



**Project Address:** 3419-3437 Vilas Road, Town of Cottage Grove  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [32519](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicants & Property Owners:** Fred & Diane Goetz; 3437 Vilas Road; Cottage Grove, and; John Dott, 3419 Vilas Road; Cottage Grove.

**Surveyor:** Dave Riesop, Wisconsin Mapping, LLC; 306 W. Quarry Street; Deerfield.

**Requested Action:** Approval of a three-lot Certified Survey Map (CSM) of properties generally located at 3419 and 3437 Vilas Road, Town of Cottage Grove, in the City of Madison's Extraterritorial Jurisdiction.

**Proposal Summary:** The proposed CSM will create an approximately 12.4-acre lot for an existing house and detached garage north of Little Door Creek with approximately 100 feet of frontage onto Vilas Road (Lot 1), a 1.75-acre lot for an existing house, auto repair shop and 2 detached garages located south of the creek (Lot 2), and an outlot for conservancy behind Lot 2, south of the creek and along the north edge of the US Highway 12-18 right of way. The applicants wish 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 proposed CSM application was accepted for review by the City on December 4, 2013. Therefore, the 90-day review period for this CSM will end circa March 4, 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 4 of this report.

## Background Information

**Parcel Location:** An approximately 16-acre land area comprised of 5 existing parcels generally located on the west side of Vilas Road on the north side of US Highway 12-18 and bisected by Little Door Creek; Stoughton Area School District.

**Existing Conditions and Land Use (in Dane County zoning):** The parcel addressed as 3437 Vilas Road and located generally north of Little Door Creek is developed with a single-family residence and detached garage in RH-3 (Rural Homes 3 District) zoning. The land south of the creek includes a two-bay, one-story auto repair garage in C-2 (Commercial District) zoning at 3419 Vilas Road, and a one-story single-family residence and 2 detached garages on property generally addressed as 2725 & 2760 US Highway 12-18. The frontage of the site south of the creek was recently rezoned from RH-1 (Rural Homes 1 District and C-1 (Commercial District) to C-2, with the western portion of the property south of the creek characterized by wetland and 100-year floodplain.

**Surrounding Land Use and Zoning:** The subject site is bounded on the south by US Highway 12-18, which intersects Vilas Road at an at-grade intersection. The surrounding properties are largely undeveloped agricultural lands and woodlands with the exception of a scattering of single-family residences. Properties west of Vilas Road and north of the site are primarily zoned in various Rural Homes zoning districts, while properties east of Vilas Road are primarily zoned A-1 EX (Exclusive Agriculture District).

**Environmental Corridor Status:** The subject site is not located in the Central Urban Service Area and is not located in a mapped environmental corridor (Map H10). In addition to Little Door Creek running through the site, the corridor map shows woodlands (greater than 80% canopy) on most of proposed Lot 1 and the presence of 100-year floodplain on proposed Outlot 1 and at the rear of the buildings on proposed Lot 2.

### Public Utilities and Services:

Water: Property is not served by municipal water;

Sewer: Property is not served by public sewer;

Fire protection: Cottage Grove Volunteer Fire Department;

Emergency medical services: Deer-Grove Emergency Medical Services;

Police services: Dane County Sheriff's Department;

School District: Stoughton Area School District.

## Project Description

The property owners are requesting approval of a three-lot extraterritorial Certified Survey Map to adjust their common property line and consolidate 5 existing parcels into 2 lots and 1 outlot. The site is located along the west side of Vilas Road on the north side of US Highway 12-18 and is bisected by Little Door Creek. The site is characterized by a unique existing exterior boundary, a significant area of mature tree cover on the northern portion of the site, and areas of wetland and 100-year floodplain on the southern portion of the site primarily south of the creek. The southern edge of the site along the State highway is subject to existing vehicle access restrictions, which prevent direct access onto the limited access expressway from these properties.

The proposed CSM will create the approximately 12.4-acre Lot 1 for the existing house and detached garage at 3437 Vilas Road north of the creek. Lot 2 of the CSM will be a 1.75-acre parcel for an existing house, the auto repair shop, and 2 detached garages located south of the creek, all of which will be zoned commercially. The common line proposed between Lots 1 and 2 will be the centerline of the creek as it crosses the site. Outlot 1 will be a conservancy parcel located west of Lot 2 and south of the creek, which will extend along the north edge of the US Highway 12-18 right of way and contain most of the wetlands and floodplain present.

## Analysis

**Approval of CSM by the Town of Cottage Grove 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 land division as outlined in a letter dated October 23, 2013 from Dan Everson, Land Division Review, Dane County Department of Planning and Development. On July 18, 2013, the Dane County Board approved a request to rezone the properties to add land to the C-2 (Commercial District) zoning for the auto repair garage and southern residence, while zoning the outlot containing floodplain and wetland was zoned CO-1 (Conservancy District). The residential property north of the creek was zoned entirely to RH-3 (Rural Homes 3 District). As a condition of the County rezoning approval to be implemented as part of the final approval of the CSM, the applicant is required to deed restrict the properties from the installation of off-premise advertising signs (billboards) and a limitation on the uses permitted on the C-2-zoned property (see attached County zoning approval for more information). The Town of Cottage Board conditionally approved the proposed land division on October 7, 2013, and recommended approval of the rezoning requests on June 25, 2013.

**City of Madison Land Use Plan:** The subject site is located on the boundary between with Peripheral Planning Areas D and I as defined in the Comprehensive Plan. The Comprehensive Plan identifies Area D as a "Group 1" planning area for future urban expansion given the growth occurring west of that planning area in the City's Sprecher, Cottage Grove and Marsh Road neighborhood planning areas. Portions Area D are already in the City, and the area is well served by existing and planned roadways, and City of Madison and Madison Metropolitan Sewerage District utilities and facilities are located on the edges of the planning area and can be relatively easily extended into the area to serve future urban development. The Comprehensive Plan suggests that further planning for Planning Area D will occur in one or more neighborhood development plans and will likely depend on the establishment of an agreement between the City of Madison and the Town of Cottage Grove.

Planning Area I is a "Group 3" planning area recommended primarily for continued agricultural and open space uses, and urban development is not recommended or anticipated during the approximately 20-year planning period. The Generalized Future Land Use Plan primarily identifies the easternmost edge of Area D and all of Area I, including the subject site, for Agricultural and Rural Uses. The Little Door Creek corridor is recommended for Park and Open Space uses.

## Conclusion

The Planning Division believes that the Plan Commission can find the above criteria met with the proposed land division, which primarily calls for the consolidation of 5 existing parcels into the residential Lot 1 north of Little Door Creek and the commercial/ residential Lot 2 south of the creek. Impacts from the lot consolidation

proposed should be limited, and staff does not believe that the land division will adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations in this area in the future. Staff estimates that such activities are likely to be 20 years or more away from occurring and will likely be dependent on the City entering into an intergovernmental agreement with the Town of Cottage Grove.

## Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property located at 3419-3437 Vilas Road, Town of Cottage Grove, 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

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

1. The applicant shall dedicate 33 feet of right of way from the existing centerline of Vilas Road.
2. A 50-foot wide public drainage easement centered on the meander line of Little Door Creek shall be dedicated with this CSM.
3. Denote the graphic limit of the Zone A Flood Zone within the Certified Survey Map (CSM).
4. The easement per document No. 922259 shall be shown if it encumbers Lot 1 of the proposed CSM.
5. Lot 1 of the Certified Survey Map shall note it is subject to a Private Sewage System Maintenance agreement per Doc. No. 2523840.
6. If easements (AT&T and WP&L) per Document Nos. 469613 and 589666 encumber this Certified Survey Map, they shall be shown and labeled accordingly.
7. The header to each sheet and the legal description in the Surveyor's Certificate reference "CSM 3820". The correct CSM Number is 3810. This shall be corrected in all locations on the CSM.
8. The CSM shall note that Lot 2 is subject to Document Nos. 1691969, 1780228 and 3366065 in regard to on-site private septic system facilities.
9. The CSM shall note that Lot 2 is subject to a well agreement per Document No. 2112325.
10. The CSM shall note that it is subject to Access Restrictions per Document Numbers 2818919 and 2815029.
11. Provide recorded as data along the exterior lot lines of Lot 1 as per Document No. 4457573.
12. On Sheet 1, thicken the lot line that runs along Little Door Creek to better show that the creek is the division line between the proposed lots.
13. Add bearing and distances between Lot 1 and Outlot 1.

14. Correct the reference to Section 29 on the next to last course of the legal description to Section 32.
  15. The portion of Vilas Road adjacent to Lot 1 was conveyed to the Town of Cottage Grove by Document No. 1273510. This area shall be removed from the CSM.
  16. Provide a bearing along the right of way of Vilas Road along the southeast side of Lot 2 having a length of 200.28 feet.
  17. Document Number 2122838 is actually a 5-foot wide access easement over adjacent CSM 5695. The 15-foot wide access easement over Lot 2 of this CSM is Document No. 2112296. Correct and add the labeling for both easements and provide width dimensions as required.
  18. Add the City of Madison as an approving agency to both Owner's Certificates as required by statute.
  19. Remove the radius lines shown on Sheet 1 for curve 5 to 6.
  20. Delinquent taxes shall be paid before final City sign off.
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21. 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.
  22. In accordance with Section s.236.34(1)(c), which says that a CSM shall be prepared in accordance with s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant shall show the type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements that are being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements.

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

23. Show on the CSM any wetland and floodplain areas. Provide a 75-foot protective buffer from the wetlands and/or floodplain pursuant to Madison General Ordinance Section 37.09(3)(h) and Wisconsin Administrative Code (NR 103.04).

**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 submitted a response with no comments or conditions 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)

24. 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.
25. A certificate of consent by the mortgagee/vendor shall be included following the Owner's Certificates and executed prior to final sign-off.
26. 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..."
27. Per 236.21(3) Wis. Stats, the 2013 taxes shall be paid in full prior to final CSM sign-off. Special assessments are included in the tax amounts. Receipts are to be provided on or before final sign-off of the CSM.
28. The following CSM revisions shall be made:
  - a.) Depict, name, and identify by document number on the proposed CSM all existing easements cited in record title and the updated title report.
  - b.) Create an area for notes on the CSM and describe all applicable items reported in record title.
  - c.) Correctly depict, label and dimension both easements described in Warranty Deed 4268558.
  - d.) Correct the typo in the legal description to read CSM 3810, not CSM 3820.
  - e.) Coordinate with government entities regarding the need for the property owner to dedicate public right-of-way along Vilas Road.
  - f.) Include the former CSM lot numbers on Sheet 2 of the CSM.
  - g.) Please update all certificates with the current year.
  - h.) Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for \_\_\_\_\_ purposes."