
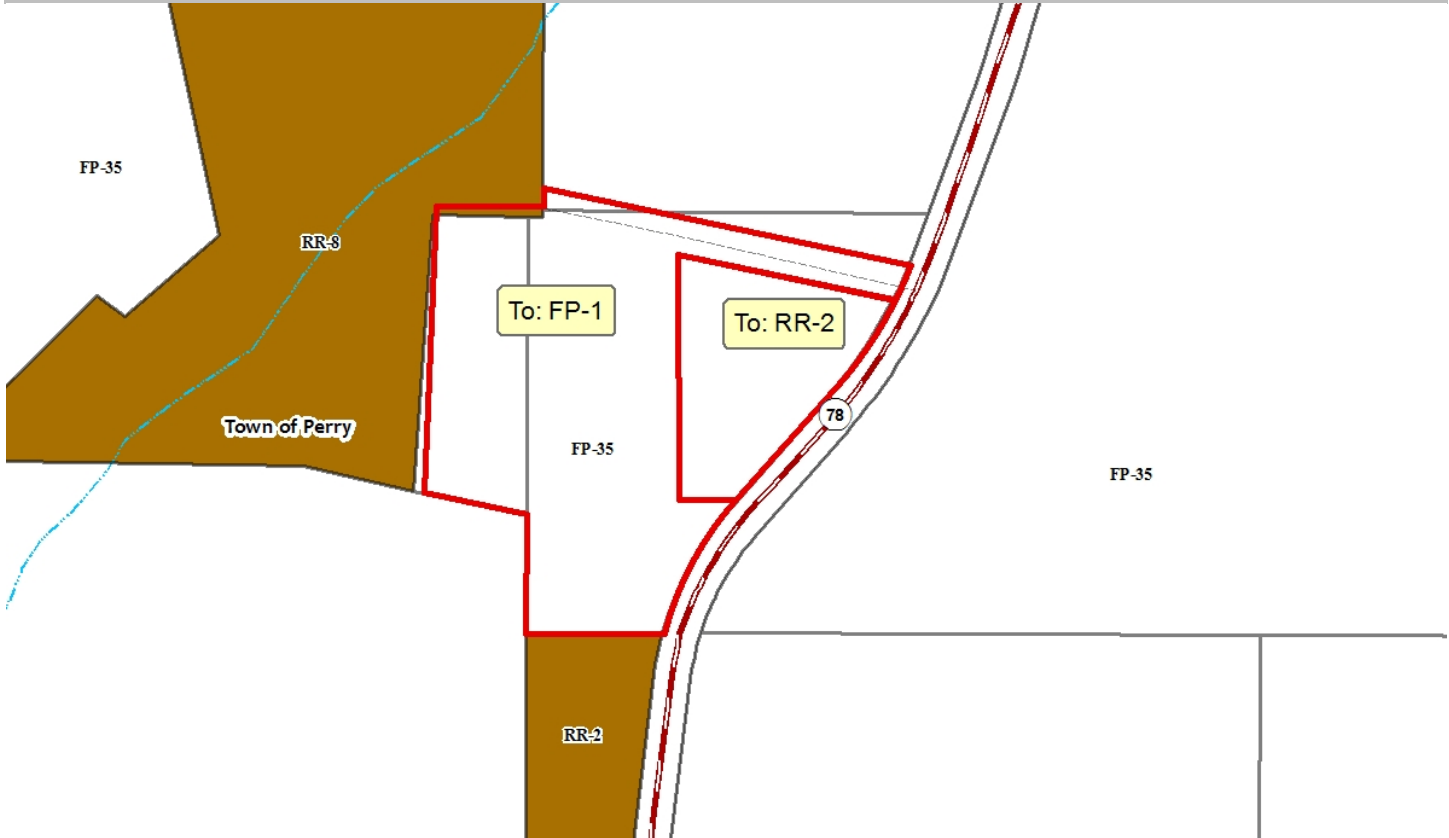


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> July 25, 2023		Petition 11958
	<i>Zoning Amendment Requested:</i> FP-35 Farmland Preservation District TO RR-8 Rural Residential District		<i>Town/Section:</i> PERRY, Section 3
	<i>Size:</i> 10.23 Acres	<i>Survey Required:</i> Yes	<i>Applicant:</i> ARTHUR POST
	<i>Reason for the request:</i> Creating one residential lot		<i>Address:</i> SOUTH OF 1573 STATE HWY 78



DESCRIPTION: Applicant Arthur Post proposes rezoning 10.2 acres to RR-2 and FP-1, in order to create one residential lot and one agricultural lot. The petition was revised from the original request which would have created one 10.2-acre residential lot; based on the Town’s review and farmland preservation policies. The revised proposal minimizes the amount of land being taken out of FP zoning.

OBSERVATIONS: The proposed lots meet the requirements of the RR-2 and FP-1 zoning districts, including lot size and public road frontage. The existing parcel was confirmed to be a legal parcel of record.

The proposed CSM shows the existing access easement (66’ wide, per recorded document No. 4011324) that provides access to the home to west. DOT approval is needed to add another home to this driveway as a shared access to State Highway 78. DOT staff has confirmed no concerns with the proposal.

COMPREHENSIVE PLAN: The property is within a Farmland Preservation area under the *Town of Perry / Dane County Comprehensive Plan* and the *Dane County Farmland Preservation Plan*. Residential development is limited to one unit per 35 acres owned as of 8/22/1979. Based on recorded documents, the Arthur Post portion of this property is allocated one remaining development site. If Petition 11958 is approved, this will exhaust the development potential for the portion of the property currently owned by Arthur Post.

Dwellings or other development must be on “small parcels that preserve large parcels for continued agricultural use.” (For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing@countyofdane.com.)

RESOURCE PROTECTION: A portion of the proposed FP-1 lot (approximately 1 acre) is within the shoreland zone due to proximity to an intermittent stream to the west. Any ground disturbing activity with the shoreland zoning district requires a shoreland erosion control permit. However, no disturbance within this area is anticipated with this proposal.

TOWN ACTION: On June 13, 2023 the Town Board recommended approval of the rezone, contingent on registering a shared driveway maintenance agreement with the Dane Co. Register of Deeds.

STAFF RECOMMENDATION: Pending any comments at the public hearing, staff recommends approval of the rezone petition subject to the applicant recording the CSM for the lot and the following conditions:

1. A deed restriction shall be recorded on tax parcels 0506-032-9120-7 and 0506-032-8540-1 stating the following:
 - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original farm have been exhausted per the Town Comprehensive Plan density policies.
2. Applicant shall record a shared driveway maintenance agreement with the Dane County Register of Deeds for the shared driveway.

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