

PREPARED FOR THE PLAN COMMISSION



Project Address: ID [66978](#) – 3784-3796 Gala Way, Town of Cottage Grove
ID [66979](#) – 3802-3820 Gala Way, Town of Cottage Grove

Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction

Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Helen J. Galarowicz Revocable Living Trust; 3779A Gala Way; Cottage Grove; Carley Barnes, representative.

Property Owners:

- Charles D. & Angela L. Bader; 3784 Gala Way; Cottage Grove;
- Nathan A. & Kelley E. Hart; 3790 Gala Way; Cottage Grove;
- Adam J. & Jennifer A. Heinle; 3796 Gala Way; Cottage Grove;
- Alar Revocable Trust; 3802 Gala Way; Cottage Grove;
- Reese Revocable Trust; 3808 Gala Way; Cottage Grove;
- Carley Rae Barnes; 3814 Gala Way; Cottage Grove;
- Justin Reiser; 3820 Gala Way; Cottage Grove; and
- Helen J. Galarowicz Revocable Living Trust; 3779A Gala Way; Cottage Grove.

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

Requested Action: Approval of two Certified Survey Maps (CSM) of 3784-3796 Gala Way (ID [66978](#)) and 3802-3820 Gala Way (ID [66979](#)) in the Town of Cottage Grove to enlarge the seven existing residential lots.

Proposal Summary: The owners of 3784-3820 Gala Way are requesting approval of two CSMs to re-divide Lots 8-14 of the Gala Heights subdivision to add between 155-160 feet of depth to the existing residential lots. The additional lot depth will come from an unplatted parcel that adjoins the lots located east of Gala Way owned by the Galarowicz Revocable Living Trust. The Galarowicz Trust owns a series of parcels extending south of Vilas Hope Road and east and south of Gala Way. The CSMs 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 applications were submitted to the City of Madison circa August 11, 2021. Therefore, the 90-day review period for this CSM will end circa November 11, 2021.

Summary Recommendation: The Planning Division recommends that the Plan Commission **approve** the Certified Survey Maps of 3784-3796 Gala Way (ID [66978](#)) and 3802-3820 Gala Way (ID [66979](#)) in the Town of Cottage Grove 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: The subject lands include approximately 41 acres of contiguous land owned by the Galarowicz Revocable Living Trust that extend south from Vilas Hope Road and are located east and south of Gala Way and approximately 3 acres of land comprising the seven existing platted lots, which all front onto Gala Way.

Existing Conditions and Land Use: Most of the Galarowicz land is undeveloped agricultural land zoned FP-35 (Farmland Preservation District–35 acre or larger) by Dane County. The seven platted lots to be expanded with these requests are each developed with single-family residences in SFR-08 (Single-Family Residential–Small Lots District) zoning.

Surrounding Land Use and Zoning: The seven residential lots are located across Gala Way from seven single-family residences also located in the Gala Heights subdivision and zoned SFR-08 (Single-Family Residential–Small Lots District) as well as additional residences located to their north and south in County single-family zoning districts. Lands generally east of the subject lands are primarily in agricultural or open space use. Lands generally west of the residences on the west side of Gala Way are primarily developed with single-family residences located on a variety of differently sized and shaped parcels that extend west to Vilas Hope Road and CTH AB. The current City of Madison limits are the centerline of CTH AB.

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area, so there are no mapped environmental corridors affecting the site. Dane County identifies the southernmost portions of the Galarowicz parcel south of the seven expanded lots in a resource protection corridor due to the presence of hydric soils. A Wisconsin Department of Natural Resources-designated perennial stream follows the southernmost line of the Galarowicz property as well as a portion of the eastern property line before turning east from the site.

Public Utilities and Services:

Water: Property is not served by municipal water

Sewer: Property is not served by public sewer

Fire protection: Cottage Grove Fire Department

Emergency medical services: Deer-Grove Emergency Medical Services
Police services: Dane County Sheriff’s Department – South Precinct
School District: Monona Grove School District

Project Description

The applicant and eight property owners are requesting approval of two adjacent Certified Survey Maps (CSMs) to allow seven residential parcels located on the east side of Gala Way in the Town of Cottage Grove to be enlarged using land to be purchased from an adjacent farm. Three of the seven lots will be created by a CSM of 3784-3796 Gala Way (ID [66978](#)), with the remaining four to be created by a CSM of 3802-3820 Gala Way (ID [66979](#)).

The seven lots are Lots 8-14 of the Gala Heights plat, a 14-lot residential subdivision recorded in 1968. The seven existing lots range in size from approximately 18,951 to 19,795 square feet with about 100 feet of frontage along Gala Way. Each of the lots is developed with a single-family residence. The proposed CSMs will add between 155 to 160 feet of additional depth to the seven lots using land to be acquired from the adjacent Helen J. Galarowicz Revocable Living Trust (hereinafter “Galarowicz Trust”). The Galarowicz Trust owns a series of four parcels that comprise an estimated 41 acres of land extending south from Vilas Hope Road to the east and south of Gala Way. The resulting lots will range in size from 34,221 to 34,929 square feet following the expansion.

Approval of CSM by the Town of Cottage 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.

Dane County granted conditional approval of the Certified Survey Maps as outlined in letters from Dan Everson, Land Division Review, Dane County Department of Planning and Development dated July 8, 2021. Dane County previously approved rezoning the land to be added to each lot from FP-35 (Farmland Preservation District) to SFR-08 (Single-Family–Small Lot District) on May 6, 2021.

The Town of Cottage Grove Board approved the proposed land divisions at its June 21, 2021 meeting. The Town Board previously recommended approval of the rezoning of the additional land to SFR-08 to the County at its March 23, 2021 meeting.

Analysis and Conclusion

City of Madison Land Use Plans: The subject properties as well as other properties along Gala Way are located just outside the boundaries of the City’s [Yahara Hills Neighborhood Development Plan](#), which was adopted in 2017 to provide land use, utility, and transportation-related recommendations for the southern portion of Peripheral Planning Area D of the 2006 [Comprehensive Plan](#). The subject sites and lands to the east are located within Peripheral Planning Area D of the 2018 [Comprehensive Plan](#), which is a Group 1 planning area.

The 2018 [Comprehensive Plan](#) notes that Group 1 Peripheral Planning Areas are the general locations recommended for City of Madison expansion and development, but for which detailed neighborhood development plans have not yet been adopted. Development within Group 1 areas is not anticipated in the next 10 years and until a detailed neighborhood development plan is adopted for the area. Not all of the land within Group 1 areas will necessarily be recommended for development or future City of Madison expansion.

Peripheral Planning Area D in the 2018 Plan is identified for potential expansion and urban development area to the southeast of the City, generally between the Yahara Hills planning area and the Door Creek corridor. Sanitary sewer service for Area D would likely come from future extensions that will serve the Yahara Hills area.

Although located just outside the Yahara Hills Neighborhood Development Plan, the plan shows a future collector street extending east across the southernmost edge of the Galarowicz properties from the intersection of Femrite Drive and CTH AB. Staff does not believe that the proposed land re-divisions will impact the ability to extend this collector street in the future and will note that additional planning will be needed for the lands east of the Yahara Hills planning area before any road or land development would occur.

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.

The Planning Division believes that the extraterritorial criteria can generally be met to allow the seven existing residential lots to be expanded with additional depth using land from the larger adjacent agricultural and open space parcel. The deeper lots proposed will not significantly change the existing development pattern in the area, and the proposed eastern, rear lines of the seven lots are a consistent depth from Gala Way, which should not impact any planning for and development of the land to the east, including the rest of the Galarowicz property. The re-division of the seven lots by the proposed CSMs should not adversely impact the City’s ability to accomplish future annexations or extend municipal services into this area.

However, the City’s Subdivision Regulations require that any parcels or building sites of 40 acres or less in area be created by a land division (a CSM is a map of land division). In the case of the Galarowicz property, the CSMs shall show the entire ownership with a survey for the parcel or parcels being separated and a scaled drawing from recorded information for the parcel remaining. This requirement applies to all lands under the control of the applicant and/ or lands in which the applicant has an ownership interest. As a condition of approval of both proposed CSMs, a scaled map based on recorded information shall be included that identifies the approximate area of the Galarowicz’s contiguous ownership, with perimeter dimensions of the excluded lands in excess of 40 acres from which the land is being sold to the seven abutting lots.

Recommendation

The Planning Division believes that the Plan Commission can find the approval criteria met with the proposed land divisions and recommends that the Plan Commission **approve** the Certified Survey Maps of 3784-3796 Gala Way (ID [66978](#)) and 3802-3820 Gala Way (ID [66979](#)) in the Town of Cottage Grove, in the City’s extraterritorial plat approval jurisdiction, subject to input at the public hearing and the following conditions for both applications (except where noted):

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division

1. A scaled map based on recorded information shall be included with the both final Certified Survey Maps that includes the approximate area of the [Helen J.] Galarowicz Revocable Trust’s contiguous ownership parcel(s),

with perimeter dimensions of the excluded lands in excess of 40 acres from which the land is being sold to the seven CSM lots.

City Engineering Division (Contact Brenda Stanley, 261-9127)

This agency submitted a response with no comments or conditions for these requests.

City Engineering Division – Mapping Section (Contact Eric Pederson, 266-4056)

2. 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 Eric Pederson, City Engineering (epederson@cityofmadison.com).
3. The applicant shall submit to Jeff Quamme, prior to final 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 (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 to the plat which occur subsequent to any submittal.

Traffic Engineering Division (Contact Sean Malloy (266-5987)

This agency submitted a response with no comments or conditions for these requests.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

This agency submitted a response with no comments or conditions for these requests.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a response with no comments or conditions for these requests.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

These properties are currently outside the Madison Water Utility service area. Note that future annexation(s) to the City of Madison 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)

4. 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, 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 final sign-off.

5. A certificate of consent for all mortgagees shall be included following the Owner's Certificate and executed and notarized prior to CSM approval sign-off.
6. 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 final sign-off.
7. 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".
8. 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.
9. 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.
10. As of September 24, 2021, the 2020 real estate taxes are paid for the subject property. 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.
11. As of September 24, 2021, there are no special assessments reported. 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.
12. 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), 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 (August 3 and 4, 2021) 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.
13. The owner shall email the document numbers of the recorded CSMs to Andy Miller at the City's Office of Real Estate Services at acmillar@cityofmadison.com as soon as the recording information is available.
14. The following revisions shall be made prior to final approval of the CSM for recording:
 - a) As applicable, depict, dimension, name, note and/or identify by document number all relevant easements, declarations, plans, conditions, agreements, and other documents cited in record title and the updated title report, and include relevant notes from plats or CSMs of record.

- b) 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.
- c) For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.
- d) If all parties of interest agree that certain easements from prior plats or CSMs of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.
- e) Liens or judgments levied against the lands within the CSM boundary, if any, shall be satisfied, with proof of satisfaction provided prior to CSM approval sign-off.

15. Pursuant to MGO Section 16.23(7)(d)3 and Wis. Stats. 236.21(2)(a), all CSMs that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: _____
Matthew Wachter, Secretary of the Plan Commission

Date: _____