



PREPARED FOR THE PLAN COMMISSION

Project Address: 3779 Gala Way, Town of Cottage Grove
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [70347](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owners: Robert Williamson and Karen Ehlenfeldt, Helen J. Galarowicz Revocable Living Trust; 3779A Gala Way; Cottage Grove.

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

Requested Action: Approval of a Certified Survey Map (CSM) to reconfigure three parcels generally addressed as 3779 Gala Way in the Town of Cottage Grove in the City of Madison’s Extraterritorial Jurisdiction.

Proposal Summary: The three-lot CSM proposes to reconfigure a series of parcels located along the eastern and southern sides of Gala Way extending south from Vilas Hope Road. One of the proposed lots will be used for an existing single-family residence, with the other two lots to remain undeveloped agricultural parcels at this time. The proposed CSM will address conditions of approval for two CSMs approved in 2021 to provide additional depth for seven existing single-family lots located between the subject site and Gala Way. The three related CSMs will be recorded concurrent 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 application was accepted for review on February 28, 2022. Therefore, the 90-day review period for this CSM will end circa May 29, 2022.

Summary Recommendation: The Planning Division believes that the Plan Commission can find the approval criteria met and **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: The subject lands include approximately 40 acres of contiguous land owned by the Helen J. Galarowicz Revocable Living Trust that extend south from Vilas Hope Road and are located east and south of Gala Way. The seven existing platted lots being expanded by the two related CSMs all front onto Gala Way and comprise approximately 3 acres of land.

Existing Conditions and Land Use: Most of the Galarowicz land is undeveloped agricultural land that was recently from zoned FP-35 (Farmland Preservation District–35 acre or larger) to FP-1 (Farmland Preservation District–Small Lots) by Dane County with the exception of the Ehlenfeldt residence located west of the southern prolongation of Gala Way, which is zoned RR-2 (Rural Residential District) zoning.

Surrounding Land Use and Zoning: The seven related residential lots are located across Gala Way from seven single-family residences also located in the Gala Heights subdivision and zoned SFR-08 (Single-Family Residential–Small Lots District) as well as additional residences located to their north and south in County single-family zoning districts. Lands generally east of the subject lands are primarily in agricultural or open space use. Lands generally west of the residences on the west side of Gala Way are primarily developed with single-family residences located on a variety of differently sized and shaped parcels that extend west to Vilas Hope Road and CTH AB. The current City of Madison limits are the centerline of CTH AB.

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area, so there are no mapped environmental corridors affecting the site. Dane County identifies the southernmost portions of the Galarowicz parcel in a resource protection corridor due to the presence of hydric soils. A Wisconsin Department of Natural Resources-designated perennial stream follows the southernmost line of the Galarowicz property as well as a portion of the eastern property line before turning east from the site.

Public Utilities and Services:

Water: Property is not served by municipal water

Sewer: Property is not served by public sewer

Fire protection: Cottage Grove Fire Department

Emergency medical services: Deer-Grove Emergency Medical Services

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

School District: Monona Grove School District

Previous Approvals

On October 4, 2021, the Plan Commission approved two Certified Survey Maps (CSM) of 3784-3796 Gala Way (ID [66978](#)) and 3802-3820 Gala Way (ID [66979](#)) in the Town of Cottage Grove to enlarge the seven existing residential lots.

Project Description

The property owners are requesting approval of an extraterritorial Certified Survey Map (CSM) to reconfigure a series of parcels generally located east and south of Gala Way in the Town of Cottage Grove into three lots. The subject land encompasses approximately 40 acres that extend south from Vilas Hope Road behind a series of residential lots that front onto Gala Way and includes the approximately 23 acres of land at the southern end of Gala. Most of the property is undeveloped farmland with the exception of a single-family residence located in the southwestern quadrant of the subject property, which occupies a 2.01-acre parcel owned by one of the owner/applicants, Karen Ehlenfeldt, who is one of the trustees of the Helen J. Galarowicz Revocable Living Trust.

The purpose of the CSM is to formally create a lot for the Ehlenfeldt residence, which will occupy proposed Lot 1. Per the letter of intent, the CSM will also create an agricultural lot for Karen Ehlenfeldt to retain southeast of the residence, which is shown as Lot 2. The remaining 16.8 acres of land will comprise proposed Lot 3, which will remain agricultural in the interim, although Robert Williamson, another trustee, has expressed interest in further dividing or selling that lot for development in the future. The letter of intent indicates that the proposed CSM is effectively a lot line adjustment, with any further divisions proposed in the future requiring separate, subsequent approvals from the Town of Cottage Grove, Dane County, and the City of Madison.

The proposed CSM will address conditions of approval for two CSMs approved in 2021 to provide additional depth for seven existing single-family lots located at 3784-3820 Gala Way between the subject site and Gala Way. The City's Subdivision Regulations require that any parcels or building sites of 40 acres or less in area be created by a land division (a CSM is a map of land division). In the case of the Galarowicz property, selling the land to the seven adjacent Gala Way lot owners to deepen those lots reduced the contiguous lands below 40 acres, which required that at least one lot be created for the remaining land consistent with the City's Subdivision Regulations. The two CSMs increasing the lot depth of the 3784-3820 Gala Way lots and the proposed three lot CSM will be recorded concurrently in an effort to satisfy the City's requirements.

Analysis and Conclusion

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 Certified Survey Map as outlined in a letter from Dan Everson, Land Division Review, Dane County Department of Planning and Development, dated December 1, 2021. Previously, on November 4, 2021, Dane County approved rezoning of the land comprising Lots 2 and 3 from FP-35 (Farmland Preservation District—35 acre or larger) to FP-1 (Farmland Preservation, Small Lot District). (Proposed Lot 1 is zoned RR-2 (Rural Residential District, 2-Acre Minimum), which was not changed with the zoning request related to this CSM.) The FP-1 zoning district is a predominantly agriculture-focused zoning district that does not allow residential uses and applies to farmland parcels between 1 and 35 acres in area. According to the County, the property could not be split further without the property acquiring development rights from elsewhere in the Town of Cottage Grove consistent with Town and County policies. A condition of the rezoning approval required that a notice document be recorded on the proposed FP-1 lots (Lots 2 and 3 of the CSM) indicating that no "splits" are available, but that Town policy would allow them to be a Transfer of Development Rights (TDR) receiving area on a 1:1 basis.

The Town of Cottage Grove Board approved the rezoning for the proposed land division and CSM at its August 25, 2021 meeting.

City of Madison Land Use Plans: The subject properties as well as other properties along Gala Way are located just outside the boundaries of the City's [Yahara Hills Neighborhood Development Plan](#), which was adopted in 2017 to provide land use, utility, and transportation-related recommendations for the southern portion of Peripheral Planning Area D of the 2006 [Comprehensive Plan](#). The subject sites and lands to the east are located within Peripheral Planning Area D of the 2018 [Comprehensive Plan](#), which is a Group 1 planning area.

The 2018 [Comprehensive Plan](#) notes that Group 1 Peripheral Planning Areas are the general locations recommended for City of Madison expansion and development, but for which detailed neighborhood development plans have not yet been adopted. Development within Group 1 areas is not anticipated in the next 10 years and until a detailed neighborhood development plan is adopted for the area. Not all of the land within Group 1 areas will necessarily be recommended for development or future City of Madison expansion.

Peripheral Planning Area D in the 2018 Plan is identified for potential expansion and urban development area to the southeast of the City, generally between the Yahara Hills planning area and the Door Creek corridor. Sanitary sewer service for Area D would likely come from future extensions that will serve the Yahara Hills area.

Although located just outside the [Yahara Hills Neighborhood Development Plan](#), the plan shows a future collector street extending east across the southernmost portion of the Galarowicz parcels from the intersection of Femrite Drive and CTH AB. While not shown on the future land use and street map in the neighborhood development plan, Gala Way would presumably extend south from its current terminus to the future relocated Vilas Hope Road. Staff does not believe that the proposed land re-division will impact the ability to extend this collector street in the future and will note that additional planning will be needed for the lands east of the Yahara Hills planning area before any road or land development would occur. However, the City will request that a note be placed on the CSM requiring written approval from the City of Madison Planning Division director will be needed before any principal or accessory structures are constructed on Lots 1 and 2 to ensure that no structures are built that would prevent implementation of the street network envisioned by the [Yahara Hills Neighborhood Development Plan](#).

Land Division Criteria: In order to approve a subdivision or land division in the City's extraterritorial jurisdiction, the Plan Commission shall find that the request is 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. The proposed subdivision or land division and the resulting development shall also not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations.

Staff does not anticipate that the land division to reconfigure the various Galarowicz parcels into the three proposed lots will negatively affect the City's ability to accomplish future annexations or extend urban services into this area. However, staff takes no position at this time on the potential for proposed Lot 3 to be further divided for development. At a minimum, any future division of the property into additional lots will require City approval in its extraterritorial jurisdiction. However, any further division of any of the proposed lots to create additional building sites would ideally occur in the City of Madison once a neighborhood development plan is prepared for the area, which would include a plan for the extension of urban services to serve the additional development.

Recommendation

The Planning Division believes that the Plan Commission can find the approval criteria met and **approve** the three-lot Certified Survey Map to configure various parcels generally addressed as 3779 Gala Way, 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

Planning Division

1. That a note be placed on the Certified Survey Map (CSM) requiring written approval from the Director of the City of Madison Planning Division prior to the construction of any principal or accessory structures on Lots 1 and 2. The purpose of this restriction is to ensure that no structures are built that would prevent implementation of the street network envisioned by the Yahara Hills Neighborhood Development Plan, including the future extension of an east-west collector street and the future extension of Gala Way south to that street.
2. That final approval and recording of this CSM occur concurrent with the final approval and recording of the approved CSMs of 3784-3796 Gala Way and 3802-3820 Gala Way. The goal is for all ten lots being created by the three CSMs to be created contemporaneously so that there are no gaps created in the land record.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

3. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com).

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

4. Along the southern and eastern property lines of proposed Lot 2, provide a 35-foot public storm water drainage easement(s) to the City on the face of this Certified Survey Map with the following conditions:
 - a) No above-ground improvements other than storm sewer related improvements shall be allowed in the public storm sewer easement area(s) by the City or the property owner (Optional: pavement and/or concrete for driveway purposes shall be permitted.)
 - b) Plantings and landscaping within the public storm sewer easement area(s) shall permitted with conditions.
 - c) The property owner shall not change the grade of the public storm sewer easement area(s) without the prior written approval of the City's Engineering Division. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com or (608) 266-4097) for the final required easement language.
5. Add standard note for public utility easements being granted on this CSM: "Public Utility Easements as herein set forth are for the use by Public Bodies and Private Public Utilities having to right to serve the area."
6. Modify note 3 on sheet 5. Title work has been provided and shall be acknowledged.
7. Add the name of the streets to the labels for the two areas that are being dedicated for road right of way.

8. Prior to recording this CSM, add the CSM numbers of the two adjacent pending Certified Survey Maps.
9. Add language to the Surveyor's Certificate that the City of Madison Subdivision Ordinance has also been complied with.
10. 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.
11. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final City Engineering Division sign-off.
12. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*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 submittal.

Traffic Engineering Division (Contact Sean Malloy (608) 266-5987)

This agency has reviewed this request and recommended no conditions of approval.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

This agency has reviewed this request and recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

This agency has reviewed this request and recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw (608) 261-9835)

Note: This property is currently outside the Madison Water Utility service area. Note that future attachment to the City may require connection to the City water system, if/when water service becomes available per MGO 13.07.

Office of Real Estate Services

13. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM 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 or

authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report.

14. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s).
15. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
16. 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..."
17. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest include a Certificate of Consent for the option holder.
18. 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.
19. 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.
20. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full prior to CSM sign-off.
21. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to the Office of Real Estate Services 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 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. Staff reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.