

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 2019-11483

Dane County Zoning & Land Regulation Committee Public Hearing Date 10/22/2019

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

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

Town Planning Commission Vote: 4 in favor 0 opposed 0 abstained

Town Board Vote: 2 in favor 0 opposed 1 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):
051127395014, 051127490018, 051127485006, 05112738002, 051127385016
- 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:

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.

Supervisor Jenks stated a motion to approve Dane County Petition No. 2019-11483, incorporating the Plan Commission motion as follows: Falligant stated a motion to recommend to the Town Board approval of Dane County Petition No. 2019-11483, rezoning 4.0 acres from FP-35 to RR-4, creating one residential lot and to transfer a development right from his parcels in Section 27 (051127395014, 051127490018, 051127485006, 05112738002, 051127385016) to property owned by Justamere Farms on Danks Road in Section 31, south of Danks Road and west of Old Stage Road. The Plan Commission has reviewed the Land Use Plan conditions, standards and criteria for limited transfer of development right and find that the transferring and receiving properties meet the criteria. The transferring property has now exhausted all of its available development rights and therefore a deed restriction for no additional residential development should be placed on parcel numbers 051127395014, 051127490018, 051127485006, 05112738002, 051127385016. The Plan Commission has been in communication with Dane County Zoning regarding the approximately 18-acre agricultural land owned by Stuart and Karen Hansen, parcel number 051127393007. The history of that property was to be combined with Lot 2 under the previous owner Mike Cornell, roughly 1999. In early 2000's, Cornell paid off his land contract but never completed the CSM, combining Lot 2 with that property. This is readily apparent, as Lot 2 and the 18-acre parcel were both rezoned to RH-4, which would be a substandard zoning for those parcels individually. The 18-acre lot was subsequently sold two times, with Hansen's ultimately owning it. Town of Dunkirk meeting minutes records clearly reflect that it was never intended to be a separate lot and have a developable right associated with it. It's the Town's understanding that the County will correct the zoning on parcel number 051127393007 to FP-1. Therefore, we take no exception with Steve Olson of Justamere Farms, Inc. executing the fifth development right associated with the original parcel associated with this Petition. Schieldt seconded the motion. Motion carried 4-0. Motion was seconded by Chairman Monsen. Motion carried 2-0. Olson abstained.

I, Melanie Huchthausen, as Town Clerk of the Town of Dunkirk, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 9/16/2019
Town Clerk Melanie Huchthausen Date: 9/20/2019