
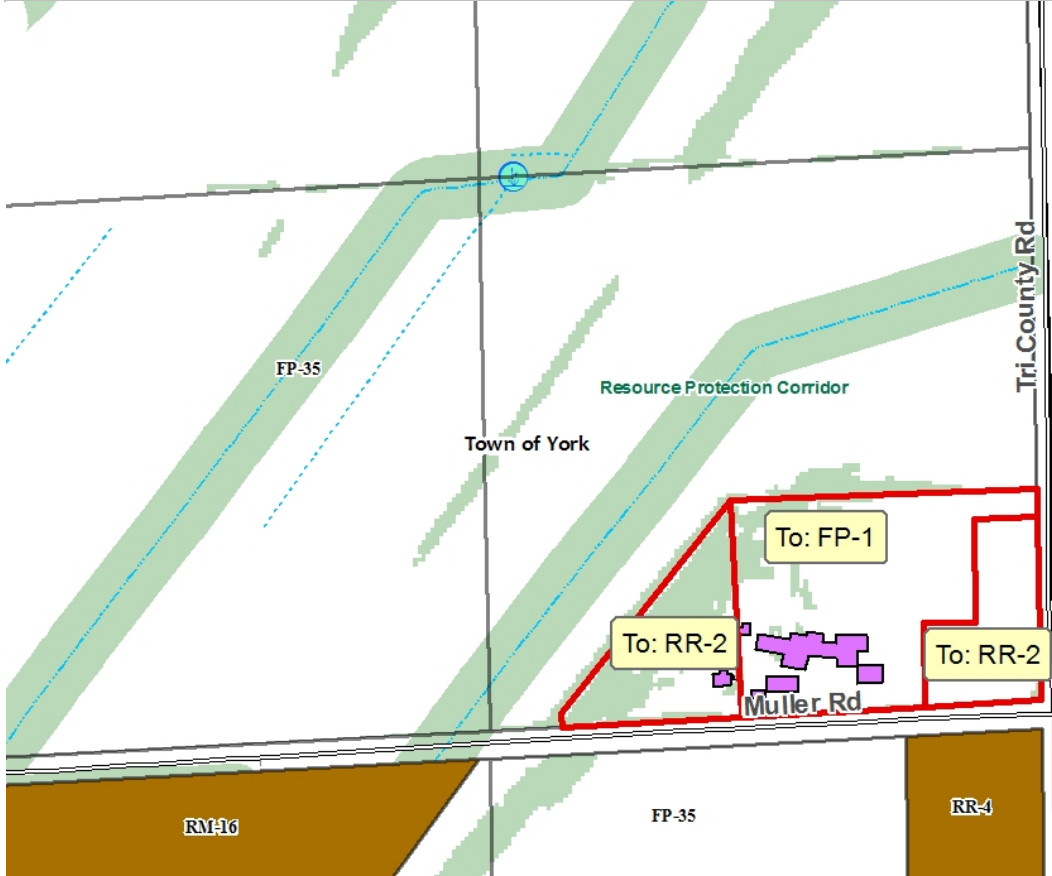


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> June 27, 2023 Report updated July 17, 2023 for the July 25th ZLR meeting	Petition 11946
	<i>Zoning Amendment Requested:</i> FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District and RR-2 Rural Residential District	<i>Town/Section:</i> YORK, Section 12
	<i>Size:</i> 6.11, 4.6 Acres	<i>Survey Required:</i> Yes
	<i>Reason for the request:</i> Creating two residential lots (one for an existing residence) and one agricultural lot	<i>Applicant:</i> MATTHEW L LEWKE
		<i>Address:</i> 42 MULLER ROAD



DESCRIPTION: Applicant wants to rezone from FP-35 to FP-1 and RR-2, to create three lots that are 6.11 acres, 2.6 and 2.0 acres in size. The property currently contains the original farmstead house and several farm buildings, which are being used to store animal feed and farm equipment. One of the proposed lots contains the existing residence; one is for future residential use, and the FP-1 lot would be for continued agricultural-storage use.

OBSERVATIONS: The proposed lots meet the requirements of the proposed zoning districts for lot size and public road frontage, noting that Lot 3 will need to maintain at least 2 acres in the final CSM based on the proposed RR-2 zoning. On June 7th a zoning ordinance violation letter was sent to the owner regarding non-agricultural materials being stored on site that must be removed. Staff has inspected the site and the issue has been addressed. In addition, any land that is rezoned to RR-2 will no longer allow agricultural equipment storage; such equipment and materials will need to be moved to the FP-1 lot before the land is rezoned.

The existing shed building shown on the preliminary survey as bisecting the lot line of proposed Lots 1 and 2 has been removed. The old house on the property (on proposed Lot 1) is uninhabitable. The building does not have plumbing inside and is not hooked up to the existing sanitary system. Any existing septic system on site will need to be shown on the final CSM for the property.

TOWN PLAN: The property is in the agricultural preservation planning district. The Town has a 1 home per 75 acres density policy in this area and this policy:

- *“Separation of residences built prior to August 28, 1980 shall not count as a split.”*

This proposal is consistent with that policy. (For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or kodl@countyofdane.com)

RESOURCE PROTECTION: A portion of proposed lots 1 and 2 are within the shoreland zone, due to proximity to an intermittent stream to the west. This area also contains steep slopes and is mapped as resource protection corridor. Any ground disturbing activity with the shoreland zoning district requires a shoreland erosion control permit.

TOWN ACTION: On July 10th the Town Board recommended approval of the rezone, noting that the owner has decided to not rezone lot # 3 and leave the zoning at FP-1 with no changes in zoning.

STAFF RECOMMENDATION: If approved, this would be the last remaining split available on the original (1980) farm. However, the applicant requested postponement on June 22nd in order to amend the petition to either remove the corner lot or rezone it to FP-1. This would allow the owner more time to clean up the agricultural materials and equipment currently stored on that land.

Staff recommends approval of the petition as amended, subject to the applicant recording the CSM for the new lots and the following conditions:

1. The existing septic system shall be identified on the final recorded CSM.
2. A deed restriction shall be recorded on tax parcels 091212490000 and 091212495005 stating the following:
 - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the former Elmer Henning farm have been exhausted per the Town Comprehensive Plan density policies.
3. A deed restriction shall be recorded on the proposed FP-1 lots stating the following:
 - a. The FP-1 lots (Lots 2 and 3) are limited to 1 animal unit per acre unless a conditional use permit is obtained.

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