

MEMORANDUM

Business Items A & B

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & consideration of Resolution 2024-003 making a Recommendation to the Town Board of Supervisors regarding a Re-zoning application submitted by Chris Perrault on behalf of Nathan Chromy, to re-zone approximately 2.90 acres of Tax ID #006-0018-01 addressed 2676 Shady Ln (Lot 1 of proposed Certified Survey Map) from A-2 (General Agriculture District) to R-1 (Rural Residential District).

AND

Plan Commission review & recommendation on a Certified Survey Map (CSM) Review Application submitted by Chris Perrault on behalf of Nathan Chromy, to divide Tax ID #006-0018-01 into two (2) lots.

Below are the Staff Comments provided by Code Administrator Greenberg:

After review of the proposed re-zone and 2-lot CSM dividing Tax ID #006-0018-01 (2676 E Shady Lane), I have the following comments:

1. The subject property is located in the Town's A-2 (General Agriculture District). The existing use of the subject property is agricultural and residential.
2. Lot 1 is proposed to be re-zoned to R-1 (Rural Residential District) and would contain all existing buildings which include a single-family residence and two storage sheds.
3. The entire subject property is located in the Tier 1 "Residential – Single and Duplex" (Airport Zone 2B) Future Land Use categories per the Town Comprehensive Plan/Future Land Use map. This plan category recommends a maximum residential density of one-half acre per dwelling unit. A proposal to create a 2.90-acre lot for single-family residential use is consistent with that recommendation.
4. Shady Lane is a Class II road with an 80-foot wide right-of-way.
5. There is no mapped floodplain and no mapped wetlands.
6. The subject property is located in both the AOD2(B): Airport Overlay District Zone 2B and AOD3: Airport Overlay District Zone 3 per Outagamie County Airport Zoning and is located in the 954 ft. Airport Height Limitation Zone.
7. A tributary of Mud Creek borders the subject lands to the north. Lands within 300 feet of the waterway are subject to the County's General Agriculture (A-2) District per the Winnebago County Shoreland Viewer and Zoning Viewer.
8. The adjacent lots to the east and west are zoned R-1 Rural Residential 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.
- d. Minimum side yard: 15 ft.
- e. Minimum rear yard: 50 ft.
- f. Accessory Buildings Max: 1,500 sq. ft. plus 1% of lot area in excess of lot size requirements with no limitation for farm uses.

10. The applicable minimum lot requirements for the R-1 District are as follows:

- a. Minimum lot size: 43,000 sq. ft. (unsewered)
- b. Minimum lot width: 200 ft. (unsewered)
- c. Minimum road frontage: 200 ft. (unsewered)
- d. Minimum side yard: 7 ft. on one side; 10 ft. on the other side.
- e. Minimum rear yard: 25 ft.
- f. Accessory Buildings Max: 1,500 sf. plus 1% of lot area in excess of lot size requirements

Proposed Lot 1 would be allowed a total of 2,333 sf., where Proposed Lot 1 currently contains two accessory buildings totaling +/-3,750 sf.

- g. The R-1 District also limits the square footage of accessory buildings used for household livestock to 1% of the lot or approximately 1,263 sq. ft.

11. Proposed Lot 2 complies with all A-2 District Requirements.

12. Proposed Lot 1 complies with all R-1 District Requirements with the exception of the maximum allowable accessory building square footage, as addressed in the recommended conditions.

Staff Recommendations:

It is Code Administrator Greenberg's opinion that both applications may be approved, subject to the following conditions:

RE-ZONING APPLICATION:

- 1. Within twelve (12) months of this approval, the owner must record a Certified Survey Map, which is in substantial conformance with the submitted CSM.
- 2. If required by Winnebago County, the zoning and setback information should reference Winnebago County's zoning ordinance or should otherwise be removed.

CSM REVIEW APPLICATION:

- 1. The lands within proposed Lot 1, must be rezoned to the R-1 Rural Residential District, prior to recording the CSM.

2. Subject to a determination by the Zoning Administrator that the current accessory buildings on Lot 1 meet the standards to be designated as Rural Accessory Buildings, pursuant to Article 7, Division 14 of the zoning code as well as all applicable accessory building standards of the R-1 Rural Residential District.
3. Any accessory buildings which are not determined to be Rural Accessory Buildings or otherwise allowed, are subject to compliance with all accessory building use and dimensional standards of the R-1 Rural Residential District. Should the number of buildings or total square footage need to be reduced to comply with the above, those buildings shall be removed/reduced prior to the Town signing the CSM.
4. Per WI s. 236.25 (2) (c) The surveyor's seal shall be signed sealed and dated on all pages.
5. Per Chapter 7.10.08(1) of the Town Land Division Ordinance, the 7 ft. road reservation noted along Shady Lane Road must be dedicated and shall be noted as "Dedicated to the public for roadway purposes".
6. The following well casing note shall be added: "Lot created in the document area located in the Special Well Casing Pipe Depth Area. This area has been established due to naturally occurring Arsenic contamination problems in this area affecting many wells. Individuals who plan on drilling a well should consult with the Wisconsin Department of Natural Resources, or a drilling professional, to determine how to comply with the provisions of s. NR 812.12(3) of the Wisconsin Administrative Code."
7. If required by Winnebago County, the zoning and setback information should reference Winnebago County's zoning ordinance or should otherwise be removed.

SUGGESTED MOTIONS:

Motion AND ROLL CALL to approve Resolution 2024-003 Recommending the Re-zoning of Property from A-2 (General Agriculture District) to R-1 (Rural Residential District).

Motion to recommend approval of the CSM submitted by Chris Perrault on behalf of Nathan Chromy with the 7 listed Staff Recommendations & Conditions.

Respectfully Submitted,
Kelsey