



PREPARED FOR THE PLAN COMMISSION

Project Address: 4278 Vilas Hope Road, Town of Cottage Grove
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [57808](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Katherine A. Strand/ Strand Family Farm, LLC; 4278 Vilas Hope Road; Cottage Grove.

Surveyor: Tim Thorson, Royal Oak & Associates, Inc.; 3678 Kinsman Boulevard; Madison.

Requested Action: Approval of a Certified Survey Map (CSM) to create two lots from land addressed as 4278 Vilas Hope Road, Town of Cottage Grove, in the City of Madison’s Extraterritorial Jurisdiction.

Proposal Summary: The subject site contains 32.9 acres of land comprised of two parcels with approximately 400 feet of combined frontage along Vilas Hope Road. A single-family residence and two detached garages occupy the smaller of the two parcels, while a large shed occupies the larger parcel, which is mostly in tillage. The proposed CSM will reconfigure the two parcels into a slightly larger lot for the residence and garages, with the remaining agricultural land to comprise the second lot. A driveway that serves the property currently located on the agricultural parcel will be located on the enlarged residential lot created by the CSM. The CSM will be recorded as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. In particular, the Plan Commission shall determine that the proposed subdivision complies with each of the following criteria for approval in the extraterritorial plat approval jurisdiction:

1. The proposed subdivision or land division shall be compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
2. 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.

Review Required By: Plan Commission.

Review Schedule: The State’s subdivision statute, Wis. Stats. Ch. 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless an extension is agreed to by the subdivider. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The CSM application was submitted on October 9, 2019 without the requisite Dane County approval. The application was determined to be complete following Dane County approval of the CSM on November 1, 2019. Therefore, the 90-day review period for this CSM will end circa February 1, 2020.

Summary Recommendation: The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: Approximately 32.9 acres of land located on the east side of Vilas Hope Road, approximately a half-mile south of Cottage Grove Road (CTH BB) in the Town of Cottage Grove.

Existing Conditions and Land Use: The subject site is developed with a single-family residence, two garages and a shed located within 300 feet of Vilas Hope Road. The rest of the property is undeveloped agricultural land that includes a large pond located along a portion of the eastern edge of the site. Door Creek forms a portion of the eastern property line of the agricultural parcel.

Surrounding Land Use and Zoning: Properties surrounding the subject site include large agricultural parcels located along and west of Vilas Hope Road, and a series of smaller parcels mostly developed with single-family residences, particularly along the east side of Vilas Hope Road. The existing residence and parcel and many of its single-family neighbors are zoned SFR-08 (Single-Family Residential–Small Lots District) per Dane County zoning. Door Creek Golf Course is located east and south of the subject property.

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area and there are no mapped environmental corridors. However, the eastern edge of the agricultural parcel is mapped in a County-designated resource protection corridor due to the presence of Door Creek (perennial stream) and its associated floodplains and wetlands, which affect the eastern edge of the property.

Public Utilities and Services:

Water: Property is not served by municipal water

Sewer: Property is not served by public sewer

Fire protection: Cottage Grove Fire Department

Emergency medical services: Deer-Grove Emergency Medical Services

Police services: Dane County Sheriff's Department

School District: Monona Grove School District

Project Description

The applicant, Katherine Strand, is requesting approval of a Certified Survey Map to re-divide two parcels and 32.9 acres of land under different title but in the same family. The smaller of the two parcels is a roughly 0.75-acre parcel addressed as 4278 Vilas Hope Road, which is developed with the applicant's single-family residence and two detached garages. The remaining land is an approximately 31-acre parcel mostly in agricultural use, which is owned by Strand Family Farm, LLC, for which Ms. Strand is authorized member. A driveway located on the agricultural parcel provides access to a large shed on the farm parcel and the two garages on the residential parcel. The agricultural parcel is uniquely configured, with most of the land extending behind the rears of eleven smaller parcels that front onto Vilas Hope Road with the exception of two distinct frontage segments. The easterly line of the farm parcel is partially formed by Door Creek, which extends southeasterly through the surrounding area.

The proposed CSM will create a slightly larger 0.91-acre residential lot by transferring 40 feet from the larger farm parcel to the residential parcel. Proposed Lot 2 will contain the residence, detached garages, driveway, and approximately 148 feet of frontage along Vilas Hope Road. The remaining lands will comprise Lot 1, which will be 31.5 acres in area.

Approval of CSM by the Town of Cottage Grove and Dane County: Section 236.10 (b) of the Wisconsin State Statutes 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.

Dane County granted conditional approval of the Certified Survey Map as outlined in a letter from Dan Everson, Land Division Review, Dane County Department of Planning and Development dated November 1, 2019. Dane County approved a rezoning of the 40-foot wide addition to the single-family parcel from RM-16 (Rural Mixed-Use District) to SFR-08 (Single-Family Residential—Small Lots District) on October 3, 2019. The Town of Cottage Grove Board approved the CSM on October 7, 2019; minutes of that approval are attached.

Analysis

City of Madison Land Use Plan: The subject site and surrounding properties are not currently located within the boundaries of an adopted City of Madison neighborhood development plan. The 2018 Comprehensive Plan includes lands generally located east of the Yahara Hills neighborhood planning area, including the subject site, in Planning Area D (Group 1) on the Peripheral Planning Areas map in the Growth Framework.

The Comprehensive Plan indicates that Planning Area D covers a potential expansion and urban development area located to the southeast of the City between the Yahara Hills planning area and the Door Creek corridor. The City will be adjacent to the northern half of Planning Area D in 2020 (including less than a half-mile from the subject site) as a result of the South Phased Attachment of the Town of Blooming Grove called for in the 2006 City-Town cooperative plan. Sanitary sewer service for Planning Area D would likely come from extensions as part of the eventual annexation and development of lands in the Yahara Hills neighborhood.

Conclusion

The Planning Division believes that the proposed land division can meet the approval criteria. The 0.91-acre residential lot proposed with the lot line adjustment is compatible with the development pattern present in this area, which includes a series of similarly sized parcels along the east side of Vilas Hope Road. The land division should not have an adverse impact on any future annexation of the subject site or surrounding properties to the City of Madison, or the ability to extend water or sanitary sewer services to this area in the future. In particular, the larger agricultural lot appears to preserve opportunities for the portion of the site located 300 feet east of Vilas Hope Road between Door Creek and the rears of the parcels fronting the road to be developed in the future once urban services are available to the site. However, staff acknowledges that future annexations to Madison and development with urban services may be some years from now.

Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 4278 Vilas Hope Road, Town of Cottage Grove, in the City's extraterritorial plat approval jurisdiction subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

City Engineering Division (Contact Tim Troester, 267-1995)

1. A portion of this CSM may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources (WDNR) for wetland, floodplain, or navigable waterway issues. Provide a wetland delineation and identify wetland boundaries and required setbacks on the face of the CSM.
2. Show the extents of the existing septic field. If it extends across the property line, an easement will be required.

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

3. The lot boundary appears to be the centerline of Door Creek. Provide an easement on the westerly side of the creek that extends 50 feet from the edge of the ordinary high water mark. This easement shall be for public drainage purposes.
4. If access to the existing shed on Lot 1 is to continue over proposed Lot 2, an access easement will be required over Lot 2 for the benefit of Lot 1 and the easement shall include text setting forth terms regarding conditions of use for the easement and requirements of maintenance and repair.
5. Grant the required 50-foot wide Public Storm Water Drainage Easement on the face of this Certified Survey Map with the following conditions:
 - a) No above-ground improvements other than storm water drainage related improvements shall be allowed in the Public Storm Drainage Easement Area(s) by the property owner
 - b) New plantings and landscaping within the Public Storm Drainage Easement Area(s) shall be permitted only if they do not impede the required capacity of the drainage feature.
 - c) The property owner shall not change the grade of the Public Storm Drainage Easement Area(s) without the prior written approval of the municipality having jurisdiction.
6. Grant a 10-foot wide Permanent Limited Easement for grading and sloping along Vilas Hope Road. Contact Jeff Quamme of Engineering-Mapping (jrquamme@cityofmadison.com, 608-266-4097) for easement language.
7. The portion of Lot 1 lying within the NW 1/4 of the SE 1/4 is subject to Restrictions per Document No. 2140893. This shall be noted on the CSM or documentation shall be provided that releases the restriction.
8. Lot 1 and part of Lot 2 are subject to a Deed Restriction per Document No. 2825197. This shall be noted on the CSM or documentation shall be provided that releases the restriction.

9. Provide Dane County Coordinate System coordinates on the section corners.
10. Prior to City Engineering final sign-off by main office for Certified Survey Maps (CSM), the final CSM must be submitted to Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. E-mail submittal of the **final** CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com
11. Provide "recorded as" information on the boundary as required by statute.
12. The Ordinary High Water mark and elevation are required by Statute as either determined by the WDNR or approximate. If approximate, include the note per Wisconsin ss 236.025(3). Also, include the required public trust information note per Wisconsin ss 236.20(6).
13. Submit to Jeff Quamme, prior to City Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (all shown on the plat, including wetland & floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes that occur subsequent to any original submittal of data and prior to final sign off.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

This agency submitted a response with no comments or conditions for this request.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

This agency submitted a response with no comments or conditions for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a response with no comments or conditions for this request.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

This property is currently outside the Madison Water Utility service area. Note that future annexation to the City may require connection to the City water system if/when water service becomes available per MGO Section 13.07.

Office of Real Estate Services (Heidi Radlinger, 266-6558)

14. A certificate of consent for all mortgagees shall be included following the Owner's Certificates and executed prior to CSM sign-off.

15. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM sign-off.
16. If special assessments are levied against the property prior to CSM sign-off, they shall be paid in full.
17. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services (hradlinger@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (August 20, 2019) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update.
18. The owner shall email the document number of the recorded CSM to Heidi Radlinger in the City's Office of Real Estate Services as soon as the recording information is available.
19. Liens or judgments levied against the lands within the CSM boundary shall be satisfied, with proof of satisfaction provided prior to CSM sign-off.