

October 29, 2014

Chairperson and Members of the Town Plan Commission
Town of Middleton
7555 W. Old Sauk Road
Verona, WI 53593

Re: Fiore and Wise Lot-Line Adjustments.
Timber Lane
Town of Middleton

Dear Ms. Schmidt and Plan Commission Members:

The above-referenced Lot-line adjustments submitted as CSM's and other supporting documents were received in our office on October 27, 2014. The CSM's propose modifying three lots from existing CSM 4292 resulting in two smaller residential lots (3.55+/- acres and 2.5+/- acres) and three lots to be donated to the Ice Age Trail Alliance. There will be no new construction or any change in land use resulting from the proposed changes.

The applications submitted with the CSM's suggest these are Lot-line adjustments. However, the Town ordinances do not include criteria for reviewing CSM's for Lot-line adjustments; we are therefore, providing the following reviews as if they were typical CSM's.

Since there are two separate CSM's we will comment on each one separately.

We have the following comments on the 3-lot Wise CSM:

1. Town Ordinances do not allow for the creation of lots by CSM below 5 acres unless the Applicant owns 40 acres adjacent to the proposed lots, in which case they can create two lots below 5 acres. Thus a variance for proposed lot 1 is required from this section of the ordinance. Ordinance Section 11-7-3(a)(3)D. outlines the requirements for granting a variance from this requirement.
Ordinance Section 11-7-3(a)(3)B. outlines the requirements for granting a variance from minimum lot sizes in Traditional Subdivisions. The proposed lot sizes do not meet the conditions of item number 7 and possibly item number 1 of this section. Item 1 of this section requires approval from adjoining landowners if lot sizes are less than 85% of the average size of the adjoining lots. Item 7 requires that lots have a ratio between largest and smallest lots of no more than 2:1.
A second variance is required for proposed Lot 2 for lack of street frontage. Ordinance Section 11-7-3(a)(3)(F). indicates that every Lot shall front or abut a public street for a distance of at least sixty-six (66) feet. Lot 2 as proposed has no frontage on a public street.
The Applicant has provided detail for their variance request as required.
The Town should determine if the variances proposed are acceptable.

2. An undefined waterway exists on or near the east edge of proposed lot 3. The Town shall determine if any restrictions or easements will be required over the waterway.
3. A vision corner has been placed on the CSM at the existing driveway to Lot 1. Brush and earth shall be removed to provide for a proper vision corner. The Vision Corner note on sheet 2 of 5 of the CSM shall be replaced with the following note:

"Vision Corner: No structure, berm or vegetation of any kind, which exceeds a height of 2.5 feet above the average elevation of the roadway and driveway within the vision corner, except for necessary highway and safety signs or approved public utility lines, shall be permitted within the vision corner. No plant material which obscures safe vision of the approaches to the intersection shall be permitted. Grasses and similar turf, however, would be considered acceptable."
4. The home on existing Lot 2 of CSM 4292 (also proposed Lot 1 of the Fiore CSM), shares a driveway with the existing home on Lot 3 of CSM 4292 (Proposed Lot 1 of this CSM). A driveway Access Easement is noted for this driveway on the CSM. The Driveway Access Easement document shall be submitted for review to confirm it meets Town requirements for the portion of the driveway located in the right of way and to confirm the proper parcels are noted. Modifications to the existing document or a new document may be required.
5. Similarly, an existing parcel west of Proposed Lot 3 takes its access across Lot 3. A second access Easement document is noted on the CSM. This document shall also be submitted for review.
6. Applicant shall demonstrate that the existing shared driveway (Proposed Lot 1 Wise CSM and Proposed Lot 1 of the Fiore CSM) meets the requirements of the Town of Middleton Shared and Long Driveway Policy. If it does not, modifications to the driveway will be required.
7. The majority of the area covered by the CSM is wooded. Ordinances require the location of all native canopy trees greater than 8" in diameter to be located on the CSM.
8. Soils information is required for a CSM. However, since no physical change is proposed in the use of the land, the two homes on this and the Fiore CSM are already served by sanitary systems, and these are existing CSM Lots, the Town should determine if this requirement should be waived.
9. The Zimmerman and Kailing report indicates the area included in the CSM is Oak Forest. The report indicates the preferred uses for this land are conservancy and scientific areas, although other uses such as low-density residential are determined to be acceptable.
10. The proposed front yard building setback for the proposed Lot 1 "flag" lot shall be shown on the CSM.
11. Current zoning shall be noted on face of CSM. A note appears on page 1, but it lies outside of proposed CSM.
12. The type (i.e. brass cap) of section corner monuments that were found at the locations noted and the County coordinate values for each monument shall be labeled on the CSM.
13. The recorded bearing shall be shown on the new CSM where they differ from the underlying CSM 4292.
14. Ordinances require an AutoCAD file to be submitted to the Town after the CSM is finalized, approved, and ready to be recorded.
15. The final CSM shall be fully compliant with Chapter 236.34, Wis. Stats., Dane County Subdivision Ordinances, and Town of Middleton Subdivision Ordinances.
16. Since the right-of-way dedication is required, a Consent of Mortgage Certificate shall be added to the CSM if a mortgage exists on the property.

17. A title report was included in the CSM application. The Town Attorney shall confirm the Title report meets the Town requirements.
18. Assuming parkland dedication is not required by the Town (Park Commission should confirm this), under Town ordinances, the payment of park fees (\$2,255 per lot) in lieu of parkland dedication for the creation of one additional new lot is required. Park fees should be paid prior to the Town signing the CSM.

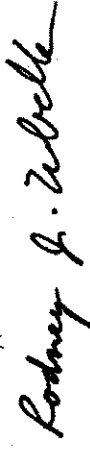
We have the following comments on the 2-lot Flore CSM:

1. Town Ordinances do not allow for the creation of lots by CSM below 5 acres unless the Applicant owns 40 acres adjacent to the proposed lots, in which case they can create two lots below 5 acres. Thus a variance for proposed lot 1 is required from this section of the ordinance. Ordinance Section 11-7-3(a)(3)D. outlines the requirements for granting a variance from this requirement.
Ordinance Section 11-7-3(a)(3)B. outlines the requirements for granting a variance from minimum lot sizes in Traditional Subdivisions. The proposed lot sizes do not meet the conditions of item number 7 and possibly item number 1 of this section. Item 1 of this section requires approval from adjoining landowners if lot sizes are less than 85% of the average size of the adjoining lots. Item 7 requires that lots have a ratio between largest and smallest lots of no more than 2:1.
A second variance is required for proposed Lot 1 for lack of street frontage. Ordinance Section 11-7-3(a)(3)(F). indicates that every Lot shall front or abut a public street for a distance of at least sixty-six (66) feet. Lot 1 as proposed has no frontage on a public street.
The Applicant has provided detail for their variance request as required.
The Town should determine if the variances proposed are acceptable.
2. An undefined waterway exists on or near the northwest corner of proposed lot 2. The Town should determine if any restrictions or easements will be required over the waterway.
3. A vision corner has been placed on the CSM at the existing driveway on proposed Lot 1 of the Wise CSM. Brush and earth shall be removed to provide the proper vision corner. The Vision Corner note on sheet 2 of 5 of the CSM shall be replaced with the following note:
"Vision Corner: No structure, berm or vegetation of any kind, which exceeds a height of 2.5 feet above the average elevation of the roadway and driveway within the vision corner, except for necessary highway and safety signs or approved public utility lines, shall be permitted within the vision corner. No plant material which obscures safe vision of the approaches to the intersection shall be permitted. Grasses and similar turf, however, would be considered acceptable."
4. The home on existing Lot 2 of CSM 4292 (also proposed Lot 1 of this CSM), shares a driveway with the existing home on Lot 3 of CSM 4292 (Proposed Lot 1 of the Wise CSM). A driveway Access Easement is noted for this driveway on the CSM. The Driveway Access Easement document shall be submitted for review to confirm it meets Town requirements for the portion of the driveway located in the right of way and to confirm the proper parcels are noted. Modifications to the existing document or a new document may be required.
5. Applicant shall demonstrate that the existing shared driveway meets the requirements of the Town of Middleton Shared and long Driveway Policy. If it does not, modifications to the driveway will be required.
6. The majority of the area covered by the CSM is wooded. Ordinances require the location of all native canopy trees greater than 8" in diameter to be located on the CSM.

7. Soils information is required for a CSM. However, since no physical change is proposed in the use of the land, the two homes on this and the Wise CSM are already served by sanitary systems, and these are existing CSM Lots, the Town should determine if this requirement should be waived.
8. The Zimmerman and Kailing report indicates the area included in the CSM is Oak Forest. The report indicates the preferred uses for this land are conservancy and scientific areas, although other uses such as low-density residential are determined to be acceptable.
9. The proposed front yard building setback for the proposed Lot 1 lot shall be shown on the CSM.
10. The type (i.e. brass cap) of section corner monuments that were found at the locations noted and the County coordinate values for each monument shall be labeled on the CSM.
11. The recorded bearing shall be shown on the new CSM where they differ from the underlying CSM 4292.
12. Ordinances require an AutoCAD file to be submitted to the Town after the CSM is finalized, approved, and ready to be recorded.
13. The final CSM shall be fully compliant with Chapter 236.34, Wis. Stats., Dane County Subdivision Ordinances, and Town of Middleton Subdivision Ordinances.
14. Since the right-of-way dedication is required, a Consent of Mortgage Certificate shall be added to the CSM if a mortgage exists on the property.
15. A title report was included in the CSM application. The Town Attorney shall confirm the Title report meets the Town requirements.
16. Assuming parkland dedication is not required by the Town (Park Commission should confirm this), under Town ordinances, the payment of park fees (\$2,255 per lot) in lieu of parkland dedication for the creation of one additional new lot is required. Park fees should be paid prior to the Town signing the CSM.

Again, this proposal is for a lot-line adjustment albeit a somewhat unusual one. The issues outlined above are meant to act as a guideline to assist you in discussions as to what issues you feel need to be addressed in order for you to approve this proposal.

Sincerely,



Rod Zubella, PE
President

RZ/alh

cc: Town of Middleton Board
Town of Middleton Parks Commission
David Shaw, Administrator, Town of Middleton
Tom Voss, Town Attorney, Erbach & Voss, SC
Susan and James Fiore, 3254 Timber Lane, Verona, WI 53593
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Kevin Lord, PLS, MSA Professional Services
Mike Ziehr, PLS, Vierbicher