

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 2016-11016

Dane County Zoning & Land Regulation Committee Public Hearing Date 8/23/2016

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: 5 in favor 0 opposed 0 abstained

Town Board Vote: 2 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:

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 Olson stated a motion to approve Petition No. 11016 with the conditions from the Plan Commission. The conditions are as follows: for the purpose of expanding the C2 zoned lot one by approximately one acre. It is noted that the map contained in the Petition will need to be revised to accurately reflect the small strip of ag land is being stripped off to become part of Mr. Jamesons' lot two, zoned A1. That property will need to be deed noticed for no further development. Furthermore, the C2 property will be deed restricted for the purposes of trailer sales, trailer maintenance and personal use by the owner. This deed restriction will be recorded with Dane County and is amendable in the future should the permitted use be revised. That change would have to come before the Town in the form of a rezone petition. It has been brought to the Plan Commission that there is shared well between the two properties and the C2 that, according to the parties at the meeting, should be revisited and possibly revised so that the commercial use doesn't deplete the well for the residential properties. When the joint well agreement is reviewed, it was also recommended by the Plan Commission that the parties consider the driveway easement for lot three. Under Dane County Chapter 10.14 C2 Commercial District there are screening provisions required. The Plan Commission recommends that those screening requirements be met on the east and west property lines of the C2 but may be abbreviated on the east where the building resides. Falligant recommended a delayed effective agreement after the well agreement is filed. Motion was seconded by Supervisor Quam. Motion carried 2-0.

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 7/18/2016
Town Clerk Melanie Huchthausen Date: 7/18/2016

PETITION 11016 TOWN CONDITIONS

Supervisor Olson stated a motion to approve Petition No. 11016 with the conditions from the Plan Commission. The conditions are as follows:

For the purpose of expanding the C2 zoned lot one by approximately one acre. It is noted that the map contained in the Petition will need to be revised to accurately reflect the small strip of ag land is being stripped off to become part of Mr. Jamesons' lot two, zoned A1.

1. That property will need to be deed noticed for no further development.
2. Furthermore, the C2 property will be deed restricted for the purposes of trailer sales, trailer maintenance and personal use by the owner. This deed restriction will be recorded with Dane County and is amendable in the future should the permitted use be revised.
3. That change would have to come before the Town in the form of a rezone petition. It has been brought to the Plan Commission that there is shared well between the two properties and the C2 that, according to the parties at the meeting, should be revisited and possibly revised so that the commercial use doesn't deplete the well for the residential properties. When the joint well agreement is reviewed, it was also recommended by the Plan Commission that the parties consider the driveway easement for lot three. Under Dane County Chapter 10.14 C2 Commercial District there are screening provisions required. The Plan Commission recommends that those screening requirements be met on the east and west property lines of the C2 but may be abbreviated on the east where the building resides. (Screening to be 4-foot tall evergreen trees every 8 feet apart.)
4. Falligant recommended a delayed effective agreement after the well agreement is filed.

Motion was seconded by Supervisor Quam. Motion carried 2-0.