

Staff Report



**Zoning & Land
Regulation
Committee**

Public Hearing: **November 19, 2024**

Zoning Amendment Requested:

**RR-4 Rural Residential District TO RR-2 Rural Residential District (with
TDR-R Overlay District); FP-1 Farmland Preservation District TO RR-8
Rural Residential District**

Size: **2.42,1.0 Acres**

Survey Required: **Yes**

Reason for the request:

**CREATE ONE NEW RESIDENTIAL LOT USING TRANSFER OF DEVELOPMENT
RIGHTS AND MODIFY OTHER EXISTING LOT BOUNDARIES**

Petition 12114

Town, Section:

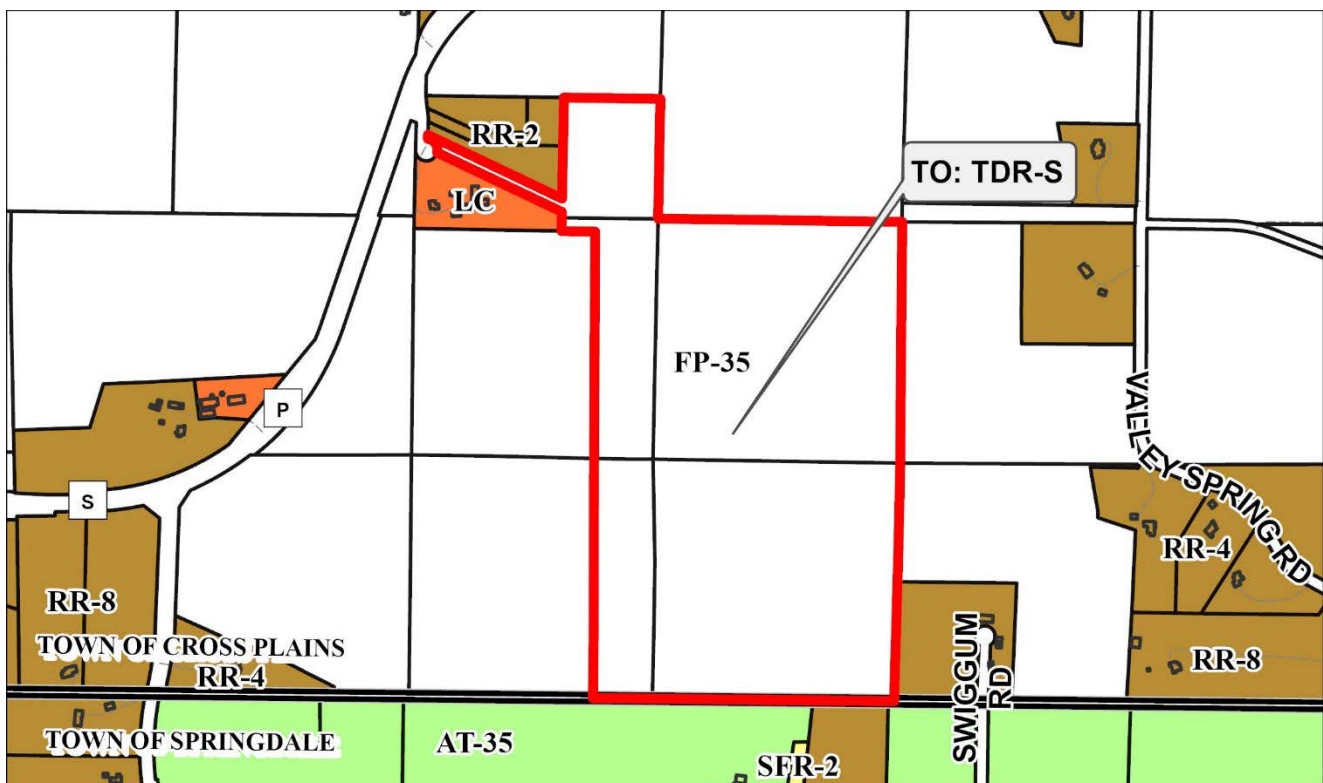
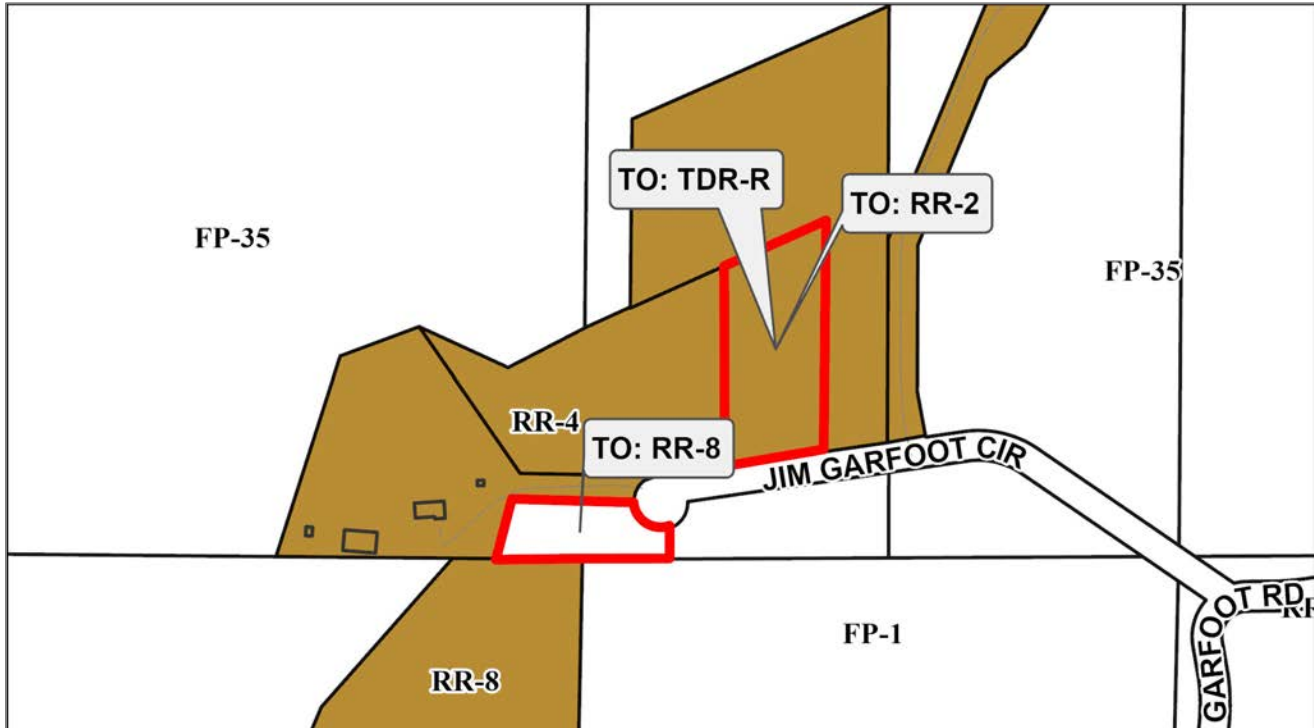
**CROSS PLAINS,
Section 17**

Applicant:

JAMES P GARFOOT

Address:

**9234 JIM GARFOOT
CIRCLE AND SOUTH**



DESCRIPTION: Applicant James Garfoot proposes a rezone in order to reconfigure two existing lots on Jim Garfoot Circle. Garfoot currently owns a 6.6-acre lot with RR-4 zoning north of the road, and a 2.7-acre metes and bounds parcel with FP-1 zoning south of the road. A new 4-lot certified survey map (CSM) would divide Garfoot's RR-4 lot to create one new residential lot, and adjust the boundaries of two adjoining lots located south of the road that are owned by Louann Pertzborn-Statz and Mary Esser.

OBSERVATIONS: The proposed lots, including the existing Garfoot lot as reconfigured, will meet county ordinance requirements for the proposed zoning district, including lot size, public road frontage, and building setbacks.

COMPREHENSIVE PLAN: The applicant is acquiring a development right from the adjoining owner's "sending" farm located in section 34 (proposed for TDR-S overlay zoning). As indicated on the attached density study report, the sending property remains eligible for one density unit which would be exhausted if this petition is approved. This rezone is consistent with the comprehensive plan. Staff recommends a condition of approval to document and effectuate the transfer (see below).

For questions about the town plan, contact Senior Planner Bridgit Van Belleghem at (608) 225-2043 or VanBelleghem.Bridgit@danecounty.gov.

RESOURCE PROTECTION: There are no sensitive environmental features on or within 300 feet of the subject property. Any driveway over 125 feet in length requires an erosion control permit from Dane County Land and Water Resources.

TOWN ACTION: On October 24th the Town Board recommended approval subject to the following conditions:

1. Conservation easement on 40 acres of Esser land on P (parcel 0707-343-8000-2)
2. New Lot 4 rezoned to RR2 (right split of parcel 0707-173-9220-0; TDR split came from Esser parcel 0707-342-9270-0). New Lot 3 stays RR4 (left split of parcel 0707-173-9220-0).
3. New Lot 2 is FP-1 with deed restriction with no development right or other County zoning classification with no development right (right side split of parcel 0707-173-9300-0).
4. New Lot 1 is zoned RR8 (from FP-1) which is parcel 0707-191-8470-0 & with addition of left side split off parcel 0707-173-9300-0)

STAFF RECOMMENDATION: The town's conditions reflect how the town has tracked splits from the original sending farm, and match the applicants' proposal and the suggested conditions below. Pending any comments at the public hearing, staff recommends approval of the petition subject to the applicant recording the CSM and the following conditions:

1. An agricultural conservation easement shall be recorded on the TDR-S sending property (Tax parcel #070734380002).
2. A deed restriction shall be recorded on the balance of FP-35 zoned land from the original Arnold Miller Trust farm prohibiting nonfarm development, as the housing density rights have been exhausted (tax parcel #: 070734293900, 070734388500, 070734395005, and 070734390000).
3. A deed restriction shall be recorded on the proposed FP-1 parcel owned by Garfoot prohibiting residential development (proposed lot 2 of the CSM, current tax parcel 0707-173-9300-0).
4. A TDR-R notice document shall be recorded on the RR-2 receiving property (proposed lot 4 of the CSM) indicating that the resident lot was created via a transfer of development rights.

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