

**Staff Report**



**Zoning and Land Regulation Committee**

Public Hearing: **May 10, 2022**

**Petition 11813**

Zoning Amendment Requested:

**GC General Commercial District TO RR-4 Rural Residential District, GC General Commercial District TO TDR-R Transfer of Development Rights Receiving Area Overlay District Receiving Area**

Town/Section:

**RUTLAND, Section 13**

Size: **5.05,5.05 Acres**

Survey Required: **No**

Applicant

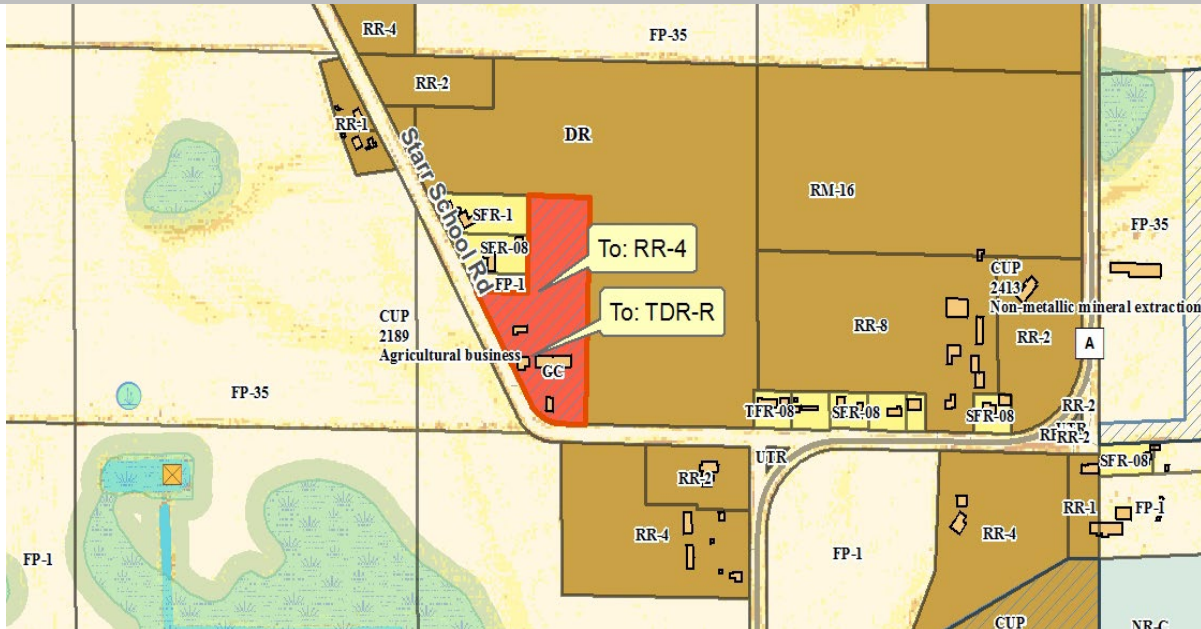
**BRYCE & AMBER SIME**

Reason for the request:

**Transfer of Development Rights and rezoning property to be used as a residential lot**

Address:

**936 STARR SCHOOL ROAD**



**DESCRIPTION:** Applicants own a ~5 acre GC zoned parcel at 936 Starr School Road. The density unit associated with the property was previously transferred to allow a different parcel of land to be developed, resulting in the subject property being deed restricted to prohibit residential development. Applicants now propose to transfer a different density unit to the property and rezone it to RR-2 for use again as a rural residential lot.

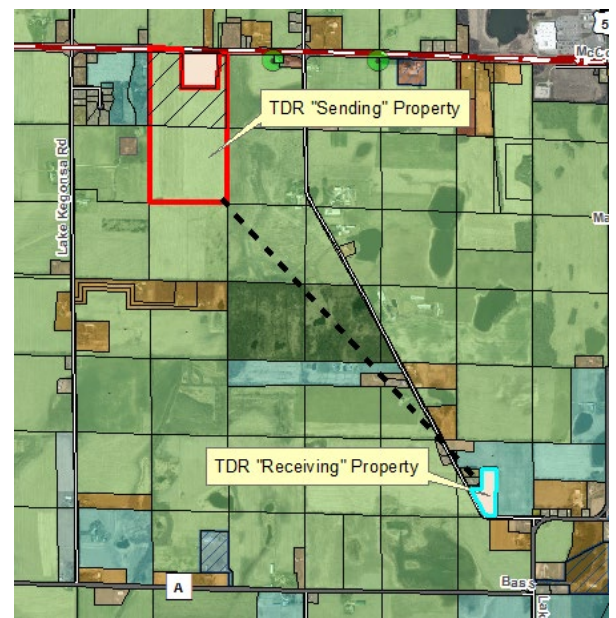
**OBSERVATIONS:** The property had previously been the site of a landscaping contractor operation. Neighboring land uses are rural residential and agriculture/ open space. No sensitive environmental features observed.

**TOWN PLAN:** The property is located in the town’s agricultural preservation area.

**RESOURCE PROTECTION:** No resource protection areas located on the property.

**STAFF:** The proposed transfer of development rights (TDR) appears reasonably consistent with town plan policies and the county TDR ordinance.

The sending property is a ~70 acre farm consisting of high quality soils. The receiving property is an existing developed parcel which would be downzoned from the current General Commercial zoning category and transition to a less intensive land use.



Staff recommends approval of the petition with the following conditions:

1. TDR-S overlay zoning shall be applied to the sending property (tax parcels 051011190007 and 051011185004).
2. Owner shall record a deed restriction prohibiting nonfarm development on a minimum of 35 acres of the TDR sending property (tax parcel 051011190007).
3. Owner shall record a notice document on Lot 1, CSM 2565 indicating that the residential zoning was established as the result of a Transfer of Development Rights. The notice shall also indicate that no further land divisions are permitted.

Note that the above recommendations implement the town's conditions. Any questions about this petition or staff report, please contact Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com)

**TOWN:** The town approved the petition subject to notice documents being recorded indicating the following:

"No further splits on sending parcel 0510-111-9000-7. No further splits on receiving parcel 0510-131-9300-0 -936 Starr School Rd."