

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 11232

Dane County Zoning & Land Regulation Committee Public Hearing Date 12/11/2017

Whereas, the Town Board of the Town of Middleton having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one): Approved Denied Postponed

Town Planning Commission Vote: 7 in favor 0 opposed 0 abstained

Town Board Vote: 5 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

- 1. Deed restriction limiting use(s) in the _____ zoning district to **only** the following:
- 2. Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):
- 3. Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):
- 4. Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):
- 5. Other Condition(s). Please specify:

The conditions laid out in the October 28, 2017 Vierbicher review letter ruling:
 Per item #1, page 1, that a variance be granted for creation of lots less than five acres when the Applicant does not own at least 40 acres, as the lots sizes are at least 65,000 sq. ft. and are similar in size to adjacent lots;
 Per item #4, page 2, that the Airport Road realignment as shown on the CSM be modified to match the alignment Alternate 2A as shown on the Vierbicher concept plan dated October 27, 2017;
 Per item #5, page 2, that the Airport Road impact fees be applied to this land division as the land division will create additional users on Airport Road and the Applicant is requesting a variance to create lots less than 5 acres;
 Per item #6, page 2, per the Park Commission and Plan Commission recommendation, that waiving park fees and Airport Road impacts fees in exchange for dedicating approximately 1 acre of land for the future realignment of Airport Road is reasonable and acceptable, as it is preferable to work with one property owner now rather than multiple owners in the future;
 Per item #7, page 3, per the Park Commission recommendation, that no Public Recreational Trail easements be required on the CSM;
 Per item #8, page 3, that a 50-foot front setback for Lots 1, 3, and 4 be indicated on the CSM. In addition, a note shall be placed on the CSM that indicates that the required 50-foot setback is as required by the Town of Middleton;
 Per item #12, page 3, that a grading easement to the Town of Middleton adjacent to the Airport Road right-of-way not be required;
 Per item #13, page 3, that the trees located in the newly dedicated right-of-way for Airport Road not be required to be removed at this time as they are outside of the current clear zone for Airport Road, unless the Town Engineer determines that the trees interfere with a safe driveway at 8797 Airport Road. Trees that interfere, as determined by the Town Engineer, shall be removed.

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, David Shaw, as Town Clerk of the Town of Middleton, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 11/20/2017

Town Clerk David Shaw Date: 12/5/2017