

Staff Report



Zoning and Land Regulation Committee

Public Hearing: July 25, 2023

Report updated for 8/22/23 ZLR Meeting

Petition 11962

Zoning Amendment Requested:

AT-35 Agriculture Transition District TO SFR-1 Single Family Residential District, SFR-2 Single Family Residential District, and RR-2 Rural Residential District

Town/Section:

SPRINGDALE, Section 34

Size: 5.8, 11.8, 2.0 Acres

Survey Required. Subdivision Plat

Applicant

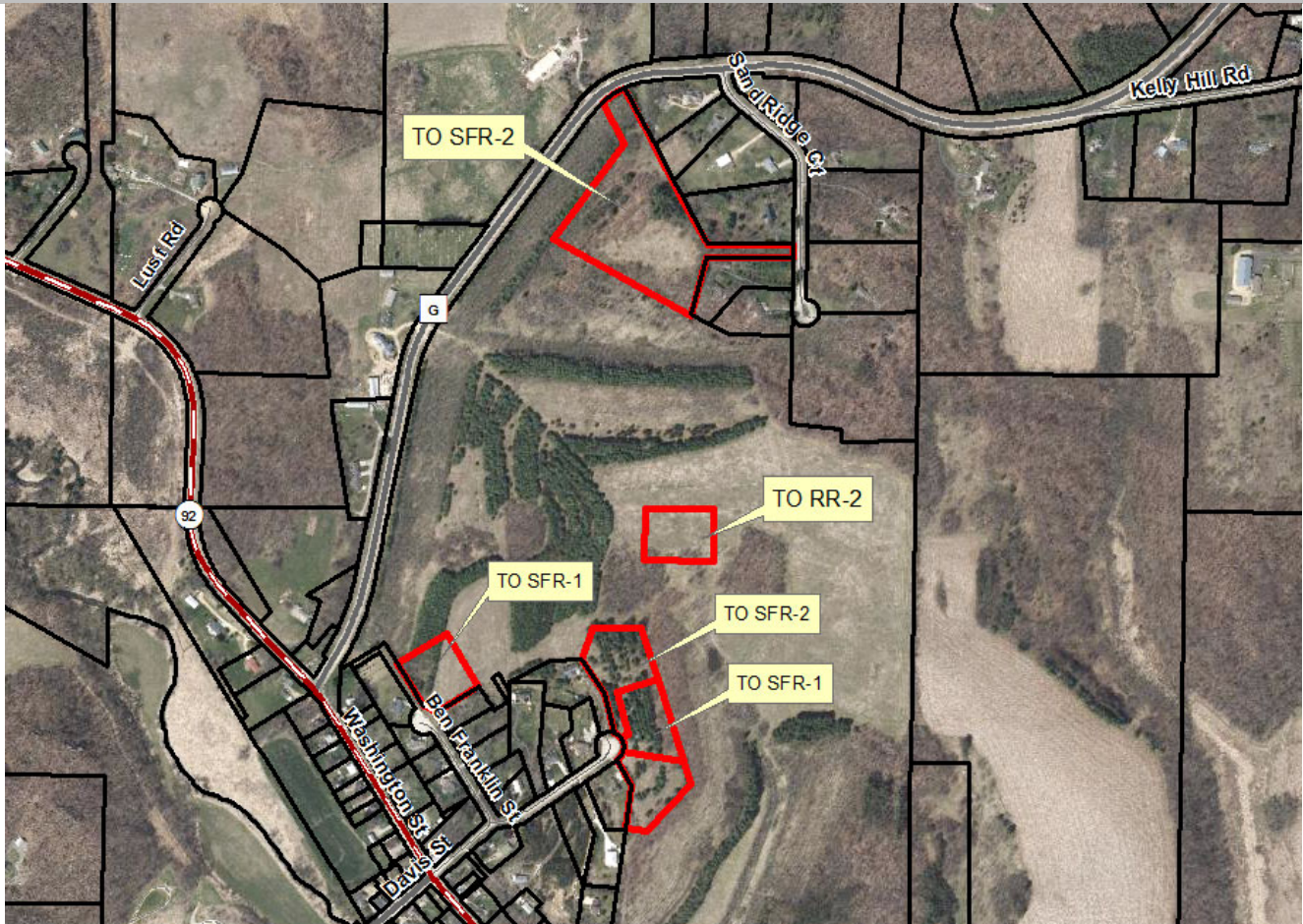
MOUNT VERNON HILLS II LLC

Reason for the request:

Create 7 residential lots and 1 residential spot zone

Address:

LANDS EAST OF COUNTY HWY G AND NORTH OF DAVIS STREET



**DESCRIPTION:** Applicant Mount Vernon Hills II, LLC proposes to rezone approximately 19.6 acres in order to create eight residential home sites adjacent to existing residential development in the Town of Springdale. They propose SFR-1 zoning for three lots under two acres in size, one RR-2 spot zone two acres in size, and SFR-2 zoning for four lots that are between 2.3 and 3.5 acres in size. The new lots would be created via a single subdivision plat.

**OBSERVATIONS:** The petition was updated slightly from the original version to ensure the proposed lots and spot zone will meet the size requirements of the proposed zoning districts. The proposed plat lots would have frontage on County Highway G, Sand Ridge Court, Davis Street, and Ben Franklin Street.

The application indicates that a portion of Ben Franklin Street will be vacated, as part of creating the lot identified as "parcel 5". This area is part of a previously vacated block of the original plat, which was done prior to Wisconsin becoming a state.

**HIGHWAY DEPARTMENT:** CTH G is a controlled access highway. No new access will be permitted on CTH G due to reconfiguration of lots. Any change of use of existing access requires a permit from the Highway Department. RR-2 lot access should be from a local street or court. Estimate increase of traffic to be 80 trips per day due to rezone (30 trips to Sand Ridge Ct, 40 trips to Davis St/Ben Franklin St, and 10 trips to either Sand Ridge Ct or Davis St/Ben Franklin St for the RR-2 lot). [Staff update: As of 8/11/23 the applicants are working with Dane County Highway staff on a solution for access for the RR-2 home site.]

**COMPREHENSIVE PLAN:** This development is submitted under Density Option 1 of the *Town of Springdale / Dane County Comprehensive Plan*, which limits development to 1 land division per 25 acres, plus one additional home site. If Petition 11962 is approved, this will exhaust the development potential on this property. (For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or [standing@countyofdane.com](mailto:standing@countyofdane.com)).

**RESOURCE PROTECTION:** Proposed “parcel 5”, and two of the proposed lots within “parcel 1” are partially within the shoreland zone due to proximity to an intermittent stream that runs on adjacent land along County Highway G. Resource protection corridors are mapped within proposed “parcel 1”, reflecting a 75’ buffer from the stream and in the far south end reflecting an area with steep slopes.

**TOWN ACTION:** On June 26, 2023 the Town Board recommended approval of the rezone, noting no further divisions per the Town of Springdale Land Use Plan.

**STAFF RECOMMENDATION:** Staff received comments from the Dane County Highway Department on July 17<sup>th</sup> indicating concerns with the proposed access onto CTH G for 2 of the new lots and the RR-2 spot zone. The applicants have indicated that the 3 lots proposed in the north end near Sand Hill Court will utilize a shared driveway for access from Sand Hill Court; no access to CTH G is proposed there although the lots would have physical frontage on the road to comply with Dane County land division ordinance requirements.

**JULY 25<sup>TH</sup> ZLR COMMITTEE MEETING:** The Committee postponed action due to Highway Department concerns. At that time the applicants were still working with Dane County Highway to finalize access for the RR-2 spot zone site.

**STAFF UPDATE:** The applicants appear to have a solution that may resolve the Highway Department’s concerns, though at the time of writing an official confirmation has not yet been received.

Pending Dane County Highway Department approval for the access, and any comments at the public hearing, staff recommends approval of the rezone petition subject to the following conditions:

1. A deed restriction shall be recorded on the balance of the property remaining in AT-35 (tax parcels 060734490020, 060734485008, 060734380611, 060734380022, 060734328508, 060734326206, 060734310991, 060734295017, 060734283119, and 060734190611) stating the following:
  - a. Further residential/nonfarm development is prohibited on the remaining AT-35 zoned land. The housing density rights for the former Louis H. and Cynthia A. Heitke farm have been exhausted per the Town Comprehensive Plan density policies.
2. The applicant shall submit a preliminary plat and final plat for the proposed lots to Dane County for review and approval, and shall record the final plat with the Dane County Register of Deeds.
3. The rezone will not become effective until a final plat is approved and fully executed by the Town of Springdale.
4. The subdivision plat shall restrict access onto County Highway G subject to Dane County Highway requirements.

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