

**PLANNING DIVISION REPORT  
DEPARTMENT OF PLANNING AND COMMUNITY  
AND ECONOMIC DEVELOPMENT  
Of October 31, 2007**

**RE: ID #07841, Certified Survey Map – 6810 Cross Country Road, Town of Verona**

1. Requested Action: Consideration of a three-lot Certified Survey Map (CSM) of the Thompson property located at 6810 Cross Country Road in the southeast quarter of the southwest quarter of Section 11, Township 6 N, Range 8 E, Town of Verona, Dane County, Wisconsin within the City of Madison's Extraterritorial Jurisdiction.
2. Applicable Regulations: 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.
3. Report Prepared By: Timothy M. Parks, Planner and other Planning Division staff.

**GENERAL INFORMATION**

1. Property Owner: Gregory Thompson; 4610 Milwaukee Street; Madison.  
  
Agent: Ron Trachtenberg, Murphy Desmond, SC; PO Box 2038; Madison.  
  
Land Surveyor: Burse Surveying & Engineering, Inc.; 1400 E. Washington Avenue, Suite 158; Madison.
2. Requested Action: Approval of a certified survey map to allow for the division of approximately ten acres of land into three residential lots.
3. Parcel Location: Generally located on the north side of Cross Country Road, a third of a mile west of East Pass, in the Town of Verona; Verona Area School District.
4. Existing Zoning: County A-2 (Agriculture District)
5. Existing Land Use: Existing farmhouse and various farm-related outbuildings and pens.
6. Proposed Land Use: The applicant proposes to create three parcels in county RH-1 and RH-2 (Rural Homes District) zoning.
7. Surrounding Land Use and Zoning:  
North: Badger Prairie County Park, zoned County A-2 (Agriculture District);  
South: Badger Prairie County Park, zoned County A-2; single-family residences on town lots, zoned County RH-1 (Rural Home District);

West: Single-family residence on large lot, zoned RH-1; Dane County parkland, zoned County A-2; Reddan Soccer Complex, zoned County RE-1 (Recreation District);

East: Single-family residences in the Heather Glen Addition to The Crossing subdivision in the City of Madison and Glacier Crossing [City] Park, zoned R2 (Single-Family Residence District)

8. Basis for Referral: Criteria for non-agricultural land division.
9. Environmental Corridor Status: Lands immediately adjacent to the eastern property line are mapped as an environmental corridor as publicly owned lands for the City park corridor that forms the western edge of the Heather Glen subdivision. Note: Environmental corridors are only mapped on lands within an Urban Service Area. This property is not within the Central Urban Service Area.
10. Public Utilities & Services:
  - Water: Property is not served by municipal water
  - Sewer: Property is not served by municipal sewer
  - Fire protection: Verona Fire Department
  - Emergency medical services: Fitch-Rona Emergency Medical Services
  - Police services: Dane County Sheriff's Department – District W4
  - School District: Verona Area School District

## **ANALYSIS AND EVALUATION**

**Proposed Land Division:** The applicant is requesting approval of a land division creating three residential parcels in the Town of Verona on the north side of Cross Country Road, approximately 1,800 feet west of East Pass. The site is developed with a two-story farmhouse located in the southwestern quadrant of the site. Various farm-related accessory buildings were historically located throughout the site, including a barn and grain bins located near the center of the 9.9-acre site. The applicant has demolished some of these accessory buildings, including the barn, in recent months. Overall, the property has a gentle slope from north to south with the exception of an 8-10 foot tall berm recently constructed by the applicant along the eastern two-thirds of the southern property line adjacent to Cross Country Road. The site is generally devoid of any significant vegetation.

The eastern property line adjoins the Madison city limits, with The Heather Glen Addition to The Crossing single-family subdivision located immediately to the east of the site. The western edge of that subdivision is formed by City of Madison parkland (Glacier Crossing Park). Badger Prairie Park is located across Cross Country Road to the southeast of the site, while a small line of single-family residences on 2-3 acre lots are located opposite the site to the southwest. A new single-family residence has been constructed on a five-acre parcel immediately west of the property, with County parklands located further to the west and immediately north of the subject site. Reddan Soccer Park is located further west of the site along Cross Country Road.

Lots 1 and 3 of the proposed CSM will each contain approximately 240 feet of frontage along Cross Country Road and three acres of land exclusive of an approximately 60-foot wide strip of additional right of way to be dedicated with the approval of this CSM for the road. Lot 2 will contain approximately 320 feet of road frontage and four acres of lot area. In 2005, Dane County conditionally approved the rezoning of proposed Lots 1 and 3 from County A-2 agriculture zoning to RH-1 rural home zoning, while Lot 2 was conditionally rezoned to RH-2 rural home zoning on the same application. County RH-1 zoning requires a minimum of two acres of lot area per lot, while RH-2 zoning requires a minimum of four acres of lot area. The farmhouse on Lot 3 will be set back 57.6 feet from the proposed front property line and 76 feet from Lot 2. The application indicates that the existing farmhouse may remain following the demolition, while the other two lots will be marketed for new single-family homes.

The Certified Survey Map of the property proposes to establish building envelopes on all three proposed lots. A 140-foot front building line parallel to Cross Country Road will extend the length of the three lots, while an approximately 183.5-foot rear building line will parallel the line shared with Badger Prairie Park to the north of the site. In addition, a 50-foot side building line is proposed on Lot 1 adjacent to Glacier Crossing Park and a 10-foot building line is proposed on Lot 3 adjacent to the single-family property to the west of the subject site. The resulting envelope on each lot will be approximately 216 feet in depth on which principal and accessory buildings may be built. The front and rear building lines generally account for 60% of the lot depth of the three lots and represent land that may not be developed, resulting in a significant buffer between any new buildings constructed on the three lots and both Badger Prairie Park and Cross Country Road. The existing farmhouse is located within the front no-building zone and may remain there. However, should the farmhouse be demolished and a new residence constructed, it would be required to be located within the proposed building envelope.

**Approval of CSM by Town of Verona 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 Board of Verona approved an earlier rezoning and land division request for the subject property on or around April 19, 2005. Dane County granted conditional approval of the previous land division and rezoning as outlined in a letter dated June 8, 2005 from Norbert Scribner, Land Division Review, Dane County Department of Planning and Development. However, the 2005 survey was reviewed by the Madison Plan Commission and was rejected. The 2005 town and county approvals have subsequently lapsed.

The current land division proposal is very similar to the 2005 proposal with the exception of the addition of the building envelope, which was added at the recommendation of City staff in an effort to reduce the visual impact of any new structures from Cross Country Road and Badger Prairie Park. The building envelope will also result in a similar land use pattern as exists on the single-family parcel adjacent to the west.

The applicant has not received approval from the town and county for the current proposal at this time. The applicant has requested that the Plan Commission review the proposed land division in advance of town and county review. Staff feels that the previous town and county approvals will suffice to allow the Plan Commission to render a decision at this time. Should the Plan Commission approve the current Certified Survey Map proposal, the applicant will be required to receive current town and county approvals for the current version prior to final City signoff and recording of the CSM.

The 2005 town and county approvals of the rezoning and land division of the property were made contingent upon a deed restriction barring further division of these three lots until such time as municipal water and sewer are available to the site. The approvals also include a restriction limiting access to Cross Country Road to no more than two driveways for the three total parcels. Staff anticipates that similar restrictions will be placed on the three proposed lots if the Plan Commission, Town Board and Dane County approve the current land division request.

**City of Madison Land Use Plan:** The Cross Country Neighborhood Development Plan and Comprehensive Plan generally recommend the areas adjacent to the southern and western City limits, including the subject site, for park, drainage and open space uses. This designation reflects the recommendations of the 1993 Ice Age Trail Junction Area Project Plan developed by an intergovernmental advisory committee. The parkland and other open space at the western edge of the City of Madison adjacent to the subject parcel was established as a part of the implementation of this plan. Also as part of implementing the Ice Age Trail Junction Area Project Plan, most of the property west of the City limits was purchased by Dane County for open space uses, including the land now developed with a soccer facility. Unfortunately, about 15 acres surrounding the existing farmstead buildings were excluded from the County purchase, in effect leaving potentially developable lands in private ownership within the recommended open space corridor.

**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.

Although this parcel was historically part of a larger agricultural site, the applicant intends to market the proposed lots for residential purposes. As a result, the land division will be reviewed as a non-agricultural land division.

In reviewing the proposed land division against the non-agricultural standards above, the Planning Division believes that the standards can be met. Staff believes that the proposed land division is compatible with adjacent land uses and maintains the general land use pattern along this portion of Cross Country Road, which includes a newer single-family residence located on a five-acre parcel west of the site, which was created within the last ten years, and across Cross Country Road from six longer-established parcels of similar size to those proposed. The proposed land division is also generally compatible with the more urban subdivision pattern located east of the site in the Heather Glen Addition to The Crossing subdivision, a moderately

dense single-family development in the City. This established yet varied residential subdivision pattern to the southwest, east and west leads the Planning Division to conclude that the proposed land division represents a land use that is reasonably compatible with surrounding developments and land uses. Staff also believes that the proposed request also represents infilling of the land with uses similar to those surrounding as required in the non-agricultural land division criteria.

The Cross Country Neighborhood Development Plan and Comprehensive Plan both identify the subject site for future park, drainage and open space uses, which is consistent with the county purchase of open space lands for the Ice Age Trail north and west of the site, portions of which were formerly part of this property. It is typically not Dane County's policy to purchase land with improvements "unless they are a vital component of the project," which resulted in the subject parcel being left as a remnant.

Because the site is generally located adjacent to two open space corridors, the Planning Division believes that any significant amount of development of the remnant would be incompatible with the park and open space tracts. However, the Planning Division does not believe that the three lots proposed represent significant development, particularly due to the applicant-proposed building lines, which will serve to reduce the visual impact on the 3-4 acre lots. Staff feels that the resulting houses on the three large lots, while clearly not in strict conformance with the open space land use recommendations in the Cross Country NDP and Comprehensive Plan, are also not totally incongruous with those recommendations for the site and surrounding area either.

The Planning Division believes that the three lots proposed also represent a reasonable use of the property. Given the relatively isolated location, the very small probability that the County would ever buy the land for open space, and provided that adequate measures are taken to minimize the visual impact of the future homes on the adjacent designated open space, the requested land division may be an acceptable outcome considering alternative developments which have been, and could be, proposed for this property.

On June 19, 2006, the Plan Commission was given an information presentation by a local development group that was interested in developing the subject site with approximately 30 single-family garden homes to be served by a private road loop following the annexation of the 9.9-acre site into the City and the extension of municipal utilities. The residential proposal would require an amendment to the Cross Country Neighborhood Development Plan in order for a zoning map amendment, development plan and subdivision of the property to be approved. The intent of the presentation was to gauge Plan Commission interest in amending the plan to call for low-density residential development instead of park, drainage and open space uses on this site. Following the presentation, the Commission expressed a desire to not amend the Cross Country Neighborhood Development Plan to accommodate the proposed development and encouraged staff to continue to pursue efforts to have the property acquired for open space purposes consistent with existing plan recommendations and adjacent open space parcels. However, Parks Division staff indicated recently that neither the City nor the County have any plans to purchase the subject property.

The City of Madison, however will not support further subdivision of the subject site on future applications regardless of whether municipal services are provided. As a result, staff requests that the applicant record a restrictive covenant acknowledging that no further subdivision of this land will be allowed under any circumstances. [The applicant may include this restriction in an altered version of the restriction previously required by the Town of Verona and Dane County if they are still so inclined.]

Finally, the City of Madison and the City of Verona entered into an Intergovernmental Agreement in 1996 that addressed land use and future boundary issues between the two communities. One of the facets addressed in the agreement was development along Cross Country Road and adjacent to the open space corridor, recommended in the Ice Age Trail Junction Area Project Plan. The agreement includes a requirement that a 300-foot landscaped buffer be provided on both the north and south sides of Cross Country Road to aid in the creation of a permanent open space separation zone between the two urban communities. Any reduction in this corridor must be approved by both the City of Verona and the City of Madison. When the Heather Glen Addition to the Crossing subdivision was developed immediately east of this site, the width of this corridor was reduced but a significant berm and landscaping plan was provided to comply with the agreement. The applicant has already begun installation of a substantial berm along the eastern two-thirds of the Cross Country Road frontage that may be incorporated into a possible reduction of the 300-foot setback requirement. However, a landscaping plan will be required to further address the visual impact of the homes constructed on the three proposed lots if the requested land division is approved.

## **CONCLUSION**

The applicant is requesting approval of a Certified Survey Map creating three lots from a 9.9-acre parcel. The division creates three lots that are generally in keeping with other lots located across Cross Country Road to the southwest and are similar in character to a single-family lot located west of the site, and which conform to County rural home zoning requirements. Staff believes that the land division is compatible with adjacent land uses, maintains the general land use pattern along this portion of Cross Country Road and represents infilling of vacant lands as required by the Subdivision Regulations, and concludes that the non-agricultural land division standards are met subject to the restriction prohibiting further subdivision as noted above.

## **RECOMMENDATION**

The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to the following comments, conditions or revisions:

1. Comments and conditions from reviewing agencies.
2. That the applicant receive approval of the current land division proposal from the Town of Verona and Dane County prior to final City of Madison approval of the Certified Survey Map for recording. Proof of town and county approval shall be in the form of correspondence from both entities noting said approvals. The City of Madison shall be added as a beneficiary

of any property restrictions required by the town and county as part of their approvals.

3. That the applicant execute a restrictive covenant benefiting the City of Madison that prohibits further subdivision of the subject property. A note shall be placed on the final Certified Survey Map noting the same subdivision restriction.
4. That Certified Survey Map shall be revised to include a note indicating that the construction of any new principal or accessory buildings on these three lots shall be prohibited unless the new construction is located within the building envelope dedicated on the survey drawing. The existing residence on Lot 3 may remain outside the building envelope, however, no additions shall be permitted which extend the residence closer to Cross Country Road than the current front setback (57.6 feet).
5. That a 300-foot buffer parallel and adjacent to Cross Country Road be provided for all three lots and identified on the face of the CSM with a note stating that no new buildings or improvements, with the exception of driveways, shall be allowed within the 300-foot corridor. Any reduction of the 300-foot corridor shall be approved by both the City of Verona and the City of Madison Planning Division. A landscape plan shall be approved by both the City of Verona and the City of Madison Planning Division that includes the planting of a variety of native trees and shrubs within the buffer zone to soften the view of the future homes from the roadway.