



Project Address: 4934 Felland Road, Town of Burke
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [32127](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted
Reviewed By: Michael Waidelich, Principal Planner

Summary

Applicant & Property Owner: Duncan and Lori Campbell; 4934 Felland Road; Madison.

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

Requested Action: Approval of a Certified Survey Map (CSM) creating 4 lots on property located at 4934 Felland Road, Town of Burke, in the City of Madison’s Extraterritorial Jurisdiction.

Proposal Summary: The applicants are requesting approval of a CSM creating 4 lots from their 3 existing parcels. Lot 1 of the proposed CSM will be developed with the applicants’ existing dog kennel, Camp K-9 Pet Care Center, while Lot 2 will contain the applicants’ existing residence. Lot 3 of the CSM is proposed as a new home site; the western portion of proposed Lot 4 will contain an existing residence and various accessory buildings, with the remainder of Lot 4 to remain agricultural. The applicants wish to record the CSM 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.

The proposed land division is also development as defined in the Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan dated January 5, 2007, which requires City of Madison approval as specified in that agreement.

Review Required By: Plan Commission.

Review Schedule: The State’s subdivision statute, Wis. Stats. 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 proposed CSM application was accepted for review by the City on November 6, 2013. Therefore, the 90-day review period for this CSM will end circa February 6, 2014.

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 29.2-acre property comprised of 3 parcels located on the east side of Felland Road, approximately a quarter-mile south of Lien Road; Sun Prairie Area School District.

Existing Conditions and Land Use: The existing animal care business is addressed as 4934 Felland Road and includes a series of 5 buildings and outdoor pet recreation areas on approximately 5 acres of land zoned County A-2 (Agricultural District). The remaining property includes 2 existing residences addressed as 4930 Felland Road and 4908 Felland Road, and is zoned County A-1 (Agricultural District (non-exclusive)). The eastern portion of 4908 Felland Road is currently used for agricultural purposes. On October 3, 2013, the Dane County Board rezoned 97 feet of proposed Lot 1 from County A-1 to A-2(4) to provide zoning for the expansion of the animal care parcel shown on the proposed CSM.

Surrounding Land Use and Zoning (Dane County Zoning except as noted): With the exception of a Madison Water Utility reservoir located on the west of Felland Road in A (Agricultural District) zoning, the subject property is surrounded by single-family residences on a variety of differently sized and shaped parcels located in the Town of Burke, and by large agricultural properties located both in the Town of Burke and City of Madison. All of the surrounding property in the Town is zoned County A-1 (Agricultural District), while the surrounding property in the City is zoned A.

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area and is not located in a mapped environmental corridor (Map G6).

Public Utilities and Services:

Water: Property is not served by municipal water (see Analysis section for additional information);

Sewer: Property is not served by public sewer;

Fire protection: Sun Prairie Fire Department;

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

Police services: Dane County Sheriff's Department;

School District: Sun Prairie Area School District.

Project Description

The applicants are requesting approval of a Certified Survey Map (CSM) creating 4 lots from 3 existing parcels located at 4908-4934 Felland Road in the Town of Burke. The site is located approximately a quarter-mile south of Lien Road and is comprised of 2 lots created by a 1996 CSM and approximately 20 acres of land not previously subdivided.

Lot 1 of the proposed CSM is currently developed with the applicants' existing animal care facility, Camp K-9 Pet Care Center, which consists of 5 buildings and a number of outdoor pet recreation areas. The proposed lot will remain 333 feet wide consistent with the existing parcel (Lot 1 of CSM 8422 (1996)) but will be extended approximately 97 feet further to the east to create a buffer east of the animal care facility. Lot 2 of the CSM will contain the applicants' existing residence and is generally configured similarly to Lot 2 of the 1996 CSM with the exception that the eastern line of the proposed lot will be extended 130 feet further east to be consistent with the eastern line of proposed Lot 1. A 1.65-acre parcel – Lot 3 – is proposed to be created from Lot 2 to create a new home site located between the applicants' residence and Felland Road. The remainder of the 29.2-acre overall site will comprise Lot 4 of the proposed CSM, which will be an L-shaped lot that will contain the existing residence at 4908 Felland Road and various accessory buildings. The remainder of proposed Lot 4 located east and north of the residence is currently in tillage.

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.

On October 3, 2013, the Dane County Board rezoned 97 feet of proposed Lot 1 from County A-1 to A-2(4) to provide zoning for the expansion of the animal care parcel shown on the proposed CSM. Dane County granted conditional approval of the land division as outlined in a letter dated November 18, 2013 from Dan Everson, Land Division Review, Dane County Department of Planning and Development. The Town of Burke Board conditionally approved the proposed land division and the rezoning of a portion of the kennel property on August 21, 2013.

City of Madison Land Use Plan: The 2009 Northeast Neighborhoods Development Plan recommends that the subject site primarily be developed with low-density residential uses in Housing Mix 1 (predominantly single-family housing). In addition, the western portion of proposed Lot 4 adjacent to Felland Road is identified as part of a larger site for a future school, while a significant greenway corridor for stormwater drainage flanked by future north-south streets is shown extending across the eastern half of the 29.2-acre overall site. The proposed greenway corridor would affect portions of Lots 1, 2 and 4 of the proposed CSM. The Land Use and Street Plan in the adopted plan also depicts a series of local and collector streets that would be dedicated and constructed in the future to serve development of the subject site and larger neighborhood planning area.

Town of Burke Cooperative Plan: The subject site is also located within the Boundary Adjustment Area–Madison (BAA-M) designated in the Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan dated January 5, 2007. Under the provisions of the Cooperative Plan, the division of land, or construction of more than one principal structure on a parcel of land, or the rezoning of a parcel from a residential or agricultural classification to a non-residential classification is considered "development". Pursuant to Section 11C of the plan, any development in the Town of Burke shall, in addition to Town requirements, be subject to approval by DeForest, Madison or Sun Prairie depending upon which municipality the subject territory will eventually be attached to in accordance with the respective village or city development requirements. In areas located outside of the protected areas of the Town identified in the Cooperative Plan, the full range of urban services, including public water and sewer service, and attachment to the village or city may or may not be required in the sole discretion of the respective village or city. As the proposed creation of 4 lots from the 3 existing parcels represents the division of land in the area that will eventually attach to the City of Madison, City approval of the CSM is required.

As noted in the Background Information section of this report, the subject site is surrounded by single-family residences on a variety of differently sized and shaped parcels located in the Town of Burke, and by large agricultural properties located both in the Town of Burke and City of Madison. The City limits adjoin the entire eastern boundary of the subject site. Additionally, west of Felland Road, a 33-foot wide strip of land owned by the Madison Water Utility and located in the City connects a larger parcel developed with a water reservoir to Felland Road.

Staff initially contemplated requiring attachment of the subject property to the City as a condition of the proposed land division due to the adjacency of the City and the relative presence of City water service near the property. However, the Water Utility indicates that the water main that extends south from the reservoir along Felland Road (away from most of the site) is not currently designed to provide service to the subject site and that a second main in Felland Road will need to be extended to serve this property and others nearby. Therefore, due to the lack of functional water service to serve the property and the relatively low intensity of development proposed with this land division, staff believes that the CSM can be approved in the Town subject to conditions that will protect the City's continued ability to ensure that the use of the proposed lots is consistent with the long-term recommendations of the adopted Northeast Neighborhoods Development Plan.

Among the conditions that Planning staff recommends in order to find that the proposed development is consistent with the provisions of the Town of Burke Cooperative Plan is a requirement that the property owners execute an attachment agreement with the City that causes the entire 29.2-acre property to attach to the City once functional City water or sewer service are available within 150 feet of any part of the property, and for the proposed lots to attach to those City services pursuant to the City's ordinances for utility connections (MGO Sections 35.02(3)(d) (sanitary sewer) and 13.07(c) (water)).

Staff also recommends that a 70-foot wide reservation for future street right of way be dedicated on the face of the CSM across portions of Lots 2, 3 and 4 to begin establishing the future east-west street network recommended in the Northeast Neighborhoods Development Plan and shown on the attached staff exhibit titled "Campbell CSM". The centerline of the 70-foot right of way reservation is intended to match the centerline of the 33-foot wide strip owned by the Water Utility, which would ultimately become part of the westerly extension of the 70-foot wide right of way across Felland Road. In addition, staff recommends that an area be reserved on the eastern portions of Lots 1 and 2 of the proposed CSM to preserve the north-south street and greenway corridor shown on the neighborhood plan. In both cases, the proposed reservations are intended to preserve the City's future ability to implement the adopted neighborhood plan, and construction of any principal or accessory buildings within the reserved areas would be prohibited. The Madison Common Council may order that the reserved land be dedicated to the public at no cost at any time following the attachment of the subject site to the City.

Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property generally addressed as 4934 Felland 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

1. Prior to the final approval of the Certified Survey Map (CSM) for recording, the property owner(s) of the subject lands shall execute an attachment agreement approved by the City of Madison Common Council. The attachment agreement shall include a provision requiring that Lots 1-4 of said CSM be attached to the City once functional City water or sewer service are available within 150 feet of any part of the property and for the proposed lots to attach to those City services pursuant to the City's ordinances for utility connections. A condition of the attachment agreement shall be that any further development of Lots 1-4 that requires a building permit, zoning permit, new conditional use permit approval, etc. shall be approved in writing by the City of Madison prior to submitting the request to the Town of Burke for approval to ensure that the City's interests in preserving the ability to implement the Northeast Neighborhoods Development Plan are protected. Failure to obtain City approval for any further development of Lots 1-4 shall cause immediate attachment of the affected lot to the City of Madison.
2. That the CSM be revised to show a 70-foot wide right of way reservation extending across Lots 2-4 of the proposed CSM in a fashion similar to the east-west street shown on the attached staff exhibit. The final configuration of the right of way reservation shall be approved by the Planning Division prior to final approval of the CSM for recording. The owners of the reserved land shall construct no principal or accessory structures within the reserved area. The reserved area shall be dedicated to the City at no cost to the public at any time following the attachment of the subject site and upon order of the Madison Common Council.
3. That Lots 1 and 2 of the proposed CSM be revised to show a right of way and greenway reservation in a fashion similar to the reservations shown on the attached exhibit. The final configuration of this reservation shall be approved by the Planning Division prior to final approval of the CSM for recording. The owners of the reserved land shall construct no principal or accessory structures within the reserved area. The reserved area shall be dedicated to the City at no cost to the public at any time following the attachment of the subject site and upon order of the Madison Common Council.
4. The applicant shall dedicate 5 feet of right of way for Felland Road adjacent to Lots 1-3 of the proposed CSM and 12 feet of right of way adjacent to Lot 4 to create 45 feet of right of way east of the centerline of Felland Road consistent with the right of way recommended in the Northeast Neighborhoods Development Plan.

The following conditions of approval have been submitted by reviewing agencies:

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

5. Label Outlot 2 of Certified Survey Map 13607 on the west side of Felland Road.
6. Provide "recorded as" information as required by Statute along the northerly and easterly sides of the Certified Survey Map and any other location where it is required.
7. Label and underscore Felland Road outside of the limits of the Certified Survey Map. Also provide right of way widths of Felland Road at all locations where the width changes. Note that the east half of the Felland Road right of way immediately south is 33 feet from the centerline and shall be shown as such.
8. Label the "Lands" directly south of the CSM.
9. Property will be subject to the Felland Road Neighborhood Sanitary Sewer Improvement Impact Fee District (City) as well as MMSD Fees when the property connects to City sewer upon attachment.

10. The applicant shall dedicate a 10-foot wide Permanent Limited Easement for grading and sloping along Felland Road.
11. 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 Eric Pederson, 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.

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 did not provide comments for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

12. When the properties involved attached to the City of Madison, all portions of the exterior walls of one- and two-family dwellings shall be within 500 feet of at least one fire hydrant. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO Section. 34.507 for additional information.

Water Utility (Contact Dennis Cawley, 261-9243)

This property is outside the Madison Water Utility service area.

Office of Real Estate Services (Jenny Frese, 267-8719)

13. Prior to requesting final sign-off, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.
14. A certificate of consent by all mortgagees/vendors shall be included following the Owner's Certificate and executed prior to final CSM sign-off.
15. As of November 21, 2013, the 2012 real estate taxes and special assessments are paid for the subject property. The 2013 taxes shall be paid in full prior to final CSM sign-off if the tax bills have been distributed.
16. The following revisions shall be made to the CSM prior to final sign-off:
 - a.) Two tax parcels are included in the title report that are not located within the CSM boundary. Please research the legal descriptions for all included documents and remove those notes on the CSM for documents that do not encumber the CSM lands.
 - b.) Update the adjacent CSM lot labels to include a label for Outlot 2 CSM 13607.

Campbell CSM

Legend

-  Building Footprints
-  Parcels
-  Proposed Lot Lines
-  Proposed Reservation Areas

Northeast Neighborhoods Development Plan Land Use and Street Plan

-  Housing Mix 1
-  Housing Mix 2
-  Institutional
-  Park
-  Other Open Space and Stormwater Management
-  ROW-street

0 100 200 Feet 1" = 200' (11x17)

City of Madison Planning Division, December 11, 2013

