



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3176 Shady Oak Lane, Town of Verona  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [63208](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant & Property Owner:** Joe Rueden, JP & KW Revocable Trust and Kelsey Rueden; 5657 Nutone Street; Fitchburg.

**Surveyor:** Andrew R Moore, Moore Surveying, LLC; N3131 Robin Road; Poynette.

**Requested Action:** Approval of a Certified Survey Map (CSM) to create two lots at 3176 Shady Oak Lane, Town of Verona, in the City of Madison’s Extraterritorial Jurisdiction.

**Proposal Summary:** The applicant is requesting approval of a CSM to create a second single-family lot from the approximately 4.6-acre parcel. 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 November 18, 2020. Therefore, the 90-day review period for this CSM will end circa February 18, 2021.

**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 4.6-acre parcel located on the northeasterly side of Shady Oak Lane, approximately 1,200 feet south of Mid Town Road in the Town of Verona.

**Existing Conditions and Land Use:** The subject site is developed with a single-family residence, garage, and a shed located in the northwestern corner of the property. The rest of the property is wooded and undeveloped. The parcel is zoned RR-2 (Rural Residential-2 District) per Dane County zoning.

**Surrounding Land Use and Zoning:** The subject property is generally surrounded by a variety of other single-family residences located on lots and condominium units of varying size and zoning located along the northern section of Shady Oak Lane, a town road that extends between Mid Town Road on the north and CTH PD on the south.

**Environmental Corridor Status:** The subject site is not located in the Central Urban Service Area and there are no mapped environmental corridors. However, a minor ridge is mapped in a County-designated resource protection corridor.

### Public Utilities and Services:

Water: Property is not served by municipal water

Sewer: Property is not served by public sewer

Fire protection: Verona Fire Department

Emergency medical services: Fitch-Rona Emergency Medical Services

Police services: Dane County Sheriff's Department

School District: Verona Area School District

## Project Description

The applicants are requesting approval of a Certified Survey Map to divide a 4.6-acre parcel at 3176 Shady Oak Lane into two lots. The subject site is developed with a two-story single-family residence, detached garage, and shed located in the northwesterly corner of the irregularly shaped parcel, which is characterized by a wooded ridge that parallels Shady Oak Lane. The residence and accessory buildings are located on the high point of the parcel.

The proposed CSM will create a 2.39-acre Lot 1 for the existing buildings and driveway, with the remaining land to be a crescent-shaped 2.19-acre Lot 2. Both lots are zoned County RR-2 zoning, which requires a minimum of two acres of lot area and a maximum of four acres. The letter of intent indicates that the topography of the site and the drain field for the existing residence informed the layout of the proposed lots. The Plan Commission should refer to the letter of intent for the full rationale for the proposed lot layout.

**Approval of CSM by the Town of Verona 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 November 18, 2020. The Town of Verona Board approved the CSM on November 10, 2020. Both approvals are attached.

## Analysis

**City of Madison Land Use Plan:** The subject site and surrounding properties are not currently located within the boundaries of an adopted City of Madison neighborhood development plan. The 2018 Comprehensive Plan includes lands generally located west of University Ridge Golf Course between Mid Town Road and CTH PD in the Town of Verona (including the subject site), in Planning Area A (Group 1) on the Peripheral Planning Areas map in the Growth Framework.

Peripheral Planning Area A (PPA-A) is the only potential City of Madison expansion area on the west side of the City not already covered by an adopted neighborhood development plan and governed by an intergovernmental agreement. City of Madison utilities and services currently serve development on adjacent lands in the Shady-Wood Neighborhood Development Plan and Mid-Town Neighborhood Development Plan areas, and at least part of PPA-A can be served by this existing infrastructure. The plan notes that a future Madison Metropolitan Sewerage District sanitary interceptor will be extended between CTH PD and Mid Town Road to serve the eastern half of PPA-A, including Shady Oak Lane, which contains a considerable amount of unsewered residential development. The Plan acknowledges that the amount of existing unsewered development in PPA-A may influence the potential extent of City expansion and the prospects for more intensive development.

**Land Division Criteria:** Any subdivision or land division in the extraterritorial jurisdiction 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. Also, 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.

In reviewing the proposed land division, the Planning Division believes that the Plan Commission can find that the criteria for approval are met to divide the subject site into two nearly equal lots. Staff generally feels that the proposed lots reflect a continuation of the residential development pattern that exists along the northern portion of Shady Oak Lane, which includes a variety of differently shaped and sized lots and condominium units on both sides of the road and on nearby Town cul-de-sacs. While the configuration of the proposed lots is somewhat irregular, staff feels that the applicant has substantiated the proposed lot design based on the topography of the land in relation to the location of the building area shown on the last page of the letter of intent. Despite the irregular configuration, staff believes that the extraterritorial approval criteria can be met.

## Conclusion

The Planning Division believes that the proposed land division can meet the approval criteria. The proposed lots are generally compatible with the development pattern present in this area, which includes a series of similarly sized parcels along the northern end of Shady Oak Lane. Despite the unique configuration of the proposed lots, 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 3176 Shady Oak Lane, Town of Verona, 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

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

This agency submitted a response with no comments or conditions for this request.

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

1. Add a note that Lot 1 shall be subject to Covenants and Restrictions per Document Nos. 1790833 and 1975429.
2. The public right of way is being dedicated, therefore the lot areas labeled should include only those lands that will be a lot without any portion of the public right of way.
3. Shady Oak Lane is being dedicated to the public. The right of way shall therefore be a solid line as required by statute as it will also be a lot line.
4. Add a record distance for the exterior Southeast line of the CSM (515.1 feet).
5. 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 monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com)
6. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office for current tie sheets and control data that has been provided by the City of Madison.
7. Prior to final City Engineering Division sign-off for Certified Survey Maps (CSM), the final CSM must be submitted by email in PDF format 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.
8. Submit to Jeff Quamme, prior to City 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 (all shown on the plat, 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 that 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 Jenny Kirchgatter, 266-4429)

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 Jeff Belshaw, 261-9835)

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

**Office of Real Estate Services** (Andy Miller, 261-9983)

9. 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. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not possible, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
10. A certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s) and executed prior to CSM approval sign-off. If the CSM is signed electronically, a PDF of the CSM containing electronic signatures shall be provided to ORES to obtain final sign-off.
11. 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 sign-off.
12. If any portion of the lands within the CSM boundary are subject to an option to purchase or other option interest please include a Certificate of Consent for the option holder.
13. 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.

14. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording.
15. The November 12, 2020 title report shows special assessments are due. 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 pursuant to MGO Section 16.23(5)(g)1.
16. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Andy Miller in City's Office of Real Estate Services ([acmillar@cityofmadison.com](mailto:acmillar@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 (November 12, 2020) 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. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
17. The owner shall email a PDF of the recorded CSM to Andy Miller at [acmillar@cityofmadison.com](mailto:acmillar@cityofmadison.com) as soon as it is available.
18. Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.