



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 6433 Nesbitt Road, Town of Verona  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [33904](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant & Property Owner:** Mark L. Barnes & Perri Liebl, Barnes, Inc.; 6433 Nesbitt Road; Madison.

**Surveyor:** Timothy J. Moore, Moore Surveying, LLC; 2918 Marketplace Drive, Suite 108; Fitchburg.

**Requested Action:** Approval of a Certified Survey Map (CSM) to create 2 lots at 6433 Nesbitt Road, Town of Verona, in the City of Madison’s Extraterritorial Jurisdiction.

**Proposal Summary:** The proposed CSM creates a lot for a fueling facility for the applicant’s fleet of vehicles, which will be separate from the rest of their landscaping operations facility that occupies the rest of the subject property. The applicant wishes to record the CSM as soon as all regulatory approvals have been granted.

**Applicable Regulations & Standards:** The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. In particular, the Plan Commission shall determine that the proposed subdivision complies with each of the following criteria for approval in the extraterritorial plat approval jurisdiction:

1. The proposed subdivision or land division shall be compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
2. 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.

**Review Required By:** Plan Commission.

**Review Schedule:** The State’s subdivision statute, Wis. Stats. 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 City accepted the proposed CSM application for review on April 23, 2014. Therefore, the 90-day review period for this CSM will end circa July 23, 2014.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 3 of this report.

## Background Information

**Parcel Location:** An approximately 17.7-acre property located on the south side of Nesbitt Road, approximately midway between Maple Grove Drive and Fitcharona Road; Verona Area School District.

**Existing Conditions and Land Use:** The subject site is occupied with a series of buildings used by Barnes, Inc. for its landscaping business, including various shops and storage buildings, which are identified on the Certified Survey Map. The site is also characterized by a variety of outdoor storage areas and gravel parking areas. The entire site is zoned County C-2 (Commercial).

### Surrounding Land Use and Zoning:

North: Single- and two-family residences in the Town of Verona, zoned County R-1 (Residence District), and RH-2 (Rural Homes District); Apple Ridge Park in the City of Madison, zoned CN (Conservancy District);

South: US Highway 18-151;

East: County Materials, zoned County C-2;

West: Single-family residence in the Town of Verona, zoned A-1EX (Exclusive Agriculture District); City of Madison regional stormwater management facility, zoned CN.

**Environmental Corridor Status:** The subject site is not located in the Central Urban Service Area, the limits of which abut the property on the north and east, and there are no environmental corridors identified for the site. The City park to the north across Nesbitt Road is identified as public land and is located in a mapped corridor (see Map C12).

### Public Utilities and Services:

Water: The property is not served by municipal water;

Sewer: The property is not served by sanitary sewer;

Fire protection: Verona Fire Department;

Emergency medical services: Fitch-Rona Emergency Medical Service;

Police services: Dane County Sheriff's Department;

School District: Verona Area School District.

## Project Description

The applicants are requesting approval of a two-lot Certified Survey Map (CSM) to allow an approximately 17.7-acre parcel that extends 1,600 feet along the south side of Nesbitt Road to allow a 3.1-acre lot to be split from the larger property, which is occupied by Barnes Landscaping's operations facility. As noted on the CSM, the facility includes a number of office, shop and storage buildings spread across the long but relatively shallow parcel, which also abuts the northerly edge of the US Highway 18 & 151 right of way. Most of the remaining site includes landscaping material storage bins and piles and gravel parking areas.

The smaller Lot 2 proposed will house a future compressed natural gas (CNG) fueling facility for the applicants' landscaping vehicles. The letter of intent submitted with the CSM application indicates that use of the proposed fueling station may be expanded to allow other CNG-fueled vehicles to use it, and a fence is proposed to separate the fueling facility from the rest of the site to allow for its operation during off-hours when the

landscaping business is closed. A plan for the fueling facility has been included with the application materials for informational purposes.

## Analysis and Conclusion

**Approval of CSM by the Town of Verona and Dane County:** Section 236.10 (b) of the Wisconsin State Statutes 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.

Dane County granted conditional approval of the Certified Survey Map as outlined in a letter from Dan Everson, Land Division Review, Dane County Department of Planning and Development dated April 2, 2014. Correspondence was received on April 7, 2014 from the Town of Verona, which indicated that the proposed CSM had been approved by the Town Board on April 2, 2014.

**City of Madison Land Use Plan:** The Comprehensive Plan recommends the subject site for a combination of Industrial uses on the easterly portion of the property and Park and Open Space uses on the westerly portion. The property is also located on the southern boundary of the Cross Country Neighborhood Development Plan, which recommends that the site be developed with park, drainage and open space uses.

In reviewing the proposed land division, the Planning Division believes that the extraterritorial approval criteria can be met. The City of Madison and the Town of Verona do not currently have a boundary agreement to guide the future disposition of the subject property or other nearby properties located along Nesbitt Road in the Town between the City's regional stormwater management facility, which abuts the subject site on the west, and the Fitchburg city limits a half-mile to the east. However, staff does not believe that the proposed lot split will have an adverse impact on any annexations of this property or the ability to extend water or sanitary sewer services to this site in the future. The proposed lot configuration is also not incongruous with the development pattern present in the surrounding area, which includes other large industrial and commercial sites to the east, smaller residential parcels to the northeast, and public open spaces of varying size to the west and north.

## Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property located at 6433 Nesbitt Road, Town of Verona, in the City's extraterritorial plat approval jurisdiction subject to input at the public hearing and the following conditions:

**Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

1. Lot 1 shall be noted on the Certified Survey Map (CSM) to have no vehicular access to US Highway 18 & 151; this restriction shall be depicted graphically and as a note on the CSM.

**The following conditions of approval have been submitted by reviewing agencies:**

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

2. Provide State Plane Coordinate values at the section corners noted on the CSM. Provide under note 1 on Sheet 1 the datum utilized for the state plane coordinate system (example: NAD83 – 2007 adjustment).

3. Add language to Note 2 as follows: "Easement to be created by separate instrument and recorded at the Dane County Register of Deeds."
4. The existing portion of Nesbitt Road within this CSM shall be dedicated to the public by this CSM. There currently are City of Madison storm sewer facilities within a portion of this area. Additional language acknowledging the dedication will be necessary for the Owner's, Consent of Mortgagee and Town of Verona Certificates.
5. Add a note along the southeasterly side of the CSM stating "No Access to US Highway 18 & 151 per Document No. 1667853."
6. Add a note stating US Highway 18 & 151 is a Controlled Access Highway per Finding, Determination and Declaration recorded as Document No.'s 914740 and 960048.
7. Only one Surveyor's Certificate is required on the CSM. Remove any unnecessary certificates on the CSM.
8. The total overall measured bearings and distances along the east and west lines of the CSM shall be shown. Also, the overall length of the west line of Lot 1 shall be shown.
9. The "City of Madison Parcel #398311" is actually in the Town of Verona as parcel no 062-0608-123-9831-1. The parcel numbers shown on the CSM are abbreviated and not the full parcel numbers. Adjoining lands should be noted as "Lands", recorded CSM or recorded subdivision name and underscored with a dashed or dotted line per statute. Parcel numbers are not required.
10. Lot areas excluding public right of way shall be shown for Lot 1 and Lot 2.
11. The first course of the legal description shall add "along the south line of the SW ¼ of said Section 12 327.36 feet.." to specify the section line.
12. The third course of the legal description shall add "along the said Highway Right-of-way" after the bearing and distance.
13. The Owner's Certificate shall add the City of Madison as an approving agency.
14. The Surveyor's Certificate shall state who directed the surveyor to complete the survey.
15. Discharge of stormwater off future development from Lot 2 shall not be directed to the City of Madison Retention Pond immediately adjacent to the site without a permit and review by the City of Madison Engineer.
16. The applicant shall dedicate a 15-foot wide Permanent Limited Easement for grading and sloping along Nesbitt Road.
17. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in

this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat. Note: Land tie to two PLS corners required.

18. City of Madison Environmental Projects staff has reviewed the subject site and determined that a Phase I ESA **will** be required of the applicant. The applicant shall provide 1 digital and 2 hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for further review.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

This agency did not provide comments for this request.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

This agency submitted a response with no comments or conditions for this request.

**Fire Department** (Contact Bill Sullivan, 261-9658)

Note: The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Water Utility** (Contact Dennis Cawley, 261-9243)

This property is outside the Madison Water Utility service area.

**Office of Real Estate Services** (Jenny Frese, 267-8719)

19. Prior to requesting final sign-off, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.
20. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to final CSM sign-off.
21. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language "...surveyed, divided, mapped and dedicated..."
22. Disclose any tenancy in excess of one year and provide the document number or tenancy description as a note on the face of the CSM.
23. Please remove the Madison Common Council certificate, as approval by that body is not required for this request.
24. Please include the Plan Commission Secretary's name, Steven R. Cover, in the City of Madison Plan Commission certificate.
25. Please include the name of the Dane County Register of Deeds, Kristi Chlebowski, in that certificate.

26. Per 236.21(3) Wis. Stats, the 2013 taxes shall be paid in full prior to final CSM sign-off if the tax bills have been distributed.
27. An Environmental Site Assessment is required for the public road dedication.
28. Include notes on the CSM to describe and label by document number the 7 encumbrances reported under #5 "Miscellaneous" in title.