

# **Cherokee Special Area Plan**

**Recommendations for Land Use and Development**

**City of Madison  
Department of Planning and Development, Planning Unit**

**Adopted by the Common Council on January 16, 2007**

<b>Introduction .....</b>	<b>1</b>
<b>Existing Conditions and Background Information .....</b>	<b>1</b>
Cherokee Special Area Plan Study Area .....	1
Municipal Jurisdictions.....	2
Property Ownership.....	2
Existing Land Use.....	2
Existing Zoning .....	4
Natural Features.....	5
Utilities .....	7
Existing Transportation Facilities.....	8
Historical Cherokee Park, Inc. - Related Approvals, Agreements, Easements .....	10
Other Planning Considerations .....	12
City of Madison Comprehensive Plan Land Use Recommendations .....	15
<b>Cherokee Special Area Plan .....</b>	<b>15</b>
Recommended Land Use.....	15
Neighborhood Development And Design Principles .....	16
Hornung Range Sub-Area (1) Recommendations .....	18
Hornung Woods & Field Sub-Area (2) Recommendations .....	21
Cherokee Country Club Sub-Area (3) Recommendations .....	22
Wheeler Triangle Sub-Area (4) Recommendations .....	23
Cherokee Park Fifth Addition Sub-Area (5) Recommendations.....	24
High Hill Sub-Area (6) Recommendations .....	25
Recommended Transportation Facilities.....	26
Recommended Transit Facilities.....	29
Recommended Park and Open Space Improvements.....	29
Recommended Utility Improvements .....	30
Development Staging .....	32
<b>Plan Implementation.....</b>	<b>33</b>
Comprehensive Plan Supplement and Amendment .....	33
Central Urban Service Area Amendment.....	33
Zoning.....	34
Land Division Regulations .....	34
Official Map.....	35
Capital Improvement Program and Budget.....	35
Annexation Policy .....	35
Interagency Cooperation .....	35
<b>Appendix One.....</b>	<b>37</b>
City of Madison Comprehensive Plan Land Use Recommendations .....	37
<b>Appendix Two .....</b>	<b>39</b>
Cherokee Marsh Management Plan for the Eastern Wetland.....	39
<b>Appendix Three.....</b>	<b>44</b>
Cherokee Special Area Plan adopting Resolution .....	44
<b>Maps 1-10.....</b>	<b>49</b>

Appendix Maps 1-6 .....	49
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## **Introduction**

The Cherokee Special Area Plan (SAP) has been prepared to guide the future growth and development of lands in the Cherokee area on Madison's north side. The City's Comprehensive Plan provides general recommendations for this area, which are relatively broad and are applied to relatively large geographic areas. In order to provide the detailed recommendations needed to guide future development-related decisions at specific locations, the Comprehensive Plan recommends that significant changes in land use from existing conditions be consistent with the recommendations of a City-adopted special area plan, neighborhood plan, or neighborhood development plan. The land use and design recommendations of the Cherokee SAP are intended to be consistent with the recommendations of the Comprehensive Plan, but more detailed and specific so that they provide meaningful guidance to developers, neighborhoods, City agencies, policy makers, and others involved in the initiation or review of development projects. The Cherokee Special Area Plan is the plan against which development proposals will be evaluated.

The Cherokee SAP recommends land uses, such as park and open space or low density residential, for lands located within the Plan's study area. The Cherokee SAP includes recommendations for the protection of environmentally sensitive features within and adjacent to the study area. The SAP also includes design standards that establish the recommended character of new development. In addition, the SAP also facilitates planning for the design and construction of infrastructure such as streets, pedestrian and bicycle trails, sanitary sewer service, water systems and stormwater management facilities.

On January 16, 2007, the City of Madison Common Council passed a resolution approving the Cherokee Special Area Plan. In addition, the Common Council approved a resolution authorizing an annexation/attachment between the City and Cherokee Park, and a resolution authorizing the Mayor and Clerk to sign a memorandum of understanding with Cherokee Park, Incorporated providing for the purchase of lands owned by Cherokee and the purchase of conservation easements over other lands owned by Cherokee. A document titled "Cherokee Marsh Management Plan for Eastern Wetland" was adopted as part of the memorandum of understanding. The annexation/attachment agreement and the memorandum of understanding were adopted concurrently with the Cherokee Special Area Plan, but are not part of the Plan. However, they do affect much of the same land. The annexation/attachment agreement and memorandum of understanding documents can be found at the following websites [www.cityofmadison.com/planning/pdf/cherokeeannex.pdf](http://www.cityofmadison.com/planning/pdf/cherokeeannex.pdf) and [www.cityofmadison.com/planning/pdf/cherokeemou.pdf](http://www.cityofmadison.com/planning/pdf/cherokeemou.pdf)

## **Existing Conditions and Background Information**

### ***Cherokee Special Area Plan Study Area***

The Cherokee Special Area Plan study area includes lands west of the Dane County Regional Airport, parts of the Whitetail Ridge and Sherman Village subdivisions, lands east of the Yahara River, and lands south of the Cherokee Conservation Park and adjacent marshlands. The study area includes six core planning sub-areas where development is proposed or is likely to be proposed. Significant public acquisition of open space may also occur in some of the sub-areas. The six core planning sub-areas are listed below and are shown on **Map 1-Study Area**.

1. Hornung Range
2. Hornung Woods and Field
3. Cherokee Country Club
4. Wheeler Triangle
5. Cherokee Park Fifth Addition
6. High Hill

## ***Municipal Jurisdictions***

The study area includes lands located in the City of Madison, the Town of Burke and the Town of Westport (See **Table 1** below and **Map 2-Municipal Jurisdictions**). Further, lands within the study area are located within one of three school districts: Madison Metropolitan, Waunakee, and DeForest.

**Table 1: Municipal Jurisdiction – Study Area**

<b>Jurisdiction</b>	<b>Acres</b>	<b>% of Total</b>
City of Madison	672.3	35.2%
Town of Burke	938.2	49.1%
Town of Westport	301.0	15.7%
<b>Total</b>	<b>1,911.5</b>	<b>100.0%</b>

## ***Property Ownership***

Cherokee Park, Incorporated is the major property owner within the study area. Other major property owners include the City of Madison and Dane County. **Table 2** below and **Map 3-Property Ownership** indicate the major property owners within the Cherokee Special Area Plan study area.

**Table 2: Property Ownership – Study Area**

<b>Owner</b>	<b>Acres</b>
Cherokee Park, Inc.	643.4
City of Madison	235.7
Dane County	241.1
Other Ownerships, Right-of-Way and Open Water	791.3
<b>Total</b>	<b>1,911.5</b>

## ***Existing Land Use***

**Table 3** below summarizes existing land use by acres in the Cherokee Special Area Plan study area. Existing Land Use is shown on **Map 4-Existing Land Use**.

**Table 3: Existing Land Use – Study Area**

<b>Land Use</b>	<b>Acres</b>	<b>% of Total</b>
Residential	300.7	15.7%
Commercial/Employment	26.5	1.4%
Institutional	40.7	2.1%
Park and Open Space	989.0	51.7%
Vacant/Agricultural	291.0	15.2%
Right-of-Way	133.1	7.0%
Open Water	130.6	6.8%
<b>Total</b>	<b>1,911.6</b>	<b>100%</b>

### **Park and Open Space Uses**

A large part of the study area is open space. These open spaces are located primarily in Cherokee Marsh and adjacent areas, and include wetlands, floodplains, drainageways and some undeveloped uplands. In addition, several parks are located in the Cherokee SAP study area. These include: Cherokee Park, portions of the Cherokee Conservation Park North Unit and South Unit, Whitetail Ridge Park, Sherman Village Park and Northland Manor Park. The Cherokee Country Club golf course is also considered park and open space.

### **Residential Uses**

Low density residential uses within the study area include parts of the Sherman Village and Whitetail Ridge subdivisions, the Cherokee Park subdivision, the James F. Taff subdivision plat in the Town of Burke and the Burke Assessor Plat #3. These areas are primarily developed with single-family dwellings. Areas within the study area that are developed with multiple family buildings include the Cherokee Townhomes, and the Cherokee Garden Condominiums and Townhomes. A few duplex lots and multiple family buildings are located in the study area within the Town of Burke.

### **Non-Residential Uses**

As noted above, the Cherokee Country Club is a major land use within the study area. The clubhouse is considered a non-residential use, while the golf course is designated as open space. Other non-residential uses include Saint Peter's Church, the Dovetail subdivision (industrial and commercial uses) and a cluster of commercial and industrial uses on lots located along the south and east sides of CTH CV in the Town of Burke. In addition, Blackhawk Middle School and Gompers Elementary School are located within the study area. Finally, two water wells, one in the Town of Burke, and the other in the City of Madison, are located in the study area.

The Dane County Regional Airport is located along the eastern boundary of the Cherokee study area. The study area is impacted by flights using runway 14/32. Parts of the runway 14/32 "runway protection area" and "avigation easement" area are located in the eastern and northeastern sections of the study area.

## Existing Zoning

As noted above, the study area includes lands within the City of Madison, the Town of Westport and the Town of Burke. The City of Madison Zoning Code regulates development within the City of Madison. The Dane County Zoning Ordinance regulates development on lands within the towns. Land within the study area is zoned for residential, conservation, commercial, manufacturing and agriculture use. Shoreland, wetland and floodplain zoning regulations also apply in some areas. **Table 4** summarizes the districts, and **Map 5-Existing Zoning Districts**, shows their locations.

**Table 4: Existing Zoning Districts – Study Area**

### City of Madison

#### Agriculture District (A)

The Agriculture District is intended to preserve lands suited to future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development.

#### Conservancy District (C)

The Conservancy District is intended to preserve and perpetuate in an open state areas such as lakes and waterways, wetlands and marshes, flood plains and stream beds, certain agricultural lands, slopes and other areas of aesthetic value which, because of their unique physical features, are deemed desirable and functional as natural drainageways and water retention areas, natural habitat for plant and animal life, greenbelts and other multiple purpose uses beneficial to the community.

#### Planned Unit Development District/Specific Implementation Plan (PUD/SIP)

The PUD/SIP District provides a voluntary regulatory framework to encourage and promote improved environmental and aesthetic design in the City by allowing greater freedom, imagination and flexibility in the development of land while ensuring substantial compliance to the basic intent of the zoning code and the general plan for community development.

#### R-1 Single-Family Residence District

The R-1 District is intended to stabilize and protect the essential characteristics of low density residential areas in outlying parts of the City and is limited primarily to single-family dwellings, low density multiple family dwelling units in planned residential developments and certain community and recreational facilities to serve area residents.

#### R-2 Single-Family Residence District

The R-2 District is intended to protect the essential characteristics of low density residential areas located in the outlying as well as some inlying urban parts of the City. This district is limited primarily to single-family dwellings, low density multiple-family dwellings in planned residential developments, and certain community and recreational facilities to serve area residents.

#### R-4 General Residence District

The R4 District is intended to stabilize and protect the essential characteristics of certain medium density residential areas normally located in the outlying as well as some inlying parts of the City. Development is limited primarily to single-family, two-family, and multiple-family dwellings and convalescent homes, and certain community and recreational facilities to serve area residents.

#### Wetland District (W)

The Wetland District is intended to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands, whenever possible.

**Table 4: Existing Zoning Districts – Study Area (continued)**

**Dane County: Towns of Burke and Westport**

**A-1 Exclusive Agriculture District**

The A-1Ex District is intended to preserve productive agricultural land for food and fiber production.

**A-1 Agriculture District**

This district is in effect only in those towns that have not elected to have the A-1 Exclusive Agriculture District in their towns. The Town of Burke is a non-Exclusive Agriculture town. The A-1 Agriculture District is generally for agricultural production and related uses. Residences and a variety of other non-farm uses are permitted.

**B-1 Local Business District**

The B-1 District is intended to provide a district for retail businesses and services that do not include manufacturing or major assembly of items or products. Residential use is limited, outside storage of items is restricted and landscaping of properties is required.

**C-1 Commercial District**

The C1 District permits many different uses such as retail and service uses as well as distribution centers, wholesale businesses, woodworking shops, machine shops, and manufacturing and assembly plants.

**C-2 Commercial District**

The C-2 District permits all of the uses permitted in the C-1 District without limitations as to size. There are many additional permitted uses, which are primarily motor vehicle, and entertainment related uses.

**R-3A Residential District**

The R-3A District allows all uses that are also allowed in the R-1 district. The primary difference is that duplexes are a permitted use in the R-3A district and they are not a permitted or a conditional use in the R-1 district.

**R-4 Residence District**

The R-4 Residence District allows all uses permitted in the R-3A District with the exception that the R-4 district also allows multiple family dwellings, community living arrangements, nursing homes, extended care facilities, veterinary clinics, professional offices and mobile home parks.

**RE-1 Recreational District**

The RE-1 District permits facilities such as golf courses, driving ranges, tennis courts, archery ranges, baseball diamonds, ski slopes and jumps, and toboggan slides.

## ***Natural Features***

The Cherokee SAP study area includes numerous natural features. The locations of some of these features are indicated on **Map 6-Natural Features**.

### **Cherokee Marsh**

The primary natural feature in the study area is Cherokee Marsh. The marsh encompasses over 4,000 total acres and is Dane County's largest wetland. Cherokee Marsh consists of wetlands, southern Wisconsin woodlots, old fields, restored prairie and oak savanna, two glacial drumlins and a section of the Yahara River. The marsh provides a large area of natural open space at the edge of the City. In addition, the marsh wetlands and their environs provide natural vegetation and extensive wildlife habitat. The marsh plays a critical role in maintaining the quality of Madison's lakes by filtering run-off. This resource also serves as a natural flood storage area. In addition, Cherokee Marsh provides many year-round recreational and educational opportunities.

The Cherokee Marsh Conservation Park has been in existence since the City began buying land in Cherokee Marsh in the 1960s, and now totals 1,218 acres. The Conservation Park is managed for restoration of native plant and animal communities. It serves as a primary site for outdoor education and natural area research for elementary through post-graduate levels. It also provides a site for compatible nature-based recreation, such as bird watching, nature study, astronomy, photography, hiking and skiing.

### **Environmental Corridors**

The now disbanded Dane County Regional Planning Commission (DCRPC) defined environmental corridors as “continuous systems of open space in urban and urbanizing areas, that include environmentally sensitive lands and natural areas requiring protection from disturbance and development, and lands intended to remain generally open and undeveloped, and may not receive sanitary sewer for development purposes.” Environmental corridors are based mainly on drainageways and streams channels, floodplains, wetlands, steep slopes, and other resource features. Before disbanding, the DCRPC identified and mapped environmental corridors in all urban service areas in Dane County. Now, the Dane County Division of Planning and Community Analysis (DCDPCA) designates and maps environmental corridors in all urban service areas in Dane County, including the Central Urban Service Area (CUSA) which includes the City of Madison. All mapped environmental corridors in the Cherokee SAP are located within the CUSA in the Town of Westport and the City of Madison. The environmental corridors are primarily associated with the wetlands and floodplains of Cherokee Marsh and the shorelands of the Yahara River. The Cherokee Country Club, with the exception of the clubhouse area, is also designated environmental corridor. Environmentally sensitive areas and natural features located outside of the CUSA are not designated as environmental corridors until such areas are attached to the CUSA.

### **Floodplains**

The study area includes large areas that are classified as 100-year floodplain according to the Federal Emergency Management Agency. Both the City and County zoning codes include floodplain regulations.

### **Soils**

The soils in the area are predominantly peat or muck soils in the lowlands and silt loams or sandy loams in the uplands. The upland soils are generally agriculturally productive, while the wet soils are only productive when adequately drained. There are also occasional sandy and gravelly soils which have a low agricultural productivity.

### **Topography**

The topography of the study area is primarily characterized by low-lying wetlands and meadowlands. The low-lying Cherokee Marsh is located along the northern, and eastern edges of the study area. The Yahara River is located on the western edge of the study area. In the southern portion of the study area, the elevation increases moderately, moving east along Wheeler Road, until it reaches its highest point (950 feet above sea level) at a small area on both sides of North Sherman Avenue. The topography of the central and northern portions of the study area is low-lying, except for the “High Hill”, which is located immediately east of North Sherman Avenue and the Fifth Addition sub-area. The “High Hill” is the second highest point in the study area with an elevation of approximately 910 feet above sea level compared to North Sherman Avenue, which is approximately 850 feet above sea level.

## **Wetlands**

Much of the study area is designated as wetland according to the Wisconsin Department of Natural Resources (DNR) Wetland Inventory Maps and subsequent delineations. Wetlands are a major natural resource feature within Cherokee Marsh. Some wetlands are located within environmental corridors, while those that are located outside of the Central Urban Service Area are not yet designated as environmental corridors.

Cherokee Park, Inc. retained a consultant to delineate wetlands within the study area. The wetland delineations have been approved by the United States Army Corps of Engineers. Further, the Wisconsin Department of Natural Resources has approved all but one of the delineations. Wetland setbacks are regulated by federal, state and local requirements. Within the CUSA, environmental corridors include a 75-foot setback from delineated wetlands. Any proposal for a setback of less than 75 feet would constitute a "major change" to the environmental corridor. In order to allow such a change, the City would have to formally approve (by resolution) the request and then request that the DNR approve the change. The request would then go through the Dane County Community Analysis and Planning Division (DCCAPD) or its successor water quality management agency. The DCCAPD would hold a public hearing before making a recommendation to the DNR.

## **Wooded Areas**

Although not extensive, there are wooded areas within the study area. These areas include the Hornung Woods and Field, Hornung Range, and the Fifth Addition sub-areas. These woodlands are of varying quality, but they do provide aesthetic and environmental benefits. For example, wooded areas provide habitat for various plants and animals. They also provide attractive natural greenspace in urban areas.

## **Yahara River**

The Yahara River is located immediately west of the study area. The river originates in the marshy areas of Columbia County and flows as a small meandering creek through extensively farmed land until it empties into Cherokee Marsh, and eventually, Lake Mendota.

## **Utilities**

### **Public Wastewater System**

Urban service areas are those lands in and around existing communities that are most suitable for urban development and capable of being provided with a full range of urban services. Wisconsin Statutes and Administrative Rules require that the provision of sanitary sewer facilities and service be consistent with State-approved water quality management plans. As part of the preparation of the area-wide water quality plan for Dane County, the Dane County Community Analysis and Planning Division (DCCAPD) and DNR delineate sewer service areas for all areas in Dane County intended to receive sanitary sewer service. The sewer service areas correspond to the urban service areas and limited service areas in adopted plans. They are used by DCCAPD and the Wisconsin Department of Natural Resources to review all sewerage facilities and sanitary sewer extensions in Dane County for consistency with plans, ensuring that urban development that is served by sanitary sewers occurs in planned urban service areas, while protecting urban environmental corridors.

Those areas within the City of Madison that are served with sanitary sewers are located within the Central Urban Service Area (CUSA). Madison Metropolitan Sewerage District (MMSD) provides wastewater collection services in Madison's portion of the CUSA. Five of the six sub-

areas are entirely within the CUSA. A portion of the Hornung Range sub-area is not located within the CUSA. Within the CUSA, sanitary sewer service cannot be provided to lands located within environmental corridors. The CUSA boundary is depicted on **Map 8-Other Planning Considerations**.

The Cherokee Park, Inc. lands can be served by a Madison Metropolitan Sewerage District (MMSD) interceptor sewer that enters the study area from the east, then runs generally west adjacent to the James F. Taff subdivision plat, then extends westerly to North Sherman Avenue where it passes north of the Cherokee Country Club Clubhouse, before terminating in the Cherokee Townhomes area. A MMSD force main passes through the northern part of the Cherokee Townhomes, extending westerly across Comanche Way where it connects with another MMSD interceptor sewer. Two pumping stations, one along Comanche Way and the second at the terminus of Comanche Glen, serve the Cherokee Park subdivision. Force mains pump the sewage from these areas into the MMSD interceptor sewer. The locations of sanitary sewer facilities are shown on **Appendix Map 2-Public Wastewater System**.

### **Municipal Water**

The Madison Water Utility manages the public water supply for the City. The Utility operates a well (Well 13) and water reservoir at the southeast corner of Wheeler Road and Delaware Boulevard. At this time, Well 13 is pumping at 65% capacity. The well has a maximum pumping capacity of 3.3 million gallons per day. The well is a deep well that draws from the upper and lower sandstone aquifers. The timing and locations of new facilities is a function of development pressure within a certain area in conjunction with the Utility's adopted master plan to develop a capital improvement program that meets the area's demands.

The Burke Utility District No. 1 is located in a portion of the Town of Burke south of Wheeler Road and west of CTH CV. The District was organized in 1997. The well that provides water to the District is located south of Wheeler Road and west of the parcels fronting on CTH CV. The well is 410 feet deep and draws from the deep aquifer. It can yield 270,000 gallons per day (See **Appendix-Map 3 Public Water Supply**).

### **Existing Transportation Facilities**

In general, there are several well-established existing streets and multi-modal transportation facilities that serve the study area. These include:

#### **Roadways**

Existing major streets serving the Cherokee SAP study area include Wheeler Road, County Trunk Highway CV and Sherman Avenue. The streets designated as collector streets are Comanche Way, North Sherman Avenue, Delaware Boulevard, School Road and Wheeler Road. Collector streets typically connect local neighborhood streets and other low intensity development areas to other collector streets or higher volume arterial streets. All other public streets within the study area are classified as "local" roads.

Wheeler Road is classified as a collector street east and west of Sherman Avenue. East of Sherman Avenue, Wheeler Road is currently a rural, two-lane roadway with no curb and gutter and no sidewalks. West of Sherman Avenue, Wheeler Road is a 44-foot wide urban street with two lanes for traffic and parking on both sides of the street, and sidewalk on the north side of the street.

Sherman Avenue, south of Wheeler Road is a 44-foot wide urban street with two lanes for traffic and parking on both sides of the street and with a sidewalk along the full west side of the street from Wheeler Road south to State Trunk Highway 113, and only intermittently on the east side.

Sherman Avenue, north of Wheeler Road is partially built as a 44-foot wide urban street with two lanes for traffic and parking, and sidewalk on one side for a short distance from Wheeler Road to where it ends near the Cherokee Country Club Clubhouse. North of the Clubhouse, the street narrows to a rural two-lane roadway with no sidewalk.

County Trunk Highway CV, an arterial that also serves the area, is currently a two-lane roadway with no sidewalks.

Street classifications are shown on **Map 7-Existing Transportation Facilities**. The most recent traffic volume information is provided on **Appendix Map 5-2004 Traffic Volume**.

### **Transit**

Madison Metro Transit provides bus service in the study area. Route 21 provides primary service seven days a week along Delaware and Northland in the southwestern portion of the study area. Route 24 provides additional weekday peak hour service at the intersection of North Sherman Avenue and Wheeler Road in the southcentral portion of the study area. Route 29 provides limited weekday commuter service along Wheeler Road west of North Sherman Avenue, Comanche Way and North Sherman Avenue in the western portion of the study area including the Cherokee Park subdivision. There are also additional routes on weekdays during the Madison Metropolitan School District school year to accommodate students' use of the bus system. Bus routes are shown on **Map 7-Existing Transportation Facilities**.

### **Bicycle Facilities**

The Madison Bikeway System Route Map identifies the following facilities within the study area:

- **Local streets** include all streets in the study area except Wheeler Road, North Sherman Avenue, Comanche Way and Delaware Boulevard. Local streets primarily provide access to homes. These streets have lower volumes, slower speeds and typically do not need any special accommodations for bicyclists. Many bicyclists, however, find local streets inconvenient for longer trips due to frequent stops or circuitous routes.
- **Through streets suitable for most bicyclists** include Wheeler Road, North Sherman Avenue, Comanche Way and Delaware Boulevard north of Northland Drive. These streets are collector or arterial streets suitable for most bicyclists, but without any special facilities for bicyclists. Collector streets connect the neighborhood streets to the main streets. Collector streets have higher volumes of traffic and higher speeds than local streets, but generally are acceptable to most bicyclists without the need for special facilities.
- **Bike routes** include CTH CV, Delaware Boulevard and Northland Drive. These routes are intended to indicate major routes through the City that most bicyclists will feel comfortable using. They are not intended to link all possible locations. Bicyclists are not required to use these routes. New bicyclists and bicyclists new to Madison, will find these routes useful for getting to know Madison by bicycle. Bicycle routes use a combination of local and collector streets, arterial streets with bike lanes or wide curb lanes, overpasses and underpasses.

- *A bike path* connects Delaware Boulevard to Monica Lane.

Signed bicycle routes in the Cherokee SAP study area include North Sherman Avenue north to Wheeler Road, Delaware Boulevard, Northland Drive and School Road. Bicycles also have the right to use all other public streets in the study area, even if those streets do not have bicycle route signs. Bicycle routes are shown on **Map 7-Existing Transportation Facilities**.

### **Pedestrian Facilities**

Sidewalks are provided on both sides of most City streets in the study area. There are no sidewalks along the town roads and CTH CV. Portions of Wheeler Road and North Sherman Avenue have sidewalks on one side of the street. North Sherman Avenue, north of Wheeler Road, does not have sidewalks on either side of the street.

### **Rail Facilities**

A Canadian Pacific rail line runs through the eastern part of the study area. This segment of the line was recently relocated to the west of its previous location. The relocation provides additional takeoff and landing clearance for aircraft using the Dane County Regional Airport. Currently, one train uses this segment of the line per day. While currently utilized for only freight rail, this line could potentially be part of a commuter rail system being studied as part of Transport 2020. Service from the interior of the City of Madison to the Airport has been identified as a priority. A northerly extension of the system from the Airport would pass through the study area.

### **Dane County Regional Airport**

The Dane County Regional Airport is located immediately east of the study area and Airport operations impact parts of the study area. These impacts include exposure to noise and limitations on land use and building heights. According to Airport staff, the Average Day-Night Sound Level (DNL) of 65 decibels does not affect the lands within the study area. All 65 DNL contours are now confined to Airport property.

The Cherokee SAP is located within the "airport affected area," which includes all lands within approximately three miles of the Airport. Within this portion of the "airport affected area" the Airport recommends only airport compatible land uses. Further, the Airport recommends that aviation easements be placed on all plats within the study area. Aviation easements typically include a provision prohibiting property owners from suing the airport for noise impact.

### ***Historical Cherokee Park, Inc. - Related Approvals, Agreements, Easements***

There is a long history of efforts to preserve and develop lands in the Cherokee area. These activities date back to at least the 1950s. A summary of past approvals, agreements, easements and plans pertinent to the study area is provided below.

### **Preliminary Plat And Final Plats Of Cherokee Park**

Originally, Cherokee Park, Inc. submitted a preliminary plat to the City prior to August 1, 1964. On October 22, 1964 a revised plat was submitted to the City. The Plan Commission did not approve the plat because it had more conditions than acceptable items. On January 5, 1965, Cherokee Park, Inc. submitted a revised preliminary plat to the City of Madison. On January 11, 1965, the City Plan Commission approved the preliminary plat subject to Cherokee Park, Inc.

meeting a number of conditions of approval. The conditions of approval included various technical requirements that Cherokee Park, Inc. was required to meet before the preliminary plat would receive final City approval. In addition to the technical requirements, the City required that public open space easements be provided in various areas of the plat. The easements were required to stipulate the types of uses to be approved by the City and provisions for maintenance of the lands. Ultimately, a City-approved preliminary plat was filed with the Dane County Register of Deeds on May 21, 1965 as Document Number 1131227.

The Common Council approved the first of several final plats titled "Plat of Cherokee Park" on February 24, 1966. The initial final plat was recorded with the Dane County Register of Deeds on February 25, 1966. The "First Addition to Cherokee Park" was approved by the City on July 14, 1966 and recorded on August 3, 1966. The "Second Addition to Cherokee Park" was approved by the City on May 9, 1968 and recorded on June 11, 1968. The "Third Addition to Cherokee Park" was approved by the City on October 10, 1968 and recorded on October 11, 1968. The "Fourth Addition to Cherokee Park" was approved by the City on May 25, 1971 and recorded on June 8, 1971.

### **City of Madison-Cherokee, Park, Incorporated Agreement**

On February 9, 1965, the City of Madison and Cherokee Park, Inc. entered into an agreement meant to resolve differences between the parties arising from the efforts of the City of Madison to acquire certain real estate owned by Cherokee Park, Inc. The agreement includes a provision that the City of Madison acquire various lands owned by Cherokee Park, Inc. These lands included lake, river, marshlands, and highlands. The lake and river shorelines and the highlands are located along the eastern shores of the Yahara River. The marshlands are located east of North Sherman Avenue and north of the "High Hill" area. Under the terms of the agreement, Cherokee Park, Inc. would make improvements to the Cherokee "Lake" shoreline, create a parkway along the shoreline and remove a berm that at the time separated Cherokee "Lake" from the Yahara River. In addition, the agreement includes a provision that required Cherokee Park, Inc. to submit to the City of Madison a preliminary plat of all of its lands in the Cherokee Marsh area, and that all of the necessary dedications appear on the preliminary plat. Upon approval of the preliminary plat, Cherokee Park, Inc. agreed to process the final plat or plats for all lands it owned. The approved preliminary plat includes lands that are now part of the Cherokee Park subdivision (First through Fourth Additions); the lands north of Wheeler Road, west of North Sherman Avenue and east of Comanche Way; the Fifth Addition north of the Golf Course; and the High Hill.

### **City of Madison-Cherokee Park, Inc. Open Space Easement**

On May 20, 1965 Rosella Elkind, Dr. J.P. West and Cherokee Park, Inc. provided an open space easement to the City of Madison. The boundaries of the easement are shown on a Cherokee Park Inc. preliminary plat that was approved by the City in 1965. It generally includes the lands west of the lots fronting on the west side of Comanche Way, the lands south of the drainageway that runs east-west south of Menomonie Lane, lands north of Wheeler Road west of Comanche Way and lands east and north of City-owned lands located north of Wheeler Road. The easement, which runs in perpetuity, lists permitted and prohibited land uses and activities on lands located within the easement's "restricted area". The easement allows general agricultural uses (except for farms), and recreational uses including a golf course in the restricted areas. Other uses are not permitted, although grading or filling may be allowed with the written approval of the City of Madison Common Council. Current environmental regulations apply to this area, however, which may limit grading or filling in wetland areas.

## ***Other Planning Considerations***

Some issues that were considered during the preparation of the Cherokee Special Area Plan are summarized below and shown on **Map 8-Other Planning Considerations**. Some of these issues limited what type of land uses or street patterns could be considered for specific areas, while others provided opportunities for achieving important community objectives such as open space preservation.

### **Cherokee Marsh Long-Range Open Space Plan-Revised, September 1981**

Efforts to preserve Cherokee Marsh began in the 1950s. In the mid-1960s, the City of Madison and the State of Wisconsin began acquiring lands in the Marsh for preservation, recreation and public hunting and fishing. Since then, there have been additional City and State acquisitions. Further, Dane County has established two new parks in the area. Currently, the City of Madison owns 1,210 acres of Cherokee Marsh, including the Cherokee Conservation Park. The Cherokee Marsh State Natural Area is located north and east of Cherokee Park, Inc. holdings west of the railroad.

In 1977, the City of Madison Parks Commission initiated a process to coordinate the various government agencies involved to develop a long-range open space plan for the Cherokee Marsh area. The intent was to create an overall plan for the Lake Mendota-Upper Yahara corridor and to ultimately link the public lands together into a major open space area.

An Intergovernmental Advisory Committee was established to review and revise a draft plan that was written by the State, Dane County, City of Madison, Town of Westport and Town of Burke. The proposed plan was published in April 1980. After a series of public meetings, the Committee published a revised plan for public review in July 1981. The Plan was adopted to serve as a guideline for the protection of Cherokee Marsh.

The 1981 Plan's recommendations for proposed open space areas (200 feet from the edge of any marsh or surface water) were not applied to lands that had already been developed or approved for development, unless the development committed the land to open space. Since the City had already approved the Cherokee preliminary plat, which includes the Fifth Addition and the High Hill, these areas were considered approved for development and were not included in the proposed open space area.

### **Dane County Regional Airport**

As noted above, the eastern and northeastern parts of the study area are impacted by the Airport's runway 14/32 runway protection area and aviation easement area. The Federal Aviation Administration and Dane County enforce building height restrictions in areas in and around the Airport. In general, the Airport prefers that no development occur within the runway protection areas and that airport-compatible uses occur within the airport affected area. The Airport has recommended that aviation easements be provided by new non-compatible development such as residential uses. The purpose of these easements is to notify property owners that their property is located in an area that may experience impacts from Airport operations. Generally, the Airport desires aviation easements that address Airport noise.

### **Environmental Corridors**

The objective of delineating environmental corridors in local and regional plans is to identify those lands and resources, which perform important environmental functions and should be protected from development and urbanization. Including the corridors in local governments'

plans can help reserve lands needed for drainage and recreation; avoid problems from development on steep slopes, poor soils or flood-prone areas; protect water resources and avoid pollution; and enhance scenic beauty and wildlife habitat.

Once delineated and adopted for lands in the Central Urban Service Area, the corridors are used by local governments and by the Dane County Community Analysis and Planning Division (DCCAPD) or its successor regional planning agency and state and federal agencies in making decisions on the location of urban development and major facilities, such as sanitary sewers. The corridors are also part of the basis for open space and recreation planning and acquisition. An important use of the corridors is the review of sewer extensions and sewer service areas, to direct urban development to areas outside the corridors. New development in the study area will need to comply with all applicable environmental corridor-related regulations and guidelines. No sewer development is allowed on lands located within environmental corridors.

### **Land Use Transitions**

The compatibility of future development with existing development is an important planning consideration within the study area. During the preparation of this Plan, special attention was placed on providing appropriate transitions between existing land uses and proposed development. Key transition areas include the areas where the Whitetail Ridge subdivision abuts areas proposed for new development in the Hornung Woods and Field, the Wheeler Triangle and residential areas to the north, east and south; and lands where proposed development abuts Cherokee Marsh, including the Cherokee Marsh Conservation Park North Unit. Land use compatibility is also an issue for development in areas impacted by airport operations.

### **Northport-Warner Park Neighborhood Plan-1992**

The City of Madison Department of Planning and Development and the Community Development Block Grant Commission prepared the *Northport-Warner Park Neighborhood Plan*. The recommendations in this Plan are quite dated, however, some general recommendations do pertain to lands within the Cherokee Special Area Plan study area. The goal of the Plan and its recommendations is to heighten the awareness of the needs of residents residing on the northeast side and to recommend strategies to improve and/or link services to the area. Further, the purpose of the Plan is to provide recommendations that the City, Dane County, and community-based organizations should consider in upcoming budget cycles.

The Plan identifies the Hornung Woods and Field sub-area and the site currently developed with the Cherokee Gardens and Townhomes as "development target areas". The term "development target areas" is not defined in the text of the Plan; however, it seems to suggest an area with "development opportunities." The Plan includes a request that the Department of Planning and Development's Planning Unit develop neighborhood plans for the area bounded by Governor Road and Tennyson Lane to the south, Soo line rail corridor on the west, Wheeler Road and County Trunk CV on the north, and Sherman Avenue on the west. Neighborhood residents preferred single-family housing, with duplex housing on main arterials. The Plan also requests that the City of Madison Engineering Division install or repair sidewalks and add traffic control signs in the neighborhood.

### **Potential Street Extensions**

In order to achieve interconnectivity between existing and proposed development areas, several proposed street/trail connections are shown on **Map 8-Other Planning Considerations**. Two potential street connections are shown in the Hornung Range sub-area, while one connection is shown in the Hornung Woods and Field sub-area. In addition, the proposed Burning Wood Way

connection to the Fifth Addition is proposed via a short cul-de-sac with a paved multi-purpose path connecting the area to the Fifth Addition. The cul-de-sac/multi-purpose path could be used as an emergency vehicle access route in the event of an emergency in the Fifth Addition.

### **Shorelands**

Shoreland areas include all lands that are within 1,000 feet of the ordinary high water mark of navigable lakes, ponds or flowages listed in the "Surface Water Resource of Dane County" and all lands that are within 300 feet of the ordinary high water mark or landward side of the floodplain of the navigable reaches of rivers and streams. Rivers and streams are presumed to be navigable if they are designated as either continuous or intermittent waterways on United States Geological Survey Maps or other zoning base maps. The Yahara River is considered a navigable river; therefore, shoreland regulations require that all residential lots within 300 feet be not less than 15,000 square feet in area and 100 feet in width and be setback no less than 75 feet from the ordinary high-water mark. Further, no building, together with accessory buildings, shall occupy more than 30% of a lot. Other areas that may be impacted by shoreland zoning provisions are the southern part of the Fifth Addition and part of the High Hill. The presence of navigable waters in these areas will need to be determined by the methods prescribed in local, county and state regulations. Shoreland areas are shown on **Map 8-Other Planning Considerations**.

Usually, a reduction in the environmental corridor is favorably considered when the overall stormwater management plan compensates for the treatment and other benefits that the buffer was to provide. In no case could the buffer be less than those prescribed by DNR regulation NR 151.12 under a "protective area" (a "protective area" is the width from the delineated edge of a wetland boundary to the closest impervious surface). Wetlands considered "less susceptible" require a protective area between 10 and 30 feet. The required protective area for "highly susceptible" wetlands is a minimum of 50 feet. The minimum protective area is 75 feet for wetlands classified as "outstanding resource waters or exceptional resource waters" and for wetlands in areas of special natural resource interest as specified in Wisconsin Administrative Code NR 103.04.

### **Stormwater Management**

Developers will be required to provide detailed engineering and stormwater management plans as part of future preliminary plat and final plat submittals. This detail usually occurs after initial approval of a special area plan. The City Engineering Department will review the Cherokee Park, Inc. stormwater management plans in conjunction with the proposed plat and grading plan to ensure that the proposed development meets design standards and stormwater management requirements as mandated in Chapter 37 "Erosion and Stormwater Runoff Control" of the Madison General Ordinances. This review includes all Wisconsin DNR stormwater management and erosion control requirements, in accordance with Wisconsin Administrative Code NR 151, and all Dane County stormwater requirements and standards. The development may require separate DNR permits that Cherokee Park, Inc. would submit directly to the DNR for review and approval.

Larger stormwater facilities, such as detention basins, will be dedicated to the City and maintained by the City. The smaller basins and infiltration facilities will be owned and maintained by the homeowners association, according to procedures that will be reviewed and approved by the City. Whenever private maintenance is to be provided, a deed restriction is recorded against the responsible lot(s) to guarantee maintenance and to establish the provisions if there is non-compliance. Existing stormwater management facilities are indicated on **Appendix Map 4-Stormwater Management**.

## **Travel Corridors**

**Map 8-Other Planning Considerations** identifies travel corridors that serve the Cherokee Special Area Plan study area. These corridors provide access to the existing study area and connect it to other parts of the City.

## ***City of Madison Comprehensive Plan Land Use Recommendations***

The City's Comprehensive Plan recommends Low Density Residential (LDR), Medium Density Residential (MDR), Neighborhood Mixed-Use (NMU), Special Institutional (SI), Employment (E), Industrial (I) and Park and Open Space (P) uses in the study area. (See **Appendix Map 1**) The Comprehensive Plan districts provide general recommendations and standards for the location, type and design of various types of land use. It is intended that the Comprehensive Plan recommendations be supplemented by more detailed recommendations found in special area plans and neighborhood development plans. Detailed summaries of the applicable Comprehensive Plan Land Use districts are provided in Appendix One.

## **Cherokee Special Area Plan**

The Cherokee Special Area Plan builds on the recommendations of the City of Madison Comprehensive Plan. The Comprehensive Plan provides general recommendations for relatively large geographic areas. The Cherokee Special Area Plan is intended to provide more detailed recommendations for smaller geographic areas.

The Cherokee Special Area Plan recommends a land use pattern, a transportation network to serve this pattern, a development staging and utility plan and steps needed to implement the recommendations of the Plan. **Map 9-Recommended Land Use** shows the overall recommended land use and street pattern for the entire study area. **Maps 9A, 9B and 9C** illustrate the recommended land uses and street patterns for the six core planning sub-areas.

The recommendations for housing in different density ranges are intended to be somewhat flexible. For example, it is not expected that every residential development will necessarily correspond exactly to the specific density range indicated, but rather that the general pattern and distribution of densities and dwelling unit types will be consistent with the intent of the Plan's recommendations. The proposed transportation pattern builds upon the established street pattern and transportation facilities in the study area and includes a network of streets that is compatible with existing natural features and development.

## ***Recommended Land Use***

**Map 9, 9A, 9B and 9C** illustrate the recommended land uses for each of the six core planning sub-areas. **Table 5** below provides a breakdown of the proposed land uses in the six core planning sub-areas.

**Table 5: Proposed Land Use – Core Planning Sub-Areas**

Land Use	Acres	% of Total
<b>Residential</b>	<b>100.9</b>	<b>38.8%</b>
Low Density (< 8 du/net ac)	71.5	27.58%
Low Density (8-15 du/net ac)	29.4	11.3%
<b>Commercial / Employment / Mixed-Use</b>	<b>11.5</b>	<b>4.4%</b>
Neighborhood Mixed-Use	3.4	1.3%
Cherokee Country Club	8.1	3.1%
<b>Institutional</b>	<b>14.3</b>	<b>5.5%</b>
<b>Park, Open Space and Drainage*</b>	<b>95.1</b>	<b>36.6%</b>
Public Park	10.3	4.0%
Cherokee Golf Course	0.2	0.1%
Other Open Space	84.6	32.5%
<b>Potential Future Development Area</b>	<b>1.9</b>	<b>.8%</b>
<b>Street Right-of-Way (public and private)</b>	<b>36.3</b>	<b>14.0%</b>
<b>Total</b>	<b>260.0</b>	<b>100.0%</b>

\* In addition, there are over 1,100 acres of additional land proposed as park, open space, and drainage as shown on **Map 9-Recommended Land Use** that are outside of the core planning sub-areas.

**Table 6** indicates the proposed number of dwelling units by land use category.

**Table 6: Proposed Estimated Dwelling Units – Core Planning Sub-Areas**

Land Use	Dwelling Units	% of Total
Low Density Residential (< 8 du/net ac)	371	51.3%
Low Density Residential (8-15 du/net ac)	313	43.3%
Neighborhood Mixed Use	34	4.7%
Potential Future Development Area	5	.7%
<b>Total Estimated Dwelling Units</b>	<b>723</b>	<b>100.0</b>

## ***Neighborhood Development And Design Principles***

The following neighborhood development and design principles apply to development in all six core planning sub-areas within the Cherokee SAP. The SAP provides some flexibility in how these principles are applied to development within the sub-areas, as long as the overall intent of the City's Comprehensive Plan recommendations is met.

- **Design Compatibility.** When interlacing different housing types in close proximity, general design compatibility between single-family, duplex and multiple-family housing types should be maintained. Design elements that can help achieve compatibility between different types of housing include building placement in relation to the street and other buildings, roof pitches, articulation and openings in building facades, building heights, facade materials and landscaping.
- **Design Features.** Dwellings should have well-designed facades that face the street in order to create visual interest and encourage pedestrian activity. Dwellings with garages as the major design feature of the front facade are strongly discouraged. Building designs should enhance the natural environment to the greatest extent possible. Use of “green” building materials and techniques is recommended.
- **Diversity of Neighborhood Design.** Diversity in neighborhood design is one way to create neighborhood identity and distinctiveness. Subtle variations in building setbacks, building orientations, building types and architectural design, street design and furnishings, and landscaping of street terraces can provide variety from one neighborhood to the next, even among neighborhoods with generally similar land uses and development intensities.
- **Interconnectivity.** Neighborhood street networks, sidewalks and paths/trails should provide a safe, interconnected transportation system that links areas both within the neighborhood and outside the neighborhood and provides multiple travel routes for all travelers, regardless of their mode of travel. The street networks should be designed to disperse traffic rather than funnel it onto a few collector streets.
- **Landscaping.** All lots should be landscaped with a variety of trees and plant materials. Special emphasis should be placed on landscaping the front and rear yards. Existing quality vegetation should be preserved to the greatest degree possible, while still accommodating development. Rain gardens are strongly encouraged. Planting of invasive species (as defined by the Invasive Plant Association of Wisconsin) should not be allowed in public or private landscaping.
- **Protection of Natural Features.** Development should be designed to protect, to the greatest degree possible, existing natural features such as the Cherokee Marsh. Buffers between development and Cherokee Marsh should be provided to the greatest extent possible. Stormwater management facilities should be designed to protect the Marsh to the greatest degree possible. Generous building setbacks, buffers and landscaping between development and Cherokee Marsh should be provided in order to help preserve the integrity of the Marsh. Where applicable, City of Madison, Dane County, state and federal regulations will be applied to new development that is located near wetlands and floodplains. Further, development shall comply with environmental corridor regulations where applicable. Removal of high-quality stands of trees in proposed development areas should be minimized to the greatest extent possible. There may also be special requirements for minimizing natural area/wildlife impacts, such as requiring window well covers to prevent the loss of salamanders. Natural aesthetics should also be protected, especially the views to and from the Marsh throughout the year. Height limitations, building setbacks and required planting zones should be required for screening. Building colors should be regulated to minimize their visibility. All lighting, both public and

private should be dark sky compatible down lighting, and should be screened from the Marsh with proposed landscaping.

- **Range of Housing Choices.** Residential development should provide a range of quality housing choices to meet the needs of households of different sizes, lifestyles, incomes and tastes. In addition to a range of dwelling unit types and development densities, there should be a variety of lot sizes in planned development areas. The size and location of the sub-areas will be a factor in determining the appropriate mix of dwelling unit types and sizes within those areas.

New single-use residential neighborhoods that are characterized by large tracts of exclusively single-family residential dwellings, or large, isolated clusters of duplex or multiple-family buildings should be avoided. Recommended single-family housing areas should include a variety of lot sizes and housing types.

- **Stormwater Management Facilities.** The City Engineering Department will review the Cherokee Park, Inc. stormwater management plans in conjunction with the proposed plat and grading plan to ensure that the proposed development meets the design standards and stormwater management requirements as mandated in Chapter 37 "Erosion and Stormwater Runoff Control" of the Madison General Ordinances. One additional goal of stormwater management planning should be to divert urban runoff away from high quality peat wetlands, and into other waterways and wetlands that are less susceptible to impact.
- **Transit Service.** Street networks should be designed to provide good access and circulation routes for current and future transit service.

### ***Hornung Range Sub-Area (1) Recommendations***

The Hornung Range sub-area includes the lands east of North Sherman Avenue, north of Wheeler Road, west and northwest of CTH CV and south of Cherokee Marsh. Recommended land uses and planning considerations for the Hornung Range sub-area are summarized below.

- **Residential Uses.**
  - **Low Density Residential Less than 8 Dwelling Units per Net Acre (LDR <8).** Single-family detached dwellings are the primary recommended land use within the LDR <8 designated areas of the Hornung Range. These units should be developed on lots that vary in size. The lowest densities are recommended for the lands adjacent to Cherokee Marsh, the proposed neighborhood park and the existing low-density Taff subdivision in the Town of Burke. Duplexes and small multiple-family buildings are appropriate in other locations, including lands adjacent to LDR 8-15 areas. While the LDR <8 designation is recommended for the majority of lands in the Hornung Range, small areas may be developed at slightly higher densities. In general, the overall net density of LDR <8 designated lands is expected to be between 5 and 7 units per net acre.
  - **Low Density Residential 8 to 15 Dwelling Units per Net Acre (LDR 8-15).** The LDR 8-15 designation is recommended for some lands fronting on the north side of Wheeler Road and CTH CV, lands north of Wheeler Road along both sides of a

proposed northern extension of Hollow Ridge Road, and along the north side of CTH CV east of the proposed Neighborhood Mixed-Use area.

The LDR 8-15 designation is applied to areas where small lot single-family dwellings, duplexes, and/or multiple-family dwellings are recommended. The exact location of the building types and sizes is intended to be flexible, as long as the overall intent of the LDR 8-15 designation is met. In general, small multiple-family buildings (six or fewer dwelling units per building) are the primary recommended land use in the LDR 8-15 areas of the Hornung Range. These buildings should be at least two stories in height and should be built close to the street.

- **Mixed-Use.**

- **Neighborhood Mixed-Use (NMU).** A Neighborhood Mixed-Use area is recommended at the intersection of Wheeler Road and CTH CV. This area is intended to accommodate a range of uses including neighborhood serving retail, service, office and multiple-family residential development. This area could include specialty businesses that serve wider markets than the study area, provided the size of the establishment and the scale of the building is consistent with the character of the area and the adjacent neighborhood. Given the proximity of the area to existing and proposed residential development, building and site design must be carefully addressed as development occurs here.

In general, buildings in this area should be at least two stories but not more than four stories tall. The tallest buildings should be located along Wheeler Road and CTH CV. Because of the proximity of this area to the Airport, development here must comply with the Airport's building height limitation regulations. The maximum building elevation varies throughout the study area. In the Wheeler Road-CTH CV area, the maximum building height ranges from 1014 to 918 feet above sea level.

Development in the NMU area should provide a pedestrian-oriented, urban environment. Buildings should be placed close to the sidewalk. Parking should be located behind or beside buildings or underground. Pedestrian friendly design amenities, such as decorative paving and lighting along sidewalks and paths, plazas, benches and landscaping can be used to achieve this objective. The design of this area should also accommodate the needs of bicyclists. In addition, the transit-oriented development standards in the City's Comprehensive Plan should be incorporated into the NMU area.

- **Park and Open Space Uses.** The Plan recommends a public neighborhood park in the hickory woods area south of Cherokee Marsh and east of St. Peter's Catholic Church. This park should be designed to provide access to the proposed trail system in the area. Potential facilities in the park include a playground, benches, an open play area and possibly a small shelter.

A 75-foot wide-open space buffer is recommended between Cherokee Marsh and development in the Hornung Range sub-area. This buffer would provide a visual and physical buffer between the Hornung Range and the adjacent natural resource features (such as wetlands) in Cherokee Marsh. The buffer is proposed to include a multi-use trail that would extend from North Sherman Avenue to new development areas in the Hornung Range. The paved trail should be 8-10 feet wide and located in a 75-foot buffer

area. Connection of the trail to future development areas is recommended. The trail could be extended east through the Hornung Range to CTH CV via sidewalks and/or on-street bicycle routes. The trail could also provide a connection to a potential golf driving range on the former landfill owned by the Village of Maple Bluff.

- **Special Institutional Uses.**

- **St. Peter's Catholic Church.** The Cherokee SAP recommends that Saint Peter's Catholic Church property continue in its present institutional use. However, should portions of the property be proposed for development, this Plan recommends the land be designated LDR 8-15. This designation would allow development that is generally compatible with the existing and planned development around it. A variety of residential dwelling unit types would be appropriate in this area. Any development of these lands should be done in a manner that it is compatible with adjacent existing and proposed development.
- **Central Urban Service Area.** The Hornung Range sub-area is not located within the Central Urban Service Area (CUSA) at this time. In order to receive municipal wastewater treatment service, it is recommended that this area be added to the CUSA.
- **Environmental Requirements and Regulations.** Development in the Hornung Range will need to meet all applicable, environmental corridor, wetland and floodplain setbacks and regulations. This sub-area abuts mapped wetlands and floodplains.
- **Hornung Range Land Use Transitions.** Dwellings within the Hornung Range sub-area should be compatible with the scale and context of existing development in the area. For example, four-unit townhouses should be designed to look like large single-family dwellings. In order to provide continuity and a smooth transition between new and existing development, shared edges should be developed with compatible land uses, building designs and densities. Similar facade and roof designs, building heights, and development densities all help to achieve a smooth transition between adjacent land uses and building types.
- **Stormwater Management Facilities.** Stormwater management facilities will be located within the Hornung Range sub-area. The number, location and design of these facilities will be determined at the time of land division or final zoning approvals. One goal of the Plan should be to direct stormwater away from high quality peat marsh.
- **Transportation System.** The recommended transportation system in the Hornung Range sub-area is an interconnected, modified grid pattern that includes public streets, on-street bicycle routes, sidewalks and off-street multi-use paths. The recommended street system includes connections to Wheeler Road, CTH CV/Packers Avenue, and the Hornung Woods and Field sub-area. The street pattern is meant to be somewhat flexible as long as the overall transportation objectives for the area are met. These objectives include, but are not limited to, providing an interconnected street pattern that meets the needs of motorists, bicyclist, pedestrians, and transit riders; and locating streets so that they take advantage of attractive views to and from Cherokee Marsh and other parks and open space areas. An east-west public pedestrian/bike easement is recommended along the northern edge of this sub-area to connect North Sherman Avenue to the public park and the planned collector north-south street, which bisects the area. This new north-south

street would be a newly designated bike route that would also connect to Whitetail Ridge Park to the south.

## ***Hornung Woods & Field Sub-Area (2) Recommendations***

The Hornung Woods and Field sub-area includes the lands east of North Sherman Avenue, south of Wheeler Road, north of the Whitetail Ridge subdivision and west of CTH CV. Recommended land uses and planning considerations for the Hornung Woods and Field sub-area are summarized below.

- **Residential Uses.**

- **Low Density Residential Less than 8 Dwelling Units per Net Acre (LDR <8).** Single-family detached and duplex dwelling units are recommended within LDR <8 designated lands in the Hornung Woods and Field sub-area. Recommended densities within the LDR <8 areas are expected to be within the 5 to 8 dwelling units per net acre range. Given the proximity of the proposed LDR <8 areas to existing dwelling units, land use transitions must be very carefully planned as new development occurs. This is especially important where the Hornung Woods and Field sub-area abuts the Whitetail Ridge subdivision. In this area, it is recommended that single-family detached dwellings be built on lots of comparable size to the existing lots in the Whitetail Ridge subdivision. An open space buffer may be located between the Whitetail Ridge subdivision and the Hornung Woods and Field sub-area, which could contain stormwater management facilities.

Single-family homes and duplex condominium dwelling units are recommended in the wooded area that is located in the western part of the Hornung Woods and Field sub-area. Preservation of high quality trees should be a high priority in this area for environmental and aesthetic reasons. Since the wooded area is one of the highest points in the entire study area, view protection to this highly visible area is important. Preservation of some trees along the perimeter of the wooded area should be considered as one mechanism for achieving view protection.

- **Low Density Residential 8 to 15 Dwelling Units per Net Acre (LDR 8-15).** The residential density of the LDR 8-15 areas generally should not exceed 15 dwelling units per net acre. It is recommended that development densities in the Hornung Woods and Field sub-area vary, with some areas at the high end and some areas at the low end of the recommended 8-15 dwelling units per net acre range.

Small multiple-family buildings (3-4 dwelling units per building) and medium-sized multiple-family buildings (4-8 dwelling units per building) are recommended in LDR 8-15 areas. Duplexes, attached and detached single-family dwellings may also be appropriate. A limited number of larger buildings (no more than 16 dwelling units per building) may be appropriate in some limited areas. Generally, the largest buildings with the highest development densities should be located closest to Wheeler Road and CTH CV, with smaller buildings and lower densities located in the interior parts of the sub-area.

Buildings in LDR 8-15 areas should be located along street frontages rather than in large clusters that have little or no street orientation. Building placement in relation to the street is a key determinant of a pedestrian-oriented, visually interesting street.

- **Park and Open Space Uses.** The primary park and open space feature in this sub-area is a proposed expansion of Whitetail Ridge Park. The park expansion would allow the construction of playfields to meet the needs of area residents. These playfields would be similar to the existing playfields in Whitetail Ridge Park to provide diverse recreation opportunities in conjunction with other existing and proposed facilities in the existing park (playground, shelter, tennis court, softball diamond, etc.). Landscaping is recommended around the perimeter of the park to help create a visual buffer between the park and new development in the area. A trail connection between the park and the wooded area is also recommended. It may be feasible to construct a trail through the potential stormwater management area in the southeast part of the sub-area. This trail could possibly connect to the Starkweather trail system via an on-street bicycle lane on CTH CV.
- **Special Institutional Uses.** The Burke Utility District No. 1 well is located in the Hornung Woods and Field sub-area. The use of this facility may continue. However, if the well is no longer in operation and the land becomes available for development, this site could be developed with residential uses (LDR 8-15).
- **Hornung Woods and Field Land Use Transitions.** All new dwellings within the Hornung Woods and Field sub-area should be compatible with existing development in the area. For example, four-unit townhouses should be designed to look like large single-family dwellings. New buildings that include facades, roofs, building heights, masses, setbacks and landscaping that are similar to existing development, can be used to achieve a smooth transition between potentially incompatible land uses and buildings.
- **Stormwater Management Facilities.** Stormwater management facilities will be located in the Hornung Woods and Field sub-area. These facilities may or may not be located in public open space areas. The locations of these facilities will be set at the time of land division or final zoning approvals.
- **Transportation System.** The recommended transportation system in the Hornung Woods and Field sub-area is an interconnected, modified grid pattern that includes public streets, on-street bicycle routes, sidewalks and off-street multi-use paths. The recommended street system includes connections to Wheeler Road, Packers Avenue, and Hollow Ridge Road. The street pattern is somewhat flexible as long as the overall objectives for the area are met. These objectives include providing an interconnected street pattern that meets the needs of motorists, bicyclists, pedestrians, and users of transit. A system of pedestrian/bike easements will provide connections between the Hornung Woods and Field sub-area and streets and paths outside of the sub-area. The recommended north-south street extending the existing Hollow Ridge Road to the north will become a newly designated bicycle route.

### ***Cherokee Country Club Sub-Area (3) Recommendations***

The Cherokee Country Club sub-area is located west of North Sherman Avenue and north of the Cherokee Garden Condominiums and Townhomes. This sub-area includes the Cherokee

clubhouse and related outdoor recreational facilities. The recommended land uses and planning considerations are summarized below.

- **Residential Uses.**
  - **Low Density Residential Less than 8 Dwelling Units per Net Acre (LDR <8).** Attached residential dwellings, twin homes or small multi-family buildings are recommended in the LDR <8 areas.
- **Cherokee Country Club Uses.** Cherokee Park, Inc. has proposed an expansion of their clubhouse facility. The project may also include construction of a new sales office and parking area. Landscaping and building setbacks should be used to provide a buffer between the clubhouse expansion area and the Cherokee Townhomes to the south.
- **Transportation System.** The existing North Sherman Avenue would provide access to the Cherokee Country Club. On-street bike lanes are planned for North Sherman Avenue. In addition, an off-street path along North Sherman Avenue's east side is recommended, however, if this path must be located along the west side of North Sherman Avenue, a 5-10 foot landscaped buffer between the path and any golf cart paths would be required. Improvements will be determined at the time of development approvals.

### ***Wheeler Triangle Sub-Area (4) Recommendations***

The Wheeler Triangle sub-area is located north of Wheeler Road and west of Comanche Way. Recommended land uses and planning considerations are summarized below.

- **Residential Uses.**
  - **Low Density Residential Less than 8 Dwelling Units per Net Acre (LDR <8).** Single-family attached rowhouses are recommended in this area. The recommended development density in this area is approximately 5 to 7 dwelling units per net acre. New buildings could range in size from two to six units per building. Special care should be taken to provide and maintain a vegetative visual screen between development in the Wheeler Triangle and lands to the north and east. Building designs that are compatible with the existing homes should be a high priority.
- **Environmental Requirements and Regulations.** Development within the Wheeler Triangle will need to meet all applicable environmental corridor, wetland and floodplain setbacks and regulations. The area abuts mapped wetlands and environmental corridors.
- **Open Space Easement.** An open space easement is located within the Wheeler Triangle along the north line of the 120-foot street right of way. No development is allowed within the easement area unless it is approved by the City Council.
- **Stormwater Management Facilities.** A stormwater management facility will likely be constructed within the Wheeler Triangle or on adjacent lands. The exact location and design of this facility will be determined.
- **Transportation System.** Access to the dwelling units would be provided via a cul-de-sac street that would connect to Wheeler Road. Bicycle and pedestrian connections

between this site and other areas within the study area are recommended. Bicycle and pedestrian connections between this site and other sub-areas within the study area are recommended to both Wheeler Road and Comanche Way.

- **Unimproved Wheeler Road Right-of-Way.** Currently, an unimproved right-of-way runs through the Wheeler Triangle. The 120-foot wide right-of-way was intended to accommodate a realignment of Wheeler Road, however, the realignment never occurred and is not needed. The right-of-way would have to be vacated before development could occur within its boundaries. If the right-of-way is vacated, a 20-foot wide exclusive sanitary sewer easement would be required to accommodate an existing City of Madison sanitary sewer located in the right-of-way.

### ***Cherokee Park Fifth Addition Sub-Area (5) Recommendations***

The Fifth Addition sub-area is located east of the Yahara River, north of the Cherokee Golf Course, west of North Sherman Avenue and south of the Cherokee Conservation Park North Unit. The Plan recommends low-density residential development (LDR <8) at approximately 5 to 7 dwelling units per net acre. Open space is also recommended in this sub-area. The City is working with Cherokee Park, Incorporated to discuss potential public acquisition of lands within this sub-area as a means of protecting open space, adding lands to the Cherokee Conservation Park, and providing a physical and visual buffer between development and the Park. The exact location of these areas may be adjusted as a result of more detailed planning in the area.

Recommended land uses and planning considerations for this sub-area are summarized below.

- **Residential Uses.**
  - **Low Density Residential Less than 8 Dwelling Units per Net Acre (LDR <8).** Single-family detached or attached dwelling units are recommended within LDR <8 designated lands in the Fifth Addition sub-area. These buildings should not exceed two stories in height in order to avoid negative visual impacts on Cherokee Marsh. Many of the proposed development areas in the Fifth Addition abut recommended open space areas. Whenever possible, vegetative buffers should be provided between new development in the sub-area and the recommended permanent open space areas. Buffers should also be provided along the North Sherman Avenue frontage of the Fifth Addition. In order to protect the natural character of this area, home designs and landscaping should be complementary to their surroundings.
- **Open Space Uses.** The Plan recommends that a significant portion of the Fifth Addition be permanently protected open space. This area extends from the Yahara River on the west to North Sherman Avenue on the east, and from Cherokee Conservation Park on the north and the Cherokee Golf Course on the south. The City has expressed interest in acquiring some of the recommended open space lands, especially lands in the northern part of the Fifth Addition. The recommended open space provides a buffer between recommended development areas and Cherokee Conservation Park to the north and the Yahara River to the west. Further, the open space lands provide a direct linkage between Cherokee Marsh and adjacent undeveloped lands. The recommended open space areas include uplands, wetlands, and woodlands. Some upland open space areas could be restored to prairie/oak savanna. The City may require a fence between open space areas and adjacent development. A transitional vegetated buffer could be provided between

development and the fence as a means of softening the visual impact of the fence on residential lots. Active recreation facilities are not recommended in these open space areas.

- **Environmental Requirements and Regulations.** The area includes mapped wetlands, environmental corridors, and shorelands. Development within the Fifth Addition will need to meet all applicable environmental corridor, wetland, floodplain, and shoreland regulations.
- **Stormwater Management Facilities.** Stormwater management facilities will be located in the Fifth Addition. These facilities may or may not be located in public open space areas. The locations of these facilities will be set at the time of land division or final zoning approvals.
- **Transportation System.** A looped local street network is recommended in the Fifth Addition. This street network would provide access to the sub-area from N. Sherman Avenue. A paved emergency access path is proposed to connect the Fifth Addition street system to Burning Wood Way in the Cherokee subdivision's Fourth Addition. This connection is necessary because the Fifth Addition is located at the end of a long cul-de-sac. The path would be a multi-use facility that would become an on-street facility as it passes through the Fifth Addition. The on-street route would connect to a proposed path along North Sherman Avenue.

### ***High Hill Sub-Area (6) Recommendations***

The High Hill sub-area is located east of the Fifth Addition. The City's Comprehensive Plan includes the following note for this area: "It is recommended that there be no additional development on the top portion of this hill. Future development may be allowed around the lower portions of this hill only if such development is done with sensitivity to the topography in a manner that preserves open space and the view to the hill from surrounding properties, and provides adequate vegetative buffers from the existing park property." The recommended land use pattern is consistent with the note in the Comprehensive Plan. The SAP recommends a combination of single-family residential dwellings and open space. Open space could be preserved through the purchase of conservation easements that would prohibit development at some locations.

- **Residential Uses.**
  - **Low Density Residential Less than 8 Dwelling Units per Net Acre (LDR <8).** Single-family detached dwelling units are recommended within LDR <8 designated lands in the High Hill sub-area. The recommended net density range is approximately 5 to 7 dwelling units per acre. The dwelling units are recommended at the base of the west, southwest, and sides of the High Hill. It is recommended that this development be done with sensitivity to the topography in a manner that preserves open space and the view to the hill from surrounding properties, and provides adequate vegetative buffers from the existing park property.

There is a golf course maintenance building located at the southeast corner of the High Hill. This area may be converted to residential development if the maintenance

building is relocated. The Airport's runway protection area passes through this area. Residential development is restricted within the runway protection area.

- **Open Space Uses.** Permanent open space is recommended to the north, south, east, and west of the recommended development area. The open space could be protected by the public acquisition of conservation easements that prohibit development on these lands.
- **Environmental Requirements and Regulations.** Development within the High Hill will need to meet all applicable environmental corridor, wetland, floodplain, and shoreland regulations.
- **Transportation System.** Development in this sub-area would take access from a proposed looped street and cul-de-sac that would connect to North Sherman Avenue. An off-street path is recommended along the east side of North Sherman Avenue.

## ***Recommended Transportation Facilities***

In addition to the transportation system recommendations for the six core planning sub-areas, additional analysis and recommendations are provided below:

It is recommended that Sherman Avenue have an urban cross section from Wheeler Road to the north edge of the Cherokee Country Club clubhouse.

### **Preliminary Traffic Review**

The traffic consultant for Cherokee Park, Schreiber Anderson Associates (SAA), has developed a preliminary traffic review of the proposed development area. The proposed Cherokee Park development is estimated to generate approximately 600 peak hour trips and 7,500 vehicles per day. This traffic is estimated to be distributed over the surrounding street system in various directions. Public acquisition of potential development areas could result in less peak hour trips and vehicles per day due to fewer dwelling units than are assumed in this Preliminary Traffic Review.

While there is no physical connection to Comanche Way from the proposed development, it is estimated that an additional 40 vehicles per day will be generated on Comanche Way at Wheeler Road, depending on the development of the parcel called the "Wheeler Triangle." It is estimated that an additional 350 vehicles per day will be generated on Wheeler Road west of North Sherman Avenue. Currently, the intersection of Comanche Way and Wheeler Road is a two-way stop controlled intersection, with stop signs on Comanche Way. There have been no reported crashes at this intersection for the last five years (years 2001-2005) per WisDOT data and Madison Police Department records. The intersection is also the location of an adult school crossing guard on the east leg of Wheeler Road, for the Gompers and Blackhawk schools. Approximately 30-50 students cross at this location in the morning and afternoon. Additional information on this school crossing is available from the Traffic Engineering Division.

Current volumes on Comanche Way are approximately 2,300 vehicles per day and on Wheeler Road 4,800 vehicles per day (year 2004). Given the small estimated increases in traffic on both Comanche Way and Wheeler Road, it is expected that intersection operations would not change substantially. A preliminary multi-way stop analysis for all-way stops at this intersection indicates the intersection falls short of the standards required by the industry standard *Manual of*

*Uniform Traffic Control Devices (MUTCD)* for an all-way stop sign, under both existing and development-added traffic. The intersection falls approximately 40% below the standard. In a separate process with the neighborhood and alderperson, traffic-calming islands have been proposed along this section of Wheeler Road, and specifically at the intersection of Comanche Way and Wheeler Road. The proposed traffic calming islands would help pedestrians cross the street and make traffic more regulated at this intersection. Those islands are still pending installation until further review by the neighborhood and the alderperson. As traffic volumes increase along Wheeler Road, further monitoring of this intersection is recommended to review potential changes to traffic control.

The intersection of North Sherman Avenue and Wheeler Road is one of the intersections most affected by the proposed Cherokee Park, Inc. development proposal. The proposed development is estimated to add approximately 2,500-3,000 vehicles per day at this intersection. Current volumes are in the 5,000-vpd range. This intersection is currently controlled with all-way stop signs, these being installed in 1996. The average number of crashes at the intersection is a little less than two reported crashes per year (0 in 2005; 1 in 2004; 4 in 2003). The Wheeler Road-Sherman Avenue intersection has a street width that can accommodate three traffic lanes, allowing for a separate left lane and a shared through and right lane on each of the approaches. The intersection has a fair amount of reserve capacity to accommodate additional traffic, including the amount estimated with the subject development. A longer-term plan for this intersection is to reconstruct it as a single-lane roundabout, such that capacity, operations and safety would be enhanced. It is planned to require additional right-of-way from the parcels along this corner to provide for future reconstruction if and when the City pursues such reconstruction. In the interim, the all-way stop intersection should adequately and reasonably control and accommodate traffic for many years to come.

Another intersection of interest is Wheeler Road and County Trunk Highway CV. County Trunk Highway CV is a Dane County jurisdiction roadway such that reconstruction would have to be coordinated and funded by Dane County. The City of Madison has an interest to reconstruct this intersection for additional capacity needs for not only this development but also the larger area as a whole. Alternative options for the intersection are traffic signals with exclusive left-turn lanes on all approaches, or an alternative of a roundabout. The alignment of CTH CV is of concern such that the curve along the intersection should be revised to accommodate a better and safer intersection. Additional right-of-way needs would be required with the development. Additionally, some funding for this intersection may require special assessments of the surrounding properties that benefit.

The street section of North Sherman Avenue from Wheeler Road to Northport Drive (a.k.a STH 113) is also an area of interest for traffic. Currently, North Sherman Avenue south of Wheeler Road carries approximately 5,000-8,000 vehicles per day, the exact volume depending on its distance from Northport Drive. The project is expected to add approximately 2,500-3,500 vehicles per day to N. Sherman Ave. These future volumes are still consistent with a street like Sherman Avenue and a street that would require really only one lane in each direction plus some left-turn lanes at specific intersections. Additional traffic calming options and marking and signing are suggested on North Sherman Avenue in the future to provide for safer, slower and multi-modal (bicycle lanes) accommodations on the street. It is suggested that a special earmark of approximately \$20,000 from the Cherokee development be required and allocated to North Sherman Avenue for this purpose. The specific design of North Sherman Avenue would be developed after further neighborhood meetings with the residents and alderperson.

The intersection of North Sherman Avenue and Northport Drive (STH 113) is another area of interest for traffic and transportation. A deliberate and specific engineering design review should be conducted at the intersection of North Sherman Avenue and Northport Drive to look at potential options and right-of-way available to pursue reconstruction. In the future, the Wisconsin Department of Transportation (DOT) and the City may be reconstructing Northport Drive/STH 113. This could enable the possibility of looking at the intersection for additional measures for all users, including motorists, bicyclists and pedestrians as well as transit.

### **Recommended Pedestrian-Bicycle Facilities**

All new streets in the City are required to have sidewalks on both sides of the street. Bicycle facilities in the Cherokee Special Area Plan study area include both off-street and on-street facilities. Any off-street pedestrian/bike paths would need to be separated by a five to ten-foot wide landscaped buffer from any planned golf cart path. Separation of these two facilities is needed. Recommended bicycle facilities include:

- An off-street path connection between the Wheeler Triangle and Comanche Way;
- An off-street path and on-street bike facility connection between the Hornung Woods and Field woodlot and Gompers and Blackhawk schools;
- An off-street path connection between the Hornung Woods and Field and Whitetail Ridge Park;
- An off-street path along North Sherman Avenue, north of Wheeler Road;
- An off-street path between Wheeler Road and Menomonie Lane;
- An off-street path between Burning Wood Way and the Fifth Addition;
- An off-street path and on-street route through the Fifth Addition;
- An off-street and on-street east-west route through the Hornung Range area;
- A designated on-street bicycle route on the proposed north-south street that would connect the Hollow Ridge Road extension to the Hornung Range sub-area.
- A new east-west public pedestrian/bike easement is needed to connect to North Sherman Avenue and extend to the east to the new north-south public streets planned in the Hornung Woods and Field sub-area.
- Add bike lanes to CTH CV.
- A conceptual bike path on the Maple Bluff landfill property extending to CTH CV.

Additional pedestrian/bicycle facilities are recommended to provide connections external to the study area. These include the following:

- Connecting Comanche Way and Wheeler Road, including Blackhawk and Gompers Schools, to Northport Drive and Warner Park. This would be via the local street system from Wheeler Road to Troy Drive and Northport Drive. A pedestrian/bike easement through the existing PDQ site needs to be acquired and constructed to provide the

physical connection to Northport Drive and the existing traffic signal at Troy Drive to make this north-south street connection a reality and connect the Cherokee area to important activity centers in a pedestrian/bicycle friendly manner.

- Connecting North Sherman Avenue, including the Cherokee Marsh Park and the Hornung Range, to CTH CV via Dennis Drive extended to County Trunk Highway CV and the Canadian Pacific rail line. While there are no current plans for a regional bike path along the rail line, these types of facilities are likely to become of more interest in the future to connect this area to lands to the northeast such as DeForest, Token Creek Park and other regional trails having potential there in the future.
- Improve bicycle-pedestrian connections along and crossing Sherman Avenue from Wheeler Road to Northport Drive.
- Provide wherever possible, sidewalk connections to areas with missing sidewalks (see Appendix Map 6).

### **Recommended Transit Facilities**

Metro currently provides route service along Wheeler Road between Packers/CTH CV and North Sherman, but does not presently have any bus stop locations. Development of sub-areas 1 & 2 (Hornung Range/Woods and Field) should include accessible bus stop locations on Wheeler Road as part of the street upgrades (i.e. sidewalks, concrete passenger boarding pads).

Any traffic calming or intersection controls proposed (i.e. traffic circles, pedestrian islands) should be designed in consultation with Metro Transit to avoid conflicts with bus stop locations or bus turning movements.

The lack of a street connection between the existing northern terminus of Burning Wood Way and sub-area 5 (5th Addition) on the west side of Sherman Avenue creates a cul-de-sac of over a mile in length to access this part of the neighborhood by vehicle, including buses. Provision of bus service would require a route deviation of over two miles to travel up and down North Sherman Avenue to access these residences. With the exception of any required supplemental school day service to Blackhawk Middle School or East High School, extension of transit service beyond the current routing patterns is not anticipated.

### **Recommended Park and Open Space Improvements**

A significant amount of land within the Cherokee Special Area Plan study area is recommended to be permanently protected open space. These lands include the large marshland area east of North Sherman Avenue and north of the Hornung Range; uplands, woodlands and wetlands in the Fifth Addition; and lands within the High Hill sub-area. Public fee simple acquisitions, acquisitions of conservation easements, and parkland dedications are potential mechanisms for protecting open space in the Cherokee Special Area Plan study area. The Cherokee Special Area Plan reiterates the recommendations of the 2005 City of Madison Parks and Open Space Plan. Cherokee Marsh is designated as a conservation park for the environmental benefits it provides. The City's Parks and Open Space Plan recommends continued land acquisition to protect this very valuable natural resource. Continuing intergovernmental and private cooperation to plan and expand public ownership of marshlands and other open space areas will require participation by the state and federal government and possibly private organizations.

A high priority has been placed on a detailed study of groundwater resources and restoration of groundwater and surface water levels to protect the State Natural Area in the eastern part of the marsh. Work is underway to close drainage ditches in this area. Work is also being done to restore emergent wetland communities along the widespread of the Yahara River adjacent to City property. The Cherokee Marsh Long Range Open Space Plan and the Cherokee Marsh Conservation Park Master Plan recommend public access and other facilities in the southern portions of this park. Recreational uses such as skiing, jogging, picnicking, day camping and boating need to be concentrated in the Wheeler Road area to avoid conflicts with environmental education programming in the North Sherman Avenue part of the park. Continued efforts are required to link City lands in the Cherokee Marsh with a pedestrian/bike trail system along the Yahara River, from Lake Mendota to the northern portion of this conservation park.

Two neighborhood parks are recommended in the Cherokee Special Area Plan study area. The first park is a northern extension of Whitetail Ridge Park. This park would include playfields and landscaping. A new park is recommended in the Hornung Range sub-area. This park should be designed to provide access to the proposed trail system in the area. Potential facilities in the park include a playground, benches, and possibly a small shelter.

Greenspace buffers and stormwater management facilities are proposed within the study area. The exact location and width of these features will be established at the time of subdivision or final zoning approval. Bicycle/pedestrian trails may be provided within these areas.

Developers are encouraged to use green building practices that will be more specifically detailed at the zoning application stage.

That low impact landscaping and wildlife crossings be considered as deemed necessary by the Parks Division

## ***Recommended Utility Improvements***

### **Public Wastewater System**

Sub-areas 3 and 4 have existing gravity sanitary sewer readily available. Sub-area 4 has an existing 21-inch diameter sewer that bisects the plan area. Final planning of this area must preserve the sewer in its existing location or provide for suitable relocation at the developer's expense. Sub-areas 1 and 2 have existing gravity sanitary sewer readily available. However, the existing downstream Town of Burke sewer has limited capacity of 400 to 480 dwelling units. Present and excess capacity will need to be confirmed and if needed, an additional or larger sewer may need to be installed to accommodate full development of these areas. Sub-areas 5 & 6 will need a sanitary sewer lift station and force main for sewer service. The force main may be able to connect to another existing force main approximately 1800 feet away.

### **Public Water Supply**

Development in the Cherokee Special Area Plan study area will be served by the Madison Water Utility's Well 13 and a water reservoir located at the southeast corner of Wheeler Road and Delaware Boulevard. The timing and locations of new facilities is a function of development pressure within a certain area in conjunction with the Utility's adopted master plan to develop a capital improvement program that meets the area's demands. If the capacity of Well 13 reaches

maximum levels, the Madison Water Utility's Well 7, which is located along Sherman Avenue, could be used to provide more capacity. A new 12-inch water main would need to be run along North Sherman Road from Wheeler Road to the Fifth Addition. This main would then be looped with water mains in the Fourth Addition.

If operation of the Burke well is transferred from the Burke Utility District to the City of Madison, the Burke well would be abandoned due to its high operating and maintenance costs in relation to the amount of water it provides to development.

## **Stormwater Management**

All sub-areas will operate mostly independently for stormwater management. Sub-area 2 and part of Sub-area 1 drain towards Packers Avenue and eventually Starkweather Creek and Lake Monona. Sub-area 3 can tie in to existing drainage facilities within the golf course and may also need to accommodate some street runoff from North Sherman Avenue. Near or within Sub-area 4, residents have reported local flooding problems from a nearby storm sewer under Comanche Way. This shall be addressed in conjunction with the stormwater management plan for this area. The treatment areas for Sub-area 4 could be installed on adjacent downstream lands, provided they are not within wetlands. Both Sub-areas 4 and 5 are closely tied to the elevation of the Yahara River and Lake Mendota. Design precautions must protect any proposed development from flooding caused by backwater elevation of Lake Mendota. In general, the City will recommend the full 75-foot buffers adjacent to all wetlands and that these buffers be in public ownership or public easement, not part of any building lot. Detailed engineering and stormwater management plans will be submitted by the developer as part of the preliminary plat and final plat submittals. Final approval shall assure compliance with all City, County and State requirements including infiltration of runoff where applicable. The Developer has already committed to a design goal to provide infiltration areas for up to 8 inches of recharge in upland areas.

It is recommended that at the time of development, the developer work with the City to accomplish the stormwater management objectives. For example, the proposal to remove or obstruct the old farm drainage channels in the wetland east of Sherman Avenue has considerable merit. Diversion of some drainage to the southeast represents an "inter-basin transfer" and is problematic. Furthermore, differences in the regional flood elevation of the Monona-Starkweather Basin and the Mendota-Yahara Basin need to be taken into consideration. Stormwater detention basins should be designed and constructed in advance of any development phase. A goal of 80% reduction in suspended solids in the stormwater runoff is achievable. After being treated, the stormwater from Sub-area 1 may be directed around the more disturbed southwest perimeter of the wetland, which has been previously designated for stormwater treatment during the construction of existing residential units west of Sherman Avenue. The stormwater would then flow north along Sherman Avenue and discharge into the Cherokee Golf Course, the same place it goes today. From there it would flow west through the Golf Course without circulating through the wetland.

Acquisition of the Stewart property will allow the City to better manage stormwater in that area. The acquisition presents an opportunity to interrupt the existing drainage channels to enhance the treatment of stormwater. Given the site, this needs to be undertaken thoughtfully with consideration for the removal of accumulated material and the biological impact to the site.

The Cherokee Marsh Management Plan for the Eastern Wetland recommends a number of actions including filling drainage ditches in the marsh to restore natural hydrology, removing exotic species, reducing the current and future impacts of stormwater run-off through detention,

infiltration, and diversions; and harvesting marsh hay to remove nutrients that favor exotic species which degrade the Marsh. This Plan is found at the back of this document as Appendix 4.

It is recommended that the City undertake an independent review of the Maple Bluff Landfill and evaluate and document the impact on the marsh.

### ***Development Staging***

All sub-areas can develop mostly independent of one another from the standpoint of both sanitary sewer and stormwater management. Sub-area 1 (Hornung Range) is not presently within the Central Urban Service Area, and could not be scheduled for development prior to being incorporated into the CUSA. Sub-area 4 (Wheeler Triangle) is dependent on a street vacation process. The reading should refer to **Map 10-Development Staging** for more information.

## **Plan Implementation**

The Cherokee Special Area Plan was prepared in response to a proposal by Cherokee Park, Inc. to develop some of its holdings in the Cherokee Marsh area. The City of Madison's Comprehensive Plan provides general recommendations for this area, while the Cherokee Special Area Plan provides more detailed land use, transportation, utility and other recommendations. The SAP is intended to guide the City's Common Council, Plan Commission, other boards and commissions, and the general public as they review development proposals in the six core planning sub-areas.

### ***Comprehensive Plan Supplement and Amendment***

Lands within the Cherokee Special Area Plan study area are included within the broad recommendations of the City of Madison Comprehensive Plan. To provide the detailed land use recommendations needed to guide future development at specific development locations, the Comprehensive Plan recommends that significant changes in land use from existing conditions must be consistent with the recommendations of a City-adopted special area plan, neighborhood plan, or neighborhood development plan. The land use and design regulations of the special area plan should be consistent with the recommendations of the Comprehensive Plan, but generally should be more specific regarding the types of land uses recommended at particular locations within the area, the recommended development density, and any recommended design standards or guidelines applicable to the location.

The Cherokee Special Area Plan should be adopted by resolution as a supplement to the Comprehensive Plan. When adopted by the Common Council, the SAP will be used by the City to help make development-related decisions. If the SAP includes recommendations that differ significantly from those of the Comprehensive Plan, an amendment of the Comprehensive Plan may be necessary in order to avoid inconsistencies between the two documents. Such an amendment could be made as part of the annual Comprehensive Plan review and evaluation. As part of the annual review and evaluation, the Plan Commission may, if it chooses, recommend proposed amendments to the Comprehensive Plan for formal consideration by the Common Council. Any such proposed amendments will be reviewed and considered following the process and procedures required for preparation and adoption of a comprehensive plan; and if adopted, will be incorporated into a revised Comprehensive Plan document. While it is important that the Comprehensive Plan remain current, it is not intended that it be amended frequently just to make relatively minor, non-substantive changes. In general, it is recommended that amendments to the Comprehensive Plan be proposed or considered only during the established annual review and evaluation period, except as may be required from time-to-time to maintain consistency with other newly-adopted or amended City plans.

### ***Central Urban Service Area Amendment***

All lands within the six core planning sub-areas are located within the Central Urban Service Area, with the exception of the Hornung Range. In order for the City of Madison to provide public sanitary sewer and the full range of urban services to future development in the Hornung Range sub-area, the lands must first be added to the Central Urban Service Area.

Following adoption of the Cherokee Special Area Plan as a supplement to the City of Madison's Comprehensive Plan, it is recommended that the City of Madison prepare and submit to the Dane

County Community Analysis and Planning Division (DCCAPD) or its successor agency an application to add the Hornung Range sub-area to the Central Urban Service Area.

## ***Zoning***

The lands within the Cherokee Special Area Plan study area are located in one of three jurisdictions: the City of Madison, the Town of Burke, or the Town of Westport. Lands within the City of Madison fall under the general provisions of the City's zoning ordinance. Lands in Westport and Burke fall under the jurisdiction of the Dane County zoning ordinance. Several residential zoning districts apply to some lands within the City of Madison. Further, some areas are zoned wetland, conservancy or agriculture. Lands within the Towns are zoned in various districts, including agriculture, recreation, commercial/business and residential.

In January 2004, the City of Madison adopted an inclusionary zoning ordinance (IZ) that created an inclusionary zoning program. The program strives to increase the availability of the range of housing choices for families of all income levels in all areas of the City. The IZ ordinance does not apply to rental units.

It is recommended that all lands within the Cherokee Special Area Plan be zoned to conform to the land use recommendations of the adopted Plan. These lands should be rezoned based on the provisions of a pre-annexation agreement(s) between developers and the City of Madison.

## ***Land Division Regulations***

Most of the future developable lands within the sub-areas will need to be subdivided into smaller parcels before they are developed with urban uses. As lands are divided and developed, the City will be able to implement many of the Cherokee Special Area Plan recommendations. Land subdivisions establish the location of public streets, parks, greenways, trails, and stormwater management facilities. The land required for these purposes will be acquired through dedications as provided in the subdivision regulations. The spatial relationships between the proposed streets, parks and other land uses illustrated in the Cherokee Special Area Plan reflect important planning principles and these relationships need to be maintained as the land is developed if these principles are to be realized. Subdivision of land also establishes the size and arrangement of individual development parcels. Proposed land divisions will be reviewed to ensure that the Special Area Plan recommendations regarding the provision of a variety of residential housing types, sizes, and densities are implemented. Proposed subdivisions may be required to provide information showing how the lots may be developed with building designs that create a desired street character.

It is recommended that future subdivisions within the Cherokee Special Area Plan study area conform to the recommendations of this Plan, particularly regarding the location of proposed arterial and collector streets; area and neighborhood parks; environmental corridors; stormwater facilities; and building lot dimensions that will help facilitate the development of a variety of housing types and densities. It is further recommended that local streets within future subdivisions either generally conform to the pattern of local streets shown in the SAP, or otherwise reflect the objectives illustrated on the Recommended Land Use maps (**Maps 9, 9A, 9B, and 9C**) regarding circulation and provision of multiple travel routes, access to parks, orientation of streets to visual features, and stormwater drainage.

## ***Official Map***

The City of Madison Official Map is used to reserve rights-of-way and other sites for specified future public uses until such time as they are required through dedication or other means. The Official Map should be revised to include all arterial and collector streets, as recommended in this Plan. Recommended stormwater areas, parks and environmental corridors should also be added to the Official Map. The 120-foot right-of-way in the Wheeler Triangle will need to be vacated before development can occur.

## ***Capital Improvement Program and Budget***

The SAP proposes several types of public improvements and facilities for which public funds may be required. Public improvements and facilities that might require some public funding include acquisition of land or conservation easements in recommended open space areas; construction of parks; construction of streets, stormwater management facilities, sanitary sewer facilities, water distribution facilities, and similar improvements. Implementation of some of the public improvements recommended in the SAP may also require participation and cost sharing by other units of government.

It is recommended that the responsible City departments include within future capital improvement programs and the capital budget those public improvements and facilities for which public funding is required to implement the SAP. It is further recommended that the City continue to work cooperatively with other agencies and units of government to seek their participation in the development planning and the costs of public improvement projects of mutual benefit recommended in the plan.

## ***Annexation Policy***

The orderly development of lands within the study area will require extension of public utilities and improvements and provision of the full range of urban services. It is intended that the City of Madison provide the full range of urban services to developing properties within the area that are located within the City, as recommended in the Comprehensive Plan.

An annexation/attachment agreement between the City of Madison and Cherokee Park, Incorporated establishes the ultimate jurisdiction (City of Madison) of study area lands located within the towns of Burke and Westport. It is recommended that urban development on lands currently outside the City of Madison occur only following their annexation to the City of Madison. It is also recommended that no subdivisions be approved by the City of Madison unless there is an assurance that the full range of urban services will be provided at the time of such approval.

## ***Interagency Cooperation***

The Cherokee SAP will provide a mechanism to coordinate the activities of various City agencies and other units of government in the implementation of the Plan. It is recommended that the City of Madison work with appropriate agencies and other units of government to fully implement the Cherokee SAP.

## **Draft Burke, DeForest, Sun Prairie, Madison Cooperative Plan**

The Town of Burke has been fragmented by prior annexations to the Village of Maple Bluff, Village of DeForest, City of Sun Prairie, and the City of Madison. Potential and future annexations to DeForest, Sun Prairie and Madison make uncertain the long-term viability of the Town as a separate governmental entity. The draft Cooperative Plan, if approved, would resolve potential disputes over Burke territory, preserve Burke's viability, while it remains a town and provide an orderly transition of territory to DeForest, Sun Prairie, and Madison.

Specifically, the intergovernmental agreement would attach lands within the Town of Burke to the Village of DeForest, City of Sun Prairie, and City of Madison at the end of the agreement. These attachments could create town islands, which are typically not permitted by Wisconsin statutes. Property in "Protected Areas" would remain in the Town until attachment at the end of the agreement.

The portion of the Town of Burke lands that is included in the study area would be transferred to the City of Madison under the Cooperative Plan at the end of the agreement. These lands are not designated as "Protected Areas", therefore, the properties could attach to the City of Madison if the City approves the request. In any case, all of the Town lands within the study area will be attached to the City per the timeline in the agreement.

## **Appendix One**

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### ***City of Madison Comprehensive Plan Land Use Recommendations***

#### **Low Density Residential**

The Low Density Residential (LDR) designation includes a recommended net residential density range of 0 to 15 dwelling units per acre. Single-family, duplex, small multiple-family buildings, and in some cases, buildings with more than four dwelling units are recommended in the LDR district. Small commercial areas may also be permitted in the LDR districts. Other potential uses in this district include parks and recreational facilities; community gardens; elementary schools; small civic facilities such as libraries or community centers; places of assembly and worship; neighborhood-serving retail and service uses (especially those in small mixed-use buildings); and small offices.

In general, higher density housing types within LDR districts should be located near Mixed-Use districts or other more intensively developed areas, with a transition to smaller buildings such as duplexes and single-family detached houses as the distance from the more intensively developed areas increases. Specific locations for non-residential support uses within LDR districts, as well as more-detailed planning or design standards, should be included in neighborhood or special area plans.

Low Density Residential uses are recommended in the Cherokee Park plat, the Whitetail Ridge plat, the Sherman Village plat, the proposed Cherokee Park 5<sup>th</sup> Addition and “High Hill” areas, lands north of Wheeler Road and east of North Sherman Avenue (Hornung Range area), and the “Hornung Woods and Field” area, which is located east of North Sherman Avenue, south of Wheeler Road, north of the Whitetail Ridge subdivision and west of CTH CV.

The “High Hill” area includes a Comprehensive Plan note that states: “It is recommended that there be no additional development on the top portion of this hill. Future development may be allowed around the lower portions of this hill only if such development is done with sensitivity to the topography in a manner that preserves open space and the view to the hill from surrounding properties, and provides adequate vegetative buffers from the existing park property.” The Plan Commission and Common Council approved this note when they adopted the City of Madison Comprehensive Plan. The note is carried over into the Cherokee SAP.

#### **Medium Density Residential**

Many of the location, design and land use types in the MDR district are similar to those in the LDR district. The Medium Density Residential district recommends a net residential density range of 16 to 40 dwelling units per acre. Areas designated MDR are recommended locations for multiple-family housing types such as larger apartment buildings and apartment complexes. Nonresidential uses, such as but not limited to small commercial uses, parks and elementary schools, may be allowed in MDR areas provided they are included in an adopted neighborhood or special area plan.

Lands within the Cherokee SAP study area that are designated MDR include the Cherokee Townhomes, which are located west of North Sherman Avenue and north of Wheeler Road, and the Cherokee Garden Condominiums and Townhomes, which are located south of Wheeler Road and west of North Sherman Avenue. These areas are developed with multiple-family dwellings.

## **Employment**

The Comprehensive Plan recommends Employment uses for the area east of CTH CV and south of Eggendart Drive to the mobile home park. Employment districts are recommended as predominantly office, research and specialized employment areas, and generally do not include retail and consumer service uses serving the wider community. Limited retail and service establishments primarily serving employees and users of the district are encouraged.

## **Industrial**

The Comprehensive Plan recommends Industrial uses for the Dovetail subdivision industrial area and the adjacent industrial and heavy commercial area to the north. Industrial districts accommodate typical industrial and manufacturing uses, including some “nuisance” uses not appropriately located in proximity to residential or many types of nonresidential activities due to noise, odor, appearance or traffic impacts for example. The district is not intended for retail or office uses not related to an industrial use, except for limited retail goods services provided primarily to employees and users of the district. Compared to the Employment district, factors that distinguish an Industrial district include a relatively smaller workforce (for a given area), and emphasis on truck or rail traffic, and characteristics such as outdoor work areas and outdoor equipment and materials storage.

## **Neighborhood Mixed-Use District**

Neighborhood Mixed-Use (NMU) districts are the recommended locations for clusters of relatively small convenience shopping and service uses that serve as activity centers and gathering places for the surrounding neighborhoods or districts. NMU areas typically form activity centers located along relatively important streets within or adjacent to residential districts. Low Density Residential-type housing units and mixed-use buildings are also potential uses in NMU districts. The City of Madison Comprehensive Plan provides detailed recommendations and design characteristics for NMU districts.

The Comprehensive Plan recommends a small NMU district at the southwest corner of the Wheeler Road/CTH CV intersection. The location and size of this NMU district is purely conceptual.

## **Park and Open Space District**

Park and Open Space districts make up a large part of the study area. These areas are primarily associated with Cherokee Marsh and the Cherokee Country Club golf course. The Park and Open Space districts identify areas recommended for public parks, some types of public and private outdoor recreational facilities, conservation areas, some stormwater management drainageways and detention areas, cemeteries, and similar uses that have an open space character and are not recommended for eventual development with more intensive uses.

## **Special Institutional District**

The Comprehensive Plan designates Gompers Elementary School and Blackhawk Middle School as Special Institutional districts. The Special Institutional district is intended to identify current or recommended locations for high schools and middle school and relatively large places of assembly and worship. The designation is sometimes used to identify smaller institutional uses, such as an elementary school, to help provide orientation for other mapped land uses.

## **Appendix Two**

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### ***Cherokee Marsh Management Plan for the Eastern Wetland***

## EXHIBIT D

### CHEROKEE MARSH MANAGEMENT PLAN FOR EASTERN WETLAND (Currently owned by CPI)

#### Background

This peat wetland is part of a large wetland complex in Cherokee Marsh that covers 4,000 acres. It is adjacent to a DNR State Natural Area (SNA) to the north and east that contains high quality wet prairie, sedge meadow, and fen plant communities. This large peat marsh is ecologically unique because it was historically fed only by rainwater and underground seepages, but very little from runoff or flooding. The SNA is managed under the guidelines of the Cherokee Marsh SNA Management Plan, adopted in 1991. The City's intent is to purchase the CPI Eastern Wetland, and manage it as a Conservation Park in conformity with the State Natural Area. The following recommendations apply specifically to the Eastern Wetland, and should be incorporated into future updates of the SNA Management Plan.

#### Monitoring, Research, Education, and Public Use

Monitoring of plant and animal communities is recommended. Research is encouraged. Educational use should be limited to specialized ecological, restoration and management study that does not require trails or other facilities. Permits would be required for any monitoring, research or educational use.

General public use is not encouraged. Current regulations of Madison Conservation Parks restrict access to designated trails (none are proposed in the wetland). Public trails may be placed on upland adjacent to the marsh on the west and south. Public hunting is not allowed in Conservation Parks. A deer control program is conducted in Cherokee Marsh Conservation Park, but would not be conducted in the treeless open meadow of the Eastern Wetland.

#### Management Unit Descriptions

##### **Unit A:**

This 40-acre unit contains high quality sedge meadow and wet prairie plant communities. It lies between City of Madison conservation parkland located to the north and south.

##### **Unit B:**

This 40-acre unit is located immediately north of the Maple Bluff 40 acre parcel. It is good quality sedge meadow, probably degraded by drainage ditches that nearly surround the unit.

##### **Unit C:**

This 44-acre unit contains numerous drainage ditches and was row cropped for agricultural crops in the past. Currently it is highly degraded with Reed Canary Grass as the dominant exotic species. Located at the base of the "High Hill" it may be a site of ground water discharge that has been intercepted by the ditches.

**Unit D:**

This 97-acre unit lies east of North Sherman Avenue. Fair quality sedge meadow with a rare grass (*Calamagrostis inexpectata*) was noted in 1974 publication Wetlands of Dane County, Bedford, et al. A drought in 1976 allowed part of this unit to be plowed and cropped. Another portion was disturbed when shrub cover was bulldozed into piles. Later it was occasionally mowed for marsh hay. Lack of mowing in recent years and an influx of nutrient rich storm water from the southwest has degraded the southern portion of the unit. Reed canary grass and cattails dominate in that area.

**Unit E:**

The Village of Maple Bluff owns this 40-acre parcel. The southeast 23 acres was formerly used as a dumpsite. The northwest 17 acres is a wetland of undetermined quality. It is bounded on the north and west by a drainage ditch that drains to the north.

**General Land Management Recommendations**

This property should be managed in a manner consistent with the goals of the adjacent Cherokee Marsh State Natural Area. The City of Madison should work with the Wisconsin DNR to update the management plan for the Cherokee Marsh SNA. Four primary land management goals are recommended: Control trees and shrubs, control exotic species, close ditches to restore water levels, manage stormwater to reduce the impact of warm, fertile runoff in high quality wetlands.

The study Wetlands of Dane County describes the Eastern Wetland as "a cork in the horizontal bottle, keeping the whole marsh wet by retarding westward flow of water toward the Yahara." It recommends that the ditches be closed to restore the natural hydrology, and further states the need for a comprehensive groundwater study. If groundwater withdrawal for human use dries out the peat allowing it to oxidize or burn it will release nutrients to Lake Mendota. Adequate groundwater levels are also essential to maintaining the large fen (a plant community dependent on groundwater upwelling through the peat) complexes that exist. There is evidence that groundwater levels have been altered since this 1974. What was described as a large spring located west of the dead end of Hoepker Road no longer produces spring flow.

Units A and B should be considered for inclusion as part of the Cherokee Marsh SNA. Woody tree removal, exotic species control, and drainage ditch closures are some of the management needs to restore this natural area. Elimination of current, and future nutrient rich urban storm water inputs into these wetlands is essential for vegetation restoration to be successful. Ditch closures cannot take place until this important issue is addressed. Fire as a management tool should be reintroduced on a periodic basis when staff and or monies allow.

**Specific Land Management Unit Recommendations****Unit A:**

The highest priority is to fill the drainage ditch on west boundary to restore natural hydrology. The former drainage ditch on the north boundary was filled in 2004-5 as part of a joint wetland mitigation project (City of Madison, DNR, Dane County Regional Airport, FAA, and DOT). A total of 2 miles of ditches were filled as part of that project. Remove woody plant growth along ditch. Scout interior of unit and remove exotic shrubs.

**Unit B:**

First priority is to fill drainage ditches surrounding this unit to restore natural hydrology. Second priority is to remove all tree cover along the ditches. Third priority is to control any exotic shrubs in the unit. The south boundary of this unit is adjacent to Unit E (Village of Maple Bluff) so they will need to be consulted before that ditch is closed.

**Unit C:**

This unit will require extensive work to restore natural area values due to drastically altered hydrology, exotic species prevalence, and woody tree growth. It would be ideal to do all the restoration work in one phase, but due to cost may have to be done in phases. Priority #1 would involve removing all woody growth along the ditches, and in the abandoned wetland agricultural fields. Priority #2 would involve scraping off the reed canary sod and using it to fill some of the drainage ditches. This would hopefully remove the reed canary seed bank, and then native wetland plants could be seeded. Any remaining ditch bank spoils would be pushed in to cap the ditch fill. Prairie restoration on the adjacent private upland (in the proposed conservation easement area) would also be desirable.

Some trees along the extreme north edge of the unit may remain to provide screening from the current and planned development to the north on the "High Hill". Higher value native trees and shrubs could be added in the future.

**Unit D:**

The top priority goal for this area is to reduce the current and future impacts of stormwater runoff. Detention, infiltration, and diversion should all be considered as ways to protect this unique wetland. Feasibility, cost and permitting issues will have to be evaluated for these alternatives. Priority #1 would be to manage the storm water that currently enters the area from the far southwest corner. The warm, nutrient-rich water has degraded the southern boundary of this unit, where it has become dominated by exotics (hybrid cattail and reed canary grass). Currently this water runs east, turns north, and finally heads west to go under North Sherman Avenue to enter the golf course at the west boundary of Unit C. Consideration should be given to piping this flow to the west side of North Sherman near the Cherokee Country Club buildings and then north to enter the golf course drainage system. For the proposed development south of the marsh, diverting the majority of runoff southeast to Starkweather Creek should be considered. This small amount of treated stormwater would have minimal impact on the riverine system of Starkweather, but could have major negative impacts on the infertile peat wetlands in Cherokee.

Priority #2 would involve closing the drainage ditch along the east boundary with Unit E (Village of Maple Bluff). They will need to be consulted prior to closing this ditch.

Priority #3 should include mowing the dense shrub growth with a brush mower to reduce shading of native sedges and grasses. It would also be desirable to find a landscape contractor or farmer interested in using this property to harvest marsh hay. This process harvests and removes nutrients from the site, which will help move the plant community toward the natural low nutrient conditions that existed prior to human disturbances that added nutrients. High nutrient conditions and warm water favors exotics like hybrid cattail and reed canary grass. When this unit was used as a mowing meadow in the past there was an observable improvement in the growth of native plants vs. exotics.

**Unit E:**

This unit is included because it is contiguous with the Eastern Wetland currently owned by CPI, and contains some ditches that are recommended for closure. It would be desirable to work out a management agreement with the Village of Maple Bluff to facilitate management of the larger wetland.

Prepared by Russ Hefty and Simon Widstrand, Madison Parks Division 11-7-06

## **Appendix Three**

### ***Cherokee Special Area Plan Adopting Resolution***



# City of Madison

## Master

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

File Number: 04939

File Number: 04939

File Type: Resolution

Status: Passed

Version: 1

Reference:

Controlling Body: PLAN  
COMMISSION

Requester: PLAN COMMISSION

Cost:

Introduced: 11/10/2006

File Name: Cherokee Special Area Plan

Final Action: 01/16/2007

**Title:** Adopting the Cherokee Special Area Plan as a supplement to the City of Madison Comprehensive Plan, to include lands located west of the Dane County Regional Airport, north of portions of the Whitetail Ridge and Sherman Village subdivisions, east of Yahara River and south of the Cherokee Conservation Park and adjacent Cherokee Marshlands.

### Notes:

### Code Sections:

Agenda Date: 01/16/2007

### Indexes:

Agenda Number: 58.

**Sponsors:** David J. Cieslewicz, Paul J. Van Rooy, Brian Benford, Judy K. Olson, Paul E. Skidmore and Kenneth Golden

Enactment Date:

**Attachments:** Draft Cherokee Special Area Plan.pdf, Maps.pdf, Comments.pdf, Annex 04942, MOU 04956, Add Comment 120406.pdf, Good to Great Ideas.pdf, Comments 121806.pdf, Add Comment 121806.pdf, Cherokee Park Info 010807.pdf, Comments 010807.pdf, Add Comments 010807.pdf

Enactment Number: RES-07-00146

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Unit	11/10/2006	Fiscal Note Required / Approval	Comptroller's Office/Approval Group		11/15/2006	
1	Comptroller's Office/ Approval Group	11/15/2006	Approved Fiscal Note By The Comptroller's Office	Planning Unit		11/15/2006	
1	Planning Unit	11/15/2006	Refer for Introduction				
1	COMMON COUNCIL	11/21/2006	Refer	PLAN COMMISSION		12/04/2006	
1	PLAN COMMISSION	11/21/2006	Refer	BOARD OF ESTIMATES		11/27/2006	
1	PLAN COMMISSION	11/21/2006	Refer	BOARD OF PARK COMMISSIONER S		12/13/2006	

1	PLAN COMMISSION	11/21/2006	Refer	LONG RANGE TRANSPORTATI ON PLANNING COMMISSION	12/21/2006	
1	BOARD OF ESTIMATES	11/27/2006	Return to Lead with the Recommendation for Approval	PLAN COMMISSION	12/04/2006	Pass
1	PLAN COMMISSION	12/04/2006	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIO NS - REPORT OF OFFICER			Pass
1	BOARD OF PARK COMMISSIONERS	12/13/2006	Return to Lead with the Following Recommendation(s)	PLAN COMMISSION		Pass
1	PLAN COMMISSION	12/18/2006	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIO NS - REPORT OF OFFICER			Pass
1	LONG RANGE TRANSPORTATION PLANNING COMMISSION	12/21/2006	Return to Lead with the Following Recommendation(s)	PLAN COMMISSION	01/08/2007	Pass
1	PLAN COMMISSION	01/08/2007	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER			Pass
1	COMMON COUNCIL	01/16/2007	Adopt			Pass

## Text of Legislative File 04939

### ..Fiscal Note

City costs associated with urban development in this area will be included in future operating and capital budgets subject to Common Council approval. Two other resolutions addressing the purchase of park and open space lands and the annexation of lands owned by Cherokee Park, Incorporated include fiscal notes that address the costs associated with the annexation and development of these properties, which are unique to this project and not covered by the City's standard infrastructure and capital cost recovery policies.

### ..Title

Adopting the Cherokee Special Area Plan as a supplement to the City of Madison Comprehensive Plan, to include lands located west of the Dane County Regional Airport, north of portions of the Whitetail Ridge and Sherman Village subdivisions, east of Yahara River and south of the Cherokee Conservation Park and adjacent Cherokee Marshlands.

### ..Body

### PREAMBLE

The Cherokee Special Area Plan study area includes lands located west of the Dane County Regional Airport, north of portions of the Whitetail Ridge and Sherman Village subdivisions, east of the Yahara River and south of the Cherokee Conservation Park and adjacent Cherokee marshlands. The recommendations of the Cherokee Special Area Plan build upon the recommendations of the City of Madison's Comprehensive Plan and other plans. The City's Comprehensive Plan provides general recommendations for relatively large geographic areas. The Plan recommends residential, mixed-use, institutional, park and open space and other uses for lands within the Cherokee Special Area Plan study area. The Comprehensive Plan includes a provision that its recommendations be supplemented

by more detailed recommendations included in special area plans, detailed neighborhood development plans, and neighborhood development plans. The Cherokee Special Area Plan provides detailed recommendations for lands located within its study area.

The Cherokee Special Area Plan recommends a land use pattern, a transportation network to serve the pattern, a development staging and utility plan, and steps needed to implement the recommendations of the Plan. Further, the Plan strives to create a land use pattern and transportation network that carefully considers existing natural features and development in the study area. The Plan's recommendations are intended to be somewhat flexible. For example, it is not expected that every residential development will necessarily correspond exactly to the recommended dwelling unit type and density range indicated in the Plan, but rather that the general pattern and distribution of densities and dwelling unit types will be consistent with the intent of the Plan's recommendations.

Much of the undeveloped land in the Cherokee Special Area Plan study area is currently open space and is recommended to remain in this use. Protection of natural resource features associated with Cherokee Marsh is of utmost importance. Various mechanisms, including public acquisition of open space lands, conservation easements, state of the art stormwater management facilities, and provision of buffer areas between open space and development are recommended to help protect Cherokee Marsh from the impacts of new development.

The Plan recommends a variety of residential densities and dwelling unit types throughout the study area. In addition, a small neighborhood mixed-use area that could include retail, office, service, and residential uses is recommended along the north side of Wheeler Road and CTH CV. The Plan recommends some additional development around the existing Cherokee Country Club clubhouse.

The proposed transportation pattern includes a network of street, bicycle and pedestrian facilities. The proposed street patterns are intended to create an interconnected, multi-modal (i.e. a transportation system that includes more than one means of travel) transportation system that conveniently links the various parts of the study area. The street patterns, and land uses along those streets, are intended to create a sense of place through the use of neighborhood development and design principles. Street layouts should be designed so that they frame and terminate attractive views.

**WHEREAS** lands located west of the Dane County Regional Airport, north of the Whitetail Ridge and Sherman Village subdivisions, east of the Yahara River and south of the Cherokee Conservation Park and adjacent Cherokee marshlands are identified in the City of Madison Comprehensive Plan, various other plans and a City-adopted preliminary plat as areas for development and permanently protected open space; and

**WHEREAS** interest has been expressed to develop lands within parts of the Cherokee Park Special Area Plan study area as described above; and

**WHEREAS** the City of Madison's Comprehensive Plan includes a provision that a special area plan or other detailed plan be adopted by the City prior to the City approving development in areas lacking such a plan; and

**WHEREAS** the City has not adopted a special area plan for the Cherokee Special Area Plan study area; and

**WHEREAS** several neighborhood meetings have been held by Cherokee Park. Incorporated and the City of Madison to receive input on recommendations in the special area plan; and

**WHEREAS** the Plan Commission has reviewed the draft plan maps in June 2006 and again in September 2006; and

**WHEREAS** the City of Madison has prepared the Cherokee Special Area Plan for lands located west of the Dane County Regional Airport, north of the Whitetail Ridge and Sherman Village subdivisions, east of the Yahara River and south of the Cherokee Conservation Park and adjacent Cherokee marshlands; and

**WHEREAS** the recommendations of the Cherokee Special Area Plan are consistent with the broad recommendations for the study area contained in the adopted City of Madison Comprehensive Plan.

**NOW THEREFORE BE IT RESOLVED** that the Cherokee Special Area Plan is adopted as a supplement to the City of Madison Comprehensive Plan, and provides land use and other recommendations for lands within the Special Area Plan's study area, as illustrated on the attached maps and described in the attached narrative.

**BE IT FURTHER RESOLVED** that the City of Madison Plan Commission and Madison Common Council hereby authorize the City's application to amend the Dane County Water Quality Plan to include in the Central Urban Service Area the lands within the Cherokee Special Area Plan study area that are identified in the plan as the "Hornung Range."

## **Maps 1-10**

**Map 1: Study Area**

**Map 2: Municipal Jurisdictions**

**Map 3: Property Ownership**

**Map 4: Existing Land Use**

**Map 5: Existing Zoning Districts**

**Map 6: Natural Features**

**Map 7: Existing Transportation Facilities**

**Map 8: Other Planning Considerations**

**Map 9: Recommended Land Use**

**Map 9a: Recommended Land Use –Sub-Area 1, 2, 3**

**Map 9b: Recommended Land Use-Sub-Area 4**

**Map 9c: Recommended Land Use-Sub-Area 5, 6**

**Map 10: Development Staging**

## **Appendix Maps 1-6**

**Appendix Map 1: Comprehensive Plan-Generalized Future Land Use Plan**

**Appendix Map 2: Public Wastewater System**

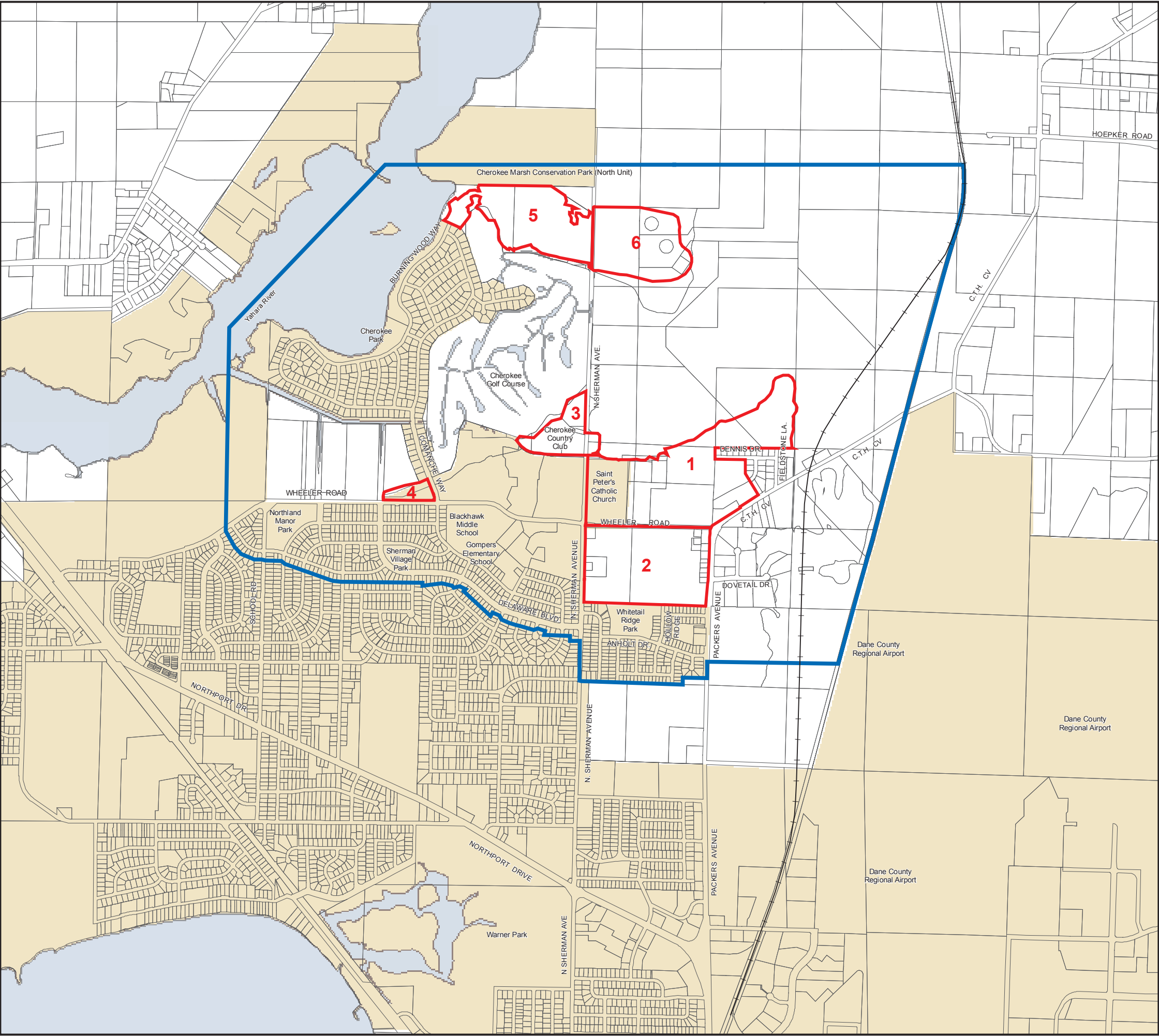
**Appendix Map 3: Public Water Supply**

**Appendix Map 4: Stormwater Management**

**Appendix Map 5: 2004 Traffic Volume**

**Appendix Map 6: Pedestrian Facilities**

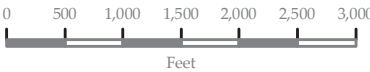
m:/arc/svdata/c\_plan/peripheral\_neighborhood\_plans/cherokee/cherokee\_special\_area\_plan\_maps/CURRENT SAP MAP/map 1



MAP 1  
STUDY AREA  
Cherokee Special Area Plan  
January 2007

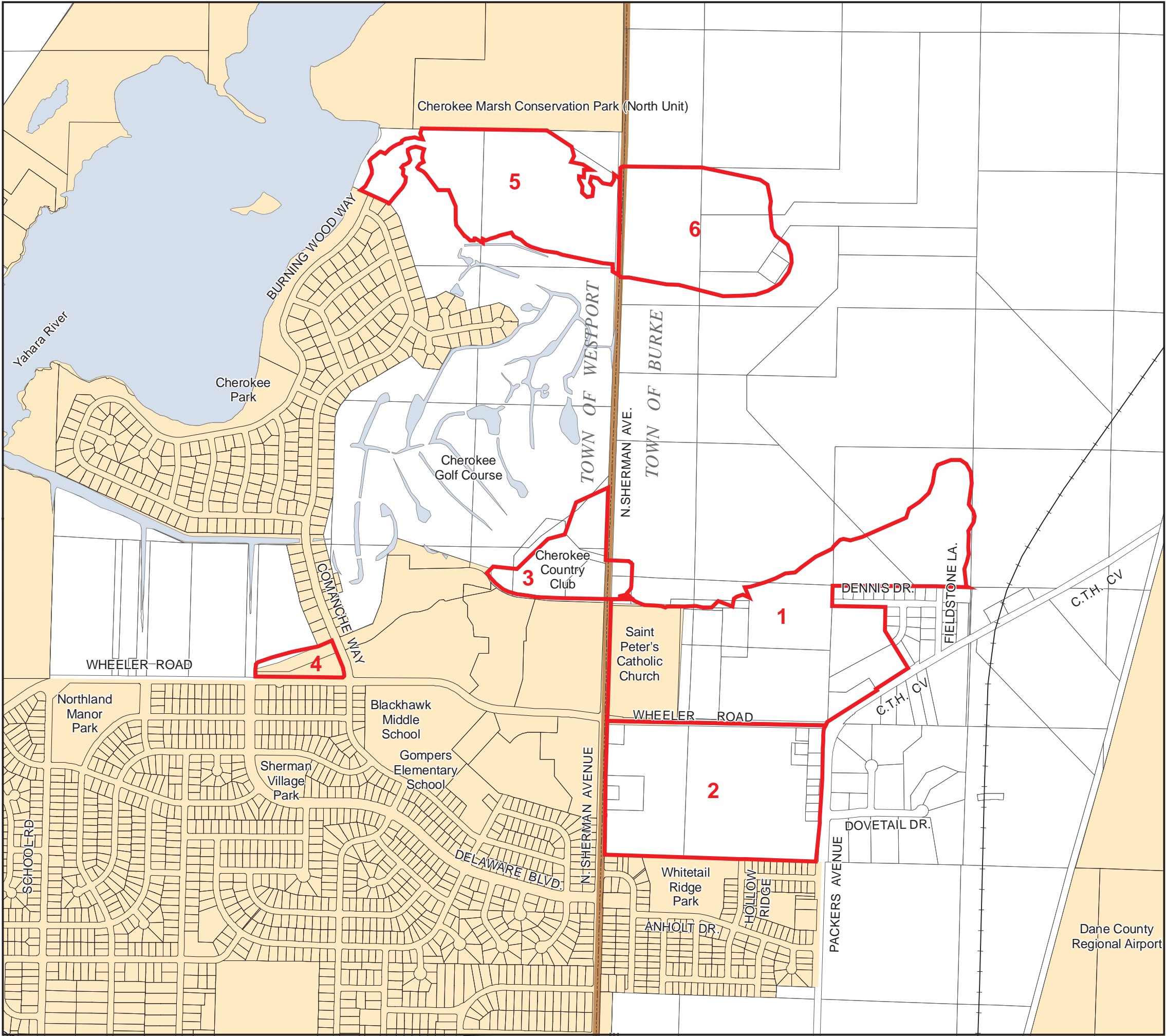
- STUDY AREA**
- CORE PLANNING SUB-AREAS**
- 1 Hornung Range
  - 2 Hornung Woods and Field
  - 3 Cherokee Country Club
  - 4 Wheeler Triangle
  - 5 5th Addition
  - 6 High Hill
- CITY OF MADISON**
- OTHER INCORPORATED JURISDICTIONS**
- UNINCORPORATED JURISDICTIONS**
- SPECIAL FEATURE**
- Runway Protection Zone
  - Railroad Realignment

Data Source:  
City of Madison Dept of Planning and Development, Planning Unit



City of Madison  
Dept of Planning and Development, Planning Unit

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MAP 2  
MUNICIPAL  
JURISDICTIONS  
Cherokee Special Area Plan  
January 2007

CORE PLANNING SUB-AREAS

- 1 Hornung Range
- 2 Hornung Woods and Field
- 3 Cherokee Country Club
- 4 Wheeler Triangle
- 5 5th Addition
- 6 High Hill

MUNICIPAL JURISDICTIONS

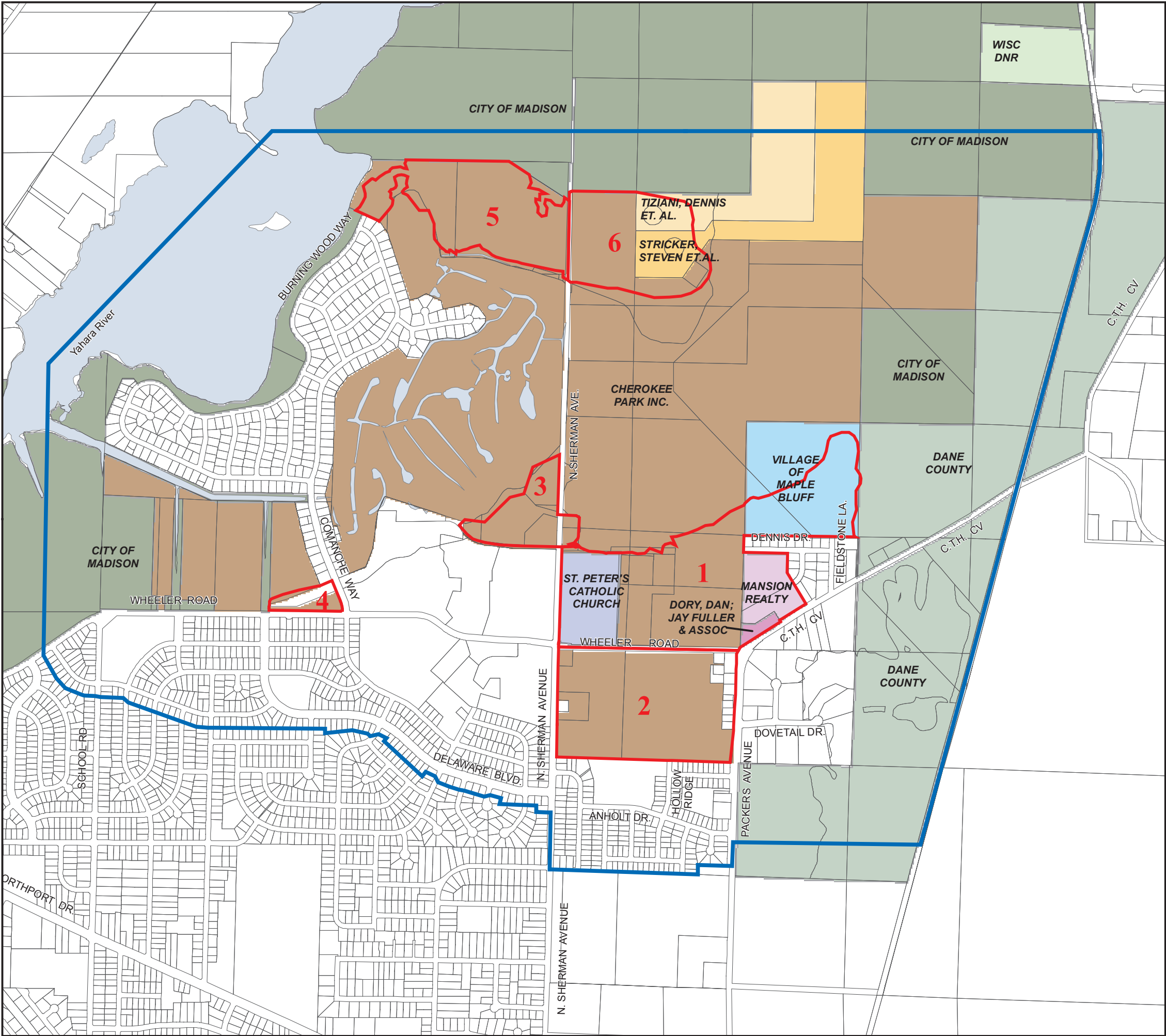
- City of Madison
- Unincorporated Jurisdictions
- Township Boundary

Data Source:  
City of Madison, Dept. of Planning and Development, Planning Unit



City of Madison  
Dept of Planning and Development, Planning Unit

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# MAP 3 PROPERTY OWNERSHIP

Cherokee Special Area Plan

January 2007

- STUDY AREA
- CORE PLANNING SUB-AREAS

- 1 Hornung Range
- 2 Hornung Woods and Field
- 3 Cherokee Country Club
- 4 Wheeler Triangle
- 5 5th Addition
- 6 High Hill

## PUBLIC OWNERSHIP

- City of Madison
- Dane County
- Wisconsin Dept. of Natural Resources
- Village of Maple Bluff

## PRIVATE OWNERSHIP

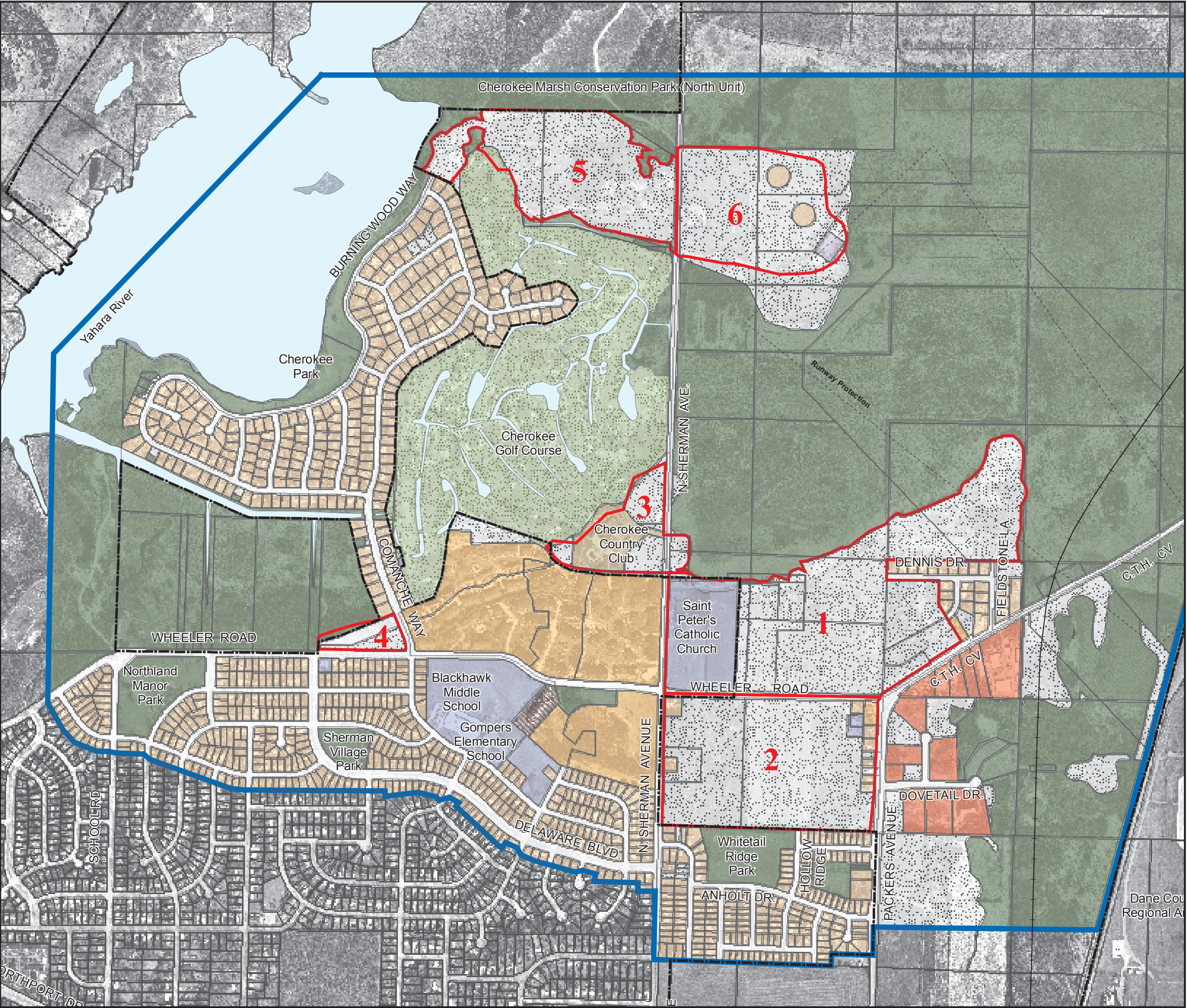
- Cherokee Park Inc.
- Stricker, Steven et. al.
- Tiziani, Dennis et. al.
- St. Peter's Catholic Church
- Dory, Dan; Jay Fuller and Associates
- Mansion Realty Inc.

Data Source:  
City of Madison, Dept. of Planning and Development, Planning Unit



City of Madison  
Dept of Planning and Development, Planning Unit

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# MAP 4 EXISTING LAND USE

Cherokee Special Area Plan

January 2007

- STUDY AREA**
- CORE PLANNING SUB-AREAS**
  - 1 Hornug Range
  - 2 Hornung Woods and Field
  - 3 Cherokee Country Club
  - 4 Wheeler Triangle
  - 5 5th Addition
  - 6 High Hill

**CITY OF MADISON LIMITS**

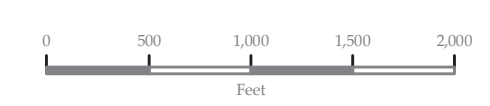
## LAND USE

- RESIDENTIAL**
  - Low Density
  - Density Range (<8 du/net ac)
  - Density Range (8-15 du/net ac)
  - Other Residential (assisted living)
- COMMERCIAL**
- INSTITUTIONAL**
- OPEN WATER**
- PARK, OPEN SPACE, DRAINAGE, WETLAND AND FLOODPLAIN**
- GOLF COURSE**
- CHEROKEE COUNTRY CLUB**
- AGRICULTURE / VACANT**

## SPECIAL FEATURES

- Runway Protection
- Railroad Realignment

Source:  
City of Madison Dept. of Planning and Development









City of Madison  
Dept of Planning and Development, Planning Unit

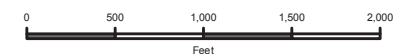
# MAP 5 EXISTING ZONING DISTRICTS

Cherokee Special Area Plan

January 2007

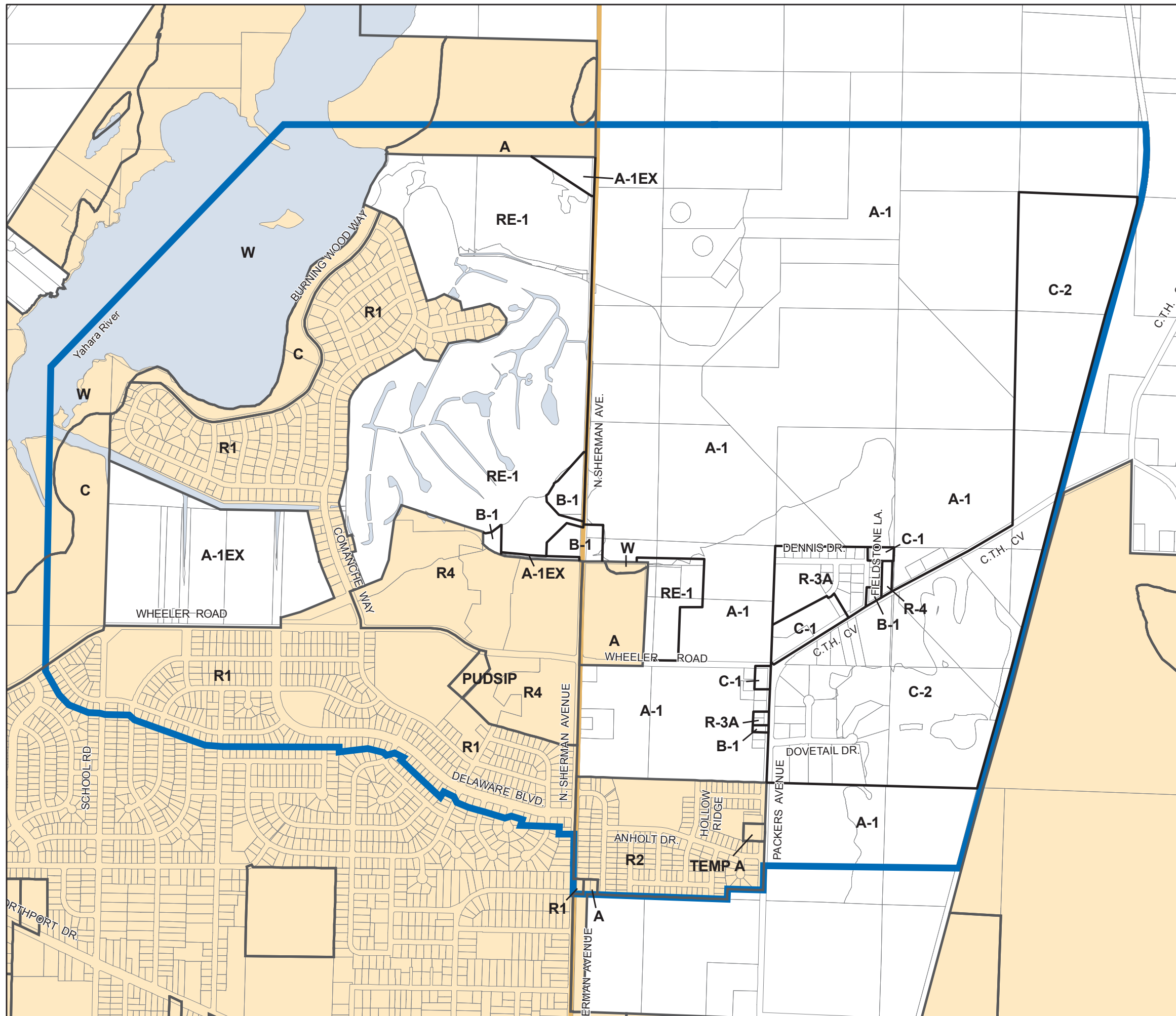
-  STUDY AREA
-  CITY OF MADISON
-  UNINCORPORATED JURISDICTIONS
-  TOWNSHIP BOUNDARY
-  CITY OF MADISON ZONING DISTRICTS
  - Residence Districts
    - R1, R2, R4
  - Special Districts
    - C Conservancy
    - W Wetland
    - A Agriculture (TEMP = Temporary)
    - PUD Planned Unit Development
    - SIP Specific Implementation Plan
-  DANE COUNTY ZONING DISTRICTS
  - Residence Districts
    - R-1, R-3A, R-4
  - Commercial Districts
    - C-1, C-2
  - Recreation District
    - RE-1
  - Local Business District
    - B-1
  - Agriculture Districts
    - A-1, A-1EX

Data Source:  
City of Madison Department of Planning and Development, Planning Unit  
Dane County parcel files



City of Madison  
Department of Planning and Development

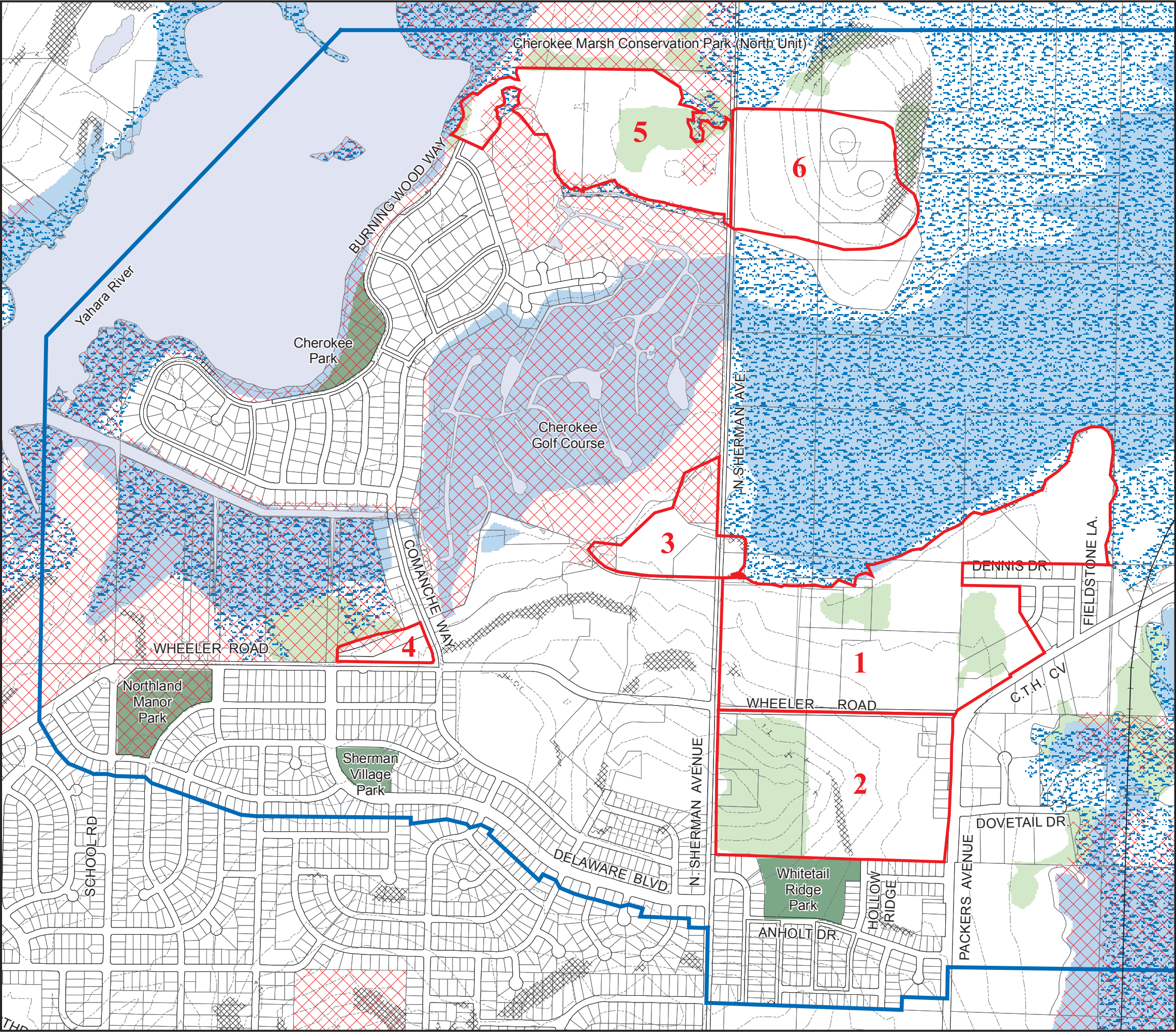
Last Edited: January 24, 2007\*



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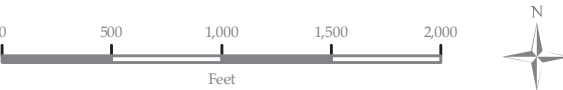
MAP 6  
NATURAL FEATURES  
Cherokee Special Area Plan

January 2007



- STUDY AREA
- CORE PLANNING SUB-AREAS
  - 1 Hornung Range
  - 2 Hornung Woods and Field
  - 3 Cherokee Country Club
  - 4 Wheeler Triangle
  - 5 5th Addition
  - 6 High Hill
- WHITETAIL RIDGE PARK  
Also Northland Manor, Sherman Village and Cherokee Parks
- OPEN WATER
- FLOODPLAIN(100 Year Flood)
- WETLAND
- ENVIRONMENTAL CORRIDOR
- WOODED AREAS
- TOPOGRAPHY (10' contours)
- STEEP SLOPE (>12%)

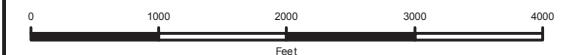
Data Source:  
City of Madison Dept of Planning and Development, Planning Unit



City of Madison  
Dept of Planning and Development, Planning Unit

## January 2007

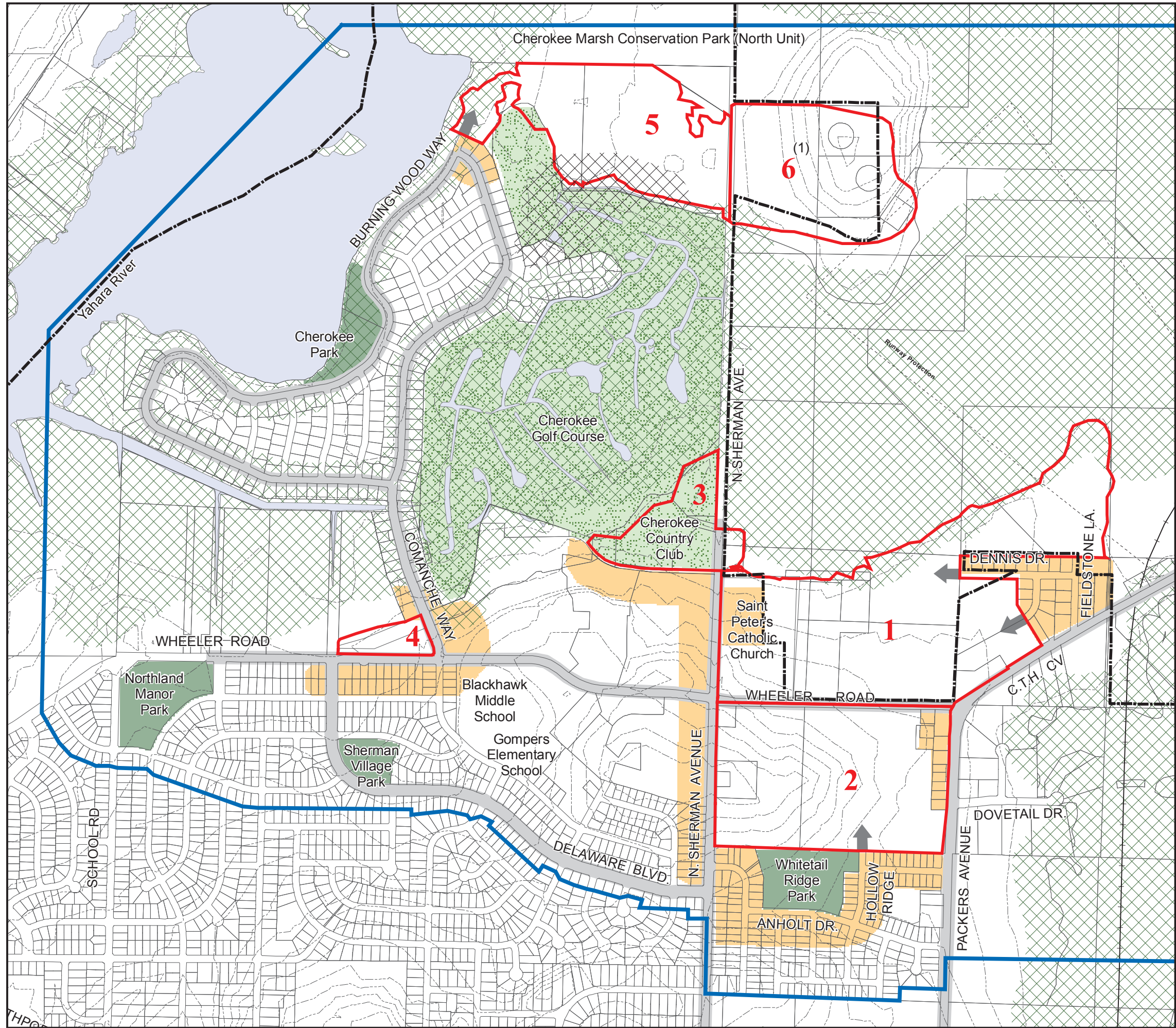
- Data Source:  
City of Madison, Department of Planning and Development, Planning Unit  
Metropolitan Planning Organization



City of Madison  
Department of Planning and Development

Last Edited: January 2007\*

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# MAP 8 OTHER PLANNING CONSIDERATIONS

Cherokee Special Area Plan

January 2007

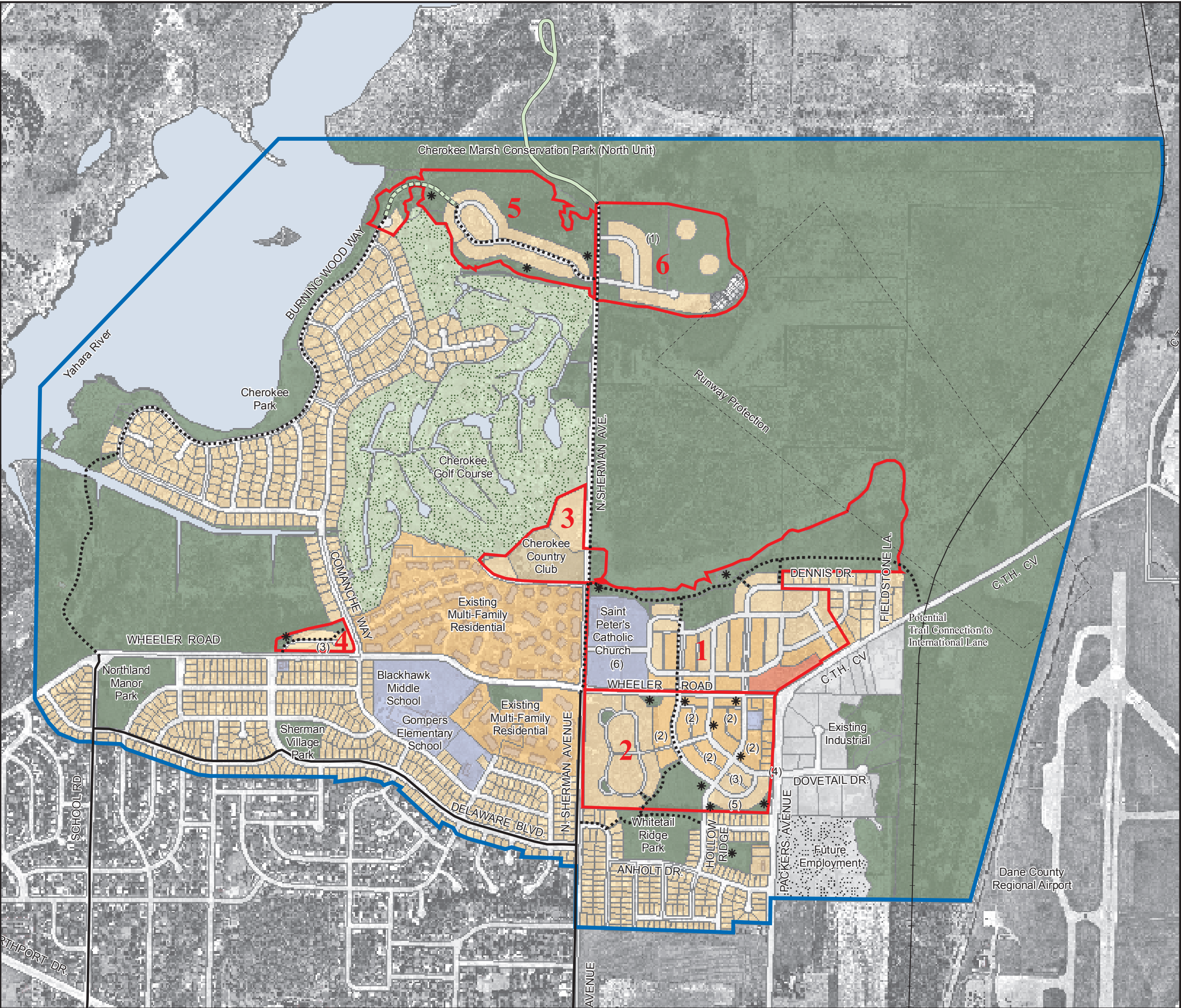
- STUDY AREA
- CORE PLANNING SUB-AREAS
  - 1 Hornung Range
  - 2 Hornung Woods and Field
  - 3 Cherokee Country Club
  - 4 Wheeler Triangle
  - 5 5th Addition
  - 6 High Hill
- CENTRAL URBAN SERVICE BOUNDARY
- SHORELAND AREAS
- TRAVEL CORRIDORS
- POTENTIAL STREET EXTENSION
- EXISTING DEVELOPMENT
- CHEROKEE GOLF COURSE
- WHITETAIL RIDGE PARK  
Also Northland Manor, Sherman Village and Cherokee Parks
- TOPOGRAPHY 10' contours
- (1) Land Use Note  
"It is recommended that there be no additional development on the top portion of the hill. Future development may be allowed around the lower portions of this hill only if such development is done with sensitivity to the topography in a manner that preserves open space and views to the hill from surrounding properties, and provides adequate vegetative buffers from the existing park property."  
(City of Madison Comprehensive Plan)
- Runway Protection
- Proposed Railroad Realignment

Data Source:  
City of Madison Dept of Planning and Development, Planning Unit  
Dane County Regional Airport



City of Madison  
Dept of Planning and Development, Planning Unit

MAP 9  
RECOMMENDED  
LAND USE  
Cherokee Special Area Plan  
January 2007



- STUDY AREA**
- CORE PLANNING SUB-AREAS**
- RESIDENTIAL**
- Low Density Residential
  - Density Range (<8 du/net ac)
  - Density Range (8-15 du/net ac)
  - Medium Density Residential (16-25 du/net ac)
- COMMERCIAL/EMPLOYMENT/MIXED USE**
- Neighborhood Mixed Use
  - Industrial
  - Employment
  - Cherokee Country Club
- INSTITUTIONAL**
- PARK, OPEN SPACE, AND STORMWATER MANAGEMENT**
- Park Drainage and Open space
  - Golf Course
  - Proposed Stormwater Detention
  - POTENTIAL FUTURE DEVELOPMENT AREA

**LAND USE NOTES**

(1) "It is recommended that there be no additional development on the top portion of the hill. Future development may be allowed around the lower portions of this hill only if such development is done with sensitivity to the topography in a manner that preserves open space and views to the hill from surrounding properties, and provides adequate vegetative buffers from the existing park property."  
(City of Madison Comprehensive Plan)

(2) A variety of type and size of structure is sought in these areas.

(3) Smaller scale structures are sought in these areas.

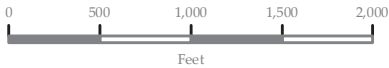
(4) Street alignment planning will continue to examine a connection to Packers Avenue at Dovetail Drive as a preferred option.

(5) Single-family detached housing is recommended for this area.

(6) The St. Peter's Church institutional use will continue. Should portions redevelop, residential at 8-15 dwelling units per net acre is recommended.

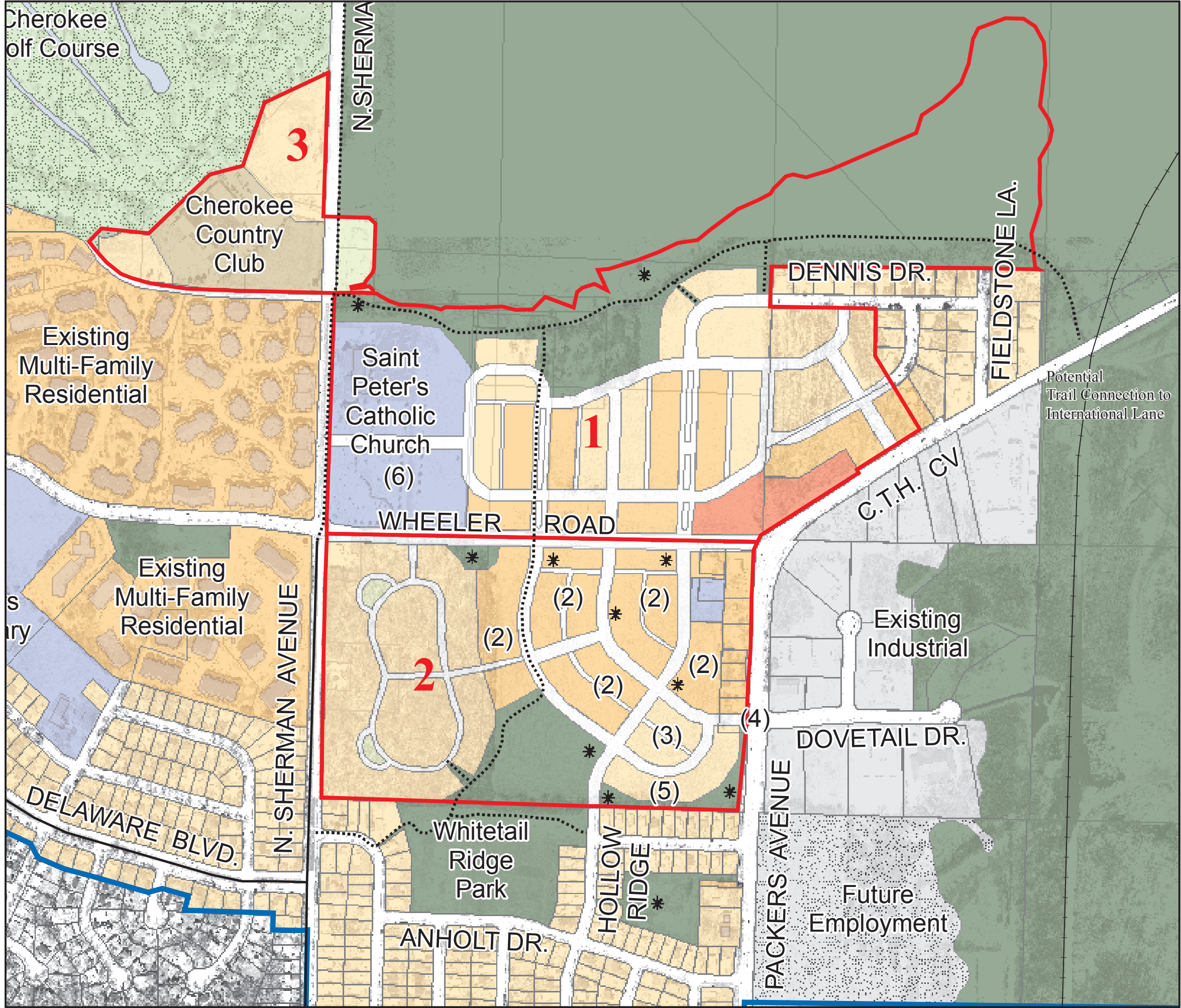
- STREET ROW (Public and Private)**
- SPECIAL FEATURES**
- Runway Protection
  - Railroad Realignment
  - Cherokee Marsh Cons. Park Access Road
  - Trail/Emergency Access Road
  - Existing Bike Routes
  - Proposed Routes, Paths and Trails

Data Source:  
City of Madison, Dept. of Planning and Development



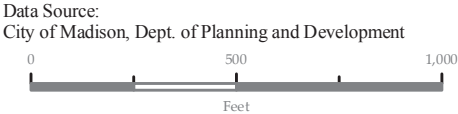
City of Madison  
Dept of Planning and Development, Planning Unit





MAP 9A  
RECOMMENDED  
LAND USE  
Cherokee Special Area Plan  
January 2007

- STUDY AREA**
- CORE PLANNING SUB-AREAS**
- RESIDENTIAL**
- Low Density Residential  
Density Range (<8 du/net ac)
  - Density Range (8-15 du/net ac)
  - Medium Density Residential (16-25 du/net ac)
- COMMERCIAL/EMPLOYMENT/MIXED USE**
- Neighborhood Mixed Use
  - Industrial
  - Employment
  - Cherokee Country Club
- INSTITUTIONAL**
- PARK, OPEN SPACE, AND STORMWATER MANAGEMENT**
- Park Drainage and Open space
  - Golf Course
- Other Features**
- Proposed Stormwater Detention
  - POTENTIAL FUTURE DEVELOPMENT AREA
- LAND USE NOTES**
- (2) A variety of type and size of structure is sought in these areas.
  - (3) Smaller scale structures are sought in these areas.
  - (4) Street alignment planning will continue to examine a connection to Packers Avenue at Dovetail Drive as a preferred option.
  - (5) Single-family detached housing is recommended for this area.
  - (6) The St. Peter's Church institutional use will continue. Should portions redevelop, residential at 8-15 dwelling units per net acre is recommended.
- STREET ROW (Public and Private)**
- SPECIAL FEATURES**
- Runway Protection
  - Railroad Realignment
  - Cherokee Marsh Cons. Park Access Road
  - Trail/Emergency Access Road
  - Existing Bike Routes
  - Proposed Routes, Paths and Trails



City of Madison  
Dept of Planning and Development, Planning Unit



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MAP 9B  
RECOMMENDED  
LAND USE  
Cherokee Special Area Plan  
January 2007

- STUDY AREA
- CORE PLANNING SUB-AREAS
- RESIDENTIAL
  - Low Density Residential
    - Density Range (<8 du/net ac)
    - Density Range (8-15 du/net ac)
  - Medium Density Residential (16-25 du/net ac)
- COMMERCIAL/EMPLOYMENT/MIXED USE
  - Neighborhood Mixed Use
- Industrial
- Employment
- Cherokee Country Club
- INSTITUTIONAL
- PARK, OPEN SPACE, AND STORMWATER MANAGEMENT
  - Park Drainage and Open space
- Golf Course
- Proposed Stormwater Detention
- POTENTIAL FUTURE DEVELOPMENT AREA
- LAND USE NOTES
  - (3) Smaller scale structures are sought in these areas.
- STREET ROW (Public and Private)
- SPECIAL FEATURES
  - Runway Protection
  - Railroad Realignment
  - Cherokee Marsh Cons. Park Access Road
  - Trail/Emergency Access Road
  - Existing Bike Routes
  - Proposed Routes, Paths and Trails

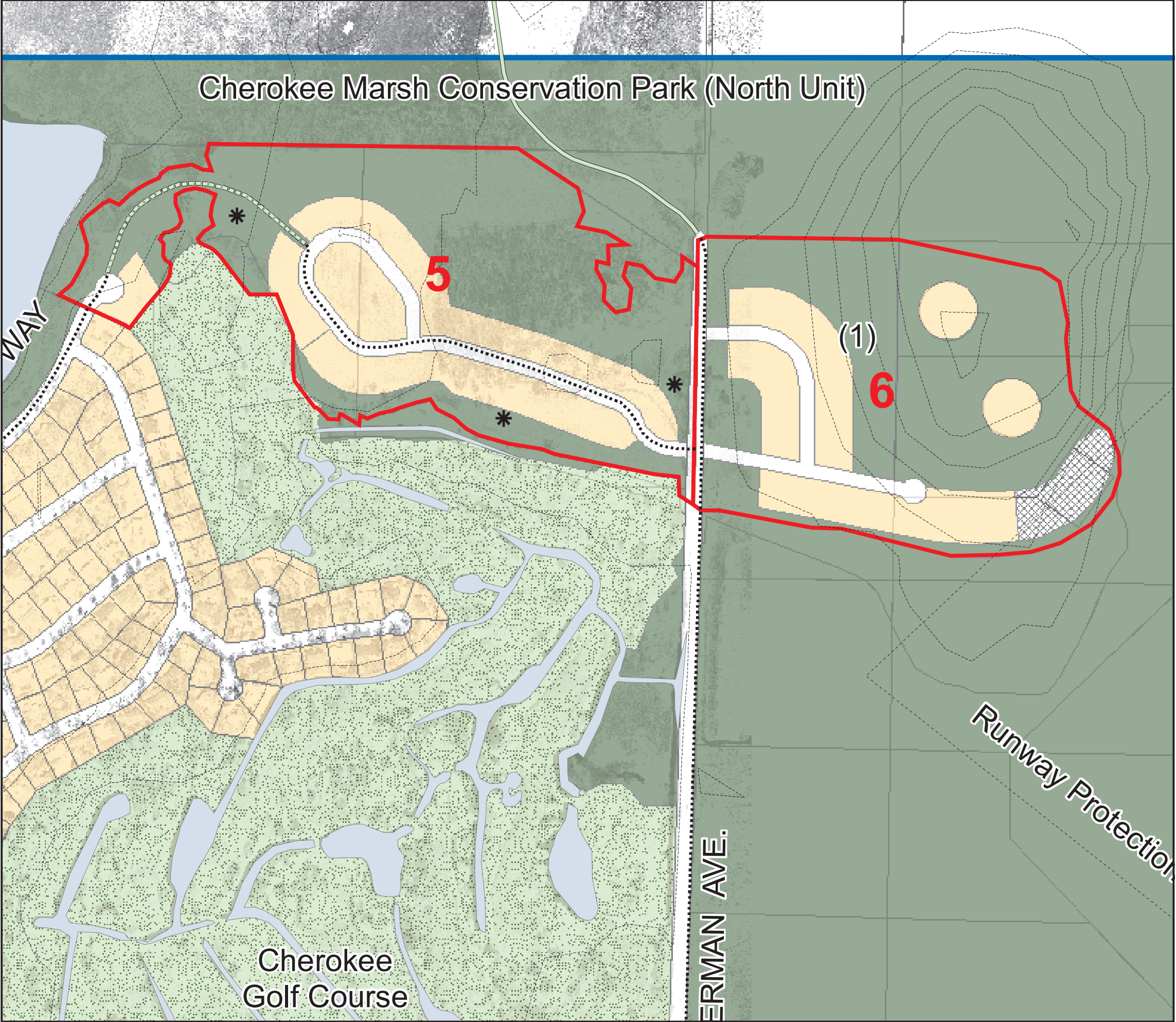
Data Source:  
City of Madison, Dept. of Planning and Development

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Feet

City of Madison  
Dept of Planning and Development, Planning Unit



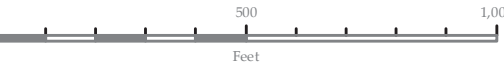
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MAP 9C  
RECOMMENDED  
LAND USE  
Cherokee Special Area Plan  
January 2007

- STUDY AREA**
- CORE PLANNING SUB-AREAS**
- RESIDENTIAL**
- Low Density Residential
    - Density Range (<8 du/net ac)
    - Density Range (8-15 du/net ac)
  - Medium Density Residential (16-25 du/net ac)
- COMMERCIAL/EMPLOYMENT/MIXED USE**
- Neighborhood Mixed Use
- INDUSTRIAL**
- Industrial
- EMPLOYMENT**
- Employment
- CHEROKEE COUNTRY CLUB**
- Cherokee Country Club
- INSTITUTIONAL**
- Institutional
- PARK, OPEN SPACE, AND STORMWATER MANAGEMENT**
- Park Drainage and Open space
- GOLF COURSE**
- Golf Course
- PROPOSED STORMWATER DETENTION**
- Proposed Stormwater Detention
- POTENTIAL FUTURE DEVELOPMENT AREA**
- Potential Future Development Area
- LAND USE NOTES**
- (1) "It is recommended that there be no additional development on the top portion of the hill. Future development may be allowed around the lower portions of this hill only if such development is done with sensitivity to the topography in a manner that preserves open space and views to the hill from surrounding properties, and provides adequate vegetative buffers from the existing park property."  
(City of Madison Comprehensive Plan)
- STREET ROW (Public and Private)**
- Street Right of Way
- SPECIAL FEATURES**
- Runway Protection
  - Railroad Realignment
  - Cherokee Marsh Cons. Park Access Road
  - Trail/Emergency Access Road
  - Existing Bike Routes
  - Proposed Routes, Paths and Trails

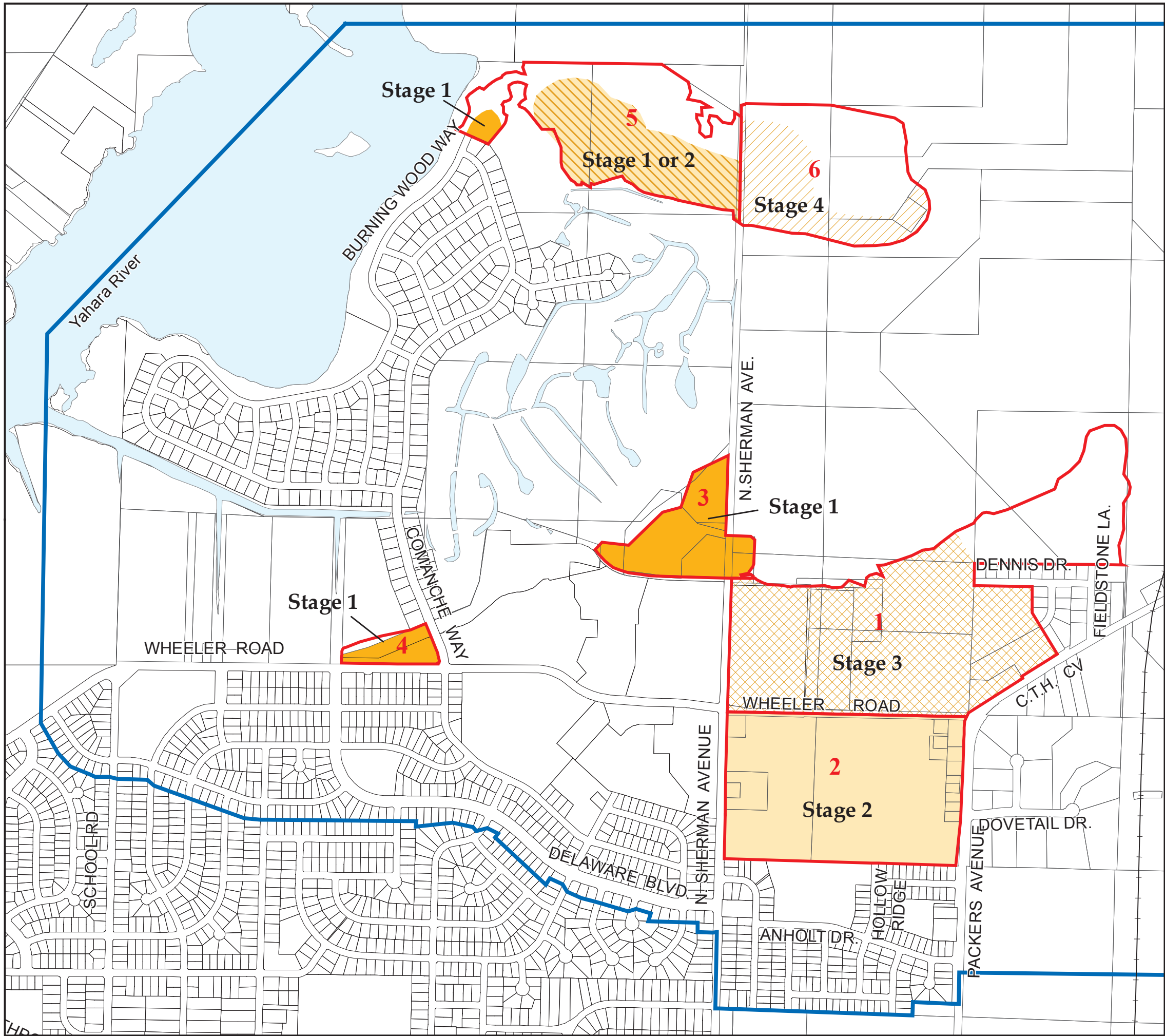
Data Source:  
City of Madison, Dept. of Planning and Development



City of Madison  
Dept of Planning and Development, Planning Unit



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MAP 10  
DEVELOPMENT  
STAGING  
Cherokee Special Area Plan  
January 2007

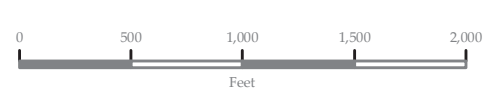
- PLANNING AREA
- CORE PLANNING SUB-AREAS

- 1 Hornung Range
- 2 Hornung Woods and Field
- 3 Cherokee Country Club
- 4 Wheeler Triangle
- 5 5th Addition
- 6 High Hill

DEVELOPMENT STAGING

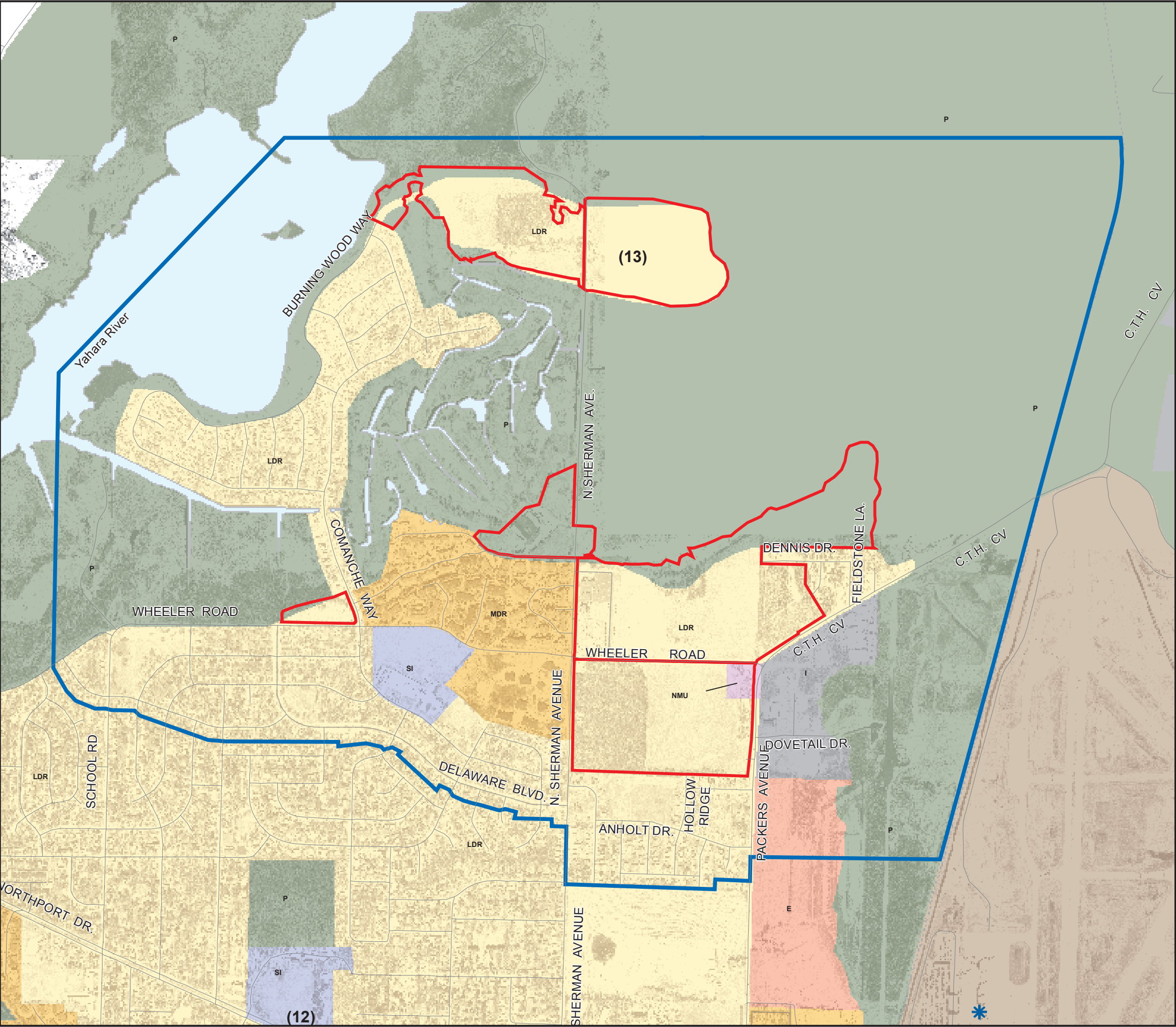
- Stage 1
- Stage 1 or 2
- Stage 2
- Stage 3
- Stage 4

Data Source:  
City of Madison, Dept. of Planning and Development, Planning Unit



City of Madison  
Dept of Planning and Development, Planning Unit

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APPENDIX MAP 1  
GENERALIZED FUTURE  
LAND USE PLAN

City of Madison  
January 2007  
Cherokee Special Area Plan

- STUDY AREA**
- CORE PLANNING SUB-AREAS**
- RESIDENTIAL DISTRICTS**
- LDR Low Density (0 - 15 units/acre)
  - MDR Medium Density (16 - 40 units/acre)
  - HDR High Density (41 - 60 units/acre)
- MIXED USE DISTRICTS**
- NMU Neighborhood Mixed Use
  - CMU Community Mixed Use
  - RMU Regional Mixed Use
- COMMERCIAL/EMPLOYMENT DISTRICTS**
- GC General Commercial
  - RC Regional Commercial
  - E Employment
  - I Industrial
- OPEN SPACE - AGRICULTURE DISTRICTS**
- P Park and Open Space
  - A Agriculture/Rural Uses
- SPECIAL DISTRICTS**
- SI Special Institutional
  - AP Airport
  - C Campus
- Downtown Districts (See Volume II Map 2-3)**
- NPA Neighborhood Planning Area (TND Encouraged)**
- SPECIAL OVERLAY DESIGNATIONS**
- TOD Transit Oriented Development (Conceptual Locations)
  - TND Traditional Neighborhood Development (May be applied to NPA and residential districts as specified in neighborhood and special area plans.)
- (0) Land Use Note Reference Number**
- (13) "It is recommended that there be no additional development on the top portion of the hill. Future development may be allowed around the lower portions of this hill only if such development is done with sensitivity to the topography in a manner that preserves open space and views to the hill from surrounding properties, and provides adequate vegetative buffers from the existing park property."  
(City of Madison Comprehensive Plan)
- Other Cities and Villages**

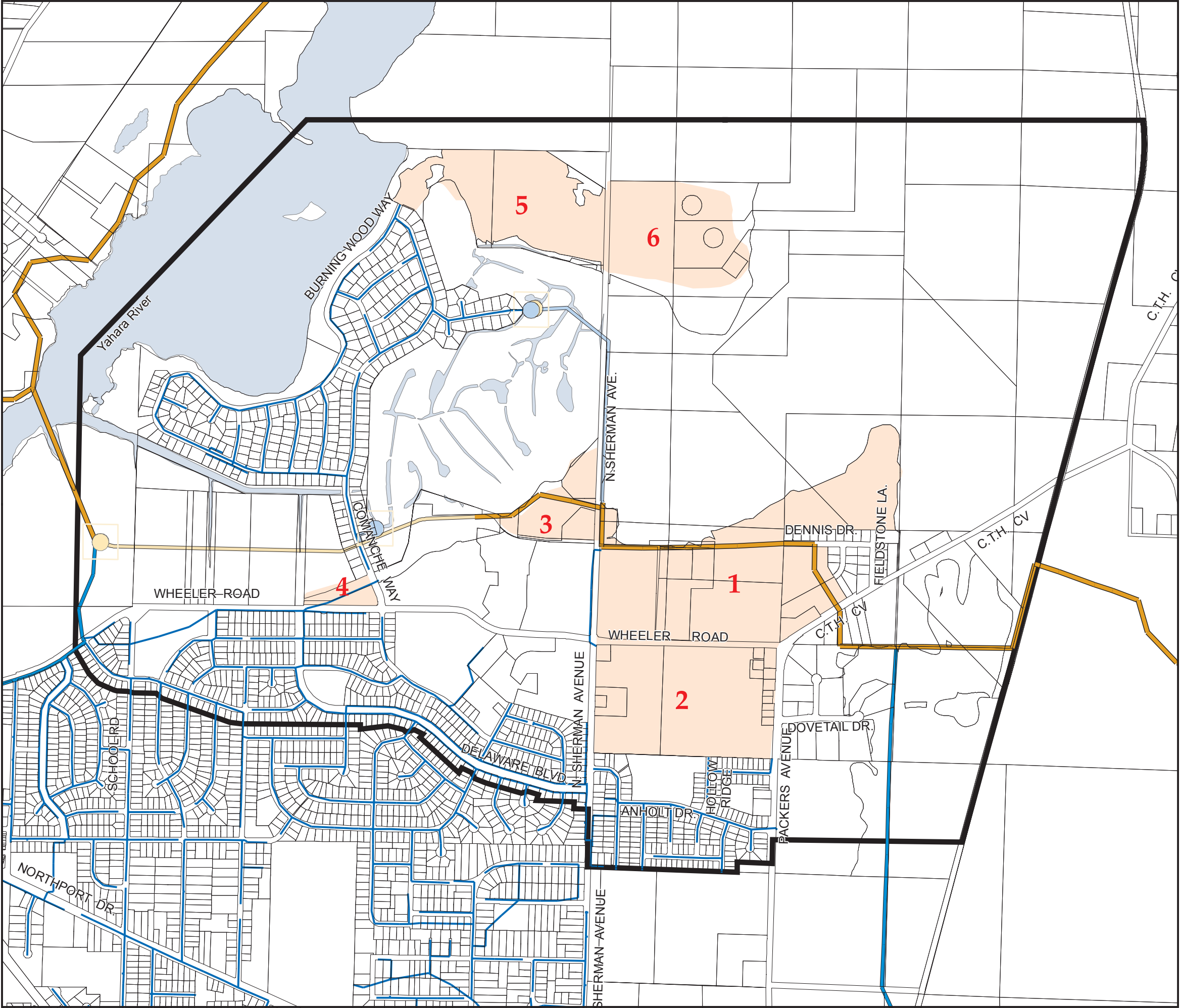
Data Source:  
City of Madison Department of Planning and Development, Planning Unit



City of Madison  
COMPREHENSIVE PLAN



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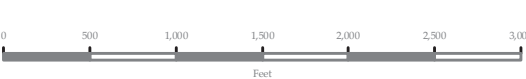
APPENDIX MAP 2  
PUBLIC  
WASTEWATER SYSTEM

Cherokee Special Area Plan

January 2007

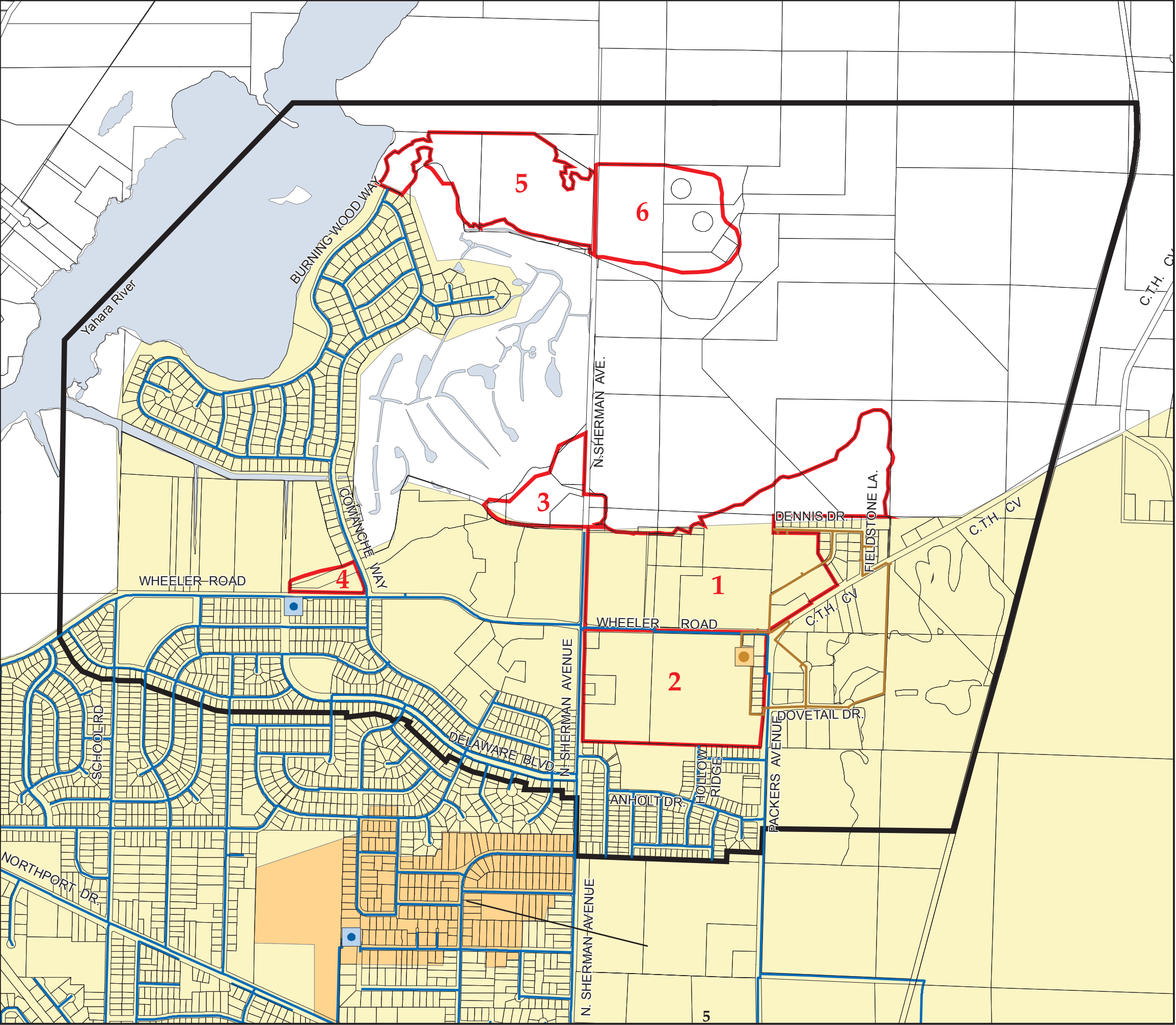
- STUDY AREA
- CORE PLANNING SUB-AREAS
- EXISTING WASTEWATER FACILITIES
  - CITY OF MADISON
    - Gravity Wastewater Interceptor
    - Forced Wastewater Main
    - Wastewater Pumping Station
  - MADISON METRO SEWERAGE DISTRICT
    - Gravity Wastewater Interceptor
    - Forced Wastewater Main
    - Wastewater Pumping Station

Data Source:  
City of Madison Department of Planning and Development, Planning Unit  
Madison Metropolitan Sewerage District  
City of Madison Department of Public Works, Engineering Division



City of Madison  
Department of Planning and Development

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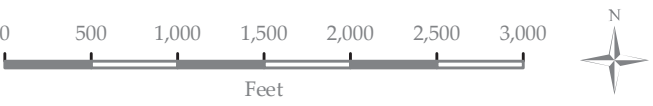


APPENDIX MAP 3  
PUBLIC  
WATER SUPPLY

Cherokee Special Area Plan  
January 2007

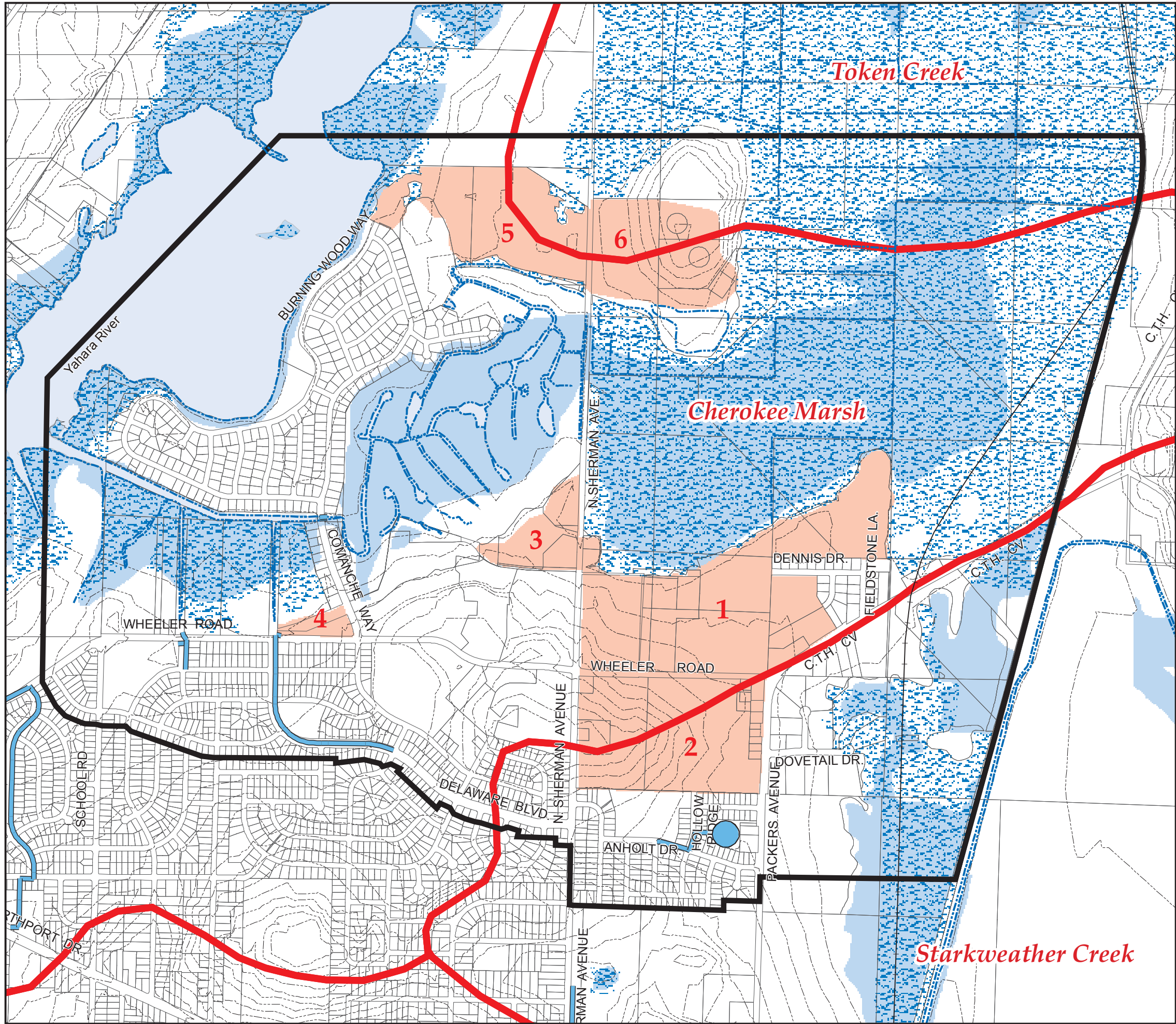
- STUDY AREA
- CORE PLANNING SUB-AREAS
- WATER PRESSURE ZONES
  - Zone 9
  - Zone 5
- EXISTING WATER SYSTEM FACILITIES
  - City of Madison
    - Water Reservoir Site
    - Water Well Site
    - Water Distribution Mains
  - Town of Burke
    - Water Reservoir Site
    - Water Well Site
    - Water Distribution Mains

Data Source:  
City of Madison Department of Planning and Development, Planning Unit  
Madison Area Metropolitan Planning Organization  
City of Madison Water Utility



City of Madison  
Department of Planning & Development

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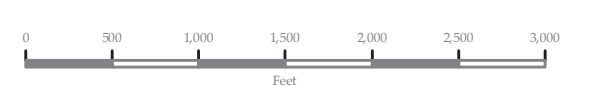
# APPENDIX MAP 4 STORMWATER MANAGEMENT

Cherokee Special Area Plan

January 2007

- STUDY AREA
- CORE PLANNING SUB-AREAS
- EXISTING STORMWATER DRAINAGE FACILITIES
  - Open Drainage Greenways
  - Storm Pipe over 36 inches
  - Detention Facilities
- WATERSHED BASIN
- WETLAND
- FLOODPLAIN
- LAKES
- STREAMS

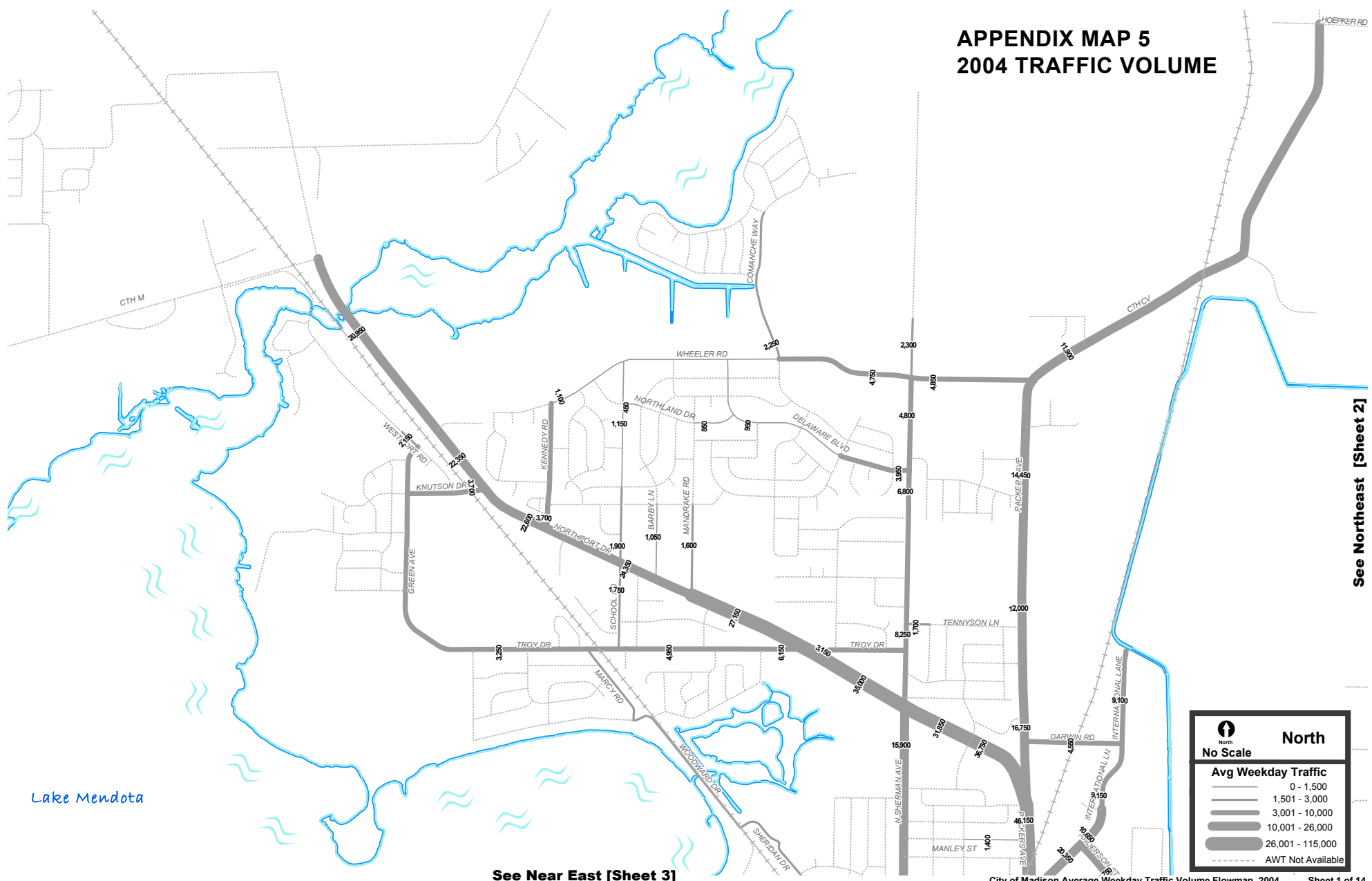
Data Source:  
City of Madison Department of Planning and Development, Planning Unit  
Madison Area Metropolitan Planning Organization  
City of Madison Department of Public Works, Engineering Division



City of Madison  
Department of Planning & Development

Last edited: January 24, 2007\*

# APPENDIX MAP 5 2004 TRAFFIC VOLUME



Lake Mendota

See Near East [Sheet 3]

See Northeast [Sheet 2]

North

No Scale

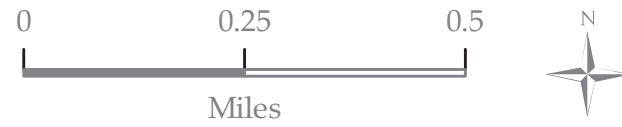
**Avg Weekday Traffic**

- 0 - 1,500
- 1,501 - 3,000
- 3,001 - 10,000
- 10,001 - 26,000
- 26,001 - 115,000
- AWT Not Available

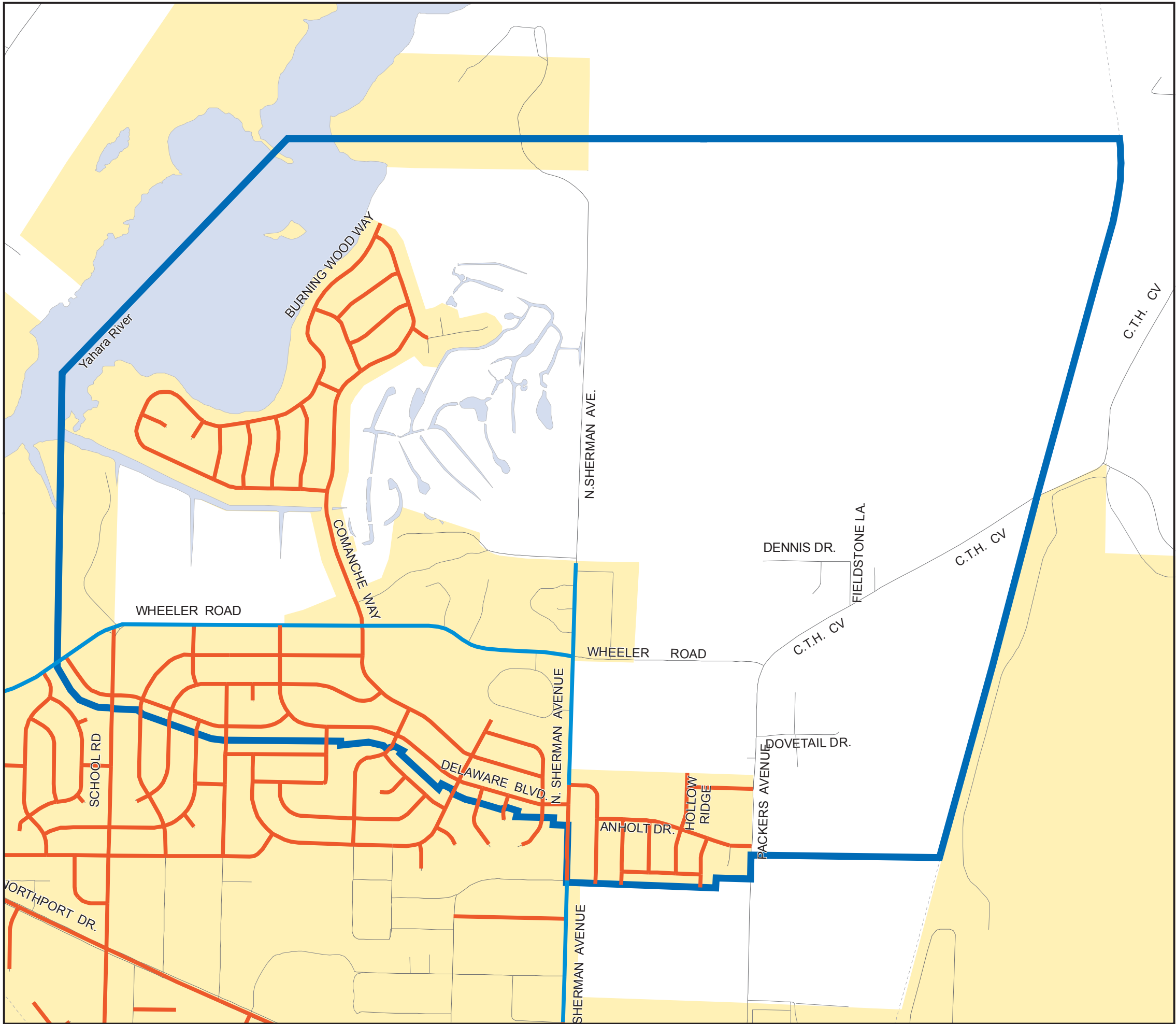
APPENDIX MAP 6  
PEDESTRIAN FACILITIES  
Cherokee special Area Plan  
January 2007

-  STUDY AREA
- EXISTING SIDEWALKS \*
-  Sidewalk Both Sides
-  Sidewalk One Side Only
-  No Sidewalks
-  City of Madison
-  Other Cities and Villages
-  Unincorporated Areas
- \* Does Not Include  
Multi-Functional Bicycle Paths

Data Source:  
City of Madison Department of Planning and Development, Planning Unit  
City of Madison Department of Engineering



April 14, 2006 4:00pm



# FILE COPY

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and entered into as of the 6<sup>th</sup> day of March, 2007 by and between the City of Madison, Wisconsin, a Wisconsin municipal corporation with its headquarters located at 210 Martin Luther King, Jr. Blvd., Madison, Wisconsin 53703 ("City") and Cherokee Park, Inc., a Wisconsin corporation with its headquarters located at 13 Cherokee Circle, Madison, Wisconsin 53704 ("Cherokee").

### WITNESSETH

WHEREAS, the City and Cherokee have been in discussions for approximately two years concerning the future development of portions of lands owned by Cherokee, particularly lands located in the Town of Westport known as the "Fifth Addition" and lands owned in the Town of Burke known as the "High Hill" area and the "Marsh" area; and,

WHEREAS, the City has proposed acquiring from Cherokee certain conservation easement rights and fee simple ownership interest in lands within the Fifth Addition, the High Hill and the Marsh; and,

WHEREAS, parties wish to memorialize their understandings to date concerning these acquisitions by the City.

NOW, THEREFORE, the parties set forth the following understandings subject to the preparation of a definitive agreement between them.

1. Fifth Addition. The City will purchase from Cherokee approximately twenty (20) acres of developable land and approximately four (4) acres of wetland, as shown on the attached Exhibit A. In consideration for this purchase, the City will pay not less than \$85,000 per acre or more than \$100,000 per acre, depending on the appraised value of the lands, for the developable land and \$5,000 per acre for the wetland. Any such appraisal will include instructions to the appraiser that the lands are: (a) within the central urban service area and within the Madison Metropolitan Sewerage District; (b) scheduled for residential development in the City of Madison's Comprehensive Plan; and, (c) subject to an Annexation/Attachment Agreement to allow annexation/attachment and development of these lands within the City of Madison.

In the portion of the Fifth Addition retained by Cherokee, City staff will support residential development at a net density of five (5) to seven(7) dwelling units/acre proposed by Cherokee, substantially as shown on Exhibit A. Final platting of these lands shall be subject to the City of Madison Subdivision and Platting Ordinance and the requirements and be consistent with the adopted Cherokee Special Area Plan.

2. High Hill Area. The City will purchase from Cherokee a conservation easement and/or development rights over approximately nineteen (19) acres of land, as shown in the attached Exhibit B. The conservation easement shall provide that no additional structures may be constructed on these lands and that the City shall not include said lands within its parks and trail system. The City shall pay to Cherokee not less than \$40,000 per acre or more than \$70,000 per acre, depending on the appraised value for the conservation easement on the High Hill lands

not within the Runway Protection Area. For the High Hill lands within the Runway Protection Area, if the City purchase a conservation easement, the City will pay the appraised value, having taken into account all existing restrictions on the lands. The conservation easement shall be in a form and substance to be negotiated by the parties and which will be in conformity with applicable Internal Revenue Service rules and regulations. On the lands in the High Hill that are not subject to a conservation easement, or in use as the Tiziani or Stricker homestead, City staff shall fully support residential development at a net density of five (5) to seven (7) dwelling units/acre, substantially as shown in Exhibit B. Final platting shall be subject to the City's platting and subdivision ordinances and be consistent with the adopted Cherokee Special Area Plan

3. Marsh Area. The City shall acquire in fee simple approximately 234 acres of marsh land as shown on the attached Exhibit C. The City shall pay \$5,000 per acre for the acquisition of the marsh lands. The City shall manage the Marsh Area in conformity with the management of the Cherokee Marsh State Natural Area and the Management Plan as shown in Exhibit D, and updated periodically by the City of Madison Board of Park Commissioners and the Wisconsin Department of Natural Resources. The City further covenants and agrees that it will not annex/attach these lands to the City until the expiration of thirty (30) years from the date of the definitive agreement, unless a Cooperative Plan, authorized by Wis. Stats. Sec. 66.0307 provides for an earlier annexation date.

4. Diligent Efforts. The City and Cherokee will negotiate in good faith and use diligent efforts to arrive at mutually acceptable definitive agreements for approval and execution and to proceed with the transactions outlined in this memorandum as promptly as is reasonably practicable.

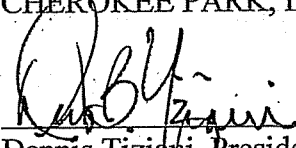
5. Expenses. The parties will each be solely be responsible for and bear all of their respective expenses including, without limitation, expenses of legal counsel, accountants and other advisors incurred at any time in connection with pursuing or consummating the transactions set forth in this MOU.

6. Like-kind Exchange. Cherokee intends to use the proceeds from these transactions to engage in a "like-kind" exchange under Section 1031 of the Internal Revenue Code. City agrees to cooperate with Cherokee in effecting the exchange on the condition that there is no liability to the City7. Intent. This MOU is a non-binding statement of intentions. Final consummation of the transactions are subject to negotiation and execution of definitive agreements approved by the governing boards of both the City and Cherokee. However, the parties shall be bound by a covenant of good faith and fair dealing in moving ahead with this project.

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the date first written above.

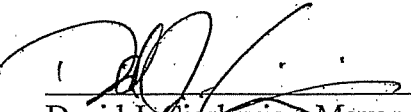
CHEROKEE PARK, INC.

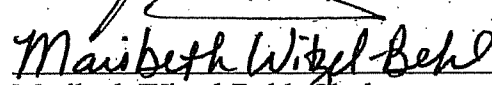
By:

  
Dennis Tiziani, President

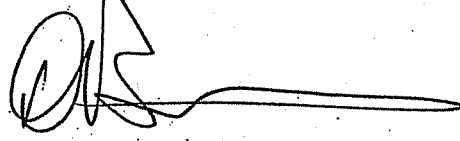
2.28.07

CITY OF MADISON  
a Wisconsin Municipal Corporation

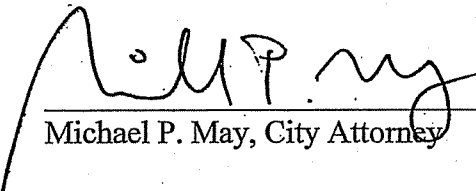
By:   
David J. Cieslewicz, Mayor

By:   
Maribeth Witzel-Behl, Clerk

APPROVED:

  
Dean Brasser, City Comptroller

APPROVED AS TO FORM:

  
Michael P. May, City Attorney

# OPEN SPACE LAND ACQUISITION


November 13, 2006

**PUBLIC ACQUISITION**  
(Fifth Addition)

**Low Density (<8 du/acr)**

### Open Space or Drainage

Cherokee Golf Course

 Open Water

WETLAND

**\* POTENTIAL STORMWATER  
DETENTION LOCATIONS**

PROPOSED EMERGENCY  
ACCESS DRIVE/TRAIL.

## PROPOSED TRAIL CONNECTIONS

CHEROKEE MARSH  
ACCESS ROAD

2' Topographic Contours



# CONSERVATION EASEMENT

November 13, 2006

**CONSERVATION EASEMENT**

**CONSERVATION EASEMENT**  
within Runway Protection Zone

**PUBLIC ACQUISITION**  
(Fifth Addition)

Low Density (<8 du/acr)

POTENTIAL FUTURE  
DEVELOPMENT AREA

## PARK AND OPEN SPACE

**Open Space or Drainage**

 Cherokee Golf Course

**Open Water**

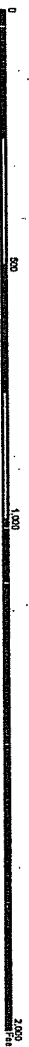
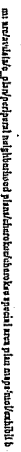
WETLAND

**\* POTENTIAL STORMWATER  
DETENTION LOCATIONS**

## PROPOSED TRAIL CONNECTIONS

CHEROKEE MARSH  
ACCESS ROAD

2' Topographic Contours



# EXHIBIT C

Cherokee Special Area Plan

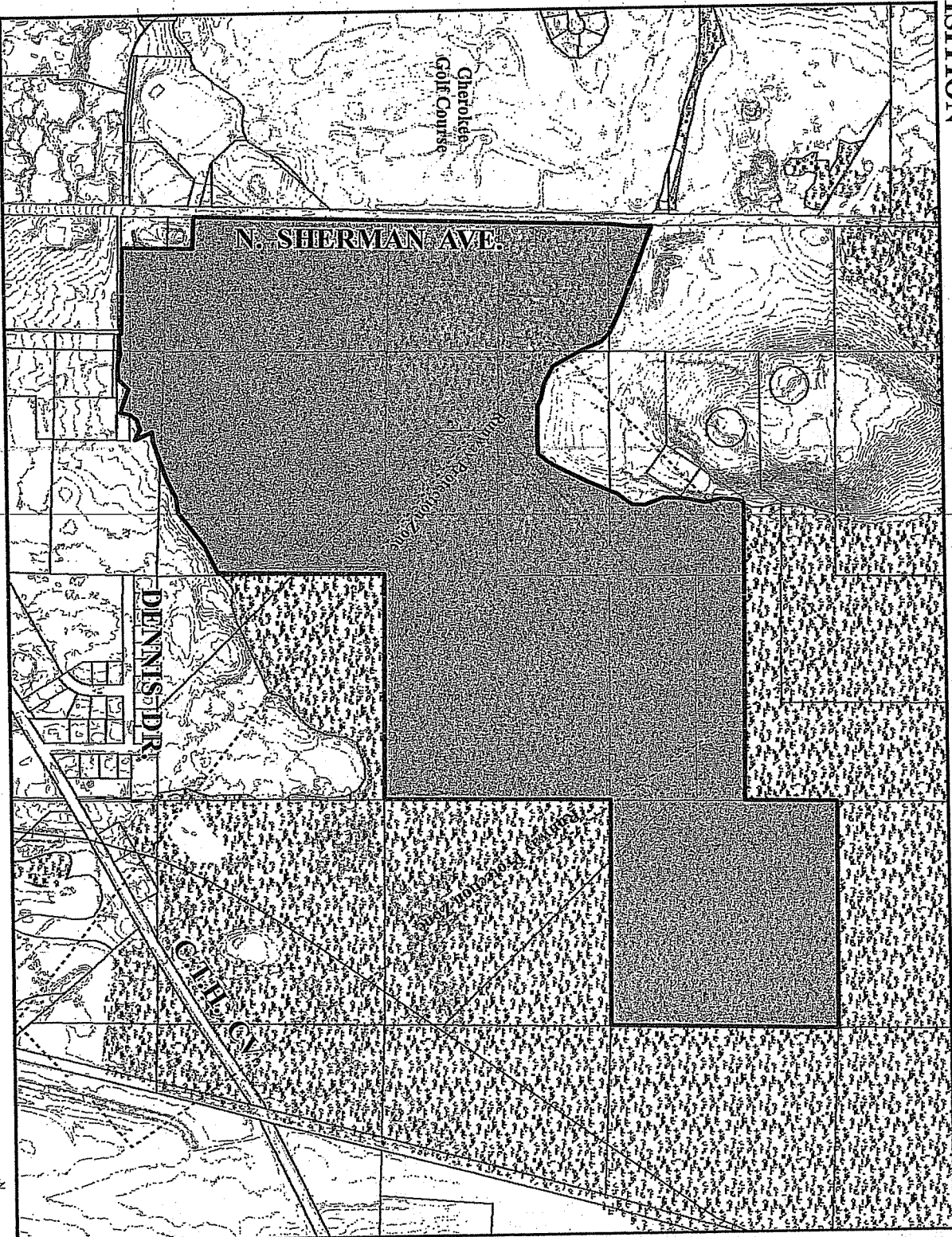
November 13, 2006

## LEGEND

**MARSHLAND ACQUISITION**  
Cherokee Park, Inc.

WETLAND

## 2' Topographic Contours



## EXHIBIT D

### CHEROKEE MARSH MANAGEMENT PLAN FOR EASTERN WETLAND (Currently owned by CPI)

#### Background

This peat wetland is part of a large wetland complex in Cherokee Marsh that covers 4,000 acres. It is adjacent to a DNR State Natural Area (SNA) to the north and east that contains high quality wet prairie, sedge meadow, and fen plant communities. This large peat marsh is ecologically unique because it was historically fed only by rainwater and underground seepages, but very little from runoff or flooding. The SNA is managed under the guidelines of the Cherokee Marsh SNA Management Plan, adopted in 1991. The City's intent is to purchase the CPI Eastern Wetland, and manage it as a Conservation Park in conformity with the State Natural Area. The following recommendations apply specifically to the Eastern Wetland, and should be incorporated into future updates of the SNA Management Plan.

#### Monitoring, Research, Education, and Public Use

Monitoring of plant and animal communities is recommended. Research is encouraged. Educational use should be limited to specialized ecological, restoration and management study that does not require trails or other facilities. Permits would be required for any monitoring, research or educational use.

General public use is not encouraged. Current regulations of Madison Conservation Parks restrict access to designated trails (none are proposed in the wetland). Public trails may be placed on upland adjacent to the marsh on the west and south. Public hunting is not allowed in Conservation Parks. A deer control program is conducted in Cherokee Marsh Conservation Park, but would not be conducted in the treeless open meadow of the Eastern Wetland.

#### Management Unit Descriptions

##### **Unit A:**

This 40-acre unit contains high quality sedge meadow and wet prairie plant communities. It lies between City of Madison conservation parkland located to the north and south.

##### **Unit B:**

This 40-acre unit is located immediately north of the Maple Bluff 40 acre parcel. It is good quality sedge meadow, probably degraded by drainage ditches that nearly surround the unit.

##### **Unit C:**

This 44-acre unit contains numerous drainage ditches and was row cropped for agricultural crops in the past. Currently it is highly degraded with Reed Canary Grass as the dominant exotic species. Located at the base of the "High Hill" it may be a site of ground water discharge that has been intercepted by the ditches.

#### **Unit D:**

This 97-acre unit lies east of North Sherman Avenue. Fair quality sedge meadow with a rare grass (*Calamagrostis inexpectata*) was noted in 1974 publication Wetlands of Dane County, Bedford, et al. A drought in 1976 allowed part of this unit to be plowed and cropped. Another portion was disturbed when shrub cover was bulldozed into piles. Later it was occasionally mowed for marsh hay. Lack of mowing in recent years and an influx of nutrient rich storm water from the southwest has degraded the southern portion of the unit. Reed canary grass and cattails dominate in that area.

#### **Unit E:**

The Village of Maple Bluff owns this 40-acre parcel. The southeast 23 acres was formerly used as a dumpsite. The northwest 17 acres is a wetland of undetermined quality. It is bounded on the north and west by a drainage ditch that drains to the north.

#### **General Land Management Recommendations**

This property should be managed in a manner consistent with the goals of the adjacent Cherokee Marsh State Natural Area. The City of Madison should work with the Wisconsin DNR to update the management plan for the Cherokee Marsh SNA. Four primary land management goals are recommended: Control trees and shrubs, control exotic species, close ditches to restore water levels, manage stormwater to reduce the impact of warm, fertile runoff in high quality wetlands.

The study Wetlands of Dane County describes the Eastern Wetland as "a cork in the horizontal bottle, keeping the whole marsh wet by retarding westward flow of water toward the Yahara." It recommends that the ditches be closed to restore the natural hydrology, and further states the need for a comprehensive groundwater study. If groundwater withdrawal for human use dries out the peat allowing it to oxidize or burn it will release nutrients to Lake Mendota. Adequate groundwater levels are also essential to maintaining the large fen (a plant community dependent on groundwater upwelling through the peat) complexes that exist. There is evidence that groundwater levels have been altered since this 1974. What was described as a large spring located west of the dead end of Hoepker Road no longer produces spring flow.

Units A and B should be considered for inclusion as part of the Cherokee Marsh SNA. Woody tree removal, exotic species control, and drainage ditch closures are some of the management needs to restore this natural area. Elimination of current, and future nutrient rich urban storm water inputs into these wetlands is essential for vegetation restoration to be successful. Ditch closures cannot take place until this important issue is addressed. Fire as a management tool should be reintroduced on a periodic basis when staff and or monies allow.

#### **Specific Land Management Unit Recommendations**

##### **Unit A:**

The highest priority is to fill the drainage ditch on west boundary to restore natural hydrology. The former drainage ditch on the north boundary was filled in 2004-5 as part of a joint wetland mitigation project (City of Madison, DNR, Dane County Regional Airport, FAA, and DOT). A total of 2 miles of ditches were filled as part of that project. Remove woody plant growth along ditch. Scout interior of unit and remove exotic shrubs.

**Unit B:**

First priority is to fill drainage ditches surrounding this unit to restore natural hydrology. Second priority is to remove all tree cover along the ditches. Third priority is to control any exotic shrubs in the unit. The south boundary of this unit is adjacent to Unit E (Village of Maple Bluff) so they will need to be consulted before that ditch is closed.

**Unit C:**

This unit will require extensive work to restore natural area values due to drastically altered hydrology, exotic species prevalence, and woody tree growth. It would be ideal to do all the restoration work in one phase, but due to cost may have to be done in phases. Priority #1 would involve removing all woody growth along the ditches, and in the abandoned wetland agricultural fields. Priority #2 would involve scraping off the reed canary sod and using it to fill some of the drainage ditches. This would hopefully remove the reed canary seed bank, and then native wetland plants could be seeded. Any remaining ditch bank spoils would be pushed in to cap the ditch fill. Prairie restoration on the adjacent private upland (in the proposed conservation easement area) would also be desirable.

Some trees along the extreme north edge of the unit may remain to provide screening from the current and planned development to the north on the "High Hill". Higher value native trees and shrubs could be added in the future.

**Unit D:**

The top priority goal for this area is to reduce the current and future impacts of stormwater runoff. Detention, infiltration, and diversion should all be considered as ways to protect this unique wetland. Feasibility, cost and permitting issues will have to be evaluated for these alternatives. Priority #1 would be to manage the storm water that currently enters the area from the far southwest corner. The warm, nutrient-rich water has degraded the southern boundary of this unit, where it has become dominated by exotics (hybrid cattail and reed canary grass). Currently this water runs east, turns north, and finally heads west to go under North Sherman Avenue to enter the golf course at the west boundary of Unit C. Consideration should be given to piping this flow to the west side of North Sherman near the Cherokee Country Club buildings and then north to enter the golf course drainage system. For the proposed development south of the marsh, diverting the majority of runoff southeast to Starkweather Creek should be considered. This small amount of treated stormwater would have minimal impact on the riverine system of Starkweather, but could have major negative impacts on the infertile peat wetlands in Cherokee.

Priority #2 would involve closing the drainage ditch along the east boundary with Unit E (Village of Maple Bluff). They will need to be consulted prior to closing this ditch.

Priority #3 should include mowing the dense shrub growth with a brush mower to reduce shading of native sedges and grasses. It would also be desirable to find a landscape contractor or farmer interested in using this property to harvest marsh hay. This process harvests and removes nutrients from the site, which will help move the plant community toward the natural low nutrient conditions that existed prior to human disturbances that added nutrients. High nutrient conditions and warm water favors exotics like hybrid cattail and reed canary grass. When this unit was used as a mowing meadow in the past there was an observable improvement in the growth of native plants vs. exotics.

**Unit E:**

This unit is included because it is contiguous with the Eastern Wetland currently owned by CPI, and contains some ditches that are recommended for closure. It would be desirable to work out a management agreement with the Village of Maple Bluff to facilitate management of the larger wetland.

Prepared by Russ Hefty and Simon Widstrand, Madison Parks Division 11-7-06



# City of Madison

## Master

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

File Number: 04956

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File Type: Resolution

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Version: 2

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Controlling Body: PLAN  
COMMISSION

Requester: PLAN COMMISSION

Cost:

Introduced: 11/14/2006

File Name: Memo of Understanding with Cherokee Park, Inc.

Final Action: 01/16/2007

**Title:** SUBSTITUTE - Authorizing the Mayor and Clerk to sign a Memorandum of Understanding with Cherokee Park, Inc. ("Cherokee") providing for the purchase of lands owned by Cherokee and the purchase of conservation easements over other lands owned by Cherokee.

### Notes:

### Code Sections:

Agenda Date: 01/16/2007

### Indexes:

Agenda Number: 60.

**Sponsors:** Paul J. Van Rooy, Brian Benford, Judy K. Olson,  
Paul E. Skidmore, Kenneth Golden and David J.  
Cieslewicz

Enactment Date: 01/18/2007

**Attachments:** Exhibit A - MOU Cherokee.pdf, Exhibit B - MOU  
Cherokee.pdf, Exhibit C - MOU Cherokee.pdf,  
Exhibit D - MOU Cherokee.pdf, Plan 04939, Annex  
04942

Enactment Number: RES-07-00148

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	11/14/2006	Fiscal Note Required / Approval	Comptroller's Office/Approval Group		11/15/2006	
1	Comptroller's Office/Approval Group	11/15/2006	Approved Fiscal Note By The Comptroller's Office	Attorney's Office		11/15/2006	
1	Attorney's Office	11/15/2006	Refer for Introduction				
1	COMMON COUNCIL	11/21/2006	Refer	PLAN COMMISSION	01/02/2007	12/04/2006	
1	PLAN COMMISSION	11/22/2006	Refer	BOARD OF ESTIMATES		11/27/2006	
1	PLAN COMMISSION	11/22/2006	Refer	BOARD OF PARK COMMISSIONER S		12/13/2006	
1	BOARD OF ESTIMATES	11/27/2006	Return to Lead with the Recommendation for Approval	PLAN COMMISSION		12/04/2006	Pass

2	PLAN COMMISSION	12/04/2006	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER		Pass
2	BOARD OF PARK COMMISSIONERS	12/13/2006	Return to Lead with the Following Recommendation(s)	PLAN COMMISSION	12/18/2006 Pass
2	PLAN COMMISSION	12/18/2006	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER		Pass
2	COMMON COUNCIL	01/02/2007	Rerefer	PLAN COMMISSION	01/08/2007 Pass
2	PLAN COMMISSION	01/08/2007	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER		Pass
2	COMMON COUNCIL	01/16/2007	Adopt		Pass

### Text of Legislative File 04956

#### ..Fiscal Note

The proposed Memorandum of Understanding (MOU) is one of three authorizing proposals that comprise the City's planned development of the Cherokee area. In addition to the MOU, the City has developed a Cherokee Special Area Plan and an Annexation Agreement between Cherokee Park Development, Inc. ("Cherokee") and the City, each of which is offered under separate authorizing Resolutions requiring Council approval.

The MOU is a statement of intent that provides for the City acquisition of open space protection through the purchase of up to 39 upland acres and 239 wetland acres. The acquisitions are expected to occur in phases over the next five years and will include a mix of fee simple acquisition and purchase of open space easements. Estimated total costs range from \$3.37 million - \$4.52 million, depending on appraised valuations. Grants will be sought to support up to 75% of the acquisition cost (requesting 50% from DNR Stewardship Fund and 25% from Dane County Conservation Fund). Alternatively, other purchasing mechanisms may be used to spread the acquisition costs to different supporters (direct DNR acquisitions, nonprofit partnerships, etc.). Each acquisition will require a separate resolution and fiscal note. Current balance in the City's fee in lieu of dedication fund (si32) is approximately \$1.8 million.

#### ..Title

SUBSTITUTE - Authorizing the Mayor and Clerk to sign a Memorandum of Understanding with Cherokee Park, Inc. ("Cherokee") providing for the purchase of lands owned by Cherokee and the purchase of conservation easements over other lands owned by Cherokee.

#### ..Body

WHEREAS, the City wishes to purchase, in fee simple, certain lands owned by Cherokee and wishes to purchase conservation easements over additional lands owned by Cherokee; and

WHEREAS, in recognition of the unique environmental characteristics of the Cherokee lands, the City has been working, and plans to continue working with Dane County, the State of Wisconsin, and the Department of Natural Resources to acquire sufficient funds to assist in the acquisition of the above land interests; and

WHEREAS, the City and Cherokee wish to recognize the existing stage of their agreement.

NOW, THEREFORE, BE IT RESOLVED, the City and Cherokee shall enter into this Memorandum of Understanding regarding the acquisition by the City of Cherokee land interests with the following provisions;

1. In the Fifth Addition, as shown on Exhibit A, the City will purchase, in fee simple, approximately twenty (20)

acres of developable land for not less than \$85,000 per acre or more than \$100,000 per acre and approximately four (4) acres of wetland for \$5,000 per acre, depending on the appraised value.

2. Appraisals for the above lands shall include instructions that the lands are within the Central Urban Service Area, and the Madison Metropolitan Sewerage District; are noted as suitable for residential development in the City's Comprehensive Plan; and are subject to an Annexation / Attachment Agreement with the City.

3. On the remaining lands in the Fifth Addition owned by Cherokee, the City shall support residential development at a net density of five (5) to seven (7) dwelling units per acre. Final development of these lands shall be subject to the City of Madison Subdivision Ordinances, Zoning Ordinances, and be consistent with the adopted Cherokee Special Area Plan.

4. The City will purchase from Cherokee a conservation easement on approximately fourteen (14) to twenty-one (21) acres on the High Hill, as shown on Exhibit B. The conservation easement shall provide that no additional structures shall be placed on these lands and that the City shall not include the lands within its park and trail system. For the approximately ~~twelve (12)~~ fourteen (14) acres of High Hill lands not in the Runway Protection Area, as shown in Exhibit B, the City shall pay to Cherokee not less than \$40,000 per acre or more than \$70,000 per acre, depending on the appraised value. If the City purchases the approximately seven (7) acres of High Hill lands in the Runway Protection Area, it shall pay the appraised value, having taken into account all existing restrictions.

5. On the lands in the High Hill that are not subject to a conservation easement or other restriction, or used as the Tiziani and Stricker homesteads, the City shall support residential development at net densities of five (5) to seven (7) dwelling units per acre. Final development of these lands shall be subject to the City of Madison Subdivision Ordinances, Zoning Ordinances, and be consistent with the adopted Cherokee Special Area Plan.

6. The City shall acquire, in fee simple, approximately two hundred thirty-four (234) acres of marsh land (Marsh Area), as shown on Exhibit C. The City shall pay \$5,000 per acre for the marsh lands and shall manage the Marsh Area in conformity with the Cherokee Marsh State Natural Area and with a City management plan for the area, as shown on Exhibit D.

7. The City agrees that it will not annex / attach the Marsh Area or the parts of the High Hill subject to a conservation easement or used as the Tiziani and Stricker homesteads until thirty (30) years from the date of the execution of this Memorandum of Understanding.

8. Cherokee intends to use the proceeds from these transactions to engage in a like-kind exchange under Section 1031 of the Internal Revenue Code and the City agrees to cooperate with Cherokee in effecting the exchange on the condition that there is no liability to the City.

9. This MOU is a non-binding statement of intentions. Final consummation of the transactions is subject to negotiation and execution of definitive agreements approved by the governing boards of both the City and Cherokee. The parties, however, shall be bound by a covenant of good faith and fair dealing in moving ahead with this project.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Memorandum of Understanding.

BE IT FURTHER RESOLVED that the City of Madison Parks Division is authorized to apply for and administer funding for the purchase of lands in Cherokee Marsh from the Wisconsin Stewardship Grant Fund, the Dane County Conservation Fund, and other sources.