

Staff Report
REVISED 4/1/2019



**Zoning and
 Land Regulation
 Committee**

Public Hearing: **April 30, 2019**

Zoning Amendment:

RH-4 Rural Homes District TO RH-1 Rural Homes District and CO-1 Conservancy District, A-3 Agriculture District TO RH-1 Rural Homes District, RH-2 Rural Homes District, and RH-3 Rural Homes District

Acres: **14.3,5.25,16.31,5.24,11.89** *Survey Required.* **Plat required**

Reason:

CREATION OF RESIDENTIAL SUBDIVISION (14 RESIDENTIAL LOTS AND 1 CONSERVANCY LOT)

Petition 11407

Town/section:

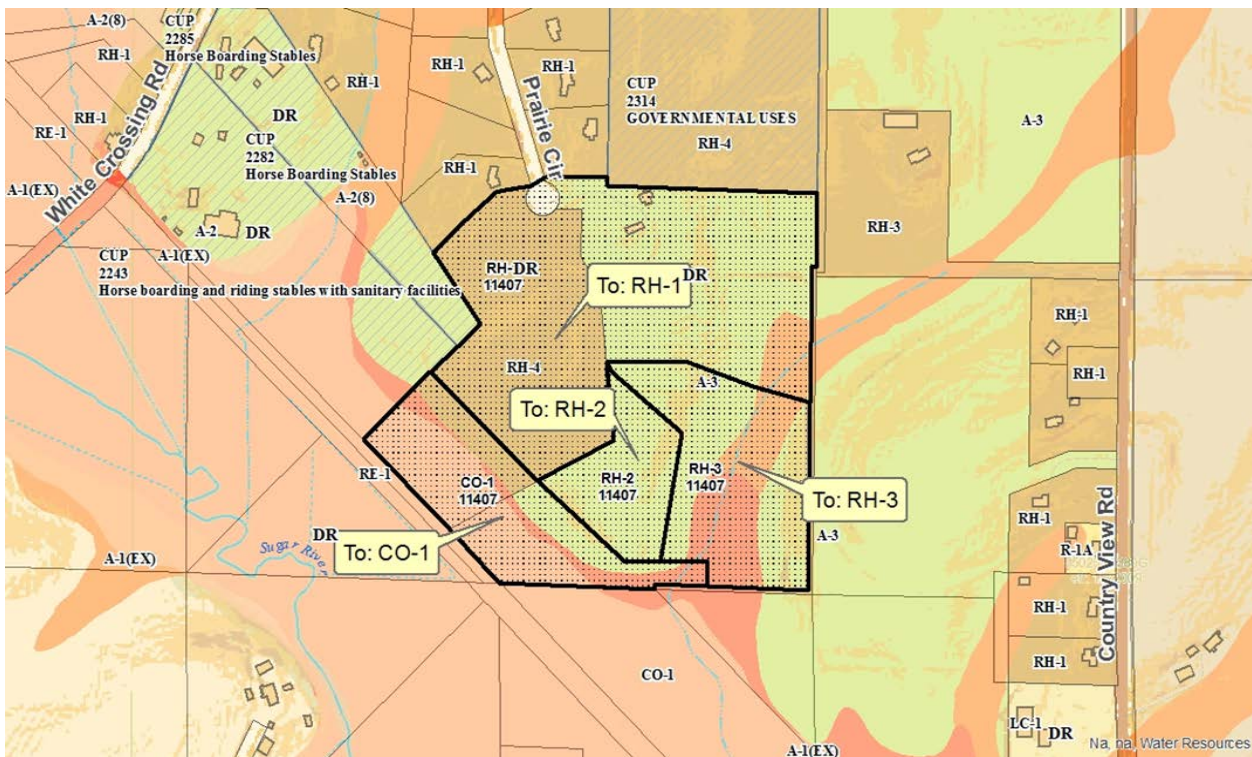
VERONA, Section 7

Applicant

SWEENEY/DIMAGGIO

Location:

2778 PRAIRIE CIRCLE



DESCRIPTION: Landowner seeks to rezone 31.2 acres to the RH-1 zoning district to create 12 residential subdivision lots ranging from 2.01 acres to 3.44 acres in size. An additional 11.78-acre RH-3 lot, and one 5.5-acre RH-2 lot would also be created. An additional 10.5 acres would be rezoned to the CO-1 zoning district to protect wetland/floodplain areas. All lots would be created by subdivision plat.

OBSERVATIONS: The proposed extension of Prairie Circle on the subdivision plat includes an unnamed road stub with the apparent intent to ultimately connect with Country View Road, 1,300 feet to the east of the terminus of the proposed new road. Conversations with Town of Verona staff indicate that an extension to Country View Road is not in current Town capital plans. If a through-road connection is not made, this will effectively create a single cul-de-sac of over 2,500 feet in length, serving some 22 residential lots. This could create problems for egress and ingress if the road is ever closed due to natural disaster, disrepair or construction.

TOWN PLAN: The *Town of Verona Comprehensive Plan* (adopted 3/7/2019) identifies this property in a Rural Residential 4-8 Acre planning area. Within such areas, the plan requires that “the gross area will be divided by the density indicated on the Land Use Map. Residential units must be at least 1.5 acres.” The plan does not specify whether or not “gross area” includes land that is undevelopable due to wetland, shoreland or floodplain regulations. In this particular case, the property, including resource protection corridors, totals 59 acres, yielding a maximum density of 14 residential lots. If mapped resource protection corridors (approximately 11 acres) are removed, the residential yield would drop to 12 residential lots.

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The town/county plan also encourages, but does not require, compliance with stated conservation design principles. These include, among other guidelines: creation of pedestrian trails through open space areas; preserving mature trees, providing vegetative buffers beyond minimum shoreland standards, and wetland or other environmental resource restoration. Consistency with these principles will be evaluated during preliminary and final plat review.

RESOURCE PROTECTION: Wetlands and floodplains associated with the Sugar River cross the southwestern portion of the property. An apparent intermittent tributary of the Sugar River also flows from north to south across the eastern edge of the proposed lots 4 and 7. There are also hydric soils and soils with hydric inclusions on the property, which may indicate unmapped wetland features. Navigability determinations and wetland delineations will be necessary to determine precise ordinary highwater marks and wetland boundaries. This will, in turn, determine the extent of shoreland zoning on the property, including appropriate setbacks and impervious surface limits (if applicable).

COUNTY HIGHWAY DEPARTMENT: Approval of the rezone should be contingent upon the applicant constructing an improved intersection, a turn lane and passing lanes, at the intersection of Prairie Circle and CTH PD. Applicant has agreed to provide a letter of credit to ensure that the intersection will be built within a five year time frame and has agreed to file the property easements required to construct the access within that time frame.

STAFF: Recommend postponement to allow time for the apparent stream corridors evaluated for navigability and wetlands. If approved, staff recommends the following conditions:

1. The developer shall enter into a contract with the Dane County Highway Department for the necessary improvements needed for the intersection of County Highway PD and Prairie Circle
2. The developer shall enter into a developer's agreement with the Town of Verona for the improvements required for the development. The agreement shall be approved by the Town Board.
3. The zoning boundary is limited to the creation of 15 lots (14 residential lots, all equal to or greater than 2.0 acres, and one conservation outlot). The road layout for the subdivision shall conform to the concept plan dated March 3, 2019. All storm water detention ponds shall be on outlots. Any revisions or alterations of the plan shall be subject to review by the Town of Verona Plan Commission.
4. The zoning shall be contingent upon:
 - a. A wetland delineation being conducted and the report submitted to the Town and the County prior to the preliminary plat.
 - b. A preliminary storm water management plan shall be prepared and submitted to the Town prior to the preliminary plat.
 - c. The roadway engineering plans shall be prepared and approved by the Town. Each cul-de-sac shall have an engineered circle with an appropriate radius and lots shall not include easements for cul-de-sac construction.
 - d. A declaration of neighborhood covenants shall be prepared and approved by the Town which includes architecture design features for homes and accessory buildings and landscaping requirements for residential lots
 - e. A financial agreement shall prepared and approved by the Town of Verona for maintenance of the outlots which include storm water features.
5. A subdivision plat shall be recorded with the Register or Deeds.

TOWN: The Town Board approved the petition with 7 conditions. The conditions have been incorporated into the suggested conditions above.

APRIL 30th ZLR MEETING: The Committee postponed action in order for more information to be submitted regarding the intermittent stream and a waiver request to be submitted allowing the extension of a cul-de-sac road beyond 1000 feet.

STAFF UPDATE: The applicant has provided additional information regarding the potential intermittent stream across the east side of the property. It has been determined that this drainage way does not have the characteristics to classify it as an intermittent stream. The information shows that a portion of Lot 7 has wetlands present. There is adequate room on the lot to avoid the wetland area.

County Staff has expressed the concern regarding the amount of residences located on the dead end road. The land division regulation limits dead end roads to a maximum length of 1000 feet. The initial proposal was to provide a road extension to the east to support the future connection to Country View Road. Although a right-of-way is proposed for the east-west road, the developer has recently decided not construct the east-west road (install asphalt). Staff feel that the absence of the road to the east would hinder the goal of ultimately having a connection of the dead end road to Country View Road.

The development in this area has presented two major roadway issues. First is the connection onto County Highway PD. The Highway Department is requiring that the intersection be improved with a bypass lane. However, the County is allowing the developer to delay the construction of the bypass lane for up to 5 years. Second is the future connection to Country View Road. The developer would like to delay construction east-west road for over 10 years. Staff feel that these delays in the necessary infrastructure will jeopardize safety and hinder the overall development of the area.

Staff would suggest that the developer be required to install all roads and roadway improvements within 2 years after the subdivision plat is recorded.

The Town of Verona has reviewed the delay in the construction of the east-west road and made the following motion:

Mathies moved to require that the road to the east of Prairie Circle be constructed when 1) there is an offer of Lots 2, 3, 4 or 5 for sale, as shown on the concept plan or 2) there is a request by the Town of Verona for the construction of the road to the east in the Prairie Circle Development to connect to a development to the east. Once a trigger has been met the developers of Prairie Circle Development will have one year to complete the road to Town standards. Prior to road construction a letter of credit will be in place for the estimated cost of construction based on two cost estimates and deemed acceptable to the Town. 2nd Duerst. Roll call vote: Maxwell, aye; Mathies, aye; Duerst, aye; Enburg, aye, and Geller, aye. Motion carried.