



Requested Actions: SUBSTITUTE—Creating Section 28.022–00195 of Madison General Ordinances to assign zoning to properties located on the south side of CTH T/ Commercial Avenue west of Sprecher Road, 3rd Ald. Dist., to the A (Agricultural) District (“Area A”); creating Section 28.022–00196 to assign zoning to properties located along and south of CTH T/ Commercial Avenue and Seminary Springs Road east to the eastern town line, 3rd Ald. Dist., to the A and CN (Conservancy) districts (“Area B”); creating Section 28.022–00197 to assign zoning to property addressed as 6211 Milwaukee Street, 3rd Ald. Dist., to the A, CN, PD (Planned Development) and SR-C1 (Suburban Residential–Consistent 1) districts (“Area C”); creating Section 28.022–00198 to assign zoning to properties located along the east side of S. Sprecher Road from CTH BB/ Cottage Grove Road north, 3rd Ald. Dist., to the PD (Planned Development), CN, A, and SR-C2 (Suburban Residential–Consistent District 2) districts (“Area D”); creating Section 28.022–00199 to assign zoning to properties addressed as 3382 CTH BB, 3rd Ald. Dist., to the A District (“Area E”); creating Section 28.022–00200 to assign zoning to properties addressed as 4324 and 4330 Sprecher Road, 16th Ald. Dist., to the SR-C1 District, (“Area F”); creating Section 28.022–00201 to assign zoning to properties addressed as 3445, 3449, 3453, 3458 and 3461 CTH BB/ Cottage Grove Road, 16th Ald. Dist., to the SR-C1 and CC-T (Commercial Corridor–Transitional) districts (“Area G”); creating Section 28.022–00202 to assign property addressed as 3311 CTH BB/ Cottage Grove Road, 16th Ald. Dist., to the A District (“Area H”); and creating Section 28.022–00203 to assign zoning to properties located on the both sides of CTH AB/ E. Buckeye Road east of Sprecher Road and extending north to Cottage Grove Road and south to the Union Pacific Railroad, 16th Ald. Dist., to the A, CN and SR-C1 districts (“Area I” [Sub-areas 1–6]).

Application Type: Zoning Map Amendment

Legistar File ID # [40269](#)

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Background Information

On February 1, 2005, the Common Council adopted Resolution 05–00087 authorizing the Mayor and City Clerk to execute an Intergovernmental Agreement between the City and the Town of Blooming Grove regarding boundary changes and other urban growth and municipal service delivery issues pursuant to an approved cooperative plan under Wis. Stat. Ch. 66.0307. The agreement was executed on February 18, 2015. The agreement and subsequent cooperative plan adopted by the Council on May 16, 2006 and approved by the State of Wisconsin established a process for the orderly transition of lands in the Town to the City between 2006 and the final attachment of the Town to the City on October 31, 2027, including two phased attachments of specific Town lands to the City before final attachment, the “North Phased Attachment Area” and “South Phased Attachment Area.

On June 16, 2015, the Common Council adopted Ordinance 15–00065 (ID [38625](#)) to implement the North Phased Attachment Area, which includes 915.6 acres (1.43 square miles) of land located north of the Chicago & Northwestern/Union Pacific Railroad right of way and east of Interstate 39/90. The specific lands comprising the North Phased Attachment Area are shown on the maps attached to the ordinance for reference. The North

Phased Attachment Area will accrue to the City effective 12:01 AM on December 28, 2015. [The South Phased Attachment Area will be attached to the City in 2020 in accordance with the terms of the agreement and plan.]

Ordinance ID 40269 proposes to assign City of Madison zoning to the lands to be attached effective December 28, 2015, which are currently subject to Dane County zoning. Like the attachment ordinance adopted in June, the proposed ordinance to assign City zoning is broken into 9 areas, Areas A–I. Due to its size and geography, Area I has been broken into 6 sub-areas (I-1 – I-6). In the following section, staff will summarize the location of each area, the current general use of the lands in each area, and the land use recommendation(s) contained in adopted City plans. If adopted, the City zoning of the subject properties will take effect at 12:01 AM on December 28 concurrent with the effective date of the attachment from the Town.

In preparation for the assignment of City zoning for the North Phased Attachment properties, Zoning staff reviewed the zoning records for the affected properties on file with Dane County and created records for future reference in answering zoning questions about permits, licenses, etc. The City zoning proposed for the Town of Blooming Grove parcels being attached was chosen primarily based on the districts that would best implement the land use recommendations applicable to those properties contained in adopted City plans, including the [Comprehensive Plan](#) and 1 of 3 neighborhood development plans that apply to most of the areas or sub-areas being zoned. The proposed zoning districts were selected secondarily with regard to the existing use of each parcel. In many cases, the proposed City zoning will be different than the existing Dane County zoning that applies in the Town, including in many instances different allowed uses and bulk/ area requirements, and Planning and Zoning staff cannot warranty that zoning nonconformities will not be created through the adoption of the City zoning districts recommended. However, one of the primary objectives for intergovernmental agreements and cooperative plans such as the City’s with the Town of Blooming Grove after allowing for the orderly transition of land in the Town to the City is the ability to assimilate development in the Town to the City, including its various standards for urban development (zoning, service delivery, utilities, etc.).

Any uses in legally in existence pursuant to Dane County zoning at the time that the attachment to the City and proposed zoning take effect on December 28, 2015 may continue as nonconforming uses, buildings or structures, or lots (as applicable), and will be subject to the regulations for nonconformities outlined in Subchapter 28M of the City’s Zoning Code.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward (Substitute) Zoning Map Amendment ID 28.022–00195 to 28.022–00203, inclusive, to the Common Council with recommendations of **approval** as outlined in the following sections and subject to input at the public hearing.

Overview, Analysis and Recommendations

Area A: Creating Section 28.022–00195 of Madison General Ordinances to assign zoning to properties located on the south side of CTH T/ Commercial Avenue west of Sprecher Road to the A (Agricultural) District. “Area A” consists of 5 parcels totaling 17.5 acres of land that extend west along the south side of Commercial Avenue/ CTH T from Sprecher Road. Most of the area is undeveloped with the exception of 2 single-family residences.

The eastern half of Area A is recommended for community mixed-use development according to the 2009 [Northeast Neighborhoods Development Plan](#). The planned mixed-use area comprises approximately 30 acres on all four quadrants of the Sprecher/Reiner Road-Commercial Avenue intersection and is planned to be a high-density mix of residential, commercial, service, office, institutional, urban open space and civic uses in a compact, highly defined urban form that includes buildings fronting onto and placed close to streets to create a

compact development pattern that is attractive to pedestrians and creates a sense of place. The mixed-use district is planned to be the primary activity center for the entire Northeast planning area and is recommended to be developed using transit-oriented development standards. The remainder of Area A as well as the parcels already in the City to the west are recommended to form an employment district extending between Commercial Avenue and Interstate 94. The planned employment area is recommended to allow a mix of employment uses in buildings up to 10 stories tall along Interstate 94.

Staff recommends that A zoning be assigned to Area A until development proposals come forward for one or more of the 5 parcels being attached. Implementation of the employment or community mixed-use land use and urban design recommendations in the Northeast Neighborhoods Development Plan will likely employ zoning districts such as the SE–Suburban Employment, EC–Employment Campus, and MXC–Mixed-Use Center districts, which tend to favor cohesive development proposals across multiple parcels of land and future land uses. The A zoning will allow the existing uses including the 2 single-family residences to continue until urban development proceeds in Area A.

Area B: Creating Section 28.022–00196 to assign zoning properties located along and south of CTH T/ Commercial Avenue and Seminary Springs Road east to the eastern town line to the A and CN (Conservancy) districts. “Area B” is comprised of 4 parcels totaling 136.8 acres of land, including 22.7 acres of land that extend south of Interstate 94. With the exception of 6 single-family residences located along CTH T and Seminary Springs Road, most of the property north of the interstate is in active tillage. Two of the parcels contain 2 houses each.

The portion of Area B located of Interstate 94 is located within the boundaries of the Northeast Neighborhoods Development Plan, which recommends that the western half of the area be developed with employment uses along the interstate frontage as a continuation of the employment zone recommended for portions of Area A to the west. North of the planned employment area, the neighborhood plan recommends medium-density residential uses adjacent to Seminary Springs Road. The eastern portion of Area B north of the interstate is recommended for permanent open space due to the presence of perennial and intermittent streams and hydric soils. The portion of Area B located south of the interstate is recommended in the Sprecher Neighborhood Development Plan for park, drainage and open space uses as part of a planned Door Creek open space corridor.

The proposed A zoning classification of the approximately 114 acres located north of Interstate 94 recognizes the existing predominant use of Area B of while preserving the opportunity for future development of the western portion of this area consistent with the Northeast Neighborhoods Development Plan. The CN zoning south of the interstate is consistent with both the open space recommendation in the Sprecher Neighborhood Development Plan and existing County conservancy zoning of the property.

Area C: Creating Section 28.022–00197 to assign zoning property in “Area C” of the North Phased Attachment to the SR-C1 (Suburban Residential–Consistent District 1), A, CN, and PD (Planned Development) districts. The majority of Area C, which totals 1.7 acres of land, is developed with a single-family residence and detached accessory building on a 0.85-acre parcel addressed as 6211 Milwaukee Street. The proposed residential district is consistent with the low-density residential land uses recommended for the site in the Sprecher Neighborhood Development Plan. In addition to the assignment of SR-C1 zoning for the residential property that comprises most of Area C, the zoning map amendment will extend the boundaries of existing adjacent A, CN and PD zoning to the centerline of Milwaukee Street over a peninsula of former Town right of way following the attachment.

Area D: Creating Section 28.022–00198 to assign zoning to properties located along the east side of S. Sprecher Road from Cottage Grove Road/ CTH BB north to the A and SR-C2 (Suburban Residential–Consistent District 2) districts. “Area D” consists of 2 distinct parcels. The northern parcel is a 0.55-acre parcel addressed as 4454 Sprecher Road, which is developed with a single-family residence that will be zoned SR-C2 consistent with the zoning of an adjacent single-family residence already located in the City. Both residences are recommended for low-density residential land uses by the [Sprecher Neighborhood Development Plan](#). The land surrounding these properties extending north to Dominion Drive and south to Wyalusing Drive is owned by the Madison Metropolitan School District and is recommended in the neighborhood plan for institutional uses as a site for a future school.

The larger portion of Area D is a triangularly shaped 12-acre parcel addressed as 3420 Cottage Grove Road/ CTH BB, which is bounded on the west by existing S. Sprecher Road and on the east by right of way for the planned future realignment of Sprecher Road as called for in adopted plans. This southern parcel includes a single-family residence and 5 accessory buildings located on the southern half of the site near Cottage Grove Road but is otherwise undeveloped. The parcel is recommended for A zoning pending submittal of a future development proposal for the site, which is recommended by the [Sprecher Neighborhood Development Plan](#) for low- to medium-density residential uses.

Like in Area C, the proposed zoning for Area D will also extend the boundaries of existing adjacent PD and CN zoning districts to the centerline of Sprecher Road as shown on Map 4-North (attached).

Area E: Creating Section 28.022–00199 to assign zoning to property addressed as 3382 CTH BB to the A District. “Area E” is an approximately 8.8-acre L-shaped parcel with 580 feet of frontage along Cottage Grove Road/ CTH BB, which is developed with a single-family residence and accessory building. The property is also used for poultry farming. The subject parcel is noteworthy for its tree cover throughout, and for 3 local streets platted to its northern and western boundaries with the First Addition to Reston Heights subdivision. Area E is recommended in the [Sprecher Neighborhood Development Plan](#) for future development with low-density residential uses similar to those that abut it in the Reston Heights and Door Creek residential subdivisions. Due to uncertainty as to the exact future uses and density of the site as well as the existing use, staff believes that the proposed A zoning is appropriate until more detailed development plans for the property come forward in the future.

Area F: Creating Section 28.022–00200 to assign 2 existing single-family residences addressed as 4324 and 4330 Sprecher Road to the SR-C1 district. The existing residences that comprise the 1.3-acre “Area F” attachment are both recommended for low-density residential uses by the [Cottage Grove Neighborhood Development Plan](#).

Area G: Creating Section 28.022–00201 to assign zoning to properties addressed as 3445, 3449, 3453, 3458 and 3461 CTH BB/ Cottage Grove Road to the SR-C1 and CC-T (Commercial Corridor–Transitional) districts. “Area G” is comprised of a single-family residence located on the north side of Cottage Grove Road/ CTH BB (3458), and 3 single-family residences (3445, 3449 and 3453) and a US Bank branch with a vehicle access sales and service window and detached drive-up ATM (3461) on the south side of the road. The residences will be zoned SR-C1, while the bank will be zoned CC-T, which allows banks and financial institutions as permitted uses and vehicle

access sales and services windows as conditional uses. The existing attached service window or detached ATM may remain following the attachment and zoning. However, any future alterations to those facilities may require Plan Commission approval of a conditional use prior to issuance of permits.

The proposed zoning of the 3 residences and bank on the south side of Cottage Grove Road is consistent with the respective low- to medium-density residential and neighborhood commercial uses recommended by the Cottage Grove Neighborhood Development Plan, while the SR-C1 zoning of the single-family residence on the north side of the road is consistent with the low-density residential uses recommended for that site by the Sprecher Neighborhood Development Plan.

Area H: Creating Section 28.022–00202 to assign property addressed as 3311 CTH BB/ Cottage Grove Road to the A District. “Area H” of the North Phased Attachment is a landlocked 20.1-acre parcel generally located midway between Cottage Grove Road/ CTH BB on the north and E. Buckeye Road/ CTH AB on the south and roughly a quarter-mile east of existing S. Sprecher Road. The property is developed with a single-family residence located on the easterly portion of the property. Access to the landlocked parcel is provided by a driveway to Cottage Grove Road across an undeveloped parcel located to the northeast of the 20.1 acres. According to Dane County mapping, the subject property is impacted by areas of steep slope, including the ridge on which the residence is located, as well as areas of wetland and 100-year floodplain.

Area H is not located within the boundaries of an adopted City neighborhood development plan. The eastern boundary of the Cottage Grove Neighborhood Development Plan is the right of way for the future realignment of S. Sprecher Road, which is approximately 250 west of the subject area. The Comprehensive Plan recommends Area H and the adjacent undeveloped lands in Area I, Sub-area I-2 for Park, Drainage and Open Space consistent with the establishment of a permanent open space corridor paralleling Door Creek and the presence of the significant environmental features.

Area H is also located in Peripheral Planning Area D, which is a Group 1 planning area in the Comprehensive Plan. In general, the Peripheral Planning Areas make general recommendations for lands at the edges of the urban area where the City might have a potential interest in, and an opportunity for, future municipal expansion and urban development, or secondarily for where the City has identified an interest in preserving a defined environmental feature. These areas typically evolve into areas for more detailed planning; for example, all of the areas identified for future urban expansion in the 1990 edition of the Peripheral Area Development Plan became part of adopted neighborhood development plans such as the aforementioned Sprecher and Cottage Grove neighborhood plans. There are several important drumlins and substantial areas of wetland and drained wetland within Peripheral Planning Area D, and the Comprehensive Plan recommends that those features be preserved, where feasible, and incorporated into local or regional parks or otherwise protected from inappropriate development.

In light of the environmental features present on most of the property, the lack of an adopted neighborhood-level plan that includes detailed recommendations for the property, and the open space land uses generally recommended for the site by the Comprehensive Plan, the Planning Division believes that the proposed A zoning is the most appropriate zoning designation for Area H both upon attachment and for the foreseeable future.

Area I: Creating Section 28.022–00203 to assign zoning to properties located on the both sides of E. Buckeye Road/ CTH AB east of Sprecher Road and extending north to Cottage Grove Road and south to the Union Pacific

Railroad to the A, CN and SR-C1 districts (“Area I” [Sub-areas 1–6]). Due to its size and geography, the last of the 9 areas of the North Phased Attachment has been broken into 6 sub-areas by Planning staff to facilitate noticing of the public hearing for this area and to better describe the applicable land use recommendations and proposed zoning classifications. Overall, Area I is comprised of approximately 40 parcels containing 715.2 acres of land (1.118 square miles). Like the other areas of the North Phased Attachment reviewed above, the review of each of the sub-areas (I-1 – 1-6) in Area I will include the proposed zoning district(s), existing land uses, and neighborhood development plan recommendations.

Sub-area I-1: This sub-area is comprised of 2 parcels totaling 43 acres that are located on the north side of Cottage Grove Road/ CTH BB. The smaller of the two is an approximately 4-acre property addressed 3250 CTH BB, which is developed with a single-family residence and accessory building. This parcel will be assigned SR-C1 zoning upon attachment, which is consistent with the low-density residential land uses recommended for the property in the Sprecher Neighborhood Development Plan. The remaining property in Sub-area I-1 is an approximately 39-acre parcel owned by the City of Madison Parks Division, which is part of their larger Door Creek Park holdings. The park is proposed to be zoned CN upon attachment.

Sub-area I-2: This sub-area is the largest of the 6 sub-areas that comprise Area I and consists of 6 parcels that will be zoned A upon attachment. Most of the land in this sub-area is in active tillage, but like Area H described earlier in this report, is characterized by significant environmental features, including Door Creek and areas of wetland and 100-year floodplain. Two of the parcels contain single-family residences and various mostly farm-related accessory buildings, including one at 4122 E. Buckeye Road/ CTH AB and the other at the end of Fankhauser Road, a public road that extends east from CTH AB along the Chicago & Northwestern/Union Pacific Railroad right of way before turning due north and ending at the house and farm buildings on a 148.3-acre parcel addressed 4086 CTH AB.

Land use guidance for Sub-area I-2 mirrors that of Area H, which is located west of most of the sub-area and is separated by an approximately 150-foot wide peninsula of land previously annexed into the City. Lands in the sub-area are recommended in the Comprehensive Plan for Park, Drainage and Open Space uses consistent with the establishment of a permanent open space corridor paralleling Door Creek and the presence of the significant environmental features throughout. The proposed A zoning for Sub-area I-2 is consistent with the predominant existing agricultural use of most of the subject lands as well as the likely long-term use of the land for the foreseeable future.

Sub-area I-3: This sub-area is bounded by E. Buckeye Road/ CTH AB on the north and east, by the Chicago & Northwestern/Union Pacific Railroad and southern limits of the North Phased Attachment on the south, and by Underdahl Road, a narrow Town road that extends south from CTH AB and crosses the railroad to provide access to a residence that will be attached to the City in 2020.

Most of Sub-area I-3 will be zoned CN upon attachment, including 29.2 acres of land that extend along the east side of Underdahl Road owned by the State of Wisconsin Department of Natural Resources, and 23.2 acres of land owned by Dane County, both of which are permanent open space. The proposed CN zoning will be consistent with the park, drainage and open space recommendation in the Cottage Grove Neighborhood Development Plan. On the east side of this sub-area, 2 parcels owned by and developed with Grace Evangelical Church will be zoned SR-C1, which is generally consistent with the institutional land uses recommended for these properties in the neighborhood development plan.

The remainder of Sub-area I-3 consists of 12 smaller parcels of varying size, shape and use primarily located along E. Buckeye Road/ CTH AB immediately east of Underdahl Road. Uses in this group of parcels includes

single-family residences in County exclusive agricultural zoning and warehouse/shop buildings in commercial zoning classifications.

Planning staff is recommending that these properties be zoned to the A district upon attachment consistent with recommendations in both the Cottage Grove Neighborhood Development Plan and Comprehensive Plan to transition these properties to less intensive land uses. In the neighborhood development plan, this group of properties is recommended for open space of residential land uses.

According to a 2006 amendment to the Cottage Grove Neighborhood Development Plan,

“For a variety of reasons, this site is not recommended for future more-intensive redevelopment with industrial-commercial uses similar to what currently exists. The relatively small site occupies virtually all of the available high ground at this location and is closely bounded on the south and east by wetlands recommended for open space preservation. Additional permanent open space owned by Dane County is also located along the east side of the planned future realignment of Sprecher Road north of current [E. Buckeye Road], and the current industrial-commercial site will become the “terminal view” for southbound traffic on this planned parkway. This suggests that more appropriate future uses for this site could include reclaiming and restoring at least portions of the site to create some upland open space adjacent to the surrounding wetlands. If restoration and preservation of the site for open space uses is not feasible, then the alternative of limited residential development with complementary on-site landscaping would be more-visually and functionally compatible with the surrounding open space uses than would redevelopment with new commercial or industrial uses. As with the Buckeye Quarry site, there is no reason to expect that the current uses in this existing industrial-commercial area will not continue for the foreseeable future—perhaps for many years, and the long-term recommendations for the property made in this amendment should be considered preliminary. The most appropriate ultimate use of these lands may be determined in part by the future land uses developed on other properties in the area—including the degree of success in creating a wide permanent open space corridor along the Door Creek valley and its associated wetlands and uplands.”

This area is further addressed by the Comprehensive Plan, which includes a Generalized Future Land Use Map note, Note 21, which states:

“Restoration and preservation as open space is the long-term recommendation for the limited area of high ground east of Underdahl Road currently occupied by small industrial-commercial uses. If this is not feasible, the alternative of limited residential development would be more visually and functionally compatible with the surrounding open space uses than would redevelopment with new commercial or industrial uses.” [Note revised May 17, 2011]

Given the relative uncertainty yet flexibility regarding how these 12 parcels will function in the future, staff feels that the proposed A zoning will create the best regulatory framework to ensure that its adopted plans can be implemented in the future to the greatest extent possible.

Sub-area I-4: The smallest of the 6 sub-areas consists of 3 existing single-family residences located on the north side of E. Buckeye Road/ CTH AB immediately east of S. Sprecher Road, which are addressed as 4232, 4240 and 4250 CTH AB. Staff recommends that the 3 parcels be assigned to the SR-C1 district consistent with the low-density residential land use recommendation for the subject lands and surrounding Town parcels in the Cottage Grove Neighborhood Development Plan.

Sub-area I-5: This sub-area includes 7 parcels that extend along and south of E. Buckeye Road/ CTH AB west of Underdahl Road. Two of the parcels located at the southwestern corner of E. Buckeye and Underdahl are developed with single-family residences, which will be assigned SR-C1 zoning upon attachment. The Cottage Grove Neighborhood Development Plan recommends both parcels for low-density residential uses.

To the south of those residences along the west side of Underdahl Road, a 31-acre open space parcel owned by Dane County will be assigned CN zoning consistent with land use recommendations for same in the neighborhood development plan. The remainder of Sub-area I-5 will be zoned A upon attachment, including 3 parcels owned by Yahara Materials related to their Buckeye Quarry operations. The quarry parcels are generally recommended for future residential uses following the cessation of mineral extraction on the site according to the neighborhood development plan.

Sub-area I-6: The final sub-area consists of 5 parcels containing 3 existing single-family residences located on the north side of E. Buckeye Road/ CTH AB west of S. Sprecher Road. Staff recommends that the 5 parcels be assigned to the SR-C1 district consistent with the residential land use recommendations for the subject lands and surrounding Town parcels in the Cottage Grove Neighborhood Development Plan. The future residential land uses include low- to medium-density closest to Sprecher Road, which increases to medium-density moving west towards Cottontail Trail and multi-family properties in the Richmond Hill neighborhood. The northernmost 2 properties adjacent to the Rambling Acres subdivision, which is not scheduled to be attached until 2027 per the City and Town cooperative plan, are recommended for low-density uses consistent with the single-family parcels in the Town. It is possible that one or more of the parcels in Sub-area I-6 may be further rezoned in the future once more detailed development proposals come forward.

Recommendation

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

The Planning Division recommends that the Plan Commission forward (Substitute) Zoning Map Amendment ID 28.022–00195 to 28.022–00203, inclusive, to the Common Council with recommendations of **approval** subject to input at the public hearing. No conditions of approval are recommended with these map amendments, which will take effect at 12:01 AM on December 28, 2015 concurrent with these parcels attaching to the City.