



Report to the Plan Commission – Addendum January 24, 2011

Legistar I.D. #20951
3897 Vilas Hope Road, Town of Cottage Grove
Extraterritorial Certified Survey Map

Report Prepared By:
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Planning Division

Requested Action: Consideration of a four-lot Certified Survey Map (CSM) of the Schlueter property located at 3897 Vilas Hope Road, Town of Cottage Grove, Dane County, Wisconsin within the City of Madison's Extraterritorial Jurisdiction.

Addendum: The Plan Commission approved this CSM subject to conditions at its January 10, 2011 meeting as a consent agenda item. However, the applicant's surveyor indicates that he and his client were unaware of the conditions of approval contained in the staff report, which was not provided to the applicant by City staff prior to the meeting as is customary.

Subsequent to the January 10 approval, the applicant's surveyor notified Planning Division staff of their concerns about condition #1 of the January 10 staff report, which required the applicant to execute a deed restriction over Lots 1 and 3 of the CSM prior to final City approval for recording. The deed restriction required that Lots 1 and 3 be held in common ownership and that subsequent sales of Lots 1 and 3 be to the same owner unless approved in writing by the City. The deed restriction also required that no additional principal structures be constructed on Lot 3 beyond the one single-family residence originally proposed unless the lot was further subdivided as approved by the City. Staff's rationale for the proposed restriction was described on page 5 of the earlier report.

Ordinarily, known concerns about a condition of approval would result in a project not being listed on the consent agenda and the matter would be discussed during the ordinary course of the Plan Commission hearing. However, staff was unaware of the applicant's concerns when the consent agenda for the January 10 meeting was prepared because the applicant had not been provided with the staff report prior to the meeting. Compounding matters, the Martin Luther King, Jr. Boulevard doors to the City-County Building were inexplicably locked sometime around 6:00 p.m. on January 10, which caused some attendees of the meeting including the applicant's surveyor to be delayed arriving at the Plan Commission.

As a result of the circumstances enumerated above, staff believes it would be appropriate for the Plan Commission to reconsider the January 10 approval of the proposed land division.

In response to the applicant's concerns about condition #1 of the January 10 report, Planning staff has met with the applicant's representatives to discuss alternative means of addressing the staff concerns about the proposed layout of Lots 1 and 3. Staff and the applicant have worked cooperatively to craft the following condition of approval to replace condition #1 of the January 10 staff report:

- "At such time as Lot 1 is annexed to the City of Madison, a preliminary development plan is created and/or a neighborhood development plan is developed by the City of Madison, the owner of Lot 3 shall cooperate with the City of Madison and the owner of Lot 1 to reconfigure Lot 3 to create an acceptable access to a public street, which may require the reconfiguration of the existing lot lines in such a manner that will be mutually beneficial in providing Lots 1 and 3 with public services and access to a public street. Prior to further subdivision of Lot 1 and prior to Lot 3 obtaining public sanitary sewer and/ or water service, this agreement shall be implemented by the property owners unless otherwise approved in writing by the Department of Planning and Community & Economic Development or Plan Commission of the City of Madison. The restriction shall further state that no additional principal structures shall be constructed on

Lot 3 [beyond one single-family residence] unless it is further subdivided and approved by the City of Madison. This restriction shall run with Lots 1 and 3 so long as the lots are subject to Dane County zoning, and shall not be modified or released without the written approval of the City.”

In conclusion, the Planning Division recommends that the Plan Commission reconsider its action from January 10, 2011, which approved the proposed four-lot extraterritorial CSM with a condition requiring the applicant to execute a deed restriction over Lots 1 and 3 of the CSM requiring that Lots 1 and 3 be held in common ownership. If the Plan Commission grants reconsideration of this matter, staff recommends that the four-lot land division be approved with a new condition #1 as stated above.