

## MEMORANDUM

### Business Item A

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & recommendation on a Certified Survey Map (CSM) Review Application submitted by Northeast Asphalt & Susan Kottke for approval of a 2-Lot CSM transferring 0.18 acres +/- from Tax ID #006-0496 (Hickory Ave/County Rd II) to Tax ID #006-0502-02 (8397 Hickory Ave).

Please find the below notes from Code Administrator Kussow:

After review of the attached 2-lot CSM transferring land from PIN 006-0496 to PIN 006-0502-02, I have the following comments:

1. The majority of PIN 006-0496 is located in the General Agriculture (A-2) District with the area adjacent to County Rd II and the Country Rd II/Hickory Ave intersection being located in the General Business (B-3) District. The existing use of PIN 006-0496 is "nonmetallic mine" which is a Conditional Use in the A-2 District and is not an allowed use in the B-3 District. (Existing nonmetallic mining operations in the B-2 zoned portion of the property is considered a legal nonconforming use)
2. PIN 006-0502-02 is located in the Rural Residential (R-1) District. The existing use of PIN 006-0502-02 is "single-family dwelling" which is a Permitted Use in the R-1 District.
3. There are no shoreland, floodplain, or wetland concerns/considerations for the subject parcels.
4. The subject parcels are not located in Outagamie County Airport Zoning or an Airport Height Limitation Zone
5. The proposed Lot 1 is not located in a Sewer Service Area or Sanitary District.
6. The proposed Lot 2 is partially located in the Larsen-Winchester Sewer Service Area and entirely located in the Larsen-Winchester Sanitary District. The portion of the proposed Lot 2 proposed to be transferred from PIN 006-0496 to PIN 006-0502-02 is not in the Larsen-Winchester Sewer Service Area.
7. The proposed Lot 1 will be in the A-2 and B-3 Districts as described in comment #1 above.
8. The proposed Lot 2 will be in the R-1 and A-2 Districts. (The portion of the proposed Lot 2 proposed to be transferred from PIN 006-0496 to PIN 006-0502-02 is the portion in the A-2 District)
9. The applicable minimum lot requirements for the A-2 District are as follows:
  - a. Minimum lot size: 5 acres
  - b. Minimum lot width: 200 ft.
  - c. Minimum road frontage: 200 ft.
10. The applicable minimum lot requirements for the B-3 District are as follows:
  - a. Minimum lot size: 2 acres
  - b. Minimum lot width: 300 ft.
  - c. Minimum road frontage: 300 ft.
11. The applicable minimum lot requirements for the R-1 District are as follows:
  - a. Minimum lot size: 12,000 sq. ft.
  - b. Minimum lot width: 85 ft.
  - c. Minimum road frontage: 33 ft.
12. The proposed Lot 1 complies with all applicable requirements for the A-2 and B-3 Districts.
13. The proposed Lot 2 complies with all applicable requirements for the R-1 District, but does not meet the applicable requirements for the A-2 District.

It is Staff's opinion that the CSM may be approved even though Lot 2 does not meet the A-2 District requirements since this land transfer is not technically subject to the provisions of the Town Subdivision Ordinance. Section 7.10.02, General Provisions, of the Town Subdivision Ordinance states: "...in no instance shall the provisions of this chapter apply to: ...

*(c) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum size required by these regulations..."*

This land transfer is a sale of a parcel of land between owners of adjoining property, no additional lots are being created, and PIN 006-0502-02 is not being reduced in size. The land transfer will result in lots following occupied/maintained lot lines.

It is Staff's opinion that the CSM may be approved, as proposed.

**Suggested Motion:**

*A motion to recommend approval of the CSM submitted by Northeast Asphalt & Susan Kottke as presented.*

Respectfully Submitted,  
Kelsey