

Staff Report



Zoning and Land Regulation Committee

Public Hearing: **May 28, 2024**

Petition 12042

Zoning Amendment Requested:

AT-35 Agriculture Transition District TO RR-8 Rural Residential District, RR-2 Rural Residential, SFR-1 Single Family Residential, SFR-2 Single Family Residential

Town/Section:

SPRINGDALE, Section 34

Size: **23.3 Acres**

Survey Required: **No**

Applicant

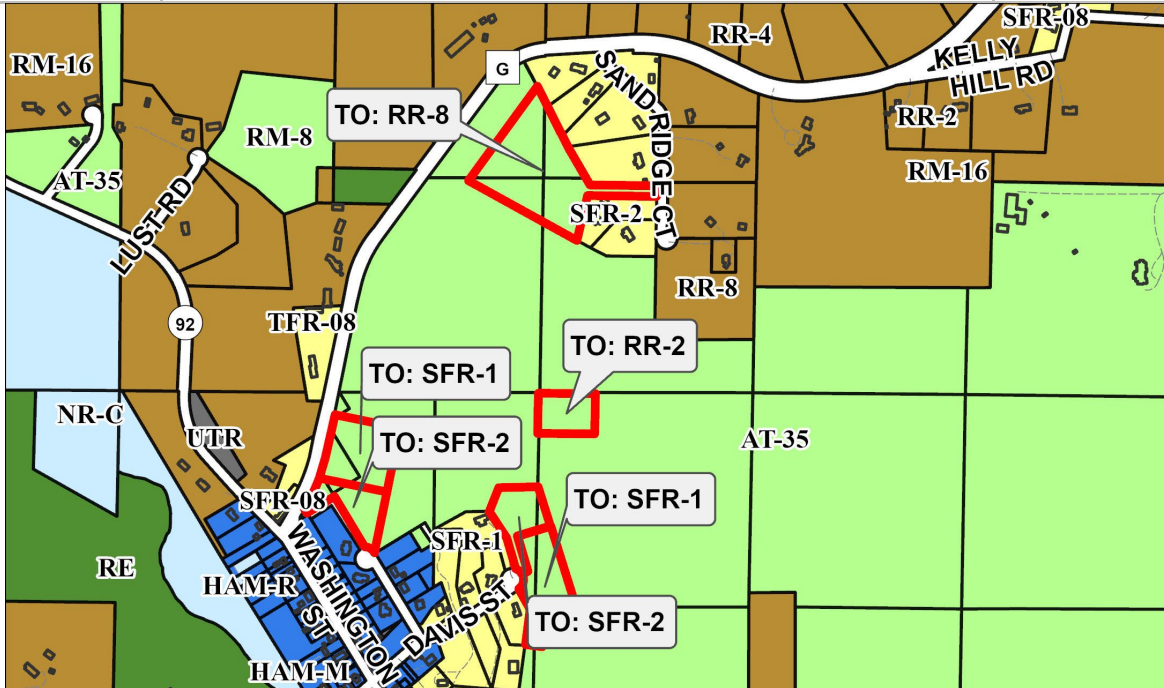
MOUNT VERNON HILLS II LLC

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: Applicants propose to create eight new residential home sites in the Mount Vernon hamlet area, adding to the existing residential development. Seven new lots would be created via a subdivision plat and one home site would be created as a “spot zone” in the middle of a larger agricultural tract. The petition would rezone approximately 23.3 acres for single-family residential use in the SFR and RR zoning districts, on sites that vary in size from 1.9 to 8.8 acres.

This petition is a new do-over proposal since the previous rezone [petition #11962](#) was withdrawn in February after being approved last year. This petition modifies the arrangement of the lots slightly.

OBSERVATIONS: The proposed lots and spot zone will meet the size requirements of the proposed zoning districts. The proposed plat lots would all have public road frontage. The three lots abutting County Highway G would all share a driveway access onto Ben Franklin Street, a local town road. Three lots would have frontage and access on Davis Street, and one lot on Sand Ridge Court in the north. The future home within the spot zone would have access on Highway G.

The application indicates that a portion of Ben Franklin Street will be vacated as part of creating the lot identified as “parcel 6”. 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. An Access Permit (UID # 308C) has been issued for Parcel #2 (spot zone) to access from CTH G. The Access Permit allows 1 single family residence/house to access CTH G. 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. Plat/CSM Note: All Lots with frontage along CTH G are to be designated (visually shown) as “no access”.

COMPREHENSIVE PLAN: This development is submitted under Density Option 1 of the Town of Springdale / Dane County Comprehensive Plan, which limits development to one land division per 25 acres, plus one additional home site. If Petition 12042 is approved, this will exhaust the development potential on this property. The balance of the property remaining in AT zoning should be deed restricted to prohibit future residential development. *(For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing@countyofdane.com)*

RESOURCE PROTECTION: Three of the proposed lots are in proximity to an intermittent stream that runs next to County Highway G. However the land is not subject to shoreland zoning regulations because the stream was determined to be non-navigable in this area.

Comments from the Land and Water Resources Department note that spot zones or “flag lots” will typically require an erosion control permit for a driveway over 125 feet in length and over 4,000 square feet of land disturbance. In addition, it may trigger the need for a stormwater permit if there is over 20,000 square feet of impervious surface. These permits would be obtained prior to construction of the driveway and home.

TOWN ACTION: On February 26, 2024 the town board recommended approval of the petition subject to No further division per the Town land use plan.

STAFF RECOMMENDATION: Pending any comments at the public hearing, Staff recommends approval of the petition with 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