



Department of Planning & Community & Economic Development

Planning Division

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TO: Plan Commission

FROM: Timothy M. Parks, Planner

DATE: November 20, 2017

SUBJECT: Ordinance ID [49342](#) – Attaching 1.4 acres of land owned by the Royal Partners, LLC to the City of Madison from the Town of Middleton, and assigning CC (Commercial Center District) zoning

On September 20, 2017, a petition was filed in the City Clerk's Office by Royal Partners, LLC to attach a 1.4-acre property located in the Town of Middleton at the northeastern corner of S. Gammon Road and Seybold Road to the City of Madison. The parcel to be attached contains approximately 215 feet of frontage along S. Gammon Road, and 271 feet of frontage along Seybold Road, not including right of way for Seybold, which will be attached with this ordinance. The subject parcel is developed with a one-story restaurant with vehicle access sales and service window, with access from Seybold Road.

This ordinance attaches land pursuant to the Cooperative Plan entered into by the City of Madison and Town of Middleton, dated September 29, 2003. Pursuant to the Cooperative Plan, individual property owners east of the final City-Town boundary (Pioneer Road) may petition the City for intermediate attachment in advance of final attachment of the lands east of the boundary line on the first Monday of February 2042. Per the Cooperative Plan, the City will pay the Town a declining portion of the final Town share of property taxes over the first five years following attachment of the commercial property.

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 19th Aldermanic District, Ordinance ID 49342 includes a request to assign permanent CC—Commercial Center District zoning to the property. Section 12.01(a) of the City's 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.

Per its statement of purpose, the CC District is established to “recognize the existing large-format retail and office sites within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use centers that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity.” The district is also intended to improve the quality of landscaping, site design and urban design within commercial centers and to encourage appropriate transitions between higher-intensity uses and adjacent lower-density residential districts.

The subject site is located amidst a series of auto-oriented commercial developments in both the City of Madison and the Town of Middleton. In the City, most of the commercial properties are zoned CC, while some are zoned PD (Planned Development District). The CC zoning requested for the attachment parcel is consistent with the CC zoning of City parcels located to the south and east of the site along S. Gammon Road. The subject parcel and other nearby commercial properties are designated General Commercial by the Comprehensive Plan. The attachment parcel is also located within the boundaries of the Southwest Neighborhood Plan; however, the 2008 plan includes no specific land use or zoning recommendations for the property.

The attachment ordinance also includes language amending Section 33.24(9)(b) that effectively adds the subject property to Urban Design Dist. 2 (UDD 2), and includes further clarifying language that any future attachments from the Town within the boundaries of UDD 2 will be added to the district. UDD 2 is generally bounded by S. Gammon Road, Schroeder Road, S. Whitney Way, and the West Beltline Highway.

Following adoption of the ordinance attaching the property to the City and assigning City zoning, it is anticipated that the existing restaurant will be demolished and the site redeveloped. The demolition of the existing building and future use of the property will require Plan Commission approval of a demolition permit prior to the issuance of permits. More detailed plans for the property will be provided on a separate application to be filed following the attachment.

In closing, the Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Ordinance ID 49342, attaching 1.4 acres of land in the Town of Middleton at 601 Gammon Road to the City, zoning the attached property to the [permanent] CC (Commercial Center) zoning district, and adding the property to Urban Design Dist. 2. No conditions of approval are recommended for the requested zoning map amendment.