

Staff Report



**Zoning and
Land Regulation
Committee**

Public Hearing: **September 20, 2022**

Petition 11884

Zoning Amendment Requested:

FP-1 Farmland Preservation District TO RR-4 Rural Residential District

Town/Section:

BLACK EARTH, Section 25

Size: **7.6 Acres**

Survey Required: **Yes**

Applicant

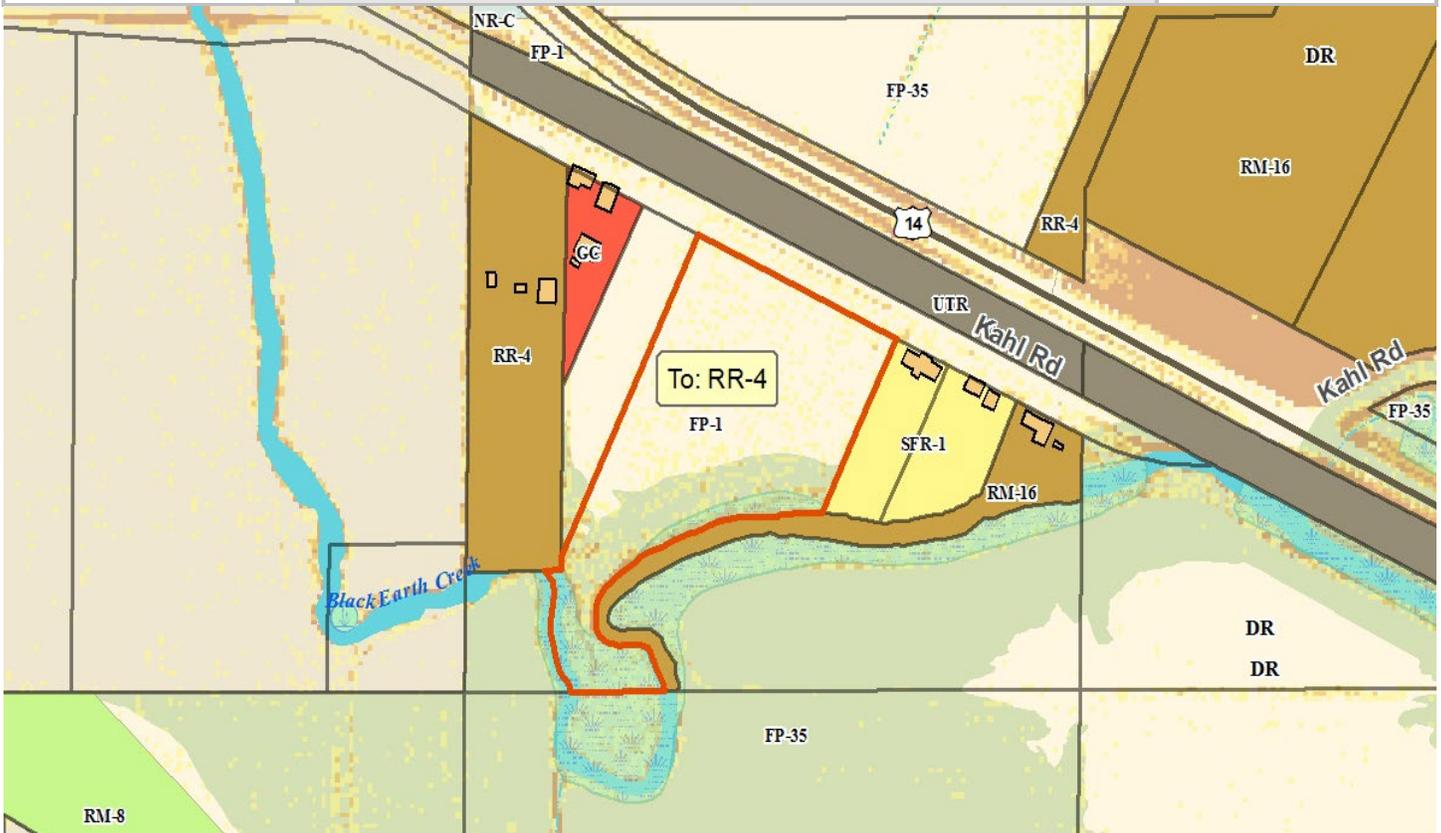
**DINO LUKAVACKIC
AND NOELY KATHY
PINEDO**

Reason for the request:

Zoning to allow residential use

Address:

**WEST OF 9713 KAHL
ROAD**



DESCRIPTION: Applicants propose to rezone the 6.7-acre property from FP-1 to RR-4 to allow for residential use on the northwest / upland portion of the site. A one-lot CSM will be submitted to correct a previous metes and bounds land division.

OBSERVATIONS: RR-4 zoning would allow a single-family home and small-scale farming. The surrounding properties are primarily residential in nature with a small office to the northwest. The site contains a public fishing easement to the WDNR that allows public access from Kahl Road to Black Earth Creek, with access along the east/ southeastern edge of the property.

TOWN PLAN: The town plan shows the property planned for future Commercial-Retail use and Agricultural Preservation. Per the plan the area was is partially designated commercial because physical limitations prevent sewer service extension from the Village and size limits the possibility of large scale agriculture (although it is currently cropped.)

There is nothing in the plan that prohibits residential development in the Commercial area, both commercial and residential rezones require a density unit as part of the Town's plan. If any future plans include some sort of commercial

use, they can be addressed a future rezone or CUP process with full Town and County review. The owners have discussed possible future commercial plans on the property with staff but are only currently requesting the residence.

The Town of Black Earth has 1 home per 35 acres density policy and this particular parcel has one density right remaining so this proposal fits with the density policy, see attached density study.

RESOURCE PROTECTION: The property contains floodplain wetlands, and shoreland zoning. Hydric soils are located primarily in the south end of the site, out of the proposed development area. The owner has already had a wetland delineation done for the property, the designated home site is well away from that area.

TOWN: The Town approved the petition with no conditions.

STAFF: The proposed development is consistent with the Town's density policy. The proposal is also consistent with the Agricultural Preservation portion of the plan. Staff recommends approval with the following condition: Within 90 days of the effective date of the rezoning petition, a certified survey map shall be recorded with the Register of Deeds.

Any questions about this petition or staff report please contact Curt Kodl at (608) 266-4183 or kodl@countyofdane.com