

PLANNING DIVISION STAFF REPORT

January 13, 2014

PREPARED FOR THE PLAN COMMISSION



Project Address: 2510 W. Beltline Hwy. & 2714 W. Badger Road, Town of Madison
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [32283](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Sean Baxter, Mustang Properties, LLC; 2303 W. Beltline Highway; Madison.

Surveyor: Michael S. Marty, Vierbicher Associates, Inc.; 999 Fourier Drive, Suite 201; Madison.

Requested Action: Approval of a Certified Survey Map (CSM) to revise the lot lines of 3 existing parcels located at 2510 W. Beltline Highway and 2714 W. Badger Road, Town of Madison, in the City of Madison's Extraterritorial Jurisdiction.

Proposal Summary: The proposed CSM adjusts the boundaries of 3 existing parcels previously created by two different Certified Survey Maps to facilitate the construction of an addition to the existing Kayser Nissan automobile sales facility at 2510 W. Badger Road. 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. In particular, the Plan Commission shall determine that the proposed subdivision complies with each of the following criteria for approval in the extraterritorial plat approval jurisdiction:

1. The proposed subdivision or land division shall be compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
2. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

Review Required By: Plan Commission.

Review Schedule: The State's subdivision statute, Wis. Stats. 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless an extension is agreed to by the subdivider. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was accepted for review by the City on November 20, 2013. Therefore, the 90-day review period for this CSM will end circa February 20, 2014.

Summary Recommendation: The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: An approximately 6.3-acre property comprised of 3 existing lots that extend from W. Badger Road on the north to the W. Beltline Highway frontage road on the south approximately 225 feet east of Todd Drive; Madison Metropolitan School District.

Existing Conditions and Land Use: The northern 3.4 acres of the site is comprised of Lot 4 of CSM 1536, which is developed with a one-story, approximately 105,000 square-foot warehouse. The southern 2.93 acres of the site are Lots 1 and 2 of CSM 2084. Lot 1 of the CSM is developed with the existing one-story Kayser Nissan sales facility and surface parking and auto display; Lot 2 contains no buildings and is occupied by surface parking and auto display. The entire site is zoned County C-2 (Commercial).

Surrounding Land Use and Zoning:

North: Waste Management, zoned County C-2 (Commercial);

South: Beltline Highway (US Highway 12-14-18-151);

East: American TV, zoned County C-2;

West: Former Johansen's Greenhouses and one-story commercial building in the City, zoned CC (Commercial Center District); WPS Health Insurance warehouse in the Town, zoned County C-2.

Environmental Corridor Status: The subject site is located in the Central Urban Service Area but is not located in a mapped environmental corridor (Map D10).

Public Utilities and Services:

Water: The properties are served by the City of Madison Water Utility;

Sewer: The properties are served by the Town of Madison sanitary sewers;

Fire protection: Town of Madison Fire Department;

Emergency medical services: Town of Madison Fire Department;

Police services: Town of Madison Police Department;

School District: Madison Metropolitan School District.

Project Description

The applicant is requesting approval of a three-lot Certified Survey Map (CSM) to modify the boundaries of 3 existing lots located at 2510 W. Beltline Highway and 2714 W. Badger Road in the Town of Madison. The northern 3.4 acres of the subject site are Lot 4 of CSM 1536, which is developed with a one-story, approximately 105,000 square-foot commercial warehouse at 2714 W. Badger Road. The southern 2.93 acres of the site are comprised of Lots 1 and 2 of CSM 2084, which includes the existing one-story Kayser Nissan sales facility at 2510 W. Beltline Highway on existing Lot 1, and surface parking and auto display on the remainder. Lots 1 and 2 of CSM 2084 each have a driveway onto the W. Beltline Highway frontage road; the driveway on Lot 2 also provides access to the rear of the warehouse on the 2714 W. Badger Road parcel.

The intent of the proposed CSM is to adjust the boundaries of the 3 existing lots to facilitate the construction of an addition to the east side of the Kayser Nissan building. The most significant lot line change proposed calls for the northern 133 feet of Lots 1 and 2 of CSM 2084 to be shifted 40 feet to the east, which reduces the size of existing Lot 2 by 5,378.5 square feet to 58,053 square feet (1.33 acres). Secondly, the lot line adjustment slightly adjusts the common line between the three existing lots by approximately 2 degrees to make it approximately 90 degrees perpendicular to the eastern and western lines of the overall property and more parallel to the walls of the warehouse and auto sales buildings on the site.

Analysis and Conclusion

Approval of CSM by the Town of Madison and Dane County: Section 236.10 (b) of the Wisconsin State Statutes requires that subdivisions in the City's Extraterritorial Plat Approval Jurisdiction receive approval from the town of record and Dane County prior to consideration of the request by the Plan Commission.

Dane County granted conditional approval of the Certified Survey Map as outlined in a letter from Dan Everson, Land Division Review, Dane County Department of Planning and Development dated December 20, 2013. The Town of Madison Plan Committee conditionally approved the proposed Certified Survey Map on December 10, 2013.

City of Madison Land Use Plan: The Comprehensive Plan identifies the subject site and surrounding properties generally located between the Beltline Highway and University of Wisconsin Arboretum from Todd Drive to Fish Hatchery Road for General Commercial uses.

The subject site is also located in the Evergreen View Business Area in the recently adopted Arbor Hills-Leopold Neighborhood Plan, which also generally recommends general commercial uses for the area bounded by the Beltline Highway, University of Wisconsin Arboretum, Todd Drive and Fish Hatchery Road. However, the plan recommends that the area evolve over time into a higher density, mixed-use development pattern that utilizes more compact, urban building forms that front the street to help create a more pedestrian-friendly, attractive and sustainable built environment.

In reviewing the proposed lot line modification CSM, the Planning Division believes that the Plan Commission can find the extraterritorial land use criteria met. The proposed CSM is generally compatible with the existing development pattern present in the area and should not adversely affect the City's future ability to provide public services, install public improvements or accomplish annexations. [The subject property and all remaining properties in the Town of Madison north of the Beltline are scheduled to be annexed to the City of Madison effective October 30, 2022 per the City's intergovernmental agreement and cooperative plan with the Town of Madison and City of Fitchburg.] The lot line modifications should also not negatively impact the long-term implementation of the recommendations for the site contained in the Comprehensive Plan and Arbor Hills-Leopold Neighborhood Plan.

As a condition of the CSM approval, staff recommends that a reciprocal land use agreement and easements be approved by the City Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development to formalize cross-access between the 3 lots. Specifically, staff recommends that an easement be declared across Lot 2 to formalize and maintain the access to the rear of the warehouse on proposed Lot 1.

Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property located at 2510 W. Beltline Highway and 2714 W. Badger Road, Town of Madison, in the City's extraterritorial plat approval jurisdiction subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

1. As a planned multi-use site, as defined in the City's Zoning Code and Subdivision Regulations, the land division shall have a plan and reciprocal land use agreement approved by the City Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development and recorded in the office of the Dane County Register of Deeds. Specifically, an easement shall be declared across proposed Lot 2 to formalize and maintain the access to the rear of the warehouse on proposed Lot 1.

The following conditions of approval have been submitted by reviewing agencies:

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

2. Document No. 464622 covers the East 22 feet of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$. This Certified Survey Map is not within that portion of the quarter-section. Confirm that this easement does or does not encumber this property, and if it does not, remove the note from the Certified Survey Map.
3. Provide a dimension for the portion of Document No. 2068990 that extends into Lot 1 of this proposed Certified Survey Map.
4. Dimension the 150-foot length of Document No. 1920382 and the 70-foot length of Document No. 2048999.
5. Add a note 5 to Sheet 1: "See Note 2 on Sheet for access restrictions for Lot 2 and Lot 3 of this Certified Survey Map."
6. Add the "recorded as" curve information for curve C1.
7. Label and dimension the east side of the concrete bunker that is on the east lot line (noted on referenced ALTA survey).
8. The lot line adjustment creates the need for a cross access/parking agreement between the three lots. A recorded agreement shall be recorded and referenced on this Certified Survey Map.
9. Provide additional information on drainage as it currently exists on the site.
10. Proposed Lot 2 does not appear to have a sanitary sewer lateral. Any future development on this site will likely require connection to the existing sanitary sewer on frontage road.
11. If the lots within this Certified Survey Map are inter-dependent upon one another for stormwater 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 CSM, and recorded at the Dane County Register of Deeds.

12. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
13. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
14. 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.
15. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997Coordinates 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. The City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.

Zoning Administrator (Contact Pat Anderson, 266-5978)

16. Note: Future proposed signage may be subject to approval under Madison General Ordinances Section 31.

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

This agency submitted a response with no comments or conditions for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

17. New property line locations shall not create building code violations due to required fire separation distances.

Water Utility (Contact Dennis Cawley, 261-9243)

18. Proposed Lot 2 will require a new water service lateral connected to the public water main.

19. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility

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

20. Prior to requesting final sign-off, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and 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.
21. The mortgagee/vendor certificate shown on the CSM should be revised to reflect BMO Harris Bank N.A.
22. Any tenancy in excess of one year shall sign a Consent of Lessee Certificate prior to CSM sign-off. If possible, unrecorded leases shall be described in a note on Sheet 4 of the CSM.
23. Per 236.21(3) Wis. Stats, the 2013 taxes shall be paid in full prior to final CSM sign-off if the tax bills have been distributed.