



Department of Planning & Community & Economic Development

Planning Division

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TO: Plan Commission

FROM: Timothy M. Parks, Planner

DATE: July 25, 2016

SUBJECT: Ordinance ID [43554](#) – Attaching 17.05 acres owned by the Madison Water Utility to the City of Madison from the Town of Middleton, and assigning A (Agriculture District) zoning

On June 10, 2016, a petition was filed in the City Clerk's Office on behalf of the Madison Water Utility to attach a 17.05-acre property located in the Town of Middleton at southeastern corner of Old Sauk Road and Pioneer Road to the City of Madison. The land was purchased in the late 1990s for future utility needs and is currently in tillage. The parcel to be attached contains approximately 1,225 feet of frontage along Old Sauk, and 560 feet of frontage along Pioneer, not including right of way for those roads.

Attachment ordinances allowed by an intergovernmental agreement and cooperative plan do not typically come before the Plan Commission for a recommendation prior to being adopted by the Common Council. However, in addition to attaching the property to the City and assigning it to the 9th Aldermanic District, Ordinance ID 43554 includes a request to assign permanent A–Agriculture District zoning to the property. Section 12.01 of the City's intergovernmental agreement and cooperative plan with the Town of Middleton provides that the City may designate a temporary or permanent zoning classification for each attached parcel as prescribed in Sec. 62.23(7)(d) of Wis. Stats., which generally requires that a Class 2 notice be provided in the official municipal newspaper prior to the Plan Commission hearing on a zoning map amendment. In addition to the Class 2 notice, notices were mailed to Town and City property owners and occupants located in 200 feet of the subject property as prescribed in Section 28.181(5) of the Zoning Code.

The Water Utility intends to construct an approximately 175-foot tall water tower and reservoir on approximately 2-3 acres near the center of the parcel, with the remainder of the property to be sold as surplus for future development. Construction of the tower is scheduled to commence in April 2017, with the tower operational in late summer 2018. There is no timeline for the subdivision and sale of the surplus portion of the property.

The subject property is not currently located in the Central Urban Service Area (CUSA). In order for a future subdivision of the surplus property to be approved and for any lots created by the subdivision or land division to be connected to sanitary sewer, the site will need to be added to the CUSA following approval by the Capital Area Regional Planning Commission and Wisconsin Department of Natural Resources. Concurrent with or following the addition of the property into the CUSA, all or portions of the site will be zoned and subdivided in a manner consistent with the land uses recommended by the [Elderberry Neighborhood Development Plan](#), which recommends that most of the property be developed with low-density residential uses up to 4 units per acre (as stipulated in the City's cooperative plan with the Town of Middleton), with the exception of the general location of the water tower, which

is recommended for institutional land uses. Any future zoning and subdivision applications for the 17.05 acres will be reviewed by City agencies and the Plan Commission and approved by the Common Council prior to recording and construction.

Water pumping stations and reservoirs are permitted uses in the A zoning district. The new tower will require approval by the Urban Design Commission of a public building or facility per Section 33.24(4)(d) of the Urban Design Commission ordinance. The Planning Division believes that the Agriculture district is an appropriate zoning designation for the property upon attachment to allow for the Water Utility project to proceed ahead of any further development of the property.

In closing, the Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Ordinance ID 43554, attaching 17.05 acres of City-owned land in the Town of Middleton at the southeastern corner of Old Sauk Road and Pioneer Road to the City, and zoning the attached property to the [permanent] A (Agriculture District) zoning district.

cc: Al Larson, Madison Water Utility