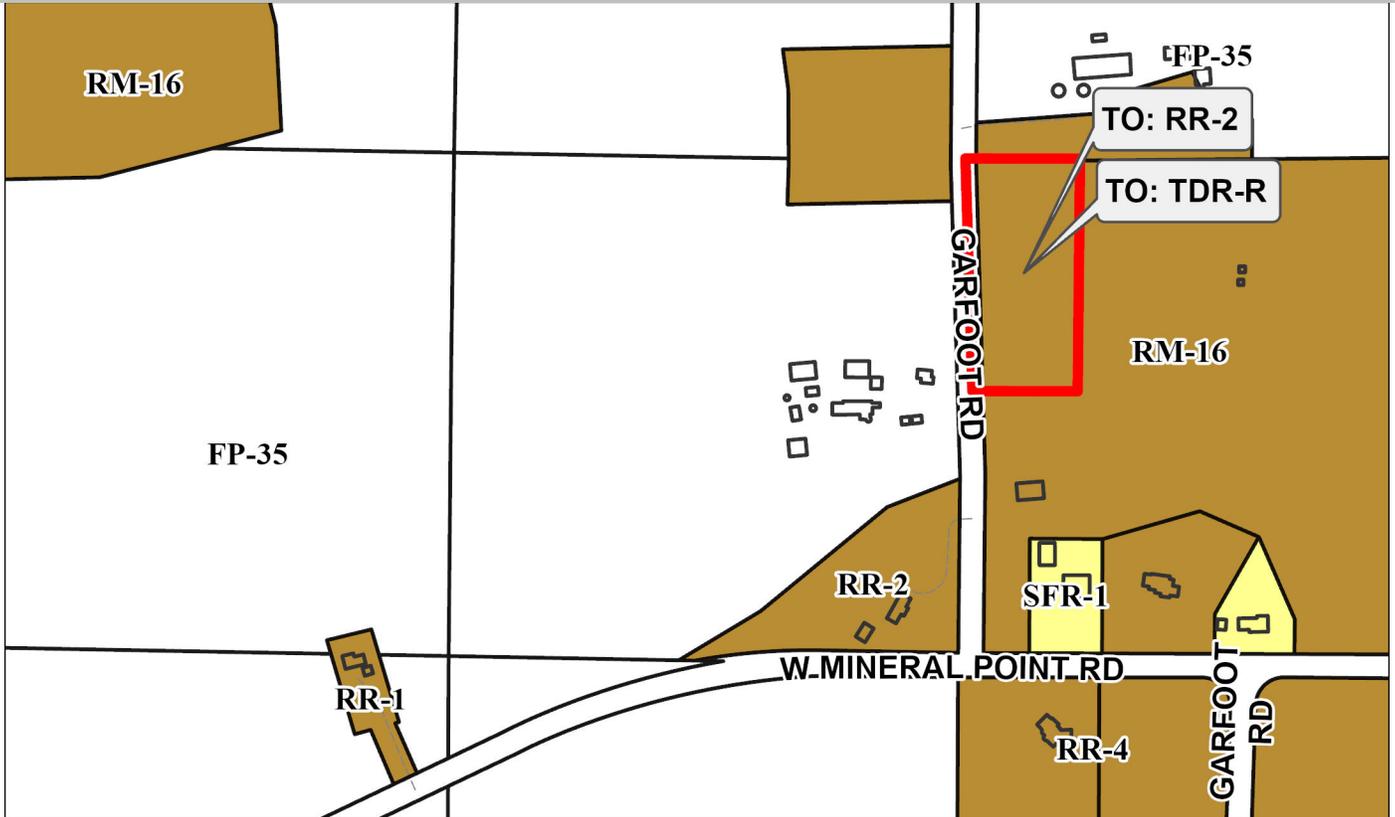


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>January 23, 2024</b>		<b>Petition 12000</b>
	<i>Zoning Amendment Requested:</i> <b>RM-16 Rural Mixed-Use District TO RR-2 Rural Residential District</b>		<i>Town/Section:</i> <b>CROSS PLAINS, Section 20</b>
	<i>Size:</i> <b>4.02 Acres</b>	<i>Survey Required:</i> <b>Yes</b>	
	<i>Reason for the request:</i> <b>CREATE TWO RESIDENTIAL LOTS VIA TRANSFER OF DEVELOPMENT RIGHTS (TDR), TRANSFERRING A DENSITY UNIT FROM PROPERTY OWNED BY ZIEGLER IN SECTION 10 (PARCELS 070710183200 &amp; 070703492500) TO THE BARMAN PROPERTY</b>		<i>Applicant:</i> <b>BARMAN LIVING TR (JOE BARMAN)</b>
			<i>Address:</i> <b>3818 GARFOOT RD</b>



**DESCRIPTION:** Joe Barman proposes to create two residential lots from what is currently a 32-acre property with RM-16 zoning. A three-lot certified survey map (CSM) is proposed for the land division. Both residential lots would be two acres in size and would be rezoned to RR-2; the remaining 28 acres would be CSM Lot 3 and would remain in RM-16 zoning.

The property is currently deed restricted to prohibit residential development on site because the original splits were exhausted in 2008 when the Clark lot (parcel 070720391000) was rezoned and divided off with petition #9778. The lots would be created by a Transfer of Development Rights, with the splits coming from property owned by Ziegler in Section 10 (parcels 070710183200 & 070703492500).

**OBSERVATIONS:** The proposed lots conform to the requirements of the proposed RR-2 zoning district, including lot size and public road frontage. The final lots on the recorded CSM must contain at least two acres.

The property also contains conditional use permit (CUP #206) for the Communication Tower that was constructed on the farm land in 1980. Proposed CSM Lot 1 will need an access easement for the tower located behind it, unless the existing driveway for tower is being relocated.

**COMPREHENSIVE PLAN:****Receiving Area (TDR-R Overlay):**

This property (owned by Barman) meets the criteria for a Transfer of Development Rights receiving area (TDR-R Overlay zoning) under the standards of the *Town of Cross Plains / Dane County Comprehensive Plan*. Prior to the TDR transaction, the Barman property had no development rights remaining (See TDR-R Density Study in Packet). Petition 12000 would transfer one development right from the Super Sending Area (TDR-S) property (usable as two development rights in a receiving area, see below) and then create two residential lots. The creation of any additional lots on the TDR-R property, beyond that proposed in this petition, would require the acquisition and transfer of additional development rights from an appropriate Sending Area property.

**Sending Area (TDR-S Overlay):**

In 1981, the Ziegler Dairy Farms property was part of a 133.92-acre farm owned by Henry Brunner, originally yielding 4 development rights under the town's density policy. Since 1981, 2 development rights have been used as follows:

- CSM 15880, Lot 2 / [Petition 2020-11605](#) created a new residential lot in the RM-8 zoning district.
- Rezone [Petition 11973](#), approved 10/9/2023, transferred 1 development right from this property to a newly created RR-2 zoning parcel on lands owned by Correll Living Trust.

Petition 12000 would use 1 additional development right and transfer that right to the TDR-R property described above. Because the sending area property meets the criteria for a "Super Sending Area" under the town/county plan, this allows for the creation of two development rights in a receiving area for every transferred right. If Petition 12000 is approved, there will be one development right remaining on the original 133.92-acre 1981 Brunner farm. This last remaining development right has been allocated to property currently owned by the Jacob D. Nieman Revocable Trust (see Warranty Deed ROD# 5488361).

**Other requirements for transfer:**

Ziegler Dairy Farms recorded TDR Conservation Easement (ROD Doc #5933830) on PINs 070710183200 & 070703492500, totaling 54 acres on November 13, 2023. This satisfies the town/county plan requirement for completing a TDR transaction from a sending area.

*(For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or [standing@countyofdane.com](mailto:standing@countyofdane.com))*

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

**TOWN ACTION:** On December 14, 2023 the Town Board recommended approval of the petition with no conditions.

**STAFF RECOMMENDATION:** Pending any comments at the public hearing, staff recommends approval of the petition subject to the applicant recording the CSM for the new lots and the following conditions:

1. A deed notice shall be recorded on CSM Lots 1 and 2 that indicates they were created by a transfer of development rights.
2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to the new residential CSM lots.

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)