

Staff Report



Zoning and Land Regulation Committee

Public Hearing: **August 24, 2021**

Zoning Amendment Requested:

RR-2 Rural Residential District TO AT-35 Agriculture Transition District, AT-35 Agriculture Transition District TO RR-1 Rural Residential District

Size: **2.03,1.98 Acres**

Survey Required.

Reason for the request:

MOVE AND DECREASE IN SIZE A SPOT ZONED RESIDENTIAL AREA ON AN EXISTING CSM LOT

Petition 11731

Town/Section:

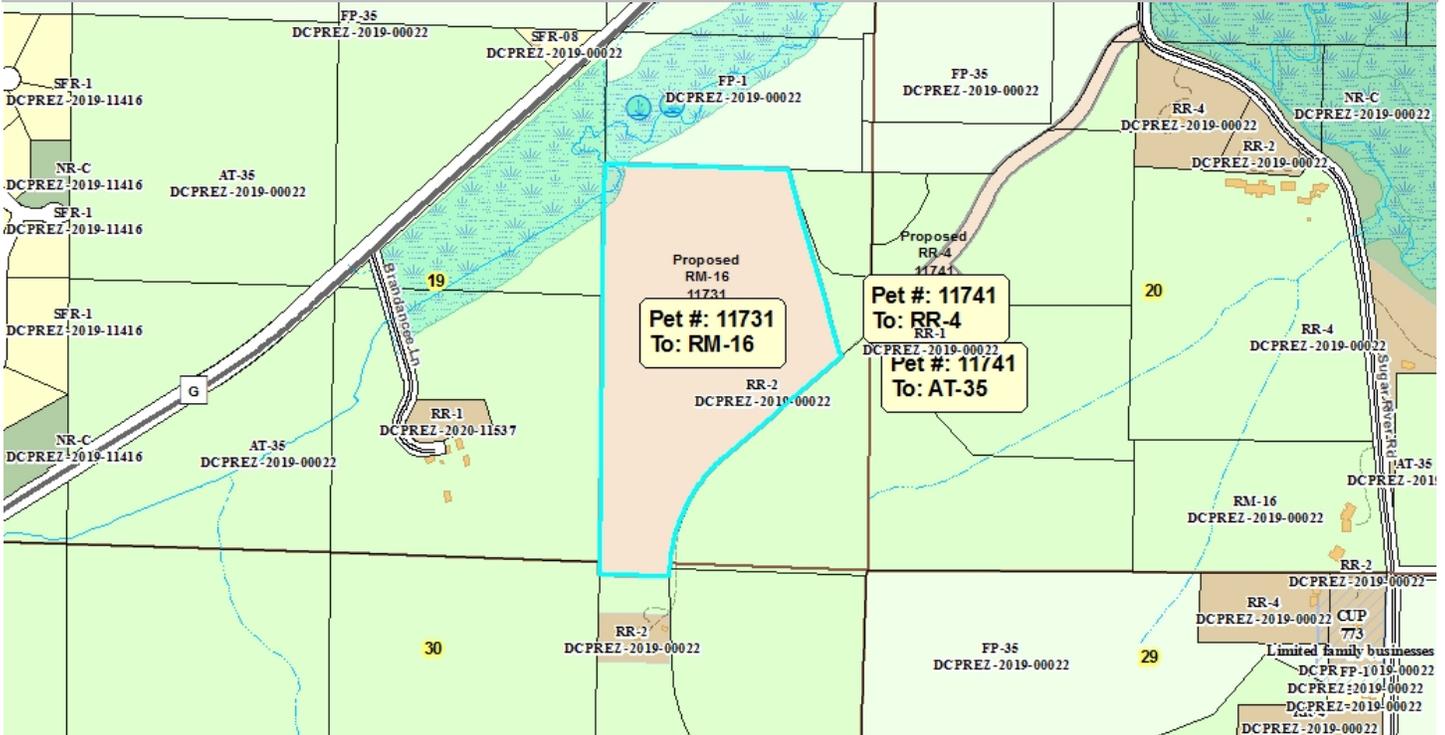
VERONA, Section 30

Applicant

SUGAR RIVER INVESTORS I LLC

Address:

2325 SUGAR RIVER RD



DESCRIPTION: This proposal was initially to “relocate” an existing RR-2 zoned area within a larger ~39 acre parcel. The owners now propose to zone the entire 39 acre parcel to RM-16. The property will be transferred to the owner’s daughter and son in law who intend to build a new residence.

OBSERVATIONS: Sole access to this lot is from an existing private drive that connects to Sugar River Road, 3,260 feet to the northeast. This driveway currently serves 4 Certified Survey Map lots, each of which is 35 acres or larger, and none of which have direct frontage onto a public road. Petition 11741, on the September 28 agenda, would create a new CSM lot that would affect access onto the same private drive.

TOWN PLAN: The property is within a Rural Residential (2-4 acres) planning area under the *Town of Verona / Dane County Comprehensive Plan*. Residential development is supported up to a maximum density of one unit per two acres.

RESOURCE PROTECTION: There are no mapped resource protection corridors within 300 feet of this property.

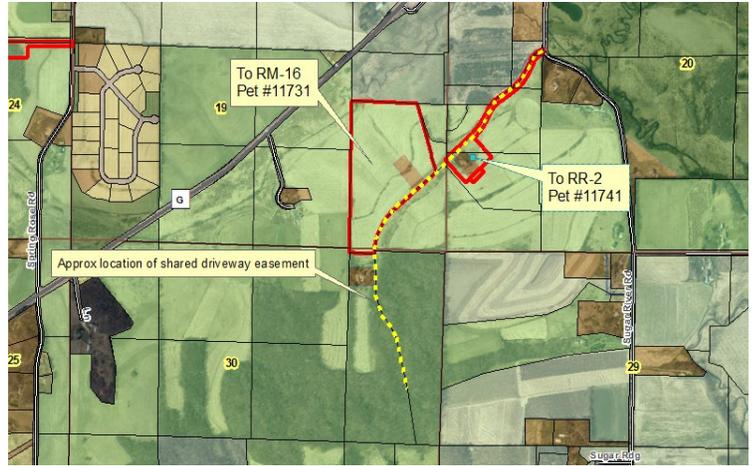
STAFF UPDATE: This petition was postponed at the August 24th work meeting due to lack of town action. The proposal has been amended from the original request to relocate a ~2 acre RR-2 zoned area to now rezone the entire 39 acre parcel from AT-35 (Ag Transition) to RM-16 (Rural Mixed Use).

The town approved the petition with two conditions:

- a deed restriction limiting conditional uses to those listed in the *RR-16 district*, and;
- a requirement that the residence be built within a building envelope in the southern corner of the property.

Staff has concerns with prospectively attempting to limit potential conditional uses to those listed in a different zoning category. Those concerns, as well as an alternative staff recommendation regarding the building location, were relayed to the town. The town felt that some conditional uses listed in the RM-16 district would be inappropriate in an area planned for possible future residential development at higher densities – for example, recreational race tracks and mineral extraction operations. It is worth noting that any proposed conditional use would need to be consistent with the adopted comprehensive plan as well as meet 6 other standards designed to prevent conditional uses that may conflict with existing, permitted uses of adjoining property.

The property is one of 5 separate lots encompassing over 200 acres that share a long private driveway access to Sugar River Road. There is an existing shared driveway easement agreement between the parties that addresses maintenance responsibilities and related issues. As noted above, the property is located in the town of Verona's "Rural Residential" planning area, which would allow the potential for additional development up to a maximum density of one dwelling unit per two acres. In its action on a rezone petition (#11741) affecting the neighboring property, the town of Verona required a condition that would address the possible future dedication of the driveway, in whole or in part, as a town road.



Pending petitions 11731 & 11741 shared driveway easement

Since the subject property is party to the existing easement agreement, and since the town and property owners have an interest in facilitating the *possibility* of future development on the adjoining properties that abut the driveway, staff is recommending that this petition be approved with a condition addressing possible future dedication of a town road. This recommendation has been shared with the town as well as the applicants / owners.

Staff recommends that the petition be approved with the following conditions addressing building location and possible future dedication of a town road.

1. Prior to the issuance of any zoning or building permits for new residential development, site plan approval must first be obtained from the town of Verona. Proposed new residence is to be located in the southerly corner of the property.
2. The owner shall work cooperatively with the town and adjoining owners on an updated shared driveway easement agreement that includes a provision approved by the town attorney addressing possible future dedication of the existing driveway, in whole or in part, as a town road.

TOWN: Approved with conditions (see attached and above).

Questions? Contact Majid Allan at allan@countyofdane.com