



Requested Actions: Creating Section 28.022 - 00474 of the Madison General Ordinances to assign zoning to properties located north of Siggelkow Road between Interstate 39/90 and the eastern town line at CTH AB as A (Agricultural) District and PR (Parks and Recreation) District, hereinafter referred to as "Area B"; creating Section 28.022 - 00475 to assign zoning to properties located along and south of Femrite Drive east of Interstate 39/90 as IL (Industrial-Limited) District, hereinafter referred to as "Area C"; and creating Section 28.022 - 00476 to assign zoning to properties bounded by the Union Pacific Railroad right of way on the north, the township line with Cottage Grove on the east, Femrite Drive on the south, and Interstate 39/90 on the west as A (Agricultural) District, CN (Conservancy) District, SR-C1 (Suburban Residential - Consistent District 1) District, SR-C3 (Suburban Residential - Consistent District 3) District, CC-T (Commercial Corridor-Transitional) District, and IL (Industrial-Limited) District, hereinafter referred to as "Area D"; all located in the 16th Aldermanic District.

Application Type: Zoning Map Amendment

Legistar File ID # [62411](#)

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Background Information

On February 1, 2005, the Common Council adopted Resolution 05–00087 authorizing the Mayor and City Clerk to execute an Intergovernmental Agreement between the City and the Town of Blooming Grove regarding boundary changes and other urban growth and municipal service delivery issues pursuant to an approved cooperative plan under Wis. Stat. Ch. 66.0307. The agreement was executed on February 18, 2015. The agreement and subsequent cooperative plan adopted by the Council on May 16, 2006 and approved by the State of Wisconsin established a process for the orderly transition of lands in the Town to the City between 2006 and the final attachment of the Town to the City on October 31, 2027, including two phased attachments of specific Town lands to the City before final attachment, the "North Phased Attachment Area" and "South Phased Attachment Area."

On June 16, 2015, the Common Council adopted Ordinance 15–00065 (ID [38625](#)) to implement the North Phased Attachment Area, which includes 915.6 acres (1.43 square miles) of land located north of the Chicago & Northwestern/Union Pacific Railroad right of way and east of Interstate 39/90. The North Phased Attachment Area accrued to the City effective 12:01 AM on December 28, 2015. On December 1, 2015, the Common Council adopted Ordinance 15–00130 (ID [40269](#)) to assign City of Madison zoning to the lands of the North Phased Attachment Area, which were to be attached effective December 28, 2015. The City zoning of the subject properties took effect at 12:01 AM on December 28 concurrent with the effective date of the attachment from the Town.

On July 14, 2020, the Common Council adopted Ordinance 20–00064 (ID [60901](#)) to implement the South Phased Attachment Area, which includes 1,094.46 acres (1.71 square miles) of land located in the right of way of Interstate 39/90 at Femrite Drive and the US Highway 12 and 18 interchange as well as properties located south of the Union Pacific Railroad from the Interstate corridor to the eastern limits of the town. The specific lands comprising the South Phased Attachment Area are shown on the maps attached to the ordinance for reference. The South Phased Attachment Area will accrue to the City effective 12:01 AM on December 28, 2020.

Ordinance ID [62411](#) proposes to assign City of Madison zoning to the lands to be attached effective December 28, 2020, which are currently subject to Dane County zoning. Like the attachment ordinance adopted in June, the proposed ordinance to assign City zoning is broken into 3 areas, Areas A–C. In the following section, staff will summarize the location of each area, the current general use of the lands in each area, and the land use recommendation(s) contained in adopted City plans. If adopted, the City zoning of the subject properties will take effect at 12:01 AM on December 28 concurrent with the effective date of the attachment from the Town.

Planning and Zoning staff reviewed land use records for the affected properties on file when assigning zoning. Staff will be collecting records from Dane County for future reference in answering zoning questions about permits, legal land uses, licenses, etc. The City zoning proposed for the Town of Blooming Grove parcels being attached was chosen primarily based on the districts that would best implement the land use recommendations applicable to those properties contained in adopted City plans, including the Comprehensive Plan and the Yahara Hills Neighborhood Development Plan that apply to the areas or being zoned. The proposed zoning districts were selected secondarily with regard to the existing use of each parcel. In many cases, the proposed City zoning will be different than the existing Dane County zoning that applies in the Town, including in many instances different allowed uses and bulk/ area requirements, and Planning and Zoning staff cannot warranty that zoning nonconformities will not be created through the adoption of the City zoning districts recommended. However, one of the primary objectives for intergovernmental agreements and cooperative plans such as the City’s with the Town of Blooming Grove after allowing for the orderly transition of land in the Town to the City is the ability to assimilate development in the Town to the City, including its various standards for urban development (zoning, service delivery, utilities, etc.).

Any uses in legally in existence pursuant to Dane County zoning at the time that the attachment to the City and proposed zoning take effect on December 28, 2020 may continue as nonconforming uses, buildings or structures, or lots (as applicable), and will be subject to the regulations for nonconformities outlined in Subchapter 28M of the City’s Zoning Code.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward (Substitute) Zoning Map Amendment ID 28.022–00474 to 28.022–00476, inclusive, to the Common Council with recommendations of approval as outlined in the following sections and subject to input at the public hearing.

Overview, Analysis, and Recommendations

Area A: Area “A” is entirely located in the right of way of Interstate 39/90 and therefore not subject to zoning.

Area B: Creating Section 28.022–00474 of Madison General Ordinances to assign zoning to properties located on the north side of Siggelkow Road, east of Interstate Highway 39/90, and west of County Road AB to A (Agriculture District) and PR (Parks and Recreation District). “Area B” consists of five (5) parcels totaling 102.08 acres of land. Most of the area is undeveloped with the exception of one single-family residence. With the exception of the I-39/90 corridor, the [Yahara Hills Neighborhood Plan](#) (2017) recommends park or other open space for all of Area B. Staff recommends zoning to A (Agriculture District) and PR (Parks and Recreation District) due to the predominant agricultural and open space land uses and the NDP recommendation for open space.

Area C: Creating Section 28.022–00475 of Madison General Ordinances to assign zoning to properties located on the northeast of the Interstate I-39/90 interchange with US Highway 12 to IL (Industrial-Limited District). “Area C” consists of eight (8) parcels totaling 143.64 acres of land generally west of the Dane County landfill, south of Femrite Drive, and west of Meier Road extended, including most of the I-39 / US-12 interchange. A single parcel north of Femrite Drive is developed with a single-family residence. Several properties south of and fronting on

Femrite Drive are currently developed with small commercial, light industrial, or agricultural buildings. The southern portion of Area C is generally undeveloped.

The [Yahara Hills Neighborhood Plan](#) (2017) recommends industrial land uses for the northern portions of Area C nearer Femrite Drive. For most of the southern portion of Area C, the NDP recommends stormwater and open space, except for in the extreme southeastern corner. There, the plan maps a small industrial area at the western terminus of the Highway 12 frontage road, more or less surrounded by stormwater and open space.

Staff recommends zoning to IL (Industrial-Limited District) due to the predominant land use for approximately half of the area, the NDP recommendation for industrial land uses, and ability for much of the stormwater and open space areas to be accommodated within the IL district.

Area D: Creating Section 28.022–00476 of Madison General Ordinances to assign zoning to properties generally located south of the Wisconsin & Southern Railroad, predominantly west of County Road AB, and in the vicinity of Meier Road and Femrite Drive to A (Agriculture district), CC-T (Commercial Corridor - Transitional district), CN (Conservancy district), IL (Industrial - Limited district), SR-C1 (Suburban Residential - Consistent 1 district), and SR-C3 (Suburban Residential - Consistent 3 district). “Area D” consists of 50 parcels totaling 950.82 acres of land. While much of the land is undeveloped or currently farmed, there are currently 17 single-family homes within the area, a duplex, a cemetery, and at six properties developed with small farming or commercial buildings. Farmsteads, farmhouses, other groupings of farming buildings, and some small commercial buildings are concentrated along the far western portion of Meier Road and along Buckeye Road/County AB between Meier Road and Femrite Drive. Other farmsteads and residences are spread throughout the area.

The [Yahara Hills Neighborhood Plan](#) (2017) recommends development of a neighborhood with Area D, with some industrial areas. Centered on Buckeye Road, approximately 0.4 miles south of its intersection with the railroad line that forms the northern boundary of Area D, the plan identifies a mixed-use node. Surrounding the node are lands identified as Housing Mix 3, with lands identified as Housing Mix 2 beyond, as well as a park to the southwest of the mixed-use node. Surrounding the mixed-use and higher-density housing, a neighborhood of lower-density Housing Mix 1 is planned for the northeastern third of Area D. Stormwater and other open space for most of the northwest portion of Area D, particularly areas north of Meier Road extended and west of the gas pipeline that runs north-south through Area D. Where Meier Road turns south, and eventually intersects with Femrite Drive, the plan generally recommends industrial land uses, similar to those also recommended to the south, particularly along Femrite Drive. The plan also recommends industrial for large portions of the southeastern portion of Area D, particularly lands directly north of Femrite Drive. Except for small areas with industrial and regional mixed use, all areas south of Femrite Drive are also recommended for stormwater and other open space. Immediately north of Femrite Drive, west of Buckeye Road/County AB, the plan recommends small mixed use areas and designates the existing cemetery as an institutional land use. Stormwater and other open spaces are interspersed throughout Area D.

Due to lengthy anticipated development timelines and current uses, Staff recommends that many parcels in Area D that are currently farmed or support agricultural activities be zoned A (Agriculture district) until such time that development occurs. Staff also recommends zoning portions of Area D to CC-T (Commercial Corridor - Transitional district) and IL (Industrial - Limited district) due to the intersection of the existing commercial and industrial land uses and the recommendations of the [Yahara Hills Neighborhood Plan](#) for either commercial or mixed-use land uses (in the case of CC-T zoning) or industrial. Further, staff recommends zoning portions of Area D to SR-C1 (Suburban Residential - Consistent 1 district) and SR-C3 (Suburban Residential - Consistent 3 district) in situations in which the predominant land use is residential and the NDP recommends further residential land uses. Finally, in currently undeveloped locations that are recommended for parks, stormwater, or other open space in the

neighborhood development plan, Staff recommends zoning those areas to CN (Conservancy district) or A (Agriculture district), per the applicable plan recommendation.

Recommendation

Planning Division Recommendations (Contact Colin Punt, 243-0455)

The Planning Division recommends that the Plan Commission forward (Substitute) Zoning Map Amendment ID 28.022–00474 to 28.022–00476, inclusive, to the Common Council with recommendations of approval subject to input at the public hearing. No conditions of approval are recommended with these map amendments, which will take effect at 12:01 AM on December 28, 2020 concurrent with these parcels attaching to the City.