

**VILLAGE OF WINDSOR  
BOARD RESOLUTION 2018-106**

**APPROVAL OF A CERTIFIED SURVEY MAP AND TRANSFER  
OF DEVELOPMENT RIGHTS  
FOR 3804 VINBURN ROAD, DEFOREST, WI  
IN THE VILLAGE OF WINDSOR, DANE COUNTY**

**WHEREAS**, Alan Buchner (the "Petitioner") has requested approval of (1) a certified survey map to combine residential lots located at 3804 Vinburn Road (the "Subject Property"), and (2) a transfer of three residential "splits" to an alternate property location; and

**WHEREAS**, the Petitioner obtained Conditional Approval of the Certified Survey Map and transfer of three residential "splits" to an alternate property location in Plan Commission Resolution 2018-24; and

**WHEREAS**, the Village Director of Planning / Zoning Administrator has reviewed the Petitioners' request and prepared a Staff Report dated November 29, 2018 (the "Staff Report") recommending approval, subject to certain conditions specified in the Staff Report; and

**WHEREAS**, following review of information presented at the Plan Commission meeting, the Public Hearing, the Village Board meeting and the Staff Report, the Village Board approves the Certified Survey Map and transfer of three residential "splits" to an alternate property location subject to the conditions specified in the Staff Review and as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Windsor, Dane County, Wisconsin as follows:

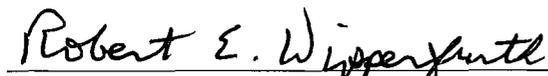
The Village of Windsor Board Approves the Certified Survey Map and transfer of three residential "splits" request for Alan Buchner located at 3804 Vinburn Road, DeForest, WI subject to the following conditions:

1. The Petitioner shall address the technical comments set forth in the Village Staff Comments section of this Staff Review to the satisfaction of the Director of Planning/Zoning Administrator.
2. Transfer of Development Rights - The residential development rights pursuant to the Windsor Comprehensive Plan: 2035 for three (3) residential units shall be transferred from the Subject Property to property located at 3553 Vinburn Road as set forth in VB Resolution 2018-107.
3. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging: Both Lot 1 and 2 of the Certified Survey Map have exhausted their development rights per the Village of Windsor Comprehensive Plan: 2035 and shall be restricted from any further land division.
4. The Village of Windsor shall waive requirements for payment of Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland because the Certified Survey Map does not create any new parcels or "splits".

5. The Petitioner shall satisfy all conditions of approval by the Village of Windsor and any other approving authorities and shall thereafter promptly record the Certified Survey Map with the Dane County Register of Deeds concurrent with the Certified Survey Map for the East Lot (Reviewed under a separate Staff Report-Feiner CSM, Rezone and Condominium).
6. The Petitioner shall promptly reimburse the Village of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Certified Survey Map and Rezone request, including, but not limited to, the cost of professional services incurred by the Village of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
7. The Village of Windsor Board's approval of the Certified Survey Map and transfer of "splits" request expires one hundred-eighty (180) days from the date of adoption of this Resolution. Time is of the essence. If the Petitioner encounters an unforeseen development delay, as determined by the Zoning Administrator, the Zoning Administrator is authorized to extend the one hundred-eighty (180) days expiration up to an additional one hundred-twenty (120) days. If the Petitioner has not complied with all of the conditions prior to expiration, then a new application and new fees must be submitted and a complete review will be necessary.

The above and foregoing Resolution was duly adopted at a meeting of the Windsor Village Board held on December 6, 2018, by a vote of 5 in favor and 0 opposed.

**VILLAGE OF WINDSOR**

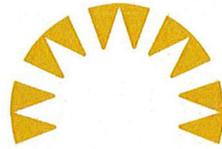
  
Robert E. Wipperfurth, President

*Attested by:*

  
Christine Capstran, Village Clerk

**INCORPORATED BY REFERENCE:**

Staff Report  
PC Resolution 2018-24  
VB Resolution 2018-107



# Windsor

Growing Forward

To: Village of Windsor Board  
Cc: Robert Wipperfurth, Tina Butteris, Christine Capstran, Kevin Richardson, William Cole  
From: Amy Anderson Schweppe, Jamie Rybarczyk  
Rpt Date: November 29, 2018  
Mtg Date: December 6, 2018  
Submtl Date: October 11, 2018  
Due Date: January 9, 2019  
Re: Buchner – Certified Survey Map & Transfer of Development Rights

## **BACKGROUND:**

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Petitioner: Alan Buchner

Property Owner: See Table 1

Location / Address: See Table 1

Taxkey Number: See Table 1

Areas: See Table 1

Existing Zoning: A1-EX, Exclusive Agriculture

Proposed Zoning: A1-EX, Exclusive Agriculture and A-2(2), Agriculture

Future Land Use: Farmland Preservation District

**Table 1: Property Owner**

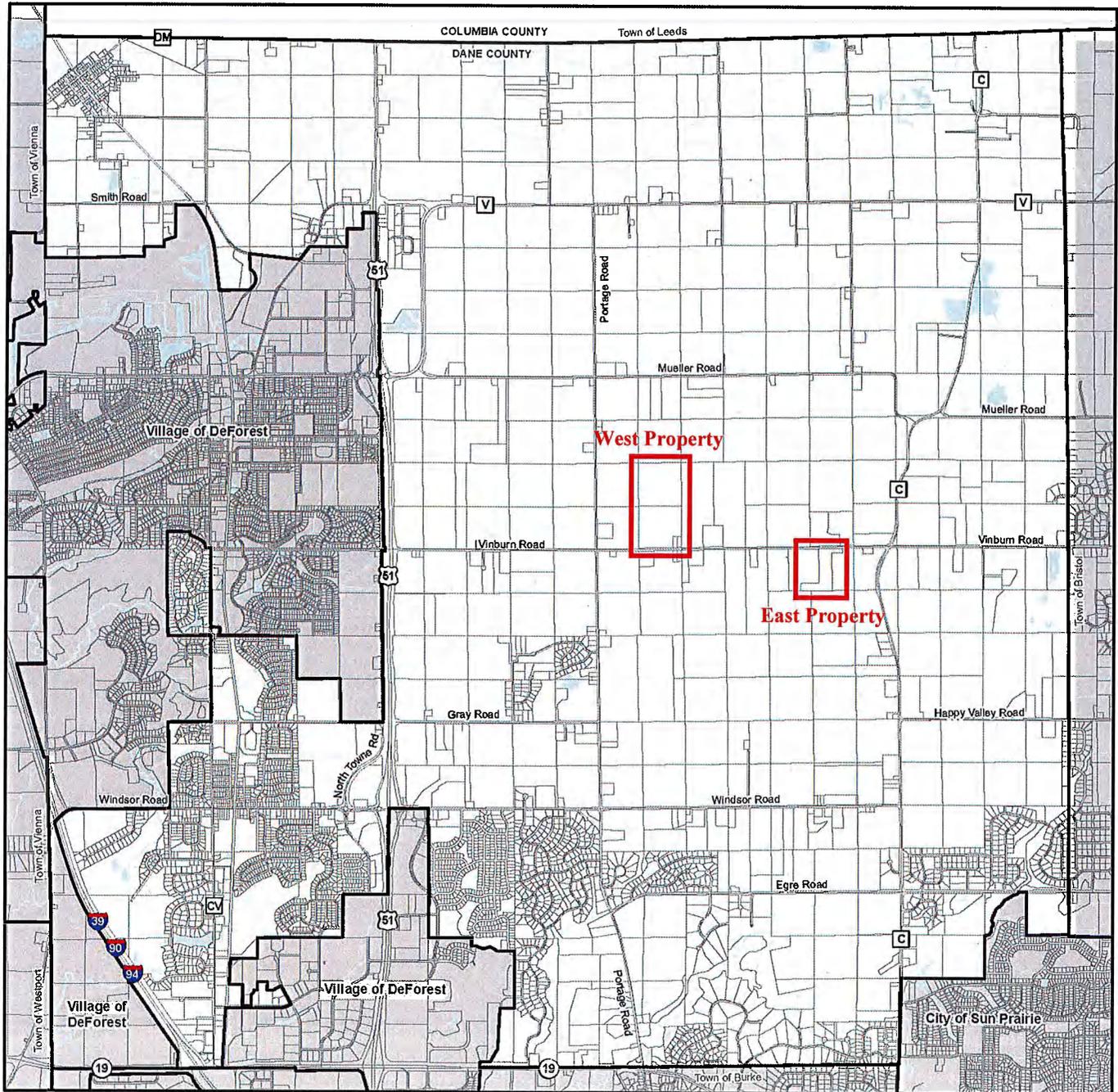
Lot 1	East Property	Buchner Rev Tr, Alan	3553 Vinburn Road	196/0910-231-8541-0	15.69ac
Lot 1	West Property	Buchner Rev Tr, Warren J & Donna M	3804 Vinburn Road	196/0910-154-8500-5	40.00ac
Lot 2	West Property	Buchner Rev Tr, Alan Buchner Rev Tr, Lyle & Laurie	3804 Vinburn Road	196/0910-154-9380-9	36.72ac
Lot 3	West Property	Buchner Rev Tr, Alan Buchner Rev Tr, Lyle & Laurie	Lot 2, CSM No. 6390	196/0910-154-9370-1	1.00ac
Lot 4	West Property	Buchner Rev Tr, Alan Buchner Rev Tr, Lyle & Laurie	Lot 1, CSM No. 6390	196/0910-154-9360-3	1.00ac

**REQUEST:**

The Petitioner is requesting a Certified Survey Map to combine lots on the West property and Transfer of Development Rights from the West property to the East property. The West property and East property are located on Vinburn Road.

See Map A for the general location of the West and East property.

**Map A: Property Location**



## **OVERVIEW:**

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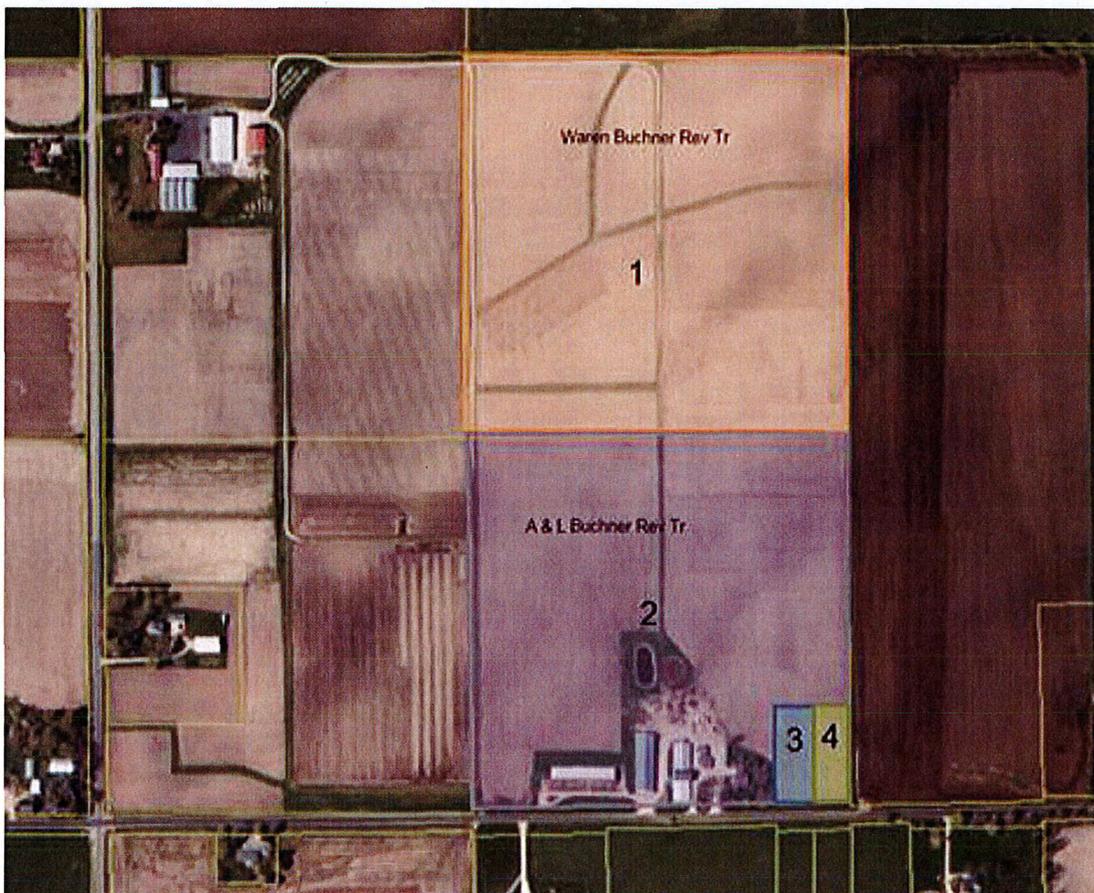
### West Property

Lots 1 and 2 are owned by the Buchner Rev Tr, Warren J & Donna M. Each lot has one (1) eligible residential split. The Petitioner intends to combine Lots 1 and 2 via Certified Survey Map and deed restrict the new Lot 2 from further development. In addition, The Petitioner intends to transfer two (2) eligible residential splits to the East Property.

Lots 3 and 4 are owned by Buchner Rev Tr, Alan Buchner Rev Tr, Lyle & Laurie. Each lot has one (1) eligible residential split. Similarly, the Petitioner intends to combine Lots 3 and 4 via Certified Survey Map and deed restrict the new Lot 1 from further development. The Petitioner also intends to transfer one (1) eligible residential split to the East Property and retain one (1) eligible residential split on the West Property for the creation of new Lot 1.

See Map B for the general location of Lots 1 - 4.

**Map B: Lot Location**



### East Property

Lot 1 is owned by the Buchner Rev Tr, Alan. The Petitioner intends to transfer the three (3) eligible residential splits from the West property to the East property currently with one (1) eligible residential split, to achieve a total of four (4) eligible residential splits for the development of single-family home sites.

See Map C for the general location of Lot 1.

**Map C: Lot Location**



**VILLAGE STAFF COMMENTS:**

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The Planning, Zoning and Development Department provides the Village of Windsor Board with the following **planning, zoning and development** comment(s):

1. Village of Windsor Code of Ordinances: Chapter 38 Planning and Development

The Certified Survey Map is consistent with the requirements of Chapter 38 Planning and Development.

2. Village of Windsor Comprehensive Plan: 2035

The Certified Survey Map is consistent with the goals, objectives and policies of the Village of Windsor Comprehensive Plan: 2035.

The Engineering Department provides the Village of Windsor Board with the following **engineering** comment(s):

1. The Village Engineer has no objections to the Certified Survey Map.

The Surveying Department provides the Village of Windsor Board with the following **surveying** comment(s):

1. Monuments set and/or found should be included in the final Certified Survey Map.
2. The bearing and distance between section corners should be shown.

The DeForest Windsor Fire & EMS provides the Village of Windsor Board with the following **fire and emergency services** comment(s):

1. The DeForest Windsor Fire & EMS has no objections to the Certified Survey Map.

#### **VILLAGE POLICY COMMENTS/CONCERNS:**

The Village Staff provides the Village of Windsor Board with the following policy comments/concerns that require further discussion and action.

1. Waive the Fees in Lieu of Parkland and Fees for Initial Improvements of Parkland. The proposed Certified Survey Map does not create any new parcels or splits.

#### **VILLAGE PLAN COMMISSION RECOMMENDATION:**

On November 8, 2018 the Village Plan Commission recommended to the Village Board Approval of the Certified Survey Map and Transfer of Development Rights request for Alan Buchner located 3804 Vinburn Road by Plan Commission Resolution 2018-24.

Exhibit B provides the unofficial meeting minutes for the Village Plan Commission regarding the Petitioner's request.

#### **VILLAGE STAFF RECOMMENDATION:**

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

The Village of Windsor Board Approves of the Certified Survey Map and "split" transfer request for Alan Buchner located at 3804 Vinburn Road, DeForest, WI subject to the following conditions:

1. The Petitioner shall address the technical comments set forth in the Village Staff Comments section of this Staff Review to the satisfaction of the Director of Planning/Zoning Administrator.
2. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging: Both Lot 1 and 2 of the Certified Survey Map have exhausted their development rights per the Village of Windsor Comprehensive Plan: 2035 and shall be restricted from any further land division.
3. The Village of Windsor shall waive requirements for payment of Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland because the Certified Survey Map does not create any new parcels or "splits".
4. The Petitioner shall satisfy all conditions of approval by the Village of Windsor and any other approving authorities and shall thereafter promptly record the Certified Survey Map with the Dane County Register of Deeds concurrent with the Certified Survey Map for the East Lot (Reviewed under a separate Staff Report-Feiner CSM, Rezone and Condominium).
5. The Petitioner shall promptly reimburse the Village of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Certified Survey Map and Rezone request, including, but not limited to, the cost of professional services incurred by the Village of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
6. The Village of Windsor Board's approval of the Certified Survey Map and Rezone request expires one hundred-eighty (180) days from the date of adoption of this Resolution. Time is of the essence. If the Petitioner encounters an unforeseen development delay, as determined by the Zoning Administrator, the Zoning Administrator is authorized to extend the one hundred-eighty (180) days expiration up to an additional one hundred-twenty (120) days. If the Petitioner has

not complied with all of the conditions prior to expiration, then a new application and new fees must be submitted and a complete review will be necessary.

**EXHIBITS:**

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- A. Petitioner Application
- B. Village Plan Commission Meeting Minutes (Unofficial) of Insert November 8, 2018

**VILLAGE OF WINDSOR**

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

The Village of Windsor Plan Commission typically meets on the Third Tuesday of every month at 6:00 p.m., and the Windsor Village Board typically reviews planning issues on the third Thursday of every month at 5:00 p.m. (or as otherwise scheduled) at the Village 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:**

<input type="checkbox"/> Rezone	<input type="checkbox"/> Concept Plan	<input type="checkbox"/> Site Plan Review
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Certified Survey Map	

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

Dane County  
 City of Sun Prairie  
 Village of DeForest  
 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:**

3804 Vinburn Road

**Parcel Number(s)**

0910-154-9360-3, 0910-154-9370-1, 0910-154-9380-9 & 0910-154-8500-5

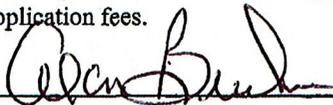
**Current Zoning Classification:**

A-1E  
A-2(1)

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

I have reviewed and understand the Village 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 Village's recommendations and decisions.

I understand an administrative fee will be assessed for review of my project by the Village 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

10-11-18  
Date

Contact Information

**Applicant:**

Name: Alan W Buchner Rw Trust , Alan Buchner Trustee  
 Address: 4003 Vinburn Road  
 City, State, Zip: DeForest WI 53532  
 Phone Number(s): (608) 846-9200  
 Cell Phone(s): (608) 225-2683  
 Email Address(es): Alan@CircleBInc.com

**Surveyor:**

Name: Paulson & Associates, LLC Daniel A. Paulson  
 Address: 136 W. Holm St  
 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: Boardman Clark, Mike Lawton  
 Address: 1 S. Pinckney St  
 City, State, Zip: Madison WI 53701-0927  
 Phone Number(s): (608) 286-7236  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): MLawton@BoardmanClark.com

**Owner:**

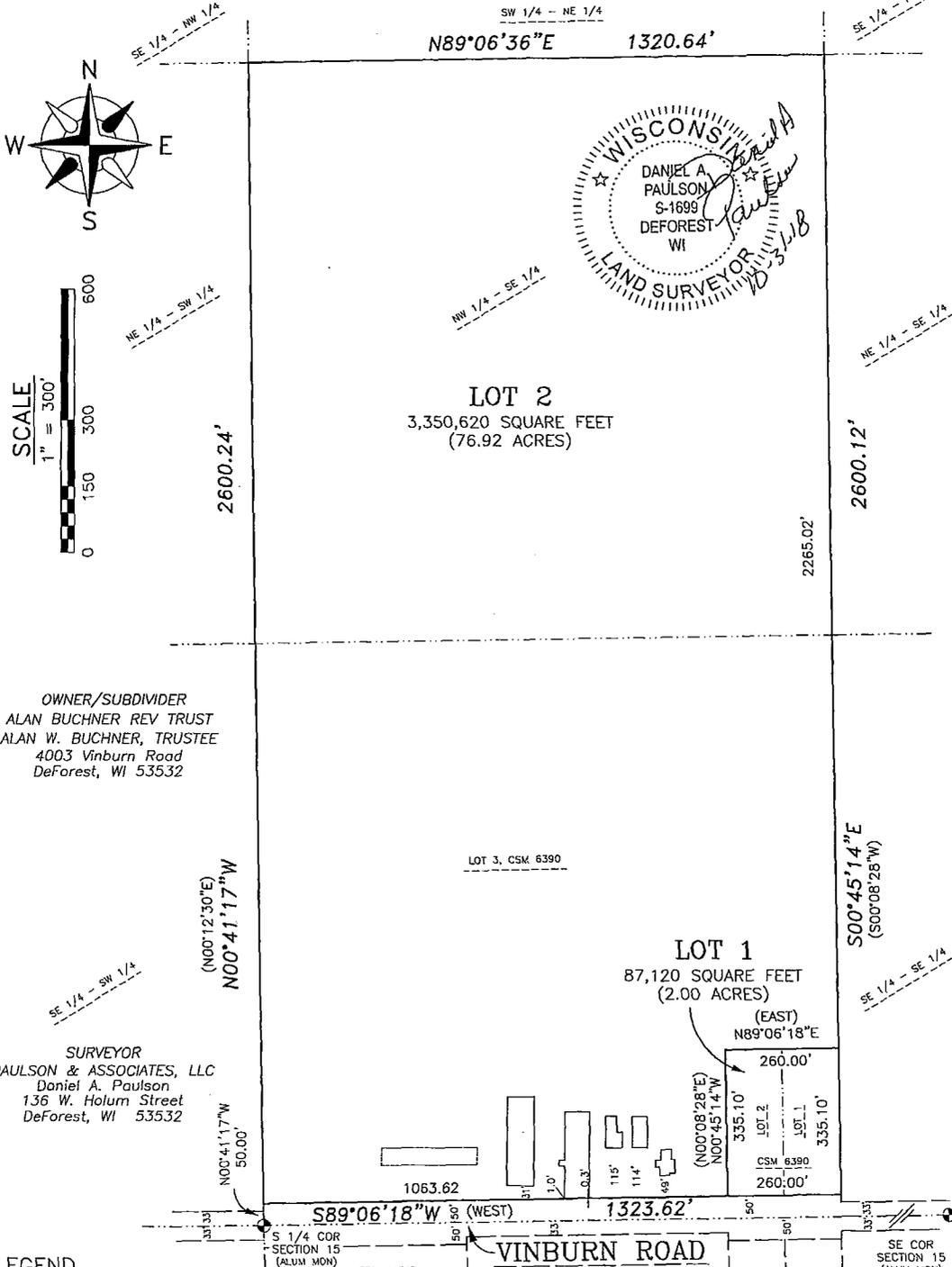
Name: Same as Applicant  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone Number(s): \_\_\_\_\_  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): \_\_\_\_\_

**Engineer:**

Name: N/A  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone Number(s): \_\_\_\_\_  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): \_\_\_\_\_

# DANE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING THE NW 1/4 OF THE SE 1/4 AND LOTS 1, 2, & 3,  
 CSM NO. 6390, LOCATED IN THE SW 1/4 OF THE SE 1/4, SECTION 15,  
 T09N, R10E, VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN



OWNER/SUBDIVIDER  
 ALAN BUCHNER REV TRUST  
 ALAN W. BUCHNER, TRUSTEE  
 4003 Vinburn Road  
 DeForest, WI 53532

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

## LEGEND

- ⊕ DANE COUNTY ALUMINUM MONUMENT (FOUND WITH 4 TIES)
- 3/4" X 18" ROUND IRON RE-BAR WEIGHING 1.50 LBS/LF (SET)
- 3/4" RE-BAR (FOUND) (UNLESS NOTED)
- ( ) "RECORDED AS" INFORMATION
- + SEPTIC VENT

**BASIS OF BEARINGS**  
 THE SOUTH LINE OF THE SE 1/4 IS ASSUMED TO BEAR S89°06'18"E



**DANE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

BEING THE NW 1/4 OF THE SE 1/4 AND LOTS 1, 2, & 3,  
 CSM NO. 6390, LOCATED IN THE SW 1/4 OF THE SE 1/4, SECTION 15,  
 T09N, R10E, VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN

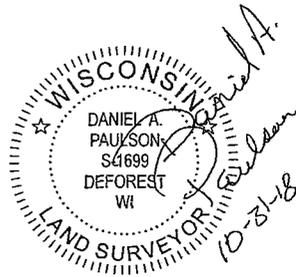
**DETAIL SHEET**

OWNER/SUBDIVIDER  
 ALAN BUCHNER REV TRUST  
 ALAN W. BUCHNER, TRUSTEE  
 4003 Vinburn Road  
 DeForest, WI 53532

LYLE & LAURIE BUCHNER REV TRUST  
 LYLE & LAURIE BUCHNER, TRUSTEES  
 4003 Vinburn Road  
 DeForest, WI 53532

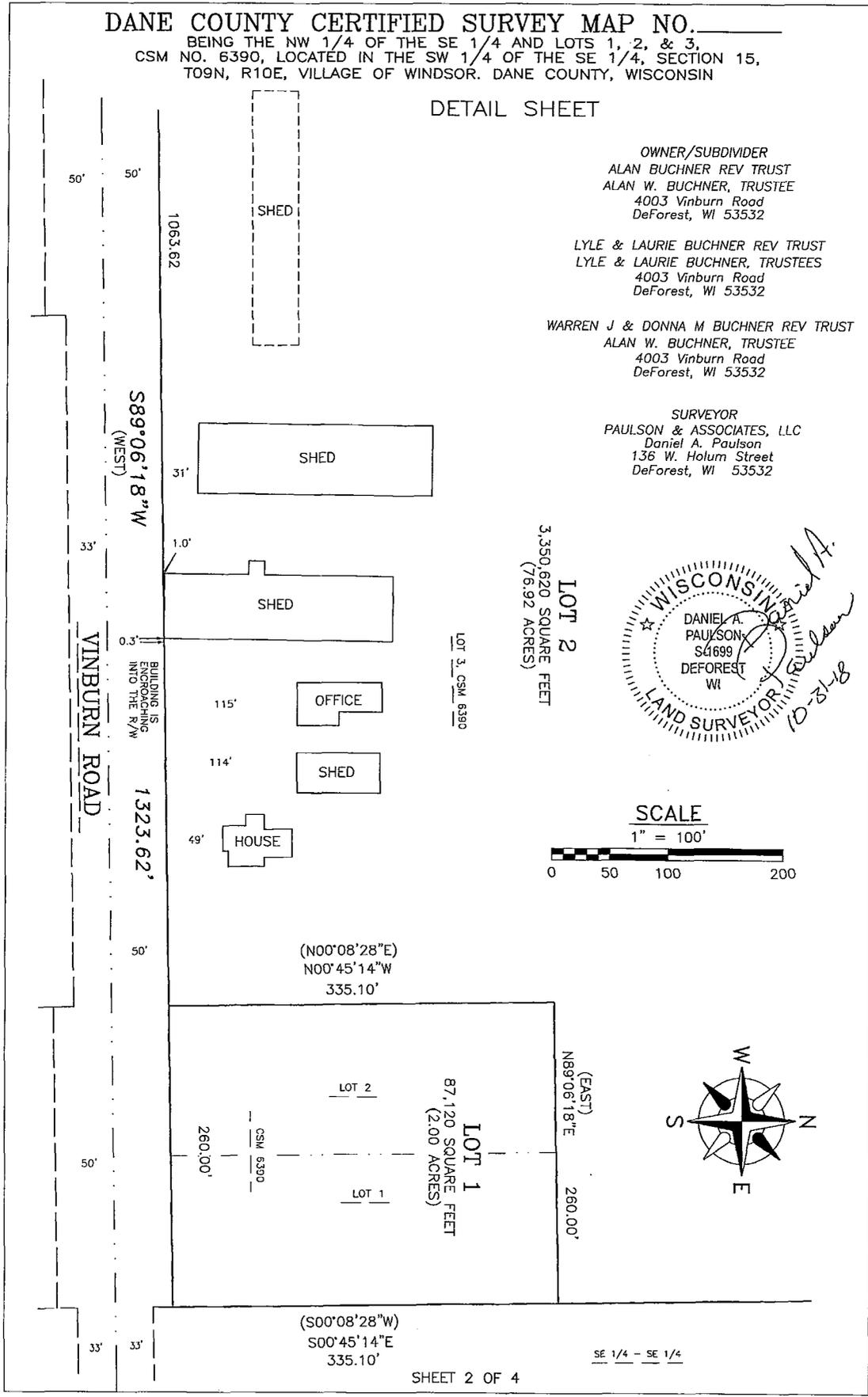
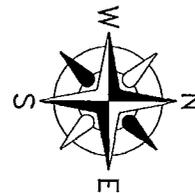
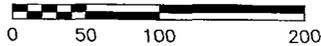
WARREN J & DONNA M BUCHNER REV TRUST  
 ALAN W. BUCHNER, TRUSTEE  
 4003 Vinburn Road  
 DeForest, WI 53532

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



**SCALE**

1" = 100'



**DANE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_**  
BEING THE NW ¼ OF THE SE ¼ AND LOTS 1, 2 & 3, CSM NO. 6390, LOCATED IN THE  
SW ¼ OF THE SE ¼, SECTION 15, T.09N., R.10E., VILLAGE OF WINDSOR, DANE  
COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE**

I, Daniel A Paulson, Professional Land Surveyor **DO HEREBY CERTIFY** that by the direction of Alan Buchner, I have surveyed, divided, monumented, and mapped the NW ¼ of the SE ¼ and Lots 1, 2 & 3, CSM No 6390 located in the SW ¼ of the SE ¼ of Section 15, Town 9 North, Range 10 East, Village of Windsor, Dane County, Wisconsin, described as follows:

**COMMENCING** at the South ¼ Corner of Section 15;  
thence N00°41'17"E (recorded as N00°12'30"W), 50.00 feet along the west line of the SE ¼ of Section 15 to the southwest corner of Lot 3, CSM No. 6390 and the **POINT OF BEGINNING**;  
thence continuing N00°41'17"E (recorded as N00°12'30"W), 2600.24 feet along the west line of Lot 3, CSM 6390 and the west line of the NW ¼ of the SE ¼ of Section 15 the northwest corner of said NW ¼ of the SE ¼ ;  
thence N89°06'36"E, 1320.64 feet along the north line of the NW ¼ of the SE ¼ of Section 15 to the northeast corner of said NW ¼ of the SE ¼ ;  
thence S00°45'14"E (Recorded as S00°08'28"W), 2600.12 feet along the east line of the NW ¼ of the SE ¼ of Section 15 and the east Line of Lot 3 and 1, CSM 6390 to the southeast corner of said Lot 1;  
thence S89°06'18"W (recorded as West), 1326.62 feet along the south line of Lot 1, 2 and 3, CSM No. 6390 to the **POINT OF BEGINNING**.

Containing 3,437,740 square feet, (78.92 acres).  
Subject to all recorded and unrecorded easements.

I do hereby certify that to the best of my information, knowledge and belief this survey is a correct representation of the boundaries of land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Village of Windsor Code of Ordinances in surveying and mapping the same.



Daniel A. Paulson PLS-1699

10-31-18  
Date:



**CERTIFICATE OF THE DANE COUNTY REGISTER OF DEEDS**

Received for recording this \_\_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock  
\_\_\_\_ M. and recorded in Volume \_\_\_\_\_ of Certified Survey Maps of Dane County,  
Pages \_\_\_\_\_.

DOCUMENT NO. \_\_\_\_\_  
Dane County Register of Deeds

**DANE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_**  
BEING THE NW ¼ OF THE SE ¼ AND LOTS 1, 2 & 3, CSM NO. 6390, LOCATED IN THE  
SW ¼ OF THE SE ¼, SECTION 15, T.09N., R.10E., VILLAGE OF WINDSOR, DANE  
COUNTY, WISCONSIN

**VILLAGE OF WINDSOR APPROVAL CERTIFICATE**

Approved for recording by the Windsor Village Board this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Christine Capstran, Clerk  
Windsor of Village

**OWNERS CERTIFICATE**

I, Alan W. Buchner as Trustee of the Alan Buchner Revocable Trust, as owner, hereby certify that I caused the land described to be surveyed, divided, and mapped as represented on the map. I do further certify that this Certify Survey map is required to be submitted to the Village of Windsor for approval.

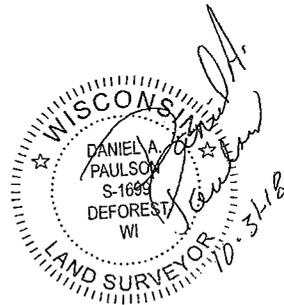
\_\_\_\_\_  
Alan W. Buchner, Trustee

\_\_\_\_\_  
Date

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, the above Alan W. Buchner to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public \_\_\_\_\_, Wisconsin  
My commission expires: \_\_\_\_\_





**DANE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_**  
BEING THE NW ¼ OF THE SE ¼ AND LOTS 1, 2 & 3, CSM NO. 6390, LOCATED IN THE  
SW ¼ OF THE SE ¼, SECTION 16, T.09N., R.10E., VILLAGE OF WINDSOR,  
DANE COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE**

I, Daniel A Paulson, Professional Land Surveyor **DO HEREBY CERTIFY** that by the direction of Alan Buchner, I have surveyed, divided, monumented, and mapped the NW ¼ of the SE ¼ and Lots 1, 2 & 3, CSM No 6390 located in the SW ¼ of the SE ¼ of Section 15, Town 9 North, Range 10 East, Village of Windsor, Dane County, Wisconsin, described as follows:

**COMMENCING** at the South ¼ Corner of Section 15;  
thence N00°41'17"E (recorded as N00°12'30"W), 50.00 feet along the west line of the SE ¼ of Section 15 to the southwest corner of Lot 3, CSM No. 6390 and the **POINT OF BEGINNING**;  
thence continuing N00°41'17"E (recorded as N00°12'30"W), 2600.24 feet along the west line of Lot 3, CSM 6390 and the west line of the NW ¼ of the SE ¼ of Section 15 to the northwest corner of said NW ¼ of the SE ¼ ;  
thence N89°06'36"E, 1320.64 feet along the north line of the NW ¼ of the SE ¼ of Section 15 to the northeast corner of said NW ¼ of the SE ¼ ;  
thence S00°45'14"E (Recorded as S00°08'28"W), 2600.12 feet along the east line of the NW ¼ of the SE ¼ of Section 15 and the east line of Lot 3 and 1, CSM 6390 to the southeast corner of said Lot 1;  
thence S89°06'18"W (recorded as West), 1326.62 feet along the south line of Lot 1, 2 and 3, CSM No. 6390 to the **POINT OF BEGINNING**.

Containing 3,350,620 square feet, (76.92 acres).  
Subject to all recorded and unrecorded easements.

I do hereby certify that to the best of my information, knowledge and belief this survey is a correct representation of the boundaries of land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Village of Windsor Code of Ordinances in surveying and mapping the same.

\_\_\_\_\_  
Daniel A. Paulson PLS-1699

\_\_\_\_\_  
Date:

**CERTIFICATE OF THE DANE COUNTY REGISTER OF DEEDS**

Received for recording this \_\_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock  
\_\_\_\_. M. and recorded in Volume \_\_\_\_\_ of Certified Survey Maps of Dane County,  
Pages \_\_\_\_\_.

DOCUMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Dane County Register of Deeds



VILLAGE OF WINDSOR  
PLAN COMMISSION MEETING

Minutes

November 8, 2018

1. CALL MEETING TO ORDER AND ROLL CALL.

Meeting convened by Chairperson Wipperfurth at 5:00 p.m. Commissioners present: Dave Gaustad, Jeff Heisig, Kay Hoffman, Tim Lange, and Bob Wipperfurth. Brad Mueller had an excused absence. Bill LeGore arrived at 5:05 p.m.

Others present: Director of Planning and Development Amy Anderson Schweppe, Village Deputy Administrator/Director of Economic Development Jamie Rybarczyk, and Village Attorney Bill Cole.

2. RECITATION OF THE PLEDGE OF ALLEGIANCE.

The flag pledge was led by Commissioner Gaustad.

3. ANNOUNCEMENTS.

None.

4. APPEARANCES BEFORE THE PLAN COMMISSION.

None.

5. MINUTES FROM OCTOBER 11, 2018.

5.a. Minutes.

A motion was made by Commissioner Heisig, seconded by Commissioner Lange, to approve the Minutes of October 11, 2018, as presented. Motion carried with a 5-0 vote.

6. PUBLIC HEARING.

Chairperson Wipperfurth read the following public hearing notices.

6.a. Teresa Kelso Requests A Certified Survey Map For A Lot Line Adjustment And Rezone From CR Countryside Residential District To A-2 (1) Agriculture Zoning District For Property Located At 4535 Smith Road, DeForest, WI.

Chairperson Wipperfurth opened the public hearing at 5:03 p.m.

Director of Planning and Zoning Anderson Schweppe provided a staff report. The petitioner is requesting approval of a certified survey map to adjust the property line between 4537 Smith Road and 4535 Smith Road to accommodate existing improvements on the subject properties. Each property is accessed from Smith Road by a recorded 33-foot ingress and egress easement. The proposed certified survey map will vacate a portion of an existing ingress and egress easement, create a portion of a new ingress and egress easement, and reconfigure the property line creating conforming structures and improvements.

Each lot is deemed legal non-conforming by village staff. The rezone is consistent with Windsor's Code of Ordinances and Windsor's Comprehensive Plan: 2035.

The Village Engineer and Surveying Department had no objections to the certified survey map. Fire and EMS had no objections.

Fees in lieu of parkland and fees for initial improvements of parkland will be waived as this is a property line adjustment. Petitioner is required to prepare a joint driveway and easement maintenance agreement and a joint well agreement.

Chairperson Wipperfurth closed the public hearing at 5:07 p.m.

- 6.b. Randy Ziegler Requests A Certified Survey Map For A Lot Line Adjustment And Rezone From CR Countryside Residential District To C-2 General Commercial Zoning District For Property Located At 7862 US Highway 51 And 4209 Manthe Road, DeForest, WI.

Chairperson Wipperfurth opened the public hearing at 5:10 p.m.

Director of Planning and Zoning Anderson Schweppe provided a staff report. Petitioner is requesting a two-lot certified map, rezone of the two lots, and a conditional use permit for a caretaker residence. Petitioner is proposing a lot-line adjustment. Lot 1 would be rezoned to CR, Countryside Residential District; and Lot 2 would be rezoned to C-2, General Commercial District. Lot 1 would include the existing single-family residence. Lot 2 would include the existing landscape, lawn and garden business, and a new caretaker residence for on-site management of the property. Overall the proposal is consistent with the requirements of Chapter 38. The caretaker residence is a permitted use for C-2. The engineer, surveyor, and Fire and EMS had no concerns. Construction of a new dwelling will require the payment of fees in lieu of parkland and fees for initial improvement of parkland.

Chairperson Wipperfurth closed the public hearing at 5:11 p.m.

- 6.c. Alan Buchner Requests A Certified Survey Map In Order To Combine Four Lots Into Two Lots At 3804 Vinburn Road, DeForest, WI.

Chairperson Wipperfurth opened the public hearing at 5:12 p.m.

Director of Planning and Zoning Anderson Schweppe provided a staff report. Petitioner is requesting a certified survey map to combine lots on the west Buchner property and transfer of development rights from the west property to the east Buchner property. The west property and east property are located on Vinburn Road. The petitioner intends to combine Lots 1 and 2 via certified survey map and deed restrict the new Lot 2 from further development. The petitioner intends to combine Lots 3 and 4 via certified survey map and deed restrict the new Lot 1 from further development. The petitioner intends to transfer the three eligible residential splits from the west property to the east property currently with one eligible residential split to achieve a total of four eligible residential splits for the development of single-family home sites. The proposal is consistent with Windsor's Code of Ordinances. The engineer, surveyor, and Fire and EMS had no concerns. Windsor will waive requirements for payment of fees in lieu of parkland and fees for initial improvement of parkland because the certified survey map does not create any new parcels or splits.

Attorney Mike Lawton advised that Alan Buchner was unable to attend the meeting. However, he had reviewed the report and agreed with it.

Chairperson Wipperfurth closed the public hearing at 5:16 p.m.

- 6.d. Scott Feiner Requests A Certified Survey Map In Order To Create Two Lots, A Rezone From A-4 Agriculture District To A-2 Agriculture District, And A Condominium Plat For Property Located In The NW 1/4 Of The NE 1/4 And Also Part Of The NE 1/4 Of Section 23, In The Village Of Windsor.

Chairperson Wipperfurth opened the public hearing at 5:17 p.m.

Director of Planning and Zoning Anderson Schweppe provided a staff report. Petitioner is requesting a certified survey map, condominium plat, rezone, and receiving of development rights on the east property. The east property is 16.65 acres in size with one eligible residential split. Petitioner intends to develop four residential splits as single-family home sites. In order to achieve this intent, a transfer/receiving of three residential splits from the west property to the east property must occur. Petitioner would like to subdivide the 16.65 acres into two lots by certified survey map. Lot 1 would be 2.0 acres in size. Lot 2 would be 14.0 acres in size, and 0.65 would be dedicated for right-of-way. The 16.65 acres would be rezoned from A1-EX, Exclusive Agriculture District, to A-2(2), Agriculture District. Lot 2 would be subdivided into three condominium plat units, with each unit approximately three acres or greater in size. Each of the four single-family home sites would be accessed by a private drive from Vinburn Road. The single-family home sites would also share a regional stormwater management facility. A stormwater management plan approved by Dane County will be required. Petitioner will be required to submit payment in lieu of parkland and fee for initial improvement of parkland per new residential dwelling.

A question was raised regarding the safety of the access point. The response was Village Engineer Richardson had worked with Schneider and the access point is okay. It meets the vision clearances.

Chairperson Wipperfurth added that this was the concept that was discussed a couple of months ago.

There will be prohibition of additional access points on Vinburn Road.

Chairperson Wipperfurth closed the public hearing at 5:23 p.m.

7. OLD BUSINESS.

8. NEW BUSINESS.

8.a. Plan Commission Resolution 2018-22 Teresa Kelso Requests A Certified Survey Map For A Lot Line Adjustment And Rezone From CR Countryside Residential District To A-2 (1) Agriculture Zoning District For Property Located At 4535 Smith Road, DeForest, WI.

A motion was made by Commissioner Gaustad, seconded by Commissioner Heisig, to approve Resolution 2018-22, Recommending Approval Of A Certified Survey Map And Rezone For 4535 & 4537 Smith Road In the Village of Windsor, Dane County. Motion carried with a 6-0 vote.

8.b. Plan Commission Resolution 2018-23 Randy Ziegler Requests A Certified Survey Map For A Lot Line Adjustment And Rezone From CR Countryside Residential District To C-2 General Commercial Zoning District For Property Located At 7862 US Highway 51 And 4209 Manthe Road, DeForest, WI.

A motion was made by Commissioner LeGore, seconded by Commissioner Hoffman, to approve Resolution 2018-23, Recommending Conditional Approval Of A Certified Survey Map, Rezone To C-2 Commercial District And A Conditional Use Permit For Caretaker Residence At 7862 US Highway 51, In The Village Of Windsor. Motion carried with a 6-0 vote.

8.c. Plan Commission Resolution 2018-24 Alan Buchner Requests A Certified Survey Map In Order To Combine Four Lots Into Two Lots At 3804 Vinburn Road, DeForest, WI.

A motion was made by Commissioner Lange, seconded by Commissioner Gaustad, to approve Resolution 2018-24, Recommending Transfer Of Development Rights For Property Located At 3804 Vinburn Road, DeForest, WI In The Village Of Windsor, Dane County. Motion carried with a 6-0 vote.

- 8.d. Plan Commission Resolution 2018-25 Scott Feiner Requests A Certified Survey Map In Order To Create Two Lots, A Rezone From A-4 Agriculture District To A-2 Agriculture District, And A Condominium Plat For Property Located In The NW 1/4 Of The NE 1/4 And Also Part Of The NW 1/4 Of The NW 1/4 Of Section 23, In The Village Of Windsor.

A motion was made by Commissioner Heisig, seconded by Commissioner Gaustad, to approve Resolution 2018-25, Recommending Approval Of A Certified Survey Map, Rezone, Condominium Plat And Transfer Of Development Rights For Property Located At 3553 Vinburn Road, In The Village Of Windsor, Dane County. Motion carried with a 6-0 vote.

- 8.e. Plan Commission Resolution 2018-26 Zoning Map Update.

Director of Planning and Zoning Anderson Schweppe advised that Windsor is updating its zoning map. There are three changes that are related to mapping errors. The remaining were because of rezone action by the Village Board in the past year.

A motion was made by Commissioner LeGore, seconded by Commissioner Lange, the approve Resolution 2018-26, Recommending Approval Of A Revised Official Zoning Map In The Village Of Windsor, Dane County. Motion carried with a 6-0 vote.

9. ADJOURNMENT.

At 5:26 p.m. a motion was made by Commissioner Gaustad, seconded by Commissioner Lange, to adjourn the Plan Commission meeting. Motion carried with a 6-0 vote.

Respectfully submitted,

*Ellen G. Teed*

Ellen G. Teed  
Recording Secretary

DEED RESTRICTION  
Exhaustion of Development Rights

The undersigned (collectively, "the Owner"), constituting all of the owners of the below described real property located in the Village of Windsor, Dane County, Wisconsin ("the Property"), hereby declare the Property to be subject to the following restrictions:

Restrictions: As long as the Property is within the Agricultural Preservation Area of the Village of Windsor, the Property shall not be further divided or subdivided, and no further residential development shall be permitted at any time within the Property, without the consent of the Village of Windsor.

Property: Lot 1, 2 & 3, Certified Survey Map \_\_\_\_\_, recorded in the Dane County Register of Deeds as Document # \_\_\_\_\_.

The Owner petitioned for and obtained approval of a certified survey map and transfer of development rights from the Village of Windsor. The Village's approval was conditioned upon the Owner restricting further use of the Property as set forth above.

The restrictions set forth therein run with the land and are binding on and inure to the benefit of the heirs, personal representatives, successors and assigns; and shall only be modified or released with the prior written consent of the Village of Windsor and recording of same in the Dane County Register of Deeds office.

<b>RETURN TO:</b> Amy Anderson Schweppe Village of Windsor 4084 Mueller Road DeForest, WI 53532
<b>DRAFTED BY:</b> William S. Cole, Village Attorney Axley Brynelson, LLP 2 E. Mifflin Street, Suite 200 Madison, WI 53703
<b>PARCEL IDENTIFICATION NUMBERS:</b> 196/0910-154-8500-5 196/0910-154-9380-9

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

STATE OF WISCONSIN    )  
                                  ) ss.  
DANE COUNTY            )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, the above-named individual(s), to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission expires: \_\_\_\_\_