



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3010 Hope Road, Town of Cottage Grove  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [49923](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant & Property Owners:** Joshua and Lindy Agate; 3010 Hope Road; Cottage Grove, and Ronald and Carol Foreyt; 3002 Hope Road; Cottage Grove.

**Surveyor:** Mark Gerhardt, Badger Surveying and Mapping Service; 525 W. Prairie Street; Columbus.

**Requested Action:** Approval of a Certified Survey Map (CSM) to create one residential lot from land addressed as 3010 Hope Road, Town of Cottage Grove, in the City of Madison’s Extraterritorial Jurisdiction.

**Proposal Summary:** The Agate’s own an approximately 375.6-foot wide and 230-foot deep lot containing a house, garage, and shed on the eastern edge, to which they propose to add a 495-foot section of the Foreyt’s 148-acre property to create a 4.59-acre lot with 870.5 feet of frontage along the north side of Hope Road. The applicants 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. 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 completed for review with the Dane County approval of the CSM dated January 4, 2018. Therefore, the 90-day review period for this CSM will end circa April 4, 2018.

**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 5 of this report.

## Background Information

**Parcel Location:** The Foreyt's own approximately 148 acres of contiguous land generally located along and north of Hope Road and along and east of Femrite Drive, as shown on the second sheet of the Certified Survey Map, including the land on all three sides of the Agate property.

**Existing Conditions and Land Use:** The western portions of the 148 acres are in active tillage, while the eastern portions are a combination of tilled land and wetlands associated with Door Creek, which runs north-south along the eastern edges of the overall property. A second perennial stream runs east-west across the center of the property into Door Creek. A single-family residence and series of accessory buildings of varying sizes are located on the southern edge of the 148-acre tract adjacent to the Agate residence. Most of the Foreyt lands are zoned County A-1EX (Exclusive Agricultural District), with the exception of the residence, which is located in R-1 (Residential District) zoning. The proposed Agate lot was recently rezoned to the A-2(4) (Agricultural) district.

**Surrounding Land Uses:** Properties surrounding the proposed lot are predominantly agricultural in character with the exception of a scattering of single-family residences located to the east and south of the subject parcels on variety of differently sized parcels along the north side of Hope Road in County R-1 zoning.

**Environmental Corridor Status:** The subject site is not located in the Central Urban Service Area and there are no mapped environmental corridors. However, most of the Foreyt property is designated in a County-designated resource protection corridor due to the existing perennial streams and associated floodplains and wetlands present on the property.

### 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

School District: Monona Grove School District

## Project Description

Joshua and Lindy Agate own an existing 2.23-acre lot containing a single-family residence, detached garage, and shed at 3010 Hope Road, approximately 650 feet east of its intersection with Femrite Drive. They are requesting approval of a Certified Survey Map (CSM) to join 2.36 acres of the neighboring 148-acre farm to create an approximately 4.59-acre lot with 870.5 feet of frontage along the north side of Hope Road. Most of the 148 acres surrounding the Agate lot are in active tillage, with the exception of a single-family residence and series of accessory buildings of varying sizes are located on the southern edge of the 148-acre holdings adjacent to the Agate residence. No additional development is proposed at this time, and the surrounding land remaining will continue to be used as farmland following creation of the expanded Agate lot. The Subdivision Regulations allow the remaining land to not be shown as a lot on the CSM because the remnant exceeds 40 acres. A scaled drawing from record information has been provided with the CSM to depict the remnant property as required in lieu of it being part of the land division.

## Analysis

**Approval of CSM by the Town of Sun Prairie 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 January 4, 2018. The Town of Cottage Grove Board approved the CSM and associated rezoning on October 25, 2017. Dane County previously approved a rezoning of the proposed lot from LC-1 (Limited Commercial District), A-1EX and R-1a (Residential District) to A-2(4) (Agricultural District) on November 9, 2017. County A-2(4) zoning allows single-family residences on lots that are a minimum of four acres in area; the rest of the Foreyt farmland remains zoned A-1EX. Approval of the rezoning was conditioned on a deed restriction being recorded on the proposed lot in favor of Dane County to prohibit further residential development or division of the property (see attached correspondence).

**City of Madison Land Use Plan:** The Comprehensive Plan identifies lands generally bounded by Interstate 39-90 and CTH AB on the west, Siggelkow Road on the south, Door Creek on the east and Cottage Grove Road on the north, including the subject site, in Planning Area D (Group 1).

The Comprehensive Plan indicates that Area D is a logical area for urban expansion given the growth occurring north and west of that planning area in the City's Sprecher, Cottage Grove and Marsh Road neighborhood planning areas. The Plan notes that portions of the planning area are already in the City, and that the area is well served by existing and planned roadways, and City of Madison and Madison Metropolitan Sewerage District utilities and facilities are located on the edges of the planning area, which can be extended into the area to serve future urban development. The Comprehensive Plan recommends that further planning for Planning Area D will occur in one or more neighborhood development plans. The Generalized Future Land Use Plan that includes the subject site primarily recommends that the northern portion of Planning Area D roughly bounded by Femrite Drive on the south, Meier Road on the west, Cottage Grove Road on the north and Door Creek on the east be planned for traditional neighborhood development. Area D also identifies the potential for small-scale agricultural and conservations uses, and recommends preservation of significant topographical features located in the planning area, including drumlins and wetlands.

In 2017, the City of Madison adopted the Yahara Hills Neighborhood Development Plan to provide land use, utility, and transportation-related recommendations for the southern portion of the Area D peripheral planning area, including the southern 65 acres of the Foreyt property and the adjacent residential parcels on the north side of Hope Road, including the Agate's. The plan identifies most of the Foreyt farmland in the planning area as "other open space and stormwater management" owing to the presence of the two streams and associated wetlands and floodplain present on the property, which the plan encourages be preserved as natural corridors with limited disturbance. The homes closer to Hope Road are generally included in an "agriculture/rural" zone, which is recommend predominantly for agricultural and limited rural residential uses. Urban services are not generally available to agriculture/rural zones and are not expected to be for the foreseeable future. Additional non-farm land divisions and non-farm commercial and industrial development are generally not recommended in the agriculture/rural district. The recommended net density for new development in this zone is one dwelling unit per 35 acres.

In addition to the land use recommendations for the subject properties, the Yahara Hills Neighborhood Development Plan also identifies Hope Road adjacent to the sites as a future collector roadway. As part of the transportation network planned for the area, City staff envisions nearby CTH AB being shifted approximately a quarter-mile to the east of its current alignment south of its intersection with Femrite Drive as an arterial roadway, which the plan anticipates causing changes to the alignments of both current Femrite and Hope Road. Hope Road is planned to curve to the south from its current east-west alignment to intersect future CTH AB beginning southwest of the Agate residence, with Femrite Drive to “T” into Hope instead of continuing west into the “Country Corners” intersection like it has historically. The Plan does not identify a specific future right of way width for Hope Road; other collector roadways in the planning area are recommended to have a minimum right of way of 80 feet.

## Conclusion

The Planning Division generally believes that the Plan Commission can find the approval criteria met with the proposed land division. Staff does not believe that the expanded 4.59-acre lot would be incompatible with the development pattern present in this area, which as noted earlier in this report, predominantly consists of large agricultural tracts with a smattering of single-family home sites of varying size just to the east along Hope Road. Staff does not believe that the expanded lot will 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, which appears likely to be 20 years or more away from occurring. Likewise, the land division is not inconsistent with the open space and agriculture/rural land use recommendations for the site and surroundings in the City’s recently adopted Yahara Hills Neighborhood Development Plan. However, staff recommends that 40 feet of right of way be dedicated for Hope Road along the frontage of the proposed lot as a condition of approval consistent with the Plan.

## Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 3010 Hope Road, 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

1. The applicant shall dedicate a 40-foot wide strip of right of way along Hope Road for proposed Lot 1 consistent with the requirement for collector streets in the Yahara Hills Neighborhood Development Plan.

**The following conditions of approval have been submitted by reviewing agencies:**

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

2. The applicant shall dedicate a 10-foot wide permanent limited easement for grading and sloping along Hope Road.

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

3. The CSM shall show the 16.5-foot wide easement for use as a road along the east 16.5 feet of the SE 1/4 of the SW 1/4 of Section 19 as set forth by Document No. 742365.
4. Parcel II on the title report has the incorrect parcel number. It shall be corrected to be 0711-193-9690-9.
5. All current owners shall be included in Owner's Certificate per the Title report. Alternatively, a deed conveying lands with an updated title report can be provided that confirms ownership of the lands within this CSM only with the parties named in the Owner's Certificate.
6. The portion of Hope Road already dedicated to the public by CSM 2488 shall be excluded from this CSM. It is recommended that the balance of Hope Road right of way adjacent to this CSM be dedicated for continuity.
7. The shared access easement per Document No. 2587702 benefiting the Lot within this Certified Survey Map shall be shown, dimensioned and labeled on the map.
8. Correct the North arrow on Sheet 2.
9. 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.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

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 Dennis Cawley, 261-9243)

This property is outside the Madison Water Utility service area.

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

10. Entities named on owners certificates shall be consistent with the ownership interest reported in the most recent title report.
11. Correct the spelling of 'Certify,' 'Dane,' 'Committee,' 'Monumented' and 'Instrument' Remove apostrophe from 'Owner's.'

12. 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..."
13. A Consent of Lessee shall be included for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
14. Fill in Natalie Erdman's name as Secretary of the Plan Commission on the City of Madison Plan Commission Certificate. Correct spelling of 'Commission.'
15. Correct the spelling of 'Foregoing' in the Mortgage Certificate.
16. Correct the spelling of 'Committee' in the Dane County Certificate.
17. Change the year from 2017 to 2018 throughout.
18. Obtain title update for all parcels within CSM area.
19. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto:hradlinger@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 (December 8, 2017) submitted with the CSM application and include all associated documents that have been recorded since the initial title report.
20. 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.
21. Revise the CSM prior to final sign-off as follows:
  - 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 located within the CSM boundary.
  - c.) Adjust map boundary to exclude right of way.