

**VILLAGE OF WINDSOR
VILLAGE BOARD RESOLUTION 2015-11**

**RATIFICATION OF TOWN BOARD APPROVAL OF CERTIFIED SURVEY MAP
(CSM), REZONE and CONDITIONAL USE PERMIT (CUP)
TO RECONFIGURE LOTS AT 4506 LAKE CIRCLE,
VILLAGE OF WINDSOR, DANE COUNTY**

RECITALS

WHEREAS, James Grothman, RLS, for petitioners and owners Windsor Real Estate LLC and JIAH LLC (collectively herein, "Petitioner") for 4506 Lake Circle, Town of Windsor, Dane County, Wisconsin ("Property") requested and obtained approval from the Town of Windsor of a certified survey map to adjust the boundary lines, rezone of the Property from Commercial District C-1 to Commercial District C-2, and a conditional use permit (CUP) in order to allow for reconfiguration of lots in order to reflect the terms of Petitioner's purchase of the Super 8 and single family home; and

WHEREAS, the terms and conditions of the Town of Windsor's approval are set forth in the Town of Windsor's Town Board Resolution 2015-80, which was approved on October 29, 2015 and is hereby incorporated herein by reference; and

WHEREAS, following approval by the Town of Windsor, the matter was referred to Dane County for final review and action; and

WHEREAS, on November 9, 2015, and prior to action by Dane County, the Town of Windsor was incorporated as the Village of Windsor; and

WHEREAS, Dane County no longer has jurisdiction over the matter, has indicated that it will not take action on the matter and has returned the matter to the Village of Windsor; and

WHEREAS, the Village Board of the Village of Windsor has reviewed the matter and wishes to ratify the substantive action of the Town Board while simultaneously meeting the procedures required of incorporated municipalities, all as set forth below and subject to the conditions set forth in this Resolution.

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

- A. The Recitals set forth above are incorporated herein by reference.
- B. The Village Board of the Village of Windsor **Approves** the Certified Survey Map, Rezone, and Conditional Use request for Windsor Real Estate LLC & JIAH LLC located at Lot 1 of CSM 2195 and Lot 1 of CSM 2314, **subject to the following conditions:**
 1. The Property is subject to the zoning authority of the Village of Windsor and shall be zoned as being in the Village's C-1 Commercial District. [NOTE: Unless and until the

Village of Windsor changes the description of the C-1 Commercial District, the description currently in Dane County's Zoning Ordinance shall apply.]

2. The Conditional Use Permit for the single family home located on the newly created Lot 2 to be issued by the Village's Director of Planning & Development shall reflect the following:
 - a. The single family home shall comply with the setback requirements for the C-1 Commercial District.
 - b. The exterior of the single family home shall match the exterior of the hotel. The single family home shall remain on footings or foundation and connected to public water and sewer.
 - c. The single family home shall be maintained solely for the purposes of providing a residence for the caretaker employed by the Super 8 Hotel and cannot be rented or sold to another party.
 - d. The single family home shall be removed upon expansion of the hotel.
3. The Certified Survey Map shall depict the location of the underground stormwater culvert system on the newly created Lot 1.
4. The Certified Survey Map shall include notations that satisfactorily notice the access issues related to the newly created Lot 1, all in accordance with Village Ordinance Sections 38-257 and 38-399(2) as in effect on this date, and as approved by the Village Attorney and Town Planner. The newly created Lot 1 technically has frontage on Interstate 90-94; however, there is no access along said frontage due to the Interstate. The newly created Lot 1 does not have access to C.T.H. CV and/or Lake Circle by means of a public right-of-way. The private easements are insufficient means of access for property in a Commercial District. In addition, the Petitioner shall record a deed restriction on the property or provide such alternative documentation that addresses the unique fact situation presented, all in a form approved by the Village Attorney.
5. The Certified Survey Map shall add a notation stating that the newly created Lot 1 is determined unbuildable until such time as:
 - a. Lot 1 is served by a public right-of-way access to C.T.H. CV and/or Lake Circle;
or
 - b. Lot 1 is combined with an adjoining parcel that has a public right-of-way access to C.T.H. CV and/or Lake Circle.In addition, the Petitioner shall record a deed restriction on the property or provide such alternative documentation that addresses the unique fact situation presented, all in a form approved by the Village Attorney.
6. The Petitioner is no longer required to obtain approval of the Certified Survey Map from the Village of DeForest.
7. The Petitioner must obtain confirmation of no objection from the Dane County Zoning and Land Regulation Committee, but only where required by Dane County Ordinance s. 75.08 *Jurisdiction in Incorporated Areas*.

8. The Petitioner shall satisfy all conditions of approval by the Village of Windsor, and shall thereafter promptly record the CSM with the Dane County Register of Deeds.
9. The Village of Windsor confirms that the Petitioner shall not be required to make any payment toward Fees in Lieu of Parkland Dedication and Fees for Initial Improvement of Parkland.
10. The Petitioner shall reimburse the Village of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the CSM, Rezone, and Conditional Use, 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.

C. The Village Board's ratification and approval expires six (6) months from the date of adoption of this Resolution. Time is of the essence. If the Petitioner fails to satisfy all of the conditions and record the CSM prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Village Board.

The above and foregoing Resolution was duly adopted at a special meeting of the Village Board of the Village of Windsor on the 23rd day of November, 2015, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, President

Donald G. Madelung
Donald G. Madelung, Trustee

Bruce Stravinski
Bruce Stravinski, Trustee

Alan Buchner
Alan Buchner, Trustee

Monica M. Smith
Monica M. Smith, Trustee

Attested by:
Christine Capstran
Christine Capstran, Village Clerk