

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
August 22, 2005

RE: ID# 01626: Zoning Map Amendment LD. 3114, rezoning 5434 Commercial Avenue from Temp. A to C1.

1. Requested Actions: Approval of a request to rezone 1.12 acres located at 5434 Commercial Avenue from Temporary A (Agriculture District) to C1 (Limited Commercial District).
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments.
3. Report Drafted By: Timothy M. Parks, Planner

GENERAL INFORMATION

1. Applicant & Property owner: Lynn A. Goldade-Ziegler; 5434 Commercial Avenue; Madison, Wisconsin 53704.

Agent: Francis Thousand, Arnold & O'Sheridan, Inc.; 1111 Deming Way; Madison, Wisconsin 53717
2. Development Schedule: Development of future commercial uses is not anticipated at this time. This rezoning is being done in conjunction with the subdivision of a larger related parcel (5402 Commercial Avenue) generally located to the north and west of the property.
3. Parcel Location: Approximately 1.12 acres located on the north side of Commercial Avenue (CTH T) approximately 800 feet east of Fairview Drive, in Aldermanic District 17; Madison Metropolitan School District.
4. Existing Conditions: Single-family farmhouse and barn on large lot and undeveloped lands located in the City of Madison in Temp. A zoning.
5. Proposed Land Use: There are no specific commercial plans being presented at this time. The applicant wishes to maintain the farmhouse as a residential property and use the barn for personal storage in the interim.
6. Surrounding Land Use and Zoning:
North: Single-family residences in the Ridgewood, The Glacier Addition subdivision, zoned PUD-SIP; future single-family residences and church development in the Eagle Crest subdivision, zoned R1 (Single-Family Residence District);

South: Calvary Baptist Church, zoned R1;

West: Single-family residences along Vernon Road in the Town of Burke and in R1 zoning in the City of Madison;

East: Eagle Crest Tavern and single-family residences in the Town of Burke.

7. Adopted Land Use Plan: The East Towne – Burke Heights Neighborhood Development Plan recommends the site and properties generally north of Commercial Avenue and Interstate 39 & 90 for “low-density residential” uses at a density of approximately four units per acre.
8. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
9. Public Utilities & Services: The property will be served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the standards for zoning map amendments.

RELATED CASE

On June 21, 2005, the Common Council approved a request to rezone 18.9 acres located at 5402-5434 Commercial Avenue from Temporary A (Agriculture District) to R1 (Single-Family Residence District) and a preliminary plat and final plat of the “Eagle Crest Subdivision.” The subdivision will include nine single-family lots, one institutional lot for a church, three outlots for landscaping and signage and one outlot for public stormwater detention. The approval included a condition that the property at 5434 Commercial Avenue, which was not included in the June rezoning request, be rezoned from Temp. A to a mutually agreeable zoning district prior to the final plat being released for recording.

ANALYSIS AND EVALUATION

The applicant is requesting approval of a zoning map amendment to rezone a 1.12-acre parcel located at 5434 Commercial Avenue (CTH T) from Temp. A (Agriculture District) to C1 (Limited Commercial District) to continue commercial zoning this property had in the Town of Burke prior to this site and the adjacent 17-acre parcel being annexed in the City of Madison in March 2004. The applicant indicates that the barn was most recently used by a landscaping business.

The site will be Lot 1 of the recently approved Eagle Crest Subdivision (see above) and will have approximately 167 feet of frontage along Commercial Avenue. The 1.12-acre parcel is currently developed with a two-story farmhouse, barn and three garages and sheds. The property will be joined on the north and west by single-family lots created on the Eagle Crest plat, including one lot containing an existing single-family residence immediately west of the farmhouse. The Eagle Crest Tavern is located immediately east of the subject site in the Town of Burke, where it has County C-2 commercial zoning. The subject site, which has an unimproved driveway to Commercial Avenue, shares cross-access with the neighboring tavern, which has its own driveway to Commercial Avenue. Though the subject site abuts the Commercial Avenue right of way, which is controlled by Dane County, it is separated from the thoroughfare by an

approximately 70-foot wide Town of Burke peninsula that parallels the street. The street surface and the southern half of the right of way are located in the City. Calvary Baptist Church is located approximately 400 feet south of the subject site across Commercial Avenue in the City of Madison.

With the exception of the Eagle Crest Bar and recently approved church site to the north, the surrounding land uses generally reflect the land uses recommended by the East Towne – Burke Heights Neighborhood Development Plan, which recommends “low-density residential” development for lands on the north side of Commercial Avenue west of the interstate corridor and “institutional” land uses for the church property to the south.

No plans have been submitted for future commercial development at this time. The applicant indicates in her letter of intent that she envisions “some limited commercial” use of the property, including something related to an offsite nursery or as a craft shop or hair salon. Such uses may occur in either the existing farmhouse and/ or accessory barns, or in a new building that would be constructed if those structures were razed. The development of the larger area surrounding the site is cited as one reason the applicant would prefer to have commercial zoning.

CONCLUSION

Although the site was zoned commercially in the County for a landscaping business that formerly occupied the site, the Planning Unit does not believe that the site is appropriate for continued commercial usage. The site and lands to the north and west are recommended for low-density residential land uses in the East Towne – Burke Heights Neighborhood Development Plan. The Planning Unit also believes that the subject site is insufficient for even limited commercial development given the limited frontage along Commercial Avenue and the close proximity of both existing and future residences. While staff would concur with the applicant’s assertions that the adjacent Eagle Crest Tavern is likely to remain for the foreseeable future, and that the property is not well-suited for sustained single-family usage, the City cannot support expanding the commercial zoning and land uses at this location.

Section 28.12 (9) of the Zoning Ordinance allows the Plan Commission to recommend a less intensive zoning district that they may feel is more appropriate for the Common Council to grant approval of. The low-density residential land use recommendation in the neighborhood plan permits development up to eight units per acre, and the site may be appropriate for a well-designed, small-scale multi-family building as first permitted in R4 (General Residence District) zoning as a conditional use. Should such a use be considered appropriate, attention will be paid at the time of construction to the orientation of any such buildings to the street and the provision of adequate screening from both the tavern and adjacent single-family residences. (If the request is downgraded to an R4 classification, any multi-family building proposed for the site would be reviewed by the Plan Commission as a conditional use.)

In the event that the rezoning request is downgraded to something other than the requested C1, the City may consider a new application to zone the property commercially once a specific proposal warranting such non-residential zoning is presented.

RECOMMENDATION

The Planning Unit recommends that the Plan Commission forward Zoning Map Amendment I.D. 3114, rezoning approximately 1.12 acres located at 5434 Commercial Avenue from Temp. A (Agriculture) to C1 (Limited Commercial District) to the Common Council with a recommendation of **approval as a substitute**, rezoning the site instead to R4 (General Residence District), subject to input at the public hearing and comments from reviewing agencies.



Department of Public Works
City Engineering Division

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DATE: August 12, 2005
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 5434 Commercial Avenue Rezoning

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. There are MMSD sewer area fees and Towne of Burke sewer area fees due if/when property connects to the sewer in Commercial Avenue.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments: NONE



**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: July 31, 2005

To: Plan Commission
From: Kathy Voeck, Assistant Zoning Administrator
Subject: 5434 Commercial Avenue

Present Zoning District: Temp. Ag

Proposed Use: Future Commercial Use

Requested Zoning District: C-1

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. Note: This rezoning makes the house on this site an Existing Conditional Use. (A building with more than 50% residential use of the building in a C-1 district is a conditional use. Additions to the existing house for residential or commercial use will be an alteration to an existing conditional use, either minor administrative alteration or major alterations that require plan commission approval. Demolition of the house for future development will require plan commission approval at the time of development).

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	48,478 sq. ft. (approx)
Lot width	50'	167'
Usable open space	160 sq. ft. per bedroom	adequate
Front yard	0'	
Side yards	to be reviewed at development	
Rear yard	20' one story 30' two plus st.	
Floor area ratio	n/a	
Building height	---	3 stories/40'

Site Design	Required	Proposed
Number parking stalls	To be reviewed at future	development

Other Critical Zoning Items	None
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With the above conditions, the proposed project **does** comply with all of the above requirements.