



## Report to the Plan Commission

September 14, 2009

Legistar I.D. #15412  
3023 CTH BB, Town of Cottage Grove  
Extraterritorial Certified Survey Map

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

---

**Requested Action:** Consideration of a two-lot Certified Survey Map (CSM) of the Goff property located at 3023 CTH BB in the southwest quarter of the northeast quarter of Section 7, Township 7 N, Range 11 E, Town of Cottage Grove, Dane County, Wisconsin within the City of Madison's Extraterritorial Jurisdiction.

**Applicable Regulations & Standards:** Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions located within the corporate limits of the City of Madison or within the Extraterritorial Plat Approval Jurisdiction.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

### Background Information

---

**Applicant & Property Owner:** Daniel Goff; 3023 CTH BB; Cottage Grove.

**Surveyor:** Chris Casson, Birrenkott Surveying, Inc.; 1677 N. Bristol Street; Sun Prairie.

**Proposal:** The applicant proposes to subdivide the subject property into one residential lot and one commercial lot. The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.

**Review Schedule:** The State's subdivision statute, WS 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless a written extension is granted by the applicant. If no action is taken within 90 days and no extension granted the CSM is deemed approved. The proposed CSM application was submitted to the City and Dane County on May 20, 2009. However, Dane County did not complete its review of the CSM until August 18, 2009, with their approval transmitted to the City on August 19 by the surveyor. Section 16.23 (5)(g)5 states that an extraterritorial land division may not be scheduled until the City has received both the Town and County's actions on the request. Therefore, the 90-day review period for this CSM will end on November 19, 2009.

**Parcel Location:** An approximately 1.57-acre parcel generally located approximately 250 feet east of Vilas Hope Road on the south side of CTH BB in the Town of Cottage Grove; Monona Grove School District.

**Existing Conditions:** The property is currently developed with a one-story single-family residence on the western half of the parcel and a one-story retail building and detached shed on the eastern half. The residential half of the site was recently rezoned from County A-2(1) Agriculture District zoning to R-1 Residence District, while the eastern half was rezoned to C-2 Commercial District zoning.

**Surrounding Land Use and Dane County Zoning:**

North: Undeveloped agricultural lands, Zoned A-1 (Agriculture District);

South: Single-family residences, zoned A-1; Door Creek Golf Course, zoned RE-1 (Recreational District)

East: Undeveloped parcel, zoned R-1a (Residence District); warehouse, zoned C-1 (Commercial District) and LC-1 (Limited Commercial District); single-family residences zoned R-1 (Residence District);

West: Single-family residences, zoned R-1 (Residence District) and C-1.

**Basis for Referral:** Criteria for non-agricultural land division.

**Environmental Corridor Status:** This property is not within the Central Urban Service Area and there are no mapped environmental corridors in this area. The corridor map that includes the subject site and nearby properties suggests that an intermittent stream may cross the southwestern corner of the property; the stream is not shown on the proposed CSM.

**Public Utilities and Services:**

Water: Property is not served by municipal water.

Sewer: Property is not served by municipal sewer.

Fire protection: Cottage Grove Fire Department

Emergency medical services: Deer-Grove EMS

Police services: Dane County Sheriff's Department – District S1.

School District: Monona Grove School District

## Project Review & Analysis

---

**Proposed Land Division:** The applicant is requesting approval of a Certified Survey Map to split his 1.57-acre lot located at 3023 CTH BB in the Town of Cottage Grove into two approximately equal lots. The subject property is located approximately 250 feet east of Vilas Hope Road on the south side of CTH BB/ Cottage Grove Road and is developed with a one-story single-family residence located on the western half of the parcel and a one-story commercial building on the eastern half. An approximately 750 square-foot shed is located between the residence and commercial building. The subject site is characterized by a gradual slope generally from north to south and the presence of mature trees scattered throughout. In addition, it appears from environmental corridor maps that an intermittent stream, which extends south to Door Creek, crosses the southwestern corner of the property, though that stream is not shown on the CSM.

The property is currently zoned County A-2(1) Agriculture zoning. The applicant wishes to subdivide the property into a 0.79-acre lot for the single-family residence, shown as Lot 1, which will be zoned R-1 Single-Family Residential in the County. The remainder of the property containing the commercial building and detached shed will comprise Lot 2, a 0.78-acre lot zoned C-2 Commercial, which will be used for "classic" automobile sales and storage. The proposed common lot line created by the CSM will divide the property roughly in half with the exception of the space between the shed and residence, where a jog in the line is shown. In general, the jog is required to provide adequate side yards between the proposed line and the structures, as required by County zoning.

**Approval of CSM by Town of Cottage Grove and Dane County:** Section 16.23 (7)(c) of the Subdivision Regulations requires that subdivisions in the City's Extraterritorial Plat Approval Jurisdiction

receive approval from the town of record and Dane County prior to consideration of the request by the Plan Commission.

The Town of Cottage Grove approved the proposed rezoning and land division on May 4, 2009. Dane County conditionally approved the proposed land division as outlined in a letter dated August 18, 2009 from Norbert Scribner, Land Division Review, Dane County Department of Planning and Development. The County approved the rezonings to R-1 and C-2 on August 6, 2009 subject to a deed restriction being recorded on the C-2 zoned parcel (Lot 2) to limit the land uses to sales of new and used vehicles. The proposed land division also required a side yard variance to be granted by the County Board of Adjustment on July 23, 2009 prior to the CSM proceeding.

Note: Both buildings on the parcel currently share a septic system and well. The Madison-Dane County Health Department provided a comment to the Dane County Planning & Development Department that the property owner will have to provide separate septic and well systems prior to recording the CSM.

**City of Madison Land Use Plans:** The property is located outside of the areas currently covered by an adopted City of Madison neighborhood development plan. The Comprehensive Plan identifies lands generally located between the City's Sprecher Neighborhood Development Plan and the Village of Cottage Grove – including the subject site – in Planning Area F (Group 2). Planning Area F notes the existence of a significant amount of unsewered residential development in this planning area and acknowledges that the long-term future of the area will likely not be agricultural. The Comprehensive Plan suggests that additional residential development may be appropriate in the portions of the planning area, with an increased housing variety recommended. Portions of the planning area may also be suitable for neighborhood mixed-use nodes if future residential densities are supportive. However, some of Planning Area F is also recommended for a potential permanent open space zone to separate Madison from the Village of Cottage Grove to the east. Additional neighborhood planning will be required to determine the future uses in this area, and any future planning by the City will likely depend on the establishment of an agreement between the City and town and village of Cottage Grove.

**Land Division Criteria:** The Subdivision Regulations provide two criteria for consideration of land divisions in the City's extraterritorial plat approval jurisdiction:

*Agricultural Land Division Criteria:* The Plan Commission may grant approval of a land division subdividing portions of agricultural lands provided that the Commission shall determine that the proposed land division will assist and assure the continuation of the agricultural use.

*Non-Agricultural Land Division Criteria:* In the case of nonagricultural lands, the Plan Commission may recommend approval of a subdivision to the Common Council or may grant approval of a land division provided that the Plan Commission shall determine that the proposed subdivision or land division complies with each of the following four criteria:

- a. The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.
- b. The proposed subdivision or land division shall result in a development pattern that is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
- c. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider

annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

- d. The proposed subdivision or land division shall comply with one of the following:
  - i. The proposed subdivision or land division shall represent infilling of vacant land. Infilling is defined as a subdivision or land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.
  - ii. The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with the adopted Parks and Open Space Plan for Dane County, Wisconsin, the City of Madison adopted Parks and Open Space Plan or the City's other adopted Master Plan elements, including the Peripheral Area Development Plan. The permanent open space lands shall be accessible and open for use by the general public. The open space lands shall be exclusive from, and in addition to, lands required for dedication to comply with applicable public parks and open space dedication requirements and shall be provided at a ratio of two acres of permanent open space lands for every one-acre of developed lands, including street rights of way. For the purpose of this provision, wetlands, flood plain lands, steep slopes, or other lands which are not developable because of sensitive environmental features shall not be counted as permanent open space lands in calculating the ratio of permanent open space lands provided versus developed lands. Steep slopes shall include lands which have grades of twenty percent (20%) or more.

The proposed land division does not meet the standards for an agricultural land division and will instead be reviewed as a non-agricultural land division.

The Planning Division believes that the proposed land division could be considered infilling as stipulated in Part d(i) above. The CSM will divide a parcel containing two existing principal uses into two roughly equal lots of a similar design to other lots located nearby, including a line of lots generally fronting onto Vilas Hope Road immediately west of the site. While the Planning Division is not generally supportive of the proposed use of the eastern lot for auto sales, it does not believe the proposed use should prevent the creation of the lot on which the sales will occur, which appears to meet the approval criteria. However, staff supports the County's proposed deed restriction limiting the use of the C-2 zoned lot to only car sales, thereby reducing the impact of the presence of high-intensity commercial zoning at this location. Staff proposes a condition of approval to restrict the property in a similar fashion, with the added proviso that any changes to the restriction require City approval. Staff otherwise does not believe that the proposed lot split will have a significant impact on future annexations or the future provision of municipal services should any such Madison services extend into this area.

## Conclusion

---

The applicant is requesting approval of a Certified Survey Map to divide a parcel containing two existing principal uses in two to create lots for each use. The Planning Division believes that the proposal represents a continuation of an existing adjacent subdivision pattern and feels that the non-agricultural land division standards can be marginally met with this request. Staff does not feel that the proposed land division will adversely affect future annexations to the City or the possible future extension of urban

services but does request a restrictive covenant to limit the use of the eastern lot similar to the deed restriction required by Dane County.

## Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

---

### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of 3023 CTH BB, Town of Cottage Grove, subject to input at the public hearing and the following conditions:

1. That the Certified Survey Map be revised to show the presence of any water bodies present on the property, and for any statutorily required setback lines to be established prior to City approval.
2. That the applicant executes a restrictive covenant as part of the recording of this CSM in a form approved by the Planning Division, which restricts the use of Lot 2 to automobile sales and storage and requires City of Madison approval prior to the construction of any additions to the existing buildings or any new buildings. This restrictive covenant shall run with Lot 2 so long as the lot maintains a Dane County commercial or business zoning classification, and shall not be modified or released without the written approval of the City.

The following conditions have been submitted by reviewing agencies:

### **City Engineering Division** (Contact Janet Dailey, 261-9688)

3. The existing onsite sewer disposal system that serves Lot 1 appears to encroach onto proposed Lot 2. Prior to approval, provide an easement on Lot 2 for the benefit of Lot 1. An easement created by this Certified Survey Map is sufficient, yet separate a recorded easement document defining terms and conditions may be clearer and to the benefit of both future owners of Lots 1 and 2.
4. Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
  - a.) Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
  - b.) All lots within this survey are subject to a public easement for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easement shall be 12-feet in width on the perimeter of the certified survey map. Easements shall not be required on property lines shared with green ways or public streets. No structures may be constructed within said easement and no other obstructions to drainage, including landscaping are permitted without the prior written approval of the City Engineer.

Note: In the event of the City of Madison Plan Commission and/or Common Council approve re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

5. The following note shall be added to the certified survey map: "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."

