



Report to the Plan Commission

June 29, 2009

Legistar I.D. #15236

Vilas Hope-Jahnke Road, Town of Cottage Grove

Extraterritorial Certified Survey Maps

Report Prepared By:

Timothy M. Parks, Planner

Planning Division

Requested Action: Consideration of a Certified Survey Map of approximately 50.3 acres located on the west side of Vilas Hope Road opposite Jahnke Road in the southeast and southwest quarters of the northwest quarter of Section 18, Township 7 N, Range 11 E, Town of Cottage Grove and approval of a CSM of approximately 24.7 acres located on the east side of Vilas Hope Road and north side of Jahnke Road, in the southwest quarter of the northeast quarter of Section 18, Township 7 N, Range 11 E, Town of Cottage Grove, Dane County, Wisconsin. Both properties are located 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** these Certified Survey Maps 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: Andrew Homburg, Homburg Farms, LLC; 6106 Milwaukee Street; Madison.

Surveyor: Peter Lewis, Kapitan Engineering, Inc.; PO Box 665, 802 Franklin Street; Sauk City.

Proposal: The property owner is requesting approval of two Certified Survey Maps to subdivide existing agricultural parcels located on both sides of Vilas Hope Road in order to create two lots to be dedicated to the City of Madison for the purposes of extending the Glacial Drumlin Bike Path. The two State Trail lots will be zoned County CO-1 (Conservancy District), with the remnant agricultural parcels to be zoned A-4 (Agriculture District). The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.

Parcel Location: A 50.3-acre property on the west side of Vilas Hope Road and a 24.7-acre parcel on the east side of Vilas Hope Road in the vicinity of Jahnke Road and approximately 1.25 miles south of CTH BB, all in the Town of Cottage Grove; Monona Grove School District.

Existing Conditions: Both properties are undeveloped agricultural parcels zoned County A-1EX (Exclusive Agriculture District). The western parcel is split by Chicago & Northwestern Railroad right of way.

Surrounding Land Use and Dane County Zoning: The subject properties are largely surrounded by undeveloped agricultural lands in the Town of Cottage Grove and Town of Blooming Grove, zoned A-1EX Agriculture zoning. The western property is abutted on the north by three residential properties on variously sized parcels along Vilas Hope Road zoned RH-1 (Rural Home District), B-1 (Business District) and R-3a (Residence District). Three residential buildings on smaller parcels are located across

Jahnke Road from the eastern property, which are zoned RH-1 and A-1. Door Creek Golf Course is located generally to the northeast of the subject properties.

Basis for Referral: Criteria for 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. Door Creek extends through the eastern property and crosses the southeastern corner of the western property, with 100-year floodplain adjacent to the creek on both parcels. The corridor map also shows an area of wetlands on the western property adjacent to Vilas Hope Road, which is not reflected on the western Certified Survey Map.

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

Related Approval

On February 3, 2009, the Madison Common Council approved a request to rezone approximately 34.9 acres located at 6001 Milwaukee Street from Temp. A (Agriculture District) to R2T & R2Y (Single-Family Residence Districts), PUD-GDP (Planned Unit Development, General Development Plan), and C (Conservancy) and the preliminary and final plats of Eastlawn, creating 105 residential lots and 6 outlots for stormwater management, park, and alleys. The approval of the Eastlawn subdivision was conditioned upon the dedication of approximately 3.2 acres of land in the Town of Cottage Grove to the City per a previously approved Dedication and Purchase Agreement between the City and Homburg Farms, LLC.

Project Review, Analysis & Conclusion

Proposed Land Division: The applicant is requesting approval of two Certified Survey Maps of 75 acres of land located on both sides of Vilas Hope Road at Jahnke Road in the Town of Cottage Grove. The subject properties include a 50.3-acre tract located on the west side of Vilas Hope on both sides of the Chicago & Northwestern Railroad right of way and a 24.7-acre tract located on the east side of Vilas Hope between the railroad and Jahnke Road, a quarter-mile long local road that provides access to 5 residential properties located south and east of the eastern property. The two properties are generally agriculture in character and were previously zoned A-1EX Exclusive Agriculture prior to the proposed land division.

The purpose of the three-lot CSM on the west side of Vilas Hope Road and two-lot CSM on the east side are to establish approximately 50-foot wide and 30-foot wide lots, respectively, to be dedicated to the City of Madison for the purposes of establishing the Glacial Drumlin State Trail through the subject properties. The creation of the two lots by CSM was called for in a Dedication and Purchase Agreement between the City and Homburg Farms, LLC that was approved in October 2008 and executed in November 2008 (see attached agreement). In essence, Homburg Farms, LLC is using the dedication of these two parcels to the City to satisfy the park dedication requirements for the Eastlawn residential

subdivision approved in the City earlier this year. Following approval of the two Certified Survey Maps, the applicant will dedicate the two lots on either side of Vilas Hope Road to the City, which will then grant the Wisconsin Department of Natural Resources an easement to construct and maintain the Glacial Drumlin State Trail across the Homburg property. The trail currently travels a 51-mile long corridor between CTH N in Cottage Grove and Waukesha. The two lots to be dedicated will be part of a future extension of the trail planned to parallel the C & NW Railroad corridor between CTH N and Madison.

In order to accomplish the two Certified Survey Maps, the subject properties were rezoned from A-1EX to A-4 (Small Lot Agriculture District) for the remnant agricultural parcels and CO-1 Conservancy zoning for the two lots to be dedicated to the City. West of Vilas Hope Road, the two other lots to be created by that CSM will 24.36 acres in area north of the railroad corridor and 22.77 acres south after right of way dedication. The remaining property east of Vilas Hope Road will be 22.6 acres in area after right of way dedication. The Dane County Zoning Ordinance states that the purpose of the A-4 zoning district is "to preserve agricultural and open space uses on zoning lots between 5 and 35 acres in size. It is intended that the district be applied to areas where non-agricultural development would be incompatible with agricultural uses, premature or inconsistent with adopted land use or comprehensive plans." Residential uses are not listed as permitted uses in the A-4 district.

Door Creek crosses both properties to be divided, and Capital Area Regional Planning Commission maps indicate the presence of 100-year floodplain paralleling the creek on both properties. In addition, the CARPC maps indicate the presence of wetlands on the western property, which are not shown on that CSM.

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 rezoning requests related to the proposed land division on April 6, 2009 and the land divisions on June 15, 2009. Dane County conditionally approved the proposed land divisions as outlined in a letter dated June 19, 2009 from Norbert Scribner, Land Division Review, Dane County Department of Planning and Development. The County previously approved the related rezonings on May 21, 2009.

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 most of the Vilas Hope Road corridor from CTH BB on the north to CTH AB on the south and west, including the subject properties, in Planning Area D (Group 1). Planning Area D was included in Group 1 peripheral planning area in part due to the largely developed nature of the lands just to the west in the Cottage Grove Neighborhood Development Plan project area. The Comprehensive Plan notes that Area D is well served by existing and planned roadways and municipal services. The land use plan generally calls for low-density traditional neighborhood development in the northern half of Area D (including the subject sites) in one or more neighborhood development plans, with the potential for more employment-oriented development in the southern portion of the area closer to Femrite Drive. The Comprehensive Plan recognizes the presence of Door Creek through Area D and recommends that the creek corridor and various wetland areas and glacial drumlins be protected from inappropriate development.

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 Planning Division believes that the proposed land divisions can meet the standard for agricultural land division. The proposed land divisions will largely maintain the agricultural character of the 50.3 acres on the west side of Vilas Hope Road and 24.7 acres on the east side, save for the 50-foot and 30-foot wide strips being dedicated to the City for the future extension of the Glacial Drumlin State Trail by

the Wisconsin Department of Natural Resources. In this case, given the unique purpose for this land division, staff feels that the agricultural nature of these properties should be sufficiently regulated by the A-4 zoning that Dane County placed on the three non-bike path lots to be created by the two Certified Survey Maps. As indicated above, A-4 zoning is intended to preserve agricultural and open space uses on smaller lots where non-agricultural development would be considered incompatible with agricultural uses and/or premature or inconsistent with adopted plans.

While in the case of other agricultural land divisions, staff has recommended that a restrictive covenant be placed on the agricultural properties as a condition of approval that prohibits the future subdivision or construction of principal buildings on the agricultural lands, staff does not feel that such a restriction is necessary in this case. The applicant and property owner is proposing the land divisions as the vehicle to complete his contractual obligation to the City of Madison. The proposed Certified Survey Maps would not likely be forthcoming otherwise.

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 Maps subject to input at the public hearing and the following conditions:

1. That the two parcels being conveyed by dedication on the face of the Certified Survey Maps be designated as outlots and that both include a notation stating the following: "Dedicated to the City of Madison for public pedestrian/bike path purposes."

The following conditions have been submitted by reviewing agencies:

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

2. A 150-foot wide public storm sewer easement shall be dedicated centered on Door Creek as located on the survey.
3. Delineate wetlands and the 100-year floodplain for Door Creek or provide a note on the CSM that wetlands and floodplain exist and are not delineated.