



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2819 CTH T, Town of Sun Prairie  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [41152](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicants & Property Owners:** Ricky A. Rice; 2725 CTH T; Sun Prairie.

**Surveyor:** Mark Pynnonen, Birrenkott Surveying, Inc.; 1677 N. Bristol Street; Sun Prairie.

**Requested Action:** Approval of a Certified Survey Map (CSM) to create 2 lots from land addressed as 2819 CTH T, Town of Sun Prairie, in the City of Madison’s Extraterritorial Jurisdiction.

**Proposal Summary:** The proposed CSM creates a second residential lot from an approximately 4.63-acre parcel developed with a single-family residence. 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 received the proposed CSM application for review on December 9, 2015 without the approval by the Town of Sun Prairie. The Town Board of Sun Prairie approved the CSM on January 25, 2016. Therefore, the 90-day review period for this CSM will end circa April 25, 2016.

**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 3 of this report.

## Background Information

**Parcel Location:** An approximately 4.63-acre property located on the southeasterly side of CTH T at Burke Road; Sun Prairie Area School District.

**Existing Conditions and Land Use:** The subject site is developed with a single-family residence on the western half of the property and 2 accessory buildings located to the northeast of the house. The site is zoned County A-1EX (Exclusive Agriculture District).

**Surrounding Land Uses:** Properties surrounding the subject site are predominantly agricultural in character. The frontage of CTH T includes a scattering of single-family residences located on variety of differently shaped and sized town lots located in County Agriculture, Residence, and Rural Homes zoning districts.

**Environmental Corridor Status:** The subject site is not located in the Central Urban Service Area and is not located in a mapped environmental corridor. CARPC [Corridor Map H5](#) shows an area of woodlands located along the eastern property line.

### Public Utilities and Services:

Water: Property is not served by municipal water

Sewer: Property is not served by public sewer

Fire protection: Town of Sun Prairie Fire Department

Emergency medical services: Marshall Emergency Medical Services

Police services: Dane County Sheriff's Department

School District: Sun Prairie Area School District.

## Project Description

The applicant is requesting approval of a Certified Survey Map (CSM) to divide his 4.63-acre parcel into 2 lots. The subject parcel is located on the southeasterly side of CTH T opposite the eastern terminus of Burke Road in the Town of Sun Prairie. The subject site is developed with a single-family residence located on the western half of the property. Some aerial photography suggests that 2 accessory buildings are located northeast of the residence, which are not shown on the CSM and may no longer exist. Access into the property is provided by a gravel driveway that extends into the site approximately midway along the CTH T frontage.

The property is characterized by a modest slope that falls from a ridge that extends across the western portion of the property generally parallel to CTH T, and by significant tree cover on the eastern, rear half of the site. The area surrounding the subject site is characterized by a number of large agricultural properties and a scattering of single-family properties on a variety of parcels of different shapes and sizes located along this section of CTH T.

The CSM proposes to divide the property into 2 roughly equal lots of 2.31 acres each following the dedication of 40 feet of right of way for CTH T as measured from the centerline of the road. The existing residence will be located on Lot 1 of the CSM. The existing driveway will remain and be used by both lots. The property was recently rezoned from A-1EX (Exclusive Agriculture District) zoning to RH-1 (Rural Homes 1 District) zoning, which requires a minimum of 2 acres of area and 150 feet of road frontage for each lot.

## 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.

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 October 26, 2015. The Town of Sun Prairie Board approved the CSM on January 25, 2016. Dane County previously approved a rezoning of the subject property from A-1EX to RH-1 on September 3, 2015 (see attached correspondence).

**City of Madison Land Use Plan:** The subject site is located within Peripheral Planning Area E as defined in the Comprehensive Plan. Planning Area E is a “Group 2” planning area with potential for eventual urban expansion and more intensive development in the future as an extension of the urban development anticipated in most of the Northeast Planning Area. Based on current trends, it is unlikely that significant development would begin within Planning Area E for at least 20 years and perhaps longer. The Comprehensive Plan also recognizes the presence of prime farmland in Planning Area E and recommends that continued food production activities be incorporated into future neighborhood development plans that will be developed to guide growth in this area.

The Planning Division generally believes that the Plan Commission can find the approval criteria met with the proposed land division. Staff does not believe that the lots proposed with this land division would be incompatible with the development pattern present along this section of CTH T, which as noted earlier in this report includes a variety of single-family home sites of varying size and shape. Staff also does not believe that the land division will have an adverse impact on any future annexations of this property to the City of Madison, on future urban development activities in this area, or the ability to extend water or sanitary sewer services to this site in the future, all of which appear likely to be 20 years or more away from occurring.

However, to ensure the City’s long-term interests in this area are preserved with the approval of this land division, Planning staff recommends that a restrictive covenant be granted for the City’s benefit prior to recording of the final CSM, which provides the City the ability to approve the location of any new or expanded principal or accessory buildings on the proposed lots. Staff wishes to work collaboratively with the property owners to ensure that the location of any new or expanded buildings on the site does not negatively impact the ability to potentially extend Burke Road across the subject property to serve future urban development or eventually extend other services to the area. A similar condition was required by the City when the adjacent property to the south at 2829 CTH T was divided into 2 lots in 2011.

## Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 2819 CTH T, Town of Sun Prairie, 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 execute a restrictive covenant over Lots 1 and 2 of the CSM in a form approved by the Planning Division prior to final City approval of the CSM for recording. The restrictive covenant shall require written approval of the City of Madison Planning Division Director of the location of any new or expanded

principal or accessory buildings located on Lots 1 and 2. The purpose of the restrictive covenant is to ensure that the location of any new or expanded buildings on the site does not negatively impact the ability to potentially extend Burke Road or other services across the subject property to serve future urban development in the area.

2. That no additional driveway access to CTH T be granted for Lots 1 and 2 of the CSM. The applicant shall create a joint driveway easement/ agreement to benefit both proposed lots, with the final easement/ agreement to be approved by the Planning Division and executed prior to final approval of the CSM for recording.
3. Per Section 16.23(8)(d)4, side lot lines shall be as nearly as possible at right angles to straight street lines or radial to curved street lines on which the lots face. Work with Planning Division staff prior to final sign-off to revise the CSM to create a common line between the Lots 1 and 2 that more closely parallels the side property lines.
4. Any accessory buildings located on the property shall be shown on the final CSM prior to sign-off. If those buildings are to be removed/ demolished, a note to that affect shall be provided.
5. The final CSM shall show front and side yard setbacks for the existing residence as measured from the proposed common lot line.

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

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

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

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

6. USPS records indicate that the street is called County Road T. Please verify with the Wisconsin Department of Transportation as to whether this is now called County Road T or if it is County Trunk Highway T.
7. 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.
8. Show as required by statute the "recorded as" data along the exterior boundaries of the Certified Survey Map. This also includes some data within the curve table. Many dimensions vary substantially from the public record.
9. A note shall be added to the CSM that County Trunk Highway T is and Access Controlled Highway as set forth by Document No. 1368501. Also designate and dimension the frontage of "No Vehicular Access" on the face of the CSM.
10. Ties from the existing home to adjacent lot lines shall be shown on the CSM.

11. A Common Access Easement/Agreement is required for the common driveway shown on the Certified Survey Map. All easements shall specify the beneficiaries of the easement along with rights and responsibilities of all parties cited within the easement.
12. The chords of the curves shall be shown on the map as required by statute.
13. Clarify the recorded as data shown over the County Trunk Highway "T" label or remove. It appears to not reference any of the boundaries of this Certified Survey Map.
14. Revise the Secretary of the City of Madison Plan Commission to Natalie Erdman.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

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

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

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)

15. Pursuant to MGO Section 16.23(5)(e)4 and Wis. Stats. 236.21(2) (a), all CSMs that are subject to the review and approval of the City of Madison shall contain the following City of Madison Plan Commission certificate of approval:

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

By: \_\_\_\_\_  
Natalie Erdman, Secretary of the Plan Commission

Date: \_\_\_\_\_

16. Per Section 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g), the property owner shall pay all real estate taxes and special assessments for the subject property prior to CSM recording.
17. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto:hradlinger@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 (October 26, 2015) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. The surveyor shall update the CSM with the most recent information reported in the title update

18. Revise the CSM prior to final sign-off as follows:

- a.) Depict, name, and identify by document number on the proposed CSM all existing easements cited in record title and the updated interim report.
- b.) Satisfactions or releases for all mortgages, liens, judgments, or other instruments that no longer encumber the lands or ownership within the CSM boundary shall be recorded prior to CSM approval sign-off.