



PREPARED FOR THE PLAN COMMISSION

Project Address: 11713 Mid Town Road, Town of Verona
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [45464](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicants & Property Owners: Heartland Farm Sanctuary; PO Box 45746; Madison; and Maxwell Family, LLC; 11691 Mid Town Road; Verona.

Surveyor: John Halvorson; 6381 Coon Rock Road; Arena.

Requested Action: Approval of a Certified Survey Map (CSM) to re-divide two lots generally addressed as 11713 Mid Town Road, Town of Verona, partially within the City of Madison’s Extraterritorial Jurisdiction.

Proposal Summary: The proposed CSM reconfigures two agricultural lots created by a four-lot CSM in September 2014. The land is currently used as an animal sanctuary. 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 CSM application for review circa December 7, 2016. Therefore, the 90-day review period for this CSM will end circa March 7, 2017.

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 77-acre property located on the south side of Mid Town Road, approximately midway between Timber Lane and Mound View Road.

Existing Conditions and Land Use: The western 35 acres of the subject site are developed with a farm animal sanctuary and 20,000 square-foot barn; the remaining land is agricultural. Both lots are zoned County A-3 (Agriculture District).

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; future single-family residences in a land condominium, zoned R-4 (Residence District);

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.

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.

Previous Approval

On August 11, 2014, the Madison Plan Commission approved a four-lot Certified Survey Map (CSM) creating two approximately 5.0-acre residential lots and two large agricultural lots from eight existing parcels of varying sizes and uses addressed as 7671-7713 Mid Town Road, Town of Verona (ID [34638](#)). CSM 13804 was recorded on September 10, 2014. [The subject lands were subsequently re-addressed, hence the difference in addresses between requests.]

Project Description

The applicants are requesting approval of a Certified Survey Map (CSM) to reconfigure two of the four lots created by the above-referenced 2014 CSM, containing approximately 67 acres of the original 90.4 acres of land that comprised the earlier land division. The subject agricultural parcels are 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, and are used by the Heartland Farm Sanctuary to provide care for farm animals in need. 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.

The proposed CSM reconfigures the common/internal lines of Lots 1 and 3 of CSM 13804, which are respectively 35 and 42 acres in area currently. Lot 1 of the proposed CSM reduces the western of the two existing lots to 14 acres, with the balance of that lot being appended to the adjacent 42-acre lot, resulting in a 62.9-acre Lot 2 on the proposed CSM. Proposed Lot 1 will continue its farm sanctuary use on the smaller parcel, while proposed Lot 2 will be used for agricultural purposes. A 20,000 square-foot barn located on the property will remain on proposed Lot 1. No change is proposed to the outer boundaries of the two agricultural lots or to the two residential lots created by the 2014 CSM.

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.

The Dane County Board approved a rezoning for proposed Lot 1 from the A-3 agricultural zoning district to A-4 necessary to implement the proposed land transfer CSM on November 3, 2016, subject to final approval of the land division (see attached correspondence). A corresponding conditional use for agricultural entertainment for the sanctuary was also amended to reflect the reduced lot size. Final approval of the CSM by Dane County is pending. The Town of Verona Board approved the CSM and the related County zoning map amendment on October 4, 2016.

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 lot reconfiguration 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 should not materially affect the existing land development pattern in 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 11713 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

City Engineering Division (Contact Tim Troester, 267-1995)

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

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

1. 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 Jeff Quamme (jrquamme@cityofmadison.com), 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.
2. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the Dane County Surveyor's Office website for current tie sheets and control data that has been provided by the City of Madison. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.
3. The final Certified Survey Map shall be compliant with Chapter 236.34 of the Wisconsin Statutes.
4. Prior to City Engineering final sign-off for Certified Survey Maps (CSM), the CSM must be submitted to the Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final City Engineering Division sign-off. Transmit the CSM to jrquamme@cityofmadison.com.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

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

Water Utility (Contact Adam Wiederhoeft, 261-9121)

This property is outside the Madison Water Utility service area.

Office of Real Estate Services (Heidi Radlinger, 266-6558)

5. Signature block certifications shall be executed by all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). All signatory parties (other than sole proprietorships) shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.
6. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to CSM sign-off.
7. 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..."
8. Per 236.21(3) Wis. Stats. the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. All known special assessments are due and payable prior to final CSM sign-off.
9. The owner shall email the document number of the recorded CSM to Heidi Radlinger at the City's Office of Real Estate Services as soon as the recording information is available.
10. The CSM shall be revised as follows prior to final approval of the CSM:
 - a) Depict, name, and identify by document number all existing easements cited in record title and the updated title report.
 - b) Depict and dimension all existing improvements (buildings, drives, parking lots, etc.), encroachments, wells, and septic systems located within the CSM boundary.
 - c) Depict and dimension public easements for utilities and storm water drainage rights-of-way to be dedicated on the proposed CSM where necessary.
 - d) If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.