



PREPARED FOR THE PLAN COMMISSION

Project Address: 3381-3391 Meadow Road, Town of Middleton
Application Type: Preliminary Plat
Legistar File ID # [41012](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Tommy Van Ess Realty at First Weber; 7580 Tumbledown Trail; Verona.

Surveyor: John Krebs, JSD Professional Services; 161 Horizon Drive, Suite 101; Verona.

Requested Action: Approval of a preliminary plat in the City’s extraterritorial plat approval jurisdiction to create 13 single-family lots and 2 outlots for stormwater management and open space in the Town of Middleton, with a third outlot to be created for future development in the City of Madison following attachment.

Proposal Summary: The applicant is requesting approval of the preliminary plat of “Aspen Meadow Estates” to create a lot for an existing single-family residence at 3381 Meadow Road, create 12 lots for future single-family residences, and 3 outlots. The City’s primary role in reviewing the proposed subdivision is to establish the future right of way alignment for Pioneer Road as called for in adopted City plans. Outlot 2 of the proposed subdivision will eventually be attached to the City as called for in the City of Madison-Town of Middleton intergovernmental agreement and cooperative plan. The applicant wishes to commence construction of the subdivision west of future Pioneer Road as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: The process for subdivisions located within the corporate limits of the City of Madison or within the Extraterritorial Plat Approval Jurisdiction is outlined in Section 16.23 of the Subdivision Regulations. In addition, the proposed subdivision is subject to specific review provisions in the City’s 2002-2003 intergovernmental agreement and cooperative plan with the Town of Middleton.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State’s subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The proposed preliminary plat application was submitted to the City on November 23, 2015. However, the preliminary plat did not receive approval by Dane County until February 25, 2016. Therefore, the 90-day review period for this plat is scheduled to expire circa May 25, 2016.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the extraterritorial preliminary plat of Aspen Meadow Estates to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions of approval from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: Two parcels totaling 32.65 acres of land generally located on the west side of Meadow Road, a half-mile south of Valley View Road, in the Town of Middleton.

Existing Conditions and Land Use: The northern 26.3 acres of the proposed subdivision (3391 Meadow Road) is undeveloped with the exception of a standalone shed in the southeastern quadrant of the parcel. The 3381 Meadow Road parcel is a 6.35-acre parcel developed with a single-family residence located at the rear of the property. Most of the residential parcel sits back from Meadow Road with the exception of a 66-foot wide peninsula that connects the main portion of the site to the road. Both properties are zoned A-1 (Agriculture District) per the Dane County Zoning Code.

Surrounding Land Use and Zoning: The subject site is primarily surrounded by undeveloped lands in County A-1 zoning with the exception of a scattering of single-family residences on large lots located generally to the south along Meadow Road.

Adopted Land Use Plan: The eastern half of the subject site is located within the boundaries of the 2010 Mid Town Neighborhood Development Plan, which recommends that most of the site east of future Pioneer Road be developed with low-density residential uses at a density between 4-8 units per acre. Portions of the land east of future Pioneer Road are recommended for stormwater management and for a future park. Land west of Pioneer Road is not included in any adopted City plan pursuant to the City-Town cooperative plan, which establishes the future City limits at the centerline of the realigned roadway.

Environmental Corridor Status: The portion of the subject site west of future Pioneer Road will be not located in the Central Urban Service Area (CUSA) as it will not be served by public water or sewer services and therefore is not located in a mapped environmental corridor. East of realigned Pioneer Road, a low-laying area at the southeastern corner of the site where future Pioneer Road and existing Meadow Road will intersect is shown as a mapped environmental corridor for future stormwater management and drainage area in an amendment to add the westernmost portions of the Pioneer and Mid Town neighborhoods to the CUSA, which was recently approved by the Capital Area Regional Planning Commission and Wisconsin Department of Natural Resources. The final configuration of that corridor will be defined at the time that a subsequent subdivision of proposed Outlot 2 is submitted for review following attachment of that parcel to the City of Madison.

Public Utilities and Services:

➤ **Services for Proposed Residential Lots in Town of Middleton:**

Water: Property is not served by municipal water.

Sewer: Property is not served by municipal sewer.

Fire protection: Middleton Fire District.

Emergency medical services: Middleton Fire District.

Police services: Dane County Sheriff's Department.

School District: Middleton-Cross Plains School District

- **Services for Outlot 2 Development:** Future development of Outlot 2 will occur in the City of Madison with City utilities and services. Future residential development on that outlot will likely be served by Madison Metropolitan School District pursuant to an intergovernmental agreement between the Middleton-Cross Plains and Madison districts, to which the City is not a party.

Project Description

The applicant is requesting approval of a preliminary plat to subdivide 2 parcels totaling 32.65 acres of land located approximately a half-mile south of Valley View Road on the west side of Meadow Road into 13 single-family and 3 outlots. One of the proposed lots, Lot 11, will be occupied by an existing residence addressed as 3381 Meadow Road. The rest of the property, including a 26.3-acre parcel that comprises the rest of the subject site, is undeveloped. An asphalt driveway connecting the 3381 Meadow Road residence to the road extends across the southern edge of the 26.3-acre parcel. The topography of the subdivision falls gradually approximately 40 feet from the northwestern corner of the property to the south and east towards low-lying areas located in the southeastern corner of the site and on lands to the south. The property is largely devoid of significant vegetation and is in agricultural use at this time.

The 13 single-family lots will be located west of the future alignment of the southern portion of Pioneer Road, which will with established in part by this subdivision. At present, Pioneer Road terminates at Valley View Road, approximately a half-mile north of the site, while Meadow Road extends from Valley View Road south to Mid Town Road. The City of Madison and the Town of Middleton entered into a cooperative agreement on March 28, 2002 that establishes the future western boundary of the City as Pioneer and Meadow Roads. The cooperative plan includes a provision for Pioneer Road to be realigned to the south and east into Meadow Road to create a continuous north-south collector roadway extending from Old Sauk Road on the north to Mid Town Road on the south. The realigned roadway will be known as Pioneer Road. The cooperative agreement anticipated that development on the west side of Pioneer Road would occur in the Town and development east of Pioneer Road would occur in the City.

The 13 single-family lots will be developed in the Town of Middleton in County A-1 zoning. Five of the proposed lots will abut realigned Pioneer Road, with the remaining lots to front either a new east-west street ("Keystone Lane") that will extend west from Pioneer Road or a short north-south street ("Copper Trail") that will extend south from the east-west street. Following completion of the subdivision, access to the existing residence on proposed Lot 11 will be relocated to the end of Copper Trail. Outlot 1 of the plat will be reserved adjacent to the southern property line next to Pioneer Road for stormwater management. A second outlot west of Pioneer Road, Outlot 3, will be established south of Lot 3 and north of Lots 4-7. The preliminary plat indicates that Outlot 3 will be reserved for open space. The remaining 10 acres will be platted as Outlot 2, which will be reserved for future development in the City of Madison once the necessary infrastructure has been extended to serve this area.

Approval of the Preliminary Plat 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.

The Middleton Town Board conditionally approved the proposed preliminary plat on January 19, 2016 (see attached Town Board minutes). Dane County granted conditional approval of the proposed preliminary plat as outlined in a letter dated February 25, 2016 from Dan Everson, Land Division Review, Dane County Department of Planning and Development.

Analysis & Conclusion

City of Madison Land Use Plan: The eastern half of the subject site is located within the boundaries of the Mid Town Neighborhood Development Plan, which recommends that most of the site east of future Pioneer Road be developed with low-density residential uses at a density between 4-8 units per acre. Portions of the land east of future Pioneer Road are recommended for stormwater management and for a future park, which will be further defined once Outlot 2 is attached to the City and a development proposal is submitted for review. Land west of Pioneer Road is not included in an adopted City plan pursuant to the City-Town cooperative plan, which establishes the future City limits at the centerline of realigned Pioneer Road.

Extraterritorial Approval Criteria: The Plan Commission shall determine that the proposed land division complies with each of the following criteria:

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.

Under State statute, a City may review subdivisions within 3 miles of its borders but may establish an extraterritorial boundary less than that by resolution of its governing body. Pursuant to the City of Madison and the Town of Middleton agreement, the City's extraterritorial jurisdiction was generally limited on the west to Pioneer and Meadow Roads with the exception of land west of Meadow Road in the northeast quarter of Section 32 of the Town of Middleton. Lands in this area are included in the Madison's extraterritorial jurisdiction to allow the City to review subdivisions for the purposes of establishing the correct alignment of future Pioneer Road. Upon the establishment of the new Pioneer Road right of way, the extraterritorial jurisdiction line will revert to the centerline of the new road.

The applicant is requesting approval of a preliminary plat creating 1 lot for an existing single-family residence, 12 lots for future single-family homes, 1 outlot for stormwater management, and 1 outlot for open space west of realigned Pioneer Road. East of future Pioneer Road, 1 outlot is proposed for future development. In general, the subdivision proposes lots that are generally consistent with development pattern west in this portion of the Town of Middleton and that appear to conform to County A-1 zoning requirements. Staff believes that the proposed subdivision complies with the requirements of the City of Madison-Town of Middleton agreement and cooperative plan with regard to the establishment of the new alignment of Pioneer Road. The Planning Division supports this project since it will implement the objectives of the cooperative agreement and secure the alignment of relocated Pioneer/Meadow Road.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward the extraterritorial preliminary plat of Aspen Meadow Estates at 3381-3391 Meadow Road, Town of Middleton to the Common Council with a recommendation of **approval** 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)

1. The developer is notified that Outlot 2 will require a separate stormwater management plan than the one for this plat. A note to this effect shall be placed on the plat.
2. Outlot 2 in this development is in the Lower Badger Mill Creek Storm and Sanitary Impact fee districts. Fees shall be paid for this prior to sign off on development plans for that site. A note to this effect shall be placed on the plat.
3. The applicant shall review the plan for stormwater discharge from the proposed development, such that it is safely conveyed across Meadow Road, to and through lands to the east of Meadow Road. This may require an easement and replacement of the pipe under Meadow Road.
4. The pavement cross section shall include 5.25 inches of asphalt pavement over 10 inches of crushed stone base.
5. When Outlot 2 ever develops in the future, it will be in the City of Madison. Pioneer Road represents the boundary line separating the Town of Middleton from the City of Madison. In the future, Outlot 2 will require a developer's agreement to extend City services to serve the lot. Outlot 2 will be subject to the City of Madison sanitary and storm sewer impact fees (Lower Badger Mill Creek Sanitary Sewer and Storm Sewer Management Impact Fee District) and Madison Metropolitan Sewerage District sewer connection fees will also become due.
6. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0-tons per acre per year.
7. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the Wisconsin Department of Natural Resources (WDNR) to review projects for compliance with NR-216 and NR-151. However, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their Water Resources Application for Project Permits

(WRAPP) or Notice of Intent Permit (NOI) process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.

8. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including SLAMM DAT files, RECARGA files, TR-55/HYDROCAD/Etc., and Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided).
9. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
10. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.
11. The developer shall confirm that adequate sight distance exists at the Meadow Road/ Pioneer Road intersection. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
12. A triangle of right of way shall be dedicated on the Northwest corner of Pioneer Road and Meadow Road to allow for Meadow Road to tee into proposed Pioneer Road.
13. The applicant shall dedicate a Permanent Limited Easement for grading and sloping 25 feet wide along north side of Pioneer Road and east side of Meadow Road.
14. The developer shall provided City Engineering the proposed street centerline grades or street plans for review and approval to ensure they will work with future public improvements. Once approved these grades and/or plans will be placed on file with City Engineering for future reference.

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

15. A note shall be added to the final plat that the common Access Easement per CSM No. 10312 over Outlot 1 and Lot 10 shall be released by separate document upon the completion of public road improvements for proposed Copper Trail as provided for by Document No. 3443959. The common access easement to Meadow Road is to remain per Document No. 3441613 until the driveway serving Lot 2 of CSM 10312 (proposed Lot 11) has been relocated and constructed providing an alternate access to a public road in favor of said Lot 2.
16. The street name Keystone already exists in a different location in the City of Madison / City of Fitchburg. If this plat were in the City of Madison, a new name would be needed to comply with USPS & 911 non-duplication requests. If you would like assistance with a new unique street name; please email the City's addressing coordinator, Lori Zenchenko (lzenchenko@cityofmadison.com).
17. The restriction regarding the public greenway and drainageway per CSM 10312 shall note be noted on the final plat and the restriction shall be released by the City of Madison. This plat shall address the required

necessary public drainage facilities and easements required to convey the public stormwater drainage through the development. The release document shall be prepared by City Office of Real Estate Services. The applicant must prepare a legal description and provide to Engineering Land Records Coordinator Jeff Quamme for review. Upon approval of the exhibits and payment of the required \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds. If any release is required to be completed prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat.

18. The final plat shall note and identify all restrictions, covenants and easements that encumber this proposed plat.
19. That portion of the restriction of use limited to a landscape contractor business per Document No. 2278234 lying within this plat shall be released and recorded at the Register of Deeds.
20. The restrictive covenant per Doc. No. 3441613 requires a petition to attach to the City of Madison prior to any request for subdivision of Lot 1 and 2 of CSM 10312. Subsequent to this Restrictive Covenant, the City of Madison and Town of Middleton adopted a cooperative plan setting forth the future cooperative boundary between the City and Town along the centerline of the realigned Pioneer Road dedicated by an approved plat.
21. The plat shall show and dimension with bearings and distances the sixteenth line that runs down Meadow Road. The relation of the sixteenth line to the existing right of way of Meadow Road shall be detailed.
22. All notes on the preliminary or final plat shall read "attachment" not "annexation."
23. In regard to the Public Rain Garden Easements, none are shown on the plat within Outlot 2. If any are planned within the outlot, provide the easements on the plat.
24. On the final plat, remove the labels and easement lines for the Existing Non-Exclusive Drainage Easements per CSM 10312. All of those previous easements for drainage purposes are released by the language contained in the standard drainage note required by the Madison General Ordinances.
25. Change to Public Recreation Trail note to reference Note 13 instead of Note 14 on the final plat.
26. Modify any notes for the portion of the plat outside of the City of Madison that the Town of Middleton/Dane County are the bodies responsible for enforcement of any storm water drainage plan in their jurisdiction.
27. Add the detail and lines for the typical Utility Easements under the legend of the final plat.
28. All roads shall have "Dedicated to the Public" added as required by statute.
29. Add a note for the Vision Triangle Easements - No structure, screening or embankment of any kind shall be erected, placed, maintained or grown between the heights of 2.5' and 10' above the curb level or its equivalent within the areas denoted as Public Vision Corner Easements.

30. 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 for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). 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 and shall be attached to a signed and sealed monument condition report. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
31. The applicant shall coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
32. 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.
- *New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.
33. Prior to Engineering final sign-off by main office for Plats, the final Plat or CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of 2 working days prior to final Engineering Division signoff. Electronic mail submittal of the FINAL Plat or CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.
34. The surveyor shall identify any deviation from City Master Control with recorded and measured designations for the section corners referenced on the final plat. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within and adjacent its corporate boundary. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison.

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

35. A declaration of conditions and covenants streetlight and traffic signals shall be executed and returned prior to signoff of the final plat for recording. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs. If the DCC is not executed, the applicant shall pay a \$30.00 fee, which is payable to the City of Madison Treasurer to be delivered or mailed to Attention Eric Halvorson, Traffic Engineering, Madison Municipal Building, Suite 100, 215 Martin Luther King Jr. Blvd., P.O. Box 2986, Madison, Wisconsin 53701-2986.

Parks Division (Contact Janet Schmidt, 261-9688)

36. The City of Madison and Town of Middleton Cooperative Boundary Agreement calls for the realignment of Pioneer Road and Meadow Road to allow for one continuous north south route. It is anticipated that lands west of the realigned Pioneer Road will be within the Town and lands east will be within the City. Any lands within the City of Madison will be subject to Park impact fees which are required for all new residential development. Fees will be determined at the time of any zoning or land use approvals for properties within the City. Reference Park Memo ID# 15164.

37. The following note shall be included on the plat: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."

Fire Department (Contact Bill Sullivan, 261-9658)

38. Provide the following information to the buyer of each individual lot: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e)."

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

This agency did not provide comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This property is outside the Madison Water Utility service area.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Office of Real Estate Services (Jenny Frese, 267-8719)

→ See attached memo