

Staff Report



Zoning and Land Regulation Committee

Public Hearing: ~~May 28, 2024~~ June 18, 2024 (rescheduled date)

Report updated for August 27th ZLR Meeting

Petition 12045

Zoning Amendment Requested:

AT-35 Agriculture Transition and RM-16 Rural Mixed Use Districts TO SFR-1 Single Family Residential, SFR-2 Single Family Residential, RR-2 Rural Residential, RR-4 Rural Residential, RM-8 Rural Mixed Use, and NR-C Natural Resource Conservation District

Town/Section:

VERONA, Section 30

Size: 50.96,22.32,44.87 Acres

Survey Required. **No**

Applicant

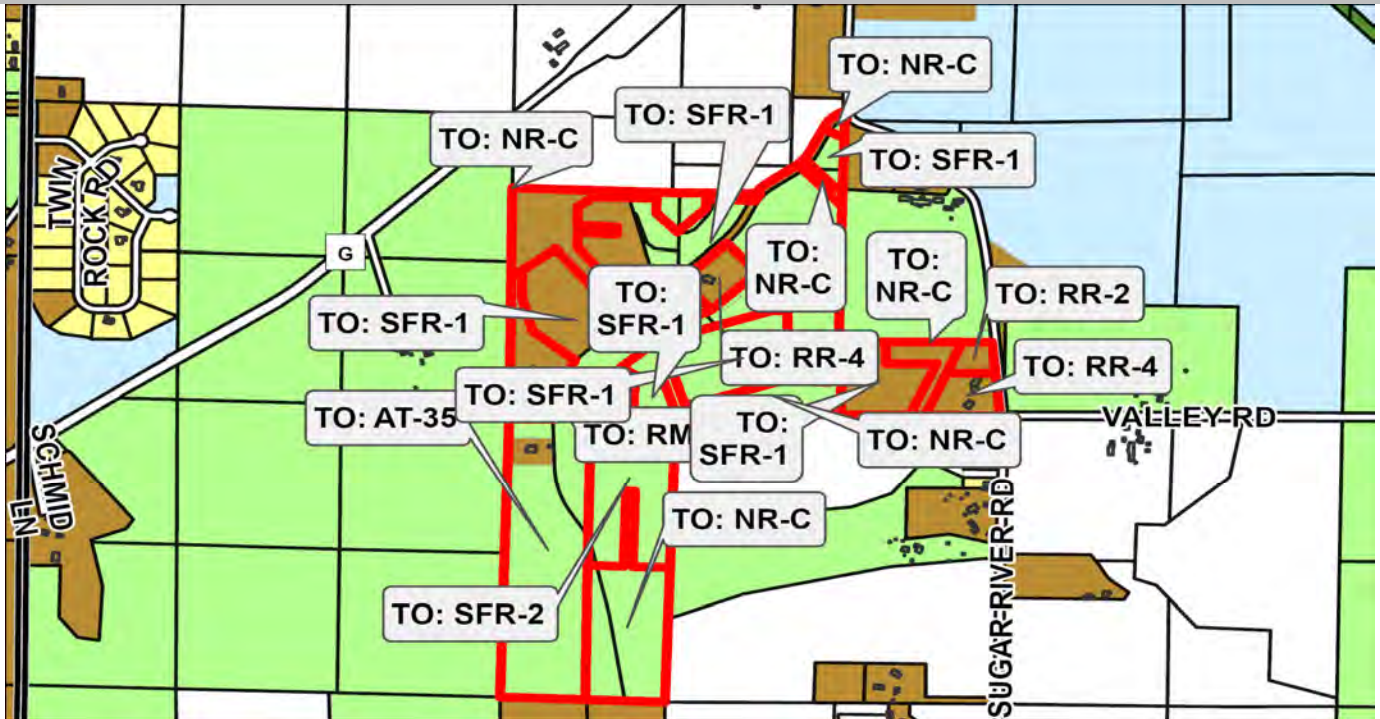
SUGAR RIVER INVESTORS & MISHPACHA DEUX

Reason for the request:

CREATE A 58-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION

Address:

LANDS AROUND 2313 SUGAR RIVER ROAD



DESCRIPTION: A group of land owners and developer Tony Heinrichs propose to create a 59-lot single-family residential subdivision located between Sugar River Road and County Highway G, south of Highway 18/151. The development comprises of roughly 210 acres.

The plat contains a mix of rural residential lots form 1.3 to 2.8 acres in size, three larger lots 4.0 to 8.4 acres in size, one large 42-acre lot with AT-35 zoning, and several outlots which will be used for stormwater management, trails and open space purposes. Three existing residences within the plat boundary will remain in place as part of the development.

OBSERVATIONS: The proposed lots and outlots all conform to the requirements of the proposed zoning districts. All lots and outlots are proposed to have at least 66 feet of width, the minimum required by county ordinances.

The property is subject to the City of Verona’s extraterritorial jurisdiction for land division reviews.

The property is near the Sugar Ridge Airport, a private air strip facility located roughly 1/3 to 1/5 mile to the south of the proposed residential lots within this development. The air strip has been in existence and in active use since the early 1980s.

The plat would be served by new public roads extended from Sugar River Road, which would be the only point of access to and from the neighborhood. The existing private road that extends into these properties (addressed at 2313 Sugar River Road) would be converted to a public road as part of the development. The development would utilize town roads for traffic to enter and exit the subdivision. The specific design of the roadways is the town’s jurisdiction. A traffic impact

analysis (TIA) has been prepared and submitted to the Town of Verona and Dane County Highway Department for review and comment.

DANE COUNTY HIGHWAY DEPT COMMENTS: The County Highway Department reviewed the TIA report and found it to be acceptable. Comments were made for possible Town Road improvements for the Town to decide upon. There will be no significant impacts to County highways (County Hwy G).

COMPREHENSIVE PLAN: Property is within a Rural Residential 2-4 Acre planning area under the *Town of Verona/ Dane County Comprehensive Plan*. Residential development is allowed up to an average density of one unit per two acres. Development that complies with town conservation subdivision ordinance standards (35% or more dedicated open space & 100% stormwater infiltration) may include lots as small as 1.2 acres, which would be consistent with proposed zoning. Development must comply with town site plan review and detailed design guidelines described in the town/county plan, including tree and natural area preservation, visual impact, pedestrian access and avoidance of environmentally sensitive areas. *(For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing.brian@danecounty.gov)*

RESOURCE PROTECTION: There are waterways mapped in this area; however they were found to be non-navigable and thus not subject to shoreland zoning regulations. (See Navigability determination done in 2023 included in packet.) There is also a small wetland area extending into the northwest corner of the plat; no development is proposed within 75 feet of the wetland and staff has no concerns. The developer will be required to obtain erosion control and stormwater management permits from Dane County Land and Water Resources prior to construction.

TOWN ACTION: On March 5, 2024 the Town Board recommended approval of the rezone subject to the applicant recording the final plat.

JUNE 18TH ZLR PUBLIC HEARING: At the June 18th public hearing on the rezone, the ZLR Committee postponed action due to public opposition, in accordance with the committee's adopted rules and procedures. Neighboring land owners raised several concerns:

1. Concern that Sugar River Road is unsafe and inadequate for the development, that it is constrained by environmental areas, has flooded in past years, and is an Ironman race route that people train on. Concerns that it is not yet clear what the requirements will be for improving the road. Some objected to widening the road, due to environmental areas and the potential for impacts to landowners' trees.
2. Concern that certain lots in the south end are not sized adequately for new private wells on those lots to meet setback requirements from the adjacent land where manure is spread.
3. Request for fencing to keep livestock on adjacent land and out of subdivision.
4. Concerns with erosion on the lands adjacent to the south.
5. Concern with existing junk and abandoned vehicles on the proposed trail outlot, and uncertainty over who will clean it up.
6. Concerns with town approval process for the rezone.

STAFF UPDATE: The developer has submitted a letter responded to the concerns raised at the public hearing (see attached letter and revised concept plan received August 8, 2024). Staff feels that the concerns have been adequately addressed, and recommend additional conditions on the rezone (see below).

STAFF RECOMMENDATION: Staff recommends approval of the rezone petition with the following conditions:

1. 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. The rezone will not become effective until a final plat is approved and fully executed by the Town of Verona.
2. Flood study shall be prepared and the final design shall be in compliance with floodplain regulations.
3. The residential lots to be platted along the southwestern boundary shall be 320 feet deep.
4. The development shall be designed to meet Dane County stormwater management and erosion control requirements.

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