

Dane County Rezone Petition

PETITION REVISED 7/6

Application Date	Petition Number
05/14/2021	DCPREZ-2021-11720
Public Hearing Date	
07/27/2021	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME JOHN F BECKER	PHONE (with Area Code) (608) 843-8355	AGENT NAME PAULSON AND ASSOCIATES	PHONE (with Area Code) (608) 846-2523
BILLING ADDRESS (Number & Street) 4313 BUCKLEY RD		ADDRESS (Number & Street) 136 W. HOLUM STREET	
(City, State, Zip) DEFOREST, WI 53532		(City, State, Zip) DeForest, WI 53532	
E-MAIL ADDRESS jfbecker@sbcGlobal.net		E-MAIL ADDRESS dan@paulsonllc.net	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE	
South of 4313 Buckley Road					
TOWNSHIP BURKE	SECTION 8	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0810-081-8500-5		0810-081-9000-8			

REASON FOR REZONE

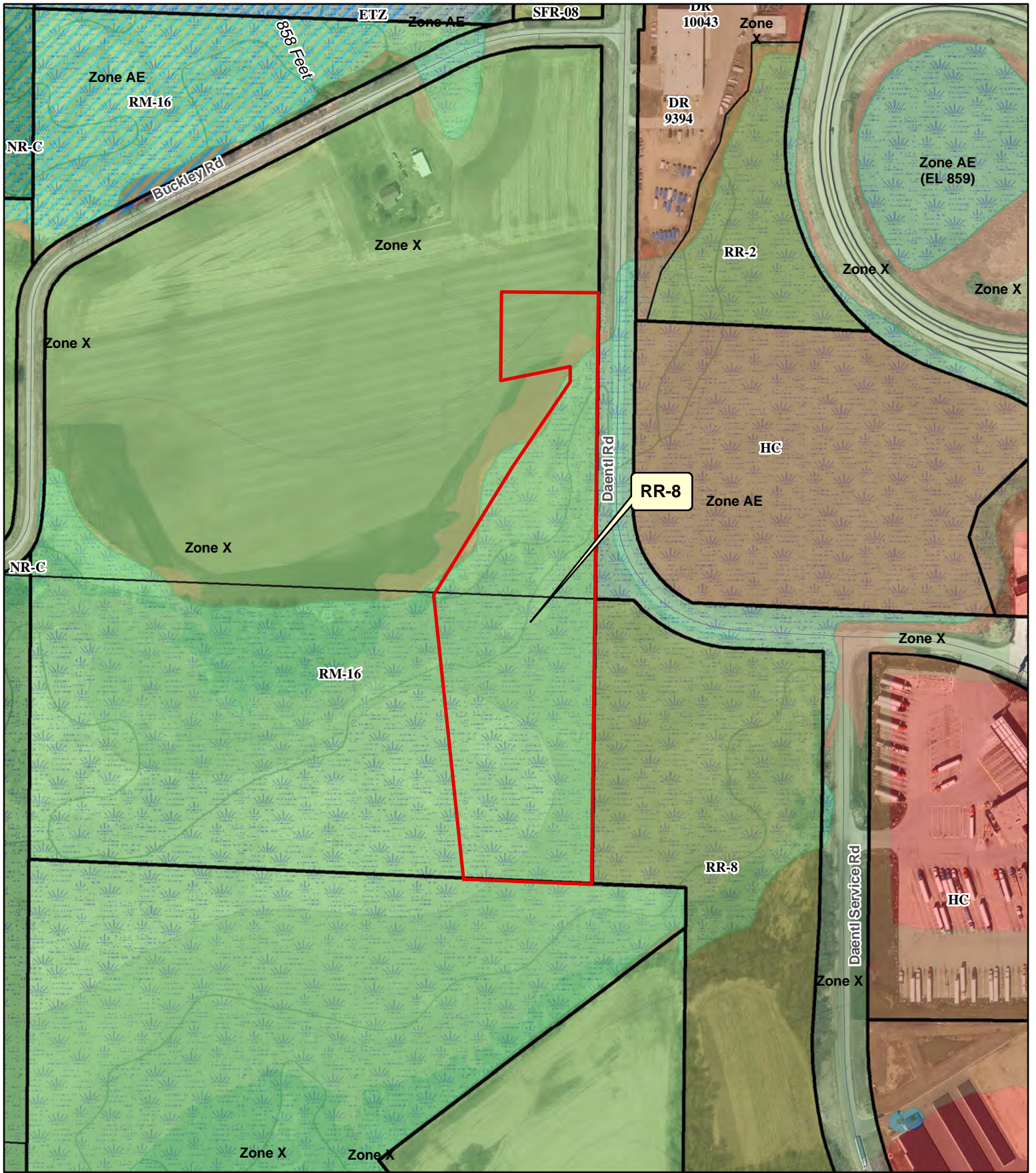
CREATING ONE RESIDENTIAL LOT

FROM DISTRICT:	TO DISTRICT:	ACRES
RM-16 Rural Mixed-Use District	RM-8 Rural Mixed-Use District RR-8 Rural Residential District	9.01





C.S.M REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	DEED RESTRICTION REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	INSPECTOR'S INITIALS RWL1	SIGNATURE:(Owner or Agent) PRINT NAME: DATE:
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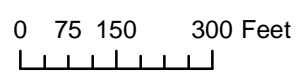
COMMENTS: Significant amount of wetlands and floodplain on property. Areas will need to be properly identified. Proposal may conflict with Town of Burke Comprehensive Plan.

COMMENTS: Petition revised on July 6, 2021 to reflect RR-8 .



Legend

- | | |
|---|---|
|  Wetland | Significant Soils |
|  Floodplain |  Class 1 |
| |  Class 2 |



Petition 11720
JOHN F BECKER



Dane County
Department of Planning and Development
 Zoning Division
 Room 116, City-County Building
 210 Martin Luther King Jr. Blvd.
 Madison, Wisconsin 53703
 (608) 266-4266

Application Fees	
General:	\$395
Farmland Preservation:	\$495
Commercial:	\$545
<ul style="list-style-type: none"> • PERMIT FEES DOUBLE FOR VIOLATIONS. • ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION. 	

REZONE APPLICATION

APPLICANT INFORMATION			
Property Owner Name:	John Becker	Agent Name:	Paulson & Associates, LLC, Daniel A, Pa
Address (Number & Street):	4313 Buckley Road	Address (Number & Street):	136 W. Holum Street
Address (City, State, Zip):	DeForest, WI 53532	Address (City, State, Zip):	DeForest, WI 53532
Email Address:	JFBecker@SBCGlobal.net	Email Address:	Dan@PaulsonLLC.net
Phone#:	(608)843-8355	Phone#:	(608)846-2523

PROPERTY INFORMATION			
Township:	Burke	Parcel Number(s):	0810-081-8500-5 & 0810-081-900-8
Section:	8	Property Address or Location:	across from 4246 Daental Road

REZONE DESCRIPTION	
<p>Reason for the request. In the space below, please provide a brief but detailed explanation of the rezoning request. Include both current and proposed land uses, number of parcels or lots to be created, and any other relevant information. For more significant development proposals, attach additional pages as needed.</p>	<p>Is this application being submitted to correct a violation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

To create a 9 acre parcel.

Existing Zoning District(s)	Proposed Zoning District(s)	Acres
RM-16	RM-8	9.01 ac

<p>Applications will not be accepted until the applicant has contacted the town and consulted with department staff to determine that all necessary information has been provided. <u>Only complete applications will be accepted.</u> All information from the checklist below must be included. Note that additional application submittal requirements apply for commercial development proposals, or as may be required by the Zoning Administrator.</p>				
<input checked="" type="checkbox"/> Scaled drawing of proposed property boundaries	<input checked="" type="checkbox"/> Legal description of zoning boundaries	<input type="checkbox"/> Information for commercial development (if applicable)	<input type="checkbox"/> Pre-application consultation with town and department staff	<input checked="" type="checkbox"/> Application fee (non-refundable), payable to the Dane County Treasurer

I certify by my signature that all information provided with this application is true and correct to the best of my knowledge and understand that submittal of false or incorrect information may be grounds for denial. Permission is hereby granted for Department staff to access the property if necessary to collect information as part of the review of this application. Any agent signing below verifies that he/she has the consent of the owner to file the application.

Owner/Agent Signature _____

Date _____

Roger:

At the direction of my client, John Becker, please modify the zoning change application requesting a change to RM-8 to a change to RR-8.

Tim:

Please let me know if this modification satisfies the City's concerns.

Thank you,

Dan

Daniel A. Paulson, P.L.S.

Paulson and Associates, LLC

Land Surveying

136 W. Holum Street

DeForest, WI 53532

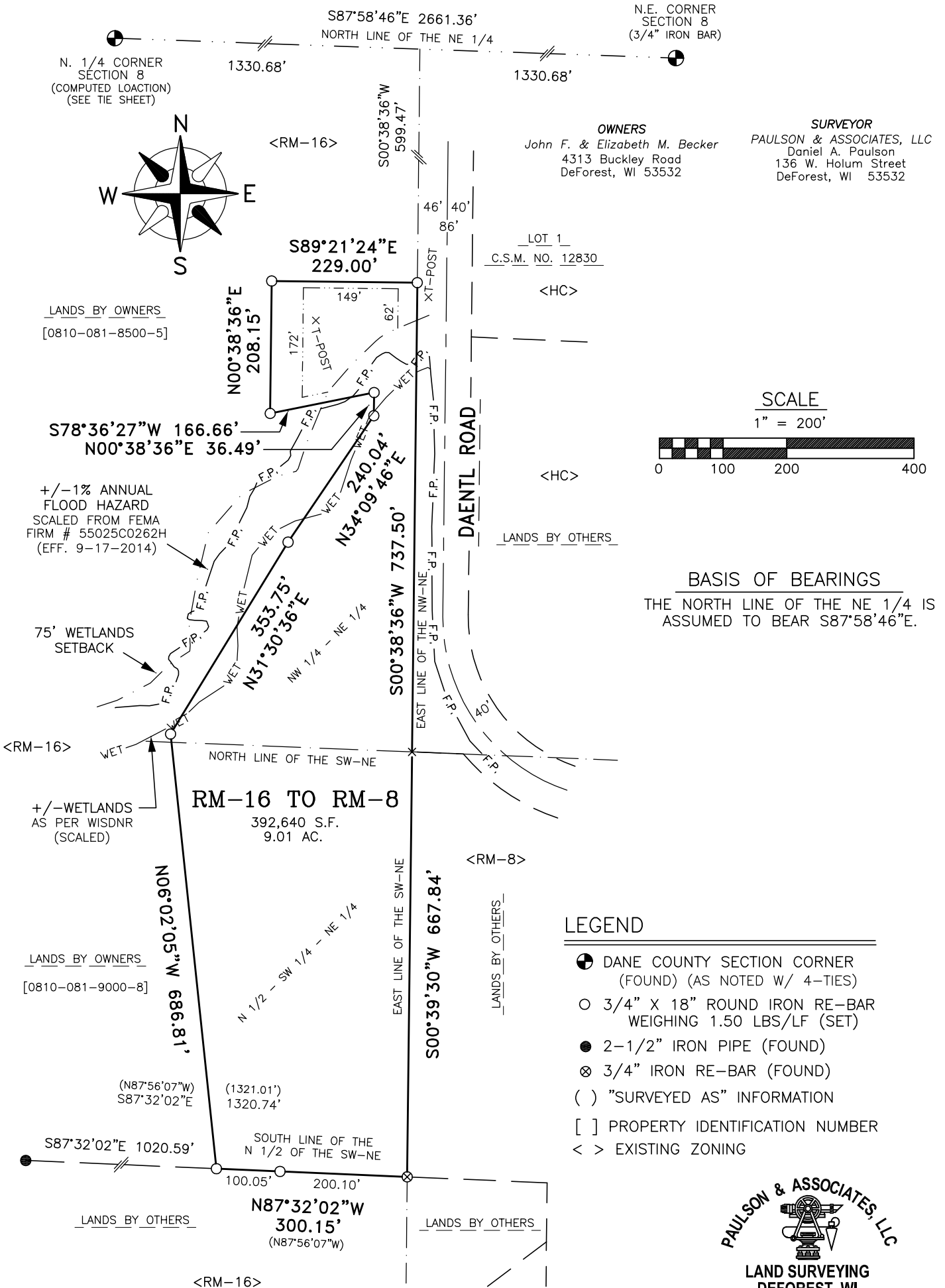
Dan@PaulsonLLC.net

608-846-2523 (o)

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ZONING CHANGE MAP

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



**ZONING CHANGE DESCRIPTION
RM-16 to RM-8**

John Becker Properties

Located in the NW ¼ of the NE ¼ and the SW ¼ of the NE ¼ of Section 8, Town 08 North, Range 10 East, Town of Burke, Dane County, Wisconsin, described as follows:

COMMENCING at the North ¼ Corner of Section 8;
thence S87°58'46"E, 1330.68 feet along the north line of the NE ¼ of Section 8 to the northeast corner of the NW ¼ of said NE ¼;
thence S00°38'36"W, 599.47 feet along the east line of the NW ¼ of the NE ¼ of Section 8 to the **POINT OF BEGINNING**;
thence continuing S00°38'36"W, 737.50 feet along the east line of the NW ¼ of the NE ¼ of Section 8 to the southeast corner of said NW ¼ of the NE ¼;
thence S00°39'30"W, 667.84 feet along the east line of the SW ¼ of the NE ¼ of Section 8 to the south line of the N ½ of said SW ¼ of the NE ¼;
thence N87°32'02"W (previously surveyed as N87°56'07"W), 300.15 feet along the south line of the N ½ of the SW ¼ of the NE ¼ of Section 8;
thence N06°02'05"W, 686.81 feet;
thence N31°30'36"E, 353.75 feet;
thence N34°09'46"E, 240.04 feet;
thence N00°38'36"E, 36.49 feet;
thence S78°36'27"W, 166.66 feet;
thence N00°38'36"E, 208.15 feet;
thence S89°21'24"E, 229.00 feet to the **POINT OF BEGINNING**.

Containing 392,640 square feet, 9.01 acres.

Subject to all other recorded and unrecorded easements.

SEE ZONING CHANGE MAP

This Description Prepared By:

Paulson & Associates, LLC
Daniel A. Paulson
Professional Land Surveyor

May 13, 2021

Lane, Roger

From: Parks, Timothy <TParks@cityofmadison.com>
Sent: Tuesday, July 6, 2021 5:24 PM
To: 'Dan Paulson'; Lane, Roger
Cc: John Becker; Judy Acker Maly; Zellers, Benjamin; Grady, Brian; Brandon Bledsoe
Subject: RE: ZP 2021-11720

Folks,

The RR-8 zoning for the proposed lot is fine with the City, but the land remaining RM-16 will need to be subjected to a restrictive covenant as outlined below.

Please let me know if you have any additional questions.

TIM



Timothy M. Parks

Planner (Pronouns: He/ Him/ His)
Department of Planning & Community & Economic Development
Planning Division
Madison Municipal Building, Suite 017 (Level Zero "0")
215 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703
tparks@cityofmadison.com
T: 608.261.9632

From: Dan Paulson <Dan@paulsonllc.net>
Sent: Tuesday, July 6, 2021 11:37 AM
To: Lane, Roger <lane.roger@countyofdane.com>; Parks, Timothy <TParks@cityofmadison.com>
Cc: John Becker <jfbecker@sbcglobal.net>; Judy Acker Maly <judy@ackermaly.com>; Zellers, Benjamin <BZellers@cityofmadison.com>; Grady, Brian <BGrady@cityofmadison.com>; Brandon Bledsoe <townofburke@frontier.com>
Subject: RE: ZP 2021-11720

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Roger:

At the direction of my client, John Becker, please modify the zoning change application requesting a change to RM-8 to a change to RR-8.

Tim:

Please let me know if this modification satisfies the City's concerns.

Thank you,
Dan

Daniel A. Paulson, P.L.S.

Paulson and Associates, LLC

Land Surveying
136 W. Holum Street
DeForest, WI 53532
Dan@PaulsonLLC.net
608-846-2523 (o)

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From: John Becker <jfbecker@sbcglobal.net>
Sent: Tuesday, July 6, 2021 10:51 AM
To: Dan Paulson <Dan@paulsonllc.net>
Subject: Re: ZP 2021-11720

Hi Dan,
I don't see a problem with the change to RR8, unless you do?

On Jul 6, 2021, at 8:18 AM, Dan Paulson <Dan@paulsonllc.net> wrote:

John & Judy:
Roger is suggesting we modify the zoning change request to RR-8.
I've attached the spec sheets on both zoning districts for your review.
Is this acceptable to you?
Dan

Daniel A. Paulson, P.L.S.
Paulson and Associates, LLC
Land Surveying
136 W. Holum Street
DeForest, WI 53532
Dan@PaulsonLLC.net
608-846-2523 (o)

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From: Lane, Roger <lane.roger@countyofdane.com>
Sent: Monday, July 5, 2021 11:58 AM
To: Dan Paulson <Dan@paulsonllc.net>
Subject: RE: ZP 2021-11720

I would agree. Change the zoning to RR-8.

Roger

From: Dan Paulson <Dan@paulsonllc.net>
Sent: Friday, June 25, 2021 1:31 PM

To: Lane, Roger <lane.roger@countyofdane.com>
Cc: 'Judy Acker Maly' <judy@ackermaly.com>; 'John Becker' <jfbecker@sbcglobal.net>; Zellers, Benjamin <BZellers@cityofmadison.com>; Grady, Brian <BGrady@cityofmadison.com>; Brandon Bledsoe <townofburke@frontier.com>; Parks, Timothy <TParks@cityofmadison.com>
Subject: RE: ZP 2021-11720

CAUTION: External Email - Beware of unknown links and attachments. Contact Helpdesk at 266-4440 if unsure

Roger:
I'm looking for your advice.
Sounds like the City will accept the zoning change to RM-8 and a land division if the owner signs a deed restriction that the new lot is restricted to residential use.
Another option is to change the Zoning to a Residential District. (see below)
Amending the petition requesting RM-8 to RR-8 sounds the easiest, but want to see what you think.
Thanks,
Dan

Daniel A. Paulson, P.L.S.
Paulson and Associates, LLC
Land Surveying
136 W. Holum Street
DeForest, WI 53532
Dan@PaulsonLLC.net
608-846-2523 (o)

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From: Parks, Timothy <TParks@cityofmadison.com>
Sent: Friday, June 25, 2021 12:06 PM
To: Dan Paulson <Dan@paulsonllc.net>; Brandon Bledsoe <townofburke@frontier.com>
Cc: 'Judy Acker Maly' <judy@ackermaly.com>; 'John Becker' <jfbecker@sbcglobal.net>; Zellers, Benjamin <BZellers@cityofmadison.com>; Grady, Brian <BGrady@cityofmadison.com>
Subject: RE: John Becker

Folks,

As you know, under Sec. 11.B.(1) of the Cooperative Plan between the City of Madison and the Town of Burke (as well as City of Sun Prairie and the Village of DeForest), any "development" of the Becker parcel, in addition to Town requirements, is subject to City of Madison approval. "Development" is defined at Sec. 6.A. of the Plan as the "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." As this property is not in a protected area, "the full range of urban services, including... City public water and sewer service, and attachment to the... City may or may not be required, in the sole discretion of the... City." However, under Sec. 11.B.(3), "the division of a five (5) acre or larger parcel... into only two parcels for residential purposes shall not be considered 'development' under this Plan, and the owners may, subject to applicable Town and County regulations,

divide and rezone the parcel to a single-family residential district and construct a single-family residence on each of the two new parcels without the cooperation or approval of... Madison....”

In order to be eligible for the exemption above, the City believes that the property to be divided needs to be zoned to a residential zoning district per the County Zoning Code. The property is currently zoned RM-16 and staff is aware of the pending petition to rezone Lot 1 to RM-8 (Zoning Petition ID 11720). We do not feel that the RM-8 and RM-16 zoning districts are consistent with this exception. The RM – Rural Mixed-Use Districts in DCO 10.233 and 10.234 “Provide for a mix of agriculture, residential, utility, limited business and accessory uses consistent with and appropriate to a rural setting...” The broader “mixed-use” districts are not consistent with a “single family residential district” and actually allow for permissive and conditional uses that are not consistent with the “development” exception in the Cooperative Plan, including, specifically, allowing for more than just the construction of a single-family residence on the resulting parcels. In lieu of a single-family residential district to implement the exemption in the cooperative plan for this division, the City of Madison will accept a restrictive covenant to limit the potential use of the proposed lot and the remaining 51.7 acres consistent with the intent of the cooperative plan. The deed restriction would allow the City to ensure that even if the parcel is zoned RM that it would be handled like a RR- or SF-zoned district. If the parcels are zoned to a RR or SF district (which are single-family zoning districts) instead of the RM districts, then no such covenant would be required.

In lieu of zoning the 60.9 acres to a residential zoning district, please have a restrictive covenant drafted for the City’s review and approval that will implement the provisions of the Cooperative Plan. The restrictive covenant shall apply to the entire 60.9 acres of the Becker property and shall include a boundary description of the overall ownership.

If there are any questions about this message or the process to get the City of Madison’s approval of the proposed land division, please let me know.

Best regards,
TIM

Timothy M. Parks

Planner (Pronouns: He/ Him/ His)
Department of Planning & Community & Economic Development
Planning Division
Madison Municipal Building, Suite 017 (Level Zero “0”)
215 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703
tparks@cityofmadison.com
T: 608.261.9632

<image001.jpg>

From: Dan Paulson <Dan@paulsonllc.net>
Sent: Friday, June 25, 2021 10:31 AM
To: Brandon Bledsoe <townofburke@frontier.com>
Cc: 'Judy Acker Maly' <judy@ackermaly.com>; 'John Becker' <jfbecker@sbcglobal.net>; Parks, Timothy <TParks@cityofmadison.com>
Subject: RE: John Becker

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PJ:
Thanks for the update.

John:

We will need Burke to submit a "Town Action Report" to Dane County prior to July 22nd if we want the Committee to act on your request, so please settle up with the Town.

Thanks,
Dan

Daniel A. Paulson, P.L.S.

Paulson and Associates, LLC

Land Surveying
136 W. Holum Street
DeForest, WI 53532
Dan@PaulsonLLC.net
608-846-2523 (o)

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From: Town of Burke Administrator <townofburke@frontier.com>
Sent: Friday, June 25, 2021 10:27 AM
To: Dan Paulson <Dan@paulsonllc.net>
Cc: 'Judy Acker Maly' <judy@ackermaly.com>; 'John Becker' <jfbecker@sbcglobal.net>;
tparks@cityofmadison.com
Subject: RE: John Becker

The Town took action on it at their June 16 Board meeting. We are waiting for payment for outstanding monies owed the Town. Once paid, the action report will be sent to Dane county.

Invoice was mailed to Becker on June 17, 2021.

PJ

PJ Monson, WCMC, CMTW
Town Administrator
5365 Reiner Rd
Madison WI 53718
Town of Burke, Dane County
Phone: 608-825-8420
Email: townofburke@frontier.com

PJ Monson, WCMC, CMTW
Town Administrator
5365 Reiner Rd
Madison WI 53718
Town of Burke, Dane County
Phone: 608-825-8420
Email: townofburke@frontier.com

From: Dan Paulson [<mailto:Dan@paulsonllc.net>]
Sent: Friday, June 25, 2021 10:22 AM

To: townofburke@frontier.com
Cc: Judy Acker Maly; John Becker; tparks@cityofmadison.com
Subject: John Becker

PJ:

When is the Town planning to review John Becker's request for a Zoning Change and Land Division (see attached exhibits)?

The Dane County ZLR Committee has this item on their July 27th agenda.

Thanks,

Dan

Daniel A. Paulson, P.L.S.

Paulson and Associates, LLC

Land Surveying

136 W. Holum Street

DeForest, WI 53532

Dan@PaulsonLLC.net

608-846-2523 (o)

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<RM-8.pdf>

<RR-8.pdf>