

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # DCPREZ-2017-11101

Dane County Zoning & Land Regulation Committee Public Hearing Date February 28, 2017

Whereas, the Town Board of the Town of Christiana having considered said zoning petition,

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

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained

Town Board Vote: 2 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 _____ 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:
Amend C-2 Deed Restrictions as stated in attached document.

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, Kathleen Wilson, as Town Clerk of the Town of Christiana, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on January 10, 2017.

Town Clerk Kathleen Wilson Date: January 17, 2017.

**Town Action Report
Addendum
JCL Rentals/Jeff Levake**

Following the recommendation of the Christiana Plan Commission, the Town Board voted to approve the request of Jeff Levake/JCL Rentals LLC to amend deed restrictions for the property at 297 Rodney Road with the following conditions.

1. The property shall be limited exclusively to the following land uses: contractor's offices and indoor storage of contractor's equipment, vehicles, and construction materials. Units #1, #7, and #9 may be used for the indoor storage of personally-owned items. Unit #8 may be used for rental of seasonal indoor storage, but will not be made into individual units. The building will remain with six overhead doors on the east side and two overhead doors on the west side. There may be a total of two walk-in service doors added.
2. Outside storage of materials, equipment, bulk fuel tanks, or vehicles is prohibited except for the specified areas as shown on the Site Development Plan for the benefit of Unit #7, having dimensions of 100' x 40' and 30' x 80'. Business vehicle may be stored on the premises in the evening and during non-business hours.
3. The property shall be allowed to add one (1) more building to make a total of nine (9) units. There shall be a new Site Development Plan in place. After the ninth unit, the construction of additional buildings or expansion of buildings is prohibited, but remodeling of existing structures without a footprint increase is permitted.
4. There shall be a maximum of nine (9) condominium units located on the property. The ownership units shall comply with boundary spaces as designated in the Site Development Plan. Unit spaces shall not be further divided or partitioned off to create separate ownership rental spaces.
5. With respect to the nine condominium units, there shall be no more than nine owners of those nine units. Further, there shall be no more than nine businesses in operation at any time within those nine units. "Business" is defined as an ongoing commercial concern operating out of one or more units. Leasing of units shall be permitted provided the land use of the tenant is consistent with the deed restrictions.
6. All Deed Restrictions shall terminate in the event that the subject property is annexed in the future to the Village of Cambridge, WI.
7. The Board of Directors or "Manager" of the JCL Condominium Association and Jolly Rogers of Cambridge, LLC, have entered into an agreement with the Town of Christiana and Dane County acknowledging that occupants of Unit #1 are in violation of the recorded deed restrictions for the property. The coffee warehousing business found within Unit #1 may remain

lawfully in operation at said Unit #1 for so long as the current coffee warehousing business remains an ongoing concern. Upon termination or sale of said business, Unit #1 shall no longer be permitted to house any business non-compliant with the generally applicable deed restrictions.

8. The Board of Directors or "Manager" of the JCL Condominium Association and the Benno C. Fischer Trust shall enter into an agreement with the Town of Christiana and Dane County that upon the sale of said Unit(s) to a party whose ownership is not primarily controlled by Ben Fischer, Unit #5 and #6, as applicable shall no longer be permitted to house any business non-compliant with the generally applicable deed restrictions.