



Department of Planning & Community & Economic Development

Planning Division

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TO: Plan Commission
FROM: Timothy M. Parks, Planner
DATE: November 11, 2019
SUBJECT: Ordinance ID [57745](#) – Attaching 40,729 square feet (0.935 acres) of land owned by 30 Nob Hill, LLC to the City of Madison from the Town of Madison, and assigning SE (Suburban Employment District) zoning

On September 25, 2019, a petition was filed in the City Clerk’s Office by Nob Hill, LLC to attach an approximately 0.94-acre property located in the Town of Madison on the north side of Nob Hill Road to the City of Madison. The petition also requests SE (Suburban Employment District) zoning for the property.

The parcel to be attached contains approximately 217 feet of frontage along Nob Hill Road and is partially developed with the former Madison Landau auto upholstery business. The western and northern edges of the site are bound by the right of way for the W Beltline Highway. The 0.94-acre parcel to be attached with this ordinance abuts a 2.37-acre parcel on the east under the same ownership already in the City with the same address. The existing adjacent City parcel is zoned SE. On September 16, 2019, the Plan Commission approved a demolition permit to raze the portion of the former upholstery business located in the City (ID [57103](#)).

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 30 Nob Hill Road petitioned the City for early attachment in order to allow the future redevelopment of the site to occur within one jurisdiction.

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 19-00582 (ID 56648), adopted by the Common Council of the City of Madison on August 6, 2019) 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. The agreement also contains provisions for the property owner/petitioner to connect the future new building to Town sewers located west of the site near Nob Hill Road and Badger Lane.

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 57745 includes a request to assign permanent SE–Suburban Employment 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 Section 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.

The combined parcels and other nearby properties located to the southwest are designated Employment by the 2018 Comprehensive Plan. Lands otherwise to the east and south of the site are recommended for Park and Open Space uses. Staff believes that zoning the Town parcel to the same SE zoning as adjacent larger parcel under the same ownership already in City is appropriate, and that the zoning is consistent with the Employment designation.

In closing, the Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Ordinance ID 57745, attaching 0.94 acres of land in the Town of Madison at 30 Nob Hill Road to the City, and zoning the attached property to the [permanent] SE (Suburban Employment) zoning district. No conditions of approval are recommended for the requested zoning map amendment.