

**Staff Report**



**Zoning and Land Regulation Committee**

Public Hearing: **May 24, 2022**

**Petition 11826**

Zoning Amendment Requested:

**RR-2 Rural Residential District TO RR-8 Rural Residential District, RR-4 Rural Residential District TO RR-8 Rural Residential District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO RR-8**

Town/Section:

**CROSS PLAINS, Section 15**

Size: **3.37,5.87,6.11,9.01 Acres**

Survey Required: **Yes**

Applicant

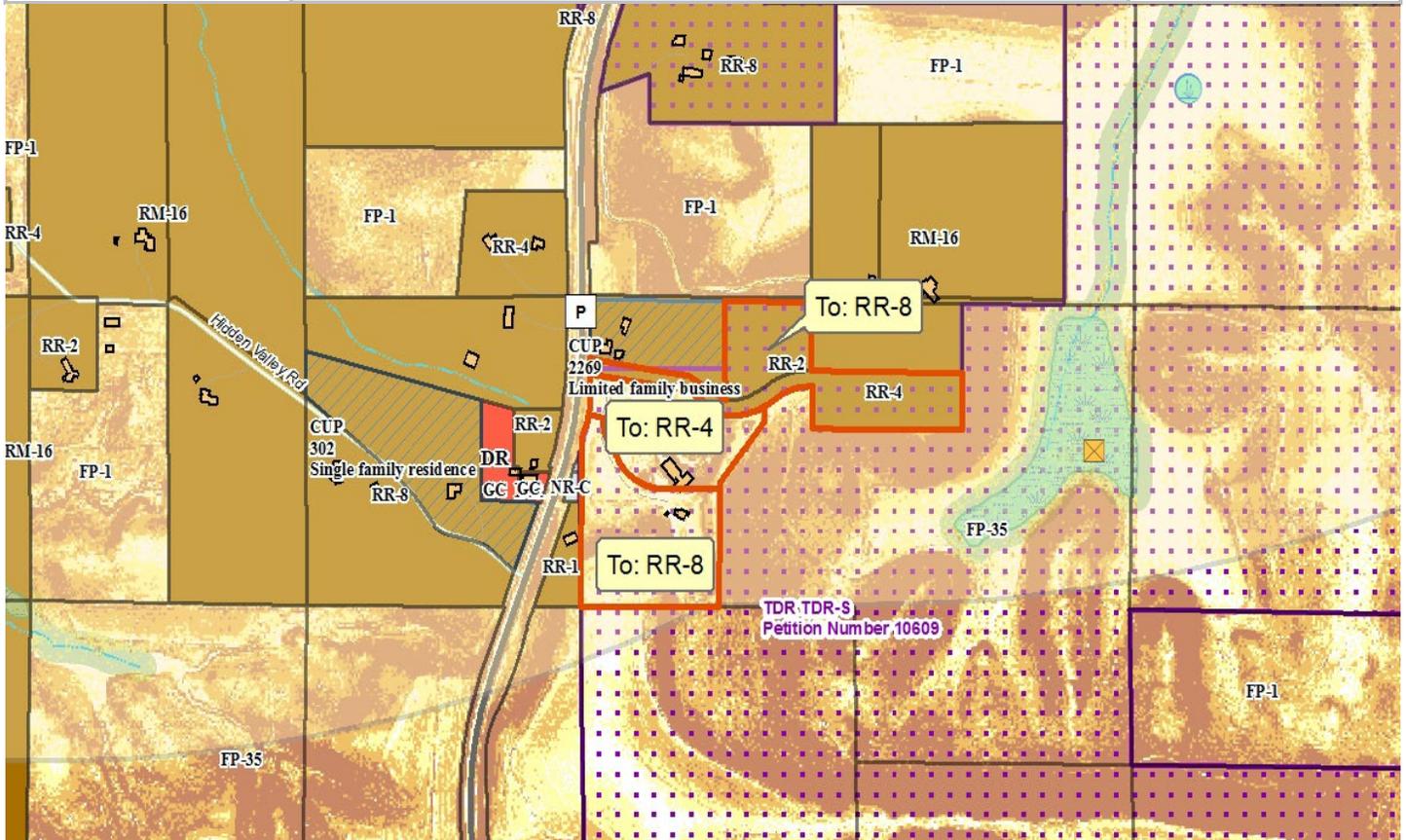
**DETTMANN VINEYARDS LLC**

Reason for the request:

**Consolidating two existing residential lots and creating two residential lots**

Address:

**4200 AND 4202 COUNTY HWY P**



**DESCRIPTION:** Applicants would like to reconfigure parcel boundaries by consolidating two existing residential parcels into a single residential parcel and to create two new residential parcels to accommodate an existing residence and planned new residence. The proposal would not result in any net increase in residential density on the property.

**OBSERVATIONS:** Current land uses are rural residential and agriculture / open space / woodland. There is a vineyard located on a portion of the property. Surrounding land uses are agriculture / open space, scattered rural residential, and commercial (Hilltop restaurant located on west side of CTH P). Preliminary survey shows the existing foundation on the ~6 acre proposed RR-4 lot 2 to be 25.6' from the lot line. In March of 2022, Dane County Zoning Division issued a notice of a possible wetland zoning violation on a portion of the owner's ~80 acre property. As indicated in the notice, it appears that a driveway and structure were placed within an 8 acre mapped wetland area and within the required 75 foot setback to the boundary of a wetland greater than 2 acres.

The existing ~80 acre parcel is subject to a deed restriction limiting uses to residential and agricultural uses. The deed restriction will be rendered null and void as a result of the proposed separation of the Dettmann residence and rezoning of the property.

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

**RESOURCE PROTECTION:** No areas of resource protection located on the areas of the property proposed for rezoning. There is an area of resource protection associated with the mapped ~8 acre wetland and 75' wetland buffer approximately 2,000' west of County Highway P.

**STAFF:** As indicated on the attached density study report, the property is not eligible for any additional density units or "splits". The proposal would consolidate existing lots 2 and 3 of Certified Survey Map (CSM) #13885 into a single ~9.2 acre RR-8 lot (proposed lot 1 shown on the preliminary CSM). The consolidation effectively frees up a density unit, which would be used to create the proposed new ~6 acre RR-4 parcel (proposed lot 2 on the preliminary CSM).

The existing residence at 4200 CTH P is located on the ~80 acre FP-35 zoned lot 4 of CSM #13885 and would be separated onto the proposed ~9 acre RR-8 parcel (proposed lot 3 on the preliminary CSM).

Note that the proposal will require the creation of a 4<sup>th</sup> lot on the CSM to encompass the remaining ~66 acres of FP-35 zoned property.



The proposal would not result in any change in residential density and appears reasonably consistent with town plan policies.

As noted above, there is an outstanding violation on the property (see attached notice of violation). Section 10.101(8)(c)1.b. of the zoning code authorizes the county zoning committee to, "...postpone action on any rezoning petition until any unresolved violations of this Chapter or Chapters 11, 12, 13, 14, 17, 74, 75 or 78 are corrected and the property brought into full compliance with applicable standards."

**Staff recommends that no action be taken until the wetland zoning violation issue is resolved as determined by the Dane County Zoning Division.**

If, upon resolution of that issue, and favorable action by the town of Cross Plains, staff recommends the following conditions:

1. The Certified Survey Map shall depict an easement for ingress/egress for the benefit of proposed lots 2 & 4.
2. The existing shared driveway easement agreement (doc. #5123079) shall be updated with the new CSM information and re-recorded with the Dane County Register of Deeds Office.
3. Owner shall record a deed restriction on the balance of ~66 acres of FP-35 zoned land (proposed lot 4 of the Certified Survey Map) prohibiting nonfarm development in accordance with town and county comprehensive plan policies, as the housing density units have been exhausted.

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:** Pending