



Project Address: 2891-2917 CTH MN, Town of Pleasant Springs
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [31297](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: James Alme; 2061 Spring Road, Stoughton.

Surveyor: Dave Riesop, Wisconsin Mapping, LLC; 306 W. Quarry Street; Deerfield.

Requested Action: Approval of a Certified Survey Map (CSM) creating 4 commercial lots on property located at 2891-2917 CTH MN, Town of Pleasant Springs, in the City of Madison's Extraterritorial Jurisdiction.

Proposal Summary: The applicant is requesting approval of a CSM creating 4 commercial lots from 2 parcels generally addressed as 2891 and 2917 CTH MN in the Town of Pleasant Springs. The property was recently rezoned by Dane County to allow commercial uses on the 4 proposed lots, including proposed Lot 4, which will contain the applicant's existing landscaping business. Two of the proposed lots will be offered for future construction of commercial businesses, including a heating and air conditioning contractor. The residence on proposed Lot 1 will remain but may be used for a home-based business according to the applicant. 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 proposed CSM application was accepted for review by the City on July 31, 2013. Therefore, the 90-day review period for this CSM will end circa October 31, 2013.

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 5.65-acre parcel located on the south side of CTH MN opposite the southern end of Vilas Road; McFarland School District. The property backs onto the right of way of Interstate 39-90.

Existing Conditions and Land Use: The parcel addressed as 2917 CTH MN is developed with a single-family residence and detached garage and includes small parking areas adjacent to the garage and off the edge of the highway. The parcel addressed as 2891 CTH MN is developed with the applicant's landscaping business, which includes a 3,200 square-foot shop building and a large parking and outdoor materials storage area generally south of the shop. On April 4, 2013, the Dane County Board rezoned the site from County A-1 (Exclusive Agricultural District) and LC-1 (Limited Commercial District) to C-1 (Commercial District).

Surrounding Land Use and Zoning (Dane County Zoning except as noted):

North: Undeveloped agricultural lands, zoned A-1EX (Exclusive Agricultural District); Electrical Solutions and Creative Mode, zoned C-2 (Commercial District);

South: Interstate 39-90;

East: We Care Transportation, Midwest Equipment, zoned LC-1 (Limited Commercial District) and C-2 (Commercial District);

West: Interstate 39-90.

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area and is not located in a mapped environmental corridor (Map H12).

Public Utilities and Services:

Water: Property is not served by municipal water;

Sewer: Property is not served by public sewer;

Fire protection: Cottage Grove Volunteer Fire Department;

Emergency medical services: The Town of Pleasant Springs contracts for emergency medical services with the City of Stoughton, Deer-Grove Emergency Medical Services and the Village of McFarland;

Police services: Dane County Sheriff's Department;

School District: McFarland School District.

Project Description

The property owner, James Alme, is requesting approval of a four-lot extraterritorial Certified Survey Map to subdivide approximately 5.65 acres of land located in the Town of Pleasant Springs on the south side of CTH MN adjacent to Interstate 39-90 and opposite the southern end of Vilas Road.

The triangularly shaped property is comprised of two parcels, with the western of the two developed with a single-family residence and detached garage, and the eastern parcel developed with the applicant's landscaping business. The site is characterized by a very modest east-to-west slope and sits just below the grade of the

adjacent interstate. Tree cover on the site is generally limited to deciduous trees surrounding the residence and a line of trees located along the western edge of the yard and parking area for the landscaping business. Land uses and lots surrounding the site vary, and include smaller parcels occupied with commercial uses in County C-1, LC-1 and C-2 zoning to the immediate north and east of the site. Larger agricultural parcels are located further to the east of the commercial parcels closest to the subject site.

The proposed land division calls for the creation of lots for the existing residence (Lot 1) and landscaping business (Lot 4), with two lots for future commercial development to be located in between. The site is currently served by existing driveways for the residence and landscaping business, and Dane County has conditioned the proposed land division on the approval of no additional driveways for the additional lots. Therefore, Lots 1 and 2 will share the driveway for the residence, while Lot 3 will take access to CTH MN from the driveway on Lot 4.

Analysis

Approval of CSM by the Town of Pleasant Springs 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 land division as outlined in a letter dated June 28, 2013 from Dan Everson, Land Division Review, Dane County Department of Planning and Development. As a condition of the County rezoning approval to be implemented as part of the final approval of the CSM, the applicant is required to deed restrict the 4 proposed lots prohibiting the installation of off-premise advertising signs (billboards). The Pleasant Springs Town Board conditionally approved the proposed land division on July 16, 2013.

City of Madison Land Use Plan: The subject site is located with Peripheral Planning Area I as defined in the Comprehensive Plan. Planning Area I is a "Group 3" planning area recommended primarily for continued agricultural and open space uses, and urban development is not recommended or anticipated during the approximately 20-year planning period. The subject site is located well beyond the coverage of the more detailed Generalized Future Land Use Maps contained in the Comprehensive Plan.

Conclusion

The Planning Division believes that the Plan Commission can find the above criteria met with the proposed land division. Staff believes that the proposed lots are consistent with the development pattern present nearby along CTH MN. As noted earlier in this report, a variety of other similarly sized parcels zoned and used for commercial uses are located immediately to the east of the subject site as well as across CTH MN to the north. Staff also does not believe that the land division will adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations in this area in the future. Staff estimates that such activities are likely to be 20 years or more away from occurring.

Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of 2891-2917 CTH MN, Town of Pleasant Springs, 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 no vehicular access to Interstate 39-90 shall be better identified/ highlighted on the final CSM. A note shall be included on the final CSM specifically stating that Lots 1, 2 and 4 shall not have direct vehicular access to the adjacent interstate.
2. A note shall be placed on the CSM stating that any future residential buildings constructed on Lots 1-4 will be designed so that highway-generated interior noise levels will not exceed 52 decibels.
3. Include the following note on the CSM: *“The owners and occupants of existing and future residences on lots contained on this Certified Survey Map acknowledge the presence of high levels of noise and vibration resulting from adjacent Interstate 39-90 and shall hold harmless from damages the Wisconsin Department of Transportation and any municipality in whose jurisdiction these lots are located from any impacts on the use, enjoyment or value of these properties resulting from existing or future highway traffic volumes. Said owners and occupants hereby acknowledge that the State of Wisconsin may not be responsible for providing a noise barrier for Interstate 39-90 adjacent to this Certified Survey Map due to the provisions set forth in Wisconsin Admin. Code ch. Trans 405.”*

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

City Engineering Division (Contact Janet Dailey, 261-9688)

4. The stormwater easement shall specify if it is public or private and which lots will benefit from the easement.
5. Lot 2 of Certified Survey Map 5112 states “NO VEHICULAR ACCESS” along the County Trunk Highway MN right-of-way. This restriction shall be shown on the CSM unless access restriction has been modified or removed. If this access restriction has been modified or removed, provide a copy of the official document. Also, if the restriction has not been removed, it may encumber the current west half of the joint driveway access that lies within this Certified Survey Map and may require appropriate action by the Town of Pleasant Springs.
6. Considering the noted shared access easement for Lot 3 as shown on Lot 4 of the proposed CSM. It is assumed Lot 3 will also utilize the shared driveway along the east side of the CSM. If so, the joint driveway agreement, per Document No. 2186533, will require an amendment to allow Lot 3 and Lot 2 along with Lot 1 of CSM 5112 to all use the joint driveway instead of the two original lots.
7. Lot 2 of CSM 5112 (part of this CSM) benefits from the 20-foot wide ingress and egress easement as shown on Lot 1 of Certified Survey Map 5112. These rights were granted by Document No. 1655556. This easement will need to be amended to specify the new lot(s) that will have rights to use this easement.
8. The home site on Lot 1 of the proposed CSM has a driveway and access point to CTH MN that crosses over Lot 2. If this driveway is to be shared between the lots, a joint driveway/access easement will be needed. If Lot 2 is to have a separate driveway an access easement in favor of Lot 1 will be required over Lot 2.

9. If any portion of the gas main easement per Document No. 1093211 encumbers any lands within this proposed CSM, it shall be shown on the face of the map.

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 Eric Pederson, 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.

11. In accordance with Section s.236.34(1)(c), which says a CSM shall be prepared in accordance with s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

This agency did not provide comments for this request.

Zoning Administrator (Contact Pat Anderson, 266-5978)

This property is outside the Madison Water Utility service area.

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 (Jenny Frese, 267-8719)

12. Prior to requesting final sign-off, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.

13. A certificate of consent by all mortgagees/vendors shall be included following the Owner's Certificate and executed prior to final CSM sign-off. All mortgages of record in the title report shall be present. Revise the existing Consent of Mortgagee certificate to appear in its complete format, similar to the Owner's certificate.

14. As of August 30, 2013, the 2012 real estate taxes are paid for the subject property, with the special assessments included in that payment.

15. The following revisions shall be made to the CSM prior to final sign-off:

- a.) The legal description of the lands included in the proposed CSM shall be reconciled with the legal description of said lands in record title to ensure accuracy.

- b.) Carry over all applicable Notes and depictions from CSM 5112, in particular the “No Access” area.
- c.) Certain items in the title report don’t appear to affect the lands within the CSM boundary. Please research the following miscellaneous items and either apply them to the CSM or have them removed from title: 3g, 3h, 3i, 3j.
- d.) Revise the label for the ATC overhead electric easement to be consistent with its title in the recorded document. Place the document number for said easement under each label for clarity and depict the defined easement boundary. In addition, Doc. No. 4756484 is not included in the title report. Please ensure it is shown in the title update.
- e.) Include 3l and 3m from the title report as notes on the CSM.
- f.) Revise the easement area for Doc. No. 4758049 to include the entire name of the easement, as well as a defined easement boundary.
- g.) Coordinate with City staff regarding the creation of the shared access easement for Lot 3.
- h.) Doc. No. 1016977 is not included in the title report, but is referenced on the CSM. Please coordinate with City staff regarding the intent of this document.
- i.) Satisfactions or releases for all mortgages, liens, judgments, or other instruments that no longer encumber the lands or ownership within the CSM boundary shall be recorded prior to CSM approval sign-off.