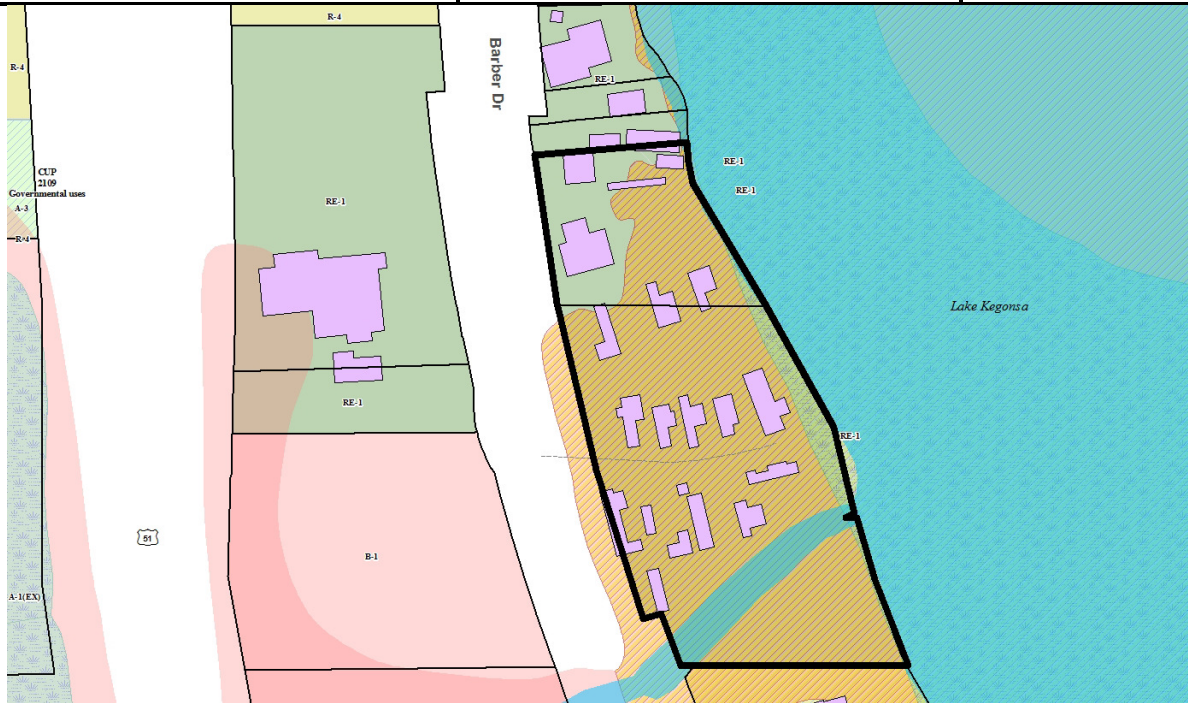




# Staff Report

Zoning and Land Regulation Committee

<i>Public Hearing:</i> <b>November 24, 2015</b>	<i>Petition:</i> <b>Rezone 10909</b>
<i>Zoning Amendment:</i> <b>RE-1 Recreational District to R-3 Residence District</b>	<i>Town/sect:</i> <b>Dunn Section 26</b>
<i>Acres:</i> 1.78 <i>Survey Req.</i> Yes	<i>Applicant:</i> <b>Barber's Bay Inc</b>
<i>Reason:</i> <b>Creating three residential lots</b>	<i>Location:</i> <b>1984 Barber Drive</b>



**DESCRIPTION:** The applicant would like to create three residential lots along the shores of Lake Kegonsa.

**OBSERVATIONS:** The land was previously used as a recreational campground. There is an existing house and several mobile homes/cabins on the property. The property is located within the Kegonsa Limited Urban Service Area that provides the area with sewer service. Portions of the property are located in the Flood Storage District. An unnamed stream (lagoon) bisects the southerly portion of the property. Wetlands have been identified along the stream bank and are considered to be part of a wetland over 2 acres in size. Structures will need to meet 75-foot setback requirements from wetland and shoreland boundaries. A topographical survey has been completed on the property to identify the flood hazard areas. Development of the lot will need to comply with Shoreland, Floodplain, and Wetland Regulations.

**TOWN PLAN:** The property is located in the town's Limited Service Area. The town plan generally does not permit RE-1 Recreational zoning. The proposed change in zoning and use would bring the property into compliance with town plan policies.

**RESOURCE PROTECTION:** GIS information shows an area of resource protection covering approximately 85% of the property due to the 100-year floodplain. A topographic survey revealed that the floodplain impacts 15% of the property. See attached map.

**STAFF:** Lot 3 will have a severely limited development potential due to setback, floodplain, and wetland requirements. Lot 2 will be impacted by wetland setbacks. See attached. The current configuration leaves a 900 square-foot building envelope on Lot 3; Lot 2 and 1 will have an acceptable building envelope area. Given the sensitive environmental features on the property, County staff feels that the development may be more suitable to just two lots. Property lines could possibly be shifted to make a small but acceptable building envelope area on Lot 3. Staff suggests that the building envelopes be required to be shown on the recorded Certified Survey Map so that environmental features are acknowledged.

**County Treasurer:** There are \$122,300 of delinquent taxes on the properties. See attached memo.

Petition 10909 continued

**PETITION UPDATE:** The petitioner has amended the petition. The request is to have only the two most northerly lots (Lots 1&2) be rezoned to the R-3 Residence Zoning District and retaining the current zoning of RE-1 Recreational Zoning District for the southerly lot (Lot 3). The application and proposed certified survey map have been revised to reflect this change. See attached.

**TOWN:** The Town of Dunn has reviewed the revised petition and has approved it conditioned upon a certified survey map (CSM) being recorded and the CSM reflect a 100-foot building setback from the wetlands on the property per the Town Comprehensive Plan policies.

**STAFF:** The revised petition appear to be consistent with the Town's planning policies. Lot 1 & 2 have an adequate building envelope area to support single-family residences. The RE-1 zoning for Lot 3 would be suitable for passive recreational activities associated with the lakefront property.

If approved, Staff suggests that the building envelope areas be identified on the certified survey map as presented. Also, the zoning changes would become effective until such time as the delinquent taxes are paid on the tax parcels as listed on the County Treasurer report.