



Legislation Details (With Text)

File #:	48605	Version:	1	Name:	Deed Restrictions for Certain Burke & Blooming Grove Development
Type:	Resolution	Status:	Passed		
File created:	8/28/2017	In control:	PLAN COMMISSION		
On agenda:	10/3/2017	Final action:	10/3/2017		
Enactment date:	10/4/2017	Enactment #:	RES-17-00815		
Title:	Authorizing the Acceptance of Deed Restrictions to Allow for Certain Residential Land Divisions in the Town of Burke and Town of Blooming Grove Under Their Respective Cooperative Plans				
Sponsors:	Steve King				
Indexes:					
Code sections:					
Attachments:	1. Burke-BI Grove Residential Development Deed Restriction.pdf				

Date	Ver.	Action By	Action	Result
10/3/2017	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
9/18/2017	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER	Pass
9/5/2017	1	COMMON COUNCIL	Refer	Pass
8/28/2017	1	Planning Division	Referred for Introduction	

Fiscal Note

The City of Madison entered into cooperative plans with the Town of Blooming Grove and the Town of Burke in 2006 and 2007, respectively. The proposed resolution authorizes the Director of Planning, or designee, in the Department of Planning, Community & Economic Development to accept Deed Restrictions in lieu of rezoning to a residential zoning classification in the Town of Blooming Grove and Town of Burke under their respective cooperative plans. No City appropriation is required with the acceptance of the proposed Deed Restrictions.

Title

Authorizing the Acceptance of Deed Restrictions to Allow for Certain Residential Land Divisions in the Town of Burke and Town of Blooming Grove Under Their Respective Cooperative Plans

Body

WHEREAS, the Town of Blooming Grove ("Blooming Grove") and the City of Madison ("the City") entered into a cooperative plan entitled "Town of Blooming Grove and City of Madison Cooperative Plan" (the "Blooming Grove Plan") dated April 20, 2006; and,

WHEREAS, Section 11.B.(1) of the Blooming Grove Plan states, in relevant part: "Any development in the Town shall be subject to approval by the City in accordance with City Development Requirements... The Town shall not grant any development approvals inconsistent with this paragraph...."; and,

WHEREAS, Section 6.A. of the Blooming Grove Plan defines "development" in relevant part, as a "division of land, or construction of more than one principal structure on a parcel of land, or rezoning a parcel from a residential or agricultural classification to a non-residential classification"; and,

WHEREAS, Section 11.B.(3) of the Blooming Grove Plan also states: “The division of a five (5) acre or larger parcel (including parcels that are less than 5 acres because of a property acquisition by the City) existing as of February 18, 2005, into only two parcels for residential purposes shall not be considered “development” under this Plan, and the owners may divide and rezone the parcel to a single-family residential district and construct a single-family residence on each new parcel without the cooperation or approval of the City. A “parcel” is defined as the contiguous lands within the control of a single owner.”; and,

WHEREAS, the Town of Burke ("Burke"), the City of Madison, the Village of Deforest, and the City of Sun Prairie, entered into a cooperative plan entitled “Final Town of Burke, Village of Deforest, City of Sun Prairie, and City of Madison Cooperative Plan” (the “Burke Plan”) on January 5, 2007; and,

WHEREAS, Section 11.B.(1) of the Burke Plan states, in relevant part: “Any development in the Town shall, in addition to Town requirements, be subject to approval by...Madison...in accordance with...City of [Madison] Development Requirements...”; and,

WHEREAS, Section 6.A. of the Burke Plan defines “development”, in relevant part, as a “division of land, or construction of more than one principal structure on a parcel of land, or rezoning a parcel from a residential or agricultural classification to a non-residential classification”; and,

WHEREAS, Section 11.B.(3) of the Burke Plan also states, in relevant part: “The division of a five (5) acre or larger parcel (including parcels that are less than 5 acres because of a property acquisition by...Madison...) existing as of March 1, 2006 into only two parcels for residential purposes, shall not be considered development under this Plan, and the owners may, subject to applicable Town and County regulations, divide and rezone the parcel to a single-family residential district and construct a single-family residence on each of the two new parcels without the cooperation or approval of...Madison... A “parcel” is defined as the contiguous lands within the control of a single owner.”; and,

WHEREAS, the Town of Burke and the City have agreed upon terms of a deed restriction that would meet the requirements of the Burke Plan and allow residential land divisions in the Town of Burke without the need of City approval or rezoning of the property to be divided by Dane County; and,

WHEREAS the City Attorney's Office and Planning Division feel that a similar procedural allowance be provided for the division of applicable parcels in the Town of Blooming Grove given the similarities between the Burke and Blooming Grove plan provisions,

NOW THEREFORE, BE IT HEREBY RESOLVED, that, upon review of a Blooming Grove or Burke property owner’s request to divide a property for residential purposes, and confirmation that the proposal is consistent with the respective sections enumerated 11.B.(3) in the Blooming Grove and Burke cooperative plans, the Director of the Planning Division of the Department of Planning & Community & Economic Development, or designee, is authorized to enter into and accept, on behalf of the City, a Deed Restriction from the Property owner in lieu of a rezoning to a residential zoning classification, in a format approved by the City Attorney that is consistent with the document attached hereto.