



Department of Planning & Community & Economic Development
Planning Division

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January 7, 2011

Dane County Zoning and Land Regulation Committee
c/o Dane County Department of Planning & Development
City-County Building, Room 116
210 Martin Luther King, Jr. Blvd.
Madison, Wisconsin 53710

RE: Zoning Petition No. 10265 - 3450 Milwaukee Street - Section 05 Town of Blooming Grove

Dear Chairperson Miles:

Thank you for referring consideration of the rezoning application for 3450 Milwaukee Street to allow additional time for the City of Madison to develop specific language for the conditions of approval it requests be placed on the rezoning.

As explained in its December 21, 2010 letter, the City of Madison does not object to the proposed land division to create a separate parcel for the Voit Land LLC lands fronting on North Fair Oaks Avenue west of Starkweather Creek, or to rezoning the balance of this parcel to the C-2 Commercial district to allow the existing business to continue as a conforming use without requiring any further improvements to the property at this time. However, the property is located on a gateway street and is adjacent to residential uses, Starkweather Creek, and a large potential redevelopment area east of the creek. It is important, therefore, that the City retain its ability to approve any future new use or development on the subject parcel in accordance with City Development Requirements as provided in the 2006 Town of Blooming Grove and City of Madison Cooperative Plan. Due to the way "development" is defined in the Cooperative Plan, future changes on this parcel otherwise might not necessarily trigger this approval requirement once the presently-proposed rezoning and land division have been approved.

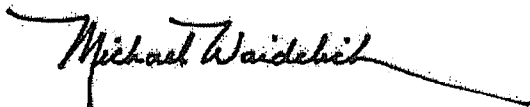
In order to retain the City of Madison's review and approval in the event that land use changes or additional development occur on the new parcel at a future time, the City requests that the following conditions be placed on the rezoning in addition to such conditions that the County may require:

1. Any future changes in land use, new construction, or expansion or major exterior improvements to existing buildings or other structures on this property shall be subject to approval by the City of Madison in accordance with City Development Requirements as defined in the Town of Blooming Grove and City of Madison Cooperative Plan.
2. Billboards shall not be permitted on this property.
3. All new or replacement signs or street graphics ("signs") on this property shall comply with the restrictions of the Madison Street Graphics Control Ordinance, Chapter 31, Madison General Ordinances and with the applicable Dane County sign regulations. In the event of a conflict between the Madison and Dane County sign regulations, the more restrictive regulatory provision shall apply.

The new parcel proposed to be created and partially rezoned at this time comprises a portion of the large Voit Land LLC property predominantly located east of Starkweather Creek and along the Milwaukee Street frontage. This entire property is identified in the Town of Blooming Grove and City of Madison Cooperative Plan as the "Cooperative Development Property," and special procedures are specified in the Plan for joint planning by the Town and the City to establish future zoning over the property to guide its future redevelopment with appropriate land uses, and other matters. The present desire to create a separate parcel and consistent zoning to allow the current use on the Milwaukee Street portion of the Voit Land property to continue as an allowed conforming use does not seem a sufficient reason to initiate the full cooperative planning process at this time. However, if at a future time, the procedure for initiating cooperative planning is initiated as provided in the Cooperative Plan, this proposed new parcel on North Fair Oaks Avenue may be included in the process.

If you have any questions about these comments or the information in this letter, please give me a call at 266-4635. Thank you.

Sincerely,



Michael Waidelich
Principal Planner

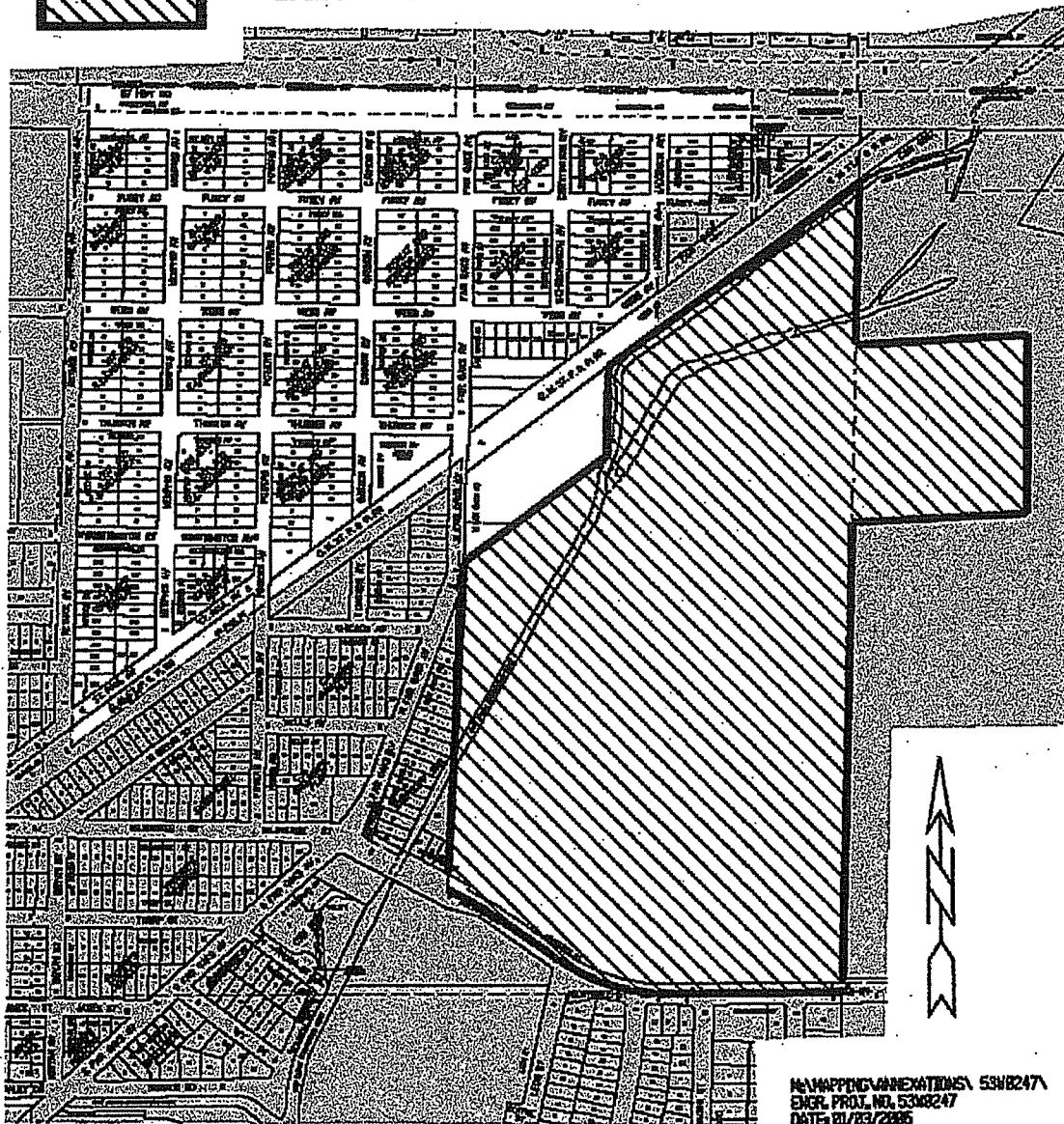
- c. Badger Surveying & Mapping Service LLC
Voit Land LLC
Mike Wolf, Town of Blooming Grove Clerk/Treasurer/Administrator
Bradley J. Murphy, Planning Unit Director
Tim Parks, Planner

EXHIBIT "E"

BOUNDARY AGREEMENT CITY OF MADISON & TOWN OF BLOOMING GROVE



DEVELOPMENT PROPERTY



MAPPING ANNOTATIONS 5348247
ENGR. PROJ. NO. 5348247
DATE: 01/03/2005
REVISED: 01/12/2005

STAFF REPORT

DANE COUNTY ZONING & LAND REGULATION COMMITTEE

Dane County Application for Change in Zoning or CUP Zoning Petition #: 10265 C.U.P. #: None Internal Tracking Number: RECU25782	Hearing Date: 12/28/2010 Item #: 6 Town/Section: Town of Blooming Grove/05
Applicant: VOIT LAND LLC	Location: 3450 MILWAUKEE ST.
Area: 1.6 acres Delayed Effective Date: YES (180-day) Change: From A-1EX Exclusive Agricultural To C-2 Commercial	Rezone Reason: EXISTING COMMERCIAL BUILDING AND LAND TO COMPLY WITH ZONING ORDINANCES.

Description: The applicant wishes to rezone 1.6 acres of A1-Ex to C-2 to bring the property into compliance. The portion of the Voit property, lying west of the Starkweather Creek will be sold to the business owner who is currently leasing the property.

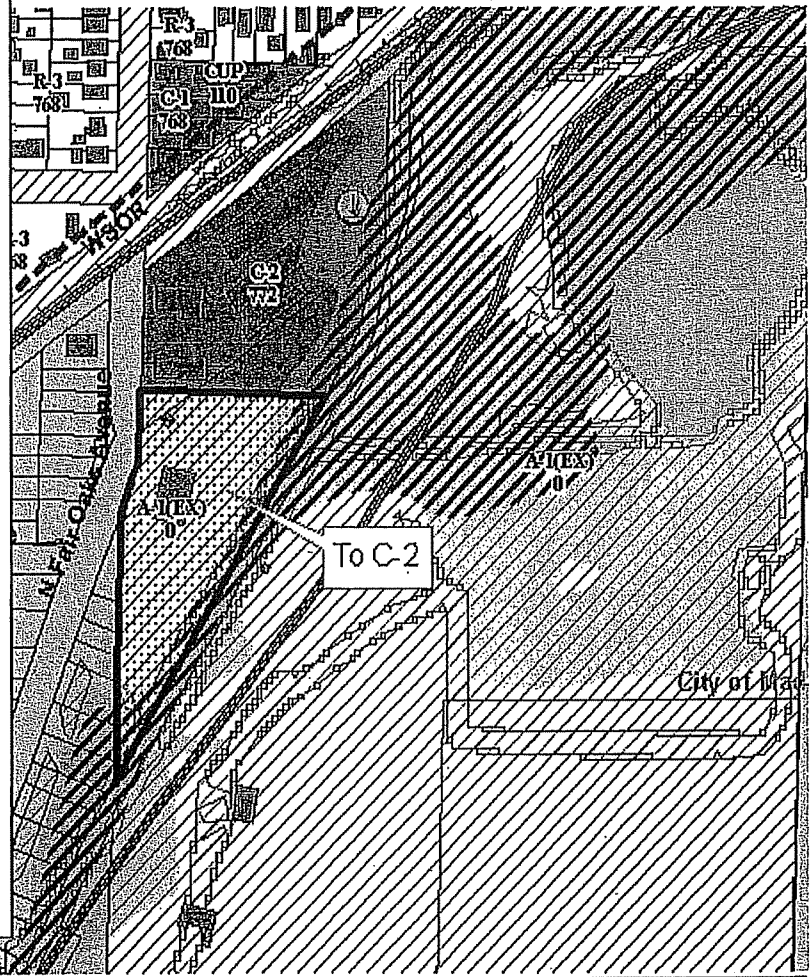
Observations: This property is surrounded by commercial and residential land uses at the intersection of Milwaukee Ave. and Fair Oaks Ave. This property is part of a town island within the city of Madison. The East Branch of the Starkweather Creek abuts the east property line. The entire property is within the Shoreland District.

Town Plan: The Town of Blooming Grove plan shows the subject property in the urban residential land (includes commercial uses) and environmental conservancy land use districts. The town and city of Madison has entered into an intergovernmental agreement in which the entire town will be annexed into the city by 10/31/2027. The subject property is identified as "General Commercial" in Map 5: Proposed Zoning Changes, in the Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan.

Staff: The C-2 zoning should be restricted to a reasonable set of uses that work with the current use of the property. The attached list of limited uses were found to be acceptable to the applicant.

12/28 ZLR: Postponed to allow time for the City of Madison and Blooming Grove to prepare conditions for the property.

Town: Approved.



TOWN ACTION RECOMMENDATION

Approved 12-1-10

Denied _____

Subject To:

Conditions Amendments

IF CUP:

Conditions None

ZLR COMMITTEE ACTION - REZONING

Postponed 12-28-10

Approve Cond/Amnd Town Cond/Amnd Comm

As Conditioned LIMIT LAND USES;

Madison conditions

Amended Changed Zone Dist. _____

Changed Boundary Description _____

DENY

Action Date 01-11-11 Vote S-0

ZLR CUP APPROVAL

Approved As Specified by Town

Con by ZLR DENY

Date _____

COUNTY BOARD ACTION REZONING

Referred Amended on Floor

Approved County Board Agenda Item

DENY

G-2

Suggested Conditions

Petition #10265

A Deed Restriction shall be placed on the property stating the following:

1. Any future changes in land use, new construction, or expansion or major exterior improvements to existing buildings or other structures on this property shall be subject to approval by the City of Madison in accordance with City Development Requirements as defined in the Town of Blooming Grove and City of Madison Cooperative Plan.
2. Billboards shall not be permitted on this property.
3. All new or replacement signs or street graphics ("signs") on this property shall comply with the restrictions of the Madison Street Graphics Control Ordinance, Chapter 31, Madison General Ordinances and with the applicable Dane County sign regulations. In the event of a conflict between the Madison and Dane County sign regulations, the more restrictive regulatory provision shall apply.
4. Land uses shall be limited to the following:
 - Major repairs to motor vehicles
 - Sales, rental or leasing of new and used motor vehicles
 - Sales, service and rental of recreational equipment
 - Sales, service, repairs, storage, rental and leasing of new and used contractor's machinery and equipment
 - Parking or storing of motor vehicles
 - Warehouses
 - Mini-warehouses
 - Sales and repair of lawn and garden equipment
 - Bicycle sales and service
 - Medical, dental and veterinary clinics
 - Banks, offices, office buildings and condominium office buildings,
 - Bakeries
 - Printing plants
 - Machine shops
 - Rental businesses
 - Wholesale businesses
 - Manufacturing and assembly plants
 - Marinas
 - Warehousing and storage incidental to a permitted use
 - Off-site parking of motor vehicles
 - General, mechanical and landscape contracting businesses
 - School bus and motor coach transportation businesses
 - Storage, maintenance and repairs of vehicles and school buses used in school bus and motor coach transportation businesses
 - Utility services



Dane County Planning & Development

Land Division Review

January 11, 2011

Badger Surveying & Mapping Service, LLC
525 West Prairie St.
Columbus, WI 53925

Re: Voit Family Trust (preliminary CSM)
Town of Blooming Grove, Section 5
(1 lot, 4.1 acres)
Zoning Petition #10265 A-1EX to C-2, DED: ?

The Zoning & Land Regulation Committee approved Zoning Petition #10265 on December 28, 2011.

Attention: Alden Kaukl

On January 11, 2011 the Zoning & Land Regulation Committee approved the preliminary certified survey map based upon the following conditions:

1. Rezone Petition #10265 is to become effective (one day following publication in the Wisconsin State Journal) and all conditions established with Zoning Petition #10133 are to be timely satisfied.
2. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
3. The net lot area calculations are to be specified in square feet.
4. As per DCCO Ch. 14.46(3), a stormwater control permit is to be provided at the time the final document is submitted for review.
 - *A stormwater control permit under sec. 14.49 shall be required and all stormwater management provisions of this chapter shall apply to any of the following activities within Dane County: Any development that requires a certified survey map, as defined in the applicable local land division ordinance(s); for property intended for commercial or industrial use.*

5. A notation is to be included that states: "Lands covered by this certified survey map are within an area subject to height limitations owing to the operation of aircraft and equipment from a nearby airport. Owners of lands within the area covered by this certified survey map are required by law to restrict the height of trees, other vegetation and man-made structures to less than the height limitations set forth in that certain map dated April 24, 2008, entitled 'Height Limitation Zoning Map, Dane County Regional Truax Field, Madison, Wisconsin', said map being on file in the Dane County Clerk's office."
6. A notation is to be included that states: "Lands covered by this certified survey map are located within an area subject to heightened noise levels emanating from the operation of aircraft and equipment from a nearby airport."
7. A portion of the proposed lot is within a floodplain district. The approximate location of the floodplain shall be shown on the final document and a notation shall be included on the final document that references the floodplain as zone AE, panel # 55025C0427G.
8. The required certificates are to be executed.
9. Dane County Surveyor approvals are to be obtained. When all revisions are complete, submit a copy to the Dane County Surveyor for technical review and approval.
10. The recordable document is to be submitted for review and approval.

When the above conditions have been fully satisfied, the original document may be submitted for final review. The proposed certified survey map will be scheduled for a future Dane County Zoning and Land Regulation Committee for approval. If approved the approving signature will be affixed by the Chair of the committee. Any questions regarding this letter, please contact myself.

Sincerely,

Daniel Everson
Assistant Zoning Administrator
267.1541

CC:
Clerk, Town of Blooming Grove
City of Madison Planning Division – Timothy Parks
Dane County Land & Water Resources – Jeremy Balousek
Dane County Surveyor – Dan Frick



Town of Blooming Grove Board Meeting Minutes – November 9, 2010

Chair Johnson called the meeting to order at 6:30pm. Board members in attendance were Chair Johnson, Supervisor Berg, Supervisor Linzmeier, Supervisor McLaughlin and Supervisor Young. Also in attendance were Clerk/Treasurer/Administrator Mike Wolf, Fire Chief Glenn Linzmeier and Deborah Sellers.

The pledge of allegiance was recited. Chair Johnson asked if the meeting notice had been properly posted, and Mike Wolf stated that it had been.

2a. Dane County Zoning Amendment OA 16, 2010-11: Supervisor McLaughlin made a motion to approve Dane County Zoning Amendment OA 16, 2010-11 as presented. Supervisor Berg seconded the motion and it passed 5-0.

2b. Dane County Zoning Amendment OA 17, 2010-11: Supervisor McLaughlin made a motion to approve Dane County Zoning Amendment OA 17, 2010-11 as presented. Supervisor Young seconded the motion and it passed 5-0.

2c. New Parking Ordinance: This is the ordinance that is being recommended by the Northeast Community Court for approval. This is coming to the Board now for informational purposes; a public hearing on this ordinance will occur at the next Town Board meeting.

Mike Wolf said that the way the proposed ordinance reads, violators would pay the Town (as opposed to the Court) within 10 days of the issuance of the ticket. Supervisor Linzmeier said this wasn't the intent of the court or of the ordinance. She will check into this within the next two weeks.

2d. Parcel Split off of the Voit Property: Supervisor Young made a motion to approve of the parcel split as presented. Supervisor McLaughlin seconded the motion and it passed 5-0.

2e. Town Hall Parking Lot Resurfacing: Mike Wolf stated that the lot is in terrible condition, and that next year would be a good time to consider resurfacing it. Doing an RFP now would likely result in a lower cost. Concerns were expressed about stormwater management, making sure that the contract specifies costs so that it doesn't end up costing more than agreed upon, and having a cement slab poured somewhere on the property so that extrication training doesn't tear up any new asphalt. Supervisor McLaughlin made a motion to allow the RFP to be distributed. Supervisor Young seconded the motion and it passed 5-0.

2f. Update on New Fire Station: Supervisor McLaughlin stated that, as of right now, the project continues to be on time and on budget. That said, there are variables and/or risks that may end up pushing the completion date back a week or two. Town staff are working on contingency plans, specifically with regard to making sure that plow trucks are properly stored in the upcoming weeks. Chief Linzmeier stated his concern that we don't rush the project at the expense of quality.

3a. Minutes of October 26, 2010 Town Board Meeting: Supervisor McLaughlin made a

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motion to approve the minutes of the October 26, 2010 Board meeting as presented. The motion was seconded by Chair Johnson and passed 5-0.

3b. Minutes of November 8, 2010 Town Board Meeting: Supervisor Young made a motion to approve the minutes of the November 8, 2010 Board meeting as presented. The motion was seconded by Supervisor Berg and passed 4-0. Supervisor McLaughlin abstained.

3c. Vouchers: Supervisor Young made a motion to approve the vouchers as presented, and it was seconded by Supervisor McLaughlin. The motion passed 5-0.

3d. Town Board Member Reimbursements: No requests; no action taken.

4. Public Comment: Deborah Sellers asked the Town to consider putting an ordinance in place that allows heavy fines and/or towing for vehicles that park in Thurber Park .

Mike Wolf informed the Board that postcards have been mailed to residents in Gallagher Garden and Gallagher Plat, informing them of the Town's new Snow Emergency ordinance.

Supervisor McLaughlin thanked the Board for their understanding, as he was unable to attend yesterday's Board meeting due to his mother's illness.

5. Adjournment: Chair Johnson made a motion to adjourn the meeting. It was seconded by Supervisor Young and passed 5-0 at 7:14pm.

Michael J. Wolf, Clerk/Treasurer/Administrator