

# MINUTES

TOWN OF SPRINGDALE JOINT PLAN COMMISSION &  
TOWN BOARD MEETING  
Monday, August 28, 2023 at 7:00 PM

**1. Call to order, certification of compliance with the Open Meeting Law, quorum is present, approval of the agenda (public input at the time of each agenda item may be permitted).** Jester called the meeting to order at 7:01 PM, and certified that the meeting was posted in accordance with the open meetings law on 8/28/23. A Quorum of Jester, Sullivan, Bernstein, and Hanson were present at Town Hall. Bunn and Altschul absent. Meeting broadcast via Zoom. Quorum of TB members present at Town Hall, Chair Rosenbaum and Supervisors Hefty and Schwenn. Administrator/Clerk Arthur and Deputy Clerk Kalscheur present.

**2. Minutes of July meeting.**

**MOTION** (Bernstein/Hanson) to approve the July minutes. No changes. 4 ayes, 0 nays, motion carried.

**3. Mount Vernon Hills II LLC/ Plat Consistent with Concept Plan /CTH G - Mount Vernon/ Sec 34.**

At the June meeting the PC and TB clarified that the concept plan map as presented represented the concept plan that the PC intended on approving (including lot sizes we also approved the rezones for residential purposes of these lots). – however, we had not yet approved the plat that officially created the lots because it was not ready yet. So, what we are doing here is looking at the plat and judging if it is consistent with the approved concept plan – it is the same action that we take with a CSM – it is just a different legal instrument to do the same action.

**MOTION** (Bernstein/Sullivan) to recommend TB approval of the plat as presented which is consistent with the concept plan. No further divisions on Mount Vernon Hills property allowed. 4 ayes, 0 nays, motion carried.

**4. H. and C. Dahlk/ Revised CSM and Rezone/ Lands on Hwy J and G/ Sec 26.**

In October 2022, the town approved a concept plan for the Dahlk lands. The motion stated: **MOTION:** Bunn/ Altschul move to approve the H. and C. Dahlk concept plan. All the development will be in NW corner of the entire property and not on highway G. The town agrees that granting an exception to allow four lots sharing one driveway because the layout better meets an option two guidelines for a concept plan in the Land Use Plan and will preserve farmland. In option two, none of the buildings may be sited on the ridgetop. Due to proximity of neighbor’s dwelling the building envelope for Lot D needs to be located off of the ridgetop and in the southeast bottom quadrant of that lot. “

In January the town amended the building envelope restriction on lot 4 to change “...in the southeast bottom quadrant of that lot” to “in the eastern half of the lot,” Additionally, in January of 2023 the PC recommended and TB approved a preliminary CSM as consistent with the approved concept plan. We also recommended zoning consistent with the lot sizes. However, when Dahlk’s took this to Dane County for approval the engineer review surfaced a lot of requirements that would be triggered because of the single ownership of the long driveway by lot 4. If Lot 4 owns the entire driveway and uses it as its 66’ frontage. The amount of impervious surface in one lot would trigger requirements for major storm water engineering – ponds etc. But, if the ownership of the driveway were spread across several lots much of this engineering is not required by the county and the cost could be reduced greatly. To do this, lot 4 would need to have a flagpole through the woods.

In May 2023 the PC had a discussion while looking at a preliminary survey sketch of a possible reconfiguration of the new understanding of the constraints. The PC did not see any issues with the new layout dividing ownership of the drive among the lots. They are now submitting a revised CSM for these lots and asking the town to judge it as consistent with the approved concept plan. NOTE: The overall amount of land

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involved in these lots didn't change between the two CSMs – just the way it was allocated among the lots.

The town also previously approved a rezone of these lots (original motion from Jan 2023 ...” rezone of 4 lots for residential use. 1.5 ac lot from AT 35 to RR1; 3.8 ac from AT 35 to RR-2; and 2 lots of 5.09 and 6.21 from AT 35 to RR-4.”; however, when the lots are reconfigured the lot sizes changed that requires changes to the rezone approvals. It basically just change the zoning on Lot 2 from RR2 to RR4 – when Dane County got this application the first time around they suggested that the existing accessory building on LOT 2 be restricted from commercial use because it was being zoned residential and because it would be in the middle of a cluster of houses – this is consistent with the LUP and since we are revisiting this lots rezoning we can add this into the town’s motion.

**MOTION#1** (Hanson/Bernstein) to recommend TB approval of the revised CSM as presented as consistent with the approved concept plan on file with the town with a note in the minutes that Lot 4, envelope 1, has a building envelope on file with town hall to restrict development to the eastern half of Lot 4. 4 ayes, 0 nays, motion carried.

**MOTION#2** (Bernstein/Sullivan) to recommend to the TB the rezone of 4 lots for residential use: 1 - 1.5 ac lot from AT 35 to RR1, 2 - 4.8ac lots and 1 - 5.5 ac lot from AT 35 to RR4 with the stipulation that there be no further divisions of these lots per the town of Springdale land use plan and that the accessory building on Lot 2 not be used for commercial purposes. 4 ayes, 0 nays, motion carried

**5. S. and F. Tadish (J Cook - agent) /Residential Accessory Building/ 2280 Dahlk Circle/ Sec 24.**

This application was filed by the contractor Joe Cook for the residential accessory building on Dahlk Circle to be used for personal storage in an SFR2 zoning district.

The building is staked and available for viewing.

**MOTION** (Hanson/Sullivan) to recommend TB approval of the 56x36x16’ residential accessory building-not for commercial use. 4 ayes, 0 nays, motion carried.

**6.G. Hellenbrand/ Agricultural Accessory Building/ 2675 County Highway J/ Sec 14.**

This accessory building is on the AT35 portion of the land owned by G Hellenbrand. His home is RR 2 lot that is surrounded by the ag land. I checked with Dane County about the agricultural accessory building on the AT 35 portion of the land (Gary runs sheep on this land) and Roger Lane said,“An agricultural shed is a permitted structure within the AT-35 zoning district. It appears that the building will be used for a true agricultural purpose. The application notes that the building will not be used for housing livestock. There would be a 10-foot minimum setback from the RR-2 zoned property and a 42-foot setback from County Hwy J. Thanks for checking.”

The building is staked and available for viewing. Dane County will need to approve the zoning permit for setback.

**MOTION** (Sullivan/Bernstein) to recommend TB approval of the 72x48x15’ Agricultural Accessory Building in the AT 35 zoning district if they have appropriate setbacks. No power or water will be in the building. 4 ayes, 0 nays, motion carried

**7.W. Garfoot/Building Envelope Change on Concept Plan/ Springdale Center Rd. /SEC. 28.**

In Feb 2019 the town approved an Option 1 concept plan for Garfoot lands on Springdale Center Rd. There

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were 2 new density units on 5 ac lots and a density unit with the remainder of the land – there were town approved building envelopes on file. The town approved the CSM for the creation of these lots in March 2019 (PC) and April 2019 (TB).

In June of 2020 the PC and TB approved a slight expansion of the building envelopes on the 5 ac lots for required setback from airstrip due to 8600 sq. ft. structure - garage, hangar, house no change to the building envelope that was to stay with the remainder of the land.

In June 2022 Garfoot rezoned the remainder land from AT35 to RM 16. The minutes read:

“DISCUSSION: Concept plan and two lots approved in 2019. The concept plan indicates there is a density unit associated with the remainder of the land. When the 2 lots were created by CSM, they were rezoned for their intended residential use. The remaining lot stayed AT-35 because it did not have residential use at the time. This is the last remaining density unit, and the location of the building envelope is on the concept plan on file with the town – the applicant was reminded that the maps submitted with the rezone application show a "possible home site" and "possible out building," and the PC chair noted that these have not been approved and would constitute a change from the approved original concept plan. These possible sites (home site and accessory building would need PC/TB approval. The applicant said he understood that the rezone of the land does not constitute approval of either of these locations and that additional approvals would be needed MOTION (R. Bernstein/M. Healy) to recommend to the Town Board a rezone of this parcel from AT-35 to RM-16 with no further divisions per the Town Land Use Plan. No further discussion. 7 ayes, 0 nays, motion carried.”

Now in Aug 2023 Garfoot is requesting a change in building envelope from the small acre of ag land near the shared drive to the wooded area. This new building envelope would be large enough to accommodate any future house and accessory building. This is an Option 1 concept plan and our Land Use Plan states that: “(f) The largest building envelope(s) that can meet the criteria in Land Use Plan Section 5 [option1] shall be defined on the concept plan.”

**MOTION** (Sullivan/Bernstein) to recommend TB approval of a building envelope change as presented on the satellite map for Garfoot lands on Springdale Center Rd-Lot 3. 4 ayes, 0 nays, motion carried

**JOINT MEETING OF THE TB FOR THE PURPOSES OF REVIEWING AND ACTING ON AGENDA ITEM(S) ABOVE.** Rosenbaum call to order at 7:38 PM, quorum of Rosenbaum, Hefty and Schwenn present at Town Hall.

- **TB approve TB minutes from July Joint TB/PC meeting.**

**MOTION** (Schwenn/Hefty) to approve the TB portion of the PC minutes with no changes. 3 ayes, 0 nays, motion carried.

- **PC Recommended action from agenda items above**

- Mount Vernon Hills II LLC/ Plat Consistent with Concept Plan /CTH G - Mount Vernon/ Sec 34.

**MOTION** (Hefty/Schwenn) to accept the PC recommendation to approve the plat as presented which is consistent with the concept plan. No further divisions on Mount Vernn Hills property allowed. 3 ayes, 0 nays, motion carried.

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**MOTION #1** (Schwenn/Hefty) to accept the PC recommendation to approve the revised CSM as presented as consistent with the approved concept plan on file with the town with a note in the minutes that Lot 4, envelope 1, has a building envelope on file with town hall to restrict development to the eastern half of Lot 4. 3 ayes, 0 nays, motion carried.

**MOTION#2** (Rosenbaum/Schwenn) to accept the recommendation to approve the rezone of 4 lots for residential use: 1 - 1.5 ac lot from AT 35 to RR1, 2 - 4.8ac lots and 1 - 5.5 ac lot from AT 35 to RR4 with the stipulation that there be no further divisions of these lots per the town of Springdale land use plan and that the accessory building on Lot 2 not be used for commercial purposes. 3 ayes, 0 nays, motion carried

-S. and F. Tadish (J Cook - agent) /Residential Accessory Building/ 2280 Dahlk Circle/ Sec 24.

**MOTION** (Hefty/Schwenn) to accept the recommendation to approve the 56x36x16’ residential accessory building - not for commercial use. 3 ayes, 0 nays, motion carried.

- G. Hellenbrand/ Agricultural Accessory Building/ 2675 County Highway J/ Sec 14.

**MOTION** (Rosenbaum/Hefty) to accept the recommendation to approve the 72x48x15’ Agricultural Accessory Building in the AT 35 zoning district if they have appropriate setbacks.. No power or water will be in the building. 3 ayes, 0 nays, motion carried

- W. Garfoot/Building Envelope Change on Concept Plan/ Springdale Center Rd. /SEC. 28.

**MOTION** (Rosenbaum/Hefty) to accept the recommendation to approve of a building envelope change as presented on the satellite map for Garfoot lands on Springdale Center Rd-Lot 3. 3 ayes, 0 nays, motion carried

**MOTION** (Schwenn/Hefty) to adjourn at 7:46 PM. 3 ayes, 0 nays, motion carried.

### **8. J. Klein (Plymouth Stone LLC) /1889 N. Kollath Rd/Pre-application for concept plan and set date for site visit/ Sec 35. DISCUSSION ONLY**

This property was recently sold to Josh Klein (a current Springdale resident on Bringold). This property has not been divided since 2002 nor is there a concept plan on file. It does not have an existing residence and under an option 1 - 1 land division/additional density unit or option 2 possibly 2 divisions/additional density units. The new owner wishes to complete a concept plan and has submitted a preliminary option 2 concept plan. There are 36 acres total.

Site visit scheduled for September 6, 2023 @ 6:30pm.

### **9. AG Hawley/ Discussion of possible zoning/uses for property at 2669 County Highway P/ Sec. 16. DISCUSSION ONLY**

Background:

In 1997 this property was rezoned to the C2 zoning district and deed restricted to a single use – auctions – there is a list of conditions in this deed restriction.

In 2004, Hawley requested that the C2 deed restrictions be enlarged to include car/truck sales - the **request was**

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denied as it was not seen as consistent with the land use plan. Hawley discouraged the town from deed restricting to a single use in the future.

In 2006, Hawley came to the town for information purposes only to discuss potential uses of the property. The minutes from the PC discussion are below.

**AL HAWLEY/REZONING POSSIBILITIES FOR CURRENT AUCTION SITE:** Information only: In the fall of 1997 the Hawley property was conditionally zoned for C-2 with the restriction that the only use in the C-2 is for auctions. The town land use plan supports rezoning requests to C-1 only in Mt. Vernon and does not support rezoning requests to C-2 or M-1 in the town, therefore the current C-2 zoning could not be expanded to include other C-2 uses. In other areas of town, the presence of existing, grandfathered C-1 and C-2 uses does not mean that such uses may be newly permitted in another location since it is contrary to the plan. In planning for retirement and selling his property, it was suggested that A. Hawley consult the town plan, Sec. 9 Commercial Development/Uses, for the list of the variety of B-1, A-B, LC-1 uses supported. Also, Dane County Code of Ordinances, Chapter 10, lists the permitted and conditional uses for the various zoning districts. In response to his question, it was verified that the property could be rezoned to A-1 zoning for residential purposes. Septic and noise overlay requirements would have to be investigated. No action.

In 2019, when the Dane County zoning code was updated, the property was rezoned to the GC zoning district on the condition that the existing deed restrictions were refiled. These were the deed restrictions limiting the property to only auctions.

Questions for discussion: Hawley is retiring and selling the property. Auctions as a business the way they used to take place at the property no longer occur as everything has moved online. This is no longer a viable single use for a property and yet the property is restricted to this use. What are possible uses that the town would accept for this property. Hawley and others are trying to figure out how to market the property. It is understood that this doesn't constitute approval and that further actions would be needed by potential or future parties.

See section 10 of the Land Use Plan for supported non-residential uses in the town. Be prepared to talk about what you would in theory accept as uses for this property going forward.

Al Hawley was in attendance and thanked the Town for allowing him to run his business for so many years. A neighbor was also in attendance and requested the next owner not cause any spillage or lighting issues. The town does not want any heavy commercial use or heavy traffic users but would look at possibly a landscape business, limited commercial or an ag business. It was suggested that a potential buyer contingent upon purchase could request a rezone. Amy will ask Dane County about setbacks in regard to the barn.

### **10. Solar Ordinance Update and Discussion. Update from conversation John and Kelly had with legal counsel asked to review the proposed ordinance.**

The Town Board voted to send a draft of the Solar Ordinance to the town attorney, Chris Hughes. Chris could not be of assistance due to a conflict of interest. He referred us to Matt Fleming. Rosenbaum and Altschul had a conference call with Matt. Matt recommended several changes to the ordinance and will create a redline version with changes. We will discuss further at the September meeting.

### **11. Adjourn**

**MOTION** (Bernstein/Hanson) to adjourn at 8:28 PM. No further discussion. 4 ayes, 0 nays, motion carried.

*Minutes taken and submitted by Peggy Kalscheur, Town Deputy Clerk.*