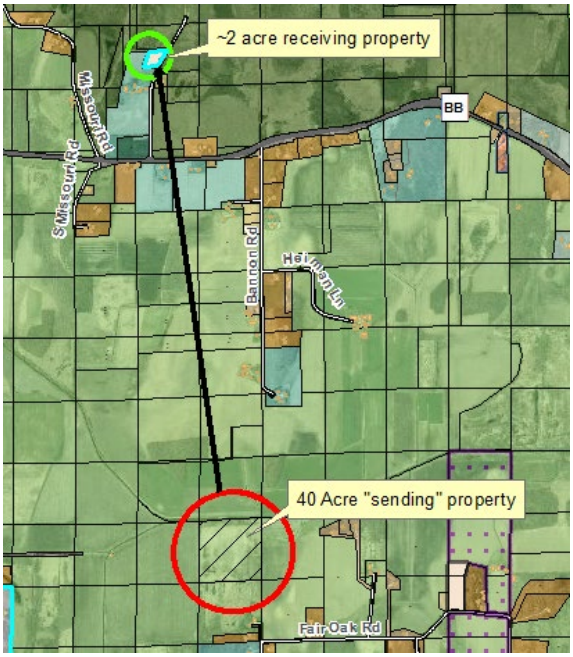
Staff Report Zoning and Land Regulation Committee	*Public Hearing*: **April 25, 2023**		**Petition 11937**
	Zoning Amendment Requested: **RM-16 Rural Mixed-Use District TO RR-2 Rural Residential District**		*Town/Section:* **DEERFIELD, Section 11**
	Size: **2.5 Acres**	*Survey Required.* ***Yes***	*Applicant* **KIMBERLY AND TIMOTHY SCHMITT**
	Reason for the request: **Creating one residential lot**		*Address:* **4355 KRUEGER RD**

DESCRIPTION: Applicant proposes to create a 2.5-acre residential lot on her property using a Transfer of Development Rights (TDR) from another property.

OBSERVATIONS: The Schmitts' ownership consists of this one 35-acre parcel. No unique site development limitations to note with regard to this petition.

COMPREHENSIVE PLAN: The subject property is not eligible for any density units, and as noted above, the proposed creation of a new 2 acre RR-2 residential lot will involve a Transfer of Development Rights (TDR). A density unit would be transferred from a ~40 acre "sending" property owned by Thomas Schaller in section 23 of the town of Deerfield (tax parcel 0712-232-9500-8). If the petition is approved, it would exhaust the only density unit available to the sending property. The proposed transfer appears reasonably consistent with the town's TDR policies.

The image at right depicts the proposed transfer of one density unit from the Schaller property to the applicant's property. Pending any concerns raised at the ZLR public hearing, staff recommends approval of the petition subject to the following conditions:



1. The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (tax parcel 0712-232-9500-8).
2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to the proposed RR-2 residential lot.
3. A deed restriction shall be recorded on the FP-35 zoned TDR sending property owned by Thomas Schaller prohibiting nonfarm development in accordance with town plan policies (tax parcel 0712-232-9500-8).
4. A deed notice shall be recorded on the proposed RR-2 residential lot (proposed Lot 2 of the Certified Survey Map) indicating that it was created as part of a Transfer of Development Rights.
5. A deed restriction shall be recorded on the remaining ~32.5 acre RM-16 parcel (proposed Lot 1 of the Certified Survey Map) prohibiting further division or nonfarm development in accordance with town plan policies (tax parcel 0712-112-9210-0).

(For questions about the comprehensive plan, contact Senior Planner Majid Allan at (608) 267-2536 or **allan@countyofdane.com**)

RESOURCE PROTECTION: There are no resource protection corridors on or within 300' of the subject property.

TOWN ACTION: The Town Board recommended approval of the rezoning petition with acknowledgement of the transfer of development rights.

STAFF RECOMMENDATION: At this time staff recommends postponement due to no town action, according to the ZLR Committee's adopted rules and procedures. Pending town action, and any comments at the public hearing, Staff recommends approval of the rezone with the following conditions:

1. The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (tax parcel 0712-232-9500-8).
2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to the proposed RR-2 lot.
3. A deed restriction shall be recorded on parcel 0712-232-9500-8 stating the following:
    a. Further nonfarm development is prohibited. The housing density rights for the former farm have been exhausted per the Town Comprehensive Plan density policies.
4. A deed notice shall be recorded on the proposed RR-2 residential lot (proposed Lot 2 of the Certified Survey Map) indicating that it was created as part of a Transfer of Development Rights.
5. A deed restriction shall be recorded on the remaining 32.5 acre RM-16 parcel (proposed Lot 1 of the Certified Survey Map, part of tax parcel 0712-112-9210-0) stating the following:
    a. Further division or nonfarm development is prohibited. The housing density rights for the former farm have been exhausted per the Town Comprehensive Plan policies.

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