



Department of Planning & Community & Economic Development

Planning Division

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TO: Plan Commission

FROM: Timothy M. Parks, Planner

DATE: August 25, 2014

SUBJECT: ID [35262](#) – Approving the Covenants, Conditions and Restrictions for the University Research Park-Pioneer subdivisions.

The University Of Wisconsin Board Of Regents is requesting Plan Commission approval of covenants, conditions and restrictions for the University Research Park-Pioneer subdivisions.

The first University Research Park-Pioneer subdivision was approved by the Common Council in October 2009 and encompasses approximately 275 acres of property located on the west side of S. Junction Road between Mineral Point Road and Valley View Road. The final plat of University Research Park-Pioneer was recorded on January 11, 2010 and includes 26 lots originally zoned RDC (Research and Development Center District) under the 1966 Zoning Code for research park and office development and 5 lots zoned PUD-GDP for neighborhood mixed-use development. The 2009 zoning and plat approvals also included 7 outlots for public parkland, private stormwater management and open space, and future development north of Watts Road, and was approved subject to a master plan to guide the future development. Since the 2009 entitlements, the RDC-zoned lots have been designated in the EC-Employment Campus District under the new Zoning Code, while the 5 mixed-use lots were transitioned to the PD-Planned Development zoning district.

The University Research Park-Pioneer First Addition was approved by the Common Council on January 8, 2013 for approximately 103.7 acres of land located on the west side of S. Pleasant View Road south of Valley View Road and the above subdivision. The second plat includes 14 lots for research park and office development in RDC zoning, with a master plan to guide future development, and 4 outlots in Conservancy zoning for private stormwater management and open space. Like the lots for future research and office development to the north, the First Addition lots were zoned EC upon enactment of the new zoning map in 2013. The second plat was re-approved in April 2014 and has not yet been recorded. Copies of the approved plats and letters of approval are attached to File ID 35262 for reference.

The RDC zoning district included a requirement that all of the buildings zoned RDC be reviewed and approved by an architectural review committee established by the developer through deed or plat restriction approved by the Plan Commission. The scope of the Plan Commission approval includes any building design criteria and review procedures adopted by the architectural review committee, and the categories of membership of the committee. If no architectural review committee procedure has been approved, all building and site plans shall be reviewed and approved by the Urban Design Commission. General conformance with the approved conceptual/ master plan and Transportation Demand Management Plan were prerequisites of this condition. As a condition of approval for the first Pioneer

subdivision, Plan Commission approval of such a covenant was required prior to issuance of permits to construct a new building in the development, while the First Addition cannot be recorded until the proposed covenants are approved.

The Planning Division has reviewed the proposed covenants, conditions and restrictions (hereinafter, CCR) for the University Research Park-Pioneer plats and recommends that they be approved subject to the following comments, conditions and revisions (listed by section of the proposed covenant):

Design Review and Approving Authority:

- On page 2, the composition of the Design Review Board (DRB) for the University Research Park subdivisions is proposed to include a representative of an “immediately adjacent” neighborhood association. Staff interprets this provision to include the Linden Park and Hawks Landing homeowners associations adjacent to the First Addition and does not believe that it would include the Applewood Hill association in the Town of Middleton to the east of S. Junction Road and the first plat as has been suggested by the declarant. Staff recommends that this language be broadened to include “a representative of any neighborhood or homeowners association located adjacent or across the street from” the subdivisions.
- The representative of the neighborhood or homes association should be chosen in consultation with the district alders (currently Alds. Subeck and Skidmore) that represent the research park subdivisions.
- City staff would also invite the opportunity to participate on the proposed DRB. Staff from the Planning Division, Economic Development Division, and the Director of the Department of the Planning and Community and Economic Development serve on a variety of architectural review committees around the City in an effort to ensure that various area planning and zoning initiatives are being implemented to the greatest extent possible through the build-out of large commercial subdivisions, such as the Center for Industry and Commerce and Old Sauk Trails. Planning staff feels that City representation on this DRB would be important to ensure that the emphasis on urban design in the Pioneer and Mid Town neighborhood development plans for employment centers such as the University Research Park plats is implemented through the review and development of individual projects in these subdivisions.
- References to “conceptual” with regard to the approved master plan should be struck. The master plan has been approved.

Building Location:

- The reference to “Woodland Management Plan” should be plural to reflect the plans approved individually for each plat.

Design Standards:

- In the third paragraph, staff proposes that a provision be added that “Buildings are encouraged to be a minimum of two (2) stories in height, or to include elements that suggest greater height and volume if less than two stories”, which staff feels will further the goals of the neighborhood development plans to create “urban” developments in these subdivisions.
- This section should also include a list of acceptable building materials. Staff recommends that the material table similar to the one for the Mixed-Use and Commercial districts in Table 28D-1

of the Zoning Code be incorporated into this document, including the “Base,” “Middle”, “Top” and “Trim/Accent” provisions, to better express the DRB’s expectation for “durable, permanent architectural materials compatible with urban campus-like standards” and to provide more guidance to future development partners in the 2 plats.

Parking and Access:

- The last paragraph of this section shall read: “There shall be no direct vehicular access From Lots 7-14 of the Pioneer 1st Addition to South Pleasant View Road” in order to be consistent with a condition of that plat approval.

In addition, there are provisions that Planning staff believes should be incorporated into the proposed CCR in order for all of the requirements of the RDC zoning district and the 2 plat approvals to be achieved. Those are:

- Amendments/ alterations: The CCR shall include an Amendment or Alteration section that acknowledges the Plan Commission’s approval of these covenants and provides a process for the approval of minor revisions to the CCR to address changes that are likely to be needed over the course of a multi-year build-out of the subdivisions. Staff recommends that authority to approve amendments consistent with the CCR and the recommendations of existing or future neighborhood development plans be approved by the Secretary of the Plan Commission and recorded at the Dane County Register of Deeds. Larger scale revisions or revisions determined by staff to not be consistent with City plans or the CCR approved by the Plan Commission would require approval by the Commission.
- Landscaping: No provisions are included for how the sites will be landscaped. Staff recommends that a landscaping guide be developed that provides guidance for how various areas of the park will be landscaped. Such a guide could include a list of acceptable and unacceptable species, minimum planting sizes, and guidelines for seeding, sodding and installation of bioswales. The guide could be incorporated into the final CCR or be a separate document as desired by the declarant. Regardless, Planning staff would appreciate the opportunity to review those landscaping guidelines.
- Landscaped buffers: The First Addition plat includes specific conditions to create landscaped buffers along the western and eastern edges of that subdivision. Staff recommends that the CCR be revised to include provisions for the creation of a full landscaped buffer along S. Pleasant View Road through the build-out of those lots. Due to the presence of overhead electrical transmission lines along the west side of S. Pleasant View Road at the rear of Lots 7-14, the landscaped buffer will need to be layered, with nothing planted to be taller than 15 feet (as planted or maintained) in the eastern 30 feet of the 75-foot buffer closest to the road so as not to interfere with height limitations in the existing utility easement. There would not be a height restriction in the remaining 45 feet of that buffer. The final CCR should include a cohesive vision for this 7-lot buffer.
- The approved final master plan and December 2009 final Transportation Demand Management Plan for University Research Park 2 should be incorporated into this approval by reference.
- Final form of the CCR, including the recordable version of the document that includes any conditions and revisions required by the Plan Commission, shall be reviewed by Planning staff and signed by the Secretary of the Plan Commission prior to recording with the Dane County Register of Deeds.

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cc: Greg Hyer, Board of Regents (by e-mail only)
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