

**VILLAGE OF WINDSOR
BOARD RESOLUTION 2018-111**

**APPROVAL OF A CERTIFIED SURVEY MAP AND A CONDITIONAL USE PERMIT
FOR CARETAKER RESIDENCE AT 7862 US HIGHWAY 51, IN THE VILLAGE OF
WINDSOR**

WHEREAS, Randy Ziegler requests approval of a Certified Survey Map to adjust boundaries of the subject properties, a Rezone to C-2 General Commercial, and a Conditional Use Permit for a caretaker residence on the subject property; and

WHEREAS, the Petitioner obtained Conditional Approval of the Certified Survey Map, Rezone and Conditional Use Permit request in Plan Commission Resolution 2018-23; and

WHEREAS, the Village Director of Planning | Zoning Administrator has reviewed the 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 Staff Report, the Public Hearing and the Village Board meeting, the Village Board approves the Certified Survey Map, Rezone and Conditional Use Permit request, subject to the conditions specified in the Staff Report 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 Conditional Use Permit request for Randy Ziegler located at 7862 USH 51 & 4209 Manthe Road, subject to the following conditions:

1. Certified Survey Map
 - a. 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.
 - b. The Petitioner shall submit cash payment to the Village of Windsor for Fees in Lieu of Land in the amount determined pursuant to Section 38-636(b) of the Village of Windsor Code of Ordinances. (\$1,499.89)
 - c. The Petitioner shall submit cash payment to the Village of Windsor for Fees for Initial Improvement of Parkland in the amount determined pursuant to Section 38-636(e) of the Village of Windsor Code of Ordinances. (\$1,177.59)
 - d. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging both Lots 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.
2. Conditional Use Permit for a Caretakers Residence
 - a. The Conditional Use Permit is limited to 7862 USH 51, DeForest, WI 53532 (Tax Key No. 196/0910-042-8610-0).

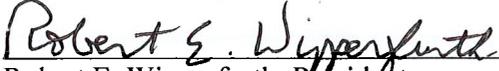
- b. The Conditional Use Permit is limited to one (1) caretaker residence as depicted on the Site Plan on the subject property.
 - c. The Petitioner shall record a deed restriction and notice of terms and conditions of the Conditional Use Permit, in a form approved by the Village Attorney. The deed restriction shall prohibit:
 - i. The separation of the Caretaker's Residence from the Commercial Business Property.
 - ii. Rental of the Caretaker Residence to someone other than an immediate family member or an individual directly associated with the business in the role of Caretaker for the property.
 - d. The Petitioner shall allow representatives from the Village of Windsor (or designee) to inspect the subject property following a 24-hour notice for the purposes of determining compliance with the Conditional Use Permit approval.
 - e. The Petitioner shall address any and all comments of the DeForest Windsor Fire & EMS to the satisfaction of the Director of Planning | Zoning Administrator and DeForest Windsor Fire & EMS.
 - f. The Petitioner shall address any and all comments of the Building Inspector (or designee) to the satisfaction of the Director of Planning | Zoning Administrator and Building Inspector (or designee).
 - g. The Petitioner shall obtain the appropriate permits from the Village of Windsor.
3. 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 Conditional Use Permit 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.
 4. The Village of Windsor Board's approval of the Certified Survey Map and Conditional Use Permit 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.
5. Other Conditions.
 - a. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the Dane County, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to

constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.

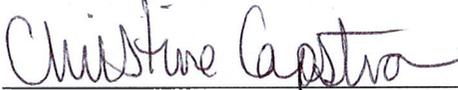
- b. The conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village of Windsor as being in compliance with all pertinent ordinances.
 - c. Should the conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Village of Windsor, pursuant to the enforcement provisions of this conditional use.
 - d. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
 - e. Unless this conditional use expressly states otherwise, plans that are specifically required by this conditional use may be amended upon the prior approval of the Village of Windsor if the Village of Windsor finds the plan amendment to be minor and consistent with the conditional use. Any change in any plan that the Village of Windsor feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
 - f. Should any paragraph or phrase of this conditional use be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
 - g. If any aspect of this conditional use or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Village of Windsor.
6. Evidence and Findings. The Village Board finds the conditions set forth herein are reasonable; to the extent practicable, measurable; related to the purpose of Zoning Code; and based on the facts and information set forth in the Staff Report and Petitioner Application, which have been reviewed and are incorporated herein by reference.

The above and foregoing Resolution was duly adopted at a meeting of the Windsor Village Board held on December 06, 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 dated November 29, 2018

Deed Restriction and Notice of Terms and Conditions of Conditional Use Permit and Rezoning



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 4, 2018
Aprvl Date: January 2, 2019
Re: Ziegler – Certified Survey Map, Rezone, and Conditional Use Permit

BACKGROUND:

Petitioner: Randy Ziegler
Property Owner: Randy & Deanna Ziegler
Location / Address: 4209 Manthe Road, DeForest, WI 53532 & 7862 US Highway 51, DeForest, WI 53532
Taxkey Number: 196/0910-042-8720-4 & 196/0910-042-8610-0
Area: 6.72 acres & 2.06 acres
Existing Zoning: CR, Countryside Residential District & C-2, General Commercial District
Proposed Zoning: CR, Countryside Residential District & C-2, General Commercial District
Future Land Use: Agriculture Preservation

REQUEST:

The Petitioner is requesting discussion and action by the Village of Windsor Board for a two-lot Certified Survey Map (CSM), Rezone for the two-lots, and Conditional Use Permit for a caretaker residence.

See Exhibit A for additional information regarding the Petitioner's request.

OVERVIEW:

The Petitioner proposes to adjust the lot boundary between 7862 US Highway 51, DeForest, WI 53532 and 4209 Manthe Road, DeForest, WI 53532 as depicted on the CSM. The new Lot 1 would be 1.94 acres in size and Lot 2 would be 6.54 acres in size. The new areas of Lot 1 would be rezoned to CR, Countryside Residential District, and Lot 2 would be rezoned to C-2, General Commercial District. The new Lot 1 would include the existing single-family residence. The new Lot 2 would include the existing landscape, lawn and garden business and a new caretaker residence for on-site management of the property.

VILLAGE STAFF COMMENTS:

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 10 Buildings and Building Regulations

The Site Plan submitted with the Petitioner's application is for illustrative purposes only. Any addition, modification, and/or alteration to the existing uses, premises, or structures, other than as specifically authorized herein, shall require Site Plan Review approval by the Village of Windsor Plan Commission and Village Board.

The Petitioner is also advised that any addition, modification, and/or alteration to the existing uses, premises, or structures may initiate Erosion & Sedimentation Control Plan and Stormwater Management Plan approval by Dane County Land & Water Resources.

2. Village of Windsor Code of Ordinances: Chapter 25 Floodplain Zoning

The Petitioner is advised that portions of the subject property are located in the floodplain jurisdiction; therefore, the regulations of Chapter 25 Floodplain Zoning are applicable.

3. 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.

The Petitioner is advised that the construction of a new residential dwelling unit per Secs. 38-636 and 38-638 shall require the payment of Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland prior to recording of the CSM. For 2018, the Fee In Lieu of Parkland is \$1,499.89 and the Fee for Initial Improvement of Parkland is \$1,177.59.

4. Village of Windsor Code of Ordinances: Chapter 52 Zoning Districts - Districts

The Rezone of the new Lot 1 and Lot 2 is consistent with the CR, Countryside Residential District and C-2, General Commercial District.

As a condition of the Rezone approval, Village Staff recommends to the Village of Windsor Board limit the permitted and conditional uses in the C-2, General Commercial District for the new Lot 2.

5. Village of Windsor Code of Ordinances: Chapter 52 Zoning Districts – Administration and Enforcement and Procedures

Per Sec. 52-101(5)(d), the Conditional Use Permit shall be evaluated by the Village Staff and their report to the Village of Windsor Plan Commission and Village Board shall include responses to the following questions:

a) *How is the proposed conditional use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this [chapter], and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?*

- Response: The general use of the new Lot 2 is commercial as evident by the use of the subject property and zoning district. An allowable use, if approved as a Conditional Use, includes a caretaker residence.

b) *How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this [chapter], and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?*

- Response: The Petitioner’s request focuses on the construction of a caretaker residence located on the new Lot 2, a commercial zoned property. The principal use of the new Lot 2 will remain and expand as a commercial zoned property.

c) *Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of this [chapter], the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development?*

- Response: The commercial use of the new Lot 2 will not change. Any addition, modification, and/or alteration to the existing uses, premises, or structures, other than as specifically authorized herein, shall require Site Plan Review approval by the Village of Windsor Plan Commission and Village Board.

d) *Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?*

- Response: The general use of the new Lot 2 is commercial as evident by the use of the subject property and zoning district. An allowable use, if approved as a Conditional Use, includes a caretaker residence. In addition, a single-family residence exists along Manthe Road.

e) *Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?*

- Response: Yes.

f) *Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in subsections (d)(1) through (5) of this section), after taking into consideration any proposal by the petitioner and any requirements recommended by the petitioner to ameliorate such impacts?*

- Response: The existing uses, premises, and structures are maintained on the new Lot 2. The benefit of the Conditional Use Permit is to the Petitioner and not the general public.

6. Village of Windsor Code of Ordinances: Chapter 54 Shoreland Zoning

The Petitioner is advised that portions of the subject property are located in the shoreland jurisdiction; therefore, the regulations of Chapter 54 Shoreland Zoning are applicable.

7. Village of Windsor Comprehensive Plan: 2035

The subject properties are designated as “Agricultural Preservation / Agricultural Enterprise Area”. Historically, the principal uses of the subject properties have been the existing single-family residence (new Lot 1) and the existing landscape, lawn and garden business (new Lot 2). Village Staff has determined that the “Agricultural Preservation / Agricultural Enterprise Area” designation is incorrect for the subject properties based on historic use and future use. Village

Staff recommends the designation of the subject properties be changed to “Roadside Mixed-Use” when the Village conducts the next update to the Comprehensive Plan: 2035.

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

1. The Engineering Department has no comments or objections with the Petitioner’s request.

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

1. The Surveying Department has no comments or objections with the Petitioner’s request.

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

1. The DeForest Windsor Fire & EMS has no comments or objections with the Petitioner’s request.

VILLAGE POLICY COMMENTS/CONCERNS:

The Village Staff has no policy comments/concerns with the Petitioner’s request.

VILLAGE PLAN COMMISSION RECOMMENDATION:

On November 8, 2018 the Village Plan Commission recommended to the Village Board Approval of the Certified Survey Map, Rezone and Conditional Use Permit request for property located 7862 US Highway 51 and 4209 Manthe Road by Plan Commission Resolution 2018-23.

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** the Certified Survey Map, Rezone, and Conditional Use Permit request for Randy Ziegler located at 7862 US Highway 51, DeForest, WI 53532 and 4209 Manthe Road, DeForest, WI 53532, subject to the following conditions:

1. Rezone
 - a. Lot 2 of the Certified Survey Map shall be rezoned from CR, Countryside Residential district to C-2 General Commercial district.
 - b. On the basis of the location of the subject property and the use of other properties in the vicinity thereof, the uses set forth in Exhibit A attached hereto are found to be incompatible with the area of the subject property notwithstanding being otherwise permitted in the C-2 District. The rezoning shall be subject to the condition that the Petitioner shall record a deed restriction limiting the uses on the subject property as set forth in Exhibit A.
 - c. The Rezone shall have a delayed effective date and shall take effect at such time as the Petitioner receives approval of the Certified Survey Map from the Village of Windsor Board.
2. Certified Survey Map
 - a. 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.

- b. The Petitioner shall submit cash payment to the Village of Windsor for Fees in Lieu of Land in the amount determined pursuant to Section 38-636(b) of the Village of Windsor Code of Ordinances. (\$1,499.89)
 - c. The Petitioner shall submit cash payment to the Village of Windsor for Fees for Initial Improvement of Parkland in the amount determined pursuant to Section 38-636(e) of the Village of Windsor Code of Ordinances. (\$1,177.59)
 - d. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging both Lots 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. Conditional Use Permit for a Caretakers Residence
- a. The Conditional Use Permit is limited to 7862 USH 51, DeForest, WI 53532 (Tax Key No. 196/0910-042-8610-0).
 - b. The Conditional Use Permit is limited to one (1) caretaker residence as depicted on the Site Plan on the subject property.
 - c. The Petitioner shall record a deed restriction and notice of terms and conditions of the Conditional Use Permit, in a form approved by the Village Attorney. The deed restriction shall prohibit:
 - i. The separation of the Caretaker's Residence from the Commercial Business Property.
 - ii. Rental of the Caretaker Residence to someone other than an immediate family member or an individual directly associated with the business in the role of Caretaker for the property.
 - d. The Petitioner shall allow representatives from the Village of Windsor (or designee) to inspect the subject property following a 24-hour notice for the purposes of determining compliance with the Conditional Use Permit approval.
 - e. The Petitioner shall address any and all comments of the DeForest Windsor Fire & EMS to the satisfaction of the Director of Planning | Zoning Administrator and DeForest Windsor Fire & EMS.
 - f. The Petitioner shall address any and all comments of the Building Inspector (or designee) to the satisfaction of the Director of Planning | Zoning Administrator and Building Inspector (or designee).
 - g. The Petitioner shall obtain the appropriate permits from the Village of Windsor.
4. 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, Rezone and Conditional Use Permit 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.
5. The Village of Windsor Board's approval of the Certified Survey Map, Rezone and Conditional Use Permit 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.

6. Other Conditions.

- a. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the Dane County, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
- b. The conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village of Windsor as being in compliance with all pertinent ordinances.
- c. Should the conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Village of Windsor, pursuant to the enforcement provisions of this conditional use.
- d. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
- e. Unless this conditional use expressly states otherwise, plans that are specifically required by this conditional use may be amended upon the prior approval of the Village of Windsor if the Village of Windsor finds the plan amendment to be minor and consistent with the conditional use. Any change in any plan that the Village of Windsor feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
- f. Should any paragraph or phrase of this conditional use be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- g. If any aspect of this conditional use or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Village of Windsor.

LOCATION MAP:

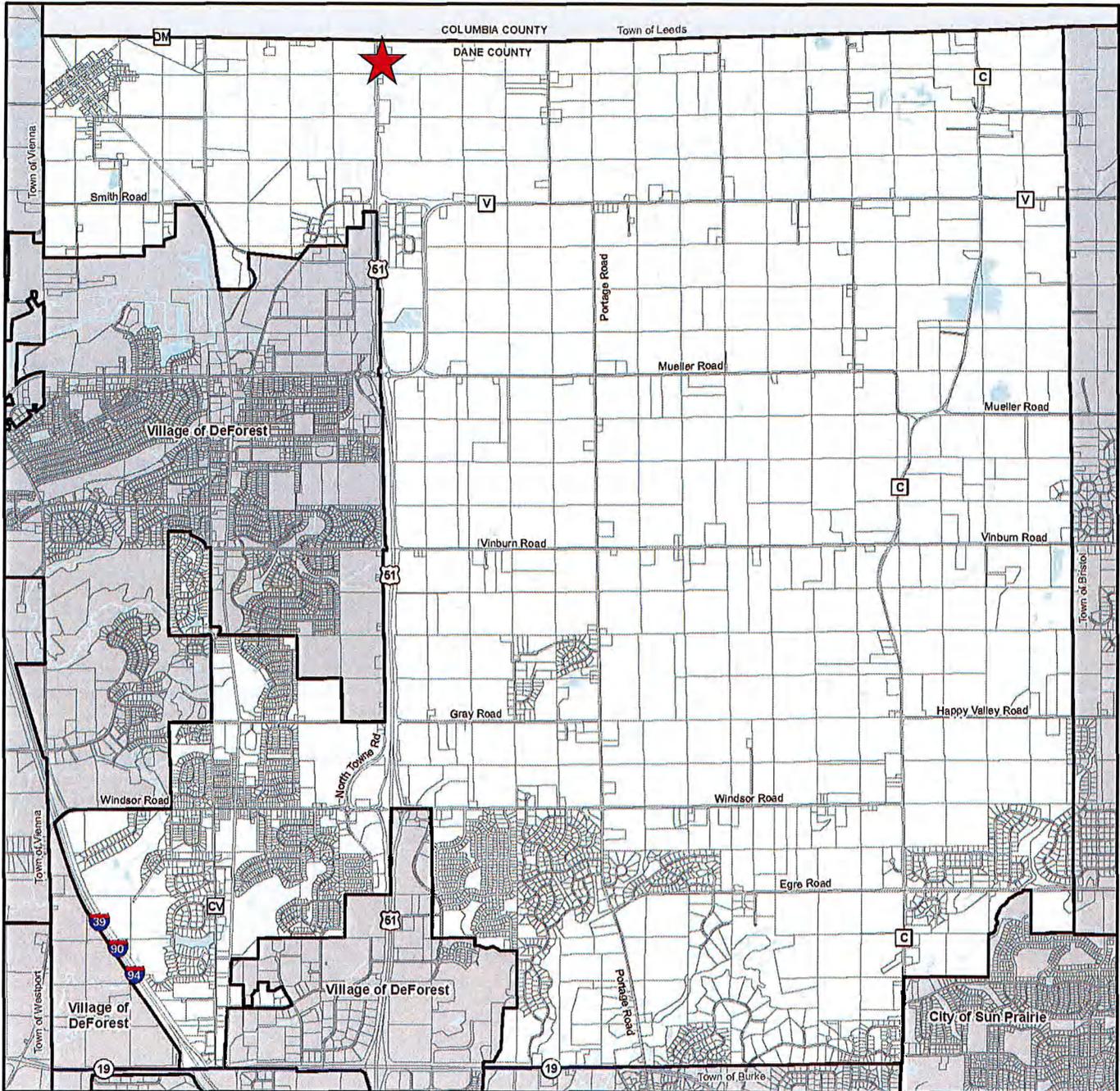


EXHIBIT:

- A. Petitioner Application
- B. Deed Restriction: Uses for C-2, General Commercial District and CUP for Caretaker Residence
- C. November 8, 2018 un-official Plan Commission Minutes.

Contact Information

Applicant:

Name: Randy Ziegler
Address: 7257 Clinton Rd
City, State, Zip: DeForest WI
Phone Number(s): 608-235-9327
Cell Phone(s): same
Email Address(es): Randy8979@gmail.com

Surveyor:

Name: Dan Paulson
Address: 136 W. Holom St
City, State, Zip: DeForest WI 53582
Phone Number(s): 608-846-2523
Cell Phone(s): 608-220-2056
Email Address(es): Dan@PaulsonLLC.net

Attorney:

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

Owner:

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

Engineer:

Name: T. B. D.
Address:
City, State, Zip:
Phone Number(s):
Cell Phone(s):
Email Address(es):

**Village of Windsor
Zoning Review, Special Use Permit, Conditional Use Permit and/or Variance**

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

Select Request Rezone Conditional Use Permit Variance Special Use Permit

Brief Description of Project: Zoning Change & CSM to Adjust Lot Line. CUP to Allow Caretaker Residence

Project Location: 7862 USA 51 & 4209 Mantle Rd

Parcel Number(s): 0910-042-86100 & 0910-042-8720-4

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

- 1) One consultation meeting with Village Staff (Engineer, Legal Counsel, Planner and Planning and Development Coordinator at no charge.) Optional
- 2) Submittal of application form, fees/review escrow, 15 copies of the Zoning Map (if applicable) and supplementary materials as described above (at least 30 days prior to next plan commission meeting) including a digital pdf copy of all submitted drawings and supplementary data.
- 3) Staff review of application materials for compliance with requirements.
- 4) Plan Commission review and comment.
- 5) Village Board Review

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: _____

**Village of Windsor
Rezone Procedures and Requirements**

Item		Applicant
1	Map of the Subject Property – showing all lands for which zoning is proposed, and all other lands within 500' of the boundaries of the subject property, with the names and addresses of the owners of all lands on said map as the same appear on the current tax records of the Village of Windsor. Said map shall clearly indicate the current zoning of the subject property and its environs, and jurisdiction(s) which maintain control. Said map and all its parts and attachments shall be submitted in a form that is reproducible and shall be at a scale of not less than 1" = 800'. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.	
2	Map of Generalized Location of the Subject Property – in relation to Village as a whole.	
3	Written Statement – including existing uses of the property, existing uses on all neighboring properties, proposed uses of the rezoned area indicating why the rezone is appropriate, and a time schedule for development.	

Village of Windsor

Certified Survey Map Review

Certified Survey Map Application Form

The Village of Windsor Plan Commission typically meets on the third Tuesday of every month at 6:00 p.m., and the Village Board typically reviews planning issues on the third Thursday of every month at 5:00 p.m. (or as otherwise scheduled) at the Windsor Municipal Building, 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 Village and accompanied by the required fee and review escrow, 2) include 15 copies of the certified survey map drawn per the requirements of the Village Subdivision Ordinance, Chapter 38 - Article IV - Division 6; and 3) include a digital pdf copy of all submitted drawings and supplementary data.

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

Process for Review and Approval

- 1) Consultation meeting with Village Staff (Optional)
- 2) Submittal (at least 30 days prior to next plan commission meeting) of application form, application fee, review escrow, and CSM with supplementary materials as described above
- 3) Staff review of application materials for compliance with requirements
- 4) Plan Commission review, public hearing, and recommendation
- 5) Village 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 Village Board and any other approving agencies, and provide a copy of executed documents to Village Clerk

Technical Requirements of CSM

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	
2 Joint Maintenance Agreements	
3 All certificates required by Wis. Stat. 236.34	

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

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

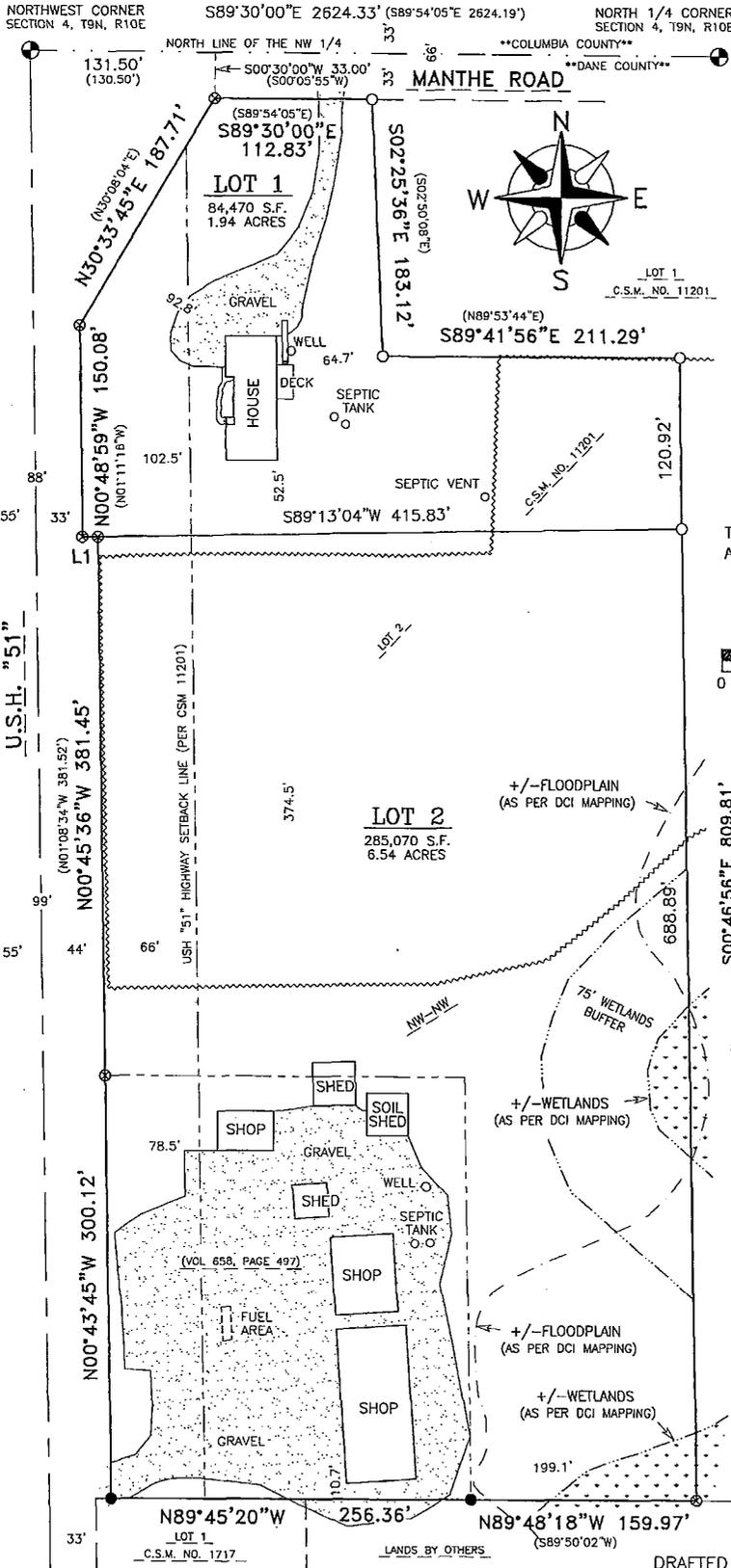
Date Complete Application Submitted: _____

Village of Windsor Conditional Use Permit Review

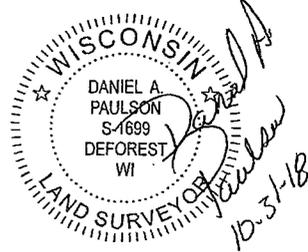
	Item	Applicant
1	Legal Description – of the land for which the permit is requested. Include the size of the CUP area in acres or square feet.	
2	Tax parcel Number(s) – of the lot(s) or parcel(s) for the CUP.	
3	Site Plan – drawn to scale large enough to show detail; including all existing and proposed buildings and outdoor uses labeled with dimensions and setbacks and showing provisions for water and sewer; location and width of all driveway entrances onto public or private roadways and all interior roads or driveways and indicating traffic patterns; parking lot layout; zoning district boundaries in the immediate area; and more complicated CUP's shall show additional detail such as contours, drainage, screening, fences, landscaping, lighting, signs, refuse dumpsters, possible future expansion areas, etc.	
4	<p>Written Statement – including existing uses of the property, existing uses on all neighboring properties, proposed uses of the CUP area indicating why the CUP is appropriate, and a time schedule for development.</p> <p>a. Existing Zoning <u>C-2 & CR</u></p> <p>b. Proposed Zoning (if a rezone is required) <u>all C-2</u></p> <p>c. Type of activity proposed <u>Landscape Business & add caretaker residence.</u></p> <p>d. Hours of Operation _____</p> <p>e. Number of Employees _____</p> <p>f. Anticipated Customers _____</p> <p>g. Outside Storage (describe) _____</p> <p>h. Outdoor Activities (describe) _____</p> <p>i. Outdoor Lighting (describe) _____</p> <p>j. Outside Loudspeakers? _____</p> <p>k. Proposed Signs (describe) _____</p> <p>l. Trash Removal (describe) _____</p>	
5	<p>Provide answers to the following 6 questions completely. The proposed land use must meet all 6 conditions in order to be approved.</p> <p>#1 The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.</p> <p>#2 The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.</p> <p>#3 The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.</p> <p>#4 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.</p> <p>#5 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.</p> <p>#6 That the conditional use shall conform to all applicable regulations of the district in which it is located.</p>	

DANE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING LOT 2, C.S.M. NO. 11201 AND LANDS LOCATED IN THE NW 1/4 OF THE NW 1/4, SECTION 4, T.09N., R.10E., VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN



DOCUMENT NO. _____



TOTAL AREA
369,540 SQUARE FEET
8.48 ACRES

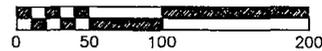
L1=S89°42'20"W 11.03'
(S88°51'26"W)

BASIS OF BEARINGS

THE NORTH LINE OF THE NE 1/4 IS ASSUMED AS BEARING S89°30'00"E.

SCALE

1" = 100'



CLIENT/OWNER

RANDY J. & DEANNA R. ZIEGLER
7757 CLINTON ROAD
DEFOREST, WI 53532

SURVEYOR

PAULSON & ASSOCIATES, LLC
DANIEL A. PAULSON
136 W. HOLUM STREET
DEFOREST, WI 53532

LOT 1
C.S.M. NO. 11201

LEGEND

- DANE COUNTY ALUMINUM MON. (FOUND WITH 4 TIES)
- 3/4" X 18" ROUND IRON RE-BAR WEIGHING 1.50 LBS/LF (SET)
- 3/4" IRON BAR (FOUND)
- ⊗ 1-1/2" IRON PIPE (FOUND)
- () "RECORDED AS" INFORMATION
- FORMER LOT LINE
- ~~~~~ +/-AG TILLAGE LINE



SHEET 1 OF 3

DRAFTED BY: T.W.P. FILE NO. 14-041

DANE COUNTY CERTIFIED SURVEY MAP NO. _____

Being Lot 2, C.S.M. No. 11201 and lands located in the NW ¼ of the NW ¼ of Section 4, Town 9 North, Range 10 East, Village of Windsor, Dane County, Wisconsin

SURVEYOR'S CERTIFICATE

I, Daniel A Paulson, Professional Land Surveyor **DO HEREBY CERTIFY** that by the direction of Randy Ziegler, as owner, I have surveyed, monumented, divided and mapped Lot 2, C.S.M. No. 11201 and lands located in the NW ¼ of the NW ¼, Section 4, Town 9 North, Range 10 East, Village of Windsor, Dane County, Wisconsin, described as follows:

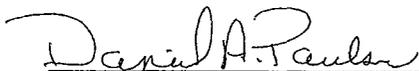
Commencing at the Northwest Corner of Section 4;
thence S89°30'00"E, 131.50 feet (recorded as S89°54'05"E, 130.50 feet) along the north line of the NW ¼ of Section 4;
thence S00°30'00"W (recorded as S00°05'55"W), 33.00 feet to south right-of-way line of Manthe Road, the northwest corner of Lot 2, CSM 11201 and the **POINT OF BEGINNING**;
thence S89°30'00"E (recorded as S89°54'05"E), 112.83 feet along the north line of Lot 2, CSM 11201 to the northeast corner of said Lot 2;
thence S02°25'36"E (recorded as S02°50'08"E), 183.12 feet along the east line of Lot 2, CSM 11201;
thence continuing along the east line of Lot 2, CSM 11201, S89°41'56"E (recorded as S89°53'44"E), 211.29 feet;
thence continuing along the east line of Lot 2, CSM 11201, S00°46'56"E (recorded as S01°11'16"E), 809.81 feet to the southeast corner of said Lot 2;
thence N89°48'18"W (recorded as S89°50'02"W), 159.97 feet along the south line of Lot 2, CSM 11201;
thence N89°45'20"W, 256.36 feet to the east right-of-way line of USH "51";
thence N00°43'45"W, 300.12 feet along the east right-of-way line of USH "51" to the southwest corner of Lot 2, CSM 11201;
thence N00°45'36"W (record as N01°08'34"W) 381.45 feet, along the east right-of-way line of USH 51 and the west line of Lot 2, CSM 11201 to a jog in the right-of-way line;
thence continuing along the jog in the east right-of-way line and the west line of Lot 2, CSM 11201, S89°42'20"W (recorded as S88°51'26"W), 11.03 feet;
thence continuing along the east right-of-way line of USH 51 and the west line of Lot 2, CSM 11201, N00°48'59"W (recorded as N01°11'16"W), 150.08 feet;
thence continuing along the east right-of-way line of USH 51 and the west line of Lot 2, CSM 11201, N30°33'45"E (recorded as N30°08'04"E), 187.71 feet to the **POINT OF BEGINNING**.

Containing 369,540 square feet (8.48 acres).

Subject to all covenants, restrictions and easements as per CSM 11201.

Subject to all recorded and unrecorded easements.

I do hereby certify that to the best of my 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:



DANE COUNTY CERTIFIED SURVEY MAP NO. _____

Being Lot 2, C.S.M. No. 11201 and lands located in the NW ¼ of the NW ¼ of Section 4, Town 9 North, Range 10 East, 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

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

OWNERS CERTIFICATE

We, Randy J. Ziegler and Deanna R. Ziegler, as owners, hereby certify that we caused the land described to be surveyed, divided and mapped as represented on the map.

Randy J. Ziegler

Date

Deanna R. Ziegler

Date

STATE OF WISCONSIN)
_____)SS
COUNTY)

Personally came before me this _____ day of _____, 2018, the above Randy J. Ziegler & Deanna R. Ziegler to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public _____, Wisconsin
My commission expires: _____

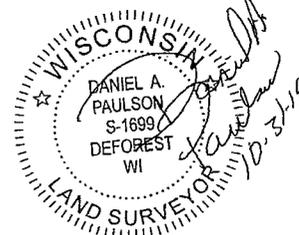
CONSENT OF MORTGAGEE

I, _____, as mortgagee of the above described land, do hereby consent to the surveying, dividing, and mapping of the land described on this map. Dated this _____ day of _____, 2017.

STATE OF WISCONSIN)
_____)SS
COUNTY)

Personally came before me this _____ day of _____, 2018, the above _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public _____, Wisconsin
My commission expires: _____



ZONING CHANGE DESCRIPTION

Randy Ziegler Properties

CR to C-2

Being part of Lot 2, C.S.M. No. 11201, located in the NW ¼ of the NW ¼ of Section 4, Town 9 North, Range 10 East, Village of Windsor, Dane County, Wisconsin, described as follows:

Commencing at the Northwest Corner of Section 4;
thence S89°30'00"E, 131.50 feet (recorded as S89°54'05"E, 130.50 feet) along the north line of the NW ¼ of Section 4;
thence S00°30'00"W (recorded as S00°05'55"W), 33.00 feet to south right-of-way line of Manthe Road, the northwest corner of Lot 2, CSM 11201;
thence S89°30'00"E (recorded as S89°54'05"E), 112.83 feet along the north line of Lot 2, CSM 11201 to the northeast corner of said Lot 2;
thence S02°25'36"E (recorded as S02°50'08"E), 183.12 feet along the east line of Lot 2, CSM 11201;
thence continuing along the east line of Lot 2, CSM 11201, S89°41'56"E (recorded as S89°53'44"E), 211.29 feet;
thence continuing along the east line of Lot 2, CSM 11201, S00°46'56"E (recorded as S01°11'16"E), 120.92 feet to the **POINT OF BEGINNING**;
thence continuing along the east line of Lot 2, CSM 11201, S00°46'56"E (recorded as S01°11'16"E), 688.89 feet to the southeast corner of said Lot 2;
thence N89°48'18"W (recorded as S89°50'02"W), 159.97 feet along the south line of Lot 2, CSM 11201 to the southwest corner of said Lot 2;
thence N00°44'53"W (recorded as N01°11'16"W), 300.00 feet along the west line of Lot 2, CSM 11201;
thence continuing along the west line of Lot 2, CSM 11201, N89°43'44"W, 256.26 feet to the east right-of way line of USH "51";
thence continuing along the west line of Lot 2, CSM 11201 and the east right-of-way line of USH 51, N00°45'36"W (record as N01°08'34"W), 381.45 feet;
thence N89°31'04"E, 415.83 feet to the **POINT OF BEGINNING**.

Containing 208,180 square feet (4.78 acres).

Subject to all covenants, restrictions and easements as per CSM, 5814.

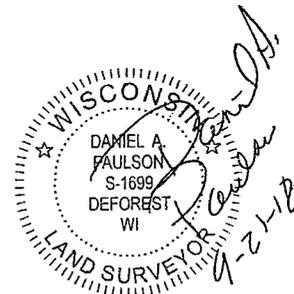
Subject to all recorded and unrecorded easements.

See ZONING CHANGE MAP

This Description Prepared by:
Paulson & Associates, LLC
Daniel A. Paulson, PLS-1699

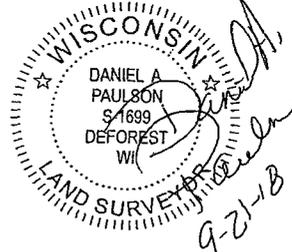
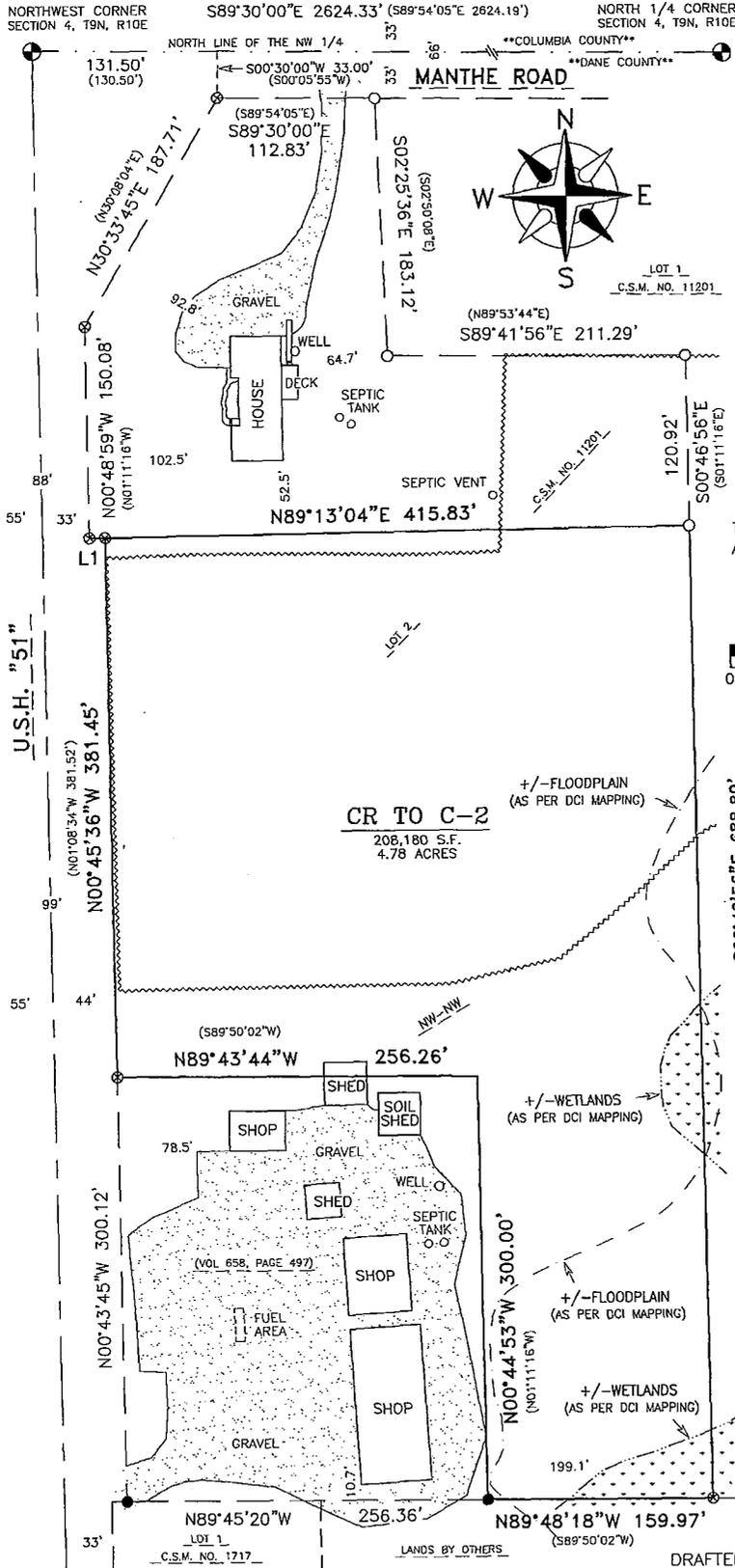
September 18, 2018

SHEET 1 OF 1



ZONING CHANGE MAP

BEING PART OF LOT 2, C.S.M. NO. 11201; LOCATED IN THE NW 1/4 OF THE NW 1/4, SECTION 4, T.09N., R.10E., VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN



TOTAL AREA
369,540 SQUARE FEET
8.48 ACRES

L1=S89°42'20"W 11.03'
(S88°51'26"W)

BASIS OF BEARINGS
THE NORTH LINE OF THE NE 1/4 IS ASSUMED AS BEARING S89°30'00"E.

SCALE
1" = 100'

CLIENT/OWNER
RANDY J. & DEANNA R. ZIEGLER
7757 CLINTON ROAD
DEFOREST, WI 53532

SURVEYOR
PAULSON & ASSOCIATES, LLC
DANIEL A. PAULSON
136 W. HOLM STREET
DEFOREST, WI 53532

LOT 1
C.S.M. NO. 11201

LEGEND

- DANE COUNTY ALUMINUM MON. (FOUND WITH 4 TIES)
- 3/4" X 18" ROUND IRON RE-BAR WEIGHING 1.50 LBS/LF (SET)
- 3/4" IRON BAR (FOUND)
- ⊗ 1-1/2" IRON PIPE (FOUND)
- () "RECORDED AS" INFORMATION
- - - FORMER LOT LINE
- ~~~~~ +/-AG TILLAGE LINE



CONDITIONAL USE PERMIT (CUP) DESCRIPTION
for
Caretaker Residence

Randy Ziegler Properties

Being Lot 2, CSM _____, located in the NW ¼ of the NW ¼ of Section 4,
Town 9 North, Range 10 East, Village of Windsor, Dane County, Wisconsin.

Present Description

Being part of Lot 2, C.S.M. No. 11201, located in the NW ¼ of the NW ¼ of Section 4,
Town 9 North, Range 10 East, Village of Windsor, Dane County, Wisconsin, described
as follows:

Commencing at the Northwest Corner of Section 4;
thence S89°30'00"E, 131.50 feet (recorded as S89°54'05"E, 130.50 feet) along
the north line of the NW ¼ of Section 4;
thence S00°30'00"W (recorded as S00°05'55"W), 33.00 feet to south right-of-
way line of Manthe Road, the northwest corner of Lot 2, CSM 11201;
thence S89°30'00"E (recorded as S89°54'05"E), 112.83 feet along the north line
of Lot 2, CSM 11201 to the northeast corner of said Lot 2;
thence S02°25'36"E (recorded as S02°50'08"E), 183.12 feet along the east line
of Lot 2, CSM 11201;
thence continuing along the east line of Lot 2, CSM 11201, S89°41'56"E
(recorded as S89°53'44"E), 211.29 feet;
thence continuing along the east line of Lot 2, CSM 11201, S00°46'56"E
(recorded as S01°11'16"E), 120.92 feet to the **POINT OF BEGINNING**;
thence continuing along the east line of Lot 2, CSM 11201, S00°46'56"E
(recorded as S01°11'16"E), 688.89 feet to the southeast corner of said Lot
2;
thence N89°48'18"W (recorded as S89°50'02"W), 159.97 feet along the south
line of Lot 2, CSM 11201 to the southwest corner of said Lot 2;
thence N89°45'20"W, 256.36 feet to the east right-of-way line of USH "51";
thence N00°43'45"W, 300.12 feet along the east right-of-way line of USH "51";
thence continuing the east right-of-way line of USH 51 and the west line of Lot 2,
CSM 11201, N00°45'36"W (record as N01°08'34"W), 381.45 feet;
thence N89°31'04"E, 415.83 feet to the **POINT OF BEGINNING**.

Containing 285,070 square feet (6.54 acres).

Subject to all covenants, restrictions and easements as per CSM, 5814.

Subject to all recorded and unrecorded easements.

See CONDITIONAL USE PERMIT CUP MAP

This Description Prepared by:
Paulson & Associates, LLC
Daniel A. Paulson, PLS-1699

September 18, 2018

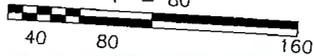
SITE PLAN

LOT 2, C.S.M. NO. _____ ; LOCATED IN THE NW 1/4 OF THE NW 1/4,
SECTION 4, T.09N., R.10E., VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN

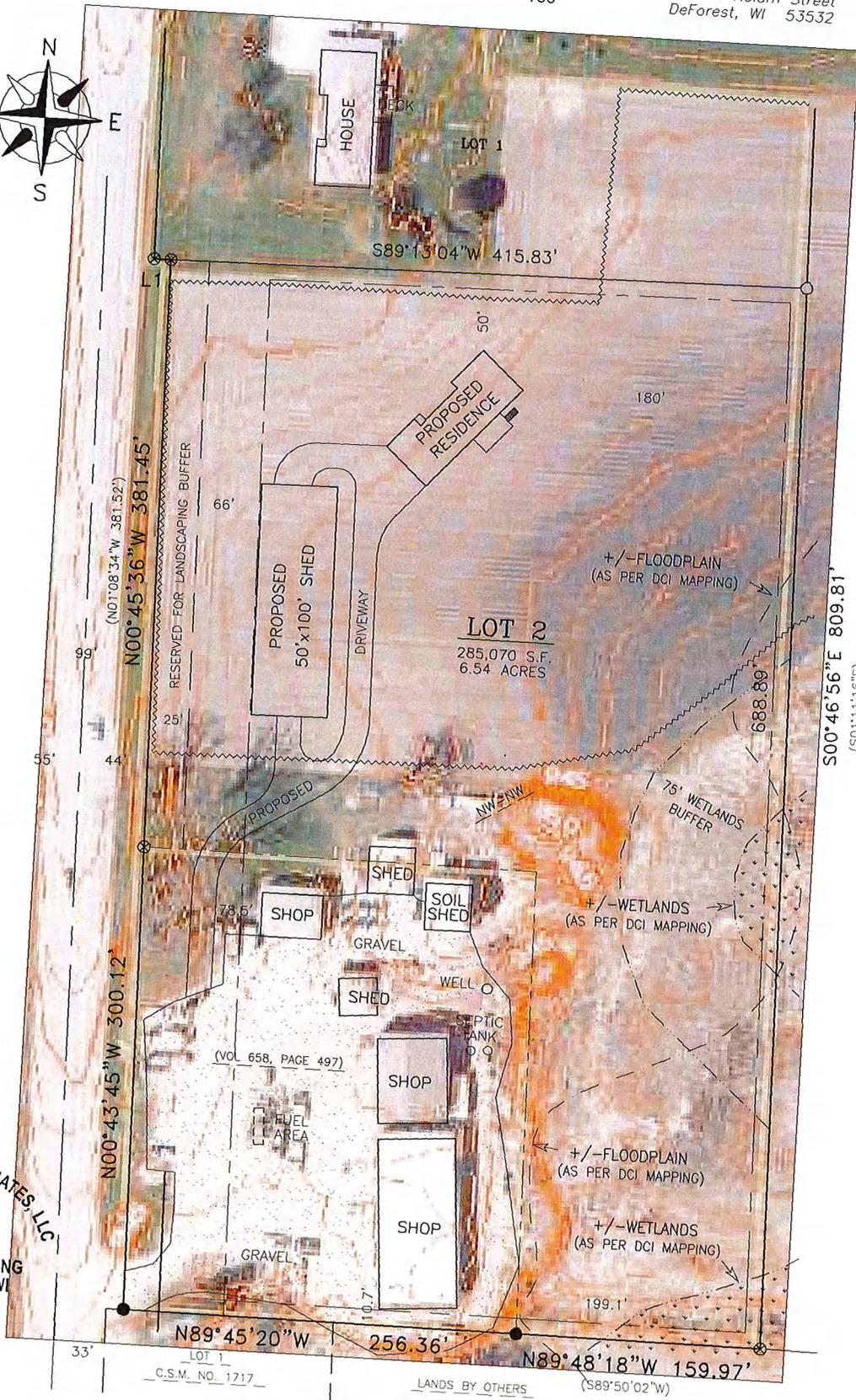
CLIENT/OWNER
ZIEGLER LANDSCAPING & EXCAVATING, INC.
Randy Ziegler
P.O. Box 443
DeForest, WI 53532

SCALE

1" = 80'



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



PAULSON & ASSOCIATES, LLC
LAND SURVEYING
DEFOREST, WI
608-846-2523

DRAFTED BY: T.W.P.

**DEED RESTRICTION
AND NOTICE OF TERMS AND CONDITIONS OF
CONDITIONAL USE PERMIT AND REZONING**

The undersigned ("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: See attached list of restrictions.

Property:

Lot 2, Certified Survey Map [REDACTED], recorded in the Dane County Register of Deeds as Document # [REDACTED].

The Owner petitioned for and obtained a conditional use permit and rezoning from the Village of Windsor to permit the uses stated therein, subject to certain conditions restricting the use of the Property.

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.

RETURN TO:
Amy Anderson Schweppe
Village of Windsor
4084 Mueller Road
DeForest, WI 53532

DRAFTED BY:
Amy Anderson Schweppe
Village of Windsor
4084 Mueller Road
DeForest, WI 53532

PARCEL IDENTIFICATION NUMBERS:
[REDACTED]

Randy J Ziegler

Date

Deanna R Ziegler

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: _____

LIST OF RESTRICTIONS

1. All development rights of the Property pursuant to the Windsor Comprehensive Plan have been exhausted. The Property shall not be further subdivided.
2. The Property shall contain no more than one caretaker residence. The caretaker residence shall be physically separated from all commercial use of the Property and contain a separate external entrance. The caretaker residence shall only be occupied by an individual directly responsible for caretaker duties associated with the commercial use of the Property, and that person's immediate family.
3. The Property shall only be used for the following commercial uses:

All commercial uses are subject to Site Plan Review as set forth in the Village of Windsor's Code of Ordinances. Single family, duplex, and/or multi-family residential uses are prohibited.

USE OF THE PROPERTY IS RESTRICTED TO THE COMMERCIAL USES SPECIFIED BELOW:

- (a) Bank, office and office building (devoting not more than two floors to office space).
- (b) Medical, dental and veterinary clinic.
- (c) Retail, service and wholesale use.
- (d) Utility service.

THE VILLAGE OF WINDSOR MAY, BUT IS NOT REQUIRED TO, APPROVE USE OF THE PROPERTY FOR THE COMMERCIAL USES SPECIFIED BELOW, FOLLOWING CONSIDERATION IN THE SAME MANNER AS CONDITIONAL USES:

- (a) Agricultural use.
- (b) Dog and cat boarding kennel, grooming and training facility.
- (c) Governmental use.
- (d) Hospital and veterinary hospital.
- (e) Private club or organization.
- (f) School and educational facility.
- (g) Religious use.
- (h) Residence for a caretaker or business owner.
- (i) Landscape, lawn and garden business, subject to section 52-34 of the Windsor Code of Ordinances.

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 Schwappe 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 Schwappe 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