



Sent via Email

February 13, 2024

Mayor Emily Kuhn

City of Middleton Common Council

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Re: Clarification of Certain Town of Middleton Comments on Final Public Hearing Draft of Proposed Comprehensive Revision of City of Middleton Zoning Ordinance

Dear Mayor Kuhn and Common Council Members:

The Town Board of the Town of Middleton has asked me to submit written comments for the public hearing to be conducted by the Common Council on February 20, 2024, concerning the public hearing draft of the proposed comprehensive revision of the City of Middleton Zoning Ordinance. The following are the comments we are submitting for your consideration:

Heliport and Helicopter Activities

While the Town of Middleton has objected to a “Heliport” as a permitted use in the Airport Zoning District, the public hearing draft includes this permitted use in the text (Draft sec. 10.02.53(2)(b): (AIR) Airport Zoning District). However, the public hearing draft does not address the helicopter noise problem with a reasonable and sensible use of setback limitations. As we explained in our prior letter, helicopters create very intense noise conditions which merit special measures to protect the public and other landowners.

Our suggestion is that at a minimum the City of Middleton take steps to protect the residents and businesses which may be located in either the City or the Town (and the Town of Springfield) along or near the boundaries of the airport, either now or in the future, by establishing a substantial setback between the outer edge of any helipad or heliport and the edge of any adjoining non-airport parcel.

Our consultant provided us with examples from other communities that have adopted by local ordinance setbacks at the location of helipads and heliports. For example, Newberry County, South Carolina has adopted section 153.115 HELIPADS, which provides in paragraph (C) that:

“(C) Helipads shall be setback a **minimum of 500 feet from any adjacent property line and the road right-of-way.** (Emphasis added.)”

Also, the Town of Wilkesboro, North Carolina has adopted §156.121 HELICOPTER LANDING PADS, which provides that:

“(4) Setbacks. Landing pads for on-grade helistops and heliports shall be set back a **minimum of 100 feet from any property line and 400 feet from any building used for residential purposes, public or private schools, hospitals, or public parks.** (Emphasis added.)”

Our request to protect the public and adjoining property owners, depending on where the helipads and heliports are located, should in particular include the Town in the scope of protection as the Town has park and recreation land abutting the airport at Tallard Park.

We request that the City include language in sec. 10.02.53(7) of the proposed Zoning Ordinance, which reads as follows:

“**Landing pads for all helipads, helistops and heliports shall be set back a minimum of 500 feet from any parcel which contains any building used for residential purposes, public or private schools, hospitals or public parks, and a minimum of 100 feet from any other parcel or road right of way.**”

While this is a limited remedy for the noise problem, we request that it be adopted to limit the damage that will occur from helicopter activities that occur in close proximity to the built-up urban environment.

Standalone Taverns, Restaurants and Entertainment Businesses

At the request of the Airport Commission Chair, we are providing further clarification regarding the 2/12/24 Town of Middleton letter to the City of Middleton Mayor and Common Council.

At the February 1, 2024 Airport Commission Meeting, a majority of the Airport Commissioners voted on a motion to recommend a change in language so that standalone restaurants, taverns and indoor commercial entertainment would be allowed in the airport zoning district (AIR) with the motion being silent on such use being a conditional use.

We want to reiterate that we support the November 14, 2023 public hearing draft of the proposed comprehensive revision of the City of Middleton Zoning Ordinance which provides that these types of activities will be a conditional use (CUP) within the airport terminal and that such proposed uses will be fully vetted by the Plan Commission before any such standalone businesses are allowed detached from the airport terminal. This important point was further emphasized by the Plan Commission in its 12/12/23 Meeting Minutes regarding the AIR District: “1. Modify Article III to add a conditional use standard for Restaurants, Taverns, and Indoor Commercial Entertainment in the AIR District to state that these shall only be incorporated within a terminal building...”

If this issue is presented to the Council by the Airport Commission or its members, we submit that the Plan Commission and City staff got it right in the public hearing draft, in sec. 10.02.53(3)(a) where they provided for a conditional use permit for these types of uses within the airport terminal. This is a federally-aided airport district on land owned by the City. It should not become an entertainment zone with alcohol-infused night-time traffic in a business district, unless there are compelling reasons that have been fully vetted through a staff report and public hearing before the Plan Commission. We further agree with the Airport Manager that he “can’t imagine a free standing restaurant on the field not part of the terminal”. We respectfully suggest that no proposed Airport Commission changes from the language proposed by the staff and the Plan Commission should be allowed.

Change of Zoning of Portion of Arendt Property

We understand that reviewing the updated proposed zoning map is a massive task for City staff, but we respectfully request that there should be a housekeeping change made to one parcel that is

owned by the Town of Middleton in the City, i.e. Parcel No. 070804190802, consisting of 1.1 acres, which is owned by the Town and was transferred to the Town as a boundary adjustment between adjoining land owners by the Arendt Living Trust in the last few years, for the purpose of attaching it to the Town's Tallard Park to the east. The parcel in question was originally part of the Arendt parcel at 4714 Capitol View Road, which is still owned by the Arendt Trust, and has now become part of the Town's Tallard Park located at 9104 Airport Road. Tallard Park is zoned in the Planned Development District (PDD-S) under the City's current and future zoning ordinance. However, we request that the subject parcel transferred to the Town by the Arendt Trust also be zoned in the same classification as Tallard Park, i.e. PDD-S, as it is used for passive recreation activity. The draft zoning map to be heard on February 20 proposes that this former Arendt parcel, now owned by the Town, be zoned agricultural and we don't think that is appropriate for this passive recreational parcel.

Thank you in advance for your consideration of these requests. If you need any further information, please let us know.

Sincerely,



Cynthia Richson, Chair, Town of Middleton

The Town Board authorized the Town Chair to sign this correspondence on its behalf by a vote of 5-0 on February 5, 2024.

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Town of Middleton Town Board