

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # DCPREZ-2022-11921

Dane County Zoning & Land Regulation Committee Public Hearing Date 1/24/2023

Whereas, the Town Board of the Town of Pleasant Springs having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one): Approved Denied Postponed

Town Planning Commission Vote: 0 in favor 7 opposed 0 abstained

Town Board Vote: 0 in favor 4 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. *Deed restriction* limiting use(s) in the _____ zoning district to **only** the following:

2. *Deed restrict* the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

3. *Deed restrict* the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):

4. *Condition* that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

5. *Other Condition(s)*. Please specify:

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Maria "Pili" Hougan, as Town Clerk of the Town of Pleasant Springs, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 3/21/2023

Town Clerk Maria "Pili" Hougan Date: 3/23/2023

TOWN BOARD MEETING, March 21, 2023 – 6:00 P.M.

PRESENT: Town Chair David Pfeiffer, Supervisors Dick Green, Melanie Miller, Eric Olson, Clerk/Treasurer Maria Hougan.

ABSENT:

Supervisor Dana Stadler

OTHERS PRESENT:

Kenneth & Faith Schuck, 1616 Spring Rd, Judith Jorgenson, 717 Berry St., Shelly Johnson, 512 Taylor Ln., Thayer Every, 512 Taylor Lane, Tim Miller, 3092 Sunnyside St., Audra Dalsoren, 2280 CTH N, Marcia Tarrant, 1881 S Brooklyn Dr., Joe Murray, 3084 Sunnyside St., Claudia Quam, 3107 Sunnyside St., Riley Monte, 512 Taylor Ln., Molly Patrinis, 2686 Rolling View, Matthew Fleming, 33 E Main St. #500, Tom Walz, 3071 Sunnyside St., Tim Tyson, 1614 Spring Rd., Tiffany Neineck, no address given, unknown name, N4190 Hwy 22, Rio

Virtual Attendees: Leah Lange, 3094 Sunnyside St., Paul Johnson, 3093 Sunnyside St., Keith Comstock, 3080 Shadyside Dr., Alex Mesdjian, Public Works Superintendent

CALL TO ORDER

Chair Pfeiffer called the meeting to order at 6:04 p.m.

PUBLIC COMMENT

Audra Dalsoren introduced herself as the Plan Commission Chair. She stated she was the point of contact for the Lange rezone request and was available to answer questions.

Tim Miller, 3092 Sunnyside St., this is the fourth time in attendance regarding the Lange rezone request. He is in opposition of this request and stated the reasons why he is opposed. He submitted a signed petition with 24 signatures of neighbors in opposition of the rezone. He fears a precedence will be set.

Claudia Quam, 3107 Sunnyside St., stated she watched the remodel and residing on the property and there were not any building permits issued. What precedence would this set? She is strongly opposed of the rezone.

Attorney Matthew Fleming spoke in representation of Leah Lange, He urged the Board to consider approval, no one realized there were any issues with the property until there were problems with the RVs parking on the property. There are 2 lots and wants to keep it at 2 lots. This has existed in the neighborhood this way for many years, prior to when his client purchased the property. No one knows when this property was converted, it has existed as 2 dwellings for many years prior to the current property owner, since at least the mid 80's. Multifamily zoning in name only. It will not change the character of the neighborhood. It has been advertised and sold as 2 dwellings, there are two dwellings for the sanitary district, and has been assessed as 2 dwellings. He stated Dane County has reviewed the comp plan they agree this is consistent with Comp Plan. He thinks most of the opposition is due to the camping and RVs which were parked there previously.

Joe Murray, 3084 Sunnyside St., stated this is ideally a huge safety factor, this isn't due to the boondocking which had occurred on the property, it is a safety issue, it had not been known that not a single permit had been issued, the property is too close to the road, who knows what is underneath and behind the structure. He witnessed all the renovations and did not realize that not a single permit was issued. There are a lot of reasons not only to deny, but to turn the property back to the way it was, and not rent to someone else not knowing the issues. Let's not let someone else move into this structure and not know of the potential safety issues. The Plan Commission did their homework, there are rules and regulations for a reason and if they aren't followed, why have them? Not a personal issue but a safety issue. Must stick with comprehensive plan. He urged the Board to do the right thing.

Faith Schuck, 1616 Spring Rd., stated she is happy today they received gravel and the road was graded. She wanted to know if there will be more gravel added as there is a 4-inch drop where it transitions from black top to gravel, and another 2-inch drop on the other side.

Paul Johnson, 3093 Sunnyside St. stated he is in opposition along with his neighbors. If the Board approves with deed restrictions, the burden will be on the town to enforce. The Plan Commission has done their job properly, now it's up to the Board to follow suit. Kenneth Schuck, 1616 Spring Rd, stated Public Works did a good job adding gravel and grading their road. There are two areas where the gravel is not as high as the shoulder, this area has been a problem and needs to be looked at. Asked if they could bring more gravel to remedy the issue.

CONSENT AGENDA: *Items listed under consent agenda will be approved in one motion without discussion unless any Board member requests that an item(s) be removed for individual discussion. That item then can be considered at an appropriate time during the Board's regular order of business.*

1. Approval of minutes of the March 07, 2023, Town Board meeting.
2. Approval of the check register dated March 21, 2023.

Motion by Supervisor Green, second by Sup. Miller, to approve March 21, 2023 the consent agenda as presented. Motion carries 4-0.

BUSINESS.

Discussion and possible action regarding Rezone Request from Leah Lange (Matthew J. Fleming, agent), to rezone the combined approximate 0.29 acres of parcels 046/0611-183-7441-8 and 046/0611-183-7472-1 located at 3094 Sunnyside Street and an unassigned address, Stoughton, WI, from SFR-08 to MFR-08 to bring an existing second dwelling into compliance for rental. Chair Pfeiffer reported out the Town Board tabled this at the March 7, 2023 meeting to gather more information and get an opinion from the Town's Attorney regarding information not presented at the Plan Commission. We are not obligated to enforce according to what the sanitary district has

done as they do not enforce zoning it's not their responsibility, they do not have any authority over zoning. The rezone app can be considered on its merits and the town can enforce zoning as they see fit without any ramifications due to number of sewer laterals. Approval of this would not set a precedent as the town has a right to enforce zoning. County is prepared to defend this ruling if town was to deny. The County is responsible to defend if any challenges. The outcome of this is not certain, it can go for or against. The town refers their decision to the County.

Matthew Fleming-representing Leah Lange, discussed how the deed restrictions could be enforced.

Further discussion followed. Supervisor Miller stated there has been a lot of discussion on this the past several meetings.

Motion by Supervisor Miller, second by Sup. Green, to approve the rezone request from Leah Lange (Matthew J. Fleming, agent), to rezone the combined approximate 0.29 acres of parcels 046/0611-183-7441-8 and 046/0611-183-7472-1 located at 3094 Sunnyside Street and an unassigned address, Stoughton, WI, from SFR-08 to MFR-08 to bring an existing second dwelling into compliance for rental.

A short discussion ensued.

Supervisor Olson stated he feels for the petitioner as the property had been previously advertised as two dwellings, however there has been time to address the issues and remedy the problem.

Supervisor Green stated this was tabled at the previous meeting in order to get the attorney opinion, and that was the appropriate thing to do. There are a lot of issues with this arrangement to include parking issues-no off-street parking, so they are parking in the street, a violation of town ordinances, he can't imagine being landlord and the lack of building permits, inspections on the property, etc.

Chair Pfeiffer pointed out several years ago there was another situation similar to this one, where the property owner had turned the second floor of his garage into a dwelling without the proper approvals and permits. When the town was made aware of this, they enforced and acted upon it. The property owner was required to return the property back to a non-living space.

Supervisor Miller called the question, Sup. Green called for a roll call vote. **Motion failed 0-4 on a roll call vote with Chair Pfeiffer, and Supervisors Olson, Green, and Miller voting in opposition.**

Discussion and possible action regarding access permit and location of entryway/driveway at the curve on parcel # 0611-343-984-07 near Spring Rd. 1614 and 1616 Spring Road. (No parcel address available). Superintendent Mesdjian reported out they put stakes on the property in the area where they think the driveway access should be. Shelly Johnson and several members of her family were in attendance. Shelly handed out a map survey of the property where the driveway access is located.

She stated she has an erosion control permit for the property and has paid the fine and fee. She stated this property has been in her family for many years and the driveway has been in place for many years. Other family members spoke on behalf of the property, the land has been in the family for many generations and they had never had a problem with the property. A discussion took place regarding the new driveway access and discontinuance of the previous access. Chair Pfeiffer stated there needs to be a proper access to the property, and they should have come to the town for approval when they put in the second access. There were questions asked by the neighboring property owners.

The Board directed the property owners meet with Alex in the public works department to complete the driveway access permit and necessary forms for the driveway.

Tim Tyson of 1614 Spring Rd., stated he wants to make sure his property is taken into account with placement of the driveway access.

Discussion and possible action regarding the 2023 road projects and bid timeline.

Chair Pfeiffer asked Superintendent Mesdjian if there are any changes to what was in the 2023 Budget. The Board and Alex discussed some proposed changes. Alex reported out the prices for overlay are around 67 or 68 dollars per ton. He is proposing to do Pleasant Hill with a 2.5-inch overlay. Further discussion followed. They discussed the proposed road paving for 2023 to be Pleasant Hill, Skaalen from Pleasant Hill to Tower, Tower Dr. to Kaase to Highway B. They would save the subdivisions and finish Skaalen for 2024. Supervisor Green stated he agrees with postponing the subdivisions, and stated the roads which need sealing should be done as soon as possible. Further discussion took place. Alex will work with Pili and get the bids out.

Motion by Supervisor Olson, second by Sup. Green, to prepare the bid packets for paving as presented for 2023. Friendly amendment made by Supervisor Miller, friendly accepted by Sup. Olson, to add to the roads to the motion with the roads to be included in the bid packets as Pleasant Hill overlay 2.5 inches, Skaalen from Pleasant Hill to Tower Dr, Tower Dr. to Kaase to Highway B. Motion carried 4-0.

Discussion and possible action regarding a request for stop sign at Spring Hill Rd. and Wildflower Rd. Supervisor Green brought this up at the last meeting to add to the agenda due to some close calls and feels a stop sign should be placed on Spring Hill prior to turning left on Wildflower Rd.

Motion by Supervisor Green, second by Sup. Miller, to direct public works department to install a stop sign on Spring Hill Rd. Motion carries 4-0.

Discussion regarding Public Works projects and duties.

Superintendent Mesdjian reported out on the projects and duties the department have been working on. He provided a listing to the members of the Board.

Discussion and possible action regarding creation /adoption of a Town of Pleasant Springs employee handbook.

Chair Pfeiffer stated he will have the PSSD model of the employee handbook available for the next Town Board meeting. Supervisor Miller stated she contacted the Wisconsin Towns Association and they sent her an outline of best practices and what should be included in an employee handbook. She will share that information with the Board.

Clerks report of projects and duties.

Clerk Hougan reported out on the duties and responsibilities staff have been working on.

Discussion on items to be placed on the next and / or future agenda:

- Placeholder: Request regarding Williams Point Dr. possible vacation-DNR contact info was provided, Chair Pfeiffer will follow up with DNR
- Short term rental request re application/permit from applicant. -Sup. Miller to contact applicant
- Changing Town Road Name
- Possible Ordinance amendment Chapters 66 & 202
- Signage for UpNet
- 2023 Chip Seal?
- Joint meeting with Plan Commission regarding encroachment from Stoughton and McFarland

PLAN COMMISSION REPORT (Reports will generally only be reported upon after the Plan Commission has met between Town Board meetings; unless there is additional information to report)

The Plan Commission did not meet.

REPORTS

The Board reviewed the reports included in the packet.

Supervisor Green reported out he attended the recent Deer-Grove EMS meeting. They discussed the Village of Cottage Grove may be taking their EMS service elsewhere. If this happens, this may cause a considerable increase to the Town to pay for services.

It was decided there will be a Town Board meeting on Wednesday. April 5, 2023.

CORRESPONDENCE

The Board reviewed the correspondence included in the packet.

ADJOURNMENT

Motion by Supervisor Olson, second by Sup. Green to adjourn at 7:36 p.m. Motion carried unanimously by acclamation.

Respectively Submitted,

Maria "Pili" Hougan
Clerk/Treasurer

Note: These minutes are not considered official until acted upon at a future meeting, and, therefore, are subject to revision.

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Town Planning Commission Vote: 0 in favor 7 opposed 0 abstained

Town Board Vote: 3 in favor 1 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. *Deed restriction* limiting use(s) in the _____ zoning district to **only** the following:

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Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

The Plan Commission voted unanimously to deny the rezone request. The Town Board voted to table this item until an attorney opinion is received

I, Maria "Pili" Hougan, as Town Clerk of the Town of Pleasant Springs, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 3/7/2023

Town Clerk Maria "Pili" Hougan Date: 3/16/2023