



Legislation Details (With Text)

File #: 32929 **Version:** 1 **Name:** Birchwood Pt LURA removal
Type: Resolution **Status:** Passed
File created: 1/24/2014 **In control:** PLAN COMMISSION
On agenda: 3/4/2014 **Final action:** 3/4/2014
Enactment date: 3/5/2014 **Enactment #:** RES-14-00182

Title: Approving a request to amend a condition of approval for the Birchwood Point subdivision at 10203 Mineral Point Road; 9th Ald. Dist.

Sponsors: Paul E. Skidmore

Indexes:

Code sections:

Attachments: 1. Birchwood Point LURA request_01-09-14.pdf, 2. Staff memo_02-20-14.pdf, 3. Birchwood Point Approval Letter_11-20-13.pdf, 4. Birchwood Point final plat.pdf, 5. Link to Birchwood Point zoning file (ID 31427)

Date	Ver.	Action By	Action	Result
3/4/2014	1	COMMON COUNCIL	Adopt	Pass
2/24/2014	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/4/2014	1	COMMON COUNCIL	Referred	
1/24/2014	1	Department of Planning and Community and Economic Development	Referred for Introduction	

Fiscal Note

No appropriation required.

Title

Approving a request to amend a condition of approval for the Birchwood Point subdivision at 10203 Mineral Point Road; 9th Ald. Dist.

Body

WHEREAS on November 4, 2013 the Plan Commission found the standards and criteria met and recommended adoption of a zoning map amendment, preliminary plat and final plat for the Birchwood Point subdivision on land addressed as 10203 Mineral Point Road; 9th Ald. Dist. to the Common Council subject to conditions contained in the Plan Commission's meeting materials; and

WHEREAS on November 19, 2013, the Common Council adopted Resolution 13-00860 (ID 31307) approving the preliminary plat and final plat of Birchwood Point and Ordinance (ID 31427) assigning TR-U1 (Traditional Residential-Urban 1 District) and TR-C3 (Traditional Residential-Consistent 3 District subject to conditions to be met prior to the recording of the plat; and

WHEREAS one of the conditions of approval required that the applicant, MRCEV Acquisitions, LLC/ Veridian Homes, execute a Land Use Restriction Agreement (LURA) benefitting the City, which prohibits the further subdivision of the 230 single-family lots (Lots 2-231) in the Birchwood Point plat, the form of said LURA to be approved by the City, executed by the applicant prior to final approval and recording of the Birchwood Point

plat, and recorded with the Dane County Register of Deeds immediately following recording of the final plat.

WHEREAS on January 9, 2014, the applicant submitted a letter to Katherine Cornwell, Director of the Planning Division requesting removal of the LURA for the reasons stated in the letter;

NOW THEREFORE BE IT RESOLVED that the Common Council modifies or releases the requirement for the applicant/ developer of the Birchwood Point subdivision at 10203 Mineral Point Road execute a Land Use Restriction Agreement (LURA) benefitting the City, which prohibits the further subdivision of the 230 single-family lots shown on the final plat approved on November 19, 2013;

BE IT FURTHER RESOLVED that any other conditions of approval for the subdivision shall remain in effect;

BE IT FURTHER RESOLVED that the approval of the final plat shall be null and void if not recorded in twelve (12) months of the original Common Council approval.