



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **November 25, 2014**

Zoning Amendment:
RH-2 Rural Homes District to RH-1 Rural Homes District

Acres: 2.0
Survey Req. Yes

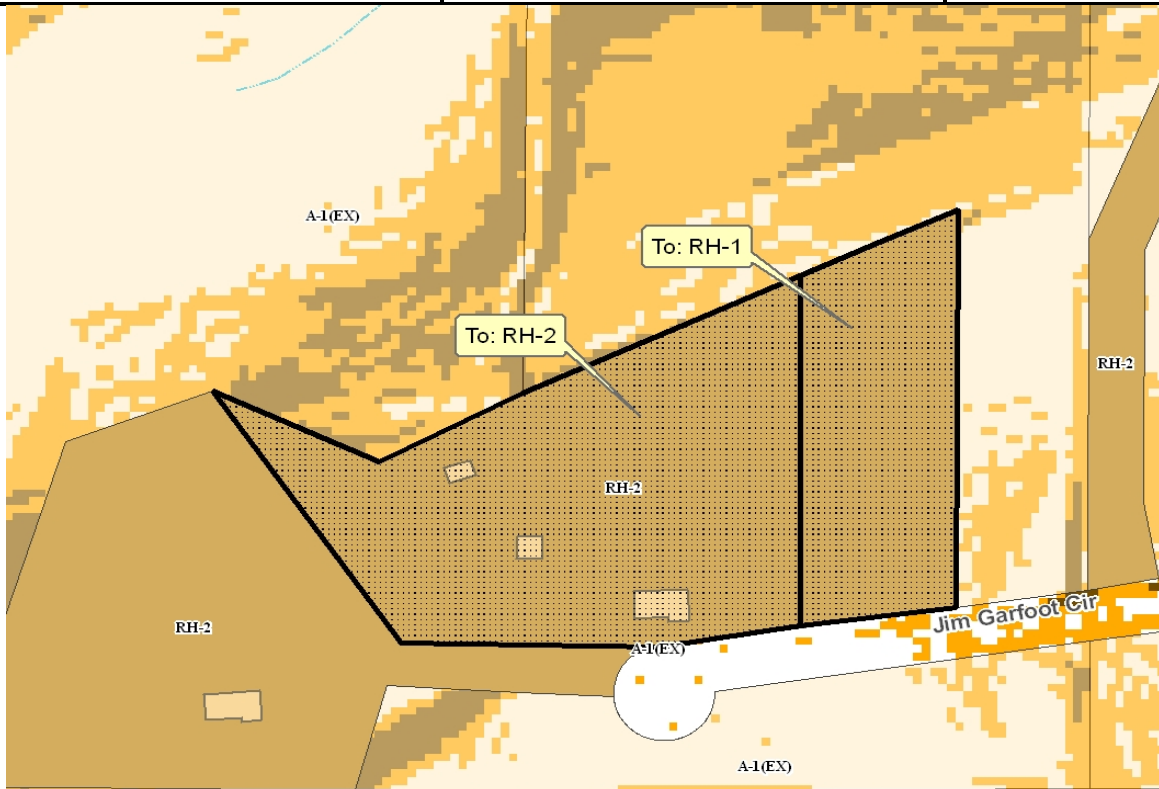
Reason:
Creating one residential lot

Petition: **Rezone 10770**

Town/sect:
**Cross Plains
Section 17**

Applicant
James P Garfoot

Location:
9234 Jim Garfoot Circle



DESCRIPTION: The applicant would like to divide an existing lot in order to create an additional residential lot. He claims that there is a housing density right associated with a legal substandard parcel that he owns in Section 2. The applicant proposes to transfer the building right associated with the substandard parcel in Section 2 to his property in Section 17 to create the proposed new RH-1 residential lot.

OBSERVATIONS: There is an existing farm residence and outbuilding on the property. No sensitive environmental features observed. This parcel was created in 2007 when the original farm house was separated from the farmland. The 4.2-acre parcel in Section 2 is a legal substandard parcel created in 1979, prior to town plan adoption.

TOWN PLAN: The subject property is located in the town's agricultural preservation area. The town plan includes a Transfer of Development Rights program designed to accomplish the following land use objectives: "preserve farmland and rural character; redirect nonfarm development away from productive agricultural lands; encourage permanent protection of large blocks of contiguous farmland; encourage permanent protection of regionally significant natural resource, environmental and recreational lands; allow farmers reasonable compensation for their land; direct development to more suitable areas where development is more efficiently served; develop at higher densities, and to encourage infill development. As indicated in the plan, "All lands within the Agricultural Preservation Area, except for substandard parcels, are considered potential "sending areas." (emphasis added). It appears that the proposed transfer is inconsistent with the town's TDR program objectives and policies. It's also worth noting that the substandard parcel in section 2 is slated for future annexation and development as indicated in the Village of Cross Plains comprehensive plan (see attached future land use map for the village).

RESOURCE PROTECTION: There are no resource protection corridors located on the property.

CONTINUED

**Rezone petition 10770 continued
Garfoot, Section 17, Cross Plains**

STAFF: The town plan allows for the residential use of substandard lots created prior to the date of town plan adoption. However, the plan does not assign transferrable housing density units to parcels under 35 acres in size. The lot in Section 2 can be used as a building site, but does not have a housing density unit that could be transferred. Staff recommends denial of the petition due to the absence of housing density rights associated with land ownership.

TOWN: Denied.

11/25 ZLR: The petition was postponed to address the concerns on the absence of Town Board action.

Staff Update: The Town of Cross Plains was contacted regarding their decision. The Town Board did not feel the need to act on the petition given that Town Plan Commission had denied it. The Town Chair considers the submitted Town Action Report as the final action by the Town of Cross Plains. See email.

If the Committee accepts the submitted Town Action Report, Staff suggests waiting 30 days after the public hearing date to render a decision on the petition. Wisconsin Statutes allows a 30-day period for a Town to submit a resolution on a proposed zoning amendment.

12/9 ZLR: The petition was postponed to allow the 30-day period to expire.

Staff Update: The Town Board recommended denial of the petition. If denied is affirmed, staff suggests the denial be based on the following reason:

Finding of Fact: The proposal conflicts with the density policies found within the Town of Cross Plains Comprehensive Plan.