
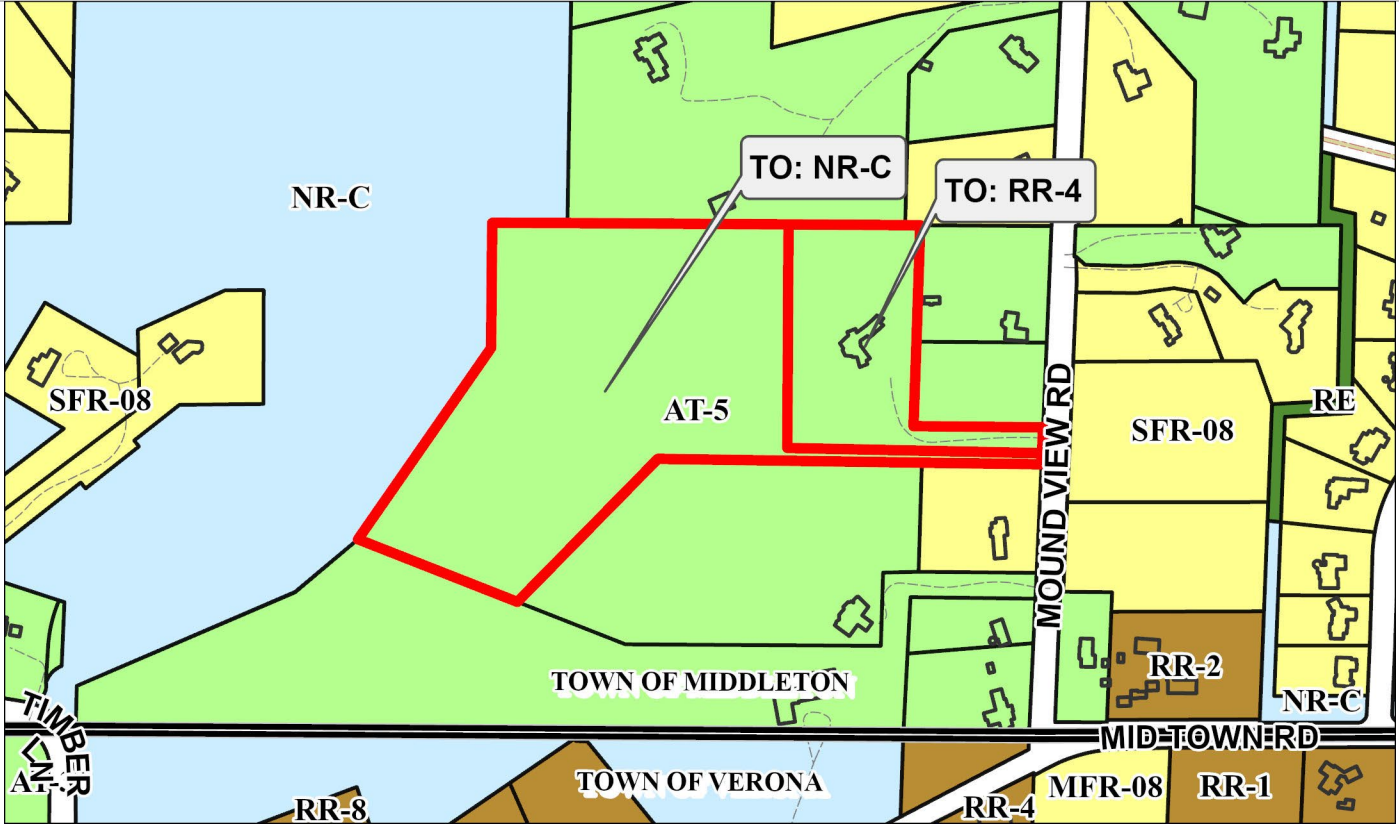


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> January 23, 2024 <i>Report updated for</i> March 12, 2024 ZLR meeting	Petition 12002
	<i>Zoning Amendment Requested:</i> AT-5 Agriculture Transition District TO RR-4 Rural Residential District and NR-C Natural Resource Conservation District	<i>Town/Section:</i> MIDDLETON, Section 31
	<i>Size:</i> 5.0,15.5 Acres	<i>Survey Required:</i> Yes
	<i>Reason for the request:</i> SHIFT PROPERTY LINE BETWEEN ADJACENT LANDOWNERS TO EXPAND CONSERVANCY LAND	<i>Applicant:</i> HALCYON TR (RON & SHEILA ENDRES) <i>Address:</i> 3269 MOUND VIEW RD



DESCRIPTION: Ron and Sheila Endres in the Town of Middleton propose to separate their home on five acres of land (with RR-4 zoning) from the rest of their land, and donate the remaining 15 acres (with NR-C zoning) to the Ice Age Trail Alliance. The Trail Alliance owns more than 100 acres of conservancy land to the north and west of this property.

OBSERVATIONS: The proposed lots conform to the requirements of the proposed RR-4 and NR-C zoning. The one exception is that the NR-C lot would have less than the required 66 feet of lot width and frontage on Mound View Road. The ZLR Committee approved a waiver to this land division ordinance requirement at its January 9, 2024 meeting, based on the finding that the narrow strip of land would be used for public trail access purposes and no residential use.

In addition, if this petition is approved the CSM to reconfigure the lots would help address part of an illegal land division that was done in previous years. The Endres property currently consists of Lot 1 and part of Lot 3 of CSM #6403 which was recorded in 1991. In 1997, a subsequent land division (CSM #8480) was recorded which reconfigured Lot 3. Sometime after that, another lot was illegally created from what had formerly been Lot 3 of CSM #6403. The other lands with illegal land division issues are south of the Endres property and currently owned by others, thus are not under the control of the applicants.

The property is within the City of Verona’s extraterritorial jurisdiction for land division reviews.

COMPREHENSIVE PLAN: The property is in an area planned for future Residential/Agricultural use in the town comprehensive plan. The town plan includes the goal of protecting natural resources and environmentally sensitive lands from incompatible development, and has policies that include:

- *Encourage the preservation of large, contiguous spaces for the protection of natural resources, wildlife, and habitat.*
- *Support the efforts of landowners to keep natural areas from being developed by using conservation easements or other means.*

In addition, the plan includes this as one of the primary issues and opportunities identified by the Town Plan Commission during the last update to the Comprehensive Plan:

Recreational opportunities: *There are multiple recreational opportunities located within or near the Town. The Town has focused on the preservation or development of high quality natural areas, parks, and trails. Residents and others utilize the Town's trails and roads for bicycling, hiking and other activities. In addition, several outside organizations own and maintain recreational areas within Town boundaries (i.e. Ice Age Park, Black Earth Creek Wildlife Area – Sunnyside Unit, etc.).*

As the proposal is a lot line adjustment that would not increase development density and would expand an existing conservancy open space, the proposal appears consistent with the town plan. (For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or kodl@countyofdane.com)

RESOURCE PROTECTION: Shoreland zoning is present on over half of the current property, due to an intermittent stream that appears to run across from northeast to southwest. No navigability determination has been conducted. As proposed, most of the shoreland area would be placed within the NR-C lot. The residential home site is already developed. No concerns by staff.

TOWN ACTION: On March 4, 2024 the Town Board recommended approval subject to the applicants submitting a certified survey map for town approval and recording of the same.

JANUARY 23RD ZLR HEARING: The ZLR Committee postponed action on the petition at the public hearing, due to no town action per the ZLR Committee's adopted rules.

STAFF RECOMMENDATION (updated March 5, 2024): Pending any comments at the public hearing, staff recommends approval of the petition subject to the recording of the CSM for the two lots.

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