



PREPARED FOR THE PLAN COMMISSION

Project Address: 5381 Maly Road, Town of Burke
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [60168](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Paul Scott; 1122 Pocahontas Drive; Monona.

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

Requested Action: Approval of a Certified Survey Map (CSM) to create two lots from land addressed at 5381 Maly Road, Town of Burke, in the City of Madison’s Extraterritorial Jurisdiction.

Proposal Summary: The subject site is a 1.93-acre parcel developed with a one-story metal building and four self-storage buildings. The applicant proposes to create separate lots for the metal building and for the self-storage facility. The CSM will be recorded 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. Ch. 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 application was accepted for review by the City circa April 1, 2020. Therefore, the 90-day review period for this CSM will end circa July 1, 2020.

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 1.93-acre parcel located at the southwestern corner of Nelson Road and Maly Road

Existing Conditions and Land Use: One-story metal building housing 'Das Mechanic' auto repair shop, and four-building 'E & E Self Storage', all zoned HC (Heavy Commercial District) per Dane County zoning.

Surrounding Land Uses and Zoning:

North: Undeveloped land, zoned AT-35 (Agriculture Transition District);

South: One-story multi-tenant flex commercial/industrial/storage buildings, zoned HC (Heavy Commercial District);

West: Off-site vehicle storage facility and electrical transmission substation, zoned HC;

East: Midwest Veterinary Supply, zoned HC; undeveloped land, zoned RR-4 (Rural Residential District – 4-8 Acres) and RM-16 (Rural Mixed-Use District).

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area, so there are no mapped environmental corridors affecting the site. Dane County mapping identifies no wetlands or floodplains affecting the subject site.

Public Utilities and Services:

Water: Property is not served by municipal water

Sewer: Property is not served by sanitary sewer

Fire protection: Sun Prairie Fire District

Emergency medical services: City of Madison Fire Department

Police services: Dane County Sheriff's Department–North Precinct

School District: Sun Prairie Area School District

Project Description

The applicant is requesting approval of a Certified Survey Map (CSM) to create two lots to separate a metal building on the northern half of the 1.93-acre property housing an auto repair business from a self-storage facility located on the southern half. The subject parcel is located at the southwestern corner of Maly Road and Nelson Road in the Town of Burke.

The subject site contains approximately 170 feet of frontage along Nelson Road and 480 feet of frontage along Maly Road, a 66-foot wide right of way that provides access to series of commercial businesses located in Dane County HC (Heavy Commercial District) zoning. Maly Road dead-ends approximately 550 feet south of the subject site before resuming in the Wood-Ger Development industrial subdivision further south to connect to Reiner Road to the west.

Lot 1 of the proposed CSM will contain 0.77 acres of the existing 1.93- acre parcel and include the one-story, approximately 6,300 square-foot building housing 'Das Mechanic' auto repair business. The remaining land will comprise proposed Lot 2 and contain four one-storage self-storage buildings arranged east-west across the

property. Both the auto repair shop and self-storage buildings are surrounded by gravel parking lots accessed by separate driveways from Maly Road. The proposed lot configuration includes a small jog in the proposed lot line to accommodate a concrete pad associated with the storage facility.

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 Certified Survey Map as outlined in a letter from Dan Everson, Land Division Review, Dane County Department of Planning and Development dated February 10, 2020. The Town of Burke approved the proposed land division at its February 19, 2020 meeting. Both approvals are attached.

Analysis and Conclusion

City of Madison Land Use Plans: The property is located outside of the areas currently covered by an adopted City of Madison neighborhood development plan.

The Peripheral Planning Areas Map in the 2018 Comprehensive Plan identifies lands generally east of the Nelson Neighborhood Development Plan, Felland Neighborhood Development Plan, and Northeast Neighborhoods Development Plan areas as part of Planning Area B (Group 1). The western part of Planning Area B is in the Town of Burke and will be attached to the City of Madison under the Burke Cooperative Plan. The lands in Burke in Planning Area B are located within the boundaries of the forthcoming Reiner Neighborhood Development Plan. Sanitary sewer service for the planning area would likely be provided by extensions of interceptors located in the Felland and Northeast neighborhoods. Completion of the Reiner Neighborhood Development Plan has been postponed until the City Engineering Division can complete a detailed watershed study for the area, which is scheduled to occur in 2021, after which, detailed land use, transportation, utility, and implementation recommendations will be developed and presented for Plan Commission and Common Council approval.

In the interim, Planning staff does not believe that the proposed land division will negatively impact the ability to plan for the long-term development of this portion of the future City of Madison.

Town of Burke Cooperative Plan: The proposed division of the subject site in the Town of Burke requires Plan Commission approval as both a land division in the City's extraterritorial jurisdiction, and as "development" as defined in the 2007 Town of Burke, Village of Deforest, City of Sun Prairie and City of Madison Cooperative Plan. Under the cooperative plan, the terms "develop" or "development" refer to the division of land, or construction of more than one principal structure on a parcel of land, or rezoning a parcel from a residential or agricultural classification to a non-residential classification. Therefore, City approval of the proposed land division is required.

Pursuant to the terms of the cooperative plan, the development of lands outside of the Protected Areas identified in the plan may require the development to provide a full range of urban services, including public water and sewer service, and to attach to the City of Madison, in the sole discretion of the City. In the case of the proposed land division, City water and sewer service is not currently proximate to the site or surrounding area, and the nearest property in the City is nearly 1,900 feet west of the site along Nelson Road near Felland Road. As a result, City staff does not recommend that the property be attached to the City as a condition of this CSM approval.

Land Division Criteria: Any subdivision or land division in the extraterritorial jurisdiction 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. Also, 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 Planning Division believes that the extraterritorial criteria can be met to divide the subject site into two parcels. While the proposed lots will be slightly smaller in area than the other parcels immediately adjacent, they are similar in character to those located in the Wood Ger Development just to the south along the southerly section of Maly Road. Further, the creation of the lots should not demonstrably impact the ability to provide public services or install public improvements in the area, nor impact future attachment of this area to the City, which will occur in October 2036 unless the property is petitioned to attach to Madison sooner.

Recommendation

The Planning Division believes that the Plan Commission can find the approval criteria met with the proposed land division and recommends that the Plan Commission **approve** the two-lot Certified Survey Map of property located at 5381 Maly 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

City Engineering Division (Contact Brenda Stanley, 261-9127)

1. The lots being divided are interdependent for drainage purposes. Provide comprehensive reciprocal easements and agreements for review, including for stormwater management.

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

2. Provide for review an easement agreement (or provide on the CSM) addressing the driveway used by Lot 1 crossing over onto Lot 2. The easement shall set forth the terms, conditions and restrictions for the use and maintenance of the drive.

3. Dimension the Vision Corner within the Certified Survey Map boundary.

4. Add note that this Certified Survey Map is subject to Declaration of Conditions, Covenants and Restrictions per Document No. 4222847

5. 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 Jeff Quamme (jrquamme@cityofmadison.com), 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.

6. Prior to City Engineering final sign-off by main office for Certified Survey Maps (CSM), the final CSM must be submitted to Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. E-mail submittal of the **final** CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.
7. Correct the arc length of the 15-foot radius curve in the northeast corner.
8. The Volume, Page and Document number shall be added to the legal description for CSM 1673.
9. Remove the City of Madison Common Council Certificate. This will be reviewed and acted on by the City of Madison Plan Commission only.
10. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

Traffic Engineering Division (Contact Sean Malloy (266-5987))

11. The applicant shall install, or provide an executed copy of a cross-access agreement to allow vehicular movement onto and off of adjacent sites.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

This agency submitted a response with no comments or conditions 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 Adam Wiederhoeft, 266-9121)

12. The subject parcels are located beyond the Madison Water Utility's existing service area. Note that future attachment to the City may require connection to the City water system if/when water service becomes available per MGO Section 13.07.

Office of Real Estate Services (Andy Miller, 261-9983)

13. Update the date in the notary block to 2020. Signature block certifications shall be executed by all parties of interest having the legal authority to do so, pursuant to 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. The executed original hard stock recordable CSM shall be presented at the time of sign-off.

14. A certificate of consent for all mortgagees shall be included following the Owner's Certificate and executed prior to CSM approval sign-off.
15. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to final sign-off.
16. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest include a Certificate of Consent for the option holder.
17. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
18. As of May 8, 2020, 2019 real estate taxes and special assessments are owed for the subject property. Per 236.21(3) Wis. Stats. 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. This includes property tax bills for the prior year that are distributed at the beginning of the year.
19. All special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property prior to CSM approval sign-off, they shall be paid in full.
20. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Andy Miller in City's Office of Real Estate Services (acmillier@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (February 27, 2020?) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update.
21. The owner shall email the document number of the recorded CSM to Andy Miller in the City's Office of Real Estate Services as soon as the recording information is available.
22. For properties not connected to municipal utility services, consider whether well abandonment ref. NR-141 needs to be addressed.