APPROVED MINUTES OF THE SPRINGDALE PLAN COMMISSION MONTHLY MEETING FOR SEPT. 24, 2018.

IN ATTENDANCE: Rich Bernstein, Ellen Bunn, Mike Healy, Amy Jester, David Schmidt, Denise Sullivan (7:38 p.m.). (A quorum is present.) 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 9/20/18 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 9/20/18*.*

ANNOUNCEMENT: Chair Jester welcomed new PC member Rich Bernstein and acknowledged the service of retiring PC member David Heisch.

MINUTES: MOTION by M. Healy/D. Schmidt to approve the August PC meeting minutes as distributed. Motion carried 4-0-1 (Rich Bernstein abstained since he was not in attendance.)

R. KLINGER/CSM-SPOT ZONING AND CORRECTION OF PREVIOUS CSM/GUST RD./SEC. 12: MOTION by D. Schmidt/M. Healy to approve the CSM (prepared by Vierbicher Associates Inc., Surveyor Michael S. Marty, FN: 170093, dated 09/11/2018). Discussion: The CSM is consistent with the spot zoned area for LC-1 as required in the rezone to LC-1 with conditions #11328, and the site plan submitted as part of the rezoning (prepared by Vierbicher Associates Inc. dated 8/12/2018). Commercial activity shall only occur in the spot-zoned area. The CSM also contains the required language in Notes: 4 on p. 2 of the CSM.”There are no further land divisions of Lot 1 per the current Town of Springdale Land Use Plan.” Motion to recommend approval carried 5-0, 7:10 p.m.

ACCESSORY BUILDING AFTER RECENT SITE VISITS: Per the Town of Springdale Accessory Building Ordinance adopted on May 21, 2018, the approval process for accessory buildings - which exceed 1500 square feet or the total size of all accessory buildings on a lot or parcel of land exceed 1500 square feet - requires a site visit. “…shall be reviewed and approved, conditionally approved, or denied by the Town Board, after a required site inspection and recommendation of the Town Plan Commission.” The proposed accessory building shall be field staked for site inspection. A site visit was conducted for the following accessory building applications.

a. DEVON HANDEL/ACCESSORY BUILDING/PRAIRIE RIDGE RD./SEC. 8: MOTION by D. Schmidt/M. Healy to approve the accessory building permit. Discussion: A residential accessory building, 40’ x 30’ with height of 12’, is proposed for the storage of truck and skid loader. Motion to recommend approval carried 5-0-0.

b. TAYLOR AND LISA MAURER/EXPANSION OF ACCESSORY BUILDING FOR HORSE BOARDING IN EXISTING CUP/BRIDGE LANE/SEC. 25: MOTION by M. Healy/E. Bunn to approve the 2400 sq. ft. indoor riding arena as an addition to an existing horse facility (site plan prepared by Glacier Landscape, Inc. dated 08/20/2018) Discussion: Dane County Zoning Administrator Roger Lane, in a written communication with the Town dated 8/27/2018, states that the CUP 2395 requires an operations plan and to show buildings for the horse boarding facility. Conditions on the CUP elude to limitations on the size of the facility but the conditions do not explicitly say that the buildings are prohibited from expanding. The CUP limits the number of horses to be boarded on the property to up to 20 horses. The expansion of the facility does not appear to be increasing the intensity of the facility; it does not add additional horse stalls.” Motion to recommend approval carried 5-0-0, 7:18 p.m.

CONCEPT PLAN AFTER RECENT SITE VISITS: Per the Town of Springdale Land Division and Subdivision Code, Sec. 3.24 Concept Plan Review and Site Visit, “Before submitting an application to divide land, the land divider shall review a concept plan with the Plan Commission and receive information regarding general land division requirements…Prior to the concept plan review, the Plan Commission shall schedule with the land divider a time to conduct a site visit of the property. Such site visit shall be conducted by members of the Plan Commission and the land divider…”

a. NIZAMUDDIN LAND/CTH S/SEC. 5: MOTION by Healy/Bunn with the amended motion to approve the proposed concept plan contingent upon the proposed new town road off of County Road S being approved by the Town Board and the access off of County Road S being approved by Dane County Highway and to activate the adopted Town policy for new roads since this concept plan meets the criteria in the Plan and improves the layout of the development to better meet the Plan (amendment proposed by Bunn/Jester) and to require resolution of the existing shared driveway easement agreement serving three existing residences (amendment proposed by Bunn/Jester.)

Discussion: \*The contiguous acres owned on the effective date of the Plan – 116 acres with an existing farmhouse. Mark Nortman, representing the landowner Nizamuddin, submitted an Option 2 concept plan depicting 7 new lots, 1.5-2 acres each in size, clustered in the southwest corner of the property to be served by a new, short town road cul-de-sac with shared driveways.

\*Proposed New Town Road –For the Town to acquire another town road to maintain is a serious matter, but when the lots are clustered, strip development is avoided along County Road S and there are not many other places for development on the farm, a new town road may make sense. It was suggested that the orientation of the proposed new town road intersection with County Road S be shifted for an easier turn-in and turn-out.

\*Existing shared driveway access on County Road S for three existing residences: Dane County Highway shall be consulted to determine whether the existing access point for three residences may be upgraded to accommodate a total of 10 residences on this controlled access highway and whether a passing lane would be needed for safety. Also, the existing shared driveway agreement shall be updated to reflect the additional users of this access point.

\*Next steps: Dane County Highway to be contacted as soon as possible regarding 10 houses on this access point. Nortman shall attend the October TB meeting to discuss the proposed new town road. Motion to approve the motion as amended carried 6-0, 7:45 p.m.

*Policy for New Town Roads –Adopted by the Town Board 102113*

1. *A proposed new town road must be clearly in the public interest/good.*
2. *A new town road may be accepted for an option 3 development.*
3. *A new town road may be accepted for an option 2 development only when the proposed new road, or the extension of an existing road, clearly improves compliance with the Land Use Plan, Residential Density Option 2, Sections (B) and (C), and meets all the following goals from option 3:*
	1. *Residential development (lots) shall be clustered on twenty five (25) percent of the contiguous acres owned on plan effective date. Additionally, shared driveways may be required to enhance the effect of clustering development areas.*
	2. *Residential driveways shall be sited and constructed in a manner which best minimizes their impact on agricultural land.*
4. *A new town road may be accepted for an option 1 development only when the proposed new road, or the extension of an existing road, clearly improves compliance with the Land Use Plan, Residential Density Option 1, Sections (B) and (C), and meets all the following goals from option 2:*
	1. *Residential driveways shall be sited and constructed in a manner which best minimizes their impact on agricultural land.*
	2. *The building envelope(s) shall be designed to minimize their visual impact when viewed from public roads and from the surrounding countryside. On properties with prominent, exposed hill tops or ridges, it is desirable for roof tops not to extend above the hill top or ridge line.*
	3. *The location of building envelope(s) shall demonstrate that the impact on the town’s rural character has been minimized.*
	4. *Clustering is desirable and may be required when there is the potential for three or more building envelopes to be created.*
5. *5. In the case where a town road has been converted to a private driveway by action of the Town Board after Sept. 29, 2013, and development of permitted new lots cannot proceed without a town road, the Town*
	1. *Board will consider reestablishing the private driveway as a public right-of-way.*

b. ZANDER LAND/SPRINGDALE CENTER RD./SEC. 22: The landowner did not attend the meeting.

ELVER LANDS/CSM CONSISTENT WITH APPROVED CONCEPT PLAN/TOWN HALL RD./SEC. 17: The landowner did not attend the meeting.

PREAPPLICATION MEETING-SITE VISITS FOR CONCEPT PLAN-CSM/B. GARFOOT/SPRINGDALE CENTER RD./SEC. 28:

MOTION by M. Healy/A. Jester to table the request for approval of a concept plan until questions posed by the landowner can be resolved. Discussion: The landowner Bill Garfoot would like to create two lots on his 51 acre property, however, he is uncomfortable with the PC conducting the required site visit on his property in the usual fashion. Motion to Table carried 5-0-1 (E. Bunn recused herself.)

DALE CHESTNUT LANDS AND BASSETT LANDSCAPING INC./TWO BUSINESSES IN VIOLATION OF ZONING/GUST RD./SEC. 12:

BACKGROUND:

a. Ben Schafman, one of three owners 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.

b. Dale Chestnut– Double D Trailers, 2733 and 2737 Gust Road, received a zoning violation letter from Dane County Zoning, 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.4. The current trailer business has provided no screening of vehicles outside of buildings as required in the deed restriction. 5. Impervious surfaces have been added to the property without adherence to storm water management rules and regulations.

NEW INFORMATION:

Legal representation for Chestnut and Bassett, Inc.: The attorneys for Bassett Inc. and Chestnut attended the PC meeting. Jessica J. Shrestha, attorney with Wheeler, Van Sickle and Anderson, S.C. represents Bassett Inc. and Juscha E. M. Robinson, attorney with Pines Bach represents Chestnut. On Sept. 20, 2018, the following submittals were received in the Town Hall from Attorney Shrestha: \*Dane County Rezone & Conditional Use Permit application submitted to Dane County Zoning on 09/11/2018 with DC Zoning public hearing scheduled for 11/27/2018. \*Cover letter from Attorney Jessica Shrestha to DC Zoning dated 09/11/2018. \*2-lot CSM showing Lot 1 and Lot 2. \*Amended and Restated Declaration of Restrictions. \*Property layout drawings: Bassett, Inc. Current, Chestnut/Bassett, Inc. Proposed. \*Assessment Summary. \*Roger Gust CSM of property in 1992. \*Aerial photos of the property showing type of soils, wetlands, floodplain, etc. \* Cover letter from Attorney Jessica Shrestha to DC Zoning dated 09/20/2018 with the supplemental documents “Double D Services Inc. Operations Summary 2018” and “Steven R. Bassett Inc. Operations Summary 2018” and an updated site plan for the entire property.

Status of rezoning application to bring property into compliance: On Sept. 21, 2018, Dane County Zoning Administrator Roger Lane stated that the rezoning application submitted to DC appears to be complete.

Discussion of material presented to-date includes, but may not be limited, to the following: The Plan Commission, landowners and their attorneys reviewed the submitted materials with the goal of determining whether deed restrictions/conditions to the proposal could remove the zoning violations and bring the businesses into compliance with the Town of Springdale Plan and ordinances and other pertinent DC ordinances.

Land Area:

\*Attorney J. Robinson expressed her understanding of the Town’s concern regarding the intensity of use on the properties and the question whether there is enough room to operate the businesses there. In listening to the comments of the Town at previous meetings, additional green space has been added to the area intended for Bassett Inc. by squaring off Lot 2 on the preliminary CSM and by moving the boundary line between Lot 1 and Lot 2 to the North to give more land to Bassett Inc. behind its building. At the same time, J. Robinson explained that the nature of Chestnut’s business in repairing large equipment takes up a lot of space.

\*Increasing the C-2 zoned land area: The PC was surprised to see the 0.41 acre slice of land to the west of Lot 1, currently zoned A-1, as depicted as added to Lot 1 and zoned as C-2. In previous conversations, to comply with the Town of Springdale Land Use Plan, the PC was told that land could retain A-1 zoning and be used solely for driving vehicles into an existing building on Lot 1. (With the DCCO Chapter under revision at this time, in the future, the 0.41 acres could be zoned UTR.) The Plan states: “Because heavy commercial and industrial uses are incompatible with the goals and policies of this Land Use Plan, the Town of Springdale shall not support rezoning to the C-2 Commercial District and the M-1 Manufacturing District.” The concern is that once the land is zoned C-2 it would be a storage place for commercial equipment, vehicles, etc. in violation of the Plan.

\*The use of 44’ of a 66’ wide easement between Klinger and Chestnut for Bassett Inc. business use without any agreement between the parties to the agreement. Doc. no. 1923533, 66’ wide easement for ingress and egress is referenced on the CSMs for both adjacent property owners, Rick Klinger and Dale Chestnut. Klinger references it as 66’. Chestnut’s preliminary CSM references 33’. The amended restrictions references it as 22’. Adequate parking and space to maneuver the business equipment and the employee vehicles on Lot 2 for the Bassett Inc. business is a requirement of the rezoning. Their operation summary describes up to 23 work vehicles, pick-up trucks, medium duty trucks, and specialty trucks and trailers and 28 employee vehicles. It appears that 44’ of the easement between two parties is depicted as parking for the business of one party. The concern is that there is inadequate area on Lot 2 without the easement area to accommodate the size of the business. This is an unknown that will have to be resolved at some point; sooner rather than later is the goal. The Town cannot be expected to agree to three different documents with three different easement sizes for one easement.

Consistency in applying deed restrictions and conditions for landscaping businesses in Springdale: Since the PC has worked with several rezoning applications for landscaping businesses, the list of typical deed restrictions and conditions for a business were discussed and applied to Chestnut’s business and Bassett Landscaping, Inc. business for consistency.

(Please note: The draft minutes below contain information provided in the zoning application submittal from the landowners to the Town and information as discussed at the 9/24/2018 PC meeting. The deed restrictions and conditions will continue to be clarified.

The text in red and underlined indicates changes made in the language found in the written submittal and information added at the 9/24/2018 meeting.)

DOUBLE D TRAILER

1. Uses shall be limited to the following:

a. Repair, storage and service to all types of motor vehicles, trailers, machinery or equipment.

b. Sales or rental of used motor vehicles. Provided however, a maximum of ten motor vehicles offered for sale or rental shall be permitted on the property at any given time.

c. Manufacturing of truck trailers, equipment and general purpose trailers.

d. Sales or rental of new or used trailers and equipment of all types.

e. As described in the “Double D Services Inc. Operations Summary 2018” dated 9/20/2018.

2. Primary business hours shall be limited to ~~4 a.m. to 8 p.m~~. 6 a.m. – 6 p.m. Monday through Saturday, except for winter hours and emergencies.

\* (The Double D Trailer Operation Summary 2018 lists the hours of operation as typically 7 a.m. to 5 p.m. Mon-Fri except for emergency repairs.)

3. Traffic- Except in the case of emergency or when necessitated by road work, any vehicle with a gross vehicle weight over 12,000 lbs., which is operated or used in connection with any commercial use of the Property permitted under these Restrictions, shall limit travel on Gust Rd., to between the location of the Property and County Highway PD. Gross vehicle weight means the weight of any truck or road tractor and its semi-trailer plus the load that the vehicle is rated to haul.

\*(It was questioned whether the traffic deed restriction should include the delivery vehicles for the businesses, too, to prevent wear and tear on the windy Gust Rd. to the South.)

4. Site Plan as submitted dated 9/20/2018.

a. Any vehicle, trailer or equipment that is inoperable and any vehicle, trailer or equipment parts shall be kept in an area that is screened from public view or in an enclosed building.

\*(Should the deed restriction include vehicles under repair, too, since a vehicle under repair may be operable?)

b. Any vehicles, trailers or equipment stored on the property within the public view shall be stored in neat and orderly fashion.

5. On-street parking by employees is not permitted at any time. No parking or storage of vehicles, trailers, or equipment is permitted within the street right-of-way.

6. The maximum height of any building shall be 35 feet.

\* (It was questioned why additional height would be added to the existing buildings and which zoning district allows for non-agricultural buildings to be 35’ high? The existing buildings are \_\_\_\_high?)

7. 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. All night photo-cell controlled lighting shall not be permitted, however, motion-controlled and switch-controlled security lights are acceptable. All outdoor lighting shall be in compliance with applicable county and town ordinances.

8. ~~On-site burning is prohibited~~. On-site burning of materials generated by the business is not permitted.

9. Screening shall be installed during the next available planting season in the approximate locations shown on the attached Exhibit B and shall consist of a planted evergreen shrub initially landscaped with four (4) foot tall evergreen shrubs. Such screening shall thereafter be maintained.

10. ~~Temporary outside storage of materials or supplies used by a contractor in fulfilling his or her contracts and not offered for sale to a user or consumer.~~

\* (Text stricken from Double D Trailer Lot 1 so that Bassett Landscaping Inc. materials shall not be stored on Double D Trailer Lot 1. Both businesses need to demonstrate that adequate area exists on their individual lots for their individual business.)

11. The number of employees shall be limited to 36.

\*(The Double D Trailer Operation Summary 2018 lists the number of employees as, typically, 8-10 full-time and 1-2 part-time employees. Question where the parking spaces would be located on the site plan for 36 employees?)

Note: The deed restrictions/conditions below are typically included with business operations.

12. Outside loudspeakers are prohibited.

13. Signage shall comply with the Town of Springdale Sign Ordinance and all applicable State and County ordinances.

14. Architectural Review of the site plan and any and all alterations and additions to the property shall be reviewed and approved by the PC per the Town Plan. The existing building(s) and all future building(s) shall comply with all Dane County Zoning and Town of Springdale Building Code requirements.

15. A plan for disposal of solid waste shall be submitted to and approved by the PC.

Solid Waste,

16. A statement shall accompany the proposed new CSM: No further divisions for development of this Lot shall be permitted per the current Town of Springdale Land Use Plan and ordinances.”

17. This Restatement shall only take affect upon the Owner’s conveyance of Parcel 2 to Steven R. Bassett, Inc. or its successors or assigns.

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BASSETT LANDSCAPING, INC.

1. Uses are limited to the following:

a. Landscape contracting businesses and buildings used in connection with such activity.

b. Storage of construction equipment necessary for the operation of ~~a~~ the landscape contracting business on Lot 2.

c. Repair, storage and service to all types of motor vehicles, trailers, machinery or equipment used in connection with the operation of ~~a~~ the landscape contracting business on Lot 2.

d. Temporary outside storage of materials or supplies used by ~~a~~ the contractor on Lot 2 in fulfilling his or her contracts and not offered for sale to a user or consumer.

e. Seasonal outside storage of nursery stock and plants for the contractor on Lot 2.

f. As described in the “Double D Services Inc. Operations Summary 2018” dated 9/20/2018.

2. On-site retail sales are prohibited. This is an off-site service-oriented business – no sale, no manufacturing, no assembly of products on the premises.

3. All parking shall be setback at least 22 feet from the south boundary of Lot 2.

\*(The use of 44’ of the 66’ easement between landowners Chestnut and Klinger for the Bassett Landscaping business without the written approval of landowner Klinger is questioned.)

4.Screening shall be installed during the next available planting season in the approximate locations shown on the attached Exhibit B and shall consist of a planted evergreen screen initially landscaped with four (4) foot tall evergreen shrubs to ultimately form a continuous hedge not less than five (5) feet in height. Such screening shall thereafter be maintained.

5. Pervious green space, which shall include a turf reinforcement mat, shall replace existing gravel during the next available planting season following the date of this Restatement in the approximate location shown on the attached Exhibit B. Such green space shall thereafter be maintained.

6. The total building footprint shall not exceed 35 percent of the area of Lot 2.

\* (It was questioned which zoning district allows for 35 percent coverage and whether this meets Dane County Erosion Control and Stormwater Management requirements.)

7. The number of employees shall be limited to 28. A maximum of 28 employee parking spaces is permitted on Lot 2.

\*(Questioned whether this is all the parking area for the employees and all vehicles involved in the business on Lot 2. The Operations Summary describes the lot usually containing 23 work vehicles, including trailers, pick-up trucks, medium duty trucks and specialty trucks. All other equipment is stored in the roughly 8,740 sq. ft. building.

\*Questioned whether the required parking can fit outside of the 66’ Chestnut/Klinger shared easement area.

\*The Bassett Landscaping, Inc. Operation Summary 2018 describes the number of employees as a. 15-18 seasonal employees from April – Dec., b. 6 full-time arborists, c. 1-2 summer interns. These employees come to the site to park their vehicles, pick up supplies for off-site jobs, travel to off-site jobs, return business equipment and drive their vehicles home. d. 2 full-time office staff, e. 2 part-time office staff, f. 2 full-time department operations employees, g. 1 full-time landscape designer. These employees come to the site and work in the office with limited off-site work.) (15-18, + 6 + 1-2, +2, +2, + 2, + 1 = how many vehicles and people coming and going?)

8. In the event Lot 2 ceases to be owned or operated by the Bassett Entities or, in the event Lot 2 is used by any person or entity other than as a landscape contracting business permitted under the restrictions above, then the use of Lot 2 shall be limited to the uses and subject to the restrictions applicable to the Limited Commercial District (LC-1) under the Dane County Zoning Ordinance, Section 10.11 and the Town of Springdale Land Use Plan or ~~its~~ their successor provision(s).

9. Primary business hours shall be limited to 4 a.m. to 8 p.m. Monday through Friday, except as needed on weekends and for emergencies.

\* (The Bassett Landscaping Inc. Operations Summary 2018 lists the hours of operation as SUMMER – generally Mon – Fri, 6:30 am – 5 pm sometimes on Saturdays at 8 am and only a few times a year. WINTER – generally 8 am – 3 pm Mon-Fri with unpredictable snow removal hours.)

10. Traffic- Except in the case of emergency or when necessitated by road work, any vehicle with a gross vehicle weight over 12,000 lbs., which is operated or used in connection with any commercial use of the Property permitted under these Restrictions, shall limit travel on Gust Rd., to between the location of the Property and County Highway PD. Gross vehicle weight means the weight of any truck or road tractor and its semi-trailer plus the load that the vehicle is rated to haul.

\* (It was questioned whether the traffic deed restriction should include the delivery vehicles for the businesses, too, to prevent wear and tear on the windy Gust Rd. to the South.)

11. Site Plan as submitted dated 9/20/2018.

a. Any vehicle, trailer or equipment that is inoperable and any vehicle, trailer or equipment parts shall be kept in an area that is screened from public view or in an enclosed building.

\*(Should the deed restriction include vehicles under repair, too, since a vehicle under repair may be operable?)

b. Any vehicles, trailers or equipment stored on the property within the public view shall be stored in neat and orderly fashion.

12. On-street parking by employees is not permitted at any time. No parking or storage of vehicles, trailers, or equipment is permitted within the street right-of-way.

13. The maximum height of any building shall be 35 feet.

\*(It was questioned why additional height would be added to the existing buildings and which zoning district allows for non-agricultural buildings to be 35’ high? The existing buildings are \_\_\_\_high?)

14. 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. All night photo-cell controlled lighting shall not be permitted, however, motion-controlled and switch-controlled security lights are acceptable. All outdoor lighting shall be in compliance with applicable county and town ordinances.

15. ~~On-site burning is prohibited~~. On-site burning of materials generated by the business is not permitted.

Note: The deed restrictions/conditions below are typically included with business operations.

16. Outside loudspeakers are prohibited.

17. Signage shall comply with the Town of Springdale Sign Ordinance and all applicable State and County ordinances.

18. Architectural Review of the site plan and any and all alterations and additions to the property shall be reviewed and approved by the PC per the Town Plan. The existing building(s) and all future building(s) shall comply with all Dane County Zoning and Town of Springdale Building Code requirements.

19. A plan for disposal of solid waste shall be submitted to and approved by the PC.

Solid Waste,

20. A statement “No further divisions for development of this Lot shall be permitted per the current Town of Springdale Land Use Plan and ordinances.”

21. This Restatement shall only take effect upon the Owner’s conveyance of Parcel 2 to Steven R. Bassett, Inc. or its successors or assigns.

NEXT STEPS: The PC will continue discussion of the proposed conditions and restrictions with request for new information to clarify at minimum the following:

\*Retaining the 0.41 acres of land as spot zoned to A-1 with the majority of the land in Lot 1 zoned C-2. If neighboring properties could contain areas spot zoned for business purposes, it would be appreciated if spot zoning could be supported here. This would enable the property to comply with the Town Plan policy -Sec. 10 Non-Residential Uses, (E) 12. “The minimum land area necessary shall be rezoned for non-residential uses.”

\*The 66’ wide easement is documented in property records at the Dane County Register of Deeds. As the current process to amend the 1992 zoning restrictions on this land is intended to improve the understanding of the use of the land going forward, a shared agreement between the parties to the 66’ easement is necessary; it directly impacts the area of use, the site plan, for Lot 2 for the Bassett Landscaping business.

\* What is the zoning district in which the Height of the buildings are 35’, which is much higher than surrounding non-agricultural buildings?

\*What is the zoning district in which the lot coverage is 30%?

\*Review by the Dane County Erosion Control and Stormwater Management department is required and may impact the site plan for the Chestnut and Bassett Landscaping businesses.

\*As the attorneys for the Chestnut and Bassett businesses revise the submittal based on the discussion today, the PC requests that the suggested changes are made obvious in the documents. The PC hopes doing so will avoid the confusion which has been created when conditions, previously thought to be agreed to, were subsequently changed by the landowner.

PLAN COMMISSION PROCEDURES: SITE VISITS:

Next PC meeting Oct. 22, 2018, Submittals for the October monthly meeting should be submitted to the Town Clerk by Monday,

Oct. 8, 2018.

PC Procedures: In the future, M. Healy would like the PC to discuss amending the Plan to allow for the sale of agricultural land only, without a density unit assigned to it. This could be a way of supporting agricultural activity only/allowing farmers to buy ag land at a farm price vs. development price. In the future, E. Bunn would like the PC to discuss a reasonable time limit to the duration of PC meetings, the number of agenda items feasible, etc. because after a long day at work a long PC meeting is difficult.

ADJOURN: MOTION by unanimous consent, motion carried 6-0. Respectfully submitted, Vicki Anderson, Deputy to the PC