

Staff Report



**Zoning and
Land Regulation
Committee**

Public Hearing: **November 28, 2023**

Petition 11985

Zoning Amendment Requested:

FP-35 Farmland Preservation District TO RR-4 Rural Residential District and FP-1 Farmland Preservation District

Town/Section:

**PLEASANT SPRINGS,
Section 22**

Size: **5,28,7 Acres**

Survey Required: **Yes**

Applicant

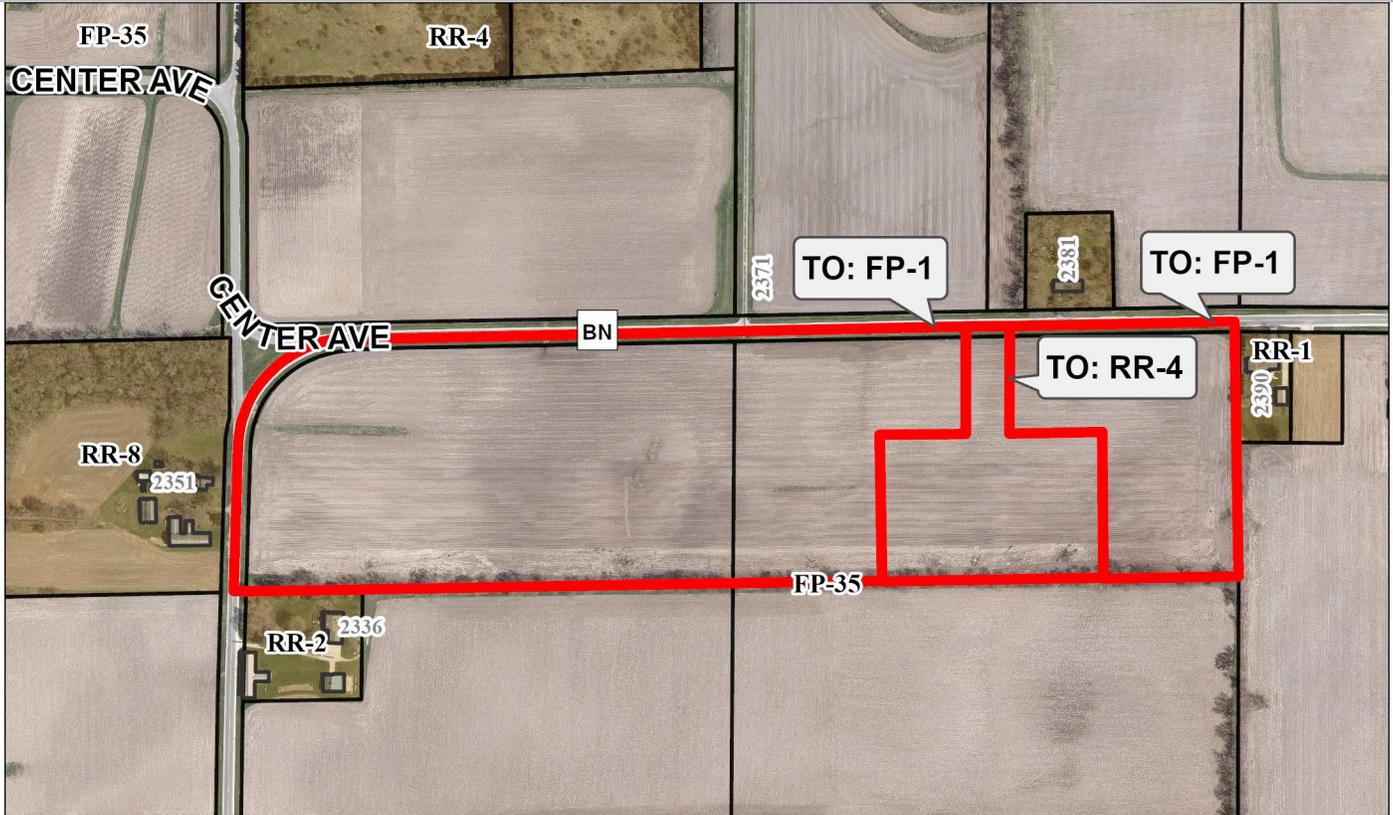
JOEL E HOUGAN

Reason for the request:

create one residential lot and two agricultural lots

Address:

**WEST OF 2390
COUNTY HWY BN**



DESCRIPTION: Joel Hougan and Cheryl Siebert-Hougan propose a rezone 37.4 acres of agricultural land in order to divide it into a 5-acre residential lot and two agricultural lots. The residential lot is intended for sale to a friend; the FP-1 lands would remain in agricultural use but must be rezoned out of FP-35 due to the reduced size.

OBSERVATIONS: The proposed lots meet the requirements of the RR-4 and FP-1 zoning district, including lot size and public road frontage.

The proposed RR-4 lot's "flagpole" would meet the minimum 66' width requirement. Staff notes that "flag lot" configurations are not ideal because they create unusual building setbacks compared to other properties, and in this case would divide a single large farm tract into two separate pieces which may pose a practical challenge for farm equipment access to the eastern FP-1 land after the RR-4 lot is divided and sold. For a lot in this configuration, the zoning would require the minimum building setbacks to be 10 feet all around the main lot area, and 50 feet from the rear/south line.

HIGHWAY DEPARTMENT: Because the land is located along County Highway BN, Dane County Highway Department approval is needed for any new access. Highway staff note that CTH BN is not a controlled access highway. Access Permit # 381A allows for a new residential single family access, that also serves the surrounding agricultural lands. Any future change of use of access requires a permit from the Highway Department. No new access will be permitted on CTH BN due to reconfiguration of lots. Estimate increase of traffic to be 10 trips per day due to rezone.

COMPREHENSIVE PLAN: The property is located in the town's agricultural preservation area. As indicated on the attached density study report, the property remains eligible for one density unit, or "split". If the petition is approved, the eligible density units will be exhausted.

Pending any concerns noted by the town in the course of its review, the proposal appears reasonably consistent with comprehensive plan policies.

In accordance with comprehensive plan policies, staff recommends that approval be conditioned on recording of a deed restriction on the balance of FP-1 zoned land:

1. A deed restriction shall be recorded on the balance of FP-1 zoned property (proposed lots 1 and 3 of the Certified Survey Map).

(For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

RESOURCE PROTECTION: There are no sensitive environmental features on or within 300 feet of the subject property.

TOWN ACTION: On October 17, 2023 the Town Board recommended approval of the rezone, conditioned on the remaining acres to remain in Farmland Preservation with no further development.

NOVEMBER 28TH ZLR HEARING: The ZLR Committee postponed action on the petition at the public hearing, due to neighbor opposition to the proposed lot location.

STAFF UPDATE: During the public hearing, Robert Endres expressed concerns regarding a future home obscuring his view of the country side. County Staff has prepared a rendering of what the view would look like from Mr. Endres' s property if a house was constructed on the proposed lot. See attached. County Staff feels that the home will have minimal impact on the view shed. County Staff have also contacted the Dane County Highway Department regarding the driveway location. The Department feels that the proposed driveway is in the best location due to the topography of the road. The Highway Department approved an access point for this location.

STAFF RECOMMENDATION: Staff recommends approval of this petition subject to the recording of the CSM for the new lots, and the following conditions:

1. A deed restriction shall be recorded on the balance of FP-1 zoned land (proposed lots 1 and 3 of the Certified Survey Map) stating the following:

Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original farm have been exhausted per the Town Comprehensive Plan density policies.

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