

**PLANNING UNIT REPORT  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
of April 24, 2006**

**RE: ID# 03281: Zoning Map Amendment LDs. 3182 – 3184, rezoning 3120-3160 Jeffy Trail from Temp. A to R1, R2T and R4 and ID# 03483, approval of the preliminary plat of “Badger Mill Creek.”**

1. Requested Actions: Approval of a request to rezone 45.3 acres located at 3120-3160 Jeffy Trail from Temporary A (Agriculture District) to R1 and R2T (Single-Family Residence Districts) and R4 (General Residence District), and; approval of a preliminary plat creating lots 76 single-family lots, two lots for future multi-family development and six outlots for public stormwater detention and parkland and future development.
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments; the subdivision process is outlined in Section 16.23 (5)(b) of the Subdivision Regulations.
3. Report Prepared By: Timothy M. Parks, Planner

**GENERAL INFORMATION**

1. Applicant & Property owner: Rick McKy; 702 N. High Point Road, Suite 10; Madison.  
  
Agent: Ronald Trachtenberg, Murphy Desmond, SC; 2 E. Mifflin Street, Suite 800, Madison.  
  
Surveyor: Dave Glusick & Mike Marty, Calkins Engineering, LLC; 5010 Voges Road; Madison.
2. Development Schedule: Development of the subdivision will commence as soon as all necessary regulatory approvals have been granted.
3. Parcel Location: Approximately 45.3 acres located at the southern end of Jeffy Trail and the eastern end of Flagstone Drive, in Aldermanic District 1; Verona Area School District.
4. Existing Conditions: Two single-family residences and associated accessory buildings on large tracts of land in the City of Madison in Temp. A zoning.
5. Proposed Land Uses: 76 single-family lots, zoned R1 and R2T and two multi-family lots, zoned R4.
6. Surrounding Land Use and Zoning:  
N & E: Single-family residences on large tracts in the Town of Verona;  
  
South: Undeveloped agricultural land and single-family residences on large tracts in the Town of Verona;

West: Single-family residences in the Stone Crest Estates subdivision, zoned R2 (Single-Family Residence District); Woodland Fields Apartments, zoned R5 (General Residence District) and Flagstone Park;

7. Adopted Land Use Plan: The High Point-Raymond Neighborhood Development Plan recommends the area north of Flagstone Drive be developed with “low-density residential uses,” with “medium-density residential uses” recommended at the southwestern corner of Flagstone Drive and Jeffy Trail. Portions of the southern third of the site are recommended for “park, open space and drainage uses” with additional low-density residential uses interspersed. A private landscape buffer is required along the southern edges of the medium-density area.
8. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor, though areas of woodlands and slopes in excess of 12% are present on or adjacent to the site. An mapped intermittent stream, Badger Mill Creek, follows the southern edge of the subject site, on which a 75-foot buffer will be required on the final plat of this project. A very narrow area of unofficially mapped wetlands abutting the creek crosses onto the very southern edge of the site.
9. Public Utilities & Services: The property will be served by a full range of urban services.

### **STANDARDS FOR REVIEW**

This application is subject to the standards for zoning map amendments and the standards for preliminary plats.

### **ANALYSIS AND EVALUATION**

The applicant is requesting approval of a zoning map amendment to rezone a 45.3-acre parcel from Temp. A (Agriculture) to R1 and R2T (Single-Family Residence Districts) and R4 (General Residence District) and approval of the preliminary plat of the Badger Mill Creek subdivision, which will contain 76 single-family lots, two lots for future multi-family development, and six outlots. Two existing single-family residences on the site will be accommodated within the proposed development on Lots 43 and 62. The site is comprised of three lots that were annexed into the City of Madison from the Town of Verona on March 21, 2006.

### **Background**

The subject site is generally located at the southern end of Jeffy Trail, a largely narrow, unimproved two-lane roadway in the Town of Verona that extends approximately 1200 feet from Midtown Road. The first of the two existing residences is located on the northernmost 14.7-acre parcel, the former Ripple property, with access to the residence and detached accessory building provided by a private driveway that extends easterly from a partial cul-de-sac at the end of Jeffy Trail. The second of the two residences is located on the southernmost 15.3 acres, the former Morley property, with a private driveway extending due south from the end of Jeffy Trail

approximately 1100 feet to the residence. The undeveloped former Sonntag property sits on 15.4 acres between the two residential properties.

The subject site is a heavily wooded, rolling parcel characterized by a significant slope from east to west and south– particularly on the eastern half of the site– from a high point located just to the east of the subject property. A tree protection plan prepared at the developer’s request notes that a large percentage of the vegetation on the property stems from a dense coniferous tree plantation located on the northern two-thirds of the site. Other tree coverage on areas of the site include a significant stand of deciduous trees that cover most of the steepest slopes on site along the eastern property line, including some slopes that are in excess of 12%. Additional areas of tree cover are found along the southern boundary near Badger Mill Creek and the western boundary backing onto the single-family lots along Mica Road to the west.

The proposed Badger Mill Creek subdivision will immediately adjoin the Stone Crest Estates subdivision located to the west, which was platted in 2000. Stone Crest Estates contains 182 single-family lots zoned R2, ten duplex lots along the western edge of the plat adjacent to CTH M, zoned R3, and three lots zoned R5 and developed with 166 multi-family units. Of those 166 multi-family units, 72 are located within the two-building Woodland Fields complex that adjoins the southwestern quadrant of the subject site, with single-family residences otherwise to the north. The plat also dedicated land for Flagstone Park, a portion of which adjoins the southwestern corner of the subject site.

The subject site is otherwise bounded by single-family residences on large tracts of heavily forested land to the north and east located in the Town of Verona. Lands to the south of the site extending south to Raymond Road are undeveloped, agricultural lands also in the Town.

At present, the subject site is not located within the Madison Central Urban Service Area (CUSA). A request to amend the CUSA to include this site will be submitted to Dane County Community Analysis and Planning Division and to the Wisconsin Department of Natural Resources (DNR) for approval concurrent with the Plan Commission and Common Council review of the proposed rezoning and preliminary plat. A condition of approval of the preliminary plat will restrict final approval and recording of the final plat of Badger Mill Creek subdivision until such time as the CUSA amendment has been approved by the DNR.

#### Zoning Map Amendment and Plat Review

Access to the proposed Badger Mill Creek subdivision will be provided by the extension of Flagstone Drive east from its current terminus at the eastern limits of the Stone Crest Estates subdivision and by the southerly extension of Jeffy Trail from its current public terminus adjacent to the northernmost extent of the site on the former Ripple property. A portion of the extension of Jeffy Trail will cross the unrelated Farin property in the Town of Verona on the west side of road. As a result, the City Engineer is requiring that the developer obtain an easement across the Farin tract as part of the subdivision improvements associated with this subdivision. The extension of Jeffy Trail will continue past extended Flagstone Drive and will be

aligned to permit future extension south to Raymond Road at such time as the adjacent Smithies property is developed.

Most of the 76 single-family lots will be platted along extended Jeffy Trail and along two north-south residential streets, Streets “B” and “C,” which will be created with the plat. The 12 lots on the east side of Street C will be zoned R1 and will be platted with additional street frontage, lot depth and lot area than the remainder of the proposed single-family lots, which will be zoned R2T. In all cases, the proposed R1 lots appear to significantly exceed the minimum lot design requirements of R1 zoning, which requires a minimum of 65 feet of lot width and 8,000 square feet of lot area per lot, with twice the minimum 100-foot lot depth and nearly twice the minimum lot area. The tree preservation plan submitted with the plat suggests that a 40-foot tree preservation buffer will be established on the final plat of this subdivision to preserve many of the mature deciduous trees located on the downward slope on these lots, though such a buffer is not shown on the preliminary plat.

The 64 R2T lots are also significantly larger than the minimum requirements of that district, which requires a minimum lot width of 44 feet and a minimum lot area of 5,000 square feet and was created to encourage development of pedestrian-scale single-family neighborhoods in newer areas of the City without need for planned development zoning. In addition to reduced lot width, depth and area compared to conventional R2 zoning, District R2T also allows for reduced front and rear yard setback requirements and establishes minimum design standards for individual single-family residences. The design standards stipulate that at least one ground-floor entry face the street and that garages either be located in the side or rear yard of the residence, or if attached, recessed two feet from the front façade, with no more than 50% of the front facade occupied by the garage. In addition, R2T zoning allows for a minimum lot depth of 80 feet versus the 100-foot minimum required in other conventional zoning districts. While all of the proposed R2T lots in Badger Mill Creek would meet the requirements for R1 lots as described above, the Planning Unit supports the zoning of these lots to R2T due to the house design standards and reduced yard requirements included with that district. R2T also presents the best opportunity for limited tree preservation in the rear yards of lots particularly on the western half of the site where grades are much less severe due to the reduced front yard requirements.

The two multi-family lots, totaling 7.02 acres of land, will be located at the southwest corner of Jeffy Trail and Flagstone Drive adjacent to the 72-unit multi-family tract west of site in Stone Crest Estates. The two lots, Lots 77 and 78, will be zoned R4 in an anticipation of future multi-family development. An exhibit submitted with the plat suggests that a total of 118 units will be developed on these lots, which would result in an approximate density of 16.8 units per acre. However, an application for development on these two multi-family lots will be submitted for review at a future date, and including this exhibit with the plat information does not imply a City recommendation regarding future development on these lots.

A 40-foot landscape buffer will be required on the final plat along the southerly edge of Lot 78 to provide screening and buffering of that lot from the Ice Age Trail, which will cross properties south of this plat. Enforcement of the buffer planting plan will occur at the time a specific development proposal for that lot is offered.

The plat will dedicate a total of six outlots of varying size generally located on the southern half of the development site. Outlots 1 and 4 will be reserved for public stormwater management and are located on either side of the future alignment of Jeffy Trail. Outlots 2 and 3 are reserved for future development at such time as the adjacent Smithies is developed and Jeffy Trail can be extended further south. Outlot 5 will be dedicated to the City for park purposes as a likely extension of Flagstone Park, while Outlot 6 will be dedicated to the City for greenway purposes separate from the parklands.

### Neighborhood Development Plan

In anticipation of the annexations of these three parcels into Madison, an amendment to the High Point-Raymond Neighborhood Development Plan for the lands generally east of Mica Road was prepared to more accurately reflect the likely land use and street pattern in the area in light of development approvals on adjacent properties and the proposed Badger Mill Creek development. At the time the neighborhood plan was developed in 1997, a very conceptual street layout for the former Morley-Ripple-Sonntag properties and other lands located along and east of Jeffy Trail was included to serve the generally low-density residential uses recommended for this area. It was understood that future amendments and development proposals would further refine the NDP. As a result of the conceptual plan for Badger Mill Creek, the NDP was amended in October 2005 and again in March 2006 to reflect the street and land use pattern proposed in this development, as well as to show how lands north and east of the subject site could be developed. As a result of close work between the Planning Unit and developer, the proposed plat was submitted in substantial conformance with the detailed street and land use plans adopted in the NDP. The plan amendments provided for substantially higher densities for this development beyond the densities proposed in the original plan.

The High Point-Raymond NDP includes requirements for aesthetic management zones for projects visible from the Ice Age Trail and Elver Park, the former of which applies to the subject site. The aesthetic management zone is intended to reduce the visibility of adjacent developments from the environmental corridors by requiring an earth tone material palette to be approved for any subdivision in these zones. A material palette will be required as part of the submittal of the final plat of this subdivision for approval by the Planning Unit.

### Inclusionary Zoning

The applicant has submitted an Inclusionary Dwelling Unit Plan (IDUP) indicating his intent to comply with the inclusionary zoning provisions of the Zoning Ordinance. The IDUP indicates that 12 of the 76 single-family units will be constructed to meet the affordability criteria, with eight units to be provided to families earning 80 percent of the area median income (AMI) and four to be provided to families earning 70 percent of the AMI. The single-family units in the subdivision will be owner-occupied and will contain either three or four bedrooms.

The 12 affordable single-family units proposed satisfies the requirement that at least 15 percent of the single-family dwelling units are affordable under the Zoning Ordinance provisions. The

lots are relatively well dispersed, though no affordable units are proposed in the proposed R1 zoned portion of the plat (Lots 39-50).

This project has earned two incentive points. The applicant is requesting a host of incentives with this project, including a density bonus, non-City planting of street trees, the ability to exempt Lots 39-50 from unit dispersion and a cash subsidy for the affordable units.

Regarding the density bonus requested, staff has determined the density of the single-family component of the project to be 3.74 units per acre based on all 76 lots occupying 20.3 acres of land. The density increases slightly to 4.16 units per acre for the 15.4 acres of the site the 64 R2T lots the developer will disperse the IZ units through. The Zoning Ordinance stipulates that the midpoint of the density range of a neighborhood development plan must be used to determine the density bonus a project will receive if no permanent zoning already exists. In this case, the High Point-Raymond NDP recommends the site for low-density residential development with a density of 0-8 units per acre, which results in a midpoint of four units per acre. Using the four-unit midpoint, the 15.4-acre area of R2T zoning would result in 61 units being developed, meaning that the 64 lots represent a bonus of 4.9 percent. The ordinance provides for a bonus of ten percent for every incentive point up to three points (a thirty percent bonus for this project). If the 20.3-acre area of all 76 lots is incorporated, a total of 81 units could be developed and there would be no bonus for the single-family component.

The area of the two proposed multi-family lots is recommended by the amended High Point-Raymond NDP for medium-density residential uses to be developed at an average density of 15 units per acre or greater. While suggesting an average density of 15 units per acre, the NDP does not provide a specific range for recommended medium-density land use. The range given for medium-density areas in most other neighborhood plans is 16-25 units per acre, with a midpoint of 21 units per acre. The developer is preliminarily proposing 40 units to be developed on Lot 77 and 70 units on Lot 78, resulting in a density of 15 and 16.1 units per acre, respectively, which is well below the recommended midpoint. Further details of the development of these two lots will be forthcoming on subsequent land use applications.

The ability to exempt certain units or areas of a development from IZ unit dispersion is not identified currently in the ordinance, although such exemptions have been granted with the approval of other similar projects. The Planning Unit does not object to the exclusion of these lots in this project. The Community Development Block Grant Office has also determined in their attached report that the project does not meet the requirements to receive the cash subsidy. Staff supports the granting of the street tree incentive.

It should be noted however that the City specifically amended the High Point-Raymond NDP at the request of the developer to allow the multi-family and higher density in an area originally identified for low-density residential development.

The two multi-family lots will be deed restricted to require designation of 15% of the units to be developed in that phase as affordable under the inclusionary provisions in the Zoning Ordinance. A more detailed inclusionary dwelling unit plan is needed for these lots that establishes the

nature of the multi-family housing proposed (owner-occupied/ rental), the approximate number of units envisioned and the sale and/ or lease price of those units.

## **CONCLUSION**

In general, the Planning Unit believes that the street and lot layout and pattern of land uses and densities proposed in the Badger Mill Creek subdivision conforms with the design and uses envisioned in the High Point-Raymond NDP, as amended.

The Plan Commission requested in October 2005 that any development proposals within the area of the amendment that included Badger Mill Creek include tree surveys and identification of optimal locations for tree preservation corridors. In response to this stipulation, the developer has submitted a summary of tree protection recommendations that will be incorporated into the development of the subdivision. The document acknowledges that most of the coniferous tree plantation located on the northern two-thirds of the site will be lost with the implementation of this subdivision, though opportunities for tree preservation exist. Among the areas that are identified for potential preservation is a 40-foot wide strip along portions of the southern and eastern limits of the subdivision and a line of mature oak and cherry along the western boundary of the plat adjacent to the single-family homes along Mica Road. The Plan Commission will recall that these trees were an area of neighbor concern when the neighborhood development plan amendment was before them in October 2005. The Planning Unit requests that the final plat be prepared to identify a tree preservation easement along the eastern 40 feet of Lots 39-50 to ensure preservation of as much mature vegetation on those lots as possible. The final plat should also be submitted with a preliminary grading plan that identifies the proposed areas of disturbance throughout the subdivision overlaid on top of a generalized map of the areas of mature vegetation so that staff may work with the applicant to identify areas where vegetation may be preserved. The tree information overlay should contain a tree inventory showing the size and species for those areas specifically identified in the tree protection plan submitted with the preliminary plat so that opportunities for additional tree preservation easements can be identified.

## **RECOMMENDATIONS**

The Planning Unit recommends that the Plan Commission forward **Zoning Map Amendment LD. 3182, 3183 & 3184**, rezoning 3120-3160 Jeffy Trail from Temp. A (Agriculture) to R1 and R2T (Single-Family Residence Districts) and R4 (General Residence District) to the Common Council with a recommendation of **approval**, subject to input at the public hearing and comments from reviewing agencies.

The Planning Unit also recommends that the Plan Commission forward **The Preliminary Plat of Badger Mill Creek** to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the developer submit a final plat for approval in accordance with the Section 16.23 (5)(c) of the Subdivision Regulations.



3. That the final plat shall include a 40-foot landscaping buffer strip along the length of the south lot line of proposed Lot 78 and a tree preservation easement along the eastern 40 feet of Lots 39-50.
4. That the final plat include a 75-foot setback from the ordinary high-water mark of Badger Mill Creek or adjacent wetlands as required by the Planning Unit, Parks Division and City Engineer.
5. That the final plat be submitted with a preliminary grading plan identifying areas of land disturbance throughout the subdivision overlaid on top of a generalized map of the areas of mature vegetation to assist staff in identifying areas where existing vegetation may be preserved. The tree information overlay shall contain a tree inventory showing the size and species for those areas specifically identified in the tree protection plan submitted with the preliminary plat so that opportunities for additional tree preservation easements can be identified and conditioned with the approval of the final plat.
6. That final approval and recording of the final plat of Badger Mill Creek subdivision not occur until such time as the subject site has been added to the Madison Central Urban Service Area.
7. That the final plat be submitted showing the limits of the field-located drainageway extending through Outlots 1 and 2. An environmental corridor amendment to reflect this drainageway and any necessary setbacks there from will be established at the time the final plat is approved.
8. That the exterior of all buildings in this subdivision be constructed of materials to match an exterior materials palette to be approved by the Planning Unit prior to the recording of the final plat of Badger Mill Creek and that those materials be detailed on any building permit submittals for these lots.
9. That a detailed landscaping buffer plan for the south line of Lot 78 be submitted as part of any future land use applications for that lot.
10. That the applicant submit a completed Inclusionary Dwelling Unit Plan for approval and recording with the final plat of the subdivision that includes a complete IDUP, marketing plan and deed restriction requiring compliance with the inclusionary housing provisions of the Zoning Ordinance for the two proposed multi-family lots. The IDUP for the multi-family lots shall establish the nature of the multi-family housing proposed (owner-occupied/ rental), the approximate number of units envisioned and the sale and/ or lease price of those units.
11. The Inclusionary Dwelling Unit Plan may need to be revised to show an amended lot dispersal plan for the single-family component to identify inclusionary lots amongst Lots 39-50 if the Zoning Ordinance is not amended to allow exclusion of those lots.