
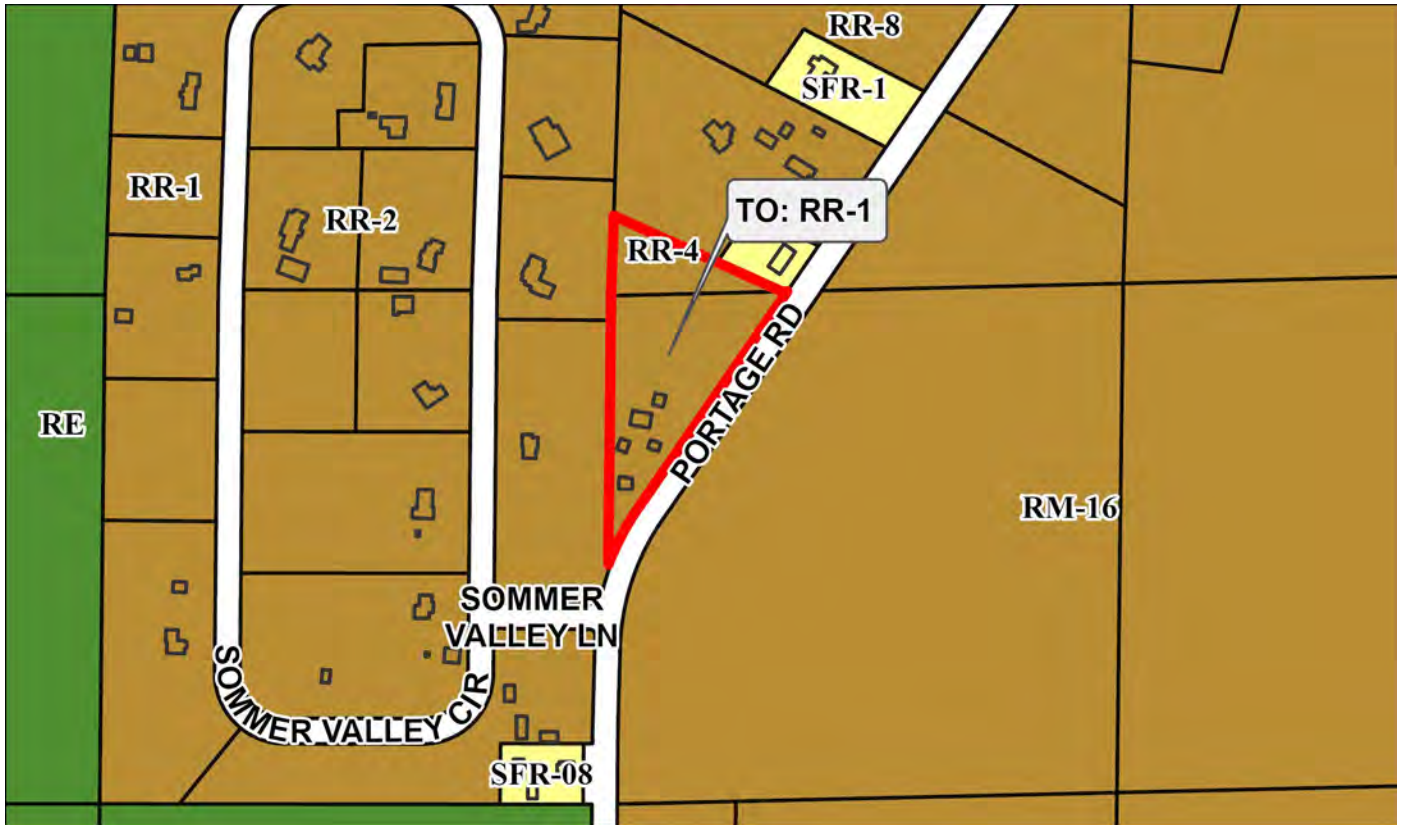


<b>Staff Report</b>  <b>Zoning &amp; Land Regulation Committee</b>	<u>Public Hearing:</u> <b>October 22, 2024</b> <b>Report updated for the January 14, 2025 ZLR meeting</b>	<b>Petition 12111</b>
	<u>Zoning Amendment Requested:</u> <b>RR-4 Rural Residential District TO RR-1 Rural Residential District</b>	<u>Town, Section:</u> <b>BURKE, Section 3</b>
	<u>Size:</u> <b>4.6 Acres</b>	<u>Survey Required:</u> <b>Yes</b>
	<u>Reason for the request:</u> <b>Create three new residential lots</b>	
		<u>Applicant:</u> <b>BENJAMIN AND JOLEEN AUGUST</b>
		<u>Address:</u> <b>6059 PORTAGE ROAD</b>



**DESCRIPTION:** Ben and Joleen August want to divide their property into three residential lots with RR-1 zoning. The proposed Certified Survey Map (CSM) would create one lot for the existing home and accessory buildings located in the south end of the property, and two additional lots for future development.

**OBSERVATIONS:** The proposed lots meet county ordinance requirements for minimum lot size, public road frontage, and (for the existing home site) building setbacks and lot coverage. The property is subject to Airport Height Limitations, which limit structures to a height of 1062 feet in elevation. Site elevation is between 945 and 955 feet, no concerns.

The property appears to be subject to the City of Madison’s extraterritorial jurisdiction for the land division review. The parcel is planned to become part of the city, and it is not within a Town Protected Area through cooperative agreement.

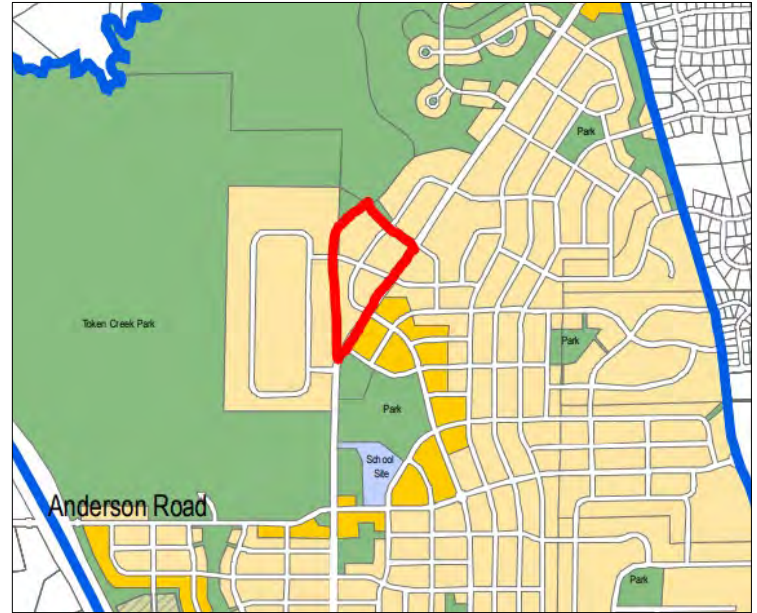
**COMPREHENSIVE PLAN:** The property is designated as “low density residential” in the town’s comprehensive plan. The property is in an area that will transition to the City of Madison pursuant to the cooperative planning agreement noted above between the Town of Burke and the City of Madison, City of Sun Prairie, and Village of DeForest. The cooperative plan lays out the process by which the Town of Burke will eventually be dissolved and town lands attached to the respective municipalities. Unless an early attachment is initiated under the terms of the cooperative plan, the subject and surrounding properties will be transitioned to city of Madison on October 27, 2036.

The cooperative plan requires that all “development” be subject to review and approval in accordance with the respective city/village development requirements. Development is defined as:

*“Develop” or “development” refers to 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. Use or division of land by the Town or Madison, Sun Prairie or DeForest for governmental purposes does not constitute development.*

However, the cooperative plan also includes an exemption from city review for division of a 5+ acre parcel to create one additional residential building site (total of 2 lots). This proposal does not meet this criteria and therefore is subject to City of Madison review/approval.

The property is covered by the city of Madison’s [Pumpkin Hollow Neighborhood Development plan](#), within the broader Far Northeast planning area. The city’s plan designates the property as low density residential, though the city’s definition of that designation differs significantly from the town’s (up to 16 dwelling units/acre vs. up to 4 dwelling units/acre). The city’s future land use map depicts two possible roadways to both facilitate new, and access existing, development (see map at right).



City of Madison Pumpkin Hollow [future land use map](#) excerpt

As presented, the petition would be subject to City of Madison review/approval since it constitutes “development” as the term is defined in the cooperative plan. Staff have reached out to city planning staff for comments. It is important to note that the proposed CSM will be subject to City of Madison extraterritorial review and approval.

For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or [Allan.Majid@danecounty.gov](mailto:Allan.Majid@danecounty.gov).

**RESOURCE PROTECTION:** There are no sensitive environmental features on or within 300 feet of the subject property.

**OCTOBER 22<sup>ND</sup> ZLR HEARING:** The ZLR Committee held the public hearing on this petition in October. There were no comments in opposition. Action on the petition was postponed to allow more time for town action. Staff had also recommended the petition be postponed to provide time for city staff to review and comment. Madison planning staff have commented that the 3-lot proposal constitutes “development” under the City-Town cooperative plan, and the applicants will need to file a Subdivision Application for City approval; however, the Plan Commission cannot consider the CSM without the written approvals of the Town and Dane County.

**TOWN ACTION:** On December 18, 2024 the Town Board recommended approval of the rezone with no conditions.

**STAFF UPDATE:** Since the hearing, the Town of Burke has recommended the rezone for approval. Staff has also discussed with the applicants the fact that there is some risk that the 3-lot proposal may not be approved by the City of Madison, and if it is not approved they may need to revise it to a 2-lot proposal. Because the property is 4.6 acres in size, a 2-lot proposal would likely require RR-2 zoning instead of the RR-1 zoning currently requested. If the 3-lot proposal is not approved by Madison, the landowners would need to submit a new rezoning application.

1. The applicants shall have 180 days to record the CSM, to allow additional time for the City of Madison’s extraterritorial review of the land division.

Please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@danecounty.gov](mailto:holloway.rachel@danecounty.gov) if you have questions about this petition or staff report.