



PREPARED FOR THE PLAN COMMISSION

Project Address: 5048 Thorson Road, Town of Sun Prairie
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [58487](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Gary V. Ziegler; 5216 Erling Avenue; McFarland.

Surveyor: Mark Pynnonen, 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 5048 Thorson Road, Town of Sun Prairie, in the City of Madison’s Extraterritorial Jurisdiction.

Proposal Summary: The subject site is a 25.1-acre parcel developed with a single-family residence and accessory building located in the northeastern corner of the site. The applicant proposes to create a 40,303 square-foot lot along the Thorson Road frontage for the future construction of a single-family 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 application was determined to be complete on December 18, 2019 once all of the proper documents were submitted to the City to formally initiate the review. Therefore, the 90-day review period for this CSM will end circa March 17, 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 25.1-acre parcel located on the east side of Thorson Road, approximately 3,000 feet north of CTH T in the Town of Sun Prairie. Thorson Road is partially located on the border of the Town of Sun Prairie and Town of Burke, and the property is located where the road begins to curve entirely through Burke. A small 3,956.8 square-foot parcel of the applicant's property is located across the town line in Burke (parcel 0810-254-9940-0).

Existing Conditions and Land Use: The subject site is developed with a single-family residence and accessory building in the northeastern corner of the site at the end of a long, curved driveway from Thorson Road. Most of the rest of the site is in tillage. The property, or some portion thereof, is zoned SFR (Single-Family Residence) under the Town of Sun Prairie's zoning regulation, which at a minimum is similar to the Dane County SFR district. However, as noted in the application materials, 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.

Surrounding Land Use and Zoning: Most of the surrounding properties to the north, east and west on both sides of Thorson Road are agricultural in nature. A number of single-family residences on lots of varying size are located south of the subject site on both sides of the road and in both towns. Lots in the Town of Burke, which is subject to Dane County zoning, are zoned SFR-1 (Single-Family Residential-1 District) and a variety of RR (Rural Residential) zoning districts (4, 8, 16), the numeric suffix of which identifies the minimum lot area requirement. No zoning data is available from Dane County for the Town of Sun Prairie parcels. The subject site is located directly across Thorson Road from undeveloped agricultural land in the City of Madison, zoned A (Agricultural District).

Environmental Corridor Status: The subject site is located in the Central Urban Service Area; 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 District

Emergency medical services: Marshall Emergency Medical Services

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

School District: Sun Prairie Area School District

Project Description

The applicant and property owner is requesting approval of a Certified Survey Map to create an approximately 40,300 square-foot single-family lot from his larger, 25.1-acre property located at 5048 Thorson Road in the Town of Sun Prairie.

The property is an irregularly shaped parcel with approximately 375 feet of frontage along the portion of Thorson Road located in the Town of Sun Prairie. Thorson Road from the subject site south straddles the border between the Town of Sun Prairie (T8N, R11E) and Town of Burke (T8N, R10E), and begins to curve to the northwest at the property, where it continues through the eastern extents of the Town of Burke north to Burke Road. (The property directly across Thorson Road from the subject site is located in the City of Madison as the result of a 2001 annexation of approximately 723 acres of land from the Town of Burke.) The subject property mostly extends

behind a handful of residential lots that front onto Thorson Road, and includes a residence and accessory building in the northeastern corner connected to the road by a long, curved driveway. Most of the subject site is in tillage currently. The northwesterly line of the property is formed by a natural gas pipeline that generally runs north-south through the area. The applicant also owns a 3,956 square-foot parcel adjacent to the subject site but located across the town line in Burke (parcel 0810-254-9940-0); the smaller parcel is not part of the proposed CSM.

The proposed CSM will create a 151-foot wide and 266.9-foot deep lot for residential purposes at the southern edge of the property's frontage along Thorson Road, which is shown as Lot 2 of the map. Lot 1 will contain the remaining approximately 24 acres of the subject property after dedication of road right of way to the town, including the existing house and accessory building. A 5.0-acre conservation easement for the town's benefit is shown in the southeastern corner of proposed Lot 1, which is referenced in the Town of Sun Prairie approval letter (attached).

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). Please see the attached Dane County correspondence dated October 16, 2019 for more information.

The Town of Sun Prairie approved the proposed land division and related rezoning as noted in the attached letter dated September 26, 2019.

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; however, the portion of the planning area laying in the Town of Sun Prairie is not included in the Reiner planning area. The northwestern portion of the planning area reflects the ultimate future boundary between the cities of Madison and Sun Prairie as established in the cooperative plan. The remainder of Planning Area B is currently within the Town of Sun Prairie. Sanitary sewer service for the planning area would likely be provided by extensions of interceptors located in the Felland and Northeast neighborhoods.

The subject site is located across from the eastern edge of the Northeast Neighborhoods Development Plan, which recommends that the land west of Thorson Road be developed as Residential Housing Mix 1 (HM1). In that plan, HM1 is predominantly a single-family residential district generally recommended for development up to eight units per acre. The development concept in the plan shows a conventional low-density development pattern west of Thorson Road, including a network of local streets extending west from Thorson Road, which is recommended as a major collector by the neighborhood development plan. The concept plan for the Northeast planning area includes a local street intersecting Thorson Road opposite proposed Lot 2 of this land division.

Planning staff feels that the final location of that street and its potential to be extended east across Thorson in the future will not be negatively impacted by the creation of Lot 2, as the actual location of that street will not be determined until the land in the City west of the subject site is developed. At the present time, the lands in the City near the site are not located in the Central Urban Service Area, and there are currently no proposal to develop those lands or bring them into the CUSA. 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 proposed 40,300 square-foot lot is compatible with the development pattern along this section of Thorson Road, which features a variety of differently sized parcels to the south developed with single-family residences.

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 5048 Thorson Road, 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

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

1. A portion of this CSM may come under the jurisdiction of the US Army Corp of Engineers (USACOE) and Wisconsin Department of Natural Resources (WDNR) for wetland, floodplain, or navigable waterway issues. A permit for these items may be required prior to construction of any improvements. Contact the WDNR and USACOE for a jurisdictional determination. Provide a copy of a certified wetland delineation and show any wetlands and required set backs on the face of the map. If no wetlands are determined, provide documentation of such.
2. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

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

3. Grant a Public Storm Water Drainage Easement on the face of this Certified Survey Map over the Conservation Easement Area and also including an adequate width crossing the driveway between the two conservation areas as determined by City of Madison Storm Water Engineering Staff. An access easement to the drainage easement shall also be provided over this CSM. Contact Jeff Quamme (jrquamme@cityofmadison.com) for the required easement text to be placed on the CSM.

4. The proposed parcels within this CSM are dependent on each other for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement for all parcels within this development shall be drafted, executed and recorded immediately after this Certified Survey Map.
 5. The Certified Survey Map shall include the lands within Section 25, T8N, R11E lying east of the centerline of Thorson Road owned by this same Owner. All contiguous lands are required to be included in the CSM and the remnant currently not included in the current draft of the CSM would result in an illegal parcel.
 6. Provide full dimensioning of the conservation easement. The conservation easement shall include the beneficiary and all terms and conditions and provisions of access for the easement.
 7. The Certified Survey Map submitted does not comply with State Statutes and Madison General Ordinances regulating the requirements for preparation of a Certified Survey Map. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with MGO and State of Wisconsin Statutes. The licensed professional preparing the land division is fully responsible for full compliance with all Ordinances and Statutes regulating this proposed land division. Therefore, City of Madison Engineering reserves the right of additional conditions of approval upon the submittal of a compliant CSM for review.
8. In accordance with Chapter 236, Wisconsin Statutes, the applicant shall show the type, location and width of any and all easements on a plat or CSM. Clearly identify the difference between existing easements (cite recording data) and easements which are being conveyed by the land division. Identify the owner and/or benefiting interest of all easements. Include all language required to properly and legally create any easement by this land division.
 9. The applicant shall dedicate to the public the Thorson Road right of way along with an additional 7 feet to make a total of 40 feet from the center of the right of way. Also, grant a 15-foot Permanent Limited Easement to the Public for Grading and Sloping adjacent to the Thorson Road right of way shall be dedicated. Contact Jeff Quamme (jrquamme@cityofmadison.com) for the required easement language.
 10. Accurately depict the corporate limits of the City of Madison.
 11. The encumbrances to title are not shown, labeled or dimensioned on the Certified Survey Map, nor have the copies of all referenced documents listed in the title report provided. Electronic copies of the documents shall be provided listed within the title report and all matters affecting the CSM shall be shown, dimensioned and labeled on the final map of this CSM.
 12. 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.

13. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the CSM in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations.
14. 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
15. 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))

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 currently outside the Madison Water Utility service area.

Office of Real Estate Services (Heidi Radlinger, 266-6558)

16. Sheet 2 of the CSM was not submitted as part of the application. The City's Office of Real Estate Services reserves the right to add conditions of approval upon the submission of a complete CSM.

17. 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.

18. A certificate of consent for all mortgagees shall be included following the Owner's Certificate and executed prior to CSM approval sign-off.
19. 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.
20. 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..."
21. 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.
22. 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.
23. 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 Vol. ___ of CSMs on page(s) _____, Document No. _____.

Kristi Chlebowski, Register of Deeds

24. 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.
25. 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.
26. 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), 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 (November 8, 2019) 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.
27. The owner shall email the document number of the recorded CSM to Heidi Radlinger in the City's Office of Real Estate Services as soon as the recording information is available.

28. 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.
- b.) Include a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title.
- c.) Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.