

Staff Report



Zoning and Land Regulation Committee

**Questions? Contact:
Majid Allan – 267-2536**

Public Hearing: June 25, 2019

Zoning Amendment Requested:

FP-35 (General Farmland Preservation) District TO RR-4 RR-8 (Rural Residential, 8 to 16 acres) District and FP-1 (Small-lot Farmland Preservation) District

Size: 22.2 Acres

Survey Required. Yes

Reason for the request:

Shifting of property lines between adjacent land owners

Petition 11427

Town/Section:

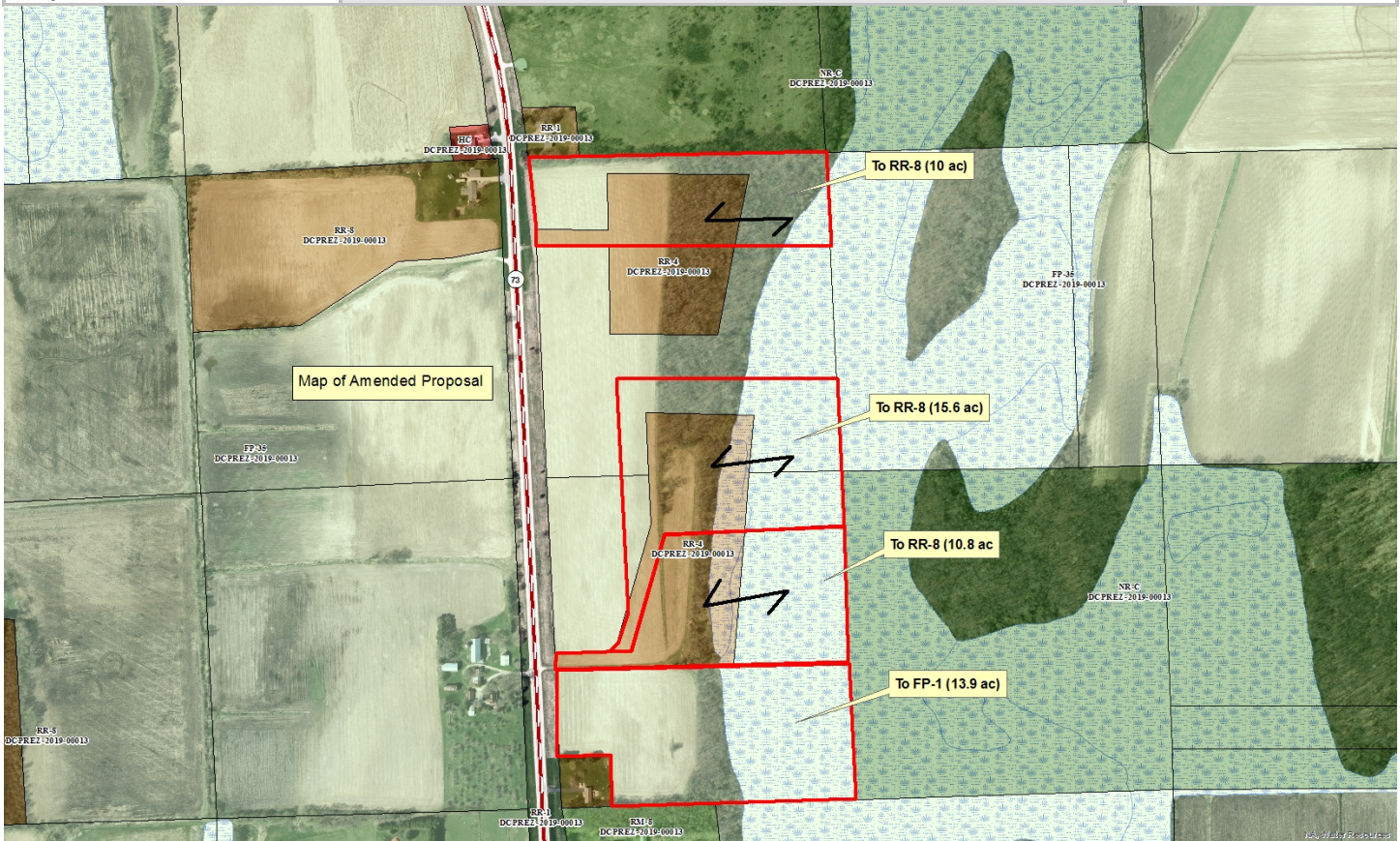
DEERFIELD, Section 4

Applicant

JEFFERY S MOERKE

Address:

EAST OF 4509 STATE HIGHWAY 73



DESCRIPTION: Applicant proposes to reconfigure four recently created residential parcels by adding lands to each of the roughly 4-5 acre lots. Proposed lot sizes would increase as follows: lot 1 from 4.25 acres to 6.75 acres (+2.5 acres) ; lot 2 from 4 acres to 10.6 acres (+6.6 acres); lot 3 from 5.4 acres to 13.8 acres (+8.4 acres); lot 4 from 5.3 acres to 10 acres (+4.7 acres). The initial application proposes to zone the additional lands to RR-4 Rural Residential (4-8 acres) to match the zoning of the existing lots. However, the resulting sizes for lots 2, 3, and 4 would require a zoning district classification of RR-8 Rural Residential (8-16 acres). Applicant proposes leaving 66’ strips of land between various property boundaries so as to maintain contiguity for remaining lands and avoid the need for additional survey work or zoning changes. 3 of the 4 lots have been sold to new owners. **See staff update section for description of revised proposal.**

OBSERVATIONS: Surrounding land uses include agriculture / open space, scattered rural residences, and DNR owned conservation lands (wetlands). No development has yet occurred on the recently created lots. Property consists of a mix of agricultural land, woodland, and wetland areas that tie in to publicly-owned adjoining land.

TOWN PLAN: The property is located within the town’s agricultural preservation and open space corridor planning areas.

RESOURCE PROTECTION: Areas of resource protection corridor associated with wetland, floodplain, and steep slope topography are located on the property. No development is proposed within the environmentally sensitive area.

ZLR PUBLIC HEARING 6-25-19: The ZLR committee postponed action on the petition to allow time for the applicant to revise the proposal to meet town comprehensive plan policies.

STAFF UPDATE: Staff had noted a number of concerns about this proposal in the initial report including the fact that the application was submitted without the written acknowledgment or consent of the new owners of lots 1, 2, and 4. The applicant has since provided written confirmation from those owners consenting to the petition. The applicant also understands that the petition must be amended to request the RR-8 zoning to reflect the anticipated resulting lot sizes.

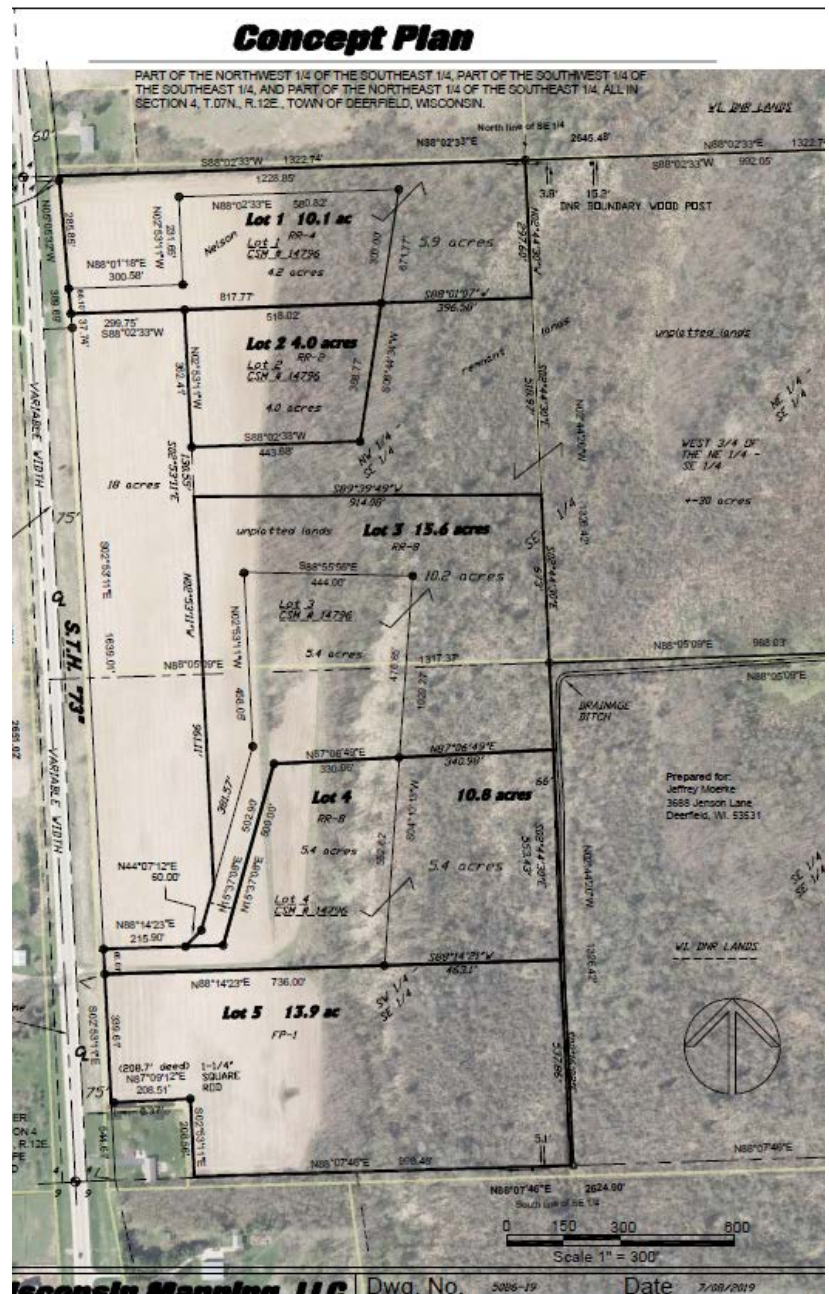
Staff had also noted concerns that the proposal is not consistent with adopted [town plan policies](#) which generally require smaller lots clustered together so as to avoid fragmentation of agricultural and conservation lands. Plan policies also encourage lot lines to follow existing property boundaries and natural features. The applicant has revised the proposal in a manner that more closely aligns with town plan requirements for lot design by squaring off lots so that they follow property boundaries. The following changes are being proposed:

- 1) Proposed lot 1 would be extended ~66' to the north to the northerly property boundary resulting in a rectangular parcel of approximately 10 acres.
- 2) Proposed expansion of lot 2 has been dropped from the petition.
- 3) Proposed lots 3 and 4 have been extended ~66' to the east to the property boundary.
- 4) Due to the changes to lots 3 and 4, a new proposed lot 5 would be created at the south end of the property as a remnant parcel with a requested zoning classification of FP-1. The applicant intends to apply for a rezoning in the future on proposed lot 5 to utilize the final housing density unit available to the property.

An updated legal description and preliminary map have been provided documenting the amended boundary descriptions of lots 1-4 and proposed new remnant lot 5. Since the proposal will create more than 4 parcels, a subdivision plat is required. The applicant is working with his surveyor to prepare a 5-lot plat for the property.

There would be no new residential development potential created as a result of the proposal. Staff recommends the following conditions of approval:

1. The development restriction / "environmental setback line" currently shown on lots 3 and 4 of CSM #14796 shall be depicted in the same location on proposed lots 3 and 4 of the subdivision plat.



2. Amend the requested zoning district classification to RR-8.
3. Amend the zoning district boundaries as shown in the concept map submitted by the applicant's surveyor and dated 7/8/19.
4. A subdivision plat shall be recorded with the Register of Deeds within 1 year of rezoning approval.

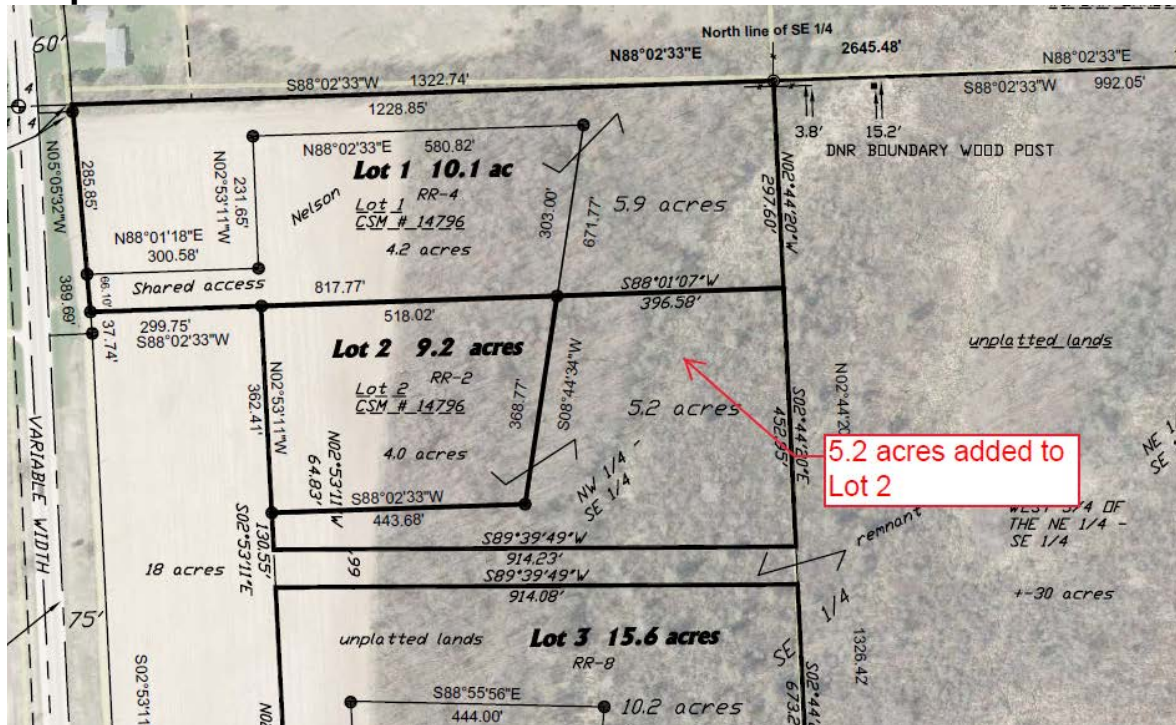
TOWN: The Town Board approved the petition with no conditions. Note that the town board reviewed and approved the applicant's revised proposal at a meeting on July 8, 2019.

PREVIOUS ZLR ACTION: The petition was recommended for approval to the County Board on July 23rd. The petition was conditioned upon an environmental setback line being depicted on the new subdivision plat.

COUNTY BOARD: At the County Board meeting, the applicant had asked that the petition be referred back to the ZLR Committee into order for changes to be made to the petition. The County Board honored the request.

STAFF UPDATE: The applicant would like to amend his petition by enlarging Lot 2. He would like to a 5.2 acres to Lot 2, thus creating a 9.2-acre lot. If the amendment is approved, staff suggests that an environmental setback line be placed on the subdivision plat in order to acknowledge the wetland complex on the east side of the properties.

Proposed revision



AUGUST 27TH ZLR ACTION: The Zoning and Land Regulation Committee postponed action to allow time for the applicant to decide which lot configuration best suit his needs.

STAFF UPDATE: The applicant is requesting that the version showing 5.2 acres being added to Lot 2 be approved by the Committee. If the petition is approved, staff suggests that an environmental setback line be placed on the subdivision plat in order to acknowledge the wetland complex on the east side of the properties.