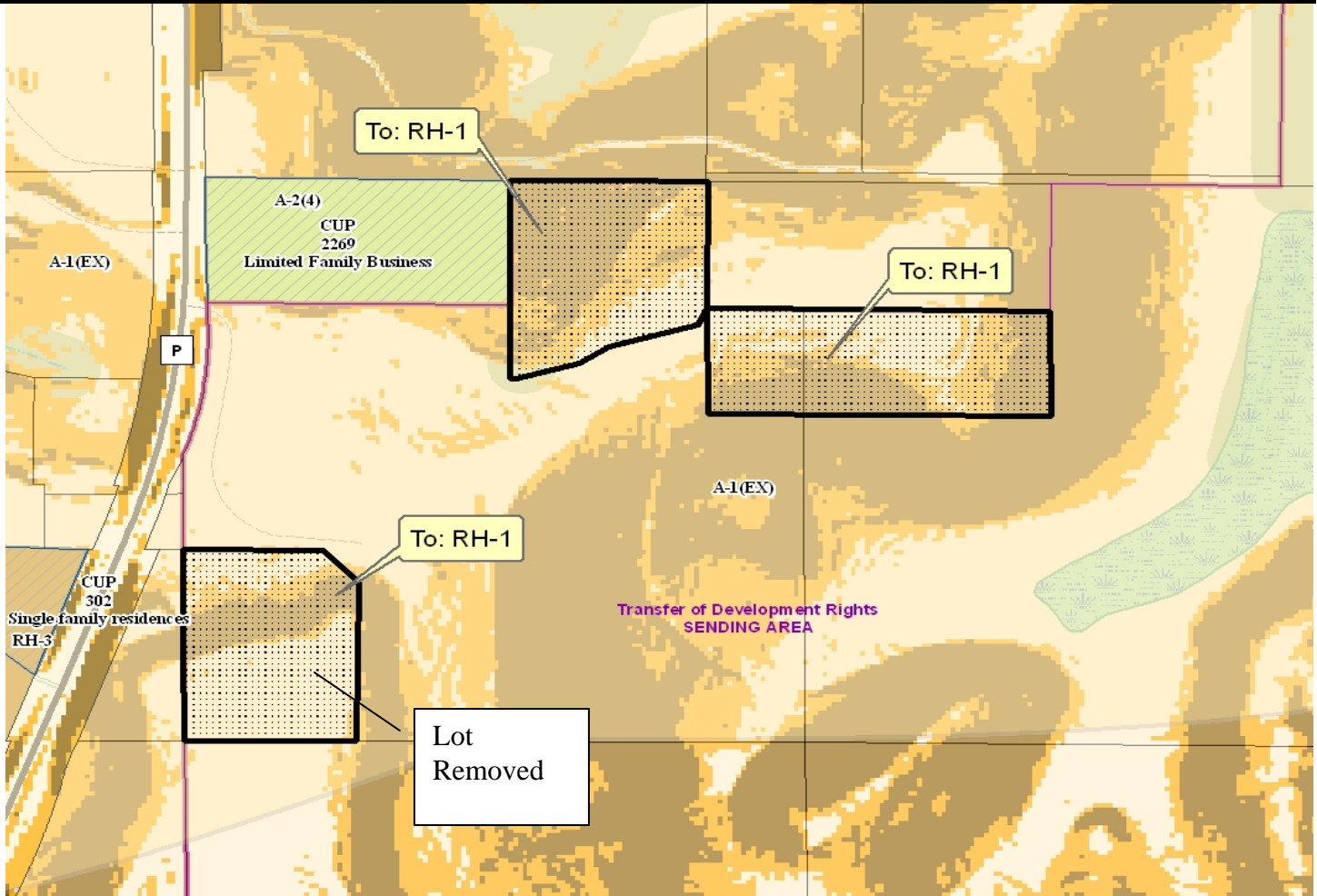




# Staff Report

<i>Public Hearing:</i> July 22, 2014	<i>Petition:</i> Rezone 10720
<i>Zoning Amendment:</i> <b>A-1EX Exclusive Agriculture District to RH-1 Rural Homes District</b>	<i>Town/sect:</i> <b>Cross Plains Section 15</b>
<i>Acres:</i> 11.47 <i>Survey Req. Yes</i>	<i>Applicant:</i> <b>Karl R Dettmann</b>
<i>Reason:</i> <b>Creating three residential lots plus one lot for an existing residence</b>	<i>Location:</i> <b>East of 4204 County Highway P</b>

Zoning and Land Regulation Committee



**DESCRIPTION:** The petitioner would like to create 3 residential lots and create an 80 parcel for the existing residence.

**OBSERVATIONS:** There is an existing residence on the property that was constructed in 1995. The proposed lots have areas exceeding 20% grade. The proposed lots do not front on a public street and appear to be randomly placed. Dane County Highway Department should be contacted to review the existing driveway access for multiple houses or if additional driveway could be added.

**TOWN PLAN:** The property is located in the town's agricultural preservation area.

**RESOURCE PROTECTION:** There are no areas of resource protection corridor located on the property.

**STAFF:** The proposal exceeds the allotted housing density rights by two. Staff suggests that the development be reconfigured so that the 90-acre parcel is divided into no more than three parcels having one parcel include the existing house.

**TOWN:** Approved with conditions on development.

## Rezone 10720 continued

**7/22 ZLR Action:** The petition was postponed due to compliance issues with land division regulations regarding lot frontage on a public street.

**STAFF UPDATE:** The applicant has submitted an application to allow for a shared driveway agreement to act in place of individual lot frontage as provided by Dane County Code of Ordinance section 75.19(8). The Committee will need to determine if the proposal meets the intent of the shared access easement requirements.

**(8) Standards and procedures for ingress/egress access via shared driveway easement.** To promote the clustering of residential lots, preservation of farmland, and efficient use of land, the committee may approve exceptions to the frontage requirement of section 75.19(6)(b) where the committee finds that the exception protects the public health, safety, and welfare, but only in towns where the town board has previously voted to adopt policies to allow such exceptions. The zoning and land regulation committee and town board may approve the creation of lots with access provided by a shared driveway easement, in lieu of fee-title frontage onto a public right-of-way, provided all of the following criteria are met, and carries out the purposes stated in s. 75.19(6)(b):

**(a)** The committee shall not approve any exception to the frontage requirement of section 75.19(6)(b) without finding that the exception is consistent with applicable town comprehensive plans adopted by the county board, town land/subdivision ordinances, and the Dane County Comprehensive Plan.

**(b)** The shared driveway easement shall be a minimum of 66 feet wide, and encompass the entire length of the driveway that will service the lot or lots.

**(c)** No more than four (4) lots, whose principal use is residential, may be served by a shared driveway easement including the lot on which the easement is located. Shared driveway easements shall not be extended to service additional lots.

**(d)** If two or more lots are proposed to be served by a shared driveway easement, including the lot on which the easement is located, at least one of the lots must have a minimum of 66 feet of frontage connecting directly onto a public street at a location where the driveway shall be constructed. The committee may waive this requirement by granting a variance under s. 75.21.

**(e)** A legal description of the shared driveway easement must be prepared by a registered land surveyor. The shared driveway easement shall be shown on the Certified Survey Map and include, at a minimum, the data submission requirements of section 75.17(3)(d),(g),(h),and(i). The committee may require that additional data be provided to ensure compliance with the provisions of this section.

**(f)** The shared driveway easement shall constitute a covenant running with the land....

### **Planning Comments:**

The proposed lot layout appears consistent with the development guidelines for the Agricultural Preservation Area described in the adopted *Town of Cross Plains / Dane County Comprehensive Plan*. The Town of Cross Plains does not have a subdivision ordinance, but town driveway ordinances will apply. Because the driveway will be longer than 125 feet in length, the town will require proof of compliance with county erosion control and stormwater regulations before a driveway permit will be issued.

### **Staff Recommendation:**

If approved, Staff suggests that the zoning classification for the proposed Lot 2 (4.15 acres) and proposed Lot 3 (4.2 acres) be amended to RH-2 Rural Homes. Given the acreage, this will prevent the lots from being divided in the future. Staff also suggests that a deed restriction be placed on proposed Lot 4 to prohibit residential development on the A-1 Exclusive Agriculture lands. The proposal will be required to record a joint driveway agreement as prescribed under Dane County Code of Ordinances Section 75.19(8).

**8/12 ZLR:** The Committee recommended approval with amendments. Vote: 3-2 (Nay: Miles and Matano.) The approval was conditioned upon approval of a joint driveway agreement for lots absent of public road frontage and a deed restriction to prohibit further residential development.

**9/4 County Board:** The petition was re-referred back to the Committee to discuss public road frontage for lots.

**9/9 ZLR:** The petition was postponed to allow an opportunity for an adjacent landowner to purchase a portion of the property.

**Staff Update:** The adjacent landowner has agreed to purchase a remnant portion of the development property. The sliver will be incorporated into the property by creating a fourth lot on the CSM. The sliver will need to have the zoning classification of A-2(4) to match up with the adjacent owner's current zoning.

If approved, Staff suggests the petition be amended to allow the 0.9-acre silver to be rezoned to A-2(4), proposed Lot 2 to be rezoned to RH-1, and proposed Lot 3 to be rezoned to RH-2. The approval should be contingent upon the petitioner recording a shared driveway agreement pursuant to DCCO 75.19 (Lot 2 is sharing frontage with Lot 3).