



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **December 23, 2014**

Petition: **Rezone 10776**

Zoning Amendment:  
**R-4 Residence District to R-4  
Residence District R-4**

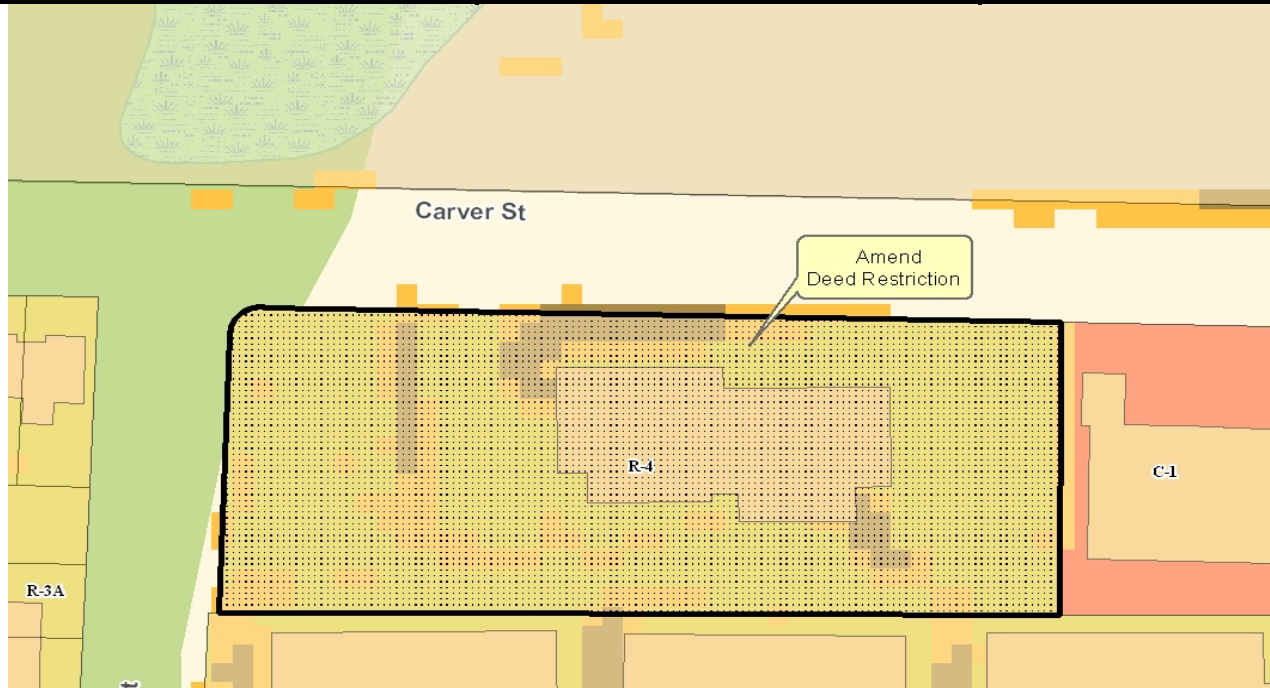
Town/sect:  
**Madison  
Section 34**

Acres: 0.352  
Survey Req. Yes

Applicant  
**Conservancy Park  
Apartments LLC**

Reason:  
**Amend the deed restriction s to  
allow second apartment building**

Location:  
**1481 Carver Street**



**Description:** The applicant is requesting removal of deed restrictions that limit the ~1.5 acre property to one apartment building with a maximum of 24 dwelling units (one bedroom or smaller) in order to permit creation of a second 0.35 acre parcel for a new 6-unit apartment building with attached garages (all one bedroom units). The new structure would total 5,253 square feet. The existing 24 unit structure would be located on the remaining 1.1 acre parcel. An additional 6 at-grade parking spaces would be provided.

**Observations:** The property is located within the central urban service area. The proposed land division will be subject to City of Madison extra-territorial plat review. The proposed parcel and apartment building appear to meet the R-4 zoning district regulations, including density limitations and parking requirements.

**Town Plan:** The town's 1978 land use plan does not include any planning district designation for this area. A note in the plan indicates that certain areas of the town were not included in the plan due to, "...the relatively fixed nature of either the (existing) land uses or zoning." The 2007 town of Madison / city of Madison / city of Fitchburg cooperative plan specified that extra-territorial zoning (ETZ) was to be established between the town and the two cities, though ETZ was never implemented. Attached is the section of the cooperative plan that indicates the applicability of existing town and/or city comprehensive plans for any development occurring in the town.

**Resource Protection:** There are no resource protection corridors located on the property.

**Staff:** The R-4 district lot coverage limitation of 35% would apply to the new parcel. Based on the proposed 15,330 square foot parcel, a building with a footprint area not to exceed 5,365 square feet may be permitted, provided setbacks and off-street parking requirements can be satisfied. It appears that the proposed 5,253 square foot structure would meet the ordinance limitation.

Because the town has not adopted a comprehensive plan, and has no pre-existing land use policies for this area of the town, a determination of town plan consistency cannot be provided. The city of Madison comprehensive plan identifies the area for "low density residential", which is specified as 15 units / acre or less. See attached city plan map and policies. With a density at already 16 units / acre, it appears that the proposal may be inconsistent with the city's comprehensive plan policy.

**12/23 ZLR:** The petition was postponed due to no town action and public opposition. The public expressed concerns regarding adequate water supply, storm water runoff, traffic, and noise.

**Town:** The Town has denied the petition.

**Staff update:** Since the Town has denied the petition, Wisconsin Statutes only permits the zoning committee to either to deny the petition or approve the petition with changes. If approved with changes, the Town will need to approve the change and will have the option to approve or deny.

Staff recommends denial the petition based on the fact that the proposal does not meet the density policies found in the City of Madison Comprehensive Plan for the future development of that area.