MINUTES OF THE SPRINGDALE PLAN COMMISSION MEETING, **June 22, 2015**

IN ATTENDANCE: Ellen Bunn, Mike Fagan, Jim Hanson, John Rosenbaum, Jeff Smith, and Denise Sullivan. (A quorum is present.) Clerk Vicki Anderson as the recording secretary.

CALL TO ORDER: by Rosenbaum at 7:05 p.m.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. The final agenda was posted on 6/18/15 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 6/18/15*.*

MINUTES: MOTION by Fagan/Sullivan to approve the minutes of 6/1/15, the May, 2015 business meeting as distributed. MOTION carried 6-0.

BUILDING INSPECTOR TRACY JOHNSON-BUILDING CODES FOR DIFFERENT ACCESSORY BUILDINGS: NO ACTION. Discussion only.

TOM AND ELLEN STEINHAUER-HAZEL FUEGER LANDS/RESIDENTIAL ACCESSORY BUILDING/MESSERSCHMIDT DR.L/SEC. 27: MOTION by Hanson/Fagan to approve the Residential Accessory Building permit as submitted. Discussion: The Steinhauers have made an offer to buy the Hazel Fueger property. H. Fueger has given permission in writing for the Steinhauers to discuss her property. A 2352 sq. ft. new residential accessory building is proposed to be added to the existing accessory building of 960 sq. ft. It would be used for personal use only- the storage of mowers, cars, etc. Water via a hose bib on the exterior of the building is requested with no water lines in the interior of the building. PC Chair Rosenbaum explained that the RAB permit process is designed to bring the proposed RAB to the attention of the PC so that such buildings do not turn into something that detracts from the rural character of the Town. Motion to approve carried 6-0.

JON HENSEY/LOT LINE ADJUSTMENT-CORRECT SURVEY OF LOT AND ROAD RIGHT-OF-WAY/WHITE CROSSING RD./SEC. 13: MOTION by Sullivan/Bunn to approve the lot line adjustment to Hensey’s lot to correct a surveying error and to follow the procedures outlined by the Town Attorney to accomplish this. Discussion: The existing right-of-way of White Crossing Rd. at its intersection with Dairy Ridge Rd. is 97’ wide. The standard r-o-w is 66’ wide. It was generally agreed that the Town does not need the additional right-of-way and will follow the legal steps necessary to restore it to Hensey’s lot. DC Surveyor Dan Frick has researched the road r-o-w and is in agreement with this step. Motion to approve carried 6-0.

DON ANDERSON/SLIGHT REVISION TO BUILDING ENVELOPES/LOTS 1-3/GETZ RD./SEC. 6: MOTION by Fagan/Bunn to approve the adjustment to the approved building envelopes on file in the Town Hall for Lots 2 and 3 as presented. Discussion: D. Anderson requested the slight revisions to the building envelopes in response to requests by potential lot buyers. One request of an additional 30’ south on Lot 2, allowed for more room for a barn at the northwest corner of the lot, farther away from the residence. Another request for an additional 20’ north allowed for house placement back by the woods. Motion to approve carried 6-0.

CONSIDERATION AND REPORT OF THE PC ON THE RESOLUTION TO DISCONTINUE RENNEBOHM ROAD AND TO DISCONTINUE A PORTION OF CRABB LANE, GRIMSTAD RD., HOLLFELDER DR., AND RINGGENBERG DR.:

MOTION by Rosenbaum/Fagan to adopt the Resolution as presented:

TOWN OF SPRINGDALE CONSIDERATION AND REPORT OF THE TOWN OF SPRINGDALE PLAN COMMISSION ON THE RESOLUTION TO DISCONTINUE RENNEBOHM ROAD AND A PORTION OF CRABB LANE, GRIMSTAD ROAD, HOLLFELDER DRIVE, AND RINNGENBERG DRIVE LOCATED IN THE TOWN OF SPRINGDALE, DANE COUNTY, WISCONSIN

WHEREAS, the Town Board of the Town of Springdale introduced a Resolution to discontinue Rennebohm Road and a portion of Crabb Lane, Grimstad Road, Hollfelder Drive, and Rinngenberg Drive (“The Roads”) located in the Town of Springdale, Dane County, Wisconsin and listed above. A copy of the Resolution is attached hereto; and

WHEREAS, the Town Board referred the Resolution to the Town of Springdale Plan Commission for consideration and report; and

WHEREAS, upon consideration of the Resolution, the Town of Springdale Plan Commission has determined that the public interest requires that the “The Roads,” described on the diagrams and legal descriptions attached hereto, be discontinued and the Resolution be adopted;

NOW, THEREFORE, the Town of Springdale Plan Commission hereby reports and recommends that the Town Board of the Town of Springdale adopt the Resolution vacating “The Roads.” The Town’s official map should also be revised and amended consistent with this recommendation.

Discussion: The particulars of individual roads shall be determined by the TB. The TB and Town Patrolman have spent many hours reviewing these roads and they are trusted to do the right thing on the location of the discontinuance. This is a continuation of the process started in 2013 as recommended by the Wisconsin Towns Association. Motion carried 6-0.

R. AND S. NEERLAND/REZONING A-1 WITH CUP #2310 TO BRING EXISTING BUSINESS IN ACCESSORY BUILDING INTO COMPLIANCE WITH DANE COUNTY ZONING CTH G/SEC. 25:

Standard considerations for all CUP applications: The Plan Commission after consideration of the conditional use permit made the following findings of fact. Dane County Code of Ordinances 10.255(2)(b):

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare; Aye 6-0.

2. That 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 or operation of the conditional use. Aye 4- Nay 2.

In disagreement with #2 – The business could negatively impact property values. It is too big to be considered a limited family business because of the number of employees on site.

3. That 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. Aye 5 – Nay 1.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; Aye 6-0.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and Aye 6-0.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located. Aye 4- Nay 2.

In disagreement with #6 – It is inconsistent with the Town of Springdale Land Use Plan because of the size of the limited family business and the question about the interpretation of 40 hrs./week of employers’ hours on or off site versus 40 hrs./week of employers’ hours on site. The PC voted that the six standards were met.

Discussion: It may be appropriate to consider an amendment to the Plan to clear up any vagueness/fuzziness.

MOTION by Bunn/Sullivan to recommend approval of the CUP #2310 with 16 conditions to the Town Board.

Discussion: The comments in the meeting include, but may not be limited to the following:

Background: The Town PC has held several meetings re: the Neerland CUP application – 4/27, 6/1 and a site visit on 5/4. In each occasion more information became available as the PC has had to address the question of whether this existing use fits in with the Plan. Could the PC craft a set of conditions for a CUP which would bring the existing business into compliance with the Plan for a limited family business?

\*The building permit application completed by Bob Neerland on 01/15/13, listed the project description as a workshop/garage rather than an accessory building for his Kwik-Kill Pest Control business. The building permit did not list the HVAC, water and sink installed in the building. The Town building permit application shall be amended to accurately reflect the features and use of the accessory building.

\*The building permit issued on 01/15/2013 was for a residential accessory building. It will now need to be verified by the State, whether commercial building code requirements are triggered by the sink in the building and whether a bathroom is required since the seven current employees who do not reside on the property do spend time in the accessory building to complete paperwork, pick up supplies or serve as an office worker. Based on one estimation by the Neerlands, the amount of time an individual employee may be on-site may range from less than an hour/day to 17 hours a week. The question of residential vs. commercial building code is further complicated by the disconnect between state building code and Dane County Code of Ordinances standards for buildings. It doesn’t appear that the DCCO takes building code standards into consideration in labeling a building as agricultural, residential or commercial accessory building.

\*The consideration of the number of employees and the interpretation of the limited family business standard for one full-time equivalent generated discussion and disagreement. “All employees except one or one full-time equivalent, shall be a member of the family residing on the property. The number of hours for family members not residing on the property and for non-family members to work on site shall be limited to 40 hours/week.” One estimation of hours on site worked by the seven employees was 48 hours a week. It was questioned whether the tally of hours could increase on rainy days. The company services interior and exterior pest control projects and Neerland will send workers home if there is no work on a particular day.

\*The town has not received a lot of complaints about the business. A citizen questioned whether a business was being conducted on the Neerland property. Since the inspection of the property by the DC Zoning Inspector when the Neerlands were found in violation of the DCCO, concerns about the business have been voiced by PC members.

In support of recommending approval to the TB:. It was felt that the accessory building and the site are well-maintained and the business has not negatively impacted the town. It was described as neat, tidy and unobtrusive. It is believed that the Plan supports creative ways for the property owner to use their land and the Plan supports limited family businesses. The pest-control business is completed at remote locations and the business activity does not impact residents of the Town and the rural character. If the CUP were approved with conditions it was generally believed that it should NOT grow at its current location. It was believed that conditions could be crafted to limit the number of vehicles which would limit the number of employees and the amount of traffic coming and going on County Road G. By requiring review of the CUP every two years, the Town could monitor the size of the business and if no violations were found, the CUP could continue.

In opposition of recommending approval to the TB: The size of the business is considered too large because of the number of employees coming and going. It is over the line of limited family businesses as envisioned by the town land use plan. Without a sunset provision, by which the business would have the time to plan to relocate within so many years, i.e. 2, 3, 4, 5 years, it was felt that the town could not adequately enforce the size of the business and it could continue to grow. If the interpretation of one full-time equivalent by DC Zoning was found to be different than what has been presented with this application, would the PC change their mind on this application? If the Neerlands had applied for the CUP prior to commencing their business in the accessory building, would the PC consider it consistent with the Plan? Can the PC live with this as a precedent? Should the Town approve a CUP that it was felt that the Town and DC Zoning cannot enforce?

Conditions:

1. The limited family business shall be limited to the pest control business.

2. The on-site business operation shall be restricted to the accessory building, building permit dated 01/15/13. Additions to the existing building and/or construction of another building for business purposes shall not be permitted. The Town shall be notified of any additional building of residential accessory building(s) for residential purposes, not business purposes.

3. The hours of operation shall be Monday through Friday, from 7 a.m. to 6 p.m.

4. All employees except one or one full-time equivalent, shall be a member of the family residing on the property. The number of hours for family members not residing on the property and for non-family members to work on site shall be limited to 40 hours/week.

5. The vehicles used in the business shall be limited to seven vehicles and the number of one-person trips for the business is limited to twenty, one-person trips in and out of the CTH G site.

6. 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.

7. No business activities shall be conducted outside of the accessory building.

8. Outside loudspeakers are prohibited.

9. Outside signs are prohibited.

10. Outdoor lighting, except for required security lighting shall be operational only during hours of operation. All lighting 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.

11. All chemicals for the pest control business shall be properly disposed of off-site and in accordance with all pertinent county, state, federal, and industry regulations.

12. Servicing of personal and business vehicles shall be permitted on site with the proper disposal of vehicle fluids in accordance with all pertinent county, state, and federal regulations. The servicing of vehicles for hire on site shall be prohibited.

13. The conditional use permit shall automatically expire on sale of the property or business to an unrelated third party.

14. The building permit issued by the Town of Springdale, dated 01/15/13, shall be corrected to accurately reflect the elements of the accessory building as it is used.

15. State, county and local approval of the accessory building shall be in compliance with all applicable codes and ordinances.

16. This CUP shall be reviewed by the Town of Springdale Plan Commission and Town Board and Building Inspector in two years from 06/22/2015 to confirm its compliance with the conditions of the CUP and for consistency with the current goals of the Town of Springdale Land Use Plan. Motion to recommend approval to the TB failed - 3 in support and 3 opposed vote.

PLAN COMMISSION PROCEDURES:

Fees: The PC recommends to the Town that the fee structure be reconsidered for applications from zoning violations.

Next meeting discussion topic – A limited family business and what it should look like in the Town.

Next meeting: Monday, July 27, 2015. Applications for the meeting should be submitted by Monday, July 13, 2015. If a site visit is requested, the PC prefers a week night after 5:30 p.m.

ADJOURN: MOTION by unanimous consent. Respectfully submitted, Vicki Anderson, Recording Secretary

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MINUTES OF THE SPRINGDALE PLAN COMMISSION MEETING, **July 27, 2015**

IN ATTENDANCE: Ellen Bunn, Mike Fagan, and John Rosenbaum. (NO quorum is present.) Deputy Clerk Carol Statz as the recording secretary.

CALL TO ORDER: by Rosenbaum at 7:45 p.m.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. The final agenda was posted on 7/21/15 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 7/21/15*.*

ABSENCE OF A QUORUM: John Rosenbaum announced the absence of a quorum.

ADJOURN: MOTION by Fagan/Bunn to adjourn. Motion carried 3-0. Meeting adjourned at 7:45 p.m.

Respectfully submitted by Carol Statz, Deputy Clerk