

PLANNING DIVISION STAFF REPORT

June 1, 2026

PREPARED FOR THE PLAN COMMISSION



Project Address: 5926 CTH CV, Town of Burke
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [92835](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: PGUV, Inc.; W336 S763 Four Seasons Road; Oconomowoc.

Contact Person: Devon Pittman, Briohn Building Corporation; 3885 Brookfield Road; Brookfield.

Surveyor: Mike Berry, Capitol Survey Enterprises; 2015 La Chandelle Court; Brookfield.

Requested Action: Approval of a Certified Survey Map (CSM) to create two lots for commercial use and one outlot from two parcels generally addressed as 5926 CTH CV in the Town of Burke and the City of Madison's Extraterritorial Jurisdiction.

Proposal Summary: The applicant and property owner are requesting to redivide two parcels (0810-084-8170-0 and 0810-081-9621-0) generally located on both sides of County Trunk Highway (CTH) CV and west side of Daentl Road into two lots and one outlot. The applicant proposes to develop a golf cart and utility vehicles sales and service facility on Lot 1 of the proposed CSM. 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(4) 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. A completed application was accepted for review by the City on April 20, 2026. Therefore, the 90-day review period for this CSM will end on July 19, 2026.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the approval criteria met and **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on **page 5** of this report.

Background Information

Parcel Location: The CSM is comprised of two parcels, 0810-084-8170-0 and 0810-081-9621-0, which total approximately 36.5 acres of land (per the draft CSM). Of that, approximately 18.75 acres of the site are located on the west side of Daentl Road north of CTH CV. The remaining land includes 17.5 acres of land located on the south side of CTH CV and west side of US Highway 51.

Existing Conditions and Land Use: The subject site is undeveloped. The portion of the site south of CTH CV is zoned HC (Heavy Commercial District), while the land to the north was recently rezoned GC (General Commercial District) and NR-C (Natural Resource Conservation District) to accommodate the applicant's development proposal and the proposed land division.

Surrounding Land Uses and Zoning (All in the Town of Burke and subject to Dane County zoning): Lands to the east are primarily zoned HC (Heavy Commercial District) fronting N Stoughton Road and include highway-oriented land uses including Mad City Power Sports, TA Truck Service (a truck stop), and a personal indoor storage facility. The remaining land surrounding the subject parcels is undeveloped save for a scattering of single-family residences and accessory buildings. Lands to the west of the site are zoned RM-16 (Rural Mixed-Use District) and SFR (Single-Family Residential District).

Environmental Corridor Status: The subject site is located in the Central Urban Service Area (CUSA). The northern three-quarters of Parcel No. 0810-081-9621-0 is located in a mapped environmental corridor due to the presence of floodplain and wetlands attendant to a tributary of Token Creek that touches the northern edge of that parcel.

Public Utilities and Services:

Water: This site is located within the DeForest Extraterritorial Water Service Area and will be served by the Village of DeForest.

Sewer: The property is not currently served by public sanitary sewer. Like with water service as noted above, the Village of DeForest will primarily be responsible for providing sanitary sewer service in this area. As the site is not yet served by sanitary sewer, the applicant has received a variance from Public Health – Madison & Dane County to allow a septic holding tank to be used for future development on Lot 1.

Fire protection: City of Madison Fire Department.

Emergency medical services: City of Madison Fire Department.

Police services: Dane County Sheriff's Department (Northeast Precinct).

School District: DeForest Area School District.

Project Description

The applicant and property owner, PGUV, Inc., are requesting approval of a Certified Survey Map (CSM) in the Town of Burke to re-divide two undeveloped parcels into two lots and an outlier. The site and surrounding parcels are located in the City's extraterritorial plat approval jurisdiction and will attach to the City on or before October 27, 2036 upon the final attachment of the Town of Burke to Madison, the Village of DeForest, and City of Sun Prairie.

The parcels to be re-divided are 0810-084-8170-0 and 0810-081-9621-0, which total approximately 36.5 acres based on the legal description on the proposed CSM. The southern of the two parcels, Parcel No. 0810-084-8170-0 is addressed as 5926 County Trunk Highway (CTH) CV and contains approximately 25 acres of the overall site, of which about 17.5 acres are located on the south side of CTH CV and west side of US Highway 51, with the remainder of the parcel located on the north side of CTH CV and west side of Daentl Road. Parcel No. 0810-081-9621-0 sits to the north of 0810-084-8170-0 on the west and south sides of Daentl Road and comprises the remaining area of the subject site. As noted above, most of 0810-081-9621-0 is located in a mapped environmental corridor due to the presence of floodplain and wetlands associated with a tributary of Token Creek, which crosses the northernmost portion of that parcel from east to west.

The subject CSM proposes to join the portion of 0810-081-9621-0 not located in mapped environmental corridor with the portion of 0810-084-8170-0 located north of CTH CV into a lot for commercial development, which is shown as Lot 1 on the proposed CSM. The remainder of 0810-084-8170-0 south of CTH CV will comprise Lot 2 of the CSM, which will be approximately 17.5 acres in area. The undevelopable portion of 0810-081-9621-0 will be designated as Outlot 1.

Approval of CSM by the Town of Burke and Dane County: MGO Section 16.23(3) requires that subdivisions and land divisions in the City's Extraterritorial Plat Approval Jurisdiction receive approval from the town of record and 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 April 17, 2026. To facilitate the proposed land division, the portion of the subject site comprising proposed Lot 1 was rezoned from RR-8 (Rural Residential) to GC (General Commercial District) and NR-C (Natural Resource Conservation District) by the Dane County Board on April 16, 2026. Dane County also approved a conditional use permit to allow indoor sales and service of golf carts and utility vehicles in a building to be constructed on proposed Lot 1. The Town of Burke Board recommended approval of the zoning change and proposed land division on January 21, 2026.

The land comprising Lot 2 of the CSM was previously rezoned from GC zoning to HC (Heavy Commercial District) by the Dane County Board on February 17, 2022.

Analysis

City of Madison Land Use Plans: The property is located within the boundaries of the [Northeast Area Plan](#), which was adopted by the City of Madison Common Council on September 10, 2024 to guide development of a nearly 12 square-mile area of the existing and future City of Madison generally bounded by Interstate 39/90/94 on the

east, State Trunk Highway 30 and Aberg Avenue on the south, Packers Avenue and the Canadian Pacific rail corridor on the west, and City's future boundary with the Village of DeForest on the north. The adopted area plan includes land use, utility, transportation, park and open space, and development recommendations among other topics.

From north to south, the area plan recommends the 36.5-acre overall site for Parks and Open Space (P) and Employment (E) north of CTH CV, and Industrial (I) for the land south of CTH CV. The parcels on both sides of US Highway 51 north of the intersection of CV are recommended for General Commercial (GC), including the parcels across Daentl Road Access Road from the northern portion of the site (proposed Lot 1 and Outlot 1).

Town of Burke Cooperative Plan: The proposed division of the subject site in the Town of Burke requires Plan Commission approval as a land division in the City's extraterritorial jurisdiction. In addition, the land division and related rezoning are considered "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. A "parcel" is defined as the contiguous lands within the control of a single owner, as is the case with parcels 0810-084-8170-0 and 0810-081-9621-0.

Under the cooperative plan, any development in the Town 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 the case of Madison, the applicable development requirements include, but are not limited to, all adopted neighborhood development plans, land use or comprehensive plans, the Subdivision Regulations in MGO Section 16.23, the Impact Fee Ordinance, which is MGO Chapter 20, the Zoning Code, and MGO Chapter 37, which regulates stormwater management and erosion control. Additionally, all new or replacement signs, billboards or street graphics are required to comply with the restrictions of Madison Sign Code (MGO Chapter 31) and with the applicable Dane County sign regulations. In the event of a conflict between the Madison and Dane County sign regulations, the more restrictive regulations shall apply.

The subject site is located within a Protected Area as defined by the cooperative plan and therefore may not be attached to the City of Madison without the approval of the Town of Burke Board prior to the final attachment of the Town to DeForest, Madison, and Sun Prairie on October 27, 2036. In the Protected Areas, the full range of urban services may or may not be required, in the sole discretion of the respective village or city. The Town shall not grant any development approvals inconsistent with this paragraph.

Consistent with the development provisions in the cooperative plan, City staff is requesting that a note be placed on the final CSM stating that stormwater management for Lots 1 and 2 of the CSM requires review by the City of Madison for conformance with the City's requirements in Chapter 37 of Madison General Ordinances. A separate note is also requested that states that future signage on Lots 1 and 2 is subject to City of Madison sign regulations (MGO Chapter 31) and Dane County sign regulations. As noted above, in the event that the City's sign regulations conflict with Dane County's regulations, the more restrictive regulations shall apply.

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.

In reviewing the proposed land division, the Planning Division believes that the Plan Commission may find the criteria enumerated on page 1 of this report and approve the proposed parcel reconfiguration. As noted above, the subject site consists of two parcels. However, one of those parcels is bifurcated by the existing right of way of record for CTH CV, which effectively creates the impression if not the reality of there being three parcels. The proposed CSM will formally create a developable lot on both the north and south side of CTH CV, while the undevelopable land at the northern end of the site will be set aside as an outlot that cannot be developed. Staff does not believe that the proposed lot layout will adversely affect the City's ability to attach these lands to the City sooner than final attachment of the Town of Burke if so requested by a property owner and approved by the Town of Burke. Staff also does not believe that the lot layout will affect the extension of urban services into this area, which as noted on page 2 of this report regarding water and sanitary sewer service, will primarily be provided by the Village of DeForest by virtue of provisions in the cooperative plan.

Conclusion

The applicant and property owner are requesting approval to divide two parcels located in the Town of Burke at CTH CV and Daentl Road into two lots and one outlot. One of the parcels to be divided by the proposed CSM is bifurcated by the right of way of record for CTH CV. In addition to requiring approval in Madison's plat approval jurisdiction, the land division and related rezonings of the proposed lots from residential to commercial zoning represents "development" as defined in the *Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan*.

The Planning Division believes that the land division meets the criteria for approval subject to the conditions in the following section. Among those conditions are notes related to the review of stormwater management for proposed Lots 1 and 2 consistent with MGO Chapter 37, as well as a note regarding the regulation of future signage. Both proposed CSM notes are consistent with provisions in the cooperative plan related to regulating development of parcels in the Town of Burke.

Recommendation

The Planning Division recommends that the Plan Commission find the approval criteria met and **approve** the Certified Survey Map of 5926 CTH CV, 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

Planning Division

1. The Certified Survey Map shall be revised prior to final City approval to include the proposed use of Outlot 1 and provide information on the future ownership of the outlot. The CSM shall include a note that Outlot 1 is undevelopable due to the presence of floodplain and wetlands. Any use or development of that parcel for other than open space shall require the written approval of the City of Madison Planning Division.

2. Provide a copy of the wetland delineation referenced in correspondence with City staff. The delineation shall be prepared by a Wisconsin Department of Natural Resources (WDNR)-assured delineator and shall be current within five years.
3. The CSM shall be revised to show a 75-foot setback for any wetlands on or adjacent to the subject property consistent with the setbacks established by Dane County Regional Planning Commission (DCRPC) Resolution 934 and as now enforced by the Capital Area Regional Planning Commission (CARPC).

4. Provide the following City of Madison Plan Commission certificate:

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

By: _____ Date: _____
Matthew Wachter, Secretary of the Plan Commission’

5. Pursuant to Section 7.2.D of the Town of Burke Cooperative Plan, signage anywhere on Lots 1 and 2 shall comply with City of Madison sign regulations (MGO Chapter 31) and Dane County sign regulations. In the event that the City’s sign regulations conflict with Dane County’s regulations, the more restrictive regulations shall apply. Place a note on the final CSM to this effect; the note shall expire and be null and void upon attachment of the subject parcels to the City of Madison.
6. Pursuant to Section 11.B.(1) of the Town of Burke Cooperative Plan, stormwater management for Lots 1 and 2 of the CSM requires review by the City of Madison for conformance with the City’s requirements in Chapter 37 of Madison General Ordinances. Place a note on the final CSM to this effect; the note shall expire and be null and void upon attachment of the subject parcels to the City of Madison.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

7. A Phase 1 environmental site assessment (per ASTM E1527-21), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Environmental Review (environmentalreview@cityofmadison.com).
8. Attachment to the Madison Metropolitan Sewerage District (MMSD) and fees associated with the attachment will be due as a condition for plan approval. Contact Mark Moder of the City Engineering Division at 608-261-9250 to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering sign-off of the CSM.
9. The applicant shall show a setback from wetland boundary as required by Capital Area Regional Planning Commission (CARPC) regulations.
10. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer’s / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering sign-off.

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

11. Grant a 15-foot wide Permanent Limited Easement for grading and sloping adjacent to the CTH CV rights of way along the south side of Lot 1 and the north side of Lot 2. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) for easement language.
12. Show the north right of way of Daentl Road opposite all of this CSM. The majority of the right of way is 90 feet wide along this CSM until it varies. This shall be clearly shown and noted. Also note the area of Daentl Road conveyed by Document No. 989300.
13. Add a note that US Highway 51 is an Access Controlled Highway per Document No. 914742. Refer to the note for the "No Access Label" along the easterly side of Lot 2. Also revise the "No Access" note to read "No Access per Document No. 1418835 and RW Plat Proj No. 5410-3-21 Sheet 4.3."
14. Add a note that CTH CV is an Access Controlled Highway per Chapter 79 of the Dane County Ordinances.
15. Modify the notes for the two Restricted Development Easement Areas: Restricted Development Easement Area per Document No. 1614222 and RW Plat Proj No 1011-0-21, Sheets 4.2 and 4.3. Also per the document, no rights of access shall accrue to any right of way adjacent to this easement area.
16. Label the Daentl Service Road as acquired by Document No 1614222. Also, there are specific widths for this road at every bend point and they shall be labeled as required. Lastly, label the reference line as Reference Line F of RW plat No. 1011-0-02.
17. Add a note that Lot 2 is subject to a deed restriction per Document No. 5834846.
18. 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 monument condition reports for all monuments, including center of sections of record used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com).
19. 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. Please transmit to Jeff Quamme (jrquamme@cityofmadison.com).
20. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with City of Madison General Ordinances and State of Wisconsin Statutes. The licensed professional preparing the land division is responsible for full compliance with all ordinances and statutes regulating this proposed land division.
21. An un-named Wisconsin Department of Natural Resources-designated perennial (navigable) stream crosses the northwest corner of Outlot 1. This shall be shown and an approximate ordinary high water mark (OHWM) noted as required by platting statute. See the Surface Water Data Viewer by the WDNR.

22. Label the Daentl Road Reference Line as Reference Line C, Hwy Proj No I-90-2(12)122.
23. Provide the adjustment year information for the Dane County Coordinate bearing reference.
24. Label the right of ways of CTH CV per Document No. 1039915 and RW Proj. Plat 5410-3-21 Sheet 4.3.
25. Add the delineated wetland line type to the legend.
26. The note for the Flood Hazard line should have text added to refer to Note 3.
27. "Recorded as" information shall be added to the CSM at all appropriate places, including any line or curve tables. Add curve chords and dimension information to the details on Sheet 2, including the easement areas.
28. Add a City of Madison Plan Commission Certificate to the Certified Survey Map. [Note: See Planning Division conditions for the form of this certificate.]
29. Add a note clarifying the location of the south line of Lot 2 regarding monumented forty line versus the computed forty line.
30. Show the SE Corner of Section 8, monument found, and coordinates with a bearing and distance along the east line of the SE 1/4. This monument would be needed to complete this CSM.
31. 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, (608) 266-5987)

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

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

32. Note: Build-out of the site and buildings shall comply with Madison General Ordinance Chapter 34 requirements, including site access, water supply, fire protection requirements, etc.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

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

Parks Division (Contact Brian Kowalski, (608) 243-2848)

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

Forestry Section (Contact Jeffrey Heinecke, (608) 266-4890)

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

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

33. The subject parcels are located beyond Madison Water Utility's service area.

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

34. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required as part of certified survey map review. If the subject parcel is attached to the City of Madison, future site development and/or changes of use could require the property to comply with the City of Madison TDM Ordinance, MGO Section 16.03.

Office of Real Estate Services (Contact Lance Vest, (608) 245-5794)

35. 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. If any of the land within the CSM boundary is under contract for sale or purchase, and said transfer will be conducted at the time of CSM recording, an escrow agreement may be necessary. Please discuss closing plans with ORES in advance of CSM signoff. 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 final approval sign-off.
36. 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).
37. 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. Include a Consent of Lessee certificate for the billboard signs located on the property.
38. Pursuant to Madison City Ordinance Section 16.23(5)(b)(5) and Wis. Stats. 236.21(2)(a), all CSM's that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

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

By: _____
Matthew Wachter, Secretary of the Plan Commission

Date: _____

39. Please include a space for the Register to hand write the recording info on the date of recording, to appear similar to the following:

Office of the Register of Deeds
Dane County, Wisconsin
Received for recording on _____, 20__ at ____ o'clock __ M, and
recorded in Volume ____ of CSMs on page(s) _____, Document No. _____.

Kristi Chlebowski, Register of Deeds

40. Pursuant to Madison City Ordinance Section 16.23(4)(c)(1), the owner shall furnish an updated title report to ORES via email to Lance Vest (lvest@cityofmadison.com), the survey firm preparing the proposed CSM, and the reviewing Planner named in this letter. The report shall search the period after the date of the initial title report (March 24, 2026) 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. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
41. The owner shall email the document number of the recorded CSM to ORES via email to Lance Vest (lvest@cityofmadison.com) when the recording information is available.
42. Revise the CSM as follows:
- a) Depict the billboard signs located within the proposed CSM boundary along CTH CV and US Highway 51.
 - b) Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for _____ purposes."