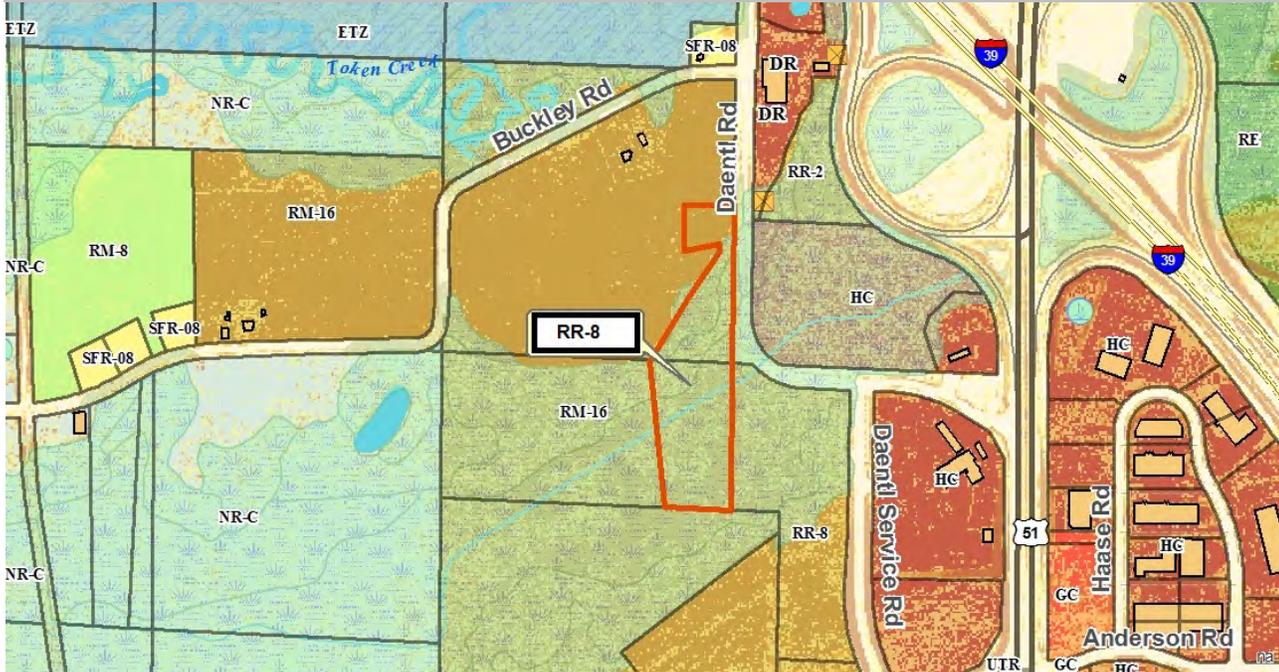


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|---|--|--|---|
| <b>Staff Report</b><br><br><br><br><b>Zoning and Land Regulation Committee</b> | <b>Public Hearing: July 27, 2021</b>   | <b>Petition 11720</b>                                |   |
|   | <b>Zoning Amendment Requested:</b><br><b>RM-16 Rural Mixed-Use District TO RR-8 Rural Residential District</b> |  |   |
|   | <b>Size: 9.01 Acres</b>  | <b>Survey Required. Yes</b>                          | <b>Town/Section:</b><br><b>BURKE, Section 8</b> |
|   | <b>Reason for the request:</b><br><b>Creating one residential lot</b>  |  | <b>Applicant:</b><br><b>JOHN F BECKER</b>       |
| <b>Note: Petition revised to RR-8 on July 6<sup>th</sup>.</b>   |  | <b>Address:</b><br><b>SOUTH OF 4313 BUCKLEY ROAD</b> |   |



**DESCRIPTION:** The applicant wishes to create one residential lot.

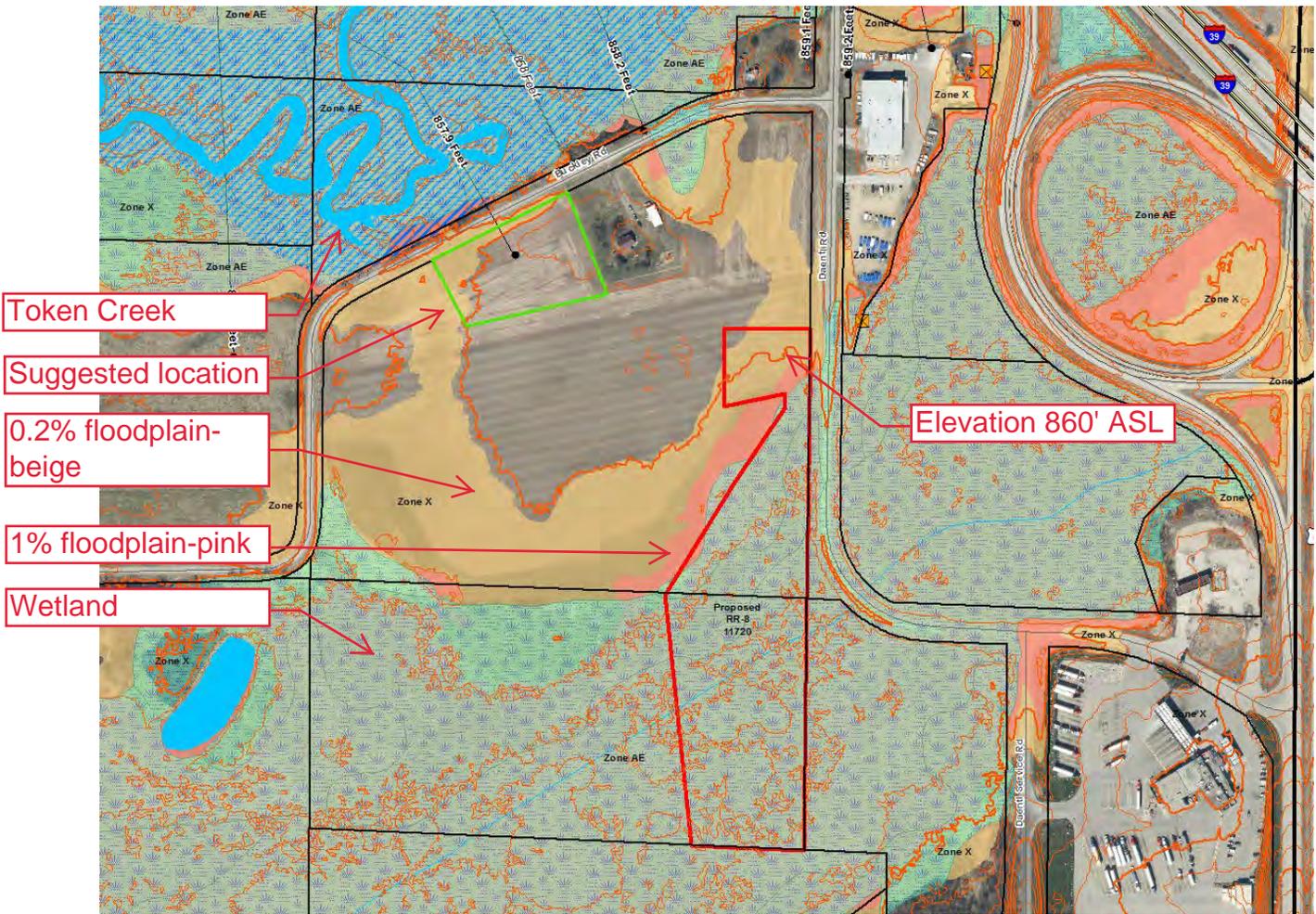
**OBSERVATIONS:** The subject property is surrounded by a mixture of commercial uses, and sensitive environmental features.

**TOWN PLAN:** The subject property is in the *Natural Area* land use district of the town plan. The plan provides the following description: “Natural areas consist of undeveloped areas including non-productive farms, areas with unique natural features, steep slopes, and environmental corridors. These continuous systems require protection from disturbance and development and consist of wetlands, stream channels, floodplains, stormwater management areas, and other resource lands and features”. This proposal is not consistent with the town plan.

**RESOURCE PROTECTION:** There is a significant amount of wetlands and floodplain on the property. Building areas, including the driveway would need to be identified.

**JULY 27<sup>th</sup> ZLR Meeting:** The Committee postponed action on this petition to allow time for the applicant to provide additional information regarding the floodplain and wetland areas.

**TOWN:** The town of Burke Planning Commission and Board approved unanimously, with the following condition: “Dane County and City of Madison approval”.



**STAFF UPDATE:** Staff had expressed concerns with the proposal due to the presence of wetlands, floodplain, highwater table, and hydric soils on the property. County Staff suggested moving the proposed lot to a different location, see green polygon above. The area is one-foot higher in elevation, but the landowner declined. Instead, the petitioner has decided to address some of the concerns by having a wetland delineation performed on the property. The delineation report shows that there is a buildable area on the northerly portion of the property. See attached sketch. The delineation report also identifies a water table being at elevation 856.5 ASL.

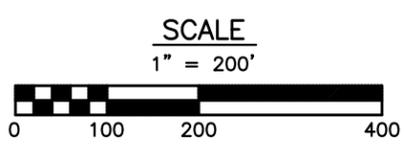
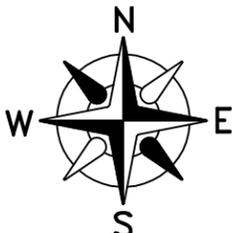
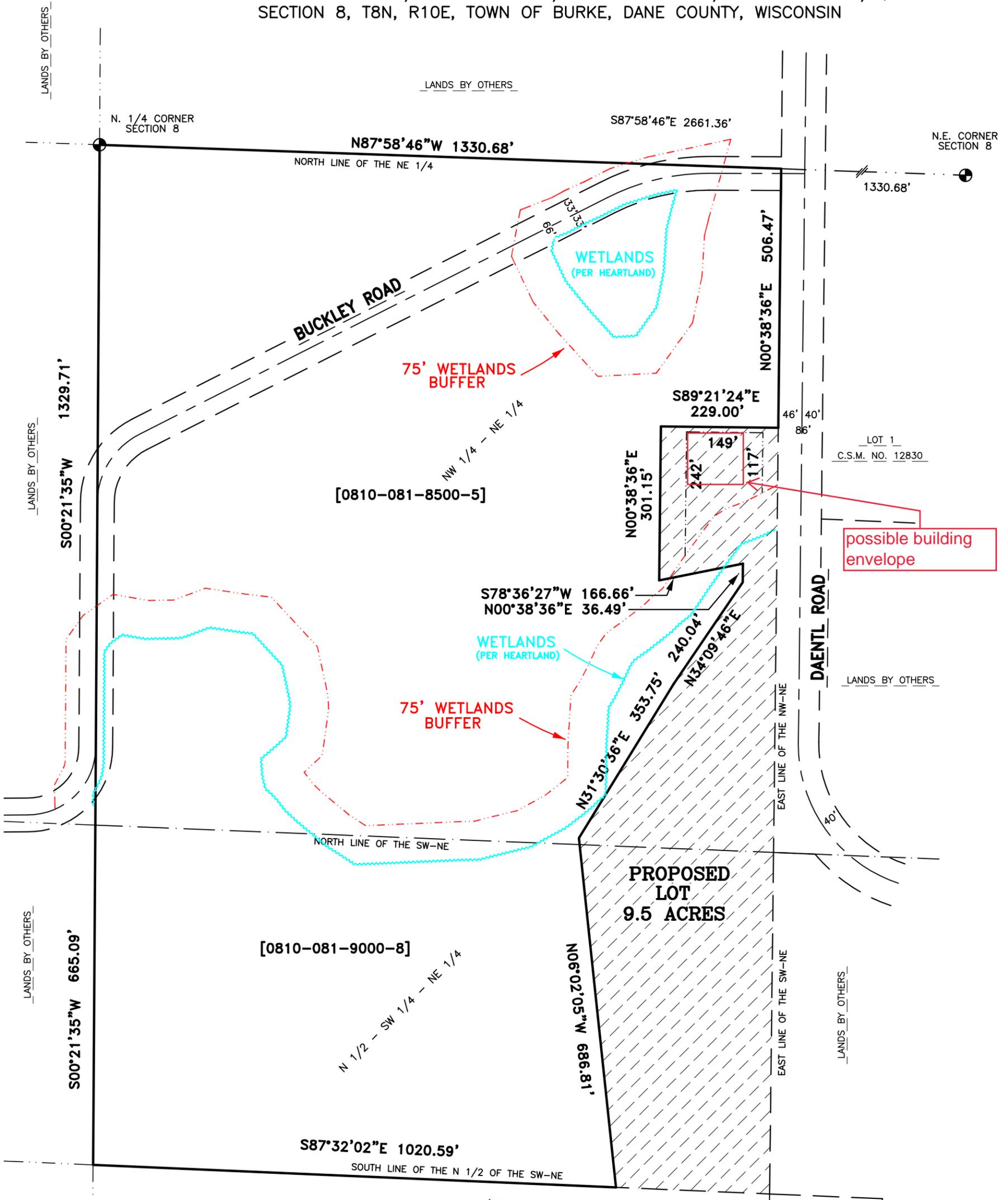
Should the committee choose to approve the petition, staff suggests the minimum conditions for approval:

1. The Certified Survey Map shall delineate a 100' x 100' building envelope area located in the northern portion of the property outside of the wetlands and buffer area. A note shall be added to the Certified Survey Map stating that, "All buildings constructed on the property shall be within the building envelope area as part of the conditions of approval by Dane County Zoning and Land Regulation Committee under Zoning Petition #11720".
2. A deed restriction shall be recorded on the property identifying the potential of flooding. The deed restriction shall state, "The property has indicators which identify the area is prone to flooding. Any building floor level with non-habitable space shall have an elevation no lower than 859 feet ASL. Any building floor level with habitable space shall have a minimum elevation no lower than 861 feet ASL. No wall openings shall be lower than 861 feet ASL".
3. A note shall be added to the certified survey map which states, "The property has indicators which identify the area is prone to flooding. Any building floor level with non-habitable space shall have an elevation no lower than 859 feet ASL. Any building floor level with habitable space shall have a minimum elevation no lower than 861 feet ASL. No wall openings shall be lower than 861 feet ASL".

Any questions about this staff report, please contact Majid Allan at (608)267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com) or Roger Lane at (608)266-9078 or [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com).

# GENERAL LOCATION SKETCH

LOCATED IN THE NW 1/4 OF THE NE 1/4 AND THE SW 1/4 OF THE NE 1/4,  
SECTION 8, T8N, R10E, TOWN OF BURKE, DANE COUNTY, WISCONSIN



**BASIS OF BEARINGS**  
THE NORTH LINE OF THE NE 1/4 IS ASSUMED TO BEAR S87°58'46"E.

**OWNER/SUBDIVIDER**  
John F. & Elizabeth M. Becker  
4313 Buckley Road  
DeForest, WI 53532

**SURVEYOR**  
PAULSON & ASSOCIATES, LLC  
Daniel A. Paulson  
136 W. Holum Street  
DeForest, WI 53532



**WETLANDS NOTE:**

WETLANDS WERE DELINEATED BY HEARTLAND ECOLOGICAL GROUP INC