

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # DCPREZ-2018-11340

Dane County Zoning & Land Regulation Committee Public Hearing Date 9/17/2018

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:** 5 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 \_\_\_\_\_ 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):  
Discuss and take possible action on a request to rezone 3.1 acres of a total of 11.18 acres of Parcel 0611-322-8580-9 from A-1 (EX) to RH-1 from Oscar Linnerud, 2948 County Highway B, Stoughton, WI 53589, Shelby Hoops, acting as agent, for the purpose of providing a split to granddaughter for a primary residence on least productive land. Shelby Hoops was in attendance. Supervisor Bolender presented. Motion by Supervisor Bolender, second by Sup. Olson, to approve the request as listed above with the following conditions:  
Deed Restrictions:  
1.1 buildable split to be used on the 3.1 acres zoned RH-1 with no additional residential development.  
2.The remaining acres zoned A-1 (EX) will have 3 remaining splits.  
Conditions:  
1.A Certified Survey Map (CSM) is required for the rezoned parcel.  
2.Driveway placement to be shown on the Certified Survey Map (CSM) and approved the Public Works Department.  
3.Owner name(s) must be listed on the Final CSM with the correct language for the Town approval to be noted on the CSM.
  
- 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 7/17/2018

Town Clerk Maria "Pili" Hougan Date: 9/11/2018

Deed Restrictions:

1. The remaining 37.3 acres zoned A-1 EX has 2 splits available. RH-1 will have no additional splits available.

Conditions:

1. The driveway will be listed on the CSM with reinspection by Public Works.
2. Utility easement will be noted on the CSM.
3. A Certified Survey Map (CSM) is required for the rezoned parcel.
4. Owner names(s), be listed on final CSM and the correct language for Town approval to be noted on CSM.
5. CSM must be approved and recorded, if CSM is not recorded the rezone becomes null and void.
6. No extra-territorial boundaries

Motion fails 3-2 with Lemanski, Miller, and Dalsoren voting noe.

This item will be before the Town Board on August 7, 2018.

**Discuss and take action on a Preliminary Certified Survey Map, #13658 dated 6/12/18, received 6/14/18, from Jim Alme, 2016 Spring Road, Stoughton, WI 53589, Brian Spanos, acting as agent, for a rezone of approximately 4.02 acres of Parcels 0611-53-8630.0, 0611-064-8030-0, and 0611-064-8010-0 from C-1 to C-2, along 2917 Hwy MN, for mini storage warehouses.**

Supervisor Bolender presented this request. She stated the motion carried unanimously at Plan Commission. Brian Spanos was in attendance. They discussed the driveway dimensions and they should be 24 ft. minimum. Motion by Supervisor Bolender, second by Sup. Olson, to approve the Preliminary Certified Survey Map # 13658 dated 6/12/18 for the rezone of approximately 4.02 acres of Parcels 0611-053-8630-0, 0611-064-8030-0, and 0611-64-8010-0 from C-1 to C-2 along Hwy MN for mini storage warehouses with the following conditions:

Conditions:

1. A 24' driveway needs to be designated on the Preliminary Certified Survey Map.
2. The Town Clerk needs to be changed to Maria P. Hougan.
3. The Village of McFarland needs to be contacted in regard to the Extra Territorial conditions.
4. Extra territorial language for the Village of McFarland if needed and the City of Madison to be added to the CSM.

Motion carried 5-0.

**Discuss and take possible action on a request to rezone 3.1 acres of a total of 11.18 acres of Parcel 0611-322-8580-9 from A-1 (EX) to RH-1 from Oscar Linnerud, 2948 County Highway B, Stoughton, WI 53589, Shelby Hoops, acting as agent, for the purpose of providing a split to granddaughter for a primary residence on least productive land.** Shelby Hoops was in attendance. Supervisor Bolender presented.

Motion by Supervisor Bolender, second by Sup. Olson, to approve the request as listed above with the following conditions:

Deed Restrictions:

1. 1 buildable split to be used on the 3.1 acres zoned RH-1 with no additional residential development.
2. The remaining acres zoned A-1 (EX) will have 3 remaining splits.

Conditions:

1. A Certified Survey Map (CSM) is required for the rezoned parcel.

2. Driveway placement to be shown on the Certified Survey Map (CSM) and approved the Public Works Department.
3. Owner name(s) must be listed on the Final CSM with the correct language for the Town approval to be noted on the CSM.
4. CSM must be approved and recorded, if CSM is not recorded the rezone becomes null and void.
5. The City of Stoughton must be contacted for the Extra Territorial Conditions and language added to the CSM.

Motion carried 5-0.

**Discussion and possible action regarding the Oak Knoll SALL ditching project and Dane County Erosion Control permitting process.** Kurt Hedstrom, Jason Elliott, and Sara Knickmeier of Stoughton Area Little League were in attendance. Chair Pfeiffer explained the town engineer had submitted information regarding permitting. The Town should be listed on the permit as the applicant. He explained in the past the county had done some erosion control work and thought the county should have some responsibility. The town engineer will find out what the county is responsible for. They discussed grant opportunities. Supervisor Larsson is assisting them with a grant and requested a “wish list” of information in order to proceed. They discussed an agreement or memorandum of understanding for more of a long-term contract. The contract language will be revised to add an agreement for more of a long-term use. The contract language revisions will be presented in the fall around Sept. or October, around budget time. There will be language in the contract to protect the investment of the SALL group, and guarantee there will be funding from SALL, and to protect SALL for continued use in the future. The town attorney will assist with the language for the revisions to the contract. SALL updated the Board on the revised quote came in around \$21,000. They will submit the revised quote to the town. Chair Pfeiffer added the liability insurance should be under the town’s insurance policy, it should be covered by the town as the town owns the property. Further discussion followed.

Motion by Supervisor Damkoehler, second by Sup. Olson, to proceed with the necessary permits for erosion control from Dane County. Motion carried 5-0.

**Discussion and possible action regarding the Shadyside Culvert project, review and authorization of bid documents.** Chair Pfeiffer explained the bidding documents are not ready yet. He reported out on the recent conversations with the Town Attorney. They discussed options regarding the culverts and placement of the culverts. Chair Pfeiffer will notify the party the Board is not interested in negotiating the one time offer. No action taken.

**Discussion and possible action regarding storm water runoff at 1687 Koshkonong Road.** Chair Pfeiffer stated he went out and took video and pictures during a heavy rainfall recently of the gravel washout. They discussed several options and solutions. He spoke with the attorney regarding responsibilities of the town. The town needs to take the steps we can to improve the road and road right of way. We cannot issue a citation for public property and can issue a citation only if it is deemed a nuisance. Jim Alme stated there is a culvert under the driveway which is mostly blocked as it has filled in over the years. Water does not flow properly through the culvert. He explained solutions and his recommendations to on how this may be resolved to the board. He explained there is a fair amount of work but if done properly it could work. The ditch needs to be improved on both sides. Public Works staff was directed to find out the cost of ditching on both sides, and cost of a culvert assessment to property owner.

**Discussion and possible action regarding the return of the driveway damage deposits for:**

- a. **Chad Troy, 1728 Oak View Drive**
- b. **Scott Bellefeville, 3068 Linnerud Drive**