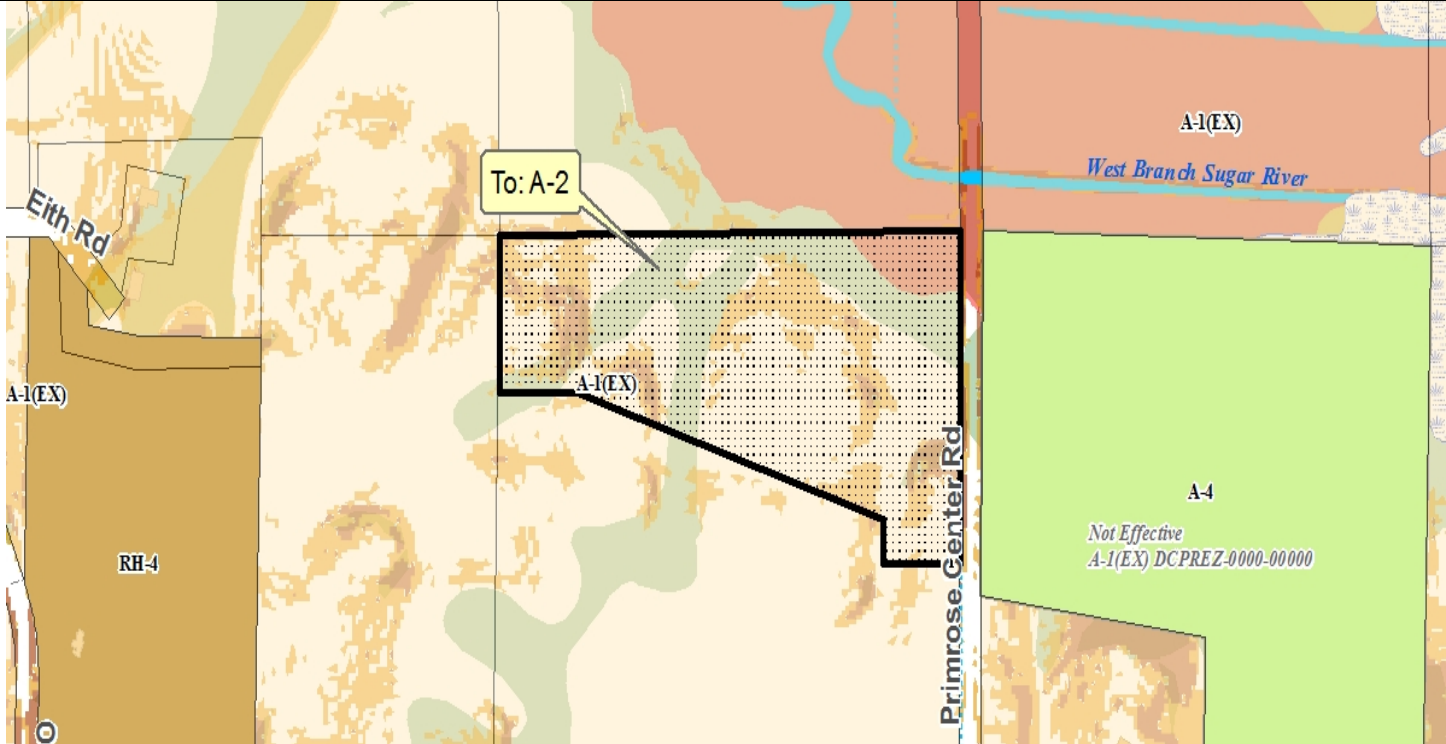




Staff Report

Zoning and Land Regulation Committee	Public Hearing: February 28, 2017	Petition: Rezone 11093
	Zoning Amendment: A-1EX Exclusive Agriculture District to A-2 Agriculture District	Town/sect: Primrose Section 9
	Acres: 16 Survey Req. Yes	Applicant Affeldt Family TR
	Reason: Creating one residential lot	Location: Northwest of 1174 Primrose Center Road



DESCRIPTION: Applicant proposes to create a new ~16 acre A-2 zoned parcel / building site.

OBSERVATIONS: The property consists of approximately 15% class II soils. Areas of steep slope topography over 12% grade occur on portions of the property. An area of 100 year floodplain associated with the West Branch of the Sugar River is located in the northeasterly corner of the proposed A-2 parcel.

County land records show that the Affeldt Trust acquired a small piece of land from the adjoining owner in December of 2016 (Deed in doc #5289989). Such transfers of lands between adjoining owners are exempted from the requirement of a Certified Survey Map, provided that, "...additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter, the zoning ordinance (chapter 10) or other applicable laws or ordinances." [75.14(3)]

The ~1.1 acre parcel (#0507-094-8640-0) acquired by the Affeldt Trust retains the RH-4 zoning classification from the adjoining property. The RH-4 zoning district has a minimum lot size requirement of 16 acres. The zoning for that tax parcel should be rezoned to A-1EX to match the Trust's adjoining land, if they intend to retain ownership of it. See staff comments, below.

TOWN PLAN: The property is located in the town's agricultural preservation area.

RESOURCE PROTECTION: An area of resource protection corridor associated with the West Branch of the Sugar River is located in the northeasterly corner of the proposed A-2 parcel.

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STAFF: As indicated on the attached density study report, the property remains eligible for one density unit, provided proposed development satisfies the town's siting criteria. If the petition is approved, no further density units/splits will remain.

Staff recommends approval of the petition be conditioned upon recording of the following deed restrictions on the property:

1. Residential development and driveway installation shall be limited to the areas delineated on, and completed in accordance with, the site and engineering plans submitted with petition 11093.
2. Prohibit residential development on the balance of A-1EX zoned land owned by the applicant
3. That portion of the Property which is remaining zoned A-1 Exclusive Agriculture District, (a) shall be accessed from Primrose Center Road, (b) shall be transferred as a single parcel, (c) shall not be further subdivided nor (d) shall not contain a driveway that connects to Oakgrove Road or Eith Road. Notwithstanding the provisions of the preceding sentence, a part or parts of the A1-EX zoned property may be transferred to any transferee owning property adjoining the A1-EX zoned property, subject to the provisions of section 75.14 of the county land division code.

Staff also recommends the following amendment to the petition:

1. Rezone the ~1.1 acre tax parcel (#0507-094-8640-0) from RH-4 to A-1EX to provide zoning compliance.

TOWN: Approved conditioned upon a deed restriction being recorded on the property. The staff recommended conditions listed above incorporate the town requirements. See attached Town Action Report.