



Department of Planning & Community & Economic Development

Planning Division

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Date: July 19, 2018

To: Supervisor Mary Kolar, Chair, Dane County Zoning and Land Regulation Committee (via email)

From: Heather Stouder, AICP, Director, City of Madison Planning Division

Subject: CUP 02416: 5336 Felland Road, Section 23, Town of Burke

Dear Chair Kolar:

This letter is to supplement the City's May 11, 2018 email communication concerning Conditional Use Permit #02416 for a concrete batch plant at 5336 Felland Road. The City of Madison has reviewed the proposed CUP, and would like to emphasize several concerns to the Zoning and Land Regulation Committee in advance of the Committee's review on August 13.

1. The proposed use is inconsistent with the Town of Burke's Comprehensive Plan, which calls for Medium Density Residential development on the property on the Town's Future Land Use Map. According to page 90 of the Town's Comprehensive Plan, uses appropriate to the Medium Density Residential category are similar to the Low Density Residential category (which allows for single-family development), but can also include "two flats, duplexes, townhouse, and apartments."
2. The proposed use is inconsistent with the City of Madison's Comprehensive Plan, which calls for Low Density Residential on the property. Because the property in question will become part of the City of Madison under an intergovernmental agreement between the City, the Town, the Village of DeForest, and the City of Sun Prairie, the planned future land use within the City should be considered as part of the County's review of the appropriateness of the project under Section 10.255(2)(h) of the County's ordinances.
3. The duties of the Committee, in section 10.255(1)(d) of Dane County ordinances, calls for the Committee to "review rezone and conditional use permit applications for consistency with town and county comprehensive plans." The proposal for a concrete plant is inconsistent with the Medium Density Residential designation on the Town Comprehensive Plan's Future Land Use Map.
4. Section 10.255(2)(h) of Dane County ordinances states that "no application for a conditional use shall be granted by the town board or zoning committee unless such body shall find that all of the following conditions are present . . .". Six conditions are listed, and City staff feels that conditions #2 and #3 cannot be met by the proposed use, specifically:
 - a. Condition #2 states "That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner

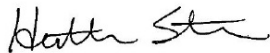
substantially impaired or diminished by establishment, maintenance or operation of the conditional use.” As discussed in numerous communications to the County, the uses, values, and enjoyment of other property in the neighborhood for already permitted purposes would be substantially diminished if the proposed CUP were to move forward. Residential development is clearly incompatible with a concrete batch plant, and the Ambassador Condominiums are located just to the northwest of the Felland/Nelson intersection from the proposed CUP area.

- b. Condition #3 states “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.” As discussed earlier in this letter, approval of the requested CUP would impede the normal and orderly development and improvement of the surrounding property, as reflected in both the Town’s and City’s Comprehensive Plans, both of which call for residential development on the CUP site itself and adjacent land to the west and south. Construction of a use that is industrial in nature at 5336 Felland Road would detrimentally impact the planned development of the surrounding area.

For all the above reasons, the City of Madison requests that the Committee deny CUP 02416 for a concrete batch plant at 5336 Felland Road.

Please do not hesitate to contact me at 266-4635 or hstouder@cityofmadison.com if you have any questions regarding our concerns.

Sincerely,



Heather Stouder, AICP
Director, City of Madison Planning Division

CC (via email): Pamela Andros, AICP, Senior Planner, Dane County
Roger Lane, Zoning Administrator, Dane County
Brenda Ayers, Administrator/Clerk/Treasurer, Town of Burke
Paul Soglin, Mayor, City of Madison
Anne Monks, Deputy Mayor for Planning and Transportation, City of Madison
Samba Baldeh, District 17 Alder, City of Madison
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