
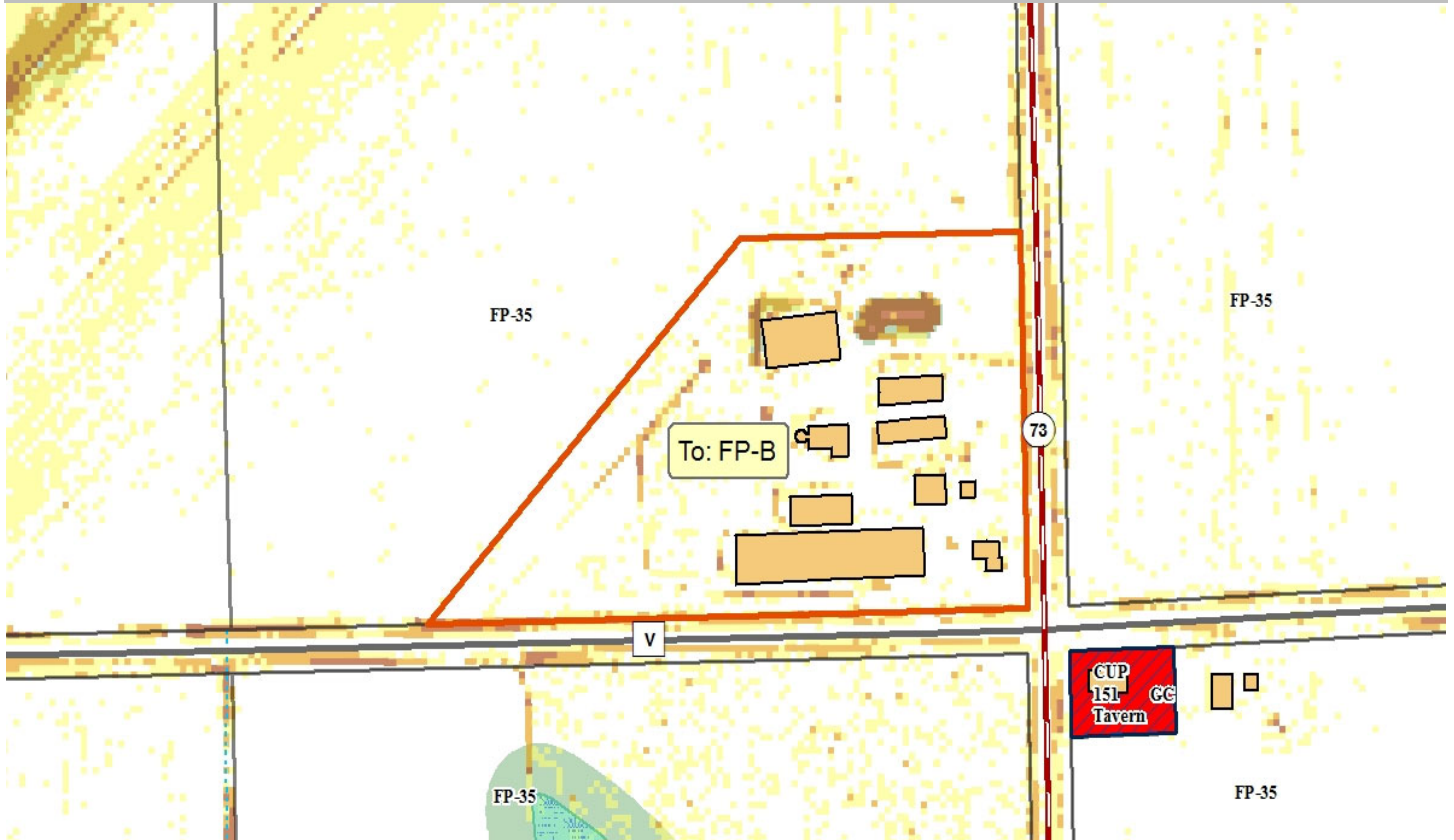


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>October 25, 2022</b>		<b>Petition 11899</b>
	<i>Zoning Amendment Requested:</i> <b>FP-35 Farmland Preservation District TO FP-B Farmland Preservation Business District</b>		<i>Town/Section:</i> <b>YORK, Section 4</b>
	<i>Size:</i> <b>8.6 Acres</b>	<i>Survey Required:</i> <b>Yes</b>	
	<i>Reason for the request:</i> <b>Separating existing residence from farmland</b>		<i>Applicant:</i> <b>STEVEN &amp; PAUL WOLFE</b>
			<i>Address:</i> <b>7663 STATE HIGHWAY 73</b>



**DESCRIPTION:** Applicants Steven and Paul Wolfe want to separate a farm house and buildings from the surrounding farm, and rezone the 8.6-acre lot to FP-B Farmland Preservation-Business. The intent is to sell the FP-B lot to a future buyer who is to-be-determined; the remaining acreage (approx. 75 acres north of CTH V) will remain in crop production. Note that applicants’ related petition 11898 proposes to transfer the one density unit associated with this 75-acre farm to their property south of CTH V.

**OBSERVATIONS:** The applicants expressed goal is to sell the lot, which contains a home that existed prior to 2010 and ag buildings that were upgraded in recent years. The future owner is unknown at this time; however, the applicants indicate that indoor storage of farm equipment is a most likely use based on the demand indicated by prospective buyers and the type of buildings that exist on site. The proposed lot boundary reflects the desire to comply with lot coverage limits under zoning, and to keep recently installed drain tiles on the adjacent ag parcel to the west.

The applicants originally requested AT-B zoning; however AT-B zoning cannot be used in ag preservation areas. FP-B was deemed more appropriate based on the proposed lot size and use, provided the land uses would be restricted since FP-B allows some uses that would require additional review of a specific operation proposal. FP-B zoning is intended for a modest range of agricultural and agricultural-accessory uses, at scales consistent with size of the parcel and compatible with neighboring land uses. FP-B allows agricultural uses, residences that existed as of February 20, 2010 (with certain

conditions that appear to be met), and seasonal storage of equipment and vehicles in farm buildings that existed as of January 1, 2010.

The site currently contains a farm house that is currently rented, a 21,000+ sq ft barn, and several shed buildings that are mostly used for storage or vacant.

The subject property has two existing access points, one onto Hwy 73 and one onto CTH V. No changes are proposed.

**HIGHWAY DEPARTMENT:** CTH V is not a controlled access highway. No new access will be permitted on CTH V due to reconfiguration of lots. No significant increase of traffic expected due to rezone.

**TOWN PLAN:** The subject property is located in the *Agricultural Preservation* land use area of the town of York plan. The plan utilizes a density policy of 1 development right per 75 acres owned as of September 10, 1979. Separating off the original farm house and agricultural buildings does not require the use of a development right. This proposal is consistent with the town and county Comprehensive Plans. In order to assure uses compatible with the goals and objectives of the farmland preservation land use district, uses should be restricted to 1) agricultural uses, 2) agricultural accessory uses, and 3) seasonal storage of recreational equipment and motor vehicles in existing buildings. These restrictions are included in the applicant's proposal. (For questions about the town plan, contact Senior Planner Alexandra Andros at (608) 261-9780 or [andros@countyofdane.com](mailto:andros@countyofdane.com))

**RESOURCE PROTECTION:** There are no resource protection corridors on site.

**TOWN ACTION:** On September 13, 2022 the Town Board recommended approval of the petition. Note that the action report lists a condition of approval requiring a deed restriction on a portion of the property. This condition is already addressed in the staff recommended conditions for related petition 11898, which requires a deed restriction on the balance of FP-35 zoned land to document the transfer of the one available development right.

**STAFF RECOMMENDATION:** Staff finds the proposal acceptable to enable the separation of the lot from the farm, provided the land uses are limited to non-traffic generating uses. This is because the existing layout of the site, with multiple buildings and limited space for parking, may be problematic for commercial uses with a retail aspect or significant customer traffic. The applicant has agreed to a deed restriction to limit the uses (see enclosed letter). Based on our review, no other deed restriction is required.

Pending any concerns raised at the ZLR public hearing, staff recommends approval with the following conditions:

1. Owner shall record a deed restriction on the FP-B parcel restricting the allowable land uses to
  - a. Agricultural uses,
  - b. Agricultural accessory uses, and
  - c. Seasonal storage of recreational equipment and motor vehicles in existing buildings.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@countyofdane.com](mailto:holloway.rachel@countyofdane.com)