



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **September 23, 2014**

Petition: **Rezone 10751**

Zoning Amendment:  
**A-1EX Exclusive Agriculture District to A-2(8) Agriculture District**

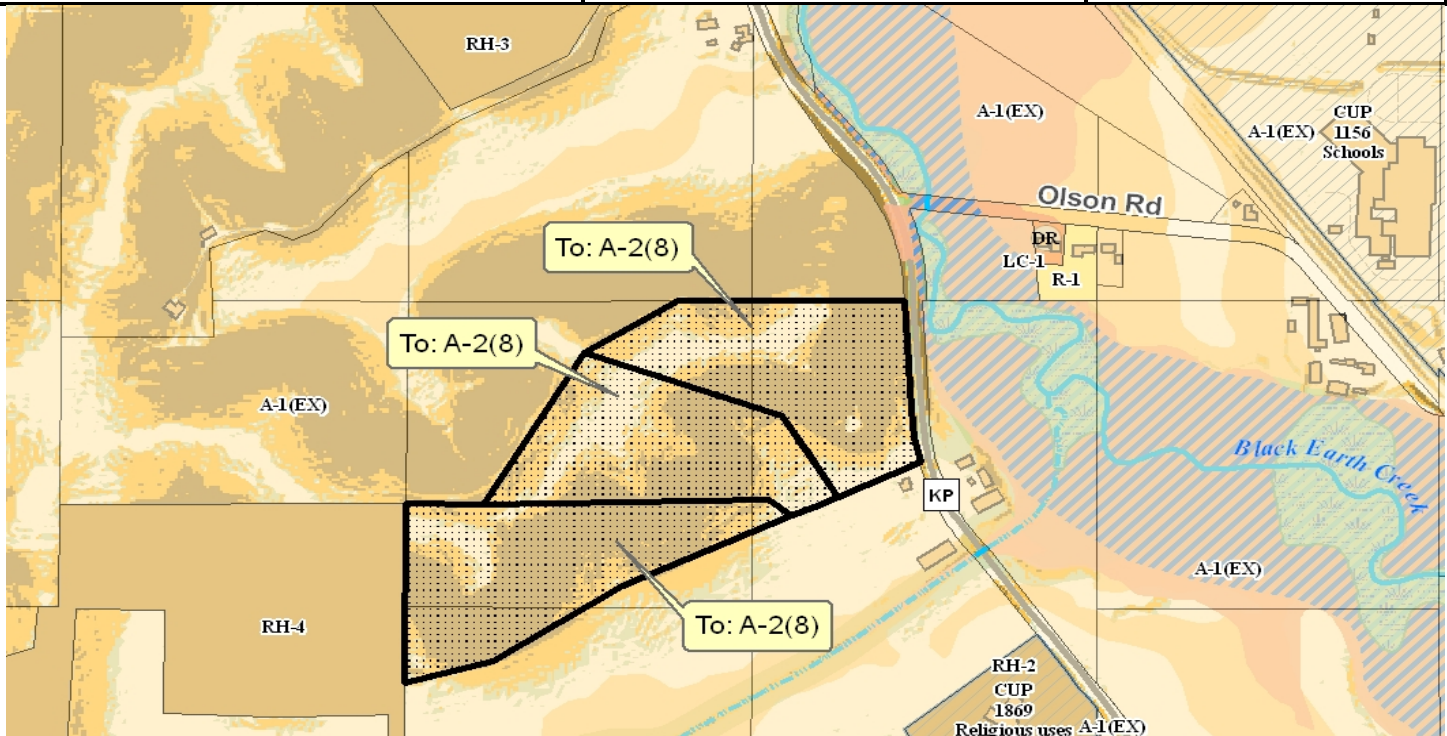
Town/sect:  
**Black Earth Section 22**

Acres: 41.04  
Survey Req. Yes

Applicant  
**Harold Spahn**

Reason:  
**Create three residential lots**

Location:  
**N & W 10257 County Highway KP**



**DESCRIPTION:** Applicant would like to create 3 residential lots, which will exhaust the housing density rights on the 117-acre farm. The applicant is also seeking approval of a road frontage exception to allow access via easement / shared driveway.

**OBSERVATIONS:** The majority of the proposed lots have slopes exceeding 20% grade (50% average). The most western lot has little or no buildable area. All proposed lots would have limited development possibilities.

**TOWN PLAN:** The property is located in the Agricultural Preservation Area. The Town's Comprehensive plan provides siting criteria for homesites in the Agricultural Preservation Area. See attached.

**RESOURCE PROTECTION:** Resource Protection Corridors are present in the form of both steep slopes and shoreland setbacks. The Town Plan designates areas identified as environmental corridors, wetlands, floodplains, hydric soils, and land with greater than 10% slopes as being in the resource protection area.

**DANE COUNTY HIGHWAY:** County Highway KP is not a controlled access highway. Any new access point or changes in use will require a permit from Dane County Highway Department.

**STAFF:** Staff is concerned that the current proposal does not meet Town Plan policies regarding development on slopes and has expressed concerns due to the absence of frontage of two of the lots. Staff suggests that the proposal be revised to show a "no build" area on the CSM and address the absence of road frontage to the Committee's satisfaction. If approved, Staff suggests placing a deed restriction on the remaining A-1EX zoned land due to the housing density rights being exhausted. NOTE: At the 9/9 ZLR meeting, the committee decided not to approve any further shared driveway accesses until the new provisions were amended.

The applicant has provided a development plan to show the proposed home locations. See attached.

**TOWN:** Approved with condition (slopes on which the home sites are located must be no greater than 10%).