

**TOWN OF WINDSOR
TOWN BOARD RESOLUTION 2014-67**

**RESOLUTION APPROVING CERTIFIED SURVEY MAP AND REZONE FROM A-1
EX TO R-1 IN ORDER TO EXPAND THE EXISTING RESIDENTIAL LOT AT
6947 PORTAGE ROAD, TOWN OF WINDSOR, DANE COUNTY, WISCONSIN.**

[Mark & Dawn Porter and Elgin & Ellen Porter Revocable Living Trust]

WHEREAS, Mark E. & Dawn I. Porter (collectively, “petitioner” or “Porters”), as owners of Lot 1 of CSM No. 4521, have purchased land from the Elgin & Ellen Porter Revocable Living Trust using metes and bounds legal descriptions (*see* Document Nos. 3597073 and 4272362 recorded in the Dane County Register of Deeds Office); and

WHEREAS, the Porters intend to and shall purchase additional land from the Elgin & Ellen Porter Revocable Living Trust and wish to now (1) describe the entire property by certified survey map, and (2) have the zoning of those portions of the property that are still in A-1 EX Exclusive Agriculture District updated to R-1 Residence District to reflect the property’s current use; and

WHEREAS, the Porters hired Paulson & Associates, LLC, as surveyor, to prepare (1) a Certified Survey Map (“CSM”) to describe all of the property owned by the Porters and (2) a Zoning Change Map to describe those portions of the property that are still in A-1 EX Exclusive Agriculture District that need to be updated to R-1 Residence District to reflect the property’s current use, copies of which are attached and incorporated in the Staff Report; and

WHEREAS, the Town Planner has reviewed the request and prepared a Staff Report dated October 8, 2014 for the Plan Commission and an updated Staff Report for the November 20, 2014 Town Board meeting (collectively, “Staff Reports”) recommending approval, subject to certain conditions specified in the Staff Reports; and

WHEREAS, following review of the CSM, Zoning Change Map, Staff Report and public comments, the Plan Commission recommended approval pursuant to Plan Commission Resolution No. 2014-27, subject to the conditions set forth therein; and

WHEREAS, following review of the information described above, and consideration of comments from the public, the Town Board wishes to recommend approval of the requests, subject to those conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Windsor as follows:

1. The Town Board hereby **approves** of the Rezone and Certified Survey Map for Mark E. & Dawn I. Porter for property located at 6947 Portage Road, all as set forth above and subject to the following conditions:

- 1.1. The petitioner shall obtain approval of the CSM by the Village of DeForest.
 - 1.2. The petitioner shall obtain approval of the CSM and Rezone by Dane County.
 - 1.3. The petitioner shall satisfy all conditions of approval by the Town of Windsor, Village of DeForest and Dane County, and shall thereafter promptly record the CSM with the Dane County Register of Deeds.
 - 1.4. The petitioner shall reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the CSM and Rezone, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
2. The Town Board's approval expires one hundred eighty (180) days from the date of adoption of this Resolution. Time is of the essence. If the petitioner does not obtain the approvals set forth above and promptly record the CSM prior to expiration of this Resolution, then this approval shall expire and be null and void.

The above and foregoing Resolution was duly adopted at the regular meeting of the Town Board of the Town of Windsor on the 20th day of November, 2014.

TOWN OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, Town Chairman

Donald G. Madelung
Donald G. Madelung, Town Supervisor

Bruce Stravinski
Bruce Stravinski, Town Supervisor

Alan Buchner
Alan Buchner, Town Supervisor

Monica M. Smith
Monica M. Smith, Town Supervisor

Attest:
Christine Capstran
Christine Capstran, Town Clerk

Attachments Incorporated by Reference:
Staff Reports with Exhibits



Staff Review

TO: Town of Windsor Board
CC: Robert Wipperfurth, Chairman
Tina Butteris, Office Manager
Amy Anderson Schweppe, Planning & Development Coordinator
Kevin Richardson, Engineer
Connie Anderson, Attorney
FROM: Jamie Rybarczyk, Planning Consultant
RPT DATE: October 23, 2014
MTG DATE: November 20, 2014
APRVL DATE: January 01, 2015
FOTH FILE: 13W027.01/35
RE: Mark & Dawn Porter – Certified Survey Map & Rezone Request

BACKGROUND:

1. Petitioner/Agent: Mark & Dawn Porter
2. Property Owner: Mark & Dawn Porter and Elgin & Ellen Porter Rev Living Trust
3. Location/Address: 6947 Portage Road, DeForest, WI 53532
4. Taxkey Number: 0910-223-8900-7, 0910-223-8930-0, 0910-223-8752-0
5. Area: 2.37 acres
6. Existing Zoning: A-1EX, Exclusive Agriculture District
7. Proposed Zoning: R-1, Residence District
8. Future Land Use: Traditional Single Family Residential

OVERVIEW:

The Porter family created four lots adjacent to Portage Road by CSM No. 4521. Mark and Dawn Porter own Lot 1 of CSM No. 4521. Over time Mark and Dawn Porter have purchased land from the Elgin & Ellen Porter Rev Living Trust by means of a Metes and Bounds description (Doc No. 3597073 and Doc No. 4272362). Mark and Dawn Porter are once again purchasing additional land from the Elgin & Ellen Porter Rev Living Trust but have decided to do so by means of a Certified Survey Map, clarifying any matters of ownership related to the prior land purchases. In addition, Mark and Dawn Porter are rezoning the lot from A-1EX, Exclusive Agriculture District to R-1, Residence District making the all of Lot 1 conforming to the applicable zoning district, as well as, the Town of Windsor Comprehensive Plan: 2025.

PLANNER COMMENTS:

Staff has the following planner comments regarding the Certified Survey Map for Mark and Dawn Porter:

1. The proposed land division is located outside of the Dane County Farmland Preservation Plan Area and the Town of Windsor Agricultural Enterprise Area.
2. The proposed land division is not creating any new lots; consequently, the Certified Survey Map may be viewed as a lot line adjustment.

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Lincoln Center II • 2514 South 102nd Street, Suite 278 • West Allis, WI 53227 • (414) 336-7900 • Fax: (414) 336-7901



Staff Review

3. Since the proposed land division is not creating any new lots, the petitioner shall not be required to make any payment toward parkland dedication fees.

SURVEYOR COMMENTS:

Staff does not have any surveyor comments regarding the Certified Survey Map for Mark and Dawn Porter.

STAFF RECOMMENDATION:

Depending on confirmation by the Town of Windsor Board of the above described comments, the Town of Windsor Board may take the following action:

The Town of Windsor Board **Approves** the Certified Survey Map and Rezone request for Mark and Dawn Porter located at 6947 Portage Road, DeForest, WI 53532, subject to the following conditions:

1. The petitioner shall obtain approval of the CSM by the Village of DeForest.
2. The petitioner shall obtain approval of the CSM and Rezone by Dane County.
3. The petitioner shall satisfy all conditions of approval by the Town of Windsor, Village of DeForest, and Dane County, and shall thereafter promptly record the CSM with the Dane County Register of Deeds.
4. The petitioner has reimbursed the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the CSM and Rezone, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed land division and rezone are consistent with the Town of Windsor Comprehensive Plan: 2025.

ZONING ORDINANCE CONSISTENCY:

Subject to the above mentioned comments, the proposed land division and rezone will be consistent with Dane County zoning.

EXHIBITS:

- A. DCiMap
- B. Certified Survey Map & Zoning Change Map

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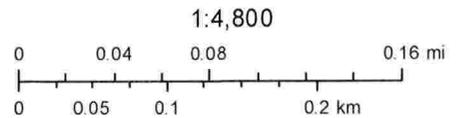
X:\ML\IE\2013\13W027.01\35 Porter CSM\10000 Reports\TW-R-Porter CSM & Rezone (BD).doc
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Mark & Dawn Porter



October 23, 2014

- Parcel Number
- Tax Parcels

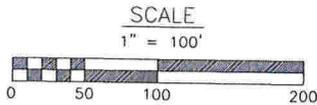


Geophysical
Water Resources
Recreation
ParcelText
Parcels

DANE COUNTY CERTIFIED SURVEY MAP NO. _____

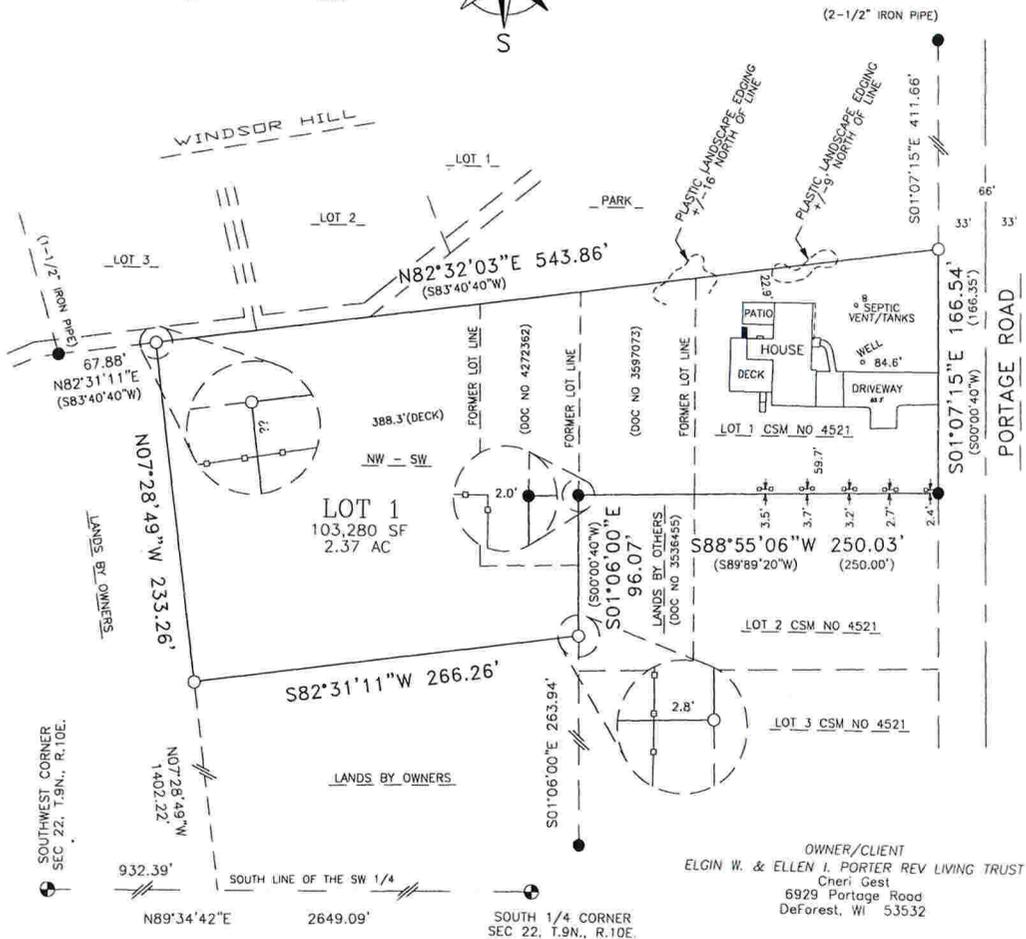
BEING LOT 1, C.S.M. NO. 4521 AND LANDS; LOCATED IN THE NW 1/4 OF THE SW 1/4, SECTION 22, T9N, R10E, TOWN OF WINDSOR, DANE COUNTY, WISCONSIN

DOCUMENT NUMBER _____



BASIS OF BEARINGS

THE SOUTH LINE OF THE SW 1/4 OF SEC 22, T9N, R10E, IS ASSUMED TO BEAR N89°34'42"E.



LEGEND

- DANE COUNTY SECTION CORNER ALUMINUM MONUMENT (FOUND)
- 1-1/4" IRON PIPE (FOUND) (UNLESS NOTED)
- 3/4" x 24" ROUND IRON RE-BAR WEIGHING 1.50 LBS/LF (SET)
- ⊗ 3/4" IRON RE-BAR (FOUND)
- () "RECORDED AS" INFORMATION
- SPLIT RAIL FENCE
- FENCE LINE

OWNER/CLIENT
 ELGIN W. & ELLEN I. PORTER REV LIVING TRUST
 Cheri Gest
 6929 Portage Road
 DeForest, WI 53532

OWNER
 Marc E. & Dawn I. Porter
 6947 Portage Road
 DeForest, WI 53532

SURVEYOR
 PAULSON & ASSOCIATES, LLC
 Daniel A. Paulson
 136 W. Holm Street
 DeForest, WI 53532



TOWN OF WINDSOR

General Information and Application for Development, Land Division, Site Plan and Zoning

The Town of Windsor Plan Commission typically meets on the Third Tuesday of every month at 6:00 p.m., and the Town Board typically reviews planning issues on the third Thursday of every month at 5:00 p.m. (or as otherwise scheduled) at the Town Hall, 4084 Mueller Road. Applicants must submit a complete application and materials no less than 30 days prior to the next regularly scheduled Plan Commission meeting.

Requested Action:

- Requested actions: Rezone (checked), Concept Plan, Site Plan Review, Conditional Use Permit, Preliminary Plat, Final Plat, Variance, Certified Survey Map (checked).

Other Agencies that may need to be addressed (staff will provide direction):

- Other agencies: Dane County Zoning (checked), City of Sun Prairie, Village of DeForest (checked) ETJ, Token Creek Conservancy Committee or Windsor Parks Commission, Capital Area Regional Plan Commission (CARPC), Wisconsin Department of Transportation (DOT), Wisconsin Department of Natural Resources (DNR).

Project Location: 6947 Portage Road

Parcel Number(s): 0910-223-8900-7, 0910-223-8752-0, 0910-223-8930-0

Zoning Jurisdiction:

- Zoning options: City of Sun Prairie / Town of Windsor Extra Territorial Zoning, Dane County (checked).

Applicant Statement (Must be signed prior to the time the Application is reviewed by staff).

I have reviewed and understand the Town of Windsor subdivision ordinance, site plan review ordinance and applicable zoning ordinance as they relate to technical specifications, required submittal information, and standards for approval relating to this request and those standards governing the Town's recommendations and decisions.

I understand an administrative fee will be assessed for review of my project by the Town and its consultants, and that payment in full is required as a condition for approval. Consultant fees are invoiced and paid separately by the applicant in addition to any application fees.

Applicant Signature: Douglas A. Porter, Date: 10-2-14

Fees and Review Escrow Paid

Yes (checked) No

Receipt # 21943 Page 1 of 2

Contact Information

Applicant:

Name: Doug Porter
Address: 721 CTH A
City, State, Zip: DEFOREST, W 53534
Phone Number(s): 608-884-2400
Cell Phone(s): 608-575-1087
Email Address(es): DOUGP@PARKTOWNE.COM

Surveyor:

Name: PAULSON & ASSOCIATES, LLC (DAN)
Address: 136 W Holum Street
City, State, Zip: DeForest WI 53532
Phone Number(s): 608-846-2523
Cell Phone(s): 608-220-2056
Email Address(es): dan@paulsonllc.net

Attorney:

Name: _____
Address: _____
City, State, Zip: _____
Phone Number(s): _____
Cell Phone(s): _____
Email Address(es): _____

Owner:

Name: MARC & DAWN Porter / Elgin & Ellen Porter Rev. Trust
Address: 6947 Portage Road
City, State, Zip: DeForest WI 53532
Phone Number(s): _____
Cell Phone(s): _____
Email Address(es): mporter@mse.com

Engineer:

Name: _____
Address: _____
City, State, Zip: _____
Phone Number(s): _____
Cell Phone(s): _____
Email Address(es): _____

Town of Windsor

Certified Survey Map Review

Certified Survey Map Application Form

The Town of Windsor Plan Commission typically meets on the third Tuesday of every month at 6:00 p.m., and the Town Board typically reviews planning issues on the third Thursday of every month at 5:00 p.m. (or as otherwise scheduled) at the Town Hall, 4084 Mueller Road. Applicants must submit an application for a Certified Survey Map no less than 30 days prior to the next regularly scheduled Plan Commission meeting.

The application shall: 1) be on forms made available from the Town and accompanied by the required fee and review escrow, 2) include 30 copies of the certified survey map drawn per the requirements of Section 4.4 of the Town Subdivision Ordinance, and 3) include a digital pdf copy of all submitted drawings and supplementary data.

The applicant is responsible for adhering to all requirements of Town ordinances, regulations, plans, and policies. This form shall not be deemed a substitute for the applicant's thorough reading and understanding of applicable Town ordinances, regulations, plans, and policies.

Process for Review and Approval (per Sections 4.1, 4.5, and 4.13 of Subdivision Ordinance)

- 1) Consultation meeting with Town Staff
- 2) Submittal (at least 30 days prior to next plan commission meeting) of application form, fees and review escrow, and CSM and supplementary materials as described above
- 3) Staff review of application materials for compliance with requirements
- 4) Plan Commission review, public hearing, and recommendation
- 5) Town Board review, public hearing, and action
- 6) Subdivider shall record the CSM with the Dane County Register of Deeds within 30 days of approval by Town Board and any other approving agencies, and provide a copy of executed documents to Town Clerk

Technical Requirements of CSM (per Section 4.12 of Town Subdivision Ordinance)

The CSM shall show correctly on its face all the information required by Wis. Statute 236.34, and shall meet all the surveying and monumenting requirements of Wis. Statute 236.15. In addition, the applicant shall submit the following documents which shall be considered to be incorporated with and made part of the CSM:

Item		Applicant
1	Deed Restrictions	N/S
2	Joint Maintenance Agreements	?
3	All certificates required by Wis. Stat. 236.34	
4	Final Street Plan	N/A

5	Final Stormwater Management Plan	N/A
6	Final Erosion and Sedimentation Control Plan	N/A
7	Soil and Subsurface Investigation Report	N/A
5	Traffic Control Plan	N/A
8	Water and Sewer Plans	N/A
9	Opinion of Probable Cost	N/A
10	Additional Plans or Information	
11	Owner's and Mortgagee's certificates for Street Dedication	N/A

Checklist Legend:	
✓	submitted completely
N/S	not submitted
N/A	not applicable to project
W	waived for reasons to be described in staff report
P	submittal pending, material must be submitted prior to meeting as requested by staff
A	submittal pending, material required as condition for approval

Date Complete Application Submitted: 10/03/2014

