
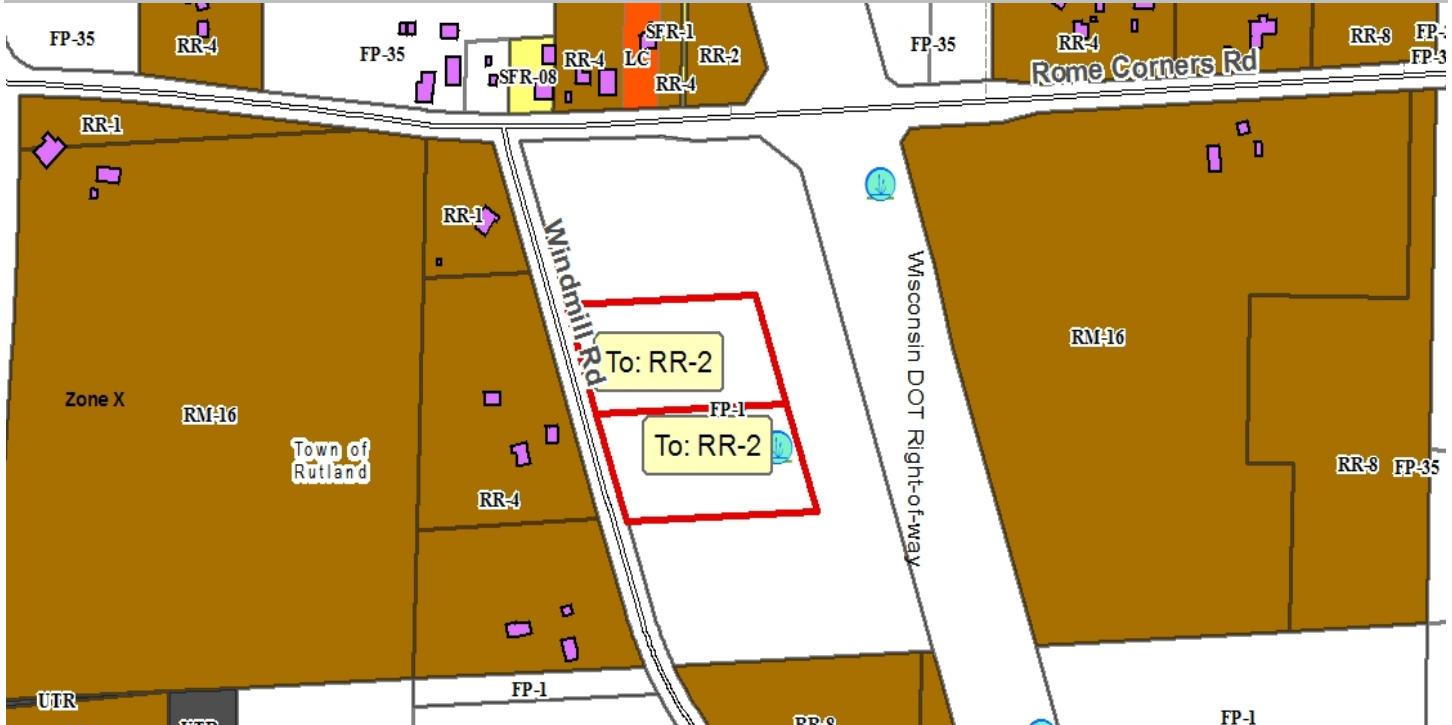


Staff Report  Zoning and Land Regulation Committee	Public Hearing: March 28, 2023	Petition 11927	
	<u>Zoning Amendment Requested:</u> FP-1 Farmland Preservation District TO RR-2 Rural Residential District		<u>Town/Section:</u> RUTLAND, Section 19
	<u>Size:</u> 6 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> MPS ENTERPRISES INC
	<u>Reason for the request:</u> Creating two residential lots		<u>Address:</u> EAST OF 615 WINDMILL ROAD



DESCRIPTION: Applicant Michelle Burse on behalf of owner MPS Enterprises Inc. (Mike Schmudlach) proposes to create two residential lots via certified survey map (CSM). The parcel is currently 20 acres. The two residential lots would be zoned RR-2; the remnant lands would be within a third CSM lot that provides a buffer around the residential lots and would remain zoned FP-1.

OBSERVATIONS: The property abuts publicly dedicated right-of-way for the planned future realignment of State Highway 73. This area is currently in agricultural use. The proposed residential lots would be roughly 200 feet away from the highway ROW.

The proposed lots are roughly 0.7 miles from active quarry operations to the southwest across CTH MM (permitted under Conditional Use Permit #2510 and #2334).

The property is within the Village of Brooklyn’s extraterritorial jurisdiction for land division/CSM reviews.

COMPREHENSIVE PLAN: The property is located in the town’s agricultural preservation area. As indicated on the attached density study reports, the owners’ properties are eligible for 2 density units or “splits”. The proposal will cluster the available density units from the owners’ two contiguous 1978 farm properties on a small wooded portion of the property. If the proposal is approved, the eligible density units will be exhausted. Pending any concerns raised at the ZLR Public Hearing, staff recommends a condition requiring the owner to record a deed restriction on the balance of the applicant’s property, including the proposed FP-1 parcel, prohibiting non-farm development in accordance with

town/county comprehensive plan policies, as specified in the staff recommendations below. (For questions about the comprehensive plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

RESOURCE PROTECTION: There are no resource protection corridors on the subject property. Staff have confirmed the site does not contain hydric soils or wetland indicators, despite the Wisconsin DNR data showing a “wetland less than 2 acres” in the location of proposed Lot 3. Further investigation of the status of the wetland is not required.

TOWN ACTION: On March 8, 2023 the Town Board recommended approval of the rezoning with the condition that a deed restriction be recorded stating:

- The creation of these two lots will exhaust all development rights on Parcel #s 0510-193-8041-0, 0510-193-9500-4 and 0510-194-9000-8.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning subject to the following conditions:

1. A deed restriction shall be recorded on tax parcels 0510-193-8041-0, 0510-193-9500-4 and 0510-194-9000-8 stating the following:
 - a. Further residential/nonfarm development is prohibited. The housing density units have been exhausted per the Town Comprehensive Plan density policies.

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