

Minutes of the Joint Meeting of the Springdale Plan Commission and Town Board at the Plan Commission Monthly meeting on February 28, 2022 at 7 p.m. Minutes prepared by Maggie Milcarek, Deputy/Elections Clerk

Approved March 28, 2022

IN ATTENDANCE: Plan Commission: Amy Jester, Rich Bernstein, Jim Hanson, Mike Healy, Ellen Bunn (a quorum is present) Absent: Denise Sullivan Town Board: Wayne Hefty, John Rosenbaum (Chair), Richard Schwenn. Town Admin: Jackie Arthur, Maggie Milcarek

- **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.)**

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. The final agenda was posted on the website and at Town Hall as required by law.

- **Minutes of previous meetings**

**MOTION:** Healy/Bernstein motion to approve with two suggested changes.

Vote: Aye-5, Nay-0

- **Announcement - Changes to TB and PC. Call for recommendations for PC members**

**Discussion:** Rosenbaum resigns from Plan Commission due to becoming the Chair of the Town Board. PC discusses the need for additional members.

- **Vesley/ 2078 CTH J/ Lot Line Adjustment/Sec 26.**

**MOTION:** Healy/Bernstein motion to recommend the Town Board approve the new CSM for the Vesley parcel to accurately reflect a lot line adjustment that occurred prior to the Lot Line Adjustment Ordinance.

Vote: Aye-5 Nay-0

**Discussion/Background:** This action is to correct a clerical error. The CSM was not updated when the lot line adjustment occurred and Dane county requested a new CSM to be completed. J. Vesley purchased a bit of land from his neighbor in approximately 2008 (before the lot line adjustment ord.). A surveyor did this via a metes and bounds description. When J. Vesley recently pulled a permit for a new shed (approved by Town Chair because it was under 1500sq ft), the county noted that a new CSM should have been drawn for this parcel to formally join an old CSM and the metes and bounds portion. This new CSM is that document. The zoning is not changing – all of this land was already recorded under one parcel number. The correct paperwork needs to be filed as requested by Dane County.

- **J. Huseth/Rezone/ Lewis Rd/ Sec 31.**

**MOTION:** Healy/Bunn motion to recommend the Town Board rezone Huseth/Hanson property from AT-35 to RE as it permits the proposed and current agriculture use and is consistent with Town of Springdale Land Use Plan. The RE rezone should exclude the conditional use of a caretaker residence or

building on the parcel. This recommendation is made with the expectation that the Town Board will request more information from Dane County on rezoning to RE instead of UTR.

- Vote: Aye-4 Nay-0 Abstain-Hanson

**Original Request:** The PC to recommend the former Huseh/K. Hanson parcel which is now less than 35 ac be rezoned UTR to reflect its use for ag -no development. The town is doing so because the land it is abutting is zoned Farmland Preservation and our Town does not have that zoning district. This land has no density units and is not eligible for further division per the Town of Springdale land use plan.

**Discussion:** PC Discussed the Dane County suggestion of UTR zoning for this parcel. Dane County recommended it because The Town does not have a farmland preservation district and UTR allows small scale farming and does not permit any building so it seemed to fit the towns desires for this land. UTR allows for utility, communication, and transportation uses. PC members wondered if UTR zoning would allow for putting a utility/communication tower on it. PC members want to make sure there are no unintended consequences to this zoning district. This use of UTR is consistent with other “odd” parcels that don’t fit anywhere else but still allow for ag land. PC members asked if row cropping met the definition of small scale farming. PC members reviewed UTR and RE permitted uses. Members felt UTR is not a great fit for this parcel, nor are they comfortable with the UTR zoning.

PC members also discussed checking in with Dane County prior to making a recommendation to the Town Board. PC members are concerned that we are creating a zoning area where we could put a powerline, or something else, because it doesn’t fit anywhere else. Outdoor active recreation, non-residential buildings would be the only potential concern with zoning RE. Non-residential buildings are allowed with RE so that would need to be excluded.

- **Midthun/ CSM Review and Rezone for residential use / CTH J/ Sec 23.**

**MOTION:** Jester/Healy motion to table the CSM review and rezone of Midthun land pending a revision to concept plan that is consistent with desired CSM.

Vote: Aye-5, nay-0

**Discussion:** PC discussed that the proposed CSM reflects a much shorter driveway than on the concept plan and that indicates a shift in the building envelope for the density unit. Some PC members thought less farmland was being used because of the shorter driveway than if the house had gone further back. PC members and owner noted the house is still tucked against woods. Some PC members discussed that the house seems like it is in the middle of the ag land and is using more ag land than it was where it was depicted on the concept plan. Others pointed out that they are keeping large tracts of farmland together and making the driveway a lot shorter.

PC discussed having the house back further makes the field easier to work and they can see the appeal of moving the house to the west to more easily access the field. PC members noted that with the concept plan, the owner said he wanted a house near Dahlk Circle and now it is in a different location making it not consistent with the concept plan. Other members discussed that they did not draw a building envelope, it was approximate, and they discussed that the house would be back by the trees.

One of the concerns in the notes was how long the driveway was and this location saves 500 feet of driveway.

PC discussed if there are any neighbors that would be concerned about this because of their sightline. One neighbor present indicated no concern for the location.

PC also discussed the issues of scale, this is a very large parcel, and consistency. To be consistent, we would want to look at the concept plan first and then move forward with the CSM. We have never said that on larger tracts of land, it is not as important to stick to the concept plan. If the concept plan is not consistent then the owner needs to come back with something that is consistent or come back with a revised concept plan. PC members discussed that it is not on the agenda to revise the concept plan so they are unable to act on that issue.

As for zoning, PC discussed this is a spot zone. Discussed SFR-1 zoning was because they were looking at not having ag uses for the farmhouse. New farmhouse would be in the back with RR-2. The RR-2 zoned portion is the new family farmstead associated with the bulk of the land. The SFR-1 lot is just a single-family home on 1-acre parcel. The concept plan shows the potential development of a cluster of single-family homes in the same area. The town has used spot zoning of several 2 acres of farmland in much smaller parcels than this for the remaining density unit on a farmstead.

- **M Schmitz/ Creation of 2 lots consistent with Concept plan and Rezone for residential use / Messerschmidt Rd/ Sec 27.**

MOTION 1: Healy/Jester motion to recommend the Town Board approve the preliminary CSM is consistent with the concept plan for the creation of two additional lots on the M Schmitz land.

Vote: Aye-5, Nay-0

MOTION: Jester/Healy motion to recommend to the Town Board to rezone three lots: Lot 2 and 4 to RR2 (2.2 ac and 3.0 ac) and Lot 3 (about 30ac) to RM-16 (30 ac). These lots are not eligible for further division per the Town of Springdale Land Use Plan.

Vote: Aye-5, Nay-0

Discussion: PC Discussed that the creation of two lots was consistent with the concept plan. PC also discussed that the lots need to get rezoned. The two newly created lots need to be rezoned RR2 based on their size and residential use. Lot 3 needs to be rezoned to RM-16 - usedland falls below 35 acres but still has ag land plus residence.

- **R. Kahl/ J. Zimmer/ Lot Line Adjustment/ Lots 2 & 4 Lust Rd and 8642 CTH G/ Sec 34.**

MOTION: Hanson/Jester motion to recommend that the Town Board deny the lot line adjustments between Randy Kahl and Josh Zimmer and a lot line adjustment between Kahls's lots 2 and 4 because the proposed new lot line would cut through agriculture land and this action is not consistent with our lot line adjustment ordinance.

Vote: Aye-5, Nay-0

**Discussion:** Building envelopes on the concept plan are staying exactly where they are on the 2005 Concept Plan. PC members discussed that this proposed lot line adjustment is breaking up ag land in Lot 2. Owner discussed that the land looks like one big piece but it was three separate fields. It was discussed that it has been cropped separately for years. PC discussed that CRP designation is arbitrary and the field looked like one open field during a recent site visit. Some members felt that it was consistent with how land has been used for years, it already had two owners and they are legally separate lots. Owner said they are not breaking up one field, they are bringing one of the fields back to the original farm that it was a part of. Some PC members discussed that they are actually saving ag land by the rezone others disagreed.

PC members discussed an alternative: shrinking residential lot #2 and put all the rest of lot #2 into Zimmer's land. PC members would feel better about lot line adjustment that has a contiguous field because it better fits the ordinance. PC discussed with owners if they would consider adjusting the lot line so there is more ag/pasture land going to Zimmer so that they are not breaking up ag land and the adjustment is not contrary to the lot line adjustment ordinance. Owners will reconsider adjustments and other alternatives.

#### **JOINT MEETING OF THE TB FOR THE PURPOSES OF REVIEWING AND ACTING ON AGENDA ITEMS ABOVE**

**9:43 called to Order TB meeting.**

- **Vesley/ 2078 CTH J/ Lot Line Adjustment/ Sec 26**

**MOTION:** Hefty/Schwenn motion to approve the new CSM for Vesley parcel to accurately reflect a lot line adjustment that occurred prior to the Lot Line Adjustment Ordinance.

Vote: Aye-3, Nay-0

**Discussion:** Town Board discussed that this is a formality and that they should approve the Plan Commission's recommendation to approve the CSM to accurately reflect lot line adjustment that occurred prior to the ordinance.

- **J. Huseth/Rezone/ Lewis Rd/ Sec 31**

**MOTION:** Rosenbaum/Schwenn motion to table the Huseth property rezone pending additional insight that Plan Commission Chair may learn at the county level on UTR and RE zoning.

Vote: Aye-3, Nay-0

**Discussion:** Town Board discussed that they liked staying away from UTR zoning because of concerns about utilities being on the property. The Town Board discussed wanting more information and guidance from Dane County on going from At-35 to RE zoning with the stipulation that there are no buildings on the land. The Town Board asked the Plan Commission chair to seek input from Dane County.

- **Midthun/ CSM Review and Rezone for residential use / CTH J/ Sec 23**

**MOTION:** No Action

Vote: No Action

**Discussion:** No action needed because Plan Commission tabled the issue and did not recommend approval of the CSM.

- **M Schmitz/ Creation of 2 lots consistent with Concept Plan and Rezone for residential use / Messerschmidt Rd/ Sec 27.**

**MOTION:** Hefty/Schwenn motion to approve CSM as it is consistent with Concept Plan for the creation of two lots on the M Schmitz land.

Vote: Aye-3, Nay-0

**MOTION:** Rosenbaum/Schwenn motion to approve the rezone of Lots 2 and 4 to RR2 and Lot 3 to RM-16 with stipulation that there is no further division of lots 2, 3, and 4. Lot 4 has a building envelope on file with the town.

Vote: Aye-3, Nay-0

**Discussion:** Town Board discussed the Plan Commission's recommendation that the creation of 2 lots and CSM is consistent with the concept plan. The Town Board also discussed the recommendation from the Plan Commission that the lots need to be rezoned to RR-2 and RM-16 with the stipulation that there is no further division of the lots 2, 3, and 4.

- **R. Kahl/ J. Zimmer/ Lot Line Adjustment/ Lots 2 & 4 Lust Rd and 8642 CTH G/ Sec 34.**

**MOTION:** Rosenbaum/ Schwenn motion to deny both lot line adjustments for the Kahl properties because there is a line going through agricultural land and it is not consistent with our lot line adjustment ordinance.

Vote: Aye-3, Nay-0

**Discussion:** Town Board members thought the Plan Commission had a very thoughtful discussion on this topic and Town Board members motioned to deny the lot line adjustments as recommended by the Plan Commission.

Schwenn/Hefty motion to adjourn Town Board meeting at 9:54 p.m.

- **Proposed Changes to Town Sign Ord: Discussion Only**

**Discussion:** Town recognized town citizens who volunteered to serve on the sign ordinance committee. PC members discussed that the Dane county sign ordinance is a drastic change from what is currently in place in the Town and it conflicts with the land use plan. PC members expressed a preference for variances and exceptions for some signs instead of adopting the Dane County sign ordinance. PC members expressed concern that having a whole bunch of signs makes people think that this is a place where commercial business is done and it's not.

PC members discussed that the zoning has changed so the sign ordinance needs to change. The sign ordinance needs to be updated to be consistent with the changes in zoning. PC members discussed that

we may want some leniency with zoning—like in Mount Vernon, or with a land trust putting up a sign, or a trail sign. Overall, PC members felt that the current sign ordinance works well and suggested bringing current sign ordinance into compliance with updated zoning

- **PC Procedures** - Set date and meeting agenda for Spring Work Session: Discussion Only.

**Discussion:** PC members discussed items of priority for Spring Work Session. The following were listed in order of priority:

- 1) Lots without density units
- 2) Dane county frontage
- 3) Lot line adjustment

PC members also discussed that the next meeting be in-person at Town Hall. Some suggested offering a concurrent zoom option to ensure access to people who are not able/willing to participate in person. Town staff agreed to help monitor zoom participants and run slides.

**Bunn/ Healy Motion to adjourn at 10:38 p.m.**