



## Office of the Madison City Clerk

210 Martin Luther King, Jr. Boulevard, Room 103, Madison, WI 53703-3342  
PH: 608 266 4601 • TDD: 608 266 6573 • FAX: 608 266 4666

December 7, 2016

Wisconsin Department of Administration  
Municipal Boundary Review  
PO Box 1645  
Madison, WI 53701-1645

Dear MBR Team:

ORDINANCE NO. 16-00102  
ID NO. 44743  
Badger Bowl Attachment

I, Maribeth Witzel-Behl, City Clerk of the City of Madison, County of Dane, State of Wisconsin, pursuant to the City of Madison, Town of Madison Cooperative Plan, DO HEREBY CERTIFY adoption of attachment Ordinance No. 16-00102, ID No. 44743 on November 11, 2016; thereby attaching territory from the Town of Madison and attaching same to the City of Madison.

A certified copy of Ordinance No. 16-00102 which contains an accurate metes and bounds description of the territory so affected is attached and the population identified in the attached territory is zero.

Sincerely,

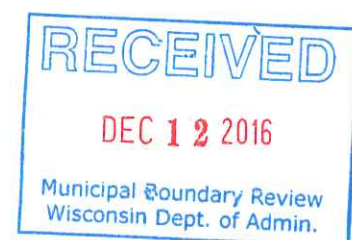
*Maribeth Witzel-Behl*  
Maribeth Witzel-Behl  
City Clerk

MWB:eac

Wisconsin DOA, MBR Team

cc:

Dane County Register of Deeds  
Clerk, Town of Madison



December 7, 2016

Page 2

AT&T (email)  
Madison Metropolitan School District (email)  
Sun Prairie School District (email)  
DeForest School District (email)  
MG&E – Gas & Electric (email)  
Tim Parks, Planning & Development Unit (email)  
City Streets Department – West (email)  
City Assessor, Maureen Richards (email)  
Eric Pederson, City Engineering (email)  
John Leach, Traffic Engineering (email)  
Gregg Knudtson, Fire Department (email)  
Katherine Cornwell, Planning Unit (email)  
Dane County Clerk, Scott McDonell (email)  
Capital Area Regional Planning Commission, Linda Firestone (email)  
Dane County Planning & Development, Jim Czaplicki (email)  
Dane County Tax Lister, Jim Czaplicki (email)  
Dane County EMS, J. Timothy Hillebrand (email)  
Dane County Public Safety Communications, Randy Forrand (email)  
Madison Area Metropolitan Planning Organization (email)  
Madison Metropolitan Sewer District, Curt Sauser (email)  
Charter Communications, Marj Ihssen (email)  
City Clerk file (scan & attach)



9 0 8 2 8 5 2  
Tx:8817492

Document Number

Document Title

**KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS**

# ORDINANCE

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 11th day of November, 2016.

**DOCUMENT #**

**5289293**

12/03/2016 12:02 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 12

Badger Bowl Attachment  
Ordinance #: ORD-16-00102  
ID#: 44743

Recording Area

Name and Return Address

City Clerk  
210 Martin Luther King Jr. Blvd.  
Room 103  
Madison, WI 53703

Parcel Identification Number (PIN)

December 5, 2016

Date

Date

*Maribeth Witzel-Behl*

Signature of Clerk

n/a

Signature of Grantor

Maribeth Witzel-Behl, City Clerk

\*Name printed

\*Name printed

STATE OF WISCONSIN, County of Dane

This document was drafted by:  
(print or type name below)

Eric Christianson

Subscribed and sworn to before me on December 5, 2016 by the above named person(s).

Signature of notary or other person  
authorized to administer an oath  
(as per s. 706.06, 706.07)

*E. A. C.*

\*Names of persons signing in any  
capacity must be typed or printed below  
their signature.

Print or type name: Eric Christianson

Title: Municipal Clerk 2 Date commission expires: 6/29/2018

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). USE BLACK INK. WRDA 5/1999



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Certified Copy

Ordinance: ORD-16-00102

File Number: 44743

Enactment Number: ORD-16-00102

Creating Section 15.01(601) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 14th Aldermanic District the Carey and Slinde Enterprises, LLC (aka Badger Bowl) Attachment; creating Section 15.02(139) of the Madison General Ordinances to assign the attached property to Ward 139; amending Section 15.03(14) to add Ward 139 to Aldermanic District 14; and creating Section 28.022 - 00256 to zone the property CC (Commercial Center) District

DRAFTER'S ANALYSIS: This ordinance attaches land pursuant to the Cooperative Plan entered into by the City, Town of Madison, and City of Fitchburg, which was approved on October 10, 2003 by the State of Wisconsin. Pursuant to the Cooperative Plan, individual property owners may petition the City for early attachment following approval by the Town Board. The owner of the properties at 502-506 E. Badger Road petitioned the City for early attachment in order to construct a project that is proposed to straddle the current boundary between the Town and the City. The Town of Madison Board approved of the early attachment and has executed an Early Attachment Agreement and Municipal Revenue Sharing Agreement with the City (authorized by RES 16-00744 No. 44093, adopted by the Common Council of the City of Madison on September 20, 2016) detailing that in exchange for early attachment the City will pay the Town one-half of the City's share of property taxes from the Project Parcels (502-506 E. Badger Rd.) until October 31, 2022, when the parcel would have otherwise attached to the City under the Cooperative Plan. In addition to effecting the early attachment, this ordinance also assigns Commercial Center District Zoning to the attached parcel.

\*\*\*\*\*

The Common Council of the City of Madison do hereby ordain as follows:

An ordinance to create Subsection (601) of Section 15.01 of the General Ordinances of the City of Madison entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards."

WHEREAS, a petition for attachment with scale map attached was filed with the City Clerk of Madison on September 27, 2016, and has been presented to the Madison Common Council requesting attachment of the below-described territory to the City of Madison from the Town of Madison; said petition having been signed by the owners of all of the land in the territory; there being no residents or electors; and notice of the proposed attachment having been given to the Town of Madison; and

WHEREAS, investigation by the City of Madison discloses that as of this date the above representations are true, the Common Council now accepts the petition as sufficient and determines that the said attachment proceeding meets the requirements of the City of Madison, Town of Madison, and City of Fitchburg Cooperative Plan approved pursuant to Wis. Stat. § 66.0307;

WHEREAS, under the early attachment provisions of Sec. 8.A.1 of the Cooperative Plan, property owners may petition the City for early attachment following approval of the Town Board; and

WHEREAS, the owner of the parcels located at 502 E. Badger Rd. has petitioned the City for early attachment, which the Town Board approves of, subject to the Terms and Conditions of the Early Attachment Agreement and Municipal Revenue Sharing Agreement for the 502-506 E. Bader Road Project;

WHEREAS, in return for allowing early attachment of the 506 E. Badger Rd. parcel into the City, the City agrees to pay the Town municipal revenue sharing of the local share of property tax revenue as required by the Municipal Revenue Sharing Agreement.

NOW, THEREFORE, the Common Council of the City of Madison do ordain as follows:

1. Subsection (601) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(601) - There is hereby attached to the 14th Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property:

Part of Lot Five (5) and Lot Four (4), Block One (1), W.H. Jacobs and E.S. Barker's Subdivision (hereinafter referred to as Barker's Subdivision), as recorded in Book 2 of Plats, on Page 1, as Document Number 217049, Dane County Registry, and other lands located in the Southeast Quarter of the Northwest Quarter of Section 36, Township 7N, Range 9E, in the Town of Madison, Dane County, Wisconsin more particularly describes as follows:

Commencing at the West Quarter corner of said Section 36; thence S89°10'07"E along the South line of the NW ¼ of said Section 36, 1769.11 feet to the intersection with the existing corporate boundary of the City of Madison and the point of beginning; thence N02°36'42"W along said corporate boundary, 33.33 feet to the Northerly right of way line of East Badger Road; thence continuing along said corporate boundary and the East line of the S.H. (School House) Lot and its Northerly prolongation thereof, N02°36'42"E, 332.98 feet; thence continuing along said corporate boundary S89°11'01"E, 227.32 feet to a point on the East line of said Lot 5 of Barker's Subdivision; thence continuing along said corporate boundary and along the said East line of Lot 5, N00°22'39"E, 51.07 feet to the intersection with the South line of Lot 3, Block 1 of said Barker's Subdivision; thence continuing along said corporate boundary and the said South line of Lot 3, S89°09'51"E, 18.30 feet to the centerline of said Nob Hill Road and a point of curvature; thence along said centerline and the arc of a curve to the right through a central angle of 19°41'29", an arc distance of 68.74 feet, a radius of 200.00 feet and a chord bearing S09°28'07"E, 68.40 feet; thence continuing along said centerline S00°22'39"W, 349.97 feet to the centerline of East Badger Road and the South line of the NW ¼ of said Section 36; thence along said centerline and said South line N89°10'07"W, 271.60 feet to the point of beginning. This description contains approximately 98,110 square feet or 2.2523 acres or 0.0035 square miles."

[Includes right of way for E. Badger Road and Nob Hill Road]

2. Subsection (139) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances reads as follows:

"(139) Ward 139. Part of Lot Five (5) and Lot Four (4), Block One (1), W.H. Jacobs and E.S. Barker's Subdivision (hereinafter referred to as Barker's Subdivision), as recorded in Book 2 of Plats, on Page 1, as Document Number 217049, Dane County Registry, and other lands located in the Southeast Quarter of the Northwest Quarter of Section 36, Township 7N, Range 9E, in the Town of Madison, Dane County, Wisconsin more particularly describes as follows:

Commencing at the West Quarter corner of said Section 36; thence S89°10'07"E along the South line of the NW ¼ of said Section 36, 1769.11 feet to the intersection with the existing corporate boundary of the City of Madison and the point of beginning; thence N02°36'42"W along said corporate boundary, 33.33 feet to the Northerly right of way line of East Badger Road; thence continuing along said corporate boundary and the East line of the S.H. (School House) Lot and its Northerly prolongation thereof, N02°36'42"E, 332.98 feet; thence continuing along said corporate boundary S89°11'01"E, 227.32 feet to a point on the East line of said Lot 5 of Barker's Subdivision; thence continuing along said corporate boundary and along the said East line of Lot 5, N00°22'39"E, 51.07 feet to the intersection with the South line of Lot 3, Block 1 of said Barker's Subdivision; thence continuing along said corporate boundary and the said South line of Lot 3, S89°09'51"E, 18.30 feet to the centerline of said Nob Hill Road and a point of curvature; thence along said centerline and the arc of a curve to the right through a central angle of 19°41'29", an arc distance of 68.74 feet, a radius of 200.00 feet and a chord bearing S09°28'07"E, 68.40 feet; thence continuing along said centerline S00°22'39"W, 349.97 feet to the centerline of East Badger Road and the South line of the NW ¼ of said Section 36; thence along said centerline and said South line N89°10'07"W, 271.60 feet to the point of beginning. Polling place at Resilience Research Center, 501 E. Badger Road."

3. Subsection (14) of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

(14) Fourteenth Aldermanic District. Wards 70, 71, 72, 73, 74, 75, and 113, and 139."

4. Map Amendment 00256 of Section 28.022 of the Madison General Ordinances is hereby created to read as follows:

"28.022-00256. The following described property is hereby added to the CC (Commercial Center) District:

Part of Lot Five (5) and Lot Four (4), Block One (1), W.H. Jacobs and E.S. Barker's Subdivision (hereinafter referred to as Barker's Subdivision), as recorded in Book 2 of Plats, on Page 1, as Document Number 217049, Dane County Registry, and other lands located in the Southeast Quarter of the Northwest Quarter of Section 36, Township 7N, Range 9E, in the Town of Madison, Dane County, Wisconsin more particularly describes as follows:

Commencing at the West Quarter corner of said Section 36; thence S89°10'07"E along the South line of the NW ¼ of said Section 36, 1769.11 feet to the intersection with the existing corporate boundary of the City of Madison and the point of beginning; thence N02°36'42"W along said corporate boundary, 33.33 feet to the Northerly right of way line of East Badger Road; thence continuing along said corporate boundary and the East line of the S.H. (School House) Lot and its Northerly prolongation thereof, N02°36'42"E, 332.98 feet; thence continuing along said corporate boundary S89°11'01"E, 227.32 feet to a point on the East line of said Lot 5 of Barker's Subdivision; thence continuing along said corporate boundary and along the said East line of Lot 5, N00°22'39"E, 51.07 feet to the intersection with the South line of Lot 3, Block 1 of said Barker's Subdivision; thence continuing along said corporate boundary and the said South line of Lot 3, S89°09'51"E, 18.30 feet to the centerline of said Nob Hill Road and a point of curvature; thence along said centerline and the arc of a curve to the right through a central angle of 19°41'29", an arc distance of 68.74 feet, a radius of 200.00 feet and a chord bearing S09°28'07"E, 68.40 feet; thence continuing along said centerline S00°22'39"W, 349.97 feet to the centerline of East Badger Road and the South line of the NW ¼ of said Section 36; thence along said centerline and said South line N89°10'07"W, 271.60 feet to the

point of beginning. This description contains approximately 98,110 square feet or 2.2523 acres or 0.0035 square miles."

I, City Clerk Maribeth Witzel-Behl, certify that this is a true copy of Ordinance No. 16-00102, passed by the Madison Common Council on November 22, 2016.

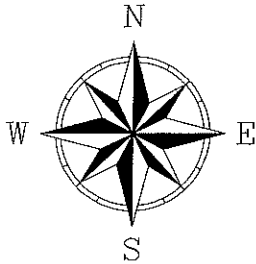
Maribeth Witzel-Behl

12-5-2016

Date Certified

ORDINANCE No.: \_\_\_\_\_  
FILE No.: \_\_\_\_\_  
DATE ADOPTED: \_\_\_\_\_  
DATE PUBLISHED: \_\_\_\_\_

ALD. DISTRICT ANNEXED TO \_\_\_\_\_  
AREA: 98,110 SQ. FT. OR 2.2523 ACRES



BEARINGS ARE BASED ON THE  
WISCONSIN COUNTY COORDINATE  
SYSTEM, DANE COUNTY, THE  
SOUTH LINE OF THE NORTHWEST  
QUARTER OF SECTION 36, T7N,  
R9E, MEASURED AS BEARING  
S89°10'07"E

**RIMROCK ROAD**  
WIDTH VARIES

**U.S. HIGHWAY  
12 & 18**

**NORB HILL ROAD**  
(RIGHT OF WAY PER Doc. Nos.  
1713101, 2060506 AND 2080811)

PART OF  
LOT 3, BLOCK 1  
W. H. JACOBS AND  
E. S. BARKER'S  
SUBDIVISION

FOUND BRASS CAP IN  
MONUMENT BOX AT THE  
WEST QUARTER CORNER OF  
SECTION 36, T7N, R9E,  
WCCS MEASURED ARE:  
N: 469,587.37  
E: 821,159.85

S89°10'07"E 1769.11'  
SOUTH LINE OF THE NW  
1/4 OF SECTION 36

N02°36'42"E  
33.33'

CITY OF MADISON  
N02°36'42"E 332.98'

CITY OF MADISON  
S89°11'01"E 227.32'

TOWN OF MADISON

BLOCK 1

PARCEL  
98,110 SQ. FT. OR  
2.2523 ACRES OR  
0.0035 SQ. MI.  
PARCEL # 0709-362-7315-7

N89°10'07"W 274.60'

WIDTH  
VARIES

S89°09'51"E  
18.30'

CITY OF MADISON  
TOWN OF MADISON

R=200.00'  
I=19°41'29"  
L=68.74'  
LCB=S09°28'07"E  
LC=68.40'

(RIGHT OF WAY PER Doc. Nos.  
1713101, 2060506 AND 2080811)

LOT	C.S.M.	#
1	S.M.	6504
2	S.M.	6504

TOWN OF MADISON  
S89°10'07"E 866.57'

CITY OF MADISON

FOUND ALUMINUM MONUMENT IN  
CONCRETE AT THE CENTER OF  
SECTION 36, T7N, R9E, WCCS  
MEASURED ARE: N: 469,549.12  
E: 823,795.25

**S** **SNYDER & ASSOCIATES**  
Engineers and Planners

P: \PROJECTS\2014\114.1061.30\Survey\Annexation\Annexation Exhibit.dwg

0 100 200 300



SCALE: ONE INCH = ONE HUNDRED FEET

**ATTACHMENT MAP**

FN: 114.1061.30  
DATE: 09-06-16

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE  
SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: December 3, 2016  
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



**DESCRIPTION:**

Part of Lot Five (5) and Lot Four (4), Block One (1), W.H. Jacobs and E.S. Barker's Subdivision (hereinafter referred to as Barker's Subdivision), as recorded in Book 2 of Plats, on Page 1, as Document Number 217049, Dane County Registry, and other lands located in the Southeast Quarter of the Northwest Quarter of Section 36, Township 7 North, Range 9 East, in the Town of Madison, Dane County, Wisconsin more particularly describes as follows:

Commencing at the West Quarter corner of said Section 36; thence South 89 degrees 10 minutes 07 seconds East along the South line of the Northwest Quarter of said Section 36, 1769.11 feet to the intersection with the existing corporate boundary of the City of Madison and the point of beginning; thence North 02 degrees 36 minutes 42 seconds West along said corporate boundary, 33.33 feet to the Northerly right of way line of East Badger Road; thence continuing along said corporate boundary and the East line of the S.H. (School House) Lot and its Northerly prolongation thereof, North 02 degrees 36 minutes 42 seconds East, 332.98 feet; thence continuing along said corporate boundary South 89 degrees 11 minutes 01 second East, 227.32 feet to a point on the East line of said Lot 5 of Barker's Subdivision; thence continuing along said corporate boundary and along the said East line of Lot 5, North 00 degrees 22 minutes 39 seconds East, 51.07 feet to the intersection with the South line of Lot 3, Block 1 of said Barker's Subdivision; thence continuing along said corporate boundary and the said South line of Lot 3, South 89 degrees 09 minutes 51 seconds East, 18.30 feet to the centerline of said Nob Hill Road and a point of curvature; thence along said centerline and the arc of a curve to the right through a central angle of 19 degrees 41 minutes 29 seconds, an arc distance of 68.74 feet, a radius of 200.00 feet and a chord bearing South 09 degrees 28 minutes 07 seconds East, 68.40 feet; thence continuing along said centerline South 00 degrees 22 minutes 39 seconds West, 349.97 feet to the centerline of East Badger Road and the South line of the Northwest Quarter of said Section 36; thence along said centerline and said South line North 89 degrees 10 minutes 07 seconds West, 271.60 feet to the point of beginning. This description contains approximately 98,110 square feet or 2.2523 acres or 0.0035 square miles.



**SNYDER & ASSOCIATES**

Engineers and Planners

P: \PROJECTS\2014\114.1061.30\Survey\Annexation\Annexation Exhibit.dwg

**SURVEYED FOR:**

Slinde Company  
4705 Monona Drive  
Monona, WI 53716

**SURVEYED BY:**

Snyder & Associates, Inc.  
5010 Voges Road  
Madison, WI 53718  
(608) 838-0444  
www.snyder-associates.com

**ATTACHMENT MAP**

A PARCEL OF LAND BEING PART OF LOT 5, BLOCK 1, W.H. JACOBS AND E.S. BARKER'S SUBDIVISION, AS RECORDED IN VOLUME 2 OF PLATS, ON PAGE 1, AS DOCUMENT NUMBER 217049, DANE COUNTY REGISTRY, ALSO LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 07 NORTH, RANGE 09 EAST, TOWN OF MADISON, DANE COUNTY, WISCONSIN

FN: 114.1061.30  
DATE: 09-06-16

REVISIONS:  
DATE: 09-07-16  
DATE: 09-19-16

SHEET  
2 OF 2



# City of Madison

## Proposed Attachment and Zoning

Location  
506 East Badger Road

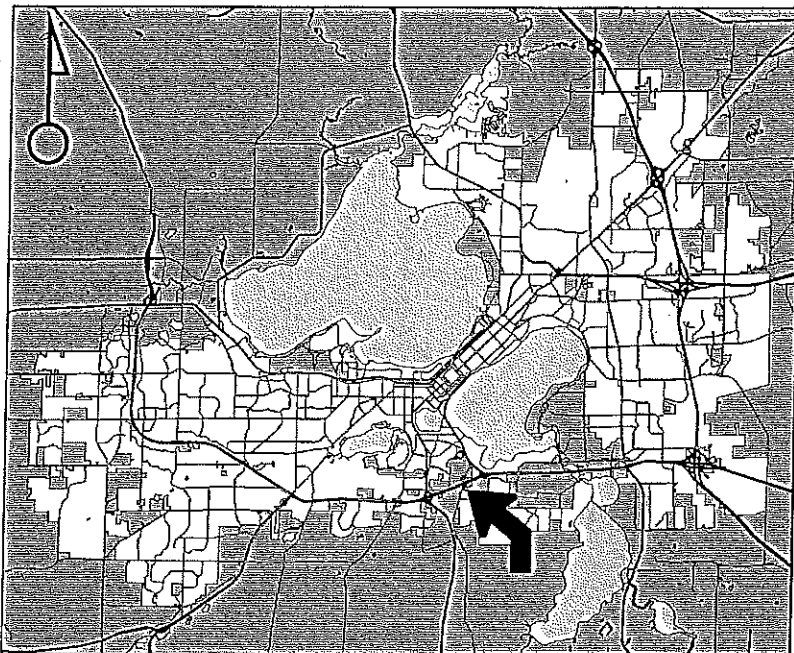
Applicant  
Carey and Slinde Enterprises

Assign Zoning  
CC

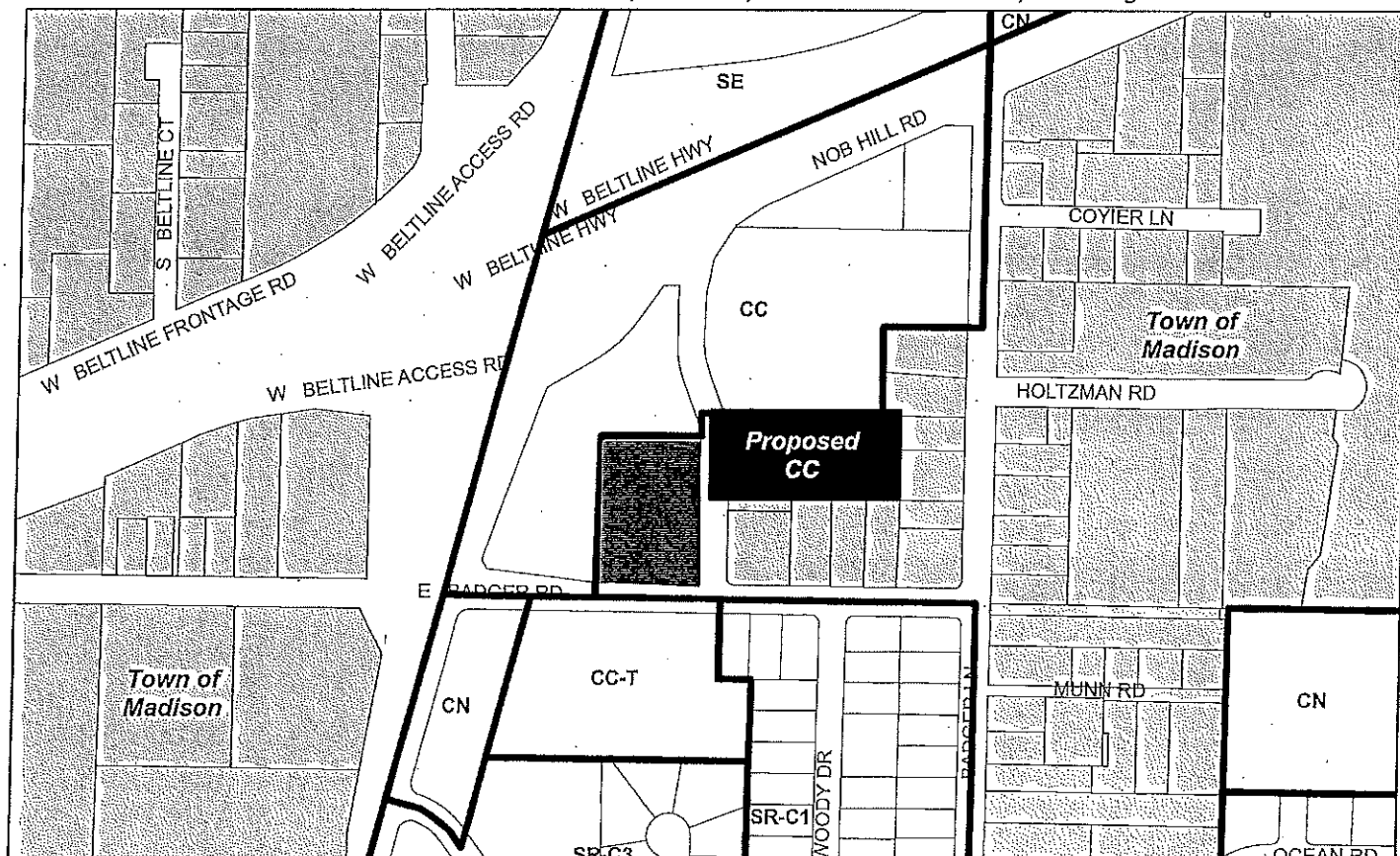
Existing Use  
Bowling alley

Proposed Use  
Attach bowling alley to City from Town of Madison and assign permanent CC zoning

Public Hearing Date  
Plan Commission  
07 November 2016  
Common Council  
22 November 2016



For Questions Contact: Tim Parks at: 261-9632 or [tparks@cityofmadison.com](mailto:tparks@cityofmadison.com) or City Planning at 266-4635



NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl

Date: December 3, 2016

Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

Scale : 1" = 400'

City of Madison, Planning Division : PPE : Date : 01 November 2016



City of Madison

506 East Badger Road

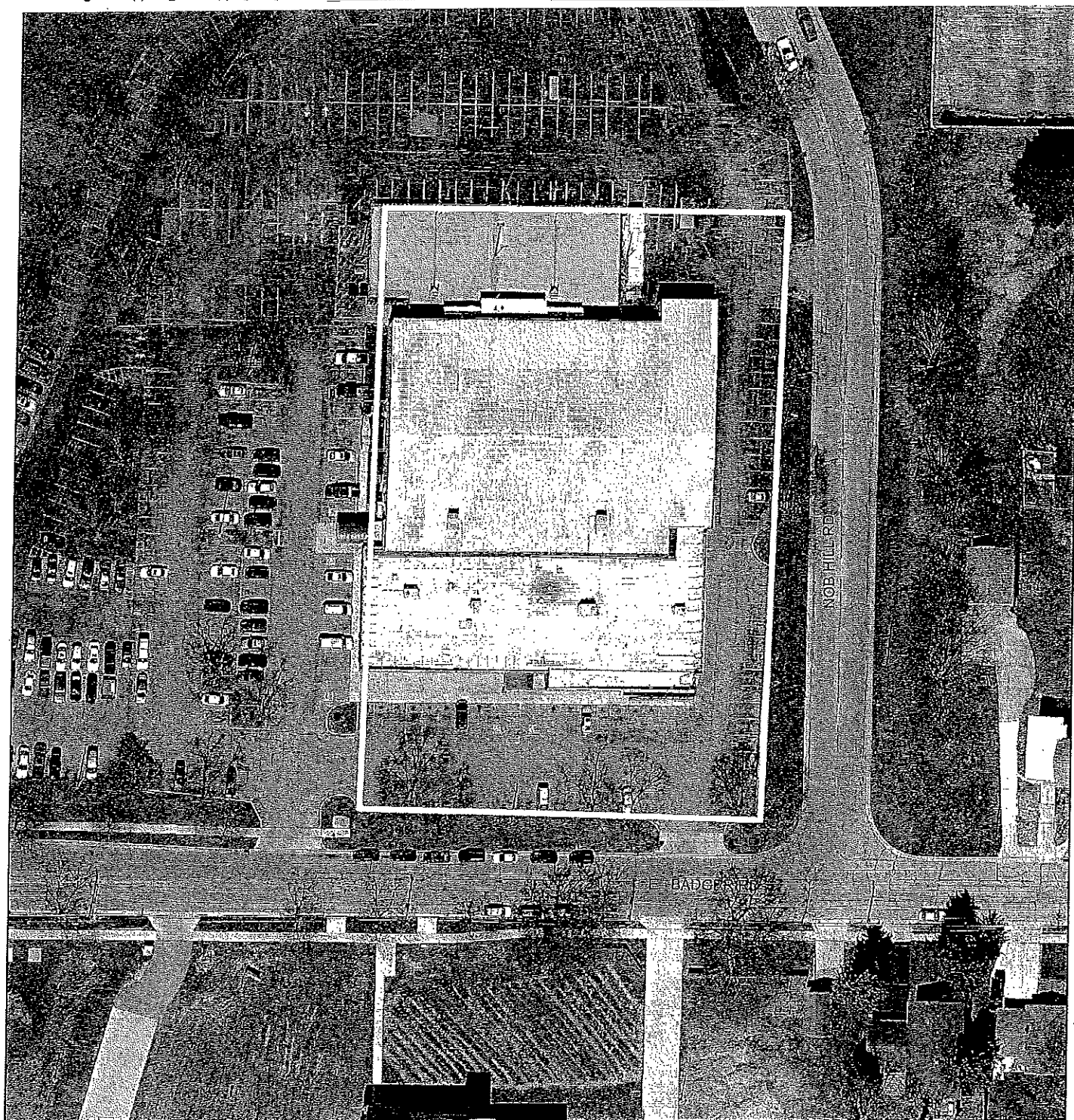


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Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl

Date: December 3, 2016

Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



Date of Aerial Photography : Spring 2016

### PETITION FOR ATTACHMENT

Carey and Slinde Enterprises, L.L.C., a Wisconsin Limited Liability Company ("Petitioner") hereby petitions the City of Madison for attachment as follows:

1) Petitioner is the owner of the real property having a Parcel Identification Number of 0709-362-7315-7, and in addition has an interest in the Nob Hill Road and E. Badger Road right of ways depicted and described in "ATTACHMENT MAP SHEET 2/2" attached hereto and incorporated herein by reference (collectively the "Property").

2) Petitioner hereby petitions and requests that the Property described in "ATTACHMENT MAP SHEET 2/2" be directly attached to the City of Madison. The Town Board of the Town of Madison approved such attachment by action dated August 23, 2016. The Petitioner requests that the attachment to the City of Madison be made with an effective date of November 2, 2016.

3) The Property is depicted as "ATTACHMENT MAP SHEET 1/2", which is a scale map that shows the boundaries of the Property and the relationship of the Property to the City of Madison, and is incorporated herein by reference. The tax parcel which is affected by this Petition is as set forth in the first paragraph of this Petition.

4) The Property to be attached consists of 98,110 square feet or 2.2523 acres.

5) The current population of the Property to be attached is zero.

6) There is currently one commercial building located on the Property, and such building is currently used as a bowling alley. The Property also contains public right of way.

7) Petitioner requests that the Property be attached with a zoning district of CC, Commercial Center District, which is the same zoning as adjoining land, also owned by Petitioner, which is currently located in the City of Madison.

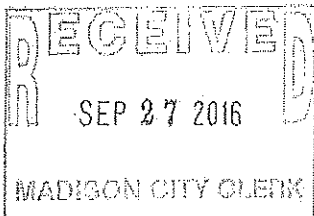
Dated this 27 day of September, 2016.

**CAREY & SLINDE ENTERPRISES, L.L.C.**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_





Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

[www.cityofmadison.com](http://www.cityofmadison.com)

**TO:** Plan Commission

**FROM:** Timothy M. Parks, Planner  
Doran Viste, Assistant City Attorney

**DATE:** November 7, 2016

**SUBJECT:** Ordinance ID 44743 – Attaching 2.25 acres of land owned by the Carey & Slinde Enterprises, LLC to the City of Madison from the Town of Madison, and assigning CC (Commercial Center District) zoning

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On September 27, 2016, a petition was filed in the City Clerk's Office by Carey & Slinde Enterprises, LLC to attach a 2.25-acre property located in the Town of Madison at northwestern corner of E. Badger Road and Nob Hill Road to the City of Madison. The parcel to be attached contains approximately 225 feet of frontage along E. Badger Road, and 300 feet of frontage along Nob Hill Road, not including right of way for those roads, which will be attached with this ordinance. The subject parcel is developed with the Badger Bowl indoor recreation and entertainment facility. The property to be attached with this ordinance is surrounded on the north and west by a 3.5-acre parcel under the same ownership already in the City, which is addressed as 502 E. Badger Road and contains the parking lot for the bowling alley. The existing City parcel also has frontage along Rimrock Road and the Beltline Highway and is zoned CC (Commercial Center District).

This ordinance attaches land pursuant to the Cooperative Plan entered into by the City, Town of Madison, and City of Fitchburg, dated October 10, 2003. Pursuant to the Cooperative Plan, individual property owners may petition the City for early attachment following approval by the Town Board. The owner of the combined properties at 502-506 E. Badger Road petitioned the City for early attachment in order to construct a project that is proposed to straddle the current boundary between the Town and the City after it was determined by City and Dane County zoning officials that the proposed redevelopment could not occur in two different jurisdictions. The Town of Madison Board approved of the early attachment and has executed an Early Attachment Agreement and Municipal Revenue Sharing Agreement with the City (authorized by Resolution 16-00744 (ID 44093), adopted by the Common Council of the City of Madison on September 20, 2016) detailing that in exchange for early attachment the City will pay the Town one-half of the City's share of property taxes from the combined parcels until October 31, 2022, when the Town parcel would have otherwise attached to the City under the Cooperative Plan.

Attachment ordinances allowed by an intergovernmental agreement and cooperative plan do not typically come before the Plan Commission for a recommendation prior to being adopted by the Common Council. However, in addition to attaching the property to the City and assigning it to the 14th Aldermanic District, Ordinance ID 44743 includes a request to assign permanent CC—Commercial Center District zoning to the property. Section 8.A.1 of the City's intergovernmental agreement and cooperative plan with the Town of Madison and City of Fitchburg provides that the City may designate a temporary

or permanent zoning classification for each attached parcel as prescribed in Sec. 62.23(7)(d) of Wis. Stats., which generally requires that a Class 2 notice be provided in the official municipal newspaper prior to the Plan Commission hearing on a zoning map amendment. In addition to the Class 2 notice, notices were mailed to Town and City property owners and occupants located in 200 feet of the subject property as prescribed in Section 28.181(5) of the Zoning Code.

Per its statement of purpose, the CC District is established to "recognize the existing large-format retail and office sites within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use centers that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity." The district is also intended to improve the quality of landscaping, site design and urban design within commercial centers and to encourage appropriate transitions between higher-intensity uses and adjacent lower-density residential districts.

The property owners are in negotiations to sell 502 and 506 E. Badger Road to an automotive group that intends to raze the bowling alley and construct an auto sales facility on the combined 5.75 acres. Auto sales facilities are permitted uses in the requested CC zoning district. However, the demolition of the existing building and the anticipated size of the new building(s) to be constructed on the site will require Plan Commission approval of a demolition permit and conditional use(s) prior to the issuance of permits for the proposed redevelopment. More detailed plans for the property will be provided on a separate application to be filed following the attachment.

The combined parcels and other primarily commercial properties located along the southern frontage of the Beltline Highway east of Rimrock Road are designated General Commercial by the Comprehensive Plan, with lands otherwise to the east and south recommended for Low-Density Residential uses consistent with the historic residential development pattern along Moorland Road and Badger Lane. Staff believes that zoning the Town parcel to the same CC zoning as adjacent larger parcel under the same ownership already in City is appropriate, and that the zoning is consistent with the General Commercial designation. However, staff notes that care should be given if the site is redeveloped to create an appropriate transition between the subject commercial property and the established low-density residential uses located across Nob Hill Road from the site.

In closing, the Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Ordinance ID 44743, attaching 2.25 acres of land in the Town of Madison at 506 E. Badger Road to the City, and zoning the attached property to the [permanent] CC (Commercial Center) zoning district. No conditions of approval are recommended for the requested zoning map amendment.