
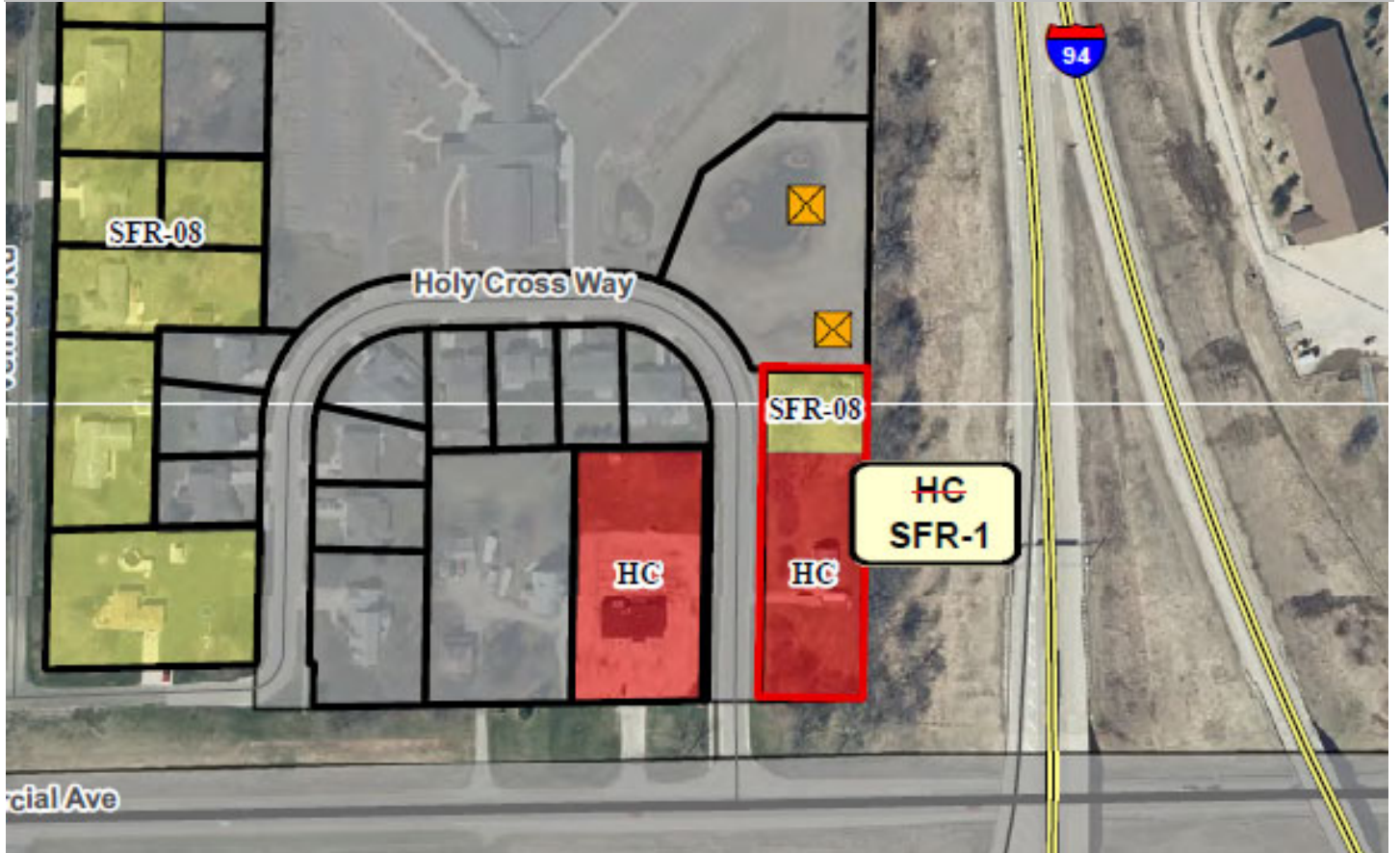


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> February 28, 2023 Report updated for 9/26/23 ZLR Meeting	Petition 11923	
	<i>Zoning Amendment Requested:</i> SFR-08 Single Family Residential District and HC Heavy Commercial District TO HC Heavy Commercial District SFR-1 Single Family	<i>Town/Section:</i> BURKE, Section 34	
	<i>Size:</i> 1.3 Acres	<i>Survey Required:</i> No	<i>Applicant</i> ADAM AND ANNE STEELE
	<i>Reason for the request:</i> Zoning to allow for a personal storage facility		<i>Address:</i> 788 HOLY CROSS WAY
The petition has been amended by the applicant to request that the entire lot be zoned under the SFR-1 Zoning District			



DESCRIPTION: Adam and Anne Steele propose to rezone their one-acre property from SFR-08 and HC Heavy Commercial to SFR-1 order to establish the site under one single zoning district. The property currently has split zoning, with the majority of the lot zoned HC and the north end zoned SFR-08. The lot currently contains a single-family residence which is a legal nonconforming use under the HC zoning. If approved, this revised petition would make the existing residence a code-conforming land use.

OBSERVATIONS: The split zoning on the lot appears to be a result of how the area developed in the Town of Burke and, more recently, the City of Madison. The adjacent properties include a City-owned outlot used for stormwater management, a church and school, single-family residences, and a tavern.

The applicants originally submitted a rezone petition for HC zoning in order to build a self-storage building on the north end of the lot. A public hearing was held on the original petition on February 28, 2023. The petition was postponed at the ZLR Committee because it was deemed inconsistent with the current long-range plans of the town and county, which show the land as planned for future residential use, and was opposed by staff at the City of Madison which has an intergovernmental agreement with the Town of Burke.

Under the Dane County Zoning Ordinance, the property has unique development constraints due to being surrounded by roads on three sides. The lot is less than 200' wide. Because the lot abuts a divided highway (Interstate 39/94), any new residence would be subject to a 200' setback on the east, meaning that additional residential development is not feasible on this property while it remains under Dane County zoning (per s.10.102(9)(a)). This lot is located in an urban neighborhood that is planned to go into the City's jurisdiction in the future, despite being under Town and County jurisdiction today. See below for details.

COMPREHENSIVE PLAN: The subject property falls within the *Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan* which, although Dane County is not a party to the agreement, it is incorporated into the Dane County Comprehensive Plan. As a result, the original proposal was *not* consistent with the Dane County Comprehensive Plan. The City of Madison provided comments on the original petition (see February 2, 2023 letter of opposition from City planning staff. According to City staff, the storage facility that was originally proposed constituted "development" under the plan and as such is subject to the City's plans and development policies, among which are the planned future land use of "low density residential" in its [Comprehensive](#) and [neighborhood](#) plans. In addition, the City is developing its new [Northeast Area Plan](#) that includes this area, to update and replace older neighborhood plans. In August, City staff was contacted for comments on the amended petition. They offered no formal comments but confirmed that single-family residential zoning is consistent with the residential uses recommended for the site in the City's adopted plans. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com).

RESOURCE PROTECTION: There are no resource protection corridors or sensitive environmental features on the site. Staff has discussed with the applicants so they are aware that any future development on the property will be subject to applicable erosion control and stormwater management permitting requirements.

TOWN ACTION: On December 21, 2022, the Town Board recommended approval of the rezone to HC subject to the following conditions:

1. Approval of rezone from Dane County and satisfaction of any conditions by March 31, 2022.
2. In the event all is not fulfilled or waived, this approval shall be automatically null and void.

FEBRUARY 28TH ZLR PUBLIC HEARING: On February 28th the ZLR Committee postponed action on the petition due to City of Madison opposition.

TOWN ACTION (updated 9/21/23): In light of the amended petition, the town reviewed the amended request. On September 20, 2023 the Town Board recommended approval of the rezone to SFR-1, conditioned on the applicants obtaining approval of the rezone from Dane County and the City of Madison.

STAFF UPDATE: Under the revised petition, the proposed rezoning would bring the property into conformance with County zoning regulations, by eliminating a "split-zoning" situation on a property that is mostly zoned for commercial use, and by enabling the existing residential land use and any residential accessory uses allowed by the SFR-1 zoning.

Staff recommends approval of the SFR-1 zoning with no conditions.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com