

**PLANNING UNIT REPORT  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
of May 30, 2006**

**RE: LD. 03757, Certified Survey Map – 3034 Shady Oak Lane, Town of Verona**

1. Requested Action: Consideration of a two-lot Certified Survey Map (CSM) of the Johnson property located at 3034 Shady Oak Lane in the northwest quarter of the southeast quarter of Section 5, Township 6 N, Range 8 E, Town of Verona, 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. Applicant & Property Owner: Scott Johnson; 3333 Fieldview Lane; Cottage Grove.  
  
Land Surveyor: Mike Ziehr, Calkins Engineering, LLC; 5010 Voges Road; Madison.
2. Requested Action: Approval of a certified survey map to allow for the division of 5 acres of land into two residential lots.
3. Parcel Location: The subject site fronts onto Shady Oak Lane, approximately three-quarters of a mile north and west of CTH PD in the Town of Verona; Verona Area School District.
4. Existing Zoning: County RH-1 zoning (Rural Home District).
5. Existing Land Use: One single-family residence and a detached garage located approximately 83 feet from the eastern property line.
6. Proposed Land Use: The applicants propose to subdivide the parcel into two lots. The RH-1 zoning of the property is not proposed to change.
7. Surrounding Land Use and Zoning: The north side of this section of Shady Oak Lane is developed with single-family residences on large lots, including to the immediate north, east and west of the site, while lands south of the property are undeveloped agricultural tracts.
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: Verona Fire Department

Emergency medical services: Fitch-Rona EMS

Police services: Dane County Sheriff's Department – District W4.

School District: Verona Area School District

## **ANALYSIS AND EVALUATION**

**Proposed Land Division:** The subject site is a five-acre parcel with approximately 480 feet of frontage on Shady Oak Lane in the Town of Verona. The property is developed with a single-family residence and detached garage located on the eastern half of the site. The site is characterized by a slope from a high point in the northeastern corner that falls gradually to the southwest across the northern half of the site before continuing more precipitously toward the road. The property is heavily forested throughout, including a thick line of coniferous trees in the northwest corner of the site.

The site is located on the north side of Shady Oak Lane, which generally extends between Midtown Road on the north and CTH PD on the south. The east-west section of Shady Oak Lane on which the site is located is largely characterized by a mix of single-family residences on large tracts of land north of the road, while the area south of the road consists of undeveloped agricultural tracts with farmhouses and related accessory buildings. Further south of the site, the character becomes entirely agricultural continuing south toward CTH PD.

The applicant wishes to divide the property into two parcels. Lot 1 of the proposed division will be an approximately two-acre parcel with 246.08 feet of road frontage containing the existing residence and detached garage. Lot 2 is proposed as an undeveloped three-acre parcel containing approximately the same amount of road frontage as Lot 1, though Lot 2 will also include a 123-foot deep appendage that will extend behind Lot 1. The site is currently zoned County RH-1, which requires 150 feet of road frontage and a minimum of two acres of lot area. No rezoning is proposed to coincide with this request.

**Approval of CSM by Town of Verona 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 of Cottage Grove approved the proposed land division on or before April 10, 2006. Dane County conditionally approved the proposed land division as outlined in a letter dated April 17, 2006 from Norbert Scribner, Land Division Review, Dane County Department of Planning and Development.

**City of Madison Land Use Plan:** The City currently has a boundary agreement with the City of Verona that extends along Shady Oak Lane between Midtown Road and CTH PD. The property is located outside of the areas currently covered by an adopted City of Madison neighborhood development plan. The Comprehensive Plan proposes to include portions of the northern tier of the Town of Verona generally bounded by Timber Lane on the west, Midtown Road on the north, CTH M on the east and CTH PD on the south including the subject site and all of Shady Oak Lane into a future neighborhood planning area, Planning Area A (Group 1). Planning Area A is identified as a high priority for more detailed neighborhood planning in order to further define the City of Madison's near and long-term interests in serving future urban development and expansion in the area. Planning for this area will also refine plans for a recommended open space corridor and Ice Age Trail connection that traverses the area located generally east of the large-lot development along Shady Oak Lane. Future neighborhood planning activities will propose specific land uses and types of development for those portions of Planning Area A where future urban expansion and more intensive development is recommended. The Comprehensive Plan recommends that peripheral areas not planned for future urban development should generally remain in agricultural and other rural 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.

The proposed land division does not meet the standard for an agricultural land division and will instead be reviewed as a non-agricultural land division.

The Planning Unit believes that the proposed land division could be considered infilling as stipulated in Part d(i) as the proposal creates lots of similar design to other lots located generally north of Shady Oak Lane, including parcels immediately adjacent to the site on the north, east and west. The land division to allow one additional residence should not have a significant impact on future annexations or the provision of municipal services should any such Madison services extends to this area.

However, the Planning Unit is concerned with the proposed orientation of Lot 2, which is proposed to surround Lot 1 on two sides. While staff recognizes the presence of significant grades adjacent to Shady Oak Lane, there is potential for future urban development of these lots should such development be recommended in a future neighborhood development plan. The width of the two lots at Shady Oak Lane would theoretically permit a 56 to 60-foot wide public right of way to extend northerly into the site, with the potential for 90-foot deep lots to front both sides of such a street. No reason has been given for the proposed 123-foot deep appendage of Lot 2 north of Lot 1 and staff feels that this unusual configuration could infringe on the potential to further subdivide these sites should more intensive urban development ever extend to this area. Should it be determined that the land division criteria are otherwise met with this request, staff asks that the Certified Survey Map be revised to show a consistent north-south common line between these two lots.

## **CONCLUSION**

The applicant is requesting approval of a certified survey map that divides a five-acre parcel into two lots to allow the construction of second single-family residence. The Planning Unit believes that the proposal represents a continuation of an existing subdivision pattern present along the north side of this section of Shady Oak Lane and generally feels that the non-agricultural land division standards can be met with this request. Staff, however, recommends that the common line between the proposed parcels extend straight north to divide the property into two similarly shaped parcels and remove the proposed 123-foot appendage of Lot 2 extending north of and behind Lot 1, which staff feels could impact future urban development of these parcels. Otherwise, staff does not feel that the proposed land division will adversely affect future neighborhood planning for this area as recommended in the Comprehensive Plan or the future development of the property subsequent to the adoption of that plan should that be recommended.

## **RECOMMENDATION**

The Planning Unit recommends that the Plan Commission **approve** this Certified Survey Map subject to the following conditions:

1. Comments from reviewing agencies.
2. That the Certified Survey Map be revised to show the common line between Lots 1 and 2 extending straight north from Shady Oak Lane to the northern property line creating two similarly shaped parcels.



Department of Public Works  
**City Engineering Division**

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City Engineer

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**GIS Manager**  
David A. Davis, R.L.S.

DATE: May 19, 2006

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: Johnson Certified Survey Map (Shady Oak Lane)

The City Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

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| 1. N/A |
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**GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments: NONE

