APPROVED MINUTES OF THE SPRINGDALE PLAN COMMISSION MONTHLY MEETING FOR JULY, Monday, July 23, 2018.

IN ATTENDANCE: Jim Hanson, Amy Jester, John Rosenbaum, Denise Sullivan and David Schmidt. (A quorum is present.) Dane County Zoning Administrator Roger Lane, 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 7:02 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 7/19/18 in the three customary locations in the Town of Springdale as required by law, and as a courtesy to the citizens, published in the *Mt. Horeb Mail* on 7/19/18*.*

MINUTES: MOTION by D. Schmidt/J. Hanson to approve the June PC meeting minutes as amended for incorrect date and motion maker. Motion carried 5-0.

RICK KLINGER/GUST ROAD/SEC. 12/SPOT REZONING # 11328 FOR SPOT REZONING FROM A-1 TO LC-1 WITH DEED RESTRICTIONS:

Background:

\*KLINGER BUSINESS-Lawn Works Madison LLC, 2731 Gust Road: Dane County Zoning mailed a zoning violation letter to Klinger, dated April 20, 2018 listing the various concerns: 1. Illegal land divisions dating back to 1996.

2. Operating the landscape business on land zoned A-1 which does not permit commercial activity.

3. Impervious surfaces have been added to the property without adherence to storm water management rules and regulations.

4. A building has been constructed without a zoning or building permit.

\*Since the June 25, 2018 Plan Commission meeting, Klinger has revised his application by removing the two-lot CSM, instead, an area of the current A-1 CSM lot will be spot zoned for the LC-1 zoning, the lot is not eligible for a second lot, and the spot zoning will result is less strip development and a buffer of green space at Gust Road. Klinger has also rescinded the CUP #02433 since there will be no significant outdoor storage of materials and the number of vehicles will not exceed 12. (See Dane County Planning and Development letter to Klinger dated July 9, 2018 from Roger Lane Dane County Zoning Administrator.)

MOTION by A. Jester/J. Rosenbaum to recommend approval of the spot zoning to LC-1 conditioned upon compliance with Dane County Zoning and the Town Building Code for the existing building and with the deed restrictions talked about which are:

1. The spot zoning to LC-1 shall be limited to professional lawn care, mulch and stone installation, concrete flatwork and snow plowing/removal services. This is an off-site service-oriented business – no sale, no manufacturing, no assembly of products on the premises.

2. The hours of operation shall be Monday – Saturday, 7 a.m.- 5 p.m. in the summer and winter hours vary depending upon snow fall.

3. The number of employees shall be limited to six full-time equivalent employees with the number of hours tallied on-site to not exceed 40 hours per week per employee.

4. The vehicles and pieces of equipment used in the business shall be limited to 12.

5. No customers shall visit the site. No retail sales shall be conducted on the property. The on-site business shall not be opened to the public.

6. Outside loudspeakers are prohibited.

7. Outdoor lighting, except for required security lighting, shall be operational only during hours of operation. All lighting shall conform to the Town of Springdale Dark Sky Ordinance and shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixtures shall use full cut-off fixtures which prevent all upward transmission of light.

8.Signage shall comply with the Town of Springdale Sign Ordinance.

9. The site plan shall conform to the exhibit submitted to the Town entitled “Site Exhibit” prepared by Vierbicher and dated 06/12/2108 which delineates the gravel employee parking and gravel equipment storage areas and the footprint of the shop and storage building within the spot zoned area.

10. Outdoor storage of material is prohibited.

11. The existing building shall comply with all Dane County Zoning and Town of Springdale Building Code requirements.

Discussion: It was generally agreed that the Town Plan supports LC-1 with some stipulations in the Plan and the deed restrictions are similar to what has been done in the past. Prior to Klinger’s land contract purchase of the property, the existing accessory building to be used for the business was expanded without the proper permits. Klinger shall contact Dane County Zoning for the required zoning permit. After which he will contact the Town Building Inspector for the Town building permit. Since no office shall be contained in the structure, the building permit requirements are the basics. Dane County Zoning will work with Klinger to facilitate the removal of materials left behind by the previous owner. Klinger will continue to enhance the appearance of the property. For the spot zoning, no new CSM is required, rather a legal description of the area to be zoned LC-1 suffices. Motion to recommend conditional approval with deed restrictions carried 5-0.

CONTINUATION OF PRE-APPLICATION MEETING FOR TWO BUSINESSES IN VIOLATION OF ZONING ON GUST ROAD LOCATED ON DALE CHESTNUT LANDS:

BEN SCHAFMAN/GUST ROAD/SEC. 12/PRE-APPLICATION MEETING/CSM-LOT LINE ADJUSTMENT/ZONING: Ben Schafman, owner of Steven R. Bassett Inc., has been leasing a portion of Dale Chestnut’s property to operate his landscape business in violation of the C-2 zoning with restrictions on Chestnut’s property. C-2 business associated primarily with trailers is permitted on the land owned by Chestnut, lots 2 and 3 of CSM 6657. The restricted zoning covers a geographical area of two CSM lots totaling approximately 5 acres.

DALE CHESTNUT/GUST ROAD/SEC. 12/PRE-APPLICATION MEETING/CSM-LOT LINE ADJUSTMENT/BRING ZONING INTO COMPLIANCE: INFORMATION ONLY:

CHESTNUT BUSINESS – Double D Trailers, 2733 and 2737 Gust Road: Dane County Zoning mailed a zoning violation letter to Chestnut, dated April 20, 2018 listing the various concerns: 1. Illegal land divisions dating back to Dec. 1996.

2. Areas of the property are not zoned for commercial activity. An area zoned A-1 has been used for expansion of the C-2 business.

3. The C-2 zoning became effective on Feb. 12, 1992 when the property was owned by Roger Gust and the zoning was deed restricted to limit the scope and size of the business for Roger Gust’s trailer business. The current land uses have been expanded upon without approval –for example, a landscape business is operating on property restricted for the trailer business. And the current trailer business has provided no screening of vehicles outside of buildings as required in the deed restriction.

4. Impervious surfaces have been added to the property without adherence to storm water management rules and regulations.

NEXT STEPS: Roger Lane, Dane County Zoning Administrator, explained that to add a landscaping business as a permitted use to Chestnut’s land results in a rezoning – changing the existing C-2 zoning with a unique set of permitted uses to a C-2 zoning with another unique set of permitted uses. It was generally agreed that the Town Land Use Plan should be considered when a rezoning/a change is proposed. It was generally agreed, if the proposal for a landscaping business that could not fit LC-1 as supported in the Plan were presented today, it would not be approved. However, since the 1992 zoning obtained by Roger Gust on what is now Chestnut’s land was broad and poorly written, this may be an opportunity to improve the C-2 zoning on these two CSM lots to better conform to the Plan. There could be a different, unique set of deed restrictions (permitted uses and restrictions on the activities) on the northern property and a different, unique set of deed restrictions (permitted uses and restrictions on the activities) on the southern property since they are two CSM lots.

For the Aug. 27, 2018 PC meeting, both Dale Chestnut and Ben Schafman are requested to provide a detailed plan of operation for their business and to-scale site plans for the properties. As an example, Chestnut mentioned the following:

\*Remove the request for a rezoning from A-1 to C-2 for the small piece of land by an outbuilding in the back of his property.

\*Remove the request for a lot line adjustment and retain the two CSM lots in their original shape. The lot line adjustment he had proposed would have further reduced the area on which Schafman operates his business which is already crowded.

As an example, Schafman mentioned:

\* Remove the permitted use of manufacturing from the unique set of permitted uses on the property.

\*Comply with the screening requirement with the current zoning.

\*Limit the hours of operation and the number of employees – knowing he could not expand at this site.

Items to consider mentioned by others include, but may not be limited to the following:

\*Resolution of the conflict between Klinger and Schafman due to Schafman vehicles parking within the 66’ shared easement.

\*Concern for the wear and tear on Gust Road due to the number of employees and work vehicles on the road in this area.

\*Legally, the C-2 with the limited permitted uses may be retained. But the request for a change in the limited permitted uses, could be denied based upon the Plan. So, how could the permitted uses be made more specific to better fit the Plan and the request to add landscaping as a permitted use be approved.

RILEY TAVERN/MARIE AND MATT RABOIN/KLEVENVILLE-RILEY ROAD/SEC. 1/PRE-APPLICATION MEETING – EXISTING C-1 ZONING AND EXISTING CUP AND APPLICABILITY TO TAVERN FOR BEER AND WINERY: INFORMATION/DISCUSSION ONLY: Matt and Marie Raboin, the owners of Brix Cider, a wholesale hard cider business since 2016, have an offer to purchase Riley Tavern as the location for a new production facility and cider pub. For this initial conversation with the Town PC, Dane County Zoning Administrator Roger Lane attended to answer some technical questions regarding the existing CUP for the tavern and its applicability to the Brix Cider proposal. Riley Tavern now holds C-1 zoning with CUP #1577 for a tavern and outdoor entertainment activity. Lane explained that the C-1 zoning and CUP are on the property and as long as the Raboins comply with the conditions of the CUP, no new CUP is needed. However, the parking plan delineated in CUP #1577 was never developed, so the Raboins will need to plan for parking and possibly secure a parking easement from neighboring property owners to accommodate anticipated traffic. In the future, if they choose to go outside the conditions of the existing CUP, they would need to apply for a revision of the CUP. Also, a change of use permit may be required from Dane County Zoning if the current garage is transformed into the production facility. As part of the proposed business, the Town Board, not the PC, will be the authority to review the liquor license, operators’ licenses, premises description for the consumption of beer and hard cider, outdoor entertainment area and permits for outdoor entertainment with amplified sound and/or music, etc.

Conditional Use Permit #1577:

1. Outdoor entertainment and lighted volleyball areas shall be open from April 1st through October 31st.

2. Outdoor entertainment area (concession facility) shall be open from Tuesday through Thursday until 10 p.m. and on Friday and Saturday until 12 a.m., midnight.

3. Outdoor game area shall be open from Tuesday through Thursday until 10 p.m. and on Friday and Saturday until 12 a.m., midnight.

4. Direct lighting for the outdoor areas shall be lit from Tuesday through Thursday until 10 p.m. and on Friday and Saturday until 12 a.m., midnight.

5. No amplified sound shall be permitted in the outside areas, other than during Riley Fest and seven (other) times in the seven-month period between April 1st and October 31st.

6. Construct a fence along the Klevenville Riley Road between the road and the volleyball area to prevent volleyball participants and balls from entering the roadway, and plant tall shrubs and/or trees along the outside of the fence at intervals sufficient enough to provide visual and physical buffering once the trees and shrubs reach maturity.

7. Enclose the volleyball court with netting so as to prevent volleyballs from leaving the playing area and entering the roadway or neighboring properties.

8. Provide landscaping (trees and/or shrubs) along all sides of the property that abut a residential used property at intervals sufficient to provide visual and physical buffering once the trees and shrubs reach maturity, unless the neighboring property owner expressly states in writing to the Department that they do not feel the need for such landscaping.

Town of Springdale conditions to be applied only to the Riley Fest…are not listed here since they do not apply to the Raboin’s proposal.

JAMES GRAHAM/PRE-APPLICATION MEETING/HISTORICAL B-1 ZONING ON TWO LOTS IN MT. VERNON/DAVIS STREET- CTH G/SEC. 34: INFORMATION/DISCUSSION ONLY: As the owner of the three lots in Mt.Vernon on the west corner of State Road 92 and Hwy. G going southwest, James Graham attended the meeting to share with the PC some ideas for the business development of two of the three lots. His current home is on the third lot. The property was zoned B-1 many years ago when a zoning code was first adopted in Dane County. At that time, zoning districts were assigned to property to represent the use in place at that time. The corner lot most recently was Sparky’s Bar until it burned down. The second lot contains a house impacted by an underground petroleum plume being monitored by the DNR. With these non-conforming structures, Zoning Administrator Roger Lane is working with Graham to determine the options available to remodel/reconstruct. The size, setback, volume of structures and the septic for the properties are being discussed. As far as the use, Graham is considering building an office building with a couple of residential units above.

MEYLOR LANDS/CONCEPT PLAN – OPTION 1/TOWN HALL RD./SEC. 8: MOTION by Rosenbaum/Jester to approve the Option 1 concept plan in concept with the understanding that the family shall bring in a revised concept plan showing 66’ of frontage for each lot and a density unit attached to the farmland. Discussion: Per the contiguous acres owned on the effective date of the Plan, Option 1 = 5 new lots for a total of 6 potential house sites which includes the existing farmhouse. The family is considering selling the farmhouse with some land and creating 4 new lots of 2.5-4 acres each, with shared driveways staggered along Town Hall Road going North of the existing farmhouse. One of the new house sites shall be assigned to the large tract of agricultural land. No development shall occur on the farmland south of US Hwy. 18/151. Motion to approve the concept of the concept plan carried 4-0-1, D. Sullivan abstained.

PREAPPLICATION MEETINGS-CONCEPT PLAN, LOT LINE ADJUSTMENT, POSSIBLE SITE VISITS:

A. CHRIS AND EILEEN ZURBUCHEN AND MARILYN ZURBUCHEN/SPRING ROSE ROAD/SEC. 24:

INFORMATION ONLY/NO ACTION:

MOTION Rosenbaum/Schmidt to approve the Option 2 concept plan with one driveway on the northern boundary of the property on the west side of Spring Rose Rd. to serve 4 homesites in or tucked along the edge of the woods with flagpole lots to Spring Rose Rd. for the 66’ ft. of frontage; the fifth homesite is located in the triangle north of the existing farmhouse on the east side of Spring Rose Rd. and shall be attached to the rest of the farmland and the existing farmhouse and buildings will include approximately 12 acres in a CSM lot. Discussion: The PC recommends to the TB a driveway to serve 4 lots to improve compliance with the Plan. If only 3 lots could be served by a driveway, a second driveway would cut across farmland. It was generally agreed that a lot line adjustment to increase the existing CSM lot owned by Chris and Eileen Zurbuchen from 2.9 acres to 4 acres is consistent with the Plan and does not alter an existing concept plan. A revised CSM will need to be submitted to the PC for approval of the lot line adjustment. The contiguous acres owned on the effective date of the Plan = 99.836 acres which would be Option 1 – 3 new lots, Option 2 – 5 new lots and Option 3 – 7 new lots in addition to the existing farmhouse. The land in Springdale is contiguous to approximately 75 acres in the Town of Verona. Motion to approve the concept plan carried 4-1 (Hanson – nay)

B. NIZAMUDDIN LAND/CTH S/SEC. 5: INFORMATION ONLY/NO ACTION: Mark Norton has received written permission from the Nizamuddin family to discuss the property. The contiguous acres owned on the effective date of the Plan = 116 acres which would be Option 1- 5 new lots, Option 2- 7 new lots, Option 3-8 new lots, in addition to the existing farmhouse. Norton is researching a clustered rural subdivision to be served by a proposed new town road. He was urged to read the Plan and the Land Division Subdivision ordinance for the specific requirements. Since the property is located along CTH S, he was encouraged to contact Dane County Highway re: any requirements they may have for an increase in the number of residences accessing the highway from an existing access point for three homes. Reportedly, this access point is a shared driveway easement owned by Nizamuddin. The other parties to the agreement may have to agree to increase the shared driveway for several new homes.

C. SCHMID REV. TRUST/S. KOLLATH RD./SEC. 35 & 36: MOTION by Jester/Sullivan to approve the 2-lot concept plan showing building envelopes in the southwest corner of the parcel, close to a proposed shared driveway. Discussion: The 80+ acre parcel of land has only 49.5 feet of road frontage on South Kollath Road. Lots larger than 35 acres each do not require 66’ of frontage on an existing public road. Due to the steepness of the terrain, it was suggested that the property owner prepare a drawing to present to an engineer to verify the grade of the proposed driveway would meet the Town of Springdale Driveway Ordinance and Driveway Construction Guide. Motion to approve the 2-lot concept plan carried 5-0.

PLAN COMMISSION PROCEDURES: SITE VISITS:

Next PC meeting Aug. 27, 2018, Submittals for the August monthly meeting should be submitted to the Town Clerk by Monday, Aug. 13, 2018. Scheduled Site Visit: Wednesday, Aug. 9, 2018, 6 p.m., Jerome Zander new farm purchase on Springdale Center Rd. (Note: This was not held; rescheduled until after the Aug. PC meeting.)

ADJOURN: MOTION by unanimous consent, motion carried 5-0. Respectfully submitted, Vicki Anderson, Deputy to the PC