



Report to the Plan Commission

December 6, 2010

Legistar I.D. #20467
4002 Nakoosa Trail
Zoning Map Amendment

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of a request to rezone approximately 3.05 acres located at 4002 Nakoosa Trail from M1 (Limited Manufacturing District) and W (Wetland District) to C2 (General Commercial District) and W to facilitate future residential development.

Applicable Regulations & Standards: Section 28.12 (10) provides the process for zoning map amendments.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendments 3507 and 3508, rezoning 4002 Nakoosa Trail from M1 and W to C2 and W, to the Common Council with a recommendation of **approval**, subject to input at the public hearing.

Background Information

Sponsor: Ald. Lauren Cnare, 3rd District

Property Owner: City of Madison Water Utility; 119 E. Olin Avenue; Madison.

Proposal: There is no development proposal at this time. The subject site was previously identified in a Letter of Intent, Legally Binding Agreement and Purchase and Sale Agreement between the City and Porchlight, Inc. as a site for a future Porchlight residential care facility instead of the Truman Olson Army Reserve Center at 1402 S. Park Street, which the City intends to purchase for redevelopment. Approval of a conditional use for a planned residential development will be required prior to any future development of the property by Porchlight for residential purposes.

Parcel Location & Existing Conditions: The subject property is an undeveloped 3.05-acre parcel located on the north side of Nakoosa Trail between N. Stoughton Road (US Highway 51) and Commercial Avenue, which has historically been used by the Water Utility for open material storage. The site is located in Aldermanic District 3 (Cnare) and the Madison Metropolitan School District.

Surrounding Land Use and Zoning:

North: Undeveloped land, zoned C3L (Commercial Service & Distribution District) and W (Wetland District);

South: UW Credit Union and offices, zoned C3L and W;

East: Wal-Mart, Cub Foods, Road Ranger gas station/ convenience store and undeveloped commercial pad sites, zoned C3L;

West: Industrial, warehousing and heavy commercial uses across N. Stoughton Road, zoned M1 (Limited Manufacturing District).

Adopted Land Use Plan: The Comprehensive Plan and East Towne-Burke Heights Neighborhood Development Plan recommend the subject site for General Commercial uses.

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor. The subject parcel is identified as publicly owned land on the corridor map, and portions of the site are identified as being wetlands, in the 100-year floodplain, or with steep slopes greater than 12%.

Public Utilities and Services: The property is served by a full range of urban services.

Overview

On November 9, 2010, Ald. Lauren Cnare sponsored an ordinance to rezone 3.05-acres of land owned by the City's Water Utility located at 4002 Nakoosa Trail from M1 (Limited Manufacturing District) and W (Wetland District) to C2 (General Commercial District) and W. The proposed zoning will facilitate future residential development of the property by Porchlight, Inc., as called for in the terms and conditions outlined a Letter of Intent, Legally Binding Agreement and Purchase and Sale Agreement between the City and Porchlight, which was approved by the Common Council on September 7, 2010 following recommendations for approval by the Plan Commission, Water Utility Board, Board of Estimates, Community Development Block Grant Committee and Community Development Authority.

The accommodation of Porchlight at the subject site was identified as an alternative to Porchlight's interest in the former Truman Olson Army Reserve Center at 1402 S. Park Street. In 2005-06, the US Army determined they no longer needed the Truman Olson site and began a process to dispose of the property, with preference given to homeless services providers per Federal regulations. Two Notices of Interest were submitted for the Truman Olson site from homeless assistance providers: one from Porchlight for 24 units of permanent housing and 14 units of transitional housing, and the other from Goodwill Industries for 8 units of permanent housing. Both of these submissions were considered along with the adopted land use plan for the S. Park Street site, the Wingra Market BUILD Market Study and Redevelopment Plan, which recommends a mixed-use, transit-oriented development proposal for the area bounded by Wingra Creek, Fish Hatchery Road and S. Park Street, with the Truman Olson property as a key element in the implementation of the plan's recommendations.

The Community Development Authority as the local redevelopment authority for the disposition of the Truman Olson site and the City determined that the most appropriate course of action was to balance the need to provide homeless assistance with the need for long-term economic development in the S. Park Street area and that an alternative location should be found for the homeless proposals so that the Truman Olson site could be reserved for the public infrastructure and private development outlined in the Wingra Market BUILD Market Study and Redevelopment Plan. A resolution was adopted by the Common Council on September 2, 2008 (08-00864) that initiated a process to accommodate Goodwill and Porchlight elsewhere than on the Truman Olson site. An alternative location was ultimately found for Goodwill at 4629 Anniversary Lane. The subject site at 4002 Nakoosa Trail was identified as the alternative site for Porchlight's proposal, and the above-referenced Letter of Intent, Legally Binding Agreement (LBA) and Purchase and Sale Agreement was adopted as Resolution 10-00719.

Analysis & Conclusion

As noted in the preceding section, Porchlight, Inc. proposes to provide services for the homeless on the subject site. Their concept plan calls for the development of three buildings that will accommodate 40 units of permanent housing and 14 units of transitional housing, as well as emergency shelter, food, employment and counseling services. The three-building proposal is considered a planned residential development for zoning purposes and would require approval of conditional use prior to construction.

M1 zoning does not permit the types of uses envisioned for the site by Porchlight. While planned residential developments on sites of 1.5 acres or greater in area are first permitted in the R4 General Residence District, City staff felt that a non-residential zoning district may be more appropriate given the commercial uses surrounding the site and the applicable adopted plan recommendations, which will be discussed subsequently. The statement of purpose for the C2 district states that the district is “established to accommodate the shopping needs of a much larger consumer population and area of residency than that served by the C1 Limited Commercial District. Within this district, which is located in relative proximity to residential areas and to major thoroughfares...is permitted a wider range of uses [than in the [C1 district].” Uses permitted in the C2 district include the sale of a variety of consumer goods, the provision of certain personal services, and all types of office uses. Multi-family residential uses have historically been allowed as conditional uses in C2 zoning. In addition, a zoning text amendment was approved in 2005 to allow planned residential developments as conditional uses in the C2 district (Ordinance 05-00012), which facilitated development later that year of the Avalon Village apartment complex at 4629 Verona Road in another predominantly commercial area of the City.

The subject site has historically been used by the Water Utility for open material storage and is the only property east of N. Stoughton Road in the immediate surrounding area that has industrial, non-commercial zoning. Properties east and south of the site are zoned C3L Commercial Service and Distribution District zoning, and have either been developed with or are envisioned to be developed in the future with a variety of retail and service uses, including the east side Wal-Mart and Cub Foods, which are located across Commercial Avenue from the site. However, C3L zoning does not permit residential uses.

As with any zoning map amendment, the Plan Commission shall not recommend the adoption of a proposed map amendment unless it finds that the proposed rezoning is “in the public interest and is not solely for the interest of the applicant, and shall not recommend a proposed amendment without due recognition of the master plan of the City.” In addition, Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be *consistent with* the City’s comprehensive plan. “Consistent with” was clarified earlier this year by Wisconsin Act 372 as “further or does not contradict the objectives, goals and policies contained in the comprehensive plan.”

The subject site is recommended in both the 2006 Comprehensive Plan and the 1987 East Towne-Burke Heights Neighborhood Development Plan, as amended, for General Commercial uses. While the proposed zoning map amendment may facilitate the potential future development of the subject site for a use that can be considered residential in character, the Planning Division believes that the Plan Commission can find the proposed rezoning to C2 commercial zoning consistent with the General Commercial land use recommendations for the site. General Commercial districts in the Comprehensive Plan are typically located along major thoroughfares and at highway intersections and are generally recommended for the development of a variety of predominantly—but not exclusively—non-residential uses including larger-scale retail, service and office uses, health care facilities, hotels and motels, wholesale storage and distribution uses, and automobile-oriented uses, including vehicle sales. Staff believes that many of these criteria are present at the subject site given its location adjacent to an existing large-scale commercial center off N. Stoughton Road near the interchange of State Highway 30. Furthermore, the proposed C2 zoning of the site could allow uses to be developed that are similar in nature to other nearby land uses.

In addition, should the subject site be developed in the future with the residential-type uses proposed by Porchlight, staff believes that those residential uses would not be inconsistent with the General Commercial district recommendation in the Comprehensive Plan. While some of the uses

recommended for lands with the General Commercial designation may have physical or operational characteristics considered in some cases to be incompatible with residential activities, the inclusion of residential uses in General Commercial districts may be appropriate in certain limited instances, and in limited cases have been recommended for other areas of the City with the same land use recommendation, including an area on the west side between the Beltline Highway and Mineral Point Road centered on Odana Road.

The Wetland zoning of a portion of the property is also proposed to be amended with the subject ordinance to reflect a contemporary wetland delineation of the subject site. The recent delineation confirmed the presence of wetlands on low-lying portions of the site along most of the northern property line as well as a narrow band located on the eastern third of the site paralleling Commercial Avenue. The field-delineated wetland deviates significantly from the current Wetland zoning on the site, which covers most of the *western* third of the site. The proposed change to the W zoning will allow the zoning to conform to the actual wetland.

Staff Recommendation

The Planning Division recommends that the Plan Commission forward Zoning Map Amendments 3507 and 3508, rezoning 4002 Nakoosa Trail from M1 and W to C2 and W, to the Common Council with a recommendation of **approval**, subject to input at the public hearing. The rezoning was not provided to reviewing agencies for comment, as no site changes are proposed at this time. Future development of the site will require prior review by City agencies prior to the issuance of building permits.