



PREPARED FOR THE PLAN COMMISSION

Project Address: 4838-4934 Felland Road, Town of Burke
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [34346](#)
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 revised CSM creating 4 lots from their 5 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 4 of the CSM is proposed as a new home site; the western portion of proposed Lot 3 will contain an existing residence and various accessory buildings, with the remainder of Lot 3 to remain agricultural. The revised CSM supersedes an earlier land division request that proposed to create 4 lots from 3 existing parcels. The applicants wish to record the revised 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.

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 City accepted the revised CSM application for review on April 23, 2014. Therefore, the 90-day review period for this CSM will end circa July 23, 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 39.5-acre property comprised of 5 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 remainder of 4908 Felland Road and 4838 Felland are 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.

Previous Request

An earlier Certified Survey Map filed on November 6, 2013 that proposed to create 4 lots from 3 existing parcels was placed on file by the Plan Commission on December 16, 2013 at the request of the applicant.

Project Description

The applicants are requesting approval of a Certified Survey Map (CSM) creating 4 lots from 5 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 30 acres of land not previously subdivided, including the roughly 10 acres of additional agricultural land added to the request on the south.

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 new approximately 2-acre lot (Lot 4) is proposed at the southwestern corner of the expanded site, which is intended to be developed with a new residence. The remainder of the overall site will comprise Lot 3 of the proposed CSM, which will contain the existing residence at 4908 Felland Road and various accessory buildings, with the eastern and northern portions of that lot to remain 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 revised CSM as outlined in a letter dated April 22, 2014 from Dan Everson, Land Division Review, Dane County Department of Planning and Development. The Town of Burke Board conditionally approved the revised land division on January 9, 2014.

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 39.5-acre overall site. The proposed greenway corridor would affect portions of Lots 1, 2 and 3 of the revised 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.

The earlier proposal to create 4 lots from 3 parcels was considered development as defined in the cooperative plan, and staff recommended that those 4 lots be approved subject to various conditions including the

execution of an attachment agreement with the City that caused the smaller 29.2-acre property to attach to the City once functional City water or sewer service was 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 recommended that a 70-foot wide reservation for future street right of way be dedicated to begin establishing the future east-west street network recommended in the Northeast Neighborhoods Development Plan, and also recommended that a north-south street reservation and greenway corridor be dedicated with the earlier CSM.

However, the current CSM to create 4 lots from the larger 5-parcel, 39.5-acre property has been viewed by staff as a reconfiguration of existing parcels, which requires review under the City's extraterritorial criteria but does not require review as development as defined in the City-Town cooperative plan.

As noted in the Background Information section of this report, the subject site is surrounded by single-family residences located 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 and southern boundaries of the subject property. 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.

Based on this varied development pattern, particularly along Felland Road, and the fact that the net impact of the proposed four-lot CSM is the reconfiguration of a combination of existing CSM lots and unplatted parcels to create one additional home site and one fewer parcel overall, the Planning Division believes that the extraterritorial approval criteria can be met with the revised request. The proposed land division is generally compatible with the general land development pattern of the area and should not demonstrably adversely affect the City's ability to provide public services to this area or implement its adopted plans in the future.

Recommendation

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map of property generally addressed as 4838-4934 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. The applicant shall dedicate 45 feet of right of way from the centerline of Felland Road with this CSM 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 Schmidt, 261-9688)

2. Provide an updated title report prior to final sign-off.
3. Provide a note on the Certified Survey Map that the coordinates are based upon the Wisconsin County Coordinate System Dane County Zone.

4. Change the bearing of the fourth course of the legal description under the Surveyor's Certificate to N 89° 45'46" E.
5. Note: The 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.

6. The applicant shall dedicate a 15-foot wide Permanent Limited Easement for grading and sloping along Felland Road.
7. 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)

This agency submitted a response with no comments or conditions for this request.

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)

8. 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.
9. A certificate of consent by all mortgagees/vendors shall be included following the Owner's Certificate and executed prior to final CSM sign-off.
10. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), 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.
11. The following revisions shall be made to the CSM prior to final sign-off:
 - a.) Please confirm that all of the tax parcels included in the title report are 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.