



PREPARED FOR THE PLAN COMMISSION

Project Address: 5794 Portage Road and 3949 Hoepker Road, Town of Burke
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [35554](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Ellen L. Pamperin; 5794 Portage Road; Madison.

Surveyor: Dan Birrenkott, Birrenkott Surveying, Inc.; 1677 N. Bristol Street; Sun Prairie.

Requested Action: Approval of a Certified Survey Map (CSM) creating 2 lots on property located at southeastern corner of Hoepker and Portage roads, Town of Burke, in the City of Madison’s Extraterritorial Jurisdiction.

Proposal Summary: The applicant is requesting approval of a CSM to create separate lots for 2 existing single-family residences located on the 2.0-acre property. The applicant wishes to record the CSM as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. In particular, the Plan Commission shall determine that the proposed subdivision complies with each of the following criteria for approval in the extraterritorial plat approval jurisdiction:

1. The proposed subdivision or land division shall be compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
2. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City’s ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

Review Required By: Plan Commission.

Review Schedule: The State’s subdivision statute, Wis. Stats. 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless an extension is agreed to by the subdivider. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The City accepted the CSM application for review on September 10, 2014. Therefore, the 90-day review period for this CSM will end circa December 10, 2014.

Summary Recommendation: The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: An approximately 2.0-acre property located at southeastern corner of Hoepker Road and Portage Road; DeForest Area School District.

Existing Conditions and Land Use: The property is developed with two single-family residences in County A-1 (Agriculture) zoning. The eastern of the two residences is addressed as 3949 Hoepker Road and is a two-level ranch house with two-car attached garage. The western residence, addressed as 5794 Portage Road, appears to be a split-level single-family home with attached two-car garage with access from Portage Road. The property is characterized by a glen of mature coniferous and deciduous trees extending across the eastern half of the site.

Surrounding Land Use and Zoning (Dane County Zoning except as noted): The subject site is bordered on the east and south by a golf driving range in County RE-1 (Recreational) zoning. South of the driving range, the east side of Portage Road is developed with 7 single-family residences located on town lots and Burke Lutheran Church in County A-1 (Agriculture) zoning. North of the site and Hoepker Road, a sewing shop and day school occupy two parcels located at the northeastern corner of Portage Road in County C-1 (Commercial) zoning. The remaining property surrounding the subject site and intersection is characterized by large agricultural tracts located in the Town of Burke and City of Madison.

Environmental Corridor Status: The subject site is located in the Central Urban Service Area and is not located in a mapped environmental corridor (Map G3).

Public Utilities and Services:

Water: Property is not served by municipal water;

Sewer: Property is not served by public sewer;

Fire protection: Sun Prairie Fire Department;

Emergency medical services: Blooming Grove-Burke-Maple Bluff EMS;

Police services: Dane County Sheriff's Department;

School District: DeForest Area School District.

Project Description

The applicant is requesting approval of a two-lot CSM to create separate lots for two existing single-family residences that occupy the 2.0-acre subject site located at the southeastern corner of Portage and Hoepker roads in the Town of Burke. Lot 1 of the CSM is proposed as a 0.46-acre lot that will contain 135 feet of frontage along Hoepker Road before tapering back to 66 feet at the southern property line. The eastern of the two residences, addressed as 3949 Hoepker Road, and an accessory building will be located on proposed Lot 1. The remaining net area of the subject property after right of way dedication will comprise a 1.04-acre Lot 2, which will contain the residence addressed as 5794 Portage Road. The current County A-1 zoning of the property is not proposed to change to accommodate the land division.

Analysis and Conclusion

Approval of CSM by the Town of Burke and Dane County: Section 236.10 (b) of the Wisconsin State Statutes requires that subdivisions in the City's Extraterritorial Plat Approval Jurisdiction receive approval from the town of record and Dane County prior to consideration of the request by the Plan Commission.

Dane County granted conditional approval of the CSM as outlined in a letter dated September 2, 2014 from Dan Everson, Land Division Review, Dane County Department of Planning and Development. The Town of Burke Board conditionally approved the land division on August 20, 2014.

City of Madison Land Use Plan: The 2008 Pumpkin Hollow Neighborhood Development Plan recommends that the subject site be developed with medium-density residential uses in Housing Mix 3 (predominantly multi-family housing including apartment or condominium buildings but with some rowhouses and townhouses possible) at a density of up to 40 units an acre. Hoepker Road is recommended in the plan as a future arterial roadway with a recommended future right of way width of 120 feet. Portage Road is identified as an existing collector roadway that is recommended to remain a collector but be widened to 108 feet south of Hoepker Road (including adjacent to the subject site) to accommodate traffic demands from development to the south and increased traffic once the Pumpkin Hollow neighborhood develops, as well as to accommodate a two-lane divided roadway with on-street bike lanes on both sides of the future section.

Town of Burke Cooperative Plan: The subject site is also located within the Boundary Adjustment Area–Madison (BAA-M) designated in the Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan dated January 5, 2007. Under the provisions of the Cooperative Plan, the division of land, or construction of more than one principal structure on a parcel of land, or the rezoning of a parcel from a residential or agricultural classification to a non-residential classification is considered "development". [Due to the size of the parcel, it is not eligible for an exemption in the cooperative plan that allows the one-time division of a 5-acre or larger parcel of property into 2 single-family residential lots without City approval.]

Pursuant to Section 11C of the plan, any development in the Town of Burke shall, in addition to Town requirements, be subject to approval by DeForest, Madison or Sun Prairie depending upon which municipality the subject territory will eventually be attached to in accordance with the respective village or city development requirements. In areas located outside of the protected areas of the Town identified in the Cooperative Plan, the full range of urban services, including public water and sewer service, and attachment to the village or city may or may not be required in the sole discretion of the respective village or city.

As noted in the Background Information section of this report, the subject site is located within a line of mostly residential parcels of varying size on the east side of Portage Road in the Town of Burke in an area not currently served by City of Madison water or sewer service. Surrounding these smaller, mostly residential parcels are large agricultural properties located both in the Town of Burke and City of Madison and the driving range that abuts the subject site on the south and east. Given this varied development pattern and the existence of the two residences on the property, the Planning Division believes that the Plan Commission can find the extraterritorial approval criteria met with the proposed two-lot request. In addition to being generally compatible with the land development pattern in the area—particularly to the south, staff believes that the proposed land division will not demonstrably adversely affect the City's ability to provide public services to this area or implement its adopted plans in the future. While the division of the site may somewhat lessen the potential for one or both proposed lots to be developed in the future to the fullest extent recommended in the Pumpkin Hollow Neighborhood

Development Plan, staff also does not believe that the design of the lots precludes some future development in the character and intensity generally recommended, especially if one or both lots were developed in tandem with adjoining properties. It should be noted in finding that the proposed CSM meets the approval criteria, however, that the proposed lots would likely not meet the same criteria if the property was being divided in a similar fashion for the purposes of constructing new homes.

Lastly, to ensure that any impacts on future implementation of the Pumpkin Hollow Neighborhood Development Plan are limited, and to better comply with the lot design provisions in the City's Subdivision Regulations, which recommend that side property lines be as close to perpendicular with front lot lines, staff recommends prior to final approval and recording of the CSM that the applicant work with staff to straighten the proposed line between Lots 1 and 2 to make it more consistently perpendicular to Hoepker Road to the extent possible while maintaining adherence to County A-1 zoning district bulk requirements.

Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 5794 Portage Road and 3949 Hoepker Road, Town of Burke, in the City's extraterritorial plat approval jurisdiction subject to input at the public hearing and the following conditions:

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

1. The applicant shall work with the City Engineering Division, Traffic Engineering Division and Planning Division to dedicate 54 feet of right of way from the centerline of Portage Road and 60 feet of right of way for Hoepker Road with this CSM consistent with the right of ways recommended in the City's adopted Pumpkin Hollow Neighborhood Development Plan.
2. The applicant shall work with Planning Division staff prior to final approval and recording of the CSM to straighten the common line between proposed Lots 1 and 2 to make it more consistently perpendicular to Hoepker Road while maintaining adherence to Dane County A-1 zoning district bulk requirements.

The following conditions of approval have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Schmidt, 261-9688)

3. Lot 2 gross square footage reads 62,0800 and is incorrect. Also Lot 2 net square footage is incorrect and should be 44,853 sq ft. The Public right of ways are being requested to be dedicated. With dedications the Lot areas should not include any area within the public right of ways.
4. The public right of ways of Hoepker Road and Portage Road shall be dedicated to the public. The Owner's Certificate and approval certificates shall be revised as required to acknowledge the dedications.
5. Identify the limits of the drainage fields on the CSM. It is unclear if the drain fields extend into the portions of the right of way to be dedicated to the public. Upon any future connection to public sanitary sewer, any portion of a private septic system within this CSM shall be removed from the public right of way by the owner.

6. Add a note specifying which lots within this Certified Survey Map are subject to the Private Septic System Agreements per Document Numbers 2211983 and 3991835.
7. Add the appropriate recorded as data to the exterior boundary as per adjacent CSM 3709.
8. Remove the utility easement reference on Sheet 2. There are not any easements being granted by this CSM.
9. Place a title for the Legend on Sheet 1.
10. The map shall identify the type and diameter of the monuments found.
11. INFORMATIONAL–The City shall establish an Impact Fee District for a public sanitary sewerage system as need, demand, and annexation to the City occurs.

12. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat. Note: Land tie to two PLS corners required.

13. In accordance with Section 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. The City has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the Dane County Surveyor's Office ([online](#)) for current tie sheets and control data that has been provided by the City of Madison. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

This agency submitted a response requesting the right of way dedications contained in condition #1 above.

Zoning Administrator (Contact Pat Anderson, 266-5978)

This agency did not provide comments for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a response with no comments or conditions for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This property is outside the Madison Water Utility service area.

Office of Real Estate Services (Heidi Radlinger, 266-6558)

14. Prior to requesting final sign-off, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.
15. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language "...surveyed, divided, mapped and dedicated..."
16. Leasehold or tenancy interests in excess of one year shall execute a Consent of Lessee on the CSM.
17. Replace the City of Madison Common Council Certificate with a City of Madison Plan Commission Certificate that appears as follows:

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

By: _____ Date: _____
Steven R. Cover, Secretary Plan Commission"
18. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject property prior to CSM recording.
19. The following revisions shall be made to the CSM prior to final sign-off:
 - a.) Depict and consistently dimension all existing improvements (buildings, drives, parking lots, etc.), encroachments, wells and septic systems associated with the lands described for the proposed CSM (Well abandonment: ref. NR 141).
 - b.) Include the recorded documents from Schedule A3 of the title report in the notes on Sheet 2 of the CSM. Describe and label them by document number.