



PREPARED FOR THE PLAN COMMISSION

Project Address: Parcel No. 0811-302-8050-0, Town of Sun Prairie
(Adjacent to 3111 Burke Road)

Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction

Legistar File ID # [86860](#)

Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Brad and Constance Freitag; 3111 Burke Road; Sun Prairie.

Surveyor: Alysen Tierney; United Grading and Surveying, LLC; 6522 CTH C, Sun Prairie.

Requested Action: Approval of a Certified Survey Map (CSM) to divide 0811-302-8050-0 in the Town of Sun Prairie (adjacent to 3111 Burke Road) to create a residential lot, in the City of Madison’s Extraterritorial Jurisdiction.

Note: The subject parcel to be divided does not have an address. The address of the adjacent developed parcel is used for reference purposes only and is not part of the proposed land division.

Proposal Summary: The property to be divided, 0811-302-8050-0, is an approximately 28-acre parcel located on the south side of Burke Road roughly 500 feet west of Bailey Road in the Town of Sun Prairie. The CSM calls for the creation of a 2.0-acre residential lot that will be approximately 252 feet wide and 347 feet deep. The parcel from which the lot will be created is one of five contiguous agricultural parcels totaling 126.89 acres that are owned by the applicant and property owners. The proposed 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(3)(c) 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 on January 21, 2025. Therefore, the 90-day review period for this CSM will end circa April 21, 2025.

Summary Recommendation: The Planning Division believes that the Plan Commission can find the criteria met and **approve** the Certified Survey Map to divide 0811-302-8050-0 adjacent to 3111 Burke Road in the Town of Sun Prairie and the City's extraterritorial plat approval jurisdiction subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on **page 4** of this report.

Background Information

Existing Conditions and Land Use: The subject parcel is one of five contiguous undeveloped agricultural parcels that total 126.89 acres of land. The Town of Sun Prairie has "opted out" of Dane County zoning as allowed by Wis. Stats. 60.23(34) and is responsible for administering its own zoning regulations. The agricultural parcels are zoned A1-EX (Exclusive Agriculture District) under the Town of Sun Prairie's zoning regulations.

Surrounding Land Use and Zoning: Most of the surrounding properties to the north and south on both sides of Burke Road are agricultural in nature. A number of single-family residences on lots of varying size are located along both sides of Burke Road, including immediately east of the parcel fronting onto Bailey Road. The western edge of the applicant's parcels is the boundary between the Town of Sun Prairie (T8N, R11E) and Town of Burke (T8N, R10E). The land immediately west of the owner's lands include single-family residences in the Town of Burke in the Burke Conservancy Estates subdivision, which is subject to Dane County zoning, and zoned SFR-08 (Single-Family Residential District). Most of the nearby land in the Town of Sun Prairie is zoned in the Town's Agriculture zoning districts.

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area. As such, there are no mapped environmental corridors affecting the 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 & Rescue Department

Emergency medical services: Sun Prairie Emergency Medical Services

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

School District: Sun Prairie Area School District

Previous Approvals

On March 19, 2007, the Plan Commission approved a Certified Survey Map within the City's Extraterritorial Review Jurisdiction creating one residential lot at 3111 Burke Road, Town of Sun Prairie.

The applicants also received approval in 1999 to create a 1.78-acre parcel for residence located at 3151 Burke Road along the western edge of the 126.89-acre farm.

Project Description

The applicants and property owners, Brad and Constance Freitag, are requesting approval of an extraterritorial Certified Survey Map (CSM) to divide a 28-acre parcel in the Town of Sun Prairie identified as 0811-302-8050-0 to

create a residential lot, which will be located adjacent to the lot containing their single-family residence at 3111 Burke Road. The parcel from which the lot will be created is one of five contiguous undeveloped agricultural parcels totaling 126.89 acres of land that are owned by the applicant and property owners.

The proposed lot will be approximately 252 feet wide and 347 feet deep and contain 2.0 acres of land exclusive of right of way for Burke Road. The CSM submitted includes a scale map from record information that shows the remainder of the applicant's property following the proposed land division.

Analysis and Conclusion

Approval of CSM by the Town of Sun Prairie 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, unless the town has opted out of county zoning authority per Wis. Stats. Section 60.23(34), in which case the county no longer has review authority per Wis. Stats. Section 236.34(2). The Town of Sun Prairie adopted its own zoning code in 2018.

The Town of Sun Prairie approved a request to rezone the proposed lot from A1-EX (Exclusive Agriculture District) to SFR (Single-Family Residential District) and approved the proposed land division as noted in the attached letter dated January 13, 2025. The rezoning and land division is subject to a requirement to provide a four-acre conservation easement. The remainder of 0811-302-8050-0 will remain zoned A1-EX following creation of the lot.

Land Division Criteria: In order to approve a subdivision or land division in the City's extraterritorial jurisdiction, the Plan Commission shall find that the request is 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. The proposed subdivision or land division and the resulting development shall also not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations.

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 2023 [Comprehensive Plan](#) identifies lands generally east of the [Reiner Neighborhood Development Plan](#) (2023) and [Northeast Neighborhoods Development Plan](#) (2009) areas as part of Peripheral Planning Area B (PPA-B). The land in PPA-B is currently within the Town of Sun Prairie and may be appropriate for City expansion after development progresses in the Reiner and Northeast planning areas.

The western edge of the larger 126.89-acre Freitag property adjoins the eastern edge of the [Reiner Neighborhood Development Plan](#), which recommends the undeveloped land adjacent to the owner's lands be developed with a variety of primarily residential uses organized along a series of local streets extending northeast from Thorson Road. Planning staff does not believe that creation of the proposed 2.0-acre lot would affect the ability for the development pattern proposed in the [Reiner Neighborhood Development Plan](#) from being implemented, or for that development pattern being expanded to the east onto the subject lands further into the future.

Staff does not feel that the ability for future annexations to occur or services to be extended to support urban development in this area will be negatively impacted by the proposed land division. Staff also believes that the Plan Commission can find that the creation of the proposed lot is compatible with the development pattern along

this section of Burke Road in the Town of Sun Prairie, which features a variety of differently sized parcels mostly developed with single-family residences interspersed among the otherwise large agricultural tracts prevalent through the area.

Recommendation

The Planning Division believes that the Plan Commission can find the criteria met and **approve** the Certified Survey Map to divide 0811-302-8050-0 adjacent to 3111 Burke Road in the Town of Sun Prairie and the City of Madison'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, (608) 261-9127)

This agency has reviewed this request and recommended no conditions of approval.

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, (608) 266-4097)

1. Grant a 10-foot wide permanent limited easement for grading and sloping along Burke Road. Contact Jeff Quamme of Engineering-Mapping (jrquamme@cityofmadison.com, (608) 266-4097) for easement language.
2. Add a note that lands within this CSM are subject to a Declaration of Restrictive Covenants per Document No. 4344541.
3. 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.
4. The surveyor shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office for current tie sheets and control data that has been provided by the City of Madison. Provide coordinate on both corners used for this CSM.
5. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Julius Smith, City Engineering (jsmith4@cityofmadison.com), for final technical review and approval. This submittal must occur a minimum of two working days prior to final City Engineering Division sign-off.
6. The bearings along the boundaries of this CSM indicate the boundary is intended to be a parallelogram, but some of the distances do not coincide with that shape. Surveyor shall correct the necessary bearings or distances for accurate closure. Modify the legal description as necessary as well.
7. Provide a bearing along the right of way of Burke Rd. Also add "Burke Rd" text within the area being dedicated to the public.

8. Provide an overall boundary bearing and distance along the west side of this CSM as required by statute.
9. Remove the area under the Lot 1 label that includes any area within the Burke Road dedication. With the dedication of lands, the Lot area is exclusive of the right of way.
10. Add 'Matthew Wachter' as the Secretary of the Plan Commission.

Traffic Engineering Division (Contact Sean Malloy (608) 266-5987)

This agency has reviewed this request and recommended no conditions of approval.

Parking Division (Contact Trent W. Schultz (608) 246-5806)

11. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required as part of certified survey map review. A TDM Plan will not be required for future residential development if fewer than ten dwelling units are proposed.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

This agency has reviewed this request and recommended no conditions of approval.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

This agency has reviewed this request and recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw (608) 261-9835)

12. Note: The subject parcels are located beyond Madison Water Utility's existing service area. Note that future annexation 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 (Contact Heidi Radlinger, (608) 266-6558)

13. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
14. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s).
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 CSM approval sign-off.

16. 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...”
17. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a).
18. 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.
19. All real estate taxes and special assessments shall be paid in full prior to final approval of the CSM for recording.
20. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report the Office of Real Estate Services 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 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. Staff reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.