



PREPARED FOR THE PLAN COMMISSION

Project Address: 3013 CTH BB, Town of Cottage Grove
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [43587](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicants & Property Owners: Donovan Peckham; 6551 Lake Road; Windsor.

Surveyor: Anthony Kasper, Birrenkott Surveying, Inc.; 1677 N. Bristol Street; Sun Prairie.

Requested Action: Approval of a Certified Survey Map (CSM) to create one lot from two parcels of land addressed as 3013 CTH BB, Town of Cottage Grove, in the City of Madison’s Extraterritorial Jurisdiction.

Proposal Summary: The proposed CSM combines two existing parcels into one commercial lot as part of the development of the site with a landscaping and excavating business. The applicant wishes to record the CSM 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. 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 City received the proposed CSM application for review on May 4, 2016. Therefore, the 90-day review period for this CSM will end circa August 4, 2016.

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 3 of this report.

Background Information

Parcel Location: An approximately 2.173-acre property located on the south side of CTH BB between Vilas Road and Vilas Hope Road; Monona Grove School District.

Existing Conditions and Land Use: The subject site is undeveloped. The site property was recently rezoned from County R-1A (Residence District) and C-1 (Commercial District) to LC-1 (Limited Commercial District).

Surrounding Land Uses and Zoning:

North: Undeveloped agricultural lands;

South: Door Creek Golf Course;

West: Single-family residences and a contractor's business on town lots of varying size, zoned County R-1 (Residence District), C-1 and C-2 (Commercial Districts);

East: Single-family residences, a contractor's business on town lots of varying size, zoned County R-1 (Residence District) and LC-1 (Limited Commercial District).

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area and is not located in a mapped environmental corridor. Dane County Planning staff notes that no sensitive environmental features or resource protection corridors are present on the site.

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 Area School District.

Project Description

The applicant is requesting approval of a Certified Survey Map (CSM) to combine two tax parcels totaling 2.17 acres of land into one lot for the purposes of establishing a landscaping and construction business on the property. The subject parcels are undeveloped and are located on the south side of CTH BB between Vilas Road and Vilas Hope Road in the Town of Cottage Grove. An existing gravel driveway extends into the site along the western property line. A "proposed building" is shown on the CSM for illustrative purposes.

Analysis and Conclusion

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 April 27, 2016. The Town of Cottage Grove Board approved the CSM on April 4, 2016. Dane County previously approved a rezoning of the

subject property to LC-1 for a landscaping and construction business with a conditional use for outdoor storage on December 3, 2015 (see attached correspondence).

City of Madison Land Use Plan: The property is located outside of the areas currently covered by an adopted City of Madison neighborhood development plan. The Comprehensive Plan identifies lands generally located between the City's Sprecher Neighborhood Development Plan and the Village of Cottage Grove – including the subject site – in Planning Area F (Group 2). Planning Area F notes the existence of a significant amount of unsewered residential development in this planning area and acknowledges that the long-term future of the area will likely not be agricultural. The Comprehensive Plan suggests that additional residential development may be appropriate in the portions of the planning area, with an increased housing variety recommended. Portions of the planning area may also be suitable for neighborhood mixed-use nodes if future residential densities are supportive. However, some of Planning Area F is also recommended for a potential permanent open space zone to separate Madison from the Village of Cottage Grove to the east. Additional neighborhood planning will be required to determine the future uses in this area, and any future planning by the City will likely depend on the establishment of an agreement between the City and town and village of Cottage Grove.

The Planning Division believes that the Plan Commission can find the approval criteria met with the proposed CSM, which proposes to combine two existing parcels into one lot for development purposes. No additional lots are proposed, and the proposed lot will not have an impact on the established development pattern present along the south side of CTH BB east of Vilas Hope Road, which features a number of other predominantly residential town lots of varying size and configuration. Staff also does not believe that the proposed lot will have an adverse impact on any future annexations of this property to the City of Madison, on future urban development activities in this area, or the ability to extend water or sanitary sewer services to this site in the future.

Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 3013 CTH BB, 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

1. The box shown as "proposed building" shall either be converted to a dimensioned building envelope or removed prior to final sign-off and recording of the CSM.

The following conditions of approval have been submitted by reviewing agencies:

City Engineering Division (Contact Brenda Stanley, 261-9127)

2. Sanitary sewer is not currently available for this property but when sewer is built, the property will be required to connect to sewer and pay for sewer area connection charges.
3. Prior to construction of the shed new WDNR guidance requires that a wetland delineation be performed on the property as there are wetland indicators present on the WDNR surface water data viewer. Prior to approval a delineation needs to be performed with the wetland shown on the CSM.

4. A 50-foot public drainage easement shall be dedicated with this CSM. The easement shall begin at the same point as the 75-foot setback line shown on the current CSM and extend away from the channel to the north and east.

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

5. There appear to be overhead utility lines within the near proximity of the north line of the Certified Survey Map. The utility lines shall be shown and an appropriate reference to the WP&L Easement per Document No. 806376 shown on the map.
6. The required drainage easement shall be dimensioned and labeled "Public Storm Water Drainage Easement" on the face of the map.
7. The City of Madison Plan Commission approval certificate shall be added to the Certified Survey Map.
8. Recorded as boundary dimensions shall be added to the east and south lines of the map.
9. Dimension the permitted access width on the face of the Certified Survey Map.
10. Add to the Owner's Certificate that the CSM must also be submitted to the City of Madison for approval.
11. The right of way of CTH BB appears to be along a curve per the taking 1107697. The map shall be revised accordingly.

Zoning Administrator (Contact Pat Anderson, 266-5978)

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

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

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 outside the Madison Water Utility service area.

Office of Real Estate Services (Jenny Frese, 267-8719)

12. Signature block certifications shall be executed by all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.
13. A certificate of consent for all mortgagees/vendors shall be executed prior to CSM sign-off.
14. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language "...surveyed, divided, mapped and dedicated..."

15. Pursuant to MGO Section 16.23(5)(e)4 and Wis. Stats. 236.21(2) (a), all CSMs that are subject to the review and approval of the City of Madison shall contain the following City of Madison Plan Commission certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: _____
Natalie Erdman, Secretary of the Plan Commission

Date: _____

16. As of July 15, 2016 the 2015 real estate taxes are paid for the subject property, which include special assessments. Per 236.21(3) Wis. Stats., the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts from the Treasurer are to be provided before or at the time of sign-off.

17. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Jenny Frese in City's Office of Real Estate Services (jfrese@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 (March 22, 2016) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. 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 Jenny Frese at the City's Office of Real Estate Services at jfrese@cityofmadison.com as soon as the recording information is available.

19. Revise the CSM prior to final sign-off as follows:

- a.) Depict, name, and identify by document number all existing easements cited in record title and the updated title report, or provide an explanation for their omission.
- b.) Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.
- c.) Include a note on the CSM describing the well agreement per Document No. 1276965.