



## Dane County Planning & Development Land Division Review

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November 2, 2011

Birrenkott Surveying, Inc.  
PO Box 237  
1677 N. Bristol St.  
Sun Prairie, WI 53590

Re: Miller (CSM 9321)  
Town of Sun Prairie, Section 29  
(2 lots, 14.8 acres)  
Zoning Petition #10338, A-2(8) to RH-2

*The Dane County Board approved rezone Petition #10338 on October 6, 2011.*

Attention to whom it may concern:

The proposed CSM is hereby conditionally approved as follows:

1. Rezone Petition #10338 is to become effective (one day following publication in the Wisconsin State Journal) and all conditions established with Zoning Petition #10338 are to be timely satisfied.
  - *Recording of an approved CSM.*
2. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
3. The net lot area calculations are to be specified in square feet.
4. All owners of record are to be included in the owner's certificates. (County records indicate that CHARLES E MILLER JR & MARY SUE MILLER are the owner's. *Spouse's signatures and middle initials are required to provide valid certificates.*)
5. The required certificates are to be satisfied prior to final submittal.
6. Comments from the Dane County Highway Department are to be satisfied:
  - *No access to be designated across the frontage of lot 1 and 2.*
  - *33' SE from centerline of CTH T right-of-way is to be dedicated.*

7. Comments from the Dane County Surveyor are to be satisfied:
- *The CSM boundary description has a misclosure of 0.07 feet. Please find error and correct the map and description accordingly. 236.34(1)(d)(2)*
  - *Indicate size and type of monuments found either in Legend or at the symbol location on the map. 236.20(2)(b)*
  - *Indicate whether section corner monuments are set of found. 236.20(3)(b)*
8. The recordable document is to be submitted for review and approval.

The County Surveyor's review comments are incorporated in this conditional approval letter. No additional review is required until final CSM is submitted for signature and recording. When the above conditions have been fully satisfied, the original document along with a copy of this letter may be submitted for final review and the Dane County approving signature will be affixed. Please allow for ten (10) working days for approving signature. Any questions regarding this letter, please contact myself.

Sincerely,

Dan Everson  
Assistant Zoning Administrator  
267.1541

CC:  
Clerk, Town of Sun Prairie  
City of Madison Planning – Tim Parks  
Dane County Highway – Pam Dunphy



# DANE COUNTY DEPARTMENT of PUBLIC WORKS, HIGHWAY and TRANSPORTATION

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**County Executive**  
Kathleen M. Falk

2302 Fish Hatchery Road  
Phone: (608) 266-4261

Madison, Wisconsin 53713-2495  
FAX: (608) 266-4269

**Commissioner/Director**  
Gerald J. Mandli

**TO:** Attn: Dan Everson  
Dane County Zoning and Natural Resources  
Committee  
Room 116  
City-County Building  
Madison, WI 53704

**FROM:** Pam Dunphy, P.E., Assistant Commissioner

**DATE:** October 12, 2011

**SUBJECT:** File No: 11-07  
Surveyor: Birrenkott

The following survey of lands was received and examined by this department:

Section 29, Town of Sun Prairie  
Owner/Development: Miller

**Comments:**

CTH T is not a controlled access highway. No access should be designated across the frontage of lot 1 and lot 2. 33 foot right of way, along CTH T, to be dedicated.

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|--|--|--|--|
| <b>Dane County<br/>Staff Report<br/>Zoning and Land<br/>Regulation<br/>Committee</b> | Public Hearing Date: <b>September 27, 2011</b>                 |  | ID Number:<br><b>DCPREZ-2011-10338</b>     |
|  | Area: <b>5 acres</b>   | Zoning Amendment:<br><b>A-2(8) Agriculture to<br/>RH-2 Rural Homes</b> |  |
|  | Survey Required: <b>Yes<br/>(180-day DED)</b>                  | Applicant: <b>Charles Miller</b>                                       |  |
|  | Reason:<br><b>Creating a separate lot for an existing home</b> |  | Town /Sect: <b>Sun Prairie, Section 29</b> |
|  |  |  | Location: <b>2829 County Highway T</b>     |

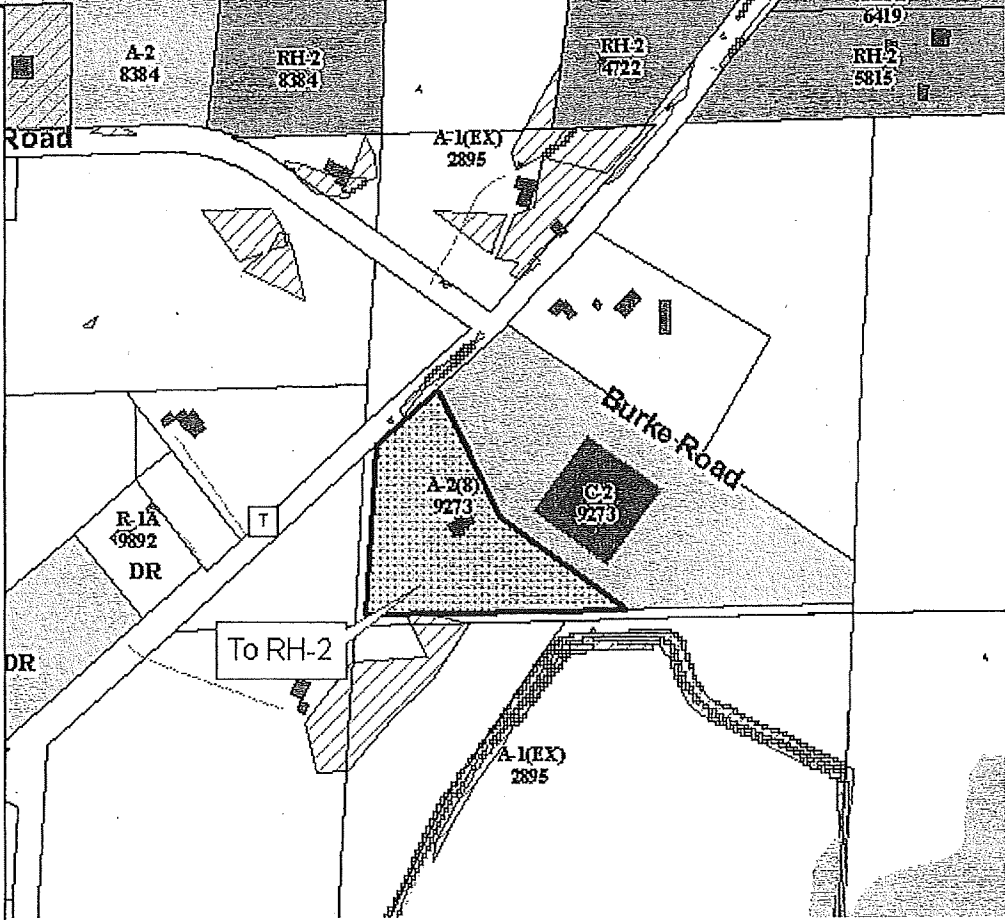
**Description:** The petitioner would like to separate their home from an accessory building that houses their family concession stand business (C-2 area). They intend to sell the business to their children. Their children intend to construct a single-family house on the lot that contains the business structure.

**Observations:** No sensitive environmental features observed.

**Town Plan:** The property is located in the single-family residential area. The plan identifies that there is an existing business on the lot. Town Plan policies limit the number of new houses to 11 new home sites in 2011. This is the second new home site created in 2011.

**Staff:** The proposal meets the dimensional standards of the zoning districts.

**Town:** Approved with conditions.



**Legend**

Slopes > 12%    
 100-year floodplain    
 Wetlands > 2 acres

**Town Action:** **Approved 8/22/11.**  
Conditioned on a driveway easement and creating a non-objection clause about the existing business present.

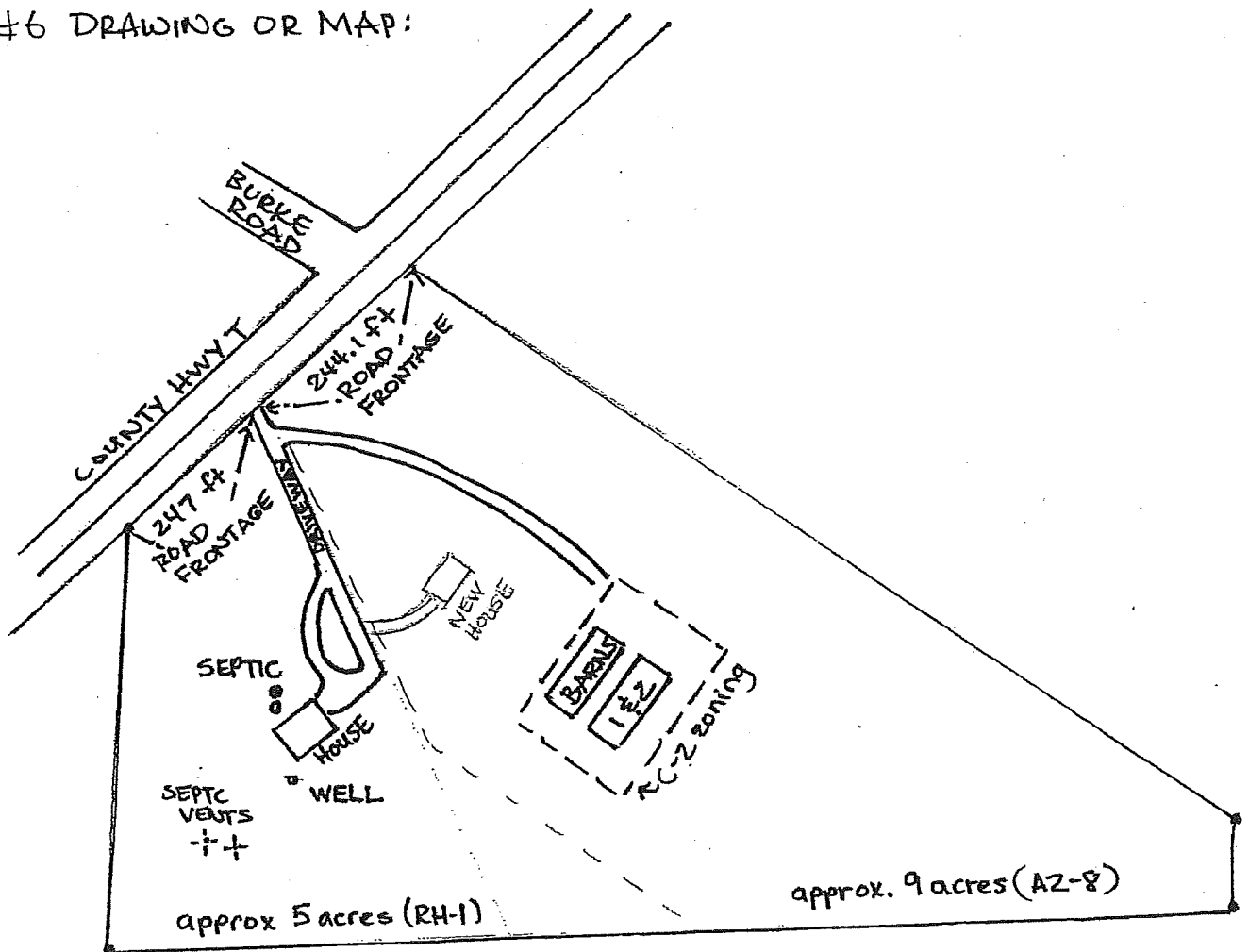
**ZLR Action:** **Approved with conditions 9/27/11, 5-0.** (driveway easement, building site identified on CSM, deed notice identifying the commercial use)

**County Board Action:**

G-11

6

#6 DRAWING OR MAP:



\* 14.9 currently zoned AZ-8)

**DANE COUNTY ORDINANCE AMENDMENT NO: 10338**

Amending Section 10.03 relating to Zoning Districts in the Town of Sun Prairie.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Sun Prairie be amended to include in the RH-2 Rural Homes district(s) following described land:

**PETITION NUMBER: 10338**

Part of Section 29, Town of Sun Prairie described as follows:

**A-2(8) TO RH-2**

Part of the Northeast 1/4 of the Northwest 1/4 of Section 29, T 8 N, R 11 E, Town of Sun Prairie, Dane County, Wisconsin, described as follows: Commencing at the North 1/4 corner of said Section 29; thence S02°13'43"W, 1181.84 feet (recorded as S0°05'58"E, 1181.30 feet); thence continuing S02°13'43"W (recorded as S0°05'58"E), 108.18 feet; thence S87°49'09"W (recorded as S85°29'15"W), 595.29 feet to the point of beginning; thence continuing S87°49'09"W (recorded as S85°29'15"W), 702.51 feet; thence N02°28'58"E (recorded as N0°07'23"E), 489.43 feet to the Southeasterly right of way line of County Trunk Highway T; thence N47°36'42"E (recorded as N45°20'34"E), 214.66 feet along said right of way line; thence S26°36'40"E, 401.62 feet; thence S54°05'40"E, 422.67 feet to the point of beginning; Containing 218,079 square feet, or 5.00 Acres.

**CONDITIONAL ZONING**

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

1. A joint driveway agreement shall be recorded with the Register of Deeds.
2. A diagram of the proposed house location shall be shown on the certified survey map.
3. A deed notice shall be placed on the property identifying the adjacent legally permitted commercial use.

**CERTIFIED SURVEY REQUIRED**

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. Within 180 days of rezoning approval by Dane County, a *final* certified survey map that describes the land to be rezoned shall be prepared in accordance with all applicable provisions of Chapter 236 Wisconsin Statutes and Chapter 75 Dane County Code of Ordinances, and submitted to the Dane County Zoning Division. Upon submission of the final certified survey map, the Zoning and Land Regulation Committee, or its authorized representative, shall, within 30 days, approve, approve conditionally, or reject the certified survey map. **Failure to submit the final certified survey within the 180 day period and/or failure to record the survey with the Dane County Register of Deeds will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.**

# TOWN BOARD ACTION REPORT - REZONE

Regarding Petition # 10338

Dane County Zoning & Land Regulation Committee Public Hearing Date 8/22/2011

Whereas, the Town Board of the Town of Sun Prairie having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one):  Approved  Denied  Postponed

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained

Town Board Vote: 2 in favor 0 opposed 0 abstained

## THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1.  Deed restriction limiting use(s) in the \_\_\_\_\_ zoning district to **only** the following:
  
2.  Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):
  
3.  Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):
  
4.  Condition that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):
  
5.  **Other Condition(s). Please specify:**
  1. The petition complies with the Town's Land Use Plan.
  2. The Plan Commission requests that the Town Board be provided with a proposed driveway easement for access to the A-2(8) parcel.
  3. The Plan Commission requests that a diagram of the footprint of the new home be provided on the CSM.
  4. The Town Board also request that the neighboring use language ("As owner, I hereby stipulate that I and my heirs or assigns will not object to any legally permitted uses that occur on the adjoining property").

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Jo Ann Ramsfield, as Town Clerk of the Town of Sun Prairie, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 8/22/2011  
Town Clerk Jo Ann Ramsfield Date: 8/30/2011