



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 7671-7713 Mid Town Road, Town of Verona  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [34638](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicants & Property Owners:** Douglas Maxwell, Paul L. Maxwell and Maxwell Family, LLC; 7711 Mid Town Road; Verona.

**Surveyor:** Thom R. Grenlie; 400 S. Nine Mound Road; Verona.

**Requested Action:** Approval of a Certified Survey Map (CSM) to create 4 lots from land addressed as 7671-7713 Mid Town Road, Town of Verona, in the City of Madison's Extraterritorial Jurisdiction.

**Proposal Summary:** The proposed CSM creates 2 residential lots and 2 agricultural lots from 8 existing parcels of varying sizes and uses. 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 June 25, 2014 pending approval by Dane County. The County approved the CSM on July 31, 2014. Therefore, the 90-day review period for this CSM will end circa October 31, 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 90.4-acre property located on the south side of Mid Town Road, approximately midway between Timber Lane and Mound View Road; Verona Area School District.

**Existing Conditions and Land Use:** The subject site includes 2 existing single-family residences on parcels addressed as 7671 and 7711 Mid Town Road in County zoned A-1EX (Exclusive Agriculture District) and RH-2 (Rural Homes District), respectively, and a large barn on an L-shaped parcel addressed as 7713 Mid Town Road in County A-2 (Agriculture District). The remainder of the site is agricultural in character in A-1EX zoning.

### Surrounding Land Use and Zoning:

**North:** Single-family residences across Mid Town Road in the town of Verona, of Middleton zoned County A-1 (Agriculture District), and RH-2 and RH-3 (Rural Homes District);

**South:** Undeveloped agricultural land, zoned A-1EX (Exclusive Agriculture District);

**East:** Single-family residences on the south side of Mid Town Road in the Town of Verona, zoned RH-1; undeveloped agricultural lands, zoned A-1EX;

**West:** Single-family residences along Timber Lane in the Town of Verona, zoned R-1 (Residence District) and RH-1.

**Environmental Corridor Status:** The subject site is not located in the Central Urban Service Area, and there are no environmental corridors yet identified for the site. However, areas of steep slope (greater than 12%) and woodlands are identified on the subject site. There is also an intermittent stream shown extending across the southeastern corner of the property (see Map A11).

### 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 Certified Survey Map (CSM) to consolidate 8 parcels of varying size and use into 4 lots. The 8 existing parcels comprise 90.4 acres of land located on the south side of Mid Town Road approximately midway between Timber Lane on the west and Mound View Road and Shady Oak Lane on the east. The surrounding area is characterized by a high concentration of small single-family homes sites located along Timber Lane on the west and on the north by larger home sites located along both sides of Mid Town Road. Lands south and east of the subject parcels are primarily large agricultural properties. The frontage of the site is located along the section of Mid Town Road that deviates south of the township line between Verona and Middleton before terminating at Timber Lane.

Two of the 4 lots proposed, Lots 1 and 3, will include approximately 35 and 42 acres of the subject property, respectively. The letter of intent indicates that these lots will be used for agricultural education in agricultural

zoning, with the parcels to be sold to a horse sanctuary following approval and recording of the proposed CSM. A 20,000 square-foot barn located on the property will be located on proposed Lot 1. The remaining lots, Lots 2 and 4, will contain 5.1 and 5.4 acres of land, respectively, for 2 existing single-family residences located along the Mid Town Road frontage of the subject site. Both home sites will be zoned RH-2.

## 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 July 31, 2014. The Town of Verona Board approved the CSM and the related County zoning map amendments on June 3, 2014. Dane County previously approved a rezoning of the subject property from A-1EX, A-2 and RH-2 to A-3 for Lots 1 and 3 and to RH-2 for Lots 2 and 4 on July 17, 2014 (see attached correspondence).

**City of Madison Land Use Plan:** The subject site is located within Peripheral Planning Area A as defined in the Comprehensive Plan. Planning Area A is a "Group 1" planning area, which extends north from McKee Road/ CTH PD to the northern edge of the Town of Verona from Timber Lane east to S. Pleasant View Road/ CTH M and is recommended as a potential location for City expansion and future urban development once a detailed neighborhood development plan is adopted to guide urban development in this area. The Comprehensive Plan recommends primarily residential development within Planning Area A, with limited supporting uses possible depending on the extent and density of the developed area. The Plan emphasizes the preservation of important glacial features within the area as permanent open space, including an extension of the National Ice Age Scenic Trail across this area to connect a trail segment within the University Ridge Golf Course with trail segments continuing northward along a terminal moraine. The presence of considerable unsewered residential development within the planning area, primarily along existing roads, the growth of Epic and the City of Verona north towards the southern edge of Planning Area A, and the lack of an intergovernmental agreement with the Town of Verona are all acknowledged as potential impacts on City of Madison land use planning in the 2006 Plan.

Most of those conditions continue to this day. The portion of Planning Area A located east of Shady Oak Lane was included in the Shady Woods Neighborhood Development Plan. However, only a portion of that plan was adopted in 2009 to provide plan guidance for lands located at Woods and Mid Town roads, most of which was already in the City of Madison. The rest of the planning area remains in limbo due to concerns expressed by Town property owners east of Shady Oak Lane about some of the plan's draft recommendations.

In reviewing the proposed land division, the Planning Division believes that the extraterritorial approval criteria can be met. Staff does not believe that the proposed reconfiguration of the 8 existing parcels that comprise the site into 4 lots will have an adverse impact on any future annexations of this property to the City of Madison or the ability to extend water or sanitary sewer services to this site in the future. The proposed land division is compatible with the general land development pattern of the area, which features many other residential parcels of varying size and large agricultural tracts, and should not adversely affect the City's ability to provide public services to this area in the future or implement any land use plans it may adopt.

## Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 7671-7713 Mid Town 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. The Certified Survey Map (CSM) shall be revised to depict any intermittent or perennial streams present on the subject parcel, as suggested by Environmental Corridor Map A11, or include a note stating that no such water bodies exist on the subject property. If an intermittent or perennial stream is present on the site, the CSM shall include any buffers or setbacks required by State statute or administrative code.

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

#### City Engineering Division (Contact Janet Schmidt, 261-9688)

2. The majority of the lands within this CSM are subject to the Well Agreement per Document No. 1731179. This agreement shall be modified (or terminated if appropriate) to specify the lot(s) within this proposed CSM that is to be a party to the agreement.
3. 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.
4. Place a note on the CSM that Lot 4 will be subject to the Private Sewage System Maintenance Agreement per Document No. 2574550.
5. Per the title report provided, a Consent of Mortgagee Certificate for US Bank National Association is required to be added to the CSM.
6. Remove all of the City of Madison notes on Sheet 3 and associated easements on the map on Sheet 2. Any drainage or stormwater easements/agreements/restrictions to be noted on this CSM shall be those required by the Town of Verona and/ or Dane County.
7. Separate the signatures required for the Maxwell Family LLC from the individual signatures required for Douglas P. Maxwell and Martha D. Maxwell. These are distinct separate entities having ownership to lands within the CSM.
8. Add the City of Madison to the approving agencies under the Owner's Certificate.
9. Show the total overall width of Mid Town Road.

10. The applicant shall dedicate a 10-foot wide Permanent Limited Easement for grading and sloping along Mid Town Road.

11. 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.
12. 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.

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

This agency submitted a response with no comments or conditions 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)

This agency did not provide comments for this request.

**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)

13. 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. Please include separate certificates for the three ownership interests, or revise one of the certificates to combine the sole proprietor and LLC interests.
14. A certificate of consent for all mortgagees shall be included following the Owner's Certificate(s) and executed prior to final CSM sign-off. Either include a Consent of Mortgagee for the US Bank mortgage recorded as Document No. 4882074, or provide a recorded satisfaction of mortgage for the same.
15. 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..."
16. Any tenancy in excess of one year shall execute a Consent of Lessee prior to final sign-off.
17. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g), the property owner shall pay all real estate taxes for the subject property prior to CSM recording. As of July 23, 2014, the 2013 real estate taxes are paid for the subject property.

18. Revise the CSM prior to final sign-off as follows:

- a.) Include a complete and accurate legal description in the header on Sheet 1.
- b.) Where possible and applicable, label and depict all easements reported in record title, or describe them by document number in the notes on Sheet 3.
- c.) Remove the City of Madison notes on Sheet 3 that are not applicable for Town of Verona lands.
- d.) Coordinate with Town of Verona or County staff to determine if the 6-foot and 12-foot drainage easements depicted on the proposed CSM shall remain.
- e.) Label and depict the underlying lots lines and numbers for prior CSM 4067.