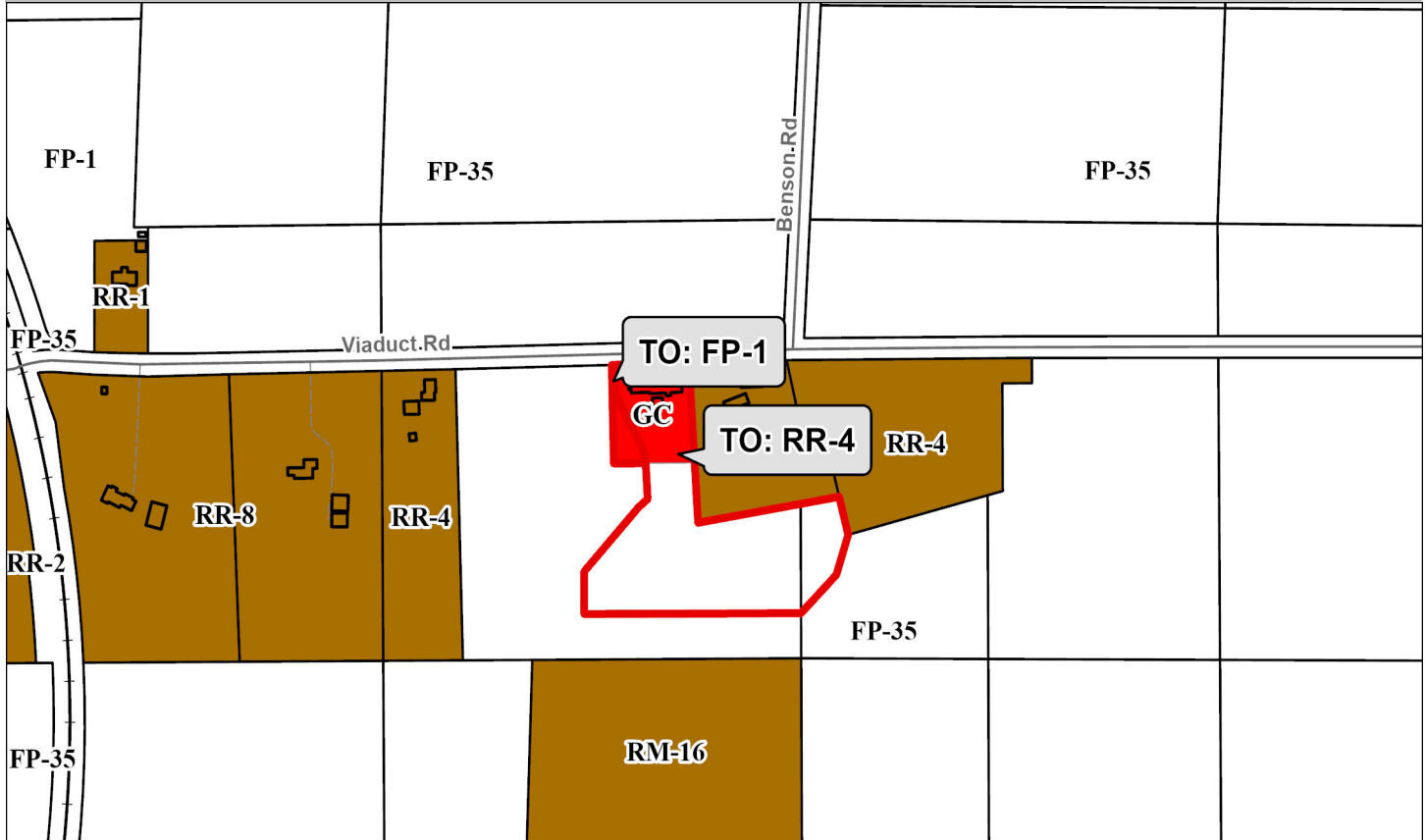


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> August 25, 2026		Petition 12313
	<u>Zoning Amendment Requested:</u> GC General Commercial District TO FP-1 Farmland Preservation District and RR-4 Rural Residential District; FP-35 Farmland Preservation District TO RR-4 Rural Residential District		<u>Town, Section:</u> DANE, Section 11
	<u>Size:</u> 0.23,1.68,6.27 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> DANIEL AND KAY BREUNIG
	<u>Reason for the request:</u> RECONFIGURE ONE RESIDENTIAL LOT AND CREATE ONE NEW RESIDENTIAL LOT USING A TRANSFER OF DEVELOPMENT RIGHTS (TDR)		<u>Address:</u> 6625 VIADUCT RD



DESCRIPTION: Applicant would like to create a new building site by transferring a buildable right from another farm. This is the return of expired rezone 12118 that was previously reviewed and postponed by the ZLR on 11/19/2024 and 12/17/2024 to allow more time for town action and the driveway engineering. Engineering has now been completed.

OBSERVATIONS: The proposed lots appear to meet county ordinance requirements including lot size, public road frontage, and (for the existing home) building setbacks and lot coverage limits. The property is within the Village of Dane’s extraterritorial jurisdiction for review of the land division.

The property is currently deed restricted, from 2010 when the former owner (Chapman) rezoned part of the property for commercial use, a metal fabrication and machining facility that no longer operates on site. Register of Deeds document #4672687 was recorded to limit the land use to that business. With approval of this rezone, the commercial zoning and associated deed restriction would no longer be in effect. The use of the property would be limited to those uses allowed under the new RR-4 zoning.

COMPREHENSIVE PLAN: This petition is in the town’s Agricultural Preservation planning area and is subject to the land use policies related to that designation. This proposal is consistent with the goals, objectives of policies related to residential development and transfer of development rights. The Town of Dane has a 1 home per 35 acres density policy, the proposal is consistent with the density policy (see sending and receiving Density Studies).

For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or Kodl.Curt@danecounty.gov.

RESOURCE PROTECTION: There are no sensitive environmental features on or within 300 feet of the subject property. Driveways over 125 feet long require an erosion control permit from Dane County Land and Water Resources. The homesite appears to be on the flattest portion of the proposed lot.

TOWN ACTION: Pending.

STAFF RECOMMENDATION: Pending receipt of the town board recommendation, Staff recommends approval subject to the following conditions:

1. Applicant shall submit the CSM for approval and record it with the Register of Deeds.
2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to proposed CSM Lot 2.
3. A deed notice shall be recorded on CSM Lot 2 that indicates it was created by a transfer of development rights.
4. The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (parcel 090801485009).
5. An agricultural conservation easement shall be recorded on the TDR-S/FP-35 property (parcel 090801485009) in accordance with the County TDR Ordinance.
6. Deed Restrictions (document #4672686) remain in effect on the applicant's remaining FP-35 land (remnants of parcels 090811182920, 090812287200, and 090812290707) as the development rights were exhausted on the original B.J. Chapman farm.
7. The CSM shall maintain minimum 66 feet of width within the remaining lands to the south of the CSM lots.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.