

**Waidelich, Michael**

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**From:** Widstrand, Si  
**Sent:** Tuesday, October 17, 2006 1:19 PM  
**To:** Waidelich, Michael  
**Subject:** RE: Draft Buckeye Amendment to the Cottage Grove Neighborhood Development Plan

Looks good Mike. You may want to add a paragraph at the top of page 7 either before or after the active quarry paragraph... "There are no new neighborhood park facilities proposed in the near-term plan, although they would be considered in the long-term plan. In the interim, park facilities are available at Richmond Hill Park, a half-mile to the north." SW

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**From:** Waidelich, Michael  
**Sent:** Friday, October 13, 2006 2:54 PM  
**To:** Murphy, Brad; Nelson, Larry; McCormick, Dan; Dryer, David; Widstrand, Si; McDonald, Robert; Phillips, Rob; Hoffman, Jeanne; Ross, Arthur; Schaefer, William; Fernandez, Anthony  
**Cc:** Roll, Rick; Grady, Brian; Larson, Dave  
**Subject:** Draft Buckeye Amendment to the Cottage Grove Neighborhood Development Plan

Greetings,

Rather than gridlock your inboxes with a bunch of PDF files, this is to let you know the complete final draft of the proposed Buckeye Amendment to the Cottage Grove Neighborhood Development Plan is now available on the Planning Unit website at <http://www.cityofmadison.com/planning/plan.html> under "What's New?"

Some of you will be getting a hard copy with your LRTPC packets; if others would like one and don't want to print it off the website, please let us know.

The Plan Commission has scheduled a public hearing on the proposed amendment at their October 23rd meeting.

Please let me know if you have any questions. Thanks.

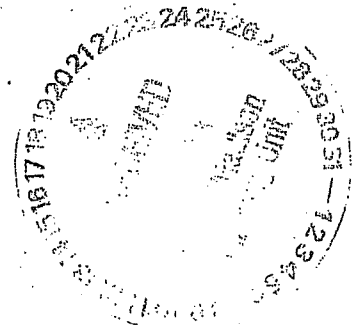
Michael Waidelich  
Planning Unit

CITY OF MADISON  
CITY ATTORNEY'S OFFICE  
Room 401, CCB  
266-4511

July 19, 2006

MEMORANDUM

TO: Brad Murphy, Planning Unit Director  
FROM: Katherine C. Noonan, Assistant City Attorney *KCN*  
SUBJECT: Issues Relating to Quarries Near Development



You have asked about the Plan Commission and Common Council placing conditions on development approvals to address potential issues relating to the proximity of a development to an active quarry. These issues relate to complaints from those living near quarries about the noise, vibrations, etc. from the quarry operations.

I believe that the City should limit such conditions on development because there are practical and potentially legal consequences of various conditions that would regulate development near active quarries. It should be noted that no quarries currently operate in the City of Madison. Those operating near the corporate boundaries of the City are regulated by County / Town Zoning Ordinances and Wisconsin Administrative Code Provisions, neither of which is administered by the City. The City's lack of authority over quarry operations leaves it no ability to control the quarry operations.

One option to deal with complaints would be to prohibit development within a certain distance of a quarry. The result of this action might be a decision by property owners whose lands currently are not in the City to develop outside the City, rather than annex to the City. If such development did occur, the complaints would be directed to another governmental entity, however, the development might not meet the City's planning goals. Another outcome might be legal challenges to the City's exercise of its extra-territorial plat approval jurisdiction should it denying development proposals that have originated outside the City to avoid City restrictions on development near quarries. If the quarry is operating in compliance with the state safety requirements, a denial of development based on the fact that the City does not want to deal with complaints from the public about noise, etc., may be problematic.

Another option for the City might be conditioning development approval on certain mitigating action being taken by the developer. One difficulty with requiring mitigation lies in being able to

determine what kinds of mitigation would be appropriate in the different areas of the development. Furthermore, individuals vary in their tolerance of the noise, etc., from a quarry. For those particularly sensitive, no amount of mitigation might suffice. Although I do not believe that the City ultimately would be liable for damages should mitigation not suffice for a particular individual, this conclusion does not mean that claims against the City will not be made. Also, mitigation requirements might make a development economically infeasible, which may have legal consequences for the City.

The option that provides the most protection for the City and also probably has the greatest chance of success is to ensure that potential buyers are informed about the existence of an operating quarry within a certain distance of residences. The City could condition approval on the applicant placing a notation relating to quarry proximity on the face of all plats and certified survey maps within a certain distance of an active quarry, as well as in all documents transferring an interest in property that is within a certain distance of an active quarry. Although this option likely would not eliminate complaints, it should reduce them. A resident who purchases a home near an active quarry, notwithstanding having been informed of the quarry location, will be less likely to complain and will be a less sympathetic complainant.

KCN:ph



# Generalized Future Land Use Plan

City of Madison  
January 2006

**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)

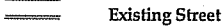


**SPECIAL OVERLAY DESIGNATIONS**

- 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



Other Cities and Villages

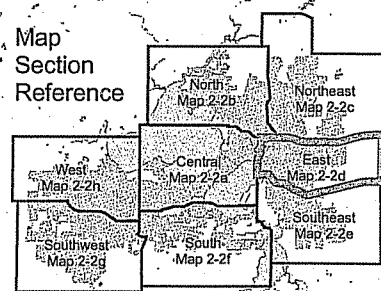


Existing Street



Conceptual Street

Map Section Reference



Data Source:

City of Madison Department of Planning and Development, Planning Unit



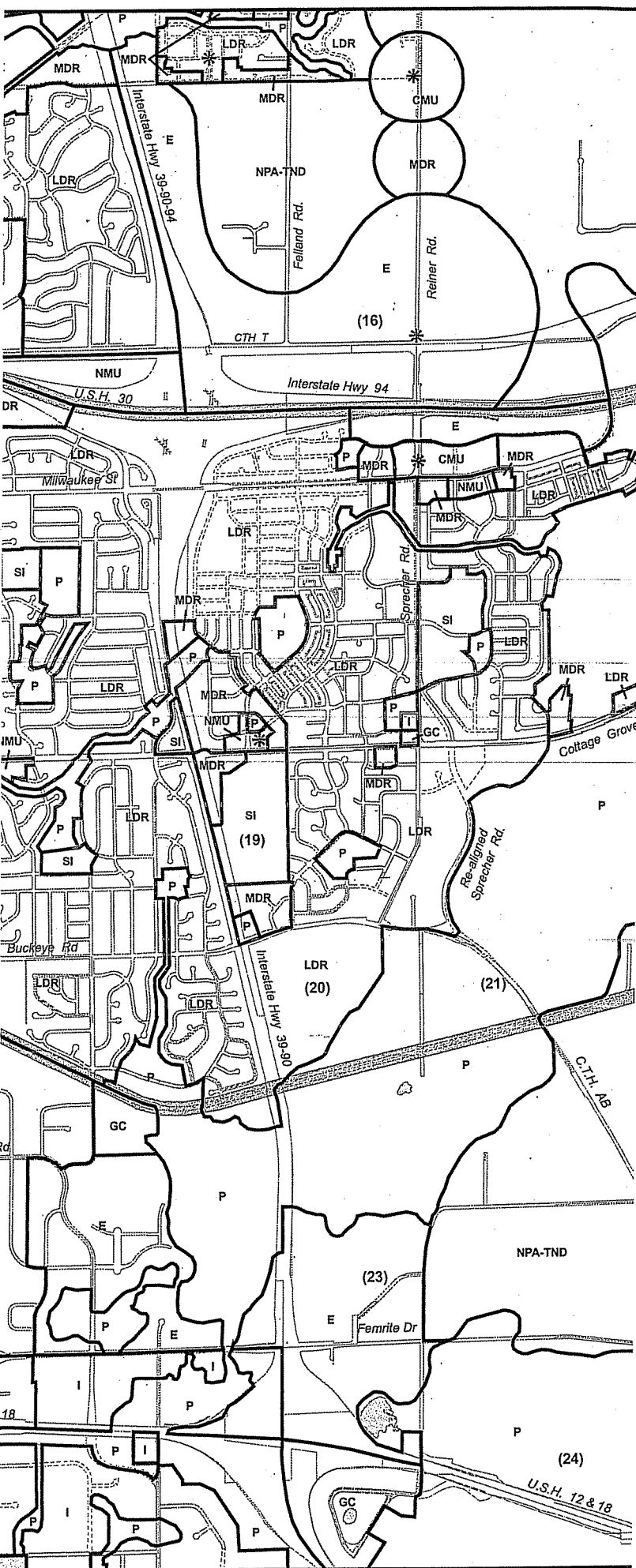
Miles



3.

City of Madison

COMPREHENSIVE PLAN





Land Use Plan Map Notes, continued

Map 2-2d

Note 17: This existing gravel quarry operation, together with adjacent vacant and underutilized properties, is a prime urban infill opportunity, and the site is an excellent location for Traditional Neighborhood Development and Transit-Oriented Development. The western portions of the site include important environmental corridors associated with Starkweather Creek and planned trail connections. It is recommended that the City of Madison and the Town of Blooming Grove cooperate to prepare a neighborhood development plan for the lands located generally north of Milwaukee Street and east of the Starkweather Creek as provided by the 2005 intergovernmental agreement between the two municipalities. It is envisioned that these lands will be planned as a series of interconnected neighborhoods that provide a variety of housing types, parks and open space, and potentially, commercial and institutional development. The most intensively developed areas should be concentrated near Madison Metro's East Transfer Point.

Note 18: If in the future, the current industrial use no longer operates on this site, alternative residential and mixed-use developments are recommended as more appropriate uses for the property than another industrial use. Redevelopment of the site should be consistent with a City-adopted neighborhood or special area plan, which ensures that development on this site is coordinated with, uses in the surrounding neighborhood.

Note 19: This site is currently occupied by a Special Institutional use, the Schoenstatt Sisters of Mary, but the majority of the site is undeveloped. Detailed plans for any future change in the current use of the site should be prepared as part of a revision to the Cottage Grove Neighborhood Development Plan.

Note 20: There is currently an active quarry operation on the majority of this site, but in the long-term, the location is considered appropriate for future residential development as an extension of the adjacent Cottage Grove Neighborhood north of Buckeye Road. In the near-term, any new uses should be consistent with the long-term land use recommendation but may be constrained by concerns about noise, vibrations and other quarry impacts.

Note 21: There is some higher ground and a variety of relatively small existing development along Buckeye Road where it crosses the proposed open space corridor. A limited amount of additional development within this narrow strip of high ground is not necessarily incompatible with the purposes of the open space corridor, and will be evaluated as part of future more-detailed neighborhood planning for the area.

Note 22: Portions of this area should be considered for permanent open space and agricultural land preservation as part of a community separation area between the City of Madison and the Village of Cottage Grove.

# Cottage Grove Neighborhood Development Plan

As Adopted April 1992 and \*implemented through subdivision and zoning approvals

