



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 7021 Cottage Grove Road  
**Application Type:** Certified Survey Map (CSM) Referral  
**Legistar File ID #** [78425](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicants & Property Owners:** Michael J. and Lisa Koch Schuster; 7021 Cottage Grove Road; Madison.

**Surveyor:** Chris Casson, Birrenkott Surveying, Inc.; PO Box 237; 1617 N Bristol Street; Sun Prairie.

**Requested Action:** Approval of a Certified Survey Map (CSM) of property owned by Michael J. and Lisa Koch Schuster located at 7021 Cottage Grove Road.

**Proposal Summary:** The applicants are proposing to create three residential lots from a landlocked parcel located south of Cottage Grove Road, which is developed with a single-family residence.

**Applicable Regulations & Standards:** The proposed land division was submitted prior to the repeal and recreation of Section 16.23 of Madison General Ordinances by the Common Council on July 25, 2023 (Ordinance 23-00075 (ID 78130) and will be reviewed under the requirements of previous ordinance requirements. However, the applicant may elect to be reviewed under the new ordinance if they request.

The subdivision process is outlined in Section 16.23(5) of the pre-amendment Subdivision Regulations. Regarding the review of land divisions and Certified Survey Maps in Section 16.23(5)(g), the Secretary of the Plan Commission or her/his designee shall within 45 days of the filing of the complete application approve, approve conditionally, or refer the CSM to the Plan Commission for its consideration. The Plan Commission shall act on the land division within 90 days of the filing of the complete application, unless the time is extended by agreement with the applicant. The Secretary of the Plan Commission has determined that the proposed land division may not be approved administratively and has referred consideration of the CSM to the Plan Commission.

**Review Required By:** Plan Commission.

**Review Schedule:** The State’s subdivision statute, Wis. Stats. Ch. 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 application was originally submitted for review on June 12, 2023; however, the applicant submitted revised materials with a revised lot layout dated July 17, 2023. Therefore, the 90-day review period for this CSM will end around October 15, 2023.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission **place on file without prejudice** the Certified Survey Map to divide 7021 Cottage Grove Road into three lots due to the proposed lots’ nonconformance with the minimum area, width, and street frontage required in the A–Agricultural District, as outlined in this report.

**Background Information**

**Parcel Location:** The subject site is a landlocked 20.04-acre parcel located approximately a quarter-mile south of Cottage Grove Road (CTH BB), a quarter-mile east of Sprecher Road, and a quarter-mile northerly of E Buckeye Road (CTH AB); Ald. Dist. 16 (Currie); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is zoned A (Agricultural District) and is developed with a single-family residence located in the northeastern quadrant of the parcel.

**Surrounding Land Uses and Zoning:** The subject parcel is surrounded by undeveloped agricultural and open space parcels zoned A (Agricultural District) and CN (Conservancy District).

**Adopted Land Use Plans:** The 2018 [Comprehensive Plan](#) recommends the subject site and surrounding properties for Park and Open Space (P).

The 2017 [Yahara Hills Neighborhood Development Plan](#) recommends the subject site for Other Open Space and Stormwater Management.

**Zoning Summary:** The property is zoned A (Agricultural District).

Requirements (Non-Agricultural Uses)	Required	Proposed
Lot Area	10 acres	5.1 acres – 8.9 acres
Lot Width	300'	0' (All Lots)
Front Yard Setback	30'	To Be Determined
Side Yard Setback	80'	To Be Determined
Rear Yard	100'	To Be Determined
Maximum Lot Coverage	5%	To Be Determined
Maximum Building Height	2 stories/ 35'	Existing house will comply
Building Forms	Single-Family Detached Building	Existing house will comply
<b>Other Critical Zoning Items</b>		
Yes:	Barrier Free, Utility Easements, Floodplain, Wetlands	
No:	Urban Design, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Planning and Zoning staff</i>		

**Environmental Corridor Status:** The subject property is not located in the Central Urban Service Area (CUSA) and therefore has no environmental corridors are mapped on it. However, the property is characterized by a series of topographical features that will likely be considered for mapping in environmental corridors when the property and surrounding area are added to the CUSA. Those features include wooded wetlands on the western two-thirds of the site, two constructed drainage channels and an intermittent stream, all located in FEMA-mapped floodway (1% annual chance of flooding), and areas of steep slope in the northeastern corner of the property generally to the south and west of the existing single-family residence.

**Public Utilities and Services:** The subject site is not served by City of Madison water or sanitary sewer, though the Madison Metropolitan Sewerage District’s Far East Interceptor–Door Creek Extension extends west and south near the southeasternmost corner of the property.

## Project Description

Michael J. and Lisa Koch Schuster are requesting approval of a Certified Survey Map (CSM) to divide their approximately 20-acre property into three residential lots. The subject parcel is addressed as 7021 Cottage Grove Road (CTH BB) but contains no frontage along the road and is instead connected to it by a 30-foot wide private ingress-egress easement that extends across the adjacent parcel at 7049 Cottage Grove. In addition to being located approximately a quarter-mile south of Cottage Grove Road (CTH BB), the subject parcel is a quarter-mile east of existing Sprecher Road, and a quarter-mile north of E Buckeye Road (CTH AB). Most of the property is undeveloped with the exception of a single-family residence located in the northeastern quadrant. The site is characterized by a series of natural features, which include wooded wetlands on the western two-thirds of the site, two constructed drainage channels and a Wisconsin Department of Natural Resources-designated intermittent stream, all located in FEMA-mapped floodway, and areas of steep slope in the northeastern corner of the property generally to the south and west of the residence. [None of these natural features or the existing residence are depicted on the CSM as required by Wis. Stats. Ch. 236 or MGO Section 16.23.]

Lot 1 of the proposed CSM will be an L-shaped parcel to be located northwest of the existing residence, which will contain 5.88 acres of lot area. Lot 2 is proposed as a 5.1-acre parcel, which will contain the existing residence and will be surrounded by Lots 1 and 3. Finally, Lot 3 will include 8.9 acres of area that will extend along portions of all four sides of Lot 2, including a 33-foot wide strip of land that will extend between Lot 2 and the eastern line of the existing 20-acre property. All three proposed lots will touch the existing 30-foot ingress-egress easement that connects the property to Cottage Grove Road.

## Analysis

The proposed land division was submitted prior to the repeal and recreation of Section 16.23 of Madison General Ordinances by the Common Council on July 25, 2023 and will be reviewed under the requirements of previous ordinance requirements unless the applicants request review under the new code. The subdivision process is outlined in Section 16.23(5) of the pre-amendment Subdivision Regulations, with the process for land divisions and CSMs outlined in Section 16.23(5)(g).

Procedurally, a CSM shall be reviewed by the Department of Planning and Community and Economic Development, and other City agencies as determined by the Director of Planning and Community and Economic Development for comment concerning matters within their jurisdiction, for conformity with the provisions of the ordinances and for the possible effect of the proposed division on any plans as set forth in the Comprehensive Plan, the Official Map, or neighborhood unit development studies. The comments from agencies are to be submitted to the secretary of the Plan Commission. The Secretary of the Plan Commission or their designee shall within 45 days of the filing of the complete application approve, approve conditionally, or refer the CSM to the Plan Commission for its consideration. The Plan Commission shall act on the land division within 90 days of the filing of the complete application, unless the time is extended by agreement with the applicant. In this case, the Secretary of the Plan Commission has referred consideration of the proposed CSM to the Plan Commission as allowed by Section 16.23(5)(g)4.

The Planning Division has reviewed the proposed CSM and believes that it cannot be approved as submitted. The subject site is zoned A–Agricultural District, which requires a minimum of five (5) acres of area for lots containing an agricultural and resource use as identified in Table 28G-1 in Section 28.091 of the Zoning Code and ten (10) acres for lots containing all other uses. Dimensional requirements in the A district are specified in Section 28.092

of the Zoning Code. The Zoning Administrator has determined that a single-family dwelling, which is a permitted use in the A district, is not an agricultural and resource use and is therefore subject to the 10-acre lot minimum. As noted in the preceding section, none of the proposed lots, which the application indicates will be for residential use, will be larger than 8.9 acres. In addition to the insufficient lot area, the land division proposes three lots that will contain no frontage on a public street as required by Section 28.135(2) of the Zoning Code, which requires a minimum of 30 feet of street frontage for all lots unless located in a Planned Development district or as part of an approved planned multi-use site, as well as insufficient lot width (the A zoning district requires 300 feet of width for new lots). Section 16.23(3)(a)4. of the Subdivision Regulations requires that in land divisions and subdivisions plats, lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the property is located, and Section 16.23(8)(d)3. requires that lot dimensions shall conform to the requirements of the Zoning Code. In order to potentially divide the property, the applicant would need to rezone the property to a district with a less stringent lot area requirement and/or would need to obtain a variance from the Zoning Board of Appeals to the minimum required width and street frontage for the lots.

However, any future requests to rezone and divide the property should consider the many topographic features present on the subject site and the impact that any additional development could have on them. In general, the Subdivision Regulations discourage the division of land that may be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential, or unfavorable topography, or any other feature likely to be harmful to safety or welfare of future residents or landowners or of the community. More than half of the subject 20 acres are located in mapped floodway and include wooded wetlands. The existing residence sits approximately 50 feet above the features near the top of a steeply sloped ridge. These natural features factored into the open space and stormwater management land uses recommended for the site in the Yahara Hills Neighborhood Development Plan, and any future development of the subject property should carefully consider the potential impact that the creation of additional lots and any new buildings could have on them.

Future development of the property would also need to consider the availability of services for any additional lots and buildings. While the subject parcel cannot be served by City water at this time due to its distance from the closest main in Cottage Grove Road, the City Engineer has indicated that connection of any new lots and residences to sanitary sewer would be required as a condition of land division approval. Permits to install septic systems would not be supported by the City Engineer. As noted earlier in this report, the Madison Metropolitan Sewerage District's (MMSD) Far East Interceptor–Door Creek Extension extends west and south near the southeasternmost corner of the property. Connection to the MMSD interceptor would require an amendment to the boundary of the Central Urban Service Area to include the property to be requested by the City of Madison; at this time, there are no plans to seek an amendment to that boundary.

## **Conclusion & Recommendation**

The property owners are requesting approval of a Certified Survey Map (CSM) to divide their 20-acre landlocked parcel into three residential lots.

The property is currently zoned A–Agricultural District, which requires a minimum of five (5) acres of area for lots containing an agricultural and resource use as identified in Table 28G-1 in Section 28.091 of the Zoning Code and ten (10) acres for lots containing all other uses. The Zoning Administrator has determined that lots for residential uses in the A district are required to meet the 10-acre minimum, which none of the proposed lots do. Also, the proposed lots do not meet the minimum street frontage and lot width requirements in the Zoning Code. The

Subdivision Regulations require that lots created by land division or subdivision conform to the area and width requirements prescribed for the zoning district in which the property is located. None of the three lots proposed comply with the area and width requirements prescribed in the A–Agricultural District.

Due to the fundamental nonconformity of the proposed land division with the dimensional requirements in the existing zoning and the provisions in Section 16.23, staff does not believe that the land division can be approved or conditionally approved within the 90 days provided by statute. Further, staff does not feel that a written agreement with the applicant to extend review of the current application proposal beyond the 90 days allowed under statute is in the best interest of the City compared to placing the current request on file without prejudice, which would allow the applicants to resubmit once they were able to develop a lot layout that conformed to City ordinances.

Therefore, staff recommends that the proposed land division be **placed on file without prejudice**. In the event that the owners wish to revise their request to address the issues raised herein, a new application may be filed.

As the CSM cannot be approved as submitted, conditions from reviewing City agencies have not been included.