



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3424 Lake Farm Road, Town of Blooming Grove  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [48972](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant & Property Owner:** Robert Van Daalwyk; 3424 Lake Farm Road; Madison.

**Surveyor:** Todd Buhr, JSD Professional Services, Inc.; 161 Horizon Drive, Suite 101; Verona.

**Requested Action:** Approval of a Certified Survey Map (CSM) to create three lots at 3424 Lake Farm Road, Town of Blooming Grove, within the City of Madison’s Extraterritorial Jurisdiction.

**Proposal Summary:** The applicant proposes to the existing 25.2-acre parcel into a lot for an existing single-family residence and barn, which houses his existing contractor’s business, a second lot for a future single-family residence, and a third lot to remain agricultural. 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.

In addition, the proposed land division is subject to approval under the terms of the Town of Blooming Grove and City of Madison Cooperative Plan dated April 20, 2006.

**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 CSM application was submitted on September 20, 2017. However, the final Town of Blooming Grove approvals needed for the land division were not granted until October 11, 2017. Therefore, the 90-day review period for this CSM will end circa January 11, 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:** An approximately 25.2-acre property located on the west side of Lake Farm Road, approximately 400 feet north of Meadowview Road.

**Existing Conditions and Land Use:** The subject site is developed with a two-story single-family residence and a barn located in the southeastern corner of the property. The applicant's roofing and siding business, Weathertight Home Improvements, is located in the barn, with a parking area along the eastern wall of the barn, and a dumpster area to the north. The existing residence and barn are zoned County LC-1 (Limited Commercial District). The portion of the property to be developed with a second single-family residence was recently rezoned A-2(4) (Agriculture District), with the remainder of the property zoned County A-4 (Small Lot Agriculture District). A zoning exhibit highlighting the zoning of the property is included in the application materials for this request.

### Surrounding Land Use and Zoning:

**North:** Lake Farm County Park and Capital Springs Recreation Area, zoned CN (Conservancy District) in the City of Madison, and County RE-1 (Recreation District) in the Town of Blooming Grove, respectively;

**South:** Undeveloped agricultural land in the Town, zoned A-1EX (Exclusive Agriculture District);

**East:** Capital Springs Centennial State Park in the Town, zoned County RE-1;

**West:** Undeveloped agricultural land in the Town, zoned A-1EX.

**Environmental Corridor Status:** The subject site is located in the Central Urban Service Area. There are no environmental corridors identified for the site. The State- and County-owned lands to the north are mapped as public lands.

### Public Utilities and Services:

**Water:** The property is not served by municipal water;

**Sewer:** The property is located in the Central Urban Service Area and is crossed by the Madison Metropolitan Sewerage District's Nine Springs Valley Waubesa Extension sanitary Interceptor; the buildings on site are not connected;

**Fire protection:** City of Madison Fire Department;

**Emergency medical services:** City of Madison Fire Department;

**Police services:** Dane County Sheriff's Department (S1 Precinct);

**School District:** Oregon School District.

## Project Description

The applicant is requesting approval of a Certified Survey Map (CSM) to divide his approximately 25.2-acre parcel into three lots.

The subject site is located on the west side of Lake Farm Road, approximately 400 feet north of Meadowview Road and a quarter-mile south of Libby Road. The subject site is developed with a two-story single-family residence and

barn in the southeastern corner of the property; most of the rest of the property is in tillage. The applicant operates his roofing and siding contractor's business out of the barn, with the area north of the barn used for material storage and dumpsters related to the business. A single driveway from Lake Farm Road serves both the residence and barn/business. Lake Farm County Park and Capital Springs Recreation Area forms the northern edge of the subject site, while Capital Springs Centennial State Park is located to the east of the subject site across Lake Farm Road. Agricultural land is located to the south and west of the subject property.

From north to south, Lot 1 of the CSM is proposed as a 15.9-acre parcel with approximately 535 feet of frontage along Lake Farm Road. The rectangular lot will include most of the agricultural land located between the residence and barn and the public parklands that form the northern boundary of the property. The applicant recently received conditional approval by Dane County of a request to rezone that portion of the property to the A-4 Small Lot Agriculture District, which the Dane County Zoning Ordinance states is intended to preserve agricultural and open space uses on zoning lots between five and thirty-five acres in size.

Lot 2 of the proposed CSM will be a 6.5-acre parcel with 116.8 feet of frontage along Lake Farm Road, which will open to 432 feet along its western property line. Proposed Lot 2 will contain the remaining agricultural land on the subject site initially; however, the applicant indicates that a new single-family residence may be constructed on that lot in the future. The lot was recently rezoned to the A-2(4) zoning district. Dane County indicates that the A-2 Agriculture District is intended to provide for low-density land uses compatible with agricultural and other rural uses, and to accommodate agricultural uses on parcels of less than 35 acres; single-family residences are permitted uses in that district. The A-2(4) district requires a minimum of four acres of lot area (the A-2 districts range in minimum size from one to sixteen acres based on the number in parenthesis).

Lot 3 of the proposed CSM will contain the remainder of the property, including the existing single-family residence and barn/business. The 2.83-acre lot was zoned LC-1 (Limited Commercial District) with the recent County zoning approvals to allow the existing contractor's business to remain. Previously, the residence was zoned A-2(1) while the barn was zoned LC-1. However, the applicant indicates that once the new residence is constructed on Lot 2, the existing residence on Lot 3 will revert to an office for the contractor's business, which required expansion of the LC-1 zoning that previously only included the barn.

## Analysis

**Approval of CSM by the Town of Blooming 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.

The Dane County Board approved the three rezonings and conditional use related to the proposed land division on September 7, 2017, subject to final approval of the land division (see attached correspondence) and execution of a deed restriction that limits the use of proposed Lot 3 to contractor businesses, transportation businesses, building trade businesses, and landscaping operations. The three-lot CSM was conditional approved as outlined in a letter dated September 21, 2017 from Dan Everson, Land Division Review, Dane County Department of Planning and Development. The Town of Blooming Grove Board granted final approval to the CSM on October 11, 2017.

**Town of Blooming Grove Cooperative Plan:** The subject site and all properties remaining in the Town of Blooming Grove are subject to the provisions of the Town of Blooming Grove and City of Madison Cooperative Plan dated April 20, 2006 ("Cooperative Plan"). As defined in the Cooperative Plan, the terms "develop" or

“development” refer to 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. Both the proposed creation of three lots by CSM and the expansion of the LC-1 zoning onto land previously zoned in an agricultural district compel development approval by the City in addition to the need to approve the land division in the City’s extraterritorial jurisdiction. Pursuant to the provisions in Section 11B of the Cooperative Plan, any “development” is subject to City approval using the City’s development review ordinances and adopted plans, and attachment of the development site to the City and connection to City water and sanitary sewer services may not be required in the sole discretion of the City. Otherwise, unless the property owner petitions to attach to the City sooner, the subject site will remain in the Town until final attachment on October 31, 2027.

**City of Madison Land Use Plan:** The subject site is located just outside the boundaries of any land use planning document adopted by the City of Madison, including the 2006 Comprehensive Plan and the Peripheral Planning Areas contained therein. The Dane County and State of Wisconsin Department of Natural Resources-owned lands located just north of the subject site are recommended for Park and Open Space uses in the Comprehensive Plan. However, that land use polygon does not extend further south to include the subject site or properties located along Meadowview Road, which is the border between the Town of Blooming Grove and Town of Dunn. Effectively, there is no land use guidance adopted by the City that would suggest the proposed land division or related County zoning approvals should not be approved. [The land use recommendations in the 2017-2018 update to the Comprehensive Plan will include this portion of the Town south to Meadowview Road.]

## Conclusion

In general, the City desires that new development in the Town be compatible with the City and eventually be assimilated by the City, and that all other development shall occur in the City, served by City municipal services and in compliance with the City’s development review ordinances and adopted plans. The Town and the City entered into an intergovernmental agreement in 2005 (which preceded the Town of Blooming Grove and City of Madison Cooperative Plan) for the purposes of “guiding and accomplishing a coordinated, adjusted, and harmonious development of the Town and the City and transition from Town to City...” In general, the Cooperative Plan is intended to encourage orderly urban growth and seeks to limit the amount of development in the Town prior to final attachment of all remaining Town properties to the City of Madison in 2027.

In this case, the City does not desire to attach the subject site at this time. While a section of the City limits currently abut the northwesternmost corner of the subject parcel, the City limits are principally located a quarter-mile north of the northeastern corner of the site along Lake Farm Road at Libby Road. Given the current location of the City limits and the limited nature of the development proposed, the City believes that it would appropriate for the 25.2-acre site to remain in the Town of Blooming Grove at this time.

The Planning Division believes that the proposed land division can meet the extraterritorial approval criteria. The proposed land division should not adversely affect the City’s ability to provide public services to this area in the future or implement any land use plans it may adopt. The lot configuration proposed does not necessarily maintain the general land development pattern of the area in question as generally required by the extraterritorial approval criteria. However, staff feels that the net addition of one additional single-family residence near the existing residence and barn on the southern portion of the property while the northern 15.9 acres of the 25.2-acre property remains agricultural is generally consistent with an exemption in the Cooperative Plan that allows a five-acre or larger parcel in existence as of February 18, 2005 to be split into not more than two lots for single-family residential purposes without City approval. [In other words, the proposed three-lot division would net the same number of single-family residences as would be allowed by the exemption: two.]

Planning staff has also provided comments (attached following this report) to Dane County during their consideration of the three rezonings related to this land division, including the restriction limiting the use of the LC-1-zoned Lot 3 to contractor businesses, transportation businesses, building trade businesses, and landscaping operations. Staff believes that the guidance provided on the County rezonings and the review of this land division are consistent with the City's goals for new development in the Town as stated in the Cooperative Plan.

## Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 3424 Lake Farm Road, Town of Blooming 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. Prior to recording of a final plat of the CSM, the applicant shall execute a restrictive covenant over the proposed lots in a form approved by the Planning Division. The restrictive covenant shall:
  - a.) restrict the use of Lot 1 to agricultural, open space, conservation or park purposes;
  - b.) require the written approval of the Planning Division Director of the location of any new or expanded principal or accessory buildings on Lots 2 and 3 prior to construction to ensure that the placement of such buildings does not impact the City's ability to provide public services, install public improvements, or extend future streets if so planned;
  - c.) limit the use of Lot 3 to contractor businesses, transportation businesses, building trade businesses, and landscaping operations.

The restriction shall name the City as a party, run with the land, and expire upon attachment of the property to the City of Madison not later than October 31, 2027.

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

2. The applicant shall dedicate a 30-foot wide sanitary sewer easement to the Madison Metropolitan Sewerage District (MMSD) centered on the MMSD interceptor as a condition of Certified Survey Map approval.
3. The applicant shall dedicate a 25-foot wide stormwater drainage easement, to the public, adjacent and south of the MMSD 21-inch sanitary interceptor. The easement shall be shown on the CSM. Contact Jeff Quamme for the required language (jrquamme@cityofmadison.com).
4. The applicant shall dedicate a 15-foot wide Permanent Limited Easement for grading and sloping along Lake Farm Road per MGO 16.23(5)(g)1.
5. Madison Metropolitan Sewerage District (MMSD) charges will be due in the future when the property becomes part of the City and connects to sewer. No sanitary sewer area connection charges are due at this time with this CSM.

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

6. Add a note that Lot 3 is subject to Private Sewage System Maintenance Agreements per Document Nos. 2667446 and 2669579.
7. The Consent of Mortgagee Certificate shall be updated to acknowledge First Federal Capital Bank as per the title report provided.
8. Lake Farm Road shall be labeled as required by Statute. This shall include the area dedicated to the public and the area east of the centerline.
9. Add the recorded as information to the tie from the southeast corner of Section 31 and also correct the 745.00 to 745.50 recorded as information along the south side of the Certified Survey Map.
10. The Certified Survey Map shall designate all found or set monumentation at all corners as required.
11. The government corner shall be shown for the Southeast Corner of Section 31.
12. The lands label northwesterly of the CSM shall be slightly revised to separate the word "LANDS" from the "CITY OF MADISON" to avoid interpretation of lands being owned by the City rather than lands lying within the corporate boundary.
13. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat/CSM 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: a.) Right-of-Way lines (public and private); b) Lot lines; c) Lot numbers; d) Lot/Plat dimensions; e) Street names; and f) Easement lines (i.e. street, sanitary, storm (including wetland and 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 from the required 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.
14. Prior to City Engineering final sign-off for Certified Survey Maps (CSM), the CSM must be submitted to the 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 City Engineering Division sign-off. Transmit the CSM to [jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com).

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

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)

15. Provide the following information to the buyer of Lot 2: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://homefiresprinkler.org>."

**Water Utility** (Contact Adam Wiederhoeft, 261-9121)

This property is outside the Madison Water Utility service area.

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

16. Complete Mortgagee Certificate with First Federal Capital Bank information.
17. 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.
18. 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. This includes property tax bills for the prior year that are distributed at the beginning of the year. All special assessments are due and payable prior to final CSM sign-off per MGO Section 16.23(5)(g)1.
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 (March 20, 2017) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. The surveyor shall update the CSM with the most recent information reported in the title update.
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. The CSM shall be revised as follows prior to final approval of the CSM:
  - a) Create Note referencing Document Nos. 2667446 and 2669579.
  - b) Depict and dimension all existing improvements (buildings, drives, parking lots, etc.), encroachments, wells, and septic systems located within the CSM boundary.