



## Report to the Plan Commission

November 21, 2011

**Legistar I.D. #24539**

**2829 CTH T, Town of Sun Prairie**

**Extraterritorial Certified Survey Map**

Report Prepared By:  
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Planning Division

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**Requested Action:** Consideration of a two-lot Certified Survey Map (CSM) of the Miller property located at 2829 CTH T, Town of Sun Prairie, in the City of Madison's Extraterritorial 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** 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**

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**Applicant & Property Owner:** Charles E. & Mary Sue Miller; 2829 CTH T; Sun Prairie; Monica Miller, representative.

**Surveyor:** Chris Casson, Birrenkott Surveying, Inc.; PO Box 237; 1677 N. Bristol Street; Sun Prairie.

**Proposal:** The applicant proposes to subdivide the existing 14.9-acre parcel into two lots. The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.

**Review Schedule:** The State's subdivision statute, WS 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless a written extension is granted by the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was submitted to the City on September 7, 2011 without the required approval by Dane County. Dane County approved the CSM on November 2. Therefore, the 90-day review period for this CSM will end circa February 2, 2012.

**Parcel Location:** A 14.53-acre parcel located on the southeasterly side of CTH T at Burke Road; Sun Prairie Area School District.

**Existing Conditions:** The subject site is developed with a two-story single-family residence on the western half of the property and two metal framed buildings located near the center of the property. The site is zoned County A-2(8) Agriculture with the exception of a 250-foot by 250-foot area surrounding the two metal buildings, which is zoned C-2 Commercial zoning.

**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 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. Corridor map H5 shows areas of steep slope greater than 12% on the western half of the property near the existing residence and an area of woodlands

located along the southern property line. An intermittent stream extends across the northern edge of the adjoining property to the south of the subject site, though it does not appear to affect the subject property.

**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 Review, Analysis & Conclusion**

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**Proposed Land Division:** The property owners, Charles E. & Mary Sue Miller, are requesting approval of a two-lot extraterritorial Certified Survey Map to divide their 14.9-acre parcel 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 two-story single-family residence and attached garage located on the western half of the property, and two large metal buildings located near the center of the site. Access into the property is provided by an asphalt driveway that extends into the site approximately midway along the CTH T frontage leading to the attached garage. A gravel drive extends from this driveway to provide access to the metal buildings.

The property is characterized by areas of modest to steep slope that fall from a ridge that extends across the western portion of the property generally parallel to CTH T, and by lines of significant tree cover that extend along the western and southern property lines. 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 size located along this section of CTH T.

The CSM proposes to create a 5-acre lot for the existing residence, which is shown as Lot 1, with the remaining 9.5 acres of the property and two metal commercial buildings to be located on proposed Lot 2. The existing asphalt driveway will be located wholly on Lot 1. The property owners indicate that the purpose of the land division is to allow the residence to be separated from the land on which the business is located. They intend to sell the business and Lot 2 to their children, who also propose to build a single-family residence on that lot.

The property is currently zoned A-2(8) Agriculture (8-acre minimum lot), with the exception of a 250-foot by 250-foot area surrounding the two metal buildings, which is zoned C-2 Commercial. Materials included with their application indicate that the property owners operate a concessions business on the commercially zoned portion of the property. The proposed land division required that Lot 1 be rezoned to RH-2 Rural Home District zoning, which requires a minimum of 4 acres of lot area and 150 feet of road frontage. Proposed Lot 2 will remain zoned A-2(8) and C-2.

**Approval of CSM by Town of Sun Prairie and Dane County:** Section 16.23(3)(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 Dane County Zoning & Land Regulation Committee conditionally approved the proposed land division as outlined in the attached letter dated November 2, 2011 from Dan Everson, Land Division Review, Dane County Department of Planning and Development. Earlier on October 6, 2011, the County approved the rezoning of proposed Lot 1 to RH-2 Rural Home District zoning to facilitate the proposed land division.

The proposed land division and rezoning were approved by the Town of Sun Prairie on August 22, 2011. As part of its review of the proposed CSM, the Town required that a shared driveway easement be granted over a portion of Lot 1 for the benefit of Lot 2 and that a footprint for the future residence on Lot 2 be shown on the final CSM.

**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.

**Land Division Criteria:** The Plan Commission shall determine that the proposed land division complies with each of the following criteria:

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.

[The above criteria were amended by the Common Council on May 17, 2011 to reflect State legislation passed earlier in the same year, which removed land use as a factor in the review of extraterritorial subdivisions.]

The Planning Division generally believes that the Plan Commission can find the above 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 future urban development activities in this area, 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.

## **Recommendation and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map dividing 2829 CTH T, Town of Sun Prairie into two lots, subject to input at the public hearing and the following conditions of approval:

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 Planning Division Director of the location of any new or expanded principal or accessory buildings located on Lots 1 and 2.
2. That the CSM be revised to dedicate a 24-foot wide utility easement to be centered on the proposed lot line as requested by Alliant Energy. For more information on this condition, please contact Brand Smith at Alliant Energy, 842-1705.

No other City agencies had conditions of approval for this request.