

PREPARED FOR THE PLAN COMMISSION



Project Address: 5000 N Sherman Avenue
Application Type: Direct Annexation from Town of Westport
Legistar File ID # [81305](#)
Prepared By: Timothy M. Parks, Planning Division

Summary

Requested Action: Approval of Ordinance ID 81305, annexing 159.14 of land from the Town of Westport to the City of Madison and assigning Temporary A (Agricultural District) zoning.

Petitioner: Cherokee Park, Inc.; Dennis Tiziani, President.

Status of Petitioner: Property owner. According to the petition, there are no electors on the nine parcels to be annexed.

Applicable Regulations & Standards: Section 66.0217 of Wisconsin Statutes outlines the process for annexation of land to municipalities in the State of Wisconsin. The subject petition is for direct annexation by unanimous approval of the property owner(s) pursuant to Wis. Stats. Section 66.0217(2).

Review Required By: Plan Commission and Common Council.

Development Schedule: The proposed annexation includes 159.14 acres of land in the Town of Westport developed as "TPC Wisconsin." TPC Wisconsin is the new name of the former Cherokee Country Club, and consists of an 18-hole golf course, clubhouse, and pool on the parcels to be annexed. The golf club and course were recently renovated, and no significant new construction is expected following the annexation. The City and petitioner have agreed that the annexation will take effect on January 31, 2024 if approved by the Common Council on January 23.

Parcel Location: The land to be annexed extend along the west side of N Sherman Avenue between Golf Parkway on the south and Cherokee Marsh North Unit conservation park. The property is located in the Waunakee Community School District.

Adopted Land Use Plan: The 2007 [Cherokee Special Area Plan](#) identifies the lands to be annexed as part of the 'Cherokee Country Club Sub-Area' (Sub-Area 3) and recommends that the golf course and clubhouse continue, with opportunities for low-density residential development to the southwest and northeast of the clubhouse and parking lot.

Public Utilities and Services: The parcels to be annexed are located in the Central Urban Service Area (CUSA). All or portions of eight of the nine subject parcels are located in mapped environmental corridor, including all of the 18-hole golf course; the clubhouse and undeveloped land between it and N Sherman Avenue are not located in the mapped corridor. All of the subject land is located within the boundaries of the Madison Metropolitan Sewerage District, which maintains a 48-inch interceptor sewer across the southern portion of the proposed annexation, to which the clubhouse is already connected. Additionally, the southern portion of the site can be served by City of Madison water, which maintains a 12-inch main in N Sherman Avenue that extends north to the Perfect Drive intersection.

Project Description, Analysis and Conclusion

Cherokee Park, Inc. is requesting the direct annexation of 159.14 acres of land to the City of Madison from the Town of Westport. The parcels to be annexed are generally bounded by N Sherman Avenue on the east, the City's Cherokee Marsh North Unit conservation park on the north, single-family residences in the Cherokee Park subdivision on the west, and condominiums located along Golf Parkway on the south. The parcels are developed with the TPC Wisconsin (formerly Cherokee Country Club) golf course, clubhouse, and pool.

The annexation of the subject parcels to the City of Madison is consistent with an annexation/attachment agreement between the City and Cherokee Park, Inc. dated April 11, 2007. Among the provisions in the agreement, Cherokee Park, Inc. is required to annex or attach their lands to the City no later than 15 years from the date of the agreement, with the exception of two parcels located across N Sherman Avenue in the Town of Burke, which are not required to attach to the City until 30 years after the agreement. [Note: Pursuant to a separate intergovernmental agreement and cooperative plan, the Town of Burke will be attached to Madison, the Village of DeForest, and the City of Sun Prairie on October 27, 2036.]

The parcels will be zoned Temporary A–Agricultural District with the annexation. Wis. Stats. Section 66.0217(8) requires that the Plan Commission make a recommendation on the temporary zoning of the annexed parcels. At some point following the annexation, staff anticipates that a request for permanent City zoning will be submitted for approval. Golf courses are conditional uses in both the A and PR (Parks and Recreation) zoning districts.

State law requires that the State's Department of Administration Office of Municipal Boundary Review (MBR) make a recommendation that an annexation is in the public interest. "Public interest" is defined in Section 66.0217(6)(c) as consideration of "[w]hether the governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town or by some other village or city whose boundaries are contiguous to the territory proposed for annexation which files with the circuit court a certified copy of a resolution adopted by a two-thirds vote of the elected members of the governing body indicating a willingness to annex the territory upon receiving an otherwise valid petition for the annexation of the territory" and "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city." The MBR determination for this annexation is pending, and should be available before the Plan Commission meeting.

If approved by the Common Council on January 23 as scheduled, the City and petitioner have agreed that the annexation will take effect on January 31, 2024.

Recommendation

The Planning Division recommends that the Plan Commission forward annexation ordinance ID 81305 to the Common Council with a favorable recommendation.

Note: A two-thirds favorable vote of the Common Council is required to approve the annexation.