



Department of Planning & Community & Economic Development

Planning Division

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TO: Plan Commission
FROM: Timothy M. Parks, Planner
DATE: January 12, 2023
SUBJECT: Ordinance ID [75151](#) – Creating Section 28.022–00604 of Madison General Ordinances to assign permanent zoning to property located at 3440 High Point Road, [Proposed] 20th Alder District (Phair), to SR-V2 (Suburban Residential–Varied 2 District).

On December 8, 2022, a petition was filed in the City Clerk’s Office by Hope & A Future III, Inc. to attach an approximately 5.4-acre parcel located at 3440 High Point Road in the Town of Middleton to the City of Madison. The petition requests that the property be zoned SR-V2 (Suburban Residential–Varied 2 District) concurrent with the attachment. The related ordinance amending the City’s boundaries to incorporate the subject parcel, add it to the 20th District, and create Ward 156 to represent it, is ID [75150](#).

The Hope & A Future parcel contains approximately 500 feet of frontage along S High Point Road and is developed with a single-family residence being used as an “intergenerational” adult family home/ community living arrangement (community-based residential facility (CBRF)). [Note: Parcels in the Town of Middleton follow Dane County’s addressing convention, which is different from the City of Madison’s. The City assigns ‘North’ and ‘South’ prefixes to High Point Road, whereas the County does not. The address of the parcel will change once the attachment is approved and takes effect.]

The attachment of the subject parcel to the City is consistent with the cooperative plan entered into by the City of Madison and Town of Middleton, dated September 29, 2003, which allows individual property owners east of the final City-Town boundary (Pioneer Road and Meadow Road) to petition the City for intermediate attachment in advance of final attachment of the lands east of the boundary line on the first Monday of February 2042.

Attachment ordinances allowed by an intergovernmental agreement and cooperative plan do not typically come before the Plan Commission for a recommendation prior to being adopted by the Common Council. However, Section 12.01(a) of the City’s cooperative plan with the Town of Middleton provides that the City may designate a temporary or permanent zoning classification for each attached parcel as prescribed in Sec. 62.23(7)(d) of Wis. Stats., which generally requires that a Class 2 notice be provided in the official municipal newspaper prior to the Plan Commission hearing on a zoning map amendment. In addition to the Class 2 notice, notices were mailed to Town and City property owners and occupants located in 200 feet of the subject property as prescribed in Section 28.181(5) of the Zoning Code. The Plan Commission is required to hold a public hearing and make a recommendation on the proposed zoning like it would for any zoning map amendment it reviews pursuant to Section 28.182 of the Zoning Code. [Ordinance ID 75150 to attach the property to the City and assign it to Ward 156 and the 20th Alder District will be acted on by the Common Council separately on February 7. If adopted, the attachment to the City will take effect at 12:01 AM on Monday, February 13 in accordance with the terms of the cooperative plan.]

The petition requests permanent SR-V2 zoning. SR-V2 is the more intensive of the two Suburban Residential–Varied (SR-V) zoning districts, which also includes SR-V1. The primary objective in the statement of purpose for the SR-V districts notes that they “are established to stabilize and protect the essential characteristics of residential areas of varying densities and housing types, typically located in the outlying parts of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing.” The SR-V2 district allows a wider range of residential uses and larger and denser building forms than the SR-V1 district, though the lot area and usable open space requirements in the two districts are similar. Of note, adult family homes and community living arrangements like the one located on the subject site are permitted uses in both districts.

The petitioners have been in discussions with the City, Town of Middleton, and Dane County for over the last 18 months regarding their interest in expanding the intergenerational program on the subject site. Preliminary plans for the expansion call for an addition to the existing building that would include approximately 20 additional dwelling units and a multi-age daycare center; the existing adult family home and CBRF uses would continue. During those discussions, it was determined that the proposed mixed-use building should be developed in the City of Madison.

Planning and Zoning staff have reviewed the preliminary plans for the expansion and advised the petitioner that the SR-V2 district is the least intensive zoning district that could implement the planned scope. Detailed plans for the expansion project have not been submitted for review at this time. If the requested SR-V2 zoning is approved, the expansion would require a formal application to be submitted for Plan Commission approval of conditional uses prior to the issuance of any permits for the project. The conditional uses may include, but not be limited to, dwelling units in a mixed-use building, outdoor recreation, a daycare center, and a building larger than 10,000 square feet in area.

The Hope & A Future parcel is located within the boundaries of the [High Point-Raymond Neighborhood Development Plan](#), which recommends that the subject site and adjacent school sites be developed in the Residential Housing Mix 1 (HM1) category. The predominant housing type in the HM1 district is detached single-family housing on individual lots, but limited areas may be developed with other lower-density housing types such as duplexes or townhouses at appropriate locations. The average density in HM1 is 6 units an acre, with a maximum density of 16 units an acre allowed for individual developments. The plan also calls for an extension of Meadow Sweet Drive between its current terminus in the Valley Ridge subdivision adjacent to the eastern property line of the subject site and S High Point Road.

On its face, the SR-V2 district is a more intensive zoning district than would ordinarily be used to implement the HM1 development recommended for the subject site. Zoning districts that would be more commonly be used to implement HM1 development would include the Traditional Residential–Consistent (TR-C) and Suburban Residential–Consistent (SR-C) districts, and possibly the SR-V1 or TR-V1 districts for the denser uses recommended in the HM1 category.

However, the Planning Division believes that the Plan Commission could recommend approval of the proposed SR-V2 zoning. In particular, the Hope and A Future adult family home and community living arrangement uses are established on the site now, which could possibly be grounds for an exception to the neighborhood development plan to be considered in conjunction with the planned expansion. While an adult family home, community living arrangement, [planned] daycare and/or multi-family dwelling newly proposed in the City would need to be more directly consistent with adopted plans, the existence of some of those uses at the time of attachment from the Town could suggest that strict application of

the plan recommendations may be not fully warranted. While the addition envisioned to the existing uses is not formally before the Plan Commission during consideration of the request for permanent zoning, it is informing the intensity of zoning being requested. Additionally, while the expansion of the existing residential-institutional building suggests a different building form than is typically recommended for the HM1 category, the low density of the additional development being contemplated (approximately 20 units on 5.5 acres) would be consistent with the densities recommended for the site in the plan, and with the density of the residential properties surrounding the site.

Recommendation

In closing, the Planning Division believes that the Plan Commission may find the proposed zoning map amendment generally consistent with the recommendations in the High Point-Raymond Neighborhood Development Plan and recommend **approval** to the Common Council of Ordinance ID 75151, zoning the property at 3440 High Point Road to SR-V2 (Suburban Residential–Varied 2) zoning district.

However, in the event that the Plan Commission does not feel that the proposed SR-V2 zoning is appropriate to assign to the subject site at this time, Section 28.182(5)(a)4.a. of the Zoning Code allows the Plan Commission to recommend adoption of a map amendment to any classification in the same subchapter that is more restrictive than that proposed (in this case, the Residential Districts in Subchapter 28C). The less restrictive zoning could apply until more detailed development plans for the site are submitted for review in the future, at which time the Plan Commission would be able to more fully consider the intensity of zoning being requested concurrent with review of the specific plans potentially justifying that zoning request.

No conditions of approval are recommended for the requested zoning map amendment.