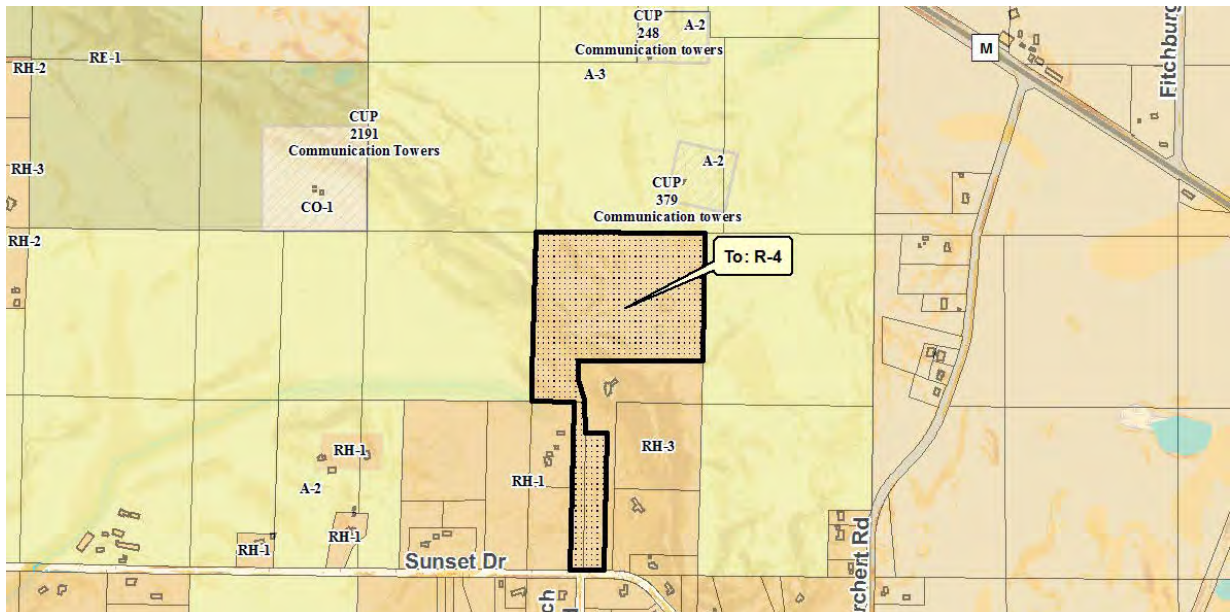




# Staff Report

Zoning and Land Regulation Committee

<i>Public Hearing:</i> <b>April 24, 2018</b>	<i>Petition:</i> <b>Petition 11276</b>
<i>Zoning Amendment:</i> <b>RH-1 Rural Homes District TO R-4 Residence District</b>	<i>Town/sect:</i> <b>VERONA, Section 36</b>
<i>Acres:</i> 40.1 <i>Survey Req. No</i>	<i>Applicant</i> <b>STEVEN P REINEN</b>
<i>Reason:</i> <b>Proposed 16-unit condominium for single-family residential development</b>	<i>Location:</i> <b>NORTH AND WEST OF 6440 SUNSET DRIVE</b>



**DESCRIPTION:** Landowner wishes to rezone 40.1 acres from the RH-1 Rural Homes Zoning district to the R-4 zoning district to allow for the creation of a 16-unit single-family residential condominium plat, with unit areas ranging from 1.5 to 2.36 acres. This would result in a gross density of 1 residential unit per 2.5 acres. The property would be served by one private road, branching into two cul-de-sacs, with a total length of approximately 2,700 feet from the single access onto Sunset Drive. Common (but not public) areas would include: 2 common areas of 2.2 and 1.25 acres, private roadways, and a narrow shared driveway (described as a “limited common element”) serving Units 10, 11, 12 and 13. There is no provision for future connections to any other road networks. The proposed condominium plat indicates a “33’ wide Ice Age Trail easement.” There is nothing on the proposed condominium instrument to indicate location of any stormwater controls.

**OBSERVATIONS:** The property is 0.25 miles from the City of Fitchburg municipal boundary, and is within the City of Fitchburg’s Extraterritorial Plat Review Jurisdiction (ETJ). However, since no land division is proposed, the City’s ETJ authority would not apply. The entire property is within the Ice Age National Scenic Trail corridor and is approximately one mile to a completed trail segment to the northwest and one mile to another completed trail segment to the southeast.

**TOWN / COUNTY PLAN:** The property is in a Rural Development Area as described in the Town of Verona / Dane County Comprehensive Plan and a Non-Farmland Preservation Area in the Dane County Farmland Preservation Plan. Single-family residential development is supported up to a maximum density of one unit per two acres.

**RESOURCE PROTECTION:** Mapped resource protection corridors associated with slopes exceeding 12% occur on the site. An intermittent tributary to the Sugar River lies to the southwest of the property. County shoreland zoning standards will apply to portions of the proposed development within 300’ of the stream.

**STAFF:** Recommend postponement until applicant submits a revised condominium plat to address several concerns. See recommended revisions and conditions of approval on Page 2.

**TOWN:** On January 2, 2018, the Town of Verona Board of Supervisors voted to recommend approval with conditions (See Town Action Report).

**Staff Concerns:**

1. There is no turnaround shown for the access (labeled “limited common element”) for Units 10, 11, 12 & 13. This could create problems not only for passenger vehicles, but also for emergency vehicles, waste collection, mail, school buses and various deliveries.
2. Proposed private road ends in a cul-de-sac, with no alternative outlet, and has a length of approximately 2,550 feet. For subdivisions, s. 75.19(1)p., Dane County Code limits cul-de-sacs to a maximum length of 1,000 feet.
3. The proposed plat includes no provisions for future road extensions. Section 75.19(1)(b), Dane County Code and the Dane County Comprehensive Plan call for “the continuation or appropriate projection of existing or proposed collector and arterial streets in the area,” where possible.
4. The condominium plat shows an area for a “33’ wide Ice Age Trail Easement,” however easement documents were not available for review at the time of this report. There is nothing on the condominium plat to indicate proposed screening or landscaping surrounding the trail easement area.
5. Road names have not been reviewed for uniqueness and compliance with emergency services requirements.
6. Condominium plat does not show shared driveway easements associated with the private road.
7. Condominium plat does not show utility easements, storm water facilities or clearly designate common areas.
8. Ice Age Trail needs to be incorporated into the development.

**April 24<sup>th</sup> ZLR Committee meeting:**

The Zoning and Land Regulation Committee postponed action on the petition due to public opposition. Rosemary Bodolay stated that she was concerned about development on steep slopes, protection of the woodland, some of the lots not being 1.5 acres and conflicting with Town policies, and the increased traffic on Sunset Drive which is a bike conduit. Hans Pigorsch stated that the development was too dense and the increased traffic due to the development would be a danger to bike traffic. Susan Pigorsch stated that she was concerned about development on steep slopes and was concerned about proper storm water management. Mark Singel stated that the development was too dense, future home owners may trespass onto his property, and that the unique features of the land (woods and kettles) may be destroyed as part of the development.

**Petitioner’s response to Staff concerns and public opposition**

**No Turn around for Units 10, 11, 12, and 13**

The condominium plat has been revised to add a private drive cul-de-sac to serve the lots. The roadway will be part of the common element.

**No continuation of roads**

The condominium plat has been revised adding road extensions to the east and west for future development of the area.

**Ice Age National Scenic Trail**

The condominium plat has been revised to show a 30-foot easement area through the property. The easement area is within the common element of the condominium plat and passes between the kettles on the property and through the old growth oak area. An easement agreement has been reached with the Ice Age Trail Alliance. Hikers will also be able to use the private drive (Deer Haven Trail) to access the trail before the easterly connection is completed.

**Road Names**

The private road names have been revised. The county surveyor has found that the road names are acceptable.

**Private Drive**

A road easement agreement have been included as part of the condominium declarations. Staff has reviewed the document and found it to be acceptable with minor changes.

**Utility Easements**

Easements have been included in the condominium declarations.

**Response to concerns raised by the public**

**Development on steep slopes and protection of woodland**

The steep slope topography is found on the west sided of the property. See attached map. This area is primary designated as “common area” which will not be developed. The building envelope areas have been designed outside the steep slope areas. The old growth trees are also within the “common area” and will be preserved. There is also selective cutting requirement within the building area as controlled by the condominium documents.

**Density of the proposal**

The area is designated in the [Verona Comprehensive Plan](#) as “Rural Residential”. Development is permitted to a density of one dwelling per 2 gross acres. The development comprises of 16 dwellings on 40 acres (2.5 acres per dwelling).

**Traffic**

At time of total build out, the development will produce 160 vehicle trips per day (10 vehicle trip per house). The private drive is required to be constructed to Town Road standards. The private drive accesses onto Sunset Drive. The town engineer (MSA) has reviewed the intersection and found it to be acceptable. Sunset Drive is capable of supporting the additional traffic.

**Storm Water Management**

A storm water management plan has been designed for the development. The kettles will be used as dry detention basins. The bottom of the kettles will be improved by installing bio-ponds to improve infiltration. Natural grasses and sedges are required as part of the dry bio-ponds which will enhance the area. Drainage arrows will be provided on the condominium plat to ensure compliance with grading. The storm water discharge will follow the same route (southwest drainage line) as it currently does and will be designed to be released at a pre-development rate. All plans are required to be approved by Dane County Land and Water Resource Department.

**Trespassing**

The property currently has a farm fence (barb wire) along the property line to deter trespassing. The total development will have an estimate of 37 persons. Staff does not feel that there is an issue with such a low density trespassing.

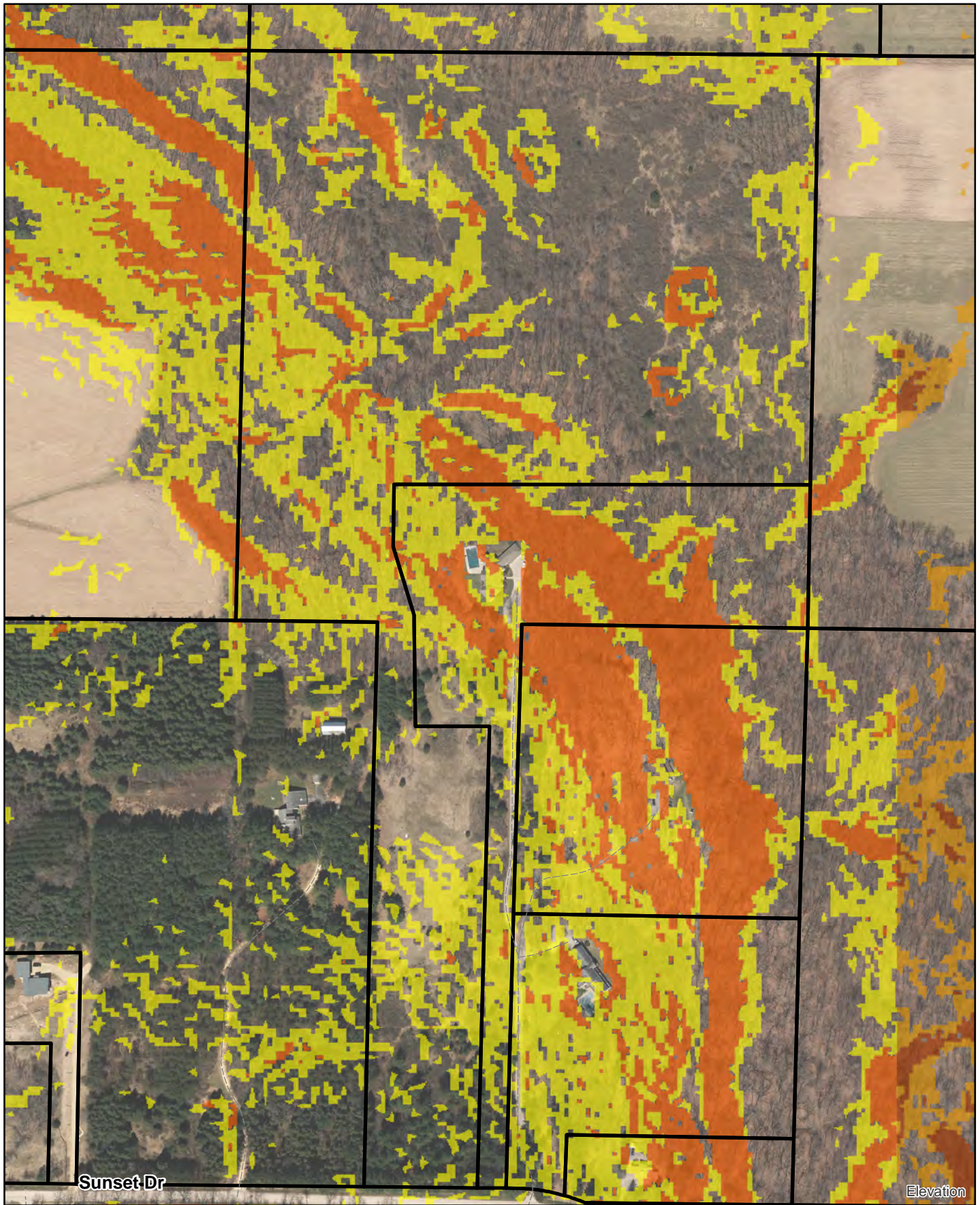
**Destruction of the natural features**

The developer has made great efforts in preserving the natural features. The kettles and old growth area will be preserved as open space areas and will be maintained by the condominium association. The development will have an easement for the Ice Age Trail which provides additional protection. Preservation of woodlands has been added to the condominium declarations to ensure compliance.

**STAFF UPDATE:**

The developer has made changes to the plat design and has improved the condominium declarations to address the issues and concerns raised by staff and the public. Language within the condominium declarations has been improved to provide enforcement of the provision by the Town and the County. County Staff recommends approval of the zoning change with the following conditions:

1. A condominium plat shall be recorded with the Register of Deeds. The plat shall be the design as submitted to the Zoning and Land Regulation Committee with the revision date of April 23, 2018.
2. A condominium declaration shall be recorded with the Register of Deed. The declaration shall be the final document dated <<<fill in date>>> \_\_\_\_ as reviewed by the ZLR Committee. The declaration shall be subject to County Staff and Town of Verona approval prior to recording.
3. A 30-foot wide conservation easement shall be recorded with the Register of Deeds within 60 days of May 8, 2018. The developer shall grant the easement to the Ice Age Trail Alliance.
4. A deed restriction shall be recorded with the Register of Deeds limiting the plat to a maximum of 16 single family units with no unit area being smaller than 1.5 acres; 4 common areas (private road, shared driveway, and two out lots) will be provided as part of the plat.
5. A development agreement shall be approved by the Town of Verona for the improvements necessary for the condominium development.
6. The developer shall provide cross sections for the private drive design at the intersection of Deer Haven Trail and Darby Fields Drive. The design shall be approved by the Town Engineer for safety purposes.



**Legend**

**Steep Slopes**

**Percent Slope**

- 12 to less than 20
- 20 and greater

0 75 150 300 Feet



# Dear Haven Slopes