

MEMORANDUM

Business Item B

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & recommendation on a Certified Survey Map (CSM) submitted by Chris Perreault on behalf of John Kulogo & David Hughes to reconfigure portions of Tax ID #006-0420-02; Tax ID #006-0420-03; and Tax ID #006-0420-05 (3464 & 3442 County Rd II).

Please see the comments below from Code Administrator Kamke:

This Certified Survey Map is requested to prepare for an ownership transfer of an outbuilding between lots, and the addition of agricultural production acreage to the Proposed Lot 1. When done in combination with the rezoning on this agenda, the proposed lots will meet most but not all dimensional standards for their districts, being lot area, average lot width, and setbacks from lot lines to buildings. Proposed Lot 1 would not meet the minimum road frontage required for A-2 General Agriculture district.

Three parcels, created by the same historic CSM #8112, will be reconfigured into three new parcels. Current parcels are: 006-042002, being Lot 1 of CSM #8112 owned by David Hughes; 006-042003, being Lot 2 of CSM #8112 owned by John H. Kulogo; and 006-042005, being Lot 4 of CSM #8112 owned by Kulogo Farmland LLC.

Proposed Lot 1 of this CSM is owned by John H. Kulogo (residential portion) and Kulogo Farmland LLC (agricultural field). It is proposed to combine approximately ± 3.88 acres from that field with existing 1.32 acres of residential-use land that has frontage and a driveway on County Road II to create a ± 5.2 acre lot. These lands will be combined with some land area from the Hughes' property to the west, being an outbuilding and acreage to "square off" both lots. This new Proposed Lot 1 will be zoned A-2 General Agriculture district. The A-2 General Agriculture district requires a minimum of five acres, and 200ft for both average lot width and minimum road frontage. At a proposed 5.2 acres, 326.6 feet average width, and 162.39 feet of road frontage, Proposed Lot 1 does not meet all the required dimensional standards.

Proposed Lot 2 of this CSM is owned by David Hughes. Approximately 0.06 acres from the Kulogo Farmland LLC field will be added to the Proposed Lot 2. This, in combination with realigning the west lot line to exclude the outbuilding, will result in the north lot line of Mr. Hughes' parcel being set in a cleaner, generally east-west straight line. Additionally, area along County Road II from the property to the east (Mr. Kulogo's parcel) also will be added to Proposed Lot 2, for this Proposed Lot 2 to meet dimensional requirements of the R-1 Rural Residential district. As included in the zoning change memo, R-1 Rural Residential district requires a minimum area of 43,000 square feet, 33 feet of road frontage, and 200 feet of average lot width.

This is the fourth land division of this land in the last five years. Per Wis Stats 236.02(12)(am), land divisions creating lots of 1.5 acres or less are limited to no more than four divisions in five years when using the Certified Survey Map method. Property

owners wishing to divide more times or lots than that must do so by the plat process. In March 2024, three lots fitting this “subdivision” definition were created by recording CSM #8112 (Document #1918904 in the Winnebago County Register of Deeds). Approval and subsequent recording of this proposed survey will create a fourth lot of less than 1.5 acres. This is allowable, and just means that no other subdivision of land can occur on this land until at least 2029. The CSM request heard earlier in 2025 by this Commission was approved by the Town, but never recorded, and so does not count towards the statutory maximum.

Each lot of this proposal has an individual well, septic system, and driveway access. They are not within an area of expected sanitary district service expansion. Section 7.10.11(6)(a) of the Town Subdivision Ordinance requires all pertinent features of the property to be documented on the map. If there is information about the septic system location (drain fields, vents, tank covers, etc.) those must be included. Adjacent property owners must be listed over their respective parcels on the survey as required in the subdivision ordinance. It is also recommended that the ownership of the Proposed Lot 1 be clarified if it will be only in Mr. Kulogo’s ownership, solely by the LLC, or by both together.

Staff Recommendation

It is staff opinion that should this survey be recommended for approval to the Town Board, the rezoning request should also be recommended for approval. Similarly, if this is not recommended for approval, the zoning change item should also be denied. Doing one without the other will result in split-zoned lots, creating difficulty in administering and enforcing Town ordinances.

SUGGESTED MOTION(S):

Motion to recommend approval of the CSM application submitted by Chris Perreault on behalf of John Kulogo & David Hughes.

Motion to recommend denial of the CSM application submitted by Chris Perreault on behalf of John Kulogo & David Hughes.

Respectfully Submitted,
Kelsey