



DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

MEMORANDUM

TO: Zoning & Land Regulation (ZLR) Committee

FROM: Majid Allan, Senior Planner

SUBJECT: Windswept Plat, Town of Burke, section 24

DATE: March 18, 2014

CC: Dan Everson, Assistant Zoning Administrator
Mike Wolf, Town of Burke Clerk
Deborah Duckart, applicant
Birrenkott Surveying
Tim Parks, City of Madison Planning

*Housing &
Economic Development*
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As requested by the ZLR, staff provides analysis of subdivision plats comparing them against local and county comprehensive plans. In this case, the analysis is for consistency between the proposed Windswept plat located in section 24 of the Town of Burke and the goals, objectives and policies of the *Dane County Comprehensive Plan*. The Windswept plat is a 6-lot subdivision of an existing ~15 acre parcel, with proposed lots ranging in size from ~0.7 acres to ~8.5 acres.

The ZLR Committee previously approved rezoning petition #10568 which changed the zoning from C-1 commercial to R-1, RH-1, and A-1, contingent on recording of a final plat by 1/13/2016. The zoning change from C-1 represented a “downzoning” of the property to reflect existing uses. No new development is being proposed. See attached staff report for rezone petition 10568 for additional detail.

The *Dane County Comprehensive Plan* describes broad policy directions for new development, but refers to component town and municipal plans for detailed land use, subdivision and public infrastructure recommendations relevant at the subdivision plat scale.

The county adopted *Town of Burke Comprehensive Plan* identifies the subject property in the *Planned Neighborhood* land use district. This plat appears consistent with the goals, objectives, and policies of that district. The subject property is also in the Boundary Adjustment Area-Madison (BAA-M) as described in the final cooperative plan between the town of Burke, City of Madison, City of Sun Prairie, and Village of DeForest. Under the requirements of the cooperative plan, all development in the boundary adjustment areas, including subdivisions, must be consistent with the respective city or village plans and ordinances. To date, city staff have not indicated any inconsistency with applicable city plans or ordinances.

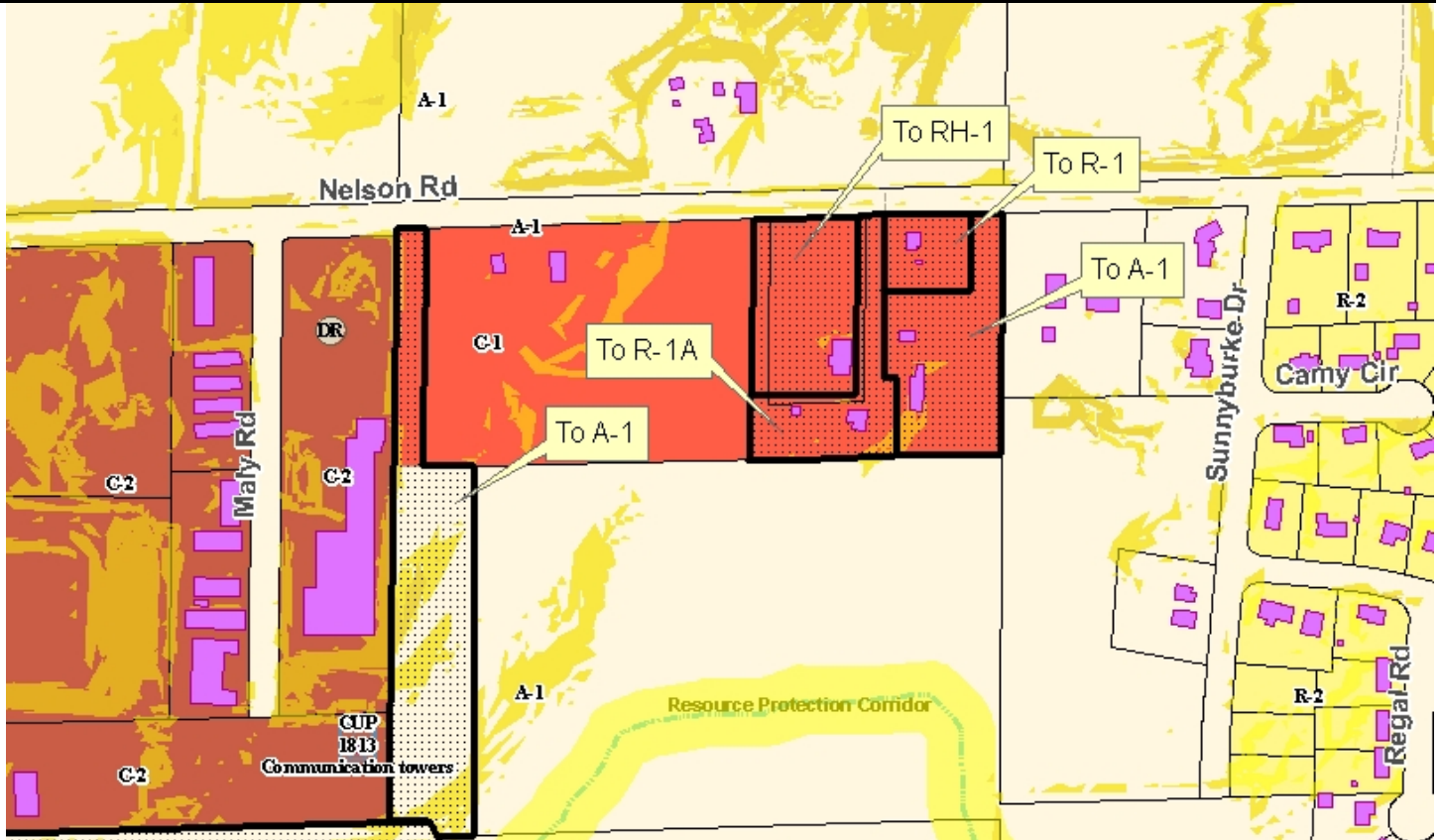
I hope this information is helpful. Please feel free to contact me at allan@countyofdane.com or 267-2536 if I can be of any further assistance.



Staff Report

Zoning and Land Regulation Committee

<i>Public Hearing:</i> July 23, 2013	<i>Petition:</i> Rezone 10568
<i>Zoning Amendment:</i> C-1 Commercial District to A-1 Agriculture District, RH-1 Rural Homes District, R-1 Residence District and R-1A Residence District	<i>Town/sect:</i> Burke Section 24
<i>Acres:</i> 5, 2, 0.75, 1 <i>Survey Req. Yes</i>	<i>Applicant</i> Deborah M Duckart
<i>Reason:</i> Zoning compliance for structures	<i>Location:</i> 3315 Nelson Road



Description: Applicant would like to take the three existing residences on the property and separate them onto individual lots. In addition, the applicant would like to create an 8.5-acre lot and retain the existing C-1 Commercial Zoning. In order to divide the property properly, it will need to be configured into six individual lots that will require a subdivision plat. The applicant wishes to deed restrict the proposed A-1 Agriculture lots to prohibit residential development.

Observations: The property is located outside Madison's urban service area. The neighboring land uses are a legal non-conforming mineral extraction site to the north; manufacturing/warehousing to the west; agricultural lands to the south; and a residential subdivision to the east.

The 15.7-acre property was zoned to C-1 Commercial in 1963. The property is currently use for residential purposes, no commercial activity exists. The existing residential houses are concentrated on the eastern portion of the property. 70% of the property consists of Class I and II soils. The center portion of the 8.5-acre lot has slopes exceeding 12% grade. The western edge of the property is subject to a 50' gas pipeline easement.

continued

Petition 10568

Duckart, Section 24, Burke

Staff Report

Town Plan: The subject property is within the City of Madison's "boundary adjustment area". The town has entered into a cooperative plan agreement with the City of Madison, the City of Sun Prairie, and the Village of DeForest in order to provide orderly development of properties that will be annexed by the mentioned municipalities by 2036. All development for this area should be subject to City of Madison approval. The Town of Burke 1999 Comprehensive Plan designates this area as being within the "Southeast Planning Area". The plan designates this property for general residential development with a limited amount of commercial to support neighborhood services. See attached excerpt.

City of Madison Plan: The property is designated as part of a large Neighborhood Planning Area with Traditional Neighborhood Design. The City of Madison Planning Staff has determined that the existing C-1 zoning on the property would be inconsistent with the City's Comprehensive Plan. See attached letter.

Resource Protection Area: The property is outside the resource protection areas.

Staff Comments: It appears that the current zoning of unrestricted C-1 Commercial Zoning is inconsistent with the comprehensive plans. The proposal will be removing 7 of the existing 15.7 acres of commercial zoning to "downzoning" it to residential; however, the landowner requests that the remaining commercial zoning be retained. If the existing C-1 Commercial zoning is allowed to continue, limitations should be placed on the lot to limit the range of potential commercial uses to ones compatible with a rural residential neighborhood.

Staff has recommended to the applicant to meet with City of Madison Planning Staff to discuss the proposal and determine a list of potentially allowable commercial uses on the C-1 property.

Town Action: Pending (The Town Board will not review the petition until August 21st.)

7/23 ZLR Action:

Motion by Bollig / Kolar to postpone until Town action is received; motion carried, 5-0. YGP: 1-0.

Town Action: The town has approved the petition as presented. Proposed Lot 6 (A-1) would be deed restricted to prohibited residential development per original request.

Staff Update: The petitioner has developed a list of restricted land uses for the remaining C-1 Commercial Zoning District. The list has not been reviewed by Madison Planning Department. See attached.

Staff Update: The petitioner has requested that the petition be amended to change the zoning of the remaining C-1 Commercial Zoning District to the A-1 Agriculture Zoning District.

11/12 ZLR Action:

Motion by Matano / Hendrick to recommend approval with amendment; motion carried, 4-0. YGP: 2-0.

1. The petition shall be amended to change proposed Lot 5, an 8.5-acre parcel, from C-1 Commercial to A-1 Agriculture Zoning District.