

MINUTES

TOWN OF SPRINGDALE JOINT PLAN COMMISSION &

TOWN BOARD MEETING

MONDAY, JAN 22, 2024 AT 7:00 P.M.

1. **Call to order, Certification of compliance with the Open Meeting Law, Quorum is present, Approval of the agenda.** Meeting called to order by Jester at 7:07 PM. Jester confirmed posting in accordance with the open meetings law on 1/19/2024. A quorum of members present at town hall (Jester, Hanson, Bunn, Altschul, Carrico and Aburomia). Sullivan absent. TB Chair Rosenbaum present via Zoom; TB Supervisors Hefty and Schwenn present at town hall. Admin/Clerk Arthur also present at town hall.
2. **Welcome new plan commission member.** Appointed at Dec. meeting.
3. **Minutes of Nov PC meeting.**

MOTION (Hanson/Altschul) to approve with no changes. 6 ayes, 0 nays.

4. **Mount Vernon Hills II LLC/ CTH G/ Mount Vernon/Concept Plan Revision /Sec 34.**

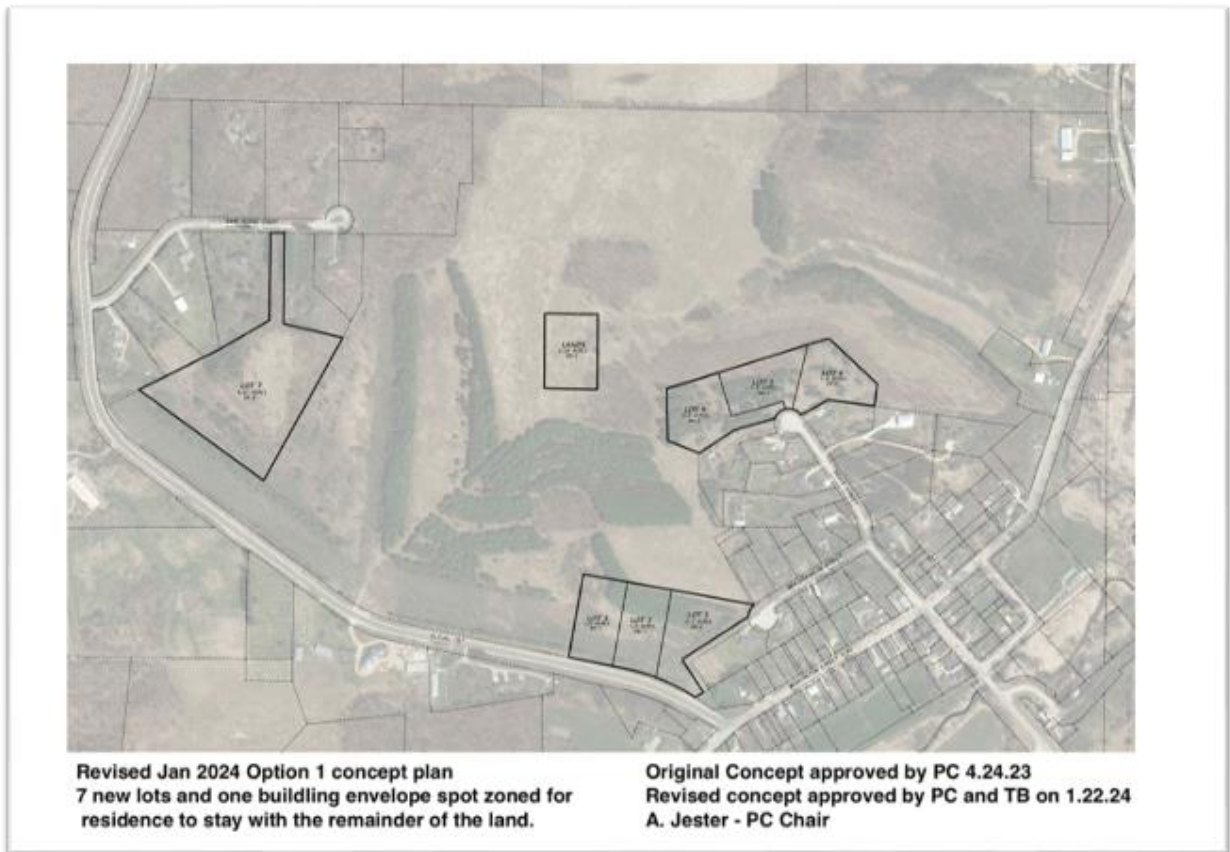
REQUEST: for the PC to recommend to the TB the updated January 2024 concept plan for Mount Vernon Hills.

BACKGROUND: November 2023 – applicants wished to revise the concept plan to combine all of Sand Ridge Ct. lots into a single lot with 1 density unit, relocating the 2 density units near the remainder of the others located off Davis and Ben Franklin Streets. At the Nov. 2023 meeting the PC recommended that the revised concept plan be denied, as moving the 2 density units to Ben Franklin/Davis Streets used agricultural land that had previously been retained in 1 contiguous lot, thereby not meeting the goals of the land use plan. Applicant was asked to revise the layout. January’s new concept plan leaves the ag field out as shown on proposed map, utilizes a shared driveway for three lots off Ben Franklin Street and incorporates an orphaned parcel (.2 ac) into lot 1.

Lou Heitke, Nathan Lockwood (D’Onofrio), Ron Klaas, and realtor present. Carrico asked if stormwater had been considered in the layout of moved lots off Ben Franklin. Lockwood said there are no final plans for it yet, as just in concept plan stage. Dan Allen (of Sand Ridge Ct) question about details of the driveway to serve the lot off SandRidge. It was explained that this new concept plan would result in the Sand Ridge lot being changed from 3 lots to just 1 lot with one density unit. This would require a narrower driveway path if the new owner ever

decides to build.

MOTION (Bunn/Altschul) to recommend to the Town Board the revised January concept plan as consistent with land use plan. 6 ayes, 0 nays, motion carried.



5. **J. Klein (Plymouth Stone LLC) /1889 N. Kollath Rd./CSM and rezone for residential purposes/ Sec 35.**

REQUEST 1: to recommend to the TB approval of the preliminary CSM as consistent with the concept plan on file with the town.

REQUEST 2: to recommend to the TB approval of the rezone of the lots for residential development: Lot 1 (22.6 ac) to remain RM 16, Lot 2 (4.5 ac) to RR 4, and Lot 3 (8.6 ac) from RM-16 to RM 8. These lots may not be further divided per the Town land use plan.

BACKGROUND: In September, Option 2 concept plan approval was contingent on finding a

resolution of the N. Kollath driveway (Lot 1) access due to the sharp corner and downward slope of the road. The TB voted in November '23 to approve the current location using a variance.

MOTION (Jester/Hanson) to recommend to the TB that the CSM as presented is consistent with the previously approved concept plan. 6 ayes, 0 nays, motion carried.

MOTION (Jester/Aburomia) to recommend approval of the rezone of lot 1 to RM-16; Lot 2 to RR-4; and lot 3 to RM-8. No further division per town land use plan. 6 ayes, 0 nays.

6. ~~W. Sugden/2066 Springdale Center Rd./CSM and Rezone because of lot size change following lot line adjustment/ Sec 27. Pulled prior to the meeting, moved to next month.~~

JOINT MEETING OF THE TB FOR THE PURPOSES OF REVIEWING AND ACTING ON AGENDA ITEM(S) ABOVE.

Meeting called to order by Rosenbaum at 7:34 PM.

- Minutes of 11/27 joint PC/TB meeting.

MOTION (Hefty/Schwenn) to approve TB minutes as drafted. 3 ayes, 0 nays.

- **Mount Vernon Hills II LLC/ CTH G/ Mount Vernon/Concept Plan Revision /Sec 34.**

MOTION (Schwenn/Hefty) to accept the recommendation from the PC to approve the proposed revisions to the concept plan. No further discussion. 3 ayes, 0 nays.

- **J. Klein (Plymouth Stone LLC) /1889 N. Kollath Rd./CSM and rezone for residential purposes/ Sec 35.**

MOTION (Hefty/Schwenn) to approve the preliminary CSM as presented. No further discussion. 3 ayes, 0 nays, motion carried.

MOTION (Hefty/Schwenn) to approve the PC recommendation to leave Lot 1 as RM-16; rezone Lot 2 to RR-4 and Lot 3 to RM-8. No further divisions per the Town Land Use Plan. 3 ayes, 0 nays, motion carried.

MOTION (Schwenn/Hefty) to adjourn at 7:39 PM. No further discussion. 3 ayes, 0 nays, motion carried.

7. **PUBLIC HEARING for Conditional Use Permit for Tourist Lodging, Windy Acres**

LLC, Agent Scott Niebuhr, 3160 CTH J/Sec. 1. Jester explained public hearing rules. Applicant Scott Niebuhr present at town hall. Public hearing opened at 7:47 PM. No public comment. Public hearing closed at 7:48 PM.

Background – applicant was issued a 2-year CUP in 2020 after a neighbor complaint. That CUP expired in 2022. Niebuhr continued to operate the Airbnb past the expiration date and was cited with a zoning violation in 2023, after which he re-applied for this new CUP. The 2020 conditions limited occupancy to no more than 12 people (septic system rating) of both guests and permanent residents. Airbnb was limited to one side of the duplex and only 8 people; however, screenshots of online advertising during the last three years talks about 14 guests, 4 bedrooms, sleeps 10, etc.

Discussion – During the previous CUP period the applicant did not obtain the required license through Dane County Public Health as per the original conditions. Events were also hosted. Springdale originally approved the CUP with a 2-year review period, Dane Co. Changed this to 2 year expiration as it is more enforceable and is standard practice when CUP follows complaints. Given that not all of the original conditions of the first CUP were followed, Jester suggested that the 2 year expiration be continued to give the applicant another chance to comply with the terms of the CUP while still giving the town the ability to revisit if continued non-compliance occurs. Bunn would like to see 2 extra conditions based on the experience during the first CUP term - the advertising must conform to all conditions, and that people who are not guests cannot be on the property. Jester reviewed the 8 County standards for obtaining a CUP:

1. The proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort, or general welfare.
2. The uses, values and enjoyment of other properties in the neighborhood already permitted shall be in no foreseeable manner be substantially impaired or diminished by establishment, maintenance or operation of the proposed conditional use.
3. The establishment of the CUP will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures.
5. Adequate measures have been or will be taken to provide adequate ingress/egress to public streets and the proposed conditional use will not present traffic conflicts.
6. The CUP shall conform to all applicable regulations of the district in which it is located.
7. The conditional use is consistent with the adopted Town and County Comp. Plans.
8. n/a, farmland preservation district.

Original conditions from CUP #2510 issued 11/20/2020:

1. *Only one side of the duplex shall be rented as transient or tourist lodging. The northern-most unit shall be rented for transient or tourist lodging. The southern-most unit of the duplex may be*

- rented as long-term rental.*
2. *No more than three bedrooms shall be rented for transient or tourist lodging.*
 3. *No more than 12 people, including transient guests and permanent residents, shall be on the premises at any one time. The transient or tourist lodging has an 8-person max on premises.*
 4. *No more than 6 vehicles shall be on the premises at any one time. All vehicles must be parked on paved driveway surfaces or inside the existing garage with adequate access for emergency vehicles.*
 5. *Quiet hours shall be observed between 10 PM and 9 AM on weekdays and between 12 AM and 9 AM on weekends.*
 6. *Peak noise levels shall not exceed 40 decibels (dB(a) scale), as measured at the property line during quiet hours.*
 7. *Peak noise levels shall not exceed 65 decibels (dB(a) scale), as measured at the property line, during hours other than quiet hours.*
 8. *No more than 2 dogs, (including those belonging to permanent residents) may be on the premises at any one time. All dogs brought by guests must either be leashed or contained within adequate fenced areas while outside. Dogs must be kept indoors during quiet hours.*
 9. *Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.*
 10. *Landowner will maintain existing trees and other vegetation along the northern, western and southern property lines, or replace such vegetation with landscaping that provides a similar level of visual screening.*
 11. *Any new outdoor lighting shall comply with all requirements of the Town Dark Sky Ordinance.*
 12. *The physical development and operation of the CUP must conform in all respects to the approved site plan and operational plan.*
 13. *Existing onsite wastewater sewage disposal systems, if any, serving the CUP must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with current state/county regulations.*
 14. *The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation.*
 15. *The owner or operator must keep a copy of the CUP, including the list of all conditions, on the site.*
 16. *Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the CUP. The holder of a CUP shall be given reasonable opportunity to correct any violations prior to the revocation.*
 17. *If the transient or tourist lodging is abandoned for one year or more, this CUP shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new CUP.*
 18. *The transient or tourist lodging operation shall automatically expire on the sale of the property or the business to an unrelated third party.*
 19. *The operation of ATVs and snowmobiles by occupants of the transient or tourist lodging operation shall be prohibited on the property.*
 20. *Signage is prohibited.*
 21. *Outdoor music and speakers for the amplification of sound or music outdoors are prohibited.*

22. *Commercial activities and business activities, other than transient or tourist lodging and duplex rental, are prohibited.*
23. *This Conditional Use Permit shall expire two years after the effective date. Landowner may renew the conditional use permit by successfully obtaining a new CUP prior to the expiration date.*

MOTION (Carrico/Aburomia) to recommend approval of the CUP #2610 to the TB, including original conditions (from #2504) with the additions that 1) advertising shall comply with the CUP conditions and that no additional people besides allowed guests are allowed on the premises at any time. No further discussion. 6 ayes, 0 nays, motion carried.

MOTION (Jester/Bunn) to certify compliance of the required 8 conditions. Each of the 8 conditions (outlined above) were voted on and approved and recommended to the TB. 6 ayes, 0 nays.

CUP 2610 Recommended Conditions of Approval:

Standard Conditions that apply to all conditional uses (from s. 10.101(7)(d)2)

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan.
2. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code.
3. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the county zoning administrator upon request.
4. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the county zoning administrator upon request.
5. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46 Dane County Code.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and

operations plan.

7. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances.

8. If Dane County Highway Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

9. The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

10. The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.

11. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

12. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or

enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given reasonable opportunity to correct any violations prior to revocation.

13. If any use allowed by an approved conditional use permit is not commenced within one year of issuance of the permit or is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Recommended Conditions Specific to CUP 2610

14. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health. Such license shall be obtained within 30 days of the effective date of this CUP.

15. Only one side of the duplex shall be rented as transient or tourist lodging. The northern-most unit shall be rented for transient or tourist lodging. The southern-most unit of the duplex may be rented as long-term rental.

16. No more than three bedrooms shall be rented for transient or tourist lodging.
17. No more than 12 people, including both transient guests and permanent residents, shall be on the premises at any one time. The transient or tourist lodging shall have a maximum of 8 people on the premises at any time.
18. No more than 6 vehicles shall be on the premises at any one time. All vehicles must be parked on paved driveway surfaces or inside the existing garage, with adequate access for emergency vehicles.
19. Quiet hours shall be observed between 10 p.m. and 9 a.m. on weekdays, and between 12 a.m. and 9 a.m. on weekends.
20. Peak noise levels shall not exceed 40 decibels [dB(a) scale], as measured at the property line, during quiet hours.
21. Peak noise levels shall not exceed 65 decibels [dB(a) scale], as measured at the property line, during hours other than quiet hours.
22. No more than two dogs, (including those belonging to permanent residents) may be on the premises at any one time. All dogs brought by guests must either be leashed or contained within adequate fenced areas while outside. Dogs must be kept indoors during quiet hours.
23. Landowner will maintain existing trees and other vegetation along the northern, western and southern property lines, or replace such vegetation with landscaping that provides a similar level of visual screening.
24. Any new outdoor lighting shall be downward-directed, designed to minimize ambient spill and shall comply with all applicable requirements of the Town of Springdale Dark Skies Ordinance.
25. The transient or tourist lodging operation shall automatically expire on the sale of the property or the business to an unrelated third party.
26. The operation of all-terrain vehicles, ATVs, and snowmobiles by occupants of the transient or tourist lodging operation shall be prohibited on the property.
27. Signage is prohibited.
28. Outdoor music and speakers for the amplification of sound or music outdoors are prohibited.
29. Commercial activities and business activities, other than transient or tourist lodging and duplex rental, are prohibited.
30. This Conditional Use Permit shall expire two years after the effective date. Landowner may renew the

conditional use permit by successfully obtaining a new CUP prior to the expiration date.

31. All advertising for transient or tourist lodging must conform to the terms of this CUP.

32. Additional people beyond the number of allowed transient or tourist guests are prohibited on premises.

8. **AG Hawley and Grant Nortman/ Rezone for Limited Commercial uses for property at 2669 County Highway P/ Sec. 16.** Grant & Mark Nortman, Al Hawley and Sharman Moen present at Town Hall.

REQUEST: to rezone the Hawley auction property from GC to LC and to remove existing deed restrictions.

BACKGROUND: Grant Nortman, son of Mark Nortman (realtor), has an accepted offer for the Hawley property. Hawley is requesting a rezone for this property to Limited Commercial in advance of retiring and selling to Grant, who will rent it to a contractor-type business. Auctions have moved mostly online, which means this property, as deed restricted, is no longer a viable single use for the property.

- In 1997, property was rezoned C2, and deed restricted to a single use – auctions.
- In 2004, Hawley requested that the C2 restrictions be expanded to include car/truck sales. Request was denied as it was not seen as consistent with the land use plan.
- In 2006, Hawley discuss potential uses of the property with the Town.
- In 2019, when the Dane Co. zoning code was updated, the property was rezoned to GC on the condition that the existing deed restrictions were refiled. These were the deed restrictions limiting the property to only auctions and are currently in effect.
- In August 2023, Hawley was directed to Section 10 of the land use plan for supported non-residential land uses. The town does not want any heavy commercial but would look at uses in the limited commercial (LC) zoning district (landscape/contractor at small scale or an ag business) that fit in the AT-B district, consistent with the land use plan. It was suggested that a future buyer could request a rezone.

Grant inquired about the meaning of the permitted use in the Limited Commercial District of ‘outdoor storage of up to 12 total vehicles and pieces of equipment’. Jester clarified that “pieces of equipment” are what can fit in a 9x18 parking spot, employee parking being separate. Grant also questioned the permitted office use of no more than 6 on-site employees. What constitutes employee? Jester explained that employees are there full-time throughout the day. Could do full-time equivalents. Lower employee count is what helps keeps the use meeting the terms of *limited* commercial zoning, instead of general commercial zoning. Question about the capacity of the current on-site wastewater treatment – currently a holding tank with an unknown capacity.

MOTION (Jester/Altschul) to recommend to TB a rezone from GC with deed restrictions (from Hawley/Zethmayr 9/2019 deed restriction #5523821) to LC with the following new restrictions:

- * Hours of operation be limited from 6am –8pm, 7 days a week
- * A maximum number of three (3) contractor, landscaping or building trade operation businesses
- * Number of employees limited to 10 full-time equivalents on-site (total for all businesses)
- * No retail sales
- * No paid storage on the property
- * Lighting and signage conform to the Town’s ordinances.

6 ayes, 0 nays, motion carried. **TB will vote and send action report to Dane County, and these will then become the new deed restrictions.**

1. **Review of submittals for “proposed amendments to the Town of Springdale land use plan.”** No proposals received.
2. **Adjourn.**

MOTION (Hanson/Altschul) to adjourn at 9:50 PM. No further discussion. 6 ayes, 0 nays, motion carried.

Minutes taken and submitted by Administrator/Clerk, Jackie Arthur.