

Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> May 26, 2020	Petition 11548	
	<i>Zoning Amendment Requested:</i> FP-35 (General Farmland Preservation) District TO RM-16 (Rural Mixed-Use, 16 acres and up) District		<i>Town/Section:</i> YORK, Section 35
	<i>Size:</i> 26.2 Acres	<i>Survey Required:</i> Yes	<i>Applicant:</i> DOUGLAS G MILLIN
	<i>Reason for the request:</i> Creating one residential lot		<i>Address:</i> EAST OF 357 COUNTY HIGHWAY TV



DESCRIPTION: As part of an effort to settle an estate, the applicant wishes to create a 26+ acre parcel to be zoned RM-16. There is one remaining development right associated with the original farm, and it will be used in the creation of this parcel.

OBSERVATIONS: The subject property is surrounded by agricultural uses.

TOWN PLAN: The subject property is in the Agricultural Preservation District of the town plan. The town uses a density policy of one development right per 75 acres owned as of August 28, 1980. This proposal will use the last development right associated with the original farm, therefore the remainder should be deed restricted against further development.

DANE COUNTY HIGHWAY DEPARTMENT: Dane County Highway TV is not a controlled access highway. Any change of use or new access points require a permit from Dane County Highway. Joint use of existing access points will be required if possible.

RESOURCE PROTECTION: There is an intermittent stream located in the southeastern corner of the proposed RM-16 lot. The property is not in a resource protection corridor.

STAFF: The initial request to create a 26 acre RM-16 lot was contrary to town plan policies which seek to limit the size of new residential parcels and the conversion of agricultural land. As noted below, the town denied the requested RM-16 zoning.

In order to reduce the amount of land taken out of farmland preservation, the applicant has submitted an alternative 2-lot proposal for the 26 acres that would result in the building site being created on a ~1.5 acre RR-1 zoned parcel, while the remaining ~24.5 acres would remain in exclusive agricultural zoning (FP-1).

See map of the alternative proposal at right.

The applicant's alternative proposal appears to be more consistent with town plan policies which strongly promotes preservation of agricultural land and land uses. The town has been made aware of the alternative proposal and has indicated they are supportive of it.

Staff recommends approval of the petition with the following conditions:

1. The petition shall be amended to rezone approximately 1.5 acres to RR-1 Rural Residential, and approximately 24.4 acres to FP-1 Farmland Preservation as depicted in the applicant's preliminary Certified Survey Map. A two-lot Certified Survey Map shall be prepared and recorded to effectuate the petition.
2. Applicant shall record a deed restriction on the balance of ~75 acres remaining in farmland preservation zoning prohibiting nonfarm development or division (tax parcels 091235185010 and 091235190005). (Note that this includes Lot 1 of the proposed Certified Survey Map.)

TOWN: The town has denied the original request for RM-16 zoning.

Questions? Contact Pam at 608-261-9780 or andros@countyofdane.com

