



## Staff Report

### Zoning and Land Regulation Committee

Public Hearing: **October 28, 2014**

Zoning Amendment:  
**None**

Acres: 0.653  
Survey Req. No

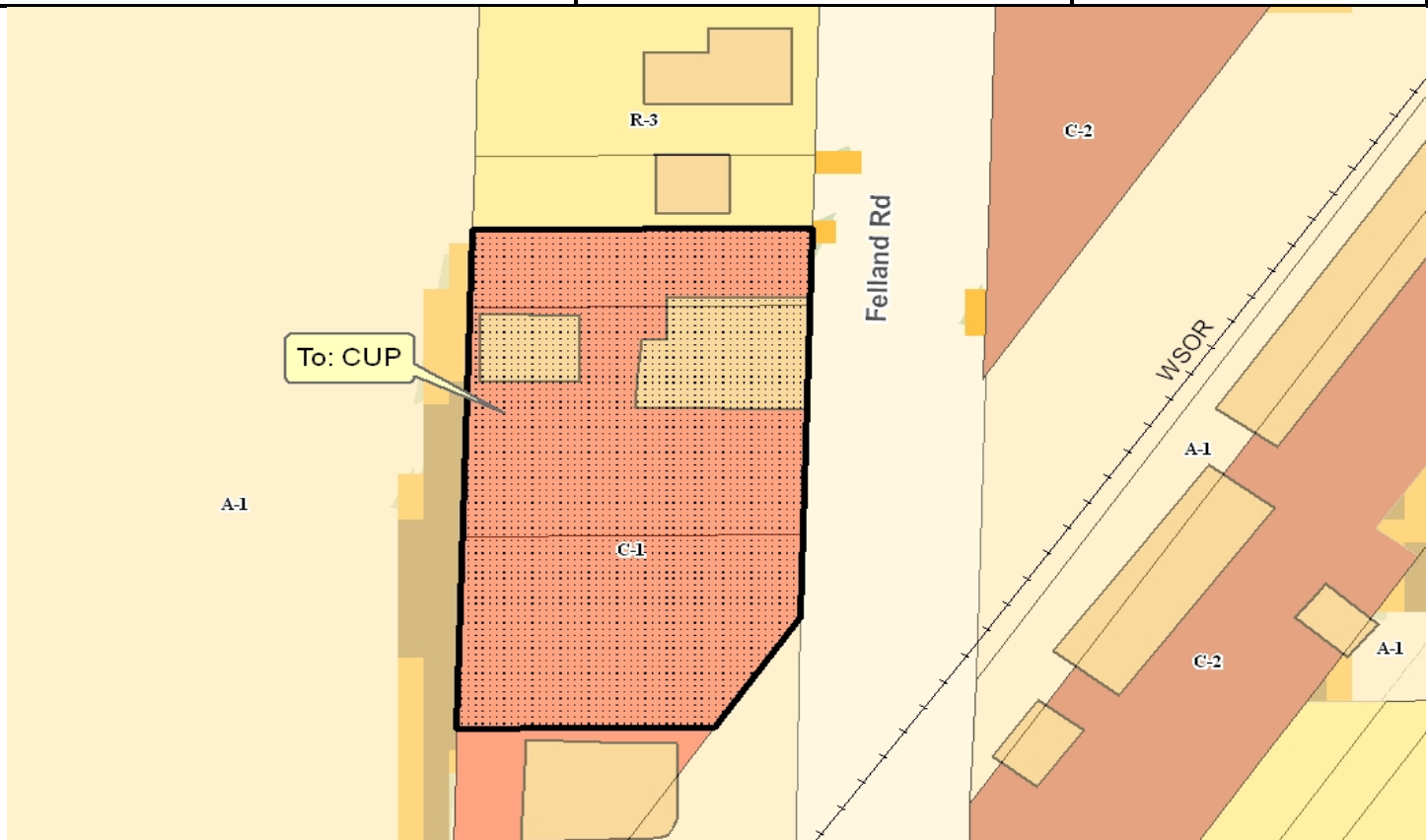
Reason:  
**Allow mixed use development –  
apartments with multiple retail  
establishments with drive-thru**

Petition: **CUP 2290**

Town/sect:  
**Burke**

Applicant  
**Richard M Story**

Location:  
**5291 Felland Road**



**DESCRIPTION:** The subject property is zoned C-1. The applicant is requesting a CUP for residential use in a C-1 district. The proposal is to create a mixed-use multi-tenant building with a liquor store, drive-thru restaurant and second story residential rental units. The development will include lighted surface parking and on-site storm water management. Because City of Madison sewer and water are not available at this site, the development will be served by commercial septic and well.

**OBSERVATIONS:** The applicant intends to combine 3 tax parcels into one lot, and will be requesting a variance to allow a second drive entrance on the one lot.

**TOWN PLAN:** The subject property is located in the Boundary Adjustment Area – Madison (BAA-M) of the *Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan*. As stated in the *Town of Burke Comprehensive Plan*, pp. 38-39, "development within the BAA of each respective municipality should comply with the development requirements of that municipality which include, but are not limited to, the municipality's adopted Comprehensive Plan, neighborhood development plans, and other detailed land use plans". In keeping with this and because of planned road improvements near this property, it is important that City staff review and approve the site layout. The property is identified as Commercial Retail and Services on Map 8: Future Land Use in the *Town of Burke Comprehensive Plan*.

**RESOURCE PROTECTION:** n.a.

**STAFF:** It appears that an illegal land division may have occurred at some point in the past. Staff recommends requiring a parcel status determination on what is identified as parcel B, the northernmost tax parcel owned by Story. Staff also recommends that the applicant must provide a letter from the City of Madison Planning & Development department showing approval of the driveway layout, and of the signage.

**TOWN:** no town action

## Proposed Conditional Use Permit # 2290

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. Hours of operation shall be 10 a.m. to midnight
2. There will be no outdoor storage
3. Outdoor activity will be limited to a small outdoor patio for the restaurant drive through
4. Outdoor lighting is restricted to parking lot & security lighting
5. There will be no outdoor loudspeakers/music