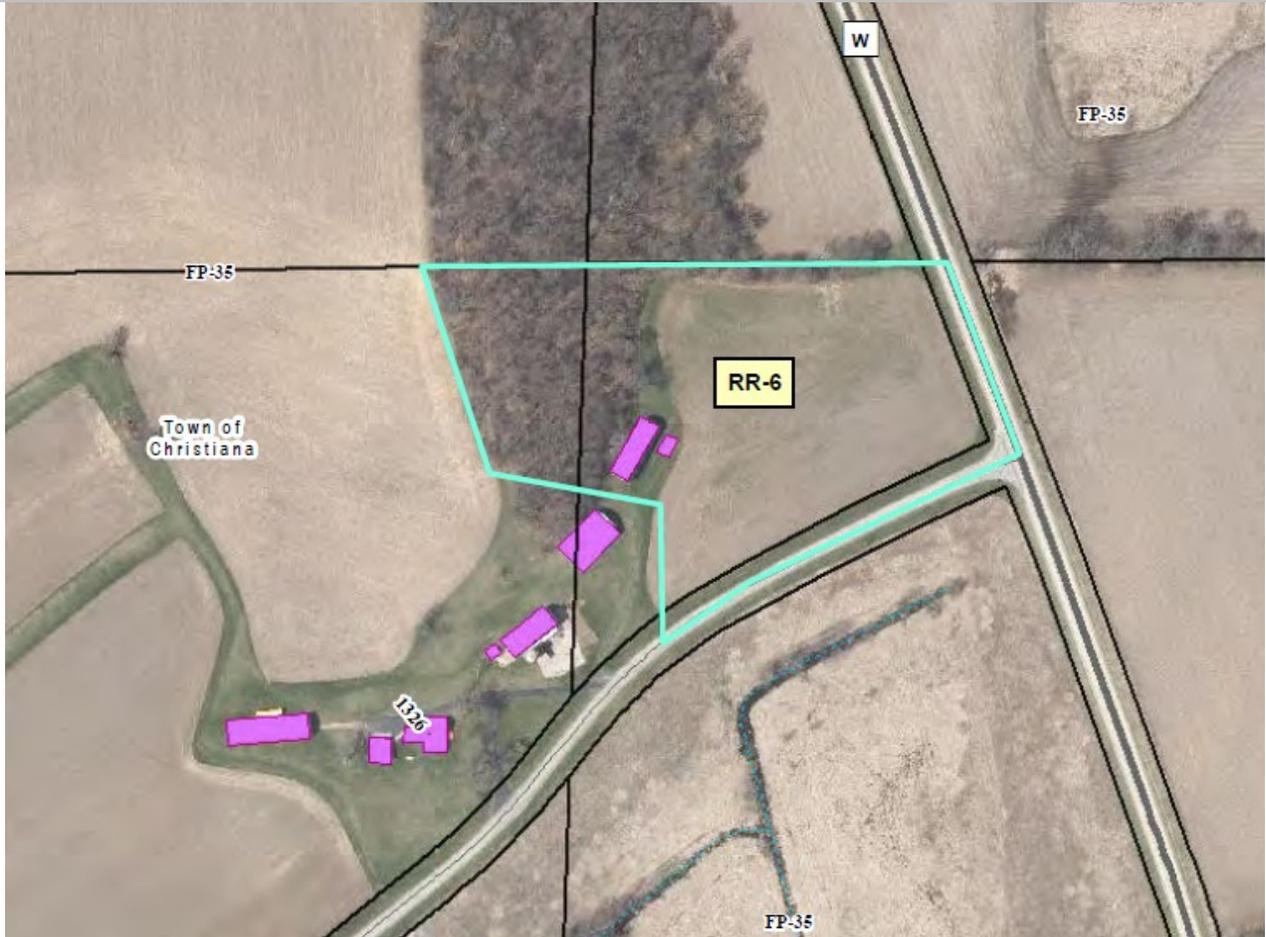


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>September 26, 2023</b> <b>Staff report updated for October 24<sup>th</sup> ZLR meeting</b>		<b>Petition 11972</b>
	<i>Zoning Amendment Requested:</i> <b>FP-35 Farmland Preservation District TO RR-2 Rural Residential District</b>		<i>Town/Section:</i> <b>CHRISTIANA, Section 31</b>
	<i>Size:</i> <b>2.9 Acres</b>	<i>Survey Required:</i> <b>Yes</b>	<i>Applicant:</i> <b>DAVID R OLSON</b>
	<i>Reason for the request:</i> <b>Creating one residential lot</b> <b>Note: Petition has been amended to a 6-acre lot with RR-4 zoning</b>		<i>Address:</i> <b>CTH W / EAST OF 1326 KAASE RD</b>



**DESCRIPTION:** David Olson proposes to rezone approximately 6 acres from FP-35 to RR-4 in order to create one new residential lot for his grandson Jacob France. The petition was amended from the original request for a 2.9 acre lot with RR-2 zoning, due to road access issues.

**OBSERVATIONS:** The proposed lot meets the requirements of the RR-4 zoning district including lot size and public road frontage. The lot configuration reflects the desire to include the existing tobacco barn building and the wooded knoll. Because there is an existing barn building on site and construction of a new home is not yet scheduled, the use of the property should be restricted in order to comply with land use requirements in the zoning ordinance (see Staff Recommendations below).

**DANE COUNTY HIGHWAY DEPT COMMENTS:** (Comments were received on September 15<sup>th</sup> on the original petition which proposed access onto CTH W.) CTH W is not a controlled access highway. No new access will be permitted on CTH W due to reconfiguration of lots. Access needs to be from Kaase Road. An access easement may be required from Kaase Road. Estimate increase of traffic on Kaase Road to be 10 trips per day due to rezone. Additionally, the CSM will need "No Access" designated across the frontage of CTH W Lot 1. Also, Right of Way along CTH W Lot 1 to be dedicated for highway use a minimum 40 feet from centerline of CTH W.

**COMPREHENSIVE PLAN:** The property is located in the town’s agricultural preservation area where development is limited to one lot or nonfarm use per 35 acres owned as of May 3, 1979. As indicated on the attached density study report, the property remains eligible for one density unit or “split”. The proposed new residential parcel appears to be consistent with comprehensive plan policies.

In accordance with the town’s comprehensive plan policy when density units have been exhausted, staff recommends approval with the following condition.

- The owner shall record a deed restriction prohibiting further nonfarm development on the balance of FP-35 zoned land (tax parcels 061232390907, 061231495010, and 061231480800).

(For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com))

**RESOURCE PROTECTION:** The land is located on a knoll that extends from the north. Driveways over 125 feet long require an erosion control permit from Dane County Land and Water Resources, and a stormwater management plan is required if the impervious surface exceeds 20,000 square feet.

**TOWN ACTION:** Pending (town meetings scheduled for September 26<sup>th</sup>).

**SEPTEMBER 26<sup>TH</sup> ZLR MEETING:** At the September 26<sup>th</sup> public hearing, the ZLR Committee postponed action on the petition so that the applicants could revise the proposal to address County Highway Department concerns and obtain town approval.

**TOWN ACTION:** On October 9, 2023 the Town Board recommended approval of the amended petition, with no conditions.

**STAFF RECOMMENDATION (UPDATED):** Staff recommends approval of the amended petition, with RR-4 zoning, subject to the applicant recording the CSM for the new lot and the following conditions:

1. A deed restriction shall be recorded on tax parcels 061232390907, 061231495010, and 061231480800 stating the following:
  - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original 1979 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](mailto:holloway.rachel@countyofdane.com)