



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 7080 Applewood Drive, Town of Middleton  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [50992](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant & Property Owner:** Todd J. Meinholz; 7080 Applewood Drive; Madison.

**Surveyor:** Tim Moore, Moore Surveying, LLC; 2918 Marketplace Drive, Suite 108; Fitchburg.

**Requested Action:** Approval of a Certified Survey Map (CSM) to create two lots from land addressed as 7080 Applewood Drive, Town of Middleton, in the City of Madison’s Extraterritorial Jurisdiction.

**Proposal Summary:** The subject site is comprised of Lots 25 and 26 of the Applewood Hill subdivision, with an existing single-family located atop the existing common lot line. The applicant and property owner is proposing to re-divide two existing residential lots to allow a new single-family residence to be constructed west of the existing residence. 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 determined to be complete following transmittal of the Town of Middleton’s February 26, 2018 approval of the CSM in a message dated April 6, 2018. Therefore, the 90-day review period for this CSM will end circa July 6, 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 4 of this report.

## Background Information

**Parcel Location:** Applewood Drive is a loop road that serves all of the lots in the Applewood Hill subdivision from a single intersection with S. Junction Road. The subject site is an approximately 1.6-acre parcel comprised of two platted lots located on the east side of where the Applewood Drive loop intersects.

**Existing Conditions and Land Use:** The subject site is developed with a two-story single-family residence in R-1 (Residential District) per Dane County zoning. The home sits across the platted lot line separating Lots 25 and 26.

**Surrounding Land Uses:** The site is surrounded by other single-family residences in the Applewood Hill subdivision.

**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. Parcels in Applewood Hill share a community well.

Sewer: Property is not served by public sewer at this time.

Fire protection: Middleton Fire District.

Emergency medical services: Middleton Emergency Medical Services.

Police services: Dane County Sheriff's Department.

School District: Middleton-Cross Plains Area School District.

## Project Description

The applicant and property owner is requesting approval of a Certified Survey Map to re-divide an existing 1.6-acre parcel consisting of two platted lots in the Applewood Hill residential subdivision in the Town of Middleton. The subject parcel is Lots 25 and 26 of the subdivision, and the existing single-family residence is located atop the platted common line separating the two lots. The applicant is requesting approval to re-divide the property to make a second lot available for a new residence to be constructed.

The proposed re-division calls for the house to remain on an approximately 1.0-acre lot shown as Lot 1 of the CSM. The new line separating the existing home site from the new home site shown as Lot 2 is proposed to be 25 feet west of and parallel to the western wall of the existing residence and roughly perpendicular to the front property line along the east-west section of the Applewood Drive loop road. The common lot line is proposed to turn south of the existing residence to the southeast to become more parallel to the north-south section of Applewood Drive that forms the western edge of the subject site. Lot 2 is proposed as an approximately 0.61-acre lot on the CSM submitted for review.

**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 February 27, 2018. The Town

of Middleton Board approved the CSM on February 26, 2018. The R-1 residential zoning of the subject site is not proposed to change with the proposed land division.

## Analysis and Conclusion

The proposed re-division of the 1.6-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 subject property is not eligible for an exemption in the Plan that entitles the owner of any five-acre or larger parcel of land in existence in March 2002 in a zoning district permitting residential use to divide that parcel one time, subject only to compliance with applicable City ordinances, plans, policies, standards and procedures, to construct a house and accessory structures on each parcel without being subject to attachment to the City. A parcel is defined under the City's Subdivision Regulations as "contiguous lands under the control of a subdivider(s), not separated by streets, highways or railroad rights of way." As such, the two platted lots comprise a single parcel for implementing this provision of the cooperative plan.

The subject parcel appears to be the only instance in the Applewood Hill subdivision where a residence occupies two platted lots instead of one. The Planning Division believes that the Plan Commission can find the approval criteria met to allow the 1.6-acre parcel to be re-divided to create a second, albeit smaller, lot for new home construction. The new lot configuration should not adversely affect the City's ability to provide services to this area once it is attached to the City no later than February 2042, and the resulting development will be consistent with the Low-Density Residential land uses recommended for the subject site and surrounding Applewood Hill subdivision by the 2006 Comprehensive Plan. The property is located outside of the boundaries of an adopted City of Madison neighborhood development plan (the northern edge of the High Point-Raymond Neighborhood Development Plan is coterminous with the southern boundary of the Applewood Hill subdivision). Staff does not believe that attachment of the property to the City is appropriate at this time.

Staff does not object to the size of proposed Lot 2. However, staff recommends that the applicant and surveyor explore whether the common line between Lots 1 and 2 may be revised to eliminate the proposed turn south of the residence on Lot 1. Jogs in side lot lines are uncommon in the Applewood Hill subdivision, with no such instances shown on the original 1966 plat and only one unplatted instance that staff could find in the parcel record. Instead of the jog proposed, staff recommends that the applicant reduce the side yard of the existing house to the proposed common line from 25 feet to 20, and draw a consistent line from roughly where the common line is currently proposed to meet the east-west road section to the southwesterly corner of the parcel adjacent to the north-south section of the road.

While the result will be a slightly smaller Lot 2 than currently proposed, Planning staff believes that such a revised configuration will create more consistent and rectangular-like lots than the dogleg of Lot 2 now proposed. The resulting configuration would also be more consistent with the requirement in the City's Subdivision Regulations that side lot lines shall be as nearly as possible at right angles to straight street lines or radial to curved street lines on which the lots face, and that corner lots shall have sufficient width to permit adequate building setbacks from

side streets per MGO Section 16.23(8)(d)4. and 5. (see attached exhibit). The shape of the buildable area on Lot 2 will also be more uniform with the staff-proposed revision than the one currently proposed.

## Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 7080 Applewood Drive, 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. The applicant and surveyor shall explore whether the common line between Lots 1 and 2 may be revised to eliminate the proposed turn south of the residence on Lot 1. Staff recommends that the applicant reduce the side yard of the existing house to the proposed common line from 25 feet to 20, and draw a consistent line from roughly where the common line is currently proposed to meet the east-west section of Applewood Drive to the southwesterly corner of the parcel adjacent to the north-south section of the road.

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

2. The applicant shall dedicate a 15-foot wide Permanent Limited Easement for grading and sloping along Applewood Drive.

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

3. The CSM shall specifically show and label the 50- and 30-foot Building Setback Lines that were set forth by the plat of Applewood Hill.
4. It is preferred that zoning district labels and any associated setbacks per the Dane County Zoning Ordinance not be shown on the CSM, as they change over time.
5. Any new building setback restrictions to be set forth by this Certified Survey Map shall be distinctly shown (different graphics from existing setbacks) and labeled as such on the Certified Survey Map.
6. In accordance with Section s.236.34(1m)(c), which states a CSM shall be prepared in accordance with the plat requirements stated per s.236.20(2)(c) & (f), Wisconsin Statutes, the applicant shall show the type, location and width of any and all easements on the CSM. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being granted by the new CSM. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by the CSM.
7. Label the 10-foot Utility Easement along the south boundary that it is per Applewood Hill, Document No. 1174937.

8. Provide tangent bearings for the curves. Most are not tangent to the adjacent lines or curves. Also provide recorded as data for the chords in the curvetable.
9. The applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map. The surveyor shall identify any deviation from City Master Control with recorded and measured designations.
10. Add the City of Madison as an approving agency to the Owner's Certificate.
11. Revise the Mortgagee in the Mortgagee Certificate to be Monona Bank.
12. Add a note that lands within this Certified Survey Map are subject to Declaration of Covenants and Restrictions per Document No. 1174939, the time frame of which was most recently extended per Document No. 4772105.
13. The Stormwater Easement shown being granted by this CSM shall note that it is a Public Stormwater Easement granted by this CSM.
14. Recheck distance of the interior line between Lot 1 and Lot 2. COGO of individual lots does not close. Revise accordingly.
15. 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. Electronic mail submittal of the **final** CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com
16. 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.
17. 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)

18. Provide the following information to the buyer/builder of the new lot: Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e).

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

This property is outside the Madison Water Utility service area.

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

19. 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. Please modify the first sentence of the Consent of Mortgagee to read as follows: Monona Bank, Mortgagee of the above described parcel, does hereby consent to the surveying, dividing, mapping and dedicating of the land described above, and does hereby consent to the above Certificate of Todd. J. Meinholz, Owner.
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. Revise the Secretary of the City of Madison Plan Commission to state: "Natalie Erdman".
23. As of April 25, 2018, the 2017 real estate taxes and special assessments 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.

24. 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 (February 16, 2018) 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.
25. 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.
26. The following revisions shall be made to the CSM prior to final approval and recording:
  - a.) Label building setbacks on map.
  - b.) Label the 10-foot utility easement with the document number for the Plat of Applewood Hill.
  - c.) Ensure all notes from the prior Plat of Applewood Hill are carried over to the CSM notes, where applicable.
  - d.) Depict, name, and identify by document number all existing easements cited in record title and the updated title report.
  - e.) Include a note on the CSM describing the Declaration of Covenants and Restrictions recorded as Document No. 1174939, Modification recorded as Document No.2089638, and Second Extension of Declarations recorded as Document No.4772105.
  - f.) Paragraph 8(c) of the Declaration of Covenants and Restrictions recorded as Document No.1174939 states: "No lots in the plat may be subdivided". Record a release of this restriction prior to recording this CSM if required by Dane County.
  - g.) Include a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title. Please remove the reference to the recorded and unrecorded restrictions, reservations, rights-of-way and easements in the legal description.