

TOWN BOARD ACTION REPORT - REZONE

Scan

Regarding Petition # DCPREZ-2018-11307

Dane County Zoning & Land Regulation Committee Public Hearing Date 7/24/18

Whereas, the Town Board of the Town of Montrose 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: 3 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:

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, Julie Bigler, as Town Clerk of the Town of Montrose, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on June 5, 2018.

Town Clerk Julie Bigler Date: June 6, 2018.

Town of Montrose, Regular Board Meeting, Tuesday, June 5, 2018
1341 Diane Ave., Belleville WI 53508

Meeting was called to order by Roger Hodel at 7:05 p.m.

Deputy Clerk stated for the record that meeting was posted according to Open Meeting Laws.

Present: Chair Roger Hodel, Supervisors Randy Francois and Dan Palmer, Treasurer Melissa Salisbury, and Deputy Clerk Linda Miller and Clerk Julie Bigler.

Motion made by Dan Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve May 1, 2018 Minutes as read. Motion carried.

Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve May 2018 Treasurers Report as read and pay all bills. Motion carried.

Announcements: The Town extends condolences to the families of David R. Schulz, Harold Eichelkraut Sr., and Carmen Legler-Hughes. Roger Hodel stated the Pioneer Cemetery flags have been replaced. The US Flag for the town hall has not yet been replaced because the ground is too soft for a boom truck to come in. Roger Hodel will talk to Roger Hillebrand about getting solar lights to illuminate the flags at the town hall. Clerk read into the record Paoli Bridge will be closed June 18th, Sheila (Jones) Young, daughter of Delos "Curly" & Virginia Jones, donated the original building permit, application letter and original blueprints when the town hall was initially built for an auction house. They have been framed and will be hung in the meeting room, and Wisconsin Retirement invoiced the Town of Montrose for the amount owed for unpaid retirement. The amount owed by the town is \$25,257.62. Clerk was instructed by ETF/WRS to submit the hours worked for the entire time she worked for the Town of Montrose.

Committee Reports: Tim Schmitt reported on the rezone requests for Gerald & Jo Ann Gehin, and Thomas L. Schaller.

Nothing to report on proposal to convert section of State Highway 69 into a Town Road

Rural Insurance Policy Update/Review Presentation by Agent Craig Kamholz included new information on new Dodge truck. Craig Kamholz and Randy Francois will meet to do a walk through buildings.

Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve Liquor Licenses for Dot's Tavern, David Ace, President/Agent & Kari Ace, Vice President, MIRK 2 LLC, d.b.a. Paoli Pub & Grill, Mark A. Franklin, Agent, Paoli Schoolhouse Shops & Café, Deborah A Schwartz, President/Agent and license for The Cottage Goddess, LLC, , Lori McGowan as Owner/Agent, is approved

with the contingency that license will not be issued until building permit and payment of \$400 for Airbnb at 6890 Paoli Road, Belleville WI has been received by Clerk. Motion Carried.

Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve Operator Licenses for Abbey Carolyn Ace, Brian James Hollis Sr., Tania Marie Zradicka, Patrick Joseph Burke, Carla Ann Farber, Earl E. Lomas, Richard J. Moreland, Michael E. Farber, Olivia Lou Ace, Mark W. Kowalski, Leone G. Olstad, Carley Katherine Francois. Guy C. Evans III, Hayley Aryn Lowmaster, Amanda M. Miller, Quinn L. Kimball, Chase Jeffrey Gleiter, Jessica Ann Popp. David W. Bridgeford, McKynzie T. Ziemer, Lee Daniel Rosenhagen, Kasandra Marie Sonderberg, Fawn Renee Gregory, Barbara Mae Bremer. Lori Ann McGowan, Patricia Mae McLimans, Kari Marie Stevens. All Contingent Upon Receiving All Necessary Paperwork and Fees. Motion Carried.

Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve Request from Gerald and Jo Ann, Gehin to combine and rezone 3.74 acres of A-2(4) land and 7.6 acres of A-1EX land both part of 40 acres in section 28 known as Parcel Number 0508-284-9500-9 and .390 acres of A-2(4) land in Section 27 know as Parcel Number 0508-273-9250-0 to create a new 11.7 acres parcel with A-2(8) zoning, all contingent upon lifting the deed restriction prohibiting development on these lands and on a split being available. Motion Carried.

Motion made by Dan Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve Request from Thomas L. Schaller to Rezone 2.03 Acres in Section 6, Parcel Number 0508-061-9520-4 from A1-Ex to A-2(2) for the purpose of creating one residential lot. The second of five splits will be used and Driveway already exists. Motion Carried.

Public Input: Steve Berkley requested rezoning two lots near the Paoli Creamery to residential. All parties involved will need more information on rezoning commercial property to residential. Lucas Molloy presented information to the board on the July 7, 2018 Festival of Speed Bike ride. Motion made by Dan Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve bike route as presented. Motion carried.

Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to adjourn June 5, 2018 BOR Meet to Adjourn and Board Meeting at 8:20 p.m. Motion carried.

Respectfully Submitted,

Julie L. Bigler, Town Clerk

Minutes are not official until approved by Town Board

**Town of Montrose Land Use Committee
May 21, 2018 Meeting Report**

All Present: Deb Brucaya, Junior Eichelkraut, Jerome Gobel, Tom Sarbacker, Tim Schmitt
Minutes are not official until approved by land use committee (LUC) members.

Jerome moved and Junior seconded to approve as read the minutes of the April 23, 2018 land use committee meeting. Motion carried unanimously.

The first agenda item was a request from Gerald L. and Jo Ann Gehin to rezone and combine parcels located in Sections 27 and 28 of the Town of Montrose, north and west of the intersection of Bellrose Street and Karl Avenue in the Village of Belleville. These parcels were among the substandard A-1 Exc. parcels earmarked to be rezoned and discussed at the October 28, 2013 land use committee meeting, at Dane County's behest to comply with the state's farmland preservation law. Jerry and Jo Ann's son, Neal, presented the request.

Using information on the county's website, Neal Gehin, Tom Schaller, and committee members linked the parcel numbers and acreage associated with this request. Rezoning to A-2 zoning in 2013-2014 implied the parcels were buildable when in fact they were not unless a development right was used; this appears to be the basis of the deed restriction in the county's records. Neal understands this request would use a split.

Committee members agreed to make a recommendation to the town board despite two unknowns:

- Not knowing the exact wording in the deed restriction. If development is indeed prohibited, then the Gehins' intention of using a split should allow lifting the restriction, once that procedure is known.
- Not having the county's staff report to verify the number of splits available on the original farm.

Based on materials presented, information from the Access Dane website, and open discussion at the land use meeting, **Junior moved and Jerome seconded to recommend to the town board approval of the request by Gerald and Jo Ann Gehin to combine and rezone 3.74 acres of A-2(4) land and 7.6 acres of A-1 Exc. land both part of the 40 acres in Section 28 known as Parcel Number 0508-284-9500-9 and .390 acres of A-2(4) land in Section 27 known as Parcel Number 0508-273-9250-0 to create a new 11.7 acres parcel with A-2(8) zoning, all contingent on lifting the deed restriction prohibiting development on these lands and on a split being available. Motion carried unanimously.**

The second agenda item was a request by Thomas L. Schaller to rezone two acres in Section 6 from A-1 Exc. to A-2(2) to create a residential lot on the north side of Schaller Road. A driveway to the proposed lot already exists, as does a well. This would use the second of five available splits. No neighbors or other members of the public were present. After brief discussion, **Deb moved and Tom seconded to recommend to the town board approval of the request from Tom Schaller to rezone two acres in Section 6 from A-1 Exc. to A-2(2) for the purpose of building a new home, as shown on the preliminary certified survey map presented to the committee. Motion carried unanimously.**

There were no other agenda items or public input before the meeting adjourned after unanimous approval of Jerome's motion and Junior's second to do so.

Submitted by:

Deborah A. Brucaya, Recording Secretary, Town of Montrose Land Use Committee