

CITY OF MADISON

Proposed Plat & Rezoning

Plat Name: Badger Mill Creek

Location: 3120-3160 Jeffy Trail

Applicant: Rick A Mcky/Ronald Trachtenberg -
Murphy Desmond SC

Preliminary Within City

Final Outside City

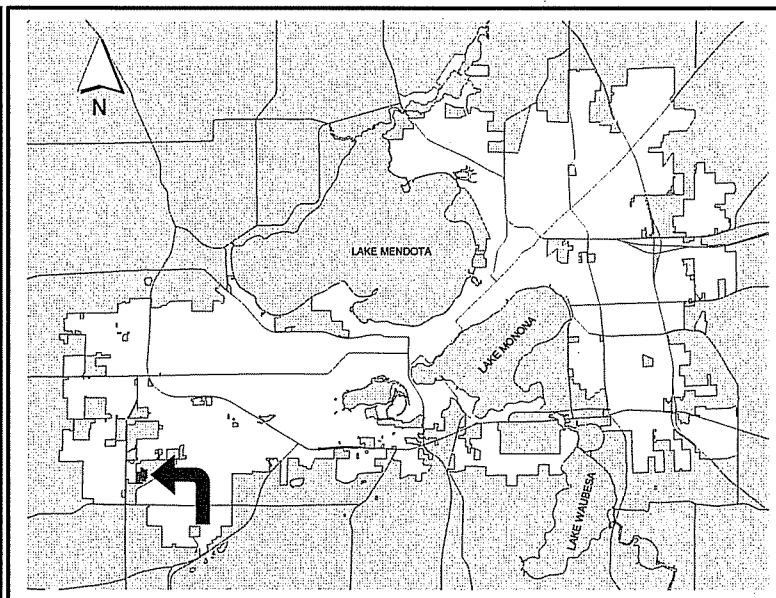
From Temp A To: R1, R2T & R4

Proposed Use: 76 Single Family Lots,
2 Multi-Family Lots & 6 Outlots

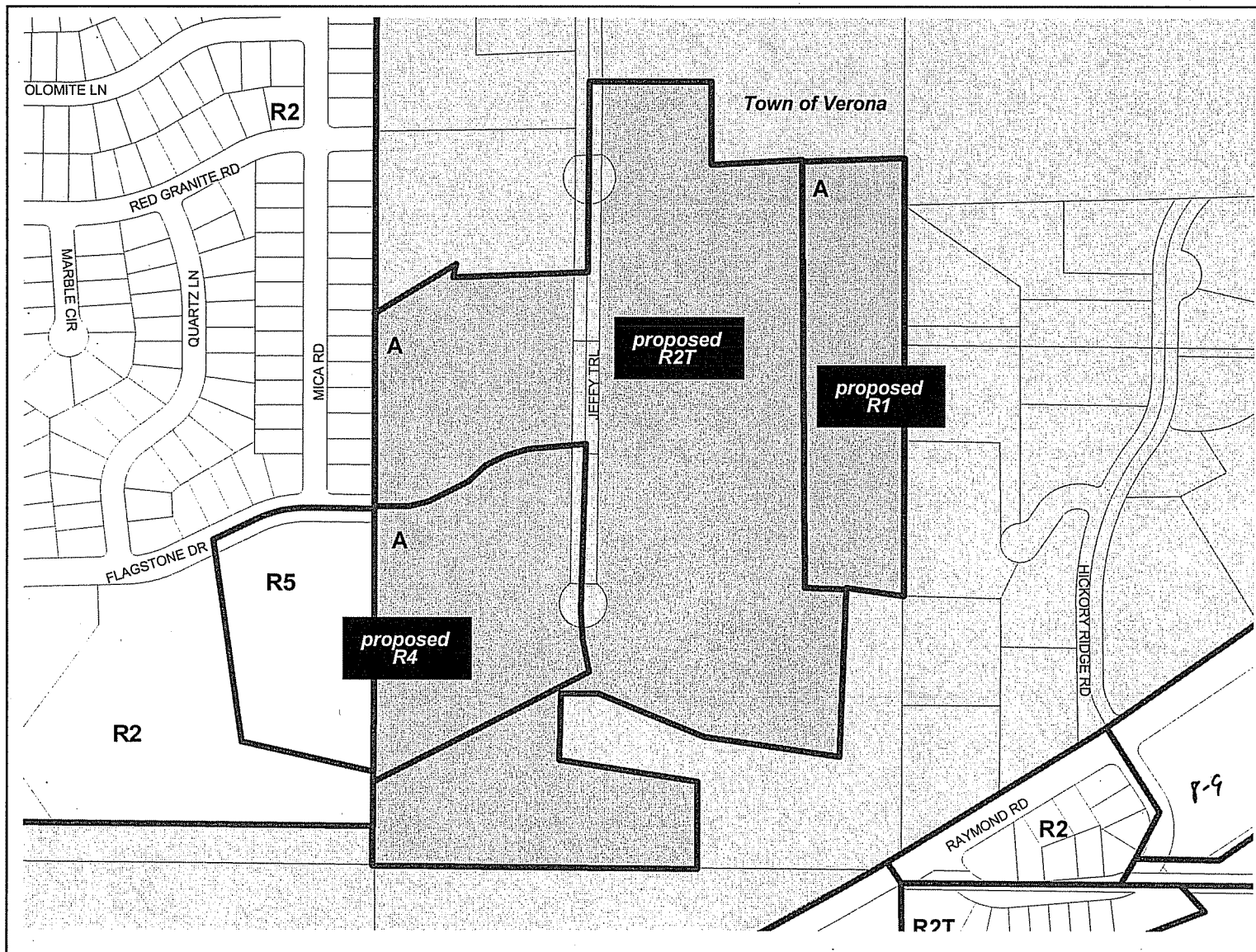
Public Hearing Dates:

Plan Commission 01 May 2006

Common Council 16 May 2006



For Questions contact: Tim Parks at: 261-9632 or tparks@cityofmadison.com or City Planning at 266-4635

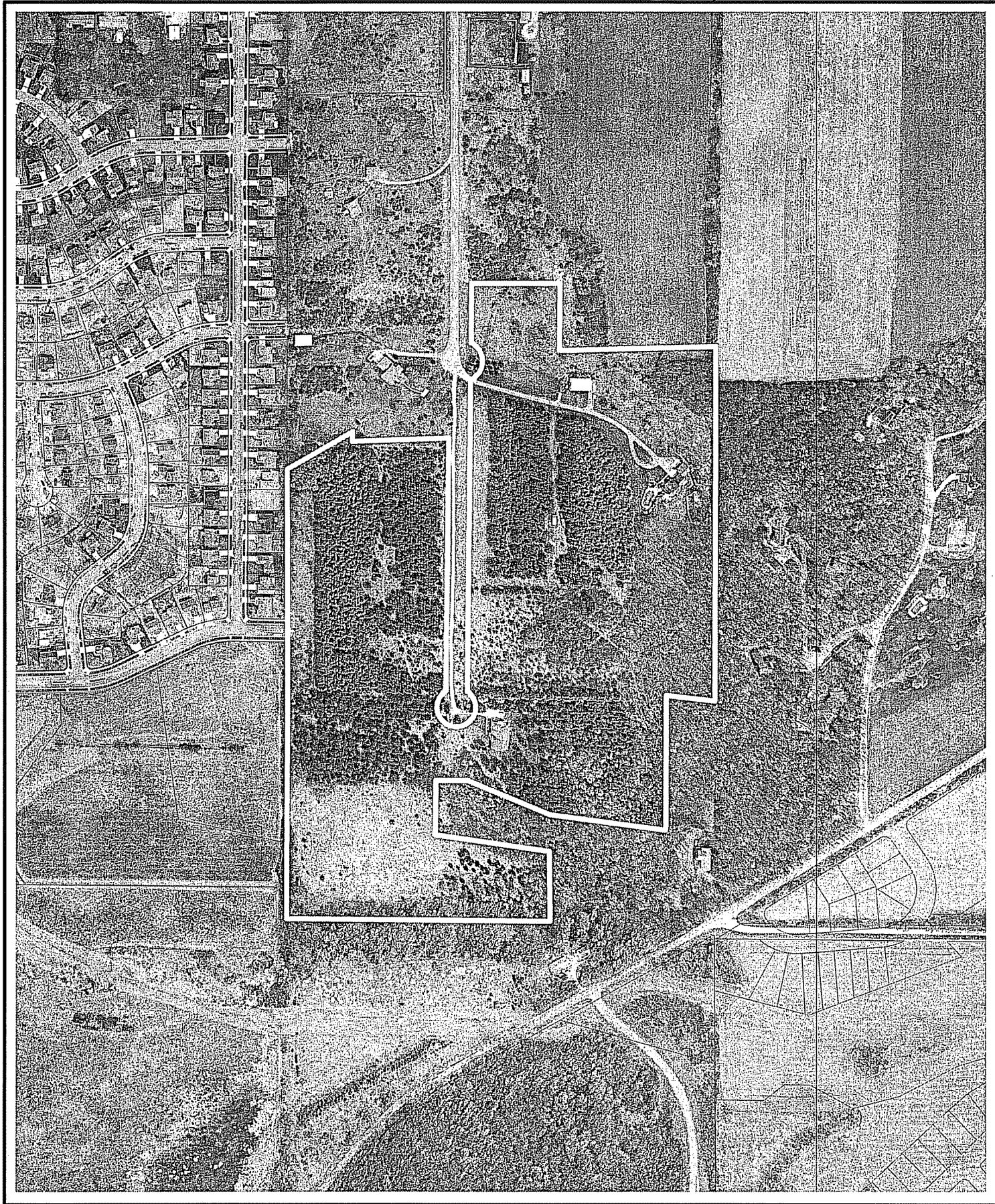


3120-3160 Jeffy Trail

100 0 100 Feet



Date of Aerial Photography - April 2003



LAND USE APPLICATION Madison Plan Commission

215 Martin Luther King Jr. Blvd; Room LL-100
PO Box 2985; Madison, Wisconsin 53701-2985
Phone: 608.266.4635 | Facsimile: 608.267.8739

- The following information is required for all applications for Plan Commission review.
- Please read all pages of the application completely and fill in all required fields.
- This application form may also be completed online at www.cityofmadison.com/planning/plan.html
- All zoning application packages should be filed directly with the Zoning Administrator's desk.
- All applications will be reviewed against the applicable standards found in the City Ordinances to determine if the project can be approved.

FOR OFFICE USE ONLY:

Amt. Paid _____ Receipt No. _____
Date Received 3-8-06
Received By _____
Parcel No. _____
Aldermanic District _____
GQ _____
Zoning District _____
For Complete Submittal
Application _____ Letter of Intent _____
IDUP _____ Legal Descript. _____
Plan Sets _____ Zoning Text _____
Alder Notification _____ Waiver _____
Ngrhd. Assn Not. _____ Waiver _____
Date Sign Issued _____

1. **Project Address:** 3120 and 3160 Jeffy Trail **Project Area in Acres:** 45.29

Project Title (if any): (Preliminary) Plat of Badger Mill Creek

2. **This is an application for:** (check at least one)

<input checked="" type="checkbox"/> Zoning Map Amendment (check only ONE box below for rezoning and fill in the blanks accordingly)		
<input checked="" type="checkbox"/> Rezoning from <u>Temp Ag</u> to <u>R1, R2T, R4</u>	<input type="checkbox"/> Rezoning from _____ to PUD/PCD-SIP	
<input type="checkbox"/> Rezoning from _____ to PUD/PCD-GDP	<input type="checkbox"/> Rezoning from PUD/PCD-GDP to PUD/PCD-SIP	
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Demolition Permit	<input type="checkbox"/> Other Requests (Specify): _____

3. **Applicant, Agent & Property Owner Information:**

Applicant's Name: Rick McKy (Contract Purchaser) Company: _____

Street Address: 702 N. High Point Rd. #100 City/State: Madison, WI Zip: 53717

Telephone: (608) 836-9300 Fax: (608) 836-3744 Email: rmcky@starkhomes.com

Project Contact Person: Ronald M. Trachtenberg Company: Murphy Desmond S.C.

Street Address: P.O. Box 2038 City/State: Madison, WI Zip: 53701-2038

Telephone: (608) 268-5575 Fax: (608) 257-2508 Email: rtrachtenberg@murphydesmond.com

Property Owner (if not applicant): Thomas D. & Susan J. Ripple; Robert W. and Roberta J. Sonntag;
/ Stanley and Kathleen Morley

Street Address: c/o Applicant City/State: _____ Zip: _____

4. **Project Information:**

Provide a general description of the project and all proposed uses of the site: _____

12 - R1 lots; 64 - R2T lots, 2 - R4 lots, and 6 outlots (see letter of intent)

Development Schedule: Commencement ASAP Completion ASAP - to be phased

CONTINUE →

5. Required Submittals:

Site Plans submitted as follows below and depicts all lot lines; existing, altered, demolished or proposed buildings; parking areas and driveways; sidewalks; location of any new signs; existing and proposed utility locations; building elevations and floor plans; landscaping, and a development schedule describing pertinent project details:

- **Seven (7) copies** of a full-sized plan set drawn to a scale of one inch equals 20 feet (collated and folded)
- **Seven (7) copies** of the plan set reduced to fit onto 11 inch by 17 inch paper (collated, stapled and folded)
- **One (1) copy** of the plan set reduced to fit onto 8 1/2 inch by 11 inch paper

Letter of Intent: Twelve (12) copies describing this application in detail but not limited to, including: existing conditions and uses of the property; development schedule for the project; names of persons involved (contractor, architect, landscaper, business manager, etc.); types of businesses; number of employees; hours of operation; square footage or acreage of the site; number of dwelling units; sale or rental price range for dwelling units; gross square footage of building(s); number of parking stalls, etc.

Legal Description of Property: Lot(s) of record or metes and bounds description prepared by a land surveyor.

Filing Fee: \$ N/A See the fee schedule on the application cover page. Make checks payable to: *City Treasurer.*
Initial rezoning upon annexation

IN ADDITION, THE FOLLOWING ITEMS MAY ALSO BE REQUIRED WITH YOUR APPLICATION; SEE BELOW:

For any applications proposing demolition of existing (principal) buildings, photos of the structure(s) to be demolished shall be submitted with your application. Be advised that a *Reuse and Recycling Plan* approved by the City's Recycling Coordinator is required to be approved by the City prior to issuance of wrecking permits.

A project proposing **ten (10) or more dwelling units** may be required to comply with the City's Inclusionary Zoning requirements outlined in Section 28.04 (25) of the Zoning Ordinance. A separate **INCLUSIONARY DWELLING UNIT PLAN** application detailing the project's conformance with these ordinance requirements shall be submitted concurrently with this application form. Note that some IDUP materials will coincide with the above submittal materials.

A *Zoning Text* must accompany **all** Planned Community or Planned Unit Development (PCD/PUD) submittals.

FOR ALL APPLICATIONS: All applicants are required to submit copies of all items submitted in hard copy with their application (including this application form, the letter of intent, complete plan sets and elevations, etc.) as **INDIVIDUAL** Adobe Acrobat PDF files compiled either on a non-returnable CD to be included with their application materials, or in an e-mail sent to pcapplications@cityofmadison.com. The e-mail shall include the name of the project and applicant. Applicants who are unable to provide the materials electronically should contact the Planning Unit at (608) 266-4635 for assistance.

6. Applicant Declarations:

Conformance with adopted City plans: Applications shall be in accordance with all adopted City of Madison plans:

→ *The site is located within the limits of* High Point-Raymond Neighborhood Dev. *Plan, which recommends:*
_____ *for this property.*

Pre-application Notification: Section 28.12 of the Zoning Ordinance requires that the applicant notify the district alder and any nearby neighborhood or business associations by mail no later than **30** days prior to filing this request:

→ *List below the Alderperson, Neighborhood Association(s), Business Association(s) AND dates you sent the notices:*

2/1/06 Jed Sanborn Ald. Dist. 1; No neighborhood associations
If the alder has granted a waiver to this requirement, please attach any such correspondence to this form.

Pre-application Meeting with staff: Prior to preparation of this application, the applicant is required to discuss the proposed development and review process with Zoning Counter and Planning Unit staff, note staff persons and date.

Planner Bill Roberts Date numerous | Zoning Staff Kathy Voeck Date numerous

The signer attests that this form has been completed accurately and all required materials have been submitted:

Printed Name Ronald M. Trachtenberg Date 3/8/06

Signature  Relation to Property Owner Attorney for Purchaser

Authorizing Signature of Property Owner _____ Date _____



SUBDIVISION APPLICATION

Madison Plan Commission

215 Martin Luther King Jr. Blvd; Room LL-100
 PO Box 2985; Madison, Wisconsin 53701-2985
 Phone: 608.266.4635 | Facsimile: 608.267.8739

**** Please read both pages of the application completely and fill in all required fields****
This application form may also be completed online at www.cityofmadison.com/planning/plan.html

1a. Application Type. (Choose ONE)

- Preliminary Subdivision Plat Final Subdivision Plat Land Division/ Certified Survey Map (CSM)

If a Plat, Proposed Subdivision Name: Preliminary Plat of Badger Mill Creek

1b. Review Fees. Make checks payable to "City Treasurer."

- For Preliminary and Final Plats, an application fee of \$200, plus \$35 per lot and outlot contained on the plat drawing.
 For Certified Survey Maps, an application fee of \$200 plus \$150 per lot and outlot contained on the certified survey map.

2. Applicant Information.

Name of Property Owner: Rick A. Mcky Representative, if any: _____
 Street Address: 702 N. High Point Rd., Suite 10 City/State: Madison, WI Zip: 53717
 Telephone: (608) 836-9300 Fax: (608) 836-3744 Email: rmcky@starkhomes.com

Firm Preparing Survey: Calkins Engineering LLC Contact: Mike Marty
 Street Address: 5010 Voges Road City/State: Madison, WI Zip: 53718
 Telephone: (608) 838-0444 Fax: (608) 838-0445 Email: mmarty@calkinsengineering.com

Check only ONE – ALL Correspondence on this application should be sent to: Property Owner Survey Firm

3a. Project Information.

Parcel Address: 3160 & 3120 Jeffy Trail in the City or Town of: Town of Verona
 Tax Parcel Number(s): 0608-031-9580-6;0608-031-8310-4;0608-031-96 School District: Verona
 Existing Zoning District(s): A-1EX;RH-3 Development Schedule: Fall 2006
 Proposed Zoning District(s) (if any): R-1;R-4;R2-T Provide a Legal Description of Site on Reverse Side

3b. For Surveys Located Outside the Madison City Limits and in the City's Extraterritorial Jurisdiction:

Date of Approval by Dane County: _____ Date of Approval by Town: _____

In order for an extraterritorial request to be accepted, a copy of the approval letters from both the town and Dane County must be submitted.

Is the subject site proposed for annexation? No Yes If YES, approximate timeframe: currently being annexed

4. Survey Contents and Description. Complete table as it pertains to the survey; do not complete gray areas.

Land Use	Lots	Outlots	Acres
Residential	78	2	37.79
Retail/Office			
Industrial			
Outlots Dedicated to City			
Homeowner Assoc. Outlots			
Other (state use)		4	7.49
TOTAL			45.28

Describe the use of the lots and outlots on the survey
OL1 - Stormwater management
OL2 & 3 future development
OL4 - Stormwater management
OL5 - Park
OL6 - Greenway

OVER →

5. Required Submittals. Your application is required to include the following (check all that apply):

- Surveys** (prepared by a Registered Land Surveyor):
 - For Preliminary Plats, **eighteen (18) copies** of the drawing drawn to scale are required. The drawing is required to provide all information as it pertains to the proposed subdivision as set forth in Section 16.23 (7)(a) of the Madison General Ordinances. The drawings shall include, but are not limited to, a description of existing site conditions and natural features, delineation of all public and private utilities that serve the site (denote field located versus record drawings), the general layout of the proposed subdivision, the dimensions of lots and outlots, widths of existing and proposed rights of way, topographic information, and any other information necessary for the review of the proposed subdivision.
 - For Final Plats, **sixteen (16) copies** of the drawing are required to be submitted. The final plat shall be drawn to the specifications of Section 236.20 of the Wisconsin Statutes.
 - For Certified Survey Maps (CSM), **sixteen (16) copies** of the drawing are required. The drawings shall include all of the information set forth in Sections 16.23 (7)(a) and (d) of the Madison General Ordinances, including existing site conditions, the nature of the proposed land division and any other necessary data. Utility data (field located or from utility maps) may be provided on a separate map submitted with application.
 - All surveys submitted with this application are required to be collated, stapled and folded so as to fit within an 8 1/2" X 14" case file. In addition, an **8-1/2 X 11 inch reduction of each sheet** must also be submitted.
- Report of Title and Supporting Documents:** All plats and certified surveys submitted to the City of Madison for approval shall include a Report of Title satisfactory to the Real Estate Division as required in Section 16.23 of the Madison General Ordinances. A minimum of **two (2) copies** of the City of Madison standard 60/30 year Report of Title shall be obtained from a local, reputable title insurance company. **Title insurance or a title commitment policy is NOT acceptable** (i.e. a Preliminary Title Report or a Record Information Certificate). The owner or applicant must deliver a **third copy** of the Report of Title to the survey firm preparing the plat or CSM. The applicant shall submit a copy of all documents listed in the Report of Title for each copy of the report submitted.
- For Residential Preliminary Plats ONLY:** If the proposed project will result in **ten (10) or more dwelling units**, it is required to comply with the City's Inclusionary Zoning requirements under Section 28.04 (25) of the Zoning Ordinance. A separate *INCLUSIONARY ZONING DWELLING UNIT PLAN APPLICATION* explaining the project's conformance with these ordinance requirements shall be submitted with your application.
- For Surveys Creating Residential Lots:** The applicant shall include a certified copy of the accepted option or offer, including all terms of the purchase and any other information that may be deemed necessary by the Real Estate Division to assist them in determining Fair Market Value for the purpose of establishing park fees.
- For Surveys Outside the Madison City Limits:** A copy of the approval letters from both the town in which the property is located and Dane County must be submitted with your request. The City of Madison may not consider a survey within its extraterritorial jurisdiction without it first having been approved by the **town and Dane County**.
- For Surveys Conveying Land to the Public:** A Phase I Environmental Site Assessment Report may be required if any interest in these lands are to be conveyed to the public. Please contact the City's Real Estate Division at 267-8719, ext. 305 for a determination as soon as possible.
- Completed application and required Fee (from Section 1b on front):** \$ \$3,140 Make all checks payable to "City Treasurer."
- Electronic Application Submittal:** All applicants are required to submit a copy of the completed application form, legal description and preliminary and/or final plats or certified survey map as individual Adobe Acrobat PDF files compiled either on a non-returnable CD-ROM to be included with their application materials, or in an e-mail sent to pcapplications@cityofmadison.com. The e-mail shall include the name of the project and applicant. Applicants unable to provide the materials electronically should contact the Planning Unit at 266-4635 for assistance.

The signer attests that this application has been completed accurately and all required materials have been submitted:

Applicant's Printed Name Rick A. McKy Signature *Rick A. McKy*
 Date March 06, 2006 Interest In Property On This Date owner

For Office Use Only	Date Rec'd: _____	PC Date: _____	Alder District: _____	Amount Paid: \$ _____
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MURPHY DESMOND ^{of}

L A W Y E R S

Manchester Place
2 East Mifflin Street, Suite 800
Madison, Wisconsin 53703-4217

Mailing Address:
P.O. Box 2038
Madison, Wisconsin 53701-2038

Telephone (608) 257-7181
www.murphydesmond.com

Ronald M. Trachtenberg
Direct Line (608) 268-5575
Facsimile (608) 257-2508
rtrachtenberg@murphydesmond.com

8 March 2006

Plan Commission
c/o Dept. of Planning and Development
City of Madison
215 Martin Luther King Jr. Blvd
Madison WI 53703

Re: (Preliminary) Plat of Badger Mill Creek

Dear Chair and Members of the City of Madison Plan Commission:

We are the attorneys for Rick McKy.

Mr. McKy has under contract to purchase the Ripple-Sonntag-Morley parcels which are in the process of being annexed from the Town of Verona to the City of Madison. By the time that the Plan Commission is to consider the applications for preliminary plat approval and for rezoning, the three parcels will have been annexed to the City of Madison.

The three parcels are all within the High Point – Raymond Neighborhood Development Plan Area.

The proposed preliminary plat of Badger Mill Creek and the proposed zoning is strictly consistent with the amended High Point – Raymond Neighborhood Development Plan.

The proposed development consists of twelve R1 zoned lots (larger single family lots located adjacent to the estate lots located in the Town of Verona and configured to preserve the tree barrier along the eastern portion of the proposed plat) for single family housing; sixty-four R2T lots for single family housing; and two R4 lots for medium density condominium development. The development also contains six outlots. Outlots 1 and 4 are reserved for water detention, Outlots 2 and 3 are reserved for future roadway and development, Outlot 5 is reserved for city park, and Outlot 6 is reserved for greenway.

As previously stated, the proposed preliminary plat is in strict conformity with the amended High Point – Raymond Neighborhood Development Plan.

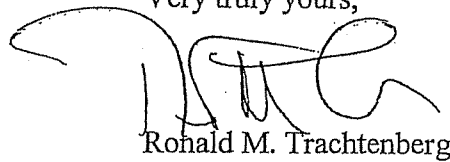
Plan Commission
8 March 2006
Page 2

Applicant: Rick A. McKy
702 N. High Point Road
Madison, WI 53717
Telephone: (608) 836-9300
Fax: (608) 836-3744
Email: rmcky@starkhomes.com

Attorney: Ronald M. Trachtenberg
Murphy Desmond SC
Post Office Box 2038
Madison WI 53719
Telephone: 608-268-5575
Fax: 608-257-2508
Email: rtrachtenberg@murphydesmond.com

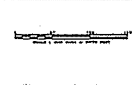
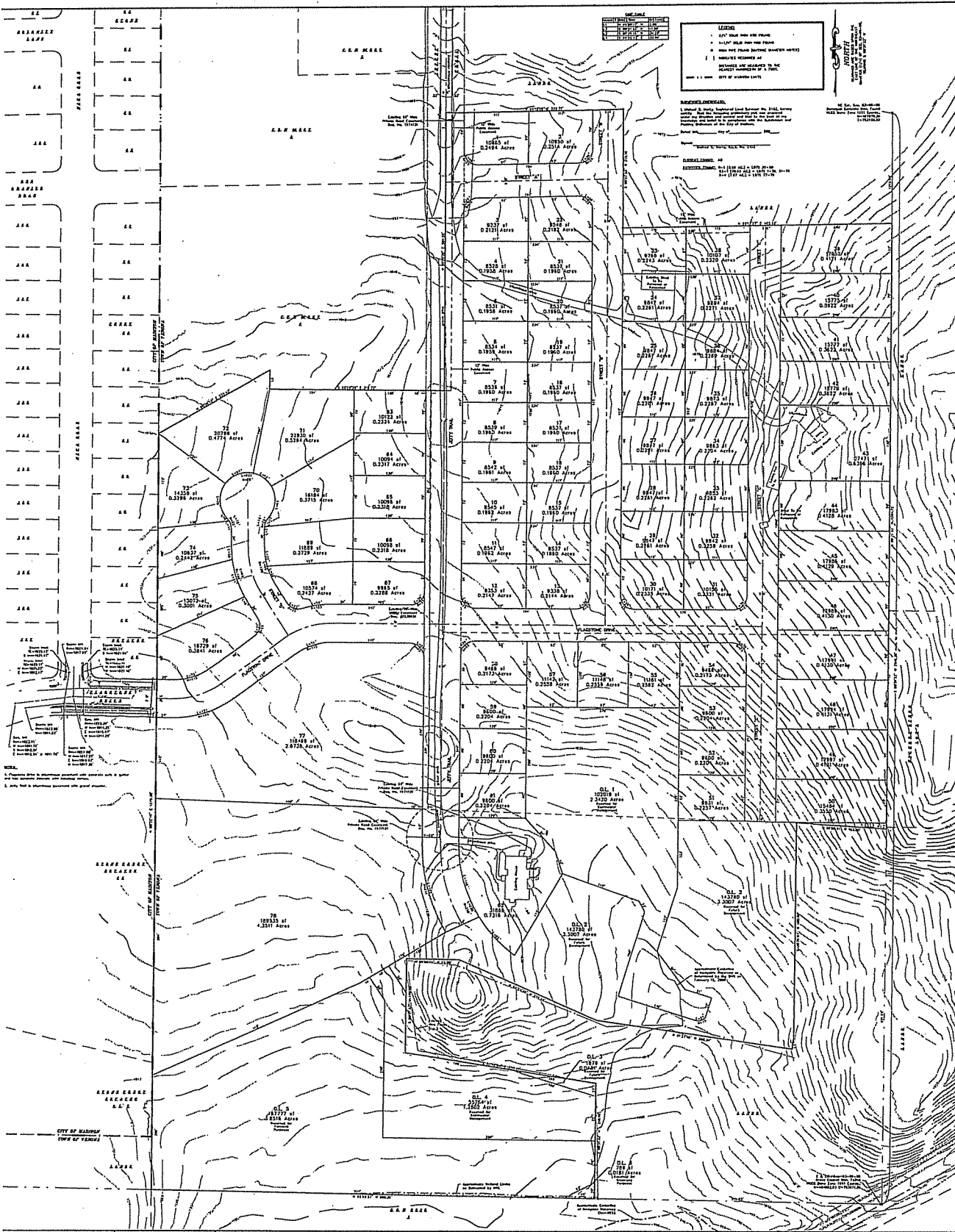
Engineer: David M. Glusick
Mike Marty
Calkins Engineering, LLC
5010 Voges Road
Madison, WI 53718
Telephone: (608) 838-0444
Fax: (608) 838-0445
Email: dglusick@calkinsengineering.com
mmarty@calkinsengineering.com

Very truly yours,



Ronald M. Trachtenberg

RMT:srp
051063
letter of intent
Enclosure



OWNER/RECORDING:
 RICK A. GARY
 702 NORTH HIGH POINT ROAD
 SUITE 100
 MADISON, WI 53717

PRELIMINARY PLAT OF BADGER MILL CREEK
 PART OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) AND THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION 03, TOWNSHIP 05 NORTH, RANGE 08 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN

DRAWN/SURVEYOR:
 CALSON ENGINEERING, LLC
 5015 VANCE ROAD
 MADISON, WI 53718
 608-836-0444

TOTAL PLAT AREA - 147648 SQ. FT.
 (3.3726 ACRES)
 DATE: March 07, 2008

8.9

1/27/08 Preliminary Plat (update) 147648.dwg

PLAT SHEET 1 OF 1

PROPOSED ZONING MAP

C. S. M.
3
#4 3 6 7



C. S. M.
4
#4 3 6 7

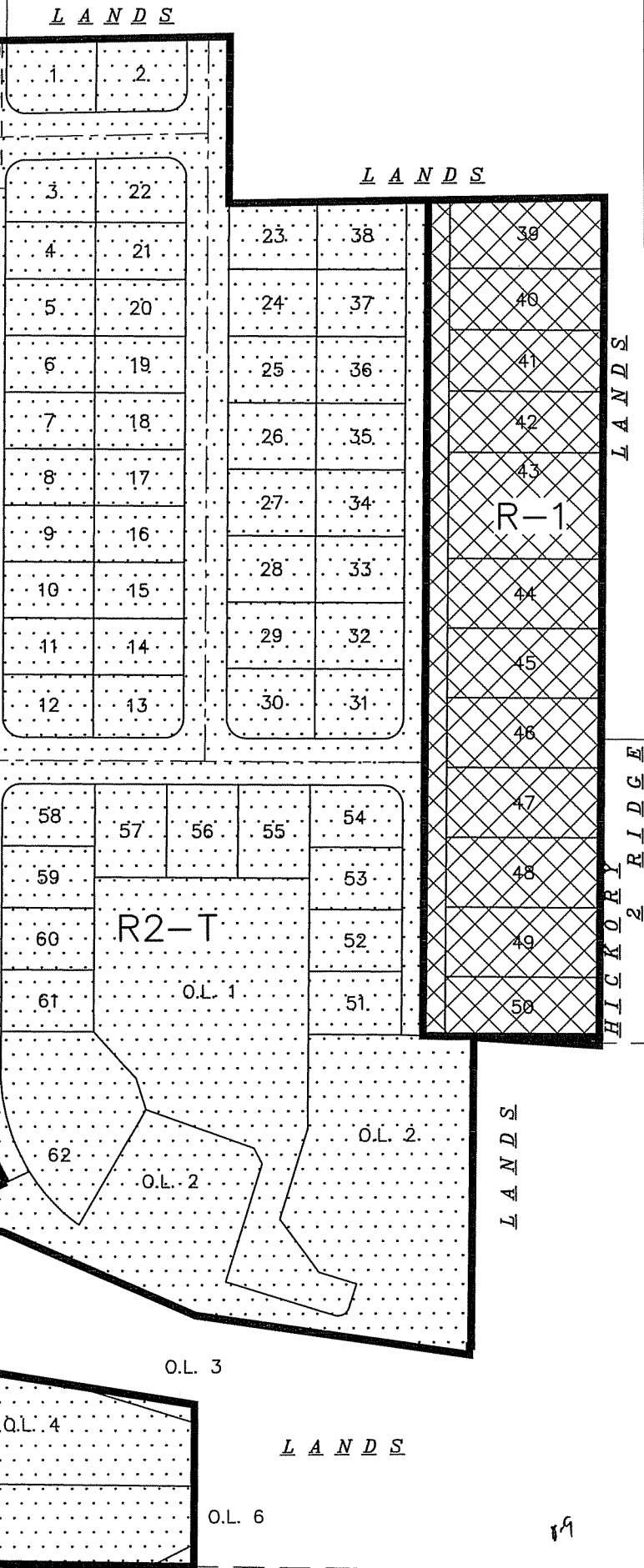
- 5 4
- 5 3
- 5 2
- 5 1
- 5 0
- 4 9
- 4 8
- 4 7
- 4 6
- 4 5

FLAG-
STONE
DELIVER

STONECREST
ESTATES
4 4

CITY OF MADISON
TOWN OF VERONA

JEFFERY
TRAIL



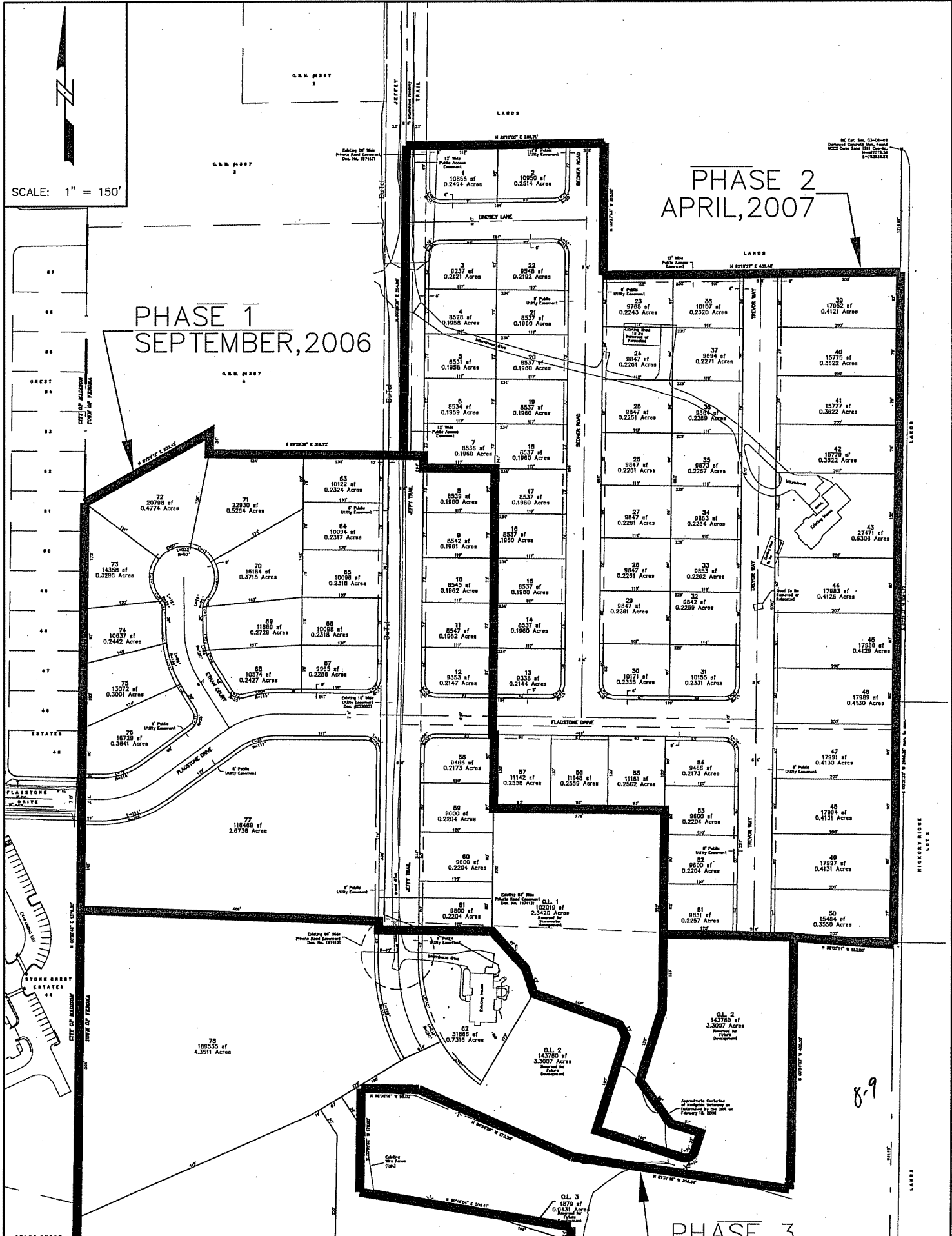
Colkins Engineering, LLC 5010 Voges Road Madison, WI 53718 (608) 838-0444



SCALE: 1" = 150'

PHASE 1 SEPTEMBER, 2006

PHASE 2 APRIL, 2007



8-9

PHASE 3

Calgary of Main
Public Road Contract
Doc. No. 157151

Calgary of Main
Public Road Contract
Doc. No. 157151

As Amended Contract
for Services between City of Calgary and
February 14, 2006

OL 3
1379 of
0.0431 Acres
Public
Contract

OL 4

**SONTAG-RIPPLE-MORLEY SUBDIVISON
TREE PROTECTION RECOMMENDATIONS**

February 21, 2006

Prepared by:

R. Bruce Allison, Ph.D.
Registered Consulting Arborist #272
Allison Tree Care, Inc.
2800 S. Fish Hatchery Road
Fitchburg, WI 53711

Submitted to:

Stark Company Realtors
Attn: Rick McKy
702 N. High Point Road
Madison, WI 53717

I. SITE DESCRIPTION AND BACKGROUND

This is an approximately forty five acre parcel at the south end of Jeffry Trail in the Northeast Quarter Section, T6N, R8E, Town of Verona to be annexed into the City of Madison. It is primarily an 18-20 year old conifer plantation consisting of spruce, red pine and white pines. (photos 1-4) There are two existing residences on the property that will remain. Attached are aerial photographs showing vegetation cover from Access Dane in black and white leaf-off and Natural Resources Consulting, Inc. in color leaf-on.

Five areas of special interest relative to deciduous tree cover are located by numbers 1-5 on the Access Dane aerial photograph and described below:

1. On the north end to the east and west of the metal barn building are small clusters of oak in a mowed and possibly grazed area. This is an uneven aged mix stand of bur and red oak of varying condition and interspersed with low grade black walnut, cherry and invasive woody plants. (photos 5-7)
2. On the northern section of the east lot line is a disturbed re-growth woods of black locust, elm and a sparse population of oak and cherry that has been designated as an approximately 40' buffer zone for its visual and acoustic screening benefits. (photos 8, 9)
3. On the west lot line north of Flagstone Drive abutting the back lot line of several single family residences on Mica Road are several oaks and cherry with greater than 24" trunk diameters. The exact location of this line of trees relative to the lot line is undetermined but part of the root system extends into the subject property. (photos 10, 11,12)
4. On the west lot line south of Flagstone Drive abutting the east lot line of an existing multi-family property are a line of several oaks, cherry, elm and boxelder providing screening and boundary demarcation. (13,14,15)
5. On the south lot line in the proposed dedicated parkland is a fence row stand of mature trees providing screening and riparian protection of the Badger Mill Creek drainage channel. (photo 16)

The parcel is proposed for subdivision into high-density, sewerred, single-family residential lots and multi-family residential lots within in the City of Madison. A preliminary subdivision concept plan prepared by Calkins Engineering, LLC is attached. Within the average lot there is limited growing space for existing larger trees. Grading requirements will require significant tree removal primarily from the conifer plantations. Large outlots, parkland dedication and a green space buffer easement on the east boundary have been created facilitating the preservation of some tree cover and the opportunity for growth of additional trees.

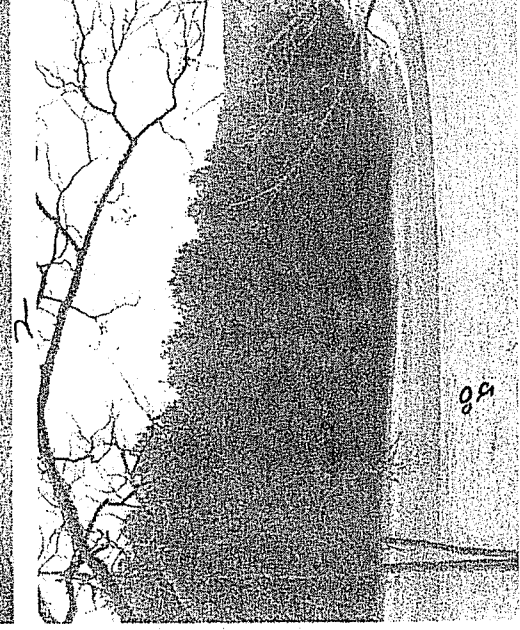
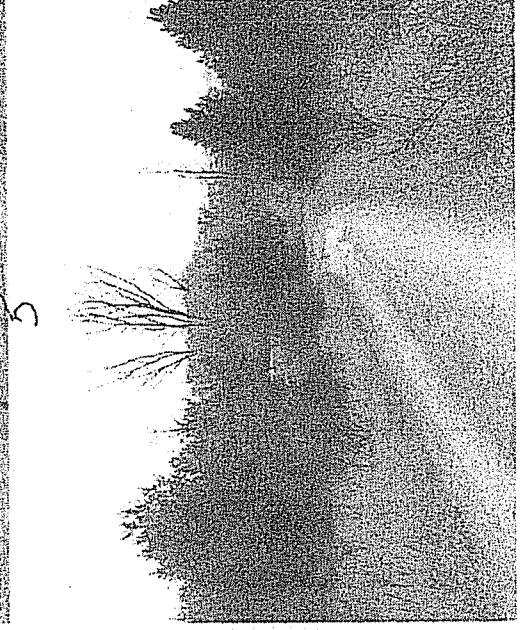
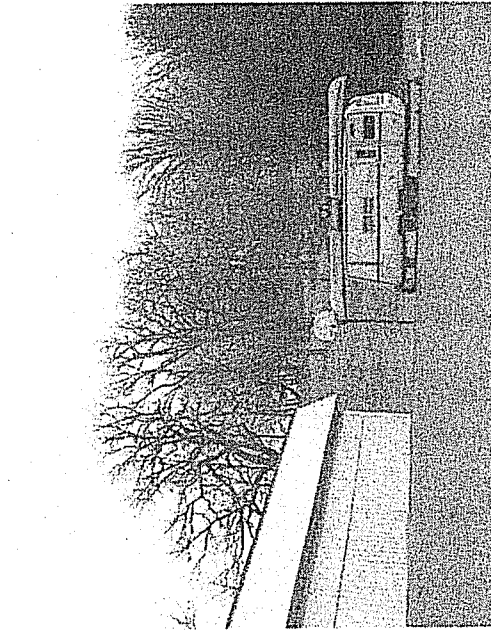
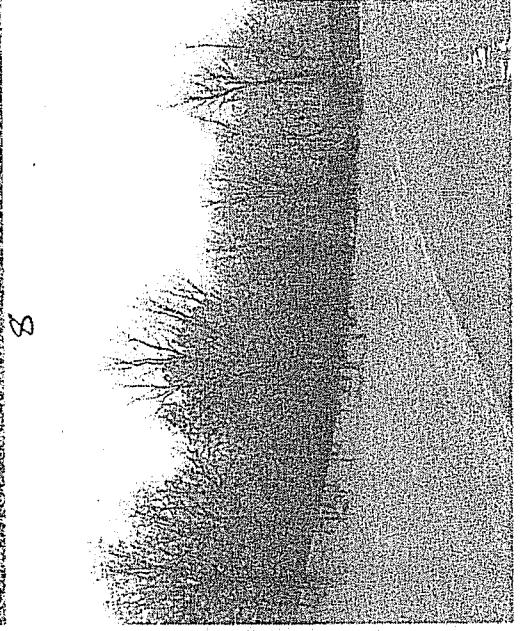
Mr. Rick McKy of Stark Realtors has contracted with Allison Tree Care, Inc. (ATC) to prepare a set of tree protection recommendations focusing on the five areas identified

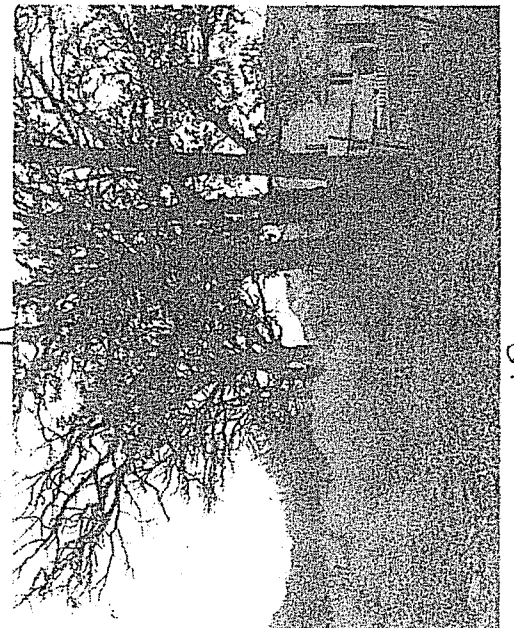
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development construction, the limitations of the terrain and the biological imperatives of the trees is an exceptional challenge. However, careful planning, adhering to standard guidelines and maintaining the co-operative intention of tree protection during the project will preserve those tree assets identified as highest value.

III. Conclusion

The majority of tree cover on this parcel is conifer plantation and will be removed during the development process. Some of the small cluster of oak near the north boundary may be candidates for preservation although the small lot size and grading requirements may require their removal. If so, salvaging wood products is a minimal stewardship requirement. Protecting the green space buffer on the east side and the lot line trees on the west and south sides maintain upper canopy deciduous mature trees providing ecological, aesthetic and wildlife benefits to existing and future residents. Recycling of wood products from the removed trees and transplanting or new plantings substantially mitigates the tree cover loss from development. Adhering to the tree protection recommendations will maximize the opportunity to preserve the trees located in the protection zones. Educating the lot owners to tree protection methods will also increase the number of trees surviving development. Satisfying the requirements of the above. An initial site visit was made on February 14, 2006 with Mr. McKy present. The following discussion of tree protection guidelines, tree biology and recommendations for the planning and construction phases of development will inform and direct the parcel subdivision preserving as much of the tree assets as reasonable within the proposed density.

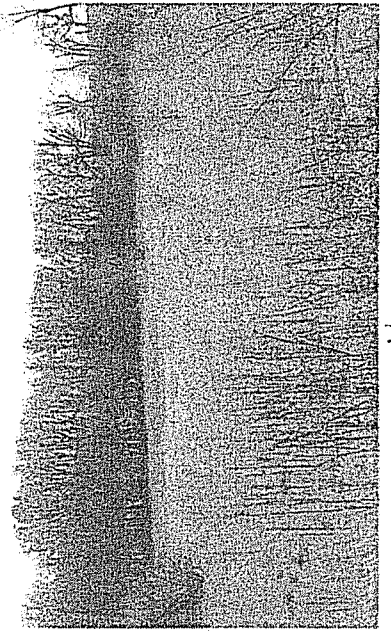




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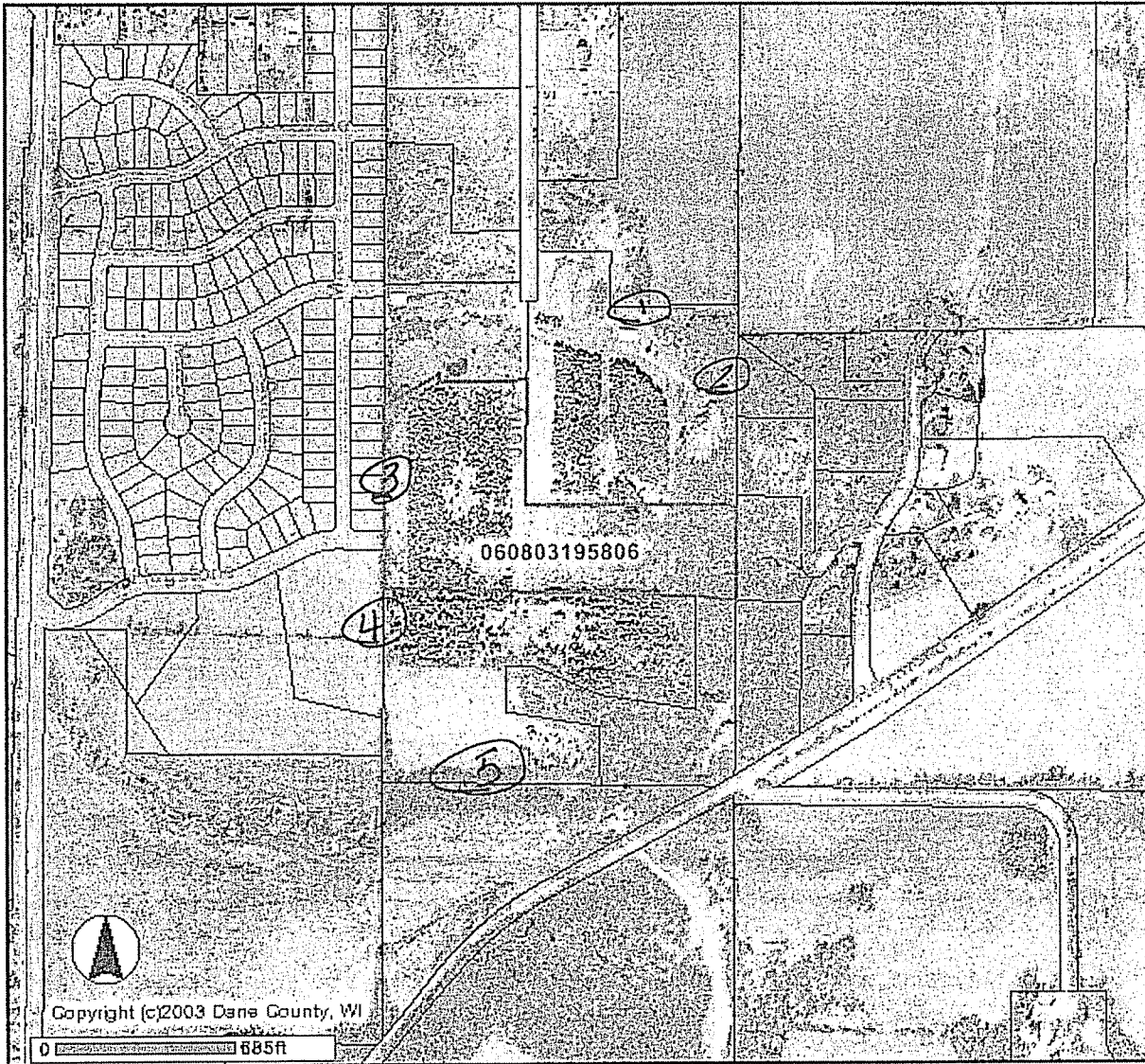


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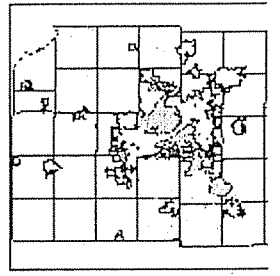


16

Dane County DCiMap



- 2004 Roads**
- Local Roads
 - County Highways
 - State Highways
 - Interstate
 - US Highways
 - On/Off Ramps
- Parcels**
- Ownership Bound.
 - Hydrology (lines)
 - Municipality Bound.
 - Hydrology (polygo
 - Open Water
- 2000 Orthos - 1 fe

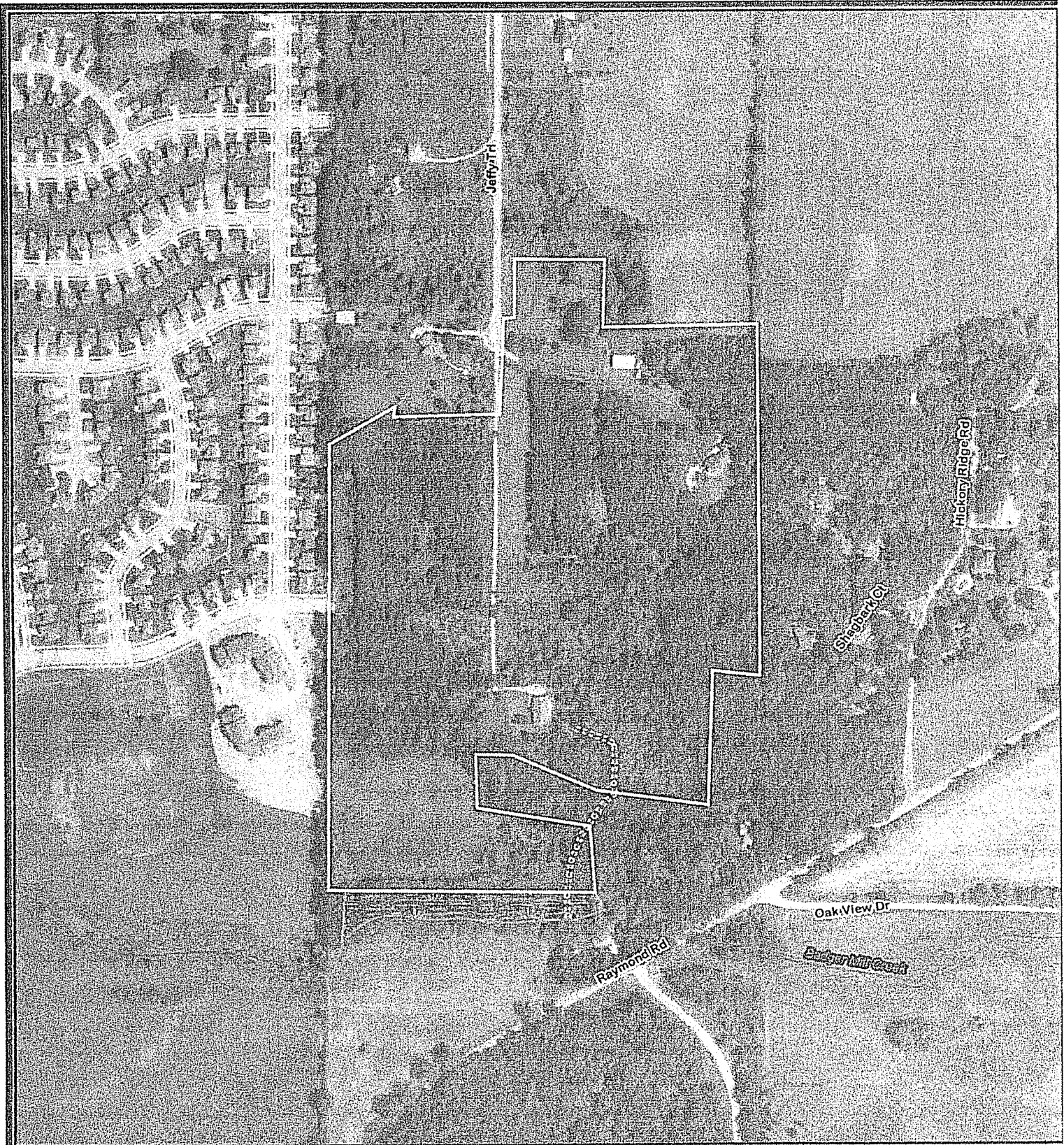


DCiMap

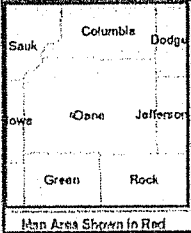
DISCLAIMER
 This map was prepared using the DCi geographic information system. All data is accurate but is NOT guaranteed to be land related information and is not intended for specific analysis. Dane County GIS maps are copyrighted.

Copyright (c)2003 Dane County, WI
 0 685ft

89



JURISDICTIONAL FEATURES
McKy Property



Location
 NEQ of Section, T6N, R8E,
 Town of Verona, Dane County, WI

Project Information
 NRC Project Number #: 06-002
 Modified January 12, 2006

0 200 400 Feet

Legend

- Navigable Drainageway
- Approximate Wetland Boundary Location
- Approximate Project Boundary
- 24K Hydro Layer

8.7

NRC

119 South Main Street
 P.O. Box 128
 Cottage Grove, WI 53527-0128
 phone: 608-839-1998
 fax: 608-839-1995

MURPHY DESMOND SC

L A W Y E R S

Manchester Place
2 East Mifflin Street, Suite 800
Madison, Wisconsin 53703-4217

Mailing Address:
P.O. Box 2038
Madison, Wisconsin 53701-2038

Telephone (608) 257-7181
www.murphydesmond.com

Ronald M. Trachtenberg
Direct Line (608) 268-5575
Facsimile (608) 257-2508
rtrachtenberg@murphydesmond.com

21 February 2006

VIA EMAIL ONLY
rmcky@starkhomes.com

Mr. Rick A. McKy
Suite 100
702 North High Point Road
Madison, WI 53717

VIA EMAIL ONLY
dglusick@calkinsengineering.com

Mr. David M. Glusick, P.E.
Calkins Engineering, LLC
5010 Voges Road
Madison, WI 53718

Re: Our Client: Rick McKy
Town of Verona Project

Gentlemen:

Enclosed to each of you is a copy of the Inclusionary Dwelling Unit Plan Application which needs to be completed and filed as part of the preliminary plat/zoning process. Please note that prior to submitting the Application for Preliminary Plat and Zoning Approval, we are required to meet twice with city staff regarding the inclusionary program and protocols, the first meeting being with staff from the Planning Unit, Zoning Administrator, and Community Development Block Grant Office (CDBG), and the second meeting with the Interdepartmental Review Staff Team.

We have reviewed the application with Barb Constans of the Community Development Block Grant Office as to how it applies to preliminary plats which contain lots both for single family development and multi-family development but for which there are no specific plans for the improvements to be placed on those lots, whether single family homes or multi-family dwellings.

With respect to the two proposed multi-family lots, all that is necessary at this point in time is to note that those lots will be made subject to the inclusionary zoning ordinance in effect at the time those lots are proposed for multi-family housing. When the final plat is prepared, a note will have to be included to that effect. Then, when those two lots are to be developed for multi-family housing, whether by way of conditional use permit or by way of PUD zoning, a specific inclusionary zoning plan will have to be prepared for those developments.

Mr. Rick A. McKy
Mr. David M. Glusick, P.E.
21 February 2006
Page 2

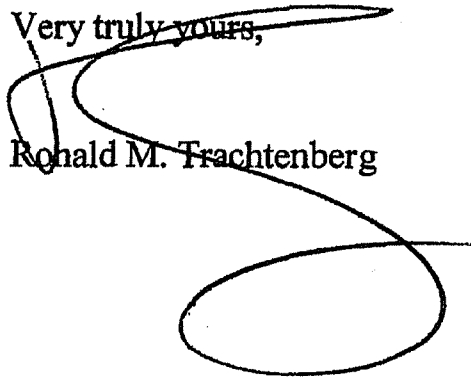
As to the single family lots, 15% of those lots will have to be set aside for the construction and sale of housing which meets the inclusionary zoning ordinance, that being at least 10% of the land and house to be priced to be affordable to families earning 80% of the area median income and 5% of the land and house to be priced to be affordable to families earning 70% of the area median income.

The lots subject to inclusionary zoning (including the "70% lots" and the "80% lots") are, according to existing ordinance, to be distributed throughout all of the plat and no portion of the plat carrying an inordinate burden. We did discuss with Ms. Constans the issue of the lots located on the easterly side of the plat, those being proposed lots 39 through 50, which are the larger, deeper lots. While the present ordinance does not provide for any official manner to exempt those lots from being included in inclusionary zoning (Ms. Constans states that various drafts of amendments to the inclusionary zoning ordinance provides for such exclusions), we could ask for an exclusion of those lots as "an incentive" under the existing inclusionary zoning ordinance. Ms. Constans also suggested, if those lots are large enough, to build duplex units on those lots and request that the duplex units be counted as the inclusionary zoning units.

Once the inclusionary zoning lots are designated, we then would have to market those lots to entities which would then construct units, which including land costs, would meet the area median income requirements.

We would recommend that you review the plat and make an additional determination as to which lots you would want to develop as inclusionary zoning lots and then for yourselves and the undersigned to meet with Ms. Constans, the Zoning Administrator or his Assistant Zoning Administrator, and a representative from Planning and Development to review your IZ proposal as to the single family lots, noting that we are simply going to postpone any exact plan with respect to the multi-family lots.

If you have any questions, please advise. Otherwise, we look forward to setting up the foregoing meeting.

Very truly yours,

Ronald M. Trachtenberg

RMT:srp
051063
Enclosure
mcky glusick 022106

89

2/28/2006 IZ information sheet for 46-acre Jeffy Trail Subdivision

The proposal for this 46-acre plat of land that is in the Town of Verona is to subdivide the land into 76 single-family home lots and two R4 multi-family lots (see copy of plat). 15% percent of the single-family home lots will comply with the IZ rules. The two R4 lots will comply with the IZ requirements. When a PUD-SIP proposal comes forth for these two lots they will have an IZ plan attached.

A tree preservation plan was done for this parcel by Registered Arborist Bruce Allison Ph.D. Lots 39 – 50(11 lots) are going to be part of a tree preservation zone, which will require these lots to be 15000 sq. ft. to 28000 sq. ft. Since the remaining 65 lots are in the 6000 – 9000 sq. ft. range we are requesting to exempt lots 39 – 50 from IZ requirements. The IZ lots will be spread out evenly throughout the remaining 65 lots as indicated in the plat. This plat will provide the diversity in housing stock that the City of Madison is requesting.

Thank you

I 71 Lots



SCALE: 1" = 200'

PROPOSED MULTI-FAMILY DENSITY:

Lot 77: 48 Units on 2.6737 acres = 17.95 Units/acre.

Lot 78: 70 Units on 4.4121 acres = 15.88 Units/acre.

PARK LAND DEDICATION REQUIREMENTS:

-SINGLE FAMILY:

78 Lots @ 1,100 sq.ft./lot = 83,600 sq.ft.

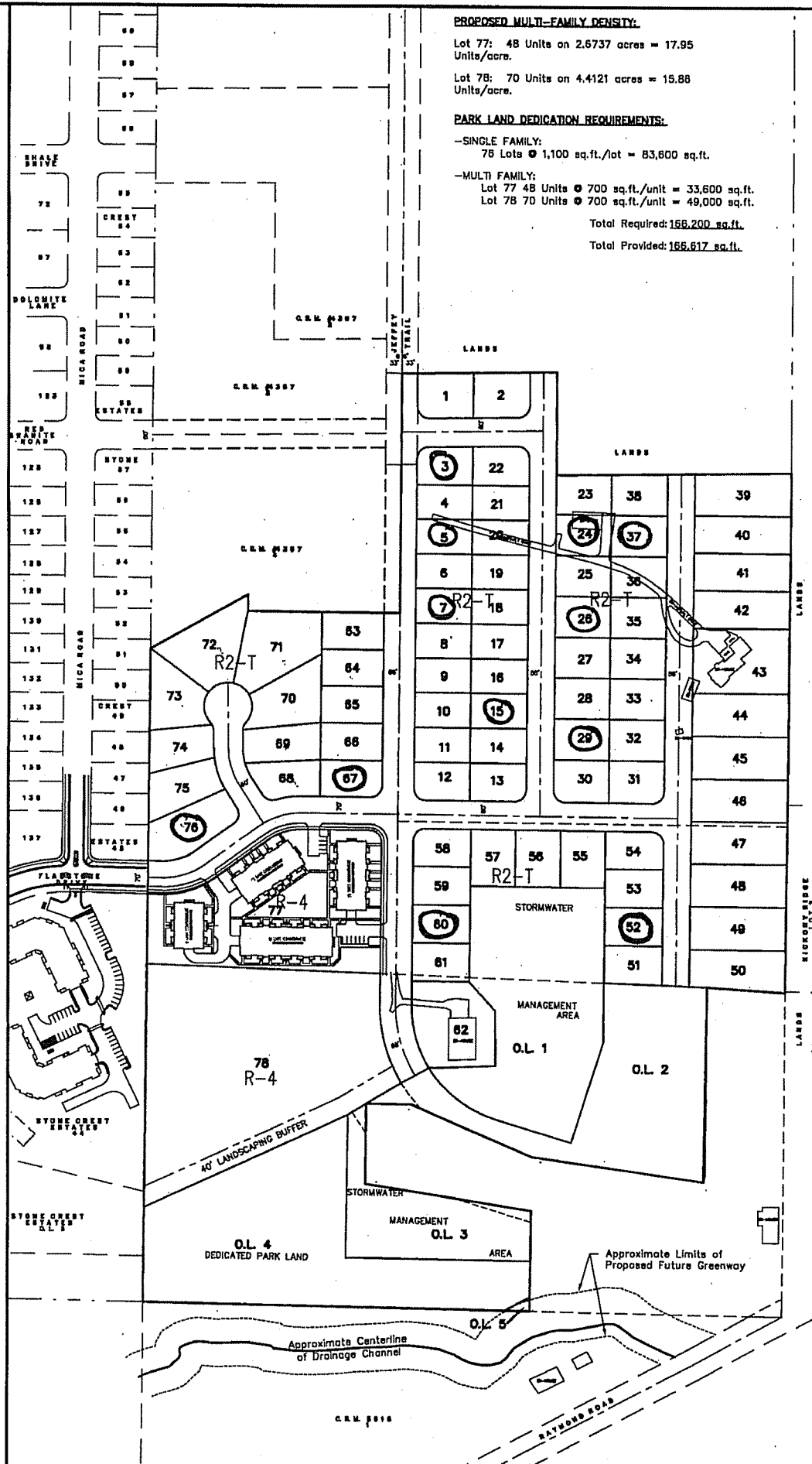
-MULTI FAMILY:

Lot 77 48 Units @ 700 sq.ft./unit = 33,600 sq.ft.

Lot 78 70 Units @ 700 sq.ft./unit = 49,000 sq.ft.

Total Required: 166,200 sq.ft.

Total Provided: 166,617 sq.ft.



DATE	12-18-2008
DATE	12-27-2008
DATE	01-03-2009
DATE	01-10-2009
DATE	01-16-2009
DATE	01-24-2009
DATE	02-10-2009
DATE	02-17-2009

89

PART 1 - DEVELOPMENT INFORMATION:

Project or Plat Badger Mill CREEK/Jeffy Trail
 Parcel # 0608-031-9580-6
 Project Address: 0608-031-9690-3 Project Area (in acres): 46
 Jeffy TRAIL 0608-031-8310-4
 Developer: Rick A. Mcky Representative: _____
 Street Address: 6902 Old SAUK Rd City/State: MADISON Wisc Zip: 53717
 Telephone: (608) 345-1709 Fax: (608) 836-3744 Email: rmcky@starkhomes.com
 Agent, if Any: Ron Trachtenberg Company: Attorney
 Street Address: P.O. Box 2038 City/State: MADISON Wisc Zip: 53701
 Telephone: (608) 268-5575 Fax: (608) 257-2508 Email: rtrachtenberg@
murphydesmond.com

PART 2 - PROJECT CONTENTS:

Complete the following table as it pertains to this project:

Residential Use	MARKET RATE UNITS		INCLUSIONARY UNITS		Total Units	Acres
	Owner-Occupied Units	Renter-Occupied Units	Owner-Occupied Units	Renter-Occupied Units		
Single-Family	64		12		76	46
Duplexes						
Multi-Family	See attached Attorney letter					
TOTAL						

PART 3 - AFFORDABLE HOUSING DATA:

Number of Inclusionary Dwelling Units Proposed by Area Median Income (AMI) Level and Minimum Sale/Rent Price							
Owner-Occupied Units	30%	40%	50%	60%	70%	80%	Total
Number at Percent of AMI					4	8	12
Anticipated Sale Price							
Rental Units	30%	40%	50%	60%	70%	80%	Total
Number at Percent of AMI							
Maximum Monthly Rent Price							

PART 4 - DWELLING UNIT COMPARISON:

Complete the following table as it pertains to this project:

	MARKET RATE UNITS					INCLUSIONARY UNITS				
	Studio/Effcy	1 Bdrm	2 Bdrms	3 Bdrms	4/More Bdrms	Studio/Effcy	1 Bdrm	2 Bdrms	3 Bdrms	4/More Bdrms
Owner-Occupied Units with:										
Minimum Floor Area:				1100					950	950
Rental Units With:										
Minimum Floor Area:										

CONTINUE →

8.9

PART 5 - INCENTIVES: Section 28.04 (25) of the Zoning Ordinance provides the opportunity for applicants in projects where affordable dwelling units are required or where the developer has agreed to pay money in lieu of inclusionary dwelling units, to receive one or more incentives as compensation for complying with the Inclusionary Zoning requirements. Each of the eleven incentives listed below are affixed a point value. The incentive points available to an applicant is dependent upon the number of affordable dwelling units proposed at the various area median income (AMI) levels. The program rewards projects both for having a higher number of affordable dwelling units provided at lower AMI levels, and for having a higher percentage of affordable dwelling units incorporated into the development. The incentive and the corresponding number of points available are listed below. (MAP=Maximum Available Points) Please mark the box next to the incentives requested.

Incentive	MAP	Incentive	MAP
<input checked="" type="checkbox"/> Density Bonus (varies by project)	3	<input checked="" type="checkbox"/> Cash subsidy from Inclusionary Unit Reserve Fund up to \$10,000 per unit for up to 50% of the affordable units provided.	2
<input type="checkbox"/> Parkland Development Fee Reduction	1	<input type="checkbox"/> Cash subsidy from Inclusionary Unit Reserve Fund of \$5000 for up to 50% of on-site afford-able units in projects with 49 or fewer detached units or projects with four or more stories and 75% of parking provided underground.	2
<input type="checkbox"/> Parkland Dedication Reduction	1	<input type="checkbox"/> Neighborhood Plan preparation assistance	1
<input type="checkbox"/> Off-street Parking Reduction up to 25%	1	<input type="checkbox"/> Assistance obtaining housing funding information	1
<input checked="" type="checkbox"/> Non-City provision of street tree planting	1		
<input type="checkbox"/> One addl. story in Downtown Design Zones	1		
<input type="checkbox"/> Residential parking permits in a PUD/PCD	1		
<input checked="" type="checkbox"/> Incentives Not Assigned a Point Value by Ordinance (Explain): <u>Exempt Lots 39-50</u>			

PART 6 - WAIVER: The Plan Commission may waive the requirement to provide inclusionary dwelling units in the development if the applicant can present clear and convincing financial evidence that providing the required number of inclusionary dwelling units on-site renders providing the required number of inclusionary units financially infeasible. In such a case, a developer may request a waiver to provide the units off-site, assign the obligation to provide the units to another party, or pay cash in lieu of the units, or any combination of the above. If the waiver is granted, the required units may be provided as new construction off-site in another development within one mile of the subject development; off-site units shall be provided at least 1.25 times the number of units if provided within the subject development. Off-site units must be constructed within one year of the time that they would have been constructed within the subject development. The applicant may opt to pay money into the Inclusionary Unit Reserve Fund based on contribution rates established in Section 28.04 (25) of the Zoning Ordinance. If provision of the inclusionary dwelling units through the waiver is still financially infeasible, the developer may seek a reduction in the percent of units to the point where the project becomes financially feasible. If such a waiver is requested, a detailed explanation shall be provided in the required project narrative demonstrating the financial infeasibility of complying with the ordinance requirements and the rationale for the alternative proposed.

- If a waiver is requested, please mark this box and include all of the necessary information required by the Zoning Ordinance and IZ Program Policy & Protocols to support your request.

PART 7 - APPLICANT'S DECLARATION:

The signer shall attest that this application has been completed accurately and includes all requests for incentives or waivers; that they have attended both required pre-application staff meetings and given the required notice to the district alderperson and neighborhood association(s) prior to filing this application; and that all required information will be submitted on the corresponding application for zoning and/or subdivision approval by the Plan Commission. The applicant shall begin the declaration by stating below whether or not the project complies with the various requirements of the inclusionary zoning ordinance. Check the applicable box and provide any supporting

Standards for Inclusionary Dwelling Units (IDUs)	Will Comply	Will not comply	Additional comments
Exterior Appearance of IDUs are similar to Market rate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Proportion of attached and detached IDU units is similar to Market rate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mix of IDUs by bedroom size is similar to market rate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

CONTINUE →

Standards for Inclusionary Dwelling Units (IDUs) (continued)	Will Comply	Will not Comply	Additional comments
IDUs are dispersed throughout the project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
IDUs are to be built in phasing similar to market rate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Pricing fits within Ordinance standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Developer offers security during construction phase in form of deed restriction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Developer offers enforcement for for-sale IDUs in form of option to purchase or for rental in form of deed restriction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Developer describes marketing plan for IDUs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Developer acknowledges need to inform buyers/renters of IDU status, responsibilities for notification.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Terms of sale or rent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Yes	No	Additional comments
Developer has arranged to sell/rent IDUs to non-profit or CDA to meet IDU expectations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Developer has requested waiver for off-site or cash payment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Developer has requested waiver for reduction of number of units.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other:	<input type="checkbox"/>	<input type="checkbox"/>	

- The applicant discussed this development proposal with representatives from the Planning Unit, Zoning Administrator and Community Development Block Grant Office on: → _____
- The applicant presented a preliminary development plan for this project to the Interdepartmental Review Staff Team on: → _____
- The applicant notified Alderperson Jed SANBORN of District _____ of this development proposal in writing on: → 2/28/06
- The applicant also notified Town of Verona of the _____ neighborhood in writing on: → 3/1/06 Town meeting I attended
- The Inclusionary Dwelling Unit Plan Application package contains ALL of the materials required as noted on this form. I, as the undersigned, acknowledge that incomplete or incorrect submittals may cause delays in the review of this project. I am also familiar with the ongoing developer responsibilities summarized on page #2 of this application and outlined in the Inclusionary Zoning Ordinance and Program Policy and Protocols.

Applicant Signature Rick A Mckay **Date** 2/28/06 8:1
Printed Name Rick A Mckay **Phone** (608) 345-1709