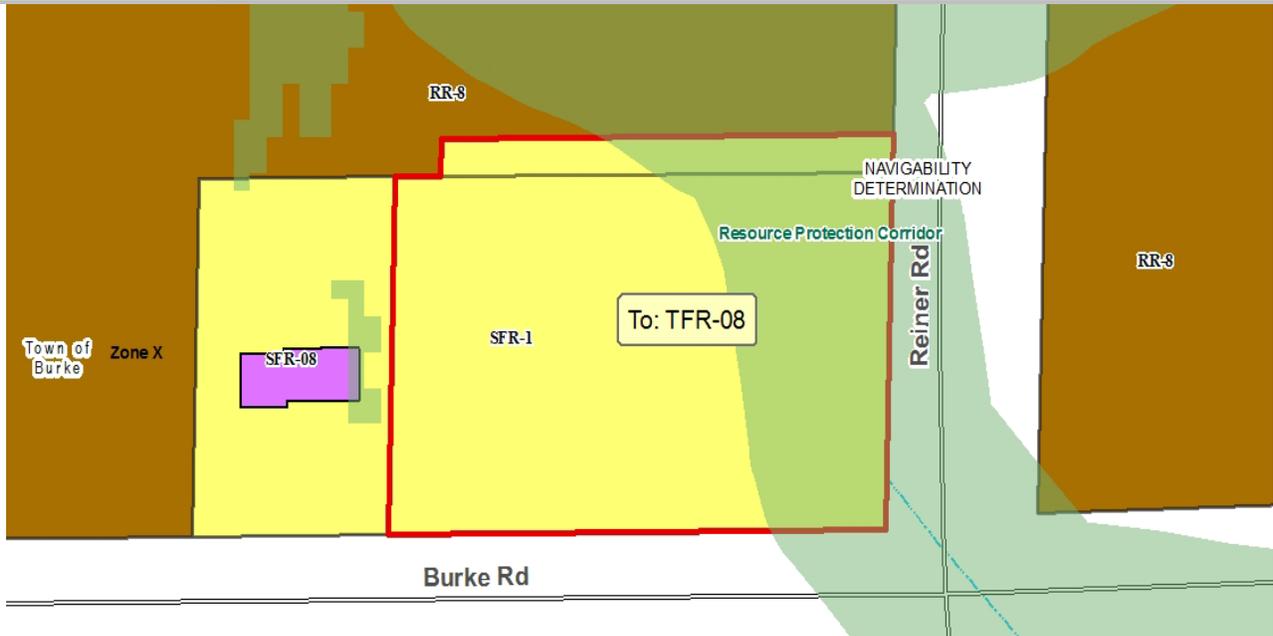
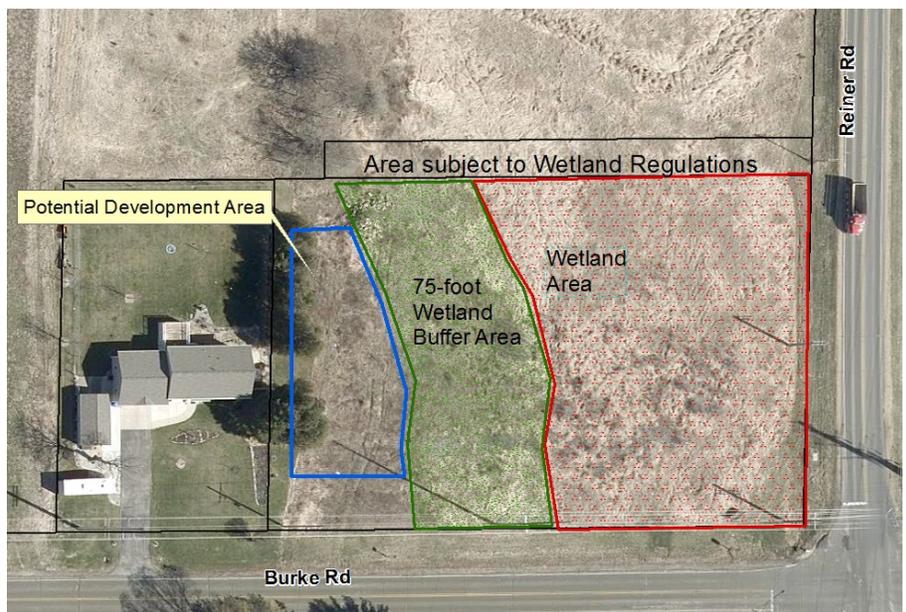


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> March 28, 2023	Petition 11929	
	<i>Zoning Amendment Requested:</i> SFR-1 Single Family Residential District TO TFR-08 Two Family Residential District		<i>Town/Section:</i> BURKE, Section 23
	<i>Size:</i> 1.95 Acres	<i>Survey Required:</i> No	<i>Applicant:</i> GREGORY A THOMPSON
	<i>Reason for the request:</i> Zoning to allow for two-family residential use (duplex)		<i>Address:</i> NW CORNER OF BURKE ROAD AND REINER ROAD



DESCRIPTION: The applicant would like to change the zoning of the property in order to allow for the construction a two-family dwelling (duplex). The applicant feels that the change would be more consistent with the Town and City Comprehensive Plans.

OBSERVATIONS: The property is currently zoned SFR-1 which would allow the construction of a single-family residence. The site is a low-lying area that is relatively flat. The western portion of the property is approximately 3 feet higher than the rest of the lot. The eastern portion of the property contains wetlands. The site is not identified as a flood hazard area (1% chance) on the FEMA Flood Insurance Rate Maps. It appears that the site has a high water table and the soils are poorly draining. The neighborhood consists of all single-family residences. The property is outside the City of Madison’s Urban Service Area. Public sewer and water are not available for the site. The modest increase in density does not appear to be out of character for the neighborhood.



COMPREHENSIVE PLAN: The proposal is located in the Town of Burke’s Planned Neighborhood Development Area. The property is in an area that will transition to the City of Madison pursuant to the cooperative planning agreement between the town of Burke and the City of Madison, City of Sun Prairie, and Village of DeForest. The [cooperative plan](#) requires that all “development”, as the term is defined in the plan, be subject to review and approval in accordance with the respective city/village development requirements. Development is defined as:

“Develop” or “development” refers to division of land, or construction of more than one principal structure on a parcel of land, or rezoning a parcel from a residential or agricultural classification to a non-residential classification. Use or division of land by the Town or Madison, Sun Prairie or DeForest for governmental purposes does not constitute development.

It does not appear the requested zoning change would trigger review by the city of Madison.

The City of Madison’s *current* Comprehensive Plan designates this area for Medium Density Housing (16-40 dwelling units/acre). However, it’s worth noting that the property is located within the City of Madison’s pending [draft Reiner Road Neighborhood Development Plan](#) area and designated as “stormwater and other open space” on the [future land use map](#).

City staff are aware of the proposal and have had discussions with the owner regarding the city’s future land use designation for the property. While no changes have yet been made, the city is considering revising the future land use map to show the portion of the property located outside the sensitive areas as developable (“Housing Mix”). City staff have indicated they do not intend to provide any formal comments since the proposal does not meet the cooperative plan definition of “development”.

For questions about the comprehensive plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com.

RESOURCE PROTECTION: A good portion of the property is located in a resource protection area. There are wetlands on the property along with an intermittent stream just north of the property. Development is required to stay a minimum of 75 feet away from the wetlands and 75 feet away from the banks of the intermittent stream. The entire property is within 300 feet of the intermittent stream and will be subject to Shoreland Regulations (Shoreland erosion control and Shoreland Zoning).

MARCH 28th ZLR MEETING: The petition postponed action due to no Town Action

TOWN ACTION: The Town Board recommended approval of the petition noting compliance with the approval process and compliance with erosion control and storm water management requirements.

STAFF RECOMMENDATION: The property is currently zoned for the construction of a single-family residence. Over 2/3rds of the site cannot be developed due to wetland limitations. The high water table and poorly draining soils are a concern regarding the development of this property.

If the Committee finds the change acceptable, Staff feel that the following conditions should be required to address the environmental concerns on the property:

1. The applicant shall have a surveyor prepare a scaled drawing detailing the area subject to wetland regulations. The area shall be labeled: “Buildings and structures are prohibited in this area”. The drawing shall be part of the deed restriction.
2. A deed restriction shall be recorded on the property stating the following:
 - a. No buildings or structures shall be constructed within the area as designated “Buildings and structures are prohibited in this area” on the attached map.
 - b. The building basement floor elevation shall be no lower than 927 feet ASL.

Any questions about this petition or staff report please contact Roger Lane 608-266-9078
lane.roger@countyofdane.com