



Department of Planning & Community & Economic Development

Planning Division

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TO: Plan Commission

FROM: Timothy M. Parks, Planner
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DATE: November 7, 2016

SUBJECT: Ordinance ID [44743](#) – Attaching 2.25 acres of land owned by the Carey & Slinde Enterprises, LLC to the City of Madison from the Town of Madison, and assigning CC (Commercial Center District) zoning

On September 27, 2016, a petition was filed in the City Clerk's Office by Carey & Slinde Enterprises, LLC to attach a 2.25-acre property located in the Town of Madison at northwestern corner of E. Badger Road and Nob Hill Road to the City of Madison. The parcel to be attached contains approximately 225 feet of frontage along E. Badger Road, and 300 feet of frontage along Nob Hill Road, not including right of way for those roads, which will be attached with this ordinance. The subject parcel is developed with the Badger Bowl indoor recreation and entertainment facility. The property to be attached with this ordinance is surrounded on the north and west by a 3.5-acre parcel under the same ownership already in the City, which is addressed as 502 E. Badger Road and contains the parking lot for the bowling alley. The existing City parcel also has frontage along Rimrock Road and the Beltline Highway and is zoned CC (Commercial Center District).

This ordinance attaches land pursuant to the Cooperative Plan entered into by the City, Town of Madison, and City of Fitchburg, dated October 10, 2003. Pursuant to the Cooperative Plan, individual property owners may petition the City for early attachment following approval by the Town Board. The owner of the combined properties at 502-506 E. Badger Road petitioned the City for early attachment in order to construct a project that is proposed to straddle the current boundary between the Town and the City after it was determined by City and Dane County zoning officials that the proposed redevelopment could not occur in two different jurisdictions. The Town of Madison Board approved of the early attachment and has executed an Early Attachment Agreement and Municipal Revenue Sharing Agreement with the City (authorized by Resolution 16-00744 (ID 44093), adopted by the Common Council of the City of Madison on September 20, 2016) detailing that in exchange for early attachment the City will pay the Town one-half of the City's share of property taxes from the combined parcels until October 31, 2022, when the Town parcel would have otherwise attached to the City under the Cooperative Plan.

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 14th Aldermanic District, Ordinance ID 44743 includes a request to assign permanent CC-Commercial Center District zoning to the property. Section 8.A.1 of the City's intergovernmental agreement and cooperative plan with the Town of Madison and City of Fitchburg 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 property owners are in negotiations to sell 502 and 506 E. Badger Road to an automotive group that intends to raze the bowling alley and construct an auto sales facility on the combined 5.75 acres. Auto sales facilities are permitted uses in the requested CC zoning district. However, the demolition of the existing building and the anticipated size of the new building(s) to be constructed on the site will require Plan Commission approval of a demolition permit and conditional use(s) prior to the issuance of permits for the proposed redevelopment. More detailed plans for the property will be provided on a separate application to be filed following the attachment.

The combined parcels and other primarily commercial properties located along the southern frontage of the Beltline Highway east of Rimrock Road are designated General Commercial by the Comprehensive Plan, with lands otherwise to the east and south recommended for Low-Density Residential uses consistent with the historic residential development pattern along Moorland Road and Badger Lane. Staff believes that zoning the Town parcel to the same CC zoning as adjacent larger parcel under the same ownership already in City is appropriate, and that the zoning is consistent with the General Commercial designation. However, staff notes that care should be given if the site is redeveloped to create an appropriate transition between the subject commercial property and the established low-density residential uses located across Nob Hill Road from the site.

In closing, the Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Ordinance ID 44743, attaching 2.25 acres of land in the Town of Madison at 506 E. Badger Road to the City, and zoning the attached property to the [permanent] CC (Commercial Center) zoning district. No conditions of approval are recommended for the requested zoning map amendment.