the west of this proposed CSM. If adjacent CSM is recorded first, update CSM information on maps and in legal description.
22. Label the street name of Tradesmen lying west of vacated Ballast Drive.
23. On sheets 1 and 2, label the full street names for adjoining streets: Red Barn Run, Bellingrath Street, Bellingrath Court, Kuehling Drive, and Tradesmen Drive.
24. 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)

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

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)

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

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)

25. 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.
26. 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.
27. 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.
28. The Secretary of the City of Madison Plan Commission is Matt Wachter.
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), 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 (February 21, 2020) 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.
31. The CSM shall be revised as follows prior to final staff approval for recording:
 - a.) Depict, name, and identify by document number all existing easements cited in record title and the updated title report.
 - b.) Include relevant notes from the Tradesmen Commerce Park plat.