



PREPARED FOR THE PLAN COMMISSION

Project Address: 33-45 Nob Hill Road, Town of Madison
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [33905](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Wisconsin Education Association Insurance Trust; PO Box 8003; Madison; Troy Mayne, representative.

Surveyor: Chris Adams, Williamson Surveying and Associates, LLC; 104A W. Main Street; Waunakee.

Requested Action: Approval of a Certified Survey Map (CSM) to revise the lot lines of 2 existing parcels located at 33 and 45 Nob Hill Road, Town of Madison, in the City of Madison's Extraterritorial Jurisdiction.

Proposal Summary: The proposed CSM adjusts the boundaries of 2 existing parcels previously created by two different Certified Survey Maps (5801 and 11532). The property owners, Wisconsin Education Association Insurance Trust and the Wisconsin Education Association, 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 applicant initially submitted their land re-division to the City on April 23, 2014 but later requested referral while County zoning matters related to the property were addressed, which resulted in a minor expansion of the lands included on the CSM. The City accepted the revised CSM application for review on November 5, 2014. Therefore, the 90-day review period for this CSM will end circa February 5, 2015.

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 33.2-acre parcel located on the south side of Nob Hill Road, approximately midway between Rimrock Road and South Towne Drive; Madison Metropolitan School District.

Existing Conditions and Land Use: The proposed CSM comprises two sites. The first site is owned by the Wisconsin Education Association (WEA) Trust and is developed with 2 two-story office buildings with partially exposed lower levels. Access to the WEA property is provided from the end of a Coyier Lane and by a driveway from Nob Hill Road, with surface parking lots located between the buildings and drive entrances. The second property is owned by the Wisconsin Education Association Council (WEAC) and is developed with a three-story office building located at the top of a prominent hill with parking located on the west and south. Access to the WEAC property is provided by a single driveway from Nob Hill Road. Both properties also include smaller accessory buildings.

Surrounding Land Use and Zoning:

North: Beltline Highway (US Highway 12-18); Madison Landau auto parts and service across Nob Hill Road, zoned County C-2 (Commercial District) in the Town of Madison and SE (Suburban Employment District) in the City of Madison;

South: Undeveloped land in the City, zoned CN (Conservancy District);

East: Undeveloped land in the City, zoned CN;

West: Surface parking for WEA buildings on adjoining parcel, Harker Heating & Cooling, Holmes Tire and Auto in the Town along Nob Hill Road; multi-tenant commercial buildings and residential on Coyier Lane, zoned County C-2; Lifeline, Hy-Cite Enterprises and residential on Holtzman Road, zoned County C-1 (Commercial District).

Environmental Corridor Status: The subject site is located in the Central Urban Service Area. Areas along the eastern and southern property lines are located in a mapped environmental corridor that includes woodlands, wetlands and a pond (Map E10). In addition, the corridor map identifies an area with steep slopes exceeding 12% at the center of the site

Public Utilities and Services:

Water: The properties are served by the City of Madison Water Utility;

Sewer: The properties are served by the Town of Madison sanitary sewers;

Fire protection: Town of Madison Fire Department;

Emergency medical services: Town of Madison Fire Department;

Police services: Town of Madison Police Department;

School District: Madison Metropolitan School District.

Project Description

The applicant is requesting approval of a two-lot Certified Survey Map (CSM) to modify the boundaries of 2 existing lots generally addressed as 33 and 45 Nob Hill Road in the Town of Madison.

The first of the two properties included in the CSM is owned by the Wisconsin Education Association (WEA) Trust and is developed with 2 two-story office buildings with partially exposed lower levels. Access to the WEA property is provided from driveways from Nob Hill Road and at the end of a Coyier Lane, a short, commercially-developed Town road that extends east from Badger Lane and terminates at the subject site. The remainders of the WEA property includes surface parking lots located between the buildings and drive entrances. The second property is owned by the Wisconsin Education Association Council (WEAC) and is developed with a three-story office building located at the top of a hill with prominent views in all directions. Parking is located on the west and south sides of the building, with access to the WEAC property provided by a single driveway from Nob Hill Road. Both properties also include smaller accessory buildings.

The combined properties are characterized by heavy tree cover in addition to the significant grades present. The undeveloped southeastern portion of the properties also contains wetlands and a small pond. WEA Trust also owns 2 undeveloped conservancy parcels in the City of Madison located adjacent to the CSM site on the south and east, which are not part of this request.

The intent of the proposed CSM is to adjust the boundaries of the WEA Trust and WEAC lots to better rectify how the 2 parcels have been developed and used with the topography of the property. Currently, the WEAC property extends west down the hill from the three-story office building and parking towards Coyier Lane, and includes a portion of the surface parking located southwest of the southern of the 2 large WEA Trust buildings. Lot 1 of the proposed CSM will be a C-shaped 16.2-acre parcel centered on Coyier Lane that will be owned by WEA Trust and will consist of all of the land and buildings located down the hill. Lot 1 will have approximately 500 feet of frontage along Nob Hill Road. Lot 2 of the CSM will include the remaining approximately 17 acres of the combined subject site and will be a mostly rectangular parcel save for the portion of the property at the top of the hill where the WEAC building and parking are located. The effective result of the land division will be to put all of the improvements used by the respective property owners on lots that they will control.

Analysis and Conclusion

Approval of CSM by the Town of Madison 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.

Currently, the two properties are zoned in multiple Dane County zoning categories, including B-1 (Local Business District), C-1, and C-2 (Commercial Districts). As part of the review of the original CSM application, Dane County Planning and Development staff notified the applicant of the existence of other adjoining tax parcels owned by WEA that had multiple zoning categories on them, and recommended that WEA zone all of the properties into a single district, and for the additional tax parcels to be consolidated with the proposed CSM. The applicant agreed to revise their proposal to accommodate those requests, which were incorporated into the CSM submitted to the City on November 5, 2014 and addressed by a zoning map amendment approved by the Dane County Board on September 18, 2014, which zoned all of the land included in the CSM to the B-1 Local Business District. Dane County staff indicates that the B-1 category better fits the existing and continued intended uses of the property than the commercial districts that also governed portions of the land prior to the rezoning.

Dane County granted conditional approval of the Certified Survey Map as first outlined in a letter from Dan Everson, Land Division Review, Dane County Department of Planning and Development dated June 19, 2014 and reaffirmed by e-mail on September 16 (attached). The Town of Madison Plan Committee conditionally approved the revised Certified Survey Map on November 4, 2014 following an earlier approval of the original CSM proposal on June 27 (see attached correspondence).

City of Madison Land Use Plan: The Comprehensive Plan recommends that the subject properties be developed with Employment uses, while properties located between the western edge of the site and Rimrock Road are recommend for General Commercial uses. Lands to the east and the south of the subject site are recommended for Park and Open Space uses. The subject properties are not located within the boundaries of a City-adopted neighborhood or special area plan.

In reviewing the proposed lot line modification CSM, the Planning Division believes that the Plan Commission can find the extraterritorial land use criteria met. Staff supports the property owners' desire to reconfigure the parcels to place all of the land containing existing site improvements onto lots under the control of the respective owners, and feels that the resulting lots are generally compatible with the existing development pattern present in the area despite their atypical layouts. Staff also does not believe that the proposed lots will adversely impact the City's future ability to provide public services, install public improvements or accomplish annexations. [The subject property and all remaining properties in the Town of Madison south of the Beltline and east of Rimrock Road are scheduled to be annexed to the City of Madison effective October 30, 2022 per the City's intergovernmental agreement and cooperative plan with the Town of Madison and City of Fitchburg.]

Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 33-45 Nob Hill Road, Town of Madison, 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 Schmidt, 261-9688)

1. Updated title work was not provided with this submittal. Additional lands have been added to the proposed Certified Survey Map (CSM) since the original review in May of 2014. Provide the required title report and supporting documents as required. City of Madison Engineering reserves the right to provide additional conditions of approval upon the receipt and subsequent review of the complete title information.
2. Provide confirmation that Document No.'s 872187 and 2040624 do not encumber and or benefit the lands within this CSM.
3. Show the area and provide a note along the south 100 feet of this CSM that the area is subject to a proposed Parkway as per the City of Madison Official Map.
4. Non-exclusive drainage easements were created by CSM 11532. Coordinate any necessary releases of the easement areas no longer required by the Town of Madison. Also, show those to remain on the CSM with proper references to the recording information.

5. Show the Permanent Limited Easement Area along Nob Hill Road and the area subject to the restrictions per Document No. 2047772.
 6. Include the Volume and Page (and document number) for the Certified Survey Maps referenced in the legal description under the Surveyor's Certificate as required by statute.
 7. There is public sanitary sewer that transects Lot 1 of this proposed CSM. The existing easement for this sewer per Document No. 1028395 was granted to Madison Metropolitan Sewerage District. The sewer facilities are now owned and operated by the Town of Madison. Town staff have been contacted regarding this situation to have the Town accept a grant of a 15-foot wide Permanent Limited Easement for Public Sanitary Sewer centered on existing facilities. The easement would be granted to the Town of Madison, its successors and assigns. Coordinate the language for the easement with City of Madison and the Town of Madison staff. The Town approval certificate will also need to be appropriately modified to accept the easement.
 8. A 10-foot wide Public Permanent Limited Easement for Sloping and Grading shall be provided along the Nob Hill Road right of way where none currently exists. Town of Madison Staff have been contacted regarding this situation to have the Town accept a grant of the easement to the Town of Madison, its successors and assigns. The Town approval certificate will also need to be appropriately modified to also accept the easement.
 9. Show the overall distance between monuments at the end Coyier Lane (88.24 feet).
 10. Place bar scales on all sheets with maps as required by statute.
 11. In the northwest corner of Sheet 6 correct the label for the electric easement to the water main easement per Document No. 4021585. Also, the MG&E Easement shown having a bearing of S 31-06-38 E appears to be mislabeled and should be labeled as Document No. 3966567. Please check all notations on the CSM to assure all easements and restrictions are labeled correctly.
 12. The storm sewer pond area shall be shown in its entirety on the Certified Survey Map. It currently is truncated on Sheet 6.
 13. Add the word "private" to the label for the 20-foot Sanitary Sewer Easement benefitting Lot 2. It is advised that language be added to the CSM or a separate instrument be recorded subsequent to the CSM that sets out conditions, restrictions and maintenance responsibilities for this private easement.
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14. The lots within this Certified Survey Map are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the CSM and recorded at the Dane County Register of Deeds.
 15. 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.

16. In accordance with Section s.236.34(1m)(c), which states a CSM shall be prepared in accordance with the plat requirements stated per s.236.20(2)(c) & (f), Wisconsin Statutes, the applicant must show the type, location and width of any and all easements on the CSM. 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. Include any and all language required to properly and legally create any easement by the CSM.

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

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

17. Show on the CSM any wetland and flood plain areas. Provide a 75-foot protective buffer from the wetlands and or floodplain pursuant to Madison General ordinances 37.09(3)(h) and the Wisconsin Administrative code (NR 103.04).

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)

18. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21.

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

19. Please include Owner's Certificates for all four ownership interests reported in the title report. Prior to requesting final sign-off, executed signature block certifications shall be included for all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. Signature blocks and certificates shall match the current ownership interests at the time of CSM recording. Please inform City staff of any pending closing dates, in the event the property is planning to be sold.
20. If any mortgages are obtained prior to approval sign-off, a certificate of consent shall be included and executed by all of the mortgagees/ vendors.
21. Remove the Note on Sheet 9 from the Town Board certificate and place it with the other Notes on Sheet 1 or 2.
22. Include a Consent of Lessee for any tenant in excess of one year, to be executed prior to final sign-off.
23. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject property prior to CSM

recording. As of December 9, 2014, there are delinquent taxes for parcel 0709-361-9068-4. The 2013 real estate taxes (including special assessments) are paid for all remaining parcels. Taxes for 2014 shall be paid in full prior to final sign-off once levied against the properties.

24. The following revisions shall be made to the CSM prior to final sign-off:

- a.) The legal description in the CSM header shall be reconciled with the legal description in record title, and revised if necessary.
- b.) Update Note 1 on Sheet 1 to “see sheets 3-7” with regard to easement detail.
- c.) Remove Notes 1 and #2 on Sheet 4.
- d.) On Sheets 3 and 4, revise the label for the Gas Main easement per Document No. 1140692 to include the Power Line easement per Document No. 2040624, which was reserved over the same area.
- e.) Coordinate with City and Town staff regarding the potential need for the partial release of drainage easements created by prior CSM 11532. Depict those that remain.
- f.) Coordinate with City and Town staff regarding the potential need to create drainage and public utility easements on the proposed CSM.
- g.) Revise the label for Holtzman Road.
- h.) In the northwest corner of Sheet 6, with reference to electric easement per Document No. 3966567, add leaders to properly locate the westerly limits of said easement, while adding a label for Public Water Main easement per Document No. 4021585 to the existing leaders showing this easement.
- i.) On Sheet 6, it is difficult to determine the easement limits for Public Water Main per Document No. 4021585, MGE easement per Document No. 3966567, and Sanitary Sewer and Water Main easements per Document No. 1115739. For clarity, add another page for easement depiction, or at least another detail image for this area.
- j.) Depict the entire easement area for the Storm Sewer and Pond easement per Document No. 2792522 on Sheet 6. Include Agreement per Document No. 2792523 in the label.
- k.) On Sheets 6 & 7, add “CL” to the label for the 10-foot hydrant easement depiction south of the building on proposed Lot 2.
- l.) MGE easement Document No. 1742720 contains three 10-foot strips. Clearly depict each strip, including dimensions and limits. An easement detail or an additional sheet might be helpful for clarity.
- m.) Correctly depict the 25-foot and 10-foot-wide easement areas, including their limits, of easement per Document No. 1825058.
- n.) Clearly depict the limits of easement per Document No. 1825068, as well as accurately showing its 10-foot width. The measurement appears to conflict with other items labeled as 10-foot on the proposed CSM.

- o.) On Sheet 6, add "CL" to the label for the 10-foot MG&E easement depiction per Document No. 2717356.
- p.) On Sheet 6, add "CL" to the label for the 10'-foot MG&E easement depiction per Document No. 2822953 and clearly depict the easement limits, as the line interferes with another. An easement detail may be necessary for clarity, or add an additional sheet to separate easement features.
- q.) Please research the following documents to determine if they affect the lands within the CSM boundary, and if so, physically depict them where possible, or describe them by title and document number under Notes: 872187, 1028392, 3749770, 1167359, 1693286, 2025812, 2047772, 2036415, 1185515, 2169337, 2169338 and 2178017.
- r.) MG&E Document No. 2182077 is not reported in title. Please verify that it has not been released.
- s.) Provide an explanation for omitting from the CSM any easement or encumbrance that is of record in the title report.