
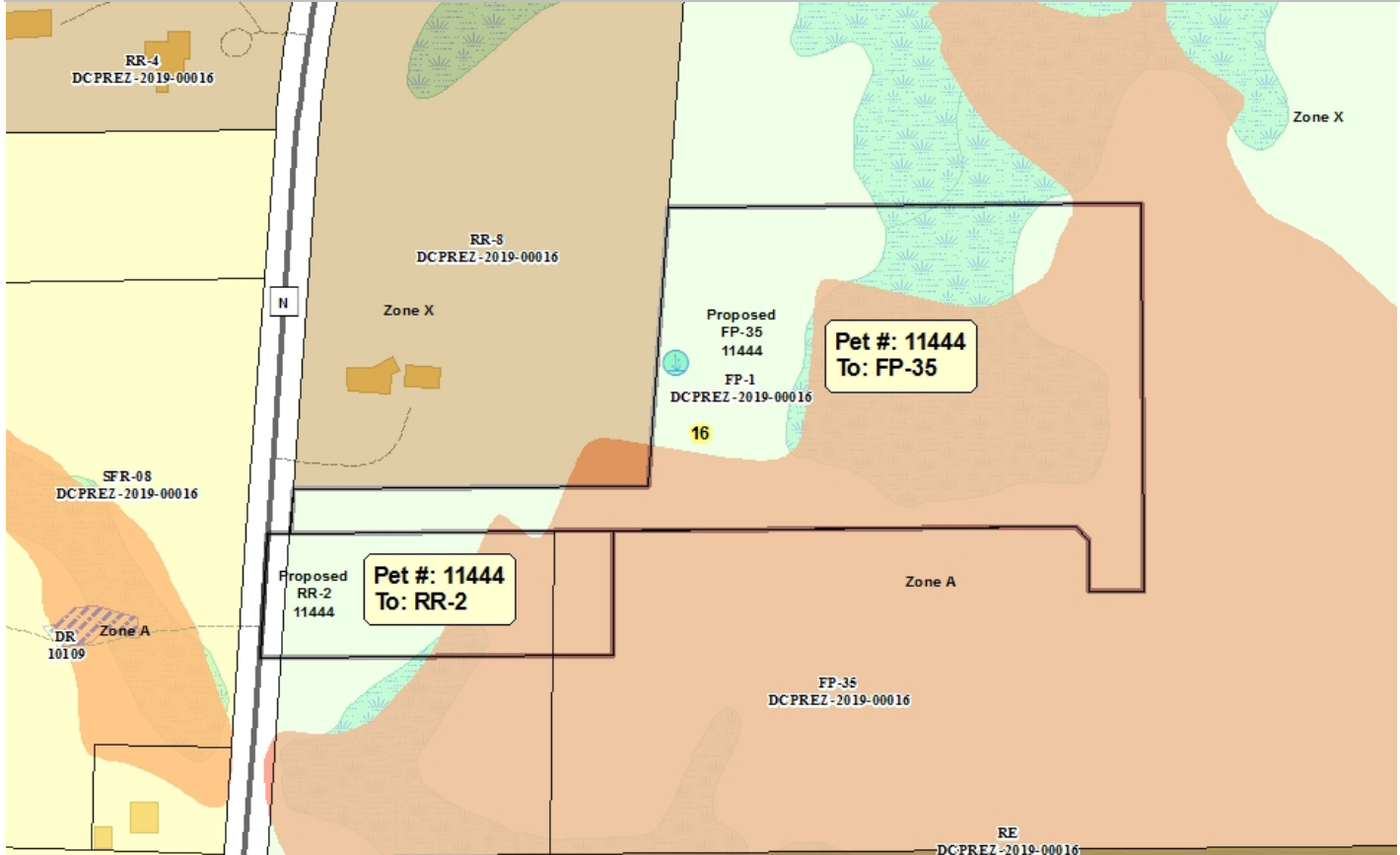


Staff Report  Zoning and Land Regulation Committee Questions? Contact: Majid Allan – 267-2536	Public Hearing: August 27, 2019	Petition 11444
	Zoning Amendment Requested: FP-35 and FP-1 (Farmland Preservation) District TO RR-2 (Rural Residential, 2 to 4 acres) District and FP-1 (Farmland Preservation) to FP-35 (Farmland Preservation)	Town/Section: DUNKIRK, Section 16
	Size: 2 Acres (RR-2); 9 Acres (FP-35) Survey Required. Yes	Applicant: ROBERT LANGE
	Reason for the request: Creating one residential lot and one agricultural lot	Address: SOUTH OF 1026 COUNTY HIGHWAY N
Note: Petition revised to include 35+ acre FP-35 lot on June 15		



DESCRIPTION: Applicant proposes to create a new 2 acre RR-2 residential lot on property located south of 1026 County Highway N. Proposal would involve relocating an existing unused development right on the applicant’s adjoining property (lot 1 CSM #5599). Applicant updated the petition request to also propose to create a ~39 acre FP-35 ag/open space parcel by consolidating the adjoining ~9 acre CSM #5599 with approximately 30 acres of unplatted land to the east and north.

OBSERVATIONS: Surrounding land uses include wetlands / open space, and numerous residences located along CTH N. Wetlands and floodplain associated with an unnamed intermittent stream encroach onto the easterly 1/3 of the proposed RR-2 property with hydric (wet) soils present across the easterly 1/2 of the property. There appears to be a suitable area of upland totaling approximately .5-.8 acres that could serve as a building site. No development is proposed on the ~39 acre FP-35 parcel.

TOWN PLAN: The property is located in the town’s agricultural preservation area. Development is limited to one dwelling unit per 40 acres owned as of July 1, 1979.

RESOURCE PROTECTION: An area of resource protection corridor associated with 75’ wetland buffer area and 100 year floodplain is present on the easterly 1/3 of the proposed RR-2 parcel. Resource protection corridor comprises roughly 90% of the proposed 39 acre FP-35 parcel.

COUNTY HIGHWAY DEPARTMENT: County Highway N is not a controlled access highway. Any changes in use of the existing access points or new access points will need an access permit from the Dane County Highway Department. Joint use access will be required where possible.

ZLR COMMITTEE 8/27/19: The petition was postponed at the ZLR public hearing on 8/27/19 due to no town action.

STAFF: Applicant is part owner of approximately 100 acres of unplatted FP-35 zoned land lying east of County Highway N. As indicated on the attached density study report, the 100 acre property was part of a larger 1979 farm unit that is not eligible for any additional density units ("splits"). However, there is a building right associated with the existing ~9 acre FP-1 parcel (lot 1, CSM #5599) which the applicant proposes to relocate to the proposed RR-2 parcel. As noted above in the observations section, the property is relatively low lying with hydric soils present on the easterly half of the property. The portion of the proposed RR-2 parcel fronting County Highway N appears to have a suitable area of upland on which to build.

STAFF UPDATE: The applicant has amended the petition request to consolidate the existing ~9 acre lot 1 CSM 5599 with adjoining 30 acres of ag/open space lying to the east and north. The result would be a 2 lot Certified Survey Map: a 2 acre Lot 1 zoned RR-2 for residential development, and a ~39 acre Lot 2 zoned FP-35 for ag/open space use. See attached revised CSM.

Access to both the RR-2 and FP-35 property would utilize an existing driveway on proposed lot 2. A shared driveway easement agreement has been drafted to ensure access to the proposed residential lot, as well as the ag/open space lands to the east and north.

The proposal appears reasonably consistent with town plan policies. Staff recommends approval be conditioned on the following:

1. The petition shall be amended to include rezoning existing ~9 acre lot 1 of CSM 5599 to FP-35 to be combined with approximately 30 acres of adjoining unplatted lands to create a new, ~39 acre FP-35 zoned parcel to be shown as lot 2 on the final CSM.
2. A deed restriction shall be recorded on the balance of land owned by the applicant prohibiting further nonfarm development or division in accordance with town of Dunkirk comprehensive plan policies (tax parcels: 051116288508; 051116280015; 051116190701; 051116185708; 051116185002; 051109492103).
3. The 100 year floodplain boundary and wetland buffer area shall be depicted on the final CSM. No structural development shall be located in the environmentally sensitive areas.
4. Applicant shall record a shared driveway easement agreement ensuring access across proposed ~39 acre Lot 2 to the new RR-2 parcel and the neighboring ~68 acres of FP-35 zoned lands lying to the east and south. The easement shall be depicted on the CSM, and the recorded shared driveway easement agreement shall address maintenance and upkeep responsibilities between all users of the driveway.

TOWN: Approved with conditions (incorporated in the staff recommendations, above).