



# Staff Report

Zoning and Land Regulation Committee

<i>Public Hearing:</i> <b>October 28, 2014</b>	<i>Petition:</i> <b>Rezone 10764</b>
<i>Zoning Amendment:</i> <b>A-1EX Exclusive Agriculture District and R-4 Residence District to B-1 Local Business District</b>	<i>Town/sect:</i> <b>Dunn Section 26</b>
<i>Acres:</i> 1.02, 0.468 <i>Survey Req. Yes</i>	<i>Applicant</i> <b>James Thomas Barber</b>
<i>Reason:</i> <b>Zoning compliance for existing structure and creating a commercial lot</b>	<i>Location:</i> <b>1987 Barber Drive</b>



**DESCRIPTION:** Applicant is requesting B-1 Local Business zoning to clean up property boundaries and establish a single zoning district for the property (currently RE-1 and B-1). The B-1 zoning would allow for unspecified retail / commercial uses. No specific business or commercial use has been identified for the property.

**OBSERVATIONS:** The property is the site of a former tavern that closed down several years ago. The property includes an area of B-1 zoning, though the B-1 zoned area does not correspond to the location of the building housing the old tavern. Two of the tax parcels comprising the property were rezoned to RE-1 as part of a blanket rezone in 2014. The application includes a strip of that is owned by the Wisconsin DOT, according to county land records. The strip of land in question was a former town road right-of-way (Charles Lane) that the town vacated in 2007. The town's discontinuance resolution vacating the road references use of the former ROW for a parking lot associated with the Barber property. However, it appears ownership was never transferred to the Barbers.

**TOWN PLAN:** The property is located in the town's Limited Service Area. The town plan does not allow for rezoning to B-1 (or more intensive commercial district) to accommodate new commercial development. Town plan policies support only low intensity uses allowed under LC-1 zoning, or potential sales and service of boats watercraft, and other recreational vehicles associated with a marina.

**RESOURCE PROTECTION:** There is a small area of resource protection corridor located along the westerly boundary of the property corresponding with 100 year floodplain.

**STAFF:** As proposed, the petition is inconsistent with town plan policies. Staff recommends that the petition be postponed to provide time for the applicant to resolve the ownership of parcel # 061026298410 with the DOT and to confer with the town on land use and zoning options for the property.

**TOWN:** Pending.