

PLANNING DIVISION STAFF REPORT

November 24, 2014



PREPARED FOR THE PLAN COMMISSION

Project Address: 722 Williamson Street
Application Type: Certified Survey Map (CSM) Referral
Legistar File ID # [35799](#)
Prepared By: Kevin Firchow, AICP Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Marty Rifken, The Rifken Group, LTD; 14 West Mifflin Street; Madison, WI 53701

Surveyor: John Krebs; JSD Professional Services, Inc. 161 Horizon Drive Suite 101; Verona, WI 53593

Requested Action: Approval of a two-lot Certified Survey Map (CSM).

Proposal Summary: The applicant requests approval to create a two-lot CSM, dividing the 1.485 subject site into two lots. Lot 1 is a 17,550 square foot lot for the existing "Olds Seed Building" building at 722 Williamson Street. Lot 2 is a 47,139 square foot "T"-shaped lot with 65 feet of street frontage at Williamson Street. This lot includes the existing surface parking area.

This request is not related to a request submitted by the Baldwin Development Group to develop a 209-unit mixed use development submitted on May 28, 2014. That request is on hold at the request of the applicant.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. Section 16.23(3)(a)4 requires that the Plan Commission consider the recommendations of the Landmarks Commission under Section 33.19(5)(i)1 for any land divisions and subdivision plats of landmark sites and properties in historic districts regarding lot sizes.

Section 33.19(5)(i)1 allows the Landmarks Commission to review proposed land divisions and subdivision plats of landmark sites and properties in historic districts and make an advisory to the Plan Commission on whether the proposed lot sizes will negatively impact the historic character or significance of a landmark or landmark site and whether the proposed lot sizes are compatible with adjacent lot sizes and maintain the general lot size pattern of the Historic District.

Review Required By: Plan Commission following a recommendation by the Landmarks Commission. A resolution of the Common Council approving the CSM is also required.

Review Schedule: The State's subdivision statute, Wis. Stats. 236, requires that a CSM 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 proposed CSM application was submitted to the City on October 9, 2014. Therefore, the 90-day review period for this CSM is scheduled to expire circa January 9, 2015.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards for land divisions met with this request and **approve** a Certified Survey Map of property located at 722 Williamson Street subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

Background Information

Parcel Location: The 64,689 square-foot (1.485-acre) subject parcel is located on the north side of the 700 block of Williamson Street. The subject site is within Aldermanic District 6; the Third Lake Ridge Historic District; and within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes the “Olds Seed Building” and a surface parking lot, currently part of the same lot.

Surrounding Land Use and Zoning:

North: Bike Path, with Madison Gas and Electric (MG&E) Plant, zoned Traditional Employment (TE), beyond;

South: Residential Development, zoned Traditional Residential-Varied 1 and Planned Development;

East: Mixed-use buildings, zoned Traditional Shopping Street; and

West: Commercial building (with a recently approved six-story mixed use building), zoned TSS.

Adopted Land Use Plan: The City’s Comprehensive Plan (2006) generally divides the subject site into two primary land use recommendations. The Williamson Street side of the site is recommended for community mixed use (CMU) development. The rear of the property along the bike path is part of a larger area recommended for employment uses that extends north to East Washington Avenue. The subject site is also within a Transit-Oriented Development (TOD) overlay designation. The East Rail Corridor Plan (2003) recommends future commercial and industrial development as part of the “East Wilson Street Employment District.” Specifically, the plan recommends that the three blocks between S. Blair and S. Paterson streets be developed for non-residential uses either as separate sites or as part of projects that would also front on Williamson Street. The Williamson Street Design Guidelines & Criteria for Preservation (2003) provides more specific design recommendations for the 600-1100 blocks of Williamson Street.

Zoning Summary: The property is zoned TSS (Traditional Shopping Street).

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

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The applicant, Marty Rifken, requests approval of a two lot Certified Survey Map (CSM) to divide the 1.485 subject site into two lots. Lot 1 is a 17,550 square foot lot for the existing “Olds Seed Building” building at 722 Williamson Street. Lot 2 is a 47,139 square foot “T”-shaped lot with 65 feet of street frontage at Williamson Street. This lot includes the existing surface parking area.

This request is not related to an application submitted by the Baldwin Development Group to develop a 209-unit mixed use development submitted on May 28, 2014. That request is on hold at the request of that applicant. As noted in the attached correspondence, Mr. Rifken looks to divide the parking lot off from the “Olds Seed Building” to help facilitate financing for interior improvements to that structure. As noted in attached materials, the surface parking area is believed to have some underground contamination, and lenders have been reluctant to lend on properties with such contamination. Mr. Rifken states that the separation of the building from the contaminated parking area would facilitate the financing of the improvements. From a use standpoint, the parking lot would still be used to serve tenants in the building.

Analysis & Conclusion

The Planning Division believes that the proposed land division of the subject property can meet the approval standards for Certified Survey Maps in the Subdivision Regulations.

As designed, both proposed lots will meet the minimum standards for new lots in the TSS district. However, adjustments to these lot lines may be required to meet applicable building and zoning standards. Supplemental information is requested as the draft CSM does not accurately depict the existing site conditions as required in Section 16.23(7)(d) and 16.23(7)(a). As shown, an existing loading dock on the east side of the “Olds Seed Building” is not depicted and the proposed property line between Lots 1 and 2 appears to run through this improvement. Staff further notes that the CSM does not accurately depict the limits of the parking area. While adjustments may be needed based on the review of the supplemental information, staff anticipates that such modifications would still result in lots that conform to applicable zoning standards.

Zoning compliance is based on these two lots continuing to function as a unit. The Planning Division notes that while the property is being divided, these lots are still considered one interconnected zoning lot¹. Approval of this CSM also creates a planned-multi use site², which requires approval of reciprocal land use, access, and shared parking agreements. Such an agreement will formalize the relationship between these properties, which will remain interconnected until they are legally separated by dissolution of the zoning lot and planned multi-use site.

The City’s Preservation Planner and the Landmarks Commission found that land division results in smaller lot sizes which are more compatible with the lot sizes of the historic district. (see attached reports).

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find the standards for land divisions met with this request and **approve** a Certified Survey Map of property located at 722 Williamson Street subject to input at the public hearing and the conditions from reviewing agencies.

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

Planning Division (Contact Kevin Firchow, 261-9688)

1. The applicant is proposing to create a Planned Multi-Use Site as defined in the City’s Zoning Code and Subdivision Regulations. Prior to final staff approval of the CSM for recording, the applicant shall receive approval of the reciprocal land use agreements, reciprocal access easements and shared parking agreements sufficient to govern the proposed lots. Any new or amended agreement(s) and easement(s) necessary for this land division shall be recorded with the Dane County Register of Deeds following approval by the City Engineer, Traffic Engineer, and Director of the Department of Planning and Community & Economic Development and prior to recording of the CSM.

1 A “Zoning Lot” is defined as a planned multi-use site or a lot or lots that comprise a single tract of land located within a single block which, at the time of filing for a building permit, is to be used, developed or built upon as a unit.

2 A “Planned Multi-Use Site” is defined as a specified area of land comprising one or more contiguous ownership parcels or building sites for multiple uses and which area is limited by a reciprocal land use agreement or plan of building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal use ingress and egress system for buildings, loading and parking.

2. That the applicant provides accurate existing condition information, including the location of the existing loading dock, drives and parking areas, as required by Section 16.23(7)(d) and 16.23(7)(a)10. If necessary to meet the code requirements, adjustments to the lot configuration may be approved by staff.

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

3. Add a note that the lands within the Certified Survey Map are subject to a Trench and Sanitary Sewer Easement per Document No. 4886188.
4. Denote monuments set at each end of the northeast line of Lot 1.
5. Label Block 129 over the adjoining lots to the northeast and southwest of this Certified Survey Map.
6. Correct the total number of notes referred to on sheet 1 and 2 (Refers to notes on sheet 3).
7. Update field work completion date on sheets 1 through 3.
8. Revise the note at the approximate location of the monitoring well in E. Wilson Street to refer to note 5 on sheet 3.
9. Remove the first paragraph of note 4 on sheet 3. The easement area defined in Doc No. 4884153 is not within the boundary of this proposed Certified Survey Map. The second paragraph of Note 4 shall be modified to acknowledge that Document No. 4884154 has been amended by Document No. 4886054.
10. Note 5 shall be modified to acknowledge that Document No. 3079567 has been amended by a First Amendment per Document No. 4874896. Also the last sentence of the paragraph shall be modified to state it affects both Lots 1 and 2 of this Certified Survey Map.
11. Note 6 shall be modified to acknowledge that Document No. 4370708 has been amended by Document No. 4886053.
12. Add a southeasterly line to the right-of-way grant per Document No. 1850827 where it crosses between the north corner of Lot 1 to the northeast.
13. Add the lot numbers to the map on Sheet 3.
14. Add the Volume, page and Document Number to the description containing Lot 1 of CSM No. 13306 as required by statute.
15. Add "Original Plat of Madison" to the Block 129 references within the legal description.
16. The lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane Co Register of Deeds. (POLICY)

17. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact Janet Schmidt (608-261-9688) 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). (POLICY)
18. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
19. 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 monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). 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 to be attached to the monument condition report. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
20. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL Plat or CSM in PDF form is preferred.

Transmit to jrquamme@cityofmadison.com

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

This agency submitted a report with no comments.

Zoning Administrator (Contact Pat Anderson, 266-5978)

Comments were no received in time to be included in this report.

Fire Department (Contact Bill Sullivan, 261-9658)

21. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Ensure new lot lines do not create a building code violation to the existing buildings. Refer to IBC 602.

Water Utility (Contact Dennis Cawley, 261-9243)

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

23. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not submit comments on this request.

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

24. Prior to requesting approval sign-off, executed signature block certifications shall be included for all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.
25. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to CSM approval sign-off. Satisfactions or releases for all mortgages, liens, judgments, or other instruments that no longer encumber the lands or ownership within the CSM boundary shall be recorded prior to CSM approval sign-off.
26. The final CSM shall include the following certificate and consent requirements:
 - a. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language ...surveyed, divided, mapped and dedicated....
 - b. Disclose any tenancy in excess of one year and provide the document number or tenancy description as a Note on the face of the CSM.
27. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. As of November 12, 2014, all 2013 real estate taxes are paid and there are no special assessments reported.
28. Prior to CSM approval sign-off, please verify Janet Schmidt at City Engineering (261-9688) or Sharon Pounders at the Water Utility (266-4641) that storm water management fees are paid in full.
29. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish to the City's Office of Real Estate Services, as well as the survey firm preparing the proposed CSM, an updated title report covering the period between the date of the initial title report (10/14/2014) and the date when approval sign-off is requested. Surveyor shall update the CSM with the most recent information reported in the title update.
30. The CSM shall be revised as follows:
 - a. Depict, name, and identify by document number on the proposed CSM all existing easements cited in record title and the updated interim report.
 - b. Note amendments recorded subsequent to CSM 13306.
 - c. Carry over all applicable restrictions from Deeds and Easement documentation.
 - d. Sheet 3 under (No Motorized Vehicular Access) update the verbiage "SEE NOTE 6, PAGE 2" as there is no Note 6 on Sheet 2.
 - e. Remove one of the two document number 315785 call outs on Sheet 3.
 - f. Sheet 3 Notes, item 4, the sentence "This property is subject to declaration of driveway easement..." should be a new item number.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.