

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
January 9, 2006

RE: L.D. 02500, Certified Survey Map – 2878 Femrite Drive, Town of Cottage Grove

1. Requested Action: Consideration of a three-lot Certified Survey Map (CSM) of the Korfmacher property located at 2878 Femrite Drive in the southeast quarter of the southwest quarter of Section 29, Township 7 N, Range 11 E, Town of Cottage Grove, Dane County, Wisconsin within the City of Madison's Extraterritorial Jurisdiction.
2. Applicable Regulations: 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.
3. Report Prepared By: Timothy M. Parks, Planner.

GENERAL INFORMATION

1. Property Owner: Roger Korfmacher; 2846 Femrite Drive; Cottage Grove.

Land Surveyor: Dan Birrenkott, Birrenkott Surveying, Inc.; 1677 N. Bristol Street; Sun Prairie.
2. Requested Action: Approval of a certified survey map to allow for the division of approximately 8.2 acres of land into three lots.
3. Parcel Location: Generally located along the east side of Femrite Drive from South Hope Road on the north to the northern right of way of US Highway 12 & 18 on the south in the Town of Cottage Grove; Monona Grove School District.
4. Existing Zoning: County A-1 (Agricultural District), RH-2 (Rural Homes District) and LC-1 (Limited Commercial District)
5. Existing Land Use: Mostly undeveloped agricultural land with one single-family residence located on a five-acre parcel midway along the Femrite Drive frontage.
6. Proposed Land Use: The applicant proposes to subdivide the parcel into three lots in County R-1a and A-2 zoning.
7. Surrounding Land Use and Zoning: The property is generally surrounded by undeveloped, agricultural properties with the exception of a farmhouse and accessory buildings west of the subject site across Femrite Drive and a scattering of single-family lots of varying size and shape located northwest of the site north of the Femrite-South Hope intersection and southeast of the site along the US 12 & 18 frontage. The applicant's residence is located approximately 1,000 feet south of the site along Femrite Drive.

8. Basis for Referral: Criteria for non-agricultural extraterritorial land division.
9. Environmental Corridor Status: There are no mapped environmental corridors located on the subject property.
10. Public Utilities & 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 Emergency Medical Services
 - Police services: Dane County Sheriff's Department – District S1.
 - School District: Monona Grove School District

PREVIOUS HEARING

The proposed land division was scheduled for review by the Plan Commission on December 5, 2005 but was referred at the request of the applicant to this meeting to allow the applicant time to discuss alternatives with staff.

ANALYSIS AND EVALUATION

Existing Conditions: The subject site is an approximately 54-acre land area consisting of two parcels located along the east side of Femrite Drive extending from South Hope Road on the north to the northern right of way of US Highway 12 & 18 on the south in the Town of Cottage Grove. The site is "L" shaped and is largely undeveloped agricultural land with the exception of a single-family residence and related outbuildings located on an irregularly-shaped 5.5-acre parcel approximately midway along the Femrite Drive frontage. In addition, a former gravel pit is located along Femrite Drive near the northern property line. The grade of most of the site falls from east to west, though the southern tier of the overall site falls more steeply from north to south towards the highway. A thick line of mature trees forms most of the northern and eastern boundaries of the site, which is not located within any identified environmental corridors. The southernmost portion of the "L" shaped parcel surrounds two smaller 1.5 and 3-acre parcels that were created by certified surveys in the years prior to this area being included in the City's extraterritorial jurisdiction. The western of these parcels is developed with a single-family residence, while the eastern of the two parcels is zoned commercially with a building located about 500 feet off the road. Most of the 54-acre subject site is zoned County A-1 with the exception of the gravel pit, which is zoned LC-1 (Limited Commercial District) and the residence, which is zoned RH-2 (Rural Home District).

City of Madison Land Use Plan: The property is located outside of the areas covered by adopted City of Madison neighborhood development plans. The property is located in a Peripheral Planning Area, Area E10, of the 1990 Peripheral Area Development Plan. Area E10 is designated as a Permanent Open Space district recommended for priority consideration for

permanent open space protection as part of a regional open space corridor extending from Sun Prairie to Lake Kegonsa.

The Draft Comprehensive Plan proposes to combine the westernmost edges of the Town of Cottage with the as of yet unplanned easternmost areas of the Town of Blooming Grove into a future neighborhood planning area (Planning Area D, Group 1). While specific land use recommendations have not yet been developed for this area, an employment area is envisioned south of Femrite Drive, east of CTH AB (west of this site), with medium-density residential uses near these employment areas. Most of the remaining planning area is envisioned as low-density residential (up to 15 units per acre) and open space uses.

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.

Proposed Land Division: The applicant has submitted three land division concepts for the Plan Commission to consider:

- **Concept #1:** The applicant previously submitted a two-lot land division request for review by the Plan Commission on December 5, 2005 that would divide the northerly 8.18 acres into two lots from the 54-acre land area. The proposal would create two "flag" lots, including a 6.18-acre parcel that would be rezoned from County LC-1 commercial zoning to A-2 (4) agricultural zoning and would remain undeveloped. Lot 2 would be a two-acre lot that occupies approximately 120 feet of road frontage and will be zoned County R-1a single-family zoning to facilitate to construction of a single-family residence for the property owner's son. Lot 1 is proposed to surround Lot 2 on the north, east and south sides, with the unrelated former gravel pit parcel to bound it on the west. County A-2 (4) zoning has a four-acre minimum lot area, while County R-1a zoning requires 100 feet of road frontage and a minimum of one acre of lot area. As presented, both lots appear to conform to the minimum County zoning requirements.

The Planning Unit has a number of concerns with this land division concept and feels that it meets none of the criteria for a non-agricultural land division. The land division would create two deep and narrow parcels best described as flag lots, with the larger of the two lots to surround the second, smaller lot on three sides. Staff does not believe that the land division results in lots that are consistent with an existing land use pattern in the area, which includes mostly large, agricultural parcels interspersed with a few rural residential parcels of varying size (1-7 acres) primarily located north along Femrite Drive and southeast along the US 12 & 18 frontage. None of the smaller lots are immediately adjacent to this two-lot land division, though the southeasterly small lots do abut the larger 54-acre site. The subject site is located in an area that is generally envisioned by the City's draft Comprehensive Plan for urban development once a neighborhood development plan has been prepared. Staff believes that the development pattern and lot configuration created by this land division does not easily lend itself to more intensive urban development once urban services have been extended to this area sometime in the future. The lot configuration may also make providing urban

services to these two lots difficult. The Planning Unit further believes that the infill criteria is not met with this land division, as both the properties south along Femrite Drive and north along South Hope Road are large agricultural parcels. The division of the 8.18-acre site into two appears to create two parcels that are significantly smaller than lots immediately north or south of the subject property. The Planning Unit recommended **rejection** of this CSM at the December 5 meeting.

Subsequent to the draft report's recommendation on this two-lot proposal, the applicant met with staff and prepared two additional alternatives that incorporated more of the property owner's lands, which he indicates have been part of a family estate for 100 years.

- **“Plan A”:** This concept incorporates the entire 54-acre parcel and would create three parcels. The first parcel would be a five-acre tract located along most of the northernmost property line adjacent to South Hope Road and Femrite Drive that would be created to facilitate construction of a new single-family residence. The second parcel would be the continuation of the existing 5.5-acre parcel containing the existing single-family residence near the middle of the property's frontage, with the remaining 43 acres comprising the third lot.

Under this lot design, the third lot would extend the length of the property surrounding the two smaller lots proposed as well as the two parcels not included in the ownership in the southeastern quadrant. The property owner has provided a transmittal letter with the three land division concepts that indicates that this proposed division would be his preference. The applicant has indicated previously that he is dividing the land to provide one of his children a similar amount of property on which to build a home as the 5.5-acre parcel created for another child. The Planning Unit has many of the same concerns about the Plan A land division proposal as the original concept #1 reviewed above but with the added concern that the design of the remnant 44-acre parcel will make it very difficult to further divide or develop more intensively in the future due to its obtuse configuration.

- **“Plan B”:** The third land division concept proposes to divide the 54-acre parcel into a more uniform three-lot division creating lots of 22.7, 15.1 and 16.3 acres from north to south. This proposal will divide the Femrite Drive frontage in half, with the existing residence to be located on the northern end of Lot 2. Lot 3 will occupy the eastern wing of the property, with the western boundary of the lot to be the prolongation of the eastern line of Lots 1 and 2.

The Planning Unit believes that this land division concept is largely the best of the three put forth. Overall, the division of the property as shown on this proposal represents a more uniform subdivision pattern that should have the least negative impact on the potential for more intensive development of most of the 54-acre ownership. Staff also believes that this land division concept could be considered infill development consistent with the development pattern along this portion of Femrite Drive, which is currently characterized by some rural residential and agricultural tracts of various shapes and sizes. The addition of one residential unit on the northernmost 22-acre parcel should have little adverse impact on the future development of both that parcel and the surrounding area if appropriate conditions are applied to this lot and the other two lots being created.

Staff believes that the configuration of Lot 3 is very unusual and does not lend itself to rural residential development in the interim with a single-family residence like those proposed or existing on Lots 1 and 2 of the concept. The configuration also will make future, more intensive development of the land difficult. However, this configuration is the result of the earlier land divisions not subject to the approval of the City of Madison. Staff recommends that a restriction be recorded and noted on the certified survey prohibiting development on Lot 3 due to the design of this remnant lot. The Planning Unit is also requesting that a deed restriction be recorded that restricts the location of any buildings to be constructed on Lot 1 without the prior approval by the City. The intent of this restriction is to assure that any buildings are located where they will be least likely to restrict future development, the preparation of a well conceived neighborhood development plan for this area and the future extension of municipal services. This restriction as well as a restriction prohibiting further subdivision of Lots 1 and 2 should be noted on the certified survey.

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 Board of Cottage Grove approved the original land division request on July 5, 2005. The Dane County Board of Supervisors conditionally approved the original land division and a related zoning map amendment and as outlined in a letter dated October 18, 2005 from Norbert Scribner, Land Division Review, Dane County Department of Planning and Development. County approval of the rezoning included a requirement that a deed restriction be executed prior to the map amendments taking place that restricted that proposed Lot 2 (zoned A-2 (4)) be restricted to prohibit residential development.

Neither the Town nor the County has reviewed the Plan A or Plan B concepts. Review and approval by both of those entities would be required prior to the City approving a Certified Survey Map of those two concepts. The applicant would also be required to formally submit a CSM of the Plan A or Plan B concepts for further review by City reviewing agencies.

CONCLUSION

The property owner is proposing three distinct concepts for dividing his land into three parcels. The Planning Unit feels that the divisions proposed by Plan A and the original Concept #1 will create lots that staff feels will be difficult to provide municipal services to once such services are extended to this area in the near term, and deleterious to the establishment of a more intensive urban development pattern in the long run. Staff does not believe that these two land division concepts can comply with any of the criteria for non-agricultural land divisions, or that sufficient evidence has been provided to assert that the agricultural land division criteria that the proposed land division "will assist and assure the continuation of the agricultural use" is met.

The Planning Unit however, does believe that the Plan Commission can find that the Plan B land division concept does meet the non-agricultural land division criteria subject to conditions 14

restricting the location of new buildings or the creation of additional parcels. The lots created by this concept result in a more uniform subdivision pattern better in keeping with the development pattern in the surrounding area, which is characterized by a variety of rural residential and agricultural tracts of various shapes and sizes. Staff does not feel that the addition of one single-family residence on this 54-acre site will adversely affect future development of the area or the extension of municipal services if the new home is properly located.

RECOMMENDATION

Because the Planning Unit does not believe that Plan A or Concept #1 can comply with the standards and criteria for extraterritorial land divisions, staff recommends that the Plan Commission **reject** these land division concepts.

Should the Plan Commission concur with staff that the Plan B land division concept could meet the standards and criteria for extraterritorial land divisions, the Commission could **approve** the land division subject to the following conditions:

1. That a Certified Survey Map of the concept be submitted for further formal review by City of Madison reviewing agencies, with additional conditions of approval to provided based on the revised survey.
2. That a restriction be recorded and noted on the certified survey prohibiting development on Lot 3 due to the design of this remnant lot prior to approval of a CSM of this concept.
3. That a deed restriction be recorded and noted on the certified survey that requires Planning Unit approval of the location of any buildings to be constructed on Lot 1. [The intent of this restriction is to assure that any buildings are located where they will be least likely to restrict future development, interfere with the preparation of a neighborhood development plan, or the extension of municipal services.]
4. That a restriction prohibiting further subdivision of Lots 1 and 2 be placed on the face of the Certified Survey Map of this concept.