

PLANNING DIVISION STAFF MEMO

March 11, 2024



PREPARED FOR THE PLAN COMMISSION

Address: 426 Yellowstone Dr (District 19 – Alder Guequierre)

Legistar File ID # [81941](#)

Prepared By: Colin Punt, Planning Division

This proposed resolution requests the release of a statement on the final plat of Sixth Addition to Park Towne (approved 1977) reading: "The owner/developer of each lot shall consult with the Parks Conservation Specialist at the time of preparing the site plan for any lot in this plat so that consideration can be given grading and the preserving the larger trees." Staff have been unable to determine if the plat note was originally intended to represent a restriction for public benefit as allowed by §236.293 of the Wisconsin Statutes, and therefore must consider it to be so. The aforementioned §236.293 states that such restrictions may be released or waived in writing by the public body or public utility having the right of enforcement. The Planning Division believes the note on the plat is no longer enforceable by the City as staff are also unable to confirm if the plat note intended for the City's Parks agency to have responsibility for enforcement of the note or if staff of the company that developed the subdivision had that responsibility, noting that there is not currently a City employee with a position title matching that in the plat note and no employee of the Parks Division currently has responsibility or authority for the review of improvements on private property.

The applicant for the associated approved redevelopment (Legislative IDs [77008](#) and [77010](#)) has submitted a revised site plan that meets the condition of the approval by Plan Commission requiring an increase of the rear yard setback to create more space along the west lot line consistent with the platted note. If approved, a release document shall be drafted in a format reviewed and approved by the City of Madison Office of Real Estate Services and Attorney's Office prior to final execution and recording with the Dane County Register of Deeds.