



Report to the Plan Commission

August 17, 2009

Legistar I.D. #15390 & 15647
1302 Wheeler Road
Rezoning & Certified Survey Map

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of a request to rezone approximately 73.3 acres located at 1302 Wheeler Road from Temp. A (Agriculture District) to C (Conservancy District), and; approval of a two-lot Certified Survey Map creating 1 outlot combining various City-owned parcels into one parcel for an addition to Cherokee Marsh Conservation Park and 1 outlot for future residential development by Cherokee Park, Inc..

Applicable Regulations & Standards: Section 28.12 (9) provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23 of the Subdivision Regulations.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment 3444 and the two-lot Certified Survey Map of property at 1302 Wheeler Road to the Common Council with recommendations of **approval**, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

Background Information

Applicants & Property Owners: Dennis Tiziani, Cherokee Park, Inc.; 13 Cherokee Circle, Madison and the City of Madison.

Surveyor: Patrick Cowell, Birrenkott Surveying, Inc.; 1677 N. Bristol Street; Sun Prairie.

Proposal: Cherokee Park, Inc. and the City of Madison are requesting approval of a two-lot Certified Survey Map that will combine four City-owned parcels into 1 outlot for regional stormwater management and an extension of Cherokee Marsh Conservation Park and create 1 outlot for future residential development by Cherokee Park, Inc. The proposed City outlot will be zoned to the Conservancy zoning district concurrent with this land division. The Cherokee Park, Inc. outlot will remain zoned Temp. A and R1 (Single-Family Residence District) until a development proposal is submitted for that parcel at some time in the future.

Parcel Location: Approximately 79.2 acres of land generally located on the north side of Wheeler Road immediately west of Comanche Way, Aldermanic District 18; Waunakee School District.

Existing Conditions: Undeveloped property, zoned Temp. A (Agriculture District).

Surrounding Land Use and Zoning:

North: Single-family residences in the Cherokee Park subdivision, zoned R1 (Single-Family Residence District);

South: Single-family residences in the Sherman Village subdivision, zoned R1; Northland Manor Park;

East: Single-family residences in the Cherokee Park subdivision, zoned R1;

West: Cherokee Marsh Conservation Park.

Adopted Land Use Plan: The Cherokee Special Area Plan identifies the City-owned property for park, open space and stormwater management consistent with the historic and proposed future use of the land. The proposed Cherokee Park, Inc. outlot is located in the “Wheeler Triangle” planning sub-area, which is envisioned for future low-density residential uses up to 8 dwelling units per acre.

Environmental Corridor Status: Most of the City-owned land is located in a mapped environmental corridor and is characterized by the presence of woodlands, wetlands, floodplain and permanent drainage channels. The Cherokee Park lands are not located within a mapped environmental corridor.

Public Utilities and Services: The subject site is located in the Central Urban Service Area and public sewer and water are generally available on the periphery of the property in both Wheeler Road and Comanche Way. The land owned by Cherokee Park, Inc. in the southeasterly portion of the subject site will be developed in the future, at which time public services will be extended into the site by private developer’s agreement.

Zoning Summary: See the ‘Project Review’ section below. In addition to the wetlands and floodplains noted in the ‘Environmental Corridor Status’ section above, the CSM may create drainage and utility easements dedicated to the public.

Project Review, Analysis & Conclusion

The City of Madison and Cherokee Park, Inc. are requesting approval of a two-lot Certified Survey Map (CSM) to delineate their ownership of a combined 79.2-acre site located on the north side of Wheeler Road west of Comanche Way. Approximately 77.06 acres of the 79.2-acre subject site were annexed to the City from the Town of Westport on July 7, 2009. In addition to the two-lot CSM, the City is also requesting approval of a rezoning of its 73.3 acres of the site from Temp. A (Agriculture District) to C (Conservancy District). The 5.82 acres of the overall site owned by Cherokee Park, Inc. will not be rezoned at this time and will remain zoned Temp. A and R1 (Single-Family Residence District).

The 73.3 acres of City-owned land includes 48 acres of land that were previously owned by Cherokee Park, Inc., which the City purchased on January 30, 2009. The 48 acres and three other existing City-owned parcels on the north side of Wheeler Road comprise an area commonly referred to as the Wheeler Open Space Parcel. Most of the City-owned land is located in a mapped environmental corridor and is characterized by the presence of woodlands, wetlands, floodplain and permanent drainage channels. Outlot 2 of the proposed CSM will allow the City to consolidate its five parcels into one Conservancy-zoned lot for regional stormwater management and open space uses as an extension of Cherokee Marsh Conservation Park, in accordance with the Cherokee Special Area Plan, which recommends the Wheeler Open Space Parcel for park, open space and stormwater management.

Outlot 1 of the proposed CSM will remain under the ownership of Cherokee Park, Inc. The proposed lot will consist of 5.82 total acres of property, including a section of Wheeler Road right of way vacated by the City in May 2008. Outlot 1 includes approximately 3 acres of land that were zoned Temp. A as part of the recent annexation; the remainder of the lot generally located south of the northerly line of former Wheeler Road right of way is zoned R1. The site is identified in the Wheeler Triangle planning sub-area of the Cherokee Special Area Plan, which recommends development of most of the site with low-density residential uses up to 8 units an acre. Rezoning of Outlot 1 is not proposed at this time and is instead proposed to coincide with a future development proposal for this site. While this is a somewhat

uncommon request, staff feels that it is appropriate in this case given the absence of a specific development proposal for the 5.82 acres. Staff, however, requests that a note be placed on the final CSM that states that no development of Outlot 1 shall be permitted until the property is fully zoned to allow development. A subsequent CSM to convert the outlot into a developable lot will also be required prior to any development occurring.

In closing, the Planning Division believes the proposed CSM and rezoning of the City-owned lands to Conservancy to be consistent with the recommendations of the Cherokee Special Area Plan and in conformance with the requirements of the Zoning Ordinance and Subdivision Regulations.

Staff Recommendations, Conditions of Approval & General Ordinance Requirements
Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment 3444, rezoning 73.3-acres of City-owned land at 1302 Wheeler Road from Temp. A (Agriculture District) to C (Conservancy District), and a Certified Survey Map creating 2 outlots from 79.2 acres, to the Common Council with recommendations of **approval**, subject to input at the public hearing and the following conditions:

1. That a note be added to the Certified Survey Map prior to final approval for recording that states that no development on Outlot 1 shall occur until this outlot is re-subdivided as a developable lot and until the entire property has been rezoned from Temp. A (Agriculture District). Any public infrastructure necessary to serve the future development of Outlot 1 may require a Developer's Agreement as a condition of approval of the rezoning and re-subdivision of that parcel. This shall include the construction of sidewalk along Wheeler Road.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

2. Revise the Certified Survey Map to include the public storm water drainage easement that was retained over the entire vacated Wheeler Road right of way per Document No. 4434930.
3. The CSM states "Right of Way Varies" for portions of existing Wheeler Road and Comanche Way. Revise the Certified Survey Map to include actual existing right of way dimensions for both.
4. The applicant shall dedicate a 20-foot wide public sanitary sewer easement in the east-west portion of vacated Wheeler Road (vacated in 1978) as a condition of approval of this CSM.
5. A copy of the wetlands delineation shall be provided to the City Engineer in both electronic and hard copy format.
6. The CSM shall provide a drainage easement from Comanche Way to the wetland, through Outlot 1.
7. In accordance with Section s.236.34(1)(c) which says a CSM shall be prepared in accordance with s.236.20(2)(c) & (f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of

Deeds recording data) and easements which are being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements.

8. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the final CSM must be submitted to the Engineering Division Surveyor/Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the final CSM in PDF form is preferred. Please transmit to epederson@cityofmadison.com

Traffic Engineering Division (Contact John Leach, 267-8755)

9. The applicants shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off.

Zoning Administrator (Contact Pat Anderson, 266-5978)

This agency did not submit a response for this request.

Parks Division (Contact Tom Maglio, 266-6518)

This agency did not submit a response for this request.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency submitted a response with no conditions of approval for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

10. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

11. This property is in a Wellhead Protection District. Any proposed development on this property will be subject to review by the Water Utility General Manager.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.