



Report to the Plan Commission

August 3, 2009

Legistar I.D. #15501
5756 Portage Road, Town of Burke
Extraterritorial Certified Survey Map

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Consideration of a three-lot Certified Survey Map of the Orvick property located at 5756 Portage Road in the northwest quarter of the northwest quarter of Section 15, Township 8 N, Range 10 E, Town of Burke, Dane County, Wisconsin within the City of Madison's Extraterritorial Plat Approval Jurisdiction.

Applicable Regulations & Standards: Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions located within the corporate limits of the City of Madison or within the Extraterritorial Plat Approval Jurisdiction.

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

Background Information

Applicant & Property Owner: Ruth E., Mark G. & Lisa Orvick; 5768 Portage Road; Madison.

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

Proposal: The property owner is requesting approval of a three-lot Certified Survey Map subdividing two existing parcels to create a lot for a new single-family residence. The applicant wishes to record the CSM as soon as all regulatory approvals have been granted.

Review Schedule: The proposed Certified Survey Map application was submitted to the City on June 17, 2009. The State's subdivision statute, WS 236, requires that action be taken on a CSM within 90 days of submittal unless a written extension is granted by the applicant. The 90-day review period for this CSM will end on September 17, 2009. If no action is taken within 90 days and no extension is granted, the CSM is deemed approved.

Parcel Location: Generally located on the east side of Portage Road, approximately 1,000 feet south of Hoepker Road, in the Town of Burke; DeForest School District.

Existing Conditions: The two subject parcels are each developed with two-story single-family residences. The area south of the southernmost residence where the additional residence is proposed is currently undeveloped. The site is zoned County A-1 (agricultural district).

Surrounding Land Use and Dane County Zoning: The subject site is located among a line of single-family residences on various sized parcels located along the east side of Portage Road south of Hoepker Road in County A-1 zoning. Burke Lutheran Church is located 700 feet south of the site on the same side of Portage Road. The area is otherwise undeveloped, and includes agricultural lands on the west side of Portage Road and a golf driving range owned by the applicants, which borders the subject site to the east.

Basis for Referral: Criteria for non-agricultural land division.

Environmental Corridor Status: There are no mapped environmental corridors located on the subject property.

Public Utilities and Services:

Water: Property is not served by municipal water

Sewer: Property is not served by municipal sewer

Fire protection: Sun Prairie Fire Department

Emergency medical services: Blooming Grove-Burke-Maple Bluff EMS

Police services: Dane County Sheriff's Department – District N2

School District: DeForest School District

Previous Approval

On April 23, 2007, the Plan Commission approved a two-lot Certified Survey Map of the southern two-thirds of the subject property subject to conditions. Subsequent to that approval, the northern boundary of the property was corrected approximately .01-foot to the north, which triggered a Dane County requirement that the property to the north be added to the CSM, making it a three-lot request. In addition, WS 236 requires recording of a CSM within 24 months of the first approval of the survey by a governing body, which the City interprets for extraterritorial land divisions to be the date of Plan Commission approval.

Project Review, Analysis & Conclusion

Proposed Land Division: The subject site consists of two residential parcels totaling 1.6 acres of area located on the east side of Portage Road, approximately 1,000 feet south of Hoepker Road in the Town of Burke. Each property is developed with a two-story single-family residence, with a 145-foot setback between the southernmost residence and southern line of the subject site. The subject parcels are characterized by a gradual slope that falls from east to west, with the properties draining towards the headwaters of Starkweather Creek located further to the west across Portage Road. The site and many of the lots to the north and south are generally characterized by substantial mature tree cover.

The subject site is located among a line of single-family residences on various sized parcels located along the east side of Portage Road south of Hoepker Road in County A-1 Agricultural zoning. Burke Lutheran Church is located further south of the site on the same side of Portage Road. The area is otherwise generally undeveloped, and includes agricultural lands on the west side of Portage Road and a golf driving range bordering the subject site to the east in County RE-1 Recreational zoning. A portion of the agricultural land west of the site across Portage Road was annexed to the City of Madison in 2006 and is zoned Temp. A (Agriculture District).

As noted in the previous section, the applicants received Plan Commission approval in 2007 of a two-lot CSM of the southern of the two subject parcels. Following that approval, the CSM was further clarified to include a one-hundredth of a foot (.01) section of the residential property to the north, which then required the inclusion of that entire property in the CSM, thereby making the request a three-lot CSM. While the CSM now includes the approximately 0.62-acre northern parcel, the land division request is essentially unchanged from the request approved in 2007, which divided the southern parcel into two equal lots, and the net effect of the proposed land division remains the creation of one new residential

parcel on the southern third of the property. The Planning Division may have considered the inclusion of the third parcel on the north administratively. However, the applicant has also exceeded the 24-month effective period for a land division approval as provided for in the State subdivision statute, WS 236. As a result, staff felt that the CSM should be reviewed by the Plan Commission prior to recording.

An existing driveway serving the southern house on proposed Lot 2 will be located on Lot 1. The applicant has provided a driveway easement to address this condition in response to a 2007 condition of approval requested by the City staff. The 2009 CSM will also dedicate 8 feet of addition right of way for Portage Road and a 12-foot utility easement as required as part of the earlier approval.

Approval of CSM by Town of Burke and Dane County: Section 16.23 (7)(c) of the Subdivision Regulations 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.

The Burke Town Board recommended approval of the two-lot land division on December 21, 2006. Dane County granted conditional approval of the proposed land division as outlined in a letter dated January 16, 2007 from Norbert Scribner, Land Division Review, Dane County Department of Planning and Development.

City of Madison Land Use Plan & Intergovernmental Agreement: The subject site is located within the boundaries of the recently adopted Pumpkin Hollow Neighborhood Development Plan, which includes recommendations for land use, transportation and the extension of public services for the area generally northwest of The American Center. The planning area is generally bounded by Rattman Road on the east, Hoepker Road on the south, US Highway 51 on the west and State Highway 19 on the north. The neighborhood development plan recommends development of the subject site and existing residential properties to the north and south for low-density residential uses in Housing Mix 1 as described in the plan, which generally anticipates a mix of single- and two-family and townhouse units to be developed with a maximum project density of 16 units an acre. The plan identifies Portage Road as a collector roadway and requires that a 108-foot wide right of way be provided along Portage Road south of Hoepker Road.

The proposed land division is also subject to the provisions of the City's 2007 cooperative agreement and plan with the Town of Burke, Village of DeForest and City of Sun Prairie. The intergovernmental agreement includes a provision whereby 5-acre or large parcels in existence at the time of the adoption of the agreement may be divided once into no more than two parcels for residential purposes. However, that provision does not apply in this case due to the size of the parcels included in the CSM request.

Land Division Criteria: The Subdivision Regulations provide two criteria for consideration of land divisions in the City's extraterritorial plat approval jurisdiction:

Agricultural Land Division Criteria: The Plan Commission may grant approval of a land division subdividing portions of agricultural lands provided that the Commission shall determine that the proposed land division will assist and assure the continuation of the agricultural use.

Non-Agricultural Land Division Criteria: In the case of nonagricultural lands, the Plan Commission may recommend approval of a subdivision to the Common Council or may grant approval of a land division provided that the Plan Commission shall determine that the proposed subdivision or land division complies with each of the following four criteria:

- a. The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.
- b. The proposed subdivision or land division shall result in a development pattern that is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
- c. 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.
- d. The proposed subdivision or land division shall comply with one of the following:
 - i. The proposed subdivision or land division shall represent infilling of vacant land. Infilling is defined as a subdivision or land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.
 - ii. The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with the adopted Parks and Open Space Plan for Dane County, Wisconsin, the City of Madison adopted Parks and Open Space Plan or the City's other adopted Master Plan elements, including the Peripheral Area Development Plan. The permanent open space lands shall be accessible and open for use by the general public. The open space lands shall be exclusive from, and in addition to, lands required for dedication to comply with applicable public parks and open space dedication requirements and shall be provided at a ratio of two acres of permanent open space lands for every one-acre of developed lands, including street rights of way. For the purpose of this provision, wetlands, flood plain lands, steep slopes, or other lands which are not developable because of sensitive environmental features shall not be counted as permanent open space lands in calculating the ratio of permanent open space lands provided versus developed lands. Steep slopes shall include lands which have grades of twenty percent (20%) or more.

The proposed land division to create an additional residential lot does not meet the standard for an agricultural land division and will instead be reviewed as a non-agricultural land division.

The subject site is located along a section of Portage Road south of Hoepker Road that includes a range of single-family lots of varying sizes, which leads staff to believe that the infilling standard can be met with this land division. The lots proposed are generally similar in size to existing lots to the north and south of the site, which individually vary slightly in size. Staff believes that this land division will further the land use pattern already present in the immediate area along the east side of Portage Road.

The proposed land division should also have minimal impact on the City's ability to provide municipal services in the future and should have little or no impact on future development in the surrounding area, as called for in the Pumpkin Hollow Neighborhood Development Plan. Staff has reviewed the proposed land division in relation to the neighborhood development plan and believes that the three lots will be in keeping with the recommendations for low-density residential uses along this section of Portage

Road. The proposed land division should also have little or no impact on the ability of surrounding properties to develop in accordance with plan recommendations.

In closing, the Planning Division concludes that the non-agricultural land division standards can be substantially met with this request. As a condition of approval, the City is requesting the dedication of six additional feet of right of way along the east side of Portage Road to serve future roadway needs, as called for in the Pumpkin Hollow Neighborhood Development Plan.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

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

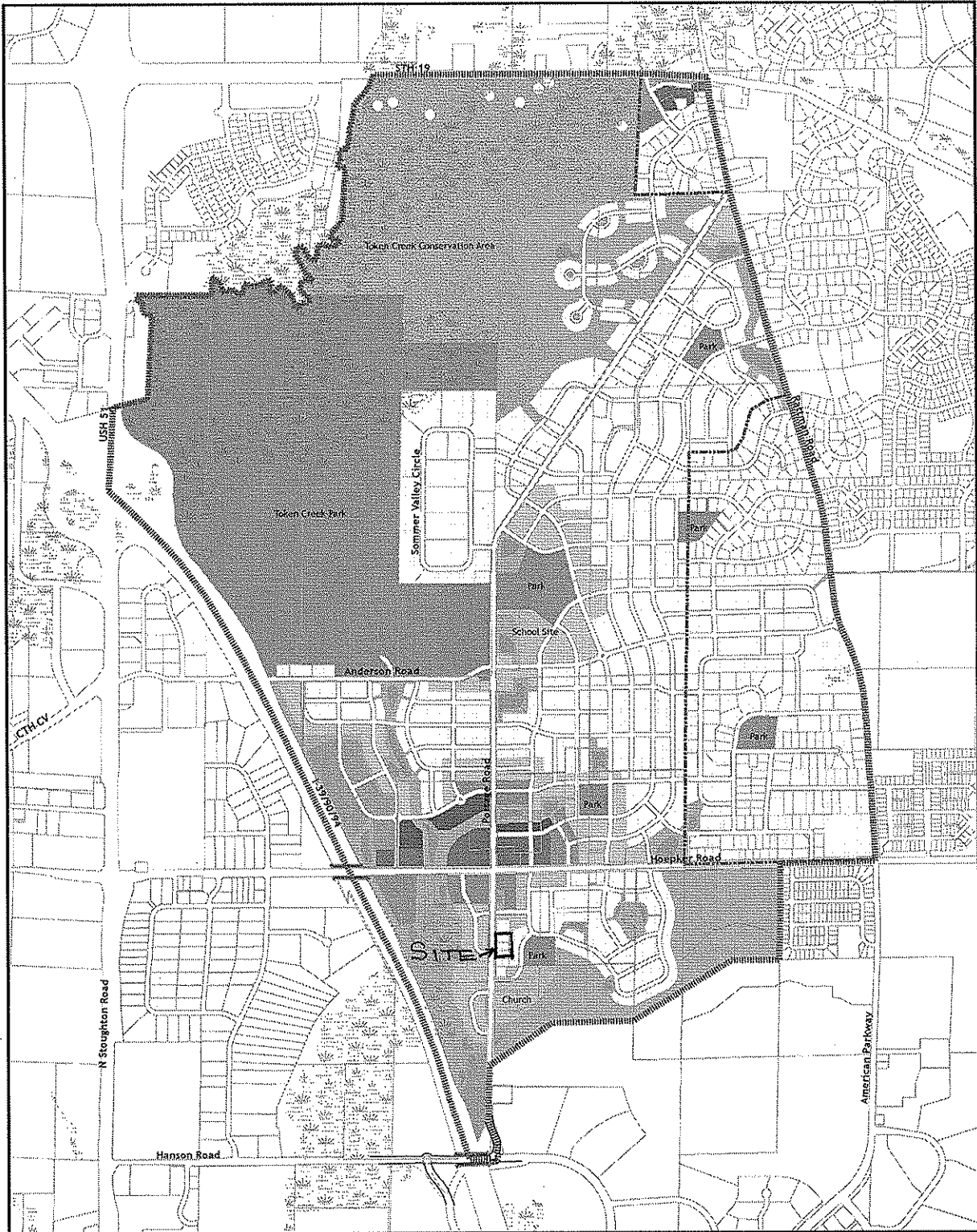
The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of 5756 Portage Road, Town of Burke subject to input at the public hearing and the following conditions:

1. That the applicant revise the Certified Survey Map to dedicate an additional six feet of right of way along the east side of Portage Road, for a total of 54 feet of right of way from the centerline as recommended in the adopted Pumpkin Hollow Neighborhood Development Plan. The 12-foot utility easement adjacent to the right of way shall be moved accordingly.

The following conditions have been submitted by City of Madison reviewing agencies:

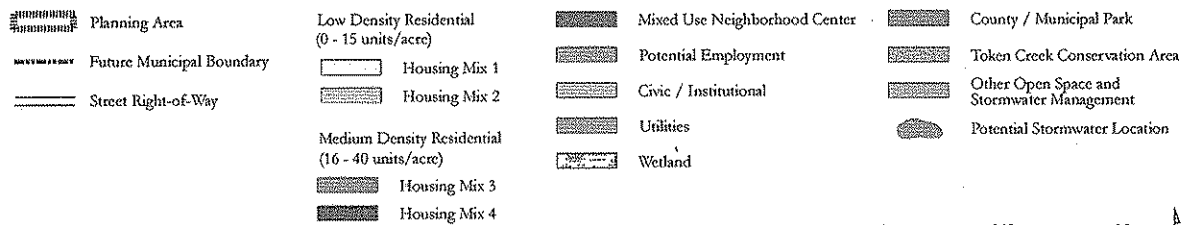
City Engineering Division (Contact Janet Dailey, 261-9688)

2. There are proposed impact fees related to sanitary sewer inceptor improvements due when/if the properties connect to the City sewer and annex to the City. Please note this on the CSM.
3. Revise the legal description to note that this CSM includes only a "part" of Lot 3, CSM 3709, as prior CSM 7560 has removed and replatted a portion thereof.



Map 6: Land Use and Street Plan

Pumpkin Hollow Neighborhood Development Plan
March 2008



0 0.25 0.5 Miles