



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 6265 Portage Road, Town of Burke  
**Application Type:** Certified Survey Map (CSM) in the Extraterritorial Jurisdiction  
**Legistar File ID #** [53610](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant & Property Owner:** Pat & Patricia Schaefer, Experior Properties, LLC; 2333 St. Albert The Great Drive; Sun Prairie.

**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 at 6265 Portage Road, Town of Burke, in the City of Madison’s Extraterritorial Jurisdiction.

**Proposal Summary:** The applicant and property owner is proposing to divide their irregularly shaped parcel to create a lot for a new single-family residence to be constructed west of the existing residence. 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 CSM application was submitted to the City for review on or around October 17, 2018. Therefore, the 90-day review period for this CSM will end circa January 17, 2019.

**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 2.43-acre parcel located on the northwesterly side of Portage Road adjacent to its intersection with Rattman Road in the Town of Burke.

**Existing Conditions and Land Use:** The subject site is developed with a single-family residence in RH-1 (Rural Homes District) per Dane County zoning.

**Surrounding Land Uses and Zoning** (all in the Town of Burke and subject to Dane County zoning):

North: Single-family residences, zoned R-1 (Residence District) and A-1 (Agriculture District);

South: Single-family residence along Portage Road, zoned RH-1 (Rural Homes District); agricultural land, zoned A-1;

West: Agricultural land, zoned A-1;

East: Single-family residences and agricultural land along Portage Road, zoned A-1; single-family residences along and east of Rattman Road, zoned R-1 and A-1.

**Environmental Corridor Status:** The subject site is not located in the Central Urban Service Area; there are no mapped environmental corridors affecting the site. However, Dane County has mapped a “resource protection corridor” parallel to a Wisconsin Department of Natural Resources (WDNR)-designated intermittent stream that forms the southern boundary of the subject parcel. The intermittent stream drains towards Token Creek to the northwest.

### 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: Madison Fire Department.

Police services: Dane County Sheriff’s Department (North Precinct).

School District: DeForest Area School District.

## Project Description

The applicant and property owner is requesting approval of a Certified Survey Map to divide a 2.43-acre parcel located on the northwesterly side of Portage Road at its intersection with Rattman Road to create a second lot for a new residence. The irregularly shaped parcel contains approximately 235 feet of frontage along Portage Road and extends approximately 650 feet due west as measured along the northern property line. The site is developed with an existing residence, detached garage and shed located on the easternmost quarter of the property, with access to the residence provided by a circle drive off of Portage Road. The property is characterized by a modest slope from north to south towards an intermittent stream that follows the southern boundary of the site. The WDNR-designated stream drains towards Token Creek, which is located approximately a quarter-mile to the northwest of the subject site. There is moderate tree cover present on the property, particularly near the existing residence.

The proposed land division calls for the house to remain on an approximately 0.46-acre (20,017 square-foot) lot shown as Lot 1 of the CSM. Lot 1 will have approximately 143 feet of frontage along Portage Road following a dedication of right of way for the street, and a depth of roughly 288 feet of depth as measured along the northern property line. The remaining 1.76 acres of the site will comprise Lot 2 of the land division, with approximately 66 feet of frontage along Portage Road, and will surround Lot 1 on the south and west. A private waste treatment system for the existing residence on proposed Lot 1 will extend across the panhandle connecting most of the acreage for Lot 2 to the road. As a condition of approval, Planning staff requests that an envelope be designated on the final CSM to identify where on Lot 2 the future residence and any accessory buildings will be located.

## 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.

To implement the proposed land division, the applicant and property owner received approval from Dane County of a request to rezone the property from the RH-1 Rural Homes District to the R-1 Residence District on June 7, 2018. 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 July 9, 2018.

The Town of Burke Board recommended approval of the rezoning and land division in a resolution dated February 26, 2018 (attached).

**City of Madison Land Use Plans:** The subject site is located within the limits of the Pumpkin Hollow Neighborhood Development Plan, which was adopted in 2008 to provide land use, utility, and transportation-related recommendations for the existing and future areas of the City of Madison bounded by State Trunk Highway 19 on the north, existing and future City of Sun Prairie on the east, the American Center on the south, and Interstate 39-90-94 on the west. The subject property is located in Phase C of the plan, and is recommended for low-density residential development up to eight (8) units an acre in Housing Mix 1 on the easterly third of the site, with the remaining property recommended for open space and stormwater management. The surrounding land to the west and south is recommended for a mix of low-density residential development in HM1 and open space as a continuation of the residential development pattern that exists to the north in the Terrace Parklands town subdivision (which will be attached to Sun Prairie in 2036).

In addition to the land use recommendations for the subject properties, the plan also identifies Portage Road adjacent to the site as a future collector roadway with a 90-foot wide right of way cross section. Staff recommends that five additional feet of right of way be dedicated with this CSM in addition to the 40 feet already proposed from centerline in accordance with this plan recommendation.

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. The 2.43-acre subject property is not eligible for an exemption in the plan that entitles

the owner of any five-acre or larger parcel of land in existence on March 1, 2006 in a zoning district permitting residential use to divide that parcel one time to construct a single-family residence on each parcel without being subject to approval by or attachment to the City. Therefore, Plan Commission approval of the land division is required.

The Planning Division believes that the Plan Commission may find that the proposed land division meets the criteria for approval. The creation of an additional residential lot is generally consistent with the low-density residential land uses recommended for a portion of the subject site as well as portions of the properties located west and south of the site in the Pumpkin Hollow Neighborhood Development Plan. The proposed lots are consistent with a fairly well-developed pattern of residential lots located north and east of the site in the Town, and staff is not concerned that the land division will have a negative impact on the City of Madison's ability to extend services to this area over the next 10-30 years despite the irregular shape of the proposed lots. The layout of Lot 2 in particular, is similar to deep residential lots allowed under certain circumstances in the City limits, where lots with excessive depth and/or topographic constraints may be divided to allow limited additional residential development if approved by the Plan Commission. However, to ensure that the future residence and any accessory buildings built on Lot 2 have as little impact on the stream and private waste system on Lot 1 as possible, Planning staff recommends that an envelope be designated on the final CSM to identify future structures will be located.

## Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property addressed as 6265 Portage 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

**Planning Division** (Contact Timothy M. Parks, 261-9632)

1. That the Certified Survey Map (CSM) be revised prior to sign-off to dedicate five (5) additional feet of right of way for Portage Road consistent with the Pumpkin Hollow Neighborhood Development Plan recommendation for a 90-foot right of way (45 feet on each side of centerline).
2. The applicant shall identify an envelope of building setback lines on Lot 2 where the future residence and any accessory buildings constructed on Lot 2 will be located. The envelope shall be consistent with Dane County zoning yard setback requirements and demonstrate that the new building(s) are located in a manner that does not negatively impact the private waste system for Lot 1 or the intermittent stream along the southern property line.

**City Engineering Division** (Contact Tim Troester, 267-1995)

3. Lot 1 has a major drainageway running across and through the lot. An easement for drainage shall be dedicated to the public a minimum of 30 feet in width centered on the centerline of the existing ditch.

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

4. The survey was performed on the Dane County Coordinate System. Provide the coordinate values for the North and South 1/4 corners of Section 3-8-10 on the map. The surveyor shall identify any deviation from City Master Control with recorded and measured designations for the South 1/4 corner of Section 3.
5. Add text to the label for the easement for the existing private septic system that the easement is for the benefit of Lot 2 of this Certified Survey Map.
6. There is a dedication of public right of way. A consent of Corporate Mortgage Certificate is required on the Certified Survey Map.
7. In accordance with Section s.236.34(1m)(c), which states a CSM shall be prepared in accordance with the plat requirements stated per s.236.20(2)(c) & (f), Wisconsin Statutes, the applicant shall show the type, location and width of any and all easements on the CSM. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being granted by the new CSM. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by the CSM.
8. Add a note that Lot 2 is subject to a Private Sewage System Maintenance Agreement Covenant per Document No 2515571.
9. Rattman Road ends at the Portage Road intersection. Portage Road continues north. Add Portage Road along the east side of Lot 147 of Burke Assessors Plat No.1.
10. Correct spelling of “Treatment” on sheets 1 and 2.
11. 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. Electronic mail submittal of the **final** CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com
12. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

\*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 original submittal of data and prior to final sign off.

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

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

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

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)

This property is outside the Madison Water Utility service area.

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

13. 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). Said parties shall provide documentation of legal signing authority to the notary at the time of execution. 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. The certificate should further state the LLC is "a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin", or something similar. Also, the signature blocks should indicate whether the signatories are members or managers of the LLC rather than owners. Finally, please include two notary blocks with the names of the signatories rather than the name of the LLC.
14. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to CSM approval sign-off. Please include certificate for Farmers & Merchants Bank per Document No. 4336191.
15. As of November 20, 2018, the 2017 real estate taxes and special assessments are paid 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.
16. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Lance Vest in City's Office of Real Estate Services (lvest@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 (August 24, 2018) 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.

17. The owner shall email the document number of the recorded CSM to Lance Vest in the City's Office of Real Estate Services as soon as the recording information is available.
18. The following revisions shall be made to the CSM prior to final approval and recording:
  - a.) Depict, name, and identify by document number all existing easements cited in record title and the updated title report. In particular, the easement for existing private owner waste treatment system and the joint driveway easement.
  - b.) Include a comma in all instances of the LLC name as follows: "Experior Properties, LLC".