

Middleton Westport Joint Zoning Committee Agenda

Thursday November 16, 2017 5:30 PM
To be Held in Council Chambers at City Hall
7426 Hubbard Avenue, Middleton WI, 53562

Posted on the City's web site at <http://sire.cityofmiddleton.us>

Roll Call

Public Hearing

- 1.) 6:00 pm - Request for Rezoning from Agricultural to Planned Development District (PDD) - General Implementation Plan (GIP) at 5821 Oncken Rd. - Bob Davis/Inspire Nature Center Preschool

Approval of Minutes. Staff memo for this meeting (11/16/17) is attached.

- 1.) Approve Minutes of 9/28/17

Agenda Items

- 1.) Pre-Annexation Agreement - Redtail Ackers/BillRanguette (St. Somewhere, Inc.), 4821 CTH Q (PC 2528, Annex 221), Discussion/Recommendation
- 2.) Proposed General Implementation Plan (GIP) Amendment, The Community of Bishops Bay, The Back Nine Neighborhood, Increased Density (Amending Map #3) (PC 2189), Discussion/Recommendation
- 3.) Request for Rezoning of Property from Agricultural to Planned Development District (PDD) - General Implementation Plan (GIP) at 5821 Oncken Rd. - Bob Davis/Inspire Nature Center Preschool (PC 2532), Discussion/Recommendation

Adjournment

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.

POSTED: 11/8/2017 4:08 PM



OFFICE OF PLANNING & ZONING ADMINISTRATION

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

PH 608.821.8370 FAX 608.827.1080
E-MAIL: ekelley@ci.middleton.wi.us
WEB: www.cityofmiddleton.us

TO: Middleton/Westport Joint Zoning Committee members

FROM: Eileen M. Kelley, AICP, City Planning Director

RE: Meeting Agenda Items for November 16, 2017

DATE: November 8, 2017

Pre-Annexation Agreement – Redtail Ackers/Bill Ranguette (St. Somewhere, Inc.), 4821 CTH Q

This pre-annexation agreement was recommended to the Common Council for approval by the Plan Commission at their 10-24-17 meeting. It is on the Joint Committee agenda for discussion and a recommendation or comments to the Council. Items included in the electronic agenda packet are the pre-annexation agreement, including the proposed concept plan, and the minutes of the Middleton Plan Commission meetings where action was taken on the concept plan and the agreement.

Proposed General Implementation Plan (GIP) Amendment, The Community of Bishops Bay, The Back Nine Neighborhood, Increased Density (Amending Map #3)

The Middleton Plan Commission will be holding a public hearing on this proposed amendment on 11-14-17. The purpose of the amendment is as stated in the enclosed public hearing notice, to amend the boundary of the Back Nine neighborhood to include approximately 7 acres of parkland that has been dedicated as part of the platting for the Back Nine neighborhood. If approved this would allow 9 additional units in the neighborhood, and the overall density would be reduced from 4.2 units per acre to 3.9 units per acre. City staff is recommending to the Plan Commission that the hearing be held and that action on the proposed amendment be deferred until a plan (currently being revised by the applicant), is submitted, so that a recommendation can be made that is related to a specific plan.

Request for Rezoning of Property from Agricultural to Planned Development District (PDD) – General Implementation Plan (GIP) at 5821 Oncken Rd. – Bob Davis/Inspire Nature Center Preschool Discussion/Recommendation

The Joint Committee will be holding a public hearing on this request at the meeting on 11-16-17. Following the hearing a recommendation could be made to the Common Council (which will hold a public hearing on 12-5-17) and the Town.

MINUTES
MIDDLETON/WESTPORT JOINT ZONING COMMITTEE
THURSDAY SEPTEMBER 28, 2017 6:00 pm

PRESENT: Dean Grosskopf and Cyndi Kennedy, Town of Westport; Dennis, Dorn, Leif Hubbard and Kurt Paulsen, City of Middleton

ABSENT: Ken Sipsma, Town of Westport

ALSO PRESENT: Eileen Kelley, Tom Wilson

1. Call to Order

Chair Dorn called the meeting to order at 6:00 p.m.

2. Approve Minutes of 7/24/17

Moved by Hubbard, seconded by Paulsen, to approve the minutes of 7/24/17. Motion carried 5-0.

3. Concept Review – Redtail Ackers/Bill Ranguette (St. Somewhere, Inc.), 4821 CTH Q (PC 2528)

Committee members discussed this proposed project. Issues to be addressed include stormwater and access. The adjacent Northlake neighborhood has indicated their concerns of density, street access, and stormwater. Grosskopf indicated he would likely have concerns if it was going to be developed in the Town but his concerns are moot if it develops in the City. Paulsen asked that the concept plan show how adjacent vacant properties could potentially be developed in the future. No action was taken.

4. Concept Review - Notre Dame Village at The Back Nine, The Community of Bishops Bay (PC 2508)

Grosskopf stated that the City and Town have spent years working with the developer on getting this project just the way the developer proposed it, and he asked why we are now backtracking. Paulsen suggested that the applicant work with Town and City staff to address concerns expressed by staff, Plan Commission and Joint Committee members. No action was taken.

5. Initial Consultation, Rezone and Conditional Use Permit (CUP) for Guest Rooms/Bed and Breakfast, Lottig and Lambrecht, 4906 and 4914 Wakanda Dr. (Middleton ETZ)

Tom Wilson explained the request, which is to allow the renting of guest rooms within a single family home. No action was taken.

6. Initial Consultation, Rezone for Preschool/Learning Center, Davis/Inspire Nature Center Preschool, Oncken Rd. at CTH M (Middleton ETZ)

Following a brief explanation of the proposed use by staff, Committee members discussed this proposal, for a preschool on the 40 acres at the southwest corner of Oncken and CTH M. Grosskopf said he thinks this is a good use for this location. Hubbard said he feels this is headed in the right direction. No action was taken.

7. **Final Plat, The Community of Bishops Bay, Phase 5 (53 acres, 86 single family lots), The Prairie and The Farm, Bishops Bay Farm and Prairie, LLC, West of CTH M across from Governor Nelson State Park and North of Dane County Parks/Holy Wisdom Prairie Lands, Discussion/Recommendation (Middleton ETZ) – (PC 2494)**

Following discussion, moved by Paulsen, seconded by Hubbard, to recommend approval of the final plat subject to all previous conditions. Motion carried 5-0.

8. **Adjourn**

Moved by Paulsen, seconded by Hubbard, to adjourn. Motion carried 5-0, and the meeting adjourned at 7:18 p.m.

EILEEN KELLEY

**PREANNEXATION AGREEMENT BETWEEN
ST. SOMEWHERE, INC.
AND THE CITY OF MIDDLETON, WISCONSIN**

This Agreement is made and entered into as of this ____ day of _____, 2017, by and between the City of Middleton, a Wisconsin municipal corporation (hereinafter "City") by and through its Mayor, and St. Somewhere, Inc. (hereinafter "Developer"), its successors and assigns.

WITNESSETH:

WHEREAS, Developer has an accepted offer to purchase certain property known as Lot 1 as described in the Certified Survey Map #13918, Document #5133990 and as legally described on Exhibit A attached hereto and made a part hereof (the "Property"); and

WHEREAS, Developer's obligation to close on the offer to purchase is conditioned, in part, upon the Property being annexed into the City of Middleton; and

WHEREAS, Developer desires to develop the Property into a single-family residential development known as "Redtail Ackers" in accordance with the approved concept plan described on Exhibit C attached hereto and made a part hereof (the "Concept Plan"); and

WHEREAS, the annexation and development of the Property shall be beneficial to the City in that such development will increase the tax base of property within the City, extend the corporation limits and jurisdiction of the City, permit the sound planning and development of the Property within and under the control of the City and otherwise promote the general welfare of the City; and

WHEREAS, the City and Developer desire that the Property be annexed into the City and be developed and improved in a manner which complies with the Concept Plan, the City's Zoning Ordinance and all other City Ordinances, laws and regulations.

NOW, THEREFORE, for and in consideration of the premises and mutual covenants and agreements hereinafter set forth, the parties with intent to be bound, do hereby agree as follows:

1. **Annexation.** Subject to the terms and conditions of this Agreement, upon the timely filing of a Petition for Direct Annexation, the City agrees to annex the Property and do all things necessary or appropriate to carry out the terms of this Agreement, including the timely enactment of such resolutions and ordinances and the taking of such other action as may be necessary or desirable to enable the City and Developer to comply with the terms hereof. Developer and the City agree to support the Annexation Petition filed by Developer throughout the annexation process and any subsequent judicial action challenging the validity of the annexation. The City shall assume primary responsibility for the defense against any such challenge to the annexation, and for the costs of such defense. The Petition for Direct Annexation shall be substantially in the form as included in Exhibit B.

2. **Zoning.** The City, at the same time it adopts the annexation ordinance for the Property pursuant to Section 1 of this Agreement, shall duly enact an ordinance zoning the Property as R1 and consistent with the Concept Plan.

3. **Preliminary Plat.** Developer's filing of the Annexation Petition shall be conditioned upon the approval of a preliminary plat consistent with the Concept Plan. The City shall support and shall work with the Developer to secure such preliminary plat approval from Dane County.



4. **Public Improvements.** Developer's filing of the Annexation Petition shall be condition upon the agreement from Dane County, as may be required, to provide road access from the Property directly to County Highway Q, as described as "Reserved for Future Road Dedication" on CSM 13918. The City shall support and work with the Developer to secure such access from Dane County. Once such access is secured and the Common Council approves the annexation, the City shall enter into a subdivision improvements agreement with Developer to establish the terms under which such public improvements shall be made to serve the Property.

5. **Urban Service Area.** The Property is already within the Urban Service Area. The City shall use its best efforts to ensure the Property is properly connected to all municipal services.

6. **Role of Concept Plan.** Developer and the City acknowledge that the Concept Plan will be refined and amended from time to time with each other's mutual consent. Each party agrees to consider in good faith any revisions to the Concept Plan proposed by the other.

7. **Ordinances to Apply.** All City Ordinances shall apply to the Property. The City reserves the right to amend its Zoning Ordinance, Land Division Ordinance, Building Code and all other ordinances, and adopt new ordinances affecting the development of the Property at any time as may be reasonably necessary for the protection of the public health, welfare and safety, by general ordinance amendments applicable to the development of all property in the City, but no such ordinance shall be discriminatory in its effect upon the development of the Property.

8. **Binding Effect.** This Agreement shall bind the successors and assigns of Developer and the City and be enforceable by court order pursuant to the provisions of the statutes made and provided. Nothing herein shall in any way prevent alienation or sale of the Property or any portion thereof except that said sale shall be subject to the provisions hereof and of the Zoning Ordinance of the City and the Owners shall be both benefited and bound by the conditions and restrictions herein and therein expressed. Furthermore, nothing in this Agreement shall affect or change any other agreement entered into between the City and Owner.

9. **Separability.** It is understood that in the event any provisions of this Agreement shall be deemed invalid, then the invalidity of said provision shall not affect the validity of any other provisions hereof.

10. **Authority.** The undersigned signatories to this Agreement represent that each has full power and authority to act on behalf of the City and Developer, respectively, and that all necessary and enabling resolutions have been enacted.

12. **Effective Date.** This Agreement shall be effective commencing on the date the annexation ordinance referenced in paragraph 1 hereof becomes effective by its terms.

11. **Assignment by Developer.** Without further consent of the City, Developer may assign all rights and responsibilities under this Agreement to a newly formed entity, under essentially the same control and management as Developer, in order to allow Developer to include additional investors or business partners not yet established as of the execution of this Agreement.

12. **Non-Discrimination.** In the performance of work or provision of services under this Agreement, the City and Developer agree not to unlawfully discriminate against any employee or applicant for employment because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs or student status.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by individuals and officers duly authorized on the dates noted below.

THE CITY OF MIDDLETON, WISCONSIN

By: _____
Gurdip Brar, Mayor

Date: _____

By: _____
Melissa Bohse, Clerk-Treasurer

Date: _____

COUNTERSIGNED:

Bill Burns, Finance Director

Date: _____

APPROVED AS TO FORM:

, City Attorney

Date: _____

ST. SOMEWHERE, INC

By: _____
William Ranguette, President

EXHIBIT A

CSM 13918 and Legal Description of Property

LOT 1 CSM 13918 CS92/273&278-3/9/2015 F/K/A LOTS 1, 2 & 3 CSM 5869 CS27/336-338 R12929/40-6/12/89 DESCR AS SEC 31-8-9 PRT SE1/4SW1/4 (6.35 ACRES)



CERTIFIED SURVEY MAP

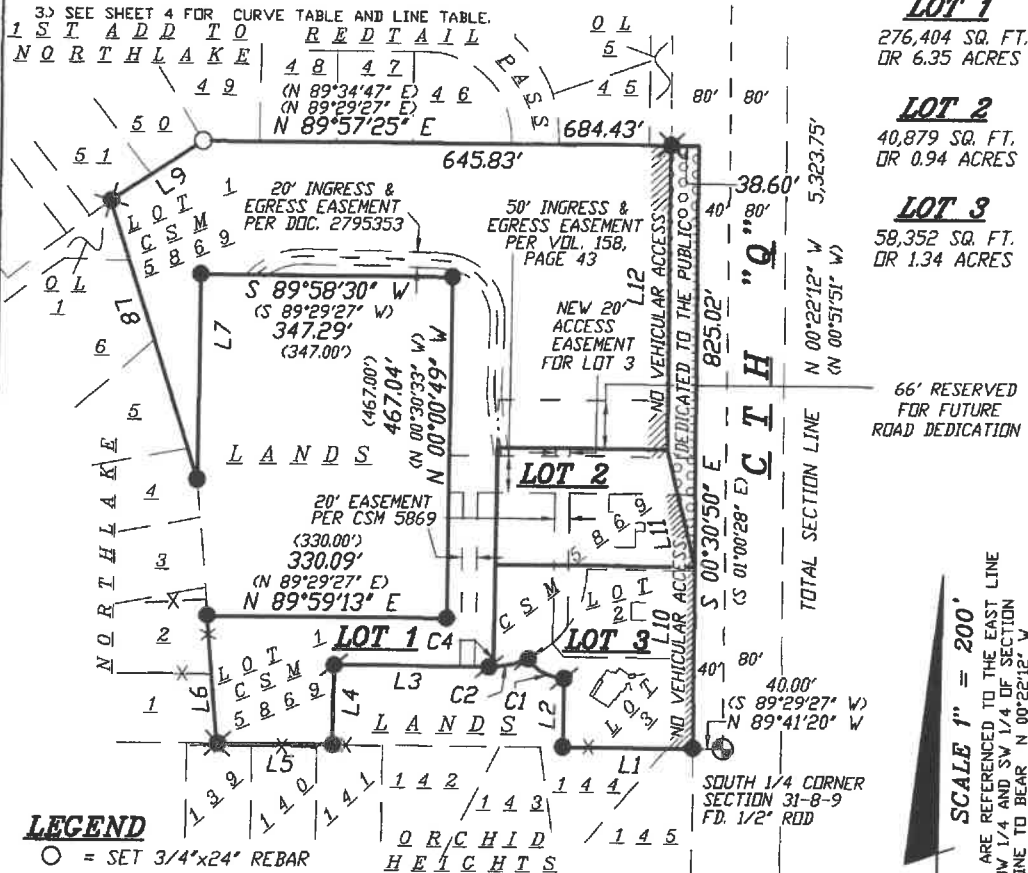
WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE & CHRIS W. ADAMS, REGISTERED LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 SECTION 31, T8N, R9E, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN. INCLUDING LOTS 1, 2, AND 3 C.S.M. No. 5869

NOTES:

- 1.) SEE SHEET 2 FOR NOTES AND LOT 1, 2, AND 3 DETAIL.
- 2.) SEE SHEET 3 FOR NEW INGRESS & EGRESS EASEMENT FOR FIRE DEPARTMENT AND EMERGENCY VEHICLES.
- 3.) SEE SHEET 4 FOR CURVE TABLE AND LINE TABLE.



LEGEND

- = SET 3/4"x24" REBAR WT 1.5 LB PER LIN FT
- = FOUND 1 1/4" PIPE
- = FOUND 1" PIPE
- ⊗ = FOUND 1 1/4" REBAR
- ⊗ = FOUND DANE COUNTY SECTION CORNER
- < ## > = RECORDED AS
- ⊞ = DEDICATED TO THE PUBLIC

SCALE 1" = 200'



DOCUMENT NO. 5133990

CERTIFIED SURVEY MAP NO. 13918

Sheet 1 of 6

NORTH 1/4 CORNER
SECTION 31-8-9
FD. BRASS MONUMENT

LOT 1

276,404 SQ. FT.
OR 6.35 ACRES

LOT 2

40,879 SQ. FT.
OR 0.94 ACRES

LOT 3

58,352 SQ. FT.
OR 1.34 ACRES

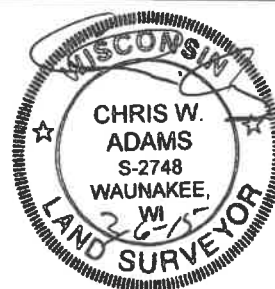
66' RESERVED
FOR FUTURE
ROAD DEDICATION

SCALE 1" = 200'
BEARINGS ARE REFERENCED TO THE EAST LINE
OF THE NW 1/4 AND SW 1/4 OF SECTION
31-8-9 LINE TO BEAR N 00°22'12" W

PREPARED FOR:

NANCY ACKER-SKOLASKI
4821 CTH "Q"
WAUNAKEE, WI 53597

SURVEYORS SEAL



14W-392

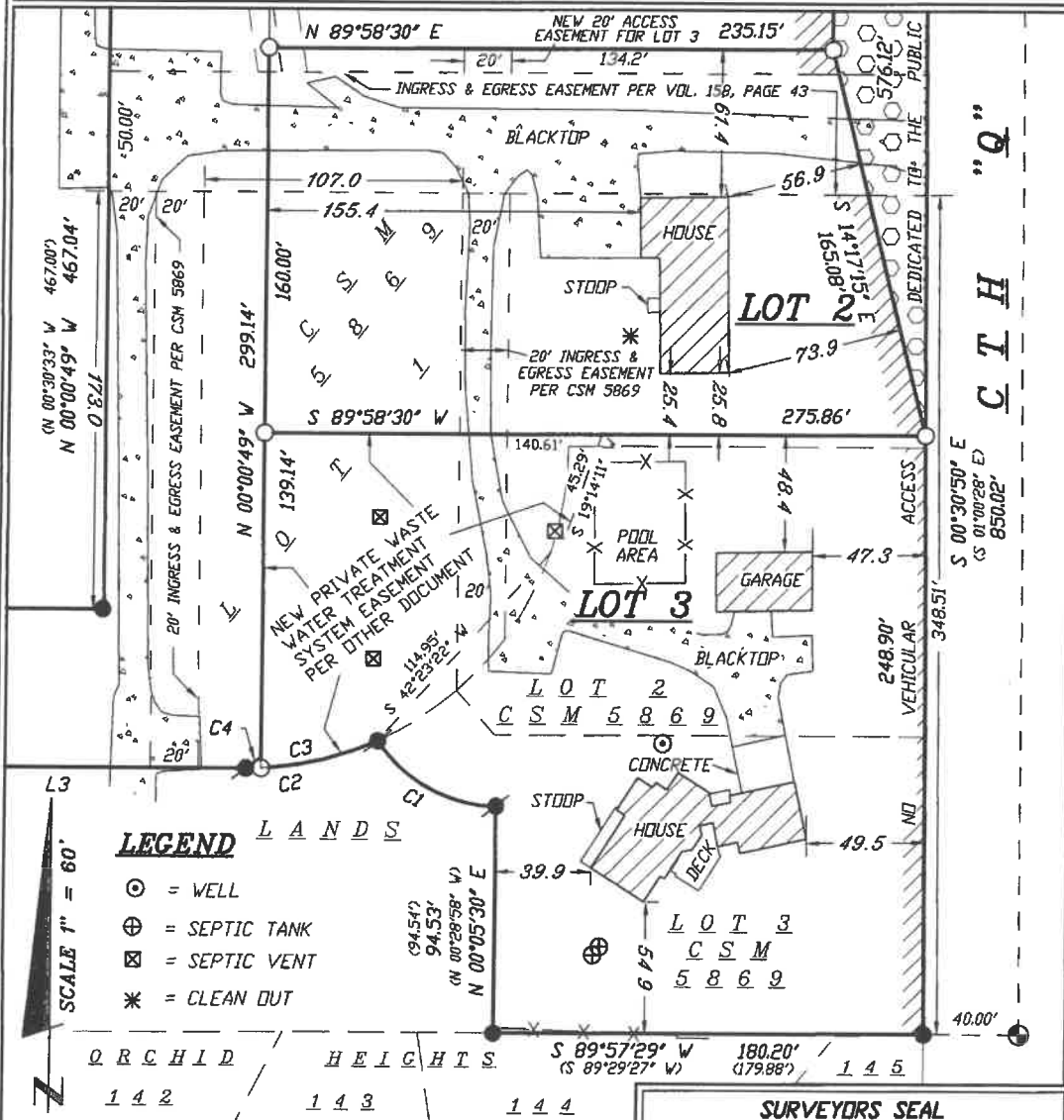


CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

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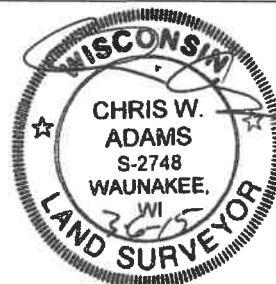
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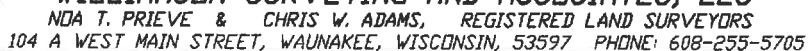


NOTES:

- 1.) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT FOR THE SUBJECT TRACT OR ADJOINERS AND IS THEREFORE SUBJECT TO ANY EASEMENTS, AGREEMENTS, RESTRICTIONS AND STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.
- 2.) WETLANDS AND FLOOD PLAIN, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.
- 3.) A RESTRICTION THAT BUILDINGS ON THE LOTS SHALL CONNECT TO MUNICIPAL WATER AND SEWER UTILITIES, AT THE OWNERS' EXPENSE AND WITHOUT CHALLENGE, SHOULD SUCH SERVICES BE EXTENDED TO THE PROPERTY BOUNDARIES OR WITH FUTURE DEVELOPMENT.

SURVEYORS SEAL





SCALE 1" = 60'

ORCHID HEIGHTS

LOT 2

LOT 3

NEW INGRESS & EGRESS EASEMENT FOR FIRE DEPARTMENT AND EMERGENCY VEHICLES

BLACKTOP

HOUSE

POOL AREA

GARAGE

HOUSE

DECK

LANDS

DEDICATED TO THE PUBLIC

VEHICULAR ACCESS

NO

CTH "Q"

LOT 3 C S M 5869

40.00'

5.00'

N 89°58'30" E 301.15'

S 14°17'15" E 46.43'

S 89°58'30" W 80.33'

S 00°49'00" E 42.36'

N 89°15'50" W 60.48'

S 02°46'47" E 101.31'

N 03°04'26" W 96.09'

S 89°58'30" W 142.82'

N 05°26'24" W 118.98'

S 38°57'08" E 48.03'

N 87°38'40" W 28.20'

S 14°09'13" W 36.59'

N 00°30'50" E (S 01°00'28" E) 850.02'

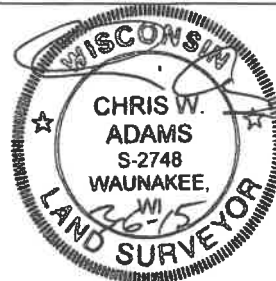
SCALE 1" = 60'

Q R C H I D

H E I G H T S

1 4 5

SURVEYORS SEAL





CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, REGISTERED LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 SECTION 31, T8N, R9E, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN. INCLUDING LOTS 1, 2, AND 3 C.S.M. No. 5869

SURVEYOR'S CERTIFICATE

I, Chris W. Adams, Registered Land Surveyor hereby certify that in full compliance with the provisions of Chapter 236.34 Wisconsin Statutes, the subdivision regulations of Dane County, and by the direction of the owners listed below, I have surveyed, divided, and mapped a correct representation of the exterior boundaries of the land surveyed and the division of that land, being part of the SE 1/4 of the SW 1/4 of Section 31, T8N, R9E also being Lots 1, 2 and 3, Certified Survey Map No. 5869, more particularly described as follows:

Commencing at the South 1/4 Corner of said Section 31; thence N 89°41'20" W, 40.00 feet to the point of beginning.

Thence continue S 89°57'29" W, 180.20 feet; thence N 00°05'30" E, 94.53 feet; thence along an arc of a curve concave northeasterly having a radius of 60.00 feet and a long chord bearing of N 61°45'40" W, 56.59 feet; thence along an arc of a curve concave northerly having a radius 133.00 feet and a long chord bearing of S 77°52'17" W, 55.64 feet; thence S 89°58'16" W, 213.64 feet; thence S 00°01'00" E, 109.74 feet; thence S 89°57'29" W, 160.26 feet; thence N 05°12'05" W, 176.50 feet; thence N 89°59'13" E, 330.09 feet; thence N 00°00'49" W, 467.04 feet; thence S 89°58'30" W, 347.29 feet; thence S 00°03'09" E, 281.08 feet; thence N 18°15'01" W, 399.96 feet; thence N 56°11'39" E, 150.00 feet; thence N 89°57'25" E, 684.43 feet to the West right of way of County Trunk Highway "Q", thence along said right of way line S 00°30'50" E, 825.02 feet to the point of beginning. This parcel contains 394,987 sq. ft. or 9.07 acres thereof.

Williamson Surveying and Associates, LLC
by Noa T. Prieve & Chris W. Adams

Date March 6, 2015

Chris W. Adams S-2748
Registered Land Surveyor

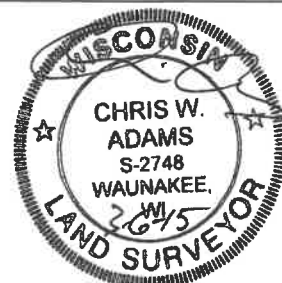
LINE TABLE

L#	BEARING	DIST.
L1	(S 89°29'27" W) S 89°57'29" W	(179.88') 180.20
L2	(N 00°28'58" W) N 00°05'30" E	(94.54') 94.53
L3	(S 89°29'27" W) S 89°58'16" W	(213.61') 213.64
L4	(S 00°30'33" E) S 00°01'00" E	(109.64') 109.74
L5	(S 89°29'27" W) S 89°57'29" W	(160.13') 160.26
L6	(N 05°32'05" W) (N 05°43'53" W) N 05°12'05" W	(176.37') 176.50
L7	(S 00°30'33" E) S 00°03'09" E	(281.00') 281.08
L8	(N 18°42'50" W) N 18°15'01" W	(400.00') 399.96
L9	(N 55°44'18" W) N 56°11'39" E	150.00
L10	(S 01°00'28" E) S 00°30'50" E	248.91'
L11	S 14°17'15" E	165.08'
L12	S 00°24'59" E	416.10'

CURVE TABLE

C#	L.C. BEARING	DIST.	RADIUS	ARC	DELTA
C1	(N 62°19'38" W) N 61°45'40" W	(56.65') 56.59	60.00	58.92	56°16'08"
C2	(S 77°24'38" W) S 77°52'17" W	(55.67') 55.64	133.00	56.05	24°08'47"
C3	S 76°31'35" W	49.52'	133.00	49.81'	21°27'23"
C4	S 88°35'59" W	6.24'	133.00	6.24'	02°41'24"

SURVEYORS SEAL





CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE & CHRIS W. ADAMS, REGISTERED LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 SECTION 31, T8N, R9E, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN. INCLUDING LOTS 1, 2, AND 3 C.S.M. No. 5869

OWNERS' CERTIFICATE:

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided, mapped, and dedicated as represented on the certified survey map. I also certify that this certified survey map is required by sec. 75.17(1)(a), Dane County Code of Ordinances, to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

WITNESS the hand seal of said owners this 5th day of March, 2015.

Stanley J. Skolaski

Nancy Acker-Skolaski

STATE OF WISCONSIN
DANE COUNTY

Personally came before me this 5th day of March, 2015 the above named Stanley J. Skolaski and Nancy Acker-Skolaski to me known to be the person who executed the foregoing instrument and acknowledge the same.

Dane County, Wisconsin.

My commission expires 4/30/16

Print Name

Notary Public

OWNERS' CERTIFICATE:

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided, mapped, and dedicated as represented on the certified survey map. I also certify that this certified survey map is required by sec. 75.17(1)(a), Dane County Code of Ordinances, to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

WITNESS the hand seal of said owners this 5th day of March, 2015.

Walter J. Acker Family Trust

Nancy Acker-Skolaski - trustee

STATE OF WISCONSIN
DANE COUNTY

Personally came before me this 5th day of March, 2015 the above named Nancy Acker-Skolaski to me known to be the person who executed the foregoing instrument and acknowledge the same.

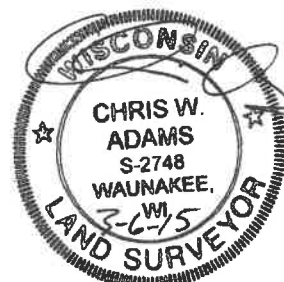
Dane County, Wisconsin.

My commission expires 4/30/16

Print Name

Notary Public

SURVEYORS SEAL





CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, REGISTERED LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

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TOWN BOARD RESOLUTION

Resolved that this certified survey map and the road right of way dedication is hereby approved and accepted by the Town of Westport on this 5th day of March, 2015.

Resolution 14-21

Thomas G. Wilson
Town Clerk

CITY OF MIDDLETON

Resolved that this certified survey map in the Town of Westport is hereby acknowledged and approved by the City of Middleton on this 5th day of March, 2015.

Eileen Kelley
City Zoning Administrator

Approved for recording per Dane County Zoning and Land Regulation Committee action on MARCH 9, 2015.

Daniel Everson #9688
Assistant Zoning Administrator

REGISTER OF DEEDS:

Received for recording this 9th day of March, 2015 at 1:17 o'clock P.M. and recorded in Volume 92 of Dane County Certified Surveys on pages 273 through 278.

Received 3/9/15 at 10:17am

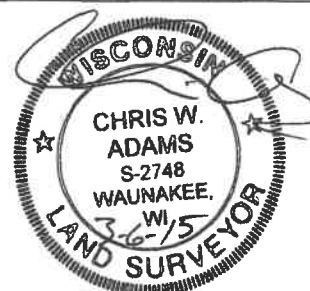
Kristi Chlebowski
Register of Deeds Deputy

DOCUMENT NO. 5133990

CERTIFIED SURVEY MAP NO. 13918

Sheet 6 of 6

SURVEYORS SEAL



14W-392

EXHIBIT B

Form of Petition for Direct Annexation

**PETITION FOR DIRECT ANNEXATION
BY UNANIMOUS APPROVAL**

To: Town Clerk
Town of Westport
Kennedy Administration Building
5387 Mary Lake Road
Waunakee, WI 53597

City of Middleton
Attn: City Clerk
7426 Hubbard Avenue
Middleton, WI 53562

The undersigned petitioner is the owner of all real property located in the territory described on the attached legal description. There are no electors residing in such territory. The population of the territory as defined in Section 66.0217(5)(a) of the Wisconsin Statutes is 0. A scale map of the territory is attached. The map shows the boundary of the territory and the relation of the territory to the Town of Westport and the City of Middleton.

Undersigned petitioners request R1 zoning for the territory.

Petitioners petition for direct annexation of the territory to the City of Middleton.

Dated effective _____, 2017.

PETITIONER:

ST. SOMEWHERE, INC.

By: _____
William Ranguette, President

LEGAL DESCRIPTION OF LANDS TO BE ANNEXED INTO THE

CITY OF MIDDLETON, WISCONSIN

LOT 1 CSM 13918 CS92/273&278-3/9/2015 F/K/A LOTS 1, 2 & 3 CSM 5869 CS27/336-338 R12929/40-6/12/89 DESCR AS SEC 31-8-9 PRT SE1/4SW1/4.

Containing 6.35 acres, more or less.

EXHIBIT C

Concept Plan

REDTAIL PASS

1st Addition to North Lake

LOT 50

LOT 49

LOT 48

LOT 47

LOT 46

LOT 45

OUTLOT 5

LOT 51

OUTLOT 1

LOT 1
CSM 13918
Storm Mgmt

Future

Orchids GreenHouse

Development Notes

Single Family Residences

7500 sf (minimum) Lots

Existing LOT 1 Area - 276,404 sf or 6.35 ac

Developed Residential Portion - approx. 5.1 acres

15 Single Family Units Proposed - Density = 2.4/acre (Lot 1)

Future

STREET ROW (Extension of REDTAIL PASS)

ROW Easement (existing)

LOT 2
CSM 13918

C O U N T Y R D ' Q '

proposed intersection at CTH Q per County/Municipality

proposed concept development

RESIDENTIAL @ NORTHLAKE - REDTAIL ACKERS
Town of Westport - Middleton, Wisconsin

Single Family / Q Revision

Staff Review / Revision
13SEP17

Moved by Hubbard, seconded by Zellers, to approve the request for increased building height as a minor SIP modification. Motion carried 7-0.

5. **Final Plat – The Community of Bishops Bay – Westport Lands; The Prairie and The Farm Neighborhoods, Phase 5 – (PC 2494)**

Opitz stated that the preliminary plat was approved by Plan Commission previously, and that the Town of Westport approved the final plat.

Moved by Dorn, seconded by Paulsen, to approve the final plat with all of the previous conditions of approval that were placed on the preliminary plat.

Paulsen inquired about the changes that were made since the last approval. Taylor Brengel, T. Wall Enterprises, stated that the changes made were to address the comments made by the Westport Plan Commission.

Motion carried 7-0.

6. **Concept Review – Redtail Ackers/Bill Ranguette (St. Somewhere, Inc.), 4821 CTH Q (PC 2528)**

Opitz stated that the previous proposal was for 9 single-family homes and 7 detached condominiums. The revised concept is now for all single-family lots that would comply with the minimum dimensional standards required in the City's R1 (single-family) zoning classification, assuming the property is annexed to the city. He noted that Planning staff and the city engineer have discussed the proposed connection of Redtail Pass to Highway Q with Dane County Highway & Transportation Division staff, who are amenable to having the street replace the existing driveway serving the lots to the south (as shown in CSM 13918, which was approved by the Dane County in 2015).

Musa Ayar, owner of Lot 2 which is directly adjacent to and south of the existing driveway, said he supports the street connection because he thinks it will improve safety in the vicinity of his garage.

Mayor Brar stated that at the previous meeting the traffic and stormwater were both raised as important considerations, as well as the lot sizes being proposed. Opitz noted that the contiguous lots to the north range from 11,000 – 18,000 square feet.

Dorn stated that during the comments period, there were concerns about the number of school buses that would be driving through the development. This project is currently in the Waunakee School District. Hubbard noted that the access to Q helps to alleviate the concerns about the number of buses driving through the neighborhood.

Paulsen asked if this could be referred to Water Resources to ensure the developer can comply with the stormwater requirements. Chris Cook stated that they will comply with all of the City's stormwater requirements. Opitz added that new development would not only be required to meet the City's stringent requirements, but there's a chance that it could even improve upon existing runoff conditions.

Moved by Hubbard, seconded by Dorn, to recommend concept approval for this project.

Mark Sullivan, District 8 Council representative, stated that the neighborhood's density, storm water and traffic concerns are legitimate. He said he considers this to be multi-family housing because in some places there would be two houses adjacent to a single Northlake lot, so he feels that the lots need to be increased in size. Sullivan added that the neighborhood association has spent countless dollars trying to correct the stormwater issues within the neighborhood. He asked that the developer go back to the drawing board to make the development less dense.

Zellers stated that there are areas throughout the City of Middleton where medium-sized residential lots abut large-sized residential lots. Paulsen stated that this is R-1 zoning, single-family detached housing. He questioned what type of zoning would accommodate the request for larger lots.

Opitz noted that, to provide a greater buffer with the side yards of existing residences, two of the side yard lots specify a 15' side setback rather than the 8' minimum that is required in R-1. He noted that the remaining Northlake residences have a setback of at least 30 feet.

Reed inquired about the code differences between a cul-de-sac and a dead end, and what the maximum length of a cul-de-sac can be by code. Staff pointed out that if this does not connect to Highway Q, the cul-de-sac length would be longer than what is allowed by code.

Motion carried 7-0.

7. Direction on Sidewalk at River Valley Bank, 8329 Murphy Dr. (PC 2413)

Attoun stated that the staff recommendation is for direction to the Council to add sidewalk along the south side of Murphy Drive adjacent to River Valley Bank.

Moved by Hubbard, seconded by Dorn, to recommend to the Common Council that sidewalk be installed at the expense of the property owner. Motion carried 7-0.

8. Concept Review - Notre Dame Village at The Back Nine, The Community of Bishops Bay (PC 2508)

Opitz stated that he handed out two emails, one from Norm Arendt from the Middleton Fire Department, and one from Joseph Doyle with Vierbicher, responding to the email from Arendt. The emails outline concerns related to access and water pressure.

Taylor Brengel, T. Wall Enterprises, noted that at the last Plan Commission meeting the developer proposed the revised concept for 9 lots. Brengel stated that since the last meeting, the developer has platted the entirety of the development, which shows that the overall density for the entire neighborhood is met with the platted development showing an overall density of 3.9 du/acre. The Master Development Plan (MDP) allowed 4.2 du/acre overall.

Brengel stated that this is a new lot type that would be called 'urban residential.' The smallest lots would be 7,000 square feet.

Zellers noted that there are 9 additional dwelling units than what would be allowed in the Back Nine. She asked how the units are being accounted for, and why they need to be allowed now rather than waiting until the development is completed so that we can be sure the overall density is met for the project.

MINUTES
MIDDLETON PLAN COMMISSION
TUESDAY OCTOBER 24, 2017 7:00 P.M.

PRESENT: Brar, Hubbard, Olson, Paulsen, Reed

ABSENT: Dorn, Zellers

ALSO PRESENT: Opitz, Attoun

Chair Brar called the meeting to order at 7:00 p.m.

1. Minutes of 10-10-17

Moved by Hubbard, seconded by Reed, to approve the minutes of 10-11-17. Motion carried 5-0.

2. Pre-Annexation Agreement – Redtail Ackers/Bill Ranguette (St. Somewhere, Inc.), 4821 CTH Q (PC 2528) (Annex 221)

Moved by Hubbard, seconded by Olson, to recommend approval to the Common Council contingent on approval by the Middleton/Westport Joint Zoning Committee. Motion carried 5-0.

3. Request for Rezoning from Highway Business (B-3) to Planned Development District – General Implementation Plan (PDD-GIP) - Treysta Mixed Use Development, including Middleton Market, 7622 Lisa Ln. (deferred from 10/10/17) (PC 2518)

Attoun reviewed the staff memo and asked the Plan Commission to primarily discuss three components of the staff report: staff's request to authorize proceeding with a shared parking analysis, staff's concern regarding the size and massing of the two buildings, and staff's concern that retail elevated above the sidewalk grade (4 feet in this case) has not proven successful in the market.

Commission members discussed the plan set dated 10/17/17. Paulsen stated that he is less concerned about the retail being elevated in this case because this is destination retail. Pharo stated that they don't see these retail spaces being used to accommodate shops and restaurants. They are "hybrid commercial" spaces. The food market would be elevated as well due to the high water table. Brar indicated that he would like to see data to support the concern about the retail being elevated.

Paulsen noted that this project includes developer-financed tax increment financing (TIF) assistance and that the developer is taking the risk on the retail leases.

Reed said that he finds the elevations to be confusing. He asked where the change in elevation on the retail storefronts is shown on the elevation drawings. The submittal was in black-and-white rather than color, making the renderings difficult to interpret. Reed asked for clarification on where the building is punctured through to the parking areas. Pharo replied that the "punctures" will be a 16 foot wide hallway. There will be a full elevated sidewalk at the market and commercial areas.

Reed asked the developer to recess the building in a number of places, which can make it appear to be broken up and help with the concern over building massing. He stated that the site plan does not

line up with the renderings. The plans appear to be construction drawings rather than planning documents. Pharo said she would like each building to have amenities, and she is concerned about not having buildings above the underground garages.

Reed also asked about building materials and requested that plans indicate where signage is intended to be placed. Pharo said she is intending to use longboard (or an equivalent type product) and corrugated metal to give the buildings a modern feel with metallic lighting. She said they plan to use LP Smartside because it is made in Wisconsin, performs well, and is durable. Her intent is to build a project that won't appear dated in ten years.

Paulsen said he considers this to be a transformative project for the area and City, so it is important to get the details right.

Reed said he was worried that the drawings are too finished, suggesting that there is less flexibility to discuss design alternations. Attoun said the GIP approval could specifically state that it doesn't include building architectural details.

Olson said she likes the idea of access through the building (recesses). Hubbard said he supports pursuing the shared parking study. Brar said he likes that 20% are family units and that Pharo is committed to exceeding landscaping requirements.

Pharo said she needs to have complete plans done to comply with HUD requirements. While she doesn't need to provide evidence of zoning approval, she wants assurance that the Plan Commission won't require significant alternations to the building plan. She asked that the Plan Commission make a recommendation on the rezoning request at the Nov. 14 meeting so that the Council can act by Nov. 21.

Moved by Paulsen, seconded by Hubbard, to authorize proceeding with the parking study. Motion carried 5-0.

There was consensus about the need for drawings providing more detail, particularly at the sidewalk level. Brar suggested that Reed meet with Pharo and her applicant.

4. **Agreement for Tax Increment Finance Districts #3 and #5 (TID #3 & #5) Redevelopment Services for 2018 - Vandewalle & Associates, Inc. (PC 1234i & PC 2211)**

Moved by Olson, seconded by Hubbard, to recommend approval to the Common Council. Motion carried 5-0.

5. **Task Order 17-02 to Engineering Services Agreement dated 12/1/15 with Strand Associates, Inc. for Market Street Parking Lot (\$25,000) (PC 2516)**

Attoun said that budget and project have been approved. Moved by Hubbard, seconded by Paulsen, to recommend approval to the Common Council. Motion carried 5-0.

6. **Pleasant View Rd. Reconstruction – Preliminary Design Issues (15-106)**

Opitz reviewed the design concepts that were discussed at the Oct. 23 Public Works Committee meeting, noting that the draft meeting minutes list adopted motions pertaining to the widths of bike

NOTICE OF PUBLIC HEARING

REQUEST FOR AMENDMENT of GENERAL IMPLEMENTATION PLAN

To Whom It May Concern:

At a meeting of the Middleton Plan Commission to be held on **Tuesday, November 14, 2017 at 7:05 pm**, at Middleton City Hall, 7426 Hubbard Ave., Middleton, the following matter will be heard:

An application by **The Community of Bishops Bay, LLC** requesting an amendment to the Community of Bishops Bay General Implementation Plan (GIP) for property legally described as follows (which is the Back Nine Neighborhood):

Lots 1 and 2, Certified Survey Map No. 5690, recorded in Volume 26 Of Certified Surveys, pages 249-250 as Document No. 2115682, part of Lot 2, Certified Survey Map No. 2833, recorded In Volume 11 of Certified Surveys, pages 173 - 175 as Document No. 1573531 and other lands, all being located in part of the SW 1/4, NW 1/4 and NE 1/4 of the SE 1/4 and also part of the SW 1/4 and SE 1/4 of the NE 1/4 of Section 31, Township 8 North, Range 9 East, in the City Of Middleton, Dane County, Wisconsin, described as follows:

Commencing at the South Quarter Corner of said Section 31; thence N 00°22'14" W, 1442.72 feet along the West line of the said SE 1/4; thence N 89°34'57" E, 77.86 feet to the intersection with the Easterly right-of-way of County Trunk Highway "Q", being the southwest corner of Lot 1, Dane County Certified Survey Map No. 13142 and the Point of Beginning; thence N 89°34'57" E, 270.01 feet along the south line of said Lot 1; thence N 32°51'37" E, 435.18 feet along an easterly side of said Lot 1; thence N 09°40'55" E, 571.29 feet along an easterly side of said Lot 1; thence N 02°47'04" W, 200.73 feet along an easterly side of said Lot 1; thence N 28°59'02" W, 86.36 feet along an easterly side of said Lot 1; thence N 89°55'00" W, 556.00 feet along the North line of the said NW 1/4 of the SE 1/4 of Section 31; thence N 00°16'00" E, 10.65 feet along the said Easterly right-of-way of County Trunk Highway "Q"; thence S 89°57'36" E, 737.85 feet along the south line of Dane County Certified Survey Map Number 2833; thence S 00°21'32"E, 2.50 feet; thence N 89°38'28" E, 110.00 feet; thence N 00°21'32" W, 2.31 feet; thence N 89°38'28" E, 146.00 feet; thence N 00°21'32" W, 14.67 feet; thence N 89°38'28" E, 95.00 feet; thence N 00°21'32" W, 13.89 feet; thence N 89°38'28" E, 56.00 feet; thence N 69°56'05" E, 152.19 feet; thence N 71°57'15" E, 72.84 feet; thence N 76°58'44" E, 72.15 feet; thence S 09°19'09" E, 92.49 feet; thence S 11°10'51" E, 56.00 feet; thence S 78°49'09" W, 2.28 feet; thence S 11°10'51" E, 92.87 feet; thence S 76°39'18" W, 40.57 feet; thence S 26°55'01" E, 175.00 feet; thence S 63°04'59" W, 16.75 feet; thence S 26°55'01" E, 121.31 feet; thence S 68°08'48" W, 39.75 feet; thence S 58°22'08" W, 160.55 feet; thence S 63°04'59" W, 344.89 feet; thence S 00°23'42" E, 681.13 feet along the west side of lands described Document No. 2683374 and corrected in Document No. 2771426; thence S 89°54'30" E, 13.39 feet along the north line of lands described in Quit Claim Deed as Document No. 4419456; thence S 00°25'46" E, 629.65 feet along the east line of said lands described in Document No. 4419456; thence N 89°53'57" W, 583.11 feet along the south line of said lands described in Document No. 4419456 also being the south line of Lot 2, Dane County Certified Survey Map Number 5690 (C.S.M. No. 5690); thence N 00°24'01" W, 277.53 feet along a westerly line of said Lot 2, C.S.M. No. 5690; thence S 89°39'51" W, 328.90 feet along a southerly line of Lot 1, said C.S.M. No. 5690; thence N 00°22'53" W, 288.48 feet along a westerly line of said Lot 1, C.S.M. No. 5690; thence N 89°54'30" W, 167.57 feet along a southerly line of said Lot 1, C.S.M. No. 5690; thence N 00°27'19" W, 179.85 feet along the said Easterly right-of-way of County Trunk Highway "Q" to the Point of Beginning.

And Also INCLUDING, Part of Lot 2, Certified Survey Map No. 2833, recorded In Volume 11 of Certified Surveys, pages 173 - 175 as Document No. 1573531 and other lands, all being located in part of the NE 1/4 of the SE 1/4 and also part of the SW 1/4 and SE 1/4 of the NE 1/4 of Section 31, Township 8 North, Range 9 East, in the City of Middleton, Dane County, Wisconsin, described as follows:

Commencing at the South Quarter Corner of said Section 31; thence N 00°22'14" W, 2650.95 feet along the West line of the said SE 1/4; thence S 89°55'00" E, 80.28 feet to the intersection with the easterly right-of-way of County Trunk Highway "Q" also being the northwest corner of Dane County Certified Survey Map No. 13142, recorded in Vol. 84 of Certified Surveys, pages 198-201 as Document No. 4780454; thence N 00°16'00" E, 10.65 feet along the said easterly right-of-way of County Trunk Highway "Q"; thence S 89°57'36" E, 627.85 feet along the north line of Outlot 4, The Community of Bishops Bay, The Back Nine - Phase 1 to the Point of Beginning; thence N00° 21' 32"W, 160.43 feet; thence N89° 38' 28"E, 110.00 feet; thence N00° 21' 32"W, 166.05 feet; thence N33° 26' 47"E, 201.21 feet; thence N57° 50' 29"E, 113.91 feet; thence N59° 23' 22"E, 100.00 feet; thence N61° 00' 24"E, 114.62 feet; thence N71° 46' 42"E, 144.47 feet; thence S78° 56' 54"E, 145.66 feet; thence S55° 27' 31"E, 143.12 feet; thence S30° 12' 44"E, 92.12 feet; thence S36° 26' 38"E, 96.77 feet; thence S74° 23' 37"E, 76.92 feet; thence S20° 18' 08"W, 150.00 feet; thence S84° 06' 29"E, 12.36 feet; thence S05° 53' 31"W, 56.00 feet; thence S09° 19' 09"E, 231.46 feet; S63° 04' 59"W, 17.72 feet; thence S26° 55' 01"E, 110.00 feet; thence S25° 37' 10"E, 50.01 feet; thence S26° 55' 01"E, 130.00 feet; thence S63° 04' 59"W, 192.96 feet; thence S68° 08' 48"W, 98.42 feet; thence N26° 55' 01"W, 121.31 feet along an easterly line of said plat of The Community of Bishops Bay, The Back Nine - Phase 1; all of the following courses being along easterly and northerly sides of the said plat of The Community of Bishops Bay, The Back Nine - Phase 1; thence N63° 04' 59"E, 16.75 feet; thence N26° 55' 01"W, 175.00 feet; thence N76° 39' 18"E, 40.57 feet; thence N11° 10' 51"W, 92.87 feet; thence N78° 49' 09"E, 2.28 feet; thence N11° 10' 51"W, 56.00 feet; thence N09° 19' 09"W, 92.49 feet; thence S76° 58' 44"W, 72.15 feet; thence S71° 57' 15"W, 72.84 feet; thence S69° 56' 05"W, 152.19 feet; thence S89° 38' 28"W, 56.00 feet; thence S00° 21' 32"E, 13.89 feet; thence S89° 38' 28"W, 95.00 feet; thence S00° 21' 32"E, 14.67 feet; thence S89° 38' 28"W, 146.00 feet; thence S00° 21' 32"E, 2.31 feet; thence S89° 38' 28"W, 110.00 feet; thence N00° 21' 32"W, 2.50 feet; thence N89° 57' 36"W, 110.00 feet to the Point of Beginning.

And Also INCLUDING, Part of Lot 2, Certified Survey Map No. 2833, recorded in Volume 11 of Certified Surveys, Pages 173-175, as Document No. 1573531 and Other Lands, all being located in part of the NE 1/4 of the NE 1/4, the SW 1/4 of the NE 1/4, the SE 1/4 of the NE 1/4, the NE 1/4 of the SE 1/4 of Section 31 and also part of the NW 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4 of Section 32, All in Township 8 North,

Range 9 East, City Of Middleton, Dane County, Wisconsin, described as follows:

Commencing at the South Quarter Corner of said Section 31; thence N 00°22'14" W, 2650.95 feet along the North-South quarter line of said Section 31; thence S 89°55'00" E, 80.28 feet to the intersection with the easterly right-of-way of County Trunk Highway "Q" also being the northwest corner of Dane County Certified Survey Map No. 13142, recorded in Volume 84 of Certified Surveys, Pages 198-201, as Document No. 4780454; thence N 00°16'00" E, 10.65 feet along said easterly right-of-way of County Trunk Highway "Q"; thence S 89°57'36" E, 627.85 feet along the north line of Outlot 4, The Community of Bishops Bay, The Back Nine - Phase 1 to the intersection with the west right-of-way of Bishops Bay Parkway; thence N 00°21'32" W, 160.43 feet along said west right-of-way; thence N 89°38'28" E, 110.00 feet to the intersection with the west line of Lot 46, The Community of Bishops Bay, The Back Nine - Phase 2; thence N 00°21'32" W, 166.05 feet along the west line of Lot 46 and Lot 47, The Community of Bishops Bay, The Back Nine - Phase 2 to the Point of Beginning; thence N 00°21'32" W, 236.12 feet to a point of curvature; thence Northeasterly 165.30 feet along the arc of a curve to the right, having a radius of 984.00 feet and a chord bearing N 04°27'12" E, 165.10 feet; thence N 59°23'22" E, 317.08 feet; thence N 71°46'42" E, 160.34 feet; thence N 90°00'00" E, 234.65 feet; thence S 55°27'31" E, 288.92 feet; thence N 90°00'00" E, 272.98 feet; thence N 76°06'05" E, 225.16 feet; thence N 72°15'15" E, 280.00 feet; thence N 18°58'39" W, 182.82 feet; thence N 51°28'33" E, 105.19 feet; thence N 25°49'55" W, 180.24 feet; thence N 02°22'39" E, 359.05 feet; thence N 43°54'39" W, 241.75 feet; thence N 66°33'17" E, 510.00 feet; thence S 21°54'47" E, 65.56 feet; thence S 31°58'55" W, 250.69 feet; thence S 69°38'07" W, 154.46 feet; thence S 02°22'39" W, 399.51 feet; thence S 25°49'55" E, 73.58 feet; thence S 48°43'38" E, 108.12 feet; thence S 01°08'21" E, 90.99 feet; thence S 45°52'45" E, 60.71 feet; thence N 85°12'01" E, 83.25 feet; thence S 21°49'13" E, 45.07 feet; thence S 73°44'09" W, 28.36 feet; thence S 61°40'31" W, 133.66 feet; thence S 72°15'15" W, 88.44 feet; thence S 17°44'45" E, 165.00 feet; thence N 72°15'15" E, 5.45 feet; thence S 17°44'45" E, 56.00 feet; thence S 18°36'53" E, 92.98 feet; thence S 03°58'36" E, 10.12 feet; thence S 05°01'51" W, 121.00 feet; thence S 84°58'09" E, 14.53 feet; thence S 05°01'51" W, 56.00 feet; thence S 07°40'45" W, 239.83 feet; thence S 15°19'55" W, 50.04 feet; thence S 02°56'27" E, 167.59 feet; thence N 85°44'17" W, 25.37 feet; thence S 45°20'21" W, 75.94 feet; thence S 63°34'54" W, 278.19 feet; thence S 85°26'55" W, 173.94 feet; thence S 76°04'50" W, 83.16 feet; thence S 63°04'59" W, 104.28 feet to the southeast corner of Lot 63, The Community of Bishops Bay, The Back Nine - Phase 2; all of the following courses being along the easterly and northerly sides of said plat of The Community of Bishops Bay, The Back Nine - Phase 2; thence N 26°55'01" W, 130.00 feet; thence N 25°37'10" W, 50.01 feet; thence N 26°55'01" W, 110.00 feet; thence N 63°04'59" E, 17.72 feet; thence N 09°19'09" W, 231.46 feet; thence N 05°53'31" E, 56.00 feet; thence N 84°06'29" W, 12.36 feet; thence N 20°18'08" E, 150.00 feet; thence N 74°23'37" W, 76.92 feet; thence N 36°26'38" W, 96.77 feet; thence N 30°12'44" W, 92.12 feet; thence N 55°27'31" W, 143.12 feet; thence N 78°56'54" W, 145.66 feet; thence S 71°46'42" W, 144.47 feet; thence S 61°00'24" W, 114.62 feet; thence S 59°23'22" W, 100.00 feet; thence S 57°50'29" W, 113.91 feet; thence S 33°26'47" W, 201.21 feet to the Point of Beginning.

And Also INCLUDING, Part of the SE 1/4 of the NE 1/4 and the NE 1/4 of the SE 1/4 of Section 31 and also part of the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of Section 32, All in Township 8 North, Range 9 East, City Of Middleton, Dane County, Wisconsin, described as follows:

Commencing at the East Quarter Corner of said Section 31; thence N89°55'00"W, 83.51 feet along the east-west quarter line of said Section 31 to the intersection with the east line of Lot 111 of The Community of Bishops Bay, The Back Nine - Phase 3, recorded in Volume 60-036B of Plats of Dane County, on Pages 180-183, as Document Number 5162100; thence S 02°56'27" E, 2.93 feet along the east line of said Lot 111 to the southeast corner thereof and the Point of Beginning; the following fourteen courses being along the east lines and the north lines of said plat of The Community of Bishops Bay, The Back Nine - Phase 3; thence N 02°56'27" W, 167.59 feet; thence N 15°19'55" E, 50.04 feet; thence N 07°40'45" E, 239.83 feet; thence N 05°01'51" E, 56.00 feet; thence N 84°58'09" W, 14.53 feet; thence N 05°01'51" E, 121.00 feet; thence N 03°58'36" W, 10.12 feet; thence N 18°36'53" W, 92.98 feet; thence N 17°44'45" W, 56.00 feet; thence S 72°15'15" W, 5.45 feet; thence N 17°44'45" W, 165.00 feet; thence N 72°15'15" E, 88.44 feet; thence N 61°40'31" E, 133.66 feet; thence N 73°44'09" E, 186.80 feet; thence S 77°18'50" E, 168.79 feet; thence S 67°52'50" E, 111.61 feet; thence S 29°35'40" E, 565.65 feet; thence S 25°41'37" E, 180.43 feet; thence S 12°17'55" W, 185.41 feet; thence S 39°26'45" W, 185.41 feet; thence S 71°11'21" W, 206.66 feet; thence N 85°44'17" W, 590.37 feet to the Point of Beginning.

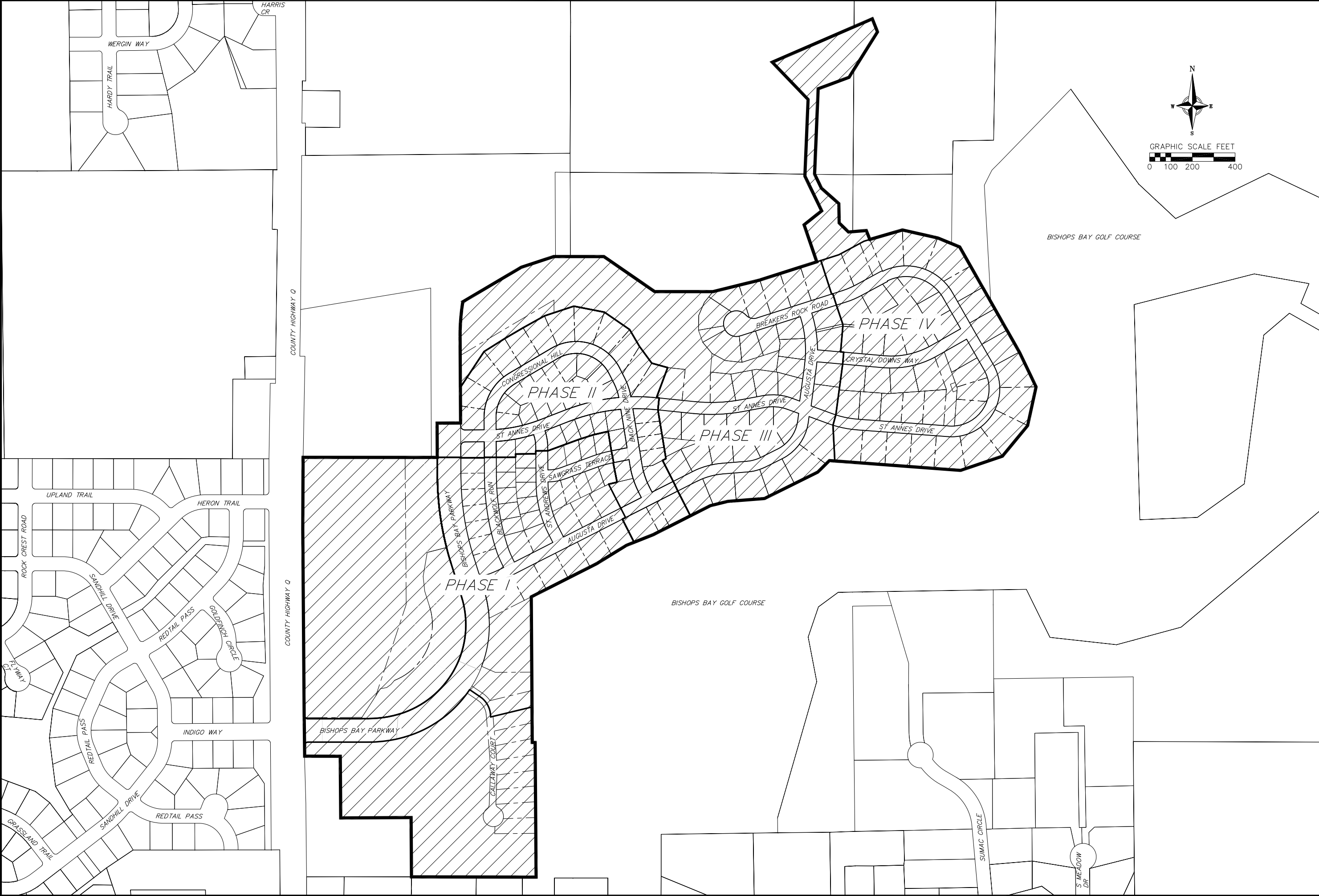
The purpose of the proposed GIP amendment is to change Map #3 to add approximately 7 acres of land that was recently dedicated to the City for parkland to the neighborhood boundary for the Back Nine neighborhood. This amendment would effectively allow an additional nine (9) units to be built in the Back Nine neighborhood, bringing the total to 342, for a density of 3.90 units per acre. The current approved density is 4.2 units per acre, with a total unit count of 333. The total number of residential units approved for the overall Community of Bishops Bay project is 2,950 units, and that is not proposed to increase.

At the hearing, all interested persons will have an opportunity to be heard, and final action will be considered.

More information about this request is available at City Hall during normal business hours, 7:45 am to 4:30 pm, Monday through Friday. Ph. 821-8370 E-mail: ekelley@cityofmiddleton.us.

EILEEN KELLEY
City Planning Director and Zoning Administrator

Publish: 10-26-17
11-02-17



REVISIONS		REVISIONS	
NO.	DATE	NO.	DATE

Vicinity Exhibit
The Community of Bishops Bay - The Back Nine
City of Middleton
Dane County, Wisconsin



vierbicher
planners | engineers | advisors

Phone: (800) 261-3898

SCALE AS SHOWN
DATE 10-20-2017
DRAFTER DEHL
CHECKED MSCH
PROJECT NO. 130001

Map 3: Regulating Plan
Neighborhoods

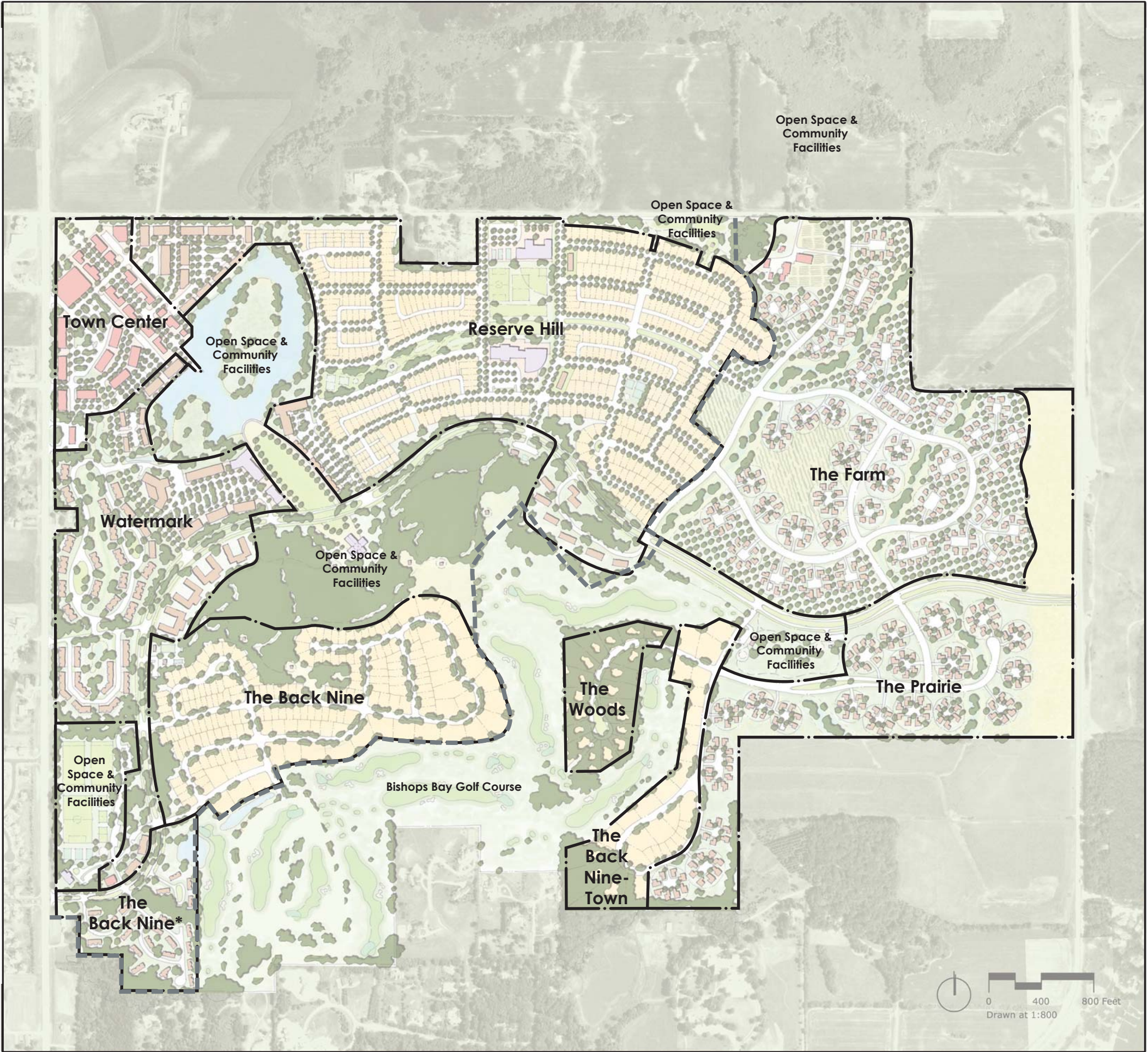
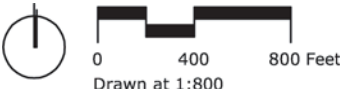
Revised 10.11.2017

- Anticipated City of Middleton/ Town of Westport Boundary
- Neighborhood Boundary

NOTES:
◦ Individual neighborhood boundaries are approximate.
◦ The Farm, The Woods, The Prairie and Prairie Estates are located in the Town of Westport.

* Only this portion of the Estates neighborhood can use the MF-R lot type.

NEIGHBORHOOD	ACRES	APPROVED DENSITY	MDP ALLOWED UNITS	CARPC ALLOWED UNITS	MASTER UTILITY PLAN PROPOSED UNITS	PROPOSED UNITS	PROPOSED DENSITY
THE BACK NINE	88	4.2	369	595	415	342	3.9



THE COMMUNITY OF
BISHOPS BAY
WHERE THE GOOD LIFE GROWS

NOTICE OF PUBLIC HEARING

MIDDLETON/WESTPORT JOINT ZONING COMMITTEE

To Whom It May Concern:

At a meeting of the Middleton/Westport Joint Zoning Committee to be held on **Thursday, November 16, 2017 at 6:00 p.m.**, at Middleton City Hall, 7426 Hubbard Ave., Middleton, the following matter will be heard:

An application by **Bob Davis, 1234 Hanover Trl, Waunakee, WI**, requesting rezoning of property at **5821 Oncken Rd.** Mr. Davis has an accepted offer on the property and the sellers names as listed on the accepted offer are: Frankie Kirk Rottier, Walsh Family Investments LLC, Florence Farm LLC, Janes Acres LLC, Jean B Landwehr, Rose M Haberkorn, Kenneth W Walsh, Bonita Wersal, Steven J Walsh, Joseph J Walsh, Virginia A Dabel, Kathleen M Walsh, James Walsh and O'Keefe Real Estate LLP.

The applicant is requesting rezoning for land legally described below, in the Town of Westport. The purpose of the proposed rezoning is to allow for building of a new early childhood learning center called "INSPIRE". The land would be rezoned from Agricultural to Planned Development District (PDD) – General Implementation Plan (GIP).

Southeast 1/4 of the Southeast 1/4 of Section 29, Township 8 North, Range 9 East, in the Town of Westport, Dane County, Wisconsin. Subject to Conveyance for highway purposes (Volume 289 of Misc, page 527, Document No. 915104, Dane County Registry)

This area is part of the Middleton/Westport Joint Planning Area.

At the hearing, all interested persons will have an opportunity to be heard, and action will be considered.

More information about this request is available at City Hall during normal business hours, 7:45 am to 4:30 p.m., Monday through Friday. Ph. 821-8370 E-mail: ekelley@cityofmiddleton.us.

EILEEN KELLEY
City Planner/Zoning Administrator

Publish: 10/26/2017
11/02/2017

**General Development Plan
Inspire - Early Childhood Learning Center
Middleton, Wisconsin**



Iconica
901 Deming Way
Madison, Wisconsin 53571
October 19th, 2017

Eileen Kelley
City of Middleton
7426 Hubbard Ave
Middleton, WI 53562

To Whom It May Concern:

As a representative of Inspire Early Childhood Learning Center, I am submitting this application for a General Development Plan for the property located at 5821 Oncken Road in the Town of Westport, WI.

1. Description of site and proposed plan:

The existing property includes 40 acres of agricultural land, surrounded by other agricultural lands and adjacent to Governor Nelson State Park. At the northeast corner of the property lie the intersection of Oncken Road and Hwy M. The site is relatively flat with a gradual slope from the northeast corner cresting near the southwest corner of the property where the main building will be situated.

The proposed development intends to preserve much of the natural features of the existing site and utilize outdoor spaces for learning. Area for a bike path will be preserved to connect Governor Nelson State Park to the existing trail system within the Bishop's Bay community. Views of the adjacent state park, surrounding agricultural land, and tree line will remain intact. There are two proposed structures included in this plan. The primary building will be a single story education center with a partial basement. The footprint of this building will be approximately 22,000 square feet. The secondary structure will be a 2,500 square foot barn to house animals. The site plan intends to provide a covered drop off zone at the front of the building and 60-70 stall parking lot. A monument sign in the southwest corner near Highway M is proposed, as well as signage near the access road entrance in the northeast corner of the site. Outdoor Play areas, ball fields, walking paths and pastures for animals will be included as well. Additional site amenities and landscaping will be included in the final site design.

2. A statement of rationale as to why Planned Development District zoning is proposed:

We seek a change to a Planned Development District Zoning so that we can build Inspire Early Childhood Learning Center; a nature based early education and care program primarily for children 5 years of age and younger. This program is designed to nurture advanced early childhood foundations by utilizing a campus with nature trails, gardens,

interactive playgrounds and large animals to present children with unique learning opportunities from which to form strong and skilled dispositions for learning. Our goal is to better prepare children for their primary education and to nurture the character and qualities that are common in highly successful people. We request the zoning change to allow for large animals in conjunction with the educational use. We believe the community will benefit from having this unique high quality early childhood program available to them and the additional childcare services it inherently provides. 2016 4C (Community Coordinated Child Care) data showed a negative capacity to enrollment measurement for Middleton indicating that the childcare enrollment for the area may be exceeding its capacity. The addition of Inspire Early Childhood Learning Center to the Middleton area next year would quickly provide additional services for area families and support the areas future growth.

3. Brief analysis of social and economic impacts on the community of the project, and positive relationships to the Master Plan:

The social and economic impacts of this project will be significant. The school will bring about 50 jobs to the area and an additional tax base to the community. It will be a great benefit to the local workforce as it provides an essential service needed for many parents to choose to enter the work force. High quality education is also a major factor in why families choose areas to live in. This new unique and high quality early childhood program will fit in nicely as the foundation builder for the high quality education that Waunakee and Middleton schools are known for. This type of school also fits in well with the current and planned development in the area. The 40 acre learning center campus will consist mostly of green space and natural topology. It will blend in perfectly with the beautiful rolling hills and natural grassy fields of Governor Nelson State Park and Dorn Creek Fishery and Wildlife area. Our students will also be able to use these areas effectively as interesting and educational areas to explore and appreciate.

4. General outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any:

This is not applicable to the proposed project. There will be no property owners association for this property.

In summary, we believe that this proposed development will be a great addition to the area. We look forward to working with the City of Middleton and Town of Westport to develop a project that will become an amenity to families in the community and surrounding area.

Sincerely,

Jenny Dechant
Iconica

Enclosure: Map of project area, Map of site topography, General Development Plan image

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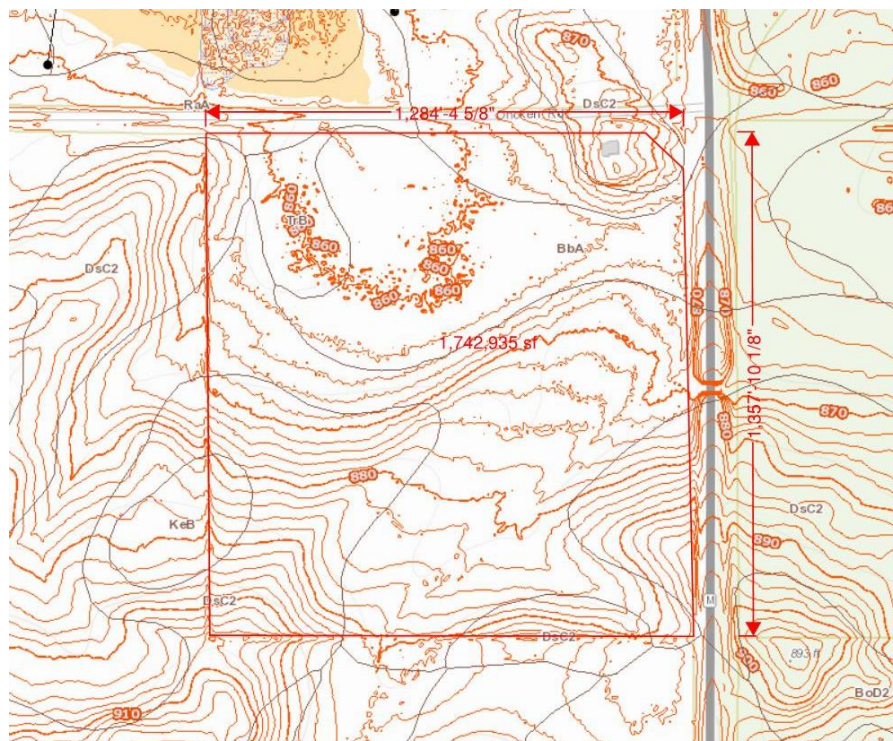
ICONICA

Surrounding area



Site Location

Topography





ICONICA

Preliminary Site Plan

