

<p><b>Staff Report</b> <b>Pamela Andros</b></p>  <p><b>Zoning and Land Regulation Committee</b></p>	<p>Public Hearing: <b>November 23, 2021</b></p>	<p><b>CUP 2545</b></p>	
	<p><u>Zoning Amendment Requested:</u> <b>GC General Commercial District TO MFR-08 Multi-Family Residential District</b></p>	<p><u>Town/Section:</u> <b>MADISON, Section 35</b></p>	
	<p><u>Size:</u> <b>1.55 Acres</b></p>	<p><u>Survey Required:</u> <b>No</b></p>	<p><u>Applicant:</u> <b>HANNA'S S &amp; T LLC</b></p>
	<p><u>Reason for the request:</u> <b>114-unit multi-family development</b></p>		<p><u>Address:</u> <b>77 SIRLOIN STRIP</b></p>



**DESCRIPTION:** Applicants own/operate the Mediterranean Hookah Lounge and Café on the ~1.5 acre commercially zoned property. This petition requests approval of MFR (Multi-Family Residential) zoning on the property to allow development of a 6 story apartment building with up to 114 dwelling units. Owners have also submitted a rezoning petition application (#11764) for the same proposal.

**OBSERVATIONS:** The property is located adjacent to West Badger Road, with access via a short segment of public road known as Sirloin Strip. Existing use of the property is commercial (Mediterranean Hookah Lounge and Café). Surrounding land uses to the east, north, and west are residential and commercial. The property is surrounded on 3 sides by the Madison Mobile Home Park. The West Beltline Highway lies immediately to the south of the property. The property sits atop a hill and includes some areas with slopes between 12-20+ % grade.

**TOWN PLAN:** The town of Madison has not adopted a comprehensive plan. There is a [cooperative planning agreement](#) between the town of Madison, City of Madison, and City of Fitchburg that was adopted by the communities in 2003. The plan addresses a wide range of topics, including land use issues, annexation, and the eventual attachment of town lands to the respective cities by 11:59pm on October 30, 2022. Under the agreement, the town and cities were to exercise extra-territorial zoning authority (ETZ), a process whereby a joint committee comprised of town and city representatives make land use decisions. However, the ETZ arrangement was never established.

Over the past two years, the City of Madison has conducted a neighborhood planning effort for the area which led to the development of the draft [South Madison Plan](#), which is in the process of being adopted as a supplement to the city's comprehensive plan. The plan includes detailed recommendations for the immediately surrounding area, including the subject property (see plan excerpt, at right).

**RESOURCE PROTECTION:** No areas of resource protection located on the property.

## COUNTY ZONING ORDINANCE

**Compliance with Standards Required for Granting Conditional Uses:** In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

- 1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
- 2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
- 3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
- 5) That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 6) That the conditional use shall conform to all applicable regulations of the district in which it is located.
- 7) That the conditional use is consistent with the adopted town and county comprehensive plans.
- 8) If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the finding described in Section 10.220(1)

The applicant's responses to these 8 standards can be found in the application materials.

**STAFF:** The subject property and surrounding town of Madison land will be attached to City of Madison in late October 2022. The process of attachment has begun in some respects, including the town adopting the city's building code and contracting with city staff for building permitting and inspection services.

There are numerous aspects of this proposal that do not comply with county zoning regulations. The proposal calls for a 6 story apartment building, which would be in violation of the county code maximum height limit of 4 stories for multi-family residential buildings. The proposal also does not meet the required parking standards of the zoning code (1.5 spaces / dwelling unit). The proposal calls for 117 parking stalls, while 171 would be required by the zoning code. The proposal would also violate the minimum 200' divided highway setback for residential structures.

Perhaps more important is the fact that the proposal is inconsistent with the town/city cooperative plan, provisions of the county comprehensive plan, as well as the city's draft *South Madison Plan*. The proposal would violate the principal purpose of the cooperative plan which is to accomplish, *"...a coordinated, adjusted and harmonious development of the territory covered by the plan which will, in accordance with existing and future needs, best promote public health, safety,*

### *South Madison Plan Excerpt*

...[T]he Plan recommends that the Madison Mobile Home Park ("MMHP") remain a mobile home community as an important source of low-cost housing within the area. See the Housing chapter for more recommendations for MMHP.

Surrounding MMHP, the Future Land Use Map recommends development of new housing in up to five-story buildings along Badger Road west of Rusk Street. New housing in this area should be carefully planned to integrate with the mobile home community that will surround those housing sites. Any redevelopment of the Hookah Lounge site should be built into the hill, with the height of any new construction measured from the grade of Badger Road and not from the top of the hill on which the restaurant is currently located.

*morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.*” As noted in the plan excerpt above, the *South Madison Plan* calls for new housing in the area to be, “...carefully planned to integrate with the mobile home park...” and that, “...redevelopment of the Hookah Lounge site should be built into the hill, with the height of any new construction measured from the grade of Badger Road and not from the top of the hill...”.

With the town already working with various city agencies on the process of attachment, this proposal would further complicate an already complicated process. While eventual redevelopment of the property is anticipated in the city’s draft plan, it would be more appropriate for that development to occur under the city of Madison’s jurisdiction and in accordance with city land use regulations. This is precisely what is called for in the town/city cooperative plan.

**Staff recommends that this application for CUP #2545 be denied** due to the following:

1. The proposal is inconsistent with the City of Madison, City of Fitchburg, and Town of Madison Cooperative Plan.
2. The proposal is inconsistent with the *South Madison Plan*.
3. The proposal violates the height limitations of the MFR zoning district.
4. The proposal does not meet the minimum parking standards of the MFR zoning district.
5. The proposal violates the 200’ minimum setback requirement from a divided highway (West Beltline Highway 12/18).

**TOWN COMMENTS:** The Town of Madison Town Board would like to express their support for the proposed 6 story development project at 77 Sirloin Strip, provided the developer obtain a PUD and meet all other requirements.  
Renee Schwass, Town of Madison Clerk

**CITY OF MADISON:** The city of Madison opposes this proposal and has requested that the county deny petition 11764. Please see the letter from the City of Madison Planning Department dated 11-5-2021.

**STAFF:** Any questions about this petition or staff report please contact Pamela Andros at (608) 261-9780 or [andros@countyofdane.com](mailto:andros@countyofdane.com)