



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3391 Meadow Road, Town of Middleton  
**Application Type:** Revised Preliminary Plat and Final Plat  
**Legistar File ID #** [43585](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant & Property Owner:** Tommy Van Ess Realty at First Weber; 7580 Tumbledown Trail; Verona.

**Surveyor:** Rachel Holloway and John Krebs, JSD Professional Services; 161 Horizon Drive, Suite 101; Verona.

**Requested Action:** Approval of a revised preliminary plat and final plat in the City’s extraterritorial plat approval jurisdiction creating 12 single-family lots and 2 outlots for stormwater management and open space in the Town of Middleton, with a third outlot to be created initially in the Town for development in the City of Madison following future attachment.

**Proposal Summary:** The applicant is requesting approval of the revised preliminary plat and final plat of “Aspen Meadow Estates” to create 12 lots for future single-family residences, and 3 outlots. The City’s primary role in reviewing the proposed subdivision is to establish the future right of way alignment for Pioneer Road as called for in adopted City plans. Outlot 2 of the proposed subdivision will eventually be attached to the City as called for in the City of Madison-Town of Middleton intergovernmental agreement and cooperative plan. The applicant wishes to commence construction of the subdivision west of future Pioneer Road as soon as all regulatory approvals have been granted.

**Applicable Regulations & Standards:** The process for subdivisions located within the corporate limits of the City of Madison or within the Extraterritorial Plat Approval Jurisdiction is outlined in Section 16.23 of the Subdivision Regulations. In addition, the proposed subdivision is subject to specific review provisions in the City’s 2002-2003 intergovernmental agreement and cooperative plan with the Town of Middleton.

**Review Required By:** Plan Commission and Common Council.

**Review Schedule:** The State’s subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. A completed subdivision application was filed with the City effective August 4, 2016. Therefore, the 90-day review period for this plat is scheduled to expire circa November 4, 2016.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward the revised extraterritorial preliminary plat and final plat of Aspen Meadow Estates to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions of approval from reviewing agencies beginning on page 5 of this report.

## Background Information

**Parcel Location:** Two parcels totaling 26.3 acres of land generally located on the west side of Meadow Road, a half-mile south of Valley View Road, in the Town of Middleton.

**Existing Conditions and Land Use:** The subject site is undeveloped with the exception of a standalone shed in the southeastern quadrant of the parcel. The site is zoned A-1 (Agriculture District) per the Dane County Zoning Code.

**Surrounding Land Use and Zoning:** The subject site is primarily surrounded by undeveloped lands in County A-1 zoning with the exception of a scattering of single-family residences on large lots located generally to the south along Meadow Road. The eastern edge of the site is located across Meadow Road from the northern portion of a 70.3-acre City-owned property that was recently attached from the Town. The parcel will be developed in the future as a regional stormwater management facility and an addition to Hill Creek Park, with some of the City property to eventually be developed with residential uses. The City-owned land is currently unzoned.

**Adopted Land Use Plan:** The eastern half of the subject site is located within the boundaries of the 2010 Mid Town Neighborhood Development Plan, which recommends that most of the site east of future Pioneer Road be developed with low-density residential uses at a density between 4-8 units per acre. Portions of the land east of future Pioneer Road are recommended for stormwater management and for a future park. Land west of Pioneer Road is not included in any adopted City plan pursuant to the City-Town cooperative plan, which establishes the future City limits at the centerline of the realigned roadway.

**Environmental Corridor Status:** The portion of the subject site west of future Pioneer Road will be not located in the Central Urban Service Area (CUSA) as it will not be served by public water or sewer services and therefore is not located in a mapped environmental corridor. East of realigned Pioneer Road, a low-laying area at the southeastern corner of the site where future Pioneer Road and existing Meadow Road will intersect is shown as a mapped environmental corridor for future stormwater management and drainage area in an amendment to add the westernmost portions of the Pioneer and Mid Town neighborhoods to the CUSA, which was recently approved by the Capital Area Regional Planning Commission and Wisconsin Department of Natural Resources. The final configuration of that corridor will be defined at the time that a subsequent subdivision of proposed Outlot 2 is submitted for review following attachment of that parcel to the City of Madison.

### Public Utilities and Services:

➤ **Services for Proposed Residential Lots in Town of Middleton:**

Water: Property is not served by municipal water.

Sewer: Property is not served by municipal sewer.

Fire protection: Middleton Fire District.

Emergency medical services: Middleton Fire District.

Police services: Dane County Sheriff's Department.

School District: Middleton-Cross Plains School District

- **Services for Outlot 2 Development:** Future development of Outlot 2 will occur in the City of Madison with City utilities and services. Future residential development on that outlot will likely be served by Madison Metropolitan School District pursuant to an intergovernmental agreement between the Middleton-Cross Plains and Madison districts, to which the City is not a party.

## Previous Approvals

On March 15, 2016, the City of Madison Common Council conditionally approved the preliminary plat of "Aspen Meadow Estates" to create 1 lot for an existing single-family residence, 12 lots for future single-family residences, and 3 private outlots from approximately 32.6 acres of land located at 3381-3391 Meadow Road in the Town of Middleton.

On June 21, 2005, the Common Council conditionally approved a preliminary plat creating 11 single-family lots and three outlots in the Town of Middleton at 3391 Meadow Road. On August 2, 2005, the Common Council approved the final plat of "Meadow Estates;" the approved final plat was never recorded, however.

## Project Description

The applicant is requesting approval of a revised preliminary plat and final plat to subdivide a 26.3-acre parcel of land located approximately a half-mile south of Valley View Road on the west side of Meadow Road into 12 single-family and 3 outlots. The subject site is undeveloped with the exception of a shed at the southeastern corner. The topography of the subdivision falls gradually approximately 40 feet from the northwestern corner of the property to the south and east towards low-lying areas located in the southeastern corner of the site and on lands to the south. The property is largely devoid of significant vegetation and is in agricultural use at this time.

The 12 proposed single-family lots will be located west of the future alignment of the southern portion of Pioneer Road, which will be established in part by this subdivision. At present, Pioneer Road terminates at Valley View Road, approximately a half-mile north of the site, while Meadow Road extends from Valley View Road south to Mid Town Road. The City of Madison and the Town of Middleton entered into an intergovernmental agreement on March 28, 2002 that establishes the future western boundary of the City as Pioneer and Meadow Roads. The cooperative plan includes a provision for Pioneer Road to be realigned to the south and east into Meadow Road to create a continuous north-south collector roadway extending from Old Sauk Road on the north to Mid Town Road on the south. The realigned roadway will be known as Pioneer Road. The cooperative agreement anticipated that development on the west side of Pioneer Road would occur in the Town and development east of Pioneer Road would occur in the City.

The 12 single-family lots will be developed in the Town of Middleton in County A-1 zoning. Five of the proposed lots will abut realigned Pioneer Road, with the remaining lots to front onto a new east-west street ("Silverthorne Way"), which will extend west from Pioneer Road. Outlot 1 of the plat will be reserved adjacent to the southern property line next to Pioneer Road for stormwater management. A second outlot west of Pioneer Road, Outlot 3, will be established south of Lot 3 and north of Lots 4-7. The preliminary plat indicates that Outlot 3 will be reserved for open space. The remaining 9.8 acres will be platted as Outlot 2, which will be reserved for future development in the City of Madison once the necessary infrastructure has been extended to serve this area.

An earlier proposal to include an adjacent residence at 3381 Meadow Road on a thirteenth lot in the plat with access from within the proposed subdivision has been revised to omit that property. An asphalt driveway connecting 3381 Meadow Road to the public road extends adjacent to the southern edge of the subject parcel.

**Approval of the Plat by the Town of Middleton 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 Middleton Town Board conditionally approved the revised preliminary plat on June 20, 2016 and the final plat on August 1, 2016 (see attached Town Board minutes). The Dane County Zoning and Land Regulation Committee granted conditional approval of the final plat on July 26, 2016 as outlined in the attached letter from Dan Everson, Land Division Review, Dane County Department of Planning and Development.

## Analysis & Conclusion

**City of Madison Land Use Plan:** The eastern half of the subject site is located within the boundaries of the Mid Town Neighborhood Development Plan, which recommends that most of the site east of future Pioneer Road be developed with low-density residential uses at a density between 4-8 units per acre. Portions of the land east of future Pioneer Road are recommended for stormwater management and for a future park, which will be further defined once Outlot 2 is attached to the City and a development proposal is submitted for review. Land west of Pioneer Road is not included in an adopted City plan pursuant to the City-Town cooperative plan, which establishes the future City limits at the centerline of realigned Pioneer Road.

**Extraterritorial Approval Criteria:** The Plan Commission shall determine that the proposed land division complies with each of the following criteria:

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.

Under State statute, a City may review subdivisions within 3 miles of its borders but may establish an extraterritorial boundary less than that by resolution of its governing body. Pursuant to the City of Madison and the Town of Middleton agreement, the City's extraterritorial jurisdiction was generally limited on the west to Pioneer and Meadow Roads with the exception of land west of Meadow Road in the northeast quarter of Section 32 of the Town of Middleton. Lands in this area are included in the Madison's extraterritorial jurisdiction to allow the City to review subdivisions for the purposes of establishing the correct alignment of future Pioneer Road. Upon the establishment of the new Pioneer Road right of way, the extraterritorial jurisdiction line will revert to the centerline of the new road.

The applicant is requesting approval of a revised preliminary plat and final plat to create 12 lots for future single-family homes, 1 outlot for stormwater management, and 1 outlot for open space west of realigned Pioneer Road. East of future Pioneer Road, one outlot is proposed for future development. In general, the subdivision proposes lots that are generally consistent with development pattern west in this portion of the Town of

Middleton and that appear to conform to County A-1 zoning requirements. Staff believes that the proposed subdivision complies with the requirements of the City of Madison-Town of Middleton intergovernmental agreement and cooperative plan with regard to the establishment of the new alignment of Pioneer Road. The Planning Division supports this project since it will implement the objectives of the cooperative plan and will secure the alignment of relocated Pioneer/Meadow Road.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward the revised extraterritorial preliminary plat and final plat of Aspen Meadow Estates at 3391 Meadow Road, Town of Middleton to the Common Council with a recommendation of **approval** 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)

1. The applicant shall be responsible for replacement of the existing culvert under Meadow Road, draining to the City of Madison. This replacement shall be adequate to convey the 100 year event. The design and calculations shall be approved by the City Engineer
2. The applicant shall be responsible for construction of a ditch across the City of Madison's property to the major north-south drainage way on the east side of Meadow Road. A permit shall be obtained from the City of Madison to complete this work.
3. The applicant shall record deed restrictions on lots 1 through 12 to denote that lot owners shall be made aware that Pioneer Road is planned for extension northward from Aspen Meadows Plat up to Valley View Road.
4. When Outlot 2 develops in the future, it will be in the City of Madison. Pioneer Road represents the boundary line separating the Town of Middleton from the City of Madison. In the future, Outlot 2 will require a developer's agreement to extend City services to serve the lot. Outlot 2 will be subject to the City of Madison sanitary and storm sewer impact fees (Lower Badger Mill Creek Sanitary Sewer and Storm Sewer Management Impact Fee District) and Madison Metropolitan Sewerage District sewer area connection fees will also become due.
5. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes a minimum of approximately 4-6 weeks.
6. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If

the report indicates a ground water table or rock condition less than 9 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

7. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.
8. The developer shall confirm that adequate sight distance exists on Pioneer Road where public streets intersect. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.

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

9. Add to the end of note 25a (shown as 27a on the plat) as follows: "This restriction has been released by the City of Madison per Document No. \_\_\_\_\_." The release document shall prepared by City Office of Real Estate Services. The applicant must prepare a legal description and provide to Engineering Land Records Coordinator Jeff Quamme for review. Upon approval of the exhibits and payment of the required \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds.
10. The restrictive covenant per Doc. No. 3441613 requires a petition to attach to the City of Madison prior to any request for subdivision of Lot 1 and 2 of CSM 10312. Subsequent to this Restrictive Covenant, the City of Madison and Town of Middleton adopted a cooperative plan setting forth the future cooperative boundary between the City and Town along the centerline of the realigned Pioneer Road dedicated by an approved plat.
11. Remove from Note 24 the following text: "This restriction is released by Document No. \_\_\_\_\_".
12. Remove notes 15 and 16. The City of Madison does not regulate public drainage easements along lot lines that are in the Town of Middleton.
13. That portion of the restriction of use limited to a landscape contractor business per Document No. 2278234 and 3049851 lying within this plat shall be released and recorded at the Register of Deeds. Once released notes 17 and 18 shall be removed from the plat.
14. Show and label the right of way to Mid Plains Telephone per Document No. 3141440 or provide the easement release document.
15. Add a note to see Note 22 on sheet 2 to the no vehicular access detail under the legend.
16. The surveyor shall identify any deviation from City Master Control with recorded and measured designations for the section corners referenced on the final plat. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within and adjacent its corporate boundary. Visit the Dane County Surveyor's Office for current tie sheets and control data that has been provided by the City of Madison.

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 monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com ). 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 and shall be attached to a signed and sealed monument condition report. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
18. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).
- \*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.
- \*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.
19. Prior to Engineering final sign-off by main office for Plats, the final Plat or CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of 2 working days prior to final Engineering Division signoff. Electronic mail submittal of the FINAL Plat or CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.

**Parks Division** (Contact Janet Schmidt, 261-9688)

20. The City of Madison and Town of Middleton Cooperative Boundary Agreement calls for the realignment of Pioneer Road and Meadow Road to allow for one continuous north south route. It is anticipated that lands west of the realigned Pioneer Road will be within the Town and lands east will be within the City. Any lands within the City of Madison will be subject to Park impact fees which are required for all new residential development. Fees will be determined at the time of any zoning or land use approvals for properties within the City. Reference Park Memo ID# 15164.
21. The following note shall be included on the plat: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."

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

This agency did not provide comments for this request.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

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.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

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

22. The name in the owner's certificate is not consistent with the ownership interest reported in record title. Prior to approval sign-off, the owner's certificate on the final plat shall be executed by the current party of interest, pursuant to Wis. Stats. 236.21(2)(a). Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate. The executed original hard stock recordable plat shall be presented at the time of sign-off.
23. There are no mortgages of record in listed in the title report. If mortgages are not secured prior to plat approval, remove the two mortgage certificates shown on the plat. Otherwise, a certificate of consent for all mortgagees/vendors shall be executed prior to final sign-off.
24. Provide copies of any Phase 1 and/or Phase 2 Environmental Site Assessments to Brynn Bemis in City Engineering that may have been completed for any portion of the property within the final plat boundary.
25. As of July 27, 2016, the 2015 real estate taxes, which include special assessments, have been paid. Under Section 236.21(3) Wis. Statutes, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to final plat sign-off. This includes tax bills that are distributed at year end for the upcoming year.
26. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to the City's Office of Real Estate Services, as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (December 14, 2015) and the date when sign-off is requested. The surveyor shall update the plat with the most recent information available in the title report update.
27. Please revise the final plat prior to final sign-off as follows:
  - a.) Remove Lot 2 from the legal description header in both sheets of the plat.
  - b.) Remove Note 18, as the restriction was released by Document No. 4845653.
  - c.) Research the legal description for Document No. 3049851 to determine if it affects the lands within the plat boundary. Include a Note describing said document if it does.



- d.) Combine Notes 7 and 14 to avoid duplication.
- e.) Include the word “public” in the detail for the utility easements and revise the text (Notes 8-11) to include on those Notes that pertain to public utility easements.
- f.) On Sheet 1, label the adjacent lot on the southern border of the plat with the correct CSM, CSM 9111.
- g.) Use consistent language when labeling and describing the public vision corner easements, as follows:
  - revise Note #2 on Sheet 1 to begin with the language “Public Vision Corner Easements”
  - revise the label for the temporary easement at the intersection of Pioneer Road and Meadow Road to “Public Vision Corner Easement”
  - label the two easement areas shown at the intersection of Pioneer Road and Loveland Pass with “Public Vision Corner Easements – see Detail A”
  - label Detail A as “Vision Corner Easements-Detail A”
- h.) Use consistent language when labeling and describing the vision triangle easement for driveways, as follows:
  - label the easement area shown on proposed Lots 2 and 3 with “Public Vision Triangle Easement – see Detail B and Note 11”
  - Revise the label for the Driveway Vision Triangle detail area to “Vision Triangle Easement-Detail B”
  - Revise Note 11 to “Vision Triangle Easement: 90’ x 90’ x 90’ easement applies to driveways on Lot 1, 2 and 3, as shown in Detail B.
- i.) Label the purpose of Outlot 1 as “dedicated to the public for stormwater management”.
- j.) Remove the text describing the purpose of Outlot 3 from the Public Recreational Trail Easement area and revise it to “dedicated as public open space”.
- k.) Remove the depiction of the Public Recreational Trail Easement area from the Loveland Pass right of way.
- l.) Correct the typo in Note 5 to “Outlot 2”.
- m.) Add the text “See Note 21” to the labels for the temporary road right-of-way depiction, as well as the Legend showing the line work for said easement.
- n.) Add the text “and drainage” to the description of the easement in Note 21.
- o.) Add the text “See Notes 22, 23 and 30” to the label for Outlot 2.
- p.) Change the numbering under Note 25 from 27a and 27b to 25a and 25b.