Middleton Westport Joint Zoning Committee Agenda

Thursday November 19, 2015 6:00 PM To be Held at Town of Westport 5387 Mary Lake Rd., Waunakee, WI 53597

- 1) Approve Minutes of 5/27/15 & 6/24/15
- 2) Concept Review of Phase 4 of the Back Nine, Community of Bishops Bay Plat and General Update on the Community of Bishops Bay Project (PC 2432)
- 3) Review of Middleton's Comprehensive Plat Update Process and the Extraterritorial Zoning Area
- 4) Adjourn

Notice is hereby given that a majority of the members of the Common Council may attend this meeting to gather information about a subject over which the Common Council has decision-making responsibility. If a quorum of the Common Council attends this meeting, no action will be taken by the Common Council at this meeting.

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) 827-1050, 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: 11/13/2015 10:51 AM

MINUTES MIDDLETON/WESTPORT JOINT ZONING COMMITTEE WEDNESDAY MAY 27, 2015 7:00 pm

PRESENT: Ron Bowen, Brad Robinson and John Van Dinter, Town of Westport; Ed Elskamp, and Dennis Dorn, City of Middleton
ABSENT: Jim Wexler, City of Middleton
ALSO PRESENT: Tom Wilson, Eileen Kelley

Chair Bowen called the meeting to order at 7:01 p.m.

Chair Bowen asked if there were members of the public present who would like to comment on items not on the agenda. Joe Pichette, 6150 Briggs Rd., said he is concerned about the proposed controlled burn of the house on the property to the north of his house, on land that will be developed as the Back Nine Residences. He is also concerned about the process for development reviews, and the opportunity for neighbors to be a part of the discussion from the beginning of a project.

1. <u>Approve Minutes of 4-29-15</u>

Moved by Robinson, seconded by Elskamp, to approve the minutes of 4-29-15, with a correction that the vote was actually 3-0-1 for the approval of the minutes, with Robinson abstaining. Motion carried 4-0-1, with Dorn abstaining.

2. <u>Discussion and Action on Revised Back Nine Residences Concept Plan for Entire Parcel,</u> <u>Specific Implementation Plan and Design Review for First Phase of Project, Certified</u> <u>Survey Map, and Proposed Landscape Easement for a Portion of the Southern-Most</u> <u>Lot, Bishops Bay Pkwy. (PC 2438)</u>

Joint Committee members discussed the project, which is part of the approved density for the Community of Bishops Bay project. Robinson said this is part of the development and it is what Middleton wants, and it will be a good development. Van Dinter stated that he understands that neighbors are frustrated, and the Committee does not want to see additional impacts on neighboring properties, but this project is part of the overall project that was approved after multiple public hearings and much discussion at open meetings. He said he does not have an issue with the Fire Department practicing on the existing house with a controlled burn, as the burn will be called off and postponed if the winds are in the wrong direction.

Bowen said he thinks the motion by the Middleton Plan Commission was appropriate and he would like to have the stormwater management approach confirmed. He said his main issues are the stormwater drainage, and ensuring an adequate buffer to the neighbors to the south through an easement or covenant. He asked staff to explain that the Traffic Impact Analysis (TIA) that was completed and approved for this project encompassed this density. Staff explained that the TIA had taken into account the projected 2,950 residential units plus a school, Town Center and community spaces such as parks.

Moved by Elskamp, seconded by Dorn, to concur with the City of Middleton Plan Commission approvals and conditions of approval for the Specific Implementation Plan and design review, and the Certified Survey Map (CSM) and landscape easement as revised for the Back Nine Residences." The conditions of approval include:

- Resolution of staff comments including engineering staff review of plans dated 4/13/15.
- Provision of a landscaping plan showing additional landscaping along the southeast side of Building 2 along the terraced areas.
- The development and acceptance by the MWJZC and the PC of a tree inventory, management plan, and a permanent landscaping easement or restrictive covenant (in substantially similar form as that presented at the 5/27 JZC meeting and subject to approval by the Town and City attorneys) for the wooded area in the property southwest of the cul-de-sac of Callaway Court and verification of the tree line by the City and Town Engineers.
- Satisfaction of the conditions attached to the approval of the certified survey map (CSM).
- Submittal of updated documents with updated titles.
- Satisfaction of fire access routes as required by the Middleton Fire Department
- Compliance with all applicable standards for indoor and surface lot parking stalls
- Any other previously approved contingencies

Motion carried 5-0.

3. <u>Adjourn</u>

Moved by Robinson, seconded by Dorn, to adjourn, motion carried 5-0, and the meeting ended at 8:16 p.m.

EILEEN KELLEY

MINUTES MIDDLETON/WESTPORT JOINT ZONING COMMITTEE WEDNESDAY JUNE 24, 2015 7:00 pm

PRESENT: Ron Bowen, Brad Robinson and John Van Dinter, Town of Westport; Ed Elskamp, Jim Wexler, and Dennis Dorn, City of Middleton

ALSO PRESENT: Eileen Kelley

Chair Bowen called the meeting to order at 7:10 p.m.

1. <u>Approve Minutes of 5-27-15</u>

Moved by Wexler, seconded by Dorn, to defer action on the minutes of 5-27-15. Motion carried 6-0.

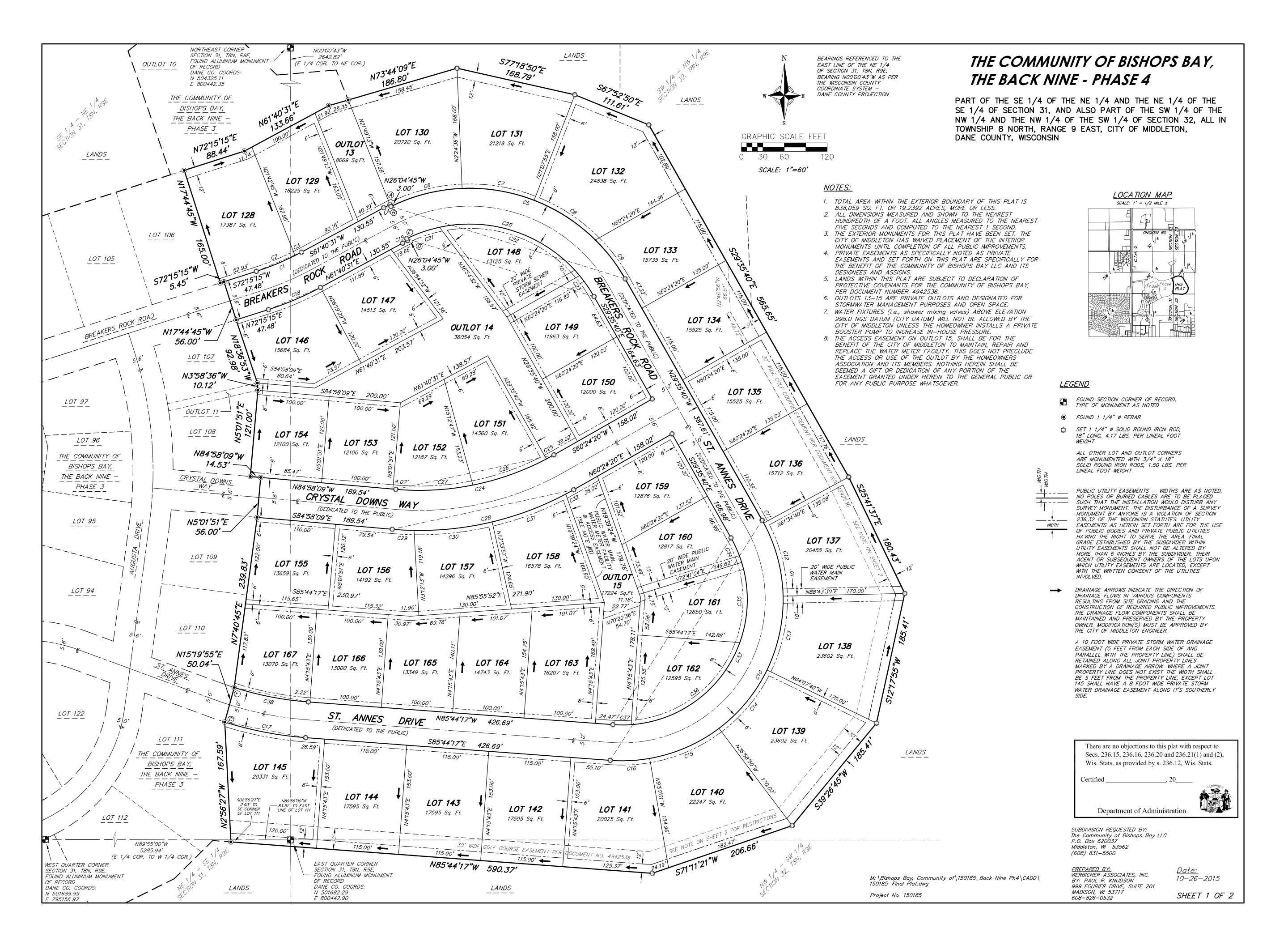
2. Discussion of the Community of Bishops Bay Stormwater Management System

Sarah Church and Matt Schreiner, of Vierbicher provided information on the stormwater management system for the Community of Bishops Bay project.

3. <u>Adjourn</u>

Moved by Robinson, seconded by Dorn, to adjourn, motion carried 6-0, and the meeting ended at 7:42 p.m.

EILEEN KELLEY



SURVEYOR'S CERTIFICATE

I, Paul R. Knudson, professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Middleton, and under the direction of the The Community of Bishops Bay LLC, Owner, I have surveyed, divided and mapped THE COMMUNITY OF BISHOPS BAY, THE BACK NINE - PHASE 4; that such plat correctly represents all exterior boundaries and the subdivision of the land surveved: and that this land is 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 \$ 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 \$ 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 \$ 29°35'40" E, 565.65 feet; thence \$ 25°41'37" E, 180.43 feet; thence \$ 12°17'55" W, 185.41 feet; thence \$ 39°26'45" W, 185.41 feet; thence \$ 71°11'21" W, 206.66 feet; thence N 85°44'17" W, 590.37 feet to the Point of Beginning.

Containing 838,059 square feet or 19.2392 acres, more or less.

Vierbicher Associates, Inc. By Paul R. Knudson

Dated this _____ ___day of _____ Revised this _____ _ day of ____

Paul R. Knudson, P.L.S. No. 1556

CERTIFICATE OF CITY FINANCE DIRECTOR:

I, John M. Lehman, being the duly appointed, qualified and acting finance director of the City of Middleton, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments affecting any of the lands included in the plat of THE COMMUNITY OF BISHOPS BAY, THE BACK NINE - PHASE 4 as of this _____ day of ______, 201____.

John M. Lehman, Finance Director/Assistant City Administrator City of Middleton, Dane County, Wisconsin

CITY OF MIDDLETON COMMON COUNCIL APPROVAL

Resolved that the plat of THE COMMUNITY OF BISHOPS BAY, THE BACK NINE - PHASE 4, located in the City of Middleton, is hereby approved by the Common Council of the City of Middleton.

Date Kurt J. Sonnentag, Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Middleton

Lorie J. Burns, City of Middleton Clerk Date

STATE OF WISCONSIN DANE COUNTY) ss

I, Lorie J. Burns, being the duly elected, qualified and acting clerk of the City of Middleton, Dane County do hereby certify that the Common Council of the City of Middleton authorized me on ______ issue a certificate of approval of the final plat of THE COMMUNITY OF BISHOPS BAYS, THE BACK NINE - PHASE 4, upon satisfaction of certain conditions, and I do hereby certify that all conditions were satisfied and the APPROVAL WAS GRANTED AND EFFECTIVE ON THE _____ day of _____, 201___.

Dated this _____ day of _____, 201_.

Lorie J. Burns, City of Middleton Clerk City of Middleton, Dane County, Wisconsin

CITY OF MIDDLETON SUBSTANDARD STREET WIDTH

I, Lorie J. Burns, being the duly elected, qualified and acting clerk of the City of Middleton, Dane County, Wisconsin, do hereby certify that the approved and revised SIP approved _____ . allows for street widths less than 60 feet as provided for by s.236.16(2), Wis. Stats., as shown on the plat of THE COMMUNITY OF BISHOPS BAY, THE BACK NINE - PHASE 4 . The City of Middleton's approval of this plat will signify that this layout complies with all local ordinances.

Dated this _____ day of _____, 201_.

Lorie J. Burns, City of Middleton Clerk City of Middleton, Dane County, Wisconsin

DANE COUNTY TREASURER'S CERTIFICATE:

I, Adam Gallagher, being the duly elected, qualified, and acting Treasurer of the County of Dane, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments affecting any of the lands included in the plat of THE COMMUNITY OF BISHOPS BAY, THE BACK NINE - PHASE 4, as of this ______ day of ______, 201_____.

Adam Gallagher, Dane County Treasurer

LIMITED LIABILITY COMPANY OWNER'S CERTIFICATE

The Community of Bishops Bay LLC, a limited liability company, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, hereby certifies that it caused land described on this Plat to be surveyed, divided, mapped, and dedicated as represented on this Plat. The Community of Bishops Bay LLC does further certify that this Plat is required by s. 236.10 or 236.12 Wisconsin Statutes, to be submitted to the following for approval or objection:

- City of Middleton Common Council - Wisconsin Department of Administration - Dane County Zoning and Land Regulation Committee

its President, on this _____ day of _____

THE COMMUNITY OF BISHOPS BAY LLC, a Wisconsin limited liability company

Terrence R. Wall, President

STATE OF WISCONSIN

DANE COUNTY

known to be the President of The Community of Bishops Bay LLC, and to me known to be the person who executed the foregoing instrument and acknowledged that he executed the same as the deed of said company, by its authority.

Notary Public, Dane County, Wisconsin My Commission Expires:___

CONSENT OF CORPORATE MORTGAGEE

State Bank of Cross Plains, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this Plat, and does hereby consent to the above certificate of The Community of Bishops Bay LLC, owner

IN WITNESS WHEREOF, the said State Bank of Cross Plains has caused these presents to be signed by ___, at Cross Plains, Wisconsin and its company seal to be hereunto , its affixed on this _____day of ___ _, 20____

In the presence of:

STATE BANK OF CROSS PLAINS a Wisconsin corporation

(name),

(title)

STATE OF WISCONSIN COUNTY OF DANE

Personally came before me this _____ day of ____ __, 20___, of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me _____of said corporation, and acknowledged that he/she executed the known to be such foregoing instrument as such _____ ____ as the deed of said corporation, by its authority.

Notary Public, State of ____

CONSENT OF CORPORATE MORTGAGEE

Bishops Bay Land Holdings LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this Plat, and does hereby consent to the above certificate of The Community of Bishops Bay LLC, owner.

____, 20____. day of

In the presence of:

BISHOPS BAY LAND HOLDINGS LLC a Wisconsin limited liability company

Daniel J. Hartung, President

STATE OF WISCONSIN COUNTY OF DANE

Personally came before me this _____ day of _____

Notary Public, State of _____

REGISTER OF DEEDS recorded in Volume

as Document Number _____

Kristi Chlebowski Register of Deeds of Dane County, Wisconsin

IN WITNESS WHEREOF, The Community of Bishops Bay LLC, has caused these presents to be signed by Terrence R. Wall, _____, 20____.

Personally came before me this _____ day of _____, 20___, the above-named Terrence R. Wall, to me

My commission expires

IN WITNESS WHEREOF, the said Bishops Bay Land Holdings LLC has caused these presents to be signed by Daniel J. Hartung, its President, at Madison, Wisconsin and its company seal to be hereunto affixed on this _____

_, 20__ of the above named company, to me known to be the person who executed the foregoing instrument, and to me known to be such President of said company, and acknowledged that he executed the foregoing instrument as such President as the deed of said company, by its authority.

My commission expires

Received for recording this _____day of _____, 201___, at _____O'clock ___.M. and of Plats of Dane County on Page(s)

THE COMMUNITY OF BISHOPS BAY, THE BACK NINE - PHASE 4

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

| | | Curve Table | | | | | |
|---------|--------|-------------|------------|---------------|--------------|----------------|--|
| Curve # | Radius | Length | Delta | Chord Bearing | Chord Length | Tangent Bearin | |
| C1 | 372.00 | 68.68 | 010°34'44" | S66*57'53"W | 68.59 | | |
| C2 | 372.00 | 58.55 | 009°01'08" | S67*44'41"W | 58.50 | | |
| С3 | 372.00 | 10.13 | 001*33'36" | S62*27'19"W | 10.13 | | |
| C4 | 253.00 | 9.92 | 002*14'44" | S62*47'53"W | 9.92 | A=S63*55'15"W | |
| C5 | 250.00 | 377.36 | 086*29'05" | N72°50'12"W | 342.54 | B=S63*55'15"W | |
| C6 | 250.00 | 103.28 | 023*40'09" | S75*45'20"W | 102.54 | | |
| C7 | 250.00 | 102.72 | 023*32'31" | N80°38'20"W | 102.00 | | |
| C8 | 250.00 | 102.72 | 023*32'31" | N57°05'49"W | 102.00 | | |
| C9 | 250.00 | 68.64 | 015*43'54" | N37°27'37"W | 68.43 | | |
| C10 | 225.00 | 486.39 | 123°51'23" | N32°20'01 "E | 397.06 | | |
| C11 | 225.00 | 4.60 | 001"10'21" | N29°00'30"W | 4.60 | | |
| C12 | 225.00 | 106.61 | 027*08'50" | N14°50'55"W | 105.61 | | |
| C13 | 225.00 | 106.61 | 027'08'50" | N12*17'55"E | 105.61 | | |
| C14 | 225.00 | 106.61 | 027*08'50" | N39°26'45"E | 105.61 | | |
| C15 | 225.00 | 106.61 | 027*08'50" | N66°35'34"E | 105.61 | | |
| C16 | 225.00 | 55.35 | 014°05'44" | N87"12'51"E | 55.21 | | |
| C17 | 500.00 | 115.44 | 013113'41" | S79'07'26"E | 115.18 | C=S72'30'36"E | |
| C18 | 428.00 | 79.02 | 010*34'44" | N66°57'53"E | 78.91 | | |
| C19 | 197.00 | 7.72 | 002'14'44" | N62°47'53"E | 7.72 | D=N63*55'15"E | |
| C20 | 200.00 | 301.88 | 086*29'05" | S72*50'12"E | 274.03 | E=N63*55'15"E | |
| C21 | 200.00 | 48.72 | 013*57'30" | N70°54'00"E | 48.60 | | |
| C22 | 200.00 | 217.60 | 062*20'21" | S70*57'05"E | 207.03 | | |
| C23 | 200.00 | 35.56 | 010"11'14" | S34*41'17"E | 35.51 | | |
| C24 | 380.00 | 229.64 | 034'37'31" | S77*43'06"W | 226.17 | | |
| C25 | 380.00 | 11.98 | 001*48'22" | S61*18'31"W | 11.98 | | |
| C26 | 380.00 | 109.37 | 016*29'29" | S70'27'27"W | 109.00 | | |
| C27 | 380.00 | 108.29 | 01619'40" | S86*52'02"W | 107.92 | | |
| C28 | 436.00 | 263.48 | 034'37'31" | N77*43'06"E | 259.50 | | |
| C29 | 436.00 | 30.48 | 004'00'21" | S86*58'19"E | 30.48 | | |
| C30 | 436.00 | 110.15 | 014°28'31" | N83°47'14"E | 109.86 | | |
| C31 | 436.00 | 110.14 | 014°28'27" | N69"18'45"E | 109.85 | | |
| C32 | 436.00 | 12.71 | 001°40'12" | N61*14'26"E | 12.71 | | |
| C33 | 175.00 | 378.30 | 123*51'23" | S32*20'01"W | 308.83 | | |
| C34 | 175.00 | 37.50 | 012*16'44" | S23*27'18″E | 37.43 | | |
| C35 | 175.00 | 114.08 | 037*21'02" | S01*21'35"W | 112.07 | | |
| C36 | 175.00 | 201.10 | 065*50'23" | S52*57'18"W | 190.21 | | |
| C37 | 175.00 | 25.62 | 008'23'14" | N89°55'54"W | 25.59 | | |
| C38 | 450.00 | 105.78 | 013"28'05" | N79°00'14"W | 105.53 | F=N72°16'12"W | |

Golf Course Easement Restrictions per Document Number 4942536.

<u>Use by Golf Course</u>

Developer hereby declares, establishes and reserves for the benefit of the owners of any Golf Course Property and such owner's respective agents, employees, representatives, invitees, successors and assigns, a permanent and perpetual non-exclusive easement to allow any golfer who may be playing on the golf course installed on the Golf Course Property, such person's caddy, or accompanying players, to enter onto the Golf Course Easement Area in order to locate and remove (but not play) any golf ball which may have been hit onto the Golf Course Easement Area, subject, however, to the following limitations: (a) access may only be by foot, and no golf carts shall be permitted on the Golf Course Easement Area, (b) there shall be no damage or destruction inflicted on any landscaping or improvement on the Golf Course Easement Area by

the exercise of this easement, (c) no golfer or caddy may spend an unreasonable period of time searching for any lost ball,

and (d) the owner of the Golf Course Property may impose other

limitations on the exercise of the easement granted by this Section.

Owner Restrictions within Golf Course Easement Area Each Owner shall keep the Golf Course Easement Area free of any improvements of any nature, except such landscaping as is approved by the Committee in order to promote a suitable, safe and attractive open space atmosphere. For purposes of this provision, "improvements" shall mean any improvements of any nature, including, without limitation, fences, walls, barriers, decks, terraces, patios, tennis courts, swimming pools, outdoor furniture, swing sets, outdoor recreational facilities and equipment or any other similar devices, equipment, tools or machinery, buildings or other structures.

Note: Committee is defined as a Design Review Committee as established in the Declaration of Protective Covenants for The Community of Bishops Bay per Document Number 4942536.

