

**VILLAGE OF WINDSOR  
BOARD RESOLUTION 2019-11**

**APPROVAL OF A CERTIFIED SURVEY MAP  
FOR PROPERTY LOCATED AT THE NE ¼ OF THE NE ¼ AND THE SE ¼ OF  
SECTION 25,  
IN THE VILLAGE OF WINDSOR, DANE COUNTY**

**WHEREAS**, Pete Wagner (the "Petitioner") being the owner of the NE ¼ of the NE ¼ and the SE ¼ of Section 25 in the Village of Windsor (the "Subject Property"), has requested approval of (1) a Certified Survey Map to subdivide land into two (2) lots; and (2) a Rezone of the Subject Property; and

**WHEREAS**, the Petitioner obtained Conditional Approval of the Certified Survey Map and Rezone request in Plan Commission Resolution 2019-02; and

**WHEREAS**, the Village Director of Planning/Zoning Administrator has reviewed the request and prepared a Staff Report dated March 1, 2019 (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 Rezone 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:

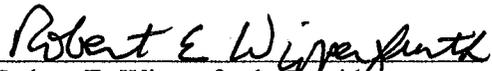
The Village of Windsor Board **Approves** the Certified Survey Map for Pete Wagner located in part of the NE ¼ for the NE ¼ and the SE ¼ of Section 25, Village of Windsor, subject to the following conditions:

1. The Petitioner shall address the technical comments set forth in the Village Staff Comments section of the Staff Report to the satisfaction of the Director of Planning/Zoning Administrator.
2. 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 Deed's office.
3. 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 for each Lot. (\$1,532.58)
4. 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 for each lot. (\$1,203.26)
5. The Petitioner shall comply with the requirements of Chapter 52-56 *A1-EX, Exclusive Agriculture District* and Chapter 52-57 *A-2(2), Agriculture District*.
6. The Petitioner shall prepare and record a Deed Restriction, in a form approved by the Village Attorney, acknowledging the following:

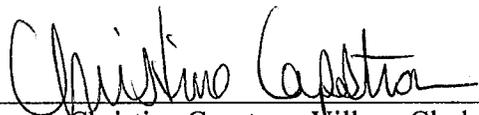
- a. The presence of agricultural practices in the vicinity of the Subject Property pursuant to the Wisconsin Right to Farm Statute §823.08.
  - b. Lot 1 and Lot 2 each retain one development right/land division per the Village of Windsor Comprehensive Plan: 2035.
  - c. Lot 2 shall be prohibited from housing livestock in the structures that do not meet the required 50-foot setback requirement.
7. 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.
  8. 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.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor held on March 7, 2019, by a vote of 3 in favor and 0 opposed.

**VILLAGE OF WINDSOR**

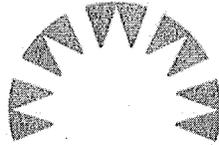
  
Robert E. Wipperfurth, President

*Attested by:*

  
Christine Capstran, Village Clerk

**INCORPORATED BY REFERENCE:**

Staff Report  
Plan Commission Resolution 2019-02



# Windsor

Growing Forward

To: Village of Windsor Board  
Cc: Robert Wipperfurth, Tina Butteris, Christine Capstran, William Cole  
From: Amy Anderson Schweppe, Jamie Rybarczyk  
Rpt Date: March 1, 2019  
Mtg Date: March 7, 2019  
Submtl Date: January 14, 2019  
Aprvl Date: April 14, 2019  
Re: Wagner – Certified Survey Map and Rezone Request

---

## BACKGROUND:

Petitioner: Pete Wagner  
Property Owner: Wagner Family Enterprises, LLC  
Location / Address: NE ¼ of the NE ¼ and the SE ¼ of Section 25  
Taxkey Number: 196/0910-251-8020-8 & 196/0910-251-9520-1  
Area: 64.02 Acres (Lot 1 = 24.75 Acres, Lot 2 = 39.27 Acres)  
Existing Zoning: A1-EX, Exclusive Agriculture  
Proposed Zoning: A1-EX, Exclusive Agriculture and A-2, Agriculture  
Future Land Use: Agricultural Preservation

---

## REQUEST:

The Petitioner requests approval of a Certified Survey Map to subdivide land into two (2) lots and a Rezone of Lot 1 to the A-2, Agriculture Zoning District.

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

---

## OVERVIEW:

The property is 64 acres in size. Lot 1 consists of agriculture land, and Lot 2 consists of an orchard/vineyard, a fruit processing shed, a large cold storage shed, and mapped wetlands. There is no residence on Lot 1 or Lot 2.

---

## VILLAGE STAFF COMMENTS:

The Planning, Zoning and Development Department provides the Windsor Village 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 shall address the following technical comments:

- a. The final Certified Survey Map must have every sheet signed, sealed and dated by the surveyor.
- b. On Sheet 2 of 2 the abbreviated description under Certified Survey Map should be included as shown on Sheet 1 of 2.
- c. The road name should be underlined with a dashed or dotted line.
- d. The road right of way being dedicated should be labeled on the map, should be acknowledged in the Owners and Surveyor's Certificate and accepted in the Village of Windsor Certificate.
- e. The Owners Certificate should certify that the CSM is required to be submitted to the Village of Windsor for approval.

2. Village of Windsor Code of Ordinances: Chapter 52 Zoning Districts

The Rezone of Lot 1 from A1-EX, Exclusive Agriculture District to A-2, Agriculture District is consistent with the requirements of Chapter 52 Zoning Districts. Lot 2 shall remain A1-EX, Exclusive Agriculture District.

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

Portions of Lot 2 are in the Shoreland Zoning District. Lot 2 of the Certified Survey Map shall show the approximate boundary of the Token Creek and any identified wetlands per Dane County Land and Water Resources or Wisconsin Department of Natural Resources.

4. Village of Windsor Comprehensive Plan: 2035

The Certified Survey Map and Rezone are consistent with the goals, objectives and policies of the Village of Windsor Comprehensive Plan: 2035. Lot 1 and Lot 2 each retain one development right per the Village of Windsor Comprehensive Plan: 2035.

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

1. Lot 1 will require a new access drive. The Petitioner would like the Village to work out the new driveway location with the future property owner and not with the recording of the Certified Survey Map.
2. Lot 1 and Lot 2 retain the potential for a residential unit/split. Per Sec. 38-257(4)e, soil and subsurface investigation reports must be provided for Lot 1 and Lot 2.

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

1. The DeForest Windsor Fire & EMS District have no objections to the Certified Survey Map and Rezone proposal.

**VILLAGE POLICY COMMENTS/CONCERNS:**

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

1. The Petitioner shall submit payment for Fee in Lieu of Parkland and Fee for Initial Improvement of Parkland for each newly created Lot. The Fee In Lieu of Parkland is \$1,532.58 and Fee for Initial Improvement of Parkland is \$1,203.26. All fees shall be paid prior to signing and recording of the Certified Survey Map.
2. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging the presence of agricultural practices in the vicinity of the Subject Property pursuant to the Wisconsin Right to Farm Statute §823.08.
3. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging Lot 1 and Lot 2 each retain one development right per the Village of Windsor Comprehensive Plan: 2035.
4. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging the restriction on Lot 2, the housing of livestock is prohibited from any structure that does not meet the required 50-foot setback requirement.

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

---

On February 13, 2019 the Village Plan Commission recommended to the Village Board Approval of the Certified Survey Map and Rezone request for Pete Wagner located in part of the NE ¼ for the NE ¼ and the SE ¼ of section 25, Village of Windsor by Plan Commission Resolution 2019-02.

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

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

---

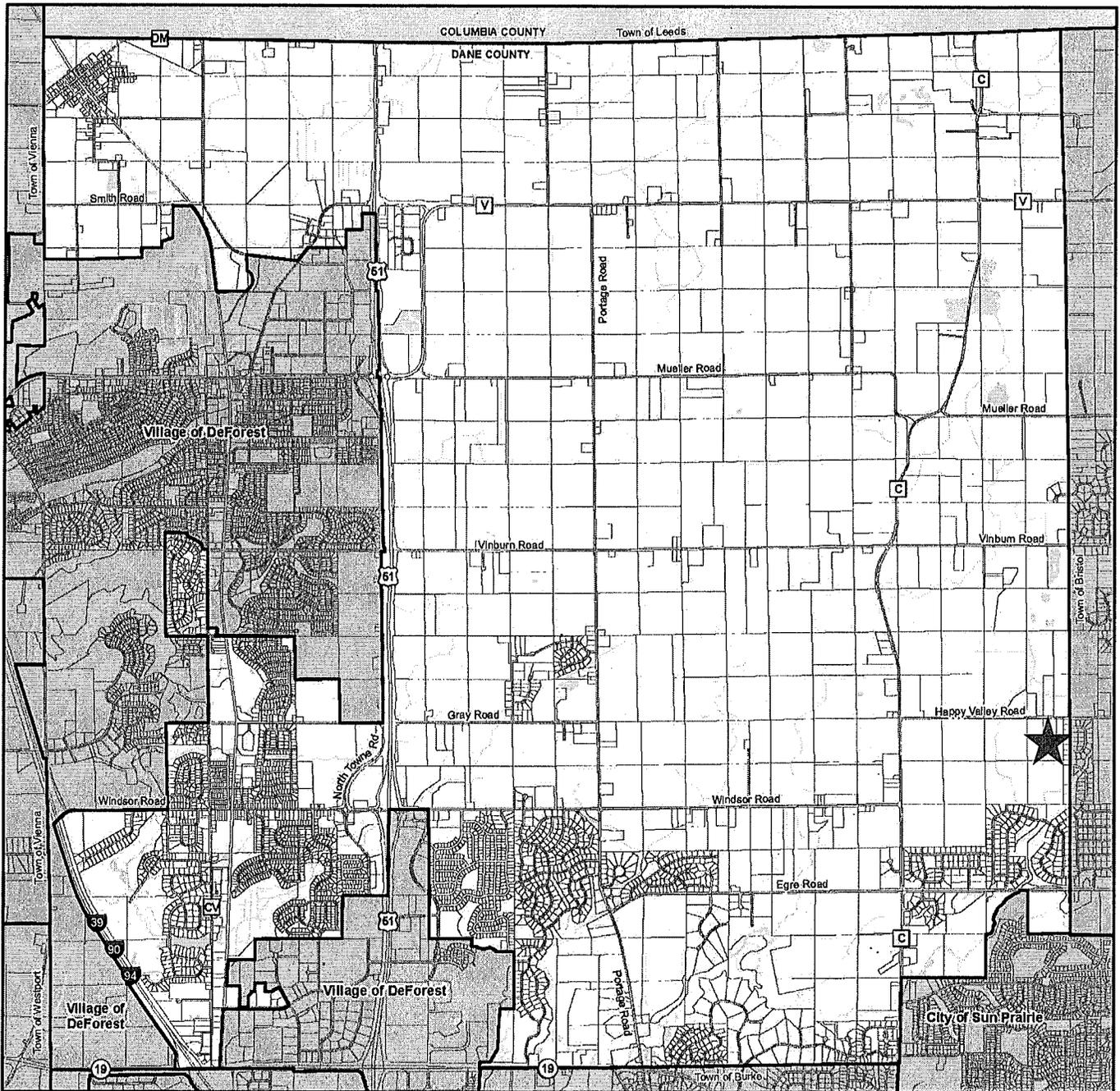
Depending on confirmation by the Village of Windsor Board of the above described comments, the Village of Windsor Board may take the following action:

The Village of Windsor Board Approves the Certified Survey Map and Rezone request for Pete Wagner located in part of the NE ¼ for the NE ¼ and the SE ¼ of section 25, Village of Windsor, subject to the following conditions:

1. Rezone
  - a. Lot 1 of the Certified Survey Map shall be rezoned from A1-EX, Exclusive Agriculture District to A-2, Agriculture District.
  - b. Lot 2 shall remain A1-EX, Exclusive Agriculture District.
  - c. The Rezone request shall have a delayed effective date and shall take effect at such time as the accompanying Certified Survey Map has been recorded in the Dane County Register of Deed's Office.
2. Certified Survey Map
  - a. The Petitioner shall address the technical comments set forth in the Village Staff Comments section of the Staff Report to the satisfaction of the Director of Planning/Zoning Administrator.

- b. 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 Deed's office.
  - c. 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 for each Lot. (\$1,532.58).
  - d. 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 for each lot. (\$1,203.26).
  - e. The Petitioner shall prepare and record a Deed Restriction, in a form approved by the Village Attorney, acknowledging the following:
    - i. The presence of agricultural practices in the vicinity of the Subject Property pursuant to the Wisconsin Right to Farm Statute §823.08.
    - ii. Lot 1 and Lot 2 each retain one development right/land division per the Village of Windsor Comprehensive Plan: 2035.
    - iii. Lot 2 shall be prohibited from the housing of livestock in a structure that does not meet the 50-foot setback requirement.
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 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.
  4. 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.

**LOCATION MAP:**



**EXHIBIT:**

- A. Petitioner Application
- B. Village Plan Commission Meeting Minutes (Unofficial) of February 13, 2019

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 Second Thursday of every month at 5:00 p.m., and the Windsor Village Board typically reviews planning issues on the First 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:

X Rezone Concept Plan Site Plan Review
Conditional Use Permit Preliminary Plat Final Plat
Variance X Certified Survey Map Other

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:

HAPPY VALLEY ROAD - LOCATED NEAR 3191 HAPPY VALLEY ROAD

Parcel Number(s)

196/0910-251-8020-B, 196/0910-251-9520-1

Current Zoning Classification:

LOT 1 - A1-EX to A-2
LOT 2 - A1-EX to A1-EX

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 additional to any application fees.

Bryan T Stueck
Applicant Signature

1/15/19
Date

BRYAN T STUECK - Agent for WAGNER
FAMILY ENTERPRISES LLC

**Contact Information**

**Applicant:**

Name: WAGNER FAMILY ENTERPRISES LLC (PETER WAGNER)  
 Address: 7010 STATE HWY 19  
 City, State, Zip: WAWNAKEE, WI 53597  
 Phone Number(s): 608-239-5910  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): pete.g.wagner@gmail.com

**Surveyor:**

Name: BIRRENKOTT SURVEYING, INC.  
 Address: P.O. BOX 237 1677 N. BRISTOL STREET  
 City, State, Zip: SUN PRAIRIE, WI 53590  
 Phone Number(s): 608-837-7463  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): bstueck@birrenkottsurveying.com

**Attorney:**

Name: MICHAEL J. LAWTON - <sup>A</sup>BORDMAN & CLARK LLP  
 Address: PO BOX 927 15 PINEKNEY ST. STE 410  
 City, State, Zip: MADISON, WI 53701-0927  
 Phone Number(s): 608-286-7236  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): mlawton@boardmanclark.com

**Owner:**

Name: WAGNER FAMILY ENTERPRISES LLC (PETER WAGNER)  
 Address: 7010 STATE HWY 19  
 City, State, Zip: WAWNAKEE, WI 53597  
 Phone Number(s): 608-239-5910  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): pete.g.wagner@gmail.com

**Engineer:**

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

# Village of Windsor

## Certified Survey Map Review

**Certified Survey Map Application Form**

The Village of Windsor Plan Commission typically meets on the second Thursday of every month at 6:00 p.m., and the Village Board typically reviews planning issues on the first 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, and 2) include an electronic/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	N/A
2 Joint Maintenance Agreements	N/A

3	All certificates required by Wis. Stat. 236.34	N/A
4	Final Street Plan	N/A
5	Final Stormwater Management Plan	N/A
6	Final Erosion and Sedimentation Control Plan	N/A
7	Soil and Subsurface Investigation Report	N/A
5	Traffic Control Plan	N/A
8	Water and Sewer Plans	N/A
9	Opinion of Probable Cost	N/A
10	Additional Plans or Information	N/A
11	Owner's and Mortgagee's certificates for Street Dedication	N/A

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

Date Complete Application Submitted: 1/15/19





# CERTIFIED SURVEY MAP

DATED: January 14, 2019

## Birrenkott Surveying, Inc.

P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, Wisconsin 53590  
Phone (608) 837-7463  
Fax (608) 837-1081

### Surveyor's Certificate:

I, Daniel V. Birrenkott, hereby certify that this survey is in full compliance with Chapter 236.34 of Wisconsin Statutes. I also certify that by the direction of the owners listed hereon, I have surveyed and mapped the lands described hereon and that the map is a correct representation of all the exterior boundaries of the land surveyed and the division of that land, in accordance with the information provided.

Daniel V Birrenkott. Professional Land Surveyor No. S-1531

### Description:

Part of the Northeast 1/4 of the Northeast 1/4, Southeast 1/4 of the Northeast 1/4 of Section 25, T9N, R10E, Village of Windsor, Dane County, Wisconsin, described more fully as follows:

Commencing at the East 1/4 corner of said Section 25; thence S89°55'35"W, 165.00 feet along the South line of said Northeast 1/4 to the point of beginning; thence S89°55'35"W along said South line of said Northeast 1/4, 1,142.77 feet; thence N00°28'42"W to the North line of Section 25 also known as the centerline of Happy Valley Road, 2,644.36 feet; thence N89°55'33"E along the North line of Section 25 also known as the centerline of Happy Valley Road, 480.50 feet; thence S00°28'42"E, 550.01 feet; thence N89°55'33"E, 396.00 feet; thence N00°28'42"W, 550.01 feet to the North line of Section 25 also known as the centerline of Happy Valley Road; thence N89°55'33"E along the North line of Section 25 also known as the centerline of Happy Valley Road, 273.51 feet; thence S00°19'17"E, 2,644.34 feet to the point of beginning. Containing 2,813,610 square feet gross, or 64.59 acres gross. (2,788,729 square feet net, or 64.02 acres net)

### Owners Certificate:

As owner, Wagner Family Enterprises, LLC, here hereby certifies that it has caused the lands described on this Certified Survey Map to be surveyed, divided, dedicated, and mapped as represented on this Certified Survey Map.

\_\_\_\_\_  
Wagner Family Enterprises, LLC  
Peter Wagner, Owner

### State of Wisconsin)

Dane County) ss Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, the above-named Wagner Family Enterprises, LLC, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Dane County, Wisconsin.

\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
Printed name

### Village of Windsor Approval Certificate

This Certified Survey Map is hereby acknowledged, accepted and approved for recording by the Village Board of the Village of Windsor, action of \_\_\_\_\_.

\_\_\_\_\_  
Dated \_\_\_\_\_

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

Notes: Utilities Easement: No poles or buried cables are to be placed on any lot line or corner.

The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.

Wetlands, if present, have not been delineated.

This survey is subject to any and all easements and agreements both recorded and unrecorded.

This survey shows no above-ground improvements. No guarantee is made for below-ground structures.

### Surveyed for:

Wagner Family Enterprises, LLC  
7010 State Highway 19  
Waunakee, WI 53597  
(608)-239-5910

### Register of Deeds Certificate:

Received for recording this \_\_\_\_\_ day of \_\_\_\_\_, 2019

at \_\_\_\_\_ o'clock \_\_\_\_\_ m and recorded in Volume \_\_\_\_\_ of Certified Survey

Maps of Dane County on Pages \_\_\_\_\_.

\_\_\_\_\_  
Kristi Chlebowski, Register of Deeds

Document No. \_\_\_\_\_

Certified Survey Map No. \_\_\_\_\_, Volume \_\_\_\_\_, Page \_\_\_\_\_

Surveyed: TAS

Drawn: BTS

Checked: DVB

Approved: DVB

Field book: 371/5

Tape/File: J:\2018\Carlson

Sheet 2 of 2

Office Map No.: 180764CSM

**Lot 1 Zoning Description:**

Part of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ , Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 25, T9N, R10E, Village of Windsor, Dane County, Wisconsin, described more fully as follows:

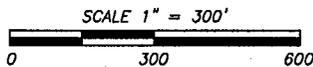
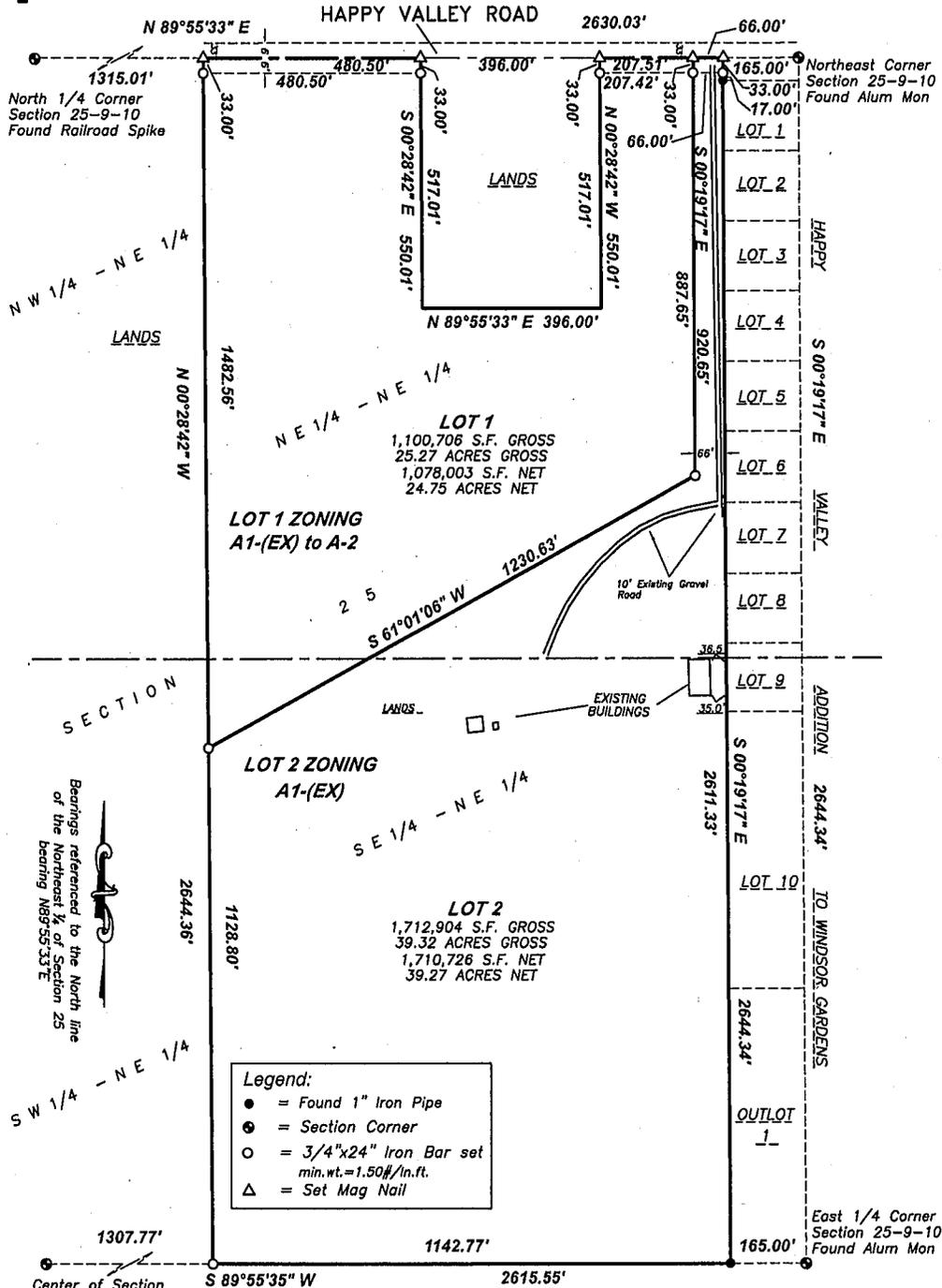
Commencing at the East  $\frac{1}{4}$  corner of said Section 25; thence  $S89^{\circ}55'35''W$ , 1307.77 feet along East-West  $\frac{1}{4}$  line of Section 25; thence  $N00^{\circ}28'42''W$  along the West line of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 25, 1,128.80 feet to the point of beginning; thence  $N00^{\circ}28'42''W$  along the West line of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 25, 1,482.56 feet; thence  $N89^{\circ}55'33''E$  along the South right-of-way of Happy Valley Road, 480.50 feet; thence  $S00^{\circ}28'42''E$ , 517.01 feet; thence  $N89^{\circ}55'33''E$ , 396.00 feet; thence  $N00^{\circ}28'42''W$ , 517.01 feet to the South right-of-way of Happy Valley Road; thence  $N89^{\circ}55'33''E$  along the South right-of-way of Happy Valley Road, 207.42 feet; thence  $S00^{\circ}19'17''E$ , 887.65 feet; thence  $S61^{\circ}01'06''W$ , 1230.63 feet to the point of beginning. Containing 1,078,003 square feet net or 24.75 acres gross



**BIRRENKOTT  
SURVEYING, INC.**

P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, WI. 53590  
Phone (608) 837-7463  
Fax (608) 837-1081

# Zoning Map



VILLAGE OF WINDSOR  
PLAN COMMISSION MEETING

Minutes

February 13, 2019

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, Bill LeGore, and Bob Wipperfurth. Brad Mueller had an excused absence.

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 Lange.

3. ANNOUNCEMENTS.

None.

4. APPEARANCES BEFORE THE PLAN COMMISSION.

None.

5. MINUTES FROM DECEMBER 13, 2018.

A motion was made by Commissioner Heisig, seconded by Commissioner Hoffman, to approve the Minutes of December 13, 2018, as presented. Motion carried with a 6-0 vote.

6. PUBLIC HEARING.

Chairperson Wipperfurth read the following public hearing notices.

- 6.a. Nancy Kessenich Requests A One Lot Certified Survey Map And A Rezone From A1-EX Exclusive Agriculture Zoning District To A-2(2) Agriculture Zoning

District In Order To Separate The Farm House And Buildings From The Agriculture Land. The Location Of The Certified Survey Map And Rezone Request Is 3981 County Highway V, DeForest, WI 53532.

Chairperson Wipperfurth opened the public hearing at 5:02 p.m.

The petitioner was present.

Director of Planning and Zoning Anderson Schweppe provided a staff report.

The petitioner is requesting approval of a Certified Survey Map and rezone in order to separate the existing farm house and buildings from the agricultural land. Lot 1 of the CSM is proposed to be 2.43 acres (excluding right-of-way) and shall be rezoned to A-2(2) Agriculture Zoning District. The remnant lot shall be 37.26 acres (including right-of-way) and shall remain zoned A1-EX (Exclusive Agriculture). The surveyor has provided some technical comments. The rezone request is consistent with the requirements of A1-EX, Exclusive Agriculture Zoning District, and A-2(2), Agriculture Zoning District. The CSM and rezone are consistent with the Village of Windsor Comprehensive Plan: 2035. Neither the Village Engineer nor the DeForest Windsor Fire & EMS District has any objections. Consideration should be given to a recommendation to waive the fees in lieu of parkland and fees for initial improvement of parkland. The petitioner shall also prepare and record deed restrictions regarding development rights, ingress and egress to a public right-of-way for the south parcel, the barn on Lot 1 will be prohibited from housing livestock, Lot 1 shall be prohibited from further land division, and there be an access agreement regarding Highway V.

There were no comments from the audience.

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

- 6.b. Pete Wagner Requests A Two Lot Certified Survey Map In Order To Divide Land Located Along Happy Valley Road. The Proposal Also Includes A Rezone Of Lot One From A1-EX Exclusive Agriculture District To A-2 Agriculture District. The Location Of The Certified Survey Map And Rezone Request Is The NE 1/4 Of The NE 1/4 And The SE 1/4 Of Section 25.

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

The petitioner and his attorney, Mike Lawton, were present.

Director of Planning and Zoning Anderson Schweppe provided a staff report.

The petitioner is requesting approval of a Certified Survey Map to subdivide land into two lots and a rezone of Lot 1 to the A-2, Agriculture District. The property is 64 acres in size. Lot 1 consists of agriculture land, and Lot 2 consists of an orchard/vineyard, a fruit processing shed, a large cold storage shed, and mapped wetlands. There is no residence on either Lot 1 or Lot 2.

The surveyor provided some technical comments. This is consistent with Chapter 38 of the Windsor Code of Ordinances and Chapter 52. Lot 2 will remain A1-EX, Exclusive Agriculture District. It should be noted that portions of Lot 2 are in the Shoreland Zoning District. The CSM and rezone are consistent with the Village of Windsor Comprehensive Plan: 2035. Lots 1 and 2 will both retain one development right. Lot 1 will require a new access drive. The petitioner will work with the village. The DeForest Windsor Fire & EMS District does not have any objections. The petitioner shall submit payment for fees in lieu of parkland and fees for initial improvement of parkland for each newly-created lot. A notice acknowledging the presence of agricultural practices shall be recorded. Petitioner shall record a deed restriction acknowledging the restriction on Lot 2 of no housing of livestock.

Dave Elmer, 3200 Happy Valley Road, had a question regarding location of the property.

Commissioner Hoffman explained the location.

John Caruso, 6750 Morning Dew Lane, asked about the end purpose for the CSM and rezone.

Peter Wagner explained that the land was an inheritance from his parents to the four siblings. A couple of the siblings have health issues, and the sale will help with those expenses. The vineyard will be retained. There is one development right retained for each lot.

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

7. OLD BUSINESS.

None.

8. NEW BUSINESS.

- 8.a. Nancy Kessenich Requests A One Lot Certified Survey Map And A Rezone From A1-EX Exclusive Agriculture Zoning District To A-2(2) Agriculture Zoning District In Order To Separate The Farm House And Buildings From The Agriculture Land. The Location Of The Certified Survey Map And Rezone Request Is 3981 County Highway V, DeForest, WI 53532.

A motion was made by Commissioner Gaustad, seconded by Commissioner LeGore, to approve Resolution 2019-01, Recommending Approval Of A Certified Survey Map And Rezone For Property Located At 3981 County Highway V, In The Village Of Windsor, Dane County. Motion carried with a 6-0 vote.

- 8.b. Pete Wagner Requests A Two Lot Certified Survey Map In Order To Divide Land Located Along Happy Valley Road. The Proposal Also Includes A Rezone Of Lot One From A1-EX Exclusive Agriculture District To A-2 Agriculture District.

The Location Of The Certified Survey Map And Rezone Request Is The NE 1/4  
Of The NE 1/4 And The SE 1/4 Of Section 25.

A motion was made by Commissioner Lange, seconded by Commissioner Hoffman, to approve Resolution 2019-02, Recommending Approval Of A Certified Survey Map And Rezone For Property Located At The NE 1/4 Of The NE 1/4 And The SE 1/4 Of Section 25, In The Village Of Windsor, Dane County. Motion carried with a 6-0 vote.

9. ADJOURNMENT.

At 5:20 p.m., a motion was made by Commissioner LeGore, seconded by Commissioner Gaustad, to adjourn the Plan Commission meeting. Motion carried with a 6-0 vote.

Respectfully submitted,

*Ellen G. Teed*

Ellen G. Teed  
Recording Secretary