

APPROVED MINUTES OF THE SPRINGDALE PLAN COMMISSION MONTHLY MEETING FOR SEPT. 23, 2019

IN ATTENDANCE: Rich Bernstein, Ellen Bunn, Jim Hanson, Mike Healy, Amy Jester, David Schmidt, (A quorum is present.)
Town Chair Mike Fagan, Town Supervisor Richard Schwenn, Town Clerk Susan Duerst Severson and Vicki Anderson, Deputy to the PC.

CALL TO ORDER: by A. Jester at 7 p.m. in the Springdale Town Hall, 2379 Town Hall Road, Mt. Horeb, WI 53572.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. The final agenda was posted on 09/19/2019 in the three customary locations in the Town of Springdale as required by law, and as a courtesy to the citizens, a notice of the meeting was published in the *Mt. Horeb Mail* on 9/19/2019. The Class 2 Notice for the Public Hearing re: the CUPs was published and posted: 9/5 and 9/12/2019.

MINUTES: MOTION by Schmidt/Healy to approve the draft meeting minutes of the 8/22/2019 PC meeting. Motion to approve carried 5-0.

JOINT PUBLIC HEARING BY THE TB AND PC RE: CONDITIONAL USE PERMITS FOR THE FOLLOWING PROPERTIES REQUIRED FOR CONSISTENCY WITH THE DANE COUNTY ZONING NEW ZONING CLASSIFICATIONS: HOUSEKEEPING MATTER; NO CHANGES TO CURRENT USE AND CONDITIONS:

- a. Roger Disch/vehicle repair or maintenance & caretaker's residence/Spring Rose Rd./Sec. 24,
- b. W. Garfoot/the height of an accessory building*/Springdale Center Rd./Sec. 28,
- c. Green Fire Properties/farm residence/Offerdahl Rd./Sec. 21,
- d. Mueller, A. and J./vehicle repair or maintenance & outside sales/Sec. 16,
- e. Seeshell/vehicle repair or maintenance & caretaker's residence/County Highway PD/Sec. 12,
- f. Area 52 LLC**/vehicle repair or maintenance/Springdale Street/Sec. 7,
- g. Sutter Family Farm/agriculture entertainment events to exceed 10 events per year/Sutter Dr./Sec.29.

(NOTE: *The posted agenda for the Garfoot proposed CUP contained the term 'existing accessory building'. In the draft CUP application it is correctly stated as 'accessory building'. **The published agenda for the Area 52 LLC listed the owner as SOP Springdale LLC, the LLC for the Jon Steinhauer property adjacent to Area 52 LLC, his vehicle repair and maintenance service business location. The posted agenda and draft CUP application are correct as listed above.)

CALL TO ORDER OF THE JOINT PUBLIC HEARING: The Joint Public Hearing was called to order and the TB Chair Fagan and PC Chair Jester explained the process.

Process: For consistency with the Comprehensive Revision to Dane County Code of Ordinances, Chapter 10 – Zoning, "Chapter 10", the Town has initiated the Conditional Use Permit applications for the 7 entities listed above. This is a housekeeping matter. The purpose is to maintain these current, legal uses going forward under the revised Chapter 10. There are no changes to the uses or added conditions. By the Town serving as the agent for the landowner, the landowner incurs no cost. A landowner who wishes to continue the CUP application process with the Town as the agent shall sign the application form and return it to the Town.

Example: As an example of the housekeeping matter, the Sutter Family Farm LLC conducts an agricultural entertainment event every Fall on the farm. Under the old Chapter 10, part of the farm operation was zoned B-1 Business zoning district. The B-1 zoning classification has been replaced with other zoning classifications. With the revised Chapter 10, the entire farm will be zoned AT-35, Agriculture Transition, 35 acres, Zoning District, with the CUP for the continuation of the current, legal business.

ADJOURN THE PUBLIC HEARING: jointly by Fagan and Jester.

MOTION by the PC Jester/Hanson to approve the CUP applications because it will allow for the current uses going forward. It is a housekeeping matter with no added conditions and no changes. Motion carried 5-0-1 (Healy abstained as owner of Green Fire Properties.)

MOTION by Bunn/Bernstein to affirm that each of the 7 CUPS meet the Eight Standard Conditions for Conditional Use Permits and the PC recommends approval to the TB.

EIGHT STANDARDS OF A CONDITIONAL USE PERMIT

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.
8. If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220(1) (Note – The Town of Springdale does not have a FP area.)
Discussion: The Eight Standards were read by Chair Jester. It was affirmed that the uses do not negatively impact any of the standards.
Motion to recommend approval carried 5-0 -1(Healy abstained.)

PAUSE IN PC MEETING FOR TB MEETING TO CONSIDER/ACT ON THE CONDITIONAL USE PERMIT APPLICATIONS ABOVE.

ACCESSORY BUILDING: ADAM WISNER/DESPINS LANE/SEC.15: MOTION by Jester/Schmidt to approve the proposed residential accessory building of 64' x 30' x 12' for a total of 1920 sq. ft. of accessory buildings on the property and no business use shall be located in it. Motion to recommend approval carried 6-0.

PAUSE IN PC MEETING FOR TB MEETING TO CONSIDER/ACT ON ACCESSORY BUILDING APPLICATION ABOVE.

CSM CONSISTENT WITH APPROVED CONCEPT PLAN FOR KARL AND JUDY HACKER/CTH G/SEC. 25: NO ACTION/DISCUSSION ONLY:

Submittal: The Hackers submitted a 4-lot preliminary CSM which contains the existing Lot 1, previous Lot in CSM 9688, the current Brand residence with 66' of frontage onto CTH G via the Brand's private driveway. At the time of that Lot creation, the property owners chose to build the private driveway to Town road standards. The three new CSM lots are: Lot 2 of 3.12 acres, Lot 3 of 11.73, and Lot 4 of 2.09 acres. None of the proposed three new lots contain 66' frontage on an existing public way. The contiguous acres owned on the effective date of the Plan = 36 for two new lots per Option 2. The approved concept plan shows two development areas adjacent to the Brand residential lot described above. In looking at the remaining Hacker lands near their existing residence, that land was described as too wet for a development area. The Hacker property is divided by Bridge Lane which is a private shared driveway.

Discussion: In brainstorming about a different layout for compliance with the Town Plan and other ordinances, the following aspects discussed included, but may not be limited, to the following:

* The Town does not grant an exemption/waiver to 66' of frontage on an existing public way for lots of 35 acres or less.

*The preliminary CSM shows four lots; whereas the approved concept plan designated two new development areas, not three new development areas.

*The suggestion to convert the Brand private driveway to a public road since it has been built to Town road standards was considered unlikely since the Town has the policy of minimizing new town roads and it was questioned what public good would be served by a dead-end town road serving a few houses.

*It was affirmed that Bridge Lane is a private driveway, not a Town road.

*Since the Hackers and the Brand family control this property, they could initiate a lot line adjustment to move to the West the property line of the Brand 66' of frontage/driveway to CTH G to create 66' of frontage for a lot to its East. The land to the West of this driveway has more than 66' of frontage.

*Various scenarios were discussed which allowed for the ag land to remain in a contiguous tract of land.

Next step: The Hackers offered to go back to the drawing table and reconsider.

CONCEPT PLAN APPROVAL/BILL AND KAREN WEBER/NORTH RILEY ROAD/SEC. 2: MOTION by Healy/Bunn to approve the concept plan as presented because it is found to be consistent with the goals and objective of Option 1.

Discussion: In the August PC meeting, the submitted concept plan was found to be inconsistent with the Plan. Specifically with Section 5, Residential Option 1 (B) 3. (a) states: "Lot lines shall be located to minimize the breakup of contiguous tracts of agricultural lands. Similarly, lots shall be sized to minimize the breakup of contiguous tracts of agricultural lands. To the extent possible, lot lines shall be located to follow previously existing natural or man-made boundaries, such as roads, fence rows, woods, waterways, streams, or similar boundaries. If lot lines must cross agricultural fields because other boundaries are not possible, it is desirable to locate them in such a way so as to maintain the maximum size agricultural fields in one contiguous parcel."

Since the August PC meeting, the Webers reconsidered the concept plan. The concept plan submitted at this time takes into consideration the comments made by the PC. In this September concept plan, 48 acres of agricultural land is contained with one building envelope. 22 acres of wetlands/marshlands are retained with one building envelope. Four smaller lots are staggered on the edges of the land so the viewshed across this natural area in Riley is preserved for all. Shared access points are utilized.

Motion to approve carried 6-0. Next step: The landowners may submit CSM lots consistent with this concept plan when ready.

REVISED CONCEPT PLAN/CSM LOTS/ NIZAM NIZAMUDDIN/CTH S/SEC. 5: NO ACTION/DISCUSSION ONLY:

Background: Contiguous acres owned on the effective date of the Plan = 116 acres with an existing farmhouse. Option 1 = 5 new lots, Option 2 = 7 new lots and Option 3=8 new lots.* The Nizamuddin lands extend on the North and South side of County Road S, a Dane County Highway Department controlled access highway. Prior to adoption of the Plan, the landowner developed 4 lots by CSM on the North side of this highway and 2 lots by CSM on the South side of the highway. (Dane County Highway required the existing farmhouse access point on the South side of the highway to be moved to the West to be shared with the two new lots on the South side.) Since a site visit on the lands in September, 2018, the landowner has presented various plans for developing an Option 2, 7-lot

development on the South side of the highway. Two previous layouts proposed by the landowner were withdrawn. Dane County Land Division Review office denied one layout because the flagpole lots connecting to a proposed cul-de-sac did not meet Dane County regulations for lot dimensions. The landowner withdrew another layout due to the length of the proposed new town road. All proposals were contingent upon TB approval of a proposed new town road. A proposed new town road was discussed because the Town erroneously assumed there were more access points on County Road S. The Town recently learned from Dane County Highway that the landowner was denied further access points on County Road S. At the September 2019 TB meeting, the TB encouraged the landowner to contact Dane County Highway about additional access points. The policy for New Town Roads adopted by the TB in 2013 was referenced in the meeting and had previously been distributed to the landowner.**

Current Lot Proposal: The landowner submitted a 7-lot layout to be developed by CSM lots over time. These 7 lots could only be developed if the TB approved a new town road. The proposed new town road would access County Road S at the current location of a shared driveway serving three existing residences. Dane County Highway has approved the expansion of the existing access point from serving 3 to a total of 10 residences. Dane County Highway would require the landowner to construct a turn-lane on the highway for safe ingress and egress.

Comments include, but may not be limited, to the following:

***Proposed new town road:** It was generally agreed that the proposed new town road does not meet the Policy for New Town Roads, "Policy", because it provides for an Option 2 development that, without the road, could not be created. The "Policy" requires the new town road to serve the public good and provide for improved compliance with the goals of the Plan. The proposed new town road would serve the development only. As a dead-end road, it would basically serve as a private driveway which all taxpayers in town would have to maintain after its construction. It does not improve compliance because there is no identified access without a town road for the proposed lots. It does not improve compliance by better preserving agricultural land because without the development the agricultural land is preserved.

***Another access point on County Road S:** To meet the standards of the "Policy", if another access point on County Road S were identified by Dane County Highway, the Town could consider the best location for those potential lots which could be served by that other access point. For example, if Dane County Highway approved an access point on the North side of County Road S, the Town could review whether compliance with the goals of the Plan were improved with lots on the North side via a shared private driveway or lots on the South side with a new Town road.

***An Option 3 development:** The "Policy" states that a new town road may be accepted for an Option 3 development. In the design requirements for a clustered rural subdivision, a new town road is inherent in the layout. The current lot layout presented by the landowner does lend itself to an Option 3 because the lots are clustered on approximately 25% of the land. The lots in an Option 3 development would need to be reduced in size from this layout to meet the requirement to cover only 50% of the 25% area.

(Rough math = 116 acres of land. 25% of 116 acres = 29 acres, land devoted to the cluster of lots. 50% of 29 acres = 14.5 acres, land for the lots and 14.5 acres of land for the common open space for the residential lots. 14.5 acres divided by 8 potential lots in an Option 3 development = 1.8 acres for each lot in the cluster.) With an Option 3, the lots could be developed at one time instead of 4 lots in a 5-year period of time via CSM lots.

Next steps: The landowner is encouraged to contact Dane County Highway regarding other access points on County Road S and/or consider an Option 3 development.

(*Note-Sometimes a developer chooses to develop the land more quickly than would be permitted with certified survey map lots.

A subdivision plat allows for the development of all the available lots at one time. A development by certified survey map allows for 4 lots of 35 acres or less to be developed in a five-year period. Option 1 may be developed by CSM or plat. Option 2 may be developed by CSM only. Option 3 may employ a subdivision plat only.)

(Note ** Policy for New Town Roads –Adopted by the Town Board 102113-Town of Springdale, Dane County, Wisconsin

1. *A proposed new town road must be clearly in the public interest/good.*
2. *A new town road may be accepted for an option 3 development.*
3. *A new town road may be accepted for an option 2 development only when the proposed new road, or the extension of an existing road, clearly improves compliance with the Land Use Plan, Residential Density Option 2, Sections (B) and (C), and meets all the following goals from option 3:*
 - a. *Residential development (lots) shall be clustered on twenty-five (25) percent of the contiguous acres owned on plan effective date. Additionally, shared driveways may be required to enhance the effect of clustering development areas.*
 - b. *Residential driveways shall be sited and constructed in a manner which best minimizes their impact on agricultural land.*
4. *A new town road may be accepted for an option 1 development only when the proposed new road, or the extension of an existing road, clearly improves compliance with the Land Use Plan, Residential Density Option 1, Sections (B) and (C), and meets all the following goals from option 2:*
 - c. *Residential driveways shall be sited and constructed in a manner which best minimizes their impact on agricultural land.*
 - d. *The building envelope(s) shall be designed to minimize their visual impact when viewed from public roads and from the surrounding countryside. On properties with prominent, exposed hill tops or ridges, it is desirable for roof tops not to extend above the hill top or ridge line.*

- e. *The location of building envelope(s) shall demonstrate that the impact on the town's rural character has been minimized.*
 - f. *Clustering is desirable and may be required when there is the potential for three or more building envelopes to be created.*
5. *5. In the case where a town road has been converted to a private driveway by action of the Town Board after Sept. 29, 2013, and development of permitted new lots cannot proceed without a town road, the Town Board will consider reestablishing the private driveway as a public right-of-way.*

CONSIDERATION OF REQUEST TO REMOVE DEED RESTRICTION STIPULATING NO BUILDING/AGRICULTURAL LAND ONLY: ERB RD./SEC. 26: DISCUSSION ONLY/NO ACTION: Background: A tract of agricultural land was restricted to agricultural/open space use with no building of any kind per a statement on the CSM. The restriction was agreed upon by the landowners who wished to create a smaller CSM lot for their existing house and separate off the agricultural land in a contiguous parcel. The density units/development areas/ building envelopes were exhausted on the contiguous acres owned on the effective date of the Plan for these property owners. The landowners envisioned that they would sell the land for agricultural uses only or to adjacent landowners who could absorb the land via a lot line adjustment.

Research since August PC meeting: DC Zoning standard of permitting an agricultural accessory building when consistent with an ag zoning district, requires documentation of an existing agricultural use, farm income, by the landowner. Leasing the ag land to be farmed does not qualify.

PLAN COMMISSION PROCEDURES:

Next PC business meeting: Oct. 28, 2019 Submittals for the October monthly business meeting should be submitted to the Town Clerk by Monday, Oct. 14, 2019.

Next PC special meeting: On Oct. 3, 7 p.m., the TB and PC will conduct the public hearing on the updates to the Plan, Land Division and Subdivision Code and the Town Comprehensive Plan as part of the Comprehensive Revision of DCCO Chapter 10. A. Jester has prepared the clean copy of the updated Town Land Use Plan available to citizens on Aug. 29 in electronic format or on the Town website. A Class 1 and Class 2 notice, as legally required, has been published in the paper and posted in the three regular locations to provide lots of notice to citizens of the public hearing.

ADJOURN: MOTION by Schmidt/Hanson, motion carried 6-0. Respectfully submitted, Vicki Anderson, Deputy to the PC