

**VILLAGE OF WINDSOR
VILLAGE BOARD RESOLUTION 2024-57**

**APPROVAL OF A CERTIFIED SURVEY MAP FOR RECONFIGURATION OF LOTS 131, 132, 133,
140, 141, AND 142 OF THE WINDSOR GARDENS SUBDIVISION**

WHEREAS, Don Tierney (d.b.a. Apple Apartments, LLC) (the “Petitioner”) has requested approval of a Certified Survey Map for reconfiguration of Lots 131, 132, 133, 140, 141, and 142 of the Windsor Gardens Subdivision, Sun Prairie, WI 53590 (the “Subject Property”); and

WHEREAS, the Village Staff and Consultants have reviewed the Petitioner’s request and prepared a Staff Report dated June 06, 2024 (the “Staff Report”) recommending approval, subject to certain conditions specified in the Staff Report; and

WHEREAS, the Village of Windsor Plan Commission held a meeting regarding the request on June 13, 2024; and

WHEREAS, following review of information presented at the Plan Commission meeting and the Staff Report, the Plan Commission recommends approval to the Village Board, 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 as follows:

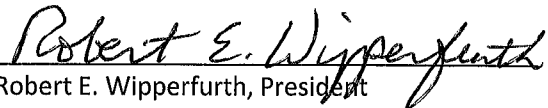
The Village of Windsor Village Board approves the Certified Survey Map located at the Subject Property, subject to the following conditions:

1. The Petitioner shall address the Staff Comments set forth in the Staff Report to the satisfaction of the Community Development Director.
2. The Petitioner shall address the Policy Comments/ Concerns set forth in the Staff Report to the satisfaction of the Community Development Director.
3. The Petitioner shall satisfy all conditions of approval by the Village and any other approving authorities and shall thereafter promptly record the Certified Survey Map with the Dane County Register of Deed’s Office.
4. The Petitioner shall add a note to the Certified Survey Map indicating that the homes on Lots 2 & 3 shall be oriented so the front of the homes face Colton Way.
5. The Village requirement for cash payment of Fees in Lieu of Land and Fees for Initial Improvement of Parkland is not applicable. The Certified Survey Map does not create a new residential land split.
6. The Petitioner shall promptly reimburse the Village for all costs and expenses incurred by the Village in connection with the review and approval of the matters herein, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services.
7. The Plan Commission’s recommendation and Village Board’s approval of the matters herein expires one hundred-eighty (180) days from the date of adoption of this Resolution (or in the case of the Village Board, from the date of adoption of a resolution by that body) unless the Petitioner has satisfied all conditions of approval stated herein. Time is of the essence. If the Petitioner encounters an unforeseen development delay, as determined by the Community Development Director, the Community Development Director is authorized to extend the one hundred-eighty (180) day

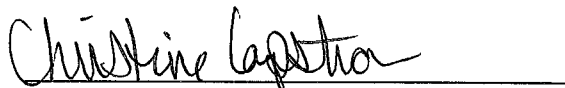
expiration, one time, up to an additional one hundred-twenty (120) days. If the Village Board is unable to or does not act on the Plan Commission's recommendation prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Village Board.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor held on June 20, 2024, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR


Robert E. Wipperfurth, President

Attested by:


Christine Capstran, Clerk

Incorporated by Reference:

Staff Report

Development Review Application

Plan Commission Resolution 2024-14



STAFF REPORT

To: Plan Commission & Village Board
Cc: Robert Wipperfurth, Tina Butteris, & William Cole
From: Shaun Mularkey & Jamie Rybarczyk
Submtl Date: May 15, 2024
Rpt Date: June 06, 2024
Decision Date: August 13, 2024
Mtg Date for PC: June 13, 2024
Mtg Date for VB: June 20, 2024
Re: Windsor Gardens (Phase 6) – Certified Survey Map Request

BACKGROUND:

Petitioner: Don Tierney (d.b.a. Apple Apartments, LLC)
Property Owner: Apple Apartments, LLC
Address: Lots 131-133 & Lots 140-142, Windsor Gardens Subdivision, Sun Prairie, WI 53590
Taxkey: 196/0910-253-6199-0
196/0910-253-6210-0
196/0910-253-6221-0
196/0910-253-6298-0
196/0910-253-6309-0
196/0910-253-6320-0
Area: 3.69 acres
Existing Zoning: ER, Estate Residential District
Proposed Zoning: N/A
Future Land Use: General Conservation Residential

REQUEST:

The Petitioner is requesting approval of a Certified Survey Map (CSM) to reconfigure six (6) lots in the Windsor Gardens Plat (Phase 6) into four (4) lots.

See Exhibit A for additional information regarding the Development Review Application.

OVERVIEW:

Windsor Gardens (Phase 6) is platted, but not yet developed. The Petitioner is requesting to reconfigure six (6) platted lots into four (4) lots via CSM to minimize the driveway slopes for the prospective homes due to significant changes in topography. The original lots have access from Blue Victoria Drive (Lots 131-133) and Colton Way (Lots 140-142), while the proposed four (4) lots would all have access from Blue Victoria Drive.

STAFF COMMENTS – COMMUNITY DEVELOPMENT:

The Community Development Department provides the following comments:

A. Comprehensive Plan: 2035

The subject properties are designated General Conservation Residential. There will be a net reduction of two lots; therefore, the request is consistent with the Comprehensive Plan.

B. Ch. 52: Zoning Districts

The subject properties are zoned ER, Estate Residential District. The adjusted lots are consistent with the minimum lot size requirements (20,000 SF) and minimum lot width (100 Ft) at the building setback line) of the District.

C. Ch. 38: Planning & Development and Wis. Stats. Ch. 236

1. Proposed Lots 2 & 3 will have frontage on Colton Way and Blue Victoria Drive. Access will be from Blue Victoria Drive and it should be ensured that the orientation of the homes on Lots 2 & 3 are consistent with others and face Colton Drive.
2. Sec 38-509(e) requires that all lots shall be rectangular with a depth of approximately 2:1, with the exception of lots on a cul-de-sac. Flag lots are prohibited. Lots 2 & 3 are flag-shaped, with access from Blue Victoria Way at the narrow end, but also have frontage along Colton Street.
3. Sec 38-513 prohibits double frontage lots except where necessary to provide separation of residential development from roads with existing or projected high traffic volumes, or to overcome specific disadvantages of topography and orientation. Vehicular access will be permitted from only one frontage on double road lots. In this case, the double frontage is required due to significant changes in topography.
4. Wis. Stats. Ch. 236
 - a. 236.34(1m)(a) Survey performed and map prepared by WI Professional Land Surveyor. [Each Sheet (single sided) must be signed, sealed and dated by the Surveyor.] Each sheet must be signed and sealed by the surveyor before recording.
 - b. 236.34(1m)(a) Ratio of error in latitude and departure closure may not exceed 1'/3000'. The East line of the CSM should be 356.79' not 326.79'.
 - c. 236.34(1m)(c) When more than one sheet is used for any map, each sheet number shall be labeled as (Sheet 1 of 3 sheets). Sheet 1 should be labeled "Sheet 1 of 2".
 - d. 236.34(1m)(c) CERTIFIED SURVEY MAP shall be printed on the map in prominent letters on each sheet with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted. Sheet 2 of 2 needs the location of land beneath the heading of CERTIFIED SURVEY MAP.
 - e. 236.20(2)(F) The exact width of all easements, streets and alleys. Sheet 1, show the width of the utility easement from Blue Victoria Drive if parallel and also add a dimension to the East end of the easement along the same line so as to recreate once recorded.

- f. 236.20(2)(i) North referenced to a magnetic, true or other identifiable direction. Related to a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located. Include a north arrow on each sheet with details. On Sheet 1, list what North is referenced too and also add a north arrow.
- g. 236.20(3)(d) The names of adjoining streets, state highways and subdivisions shown in their proper location underscored by a dotted or dashed line. The subdivision name of the adjoining lots to the East and West should be shown along with an underscore. The street names should also have an underscore underneath them.
- h. 236.34(1m)(d) A statement that the Professional Land Surveyor has fully complied with the provisions of this section in surveying, dividing and mapping the land. Under the Surveyors Certificate (Sheet 2).

POLICY COMMENTS/CONCERNS:

Staff provides the following policy comments/concerns which require further discussion and action:

- A. The Plan Commission and Village Board should determine if the reconfiguration of Lots 131-133 and 140-142 by CSM is appropriate due to the significant changes in topography. If the Plan Commission and Village Board support the CSM, the Plan Commission and Village Board need to grant the following waivers:
 - 1. Sec. 38-509(e) Residential Lots, Lot Shape. The shape of lots shall be rectangular with a depth to width ratio of approximately 2:1, with the exception of lots located on a cul-de-sac. Flag lots shall be prohibited in all zoning districts.
- B. The Plan Commission and Village Board should determine if a condition of approval of the CSM requires that the orientation of the homes on Lots 2 & 3 shall be required to face Colton Drive.

STAFF RECOMMENDED CONDITIONS:

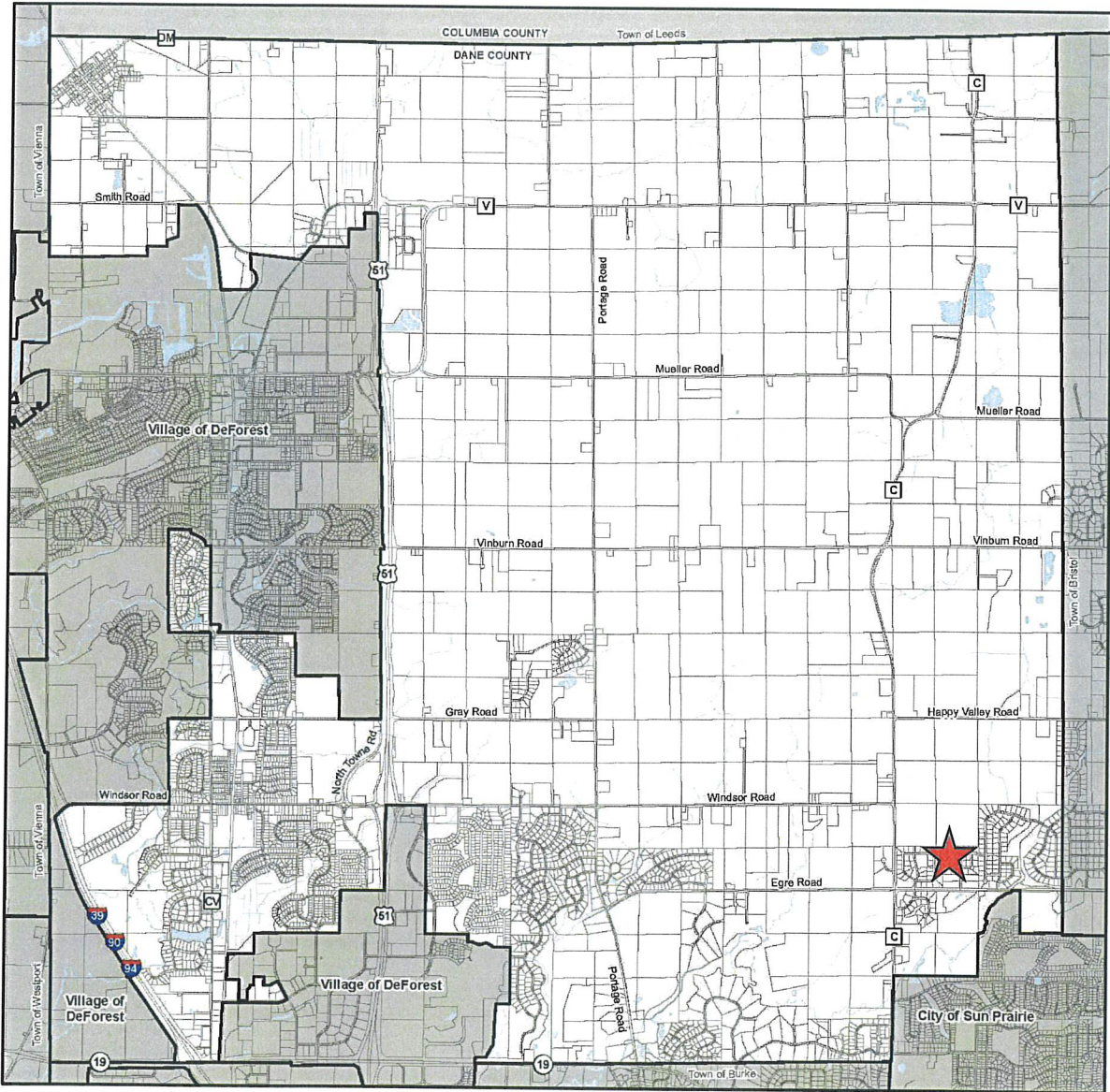
Staff recommends any approval be subject to the following conditions:

- 1. The Petitioner shall address the Staff Comments set forth in the Staff Report to the satisfaction of the Community Development Director.
- 2. The Petitioner shall address the Policy Comments/ Concerns set forth in the Staff Report to the satisfaction of the Community Development Director.
- 3. The Petitioner shall satisfy all conditions of approval by the Village and any other approving authorities and shall thereafter promptly record the Certified Survey Map with the Dane County Register of Deed's Office.
- 4. The Petitioner shall add a note to the Certified Survey Map indicating that the homes on Lots 2 & 3 shall be oriented so the front of the homes face Colton Way.
- 5. The Village requirement for cash payment of Fees in Lieu of Land and Fees for Initial Improvement of Parkland is not applicable. The Certified Survey Map does not create a new residential land split.
- 6. The Petitioner shall promptly reimburse the Village for all costs and expenses incurred by the Village in connection with the review and approval of the matters herein, including, but not limited to, the

cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services.

7. The Plan Commission's recommendation and Village Board's approval of the matters herein expires one hundred-eighty (180) days from the date of adoption of this Resolution (or in the case of the Village Board, from the date of adoption of a resolution by that body) unless the Petitioner has satisfied all conditions of approval stated herein. Time is of the essence. If the Petitioner encounters an unforeseen development delay, as determined by the Community Development Director, the Community Development Director is authorized to extend the one hundred-eighty (180) day expiration, one time, up to an additional one hundred-twenty (120) days. If the Village Board is unable to or does not act on the Plan Commission's recommendation prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Village Board.

LOCATION MAP:



500' NOTICE:

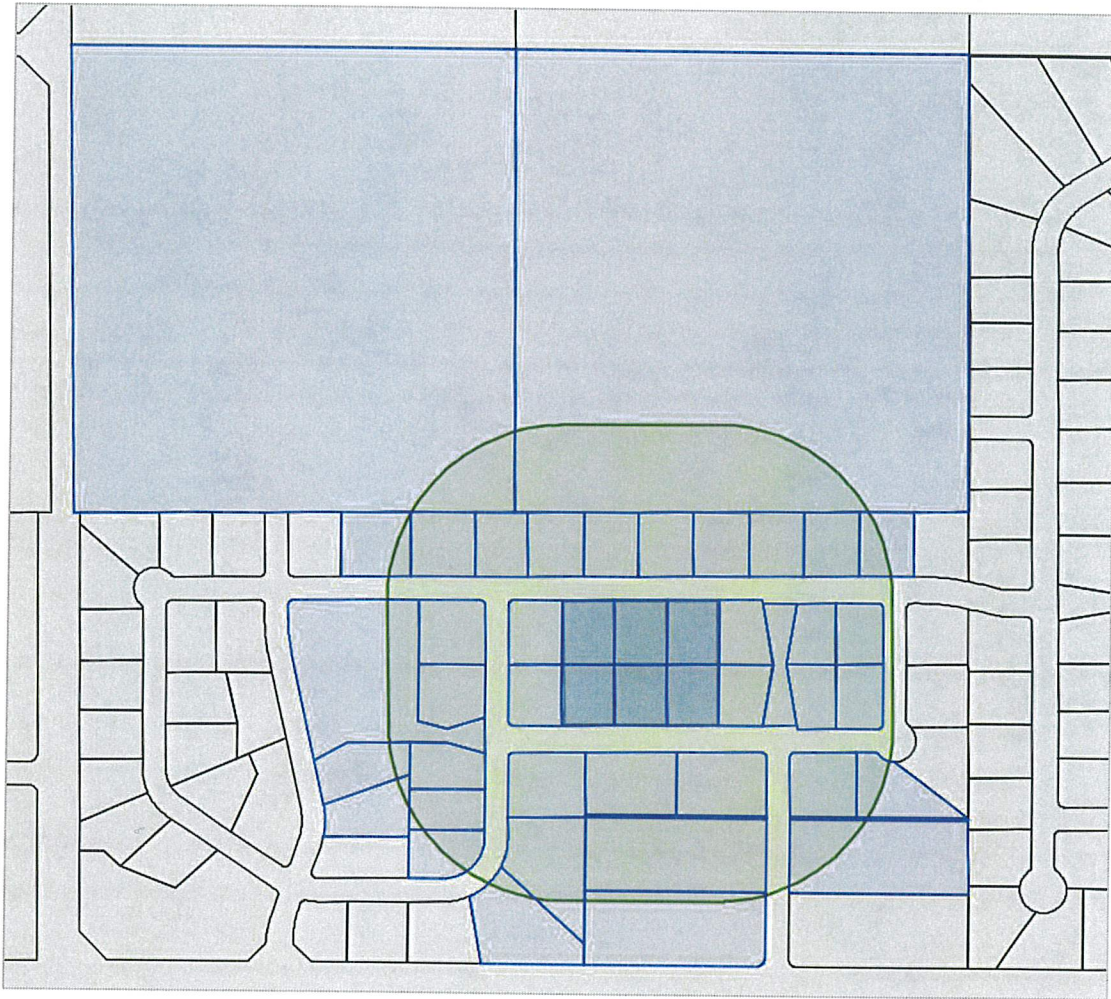


EXHIBIT:

A. Development Review Application

Blue Victoria Drive

05/18/2024 - 05/17/2025

3875837

Development Review

Development Review Request Fee

b7cf9ad0-12c8-11ef-b111-b322f7b5dbf1

Awaiting Payment

Active

Application Review Status

Final-Review

Completed

05/15/2024

05/18/2024

Fees

Planning and Development: Certified Survey Map - \$325.00
Application Fee

Planning and Development: Certified Survey Map - \$4,000.00
Escrow

Subtotal **\$4,325.00**

Amount Paid **\$0.00**

Payments

There are no payments

Application Form Data

(Empty fields are not included)

Parcel Number

0910-253-6309-0, 091025362980, 091025362210, 091025362100

Property Physical Address

Blue Victoria Drive

Lot Area (sq ft)*

160,581

Primary Contact First Name

Birrenkott Surveying

Primary Contact Last Name

Mark Pynnonen

Contact Email

mpynnonen@birrenkottsurveying.com

Mailing Address

P.O. Box 237

City

Sun Prairie

State

WI

Zip
53590

Contact Phone
(608) 837-7463

Is the applicant the property owner?
No

Owner First Name
Apple Apartments, LLC

Owner Last Name
Don Tierney

Owner Email
jktierney999@gmail.com

Mailing Address
3564 Egge Road

City
DeForest

State
WI

Zip
53532

Owner Phone
(608) 837-0102

Planning and Development
Certified Survey Map: Refer to Ch 38, Art IV, Div 6

Supplemental Application Information Document Upload
 240339-CSM 043024.pdf

Signature

Acknowledgement of Understanding: The Applicant and Property Owner have reviewed and understand the Village of Windsor Code of Ordinances as it relates to the Development Review Application, Supplemental Information, and Technical Specifications required for the Development Review Request.

The Applicant and Property Owner understand that an Administrative Fee and Escrow Fee will be charged for review of the Development Review Request by the Village staff and professional consultants, and payment must be submitted with the Development Review Request.

Mark A. Pynnonen - 05/15/2024 9:37 am

Messages

Hello Mark, I have deemed the application complete. This will be placed on the June 13th Plan Commission meeting and June 20th Village Board meeting. Please have your client submit payment to the Village of Windsor.

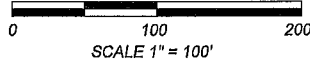


BIRRENKOTT SURVEYING

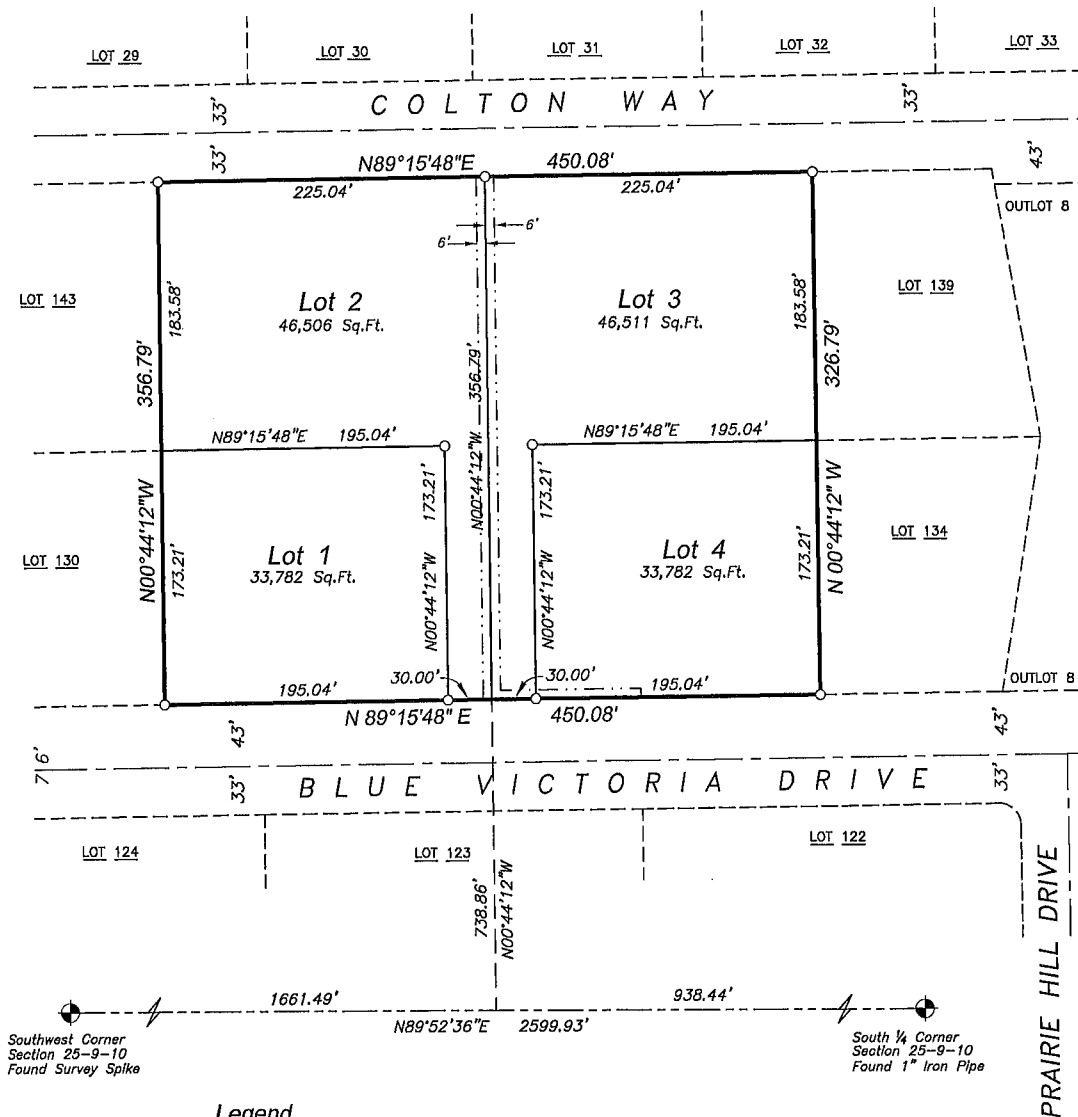
P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI 53590
Phone (608) 837-7463
Fax (608) 837-1081

CERTIFIED SURVEY MAP

Lots 131, 132, 133, 140, 141 and 142, Windsor Gardens,
located in the Southeast 1/4 of the Southwest 1/4, Section 25, T9N,
R10E, Village of Windsor, Dane County, Wisconsin



April 3, 2024



Legend

- = Found 1" Iron Pipe
- = Set 3/4"x18" Rebar weight = 1.502 lb./ft.
- = Public Utility Easement

CERTIFIED SURVEY MAP NO. _____

VOLUME _____ PAGE _____

DOCUMENT NO. _____



CERTIFIED SURVEY MAP

DATED: April 12, 2024

Birrenkott Surveying

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

Surveyor's Certificate:

I, Mark A. Pynnonen, herby 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.

Mark A. Pynnonen, Professional Land Surveyor No. S-2538

Description:

Lots 131, 132, 133, 140, 141 and 142, Windsor Gardens, located in the Southeast ¼ of the Southwest ¼, Section 25, T9N, R10E, Village of Windsor, Dane County, Wisconsin; Containing 160,581 square feet, or 3.686 acres.

Owners Certificate:

As owner, Apple Apartments, LLC, does hereby certify that it has caused the lands described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as shown. It also certifies that this Certified Survey Map is required to be submitted to the Village of Windsor as a required approving authority.

Apple Apartments, LLC

Donald C. Tierney, Member

State of Wisconsin) Dane County) ss

Personally came before me this _____ day of _____, 2024, the above-named Donald C. Tierney, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin. My Commission Expires _____

Printed name

Village of Windsor Approval Certificate:

Resolved, that this Certified Survey Map is hereby acknowledged and accepted and is approved for recording by the Village of Windsor this _____ day of _____, 2024.

Christine Capstran, Clerk
Village of Windsor

Dated

Surveyed For:

Apple Apartments, LLC
3564 Egge Road
DeForest, Wis. 53532

Surveyed: C.K.C.
Drawn: M.A.P.
Checked: M.A.P./C.K.C.
Approved: C.K.C.
Field book:
Tape/File:

Register of Deeds Certificate:

Received for recording this _____ day of _____, 2024
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 _____

**VILLAGE OF WINDSOR
PLAN COMMISSION RESOLUTION 2024-14**

**RECOMMENDING APPROVAL OF A CERTIFIED SURVEY MAP FOR RECONFIGURATION OF LOTS
131, 132, 133, 140, 141, AND 142 OF THE WINDSOR GARDENS SUBDIVISION**

WHEREAS, Don Tierney (d.b.a. Apple Apartments, LLC) (the "Petitioner") has requested approval of a Certified Survey Map for reconfiguration of Lots 131, 132, 133, 140, 141, and 142 of the Windsor Gardens Subdivision, Sun Prairie, WI 53590 (the "Subject Property"); and

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WHEREAS, the Village of Windsor Plan Commission held a meeting regarding the request on June 13, 2024; and

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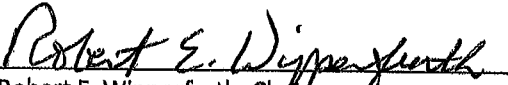
The Village of Windsor Plan Commission recommends to the Village of Windsor Board approval of the Certified Survey Map located at the Subject Property, subject to the following conditions:

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The above and foregoing Resolution was duly adopted at a meeting of the Plan Commission of the Village of Windsor held on June 13, 2024, by a vote of 6 in favor and 0 opposed.

PLAN COMMISSION


Robert E. Wipperfurth, Chairperson

Attested by:


Jamie Rybarczyk, Community Development Director

Incorporated by Reference:

Staff Report
Petitioner Application