

Plan Commission Agenda

October 08, 2024 - 7:00 PM

Hybrid Meeting In Person: Middleton City Hall, Council Chambers Virtual Zoom

Meeting ID: 843 4708 5953 Password: 716337

Posted on the City's web site at meetings.cityofmiddleton.us

Call to Order & Roll Call

Approval of Minutes

- 1.) Plan Commission Minutes of September 24, 2024

Agenda Items

- 1.) Resolution #2024-48: To Approve a Conditional Use Permit for a Medical Clinic and Ambulatory Surgery Center, 8124 Forsythia Street (PC-2673)

BACKGROUND: Application materials were reviewed at the 09/24/24 Plan Commission meeting and can be found in that agenda packet.

RECOMMENDATION: Approve Resolution #2024-48: To Approve a Conditional Use Permit for a Medical Clinic and Ambulatory Surgery Center in the Airport Road Business Park.

ENCLOSURES: Resolution #2024-28, Findings of Fact dated September 26, 2024.

- 2.) Certified Survey Map - 4 Lot Subdivision, 2159 Allen Blvd. (PC-2654)

BACKGROUND: This CSM would subdivide a vacant 7.1 acre parcel into four lots with dimensions that would support development that can adhere to zoning regulations. See Planning Staff Report for details. (M.O.)

RECOMMENDATION: Approve the CSM with the contingencies listed in the staff report.

ENCLOSURES: Staff Report date 10/03/24; Proposed CSM with engineering staff feedback; Pertinent excerpts from developer's Environmental Assessment checklist submittal

- 3.) Referral to Committees - Preliminary Plat and Site Plan for Ziegler Farm Neighborhood by Veridian Homes, Lands East and West of High Road (PC-2674)

BACKGROUND: VH Acquisitions (Veridian) has submitted a preliminary plat covering 85 acres of land straddling High Road between Graber Pond and the Pheasant Branch Conservancy. The proposed development consists of a mix of single-family residences (173 units), park, and conservancy land uses connected by a trail network that completes a missing link between the Caneel/High Rd. intersection and

Pheasant Branch Ridge Park. On October 22, the Plan Commission will hold a public hearing on the request to rezone the property. Consistent with Section 19.04(2) of the subdivision ordinance, the PC must approve, approve conditionally, or reject the preliminary plat within 90 days of submittal--in this case, by December 12. (M.O.)

RECOMMENDATION: Refer the preliminary plat and site plan to the following committees so they have an opportunity to provide feedback to the PC, preferably no later than Nov. 20:

- **Conservancy Lands Committee**
- **Parks, Recreation, and Forestry Commission**
- **Pedestrian/Bicycle/Transit Committee**
- **Public Works Committee**
- **Water Resources Management and Stormwater Utility Commission**

ENCLOSURES: Zoning submittal, Preliminary Plat submitted 9/13/24, Pertinent excerpts from developer's Environmental Assessment

4.) Official Map - Concept Review of Proposed Revisions (PC-652)

BACKGROUND: Planning staff request guidance regarding seven proposed revisions to the City's Official Map. For details, see Planning staff memo dated 10/3/24. (M.O.)

RECOMMENDATION: Direct staff to revise the official map based on the proposed changes, and refer the draft official map to the PBTC, PRFC, and PWC as indicated in the memo.

ENCLOSURES: Staff memo dated 10/03/24; Current Official Map

5.) Presentation and Discussion of Potential Impacts to the City from the Town of Westport's Petition to Incorporate (PC-525)

BACKGROUND: The Town of Westport has begun circulating a petition to incorporate as a Village. The City of Middleton and the Town of Westport have a long history of intergovernmental decisions. Staff will provide a presentation at the meeting on potential impacts to the City from the Town's actions (A.A.).

RECOMMENDATION: Discussion, potential recommendation to Common Council.

ENCLOSURES: History of intergovernmental actions and related documents.

6.) Zoning Ordinance (Chapter 10) - Continue Discussion of Potential Revisions (PC-2611)

BACKGROUND: As requested at a previous PC meeting, staff is providing building height definitions based on Middleton's former ordinance (a definition that is still used by Fitchburg) as well as Madison's ordinance. (M.O.)

RECOMMENDATION: Provide feedback and guidance to staff.

ENCLOSURE: Planning Staff Memo dated 10/03/24

Posted: 10/03/24

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at this meeting to gather information; however, no action will be taken by any governmental body at this meeting other than the governmental body specifically referenced in this notice.

Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact the City Administrator at (608) 821-8350, 7426 Hubbard Ave., Middleton, WI at least 24 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

PLAN COMMISSION
City of Middleton
Tuesday, September 24, 2024

MEETING MINUTES

*Meeting materials available at: <https://www.cityofmiddleton.us/112/Agendas-Minutes>
Video recording will be posted at: <https://www.youtube.com/watch?v=L322f9mIhxA>*

CALL TO ORDER & ROLL CALL

Vice-Chair Janairo called the meeting to order at 7:00 p.m.

Members Present at City Hall: Nick Adams (PRFC representative), Chris Harp, Lisa Janairo (Council representative), Kurt Paulsen, Erin Summers

Members Participating Online: None

Absent: Randy Bruce, Kurt Sonnentag (Mayor's designee and chairperson)

Staff Present: Abby Attoun, Mark Opitz, Daphne Xu

PUBLIC HEARING

Item #1: Request for a Conditional Use Permit (CUP) for a Medical Clinic and Ambulatory Surgery Center, Applicant HGA on Behalf of Owner Golf Green Storage, 8124 Forsythia Street (PC-2673)

This hearing pertains to a 15,500 SF, single-story outpatient health center on an approximately 1.77 acre lot. The General Development Plan (GDP) (as amended in March 2005) for the Airport Road Business Park lists medical clinics and ambulatory surgery centers as a conditional use.

Chair Janairo opened the hearing at 7:00 p.m. Staff reported that they received no statements prior to the hearing. There being no one present wishing to speak, Janairo closed the hearing at 7:01 p.m.

MINUTES OF AUGUST 27, 2024

Janairo declared the minutes to be approved as drafted.

AGENDA ITEMS

Item #1: Request for a Conditional Use Permit (CUP) for a Medical Clinic and Ambulatory Surgery Center, Applicant HGA on Behalf of Owner Golf Green Storage, 8124 Forsythia Street (PC-2673)

Attoun summarized her staff report and recommendation as well as a meeting she had with the applicants. Noting that the General Development Plan for this Planned Unit Development does not list standards for reviewing a conditional use, staff and commissioners discussed the CUP procedures defined in Section 10.10.32. Paulsen advised that the findings of fact include that the project is consistent with the City's comprehensive plan and surrounding land uses with no adverse impacts. Responding to questioners, Jason Anzalone (speaking on behalf of the developer) stated

that the 62 proposed parking stalls is already reduced below the national average of 75 for a facility of this size, but the parking plan takes into account the facility's anticipated full patient and staff volume along with any ancillary service.

Motion by Paulsen, seconded by Adams, to direct staff to prepare findings of fact in support of granting the conditional use permit. **Motion passed** 5-0.

Item #2: Specific Implementation Plan Modification for Middleton Glen Addition - 6720 Century Ave (PC-2360)

This application pertains to a proposed sunroom addition on an existing patio facing Pheasant Branch Rd., resulting in an addition of approximately 831 SF of impervious surface area to the property. Xu noted the receipt of a letter from the applicant.

Motion by Paulsen/Adams to approve the site plan modifications as a minor SIP modification. **Motion passed** 7-0.

Item #3: Zoning Ordinance (Chapter 10) - Continue Discussion of Potential Revisions (PC-2611) (20:00 of meeting recording)

Opitz reviewed his 9/19/24 memo summarizing measurements and observations pertaining to five other multifamily projects in the city. Commissioners discussed various methods for measuring building height and noted that the current ordinance contains provisions requiring building step-backs in certain circumstances to mitigate building height in relation to adjoining residential land uses. They also reviewed a statement provided by Bill Connors of Smart Growth Greater Madison.

Motion by Paulsen, seconded by Janairo, to direct staff to prepare two options for consideration at the next meeting: one that defines building height in relation to the front of the structure / front lot line (as was found in the former ordinance) and the other based on Section 28.134 of Madison's ordinance. **Motion passed** 5-0.

ADJOURNMENT

As agenda items for the next meeting, Paulsen requested that staff prepare a brief informational presentation and discussion on the impact to the City of Middleton resulting from the recent action by the Town of Westport to seek incorporation, and Janairo requested that staff provide an update on the status of the subdivision ordinance rewrite project.

Janairo declared the meeting adjourned at 7:48 p.m.

Note: These minutes were prepared by Mark Opitz and are not final until they are formally approved at a subsequent meeting.

RESOLUTION 2024-48

To Approve a Conditional Use Permit for a Medical Clinic and Ambulatory Surgery Center in the Airport Road Business Park

Whereas, The Middleton Plan Commission held a public hearing on an application for a conditional use permit for a medical clinic and ambulatory surgery center to be located in the Airport Road Business Park at 8124 Forsythia Street,

Whereas, The Middleton Plan Commission directed staff to prepare Findings of Fact in support of granting the conditional use permit,

Whereas, The Middleton Plan Commission approves the Findings of Fact dated September 26, 2024, and

NOW THEREFORE BE IT RESOLVED that the Middleton Plan Commission of the City of Middleton and Chair Sonnentag hereby approve the conditional use as originally proposed, adding the following conditions of approval:

1. The physical development and operation of the conditional use shall conform, in all respects, to the Specific Implementation Plan (once approved by the Plan Commission), operational plan and phasing plan.
2. All vehicles and equipment shall access the site only at approved locations identified in the Specific Implementation Plan and operations plan.
3. If the Public Works Department or City Engineer determine that off-site improvements to the sanitary sewer, storm sewer, and/or water infrastructure are necessary to accommodate the conditional use, the cost of such improvements shall be borne by the landowner.
4. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
5. The owner shall post, in a prominent public place and in a form approved by the Zoning Administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the City.
 1. The owner or operator shall keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
 2. Failure to comply with any imposed conditions, or to pay reasonable city costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

This resolution was adopted at a regular meeting of the Middleton Plan Commission on the 8th day of October 2024.

ATTEST:



Kurt Sonnentag, Chair

Lorie J. Burns, City Clerk



PLAN COMMISSION FINDINGS OF FACT

Application: Approval Conditional Use Permit (CUP) for **File:** PC-2673
Middleton Medical Collaborative

Project Location: 8124 Forsythia St.

Prepared By: Abby Attoun, Planning & Community Development Director,
aattoun@cityofmiddleton.us 608.821.8343

HGA is requesting a conditional use permit to develop a single-story outpatient health center on this approximately 1.77 acre lot. All services in the building will be provided on a daily outpatient basis with occasional stays lasting up to 24 hours. The General Development Plan (GDP) (as amended in March 2005) for the Airport Road Business Park lists medical clinics and ambulatory surgery centers as a conditional use in this Planned Unit Development (PUD).

The Middleton Plan Commission conducted a hearing regarding this application on Tuesday, September 24, 2024. There was no testimony presented by the public. The applicants presented evidence to the Commission. The Commission made a motion to direct staff to prepare findings of fact in support of granting the conditional use permit which passed 5-0.

CONDITIONAL USE FINDINGS

In its deliberations, the Middleton Plan Commission weighed evidence associated with the following standards and made the following recommendations in granting the request for a Conditional Use Permit. The Plan Commission sets out its findings in the bold text below each standard.

1. Is in harmony with the Comprehensive Plan.
The Comprehensive Plan Future Land Use (FLU) map shows this site as Business Park, defined as medium- and large-scale retail, service, warehouse, and light industrial uses located near major roads, interchanges, and highways that serve the City as well as neighboring communities, with building heights from 1 to 3 stories. The proposed conditional use is in harmony with the Comprehensive Plan, and the General Development Plan (GDP), which lists medical clinics and ambulatory surgery centers as a conditional use. This standard has been met.
2. Would not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.

The proposed use will be harmonious with the neighborhood and will not result in negative environmental factors or result in the need for additional public improvements. The Plan Commission questioned the need for the proposed amount of parking (62 stalls) based on the expectation of serving 20 patients daily and having up to 35 staff members. The applicant presented evidence that the national standard of parking for this type of facility is 70 to 75 stalls and based on their experience in similar facilities, the 62 stalls are needed. The City Engineer noted that the proposed use is reasonably consistent with the planned uses in the Airport Road Business Park based on trip generation, and recommends against requiring a traffic impact analysis for this project due to the low volume of traffic expected. This standard has been met.

3. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

The Specific Implementation Plan (SIP) will be required to meet all development standards, building setbacks, building standards, landscaping requirements, parking and loading area standards, outdoor storage, utility, and signage standards approved in the GDP. This standard has been met.

4. The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public or private agencies serving the subject property.

There are adequate services in this area to support the proposed use of the property. This standard has been met.

5. The potential public benefits outweigh any potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

The public benefits of this facility - including but not limited to - expanded healthcare options, expanded employment options, and expanded tax base, outweigh any potential adverse impacts of the proposed conditional use. This standard has been met.



PLANNING STAFF REPORT
2159 Allen Blvd.

File: PC-2654

To: Plan Commission, for the Oct. 8 meeting
Preparer: Mark Opitz, City Planner mopitz@cityofmiddleton.us
Date: October 3, 2024

Requested Action: **City Approval of Certified Survey Map**

Location: Pertains to one 7.1 acre parcel

Applicant: Vierbicher Associates (c/o Kevin Pape, PLS)
 999 Fourier Dr. #201, Madison

Property Owner: Calcio LLC (c/o Jon Kemman), 6117 CTH K, Waunakee

Existing Zoning: MR-L (Multi Family – Low Density) on eastern third of site
 MU-A (Mixed Use Avenue) on remainder of site to the west

Existing Land Use: Vacant; formerly used as an athletic field

Future LU Map: Established Neighborhood (eastern third) and Avenue Mixed Use (west)

SUMMARY

The applicant proposes to subdivide this 7.1 acre site—most recently used for playing soccer—into four lots. Lots 1 and 2 are 94,039 SF and 117,933 SF in size and are envisioned to support mixed-use buildings oriented to Allen Blvd. (consistent with MU-A zoning), whereas Lots 3 and 4 are 48,108 SF and 49,335 SF in size and are envisioning to support low-rise multi-family buildings oriented toward Middleton Beach Road (but having driveway access via Mendota Avenue). The Plan Commission has up to forty-five (45) days after submittal of a certified survey map (until 10/28/24 in this case) to approve, approve conditionally, or reject the CSM.

Organization of this report:

| | |
|---|--------|
| Conclusions and Recommendation | Page 2 |
| Background | Page 3 |
| Ordinance Provisions pertaining to this Application | Page 6 |
| Staff Analysis | Page 7 |

CONCLUSIONS AND RECOMMENDATION

The applicant's submittal appears to sufficiently adhere to the requirements of the city's current subdivision ordinance. The key issues that arose during review by planning and engineering staff relate to site access along Allen Blvd., sanitary sewer service, and stormwater management (see Staff Analysis section). All four lots created by this CSM are configured and sized in a way that would enable the land to be used in a manner that fully adheres to applicable provisions of the City's zoning ordinance. Planning staff conclude that the CSM could be approved with the contingencies listed below.

Potential Motion for the October 8 Plan Commission meeting:

Approve the CSM contingent on the following:

1. Indication of all easements necessary to facilitate circulation (access), stormwater management, and public utilities between/across all lots.
2. The developer shall secure approval from the City of Madison to enable one or more sanitary sewer laterals to connect to the sewer facility in Marshall Park.
3. No driveway access along Allen Blvd. except at the median opening across from Lakeview Boulevard, and no driveway access along Mendota Avenue within 175 feet of Allen Blvd.
4. City engineer approval of the stormwater management plan for the entire development.
5. The Plan Commission will determine the appropriate park fees during the Site Plan Review process for each lot.
6. Resolution of all other city staff recommendations as indicated on the CSM submitted by the developer on 9/13/24.

BACKGROUND

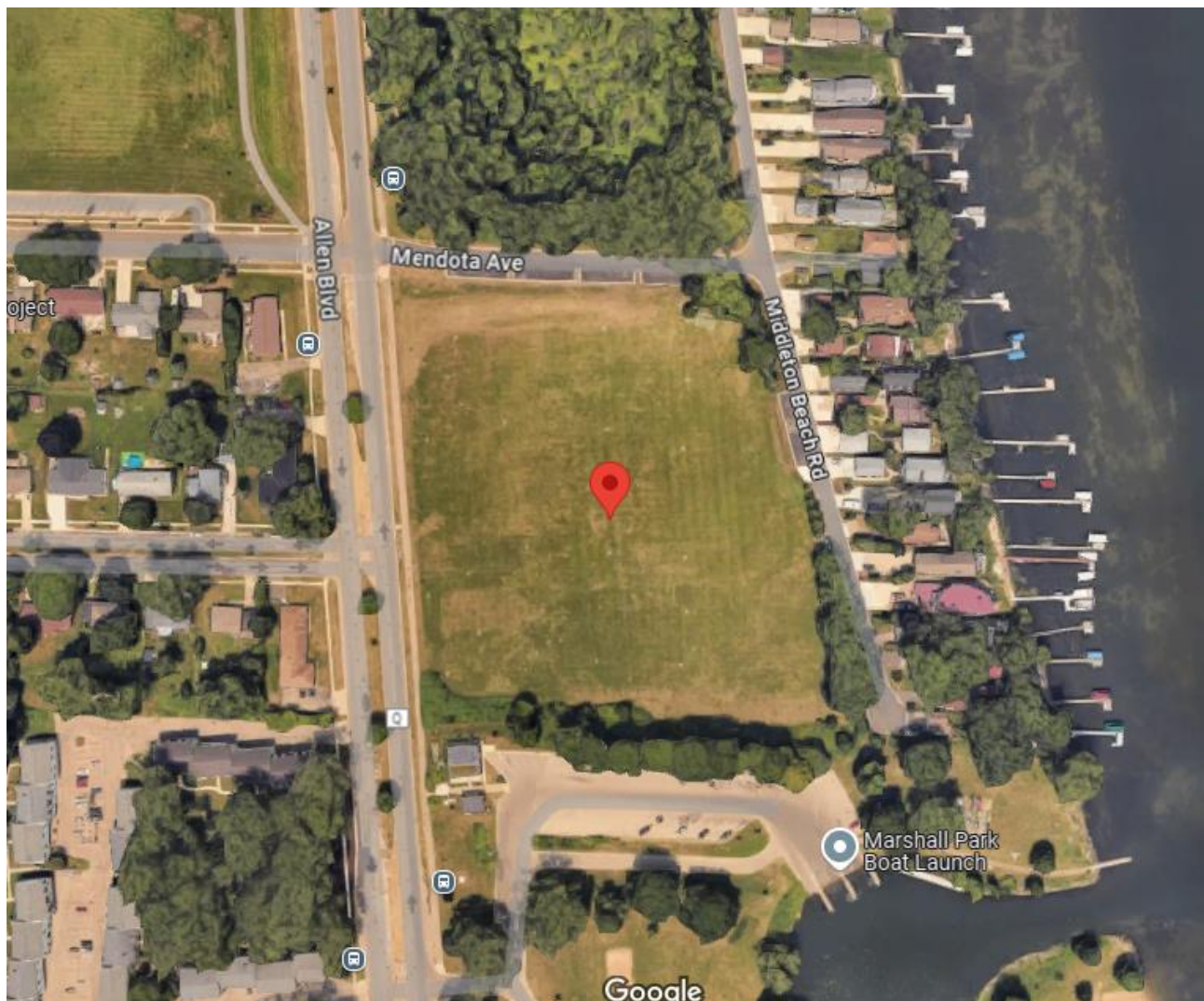
Project Context

The application involves one 7.1 acre parcel bounded by public streets on three sides. Elevation is approximately 10 feet higher along the site's western boundary compared to its eastern side.

The following land uses surround the property:

- To the North: Lakeview East Conservancy Area, which is generally lower in elevation.
- To the East: Single-Family Residences (typically 2-stories with a few 1- or 3-story houses) abutting Lake Mendota. Most have a detached garage along Middleton Beach Road.
- To the South: Marshall Park, which is located in and owned by City of Madison.
- To the West: Low-rise residences including a duplex and a four-plex, with single-family residences farther to the west.

Existing Conditions

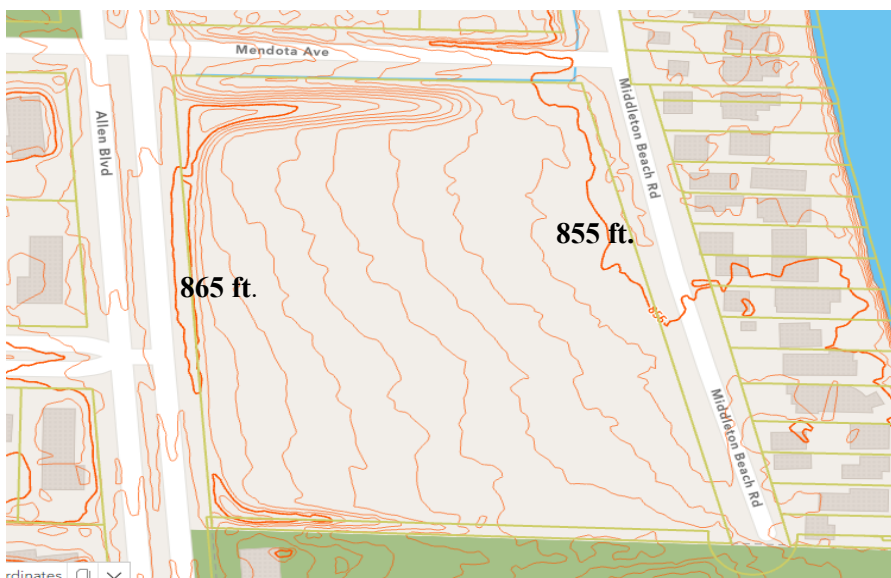




Looking west across Allen Blvd.



Looking east across Middleton Beach Road



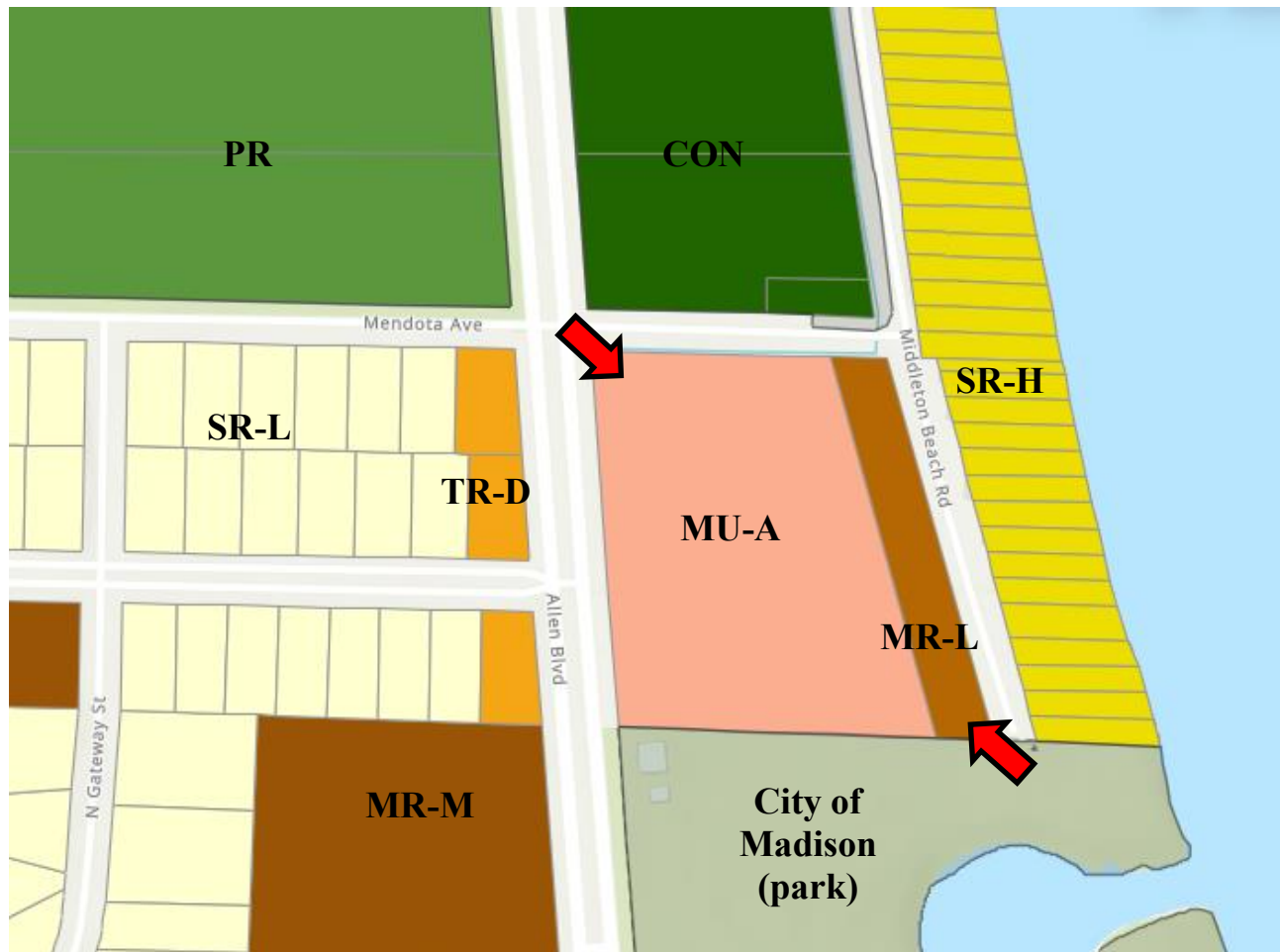
Comprehensive Plan – Future Land Use (FLU) Map

The [Future Land Use Map](#) in the City's Comprehensive Plan indicates Avenue Mixed Use category for the majority of the property, with Established Neighborhood on the eastern end of the parcel (fronting Middleton Beach Road). These land use categories are defined as follows:

- **Avenue Mixed Use:** Wide range of indoor and outdoor retail, service, office, institutional, and residential uses outside of the downtown area. These are generally larger and/or more intensive than business in the Neighborhood Mixed Use category.
- **Established Neighborhood:** For already developed neighborhoods in the city, preservation of urban neighborhood scale and character while providing a variety of housing options to meet the needs of a diverse population; building types could include single-family dwellings, accessory dwelling units (ADUs), homes with 2-3 dwelling units, and, where appropriate, single-family attached townhomes/condos and small-scale multifamily.



Zoning Map



ORDINANCE PROVISIONS PERTAINING TO THIS APPLICATION

Wis. Stats. 236.34 and Section 19.04(5) of the City's Subdivision Ordinance pertain to the preparation and review of certified survey maps. The Plan Commission has up to forty-five (45) days to approve, approve conditionally, or reject the certified survey map. In this case, the City must take action on the CSM by 10/28/24 because the CSM was submitted for review on 9/13/24. No streets or other features are being dedicated to the public, so the Common Council does not need to take any action at this time with respect to the CSM.

STAFF ANALYSIS

The applicant's submittal appears to sufficiently adhere to the requirements of the city's current subdivision ordinance. Site access along Allen Blvd., sanitary sewer service, and stormwater management are the main issues that the City needs to ensure can be addressed as it considers whether to approve this CSM.

Traffic: Each of the four lots would have frontage on at least one public street; however, Lot 2 solely has street frontage along Allen Blvd., which is functionally classified as a principal arterial. The sole median break along Allen is at the Lakeview Boulevard intersection. Having a driveway nearby—even one that only provides right-in/right-out access—would almost certainly lead to drivers attempting to make U-turns or travel against northbound traffic unless the driveway is aligned with Lakeview Blvd. The City has observed this unsafe driver behavior in other similar situations. The City is limited in its ability to require the completion of a Traffic Impact Analysis (at developer expense) as part of the CSM review process. Therefore, unless a TIA is conducted, it is prudent to place access restrictions on the CSM based on the City's [Access Management Plan](#).

Sanitary Sewer Service: The Public Works Department opposes any connection of sanitary sewer laterals to the main that serves lots along Middleton Beach Road due to the main's physical condition and alignment. Any significant increase in discharge to this main could require the City to update the lift station located toward the northern end of that street. Therefore, staff is recommending as a contingency of approval that the developer be required to obtain permission from the City of Madison (the landowner to the south) to extend sewer laterals into a sewer main serving Marshall Park. The CSM should establish the necessary easement(s) to enable this connection.

Stormwater Management: At the CSM stage (prior to site plan review), the City needs to ensure that lots are not created in a way that would preclude the ability to sufficiently manage stormwater across all four lots. In late September, the developer submitted a comprehensive stormwater management plan pertaining to the entire 7.1 acre site. As staff review the SWMP for compliance with all applicable regulations, all four lots will be considered as a whole. Any development of the site will be required to release stormwater at a rate no greater than existing conditions for up to the 200-yr storm event. Further, the City's stormwater ordinance forces that existing condition to be a "pre-settlement" condition (not a turf grass playing field, but a pristine meadow). Hence, peak discharge rates for a developed site will be lower than those that exist now. At no time during the development process can any of the lots be out of compliance, meaning temporary practices or the full build out of stormwater management practices will be required. This will also require a detailed phasing plan.

Zoning Compliance: On [July 23](#), the Plan Commission reviewed a development concept consisting of two 3-story multifamily buildings fronting Middleton Beach Road, where Lots 3 and 4 are proposed. All four lots created by this CSM are configured and sized in a way that would enable the land to be used in a manner that fully adheres to applicable provisions of the City's zoning ordinance. Lots 1 and 2 would have to comply with the density, intensity and bulk regulations pertaining to the Mixed Use-Avenue (MU-A) zoning district whereas Lots 3 and 4 are subject to the regulations pertaining to the Multi-Family Low Density (MR-L).

CERTIFIED SURVEY MAP No.

LOCATED IN GOVERNMENT LOT 3, SECTION 12, T7N, R8E, CITY OF MIDDLETON, DANE COUNTY, WISCONSIN



BEARINGS ARE BASED UPON THE
WISCONSIN COUNTY COORDINATE
SYSTEM, DANE COUNTY, THE SOUTH
LINE OF THE SE1/4 OF SECTION
12-07-08 MEASURED
AS BEARING N89°27'54"W

GRAPHIC SCALE: 1" = 120'

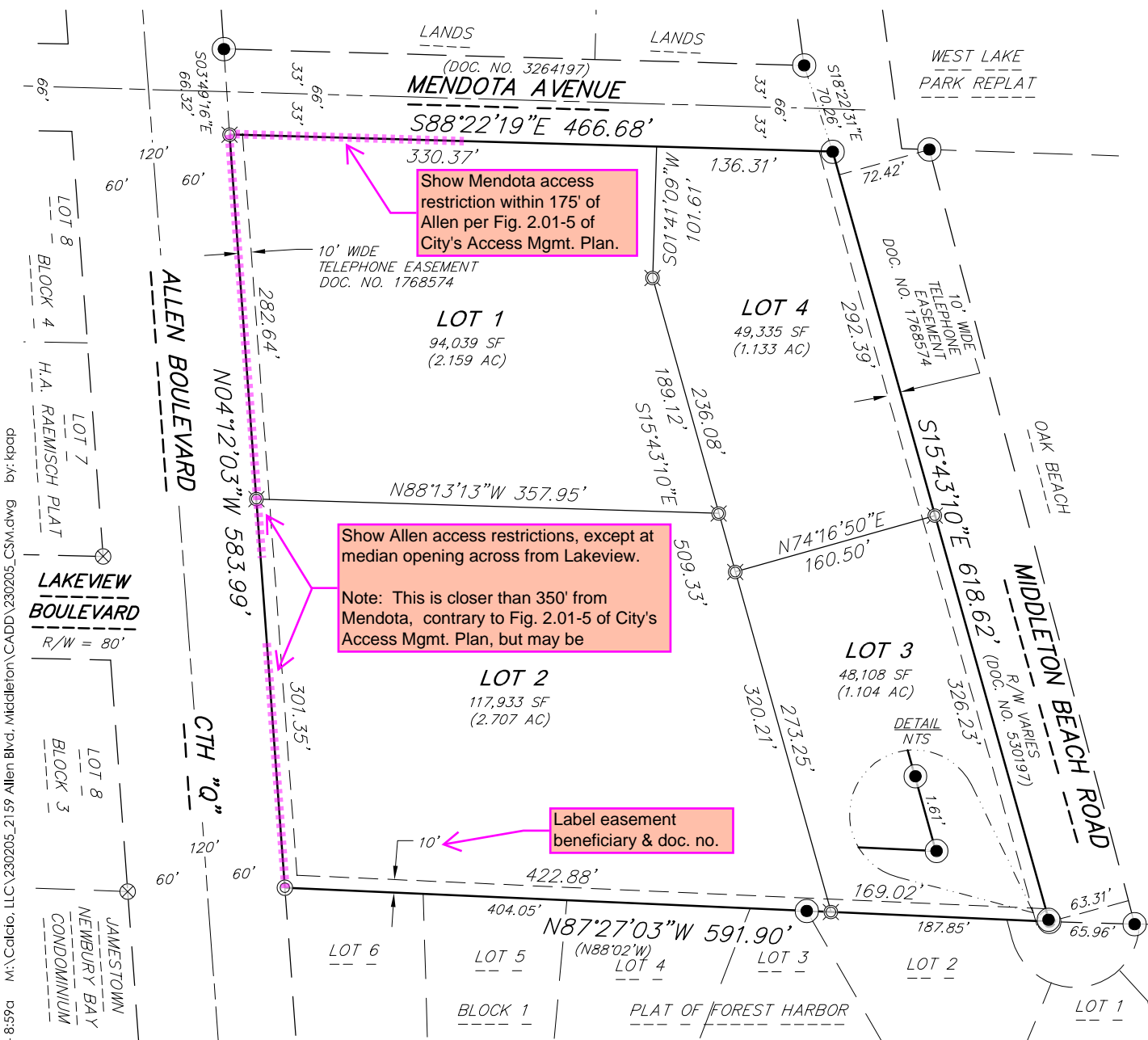


0 60 120 240

SURVEY LEGEND

- (O) FOUND 1" Ø IRON PIPE
 (X) FOUND 2" Ø IRON PIPE
 (●) FOUND 1 1/4" Ø IRON ROD
 (●) FOUND 3/4" Ø IRON ROD
 (X) SET 3/4" Ø IRON ROD
 WT= 1.50 LB/FT
 () INDICATES RECORDED AS

NOTE: SEE SHEET 2
FOR SECTION TIE DETAIL;
SHEETS 3-4 FOR NEW
EASEMENTS



©Vierbicher Associates, Inc.
12 Sep 2024 - 9:02a M:\Cadd\Calcio, LLC\230205_2159 Allen Blvd. Middleton\CADD\230205_CSM.dwg by: kpap

CERTIFIED SURVEY MAP No. _____

LOCATED IN GOVERNMENT LOT 3, SECTION 12, T7N, R8E, CITY OF MIDDLETON, DANE COUNTY, WISCONSIN

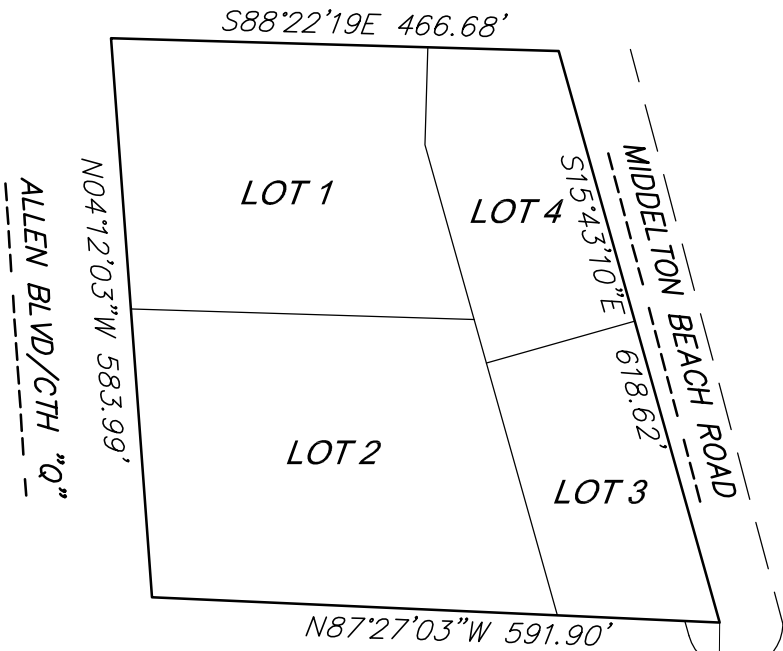


BEARINGS ARE BASED UPON THE
WISCONSIN COUNTY COORDINATE
SYSTEM, DANE COUNTY, THE SOUTH
LINE OF THE SE1/4 OF SECTION
12-07-08 MEASURED
AS BEARING N89°27'54"W

SECTION TIE DETAIL

(NOT TO SCALE)

MENDOTA AVENUE



Bearing is N3°32'06"E in
description on sheet 5.
Resolve inconsistency.

SOUTH 1/4 COR
SECTION 12-07-08
FOUND BRASS CAP MON
MEASURED COORDS:
N: 488,308.18
E: 792,327.59

2327.06'
N89°27'54"W 2641.99'
314.93'

SOUTHEAST COR
SECTION 12-07-08
FOUND BRASS CAP MON
MEASURED COORDS:
N: 488,283.51
E: 794,969.46

vierbicher
planners | engineers | advisors



Job #: 230205
Date: 09/13/2024
Rev:
Drafted By: KPAP
Checked By: MZIE

SURVEYED FOR:
CALCIO, LLC
6117 CTH K
WAUNAKEE, WI 53597

17

C.S.M. No. _____
Doc. No. _____
Vol. _____ Page _____

SHEET
2 OF 6

Page 9 of 28

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CERTIFIED SURVEY MAP No. _____

LOCATED IN GOVERNMENT LOT 3, SECTION 12, T7N, R8E, CITY OF MIDDLETON, DANE COUNTY, WISCONSIN



GRAPHIC SCALE: 1" = 120'



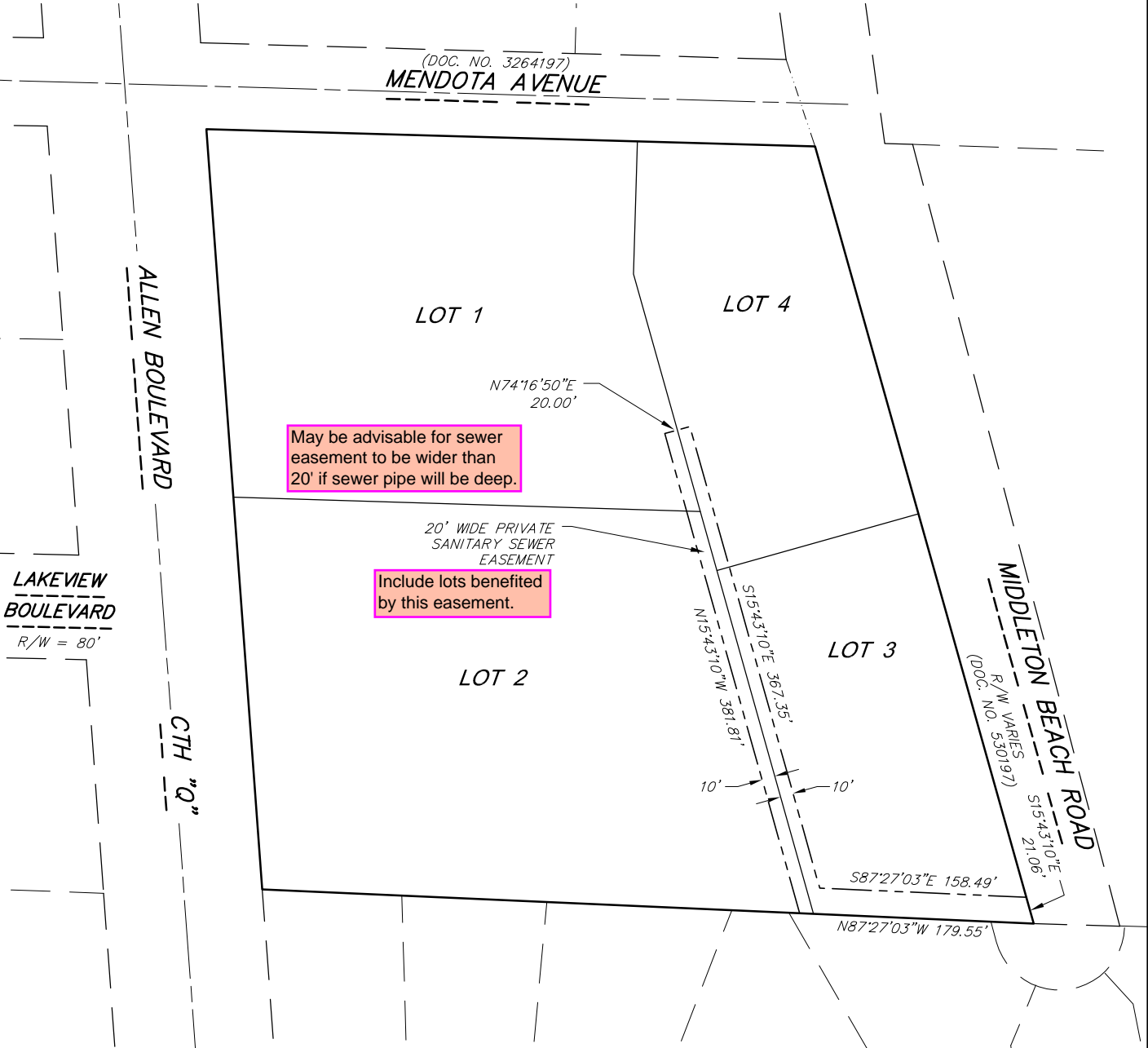
0 60 120 240

Provide to City a copy of these two referenced recorded separate documents.

NOTES:

- 1. LOTS 1-4 ARE SUBJECT TO A PRIVATE STORMWATER MANAGEMENT EASEMENT AGREEMENT RECORDED BY SEPARATE INSTRUMENT.
- 2. LOTS 1-4 ARE SUBJECT TO A CROSS-ACCESS EASEMENT AGREEMENT RECORDED BY SEPARATE INSTRUMENT.

NEW PRIVATE SANITARY SEWER EASEMENT DETAIL



M:\Cadd\Calcio, LLC\230205_2159 Allen Blvd. Middleton\CADD\230205_CSM.dwg by: kpap 11 Sep 2024 - 3:56p

© Vierbicher Associates, Inc.

CERTIFIED SURVEY MAP No. _____

LOCATED IN GOVERNMENT LOT 3, SECTION 12, T7N, R8E, CITY OF MIDDLETON, DANE COUNTY, WISCONSIN



BEARINGS ARE BASED UPON THE
WISCONSIN COUNTY COORDINATE
SYSTEM, DANE COUNTY, THE SOUTH
LINE OF THE SE1/4 OF SECTION
12-07-08 MEASURED
AS BEARING N89°27'58"W

GRAPHIC SCALE: 1" = 120'

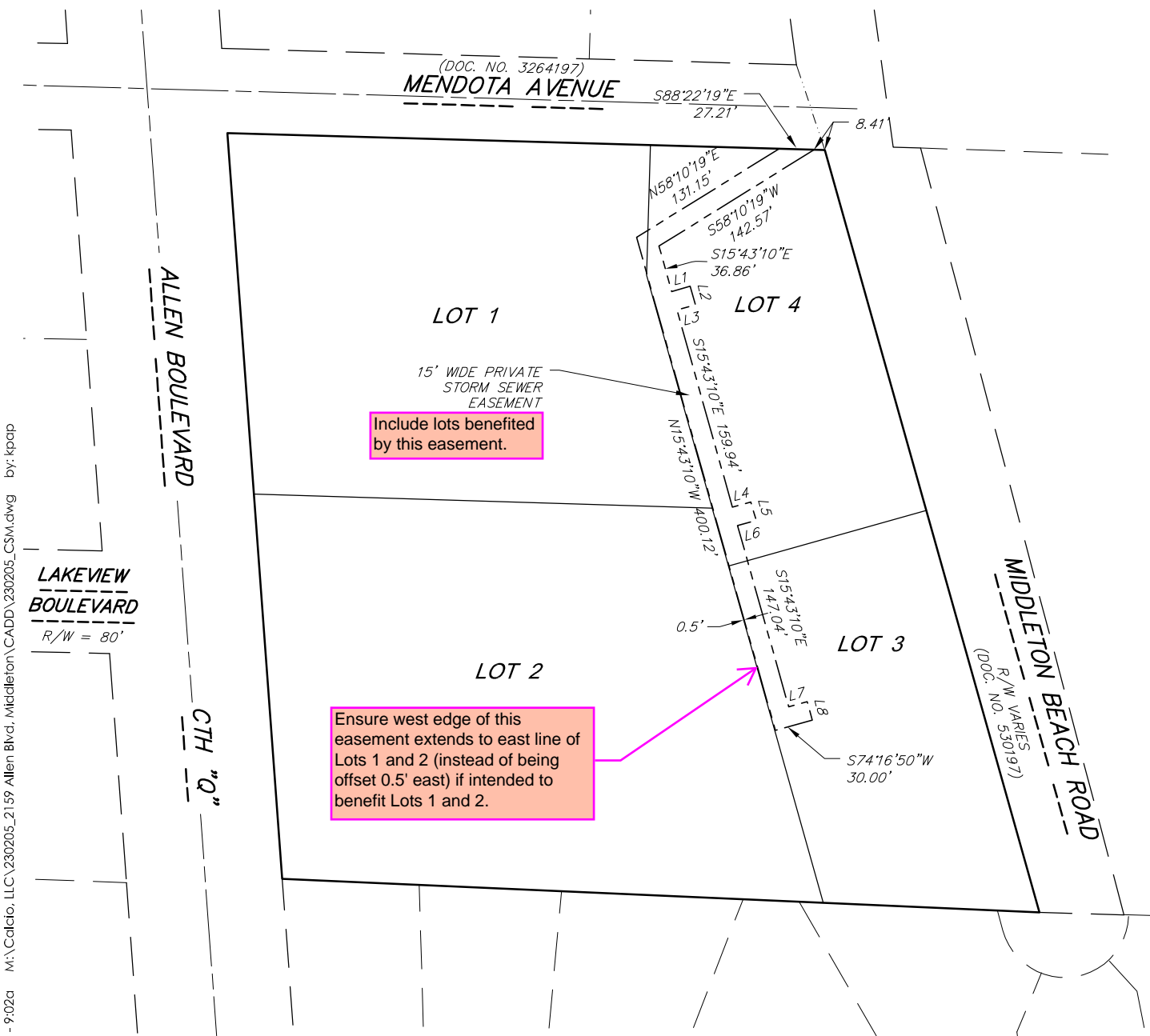


0 60 120 240

EASEMENT LINE TABLE

| NUMBER | DIRECTION | LENGTH |
|--------|-------------|--------|
| L1 | N74°16'50"E | 15.00' |
| L2 | S15°43'10"E | 15.00' |
| L3 | S74°16'50"W | 15.00' |
| L4 | N74°16'50"E | 15.00' |
| L5 | S15°43'10"E | 15.00' |
| L6 | S74°16'50"W | 15.00' |
| L7 | N74°16'50"E | 15.00' |
| L8 | S15°43'10"E | 15.00' |

NEW PRIVATE STORM SEWER EASEMENT DETAIL



12 Sep 2024 - 9:02a M:\Cadd\Calcio, LLC\230205_2159 Allen Blvd. Middleton\CADD\230205_CSM.dwg by: kpap

vierbicher
planners | engineers | advisors



Job #: 230205
Date: 09/13/2024
Rev:
Drafted By: KPAP
Checked By: MZIE

SURVEYED FOR:
CALCIO, LLC
6117 CTH K
WAUNAKEE, WI 53597

C.S.M. No. _____
Doc. No. _____
Vol. _____ Page _____

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CERTIFIED SURVEY MAP No. _____

LOCATED IN GOVERNMENT LOT 3, SECTION 12, T7N, R8E, CITY OF MIDDLETON, DANE COUNTY, WISCONSIN

SURVEYOR’S CERTIFICATE

I, Kevin J. Pape, Professional Land Surveyor No., S–2568, do hereby certify that this Certified Survey Map is in full compliance with Chapter 236.34 of the Wisconsin State Statutes, Chapter A–E7 of the Wisconsin Administrative Code and the Subdivision Regulations of the City of Middleton; and under the direction of the Owner(s) listed heron, I have surveyed, divided and mapped the lands described herein and that said map is a correct representation of the exterior boundaries and division of the land surveyed.

Dated this 13th day of September, 2024

DRAFT

Kevin J. Pape, WI PLS No. S–2568
Vierbicher Associates, Inc

DESCRIPTION

Located in Government Lot 3, Section 12, T7N, R8E, City of Middleton, Dane County, Wisconsin, described as follows: Commencing at the southeast corner of said Section 12; thence N89°27'54"W, 314.93 feet along the south line of said SE1/4; thence N03°32'06"E, 1781.43 feet to the point of beginning; thence N87°27'03"W, 591.90 feet along the north line of the Plat of Forest Harbor, recorded in Volume 20 of Plats on Page 30, as Document No. 945753; thence N04°12'03"W, 583.99 feet along the easterly right of way line of Allen Boulevard; thence S88°22'19"E, 466.68 feet along the south right of way line of Mendota Avenue; thence S15°43'10"E, 618.62 feet along the westerly right of way line of Middleton Beach Road to the point of beginning. Contains 309,414 square feet (7.103 acres).

M:\Cadd\Calcio, LLC\230205_2159 Allen Blvd. Middleton\CADD\230205_CSM.dwg by: kpap 11 Sep 2024 - 3:57p

CITY OF MIDDLETON PLAN COMMISSION CERTIFICATE

Approved for recording per the City of Middleton Plan Commission action on the _____, day of _____, 202__.

By: _____ Date: _____
Mark Opitz, City Planner &
Zoning Administrator

LOCATED IN GOVERNMENT LOT 3, SECTION 12, T7N, R8E, CITY OF MIDDLETON, DANE COUNTY, WISCONSIN

Calcio LLC, a Wisconsin limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said company caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the map hereon. It further certifies that this Certified Survey Map is required by S236.34 to be submitted to the City of Middleton for approval.

CALCIO LLC

By: _____

PRINT NAME AND TITLE

State of Wisconsin)
)ss.
County of Dane)

Personally came before me this _____ day of _____, 20____, the above named _____, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

My Commission expires: _____

Received for recording this _____ day of _____,
20_____, at _____ o'clock _____.m. and recorded in Volume _____ of
Certified Survey Maps on pages _____, as Doc. No. _____

Kristi Chlebowski,
Dane County Register of Deeds



19.05 PLAT AND DATA SUBMISSION REQUIREMENTS. (1) Environmental Assessment. A checklist may be prepared by the subdivider for review at the pre-application conference.

(a) Purpose. The purpose of this environmental assessment checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of Wis. Stat. s. 236.45(1). The Plan Commission will use these procedures in determining land suitability under s. 19.03(2). The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for storm water control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.

(b) Coverage. The Environmental Assessment Checklist shall apply to all subdivisions, including minor subdivisions. The Plan Commission may waive the requirement for the filing of an environmental assessment checklist for minor subdivisions of less than five (5) acres total area.

(c) Preliminary Checklist for Environmental Assessment of Plats and Land Divisions and Community Development Plans:

LAND DIVISION AND SUBDIVISION

PRELIMINARY CHECKLIST FOR ENVIRONMENTAL ASSESSMENT OF PLATS AND LAND DIVISIONS AND COMMUNITY DEVELOPMENT PLANS

(all yes, answers must be explained in detail by attaching maps and supporting documentation describing the impacts of the proposed development).

| | | yes | no |
|---|---|-----|----|
| I. Land Resources. Does the project site involve: | | | |
| A. | Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two (2) foot contour intervals). | | x |
| B. | A landform or topographic feature of local or regional interest. | | x |
| C. | A floodplain (If yes attach two (2) copies of a typical stream valley cross section showing the channel of the stream, the 100 year floodplains limits and the floodway limits (if officially adopted), of each side of the channel and a cross section of area to be developed | | x |
| D. | An area of soil instability - greater than 18% slope and/or organic soils, peats, or mucks at or near the surface | | x |
| E. | An area of bedrock within 6 feet of the soil surface | | x |
| F. | An area with the groundwater table within 10 feet of the soil surface | x | |
| G. | An area with fractured bedrock within 10 feet of the soil surface | | x |
| H. | Prevention of gravel extraction | | x |
| I. | a drainageway for 5 or more acres of land | | x |
| J. | Lot coverage of more than 50% impermeable | x | |

SUBDIVISION

LAND DIVISION AND

| | | yes | no |
|---|---|-----|----|
| K. | Prime agricultural land | | x |
| L. | Wetlands and Marshes | | x |
| M. | Land elevation above 950 (NAVD '88 Datum) | | x |
| N. | Mapped environmental corridors | | x |
| II. WATER RESOURCES. Does the proposed project involve: | | | |
| A. | Location within an area traversed by a navigable stream or dry run | | x |
| B. | Greater than 10% change in the capacity of a storm water storage facility or flow of a waterway within 1 mile | | x |
| C. | The use of septic tank-soil absorption fields for on-site waste disposal | | x |
| D. | Lowering of water table by pumping or drainage | | x |
| E. | Raising of water table by altered drainage patterns | | x |
| F. | Lake frontage | | x |
| III. BIOLOGICAL RESOURCES. Does the project involve: | | | |
| A. | Critical habitat for plants and animals of community interest | | x |
| B. | Endangered, unusual or rare species of: | | x |
| | 1. Land animals | | x |
| | 2. Birds | | x |
| | 3. Plants | | x |
| C. | Removal of over 25% of the present trees | | x |

December 4, 1994

Chapter 19 - 19

SUBDIVISION

LAND DIVISION AND

| | | yes | no |
|--|--|-----|----|
| IV. HUMAN AND SCIENTIFIC INTEREST. Does the project site involve: | | | |
| A. | An area of archeological interest | | X |
| B. | An area of geological interest | | X |
| C. | An area of hydrological interest | | X |
| D. | An area of historical interest | | X |
| | 1. Historic buildings or monuments | | X |
| | 2. Buildings or monuments of unique architecture | | X |
| E. | An area of identified community recreation use | | X |
| V. ENERGY, TRANSPORTATION AND COMMUNICATIONS | | | |
| A. | Does the development increase the traffic flow in any collector system by more than 10% | | X |
| B. | Is the development traversed by an existing or planned utility corridor? (gas, electricity, water, sewer interceptor, communications, storm sewer) | | X |
| VI. POPULATION. | | | |
| A. | Does the development increase by more than 10% the school population of any school serving the development | | X |
| VII. COMMENTS ON ANY OF THE ABOVE WHICH MAY HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT | | | |
| VIII. APPENDICES AND SUPPORTING MATERIAL | | | |

December 4, 1994

Chapter 19 - 2

LAND DIVISION AND SUBDIVISION

(d) **Determination of Need for Expanded Environmental Assessment.** The Environmental Assessment Checklist shall be reviewed by the Plan Commission at its next regular meeting following submittal. The Plan Commission may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the developer and other affected persons, decide that the preliminary environmental assessment raises unusually significant questions of the effects on the environment and that review by other City committees and commissions is required and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment. The listing of questions can include items which this ordinance already enables the Commission to obtain, or it may include additional information which is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the developer or applicant. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is to be presented.

(e) **Hearing on Environmental Assessment Report.** Following the return to the Plan Commission of the data required in the resolution adopted under the section above, the Commission shall make such report available for scrutiny by the applicant or petitioner, by City departments, commissions and committees and by other interested persons or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a Class I notice under Wis. Stat. Chapter 985. Persons attending such hearing shall be afforded an opportunity to comment on the **report.**

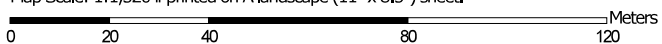
(f) **Review.** The Plan Commission shall review the Environmental Assessment Report, with supporting data, department and committee reviews and any other data required for determining the suitability of the land for the proposed development. Within 45 days after submission to the Plan Commission of the final expanded environmental assessment report, the Plan Commission shall decide whether said land is suitable for development and proceed as required by s. 19.03(3)(c).

Depth to Water Table—Dane County, Wisconsin (2159 Allen Blvd)



Soil Map may not be valid at this scale.

Map Scale: 1:1,520 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84




Natural Resources
Conservation Service

27
Web Soil Survey
National Cooperative Soil Survey

Page 19 of 28
9/11/2024
Page 1 of 3



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils






Soil Rating Polygons


-  0 - 25
-  25 - 50
-  50 - 100
-  100 - 150
-  150 - 200
-  > 200
-  Not rated or not available

Soil Rating Lines


-  0 - 25
-  25 - 50
-  50 - 100
-  100 - 150
-  150 - 200
-  > 200
-  Not rated or not available

Soil Rating Points


-  0 - 25
-  25 - 50
-  50 - 100
-  100 - 150
-  150 - 200
-  > 200

 Not rated or not available


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Dane County, Wisconsin
Survey Area Data: Version 22, Sep 8, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 13, 2020—Jul 31, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



2159 Allen Boulevard



Legend

- Ponds/Open Water
- Lake Class Areas
- Riverine/ditch Class Areas
- Wetland Class Areas
- Wetland Class Points
 - Dammed pond
 - Excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
 - Filled excavated pond
- Filled Points
- Wetland Class Areas
- Filled Areas
- Wetland Identifications and Confirmations
- Municipality
- State Boundaries
- County Boundaries
- Major Roads
 - Interstate Highway
 - State Highway
 - US Highway
- County and Local Roads
 - County HWY
 - Local Road
- Railroads
- Tribal Lands
- Railroads
- Rivers and Streams
- Intermittent Streams
- Lakes and Open water

0.1 0 0.06 0.1 Miles

NAD_1983_HARN_Wisconsin_TM

1: 3,960

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

Notes



PLANNING STAFF REPORT

2159 Allen Blvd.

File: PC-2654

To: Plan Commission, for the Oct. 8 meeting
Preparer: Mark Opitz, City Planner mopitz@cityofmiddleton.us
Date: Revised October 8, 2024

Requested Action: **City Approval of Certified Survey Map**

Location: Pertains to one 7.1 acre parcel

Applicant: Vierbicher Associates (c/o Kevin Pape, PLS)
999 Fourier Dr. #201, Madison

Property Owner: Calcio LLC (c/o Jon Kemman), 6117 CTH K, Waunakee

Existing Zoning: MR-L (Multi Family – Low Density) on eastern third of site
MU-A (Mixed Use Avenue) on remainder of site to the west

Existing Land Use: Vacant; formerly used as an athletic field

Future LU Map: Established Neighborhood (eastern third) and Avenue Mixed Use (west)

SUMMARY

The applicant proposes to subdivide this 7.1 acre site—most recently used for playing soccer—into four lots. Lots 1 and 2 are 94,039 SF and 117,933 SF in size and are envisioned to support mixed-use buildings oriented to Allen Blvd. (consistent with MU-A zoning), whereas Lots 3 and 4 are 48,108 SF and 49,335 SF in size and are envisioning to support low-rise multi-family buildings oriented toward Middleton Beach Road (but having driveway access via Mendota Avenue). The Plan Commission has up to forty-five (45) days after submittal of a certified survey map (until 10/28/24 in this case) to approve, approve conditionally, or reject the CSM.

Organization of this report:

| | |
|---|--------|
| Conclusions and Recommendation | Page 2 |
| Background | Page 3 |
| Ordinance Provisions pertaining to this Application | Page 6 |
| Staff Analysis | Page 7 |

CONCLUSIONS AND RECOMMENDATION

The applicant's submittal appears to sufficiently adhere to the requirements of the city's current subdivision ordinance. The key issues that arose during review by planning and engineering staff relate to site access along Allen Blvd., sanitary sewer service, and stormwater management (see Staff Analysis section). All four lots created by this CSM are configured and sized in a way that would enable the land to be used in a manner that fully adheres to applicable provisions of the City's zoning ordinance. Planning staff conclude that the CSM could be approved with the contingencies listed below.

Potential Motion for the October 8 Plan Commission meeting:

Approve the CSM contingent on the following:

1. Indication of all easements necessary to facilitate circulation (access), stormwater management, and public utilities between/across all lots.
2. ~~The developer shall secure approval from the City of Madison to enable one or more sanitary sewer laterals to connect to the sewer facility in Marshall Park.~~
The developer shall pay for City studies of water and sanitary sewer infrastructure needed to ensure satisfactory fire & domestic water flows, and satisfactory water pressure to highest proposed fixtures, as well as sufficient downstream sanitary sewer capacity for safe and reliable sewage conveyance from each lot of the planned development. The developer shall deposit \$25,000 to be held in escrow to fund the studies which shall be replenished or increased if the cost is estimated to exceed that amount. Pending the outcome of this study, the developer shall secure approvals, and easements if necessary, and shall construct public and private utility improvements needed to serve the planned development.
3. No driveway access along Allen Blvd. except at the median opening across from Lakeview Boulevard, and no driveway access along Mendota Avenue within 175 feet of Allen Blvd.
4. City engineer approval of the stormwater management plan, and the stormwater management agreement recorded for all four lots.
5. The Plan Commission will determine the appropriate park fees during the Site Plan Review process for each lot.
6. Resolution of all other city staff recommendations as indicated on the CSM submitted by the developer on 9/13/24.

BACKGROUND

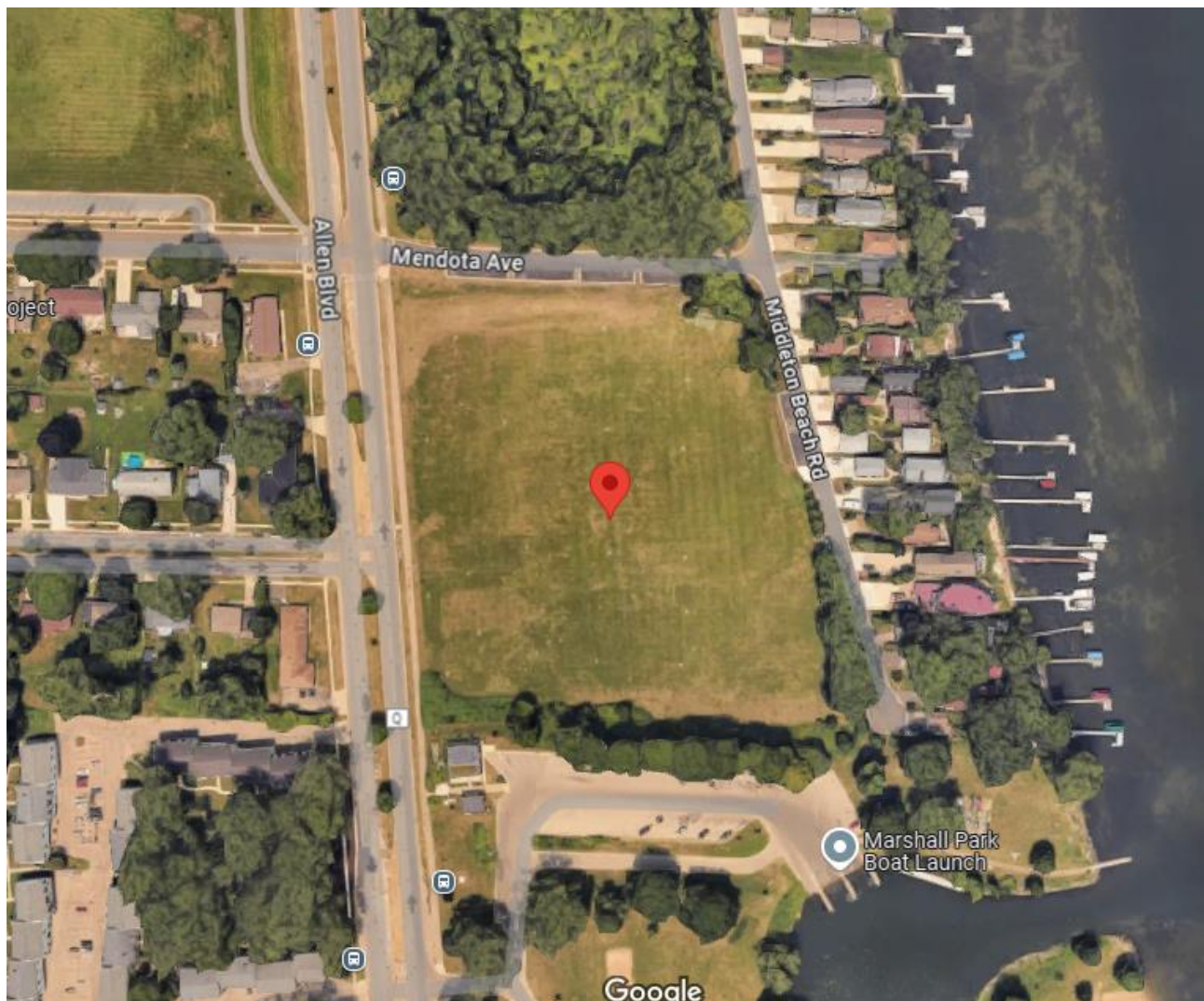
Project Context

The application involves one 7.1 acre parcel bounded by public streets on three sides. Elevation is approximately 10 feet higher along the site's western boundary compared to its eastern side.

The following land uses surround the property:

- To the North: Lakeview East Conservancy Area, which is generally lower in elevation.
- To the East: Single-Family Residences (typically 2-stories with a few 1- or 3-story houses) abutting Lake Mendota. Most have a detached garage along Middleton Beach Road.
- To the South: Marshall Park, which is located in and owned by City of Madison.
- To the West: Low-rise residences including a duplex and a four-plex, with single-family residences farther to the west.

Existing Conditions

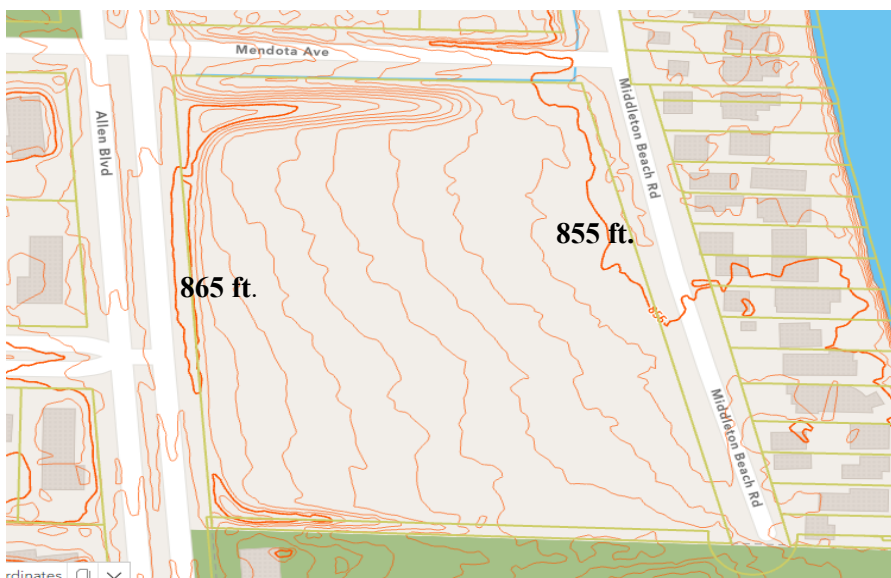




Looking west across Allen Blvd.



Looking east across Middleton Beach Road



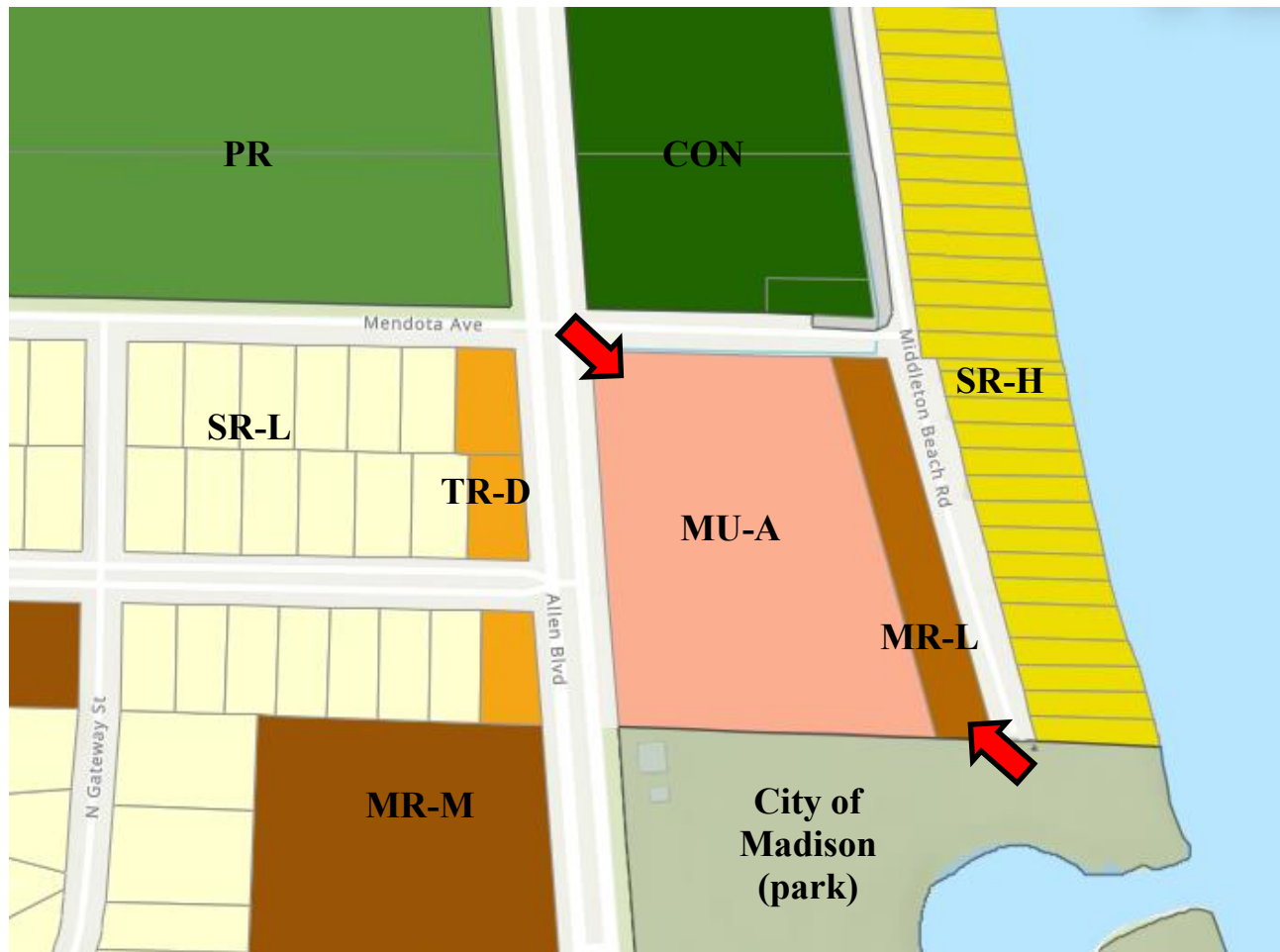
Comprehensive Plan – Future Land Use (FLU) Map

The [Future Land Use Map](#) in the City's Comprehensive Plan indicates Avenue Mixed Use category for the majority of the property, with Established Neighborhood on the eastern end of the parcel (fronting Middleton Beach Road). These land use categories are defined as follows:

- **Avenue Mixed Use:** Wide range of indoor and outdoor retail, service, office, institutional, and residential uses outside of the downtown area. These are generally larger and/or more intensive than business in the Neighborhood Mixed Use category.
- **Established Neighborhood:** For already developed neighborhoods in the city, preservation of urban neighborhood scale and character while providing a variety of housing options to meet the needs of a diverse population; building types could include single-family dwellings, accessory dwelling units (ADUs), homes with 2-3 dwelling units, and, where appropriate, single-family attached townhomes/condos and small-scale multifamily.



Zoning Map



ORDINANCE PROVISIONS PERTAINING TO THIS APPLICATION

Wis. Stats. 236.34 and Section 19.04(5) of the City's Subdivision Ordinance pertain to the preparation and review of certified survey maps. The Plan Commission has up to forty-five (45) days to approve, approve conditionally, or reject the certified survey map. In this case, the City must take action on the CSM by 10/28/24 because the CSM was submitted for review on 9/13/24. No streets or other features are being dedicated to the public, so the Common Council does not need to take any action at this time with respect to the CSM.

STAFF ANALYSIS

The applicant's submittal appears to sufficiently adhere to the requirements of the city's current subdivision ordinance. Site access along Allen Blvd., sanitary sewer service, and stormwater management are the main issues that the City needs to ensure can be addressed as it considers whether to approve this CSM.

Traffic: Each of the four lots would have frontage on at least one public street; however, Lot 2 solely has street frontage along Allen Blvd., which is functionally classified as a principal arterial. The sole median break along Allen is at the Lakeview Boulevard intersection. Having a driveway nearby—even one that only provides right-in/right-out access—would almost certainly lead to drivers attempting to make U-turns or travel against northbound traffic unless the driveway is aligned with Lakeview Blvd. The City has observed this unsafe driver behavior in other similar situations. The City is limited in its ability to require the completion of a Traffic Impact Analysis (at developer expense) as part of the CSM review process. Therefore, unless a TIA is conducted, it is prudent to place access restrictions on the CSM based on the City's [Access Management Plan](#).

Sanitary Sewer Service: The Public Works Department opposes any connection of sanitary sewer laterals to the main that serves lots along Middleton Beach Road due to the main's physical condition and alignment. Any significant increase in discharge to this main could require the City to update the lift station located toward the northern end of that street. Therefore, staff is recommending as a contingency of approval that the developer be required to obtain permission from the City of Madison (the landowner to the south) to extend sewer laterals into a sewer main serving Marshall Park. The CSM should establish the necessary easement(s) to enable this connection.

Stormwater Management: At the CSM stage (prior to site plan review), the City needs to ensure that lots are not created in a way that would preclude the ability to sufficiently manage stormwater across all four lots. In late September, the developer submitted a comprehensive stormwater management plan pertaining to the entire 7.1 acre site. As staff review the SWMP for compliance with all applicable regulations, all four lots will be considered as a whole. Any development of the site will be required to release stormwater at a rate no greater than existing conditions for up to the 200-yr storm event. Further, the City's stormwater ordinance forces that existing condition to be a "pre-settlement" condition (not a turf grass playing field, but a pristine meadow). Hence, peak discharge rates for a developed site will be lower than those that exist now. At no time during the development process can any of the lots be out of compliance, meaning temporary practices or the full build out of stormwater management practices will be required. This will also require a detailed phasing plan.

Zoning Compliance: On [July 23](#), the Plan Commission reviewed a development concept consisting of two 3-story multifamily buildings fronting Middleton Beach Road, where Lots 3 and 4 are proposed. All four lots created by this CSM are configured and sized in a way that would enable the land to be used in a manner that fully adheres to applicable provisions of the City's zoning ordinance. Lots 1 and 2 would have to comply with the density, intensity and bulk regulations pertaining to the Mixed Use-Avenue (MU-A) zoning district whereas Lots 3 and 4 are subject to the regulations pertaining to the Multi-Family Low Density (MR-L).



September 11, 2024

Abby Attoun
Department of Planning & Community Development
7426 Hubbard Avenue
Middleton, WI 53562

RE: Ziegler Farm
Rezoning Request

Dear Abby,

Attached please find a copy of the Veridian Homes request to rezone the Ziegler Farm on High Road to Single Family Residential – Medium Density (SR-M) and Single Family Residential – High Density (SR-H) for a new single family residential neighborhood featuring a range of lot sizes and price points.

We look forward to working with the City on the review and implementation of this neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Munson", written in a cursive style.

Brian Munson
Principal

Applicant

VH Acquisitions, LLC.
6801 South Town Drive
Madison, WI 53713
Matt Brink
mbrink@veridianhome.com
Phone: 608.226.3038

Property Owner

Ziegler Living Trust, Leonard A & Ruth E
637 Spruce Circle
Verona, WI 53593
Greg Ziegler
Phone: 608.845.991

Design Team

Engineering:

Wyser Engineering
300 E. Front St.
Mount Horeb, WI 53572
Phone: 608.437.1862
Wade Wyse
wade.wyse@wyserengineering.com

Planning:

Vandewalle and Associates
120 East Lakeside Street
Madison, Wisconsin 53715
Phone: 608.255.3988
Brian Munson
bmunson@vandewalle.com

Existing Conditions

Existing Site:

The site includes six parcels spanning both sides of High Road, located between existing and emerging neighborhoods as a missing link in the neighborhood fabric. The site is predominately used for agricultural purposes with a farmstead located along the western side of High Road. The remainder of the site consists of wetlands along Graber Pond as well as a creek/wetland corridor east of High Road.

Existing Zoning:

AG

Parcels:

| | |
|-----------------|----------------|
| 0808-354-9740-8 | 4819 High Road |
| 0708-021-8050-9 | 4819 High Road |
| 0808-363-9150-1 | |
| 0808-363-9710-3 | |
| 0708-012-8500-5 | |
| 0708-012-8000-0 | |

Lot Area:

85.32 acres

Comprehensive Plan: Established Neighborhood
 Planned Neighborhood
 Environmental Corridor

Existing Site Photos:

Misty Valley Drive (view south)



Caneel Trail (view east)



High Road (view north)



High Road (view south)



Whittlesey Road (view north)



Pheasant Branch Road (view north)



Caneel Conservancy Bike Path



East of High Road



West of High Road



Farmstead



Graber Pond Frontage



Graber Road (view east)



Proposal

Requested Zoning:

Single Family Residential – Medium Density (SR-M)

Single Family Residential – High Density (SR-H)

Parks and Recreation (PR)

Conservancy (CON)

Official Map:

Amend official map to reflect adopted Comprehensive Plan

Urban Service Area Amendment/Annexation:

Separate application for annexation of the property and an amendment to the Urban Service Area have been filed in support of the project.

Project Summary

The Ziegler Farm Neighborhood reflects the adopted Comprehensive Plan recommendation for the parcel which calls for a planned residential neighborhood.

“Middleton will establish a land use pattern that promotes compact development, protection of natural resources, a range of housing options, mobility, and economic growth in order to maintain an exceptional quality of life.”

-Land Use Introduction, 2023 Comprehensive Plan

Built in this framework, the neighborhood delivers a range of single-family homes with floor plans, formats, & price points that compliments the adjoining mixed residential neighborhoods by offering additional single family housing choices and transitioning from the higher density housing to the existing neighborhoods. The project is designed to meet the requirements of standard zoning districts and is not requesting any exceptions to the adopted plan or code.

The neighborhood design works with the surrounding character and on-site conditions to facilitate the creation of a new vibrant residential addition to Middleton that integrates the following elements:

- Respect and enhance the natural features of Graber Pond

- Extend the street grid where feasible

- Extend regional trail network

- Preserving and the existing wetlands corridor and maintain appropriate buffers

- Integrating careful stormwater management meeting the 100% stay on requirements

- Add new parks & open space corridors

Proposed Use:

Single family homes within the project will include both carriage lane accessed, and street accessed configuration that can accommodate a wide range of house types, architectural treatments, landscaping, floor plans and price points. This will create an integrated and diverse neighborhood that blends easily into the surrounding neighborhoods. Price points within the neighborhood will range from entry level/first time home buyer to move up and luxury housing options.

| | |
|--------------------------------|-----|
| Alley Accessed Single Family: | 17 |
| Street Accessed Single Family: | 156 |
| Total | 173 |

Stormwater Management
Parks & Open Space

Carriage Lane Accessed Single Family

Carriage lane homes enhance the variety of housing and neighborhood character through the use of single-family home sites served by alleys. These homes are designed with integrated architecture and reduced setbacks which create an unbroken front façade of houses without garages that emphasize a human-based scale and texture in which the pedestrian and front porches become the focus.

Conventional Single Family

Conventional single family homes within the neighborhood will span from entry level/first time homebuyer, to luxury, and downsizer opportunities. These homes are designed with garage/home proportions and garage setbacks that focus the architecture on the front door/front façade of the home while downplaying the garage components to create a more pedestrian oriented streetscape. Conventional street access single family form a majority of the houses within the neighborhood due to grade constraints.

Parks & Open Space

Parks & open space components within the neighborhood are designed to build upon the environmental framework of the site offering trail extensions & park space while preserving and buffering the Graber Pond area and wetland corridors with 75' buffers and carefully placed stormwater management.

Parks: Park space in the western portion of the site creates additional buffering to Graber Pond. The eastern park space offers recreational space adjacent the greater wetland and trail corridor.

Park dedication required: 5.76 acres (1,450 sq. ft./unit)

Park dedicated:

Graber Pond Area: 2.15 acres

East Trail Corridor: 1.6 acres

East Park Space: 3.6 acres

Total: 7.28 acres

Note: dedication excludes stormwater management and wetlands

Trails: Trails utilize the 75' wetland buffer to create a new east-west corridor connection along the larger environmental corridors. This system is connected to the High Road frontage, through the utilization of a short boardwalk section, filling the missing links of the "Misty Valley Trail" an off-street path from Graber Pond through the Caneel Corner Conservancy and across the site to the west segment of the Pheasant Branch Trail. The project also proposes the extension of the existing

trail from the north of Whittlesey Road with a boardwalk section, co-located with the required utilities to minimize wetland impacts.

Wetlands: The design of the neighborhood seeks to preserve the existing wetlands with minimal disturbances and 75' buffers. The resulting preserved wetlands offer a publicly dedicated environmental corridor between Graber Pond and Pheasant Branch Conservancy.

Phasing

The project will be built in four phases starting west of High Road over the course of the next 5-6 years.

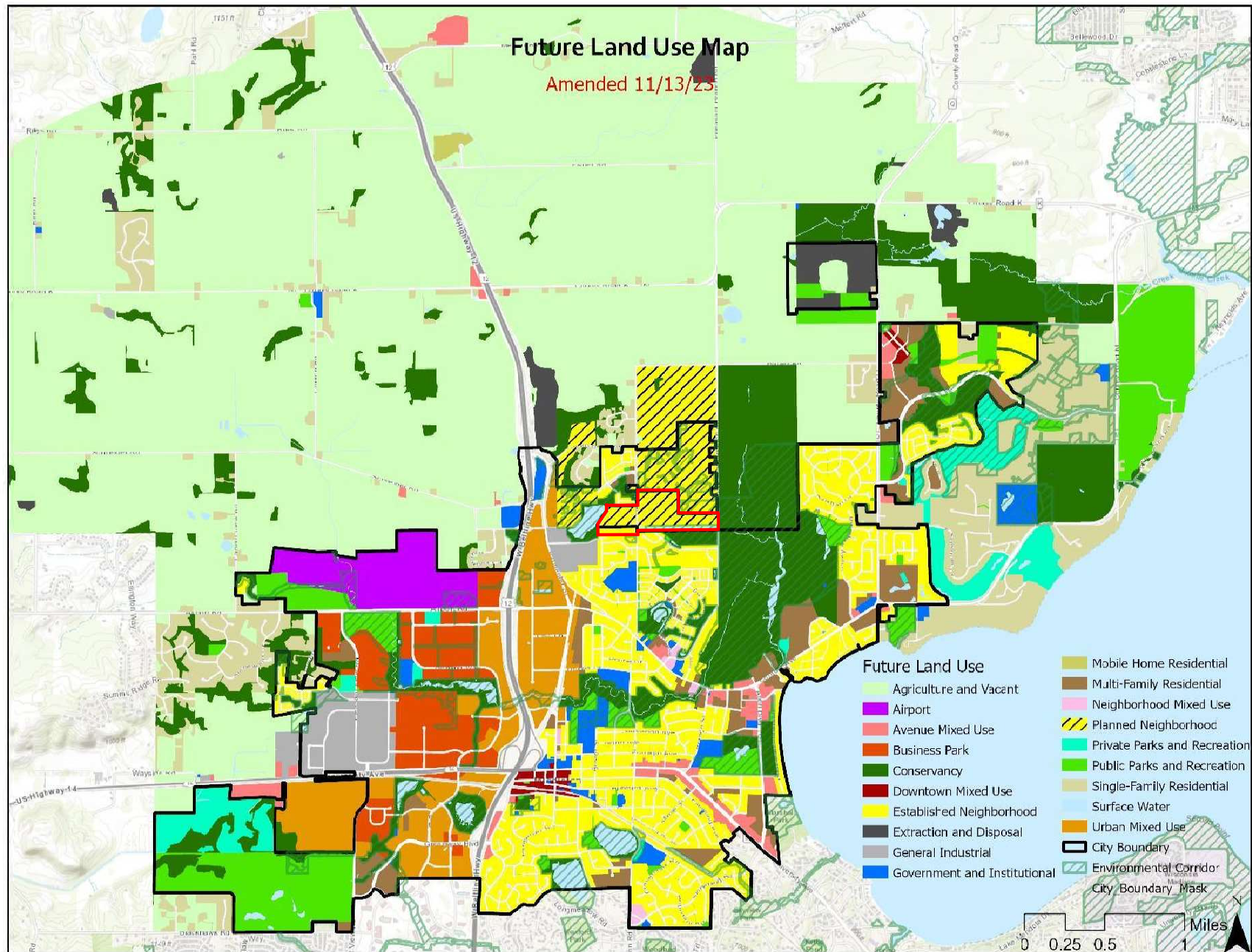
Legal Description:

UNPLATTED LANDS, BEING PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1 TOWNSHIP 7 NORTH, RANGE 8 EAST, PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2 TOWNSHIP 7 NORTH, RANGE 8 EAST, PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35 TOWNSHIP 8 NORTH, RANGE 8 EAST, PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36 TOWN 08 NORTH, RANGE 08 EAST, LOCATED IN THE TOWN OF MIDDLETON & THE TOWN OF SPRINGFIELD, DANE COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF AFORESAID SECTION 36, THENCE, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, SOUTH 00 DEGREES 34 MINUTES 03 SECONDS EAST, 1495.76 FEET TO A POINT ON THE WESTERLY EXTENSION OF A SOUTH LINE OF REDTAIL RIDGE, RECORDED IN VOLUME 61-096B OF PLATS ON PAGES 571-575, AS DOCUMENT NO. 5928058, ALSO BEING THE POINT OF BEGINNING; THENCE, ALONG SAID EXTENSION AND THEN SAID SOUTH LINE, NORTH 89 DEGREES 03 MINUTES 24 SECONDS EAST, 1333.96 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 36, AND A CORNER OF OUTLOT 7, SAID REDTAIL RIDGE; THENCE, ALONG SAID WEST LINE AND A WEST LINE OF SAID OUTLOT 7, SOUTH 00 DEGREES 39 MINUTES 42 SECOND EAST, 780.45 FEET TO A SOUTHWEST CORNER OF SAID OUTLOT 7; THENCE, ALONG A SOUTH LINE OF SAID OUTLOT 7, NORTH 88 DEGREES 53 MINUTES 40 SECOND EAST, 1335.27 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 36; THENCE, ALONG SAID EAST LINE, SOUTH 00 DEGREES, 45 MINUTES, 22 SECONDS EAST, 371.51 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 36; THENCE, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF AFORESAID SECTION 1, SOUTH 00 DEGREES 05 MINUTES 01 SECONDS WEST, 165.02 FEET, TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF PHEASANT BRANCH RIDGE, RECORDED IN VOLUME 57-088B OF PLATS ON PAGES 341-343 AS DOCUMENT NO. 2920713; THENCE, ALONG SAID EXTENSION AND THEN SAID NORTH LINE, SOUTH 88 DEGREES 53 MINUTES 28 SECONDS WEST, 2671.17 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF AFORESAID SECTION 2; THENCE, ALONG SAID EAST LINE, SOUTH 00 DEGREES 07 MINUTES 20 SECONDS EAST, 164.71 FEET TO A POINT ON THE EASTERLY EXTENSION OF SPRING HILL ESTATES, RECORDED IN VOLUME 56-14B ON PAGES 36-37, AS DOCUMENT NO. 1981249; THENCE, ALONG SAID EXTENSION AND THEN SAID NORTH LINE, SOUTH 88 DEGREES 58 MINUTES 14 SECONDS WEST, 1325.12 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 2 AND THE NORTHWEST CORNER OF SAID SPRING HILL ESTATES; THENCE, ALONG SAID WEST LINE, NORTH 00 DEGREES 05 MINUTES 22 SECONDS WEST, 330.13 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 35; THENCE, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, NORTH 00 DEGREES 33 MINUTES 27 SECONDS WEST, 99.00 FEET; THENCE, NORTH 34 DEGREES 40 MINUTES 17 SECONDS EAST, 568.23 FEET; THENCE, NORTH 00 DEGREES 53 MINUTES 26 SECONDS EAST, 135.67 FEET TO A POINT ON THE SOUTH LINE OF MISTY VALLEY, RECORDED IN VOLUME 59-040B OF PLATS ON PAGES 198-201 AS DOCUMENT NO. 4360973; THENCE, ALONG THE SOUTH LINE OF SAID MISTY VALLEY, NORTH 88 DEGREES 58 MINUTES 57 SECONDS EAST, 993.59 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 35; THENCE, ALONG SAID EAST

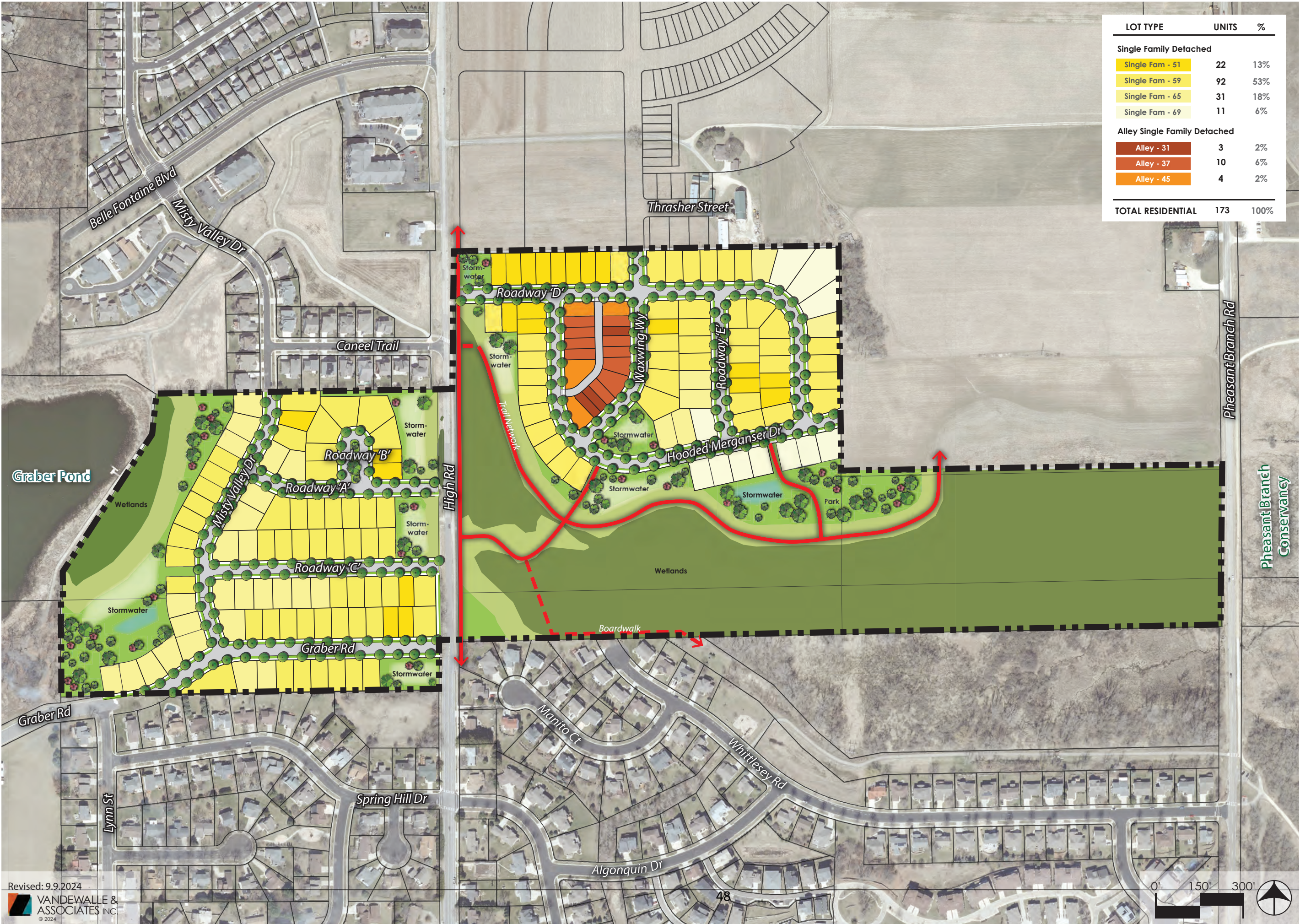
LINE, NORTH 00 DEGREES 34 MINUTES 03 SECONDS WEST 459.65 FEET, BACK TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 3,716,520 SQUARE FEET OR 85.32 ACRES INCLUDING RIGHT-OF-WAY
SAID PARCEL CONTAINS 3,621,389 SQUARE FEED OR 83.14 ACRES EXCLUDING RIGHT-OF-WAY



Date Exported: 11/13/2023 1:56 PM





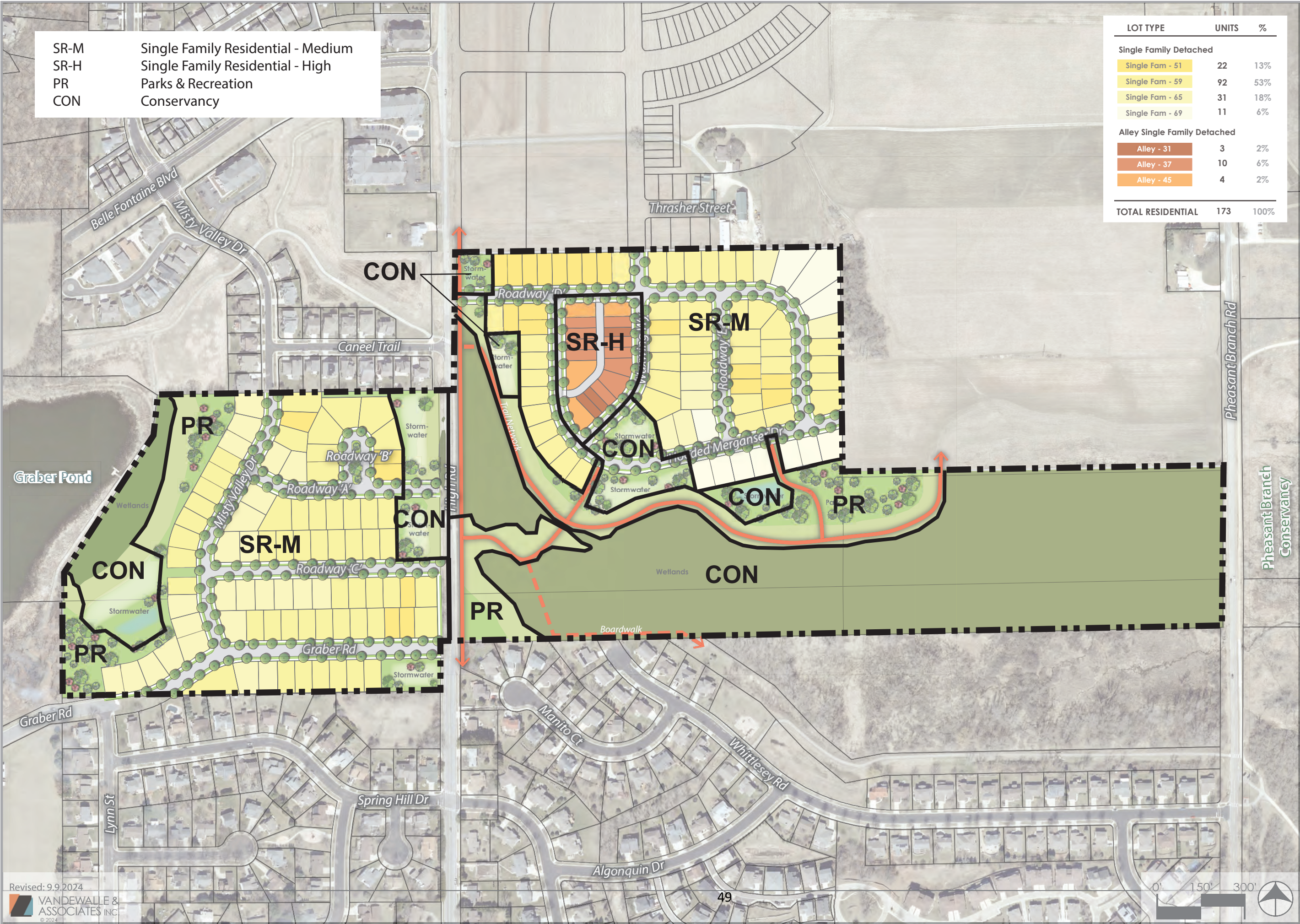
| LOT TYPE | UNITS | % |
|------------------------------|-------|------|
| Single Family Detached | | |
| Single Fam - 51 | 22 | 13% |
| Single Fam - 59 | 92 | 53% |
| Single Fam - 65 | 31 | 18% |
| Single Fam - 69 | 11 | 6% |
| Alley Single Family Detached | | |
| Alley - 31 | 3 | 2% |
| Alley - 37 | 10 | 6% |
| Alley - 45 | 4 | 2% |
| TOTAL RESIDENTIAL | 173 | 100% |

ZIEGLER FARM PROPERTY

Middleton, Wisconsin

ILLUSTRATIVE
PLAN





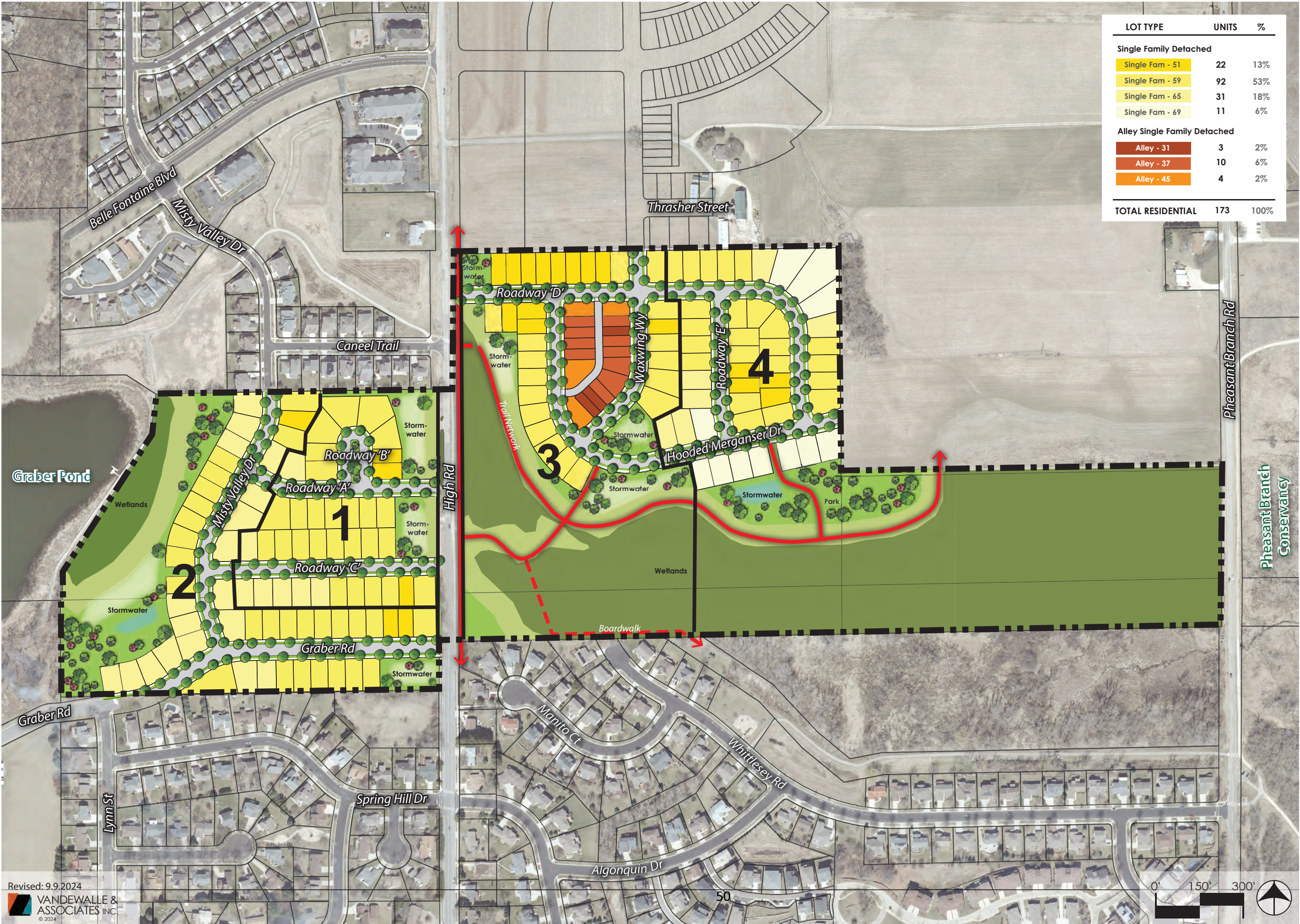
SR-M Single Family Residential - Medium
SR-H Single Family Residential - High
PR Parks & Recreation
CON Conservancy

| LOT TYPE | UNITS | % |
|------------------------------|-------|------|
| Single Family Detached | | |
| Single Fam - 51 | 22 | 13% |
| Single Fam - 59 | 92 | 53% |
| Single Fam - 65 | 31 | 18% |
| Single Fam - 69 | 11 | 6% |
| Alley Single Family Detached | | |
| Alley - 31 | 3 | 2% |
| Alley - 37 | 10 | 6% |
| Alley - 45 | 4 | 2% |
| TOTAL RESIDENTIAL | 173 | 100% |



ZIEGLER FARM PROPERTY
Middleton, Wisconsin

ZONING
PLAN



| LOT TYPE | UNITS | % |
|------------------------------|-------|------|
| Single Family Detached | | |
| Single Fam - 51 | 22 | 13% |
| Single Fam - 59 | 92 | 53% |
| Single Fam - 65 | 31 | 18% |
| Single Fam - 69 | 11 | 6% |
| Alley Single Family Detached | | |
| Alley - 31 | 3 | 2% |
| Alley - 37 | 10 | 6% |
| Alley - 45 | 4 | 2% |
| TOTAL RESIDENTIAL | 173 | 100% |

ZIEGLER FARM PROPERTY

Middleton, Wisconsin

PHASING PLAN



LEGEND

| | | | |
|--|-------------------------------------|--|------------------------------|
| | FOUND 1-1/4" REBAR | | PLAT BOUNDARY LINE |
| | FOUND 3/4" REBAR | | RIGHT-OF-WAY LINE |
| | FOUND 1" IRON PIPE | | CENTERLINE |
| | SET 1-1/4" REBAR, 4.30 LB./FT. | | SECTION/QUARTER LINE |
| | EXISTING SEPTIC VENT | | QUARTER/QUARTER LINE |
| | EXISTING SANITARY OR SEPTIC MANHOLE | | EXISTING EASEMENT |
| | EXISTING WATER VALVE | | PROPOSED EASEMENT |
| | EXISTING FIRE HYDRANT | | ACCESS RESTRICTION |
| | EXISTING WATER MANHOLE | | SOIL TYPE BOUNDARY |
| | EXISTING GAS VALVE | | 75' WETLAND BUILDING SETBACK |
| | EXISTING GAS TEST STATION | | DELINEATED WETLAND |
| | EXISTING STORM MANHOLE | | EDGE OF WOODS / TREE LINE |
| | EXISTING CATCH BASIN | | EXISTING SANITARY SEWER |
| | EXISTING INLET | | EXISTING STORM SEWER |
| | EXISTING UTILITY VAULT | | EXISTING WATER MAIN |
| | EXISTING TRANSFORMER | | EXISTING OVERHEAD ELECTRIC |
| | EXISTING LIGHT POLE | | EXISTING ELECTRIC |
| | EXISTING UTILITY PEDESTAL | | EXISTING COMMUNICATION |
| | EXISTING UTILITY POLE | | EXISTING FENCE LINE |
| | VERTICAL BENCHMARK | | EDGE OF PAVEMENT |
| | RECORDED AS | | EDGE OF GRAVEL |
| | STRUCTURE INFORMATION | | ASPHALT PAVEMENT |
| | RIM INVERT | | GRAVEL OR RIP RAP |
| | | | CONTOUR MAJOR |
| | | | CONTOUR MINOR |

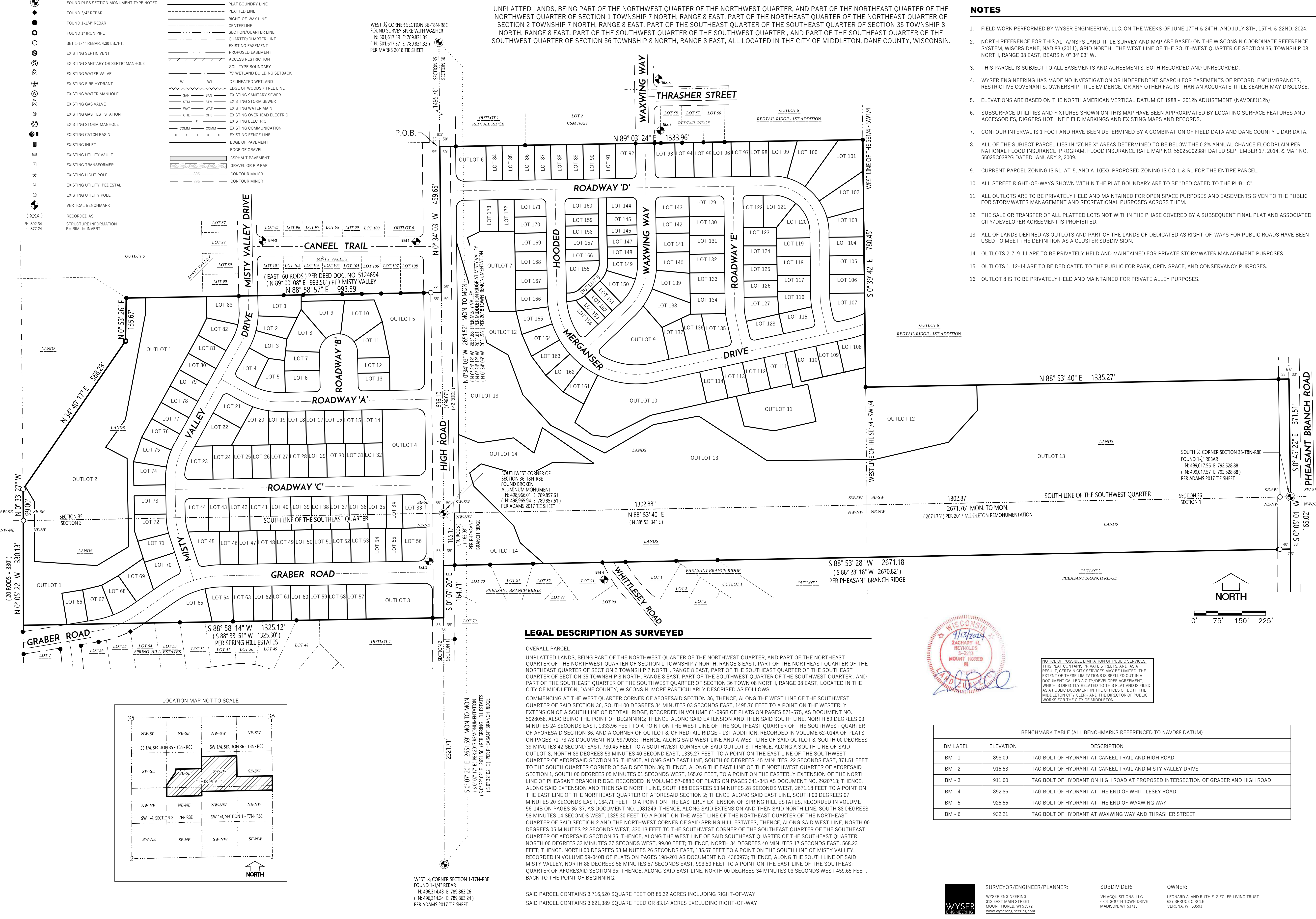
WEST 1/4 CORNER SECTION 36-T8N-R8E
FOUND SURVEY SPIKE WITH WASHER
N: 501.617.39 E: 789.831.35
(N: 501.617.37 E: 789.831.33)
PER MARKS 2018 TIE SHEET

PRELIMINARY PLAT of ZIEGLER FARM

UNPLATTED LANDS, BEING PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1 TOWNSHIP 7 NORTH, RANGE 8 EAST, PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2 TOWNSHIP 7 NORTH, RANGE 8 EAST, PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35 TOWNSHIP 8 NORTH, RANGE 8 EAST, PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36 TOWNSHIP 8 NORTH, RANGE 8 EAST, ALL LOCATED IN THE CITY OF MIDDLETON, DANE COUNTY, WISCONSIN.

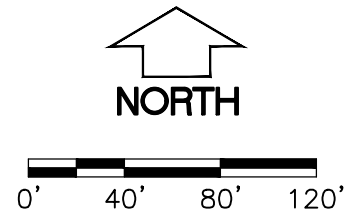
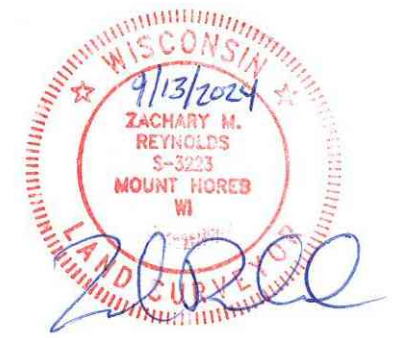
NOTES

- FIELD WORK PERFORMED BY WYSER ENGINEERING, LLC. ON THE WEEKS OF JUNE 17TH & 24TH, AND JULY 8TH, 15TH, & 22ND, 2024.
- NORTH REFERENCE FOR THIS ALTA/NSPS LAND TITLE SURVEY AND MAP ARE BASED ON THE WISCONSIN COORDINATE REFERENCE SYSTEM, WISCONS DANE, NAD 83 (2011), GRID NORTH. THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 08 NORTH, RANGE 08 EAST, BEARS N 0° 34' 03" W.
- THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND AGREEMENTS, BOTH RECORDED AND UNRECORDED.
- WYSER ENGINEERING HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAN AN ACCURATE TITLE SEARCH MAY DISCLOSE.
- ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 - 2012b ADJUSTMENT (NAVD88)(12b).
- SUBSURFACE UTILITIES AND FIXTURES SHOWN ON THIS MAP HAVE BEEN APPROXIMATED BY LOCATING SURFACE FEATURES AND ACCESSORIES, DIGGERS HOTLINE FIELD MARKINGS AND EXISTING MAPS AND RECORDS.
- CONTOUR INTERVAL IS 1 FOOT AND HAVE BEEN DETERMINED BY A COMBINATION OF FIELD DATA AND DANE COUNTY LIDAR DATA.
- ALL OF THE SUBJECT PARCEL LIES IN "ZONE X" AREAS DETERMINED TO BE BELOW THE 0.2% ANNUAL CHANCE FLOODPLAIN PER NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NO. 55025C0238H DATED SEPTEMBER 17, 2014, & MAP NO. 55025C0382G DATED JANUARY 2, 2009.
- CURRENT PARCEL ZONING IS R1, AT-5, AND A-1(EX). PROPOSED ZONING IS CO-L & R1 FOR THE ENTIRE PARCEL.
- ALL STREET RIGHT-OF-WAYS SHOWN WITHIN THE PLAT BOUNDARY ARE TO BE "DEDICATED TO THE PUBLIC".
- ALL OUTLOTS ARE TO BE PRIVATELY HELD AND MAINTAINED FOR OPEN SPACE PURPOSES AND EASEMENTS GIVEN TO THE PUBLIC FOR STORMWATER MANAGEMENT AND RECREATIONAL PURPOSES ACROSS THEM.
- THE SALE OR TRANSFER OF ALL PLATTED LOTS NOT WITHIN THE PHASE COVERED BY A SUBSEQUENT FINAL PLAT AND ASSOCIATED CITY/DEVELOPER AGREEMENT IS PROHIBITED.
- ALL OF LANDS DEFINED AS OUTLOTS AND PART OF THE LANDS OF DEDICATED AS RIGHT-OF-WAYS FOR PUBLIC ROADS HAVE BEEN USED TO MEET THE DEFINITION AS A CLUSTER SUBDIVISION.
- OUTLOTS 2-7, 9-11 ARE TO BE PRIVATELY HELD AND MAINTAINED FOR PRIVATE STORMWATER MANAGEMENT PURPOSES.
- OUTLOTS 1, 12-14 ARE TO BE DEDICATED TO THE PUBLIC FOR PARK, OPEN SPACE, AND CONSERVANCY PURPOSES.
- OUTLOT 8 IS TO BE PRIVATELY HELD AND MAINTAINED FOR PRIVATE ALLEY PURPOSES.



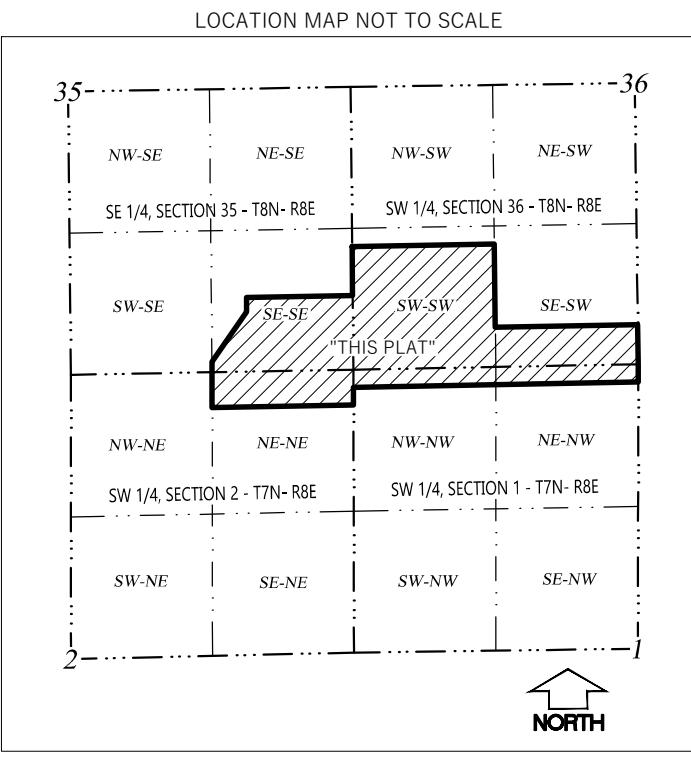
PRELIMINARY PLAT of ZIEGLER FARM

UNPLATTED LANDS, BEING PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1 TOWNSHIP 7 NORTH, RANGE 8 EAST, PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2 TOWNSHIP 7 NORTH, RANGE 8 EAST, PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35 TOWNSHIP 8 NORTH, RANGE 8 EAST, PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36 TOWNSHIP 8 NORTH, RANGE 8 EAST, ALL LOCATED IN THE CITY OF MIDDLETON, DANE COUNTY, WISCONSIN.



| SOIL CLASSIFICATION LEGEND | |
|----------------------------|---------------------------------------|
| MAP UNIT SYMBOL | MAP UNIT NAME |
| BbB | BATAVIA SILT LOAM, 2-6% SLOPES |
| BoD2 | BOYER SANDY LOAM, 12-20% SLOPES |
| DnC2 | DODGE SILT LOAM, 6-12% SLOPES |
| DnD2 | DRESDEN LOAM, 12-20% SLOPES |
| DnD2 | DRESDEN SILT LOAM, 12-20% SLOPES |
| Hs | HOUGHTON MUCK |
| KeB | KEGONSA SILT LOAM, 2-6% SLOPES |
| MdD2 | MCHENRY SILT LOAM, 12-20% SLOPES |
| Os | ORION SILT LOAM, WET |
| RaA | RADFORD SILT LOAM, 0-3% SLOPES |
| RpE | RODMAN SANDY LOAM, 12-30% SLOPES |
| ScC2 | ST. CHARLES SILT LOAM, 6-12% SLOPES |
| TbB | TROXEL SILT LOAM, 0-3% SLOPES |
| W | WATER |
| Wa | WACOUSTA SILTY CLAY LOAM, 0-2% SLOPES |

SOURCE OF MAP: NATIONAL RESOURCES CONSERVATION SERVICE; SOIL SURVEY MAPS OF DANE COUNTY, WISCONSIN



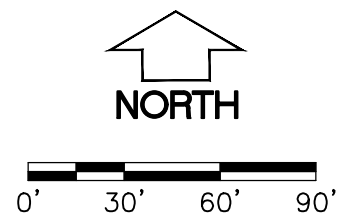
SURVEYOR/ENGINEER/PLANNER:
WYSER ENGINEERING
300 EAST FRONT STREET
MOUNT HOREB, WI 53572
www.wyserengineering.com

SUBDIVIDER:
VH ACQUISITIONS, LLC
6801 SOUTH TOWN DRIVE
MADISON, WI 53715

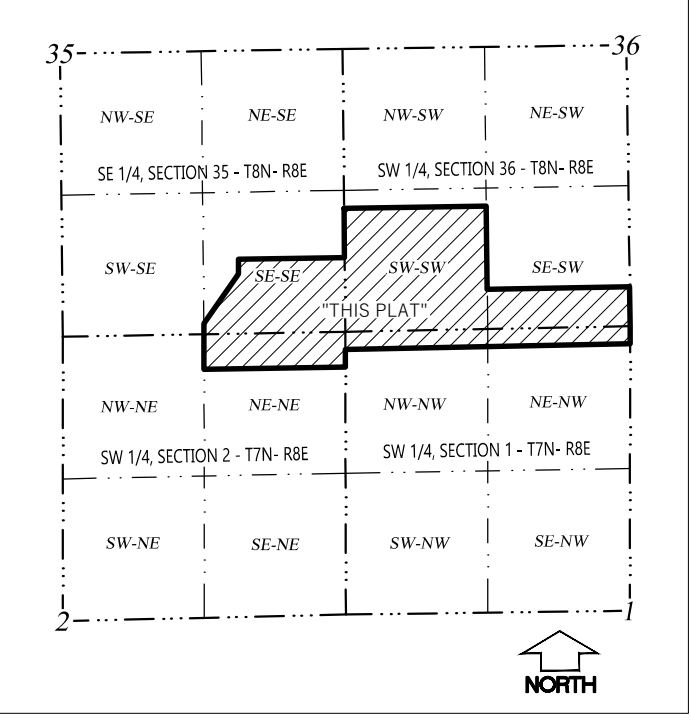
OWNER:
LEONARD A. AND RUTH E. ZIEGLER LIVING TRUST
637 SPRUCE CIRCLE
VERONA, WI 53593

PRELIMINARY PLAT of ZIEGLER FARM

UNPLATTED LANDS, BEING PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1 TOWNSHIP 7 NORTH, RANGE 8 EAST, PART OF THE NORTHEAST QUARTER OF SECTION 2 TOWNSHIP 7 NORTH, RANGE 8 EAST, PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35 TOWNSHIP 8 NORTH, RANGE 8 EAST, PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36 TOWNSHIP 8 NORTH, RANGE 8 EAST, ALL LOCATED IN THE CITY OF MIDDLETON, DANE COUNTY, WISCONSIN.



LOCATION MAP NOT TO SCALE



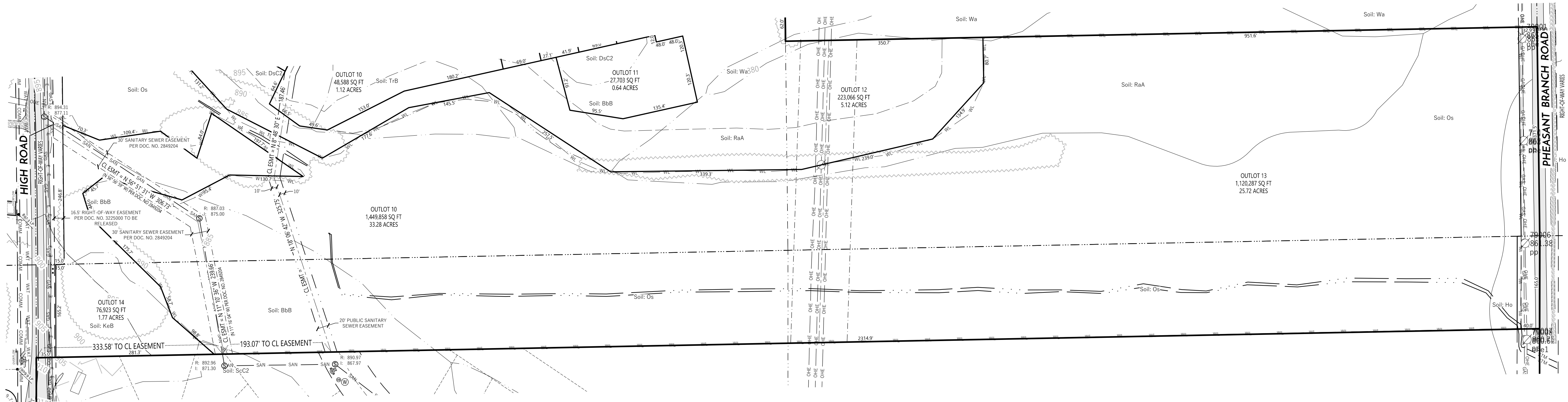
SURVEYOR/ENGINEER/PLANNER:
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MADISON, WI 53715

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PRELIMINARY PLAT of ZIEGLER FARM

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| Lot Area Table | | |
|----------------|---------------|-------------|
| Parcel # | Area (sq.ft.) | Area (acre) |
| Lot 1 | 9,031 | 0.21 |
| Lot 2 | 6,594 | 0.15 |
| Lot 3 | 7,428 | 0.17 |
| Lot 4 | 7,185 | 0.16 |
| Lot 5 | 7,618 | 0.17 |
| Lot 6 | 7,354 | 0.17 |
| Lot 7 | 6,600 | 0.15 |
| Lot 8 | 10,235 | 0.23 |
| Lot 9 | 11,317 | 0.26 |
| Lot 10 | 12,187 | 0.28 |
| Lot 11 | 8,233 | 0.19 |
| Lot 12 | 4,802 | 0.11 |
| Lot 13 | 5,542 | 0.13 |
| Lot 14 | 6,697 | 0.15 |
| Lot 15 | 6,195 | 0.14 |
| Lot 16 | 6,195 | 0.14 |
| Lot 17 | 6,195 | 0.14 |
| Lot 18 | 6,195 | 0.14 |
| Lot 19 | 6,229 | 0.14 |
| Lot 20 | 9,732 | 0.22 |
| Lot 21 | 7,480 | 0.17 |
| Lot 22 | 9,113 | 0.21 |
| Lot 23 | 8,199 | 0.19 |
| Lot 24 | 6,825 | 0.16 |
| Lot 25 | 6,195 | 0.14 |
| Lot 26 | 6,195 | 0.14 |
| Lot 27 | 6,195 | 0.14 |
| Lot 28 | 6,195 | 0.14 |
| Lot 29 | 6,195 | 0.14 |
| Lot 30 | 6,195 | 0.14 |

| Lot Area Table | | |
|----------------|---------------|-------------|
| Parcel # | Area (sq.ft.) | Area (acre) |
| Lot 31 | 6,195 | 0.14 |
| Lot 32 | 6,181 | 0.14 |
| Lot 33 | 7,582 | 0.17 |
| Lot 34 | 5,355 | 0.12 |
| Lot 35 | 6,195 | 0.14 |
| Lot 36 | 6,195 | 0.14 |
| Lot 37 | 6,195 | 0.14 |
| Lot 38 | 6,195 | 0.14 |
| Lot 39 | 6,825 | 0.16 |
| Lot 40 | 6,825 | 0.16 |
| Lot 41 | 6,825 | 0.16 |
| Lot 42 | 6,825 | 0.16 |
| Lot 43 | 6,825 | 0.16 |
| Lot 44 | 7,560 | 0.17 |
| Lot 45 | 8,894 | 0.20 |
| Lot 46 | 6,195 | 0.14 |
| Lot 47 | 6,195 | 0.14 |
| Lot 48 | 6,195 | 0.14 |
| Lot 49 | 6,195 | 0.14 |
| Lot 50 | 6,195 | 0.14 |
| Lot 51 | 6,195 | 0.14 |
| Lot 52 | 6,195 | 0.14 |
| Lot 53 | 6,195 | 0.14 |
| Lot 54 | 5,355 | 0.12 |
| Lot 55 | 5,355 | 0.12 |
| Lot 56 | 7,877 | 0.18 |
| Lot 57 | 6,482 | 0.15 |
| Lot 58 | 6,483 | 0.15 |
| Lot 59 | 6,483 | 0.15 |
| Lot 60 | 6,484 | 0.15 |

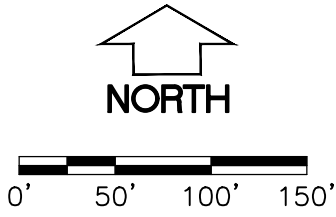
| Lot Area Table | | |
|----------------|---------------|-------------|
| Parcel # | Area (sq.ft.) | Area (acre) |
| Lot 61 | 6,484 | 0.15 |
| Lot 62 | 6,484 | 0.15 |
| Lot 63 | 7,144 | 0.16 |
| Lot 64 | 8,424 | 0.19 |
| Lot 65 | 12,686 | 0.29 |
| Lot 66 | 6,644 | 0.15 |
| Lot 67 | 7,291 | 0.17 |
| Lot 68 | 7,328 | 0.17 |
| Lot 69 | 8,073 | 0.19 |
| Lot 70 | 7,771 | 0.18 |
| Lot 71 | 6,669 | 0.15 |
| Lot 72 | 7,407 | 0.17 |
| Lot 73 | 5,900 | 0.14 |
| Lot 74 | 6,601 | 0.15 |
| Lot 75 | 6,948 | 0.16 |
| Lot 76 | 6,239 | 0.14 |
| Lot 77 | 5,900 | 0.14 |
| Lot 78 | 5,900 | 0.14 |
| Lot 79 | 5,900 | 0.14 |
| Lot 80 | 5,900 | 0.14 |
| Lot 81 | 6,500 | 0.15 |
| Lot 82 | 7,650 | 0.18 |
| Lot 83 | 8,021 | 0.18 |
| Lot 84 | 5,614 | 0.13 |
| Lot 85 | 5,614 | 0.13 |
| Lot 86 | 5,613 | 0.13 |
| Lot 87 | 5,613 | 0.13 |
| Lot 88 | 5,613 | 0.13 |
| Lot 89 | 5,612 | 0.13 |
| Lot 90 | 5,612 | 0.13 |

| Lot Area Table | | |
|----------------|---------------|-------------|
| Parcel # | Area (sq.ft.) | Area (acre) |
| Lot 91 | 5,611 | 0.13 |
| Lot 92 | 6,993 | 0.16 |
| Lot 93 | 6,989 | 0.16 |
| Lot 94 | 6,489 | 0.15 |
| Lot 95 | 6,488 | 0.15 |
| Lot 96 | 6,488 | 0.15 |
| Lot 97 | 6,487 | 0.15 |
| Lot 98 | 6,486 | 0.15 |
| Lot 99 | 8,352 | 0.19 |
| Lot 100 | 13,086 | 0.30 |
| Lot 101 | 19,754 | 0.45 |
| Lot 102 | 11,601 | 0.27 |
| Lot 103 | 8,490 | 0.19 |
| Lot 104 | 6,490 | 0.15 |
| Lot 105 | 6,490 | 0.15 |
| Lot 106 | 6,490 | 0.15 |
| Lot 107 | 8,466 | 0.19 |
| Lot 108 | 8,018 | 0.18 |
| Lot 109 | 6,900 | 0.16 |
| Lot 110 | 6,900 | 0.16 |
| Lot 111 | 6,900 | 0.16 |
| Lot 112 | 6,900 | 0.16 |
| Lot 113 | 6,900 | 0.16 |
| Lot 114 | 6,900 | 0.16 |
| Lot 115 | 6,652 | 0.15 |
| Lot 116 | 6,162 | 0.14 |
| Lot 117 | 5,355 | 0.12 |
| Lot 118 | 6,195 | 0.14 |
| Lot 119 | 6,195 | 0.14 |
| Lot 120 | 7,904 | 0.18 |

| Lot Area Table | | |
|----------------|---------------|-------------|
| Parcel # | Area (sq.ft.) | Area (acre) |
| Lot 121 | 7,480 | 0.17 |
| Lot 122 | 6,365 | 0.15 |
| Lot 123 | 6,162 | 0.14 |
| Lot 124 | 6,216 | 0.14 |
| Lot 125 | 5,355 | 0.12 |
| Lot 126 | 5,363 | 0.12 |
| Lot 127 | 6,977 | 0.16 |
| Lot 128 | 6,693 | 0.15 |
| Lot 129 | 7,025 | 0.16 |
| Lot 130 | 6,490 | 0.15 |
| Lot 131 | 6,490 | 0.15 |
| Lot 132 | 6,490 | 0.15 |
| Lot 133 | 7,150 | 0.16 |
| Lot 134 | 7,159 | 0.16 |
| Lot 135 | 8,061 | 0.19 |
| Lot 136 | 7,849 | 0.18 |
| Lot 137 | 7,142 | 0.16 |
| Lot 138 | 10,671 | 0.24 |
| Lot 139 | 8,703 | 0.20 |
| Lot 140 | 6,532 | 0.15 |
| Lot 141 | 6,221 | 0.14 |
| Lot 142 | 5,363 | 0.12 |
| Lot 143 | 6,706 | 0.15 |
| Lot 144 | 4,700 | 0.11 |
| Lot 145 | 3,515 | 0.08 |
| Lot 146 | 2,945 | 0.07 |
| Lot 147 | 3,515 | 0.08 |
| Lot 148 | 3,515 | 0.08 |
| Lot 149 | 4,927 | 0.11 |
| Lot 150 | 6,054 | 0.14 |

| Lot Area Table | | |
|----------------|---------------|-------------|
| Parcel # | Area (sq.ft.) | Area (acre) |
| Lot 151 | 3,515 | 0.08 |
| Lot 152 | 2,945 | 0.07 |
| Lot 153 | 3,036 | 0.07 |
| Lot 154 | 6,076 | 0.14 |
| Lot 155 | 7,735 | 0.18 |
| Lot 156 | 3,885 | 0.09 |
| Lot 157 | 3,885 | 0.09 |
| Lot 158 | 3,885 | 0.09 |
| Lot 159 | 3,885 | 0.09 |
| Lot 160 | 5,198 | 0.12 |
| Lot 161 | 6,584 | 0.15 |
| Lot 162 | 6,584 | 0.15 |
| Lot 163 | 6,584 | 0.15 |
| Lot 164 | 6,584 | 0.15 |
| Lot 165 | 6,584 | 0.15 |
| Lot 166 | 6,294 | 0.14 |
| Lot 167 | 5,900 | 0.14 |
| Lot 168 | 5,900 | 0.14 |
| Lot 169 | 5,900 | 0.14 |
| Lot 170 | 5,100 | 0.12 |
| Lot 171 | 5,544 | 0.13 |
| Lot 172 | 5,098 | 0.12 |
| Lot 173 | 5,900 | 0.14 |

| Outlot Area Table | | |
|-------------------|---------------|-------------|
| Parcel # | Area (sq.ft.) | Area (acre) |
| OUTLOT 1 | 127,688 | 2.93 |
| OUTLOT 2 | 153,218 | 3.52 |
| OUTLOT 3 | 22,980 | 0.53 |
| OUTLOT 4 | 27,952 | 0.64 |
| OUTLOT 5 | 42,687 | 0.98 |
| OUTLOT 6 | 10,411 | 0.24 |
| OUTLOT 7 | 29,582 | 0.68 |
| OUTLOT 8 | 9,785 | 0.22 |
| OUTLOT 9 | 24,391 | 0.56 |
| OUTLOT 10 | 48,588 | 1.12 |
| OUTLOT 11 | 27,703 | 0.64 |
| OUTLOT 12 | 223,066 | 5.12 |
| OUTLOT 13 | 1,120,287 | 25.72 |
| OUTLOT 14 | 76,923 | 1.77 |



SURVEYORS CERTIFICATE

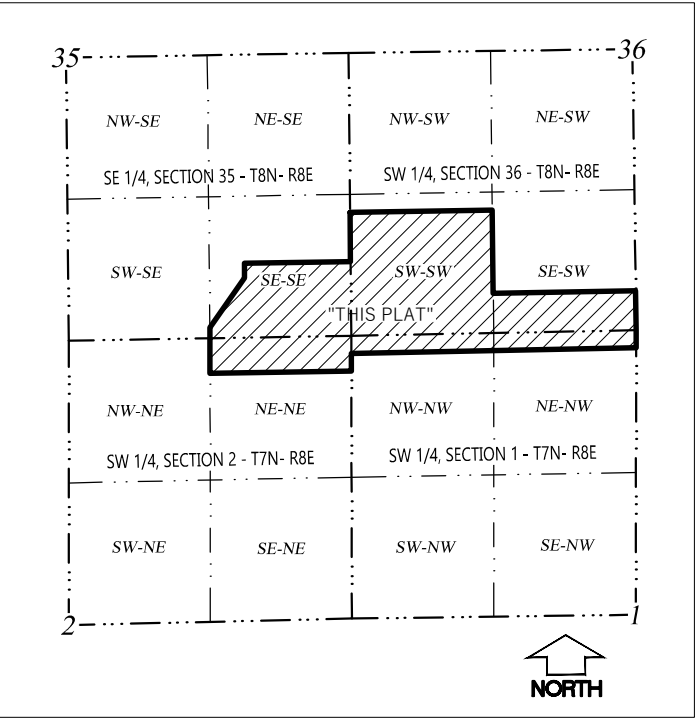
I, ZACHARY M. REYNOLDS, WISCONSIN PROFESSIONAL LAND SURVEYOR S-3223, DO HEREBY CERTIFY THAT THIS SURVEY AND MAP IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF WITH THE INFORMATION PROVIDED, BY THE ORDER OF THOSE LISTED HEREON, AND THAT THIS SURVEY COMPLIES WITH AS 7.0 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE PROVISIONS AS STATED IN THE CITY OF MIDDLETON - CODE OF ORDINANCES.

ZM
ZACHARY M. REYNOLDS, S-3223
WISCONSIN PROFESSIONAL LAND SURVEYOR

9/13/2024
DATE



LOCATION MAP NOT TO SCALE



SURVEYOR/ENGINEER/PLANNER:
WYSER ENGINEERING
300 EAST FRONT STREET
MOUNT HOREB, WI 53572
www.wyserengineering.com

SUBDIVIDER:
VH ACQUISITIONS, LLC
6800 SOUTH TOWN DRIVE
MADISON, WI 53715

OWNER:
LEONARD A. AND RUTH E. ZIEGLER LIVING TRUST
637 SPRUCE CIRCLE
VERONA, WI 53593

| | | | |
|------|--|-----|----|
| I. | Land Resources | | |
| | Does the project site involve: | Yes | No |
| A. | Changes in relief and drainage patterns (attached a topographic map showing, at a minimum, two (2) foot contour intervals)? | X | |
| B. | A landform or topographic feature of local or regional interest? | | X |
| C. | A floodplain (If yes attach two (2) copies of a typical stream valley cross section showing the channel of the stream, the 100 year floodplains limits and the floodway limits (if officially adopted), of each side of the channel and a cross section of area to be developed? | | X |
| D. | An area of soil instability - greater than 18% slope and/or organic soils, peats, or mucks at or near the surface? | | |
| E. | An area of bedrock within 6 feet of the soil surface? | | |
| F. | An area with the groundwater table within 10 feet of the soil surface? | X | |
| G. | An area with fractured bedrock within 10 feet of the soil surface? | | X |
| H. | Prevention of gravel extraction? | | X |
| I. | A drainageway for 5 or more acres of land? | X | |
| J. | Lot coverage of more than 50% impermeable? | | X |
| K. | Prime agricultural land? | | |
| L. | Wetlands and Marshes? | X | |
| M. | Land elevation above 950 (U.S.G.S. Datum)? | | X |
| N. | Mapped environmental corridors? | | X |
| II. | Water Resources | | |
| | Does the proposed project involve: | Yes | No |
| A. | Location within an area traversed by a navigable stream or dry run? | | X |
| B. | Greater than 10% change in the capacity of a storm water storage facility or flow of a waterway within 1 mile? | | X |
| C. | The use of septic tank-soil absorption fields for on-site waste disposal? | | X |
| D. | Lowering of water table by pumping or drainage? | | X |
| E. | Raising of water table by altered drainage patterns? | | X |
| F. | Lake frontage? | | X |
| III. | Biological Resources | | |
| | Does the proposed project involve: | Yes | No |
| A. | Critical habitat for plants and animals of community interest | | X |
| B. | Endangered, unusual or rare species of: | X | |
| 1 | Land animals? | X | |
| 2 | Birds? | X | |
| 3 | Plants? | | X |
| C. | Removal of over 25% of the present trees? | X | |
| IV. | Human and Scientific Interest | | |
| | Does the project site involve: | Yes | No |

| | | | | |
|-------|--|--|---|---|
| | A. | An area of archeological interest? | | X |
| | B. | An area of geological interest? | | X |
| | C. | An area of hydrological interest? | | X |
| | D. | An area of historical interest? | | X |
| | 1 | Historic Buildings or monuments? | | X |
| | 2 | Buildings or monuments of unique architecture? | | X |
| | E. | An area of identified community recreation use? | X | |
| V. | Energy, Transportation and Communications | | | |
| | A. | Does the development increase the traffic flow in any collector system by more than 10%? | | |
| | B. | Is the development traversed by an existing or planned utility corridor? (gas, electricity, water, sewer interceptor, communications, storm sewer) | X | |
| VI. | Population | | | |
| | A. | Does the development increase by more than 10% the school population of any school serving the development? | X | |
| VII. | Comments on any of the above, which may have a significant environmental impact. | | | |
| | See attached Memo | | | |
| VIII. | Appendices and Supporting Material | | | |
| | See attached Memo | | | |



MEMORANDUM

To: City of Middleton

From: Wade Wyse, P.E.

Re: Preliminary Plat Environmental Assessment – Ziegler Farm

Project #: 24-1237

Date: 2024-09-11

Cc: Veridian Homes; Matt Brink

The following memo addresses the required Environmental Assessment for the above referenced Preliminary Plat. Specific text associated with each required piece of the Environmental Assessment is listed below along with associated exhibits as required. The numbering system corresponds to the attached checklist.

I. Land Resources

- A. See attached ALTA/NSPS Land Title Survey within **Exhibit A**.
- B. There are no landforms of interest on the site. See attached ALTA/NSPS Land Title Survey within **Exhibit A**.
- C. See attached FEMA FIRMETTE for the area within **Exhibit B**.
- D. See attached Existing Conditions Map within **Exhibit A** and soils information from the NRCS Web Soil Survey in **Exhibit C**.
- E. Soil Test Pit information can be found within **Exhibit D**.
- F. Soil Test Pit information can be found within **Exhibit D**. Note test pits 9, 12, 13, 19, 20, 21, 24, and 25 have groundwater showing within 10-feet +/- of the surface.
- G. Soil Test Pit information can be found within **Exhibit D**.
- H. Gravel extraction is not planned but would not be prohibited either. If good rock was found and needs to be blasted for construction activities it could be used on site for road base material. See soils information in **Exhibit C**.
- I. See attached Watershed Map within **Exhibit E**.
- J. See attached Proposed Land Use Map within **Exhibit F**.
- K. No information was found on the site to determine if it is prime agricultural land.
- L. See attached Wetland Delineation Report showing the wetlands on the site within **Exhibit G**.
- M. See attached ALTA/NSPS Land Title Survey within **Exhibit A**.



- N. The land has not yet been added to the Urban Service Area so there are no mapped environmental corridors. We anticipate all the parkland, stormwater management areas and delineated wetlands becoming environmental corridors when it is added to the Urban Service Area.

II. Water Resources.

- A. See attached map of the site taken from the WDNR Surface Water Data Viewer within **Exhibit H**.
- B. The proposed improvements will increase stormwater flow from the site. This will be mitigated by the required stormwater management measures including runoff rate control up to the 200-year, 24-hour event and 100 percent stay-on of the average annual rainfall event. These stormwater management measures will be in the designated areas as shown in the Proposed Land Use Map within **Exhibit F**.
- C. There may be one unknown septic system on the site associated with the existing farmstead building. If present, this system will be removed as part of the development plan and all proposed improvements will utilize public sanitary sewer.
- D. There are no current large capacity wells on site. There may be one unknown private well for the existing homestead. If present, this well will be removed as part of the development plan and all proposed improvements will utilize public water. The stormwater management plan will match existing drainage patterns and provide 100 - percent stay-on.
- E. The proposed improvements will have stormwater basins dedicated to infiltration throughout the site to meet the best practice available for infiltration to match existing conditions.
- F. The site does not have lake frontage. Graber Pond is located along the project's west boundary.

III. Biological Resources

- A. The attached WDNR Endangered Resources Preliminary Assessment within **Exhibit I** shows no critical habitat for plants or animals of community interest in this area.
- B. The project overlaps the Rusty Patched Bumble Bee High Potential Zone. See attached WDNR Endangered Resources Preliminary Assessment within **Exhibit I**.
- C. Impact to the Swamp Darner, Little Brown Bat, Plains Gartersnake, and Blanding's Turtle are possible with recommended actions for conservation. See attached WDNR Endangered Resources Preliminary Assessment within **Exhibit I**.
- D. The site includes two areas of trees on both sides of High Road. A portion (likely close to 25%) of these trees will be removed as part of the mass grading effort. The remainder are outside the mass grading efforts or within the delineated wetlands and will not be removed.



IV. Human and Scientific Interest:

- A. There are no known areas of archeological, geological, hydrological, or historic significance. The only buildings on site are the farmhouse and associated farm outbuildings.
- B. There are no existing public uses on the site. The proposed development will include 1 park and some public trails. Refer to the Land Use Plan within **Exhibit F**.

V. Energy, Transportation and Communications

- A. A traffic study has not been conducted for the site.
- B. The site includes an existing 8" public water main owned by the City of Middleton which bisects the area west of High Road. A public sanitary sewer traverses a small portion of the development area along the south boundary east of High Road. The project area also includes an overhead electric line owned by ATC in the southeast corner of the site. Refer to the Proposed Utility Plan within **Exhibit J**.

VI. Population

- A. The development plan includes a total of 173 residential units to be added at full development. This increase in population will go to Northside Elementary School (371 students), Kromery Middle School (1,202 students) and the Middleton High School (2,409 students). The total district population is listed as 40,962.

Exhibits:

Exhibit A: Existing Conditions Map

Exhibit B: FEMA FIRMETTE

Exhibit C: NRCS Web Soil Survey

Exhibit D: Soil Test Pits

Exhibit E: Watershed Maps

Exhibit F: Proposed Land Use Map

Exhibit G: Wetland Delineation Report

Exhibit H: WDNR Surface Water Data Viewer Map

Exhibit I: WDNR Endangered Resources Preliminary Assessment

Exhibit J: Proposed Utility Plan

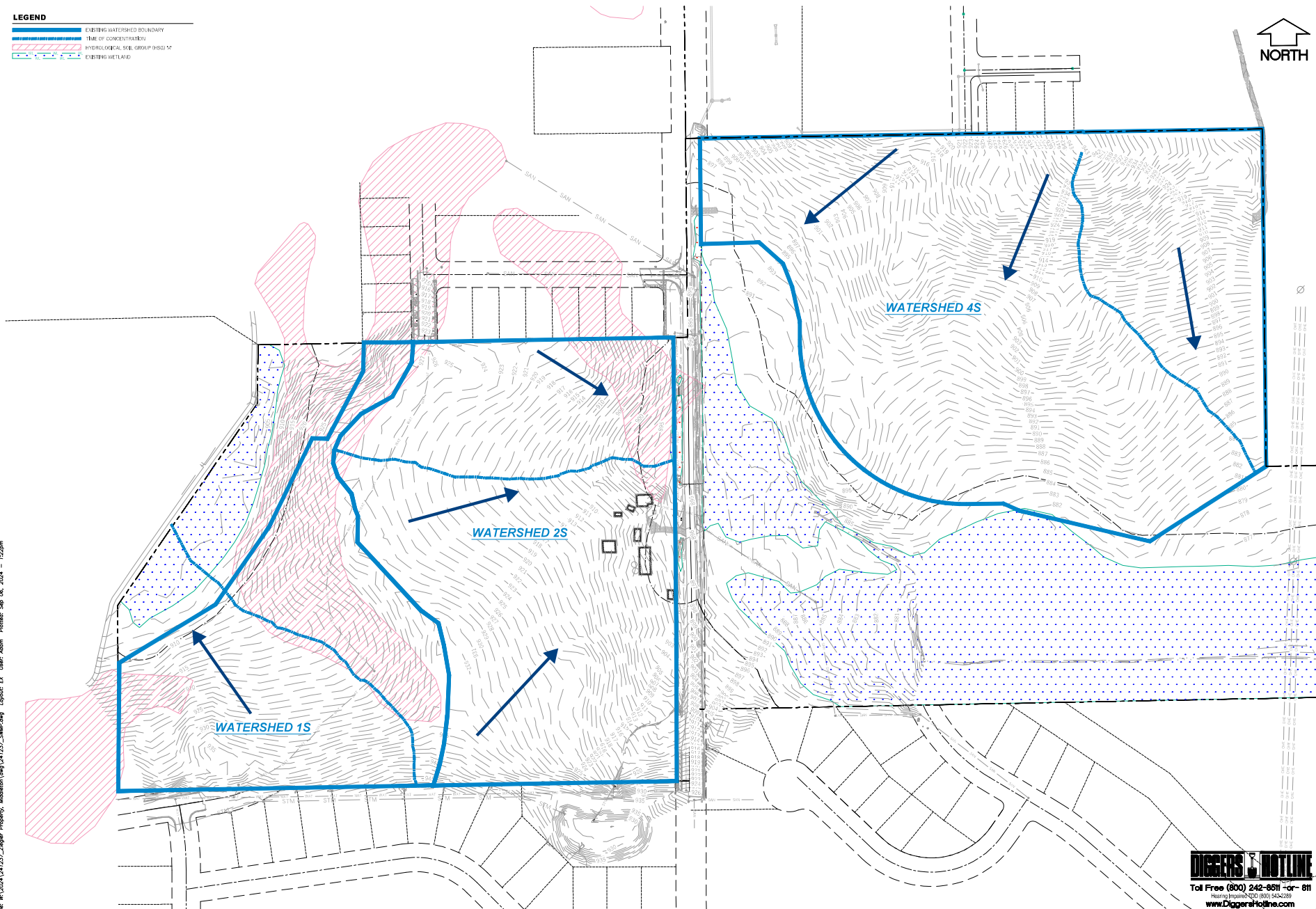


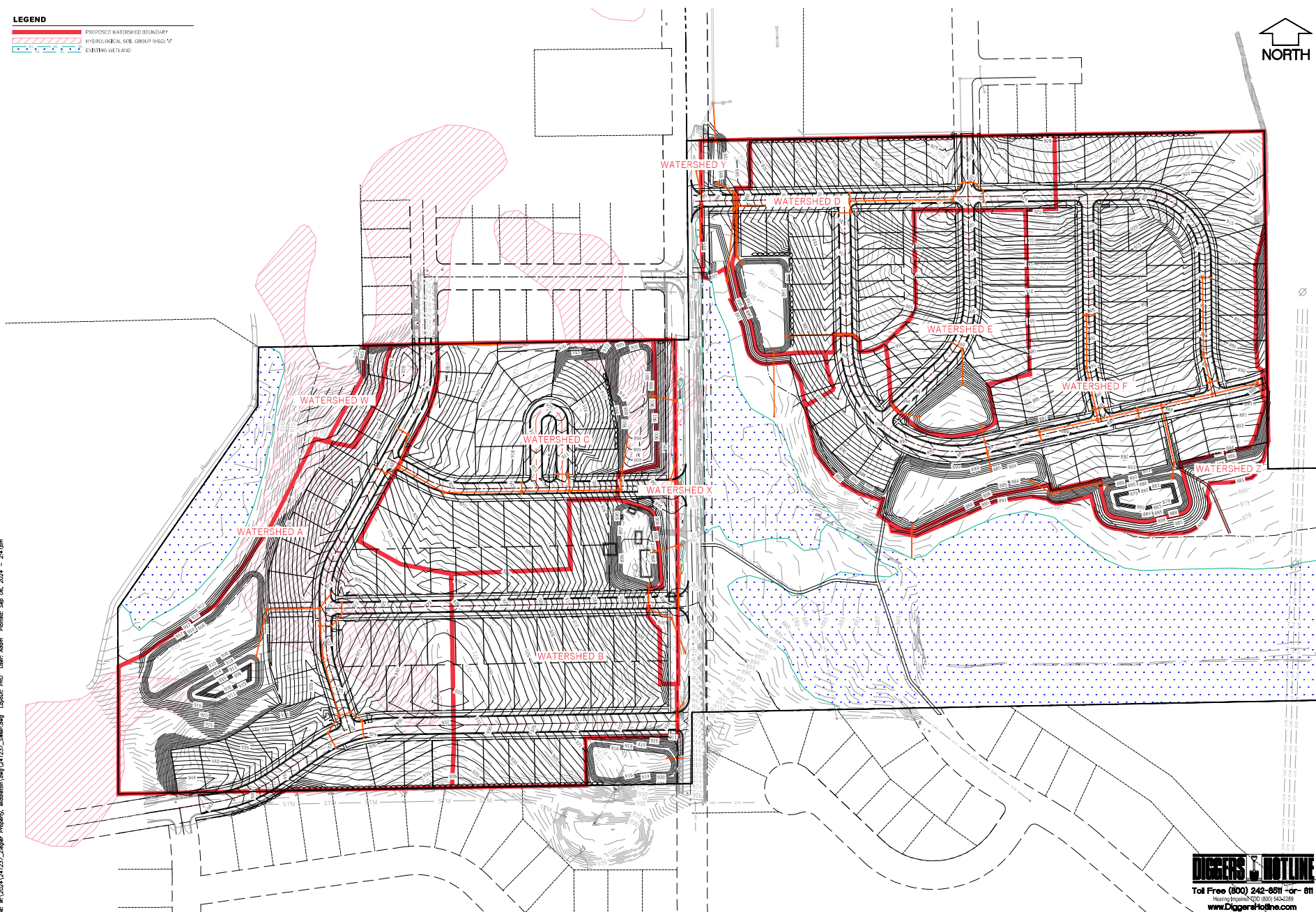
Exhibit A





Exhibit E





WYSER
ENGINEERING

ZIEGLER FARM
CITY OF MIDDLETON, DANE COUNTY, WI

HIGH ROAD
MIDDLETON, WI 53562

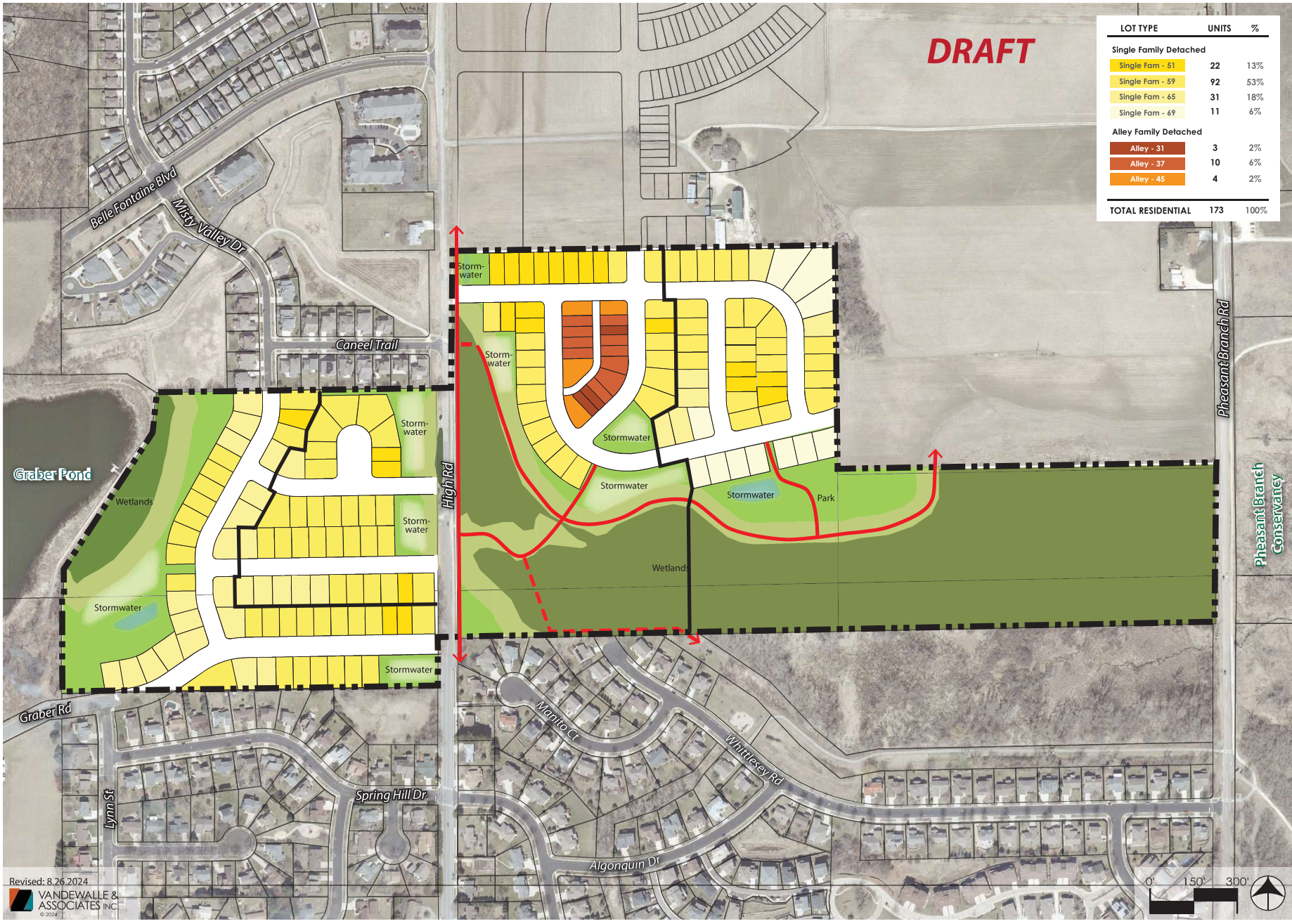
Sheet Title: PROPOSED STORMWATER GRAPHIC

[illegible]

DIGGERS HOTLINE
Toll Free (800) 242-8511 or
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com



Exhibit F



DRAFT

| LOT TYPE | UNITS | % |
|-------------------------------|------------|-------------|
| Single Family Detached | | |
| Single Fam - 51 | 22 | 13% |
| Single Fam - 59 | 92 | 53% |
| Single Fam - 65 | 31 | 18% |
| Single Fam - 69 | 11 | 6% |
| Alley Family Detached | | |
| Alley - 31 | 3 | 2% |
| Alley - 37 | 10 | 6% |
| Alley - 45 | 4 | 2% |
| TOTAL RESIDENTIAL | 173 | 100% |



ZIEGLER FARM

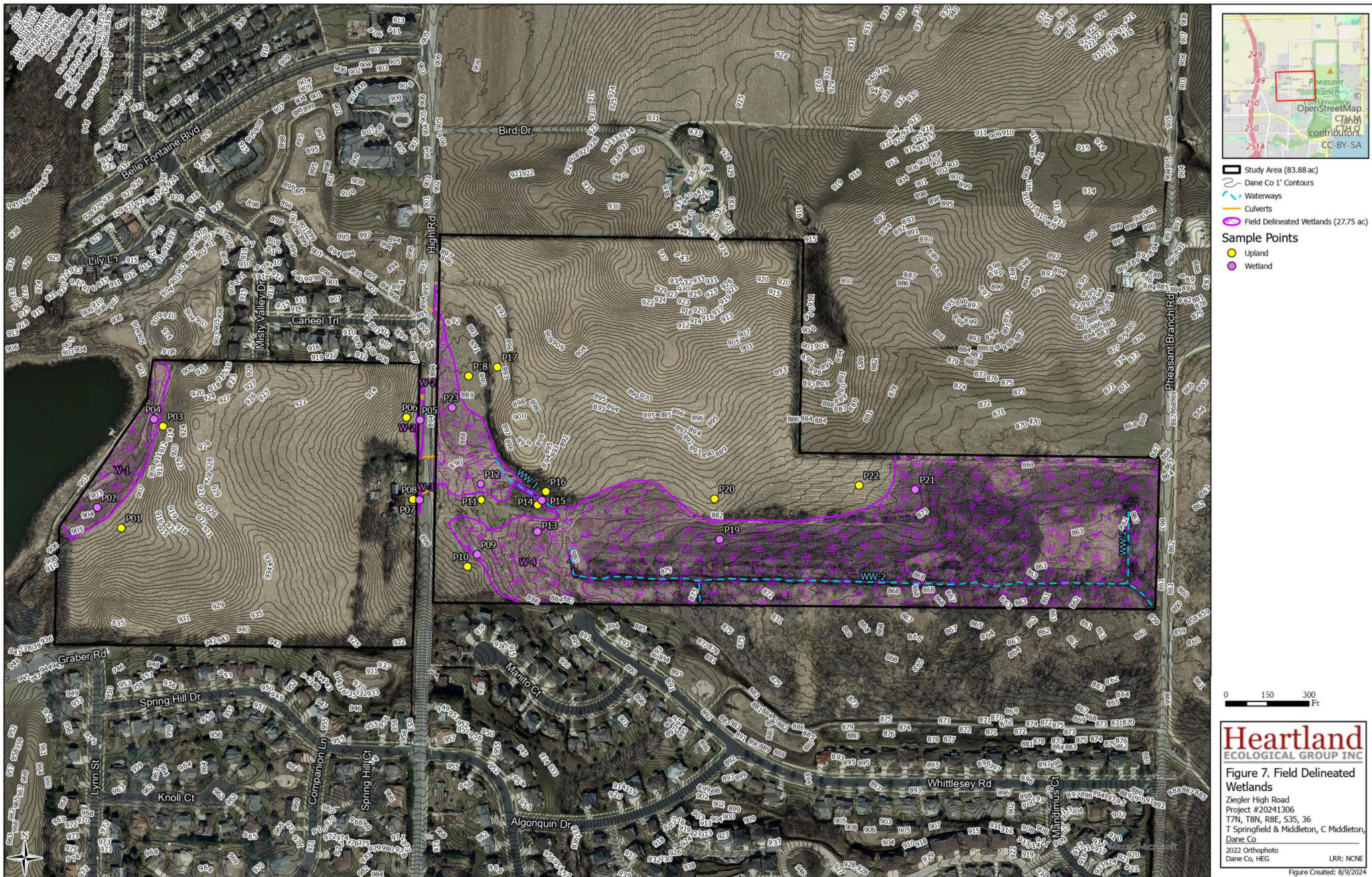
Middleton, Wisconsin

ILLUSTRATIVE
PLAN

Revised: 8.26.2024
VANDEWALLE & ASSOCIATES INC.
© 2024



Exhibit G





DEPT. OF PLANNING AND COMMUNITY DEVELOPMENT

CITY OF MIDDLETON
7426 HUBBARD AVENUE
MIDDLETON, WI 53562-3118

PH 608.821.8394 FAX 608.827.1080
E-MAIL: mopitz@ci.middleton.wi.us
WEB: www.cityofmiddleton.us

Date: October 3, 2024

To: Middleton Plan Commission

From: Mark Opitz, City Planner & Zoning Administrator

Re: **Updates to City of Middleton Official Map**

RECOMMENDATION

- 1) Direct staff to revise the official map based on the proposed changes below, and
- 2) Refer the draft map to the Ped/Bike/Transit Committee; Parks/Recreation/Forestry Commission; and Public Works Committee for their input before the Common Council conducts a public hearing and considers adopting the updated map.

PROPOSED CHANGES

In addition to updating streets, paths, parks, and greenways to reflect recent construction and the plats approved for Belle Farm and Retail Ridge (as authorized by state statute), Planning staff propose to make the following revisions:

1. Expand the greenway east of High Road to reflect the recently-completed wetland delineation.
2. Reduce the greenway shown through the former Ziegler Farm west of High Road to align with the Future Land Use Map in the Comprehensive Plan. The single-family development that is proposed for this property does not provide the level of density that would provide generate enough park dedication requirements and fees to justify such a large greenway / parkland acquisition.
3. Re-align Bishops Bay Parkway in the unplatted portion so that it connects to the platted alignment in the Westport phases of the development.
4. Extend the North Mendota Path along the north side of Highway M east of the city limits.
5. Extend the greenway between the confluence pond and Highway 12 to reflect current greenway boundaries.
6. Extend Firemen's Park greenway north to connect with Pheasant Branch Creek greenway so as to reflect park boundaries.
7. Remove parkland dedication from the City-owned parking lot along Terrace Avenue to align with environmental corridor revisions previously authorized by the City and Capital Area Regional Planning Commission.

BACKGROUND

Wisconsin cities may adopt official maps to "to conserve and promote the public health, safety, convenience or general welfare." They are authorized by state statute to establish and "amend the

official map of the city so as to establish the exterior lines of planned new streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds, or to widen, narrow, extend or close existing streets, highways...". Cities like Middleton may officially map facilities located within the extraterritorial subdivision plat review area, which extends up to three miles from the city limits. Wis. Stats. Sec. 62.23(6)(c) also states that "The placing of any street, highway... line or lines upon the official map does not constitute the opening or establishment of any street, parkway, railroad right-of-way, public transit facility, park or playground or alteration of any waterway, or the taking or acceptance of any land for these purposes."

Prior to adopting the official map, the City Council ("or a committee appointed from its members") must hold a public hearing (Class 2 notice) on the proposed amendments and then refer the matter back to the Plan Commission, which has 60 days to act. The updated map must then be adopted either by ordinance or resolution. The approval of a subdivision plat automatically updates the features on the official map within the platted area without the need to hold a public hearing.

Full text of Wisconsin Statutes 62.23(6)

(6) OFFICIAL MAP.

(a) As used in this subsection, "waterways" includes rivers, streams, creeks, ditches, drainage channels, watercourses, lakes, bays, ponds, impoundment reservoirs, retention and detention basins, marshes and other surface water areas, regardless of whether the areas are natural or artificial.

(am)

1. In this paragraph:

a. "Airport" means an airport as defined under s. [114.002 \(7\)](#) which is owned or operated by a county, city, village or town either singly or jointly with one or more counties, cities, villages or towns.

b. "Airport affected area" means the area established by an agreement under s. [66.1009](#). If a county, city, village or town has not established such an agreement, "airport affected area" in that county, city, village or town means the area located within 3 miles of the boundaries of an airport.

2. If the council of any city which is not located in whole or in part in a county with a population of 500,000 or more has established an official map under par. [\(b\)](#), the map shall show the location of any part of an airport located within the area subject to zoning by the city and any part of an airport affected area located within the area subject to zoning by the city.

(b) The council of any city may by ordinance or resolution establish an official map of the city or any part thereof showing the streets, highways, historic districts, parkways, parks and playgrounds laid out, adopted and established by law. The city may also include the location of railroad rights-of-way, waterways and public transit facilities on its map. A city may include a waterway on its map only if the waterway is included in a comprehensive surface water drainage plan. The map is conclusive with respect to the location and width of streets, highways, waterways and parkways, and the location and extent of railroad rights-of-way, public transit facilities, parks and playgrounds shown on the map. The official map is declared to be established to conserve and promote the public health, safety, convenience or general welfare. The ordinance or resolution shall require the city clerk at once to record with the register of deeds of the county or counties in which the city is situated a certificate showing that the city has established an official map. An ordinance or resolution establishing any part of an official map enacted prior to June 16, 1965, which would be valid under this paragraph is hereby validated.

(c) The city council may amend the official map of the city so as to establish the exterior lines of planned new streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds, or to widen, narrow, extend or close existing streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds. No such change may become

effective until after a public hearing concerning the proposed change before the city council or a committee appointed by the city council from its members, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a class 2 notice under ch. 985. Before amending the map, the council shall refer the matter to the city plan commission for report, but if the city plan commission does not make its report within 60 days of reference, it forfeits the right to further suspend action. When adopted, amendments become a part of the official map of the city, and are conclusive with respect to the location and width of the streets, highways, historic districts, waterways and parkways and the location and extent of railroad rights-of-way, public transit facilities, parks and playgrounds shown on the map. The placing of any street, highway, waterway, parkway, railroad right-of-way, public transit facility, park or playground line or lines upon the official map does not constitute the opening or establishment of any street, parkway, railroad right-of-way, public transit facility, park or playground or alteration of any waterway, or the taking or acceptance of any land for these purposes.

(d) The locating, widening or closing, or the approval of the locating, widening or closing of streets, highways, waterways, parkways, railroad rights-of-way, public transit facilities, parks or playgrounds by the city under provisions of law other than this section shall be deemed to amend the official map, and are subject to this section, except that changes or additions made by a subdivision plat approved by the city under ch. 236 do not require the public hearing specified in par. (c) if the changes or additions do not affect any land outside the platted area.

(e) No permit may be issued to construct or enlarge any building within the limits of any street, highway, waterway, railroad right-of-way, public transit facility or parkway, shown or laid out on the map except as provided in this section. The street, highway, waterway, railroad right-of-way, public transit facility or parkway system shown on the official map may be shown on the official map as extending beyond the boundaries of a city or village a distance equal to that within which the approval of land subdivision plats by the city council or village board is required as provided by s. 236.10 (1) (b) 2. Any person desiring to construct or enlarge a building within the limits of a street, highway, railroad right-of-way, public transit facility or parkway so shown as extended may apply to the authorized official of the city or village for a building permit. Any person desiring to construct or enlarge a building within the limits of a street, highway, waterway, railroad right-of-way, public transit facility or parkway shown on the official map within the incorporated limits of the municipality shall apply to the authorized official of the city or village for a building permit. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction of the street, highway, railroad right-of-way, public transit facility or parkway shown on the official map. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction or alteration of the waterway shown on the official map within the incorporated limits of the municipality. If the land within the mapped street, highway, waterway, railroad right-of-way, public transit facility or parkway is not yielding a fair return, the board of appeals in any municipality which has established such a board having power to make variances or exceptions in zoning regulations may, by the vote of a majority of its members, grant a permit for a building or addition in the path of the street, highway, waterway, railroad right-of-way, public transit facility or parkway, which will as little as practicable increase the cost of opening the street, highway, waterway, railroad right-of-way, public transit facility or parkway or tend to cause a change of the official map. The board may impose reasonable requirements as a condition of granting the permit to promote the health, convenience, safety or general welfare of the community. The board shall refuse a permit where the applicant will not be substantially affected by not constructing the addition or by placing the building outside the mapped street, highway, waterway, railroad right-of-way, public transit facility or parkway.

(f) In any city in which there is no such board of appeals, the city council shall have the same powers and shall be subject to the same restrictions. For this purpose such council is authorized to act as a discretionary administrative or quasi-judicial body. When so acting it shall not sit as a legislative body but in a separate meeting and with separate minutes kept.

(g) Before taking any action authorized in this subsection, the board of appeals or city council shall hold a hearing at which parties in interest and others shall have an opportunity to be heard. At least 15 days before the

hearing notice of the time and place of the hearing shall be published as a class 1 notice, under ch. 985. Any decision under this paragraph shall be subject to review by certiorari pursuant to sub. (7) (e) 10. a., except that if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), the decision shall be subject to review under the procedures contained in s. 781.10.

(h) In any city that has established an official map, no public sewer or other municipal street utility or improvement may be constructed in any street, highway, or parkway until the street, highway, or parkway is placed on the official map. No permit for the erection of any building may be issued unless a street, highway, or parkway giving access to the proposed structure has been placed on the official map. Where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways, or parkways, the applicant for a permit may appeal from the decision of the administrative officer having charge of the issue of permits to the board of appeals in any city that has established a board having power to make variances or exceptions in zoning regulations, and the same provisions are applied to appeals under this paragraph and to boards as are provided in cases of appeals on zoning regulations. The board may in passing on an appeal under this paragraph make any reasonable exception, and issue the permit subject to conditions that will protect any future street, highway, or parkway layout. Any decision under this paragraph shall be subject to review by certiorari pursuant to sub. (7) (e) 10. a., except that if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), the decision shall be subject to review under the procedures contained in s. 781.10. In any city in which there is no board of appeals the city council shall have the same powers and be subject to the same restrictions, and the same method of court review shall be available. For purpose of appeal under this paragraph, the council is authorized to act as a discretionary administrative or quasi-judicial body. When so acting it shall not sit as a legislative body, but in a separate meeting and with separate minutes kept.

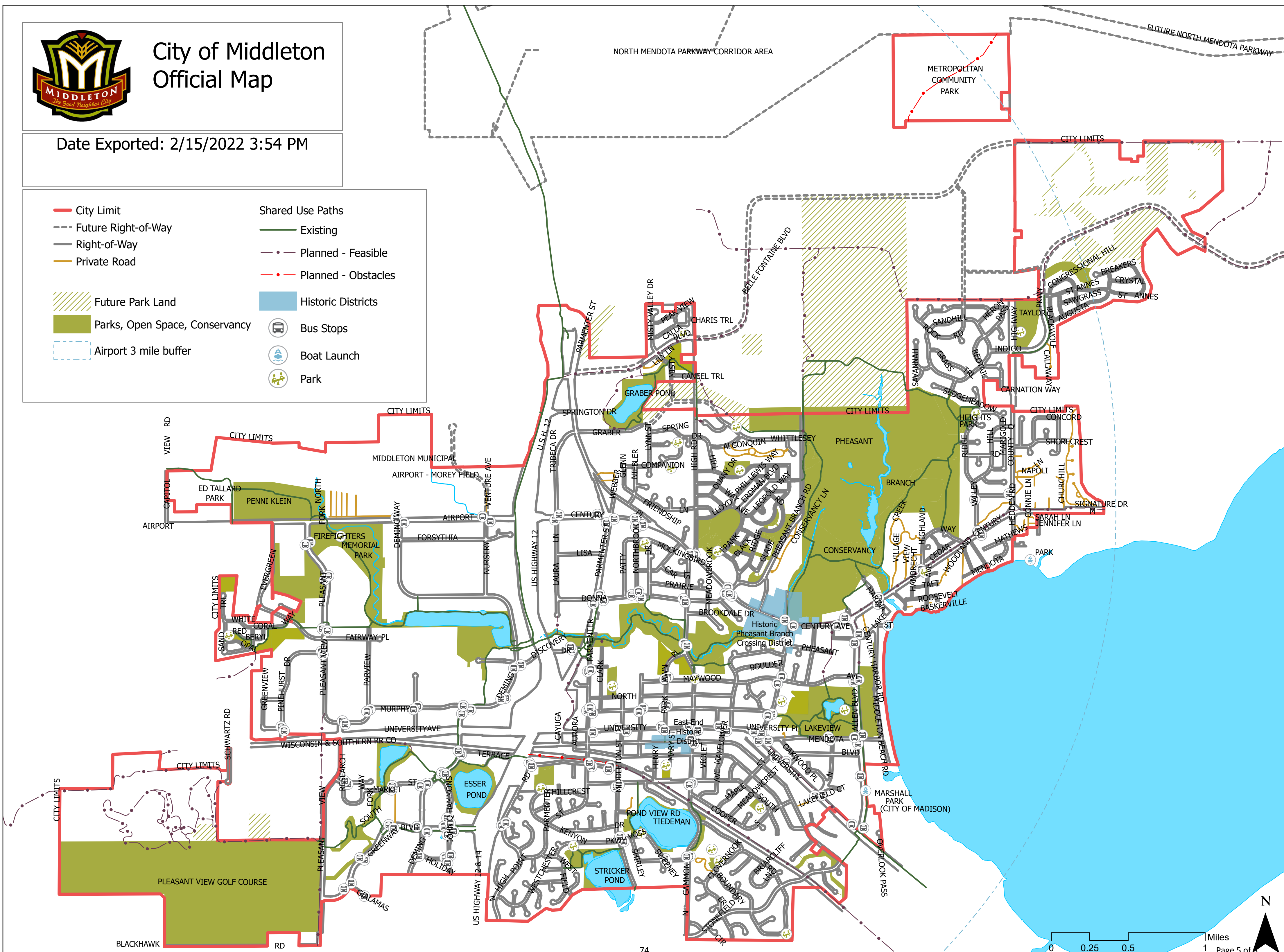
(i) In those counties where the county maintains and operates parks, parkways, playgrounds, bathing beaches and other recreational facilities within the limits of any city, such city shall not include said facilities in the master plan without the approval of the county board of supervisors.



City of Middleton Official Map

Date Exported: 2/15/2022 3:54 PM

- | | |
|---|---|
| <ul style="list-style-type: none">City LimitFuture Right-of-WayRight-of-WayPrivate Road | <ul style="list-style-type: none">Shared Use Paths<ul style="list-style-type: none">ExistingPlanned - FeasiblePlanned - ObstaclesHistoric DistrictsBus StopsBoat LaunchPark |
| <ul style="list-style-type: none">Future Park LandParks, Open Space, ConservancyAirport 3 mile buffer | |



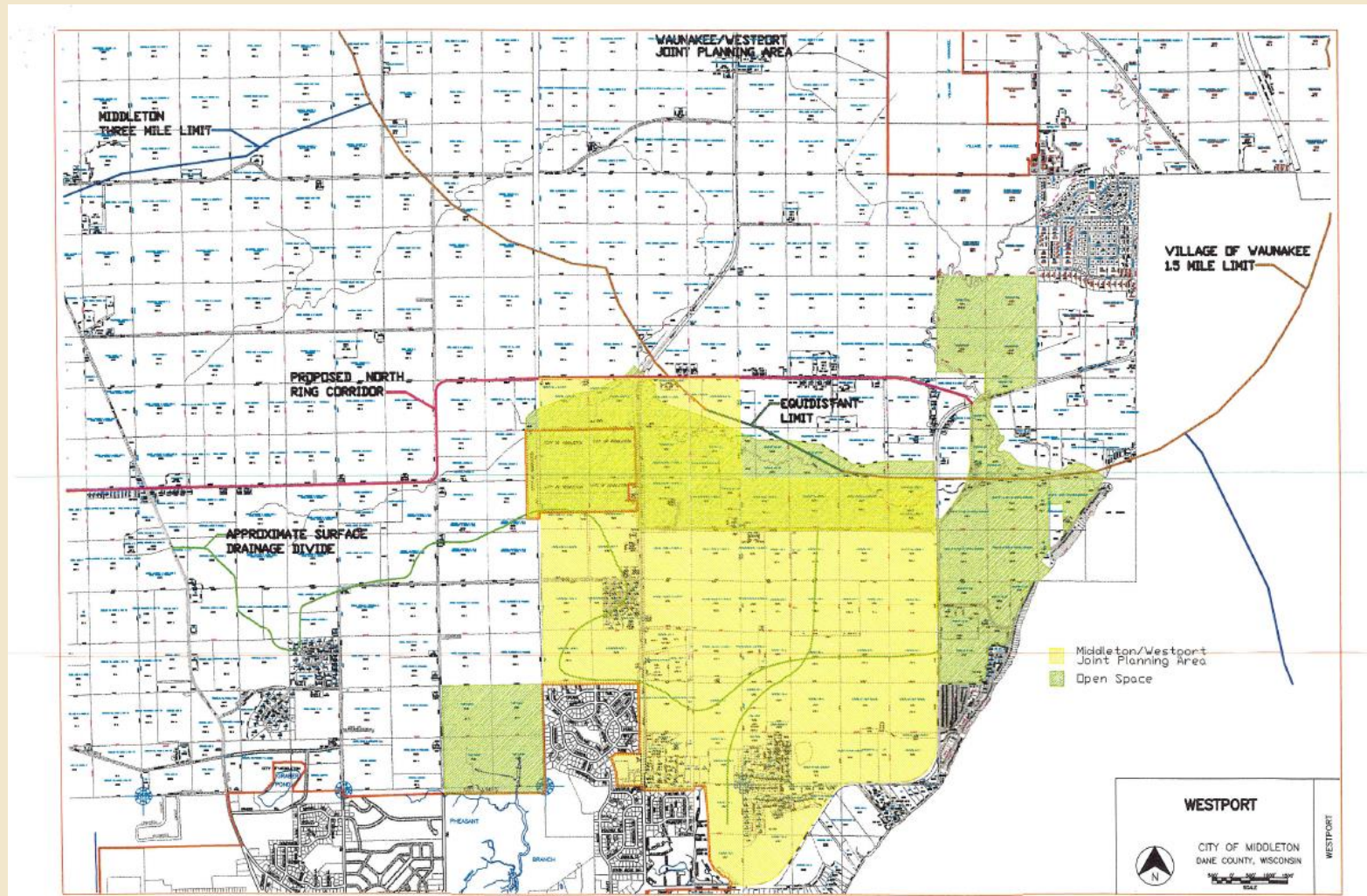


History of Intergovernmental Decisions with Town of Westport

History of Extraterritorial Zoning with Westport

- 1997 - Discussions began regarding a potential intergovernmental agreement (IGA)
- 1998 - IGA adopted, providing a framework for extraterritorial zoning (ETZ)
- 2000 – Town/City Adopted a Comprehensive Plan for the Middleton – Westport Joint Planning Area (JPA)
- 2000 – Extraterritorial Zoning Area Established
- 2010 – Extraterritorial Zoning Area Expanded

Original IGA Planning Area (1998)

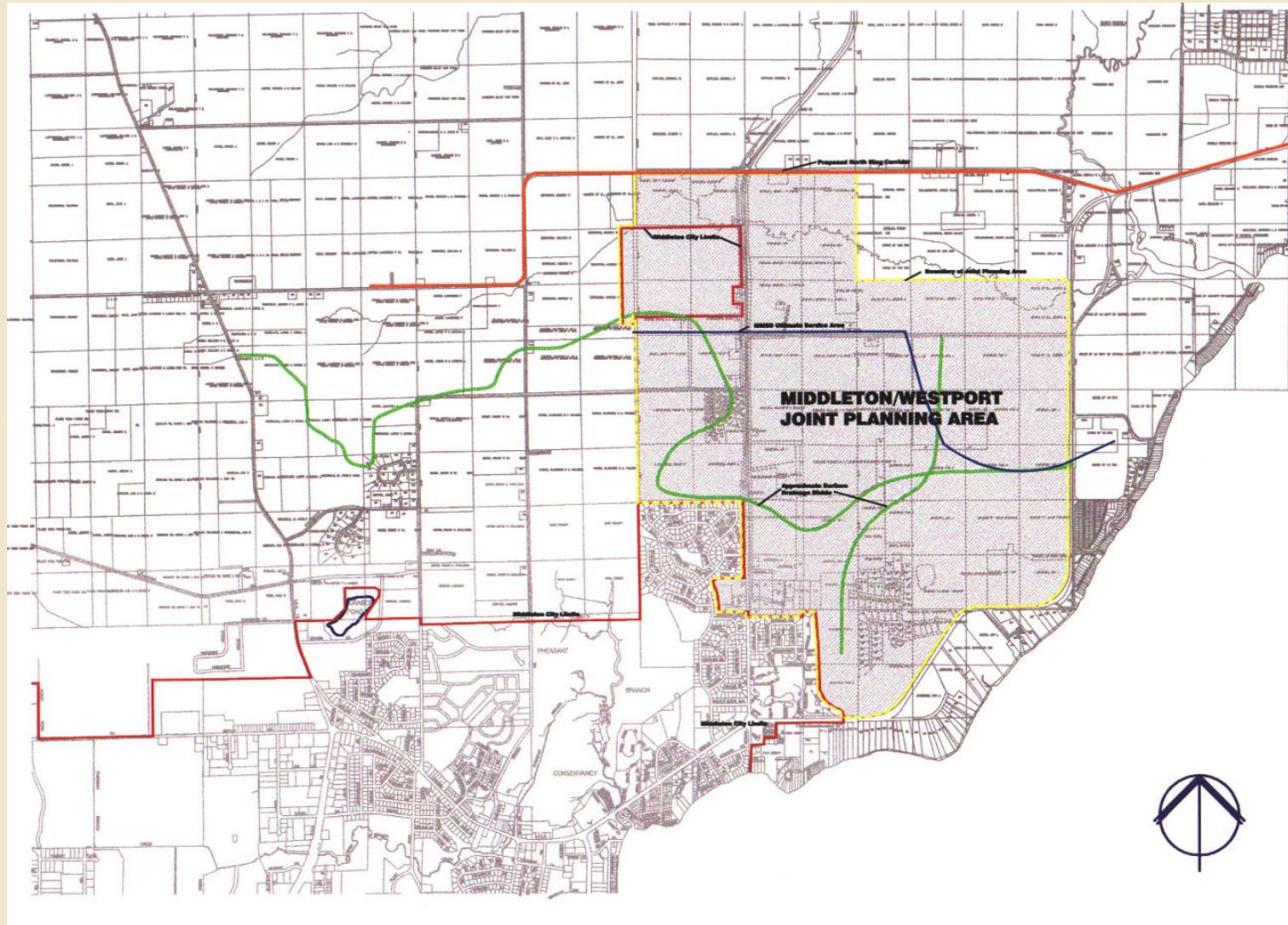


Comprehensive Plan for the Middleton – Westport JPA

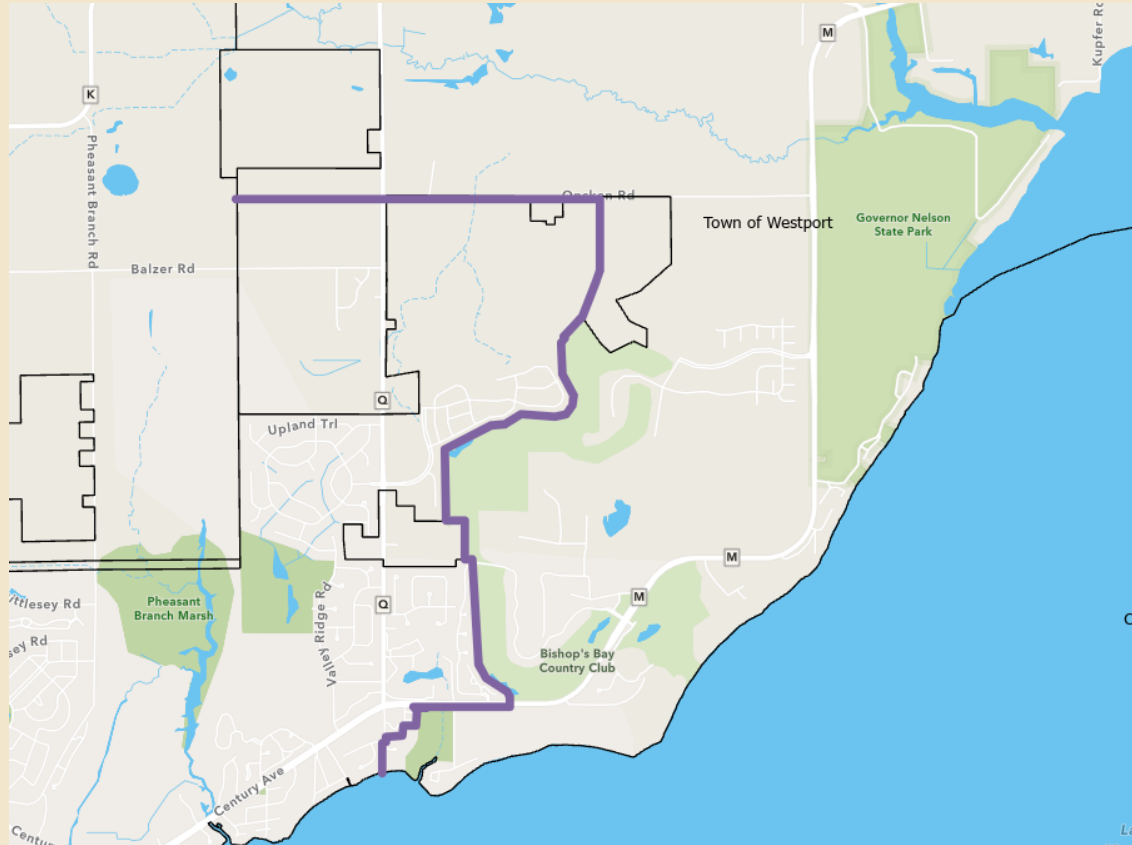
“D. Long-Term Growth Boundary Area

The line shown on the map as the ultimate City of Middleton boundary is **NOT** going to be established by this document or any process related to this joint planning effort. This indicates an area which is mutually agreed that the City has a reasonable present or demonstrable need for the property if annexed, and is best suited to serve such property with utilities and other services due to natural features or close proximity to the City.”

Joint Planning Area Map

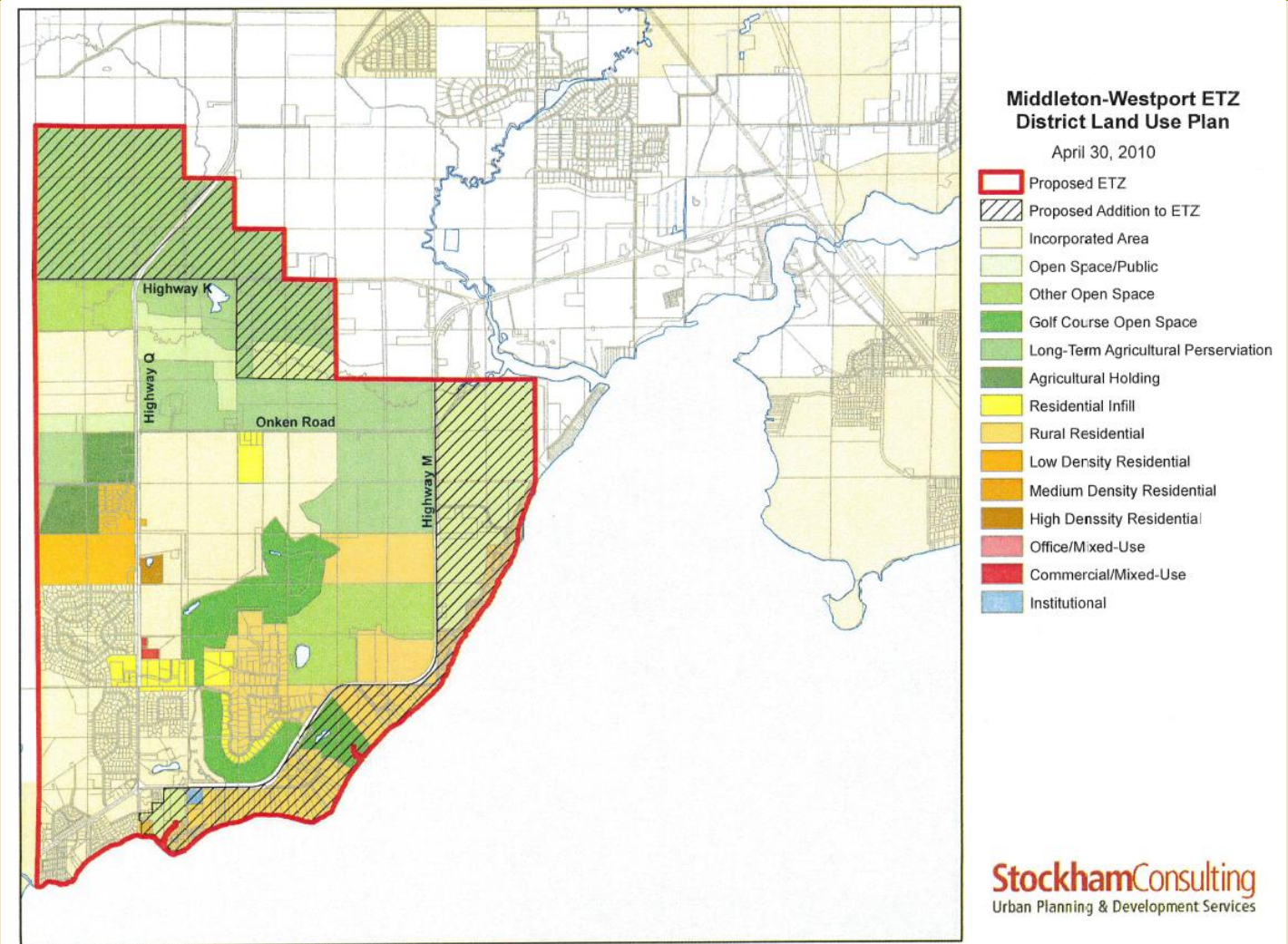


Long-Term Growth Boundary Area (Purple Line)



***Map was created recently based on description of the Long-Term Growth Boundary Area in the Comprehensive Plan for the Middleton – Westport Joint Planning Area. The existing city limits extend a bit farther east than the originally-anticipated boundary.**

ETZ Area Expanded (2010)



ETZ Process

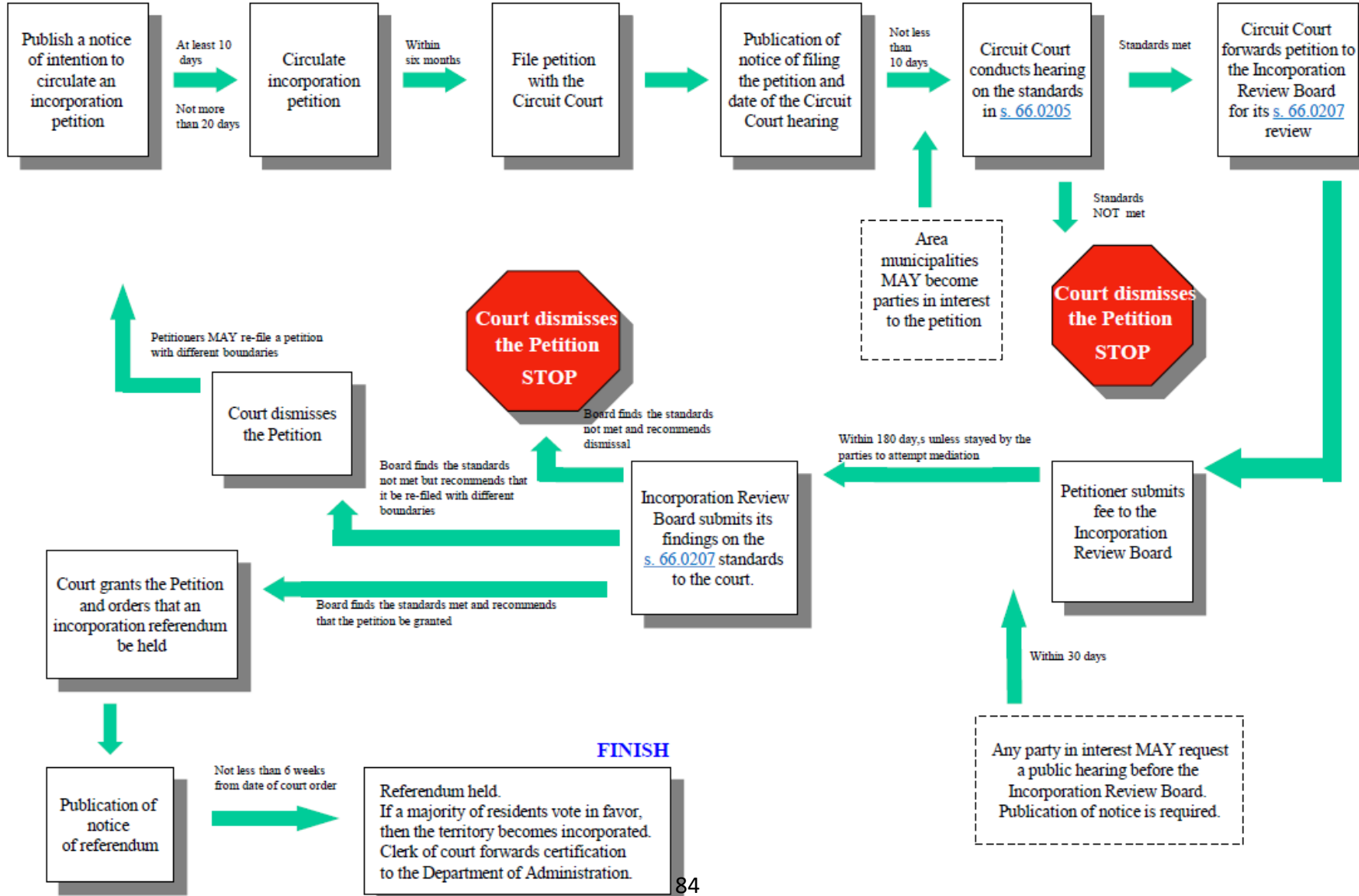
- For all parcels that have not been rezoned since the agreement, the County rules apply for all existing properties and land uses
- If a rezoning or conditional use permit (CUP) is requested:
 - The property must be rezoned to a district in the City of Middleton Zoning Ordinance
 - Several districts have been added to the City Code (Chapter 35 Extra-Territorial Zoning Ordinance Middleton/Westport Joint Planning Area)
 - A proposed rezoning within the ETZ follows these steps:
 - Preliminary discussion with City and Town staff
 - Preliminary consultation with the Joint Cmte
 - Hearing at joint Cmte
 - Hearing at CC
 - Final action by both City and Town



Municipal Incorporation Process

See sections [66.0203-66.0213](#) of the Wisconsin Statutes

START



FINISH

INTERGOVERNMENTAL COOPERATION
AGREEMENT
BETWEEN THE CITY OF MIDDLETON
AND THE TOWN OF WESTPORT

This is an Intergovernmental Cooperation Agreement made and entered into as of the 17 day of November, 1998, by and between the City of Middleton, a municipal corporation located in Dane County, Wisconsin, ("City") and the Town of Westport, a municipal corporation located in Dane County, Wisconsin, ("Town").

Return to:
Thomas G. Wilson
P.O. Box 1784
Madison, WI 53701-1784

RECITALS

Parcel Identification No.

WHEREAS, sec. 66.30, Stats., authorizes towns and cities to contract for the joint exercise of any power or duty required or authorized by statute; and

WHEREAS, sec. 62.23(7a), Stats., grants extraterritorial zoning authority to cities, to be exercised in cooperation with towns, pursuant to the requirements of sec. 62.23(7a), Stats.; and

WHEREAS, sec. 66.028, Stats., authorizes two municipalities to share revenues and to undertake other municipal actions in furtherance of joint projects; and

WHEREAS, the City has extraterritorial zoning jurisdiction over the territory in the Town described in Exhibit A and shown on Map 1 (the "Property"); and

WHEREAS, the Property is subject to substantial development pressure, and the City and the Town have determined that they should work together to address zoning and other planning issues relating to the Property; and

WHEREAS, the City and the Town have determined that as a first step in working together on planning issues relating to the Property, the City should exercise its extraterritorial zoning jurisdiction over the Property, the City and Town should create a Joint Committee to prepare a comprehensive zoning plan for the Property, and the City

should temporarily abstain from annexing any part of the Property during the time the Joint Committee is preparing a comprehensive zoning plan for the Property.

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, and of the above recitals, the receipt and sufficiency of which is mutually acknowledged, it is stipulated and agreed as follows:

1. Extraterritorial Zoning.

Pursuant to sec. 62.23(7a)(a) and (b), Stats., within thirty (30) days from the date of this Agreement, the City shall adopt a resolution to exercise extraterritorial zoning over the Property, and shall enact an interim zoning ordinance to preserve existing zoning in the Property. Pursuant to sec. 62.23(7a)(c), Stats., the City and the Town shall create a Joint Committee to prepare a comprehensive zoning plan for the Property following the procedures specified in sec. 62.23(7a), Stats. The City and the Town shall make their respective appointments to the Joint Committee within thirty (30) days after the adoption of a resolution to exercise extraterritorial zoning over the Property.

2. Temporary Abstention From Annexation of Territory.

During the temporary time period in which the Joint Committee is preparing a comprehensive zoning plan for the Property, and until the City enacts such comprehensive zoning plan, the City shall not annex any part of the Property without first obtaining both input and consent from the Town as described herein. To be certain that petitions for annexation of land in the Property are given a full and fair hearing and to provide for expeditious review of such petitions, either the petitioner or the City may request a joint meeting of the City Council and the Town Board for review and consideration of such petitions. The joint meeting shall be scheduled at a time agreed to by the Mayor and Town Chair within thirty (30) days of the request for a joint meeting. If both a majority of the members of the Town Board and a majority of the members of the City Council approve the petition for annexation, the Property may be annexed.

3. Revenue Sharing Following Annexation.

If any portion of the Property is annexed to the City in violation of section 2 of this Agreement, the City agrees in accordance with the provisions of sec. 66.028, Stats., to share with the Town the revenues derived from taxes from the annexed territory, and to pay to the Town an amount equivalent to the tax revenue lost to the Town as a result of such annexation each year for a period of twenty (20) years from the date the annexation ordinance is effective. This paragraph is effective and only applies to annexations that occur during the time period during which the Joint Committee is

preparing a comprehensive zoning plan for the Property, and until the City enacts such comprehensive zoning plan. Such time period shall be no longer than two (2) years after the enactment of the interim zoning ordinance required by section 1 of this Agreement, unless extended for no longer than one (1) year, pursuant to sec. 62.23(7a)(b), Stats. In the event of an annexation in violation of section 2 of this Agreement, the term of this revenue sharing provision shall be twenty (20) years from the date the annexation ordinance is effective.

(a) This revenue sharing agreement shall become effective on the date the City adopts an annexation ordinance in violation of section 2 of this Agreement, and shall terminate twenty (20) years thereafter.

(b) The revenue to be shared under this section shall be calculated based on the assessed value of all land and improvements in the annexed territory as of January 1 of each year after the annexation took place. The assessed value of such lands shall be multiplied by the mill rate established by the Town for that year to calculate the amount due to the Town under this formula.

(c) The City's payments to the Town shall be made within thirty (30) days of the first of January of each year beginning with the first year after such annexation.

4. Additional Joint Planning Agreement Contemplated.

The parties intend to use this Agreement as a starting point for the joint planning of issues in addition to extraterritorial zoning, such as issues relating to boundaries, land use and municipal services. The parties intend for the Joint Committee to work on such planning issues, and to make recommendations to the City and the Town regarding such planning issues.

5. No Third Party Beneficiary.

This Agreement is intended to be solely between the Town and the City. Nothing in this Agreement accords any third party any legal or equitable rights whatsoever which may be enforced by any non-party to this Agreement.

6. Administration of Agreement.

This Agreement shall be administered on behalf of the City by the Mayor or the Mayor's designee, and on behalf of the Town by the Town Board Chair or the Town Board Chair's designee. The appointment of a designee must be in writing and the other

party to this Agreement must be notified of the appointment. The administration of this Agreement shall include the implementation of policies and procedures which will effectuate the purposes and spirit of this Agreement.

7. Enforcement.

This Agreement is intended to provide each party with the right and standing to challenge by court action (including action by *certiorari* or otherwise to declare a governmental act invalid) any act of the other party that violates this Agreement. This Agreement is intended to provide each party with the right and standing to seek any available legal or equitable remedy to enforce or seek damages for the breach of this Agreement. In any action concerning an alleged violation of this Agreement, the prevailing party shall be entitled to recover from the other party its reasonable costs and expenses of litigation, including reasonable attorneys' fees.

8. Term.

The term of this Agreement, except the revenue sharing provisions in section 3, shall be the time period during which the Joint Committee is preparing a comprehensive zoning plan for the Property, and until the City enacts such comprehensive zoning plan. The term shall be no longer than two (2) years after the enactment of an interim zoning ordinance, unless extended for no longer than one (1) year, pursuant to sec. 62.23(7a)(b), Stats. The term of the revenue sharing provisions in section 3 shall become effective on the date the City adopts an annexation ordinance in violation of section 2 of this Agreement, and shall terminate twenty (20) years thereafter. No breach or violation of any of the terms of this Agreement by either party shall operate to void or terminate or provide grounds for termination of this Agreement, it being the intent of the parties that any such breach or violation shall only be redressed, enjoined or otherwise remedied by the exercise of any lawful contractual enforcement remedies then available to be used by the aggrieved party to enforce the terms of this Agreement.

9. Amendment.

This Agreement may be amended or terminated at any time by written agreement by the governing bodies of both parties.

10. Complete Agreement.

This Agreement represents the entire integrated agreement between the parties and supersedes all prior negotiations, representations or agreements, either written or oral.

11. Enforceability.

The parties have entered into this Agreement under the authority granted by sections 66.30, 62.23(7a) and 66.028 of the Wisconsin Statutes. Its enforceability will not be affected by changes in the forms of City or Town government, or changes in elected officials. The parties agree that this Agreement shall be construed so as to be binding on their respective successors, agents and employees.

12. No Waiver.

The failure of any party to require strict performance with any provision of this Agreement will not constitute a waiver of the provision or of any of the parties' rights under this Agreement. Rights and obligations under this Agreement may only be waived or modified in writing. A writing waiving a right must be signed by the party waiving the right. If an obligation of a party is being waived or released, the writing must be signed by all affected parties. Waiver of one right, or release of one obligation, will not constitute a waiver or release of any other right or obligation of any party. Waivers and releases will affect only the specific right or obligation waived or released and will not affect the rights or obligations of any other party that did not sign the waiver or release.

13. Performance Standard.


This Agreement requires the parties to act or to refrain from acting on a number of matters. The parties hereby acknowledge that this Agreement imposes on them a duty of good faith and fair dealing.

14. **Severability.**

The various terms, provisions and covenants herein contained, including specifically, but not limited to, section 3, shall be deemed to be separate and severable, and the invalidity or unenforceability of any of them shall not affect or impair the validity or enforceability of the remainder.

CITY OF MIDDLETON,
DANE COUNTY, WISCONSIN

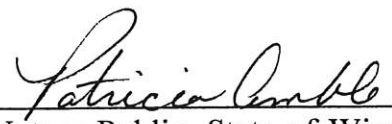
By: 
Dan A. Ramsey, Mayor

Attest: 
Timothy R. Studer, City Clerk

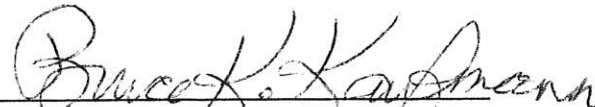
STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 23 day of November, 1998, the above named Dan A. Ramsey, Mayor of the City of Middleton and Timothy R. Studer, City Clerk of the City of Middleton, to me known to be the persons and officers who executed the foregoing instrument and acknowledged the same on behalf of the City.

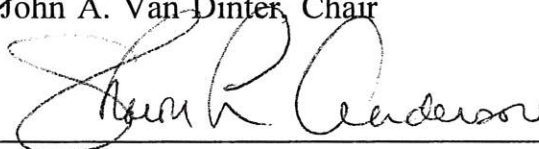

Notary Public, State of Wisconsin
My commission expires: 4-11-99

Approved as to form:


Bruce K. Kaufmann, City Attorney

TOWN OF WESTPORT,
DANE COUNTY, WISCONSIN

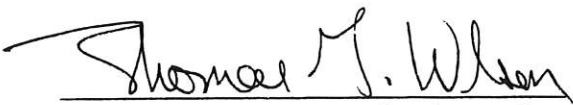
By: 
John A. Van Dinter, Chair

Attest: 
Sharon L. Anderson, Town Clerk

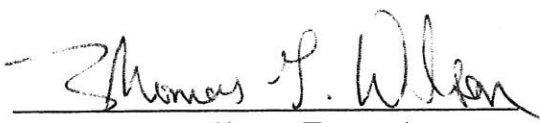
STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 6th day of November, 1998, the above named John A. Van Dinter, Chair of the Town of Westport and Sharon L. Anderson, Town Clerk of the Town of Westport, to me known to be the persons and officers who executed the foregoing instrument and acknowledged the same on behalf of the Town.

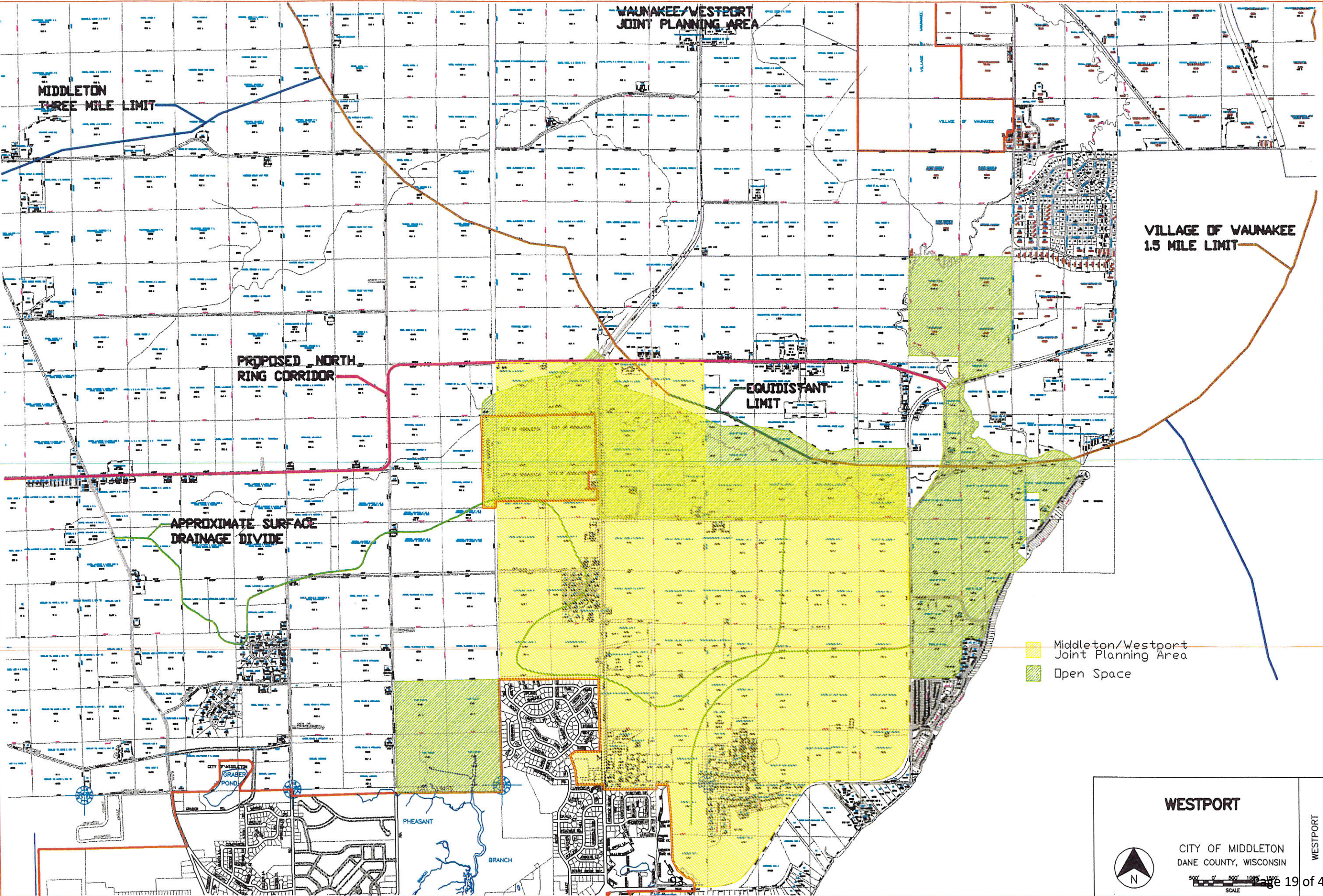

Notary Public, State of Wisconsin
My commission ~~expires~~ is permanent

Approved as to form:


Thomas G. Wilson, Town Attorney

Drafted by:
Thomas G. Wilson
Stafford, Rosenbaum, Rieser & Hansen
3 South Pinckney Street, Suite 1000
P.O. Box 1784
Madison, Wisconsin 53701-1784
608/256-0226

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1105981107



WESTPORT

CITY OF MIDDLETON
DANE COUNTY, WISCONSIN



0' 500' 1000' 1500'
SCALE

WESTPORT

COMPREHENSIVE PLAN
FOR THE
MIDDLETON – WESTPORT
JOINT PLANNING AREA

Prepared by the Middleton – Westport Joint Zoning Committee

Adopted by Town of Westport on July 3, 2000
Adopted by City of Middleton on August 15, 2000

ACKNOWLEDGEMENTS

Committee Members:

Duane Barmore
Ron Bowen
Rich Dunham
Ed Elskamp
Brad Robinson
John Van Dinter

Committee Staff:

Eileen Kelley & Mark Opitz
City of Middleton

Tom Wilson
Town of Westport

Middleton Plan Commission

Mayor Dan Ramsey, Chair
Jim Wexler, Alderman
Duane Barmore
Ed Elskamp
Rich Dunham
Cindy Morehouse
Kurt Sonnentag

Westport Plan Commission

John Van Dinter, Chair
Brad Robinson
Phyllis Schwahn
Marianne Schlecht
Dean Grosskopf
Mary Manering
Ron Bowen

Middleton Common Council

Mayor Dan Ramsey
Steven Olson
Douglas Zwank
Faye Schwager
Jim Wexler
Howard Teal
James O'Brien
Paul Helgeson
Ralph Zahnnow

Westport Town Board

John Van Dinter, Chair
Brad Robinson
Ken Sipsma
Terry Enge
William von Rutenberg

TABLE OF CONTENTS

| | |
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| ACKNOWLEDGEMENTS | 1 |
| TABLE OF CONTENTS | 2 |
| I. INTRODUCTION | 3 |
| A. History of Joint Planning Efforts | 3 |
| B. Mission Statement | 3 |
| C. Definition of Planning Area | 3 |
| D. Long Term Growth Boundary Area | 4 |
| II. EXISTING CONDITIONS | |
| A. Land Use | 5 |
| B. Transportation | 5 |
| C. Environmental Conditions | 6 |
| D. Parks, Recreations, Open Space & Trails | 6 |
| E. Public Services & Infrastructure | 6 |
| F. Schools/Institutional | 6 |
| III. GOALS AND OBJECTIVES | |
| A. Land Use | 7 |
| B. Transportation | 10 |
| C. Environmental | 11 |
| E. Parks, Recreations, Open Space & Trails | 12 |
| F. Public Services & Infrastructure | 12 |
| G. Schools/Institutional | 14 |

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I. INTRODUCTION

A. HISTORY OF JOINT PLANNING EFFORTS

The City of Middleton Plan Commission began meeting regularly with the Town of Westport Plan Commission in 1997. The purpose of the meetings was to discuss issues and projects of mutual interest or concern to both communities. Out of those meetings came the idea for a **joint zoning committee**. A **joint planning area** was outlined on a map. The two communities entered into an **Intergovernmental Agreement**, freezing the zoning in the designated joint planning area, and establishing a joint zoning committee charged with preparation of a **comprehensive plan** for the joint planning area.

The Middleton/Westport Joint Zoning Committee (the "Joint Committee") began a series of meetings in March 1999, researching and discussing various aspects of the joint area, including: **land use**, transportation, **environmental** issues, schools and institutional uses, **public infrastructure and services**, and **parks and open space**. **Goals and objectives** were developed, and a **mission statement** was formulated.

B. MISSION STATEMENT

The purpose and focus of the Joint Committee's efforts is

- To allow both communities to grow in a mutually beneficial way.
- To use available information, technology, and resources to provide for sustainable growth and development, while protecting and enhancing the environment, preserving neighborhoods, providing efficient and effective services, and enhancing quality of life.

C. DEFINITION OF PLANNING AREA

The joint planning area (JPA) is bounded on the west by the Town of Springfield and City of Middleton, on the south and east by CTH M, and on the north by Oncken Road. It comprises approximately 2000 acres of land located in the Town of Westport.

D. LONG-TERM GROWTH BOUNDARY AREA

The line shown on the map as the ultimate City of Middleton boundary is NOT going to be established by this document or any process related to this joint planning effort. The line indicates an area best defined as a long-term Growth Area for the City. This indicates an area in which it is mutually agreed that the City has a reasonable present or demonstrable need for the property if annexed, and is best suited to serve such property with utilities and other services due to natural features or close proximity to the City. The Town would agree that it would not directly or indirectly oppose any annexation within the City's long-term Growth Area, nor would it financially support any person opposing such annexations. However, the Town would retain the right to voice its concerns and objections or its support of such annexations before the City Council or the City Plan Commission.

Similarly, no territory outside of the long-term Growth Area (i.e., that land to the East, North and South of this area) shall be annexed to the City. The area outside this boundary is best served by Town utilities, and the uses are more compatible with Town services, again due to natural features or proximity to current Town services.

Ultimately, it will be up to the landowners and residents in this area to determine their own destiny as to the governmental jurisdiction by which they wish to be served.

This line can be viewed as beginning at Oncken Road extended Westerly to the Town's boundary, then along that line and Oncken Road East to a point on Oncken Road where the Western edge of the Rural Residential District extended Northerly intersects Oncken Road, then along that line to the Bishops Bay Country Club property boundary, then along the Western edge of the Bishops Bay Country Club property South to C.T.H. M., and then South and West along the current Town/City boundary line.

II. EXISTING CONDITIONS

A. LAND USE

A significant portion of the JPA is currently in agricultural use. There are also several closed or reclaimed gravel quarries in the JPA. Much of the JPA is currently used for recreational purposes, including the Bishop's Bay Country Club golf course, tennis club and swimming pool, and the St. Benedict's Center reclaimed Lost Lake and regenerated prairie. The southern portion of the JPA includes distinct residential neighborhoods, namely the Fox Bluff, South Meadows and Bishop's Bay developments.

Map #1 shows major land uses in the JPA.

B. TRANSPORTATION

Three major two-lane highways, each of which is heavily used by commuter traffic, serve the JPA. Located a half mile from the western boundary, CTH Q carries an average of 8,200* vehicles each day, and connects Middleton and Waunakee. CTH K forms the northern edge of the planning area, and carries approximately 15,100* vehicles each weekday. CTH M defines the southern and eastern extents of the planning area, and serves as a primary route for traffic around Lake Mendota. Traffic on this principal arterial averages more than 17,000 vehicles each weekday.

Several town roads also currently serve the planning area. Oncken Road runs east-west between CTH Q and M, Balzer Road connects the area with the Town of Springfield to the west, and several streets serve the Fox Bluff, South Meadow, and Bishops Bay neighborhoods.

The nearest transit stop to the JPA is located at the intersection of CTH Q and South Ridge Way, in the City of Middleton. Direct service to the Capitol Square and the West Transfer Point (located on Tokay Boulevard near Whitney Way in Madison) is provided by Madison Metro's Route 60 at 30-90 minute intervals, Monday through Friday.

The City of Middleton has required dedication of a public access easement along the northern edge of the Northlake residential development for the future trail development.

*1996 data from WisDOT

C. ENVIRONMENTAL CONDITIONS

Map #2 shows the topography of the JPA. Slopes over 12% have been identified. The map also shows surface drainage divides.

Map #3 illustrates areas with soils that are conducive to water infiltration.

The State Historical Society and the State Department of Natural Resources have provided information regarding historically significant sites and endangered plants and species. This information can be found in Appendix A.

D. PARKS, RECREATION, OPEN SPACE & TRAILS

- Nearby parks: Governor Nelson State Park, Mendota County Park
- Bishops Bay Golf Course
- Dorn Creek
- Bellefontaine/Frederick's Hill Conservancy
- St. Benedict's restoration area
- Metropolitan Refuse District (MRD) Landfill (closed; planned for future recreation area)

The City of Middleton has required dedication of a public access easement along the northern edge of the Northlake residential development for the future trail development.

E. PUBLIC SERVICES & INFRASTRUCTURE

Map #4 illustrates Middleton and Westport's respective sewer service areas. The map also shows public safety service areas, including fire and EMS.

F. SCHOOLS/INSTITUTIONAL

The JPA is currently located almost entirely in the Waunakee Area School District. The Middleton-Cross Plains Area School District serves portions of the Fox Bluff, South Meadow, and Bishops Bay neighborhoods.

III. GOALS & OBJECTIVES

The following are goals and objectives for the Joint Planning Area.

A. LAND USE

Map #5 illustrates the approved land uses as designated by the JPA Committee. These land uses are meant to control proposed development and delineate all acceptable uses and developable areas in the JPA. As shown on Map #5, the land uses include the following:

- Mixed Use/Commercial
- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Agricultural Preservation
- Agricultural Holding

The following are the land use goals for the JPA.

1. Provide for Community Separation Areas, where possible, between the City and the Town.

- Identify appropriate buffer zones to accomplish the community separation areas, where possible. Map #5 identifies suggested separation areas.
- Utilize a variety of methods to ensure buffer zones, including zoning and service area delineation, green space, view corridors and tree lines.

2. Preserve agricultural land outside of the Madison Metropolitan Sewerage District (MMSD) ultimate (year 2040) service line.

3. Encourage a mixture of housing types.

- Zone residential areas to allow for various lot sizes in certain areas. Densities of various developments within the City and Town are identified in Appendix B, and preferred densities for certain areas are shown in Appendix C.
- Provide for transit-oriented development.
- Identify and zone areas that are appropriate for multi-family housing (i.e. close to amenities, services, opportunity for transit).

4. Utilize a Conservation Subdivision Design Process

- Identify Conservation Areas
- Delineate Developable Areas
- Align Streets and Trails
- Draw in Lot Lines

A Conservation Subdivision is a housing development that has compact lots and common open space, where the natural features of the land are maintained to the greatest extent possible.

5. Identify areas that are appropriate for commercial development and delineate the types of uses that are permitted and/or encouraged.

- Zone for commercial areas so that they are limited to neighborhood commercial uses that provide basic services to residents, such as day care, dry cleaning, etc.
- Incorporate design standards and square footage limits into the zoning ordinance.
- Encourage mixed-use development where appropriate (see Map #5).

6. Create transition zones between rural and urban development.

- Identify transition zones, and create a designation in the zoning ordinance to reflect desired level of development and standards.
- Utilize service levels to help ensure the appropriate intensity of development.
- Consider alternative systems for utilities where appropriate, such as private treatment for sewage.

7. Encourage infill development in designated areas.

- Establish infill-zoning standards that allow a combination of uses or varies standards for projects that are in the public interest.
- Develop criteria for identifying areas that are appropriate for infill development.

8. Encourage compatible uses with existing, adjacent land uses.

- Identify and map all existing land uses, including natural features, parkland, view corridors, etc.
- Designate zoning districts that ensure compatibility between proposed and existing uses.
- Maintain vibrancy of existing neighborhoods such as Fox Bluff/South Meadow.
- Preserve views and character of existing neighborhoods.
- Encourage cluster neighborhoods smaller in scale and consistent with character of town in areas identified as appropriate for this type of development. (See Map #5)
- Discourage continuous through streets and utilize existing or improved street systems.
- Define and establish street, sidewalk, trail, lighting and graphic standards for private development as well as public improvements.
- Prohibit single loaded or strip residential development adjacent to existing residential areas.

9. Encourage traditional neighborhood development where appropriate.

Traditional neighborhood development is a compact, mixed-use neighborhood where residential, commercial and civic buildings are integrated into the neighborhood and are all in close proximity. Traditional neighborhoods are also pedestrian friendly.

B. TRANSPORTATION

1. Support necessary improvements to routes serving the planning area.

- Reserve additional right-of-way along CTH Q, M and K to preserve options for future road improvements.
- Require Oncken Road to be improved as part of adjacent development activities.
- Support regional efforts to construct a North Ring facility along the CTH K corridor.

2. Develop cross sections and right of way standards for new public infrastructure improvements.

3. Mitigate impact of increased traffic on existing neighborhoods.

- Designate a primary transit corridor, with higher density uses adjacent, linking transit nodes (e.g., neighborhood commercial, institutional uses, etc.) throughout the neighborhood.
- Require developer to provide or pay for a traffic study that would outline any additional improvements necessary to accommodate traffic from the development, as well as ways to mitigate the traffic impact of the new development on nearby neighborhoods.
- Work with Wisconsin DOT and County to site a suitable Park and Ride lot and other appropriate transit stops.

4. Identify, preserve and obtain street and trail linkages to the east, north and west.

- Align new streets with existing intersections (such as Indigo Way, Heron Trail, Balzer Road, and the entrance to Governor Nelson State Park) in order to maximize safety and efficiency.
- Require reservation and/or dedication of trail right-of-ways before areas are developed. (See Map #5)
- Support County goals for implementing a regional trail connecting Middleton with Governor Nelson State Park.
- Seek funding assistance from State and County sources to implement safe bicycle/pedestrian crossings of major traffic corridors such as CTH Q.

C. ENVIRONMENTAL

1. Identify and preserve environmentally sensitive land.

- Map wetlands, drainage ways, floodplain lands, steep slopes, and wooded areas using RPC Environmental Corridor Maps, State Wetland Maps, FEMA Floodplain maps and local maps.
- Require an environmental assessment for each proposed development.
- Adopt the following ordinances to help preserve sensitive lands: Wetland, Floodplain, Subdivision (including environmental corridors and parkland dedication requirements).
- Apply jointly for funds from the County Conservation fund for acquisition of land identified as sensitive and without ordinance protection.

2. Require proposed developments to utilize a four (4) step Conservation Subdivision Design Process

- Identify Conservation Areas
- Delineate Developable Area
- Align Streets and Trails
- Draw Lot Lines

3. Require appropriate stormwater management and erosion control measures to ensure protection of the environment.

- Adopt Stormwater Management and Erosion Control Ordinances.
- Work with Dane County Soils and Conservation staff on education of stakeholders (including developers, property owners, and the public) and review of plans.
- Require overall stormwater management plan from property owners prior to development.
- Support and expand upon existing efforts to restore natural areas, such as St. Benedict's wetland and prairie restoration activities.

4. Preserve agricultural land outside of the Madison Metropolitan Sewerage District (MMSD) ultimate (year 2040) service line.

C. PARKS, RECREATION, OPEN SPACE & TRAILS

1. **Require dedication of park and recreation areas as land is proposed for development.**

- Create parkland dedication requirements in ordinance form.
- Include provisions that accepted parkland must be suitable for the use for which it is intended (e.g., land dedicated for active recreation must be developable for active recreation uses)

3. **Link parkway system to provide continuous trails to existing and proposed Westport and Middleton systems.**

- Require reservation and/or dedication of trail right-of-ways before areas are developed. (See Map #5)
- Support County goals for implementing a regional trail connecting Middleton with Governor Nelson State Park.
- Seek funding assistance from State and County sources to implement safe bicycle/pedestrian crossings of major traffic corridors such as CTH Q.

4. **Ensure that residential areas are adequately served by neighborhood parks.**

E. PUBLIC SERVICES & INFRASTRUCTURE

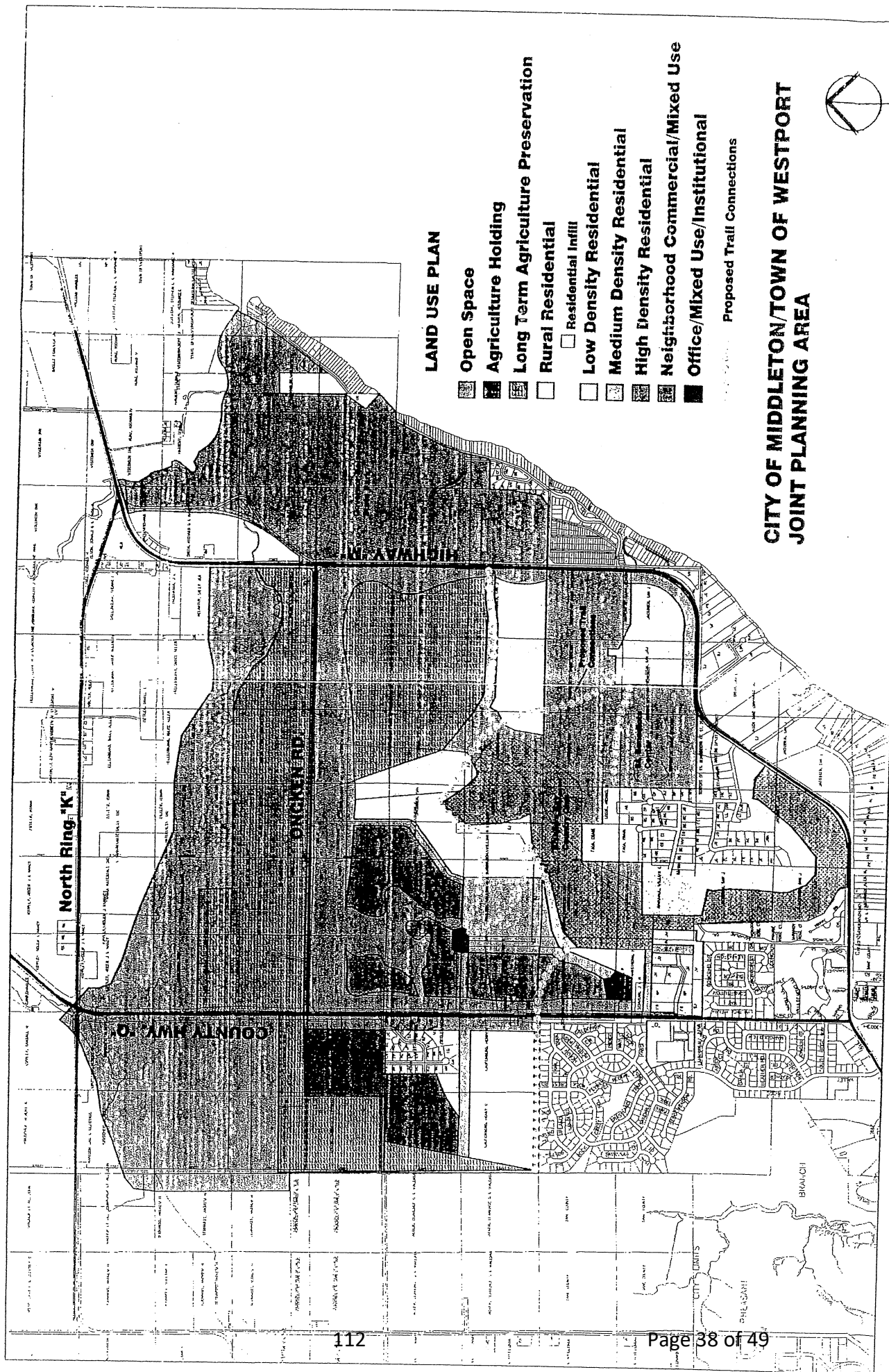
1. **Identify logical, cost-effective utility service areas.**

- Map watershed boundaries and existing utility lines.
- Evaluate service potential for joint planning area.
- Prohibit unsewered development, except for previously created infill lots where sanitary sewers are not readily available, and where alternative systems for treating waste may be appropriate as referred to at Section III.A.6, above.

- Utilize utility systems that are compatible with drainage systems, that require minimum maintenance, and that respect the natural features of the land.
- 2. Establish policies and standards for provision and funding of improvements.**
 - Review existing City and Town policies and requirements, and revise as necessary to ensure that future development pays for costs of providing new service.
 - Create standard specifications for utility improvements.
 - 3. Consult with existing public safety providers (including fire, police, and emergency services) to designate appropriate service areas.**

F. SCHOOLS/INSTITUTIONAL USES

1. **Work with the Middleton-Cross Plains and the Waunakee Area School Districts to establish long-term school district boundaries that recognize long-term community and neighborhood interests.**
2. **Recognize that various institutional facilities (e.g., churches, libraries) are important components of balanced communities.**



APPENDIX B

Existing Densities:

| <u>Town of Westport</u> | <u>Dwelling Units Per Acre</u> |
|-------------------------|--------------------------------|
| Bishops Bay | .79 |
| Carriage Ridge | .64 |
| Westshire Area | 6.5 |
| Steeplechase | 3 |
| Mary Lake | .9 |
| Larwood Hills | .69 |
| Yahara Heights | .60 |
| Riverview Gardens | .76 |
| Fox Bluff/South Meadows | .85 |

| <u>City of Middleton</u> | <u>Dwelling Units Per Acre</u> |
|-----------------------------|--------------------------------|
| Middleton Hills | 3 |
| Pheasant Branch Ridge | 1.7 |
| Old Sauk Meadows Apartments | 15 |
| Stonefield Village | 1.7 |
| Foxridge | 2 |
| Conservancy Condos | 5.2 |

APPENDIX C

Preferred Densities:

| | |
|----------------------------|---|
| Rural Residential | 0 to 1 dwelling units (d.u.) per acre |
| Low Density Residential | 2 to 4 “ “ |
| Medium Density Residential | 4 to 6 “ “ |
| High Density Residential | 8 to 12 “ “ |
| Mixed Use | Up to 100 d.u. total in delineated district |

Definitions:

| | |
|----------------------------|--|
| Rural Residential | Single family detached homes (with appropriate conditional uses) with densities similar to existing Westport neighborhoods. |
| Infill Residential | Adjacent to rural residential, similar in character and density to existing adjacent development. |
| Low Density Residential | Single family detached or attached homes (with appropriate conditional uses) with densities similar to existing City of Middleton neighborhoods. |
| Medium Density Residential | Attached or detached residential. |
| High Density Residential | Attached or detached homes, apartments or condominiums. |
| Agricultural Preservation | Preservation of land for agricultural uses. |
| Agricultural Holding | Land which should be preserved for agricultural uses for the foreseeable future, but will eventually be developed. |
| Mixed Use | Areas to be developed (following appropriate design standards) as mixed use, including institutional uses, commercial, office, and residential. |

**AN ORDINANCE ADOPTING A
COMPREHENSIVE MASTER PLAN FOR THE
CITY OF MIDDLETON/TOWN OF WESTPORT JOINT PLANNING AREA**

WHEREAS, the City of Middleton (the "City") Town of Westport (the "Town") Joint Zoning Committee (the "Committee") began work on the preparation of a Comprehensive Plan for the City of Middleton/Town of Westport Joint Planning Area ("JPA") (see Exhibit A) in November of 1998; and

WHEREAS, the Committee, under the guidance of City and Town staff, held several public meetings to discuss the plan goals and contents and to gather citizen input and participation; and

WHEREAS, the Town Plan Commission and Board of Supervisors and the City Plan Commission also have held several public meetings to discuss the plan goals and contents and to gather citizen input, and have now all recommended approval of the Comprehensive Plan dated May 30, 2000; and

WHEREAS, the Committee held public hearings regarding adoption of the Comprehensive Plan dated May 30, 2000, on January 26 and June 14, 2000, pursuant to Wis. Stats. § 62.23(7a); and

WHEREAS, the Committee found that the Comprehensive Plan meets all of the requirements for a master plan as defined by Wis. Stats. §§ 62.23(3) and 62.23(7a), including the text and accompanying maps; and

WHEREAS, the Committee recommended adoption of this Ordinance and of the Middleton/Westport Joint Planning Area Comprehensive Plan dated May 30, 2000 by the Common Council; and


WHEREAS, the Common Council held a public hearing regarding adoption of the Comprehensive Plan dated May 30, 2000, on August 15, 2000.

NOW, THEREFORE, the Common Council of the City of Middleton do hereby ordain as follows:

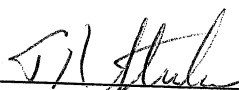
1. The Comprehensive Plan for the Middleton/Westport Joint Planning Area dated May 30, 2000, a copy of which is attached hereto as Exhibit B, is hereby approved and adopted for use in the JPA for the general purpose of guiding and accomplishing the coordinated, adjusted and harmonious development of the JPA, as shown on Exhibit A attached hereto which, in accordance with existing and future needs, best promotes public health, safety, morals, order, convenience, prosperity or general welfare, as well as efficiency in the process of development.

The above and foregoing ordinance is duly adopted by the Middleton Common Council at a regular meeting held on the 17 day of October, 2000.

APPROVED:

By: 
Dan A. Ramsey, Mayor

ATTEST:


Timothy R. Studer, Clerk

VOTE:

Ayes: 7

Noes: 0

Adopted: 10/17/00

Published: 10/26/00 (Without Exhibit B, which is available for inspection and copying at the City Hall)

**CITY OF MIDDLETON
DANE COUNTY, WISCONSIN**

**AN ORDINANCE TO ESTABLISH ZONING CLASSIFICATIONS IN THE
CITY OF MIDDLETON/TOWN OF WESTPORT JOINT PLANNING AREA**

WHEREAS, the City of Middleton (the "City") and the Town of Westport (the "Town") have designated certain territory in the City and the Town as a Joint Planning Area (the "JPA"), and have created a Joint Zoning Committee (the "JZC"), pursuant to an Intergovernmental Cooperation Agreement Between the City of Middleton and the Town of Westport (the "Agreement"); and

WHEREAS, the City has exercised its extraterritorial zoning authority over the JPA lands within the Town; and

WHEREAS, the JZC is charged with the duty to develop a comprehensive zoning plan for the entire JPA to provide for the orderly and efficient development of the lands in the JPA; and

WHEREAS, the purpose of a comprehensive zoning plan for the JPA is to ensure its orderly and efficient development; and

WHEREAS, a comprehensive plan for the orderly development of the JPA is legitimately in the public interest, substantially advancing and promoting the health, safety and general welfare of the community by, among other things, furthering the future layout and use of land and facilitating adequate and efficient provision of public services in the area; and

WHEREAS, the JZC has reviewed the zoning classifications for the JPA properties as prescribed by this Ordinance, held the public hearing as required by City ordinances and sections 62.23(7) and 62.23(7a), Wis. Stats., and recommended adoption of such classifications after such hearing; and

WHEREAS, a public hearing on these classifications was held by the JZC on September 19, 2000, and was preceded by publication of a class 2 notice, under ch. 985; and

WHEREAS, the JZC, after such hearing, provided the City Council with its recommendation and report to approve the classifications contained in this Ordinance; and

WHEREAS, the City Council also conducted a public hearing on these classifications on September 19, 2000, which was preceded by publication of a class 2 notice, under ch. 985; and

WHEREAS, the City Plan Commission has reviewed these classifications and provided the City Council with its recommendation and report to approve these classifications; and

WHEREAS, the City Council concurs with such recommendations by the City Plan Commission and JZC, and finds that all requirements of Wis. Stats. §§ 62.23(7) and 62.23(7a) and by agreement have now been met to place such classifications on the JPA property.

NOW, THEREFORE, pursuant to the authority granted to the City under Wis. Stats. §§ 62.23 and 66.30, and pursuant to the Common Council's authority to protect the health, safety and general welfare of the City, and in order to accomplish the purposes set forth above, the Common Council of the City of Middleton, Dane County, Wisconsin, does hereby ordain as follows:

1. *Lands Affected.* The lands affected by this ordinance are those shown as the Joint Planning Area on Exhibit A attached hereto and incorporated herein by reference.

2. *Zoning Classifications.* The following property is hereby zoned, and the City's zoning map and official map are hereby amended, as follows:

The property shown with the single diagonal lines in the Joint Planning Area at Exhibit A is hereby zoned under Chapter 10, Middleton General Ordinances ("MGO"), as presented and approved at the September 19, 2000 public hearing referred to above, using the "County" zoning classifications contained in Section 10.96(7), MGO. In the Town of Westport, this property is zoned the corresponding zoning classification in Section 10.96(7), MGO, as the property was zoned under the Dane County Code on October 17, 2000.

3. *Staff Duties.* The Director of Planning and Zoning shall prepare or have prepared at her direction a map of the Joint Planning Area showing the various parcels and their zoning classifications consistent with this Ordinance.

4. *Effective Date.* This Ordinance shall become effective upon passage and publication as provided by law.

5. *Severability.* If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

The above and foregoing Ordinance was duly adopted by the Middleton Common Council at a regular meeting held on the 17 day of October, 2000.

APPROVED:

By: 
Dan A. Ramsey, Mayor

ATTEST:


Timothy R. Studer, Clerk

VOTE:

Ayes: 7

Noes: 0

Abstain:

Adopted: 10/17/00

Published: 10/26/00

CITY OF MIDDLETON
ORDINANCE

AMENDMENT TO CITY OF MIDDLETON
EXTRATERRITORIAL ZONING JURISDICTION BOUNDARY

RECITALS

- A. The City of Middleton (the "City"), working in conjunction with the Town of Westport (the "Town"), has adopted zoning regulations applicable to the City's extraterritorial area pursuant to Sec. 62.23(7a), Wis. Stats.
- B. Section 10.96, Code of Ordinances, City of Middleton, Wisconsin (the "City Code") identify certain zoning regulations applicable to the City's extraterritorial area.
- C. Pursuant to Section 10.96(3), City Code, and Sec. 62.23(7a)(f), Wis. Stats., the City and the Town wish to amend a portion of the boundaries of the City's extraterritorial area, thereby amending the boundaries of the City's extraterritorial zoning jurisdiction.
- D. The proposed new boundary map is on file with the City Clerk. Also on file with the City Clerk is a map showing the boundary amendments proposed by this Ordinance.
- E. As required by Section 10.96(3)(d), City Code, and Sec. 62.23(7a), Wis. Stats., the Middleton/Westport Joint Zoning Committee held a public hearing on this Ordinance on May 26, 2010, which public hearing was preceded by publication of a Class 2 notice under Chapter 985, Wis. Stats.
- F. The Middleton/Westport Joint Zoning Committee has reviewed this Ordinance and has recommended that the City Council adopt this Ordinance.
- G. As required by Sec. 10.96(3)(d), City Code, and Sec. 62.23(7a), Wis. Stats., the City Council held a public hearing on this Ordinance on June 15, 2010, which public hearing was preceded by publication of a Class 2 notice under Chapter 985, Wis. Stats.
- H. The City Council has determined that it is in the public interest to adopt this Ordinance amending a portion of the boundaries of the City's extraterritorial zoning area.

NOW THEREFORE, the City Council of the City of Middleton, Dane County Wisconsin, do ordain that:

- 1. The map titled "Middleton-Westport ETZ District Land Use Plan dated April 30, 2010", on file with the City Clerk and attached hereto as Exhibit A, is hereby adopted and shall identify the boundaries of the City's extraterritorial zoning area referred to as the Joint Planning Area at Sections 10.96(1) and (3), City Code.

2. The City's Official Zoning Map shall be amended to incorporate the map referenced in paragraph 1 of this Ordinance and this map shall be incorporated in the Comprehensive Plan for the Middleton/Westport Joint Planning Area as the Land Use Plan map, replacing the currently used map.
3. The property shown at Exhibit A hereto as the "Proposed Addition to ETZ" with single diagonal lines is hereby zoned under Chapter 10, City Code, as presented and approved at the June 15, 2010 public hearing referred to above using the "County" classifications covered in Section 10.96, City Code. In the Town, this property is zoned the corresponding zoning classifications in Section 10.96, City Code, as the property was zoned under the Dane County Code on June 15, 2010.
4. The City Planner shall prepare or have prepared at her direction a map of the Proposed Addition to the ETZ Area showing the various parcels and their zoning classifications consistent with this Ordinance.
5. This Ordinance shall become effective upon passage and publication as provided by law.
6. All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby repealed and shall have no further legal force or effect for the duration of this Ordinance.
7. If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

The foregoing ordinance was duly adopted by the City Council of the City of Middleton at a meeting held on 15 day of June, 2010.

APPROVED:

By: Kurt J. Sonnentag
Kurt Sonnentag, Mayor

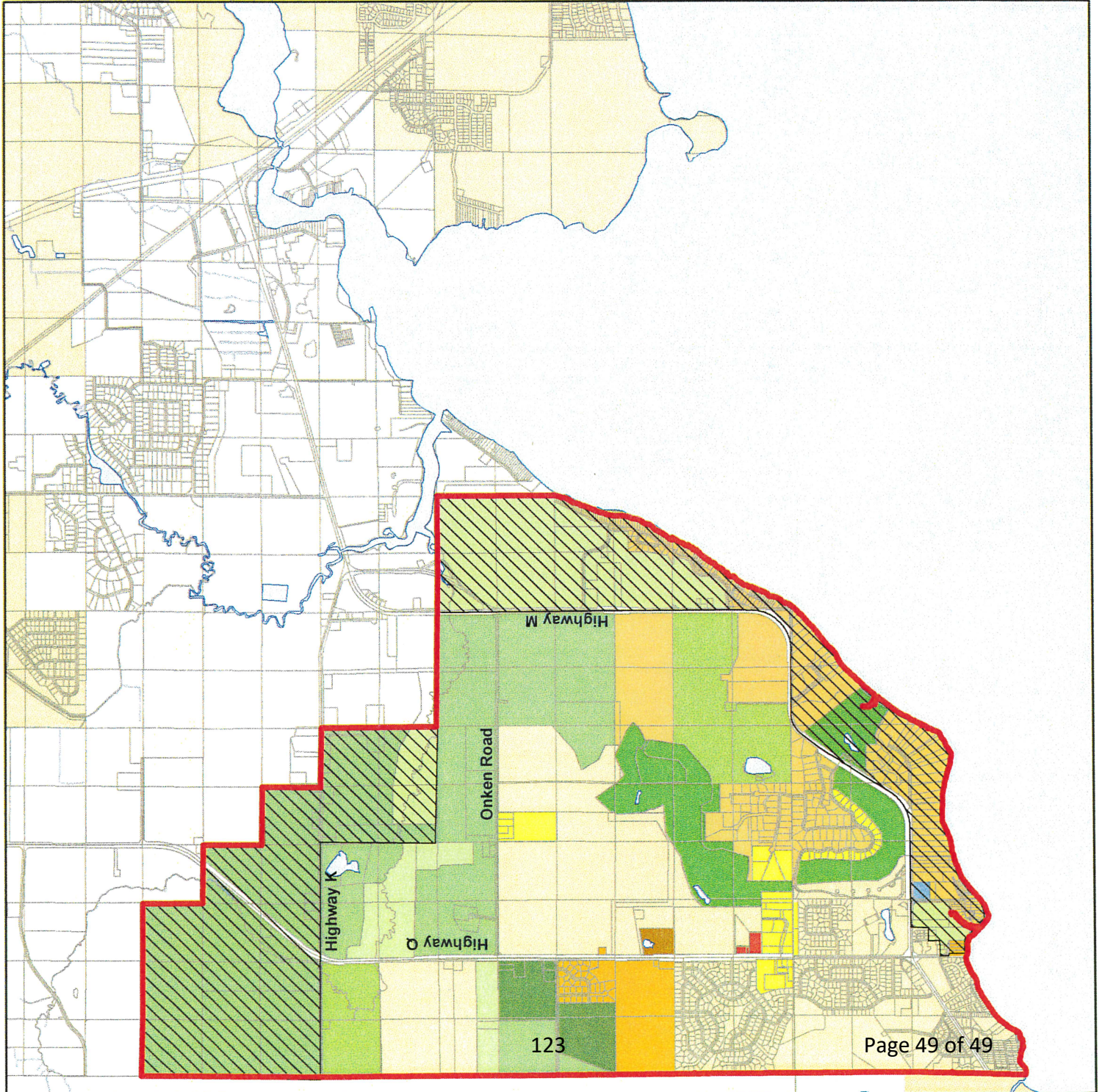
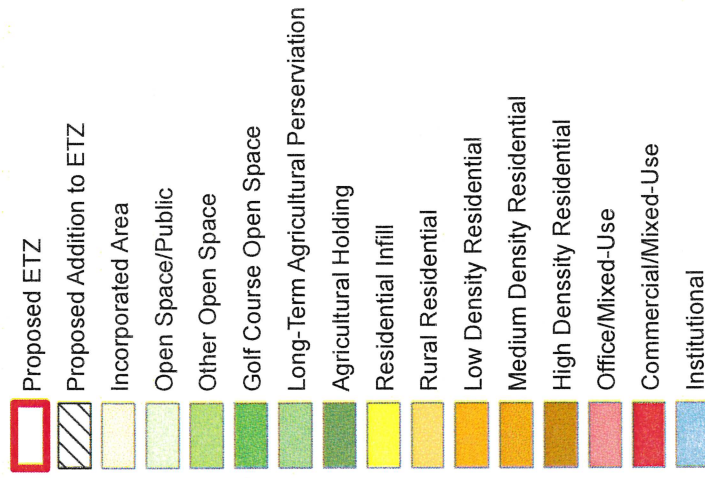
Attest: Mike Davis 7/27/11
Mike Davis, City Administrator

Approved: 8-15-10

Published: 8-4-11

Middleton-Westport ETZ District Land Use Plan

April 30, 2010





DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

CITY OF MIDDLETON
7426 HUBBARD AVENUE
MIDDLETON, WI 53562-3118

PH 608.821.8394 FAX 608.827.1080
E-MAIL: mopitz@cityofmiddleton.us
WEB: www.cityofmiddleton.us

Date: October 3, 2024

To: Plan Commission

From: Mark Opitz, City Planner & Zoning Administrator

Re: **Treatment of Building Height in Zoning Ordinance**

At the September 24 PC meeting, commissioners requested that staff prepare one definition of building height in relation to the front of the structure / front lot line (as was found in the former ordinance) and the other based on Section 28.134 of Madison's ordinance.

1. Middleton ordinance until February 2024: A distance to be measured from the mean ground eave immediately adjoining the front of the structure to the top of the cornice of a flat roof, or to the deck line of a mansard roof, or to a point on the roof directly above the highest wall of a shed roof, or to the uppermost point on a round or other arch type roof, or to the midpoint of the highest gable on a pitched or hip roof.

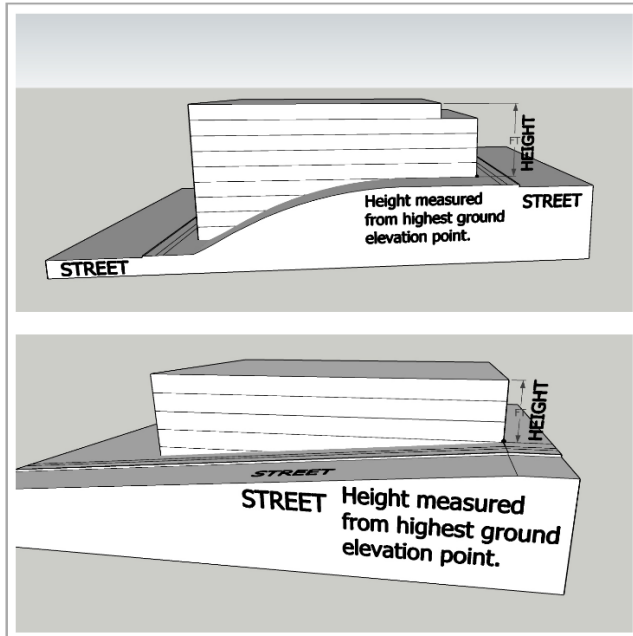
2. Madison ordinance:

For **accessory buildings and structures**, height is measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. The average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.

For **principal buildings and structures**, height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.

For **new buildings, alterations, additions, or replacement of existing buildings**, height shall be measured from the natural grade prior to redevelopment. Natural grade shall be determined by reference to a survey or other information as determined by the Zoning Administrator.

Height in the DC (Downtown Core), UOR (Urban Office Residential), UMX (Urban Mixed Use), DR1 (Downtown Residential 1) and DR2 (Downtown Residential 2) districts shall be measured from the highest ground elevation point at the building base adjacent to any street facing facade to the highest point on the roof of the building or structure, including all parapets. In these districts accessible roofs, including the minimum structure necessary to provide access, shall not be counted as a story.



3. My previous recommendation:

Building height: The vertical distance as measured from the average elevation between the established grade of the four major corners where the structure is to be located to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for a gable, hip and gambrel roof; or (d) a point on the roof directly above the highest wall of a shed roof. For a structure that steps down a slope, the four major corners of each step of the main structure can be used. If the measurements used for building height are questioned by City staff, the Plan Commission will review and make a determination.

4. This is the Established Grade definition I have proposed adding:

Established grade: The elevation established for the purpose of measuring the height of buildings. Grade shall be the average level of the natural surface of the ground adjacent to a building exclusive of any filling, berming, mounding, or excavating. Where the finished grade is below the level of the established grade, the established grade shall be used for all purposes of this Ordinance.