

**Staff Report**



**Zoning and  
Land Regulation  
Committee**

Public Hearing: **September 26, 2023**

**Petition 11973**

Zoning Amendment Requested:

**FP-35 Farmland Preservation District TO RR-2 Rural Residential District**

Town/Section:

**CROSS PLAINS,  
Section 10**

Size: **2 Acres**

Survey Required: **No**

Applicant

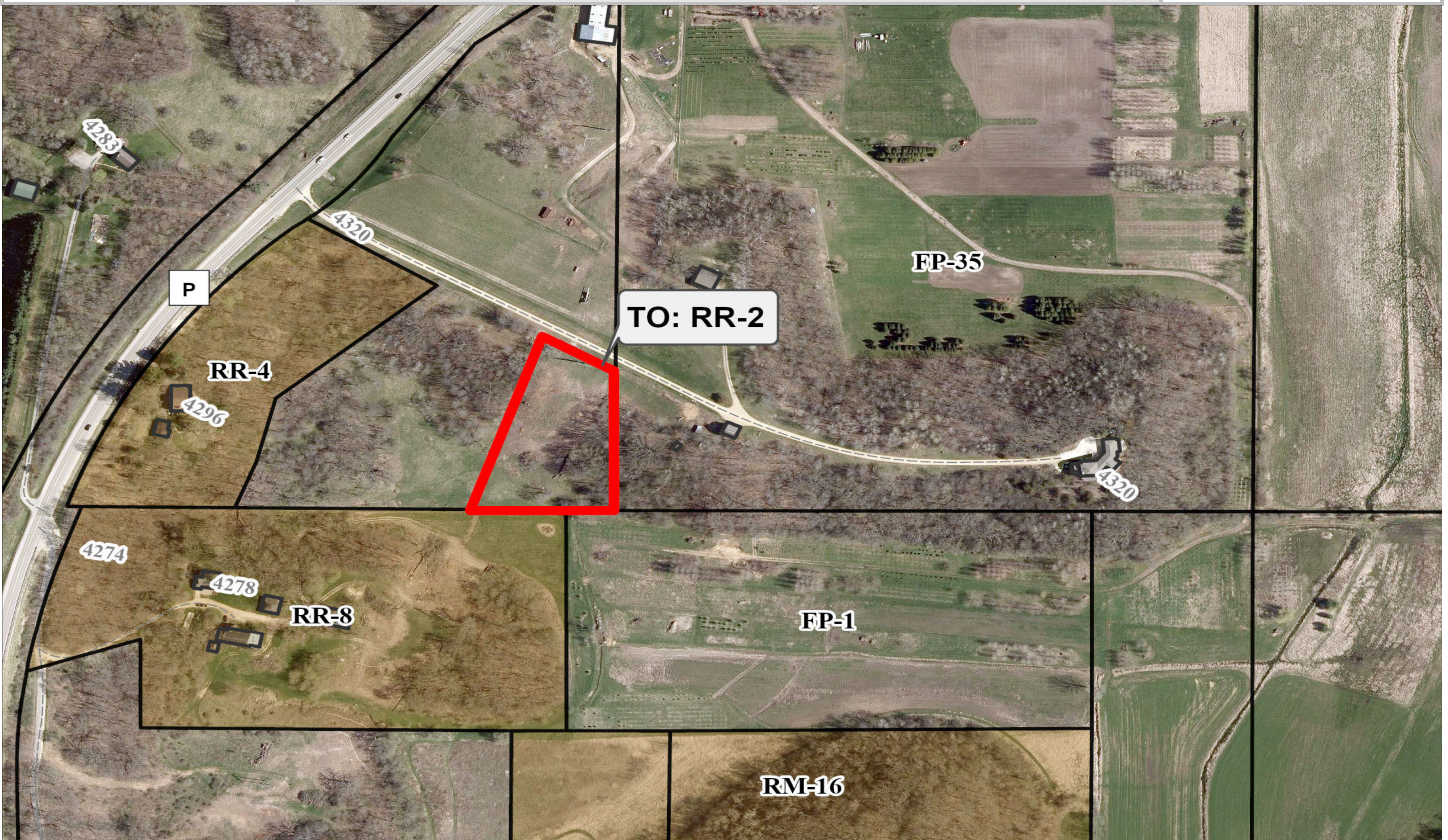
**CORRELL LIVING TR  
(PAUL CORRELL)**

Reason for the request:

**Zoning for one new residential home site using transfer of development rights (TDR)**

Address:

**4320 COUNTY  
HIGHWAY P**



**DESCRIPTION:** Applicant Paul Correll of Correll living Trust proposes to rezone two acres from FP-35 to RR-2 as part of a transfer of development rights (TDR). The intent is to locate a future development right on the property, as part of the family’s estate planning.

**OBSERVATIONS:** The proposed spot zone is not intended for residential development at this time; it is effectively a placeholder to “park” a future residential development right on the Correll property. In order for the applicant to build a new residence on the land, a certified survey map would be required to divide a residential lot from the rest of the applicant’s lands, which would comply with Dane County’s zoning and land division ordinances. In addition, the proposed spot zone is located on an area with steep slopes. For these reasons, staff expects that the future lot would need to be relocated prior to being developed for residential use. See staff recommendations below.

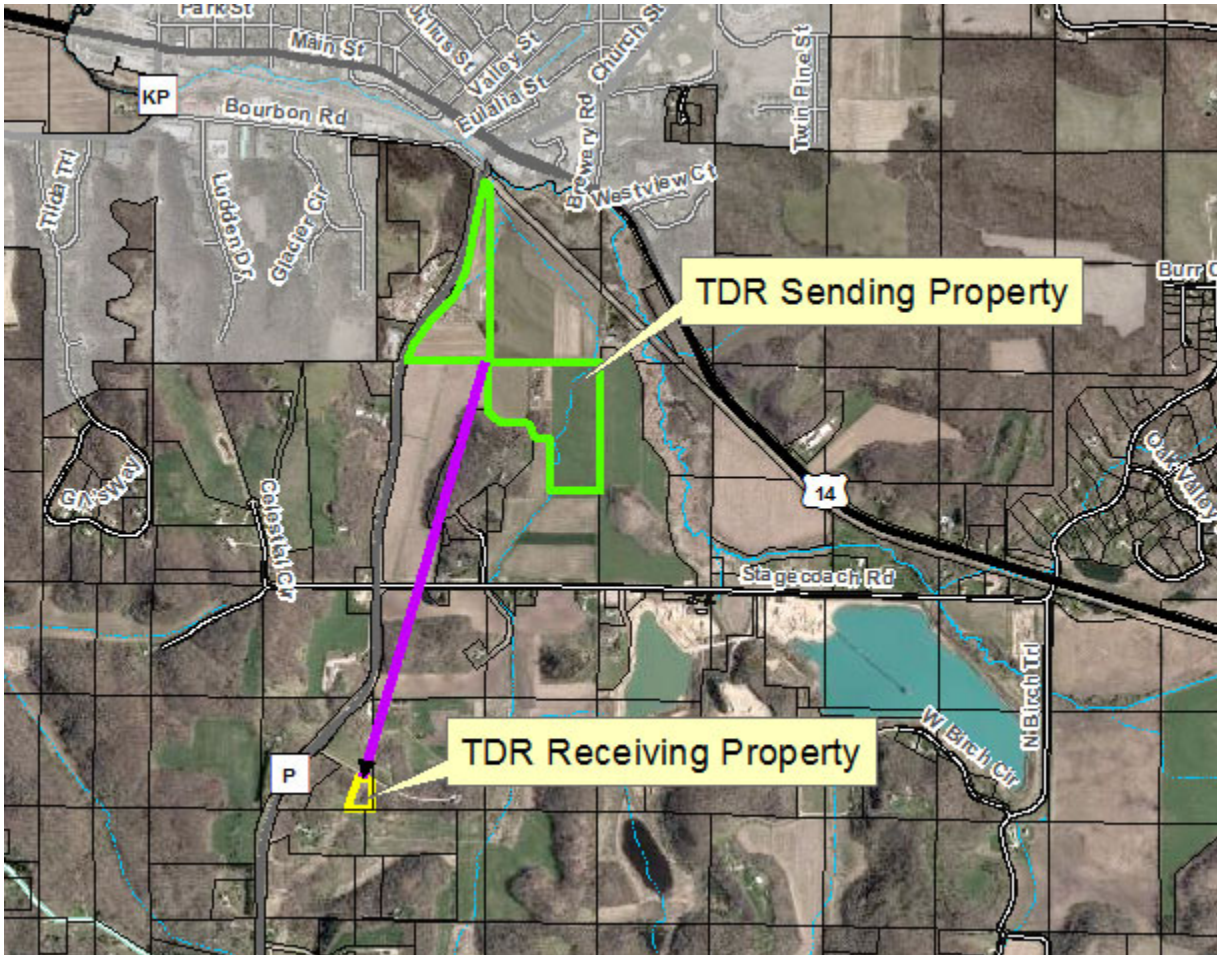
Any future lot will also be subject to the Village of Cross Plains extraterritorial jurisdiction for land division reviews.

**DANE COUNTY HIGHWAY DEPT COMMENTS:** CTH P is a controlled access highway. Access Permit #95-20 allows a single access point for 1 single family residences and surrounding agricultural lands. Any change of use of existing access or additional residence requires a permit from the Highway Department. No new access will be permitted on CTH P due to reconfiguration of lots. An access easement may be required. Estimate increase of traffic to be 10 trips per day due to rezone.



**COMPREHENSIVE PLAN:** The subject property is located in the town’s agricultural preservation area. As indicated in the description above, applicant Correll proposes to transfer a density unit from a property located a little over a mile to the north in section 10 which is within the town’s TDR “super-sending” area near/adjacent to the Black Earth Creek corridor.

As indicated on the attached density study report, the sending property remains eligible for 2 density units. To incentivize participation in the town’s TDR program, owners within designated “super sending” areas are credited 2 density units for every one transferred away from the super sending property. As part of the proposed transfer, an agricultural conservation easement would need to be placed on the sending property prohibiting further nonfarm development.



The town’s TDR program specifies the following criteria for proposed transfers:

- a. Proposed receiving areas are not within the National Ice Age Scientific Reserve, Ice Age Trail Corridor or Black Earth Creek Water Quality Corridors (see Map 5-5);
- b. Proposed receiving areas have minimal impact on Group I, II or III soils under the Dane County Land Evaluation and Site Assessment (LESA) system (see Map 5-1);
- c. Proposed receiving areas are not within the Village of Cross Plains Urban Service Area (see Map 8-3), unless expressly permitted in an adopted intergovernmental agreement between the Town of Cross Plains and the Village of Cross Plains;
- d. Proposed development would be clustered, and adjacent to existing nonfarm development;
- e. No more than one development site or lot is created in a receiving area for every each development right retired in a sending area;
- f. If within an Agricultural Preservation Area, lot size for proposed development does not exceed 5 acres, and;
- g. Proposed development meets all of the siting criteria for the appropriate planning area as identified in the Town of Cross Plains Comprehensive Plan.

The applicant does not have any immediate plans to build on the receiving property, but rather wishes to “park” the transferred development right on the proposed RR-2 zoned area. The proposed transfer of a density unit to the Correll property appears reasonably consistent with the town’s TDR policies and siting criteria. (For questions about the comprehensive plan, contact Senior Planner Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com))

**RESOURCE PROTECTION:** There are no resource protection corridors mapped on or within 300’ of the subject property.

**TOWN ACTION:** On July 18, 2023 the Town Board recommended approval of the petition with no special conditions.

**STAFF RECOMMENDATION:** As noted above, the proposed spot zone is not developable at this time but would require a new lot be created via CSM, which would require the specific home site to be reviewed and approved by the Town of Cross Plains and Dane County. This would ensure that any future residential lot has the required public road frontage, would not leave an isolated FP-35 remnant in the southeast corner of the tract, and meets any other ordinance requirements including an approved road access.

Pending any concerns expressed at the ZLR Public Hearing, staff recommends approval of the petition with the following conditions.

1. An agricultural conservation easement prohibiting further nonfarm development shall be recorded on the ~53 acre FP-35 zoned sending property (tax parcels 070703492500, and 070710183200).
2. The TDR-S (Sending Area) overlay zoning district shall be applied to tax parcel 070703492500.
3. The TDR-R (Receiving Area) overlay zoning district shall be applied to the proposed RR-2 zoning lot.
4. Applicant shall record a Notice document on the receiving area property indicating that the RR-2 zoning lot was created as part of a transfer of development rights. The area shall not be used as a building site unless a separate lot is created in accordance with Dane County Land Division Regulations.

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