

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 2019-11444

Dane County Zoning & Land Regulation Committee Public Hearing Date 6/23/2020

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: 3 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):
0511-162-8850-8
- 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:

Falligant stated a motion to recommend to the Town Board approval of Petition 11444 on behalf of Robert Lange for the purpose of creating a developable parcel on land suitable to build on. There have been a number of discussions with Dane County Planning and Zoning and Robert Lange, and a number of preliminary survey maps generated in association with this Petition. These were associated in Robert Lange's desire to construct an ag building for the maintenance of the approximate 41.8 acres that he owns. Lot 1 CSM 5599 has the development right on 9.14 acres, but there is no suitable building site on the parcel due to wet conditions. The proposed Lot 1 2.2 acres is directly adjacent to CSM 5599 and has a suitable building site. In discussion between Kent Falligant and Majid Allan we allowed the development right to be moved to the adjacent 2.2 acres, as this could have been achieved through land purchase ultimately. In the end, it is Robert Lange's verbal instruction to Kent Falligant during a telephone conversation on June 9, 2020, that he would like to revert back to the original petition filed on May 21, 2019, to rezone 2.2 acres to RR-2. That preliminary CSM associated with the original petition also included another Lot 1 CSM 5599 and Lot 2 for 30 acres. In discussion with Dane County Planning and Zoning, and in keeping with the Town of Dunkirk's Land Use Plan, it is not desirable to create a land-locked parcel with no road right-of-way. Therefore, it is suggested by Dane County, with Town concurrence, to see Lot 1 CSM 5599 combined with Lot 2 30.0 acres, zoned as FP-35 and deed restricted for no further residential development, as a separate lot that has road right-of-way access. This is also consistent with an email sent to Robert Lange by Majid Allan dated June 10, 2020, stating the same. Lot 1 CSM 5599 and Lot 2 30.0 acres when combined will be approximately 39.1 acres. That lot shall maintain right-of-way easement for the approximate 68 acres of agricultural land and that easement shall exit the 39.1 acre lot south, just to the east of the 2.2 acre Lot 1. The June 10, 2020 email from Majid Allan to Kent Falligant recommended a condition that a deed restriction be placed on the remaining approximate 68 acres of ag land, indicating no more splits are available. That land is not included in this petition so Town is only recommending that the approximately 39.1 acres (assumed Lot 2) be deed restricted for new further single family residential development. If Dane County confirms that deed restriction is applicable and appropriate on the larger agricultural parcel, then Town concurs. The Town does not currently have a preliminary certified survey map that accurately represents this Petition, but we do have a preliminary survey map that accurately describes the entire boundary of the two parcels for which we are recommending approval. A preliminary survey map would need to be created for Dane County review and approval to

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.

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 6/15/2020
Town Clerk Melanie Huchthausen Date: 6/18/2020

Date Approved_____
Initials_____

TOWN OF DUNKIRK
Planning Commission Minutes

June 10, 2020
Dunkirk Town Hall, 654 County Highway NB
7:00 p.m.

Kent Falligant called the meeting to order at 7:00 p.m.

Members present: Kent Falligant, Shelly Schieldt, Bill Delehanty, Brett Olson and Brad Werginz.

Other people present: See the sign-in sheet for others present.

With regard to the May 13, 2020 minutes, Falligant made a motion to approve the minutes. Schieldt seconded. Motion carried 4-0. Olson abstained.

Unfinished Business

1. Robert Lange, 1792 Oakview Drive, Stoughton, WI, Dane County Petition No. 11444, south of 1026 County Highway N, rezoning to create one residential lot. Falligant stated Lange purchased 9.14 acres with development right and road access. Then he and his real estate partner purchased additional land. Robert determined via wetland delineation that the 9.14 acres was unsuitable to build on. Therefore, Petition 11444 proposed to use 2 acres of adjacent contiguous property to build on. Robert stated he would like to build an accessory building prior to building a residence. This does not comply with Dane County Zoning regulations. Therefore, a revision of Petition 11444 was done to combine/rezone 9.1 acres and 2.2 acres, so an accessory building could be built under CUP. Then a third revision and preliminary CSM was done to create an approximately 17acre lot. Under the two revised proposals, there would be land to the east that would not include road right of way. Falligant spoke with Majid Allan from Dane County Zoning who is concerned about the inaccessible parcel of land. An email from Majid was sent to Robert Lange and a separate email was sent to Falligant late this afternoon regarding his Petition. Falligant read the emails to the Commission. Mr. Lange did not attend the meeting but had advised Falligant that he would be satisfied with rezoning 2.2 acres and a deed restriction placed on the remaining land. The problem remains the road access for the land owned jointly. Olson stated a road access will be difficult to obtain due to the poor quality of the land. The Plan Commission reviewed the original Petition filed in May, 2019. Falligant stated a motion to recommend to the Town Board approval of Petition 11444 on behalf of Robert Lange for the purpose of creating a developable parcel on land suitable to build on. There have been a number of discussions with Dane County Planning and Zoning and Robert Lange, and a number of preliminary survey maps generated in association with this Petition. These were associated in

Robert Lange's desire to construct an ag building for the maintenance of the approximate 41.8 acres that he owns. Lot 1 CSM 5599 has the development right on 9.14 acres, but there is no suitable building site on the parcel due to wet conditions. The proposed Lot 1 2.2 acres is directly adjacent to CSM 5599 and has a suitable building site. In discussion between Kent Falligant and Majid Allan we allowed the development right to be moved to the adjacent 2.2 acres, as this could have been achieved through land purchase ultimately. In the end, it is Robert Lange's verbal instruction to Kent Falligant during a telephone conversation on June 9, 2020, that he would like to revert back to the original petition filed on May 21, 2019, to rezone 2.2 acres to RR-2. That preliminary CSM associated with the original petition also included another Lot 1 CSM 5599 and Lot 2 for 30 acres. In discussion with Dane County Planning and Zoning, and in keeping with the Town of Dunkirk's Land Use Plan, it is not desirable to create a land-locked parcel with no road right-of-way. Therefore, it is suggested by Dane County, with Town concurrence, to see Lot 1 CSM 5599 combined with Lot 2 30.0 acres, zoned as FP-35 and deed restricted for no further residential development, as a separate lot that has road right-of-way access. This is also consistent with an email sent to Robert Lange by Majid Allan dated June 10, 2020, stating the same. Lot 1 CSM 5599 and Lot 2 30.0 acres when combined will be approximately 39.1 acres. That lot shall maintain right-of-way easement for the approximate 68 acres of agricultural land and that easement shall exit the 39.1 acre lot south, just to the east of the 2.2 acre Lot 1. The June 10, 2020 email from Majid Allan to Kent Falligant recommended a condition that a deed restriction be placed on the remaining approximate 68 acres of ag land, indicating no more splits are available. That land is not included in this petition so Town is only recommending that the approximately 39.1 acres (assumed Lot 2) be deed restricted for new further single family residential development. If Dane County confirms that deed restriction is applicable and appropriate on the larger agricultural parcel, then Town concurs. The Town does not currently have a preliminary certified survey map that accurately represents this Petition, but we do have a preliminary survey map that accurately describes the entire boundary of the two parcels for which we are recommending approval. A preliminary survey map would need to be created for Dane County review and approval to create the 2.2 acre lot and the 39.14 acre lot. Motion was seconded by Brett Olson. Motion carried 5-0.

New Business:

1. *Any pre-application conferences.* None.

Falligant stated the next meeting is July 8, 2020, starting at 7:00 p.m.

Schildt moved to adjourn the meeting. Falligant seconded the motion. The motion carried 5-0. The meeting adjourned at 8:33 p.m.

Minutes submitted by
Melanie Huchthausen, Clerk

Attachments: Meeting Agenda
Attendee Sign-In Forms