



PREPARED FOR THE PLAN COMMISSION

Project Address: 9620 Brader Way and vicinity (9th Aldermanic District – Ald. Skidmore)

Application Type: Zoning Map Amendment

Legistar File ID # [58012](#)

Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted

Reviewed By: Kevin Firchow, Principal Planner

Summary

Applicant: Michael Ross Menard; Brader Way, LLC.; 40 Oak Creek Trail; Madison, WI 53717

Contact: Brian Munson, Vandewalle & Associates; 120 E. Lakeside Street; Madison, WI 53715

Owners: BCTC; 120 West Gorham St.; Madison, WI 53703
Blackhawk Evangelical Free Church; 9620 Brader Way; Middleton, WI 53562
Brader Way LLC; 40 Oak Creek Trail; Madison, WI 53717
BHG Properties, LLC; 7495 Summit Ridge; Middleton, WI 53562
Blackhawk Church Town Center Lot Owners Association; 9620 Brader Way; Middleton, WI 53562

Requested Actions: Approval of a request a zoning map amendment of properties generally addressed as 9620 Brader Way from PD-GDP (Planned Development – General Development Plan) and PD-GDP-SIP (Planned Development – General Development Plan – Specific Implementation Plan) to PD-GDP-SIP, SE (Suburban Employment), TR-U1 (Traditional Residential-Urban 1), and NMX (Neighborhood Mixed-Use) districts.

Proposal Summary: The applicant is requesting to rezone Blackhawk Town Center from PD-GDP (Planned Development – General Development Plan) and PD-GDP-SIP (Planned Development – General Development Plan – Specific Implementation Plan) to PD-GDP-SIP, SE (Suburban Employment), TR-U1 (Traditional Residential-Urban 1), and NMX (Neighborhood Mixed-Use) districts. No development is proposed at this time.

Applicable Regulations & Standards: Section 28.182 M.G.O. (Madison General Ordinances) provides the process and standards for Zoning Map Amendments. Section 28.098 M.G.O. describes process and standards for Planned Development Districts.

Review Required By: Urban Design Commission, Plan Commission, Common Council

Summary Recommendation: Planning Division staff recommends the Plan Commission find that the approval standards for zoning amendments and planned developments can be met and that it forward Zoning Map Amendments Section 28.022 - 00410 to change the zoning of property located at 9620 Brader Way from PD (Planned Development) to PD and approving a General Development Plan, Section 28.022 - 00411 to approve a Specific Implementation Plan; Section 28.022 - 00412 to change the zoning of property located at 9601, 9701, 9801 and 9802 Brader Way from PD (Planned Development) District to SE (Suburban Employment) District; Section 28.022 - 00413 to change the zoning of property located at 9501 Brader Way, from PD (Planned Development) District to NMX (Neighborhood Mixed Use) District; and Section 28.022-00414 to change the zoning of property located at 128-180 Bear Claw Way, 177 Veritas Drive, and 9502-9514 Brader Way 9th District, from PD (Planned

Development) District to TR-U1 (Traditional Residential - Urban 1) District to the Common Council with a recommendation of approval. This recommendation is subject to input at the public hearing and the following conditions.

Background Information

Parcel Location: The twelve lots and one outlot under consideration are located north of Mineral Point Road, east of Bear Claw Way, and south of Wilrich Street. The parcels are within Aldermanic District 9 (Ald. Skidmore) and the Middleton/Cross Plains School District. See the table below for the address and acreage for each lot.

Lot Number	Address	Lot Area (acres)	Existing Conditions	Current Zoning	Requested Zoning
1	2 Veritas Way	1.76	Vacant	PD-GDP	SE
2	9701 Brader Way	1.86	3-story office building	PD-GDP-SIP	SE
3	9515 Brader Way	2.24	Vacant	PD-GDP	NMX
4	9502 Brader Way	0.46	Vacant	PD-GDP	TR-U1
5	9514 Brader Way	0.47	Vacant	PD-GDP	TR-U1
6	128 Bear Claw Way	1.73	Vacant	PD-GDP	TR-U1
Lot 1 CSM 14313	9601 Wilrich Street	2.17	Blackhawk Church	PD-GDP-SIP	PD-GDP-SIP
Lot 2 CSM 14313	9501 Wilrich Street	2.90	Vacant	PD-GDP	TR-U1
9	177 Veritas Drive	3.46	Vacant	PD-GDP	TR-U1
10	9620 Brader Way	8.00	Blackhawk Church	PD-GDP-SIP	PD-GDP-SIP
11	125 Veritas Drive	1.65	Blackhawk Church	PD-GDP-SIP	PD-GDP-SIP
12	102 Veritas Drive	2.17	Vacant	PD-GDP	SE
Outlot 1	9601 Brader Way	3.09	Stormwater	PD-GDP	SE

Existing Conditions and Land Use: See the above table for existing conditions and current land use.

Surrounding Land Uses and Zoning:

West: Farmed vacant land, zoned A (Agricultural District);

South: Across Mineral Point Road, farmed vacant land zoned SE (Suburban Employment District);

East: Across Bear Claw Way, farmed vacant land within the Town of Middleton; and

North: Across Wilrich Street, a 39-unit and 74-unit apartment building, and farmed vacant land, all zoned SR-V2 (Suburban Residential – Varied 2).

Adopted Land Use Plans: The [Comprehensive Plan](#) (2018) recommends Medium Density Residential for the site. The [Elderberry Neighborhood Development Plan](#) (2012) recommends institutional for the three parcels occupied by Blackhawk Church (lots 8, 10, 11), open space and/or stormwater management for the stormwater management outlot, neighborhood mixed use for the corner of Bear Claw Way and Mineral Point Road (lot 3), employment for the corner of Veritas Drive and Mineral Point Road (lots 1, 2, and 12) and housing mix 3 (20-40 du/ac) for the rest of the site north of Brader Way (lots 4, 5, 6, 7, 9).

Zoning Summary: See above table for current zoning and requested zoning.

NMX ZONING CRITERIA

Requirements	Required	Proposed
Front Yard Setback	None	N/A
Side Yard Setback	Window openings in side wall within 6 feet of lot line: 6 ft Other cases: None	N/A
Rear Yard Setback	20 ft	N/A
Usable Open Space	Residential only: 160 sq ft per lodging room or 1-bedroom unit, 320 sq ft for >1-bedroom units	N/A
Maximum Lot Coverage	75%	N/A
Maximum Building Height	3 stories/40 ft	

SE ZONING CRITERIA

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000	Lot 1: 76,666 Lot 2: 81,022 Lot 12: 94,525
Lot Width	65 ft	Lot 1: 216 ft Lot 2: 225 ft Lot 12: 229 ft
Front Yard Setback	None	Existing/N/A
Side Yard Setback	15 ft or 20% building height	Existing/N/A
Rear Yard Setback	30 ft	Existing/N/A
Usable Open Space	Residential only: 400 sq ft	N/A
Maximum Lot Coverage	75%	N/A
Minimum Building Height	22 ft	Existing/N/A
Maximum Building Height	5 stories/68 ft	Existing/N/A

TR- U1 ZONING CRITERIA

Requirements	Required	Proposed
Lot Area (sq. ft.)	1,000/d.u. + 300 per bedroom >2	All sufficient
Lot Width	50 ft	All sufficient
Front Yard Setback	15 ft	N/A
Max. Front Yard Setback	30 ft	N/A
Side Yard Setback	10 ft	N/A
Rear Yard Setback	25 ft	N/A
Usable Open Space	320 sq ft/d.u.	N/A
Maximum Lot Coverage	75%	N/A
Maximum Building Height	5 stories/65 ft	N/A

Other Critical Zoning Items	Urban Design (PD), Utility Easements
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Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services, with the exception of Metro Transit.

Previous Approvals

The subject site was previously approved as the Blackhawk Church Town Center plat in 2006. A PD-GDP was approved for the whole site the same year, as well as a GDP-SIP for the Blackhawk Church site. A GDP-SIP was also approved for the office building site at 9701 Brader Way in 2007. SIP alterations for minor improvements and changes have subsequently been approved for both building sites. No other lots have been developed or have obtained land use approvals.

Project Description

The applicant is requesting approval of several zoning map amendments to change the zoning of the majority of the lots within Blackhawk Church Town Center from Planned Development to conventional zoning districts. The applicant is requesting to rezone Blackhawk Town Center from PD-GDP (Planned Development – General Development Plan) and PD-GDP-SIP (Planned Development – General Development Plan – Specific Implementation Plan) to PD-GDP-SIP, SE (Suburban Employment), TR-U1 (Traditional Residential-Urban 1), and NMX (Neighborhood Mixed-Use) districts. See the table above or the plans provided by the applicant for the identification of the requested zoning district for each lot. No development is proposed at this time; the applicant wishes to position the lots for future development through conventional zoning.

Analysis

These requests are subject to the Zoning Map Amendment [Section 28.182(6)] standards. The request for Blackhawk Church is also subject to the Planned Development [Section 28.098(2)] standards. The analysis below begins with a summary of the adopted plan recommendations as the specific approval standards reference these documents. This section will then analyze the standards for Zoning Map Amendments and for planned developments, applicable only to the portion of the site to remained within Planned Development (PD) zoning.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends parks and open space for the corner of Bear Claw Way and Mineral Point Road. It recommends employment for the church site and the southeast corner of the site. The Plan also recommends medium residential, defined as a variety of relatively intense housing types such as rowhouses and a range of multifamily building sizes, for the northeast and northwest corners of the site.

The [Elderberry Neighborhood Development Plan](#) (1998, most recently amended 2018) recommends institutional land use for the three parcels occupied by Blackhawk Church (lots 8, 10, 11), open space and/or stormwater management for the stormwater management outlot, neighborhood mixed use for the corner of Bear Claw Way and Mineral Point Road (lot 3), employment for the corner of Veritas Drive and Mineral Point Road (lots 1, 2, and 12) and housing mix 3 (20-40 du/ac) for the rest of the site north of Brader Way (lots 4, 5, 6, 7, 9).

Zoning Map Amendment Standards

The Zoning Map Amendment standards, found in 28.182(6), M.G.O. state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.

Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."

As describe above, the request and its uses are generally consistent with the land use recommendations for this area in the Comprehensive Plan, especially in that no development is currently proposed as part of this zoning map amendment request. Staff believes that the zoning requested for each individual lot is consistent with either the Comprehensive Plan or the Elderberry Neighborhood Development Plan, or both.

Planned Development Standards

Only lots 8, 10, and 11, currently developed as Blackhawk Church under an existing PD-GDP-SIP, are intended to remain in Planned Development Zoning. The previously approved GDP and SIP for this area will be considered a new GDP and SIP for this zoning change. As there is no development proposed, the UDC Secretary has reviewed the request administratively. The specific approval standards for Planned Developments are provided in Section 28.098(2) of the Zoning Code. In summary, because there are no building or site changes proposed at this time, staff believes the standards of 28.098(2) can be found met subject to the conditions from reviewing agencies found at the end of this report.

Public Input

At time of report writing, Staff is unaware of any public comment.

Conclusion

The applicant is requesting approval of zoning changes from PD-GDP (Planned Development – General Development Plan) and PD-GDP-SIP (Planned Development – General Development Plan – Specific Implementation Plan) to PD-GDP-SIP, SE (Suburban Employment), TR-U1 (Traditional Residential-Urban 1), and NMX (Neighborhood Mixed-Use) districts. No development is proposed at this time, but Staff believes the proposed zoning districts are consistent with the recommendations of the Comprehensive Plan and the Elderberry Neighborhood Development Plan.

Recommendation

Planning Division Recommendation (Contact Colin Punt, 243-0455)

Planning Division staff recommends the Plan Commission find that the approval standards for zoning amendments and planned developments can be met and that it forward Zoning Map Amendments Section 28.022 - 00410 to change the zoning of property located at 9620 Brader Way from PD (Planned Development) to PD and approving a General Development Plan, Section 28.022 - 00411 to approve a Specific Implementation Plan; Section 28.022 -

00412 to change the zoning of property located at 9601, 9701, 9801 and 9802 Brader Way from PD (Planned Development) District to SE (Suburban Employment) District; Section 28.022 - 00413 to change the zoning of property located at 9501 Brader Way, from PD (Planned Development) District to NMX (Neighborhood Mixed Use) District; and Section 28.022-00414 to change the zoning of property located at 128-180 Bear Claw Way, 177 Veritas Drive, and 9502-9514 Brader Way 9th District, from PD (Planned Development) District to TR-U1 (Traditional Residential - Urban 1) District to the Common Council with a recommendation of approval. This recommendation is subject to input at the public hearing and the following conditions.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

1. The legal descriptions for the PUD and TR-U1 areas are not correct. CSM No 14313 and a conveyance of a part of Lot 10 from the church changes the underlying lots within these areas.

Parks Division (Contact Kathleen Kane, 261-9671)

2. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park -Infrastructure Impact Fee district. Please reference ID# 19048 when contacting Parks about this project.

The Planning Division, Engineering Division, Traffic Engineering Division, Fire Department, Forestry Division, Water Utility, and Metro Transit have reviewed this request and have recommended no conditions of approval.