



Application Type: Zoning Map Amendment

Sponsor: Syed Abbas, 12th Alder District

Requested Actions:

1. ID [69497](#) – Approval of a request to rezone 1010 North Street from TR-C4 (Traditional Residential–Consistent 4) District to PR (Parks and Recreation) District;
2. ID [69498](#) – Approval of a request to rezone 2003 Aberg Avenue, 910 Oscar Avenue, 2228 Myrtle Street, 2231 Myrtle Street, and portions of 2002 and 2150 Commercial Avenue from CC-T (Commercial Corridor–Transitional) District and IG (Industrial–General) District to IL (Industrial–Limited) District; approval of a request to rezone 2002 and 2150 Commercial Avenue and 702 Oscar Avenue from IG (Industrial–General) District to RMX (Regional Mixed-Use) District; approval of a request to rezone 1201 Huxley Street from IL (Industrial–Limited) District to TR-U1 (Traditional Residential–Urban 1) District; approval of a request to rezone 1201 Huxley Street and 1910 Roth Street from IL (Industrial–Limited) District to TR-U2 (Traditional Residential–Urban 2) District; and approval of a request to rezone 1126 Huxley Street from IL (Industrial–Limited) District to CC-T (Commercial Corridor–Transitional) District;
3. ID [69517](#) – Substitute – Approval of a request to rezone 2007 Roth Street from IG (Industrial–General) District to CN (Conservancy) District; approval of a request to rezone 2007 Roth Street from IG (Industrial–General) District to TR-U2 (Traditional Residential–Urban 2) District; and approval of a request to rezone 701-705 Ruskin Street, 2007 Roth Street, and 1810 and 1834 Commercial Avenue from IL (Industrial–Limited) District to RMX (Regional Mixed-Use) District;
4. ID [69535](#) – Approval of a request to rezone 1115 O’Neill Avenue and 1810 Roth Street from IL (Industrial–Limited) District to CC-T (Commercial Corridor–Transitional) District; approval of a request to rezone 1125-1135 Ruskin Street and 1126-1138 O’Neill Avenue from CC-T (Commercial Corridor–Transitional) District to TR-U1 (Traditional Residential–Urban 1) District; and approval of a request to rezone 1113-1117 Ruskin Street, 1106-1114 O’Neill Avenue, and 1802-1804 Roth Street from CC-T (Commercial Corridor–Transitional) District to TR-U1 (Traditional Residential–Urban 1) District;
5. ID [69538](#) – Approval of a request to rezone 702 Ruskin Street from IL (Industrial–Limited) District to CC-T (Commercial Corridor–Transitional) District and to CN (Conservancy) District;
6. ID [69539](#) – Approval of a request to rezone the northerly approximately 100 feet of 1741 and 1825 Commercial Avenue, and all of 2001 and 2125 Commercial Avenue, and 2401, 2413, 2417, and 2510 Pennsylvania Avenue from IL (Industrial–Limited) District to CC-T (Commercial Corridor–Transitional) District;
7. ID [69540](#) – Approval of a request to rezone 1902 E Johnson Street and 2010-2030 Pennsylvania Avenue from IL (Industrial–Limited) District to RMX (Regional Mixed-Use) District; and
8. ID [69541](#) – Approval of a request to rezone 1909 Aberg Avenue from IL (Industrial–Limited) District to TR-U1 (Traditional Residential–Urban 1) District.

Prepared By: Timothy M. Parks, Planning Division

Reviewed By: Heather Stouder, Director, Planning Division

Background Information

On February 1, 2022, Ald. Syed Abbas, 12th District, introduced a series of eight zoning map amendments to begin to implement the land use recommendations in the [Oscar Mayer Special Area Plan](#), which was adopted by the Common Council on July 21, 2020 by Resolution 20-00534 (ID [59745](#)) to guide future land uses, street networks

and transportation facilities, urban design, and open spaces for the area of the City of Madison roughly bounded by Packers Avenue and Pennsylvania Avenue on the east, Aberg Avenue on the north, and Fordem Avenue and N Sherman Avenue to the west. The introduction of the eight proactive zoning map amendments is consistent with the direction given to the Planning Division by the Common Council during the adoption of the Oscar Mayer Special Area Plan to prepare and forward to the Common Council for consideration recommended zoning map amendments in the study area that will support implementation of the goals and objectives in the plan.

Following adoption of the special area plan and the direction given to the Planning Division by the Common Council, staff provided the Plan Commission an informational presentation on the proactive rezoning process on April 19, 2021. The eight proposed amendments are consistent with the guidance provided by the Plan Commission at that meeting, which included:

- That RMX (Regional Mixed-Use) zoning be pursued for the southern tip of the planning area for the "underutilized" warehouse area;
- That CC-T (Commercial Corridor–Transitional District) be zoned for the "triangle" area on Commercial Avenue west of Packers Avenue;
- That RMX and TR-U (Traditional Residential–Urban) districts are appropriate adjoining the Hartmeyer property;
- That north of Roth Street, CC-T and TR-U1 (Traditional Residential–Urban 1) be zoned as shown in Option 2;
- That the Hartmeyer property be zoned CN (Conservancy) instead of PR (Parks and Recreation) but recognizing that, given the planned amount of housing in the area, some of that land may be needed for active recreation, which may require some PR zoning. There was also support for just officially mapping the future park without addressing the zoning until later.
- That the Shopko Drive area north of Aberg Avenue and east of Packers Avenue be zoned for employment or light industrial uses if rezoned from PD (Planned Development); members were discouraging of residential in that area. Ald. Abbas suggested that the Madison Gas and Electric property on Pankratz Street be rezoned from SE (Suburban Employment) to IL to prevent residential development and better reflect Madison Gas and Electric 's future plans for that property.
- That the Ruskin Street area north of Commercial Avenue to be left IL (Industrial–Limited District) or rezoned to CC-T or similar district that keeps most uses conforming but moves zoning closer towards plan recommendations.
- That nonconformities be avoided, but not at all costs, because in some cases, implementing the recommendations in the adopted special area plan should be of greater importance.

Information from the April 19, 2021 discussion, including public comments, may be found under ID 65144 ([link](#)).

As with any zoning map amendment, notice of the rezonings was published notice in the City's newspaper of record (the Wisconsin State Journal) and notices were mailed to the property owners and occupants within 200 feet of the areas subject to the map amendments.

The proposed rezonings are a companion to a related proposals to officially map some of the streets recommended in the Oscar Mayer Special Area Plan; please refer to Resolutions ID [69518](#) and [69519](#) for more information on that effort.

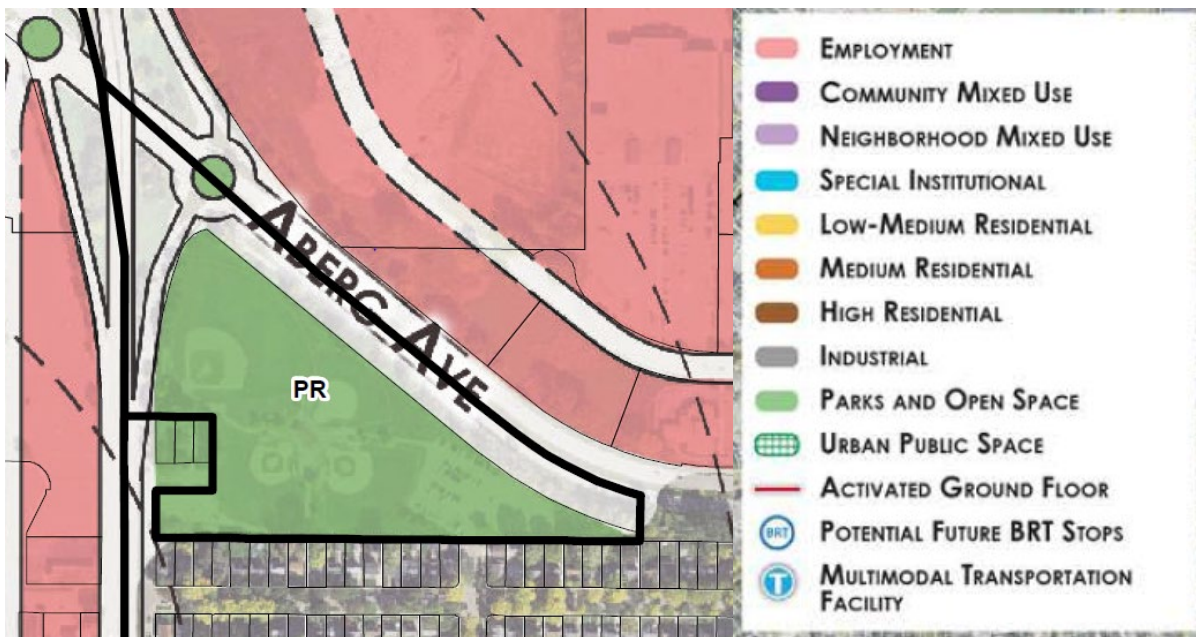
Project Overview

Note: In Maps 1-8 on the following pages, the proposed zoning districts are outlined, labeled, and overlaid on excerpts from the Future Land Use Plan (page 25 of the [Oscar Mayer Special Area Plan](#)). The land use categories recommended in the special area plan are attached for reference at the end of this staff report.

ID [69497](#) – Approval of a request to rezone 1010 North Street from TR-C4 to PR.

Existing Use: East Madison Little League fields and facilities occupy the 14.2 acres, which are owned by OM Land, LLC, the principal owner of much of the former Oscar Mayer-owned properties west of Packers Avenue. Access to the baseball park is provided at the ends of North Street and Roth Street/Packers Avenue Service Road. The predominantly single-family properties to the south are zoned TR-C4. The proposed rezoning does not include three residential parcels at 2248-2256 Roth Street, which are similarly recommended for Park and Open Space but are not owned by OM Land, LLC.

Map 1: Plan Recommendation and Proposed Zoning District (69497):



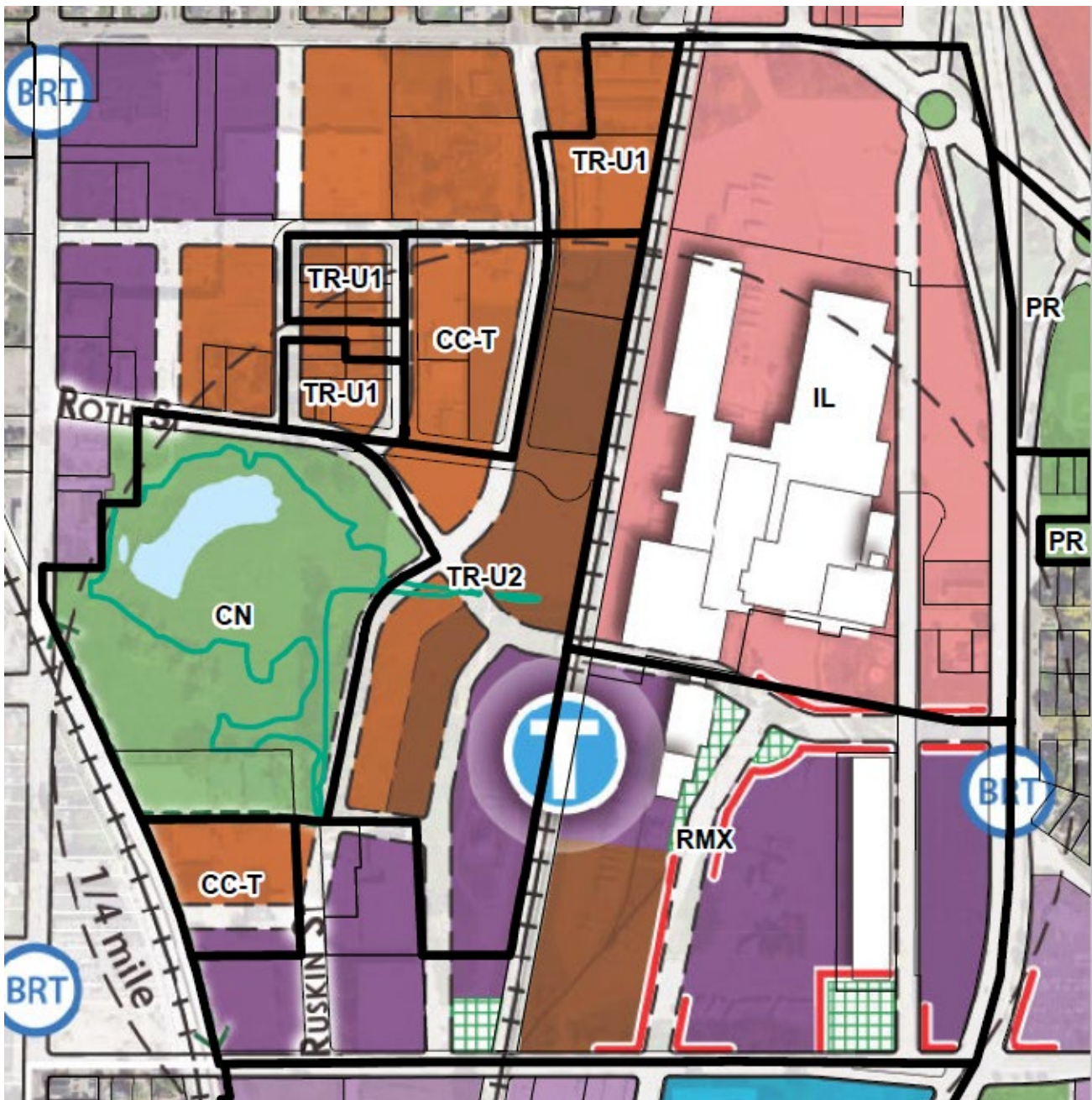
ID [69498](#) – Approval of a request to rezone 2003 Aberg Avenue, 910 Oscar Avenue, 2228 Myrtle Street, 2231 Myrtle Street, and portions of 2002 and 2150 Commercial Avenue from CC-T and IG to IL; approval of a request to rezone 2002 and 2150 Commercial Avenue and 702 Oscar Avenue from IG to RMX; approval of a request to rezone 1201 Huxley Street from IL to TR-U1; approval of a request to rezone 1201 Huxley Street and 1910 Roth Street from IL to TR-U2; and approval of a request to rezone 1126 Huxley Street from IL to CC-T.

Existing Zoning, Land Uses, and Proposed Zoning:

Parcel Address	Current Zoning	Existing Use	Proposed Zoning
2003 Aberg Ave	IG	Vacant/ surface parking	IL
1910 Roth St	IL	Vacant	TR-U2

702 Oscar Ave	IG	One-story multi-tenant flex comm. building	RMX
910 Oscar Ave	IG	Nine-story office/industrial building	IL, RMX
1126 Huxley St	IL	Vacant land and leased storage yard	CC-T
1201 Huxley St	IL	North Transfer Point and park and ride	TR-U1, TR-U2
2002 Commercial Ave	IG	Industrial accessory structures and parking	IL, RMX
2150 Commercial Ave	IG	Surface parking	IL, RMX
2228 Myrtle St	CC-T	One-story commercial building	IL
2231 Myrtle St	CC-T	Former tavern	IL
2235 Myrtle St	CC-T	Single-family residence	IL

Map 2: Plan Recommendations and Proposed Zoning Districts (69498):

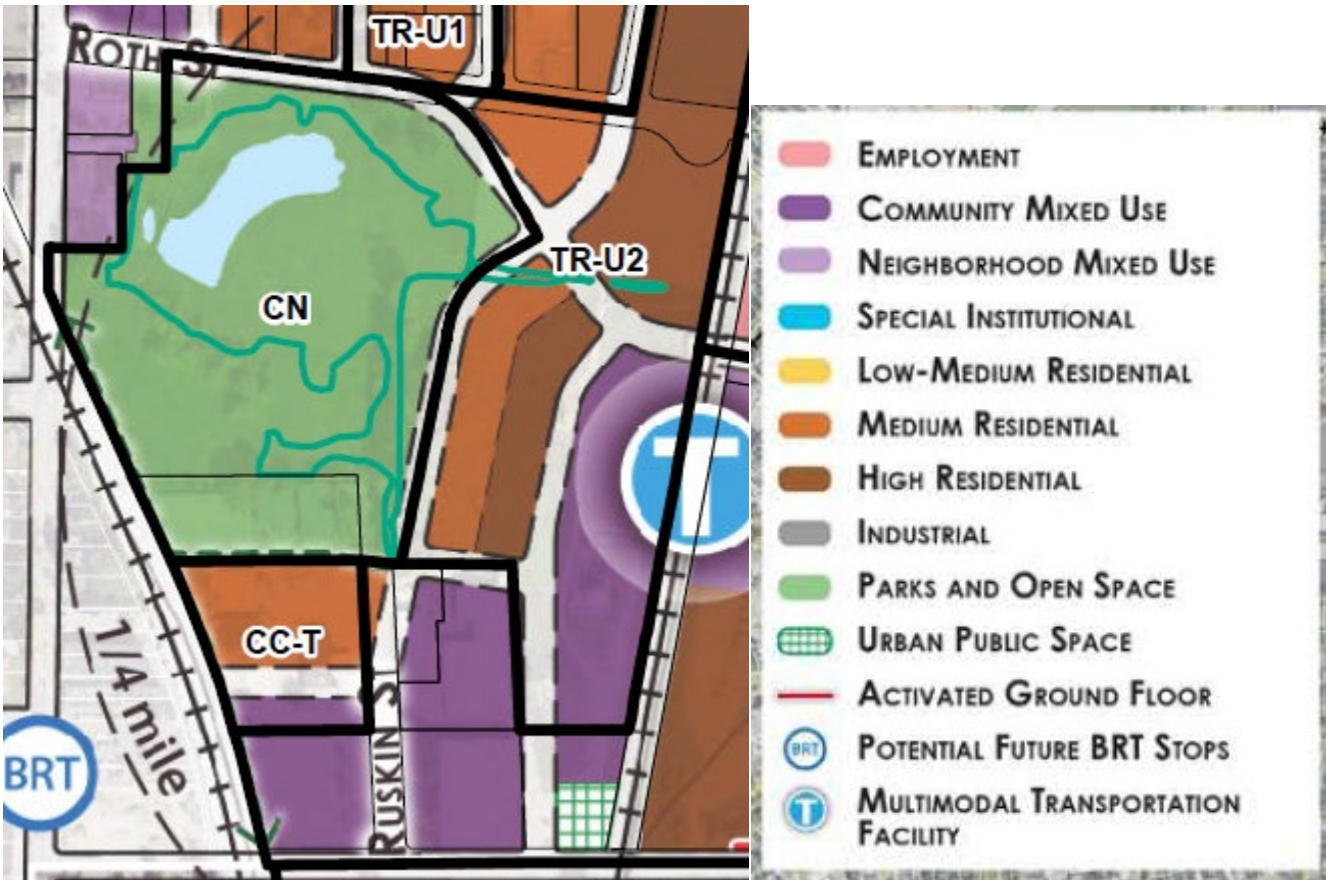


ID [69517](#) – Substitute – Approval of a request to rezone 2007 Roth Street from IG to CN and TR-U2; and approval of a request to rezone 701-705 Ruskin Street, 2007 Roth Street, and 1810 and 1834 Commercial Avenue from IL to RMX.

Existing Zoning, Land Uses, and Proposed Zoning:

Parcel Address	Current Zoning	Existing Use	Proposed Zoning
2007 Roth St	IG	Vacant/ surface parking/ wetland	CN, RMX, TR-U2
701 Ruskin St	IL	Industrial buildings/ cell tower	RMX
705 Ruskin St	IL	Storage building	RMX
1810 Commercial Ave	IL	Surface parking lot	RMX
1834 Commercial Ave	IL	Hartmeyer Ice Arena	RMX

Map 3: Plan Recommendations and Proposed Zoning Districts (69517):

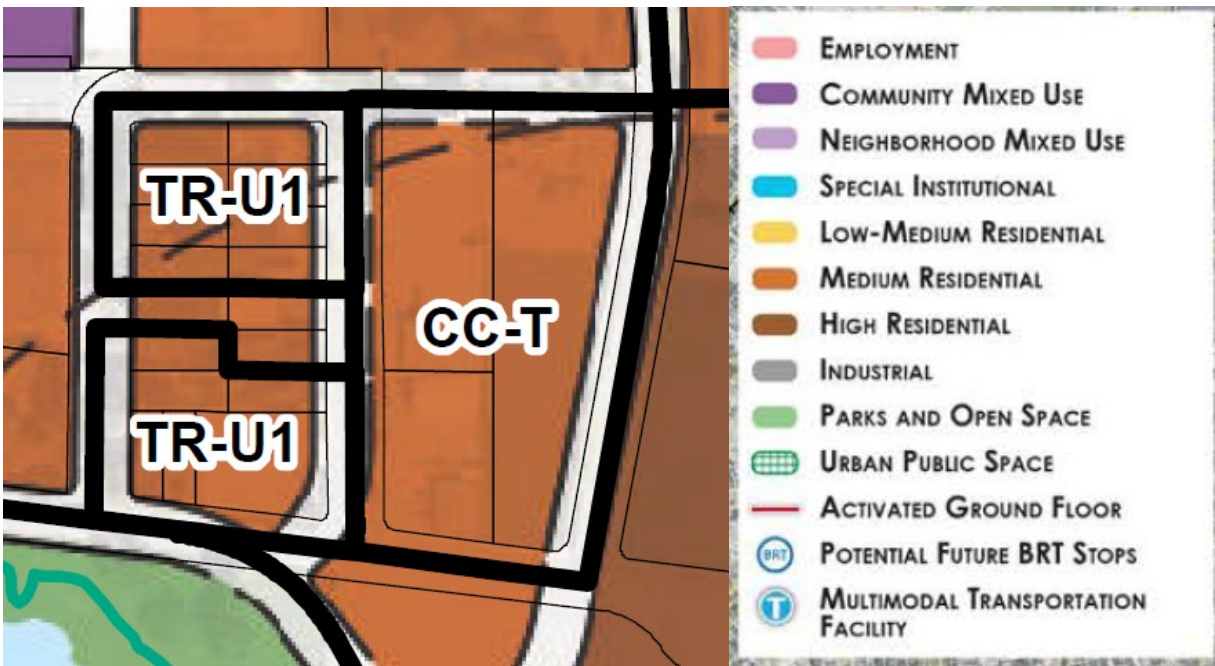


ID [69535](#) – Approval of a request to rezone 1115 O’Neill Avenue and 1810 Roth Street from IL to CC-T; approval of a request to rezone 1125-1135 Ruskin Street and 1126-1138 O’Neill Avenue from CC-T to TR-U1; and approval of a request to rezone 1113-1117 Ruskin Street, 1106-1114 O’Neill Avenue, and 1802-1804 Roth Street from CC-T to TR-U1 District.

Existing Zoning, Land Uses, and Proposed Zoning:

Parcel Address	Current Zoning	Existing Use	Proposed Zoning
1106 O'Neill Ave	CC-T	TMBRZ Storage	TR-U1
1114 O'Neill Ave	CC-T	Single-family residence	TR-U1
1115 O'Neill Ave	IL	Decker Supply	CC-T
1126 O'Neill Ave	CC-T	Single-family residence	TR-U1
1130 O'Neill Ave	CC-T	Single-family residence	TR-U1
1134 O'Neill Ave	CC-T	Single-family residence	TR-U1
1138 O'Neill Ave	CC-T	Single-family residence	TR-U1
1802 Roth St	CC-T	Two-family residence	TR-U1
1804 Roth St	CC-T	Vacant	TR-U1
1810 Roth St	IL	Lockerroom Sports Bar & Grill	CC-T
1113 Ruskin St	CC-T	Single-family residence	TR-U1
1117 Ruskin St	CC-T	Single-family residence	TR-U1
1125 Ruskin St	CC-T	Single-family residence	TR-U1
1129 Ruskin St	CC-T	Single-family residence	TR-U1
1133 Ruskin St	CC-T	Single-family residence	TR-U1
1135 Ruskin St	CC-T	Single-family residence	TR-U1

Map 4: Plan Recommendations and Proposed Zoning Districts (69535):

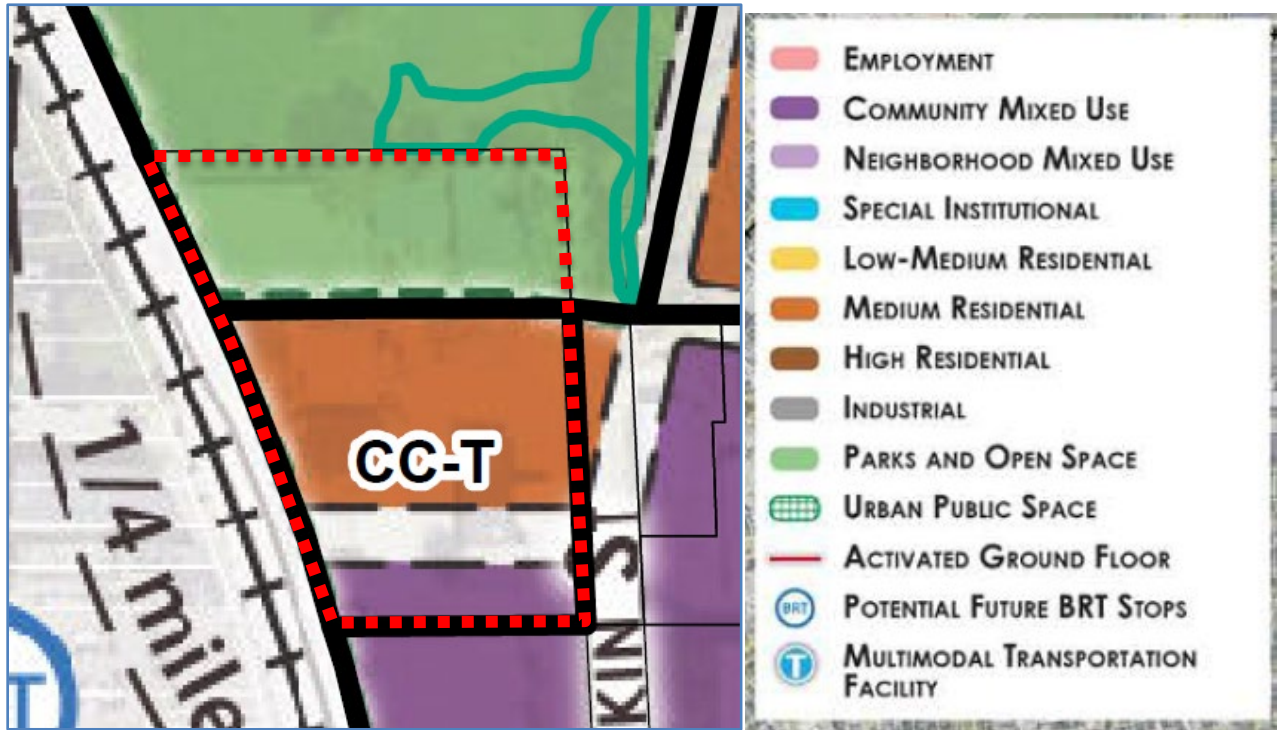


ID [69538](#) – Approval of a request to rezone 702 Ruskin Street from IL to CC-T and CN.

Existing Use: The 4.5-acre parcel generally addressed as 702 Ruskin Street is developed with a series of five mostly one-story flex commercial/industrial buildings (702, 710, 714, 718 and 722 Ruskin) in IL zoning. According to City records, the buildings were built between 1947 and 2005, with approximately 31,700 square feet of floor area shown in the Assessor’s records. The last site plan on file shows 44 parking spaces and a series of loading areas

servicing the various buildings; access is provided from the northern street end of Ruskin Street, which transitions from an improved public street to an unimproved private thoroughfare at the southeastern corner of the property.

Map 5: Plan Recommendations and Proposed Zoning Districts (69538):



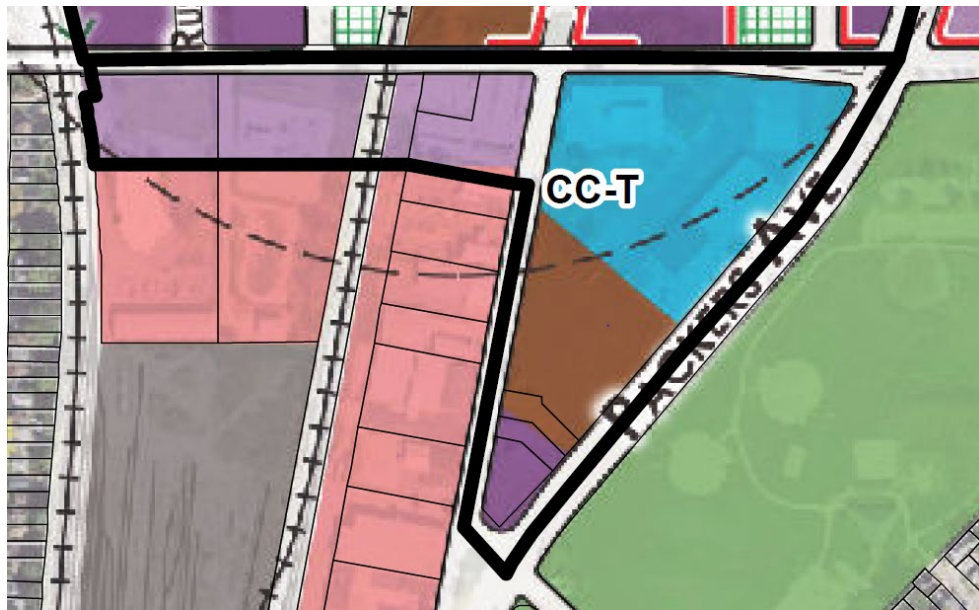
* Red-dashed area represents the boundary of 702 Ruskin Street

ID [69539](#) – Approval of a request to rezone the northerly approximately 100 feet of 1741 and 1825 Commercial Avenue, and all of 2001 and 2125 Commercial Avenue, and 2401, 2413, 2417, and 2510 Pennsylvania Avenue from IL to CC-T.

Existing Land Uses:

Parcel Address	Existing Use
North 100' of 1741 Commercial Ave	The area to be rezoned is mostly vacant. South of the area to be rezoned, the property is developed with a two-story office building.
North 100' of 1825 Commercial Ave	Madison Gas & Electric electrical substation
2001 Commercial Ave	Madison Gas & Electric equipment yard
2125 Commercial Ave	Madison College Commercial Avenue Education Center
2510 Pennsylvania Ave	Penn Self-Storage
2401 Commercial Ave	Broadway Tire and Auto
2413 Pennsylvania Ave	Rose Custom and Collision
2417 Pennsylvania Ave	Slice's Bar and Grill

Map 6: Plan Recommendations and Proposed Zoning District (69539):



ID [69540](#) – Approval of a request to rezone 1902 E Johnson Street and 2010-2030 Pennsylvania Avenue from IL to RMX.

Existing Land Uses:

Parcel Address	Existing Use
1902 E Johnson St	Two-story, approximately 101,000 square-foot warehouse
2010 Pennsylvania Ave	One-story, 32,516 square-foot warehouse
2030 Pennsylvania Ave	Approximately 84,000 square feet of office, shop and warehousing in a series of one-story buildings owned by Hooper Construction

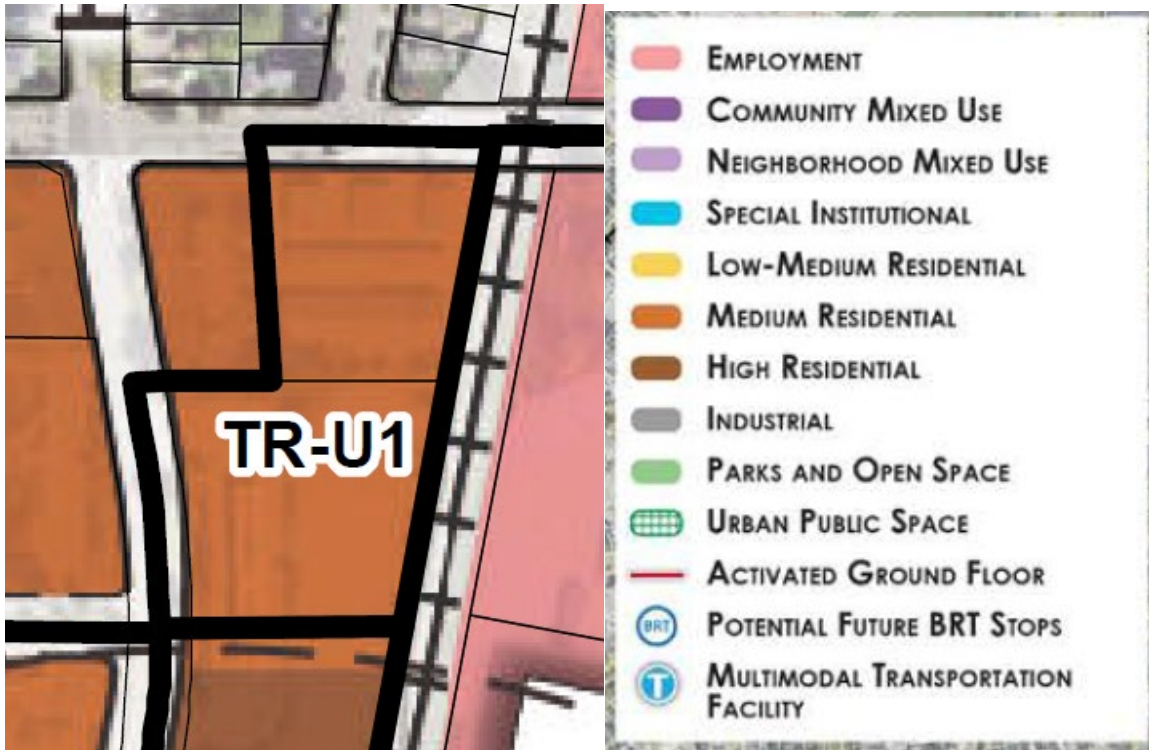
Map 7: Plan Recommendations and Proposed Zoning District (69540):



ID [69541](#) – Approval of a request to rezone 1909 Aberg Avenue from IL to TR-U1.

Existing Use: The approximately 1.3-acre site is developed with a series of one-story personal indoor storage buildings located adjacent to the recently established Occupy Madison portable shelter community at 1901 Aberg.

Map 8: Plan Recommendation and Proposed Zoning District (69541):



Analysis

Consistency with Adopted Plans

As noted earlier in the Background Information section, the Common Council directed the Planning Division to prepare zoning map amendments to implement the land use recommendations in the [Oscar Mayer Special Area Plan](#) during the adoption of the plan in July 2020. At the time, large-scale “proactive” zoning map amendments for select properties were not a common plan implementation tool used by the City. Instead, plan implementation typically occurred when a property owner pursued a change in use and/or redevelopment of their property, with the exception of the adoption of the current Zoning Code effective January 2, 2013, when some areas of the City were zoned consistent with contemporary plan recommendations but in some cases differently than they had been zoned under the 1966 Zoning Code.

Subsequent to the adoption of the [Oscar Mayer Special Area Plan](#), an effort was made to proactively rezone properties along the north side of Milwaukee Street in the [Milwaukee Street Special Area Plan](#) area in the fall of 2020, which culminated in a limited rezoning of property at 3650 Milwaukee Street from IL to CC-T.

The Planning Division believes that the proposed districts included in the eight zoning map amendment ordinances for the Oscar Mayer area can implement the various land use recommendations and redevelopment goals and objectives included in the special area plan. While it is possible that another zoning district could better implement a development proposal for a specific area or parcel of land, staff feels that the proposed districts will adequately begin to set the direction for the future development envisioned by the plan. Additional approvals, including demolition permits, conditional uses, and subdivisions may be needed before a specific site may be used consistent with the proposed zoning districts.

Nonconformities Created by the Amendment

The proposed zoning map amendments will create zoning nonconformities on some of the parcels to be rezoned, and the Plan Commission should carefully consider the potential impact on the affected properties when making its recommendation on the zoning map amendment to the Common Council.

Nonconformities are governed by Subchapter 28M of the Zoning Code, Sections 28.190–28.195, which address nonconforming uses, buildings or structures, and lots, and provide the processes for restoring a nonconforming building or structure and obtaining a certificate of occupancy for a nonconforming use. The purpose of this Nonconformities subchapter is to specify the circumstances and conditions under which these nonconforming uses, buildings, structures, and lots shall be permitted to continue.

In general, a lawful nonconforming use of a building, structure, or land existing on the effective date of the Zoning Code (or an amendment thereto) may be continued although it does not conform to the provisions of the code, provided that structural repairs or alterations to the building do not exceed 50% of the total assessed value of the building, the nonconforming use is not extended or expanded, and the building does not become and remain vacant or the nonconforming use of the land cease for a continuous period of twelve months. A lawful nonconforming building may be continued although it does not conform to the provisions of the Zoning Code with respect to bulk (setback, open space, floor area ratio, height, parking, etc.) provided that any additions or enlargements shall conform to the provisions of the code as amended. Finally, a lawful nonconforming building existing on the effective date of the Zoning Code that has been damaged or destroyed may generally be restored to the size, location, and use that it had immediately before the damage or destruction occurred if the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation. The size of the restored building or structure may be larger than the size it was immediately before the damage or destruction if necessary for the building to comply with applicable state or federal requirements (such as the Building Code).

Any person having a legal or equitable interest in a property with a nonconforming use shall obtain a certificate of occupancy from the Zoning Administrator. Such person shall present evidence that the use was a lawful permitted or conditional use at the time it originated and was made nonconforming by the adoption of the Zoning Code or any amendment thereto, or was made nonconforming by the Zoning Code in effect at the time the current code was adopted.

The summary of the nonconformities section above is intended to capture the potential effect of the proposed zoning map amendments and is not intended to supplant the full text of the Zoning Code, case law, or Wisconsin statutes. In addition to City Zoning and state law provisions for nonconforming uses and structures, the creation of nonconforming uses and structures can affect the ability of a property owner to obtain financing, the interest rate for said financing, the insurance policies and coverage that lenders may require a property owner with a nonconforming use or structure to carry, and potential increased cost for those policies.

Conclusion and Recommendation

The eight proposed zoning map amendments outlined above are generally consistent with future land use recommendations in the Oscar Mayer Special Area Plan. Staff is generally supportive of this proactive approach to plan implementation, while acknowledging its complexity and the chance for differing and nuanced impacts on property owners. Particularly with regard to existing property in industrial zoning districts, many of the recommended new zoning districts allow for uses that are quite different from those allowed in the zoning districts in place today. In some cases, these changes may result in legal, nonconforming uses, but in most cases, the new zoning districts will provide a strong framework for relatively intensive mixed-use redevelopment as envisioned in the Oscar Mayer Special Area Plan.

Planning staff believes that most of the affected property owners are aware of the proposed zoning changes, having participated in or followed the special area plan process. Additionally, staff held an informational meeting about the proactive rezonings in February 2021 prior to the April 2021 Plan Commission discussion. However, staff is aware of at least some concerns about the economic impacts of the proposed rezonings. While staff has provided a single, coherent overview of all eight proposed zoning map amendments in this report, the Plan Commission and Common Council may wish to discuss and take action on the proposed changes separately, depending on input at the public hearing.

If, following input at the public hearing the Plan Commission can find the standards for zoning amendments are met, the Planning Division recommends that the Plan Commission forward the eight zoning map amendments listed on page 1 to the Common Council with recommendations of **approval**.

FUTURE LAND USE CATEGORY DESCRIPTIONS

The following land use categories provide general descriptions of the character and type of uses that can occur in each land use category. They are based on the Comprehensive Plan future land uses. Please consult the City’s Comprehensive Plan (2018) for further description of the districts.

The sections that follow provide more site-specific urban design and height recommendations.

MEDIUM RESIDENTIAL

This category includes generally larger multifamily buildings interspersed with smaller housing types. This is characterized as the more intense end of “missing middle” housing. Medium residential housing types are appropriate close to major corridors, mixed-use areas, and/or commercial/employment areas. When adjoining less intense uses, future development should step down and be scaled to transition with less intense adjacent development.



NEIGHBORHOOD MIXED USE

This category includes uses that mainly serve nearby residents, though some buildings may also include specialty businesses, services, or civic uses that attract customers from a wider area. Typical uses include residential above commercial spaces (retail, restaurant, service or institutional). Commercial spaces should be constructed in a range of sizes to add variety and encourage a mix of different commercial users.



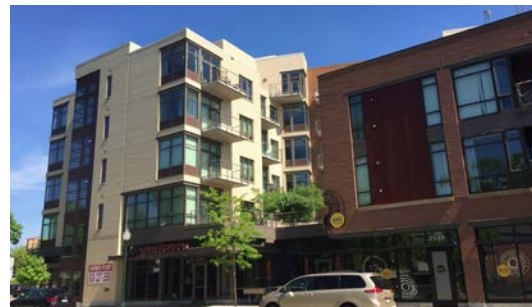
HIGH RESIDENTIAL

High Residential includes larger and taller multi-family buildings. This housing type is appropriate along major streets and transit corridors, and should be well-connected with surrounding development as part of a complete neighborhood. High Residential is designated mainly along the rail corridor and adjacent to the potential multimodal facility to take advantage of the transit access.



COMMUNITY MIXED USE

Community Mixed Use is generally a high-intensity Activity Center that integrates residential, retail, office, institutional, and civic uses (such as transit facilities), to serve residents, employees and visitors from the surrounding area and the community as a whole. Community Mixed Use District should create a walkable node or corridor and be located adjacent to existing or planned transit.



EMPLOYMENT

This category includes predominantly office, low-impact manufacturing, specialized employment, research and development, and medical uses. They do not generally include retail and customer service uses for the wider community but may include limited retail, and service establishments that primarily serve employees and users of the area. All uses should be compatible with the density and scale of surrounding development.



INDUSTRIAL

This category is comprised of heavier industrial uses and is not typically within close proximity to residential and mixed use areas. It can accommodate manufacturing, wholesale, storage, distribution, transportation, repair/maintenance, and utility uses. Buildings and site improvements may be more simple and vehicle-oriented than in other land use categories.



ACTIVATED GROUND FLOOR



This is recommended in strategic areas that should have ground floor retail and services regardless of its land use designation. This includes uses that appeal to the future employees of the employment center and to the adjoining current and future neighborhood residents. It is intended to generate pedestrian activity along certain street corridors and within the Oscar Mayer site.

WHAT IS AN “ACTIVITY CENTER”

An Activity Center is an area that is more intensely developed than its surroundings and serves as the visual and/or functional center of a neighborhood, multiple neighborhoods, or a district. Activity Centers are typically mixed-use areas that contain some or all of the following uses: residential, retail, service, employment, civic, institutional, and parks or public space. The mix of uses in close proximity and the intensity of development, when paired with robust transit service, can combine to lessen car traffic and increase walking, bicycling, and transit use when compared to lower-intensity and/or single-use development.

Source: City of Madison Comprehensive Plan.

SPECIAL INSTITUTIONAL

This category includes college campuses, schools, and larger places of assembly and worship. Building scale and design standards should be consistent with the Special Institutional category in the Comprehensive Plan.

URBAN PUBLIC SPACE

This category is intended to create multifunctional gathering places and spaces that serve the future and existing community. The urban public space can take the form of plaza space and outdoor dining areas.