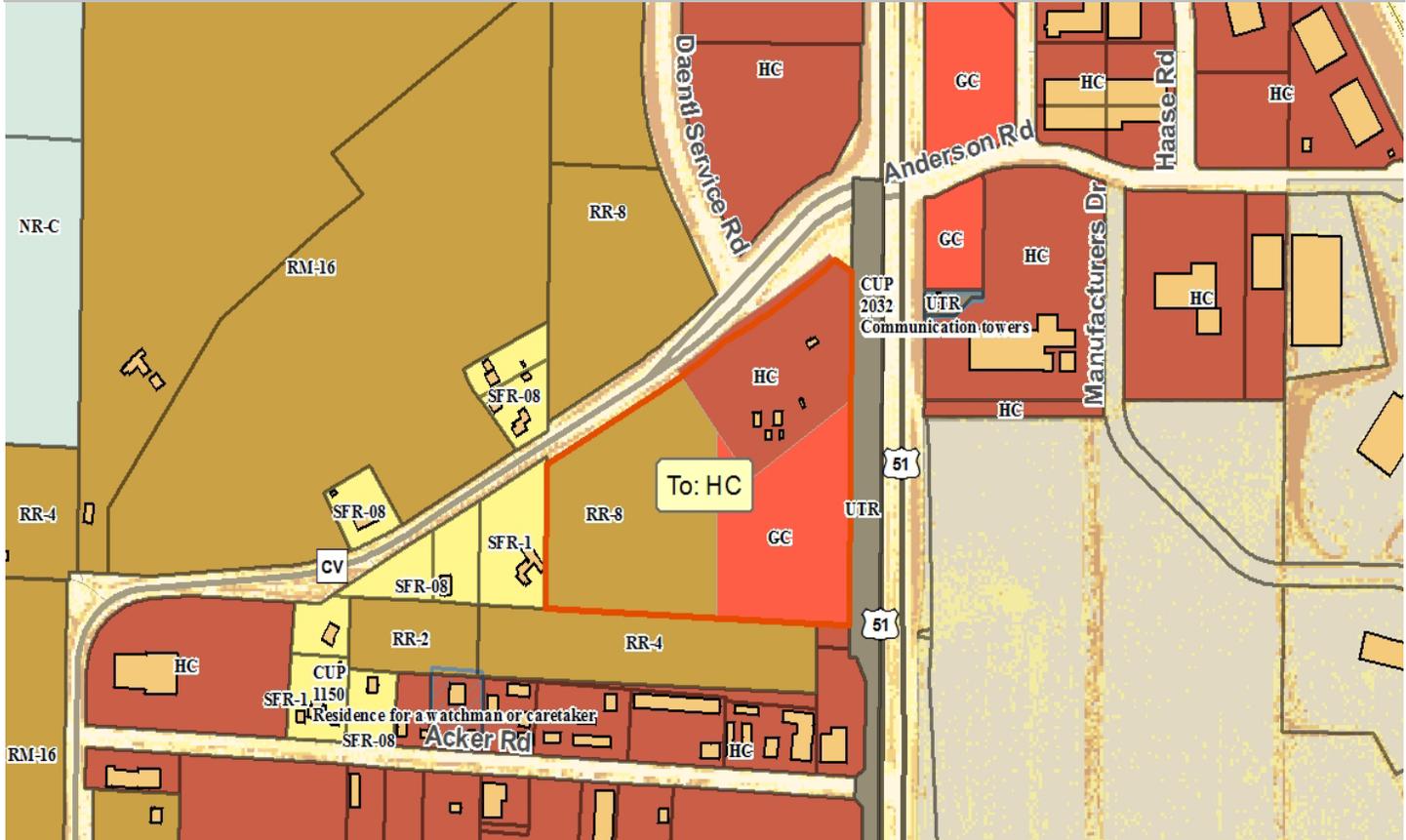


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>December 28, 2021</b>	<b>Petition 11775</b>	
	<i>Zoning Amendment Requested:</i> <b>GC General Commercial District TO HC Heavy Commercial District, RR-8 Rural Residential District TO HC Heavy Commercial District, HC Heavy Commercial District TO HC Heavy Commercial District</b>		
	<i>Size:</i> <b>5.23,7.72,4.6 Acres</b>	<i>Survey Required:</i> <b>Yes</b>	<i>Town/Section:</i> <b>BURKE, Section 8</b>
	<i>Reason for the request:</i> <b>consolidate zoning to allow for commercial development</b>		<i>Applicant:</i> <b>Smitha Chintamaneni / LYNCH ESTATE</b>
		<i>Address:</i> <b>5926 COUNTY HWY CV</b>	



**DESCRIPTION:** Applicant requests approval of HC (Heavy Commercial) zoning on the ~17.5 acre property lying south of CTH CV and west of USH 51. The property currently has 3 different zoning classifications: ~7.5 acres of RR-8 (Rural Residential), 5.24 acres of GC (General Commercial), and 5 acres already zoned HC (Heavy Commercial). The proposed use of the property would be light industrial, office, and sales use for Premier Golf, a company specializing in golf cart sales and distribution in the region.

**OBSERVATIONS:** Existing uses of the property are agriculture / open space and woodland. Surrounding land uses are open space, commercial, and rural residential. There is an area of steep slope topography located on the westerly half of the property. Proposed structural development for Premier Golf would be located on the easterly portion of the property. The property is located within the City of Madison extra-territorial plat review jurisdiction. The property is within the Central Urban Service Area.

**TOWN PLAN:** The property is located in the town’s “industrial / business” planning area. A small area of the property near the corner of CTH CV and US 51 is designated low density residential, but this area coincides with the portion of the property that’s already zoned Heavy Commercial. The property is located in the Boundary Adjustment Area for city of Madison per the cooperative plan between Burke, Madison, Sun Prairie and DeForest. The city’s [Hanson Neighborhood Development Plan](#) future land use map designates the property as “industrial”.

**RESOURCE PROTECTION:** There are no resource protection areas located on the property.

**DANE COUNTY HIGHWAYS:** CTH CV is a controlled access highway. An access permit will be required for change of use of existing access. No new accesses will be permitted. Not enough information provided to estimate traffic volumes. Intersection improvements including turn lanes and passing lane and other improvements will be required to accommodate additional traffic volumes.

**STAFF:** The proposed rezoning appears reasonably consistent with town plan policies. As indicated above, the city of Madison’s Hanson Neighborhood Development plan shows the property as future industrial. The city plan notes that, “Appropriate uses in the industrial area include light manufacturing/assembly and warehousing/distribution”.

The applicant reached out to city of Madison planning staff to inform them of the proposal. City staff have indicated in a letter dated 12/23/21 that the proposal is “generally in compliance” with city plans, and that the proposal will need to conform with various city development requirements such as stormwater management and signage. See attached letter from city staff.

**Industrial Land Uses**

A total of 732.7 net acres is recommended for industrial uses in the Hanson Road Neighborhood. Appropriate uses in the industrial area include light manufacturing/assembly and warehousing/distribution. A number of conditions are present which make this area particularly well-suited for light industrial land uses. As described in the Site Analysis section, regulations associated with airport operations limit the types of uses which may be established on much of the land in the neighborhood. Most of the land targeted for industrial uses consists of relatively large, flat parcels which can be easily developed. The area has excellent access to Interstate Highway 90-94 via the interchange at USH 51, approximately one-half mile north of the planning area. The area also has excellent access to other highways, with USH 51 running through the center of the area and CTH CV running along its western edge. Excellent access to air freight terminals is also available at the adjacent Dane County Regional Airport.

*Excerpt from Hanson Neighborhood Plan*

Given the range and intensity of commercial uses allowed in the Heavy Commercial zoning district, staff suggests restrictions limiting commercial uses to ensure a predictable development pattern with complimentary land uses, as anticipated in the town and city plans for the area. This would include the following commercial land uses in the HC district:

- Indoor sales
- Indoor storage and repair
- Light industrial
- Office uses
- Outdoor sales, display or repair
- Outdoor storage
- Personal or professional service
- Warehousing and distribution facilities

Since the property adjoins existing residential properties to the east, staff would also recommend restrictions prohibiting the installation of off premises signs (billboards) on the portion of the property fronting CTH CV. Note that there are existing billboards on the portion of the property fronting US 51. Per the town / city cooperative plan, both county and city sign regulations, with the more restrictive regulations applying in the event of any conflict.

As noted under the Dane County Highways section above, the applicant will need to work with the department regarding access to County Highway CV.

**STAFF UPDATE:** The petition was postponed at the December 28<sup>th</sup> ZLR committee meeting due to no town action. The town has since approved the petition, subject to several conditions (see below).

Staff recommends approval of the petition with the following conditions (note that the list below includes the town conditions):

1. The owner shall record a deed restriction on the property limiting land uses exclusively to the following:
  - Indoor sales
  - Indoor storage and repair
  - Light industrial
  - Office uses

- Outdoor sales, display or repair
  - Outdoor storage
  - Personal or professional service
  - Warehousing and distribution facilities
2. The owner shall record a deed restriction on the property prohibiting the installation of any new off premises signs (billboards) on the portion of the property fronting CTH CV. There is one existing billboard.
  3. Signage anywhere on the parcel must comply with City of Madison sign regulations and Dane County sign regulations. In the event that the City's sign regulations conflict with Dane County regulations, the more restrictive regulations shall apply.
  4. Prior to development on the property, the stormwater management plan shall be submitted by the City of Madison for conformance with the City's requirements (Chapter 37).
  5. A 40' setback shall be observed on the western boundary of the property to serve as a buffer and natural screening for the existing adjoining residential area.
  6. All outstanding monies owed the Town and incurred in the review of the petition shall be paid in full. This condition must be met or waived by April 29, 2022.

Any questions about this petition or staff report, please contact Majid Allan at (608) 720-0167 or [allan@countyofdane.com](mailto:allan@countyofdane.com)

**TOWN:** The town approved the petition with the following conditions:

5.  *Other Condition(s). Please specify:*  
1) 40 foot setback on west side along residential to allow further buffer and natural screening for existing residential area. 2) Approval of rezone from Dane Cty and satisfaction of condition by April 29, 2022. 3) Outstanding monies owed Town paid in full. 4) Conditions must by met or waived by April 29, 2022 or automatically null and void.