

**Staff Report**



**Zoning and Land Regulation Committee**

Questions?  
Contact: Majid Allan  
608-267-2536

*Public Hearing:* **July 23, 2019**

*Zoning Amendment Requested:*

**RM-16 (Rural Mixed-Use, 16 acres and up) District TO RR-4 (Rural Residential, 4 to 8 acres) District**

*Size:* **5 Acres**

*Survey Required:* **Yes**

*Reason for the request:*

**Creating two residential lots (one lot existing)**

**Petition 11437**

*Town/Section:*

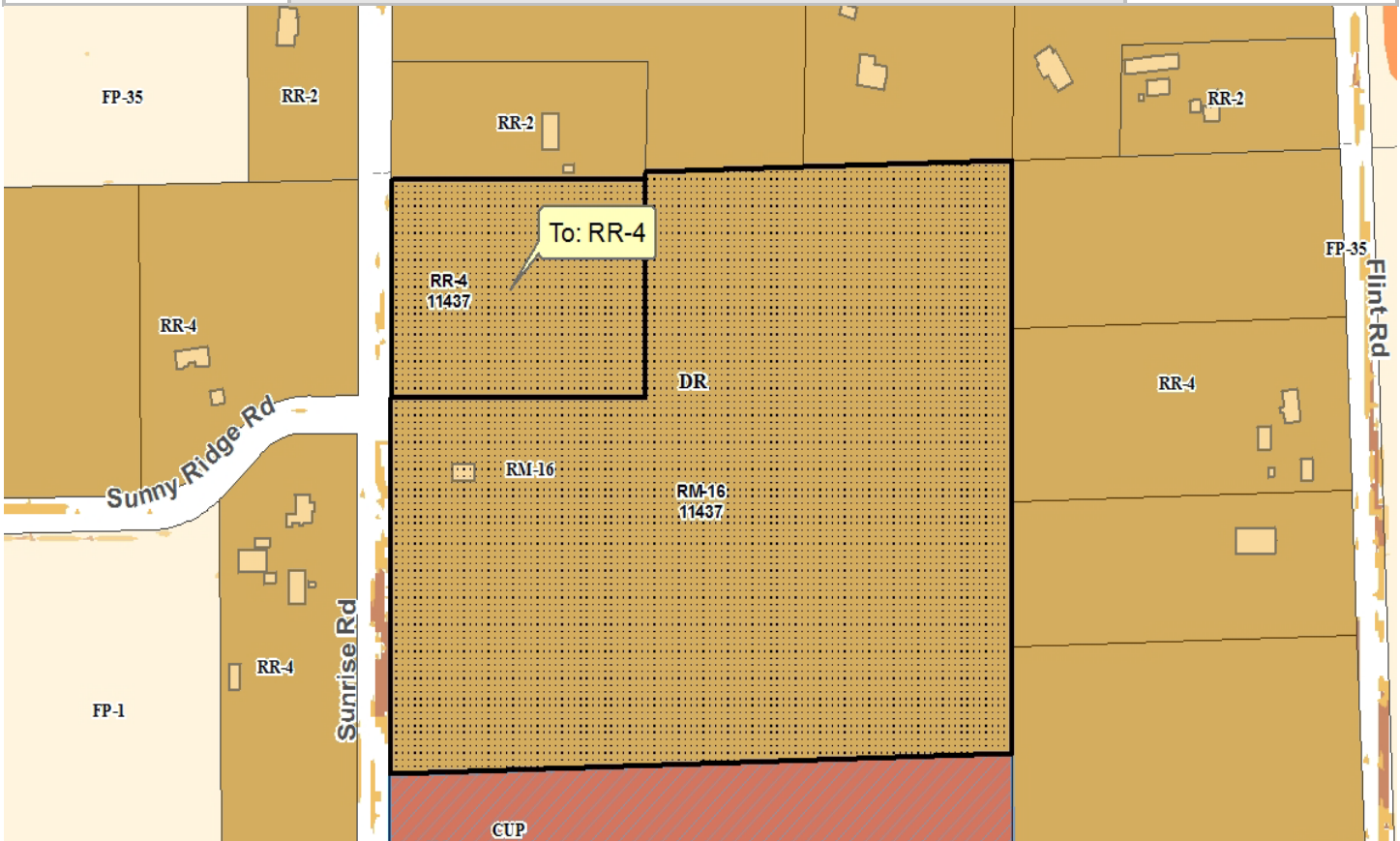
**RUTLAND, Section 9**

*Applicant*

**ERIC GROVER**

*Address:*

**EAST OF 1157  
SUNRISE RD**



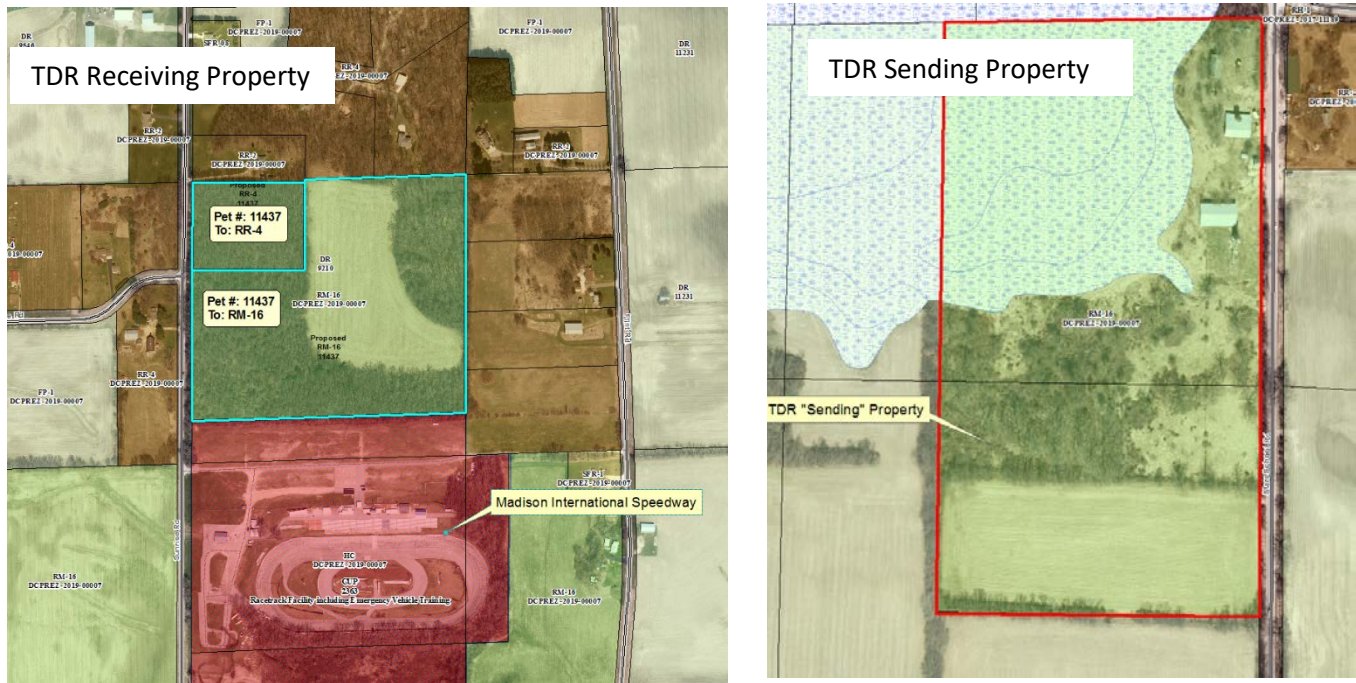
**DESCRIPTION:** Applicant proposes to divide the existing RM-16 Rural Mixed Use parcel to create a second Rural Residential parcel totaling 5 acres. The proposal involves transferring a density unit from another property located in section 2 west of Starr School Road. Only one new residential parcel is proposed.

**OBSERVATIONS:** The proposed new 5 acre RR-4 zoned parcel is entirely wooded and characterized by gently rolling topography. Surrounding land uses include forest/agriculture/open space, scattered rural residences, and the Madison International Speedway located approximately ¼ mile away. No sensitive environmental features observed.

**TOWN PLAN:** The property is located in the town’s agricultural preservation area where development is limited to 1 density unit or split per 35 acres of land owned as of June 7, 1978.

**RESOURCE PROTECTION:** No resource protection corridors located on the property.

**STAFF:** The applicant's proposal would require town/county approval of a transfer of development rights. Applicant proposes to transfer a density unit from a ~33 acre property located in section 2 of the town at 1546 Starr School Road. Town plan policies allow for the possible transfer of density units between properties, to be reviewed by the town on a "case by case" basis. There are no specific guidelines to considering such transfers, though the town plan includes a reference to using Transfer of Development Rights as an incentive to preserve agricultural land.



The TDR sending property appears to include about 7 acres of tillable agricultural land.

Concerns were raised at the town level by neighboring residents about the potential for additional development on the subject property through future transfers of development rights. Additional concerns included uncertainty over the extent of tree removal, the exact location of access drive(s) and home placement, and the potential impact of development activity on drainage patterns in the neighborhood. The town board postponed action and asked the plan commission to review the neighbor concerns.

The proposed TDR would result in the protection of a modest amount (~7 acres) of agricultural land while allowing development on a largely wooded parcel. Since the town has not adopted a formal Transfer of Development Rights program, it would be advisable to place conditions of approval that limit development on the subject property.

Staff recommends postponement of the petition until the town has taken action. Pending action at the town level, staff recommends the following possible conditions of approval:

1. Require recording of a deed restriction on the sending property (tax parcels 051002180008 and 051002195001) prohibiting division of the property and indicating that the available density units have been exhausted.
2. Require recording of a deed restriction on the RM-16 and RR-4 property prohibiting further division.
3. A notice document shall be recorded on the RR-4 receiving property (tax parcel 051009386000) indicating that a density unit was transferred to the property.

**July 23<sup>rd</sup> ZLR Meeting:** The petition was postponed due to no town action.

**TOWN:** The Town approved the petition with the Staff's suggested conditions.