



Report to the Plan Commission

May 15, 2009

Legistar I.D. # 14301
6410 and 6422 Millpond Road
Rezoning

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a rezoning from A (Agriculture District) to C2 (General Commercial District) in order for an existing gas station and convenience store to apply for a signage change.

Applicable Regulations & Standards: Section 28.12(10) provides the process for zoning map amendments.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments can be met for an area smaller than the area as originally proposed and forward the request to the June 2 meeting of the Common Council with a recommendation for **approval of a substitute ordinance** to rezone 6410 Millpond Road, from A to C2, subject to input at the public hearing and conditions from reviewing agencies.

Background Information

Applicant/Property Owner: Udaivir Singh Sirohi; JUS, LLC; 4967 Highland Cir, Middleton, WI

Project Contact: Todd Meffert; Meffert Oil Co., Inc; 300 S Division St., Waunakee, WI

Proposal: The applicant proposes a rezoning of the property from A (Agriculture District) to C2 (General Commercial District) in order to pursue a permit to change the signage on the property in a separate application. No other changes to the lot are proposed at this time. The applicant hopes to begin work when all approvals are obtained.

Parcel Location: 6410 and 6422 Millpond Road are two contiguous parcels 45,854 square feet (1.05-acres) and 26,177 square feet (0.61-acres) in size. They are generally located on Long Drive just north of Millpond Road and south of US Hwy 12/18; Aldermanic District 16 (Compton); McFarland School District.

Existing Conditions: Both parcels were annexed to the City of Madison from the Town of Blooming Grove in their current condition and are zoned A (Agriculture). 6410 Millpond Road is developed with a fuel station and convenience store with space for one fast food restaurant tenant, and 6422 Millpond Road is undeveloped.

Surrounding Land Use and Zoning:

North: Directly to the north, a very small parcel owned by Wisconsin Winnebago Tribe developed with an access drive to adjoining parcels and zoned C2 (General Commercial). Across US Hwy 12/18, a hotel in the Town of Blooming Grove.

South: Vacant lands owned by the Ho-Chunk Nation and City of Madison Parks, zoned A (Agriculture).

East: Vacant land owned by the State of Wisconsin Department of Transportation, zoned A (Agriculture) and the City of Madison Yahara Hills Golf Course, zoned C (Conservancy).

West: Reverend John's Roadhouse, commercial property zoned C2 (General Commercial).

Adopted Land Use Plan: The Comprehensive Plan recommends General Commercial Uses for this area.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by sanitary sewer and water.

Zoning Summary:

Critical Zoning Items	Proposed
Urban Design District	No
Historic District	No
Landmark Building	No
Floodplain	No
Utility Easements	None shown
Waterfront Development	No
Adjacent to Park	Yes (Yahara Hills Golf Course)
Barrier Free (ILHR 69)	Yes
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

Project Description, Evaluation, and Conclusion

A rezoning from A (Agriculture) to C2 (General Commercial) is requested to allow the property owner to later seek approval for a change to the existing sign to reflect a recent change of ownership. For at least the short-term future, the applicant intends to maintain the existing use as a gas station and one-story convenience store at 6410 Millpond Road with leasable space for a fast food tenant, and has no plans to develop the lot to the south, 6422 Millpond Road. Aside from signage changes, no changes to either lot that would trigger more extensive review by the Plan Commission and city agency staff are proposed at this time.

The applicant has requested the right for a future fast food tenant to utilize space just east of the existing building as an outdoor eating area in the future, noting that it had been utilized for this purpose in the past. Planning Division staff can find no evidence to suggest that this property had a previous conditional use for an outdoor eating area, and suggest that future use as an outdoor eating area should instead require conditional use approval, consistent with all properties in the C2 (General Commercial) district citywide.

With regard to 6410 Millpond Road ("Lot 5" on the submitted site plan), staff supports the requested rezoning. However, since no development is proposed for 6422 Millpond Road ("Lot 3"), staff suggests that it be removed from consideration at this time. As per MGO Sec. 28.12(10)(f)4, the Plan Commission may recommend to the Common Council *"that a proposed map amendment take effect within an area smaller than the area as originally proposed and which is entirely included within the originally proposed area"*. Staff recommends that the Plan Commission forward to the Common Council a substitute ordinance approving a rezoning of 6410 Millpond Road, thus allowing for review of any future proposed development prior to rezoning 6422 Millpond Road.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments can be met for an area smaller than the area as originally proposed and forward the request to the June 2 meeting of the Common Council with a recommendation for **approval of a substitute ordinance** to rezone 6410 Millpond Road, from A to C2, subject to input at the public hearing and the following conditions:

1. This approval serves only to rezone the lot and not as an approval for changes to the signage, which will require review and approval by zoning staff pursuant to MGO Chapter 31.
2. Any future outdoor eating area on the site will require approval by the Plan Commission for a conditional use permit, as long as outdoor eating areas remain a conditional use in the zoning district applied to this property.
3. If, in the future, development or redevelopment is proposed on the site, full site plan review for compliance with current codes and ordinances will be required.

The following conditions have been submitted by reviewing agencies:

Zoning Administrator (Contact Pat Anderson, 266-5978)

4. The proposed rezoning will facilitate new signage on the subject property. In order to obtain approval for any new development, including the reuse of the outdoor eating area of the restaurant, site plan approval will be required. Zoning has no technical objection to the proposed rezoning.
5. Bulk requirements will be reviewed at the time of plan submittal for any future development or redevelopment.

City Engineering Division (Contact Janet Dailey, 261-9688)

This agency was not asked to review this request.

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency was not asked to review this request.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency was not asked to review this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency was not asked to review this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency was not asked to review this request.