



## Report to the Plan Commission

May 2, 2011

**Legistar I.D. #22225**

**3310 CTH AB, Town of Cottage Grove**

**Extraterritorial Certified Survey Map**

Report Prepared By:

Timothy M. Parks, Planner

Planning Division

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**Requested Action:** Consideration of a one-lot Certified Survey Map (CSM) of the Skaar property located at 3310 CTH AB, Town of Cottage Grove, in 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 6 of this report.

### **Background Information**

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**Applicant & Property Owner:** Larry G. Skaar; 4374 Secretariat Court; Cottage Grove.

**Surveyor:** Dan Birrenkott, Birrenkott Surveying, Inc.; PO Box 237; 1677 N. Bristol Street; Sun Prairie.

**Proposal:** The applicant proposes to create one residential lot of 2.29 acres containing an existing single-family residence and a detached shed from approximately 148 contiguous acres of agricultural land under his ownership. 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 on March 16, 2011. Therefore, the 90-day review period for this CSM will end on June 16, 2011.

**Parcel Location:** The applicant's overall 148-acre parcel extends generally along and east of CTH AB from Siggelkow Road on the south to Hope Hollow Trail on the north; Town of Cottage Grove; Monona Grove School District.

**Existing Conditions:** The existing single-family residence and shed to be located on the proposed lot are located at the northeastern corner of CTH AB and Siggelkow Road. The proposed lot will be zoned County RH-1 (Rural Home District). The remainder of the applicant's land is agricultural and is zoned County A-1EX (Exclusive Agriculture District).

### **Surrounding Land Use and Zoning:**

North: US Highway 12 & 18 (at northernmost edge of property); undeveloped land in the Town of Cottage Grove, zoned County C-2 (Commercial District); single-family residence on large parcel, zoned County RH-3 (Rural Homes District – 8-acre minimum parcel required);

South: Agricultural lands in the Town of Cottage Grove, zoned County A-1EX (Exclusive Agriculture District) and A-B (Agriculture Business District); single-family residences, zoned County R-1a (Single-Family Residence District);

East: Agricultural lands in the Town of Cottage Grove, zoned County A-1EX; single-family residences on large lots, zoned County A-2 (Agriculture District) and RH-1, RH-2 and RH-4 (Rural Homes Districts);

West: Undeveloped and agricultural lands in the Town of Blooming Grove, zoned A-1EX, RE-1 (Recreational District) and A-2(1) (Agriculture District – 1-acre minimum parcel required); further to the north of the proposed lot, Yahara Hills Golf Course in the City of Madison, zoned C (Conservancy District).

**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 (H10) that includes the subject site and nearby properties indicates that portions of the applicant's 148-acre property from which the proposed lot will be created includes a branch of Door Creek, floodplain, wetlands, and steep slopes (greater than 12%), including an area of steep slope at the intersection of CTH AB and Siggelkow Road adjacent to the proposed lot.

**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

## **Previous Approval**

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On July 26, 2010, the Plan Commission approved a Certified Survey Map of property located at 3098 Hope Hollow Trail, Town of Cottage Grove, creating two single-family residential lots from the same approximately 148 acres of land from which the subject lot will be created. One of the lots created by the CSM (CSM 12985) is occupied by an existing single-family residence; the second lot was created for the construction of a new residence.

## **Project Review, Analysis & Conclusion**

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**Proposed Land Division:** The applicant, Larry Skaar, is requesting approval of a one-lot certified survey map (CSM) to create an approximately 2.29-acre lot containing an existing two-story single-family residence and detached shed from approximately 148 acres of contiguous agricultural land under his ownership. The proposed lot will be located at the northeastern corner of CTH AB and Siggelkow Road. The larger 148-acre property is located in the Town of Cottage Grove and generally extends along and east of CTH AB from Siggelkow Road on the south to Hope Hollow Trail on the north, and along Siggelkow Road from CTH AB east to Pierce Road. The northernmost edge of the applicant's property abuts US Highway 12 & 18. The remainder of the larger property from which the proposed lot will be created is agricultural in character and appears from aerial photography to be in active tillage,

and the agricultural use of the remaining property is proposed to continue. No construction is proposed on the remaining site acreage not shown on the certified survey map.

The Skaar property is bisected by a branch of Door Creek. Environmental corridor maps identify floodplain and wetlands on the subject property at various locations along the creek branch that crosses the site, though not in the area of the proposed lot. The 148-acre site is devoid of any significant stands of vegetation. The residence on the proposed lot is located approximately 20 feet from the current edge of the CTH AB right of way and approximately 100 feet north of Siggelkow Road. A gravel drive extends into the site from CTH AB near the southern wall of the house before turning south to intersect Siggelkow Road east of the approximately 800 square-foot detached shed located 11 feet from the Siggelkow right of way. The area surrounding the residence and shed is characterized by a gradual slope that runs south to north from Siggelkow Road through the proposed lot. A line of mature shade trees extends in front of the house along the edge of CTH AB, with a second area of trees located between the house and shed along the gravel drive.

The area surrounding the subject site includes a number of agricultural uses in the towns of Blooming Grove (west of CTH AB) and Cottage Grove, which are interspersed with single-family residences on parcels of varying sizes, primarily to the south and east of the site. Additionally, the northern portions of the larger 148-acre parcel are located across CTH AB from the City of Madison's Yahara Hills Golf Course, which has Conservancy zoning in the City.

**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 proposed lot was rezoned from A-1EX Exclusive Agricultural zoning to RH-1 Rural Home residential zoning by Dane County on March 3, 2011. The County's rezoning approval was conditioned upon a deed restriction prohibiting further residential development on the applicant's remaining A-1EX-zoned land from which the proposed CSM lot is being created. The rezoning of the property was approved by the Town of Cottage Grove on January 3, 2011 subject to a condition deed restricting the remaining lands against non-farm development.

Dane County conditionally approved the proposed land division as outlined in a letter dated March 8, 2011 from Dan Everson, Land Division Review, Dane County Department of Planning and Development (attached). The Town approved the proposed CSM on March 7, 2011.

**City of Madison Land Use Plan:** 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 bounded by Interstate 39-90 and CTH AB on the west, Siggelkow Road on the south, Door Creek on the east and Cottage Grove Road on the north, including the subject site, in Planning Area D (Group 1). The Comprehensive Plan suggests that Area D is a logical area for urban expansion given the growth occurring west of that planning area in the City's Sprecher, Cottage Grove and Marsh Road neighborhood planning areas. The Plan notes that portions of the planning area are already in the City, and that the area is well served by existing and planned roadways, and City of Madison and Madison Metropolitan Sewerage District utilities and facilities are located on the edges of the planning area and can be relatively easily extended into the area to serve future urban development.

The Comprehensive Plan suggests that further planning for Planning Area D will occur in one or more neighborhood development plans. The Generalized Future Land Use Plan that includes the subject site

primarily recommends employment uses for the area roughly bounded by CTH AB on the west, Femrite Drive on the north and Hope Hollow Trail on the south on both sides of US Highway 12 & 18. The area south of Hope Hollow Trail, including the proposed lot, is recommended for the future development of low-density residential uses on either side of a corridor recommended for park and open space uses astride the branch of Door Creek that crosses the applicant's property. Area D also identifies the potential for small-scale agricultural and conservations uses, and recommends preservation of significant topographical features located in the planning area, including drumlins and wetlands. Finally, future planning in Area D by the City will likely depend on the establishment of an agreement between the City of Madison and the Town 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 CSM will create a 2.29-acre lot for the existing single-family residence and shed from the applicant's larger 148-acre agricultural parcel. The Planning Division believes that the Plan Commission can approve the one-lot CSM using the agricultural land division criteria, which are intended to assist and assure the continuation of the agricultural use. The applicant has indicated to staff that he wishes to maintain the agricultural use of the remaining approximately 148 acres of land generally north and east of the proposed lot that would contain the residence and accessory structure.

Staff believes that the proposed lot could be found to be compatible with the development pattern of the surrounding area, which includes a variety of lot sizes and uses, including other lots that have been created from larger agricultural properties. Staff does not believe that the proposed land division will have a significant impact on future annexations or the future provision of municipal services once Madison services are extended into this area following completion of a neighborhood development plan by the City.

However, given that the proposed lot will be located at the intersection of an existing and future major north-south travel corridor, CTH AB, and a significant future east-west travel corridor, Siggelkow Road, Planning staff recommends that a restrictive covenant be required on proposed Lot 1 and on the remaining A-1EX zoned land immediately adjacent (Parcel numbers 0711-312-9500-3 and 0711-312-9000-8). Staff believes that this restrictive covenant would ensure that the proposed land division would be compatible with the development pattern present in the surrounding area and would prevent future development from occurring that would be inconsistent with regard to traffic generation, access, noise or visual features as required by the approval criteria.

The restrictive covenant would state that the use of Lot 1 would be limited to a single-family residence (similar to the County's proposed restriction) and related accessory building(s) and would require City of Madison approval prior to the construction of any additions to the existing building or any new buildings. The restrictive covenant would further state that the use of the remaining A-1EX land would be limited to agricultural purposes and that no additional principal structures would be constructed on said property unless it is further subdivided and approved by the City of Madison.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission find the agricultural land division criteria met and approve a one-lot Certified Survey Map of 3310 CTH AB, Town of Cottage Grove creating one residential lot from a larger 148-acre agricultural parcel. Staff recommends approval subject to input at the public hearing and the following agency conditions:

1. The applicant shall execute a restrictive covenant on Lot 1 of the proposed CSM in a form approved by the Planning Division prior to final City approval of the CSM. Said covenant shall require that the use of Lot 1 be limited to a single-family residence and related accessory building(s) and would require City of Madison approval prior to the construction of any additions to the existing building or any new buildings. This restriction shall run with Lot 1 so long as the lot is subject to Dane County zoning, and shall not be modified or released without the written approval of the City.
2. The applicant shall execute a restrictive covenant over Parcel numbers 0711-312-9500-3 and 0711-312-9000-8 in a form approved by the Planning Division prior to final City approval of the CSM that states that the use of the remaining A-1EX land will be limited to agricultural uses and that no additional principal structures would be constructed on said properties unless they are further subdivided and approved by the City of Madison. This restriction shall run with the property and shall not be modified or released without the written approval of the City.

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

3. This Certified Survey Map (CSM) shall dedicate 40 feet of right of way for Siggelkow Road, north of and parallel with the section line. The CSM shall also create a 20-foot wide right of way reservation, north of and parallel with this proposed north right of way line of Siggelkow Road.
4. The proposed Siggelkow Road dedication requirement by the city of Madison results in a net area of proposed Lot 1 very close to the Dane County required minimum area of 2 acres. If below 2 acres, Dane County will presumably require that the proposed Lot 1 boundary be revised to meet their 2 acre minimum.
5. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The developer's surveyor and/or applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering Division. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The applicant shall identify monument types on all PLS corners included on the plat or CSM. Note: Land tie to two PLS corners required.

**Traffic Engineering Division** (Contact Bryan Walker, 267-8754)

6. The applicant shall execute and return declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.