



PREPARED FOR THE PLAN COMMISSION

Project Address: 6501-6505 Seybold Road, Town of Middleton
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [56943](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: David Reynolds, Reynolds Properties, Inc.; PO Box 1662; Colorado Springs, Colorado.

Surveyor: Jordan Brost, Point of Beginning, LLC; 4941 Kirschling Court; Stevens Point.

Requested Action: Approval of a Certified Survey Map (CSM) to create two lots from land addressed as 6501-6505 Seybold Road, Town of Middleton, in the City of Madison’s Extraterritorial Jurisdiction.

Proposal Summary: The subject site is a 2.2-acre lot developed with two commercial buildings with shared access and parking. The applicant and property owner is requesting approval of CSM to place each building on its own lot. The CSM will be recorded 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. Ch. 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 CSM application was submitted on July 5, 2019 without the requisite Town of Middleton and Dane County approvals. The application was determined to be complete following transmittal of the Town of Middleton’s August 19, 2019 approval of the CSM in a message dated September 3, 2019. Therefore, the 90-day review period for this CSM will end circa December 3, 2019.

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 2.2-acre parcel located at the eastern end of Seybold Road, approximately 350 feet east of Struck Street in the Town of Middleton.

Existing Conditions and Land Use: The subject site is developed with a two one-story metal warehouse buildings, zoned (County) HC (Heavy Commercial District).

Surrounding Land Use and Zoning:

North: Multi-building personal indoor storage facility, Farley's House of Pianos, and Window Design Center in the Town of Middleton, zoned (County) HC (Heavy Commercial District);

South: Madinah Community Center in the City of Madison, zoned CC (Commercial Center District);

East: Exact Sciences in the City, zoned SE (Suburban Employment District);

West: Auto repair businesses in the Town, zoned HC.

Environmental Corridor Status: The subject site is located in the Central Urban Service Area; there are no mapped environmental corridors affecting the site.

Public Utilities and Services:

Water: Property is not served by municipal water; City of Madison water is located approximately 250 feet west of the property at Struck Street and Seybold Road

Sewer: Property is served by City of Madison sanitary sewers

Fire protection: Middleton Fire District

Emergency medical services: Middleton Emergency Medical Services

Police services: Dane County Sheriff's Department–West Precinct

School District: Middleton-Cross Plains Area School District

Project Description

The applicant and property owner is requesting approval of a Certified Survey Map to divide an approximately 2.2-acre parcel containing two commercial buildings into two lots so that each building may occupy its own lot. The parcel is located on the southern side of Seybold Road, approximately 350 feet east of Struck Street, where Seybold ends in a platted but unconstructed cul-de-sac.

The subject parcel is zoned HC (Heavy Commercial) per the Dane County Zoning Code and is located amongst a variety of differently sized parcels located on both sides of Seybold Road, which are developed with a wide range of commercial uses, including a hotel, storage facilities, auto repair shops, offices, retail establishments, and contractors businesses. Most of the other commercial properties between the site and S. Gammon Road are located in the Town of Middleton, although there has been an increase in the number of properties along Seybold Road and along Watts Road to the south that have attached to the City of Madison over the last 20 years.

Lot 1 of the proposed CSM will contain 0.94 acres of the site and the western of the commercial buildings occupying the property, which the application materials indicate is a one-story, 24,017 square-foot metal

warehouse set back approximately 30 feet from the curved right of way of Seybold Road. The remaining 1.25 acres of the property, which is developed with a one-story, 29,081 square-foot metal warehouse building that houses a recreational equipment dealer, will comprise Lot 2. The application indicates that the two lots will share the existing parking lot located north and west of the buildings, into which Seybold Road dead-ends. A cross-access easement will be required as a condition of final approval of the CSM for recording to govern the shared asphalt lot.

Approval of CSM 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.

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 August 9, 2019. The Town of Middleton Board conditionally approved the CSM on August 19, 2019; draft minutes of that approval are attached.

Analysis

Cooperative Plan: The proposed division of the 2.2-acre subject site in the Town of Middleton requires Plan Commission approval as both a land division in the City's extraterritorial jurisdiction and as "development" as defined in the 2003 City of Madison-Town of Middleton Cooperative Plan.

Under the cooperative plan, the terms "develop" or "development" refer to the division of land, or construction of more than one principal structure on a parcel of land, or rezoning a parcel from a residential or agricultural classification to a non-residential classification. The proposed division of the subject parcel into two lots qualifies as development and is therefore subject to the development review provisions in the cooperative plan.

Development in the areas of the Town accruing to the City in February 2042 is subject to conditional approval in accordance with City ordinances, plans, policies, standards, and procedures, including, but not limited to, all adopted neighborhood development plans, land use, master or comprehensive plans, the Subdivision Regulations, Official Map, and the [Stormwater and] Erosion Control Ordinance (MGO Chapter 37). Additionally, per Section 13.02(d) of the cooperative plan, any parcel developed subsequent to March 28, 2002 without availability of City sewer and water may be attached by the City, without the consent of the owner at any time after City sewer and water become available to the parcel, by an ordinance adopted by a majority vote of the Common Council. City sewer and water are considered to be "available" to a parcel of land if they are located in a public right of way or easement on or adjacent to the parcel or if within 100 feet of the parcel through right of way or applicable public easement.

The subject property is served by City of Madison sanitary sewer in Seybold Road. However, municipal water is currently located further than 100 feet from the parcel (about 250 feet to the west near Struck Street). Since the cooperative plan says "the City may require attachment as a condition of development approval where City sewer **and** water are available," attachment cannot be required as a condition of CSM approval. However, the City may unilaterally attach the lots created by this CSM without the consent of this or a subsequent property owner once water is available either in the adjacent right of way or within 100 feet of the parcels.

City of Madison Land Use Plans: The 2018 Comprehensive Plan identifies the subject site and surrounding properties for Employment uses and development.

The subject parcel is also located within the boundaries of the 2008 Southwest Neighborhood Plan; however, the plan includes no specific land use or zoning recommendations for the property.

Conclusion

The Planning Division believes that the Plan Commission can find the approval criteria met with the proposed land division. Staff believes that the proposed lots are compatible with the development pattern present in this area, which features a variety of differently sized parcels developed with a wide range of commercial uses along both sides of Seybold Road in the Town of Middleton and City of Madison. The land division should not have an adverse impact on any future annexation of the subject site or surrounding properties to the City of Madison, or the ability to extend water or sanitary sewer services to this area in the future.

Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 6501-6505 Seybold Road, Town of Middleton, 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

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

1. As a result of the recording of this land division, the property owner and his successors and assigns are hereby given notice that the City of Madison Common Council may adopt an ordinance attaching the lots created by this Certified Survey Map without their consent at any time after municipal water is extended to within 100 feet of the original 2.2-acre parcel consistent with the 2003 City of Madison-Town of Middleton Cooperative Plan. A notice to this effect shall be recorded against the proposed lots in a form acceptable to the Planning Division prior to final approval and recording of the CSM.

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

2. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff of the CSM.
3. Each property shall either have two separate sanitary sewer laterals or a recorded ownership/maintenance agreement shall be in place prior to final Certified Survey Map approval.
4. The lots within this CSM 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 Certified Survey Map, and recorded at the Dane County Register of Deeds.
5. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, the applicant

shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

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

6. Dimension the 150-foot length of the Public Storm Sewer Easement per CSM 4271 and add the word “Public” to the label.
7. The 10-foot wide right of way to MG&E for underground electric is shown incorrectly on the CSM. It is 10-foot wide and parallel with the southern right of way from the west boundary to its end with the intersection with the south line of the portion of Seybold Road that has been vacated. Also, more accurately label the easement with the use granted and the beneficiary.
8. The easement to Chorus Networks, Inc. per Document No. 3188267 only encumbers the east 10 feet of the portion of Seybold Road that has been vacated. This area shall be depicted and the label corrected on the final map.
9. Add to the notes on sheet 5 note 1 from CSM 4271 and referenced accordingly.
10. Add text to the vacated portion of Seybold Road referencing the vacation resolution being recorded as Document No. 4757916.
11. Add a note to the Cross Access Easement area that it is for the benefit of Lot 1 and Lot 2 of this CSM and is subject to a separate recorded document setting forth the terms and conditions of the easement. Provide a draft copy of the easement/ agreement setting forth the terms and conditions of the easement addressing, but not limited to, construction, maintenance and use restrictions. The document shall be recorded after the CSM has been recorded to allow proper reference to the new lots
12. The center of section shall include a bearing and distance to the meander corner of record for the corner.
13. Correct under the legend the note for the cross access easement. The sheet number for the detail is on sheet 3, not sheet 2.
14. Correct the Owner's Certificate to the owner of record per the title report being Reynolds Properties, Inc.
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 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.

16. The applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the CSM in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations.
17. Prior to City Engineering final sign-off by main office for Certified Survey Maps (CSM), the final CSM must be submitted to 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 Engineering Division sign-off. E-mail submittal of the **final** CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com
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. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.

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)

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, 266-9121)

This property is currently outside the Madison Water Utility service area.

Office of Real Estate Services (Lance Vest, 245-5794)

19. The current owner of record is Reynolds Properties, Inc. Signature block certifications shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary at the time of execution. 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.

20. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate and executed prior to CSM approval sign-off.
21. 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..."
22. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
23. Pursuant to Madison City Ordinance Section 16.23(7)(d)3 and Wis. Stats. 236.21(2) (a), all CSMs that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: _____
[Name]
Secretary of the Plan Commission

Date: _____

24. As of August 16, 2019, the 2018 real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. 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. This includes property tax bills for the prior year that are distributed at the beginning of the year.
25. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Lance Vest in City's Office of Real Estate Services (lvest@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (March 19, 2019) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update.
26. The owner shall email the document number of the recorded CSM to Lance Vest in the City's Office of Real Estate Services as soon as the recording information is available.
27. The following revisions shall be made to the CSM prior to final approval and recording:
 - a.) Legend for proposed cross access easement detail references Sheet 2; remove reference if it is not necessary.
 - b.) Include a note defining any terms or conditions for the proposed cross access easement.
 - c.) Include Note 1 from CSM 4271 if applicable.