



Dane County Planning & Development

Land Division Review

October 30, 2012

Williamson Surveying & Associates
104 A West Main St.
Waunakee, WI 53597

Re: Kevin Miller (CSM 9439)
Town of Sun Prairie, Section 31
(2 lots, 15 acres)
Zoning Petition #10464

The Dane County ZLR Committee approved Zoning Petition #10464 on October 9, 2012.

Attn: Chris Adams S-2748

The proposed CSM is hereby conditionally approved as follows:

1. Rezone Petition #10464 is to become effective and all conditions established are to be timely satisfied.
2. The approximate location of the on-site septic system is to be shown.
3. All owners of record are to be included in the owner's certificate. (County records indicate that KEVIN S MILLER & BONNIE L MILLER is the owner). *Spouse's signature and middle initials are required to provide valid certificates.*
4. The required certificates are to be executed.
5. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
6. Comments from the Dane County Surveyor are to be satisfied:
 - *In the CSM location heading, please describe down to quarter quarters. 236.34(1)(c)*
 - *The direction appears to be in error for the west line of Lot 2. The bearing is listed as SE and should be SW. With this change lot closure is good. 236.20(2)(c)*
 - *Add ("recorded as") bearings and distances where appropriate per CSMs 7391, 8597, 11285, and 11572 including differing curve data. 236.20(2)(c)*
 - *Chord lines shall be shown as dashed or dotted lines. Curve data shall include the central angle and tangent bearings. 236.20(2)(k)*
 - *Remove the dedication implicating language from the Mortgage Certificate. 236.34(1)(e)*

7. The recordable document is to be submitted for review and approval.

When the above conditions have been fully satisfied, the original document along with a copy of this letter may be submitted for final review and the Dane County approving signature will be affixed. Please allow for ten (10) working days for approving signature. Any questions regarding this letter, please contact myself.

Sincerely,

Daniel Everson
Assistant Zoning Administrator
267.1541

CC:
Clerk, Town of Sun Prairie
City of Madison Planning, Tim Parks



Staff Report

Zoning and Land Regulation Committee

Public Hearing: August 28, 2012

Petition: Rezone 10464

Zoning Amendment:

RH-3 Rural Homes To RH-2 Rural Homes, LC-1 Limited Commercial to RH-2 Rural Homes, LC-1 Commercial to RH-3 Rural Homes

Town/sect:

Sun Prairie Section 31

Acres: 3.83, 0.17 and 1.69
Survey Req.

Applicant:

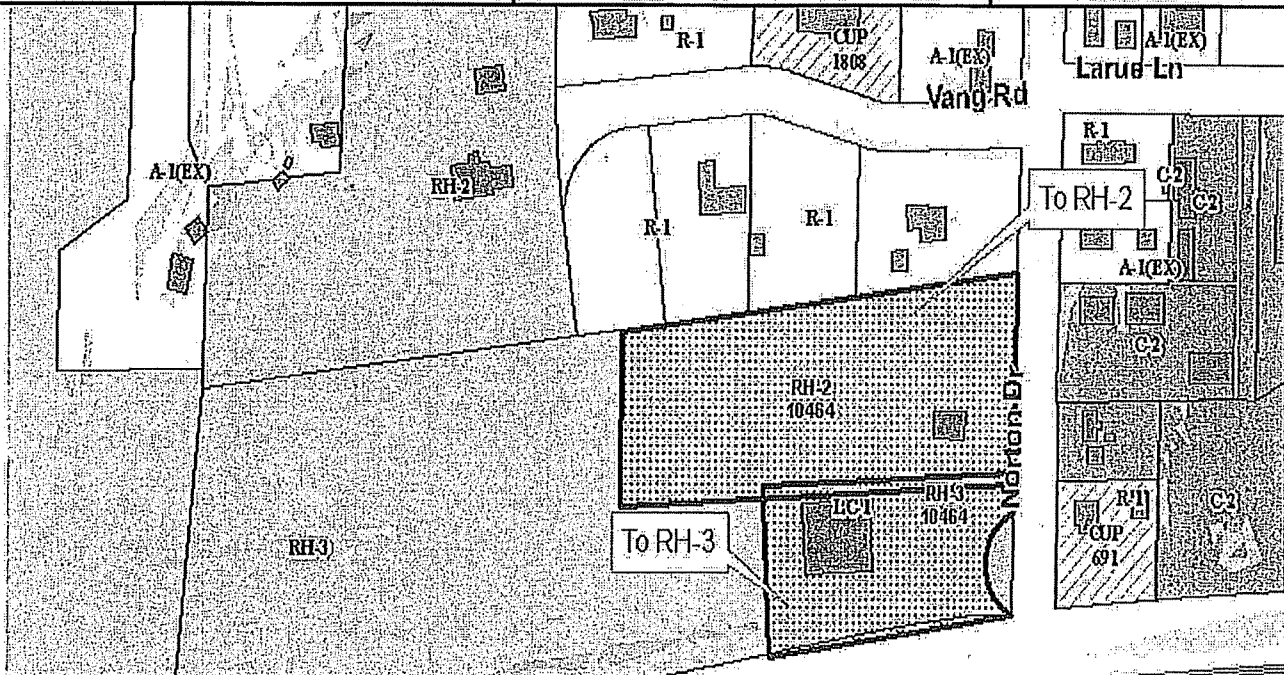
Kevin S Miller

Reason:

Zoning compliance to create two residential lots

Location:

4781 Norton Drive



DESCRIPTION: The petitioner would like to divide a 15-acre parcel into two residential lots.

OBSERVATIONS: A portion of the property was rezoned to LC-1 in 2003 in order for the owner to run a landscape/snow plowing business on the property. Since then, the residence was destroyed by fire and the business closed down. There have been several land use violations on the property, but have since been corrected.

The property is located in the Noise Overlay District (due to Interstate 94), which prohibits residential housing within 200 feet of the roadway. Currently there are two accessory buildings on the property. The western part of the property consists of Class II soils.

TOWN PLAN: The subject property is located in the Single Family Residential Land Use District. The Town's density policy allocates 11 residential lots to be created in 2012. If approved, this will be the second residential lot created for 2012. The proposal appears to be consistent with the Town Plan.

STAFF: The proposal meets the dimensional standards of the zoning district. Staff suggests that a note be required on the certified survey map that acknowledges the Noise Overlay District.

8/28/12 ZLR Action:

Motion by Bollig / Matano to postpone until town action is received; motion carried, 4-0. YGP vote: 2-0.

TOWN ACTION: Approved with conditions.

10/09/12 ZLR Action:

Motion by Bollig / Hendrick to recommend approval of Petition #10464 with the following conditions; motion carried, 3-0. YGP vote: 2-0.

1. The following notations shall be placed on the Certified Survey Map:

- a. "As owner of Lot One of this Certified Survey Map, I hereby stipulate that I and my heirs or assigns will not object to any of the legally permitted uses that occur on the adjoining property."
- b. "Driveway is to be maintained at 24'W x 24'D. No obstructions in this area, including but not limited to bushes, rocks, trees, etc. Culvert markers will be maintained by the Town of Sun Prairie."

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # DCPREZ-2012-10422

Dane County Zoning & Land Regulation Committee Public Hearing Date 9/24/2012

Whereas, the Town Board of the Town of Sun Prairie 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 1 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:
Neighboring Use language - "As owner of Lot One of this certified Survey Map, I hereby stipulate that I and my heirs or assigns will not object to any of the legally permitted uses that occur on the adjoining property."

Unobstructed driveway/turnaround area - "Driveway is to be maintained at 24W X 24D. No obstructions in this area, including but not limited to bushes, rocks, trees, etc. Culvert markers will be maintained by the Town of Sun Prairie."

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, Jo Ann Ramsfield, as Town Clerk of the Town of Sun Prairie, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 9/24/2012
Town Clerk Jo Ann Ramsfield Date: 10/4/2012

DANE COUNTY ORDINANCE AMENDMENT NO: 10464

Amending Section 10.03 relating to Zoning Districts in the Town of Sun Prairie.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Sun Prairie be amended to include in the RH-2 Rural Homes and RH-3 Rural Homes district(s) following described land:

PETITION NUMBER: 10464

Part of Section 31, Town of Sun Prairie described as follows:

LC-1 TO RH-3

A parcel of land located in part of the S 1/2 of the SE 1/4 of Section 31, T8N, R11E also being part of Lot, C.S.M. No. 7391, being more particularly described as follows: Commencing at the southeast corner of said section 31; thence N 00°50'01" E, 382.08 feet; thence S 83°22'50" W, 33.28 feet to the point of beginning. thence along the arc of a curve concaved southeasterly having a radius of 7759.49 feet and a long chord bearing S 81°45'50" W, a distance of 404.48 feet; thence N 02°59'35" W, 212.57 feet; thence N 87°06'57" E, 414.48 feet; thence S 00°50'01" W, 56.11 feet; thence along the arc of a curve concaved southeasterly having a radius of 60.00 feet and a long chord bearing S 00°50'01" W, a distance of 119.10 feet to the point of beginning. This description contains 1.69 acres.

LC-1 TO RH-2

A parcel of land located in part of the S 1/2 of the SE 1/4 of Section 31, T8N, R11E also being part of Lot, C.S.M. No. 7391, being more particularly described as follows: Commencing at the southeast corner of said section 31; thence N 00°50'01" E, 382.08 feet; thence S 83°22'50" W, 33.28 feet; thence N 00°50'01" E, 175.21 feet to the point of beginning. thence S 87°06'57" W, 414.48 feet; thence N 02°59'35" W, 17.77 feet; thence N 87°06'57" E, 415.67 feet; thence S 00°50'01" W, 17.81 feet to the point of beginning. This description contains 0.17 acres.

RH-3 TO RH-2

A parcel of land located in part of the S 1/2 of the SE 1/4 of Section 31, T8N, R11E also being part of Lot, C.S.M. No. 7391, being more particularly described as follows: Commencing at the southeast corner of said section 31; thence N 00°50'01" E, 382.08 feet; thence S 83°22'50" W, 33.28 feet; thence along the arc of a curve concaved southeasterly having a radius of 7759.49 feet and a long chord bearing S 81°45'50" W, a distance of 404.48 feet; thence N 02°59'35" W, 212.57 feet to the point of beginning. thence S 87°06'57" W, 235.52 feet; thence N 00°50'01" E, 242.00 feet; thence N 82°31'20" E, 655.52 feet; thence S 00°50'01" W, 276.80 feet; thence S 87°06'57" W, 415.67 feet; thence S 02°59'35" E, 17.77 feet to the point of beginning. This description contains 3.83 acres.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

1. The following notations shall be placed on the Certified Survey Map:
 - a. "As owner of Lot One of this Certified Survey Map, I hereby stipulate that I and my heirs or assigns will not object to any of the legally permitted uses that occur on the adjoining property."

G-2

- b. "Driveway is to be maintained at 24'W x 24'D. No obstructions in this area, including but not limited to bushes, rocks, trees, etc. Culvert markers will be maintained by the Town of Sun Prairie."

CERTIFIED SURVEY REQUIRED

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. Within 90 days of rezoning approval by Dane County, a *final* certified survey map that describes the land to be rezoned shall be prepared in accordance with all applicable provisions of Chapter 236 Wisconsin Statutes and Chapter 75 Dane County Code of Ordinances, and submitted to the Dane County Zoning Division. Upon submission of the final certified survey map, the Zoning and Land Regulation Committee, or its authorized representative, shall, within 30 days, approve, approve conditionally, or reject the certified survey map. Failure to submit the final certified survey within the 90 day period and/or failure to record the survey with the Dane County Register of Deeds will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.



TOWN BOARD MINUTES

September 24, 2012

Call to Order Chairperson L Updike called the regular meeting to order at 7:00 p.m. at the Town Hall, 5556 Twin Lane Road. Supervisors V Pogue and D Yelk, Treasurer C Yelk, J Klement, and R Anhalt were present.

Statement of Public Notice: The chair directed that the minutes to show that notice of the meeting was published in the September 19, 2012 issue of The Star. Copies were posted on the three town bulletin boards and website on September 21, 2012.

Pledge of Allegiance: V Pogue led the pledge.

Approve Minutes of Prior Meetings: Moved by V Pogue second by D Yelk to approve the minutes of the September 10, 2012 Town Board Meeting as presented.

Voting AYE: Updike Pogue and Yelk

Voting Nay: none

Absent: none

Motion carried

Public Comment

- a) R Anhalt, Dane County Sheriff's Department re: Hwy 19 & Town Hall Dr Intersection.

R Anhalt asked if the town would like someone from the Sherriff's office to attend the Oct 1st meeting at the City of Sun Prairie for the Hwy 19 & Town Hall Dr Intersection. Board consensus - yes, they would like someone from the Sherriff's office to attend.

Consider/Take Action re: approve appointment of new Plan Commission member: tabled for next meeting; no action taken.

Consider/Take Action re: Petition DCPREZ-2012-10422 by Kevin Miller; represented by John Klement to rezone 3.83 acres from RH-3 Rural Homes to RH-2 Rural Homes; rezone 0.17 acres from LC-1 Limited Commercial to RH-3 Rural Homes zoning compliance at 4791 Norton Drive in Section 31, Town of Sun Prairie.

Moved by D Yelk second by V Pogue to approve Petition DCPREZ-2012-10422 by Kevin Miller; represented by John Klement to rezone 3.83 acres from RH-3 Rural Homes to RH-2 Rural Homes; rezone 0.17 acres from LC-1 Limited Commercial to RH-3 Rural Homes zoning compliance at 4791 Norton Drive in Section 31, Town of Sun Prairie with the conditions that the Neighboring Use Language and the unobstructed driveway/turnaround instructions are stated and recorded on the new CSM.

Voting AYE: Updike Pogue and Yelk

Voting Nay: none

Absent: none

Motion carried

Committee Updates

- a) Town of Sun Prairie/Village of Cottage Grove Boundary Agreement Committee - Meeting with Village of Cottage Grove was productive; more joint meetings will be scheduled.
- b) Plan Commission - nothing new
- c) EMS - Public hearing for budget will be held Oct 10 at 7 p.m.
- d) Fire Advisory - meeting is scheduled for Sept 27; working on budget.
- e) Colonial Club - nothing new

Old Business

A) Petition # 10471 by Bruce and Shelly Rademacher: Petitioners propose to rezone two lots from a 40 acre parcel: Lot 1, a 0.95 acre parcel from A-1(Ex) Agricultural to R-1 Residential to make an existing home available for sale; and Lot 2; a 2.98 acre parcel from A-1(Ex) Agricultural to A-2(2) Agricultural at 5007 CTH TT in Section 34, Town of Sun Prairie.

- 1) Consider/Take Action re: Ord. Amend. No. 12, 2012-2013
- 2) Consider/Take Action re: Ord. Amend. No. 13, 2012-2013
- 3) Consider/Take Action re: Ord. Amend. No. 14, 2012-2013

Moved by D Yelk second by V Pogue to table the Ord Amendment changes until next meeting; more time is needed to review the changes.

Voting AYE: Updike Pogue and Yelk

Voting Nay: none

Absent: none

Motion carried

B) Dane County Public Hearing: September 25, 2012 - the topic of discussion will be Farmland Preservation and Land Use Plan. No action taken.

New Business

- a) GovPayNet - a service that would allow the Town of Sun Prairie to collect payments using Debit or Credit Card. Discussion was tabled until next meeting, C Yelk will provide more information to the board in the next packet. No action taken.

Correspondence

- a) Public Service Commission of WI - Notice of Hearing - September 26, 2012
b) Shared Revenue Payment Estimate - \$28,127

Audit/Pay Bills. Moved by V Pogue second by D Yelk to approve pay bills as presented.

Voting AYE: Updike Pogue and Yelk

Voting Nay: none

Absent: none

Motion carried

Items for next meeting agenda:

Carry over:

- 1) GovPayNet
- 2) Consider/Take Action re: Ord. Amend. No. 12, 2012-2013
- 3) Consider/Take Action re: Ord. Amend. No. 13, 2012-2013
- 4) Consider/Take Action re: Ord. Amend. No. 14, 2012-2013
- 5) appointment of new Plan Commission member

Set Next Meeting Date/Adjournment: the next board meetings will be Oct 8 & 22, 2012 at 7p.m. Moved by D Yelk second by V Pogue to adjourn the meeting at 8:15 p.m.

Voting AYE: Updike Pogue and Yelk

Voting Nay: none

Absent: none

Motion carried

Correctly Attested,

Jo Ann Ramsfield
Town Clerk

Persons needing special accommodations should contact the Clerk's office 837-6688 at least 24 hours prior to the meeting.