

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 10807

Dane County Zoning & Land Regulation Committee Public Hearing Date 2/24/2015

Whereas, the Town Board of the Town of Middleton having considered said zoning petition,
be it therefore resolved that said petition is hereby (check one): ☒ **Approved** ☐ **Denied** ☐ **Postponed**

Town Planning Commission Vote: 6 in favor 0 opposed 0 abstained

Town Board Vote: 5 in favor 0 opposed 0 abstained

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

1. ☒ **Deed restriction** limiting use(s) in the C-1 zoning district to **only** the following:
All uses permitted in the LC-1 Limited Commercial District:
Retail and service uses including grocery stores, drugstores, hardware stores, appliance and furniture stores, barbershops and beauty shops without limitation as to size;
Self-service laundries and dry cleaning establishments;
Warehousing and storage incidental to a permitted use;
Medical, dental and veterinary clinics; Banks, offices, office buildings and condominium office buildings not more than (2) floors to office space;
Utility services;
Bakeries;
Bicycle sales and service;
Rental businesses except for motor vehicles and construction machinery and equipment;
Sales and repair of lawn and garden equipment;
Outdoor games (not lighted);
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:**
Motion: Kolar / Breung, to approve the Watts Certified Survey Map and Rezoning subject to:
The Vierbicher letter dated February 3, 2015;
The proposed rezoning of proposed Lot 1 to C-1 and proposed Lot 3 to RE-1 is acceptable to the Board. Lot 2 shall remain A-1.
The Board finds the proposed commercial rezoning is in substantial conformance with the Town's Comprehensive Plan and the Tumbledown Neighborhood Plan. Recordable Deed Re-strictions shall be placed on Lot 1 limiting uses to:
All uses permitted in the LC-1 Limited Commercial District:
Retail and service uses including grocery stores, drugstores, hardware stores, appliance and furniture stores, barbershops and beauty shops without limitation as to size;
Self-service laundries and dry cleaning establishments;
Warehousing and storage incidental to a permitted use;
Medical, dental and veterinary clinics; Banks, offices, office buildings and condominium office buildings not more than (2) floors to office space;
Utility services;
Bakeries;

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, David Shaw, as Town Clerk of the Town of Middleton, County of Dane, hereby
certify that the above resolution was adopted in a lawful meeting of the Town Board on 3/2/2015
Town Clerk David Shaw **Date:** 3/4/2015

Town of Middleton conditions of approval for Petition 10807

1. The Vierbicher letter dated February 3, 2015;
2. The proposed rezoning of proposed Lot 1 to C-1 and proposed Lot 3 to RE-1 is acceptable to the Board. Lot 2 shall remain A-1.
3. The Board finds the proposed commercial rezoning is in substantial conformance with the Town's Comprehensive Plan and the Tumbledown Neighborhood Plan. Recordable Deed Restrictions shall be placed on Lot 1 limiting uses to:

All uses permitted in the LC-1 Limited Commercial District;
Retail and service uses including grocery stores, drugstores, hardware stores, appliance and furniture stores, barbershops and beauty shops without limitation as to size;
Self-service laundries and dry cleaning establishments;
Warehousing and storage incidental to a permitted use;
Medical, dental and veterinary clinics; Banks, offices, office buildings and condominium office buildings not more than (2) floors to office space;
Utility services;
Bakeries;
Bicycle sales and service;
Rental businesses except for motor vehicles and construction machinery and equipment;
Sales and repair of lawn and garden equipment;
Outdoor games (not lighted);
Off-site parking of motor vehicles;
4. A deed restriction be placed on Lot 2 that states that no further development will occur on Lot 2 until Welcome Drive is extended to Lot 2 as a public right of way
5. A deed restriction shall be recorded and placed on the face of the CSM against lots 1-3 that states that no further development of these lots will be allowed that is not consistent with the Tumbledown Neighborhood Plan.
6. The required Joint Driveway Easement for access to the three lots shall also include a restriction that the south access to proposed Lot 2 be limited to Ag uses only.
7. Two park fees (\$2,250 each) shall be collected as there are two tax parcels but only one buildable lot. If Dane County determines there are two buildable lots, only one park fee shall be collected.
8. A 30' Public Recreational Trail easement will be provided to the Town over the current constructed Public Recreational Trail located within the limits of the CSM; the Public Recreational Trail Easement and Trail may be relocated in the future if approved by the Town;
9. No additional trail easements will be required outside the limits of the CSM as the applicant stated that he would be willing to consider another trail easement at the time of development;
10. An area plan shall not be required, as the proposal is in substantial agreement with and conforms to the Tumbledown Neighborhood Plan;
11. Any potential wetlands that have not already been officially delineated as wetlands by the Wisconsin Department of Natural Resources do not need to be shown on the CSM. Official delineation will occur at the time of development;
12. A storm water easement encompassing the drainage ways across the CSM do not need to be shown on the CSM at this time, as they would be highly theoretical, and would almost certainly need to be changed at the time of development.