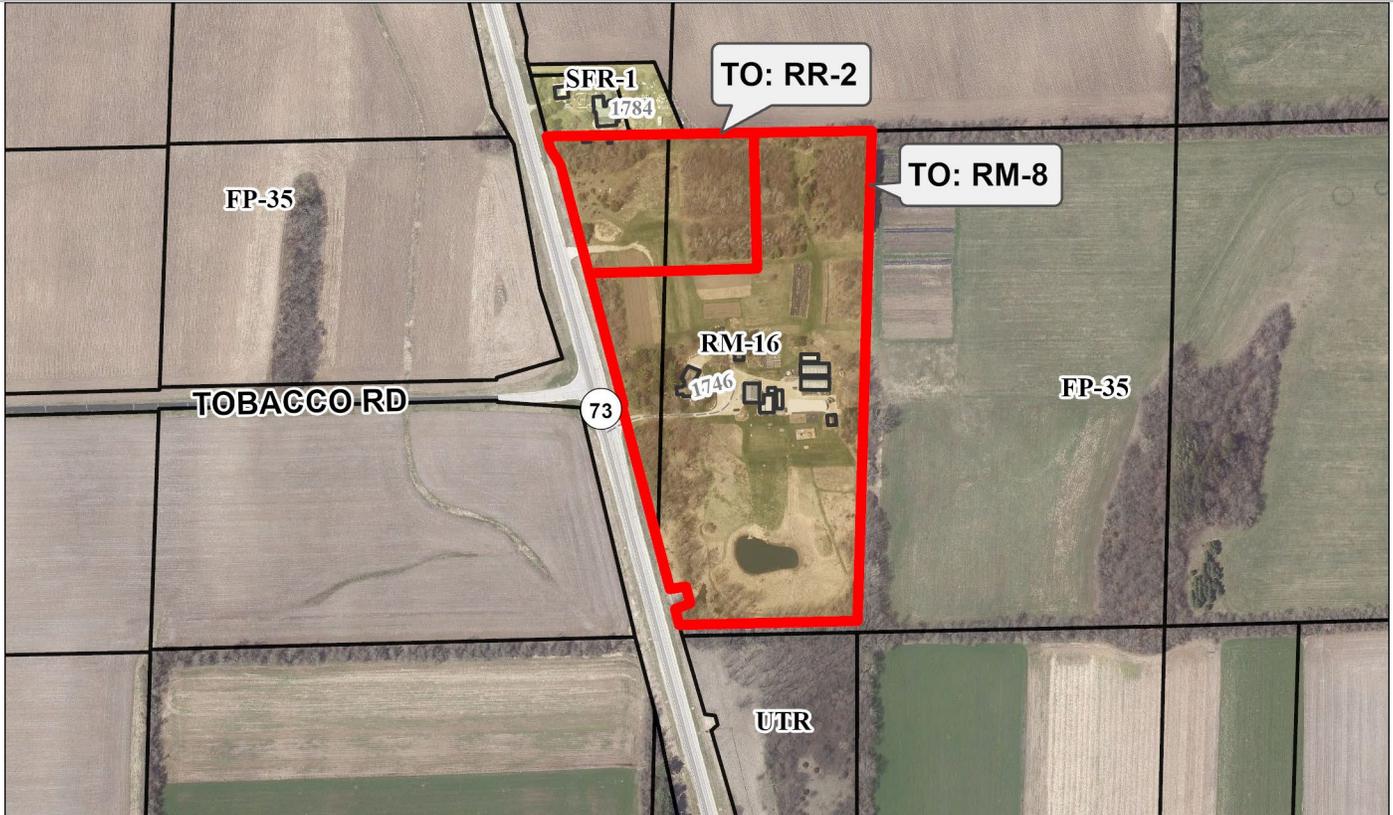


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> November 28, 2023 Report updated for March 26, 2024 ZLR Meeting	Petition 11983	
	<i>Zoning Amendment Requested:</i> RM-16 Rural Mixed-Use District TO RM-8 Rural Mixed-Use District and RR-2 Rural Residential District	<i>Town/Section:</i> CHRISTIANA, Section 34	
	<i>Size:</i> 15.75,4.0 Acres	<i>Survey Required:</i> Yes	<i>Applicant</i> TOM WATSON
	<i>Reason for the request:</i> Creating one residential lot (transfer of development right / TDR)		<i>Address:</i> 1746 STATE HWY 73



DESCRIPTION: Tom Watson proposes a rezoning in order to create a new 4-acre residential lot with RR-4 zoning. The lot would enable a home to be built by either the current owner or a future owner. The remaining Watson farm land would be rezoned from RM-16 to RM-8 due to smaller lot size. Both lots would be reconfigured via certified survey map (CSM). The petition involves a transfer of one development right from the adjacent farm owned by David Gunnulson.

OBSERVATIONS: The proposed lot configuration meets the requirements of the RR-4 and RM-8 zoning districts, provided the RR-2 lot is smaller than 4 acres when the final CSM is recorded.

The property is currently in use as an organic community supported agriculture (CSA) farm, which also has a conditional use permit (CUP 2444) for seasonal agricultural entertainment activities like farm-to-table cooking classes and dinners.

WisDOT highway access approval is required for either a new residential access, or for a change of use to the existing farm driveway. No approval has been received to date.

COMPREHENSIVE PLAN: The ~20 acre subject property is located in the town’s agricultural preservation area. The proposal would involve a transfer of development rights. One density unit, or “split”, would be transferred to the Watson property from the neighboring ~300 acre Gunnulson farm. Town plan policies allow for limited transfers of density units on a case-by-case basis, provided such transfers further the town’s objectives to preserve large tracts of productive agricultural land. As noted, the neighboring Gunnulson farm totals over 300 acres, including approximately

200 acres of cropland, and is eligible for 8 possible density units. The proposed transfer of development rights appears to meet the town's criteria and would be consistent with applicable comprehensive plan policies. As required by both the comprehensive plan and zoning code, appropriate documentation of the transfer should be required as a condition of approval.

The applicant and Gunnulson designated the 35.1 acre tax parcel #061234190209, located in the SW 1/4 of the NE 1/4 of section 34, to serve as the specific sending area property.

Staff recommends the following conditions of approval.

1. A deed restriction prohibiting nonfarm development shall be recorded on the TDR sending property (tax parcel #061234190209, located in the SW 1/4 of the NE 1/4 of section 34, Town of Christiana).
2. The TDR-S (Sending Area) overlay zoning district shall be applied to tax parcel #061234190209.
3. The TDR-R (Receiving Area) overlay zoning district shall be applied to the proposed RR-2 zoning lot (proposed lot 1 of the Certified Survey Map).
4. A notice document shall be recorded on the RR-2 zoned receiving area property indicating that the lot was created as part of a transfer of development rights.

Pending any concerns expressed by the town during the course of its review, or at the ZLR public hearing, staff finds the proposal reasonably consistent with comprehensive plan policies. (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 the subject property. DNR-mapped wetlands are present on the parent parcel, but to the south more than 75' from the proposed RR-2 lot. Shoreland zoning will not affect future development on the RR-2 lot.

TOWN ACTION: On October 9, 2023 the Town Board recommended approval of the rezone conditioned upon the approval of the driveway permit for access from WI-73.

NOVEMBER 28, 2023 ZLR PUBLIC HEARING: The ZLR Committee postponed action on the petition at its public hearing to allow the applicant more time to obtain DOT approval for the change of use. There were no public comments or people registered in opposition to the rezone petition.

STAFF RECOMMENDATION (updated March 15, 2024): On March 13, 2024 DOT staff provided confirmation of the access approval issued for residential use.

Staff recommends approval of the petition subject to the recording of the CSM for the new lot, and the following conditions:

1. Applicant shall record a deed restriction prohibiting nonfarm development on the TDR sending property (tax parcel 061234190209, located in the SW 1/4 of the NE 1/4 of section 34, Town of Christiana).
2. The TDR-S (Sending Area) overlay zoning district shall be applied to tax parcel 061234190209.
3. The TDR-R (Receiving Area) overlay zoning district shall be applied to the proposed RR-2 zoning lot (proposed lot 1 of the Certified Survey Map).
4. Applicant shall record a notice document on the RR-2 zoned receiving area property indicating that the lot was created as part of a transfer of development rights.

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