
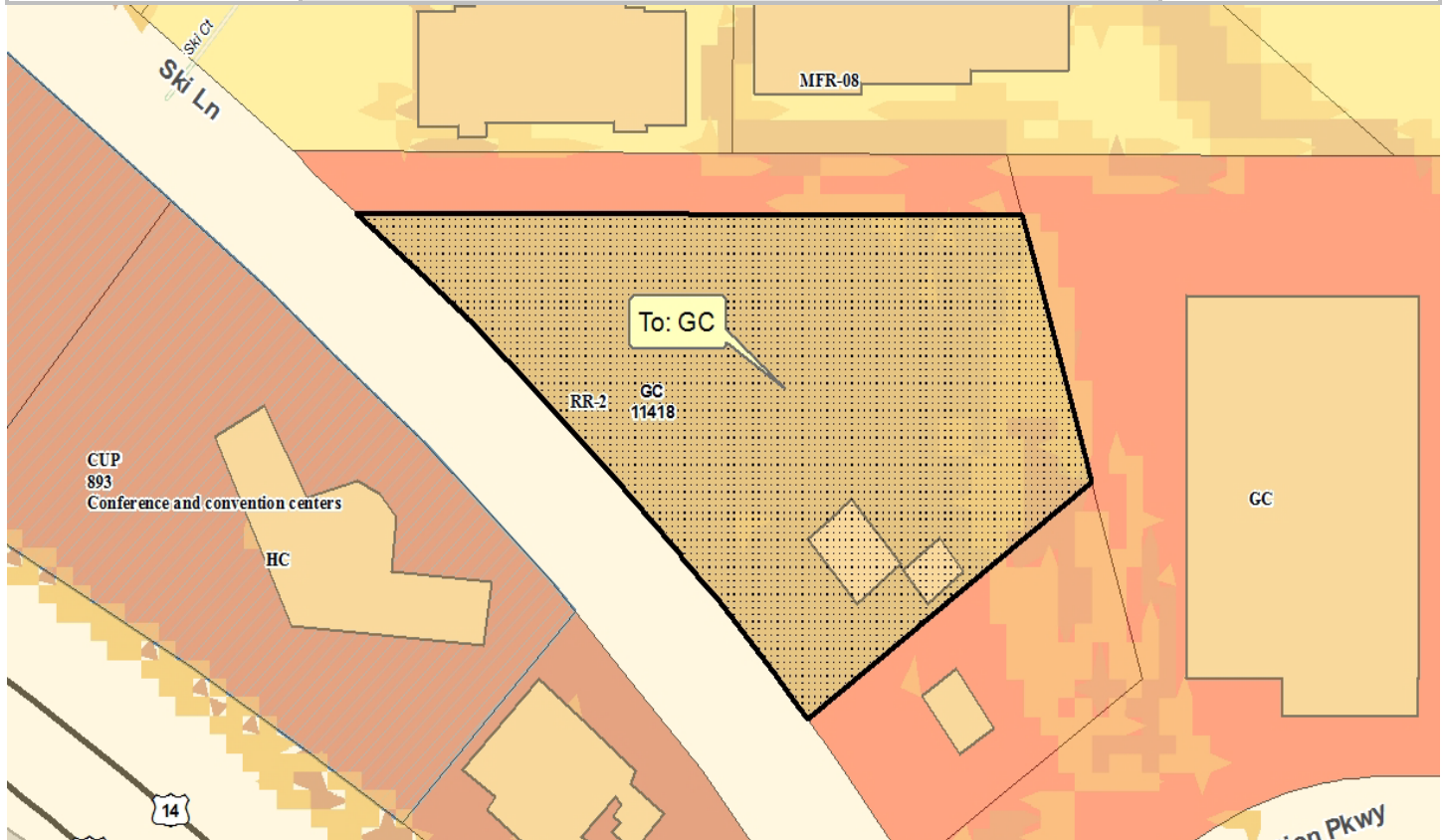


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| Staff Report  Zoning and Land Regulation Committee Questions? Contact: Pam Andros – 261-9780 | Public Hearing: May 28, 2019 | | Petition 11418 |
| | <u>Zoning Amendment Requested:</u> TO , RR-2 (Rural Residential, 2 to 4 acres) District TO GC (General Commercial) District | | <u>Town/Section:</u> MADISON, Section 35 |
| | <u>Size:</u> ,1.5 Acres | <u>Survey Required.</u> No | <u>Applicant</u> SKI LANE PROPERTIES LLC |
| | <u>Reason for the request:</u> ALLOW FOR THE COMMERCIAL DEVELOPMENT OF THE PROPERTY | | <u>Address:</u> 2733 SKI LANE |



DESCRIPTION: The applicant wishes to rezone from RR-2 (rural residential) to GC (general commercial) because it is surrounded by commercial uses. No particular commercial use has been identified. There is currently a single family home on the parcel, as well as on the neighboring parcel which is currently zoned GC district (and had been in commercial zoning prior to the adoption of the new zoning ordinance). The purpose of this proposal is to prepare the property to sell for commercial use. The applicant owns other commercial property in the area.



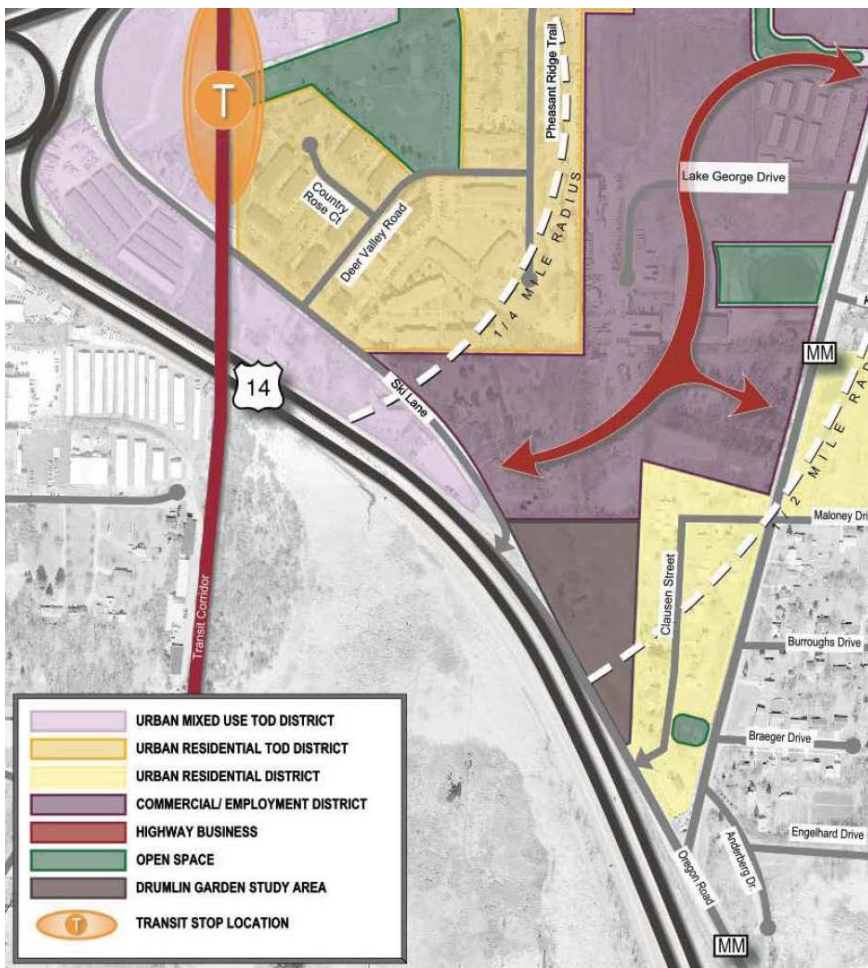
OBSERVATIONS: The subject property is surrounded by commercial and multi-family residential uses. Because no specific use has been identified, the application did not include a site plan of any kind. The following permitted uses are allowed in the GC district:

This 2019 document is intended for reference only. Please contact Dane County Zoning Division (608) 266-4266 for specific ordinance language.

GC General Commercial Zoning District

Zoning district for commercial uses – CH. 10-Zoning [Section 10.272](#)

| Permitted Uses 10.272(2) | | |
|--|---|--|
| <ul style="list-style-type: none"> ▫ Contractor, landscaping or building trade operations ▫ Undeveloped natural resource and open space areas ▫ Day care centers ▫ Governmental, institutional, religious, or nonprofit community uses ▫ Light industrial | <ul style="list-style-type: none"> ▫ Office uses ▫ Indoor entertainment or assembly ▫ Indoor sales ▫ Indoor storage and repair ▫ Personal or professional service ▫ A transportation, utility, communication, or other use required by law. ▫ Transient or tourist lodging | <ul style="list-style-type: none"> ▫ Utility services associated with a permitted use ▫ Veterinary clinics ▫ Agriculture and accessory uses (livestock not permitted) |



TOWN PLAN: The town of Madison will be annexed into the cities of Fitchburg and Madison. This property will be annexed by the City of Fitchburg. The City of Fitchburg *Future Land Use Plan* has identified the subject property to be in the *Commercial/Employment District* in the *Southdale Neighborhood Plan*.

RESOURCE PROTECTION: The property is not in an environmental corridor.

STAFF: The property is currently in residential use. Because residential uses are not allowed in the GC district, this proposal would make the existing use nonconforming. The residential use may continue as a nonconforming use, but no expansion of the use will be permitted.

Staff recommends that approval be conditioned on the recording of a deed restriction stating that no commercial development shall occur on the property until the owner/developer has obtained site plan approval from both the city of Fitchburg and the town of Madison.

TOWN: The town of Madison approved with no conditions.

MAY 28th ZLR MEETING: The petition was postponed due to public opposition. The neighboring property owner were concerned with the reduction of open space in the area and the lack of information regarding the proposed commercial development of the property.

STAFF UPDATE: See attached memo.

memo



Dane County Planning & Development

To: Dane County Zoning & Land Regulation Committee
From: Andros, Pamela
CC: Roger Lane, Zoning Administrator; Ski Lane Properties, LLC , Applicant
Date: May 30, 2019
Re: Zoning petition number 11418, RR to GC, Town of Madison

Comments: Based on public comments made during the May 28th ZLR Public Hearing, this petition was postponed.

Those speaking in opposition were concerned about the resulting reduction of open space in the area, the lack of development plans, and the unknown quality of the development.

Staff has also received a phone calls in opposition. The caller reiterated concerns shared at the public hearing, and her fear that the commercial use might be mini-warehouses.

Because the surrounding property uses are mostly commercial in nature, the property owner feels that selling the property for commercial uses makes the most sense. He wishes to rezone the property to general commercial (GC) speculating that potential buyers' interest in the property will be for a commercial use. Currently there are residential uses on the property.

It is common practice in Dane County, that property is rezoned to a commercial zoning district for an identified use. An application for an identified use comes with specific information including a site plan and a description of what the commercial use will be and how it will be operated. This allows anticipation of various issues including parking, ingress/egress, traffic, hours of operation, lighting, signage, landscaping, etc.

One option to consider is requesting that the applicant provide a list of allowable commercial uses and a general site plan showing lot coverage, ingress/egress and parking, landscaping, potential lighting, and screening from neighboring properties. Additional details include proposed limitations on sound (for example no outdoor loudspeakers), lighting, signage, etc. A review and approval from the town of Madison and City of Fitchburg should also be conducted. Staff recommends this option.

Another option would be postponing the petition until such time the applicant has a buyer for the property, and a proposed concept and site plan. The city of Fitchburg should review the proposal.

Another option would be to deny the petition and encourage the applicant to come back with a new petition once a specific commercial use has been identified.

The town of Madison approved with no conditions.