Plan Commission

Regular Meeting Notice and Agenda

Village of Cross Plains
Rosemary Garfoot Public Library – Community Room
2107 Julius Street
Cross Plains, WI 53528
(608) 798-3241

Monday, August 31, 2020
7:00 pm

Please note that due to current spacing requirements concerning COVID-19, the facility will have limited seating. The Village of Cross Plains will provide opportunities for, and encourage that the public participate virtually or by calling in. The log in information is as follows:

Zoom Meeting Link:
https://us02web.zoom.us/j/83459730362

Conference telephone line:
+1 312 626 6799
Meeting ID: 834 5973 0362

I. Call to Order

II. Roll Call

III. Pledge of Allegiance

IV. Public Comment – This is an opportunity for anyone to address the Plan Commission on any issue. *Please observe the time limit of 3 minutes.* While the Plan Commission encourages input from residents, it may not discuss or act on any issue that is not duly noticed on the agenda.

THOSE WISHING TO SPEAK DURING THE VIRTUAL MEETING ARE ENCOURAGED TO REGISTER PRIOR THE START TIME OF THE CURRENT MEETING. YOU MAY REGISTER YOUR COMMENT BY SENDING AN EMAIL TO BCHANG@CROSS-PLAINS.WI.US AHEAD OF THE MEETING. YOU MAY ALSO CALL THE VILLAGE HALL DURING REGULAR BUSINESS HOURS. THE MEETING WILL BE OPENED 30 MINUTES BEFORE THE START TIME TO SOLICIT REGISTRATIONS. TO REGISTER A PUBLIC COMMENT AT THIS TIME YOU WILL NEED TO RAISE YOUR HAND VIRTUALLY TO BE UNMUTED. TELEPHONE PARTICIPANTS WILL ALSO BE UNMUTED ONE AT A TIME DURING THIS PERIOD TO ENSURE THAT NO ONE IS MISSED.

V. General Business – Regular Meeting

1. Approval of the Minutes from the Plan Commission meeting held July 6, 2020. PDF 3-5

2. Public Hearing for a Proposed Amendment to the Official Floodplain Zoning Map. PDF 6

3. Discussion and Possible Action Regarding an Ordinance to Amend the Official Floodplain Zoning Map. PDF 7-12

4. Public Hearing for Amendments to Chapter 84 of the Village Municipal Code – Zoning. PDF 13
   A. Section 84.101(k) and (l) Regarding Easement Conditions and As Built Plans
   B. Section 84.161 Regarding Conditional Use Permit Procedures
   C. Sections of Chapter 84 Regarding Small Solar Energy Systems

5. Discussion and Possible Action Regarding an Ordinance to Repeal and Recreate Section 84.101(k) and (l) of the Village Code of Ordinances Regarding Easement Conditions and As Built Plans. PDF 14-16

6. Discussion and Possible Action Regarding an Ordinance to Amend Sections 83.85(b) and (c), and Create Section 83.105(c) of the Village Code of Ordinances Regarding Easements and As Built Plans. PDF 14, 17-18

7. Discussion and Possible Action Regarding an Ordinance to Repeal and Recreate Section 84.161 of the Village Code of Ordinances Regarding Conditional Use Permit Procedures. PDF 19-32

8. Discussion and Possible Action Regarding an Ordinance to Repeal and Recreate Certain Sections of Chapter 84 Regarding Small Solar Energy Systems. PDF 33-36

9. Discussion and Possible Action Regarding an Ordinance to Amend Section 83.29 of the Village Code of Ordinances Regarding Extraterritorial Plat Approval Jurisdiction. PDF 37-38

10. Discussion and Possible Actions Regarding Scenic Valley. PDF 39-41
    A. A Variance Request from Section from 83.104, to Extend the Construction Schedule in 2020. PDF 42-43
    B. A Variance Request from Section 83.18, to Waive the Requirement Limiting Hillside and Hilltop Development. PDF 44-46
    C. Variance Request from Section 83.76, to Waive the Requirement for Lots 45A and 45B to have Access to a Public Street.
    D. Variance Request from Section 83.83(e), to Waive the Requirement for Lots 45A and 45B to have a Front or Abut a Public Street for a Distance of at Least 50 Feet.
    E. A Variance from Section 83.98, to Waive the Requirement of Pedestrian Ways.
    F. Recommendation of the Proposed Certified Survey Map for Lots 45A, 45B and Outlot 10. PDF 47-49

11. Discussion and Possible Action Regarding the Extraterritorial Plat Review for Lands Owned by Gary Brunner. PDF 50-63

VI. Adjournment

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the Village Hall at (608) 798-3241 or bchang@cross-plains.wi.us.

Plan Commission

Regular Meeting Minutes

Village of Cross Plains
Rosemary Garfoot Public Library – Community Room
2107 Julius Street
Cross Plains, WI 53528
(608) 798-3241

Monday, July 6, 2020
7:00 pm

I. Call to Order, Roll Call – Plan Commission

President Lengfeld called the Regular Plan Commission meeting to order at 7:00 pm.

II. Roll Call:

Present: Commissioners Todd DuQuette, Randy Case, Cliff Zander, Trustee Judy Ketelboeter and President Jay Lengfeld.

Absent: Commissioner Eric Padrutt and Trustee Kevin Thusius

Also present: Village Administrator/Clerk Bill Chang, Mary Jo Diebold and Kim Molnar.

Attended Virtually: Village Planner Mike Slavney, Nicole Schaefer, and Trustee Michael Pomykalski

III. **Public Comment** – None

IV. General Business – Regular Meeting

1) **Approval of the minutes from the Plan Commission meeting held June 1, 2020.**
A motion was made by Commissioner DuQuette, seconded by Trustee Ketelboeter, and unanimously carried by the Plan Commission, to approve the minutes from June 1, 2020.

2) **Public Hearing for a Request to Amend the General Development Plan and the Specific Implementation Plan for 1821 Main Street – Montag's Pub and Grill.**
A motion was made by Trustee Ketelboeter, seconded by Commissioner Case, and unanimously carried by the Plan Commission, to open the public hearing for a Request to Amend the General Development Plan and the Specific Implementation Plan for 1821 Main Street – Montag's Pub and Grill.

PDF 3

Mary Jo Diebold, 1814 Park Street, expressed concern about lighting and strangers walking through her yard. She requested that a privacy fence be added between her property and Montag's Pub and Grill from current privacy fence to Park Street.

Kim Molnar, 1807 Main Street, requested that the netting closest to her building be removed, that games be limited to volleyball, outdoor noise and amplified music be restricted, and that vegetation be planted in the opening of the fence between her property and Montag's Pub and Grill.

Following the public hearing, a motion was made by Commissioner Case, seconded by Commissioner Zander, and unanimously carried by the Plan Commission, to close the Public Hearing.

3) **Discussion and Possible Action Regarding a Request to Amend the General Development Plan for 1821 Main Street – Montag's Pub and Grill.**
A motion was made by Commissioner Case and seconded by Commissioner Zander, to approve the amend the General Development Plan for 1821 Main Street with the following additions:
    A. Change owners name to Montag's Pub and Grill.
    B. Allow only acoustic outdoor music events 10 times a year.
    C. Amplified indoor music only allowed until midnight.

A roll call vote was requested. YES – Commissioners Zander, Case, DuQuette, Trustee Ketelboeter, and President Lengfeld. Motion carries, 5-0

4) **Discussion and Possible Action Regarding a Request to Amend the Specific Implementation Plan for 1821 Main Street – Montag's Pub and Grill.**
A motion was made by Commissioner DuQuette and seconded by Commissioner Zander, to amend the Specific Implementation Plan for 1821 Main Street with the following changes:
    A. Remove the south volleyball court.
    B. Allow a vegetative buffer between Fido Salon and Montag's Pub and Grill, to be determined by the owners.
    C. The Solid wood 6-foot privacy fence shall continue from the current fence to the end of the parking lot.
    D. Allow for construction of 15 feet by 15 ft outdoor stage.

A roll call vote was requested. A roll call vote was requested. YES – Commissioners Zander, Case, DuQuette, Trustee Ketelboeter, and President Lengfeld. Motion carries, 5-0.

5) **Review and Discussion Regarding Official Mapping and Extraterritorial Plat Review.**
There was a review of the draft Official Map from 2009. No action was taken.

PDF 4

6) **Discussion and Possible Action Regarding the Extraterritorial Plat Review for the Certified Survey Map located at SW1/4 of the NW ¼ of Section 6, T7N, R8E, Town of Middleton, Dane County, Wisconsin.**
A motion was made by Commissioner Case, seconded by Commissioner Zander, and unanimously carried by the Plan Commission, to approve the Certified Survey Map located at SW1/4 of the NW ¼ of Section 6, T7N, R8E, Town of Middleton, Dane County, Wisconsin.

7) **Discussion and Possible Action on Scenic Valley Variance Request to Extend the 2020 Construction.**
A motion by Commissioner DuQuette, seconded by Trustee Ketelboeter, and unanimously carried by the Plan Commission, to table the request from Scenic Valley to extend its construction schedule.

V. **Adjournment**
A motion was made by Commissioner Case and seconded by Commissioner Zander, and unanimously carried Plan Commission, to adjourn at 8:30 pm.

Proper notice of this meeting was given to the public and posted on the public bulletin boards in accordance with the Open Meeting Law.

Respectfully submitted,

_____
Bill Chang
Village Administrator/Clerk

8/31 HRG, FLOODPLAIN MAP

Affidavit of Publication

STATE OF WISCONSIN }
COUNTY OF DANE } SS

Amanda Henning, being duly sworn, says:

That she is an authorized representative of the Times-Tribune, a weekly newspaper of general circulation, printed and published in Madison, Dane County, Wisconsin; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:
August 13, 2020, August 20, 2020

That said newspaper was regularly issued and circulated on those dates.
SIGNED:

Subscribed to and sworn to me this 20th day of August 2020.

Diane S Baumgartner, Notary Public, State of Wisconsin, Dane County, Wisconsin

My commission expires: September 09, 2022

# of Lines_____ # of Weeks Published 2

Printers Fee $_____ Proof of Publication $_____

Total $_____

-or- See monthly invoice for cost _____

Received Payment _____

99101876 00488656

BILL CHANG, ADMINISTRATOR
VILLAGE OF CROSS PLAINS
2417 BREWERY RD, PO BOX 97
CROSS PLAINS, WI 53528

DIANE S BAUMGARTNER NOTARY PUBLIC STATE OF WISCONSIN

NOTICE OF PUBLIC HEARING –VILLAGE FLOODPLAIN ORDINANCE VILLAGE OF CROSS PLAINS

PUBLIC NOTICE is given to all persons in the Village of Cross Plains that a public hearing will be held on August 31, 2020, at 7:00 P.M. or the earliest extent possible. The hearing will be located at the Rosemary Garfoot Public Library, 2107 Julius Street, to solicit comments on proposed floodplain map revisions that are required by state and federal law.

These revisions govern development in mapped floodplain areas. The proposed map revisions are on file in the office of the clerk. The proposed regulations are intended to protect life, health and property in floodplain areas and will govern uses permitted in mapped floodplains. Activities such as dredging, filling, excavating and construction of buildings are generally allowed, but may be restricted according to which flood zone the property is in. A copy of the proposed ordinance will be on file and open for public inspection in the office of the clerk for a period of two weeks prior to this public hearing.

All persons interested are invited to attend this hearing and be heard. Please note that due to current restrictions regarding COVID-19, the facility will have limited seating. Interested parties are encouraged to participate by Zoom. You may join the meeting by going to https://us02web.zoom.us/j/83459730362 or by calling 1-312-626-6799 and entering the meeting ID; 834 5973 0362.

Written comments may be submitted to:

Village of Cross Plains Plan Commission
Attn: Bill Chang, Village Administrator/Clerk
P.O. Box 97
Cross Plains, WI 53528
Or by email to:
bchang@cross-plains.wi.us

Dated this 13th and 20th day of August, 2020.

Bill Chang
Village Administrator/Clerk

Publish: 8/13/20, 8/20/20 **WNAXLP**

Agenda Memorandum

Staff/Department: **Bill Chang, Administration**
Subject Matter: **Flood Plain Map Amendment**
Meeting Date: **August 31, 2020**
Referral History: **N/A**

Executive Summary:

The Village is proposing an amendment to its flood plain map in accordance with the Flood Plain Ordinance. The flood plain map needs to be updated in order for the Village so that development activities may be governed to appropriate flood elevations and so that CARPC may administer their environmental regulations.

Project Background:

The Village is working with Creek Crossing at St. Francis to bring a residential subdivision to the Village's northeast quadrant along Brewery Creek. The property was formerly zoned in the general flood plain. Per flood plain regulations, the developer has prepared hydraulic and hydrology data to WI DNR and FEMA in order to define the flood plain and flood way. That information has been incorporated into the flood map and supporting documents. Both FEMA and WIDNR have preliminarily approved the maps.

The Village and Dane County now need to approve local ordinances amending the maps to reflect the most current data. The revised flood plain map and current data will help Village staff determine developable areas, high water marks, and shoreland/wetland setbacks.

Code/Policy Review:

Chapter 85 regulates the Village's Flood Plain Zoning.
Chapter 86 regulates the Village's Shoreland Zoning and is impacted by the flood plain map.

Fiscal Impact:

N/A

Recommendation:

Staff recommends that the Plan Commission recommend approval of the ordinance amending the flood plain map.

Appendices:

Ordinance amending the Flood Plain Map and Exhibits, Affidavit of Posting

VILLAGE OF CROSS PLAINS

ORDINANCE NO. _____

AN ORDINANCE TO CREATE SECTION 85.05(B)(5) OF THE VILLAGE OF CROSS PLAINS CODE OF ORDINANCES CONCERNING THE ADOPTION OF FLOODWAY MAPS

The Board of Trustees of the Village of Cross Plains, Dane County, Wisconsin does hereby ordain as follows:

1. Section 85.05(b)(5) of the Village Code of Ordinances is hereby created to read as follows:

   (5) The floodway map dated May 5, 2020, flood profiles, and floodway data table, labeled as Exhibits A, B and C and attached to this ordinance and incorporated herein by reference, relating to the floodplain analysis for Brewery Creek approved by the Wisconsin Department of Natural Resources on April 29, 2020.

2. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.

3. **Effective Date.** This Ordinance shall be adopted following a Class 2 publication notice and a public hearing. This Ordinance shall take effect immediately upon its passage and publication.

Adopted this ___ day of _____, 2020.

VILLAGE OF CROSS PLAINS

By: _____
Jay Lengfeld, President

By: _____
Bill Chang, Administrator/Clerk

CERTIFICATION

I, Bill Chang, as Administrator/Clerk for the Village of Cross Plains, do hereby certify that the attached Ordinance is a true and correct copy of the Ordinance No. _____ adopted by the Board of Trustees of the Village of Cross Plains, Dane County, Wisconsin, at a meeting duly called on _____, 2020.

Dated this ___ day of _____, 2020.

_____
Bill Chang, Administrator/Clerk,
Village of Cross Plains

AUTHENTICATION

Signature of Bill Chang, in the capacity
indicated, authenticated on this _____
day of _____, 2020.

_____
Paul A. Johnson
SBN: 1021492
TITLE: MEMBER, STATE BAR OF WISCONSIN
(If not, _____,
authorized by Wis. Stat. §706.06)

PDF 9

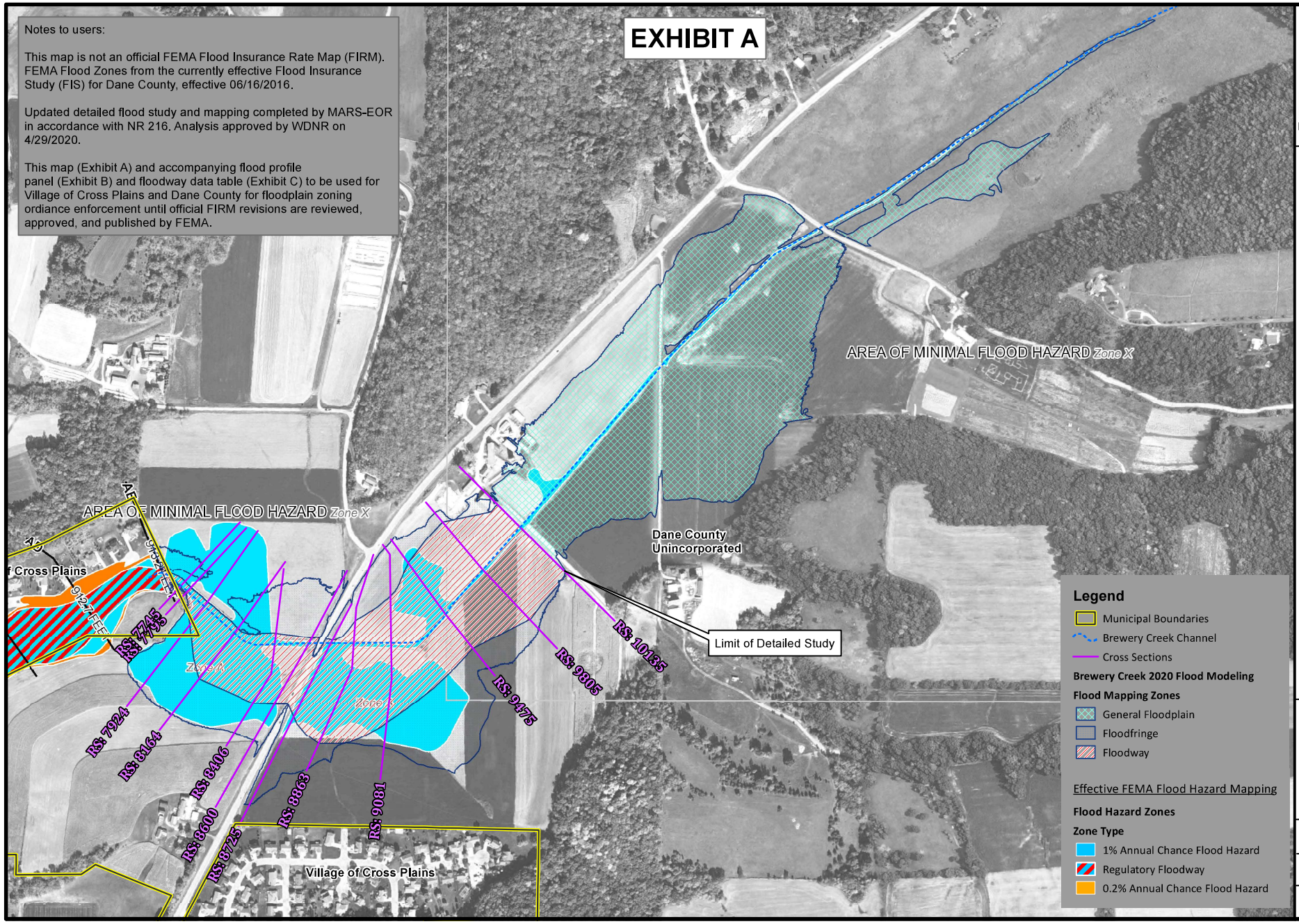
EXHIBIT A

Notes to users:

This map is not an official FEMA Flood Insurance Rate Map (FIRM). FEMA Flood Zones from the currently effective Flood Insurance Study (FIS) for Dane County, effective 06/16/2016.

Updated detailed flood study and mapping completed by MARS-EOR in accordance with NR 216. Analysis approved by WDNR on 4/29/2020.

This map (Exhibit A) and accompanying flood profile panel (Exhibit B) and floodway data table (Exhibit C) to be used for Village of Cross Plains and Dane County for floodplain zoning ordiance enforcement until official FIRM revisions are reviewed, approved, and published by FEMA.



Map produced on behalf of the Village of Cross Plains, WI and Dane County, WI by: EMMONS & OLIVIER RESOURCES, INC

MARS-EOR water-ecology-community

DRAWN BY: RSS

BREWERY CREEK FLOODPLAIN MAPPING
2020 DETAILED FLOOD STUDY

Floodplain Zoning Overlay

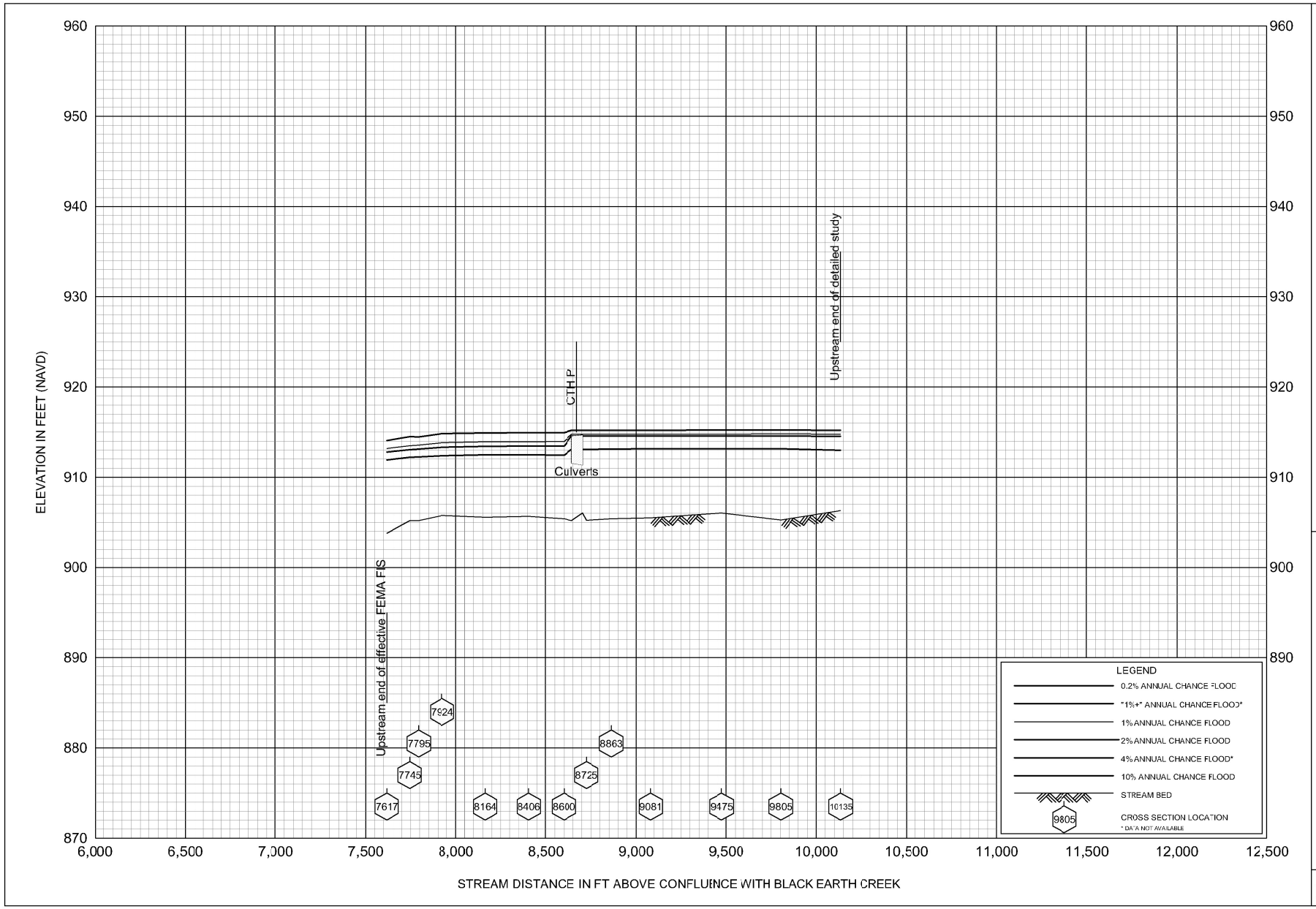
Village of Cross Plains, WI
Dane County WI

N W E S

0 125 250 500 Feet

SCALE
1 inch = 500 feet

SHEET NO.	DATE
1 of 1	05/05/2020



FLOOD PROFILES

BREWERY CREEK

DANE COUNTY, WI

AND INCORPORATED AREAS

EXHIBIT B

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE [1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
7745	7,745	63	328	4.0	913.5	913.5	913.5	0.0
7795	7,795	48	270	4.0	913.6	913.6	913.6	0.0
7924	7,924	184	1,987	2.0	913.8	913.8	913.8	0.0
8164	8,164	404	2,412	0.7	913.9	913.9	913.9	0.0
8406	8,406	438	2,596	0.6	913.9	913.9	913.9	0.0
8600	8,600	438	2,543	0.6	914.0	914.0	914.0	0.0
8725	8,725	493	4,135	0.4	914.8	914.8	914.8	0.0
8863	8,863	751	4,065	0.3	914.8	914.8	914.8	0.0
9081	9,081	736	3,211	0.3	914.8	914.8	914.8	0.0
9475	9,475	626	2,455	0.4	914.8	914.8	914.8	0.0
9805	9,805	760	2,653	0.4	914.8	914.8	914.8	0.0
10135	10,135	553	785	1.2	914.8	914.8	914.8	0.0

[1] Distances are measured in feet above confluence with Black Earth Creek

8/31 PC HRG, MUN CODES

Affidavit of Publication

STATE OF WISCONSIN }
COUNTY OF DANE } SS

Amanda Henning, being duly sworn, says:

That she is an authorized representative of the Times-Tribune, a weekly newspaper of general circulation, printed and published in Madison, Dane County, Wisconsin; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:
August 13, 2020, August 20, 2020

That said newspaper was regularly issued and circulated on those dates.
SIGNED:

Subscribed to and sworn to me this 20th day of August 2020.

Diane S Baumgartner, Notary Public, State of Wisconsin, Dane County, Wisconsin

My commission expires: September 09, 2022

# of Lines_____ # of Weeks Published 2

Printers Fee $_____ Proof of Publication $_____

Total $_____

-or- See monthly invoice for cost ✓

Received Payment _____

99101876 00488657

BILL CHANG, ADMINISTRATOR
VILLAGE OF CROSS PLAINS
2417 BREWERY RD, PO BOX 97
CROSS PLAINS, WI 53528

VILLAGE OF CROSS PLAINS
Plan Commission – Public Hearing Notices

NOTICE IS HEREBY GIVEN that a public hearing will be held at the Rosemary Garfoot Public Library – Community Room, located at 2107 Julius Street, Cross Plains, WI 53528 at 7:00 pm or earliest extent possible, on August 31, 2020 before the Plan Commission regarding the following items:

1. Repeal and Recreate Section 84.101(k) and (l) of the Village of Cross Plains Municipal Code regarding the Regulation of Easement Conditions and As Built Plans;
2. Repeal and Recreate Section 84.161 of the Village of Cross Plains Municipal Code regarding the Village's conditional use permitting procedure;
3. Repeal and Recreate certain sections of Chapter 84 regarding small solar energy systems as an accessory use.

All persons interested may make arrangements to review the ordinance or ask further questions by contacting Village Administrator/Clerk, Bill Chang, at (608) 798-3241 extension 105 or bchang@cross-plains.wi.us.

All persons interested are invited to attend this hearing and be heard. Please note that due to current restrictions regarding COVID-19, the facility will have limited seating. Interested parties are encouraged to participate by Zoom. You may join the meeting by going to https://us02web.zoom.us/j/83459730362 or by calling 1-312-626-6799 and entering the meeting ID; 834 5973 0362.

Dated this 13th and 20th day of August, 2020.

Bill Chang
Village Administrator/Clerk

Publish: 8/13/20, 8/20/20 **WNAXLP**

DIANE S BAUMGARTNER NOTARY PUBLIC STATE OF WISCONSIN

Agenda Memorandum

Staff/Department: Bill Chang, Village Administrator
Subject Matter: Easement Conditions and As Built Plans Ordinance Amendment
Meeting Date: August 31, 2020
Referral History: N/A

Executive Summary:

This ordinance amends/creates sections to the Village's Zoning Ordinance and Subdivision Ordinance to meet current practices and standards. It solidifies the requirement for final grading criteria and ensuring accurate records.

Similar language has been proposed to be added in the Zoning Code and the Subdivision Code.

Project Background:

The Village has historically put this language on the plats of subdivisions and required it in developer agreements. Recent history has shown that this information gets lost between developers, builders, and buyers and have led to issues. Incorporating this information into ordinance provides the Village an additional opportunity to resolve issues. It also, provides full disclosure to all parties and is less apt to get buried in documents.

Code/Policy Review:

Chapter 83 of the Village Municipal Code Regulates Land Division and Subdivision.
Chapter 84 of the Village Municipal Code regulates Zoning.

Fiscal Impact:

None

Recommendation:

Staff recommends that the Plan Commission recommend approval of these ordinances to the Village Board.

Appendices:

- An Ordinance to Create Section 84.101(K) And (L) Of the Village Code of Ordinances
- An Ordinance to Amend Sections 83.85(B) And (C) And to Create Section 83.105(C) of the Village Code of Ordinances

VILLAGE OF CROSS PLAINS

ORDINANCE _____

AN ORDINANCE TO CREATE SECTION 84.101(k) and (l) OF THE VILLAGE CODE OF ORDINANCES

The Village Board of the Village of Cross Plains, Dane County, Wisconsin does hereby ordain as follows:

1. SECTION 84.101(k) **Easement Conditions**, is created to read as follows:

(k) **Easement Conditions**.

(1) **Utility Easements.** No utility pole, pedestal or cable shall be placed so as to disturb any survey monument or obstruct vision along any lot or street line. The unauthorized disturbance of a survey monument is a violation of Section 236.32 of the Wisconsin Statutes. Final grades established by the owner on any utility easement shall not be altered by more than 6 inches by the owner, its agents or by subsequent owners of lots upon which the easements are located, except with written consent of the utilities involved and the Village of Cross Plains.

(2) **Drainage Easements**. Final grades established by the owner on the drainage easements shall not be altered by more than 6 inches by the owner, its agents, or by subsequent owners of lots upon which the drainage easements are located, except with written consent of the Village of Cross Plains.

2. SECTION 84.101(l) **AS Built Plans,** is created to now read as follows:

(l) **As Built Plans**. Prior to final acceptance of a plat or certified survey map, and as part of a final approval of a site plan, the owner shall provide the Village with as-built plans. As-built plans shall be provided in both an electronic format and in hard copy. As-built plans in electronic format and readable by autoCAD must be provided showing all horizontal and vertical locations of public sanitary, water and stormwater utilities, i.e. manholes, hydrants, watermain bends and tees, valves, sanitary and water lateral curb boxes, inlets, and walls, etc. All vertical information shall be on NAVD88 datum. The profile drawings must also show the diameter, length and slope of all pipes. In addition, owner shall provide the Village with as-built plans showing the finished surface elevations at all lot corners, demonstrate a positive drainage between lot corners, and also showing the finished surface elevation of all stormwater management ponds, swales and infiltration areas for the subdivision. The horizontal location of all water and sewer services shall be located as follows:

a. Sewer lateral shall be located by the distance to the sewer “wye” from the downstream manhole.

b. The ends of stubbed sewer laterals for future connection shall be located and the elevations determined and shown.

c. Water laterals shall be located by the distance from the nearest hydrant or valve on the main (whichever is closest) to the corporation stop.

d. The distance to the curb stop from the main shall also be provided.

Any bends in the water main shall be indicated by the length from the nearest main-line valve. For mapping purposes, a single electronic point file of the entire subdivision describing the as-built surface features of the new sanitary sewer, water system and storm sewer system, i.e. manholes, hydrants, water main bends, lateral curb boxes, valves, inlets, endwalls, etc., on the Dane County Coordinate system must be provided. This point file must include; northing, easting, elevation (NAVD88), and a point description. The Village Engineer can obtain the electronic file for the surface features, at the owner's cost, when requested by either the Village or the owner, provided that the owner locates these features in the field. The Village Engineer will update all applicable Village maps and computer water and stormwater models. The cost of updating of Village maps and computer water and stormwater models to incorporate this development shall be borne by the owner.

All sanitary sewer mains shall be televised in accordance with the Village's standard specifications. A colored digital recording of the televising as well as a written report of the location of laterals and lengths of pipe shall be provided to the Village before final acceptance of the sewer.

3. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.

4. **Effective Date.** This Ordinance shall take effect immediately upon its passage and publication.

Adopted this ___ day of _____, 2020.

VILLAGE OF CROSS PLAINS

By: _____
Jay Lengfeld, President

By: _____
Bill Chang, Administrator/Clerk

VILLAGE OF CROSS PLAINS

ORDINANCE _____

AN ORDINANCE TO AMEND SECTIONS 83.85(b) and (c) AND TO CREATE SECTION 83.105(c) OF THE VILLAGE CODE OF ORDINANCES

The Village Board of the Village of Cross Plains, Dane County, Wisconsin does hereby ordain as follows:

1. SECTION 83.85(b)(1) Easement Conditions is amended to add the following language at the end of that paragraph:

   No utility pole, pedestal or cable shall be placed so as to disturb any survey monument or obstruct vision along any lot or street line. The unauthorized disturbance of a survey monument is a violation of Section 236.32 of the Wisconsin Statutes. Final grades established by the subdivider on any utility easement shall not be altered by more than 6 inches by the subdivider, its agents or by subsequent owners of lots upon which the easements are located, except with written consent of the utilities involved and the Village of Cross Plains.

2. SECTION 83.85(c) Drainage Easements, is amended to add the following language at the end of that paragraph:

   Final grades established by the subdivider on the drainage easements shall not be altered by more than 6 inches by the subdivider, its agents, or by subsequent owners of lots upon which the drainage easements are located, except with written consent of the Village of Cross Plains.

3. SECTION 83.105(c) is created to now read as follows:

   (c) Prior to final acceptance of a plat or certified survey map, the Subdivider shall provide the Village with as-built plans. As-built plans shall be provided in both an electronic format and in hard copy. As-built plans in electronic format and readable by autoCAD must be provided showing all horizontal and vertical locations of public sanitary, water and stormwater utilities, i.e. manholes, hydrants, watermain bends and tees, valves, sanitary and water lateral curb boxes, inlets, and walls, etc. All vertical information shall be on NAVD88 datum. The profile drawings must also show the diameter, length and slope of all pipes. In addition, Subdivider shall provide the Village with as-built plans showing the finished surface elevations at all lot corners, demonstrate a positive drainage between lot corners, and also showing the finished surface elevation of all stormwater management ponds, swales and infiltration areas for the

subdivision. The horizontal location of all water and sewer services shall be located as follows:

a. Sewer lateral shall be located by the distance to the sewer "wye" from the downstream manhole.
b. The ends of stubbed sewer laterals for future connection shall be located and the elevations determined and shown.
c. Water laterals shall be located by the distance from the nearest hydrant or valve on the main (whichever is closest) to the corporation stop.
d. The distance to the curb stop from the main shall also be provided.

Any bends in the water main shall be indicated by the length from the nearest main-line valve. For mapping purposes, a single electronic point file of the entire subdivision describing the as-built surface features of the new sanitary sewer, water system and storm sewer system, i.e. manholes, hydrants, water main bends, lateral curb boxes, valves, inlets, endwalls, etc., on the Dane County Coordinate system must be provided. This point file must include; northing, easting, elevation (NAVD88), and a point description. The Village Engineer can obtain the electronic file for the surface features, at the Subdivider's cost, when requested by either the Village or the Subdivider, provided that the Subdivider locates these features in the field. The Village Engineer will update all applicable Village maps and computer water and stormwater models. The cost of updating of Village maps and computer water and stormwater models to incorporate this development shall be borne by the Subdivider.

All sanitary sewer mains shall be televised in accordance with the Village's standard specifications. A colored digital recording of the televising as well as a written report of the location of laterals and lengths of pipe shall be provided to the Village before final acceptance of the sewer.

4. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.

5. **Effective Date.** This Ordinance shall take effect immediately upon its passage and publication.

Adopted this ___ day of _____, 2020.

VILLAGE OF CROSS PLAINS

By: _____ By: _____

Jay Lengfeld, President Bill Chang, Administrator/Clerk

Agenda Memorandum

Staff/Department: Bill Chang, Village Administrator
Subject Matter: Conditional Use Permit Procedures - Ordinance Amendment
Meeting Date: August 31, 2020
Referral History: N/A

Executive Summary:

This ordinance amends/creates sections to the Village's Zoning Ordinance to adopt conditional use permitting procedures to be compliant with current state requirements due to Wisconsin Act 67.

Project Background:

The Village has historically put this language on the plats of subdivisions and required it in developer agreements. Recent history has shown that this information gets lost between developers, builders, and buyers and have led to issues. Incorporating this information into ordinance provides the Village an additional opportunity to resolve issues. It also, provides full disclosure to all parties and is less apt to get buried in documents.

Code/Policy Review:

Chapter 84 of the Village Municipal Code regulates Zoning.
2017 Act 67 Requires changes to municipal conditional use permit procedures.
LWM Opinion on CUP Changes

Fiscal Impact:

N/A

Recommendation:

Staff recommends that the Plan Commission recommend approval of this ordinance to the Village Board.

Appendices:

An Ordinance to Repeal and Recreate Section 84.161 of the Village Code of Ordinances Governing Conditional Use Permit Procedures.

VILLAGE OF CROSS PLAINS

ORDINANCE _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 84.161 OF THE VILLAGE CODE OF ORDINANCES GOVERNING CONDITIONAL USE PERMIT PROCEDURES

The Village Board of the Village of Cross Plains, Dane County, Wisconsin does hereby ordain as follows:

1. SECTION 84.161 **Conditional Use Permit Procedures**, is repealed and recreated to now read as follows:

Section 84.161: Conditional Use Permit Procedures

(a) **Purpose.** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.

(b) **Applicability.** There are certain uses, which because of their unique characteristics, may have a high potential to create undesirable impacts on nearby properties, public facilities, or the community as a whole. In these cases, specific standards, regulations, or conditions may be established.

(c) **Initiation of Request.** Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.

(d) **Application.** An application for a conditional use permit should contain the following (digital files should be submitted whenever possible, if applicable):

(1) A map of the subject property to scale depicting:

a. All lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property.

b. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.

c. All lot dimensions of the subject property.

d. A graphic scale and a north arrow.

(2) Written description of the proposed conditional use including the type of activities, buildings, structures, and off-street parking proposed for the subject property and their general locations, as well as the number of employees and the hours of operation.

(3) A site plan of the subject property if proposed for development conforming to all requirements of Section 84.164. If the proposed conditional use is a group or large development (per Section 84.118), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required per Section 84.164.

(4) Written justification for the proposed conditional use demonstrating evidence that the application conforms to the findings described in Subsection (h), is consistent with the Comprehensive Plan, and meets any additional standards required in the applicable zoning district.

(5) Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

a. A Traffic Impact Analysis (TIA) meeting Wisconsin Department of Transportation requirements for content and format may be required by the Village if deemed necessary by the Zoning Administrator.

(6) Compliance with stormwater and erosion control standards.

(7) Anticipated noise, odors, dust, soot, runoff, pollution, exterior storage, vibration, glare, or lighting, and measures taken to mitigate impacts to neighboring properties. Refer to Article VII for all performance standards.

(8) A listing of hazardous, toxic, or explosive materials stored on site, and any spill containment, safety, or pollution prevention measures taken.

(9) Written description of how the proposed conditional use and all requirements established by the Village relating to the conditional use are or shall be satisfied.

(e) **Review by Zoning Administrator.**

(1) The Zoning Administrator shall determine whether the application is complete. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(2) The Zoning Administrator may coordinate review with other Village Departments.

(3) The Zoning Administrator shall review the complete application and evaluate the proposed conditional use against the findings listed in Subsection (h), below.

(4) The Zoning Administrator shall prepare a written report addressing the items under Subsection (h), below, to be forwarded to the Plan Commission for the Commission's review. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(f) **Public Hearing.** Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 84.158 to consider the request. A public hearing may be held more than 50 days from the filing of the complete application when requested by the applicant in writing.

(1) Statements of personal preferences or speculation not based on substantial evidence must be disregarded by the Plan Commission. See Subsection (g)(2)b.

a. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(2) **Standards for Testimony During a Public Hearing.** All Public Hearing standards and procedures shall be followed in accordance with Section 84.161(v). During the Plan Commission hearing, due process for all interested parties must be provided and all witnesses providing testimony during said hearing must first be formally sworn in by the Plan Commission Chair.

(g) **Review and Action by the Plan Commission.**

(1) The Plan Commission may request further information and/or additional reports from the Zoning Administrator, applicant, and/or from any other source.

a. **Third Party Consultation.** If necessary expertise is not available from Village Staff, public academic institutions, or from appropriate regional, state, or federal agencies, the committee may consult with a third party to effectively evaluate a conditional use permit application. The zoning administrator, or his/her designee, will select the consultant. The application for the conditional use permit shall bear all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw a pending conditional use permit application if they choose not to pay consultant fees.

(2) **Final Action on Conditional Use Permits.**

a. The Plan Commission shall hear all substantial evidence regarding the proposed Conditional Use Permit from staff, the applicant, and the public during the public hearing.

b. Following the public hearing, staff shall compile all materials presented to be documented in a Report of Preliminary Recommended Findings. The report shall contain, at a minimum, all substantial evidence presented in the public hearing, the recommended findings, and the recommended

motion to either approve the use as originally proposed, approve the proposed conditional use with modifications and/or conditions, or deny approval of the proposed conditional use.

c. In a subsequent meeting, the Plan Commission shall discuss The Report of Preliminary Recommended Findings and any conditions or changes with the applicant. At that time, the Plan Commission may take final action by resolution on the application to either approve the conditional use as originally proposed, approve the proposed conditional use with modifications and/or conditions, or deny approval of the proposed conditional use. See Section (g)(2)i. below.

d. The Village's decision to approve or deny the permit must be supported by substantial evidence. Any condition imposed by the Village must be related to the purpose of the ordinance and be based on "substantial evidence" as defined in Wis. Stat. 62.23(7)(de)1.b.

e. The conditions described under Subsection 1., above, must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.

f. The applicant must demonstrate whether the application and all requirements and conditions established by the Village relating to the conditional use are or will be satisfied, both of which must be supported by substantial evidence per Subsection (f)(1)a.

g. All other participants in the review of the Conditional Use Permit, including but not limited to, the public, staff, Plan Commission, elected officials, and consultants, shall offer substantial evidence in their participation.

h. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Title or those imposed by the Plan Commission, the Village shall grant the conditional use permit.

i. Final action by the Plan Commission shall consist of all of the following:

    1. The formal finding of facts related to the findings listed in Subsection (h), below, approved by the Plan Commission concerning the request.

    2. Description(s) of the substantial evidence that supports the Plan Commission's overall decision to approve, approve with conditions, or deny the request.

3. Description(s) of the substantial evidence that supports all of the condition(s) imposed by the Village.
4. The Village shall document these proceedings by any of the following means: written minutes, video or audio recordings, or written reports.

(h) **Findings.** In reviewing and taking final action on a proposed conditional use permit, the Plan Commission shall consider whether the proposed conditional use:

(1) Is in harmony with the Comprehensive Plan.

(2) Would result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.

(3) Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

(4) The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public or private agencies serving the subject property.

(5) The potential public benefits outweigh any potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

(i) **Conditions.** The Plan Commission shall impose, at a minimum, the following conditions on any conditional use permit:

(1) Any conditions required for specific uses listed under Article III.

(2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.

(3) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

(4) If the County Highway, Public Works Department or Village Engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

(5) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will

comply with any applicable workplace safety rules or standards for the site.

(6) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Village.

a. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

b. Failure to comply with any imposed conditions, or to pay reasonable Village costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

(7) **Other Conditions.** In addition to the conditions listed above, the Plan Commission may, at their discretion, impose any other conditions as necessary to meet the findings above:

a. Expiration dates on conditional use permits, except for permits for communication towers under Section 84.62(a). Continuation or extension of an expired conditional use requires re-application and approval by the Plan Commission.

b. Limits on hours or days of operation, or number of events each year.

c. Limits on numbers of employees.

d. Limits on numbers of total people, vehicles or animals on the premises at any one time.

e. Limits on total quantity or volume of product on the premises at any one time.

f. Limits on square footage of buildings or outdoor areas devoted to the proposed use.

(j) **Limited Effect of Approval.** A ruling by the Plan Commission finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for the period of time for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

(1) If the Plan Commission wishes to approve significant changes to the proposed conditional use, then the procedure set forth in Wis. Stats. 62.23(7)(d) shall be followed prior to Plan Commission action.

(k) **Effects of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Zoning Administrator.

(l) **Appeals of a Plan Commission Decision shall be appealed to the Zoning Board of Appeals.**

(1) **Initiation of Request for Appeal.** Proceedings for an appeal to the Zoning Board of Appeals of a Plan Commission denial of a conditional use permit, modification of a conditional use permit, or conditions added to a conditional use permit may be initiated by any person or by any officer, department, or board of the Village affected by said Plan Commission decision.

(2) **Enforcement Actions.** All enforcement actions related to the subject property shall be held in abeyance upon appeal action of the Zoning Board of Appeals.

(3) **Time Limit for Filing an Appeal.** Any appeal to the Zoning Board of Appeals under the provisions of this Section shall be made per the requirements of Subsection (d), below, within a period not exceeding 45 days from the date of issuance of Plan Commission's decision regarding the conditional use permit. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal the Plan Commission's decision.

(4) **Application Requirements.** An application for an appeal of a Plan Commission decision shall contain the following (digital files should be submitted whenever possible):

a. A written statement from the applicant indicating the reasons why an appeal is justified, with specific reference to the findings of the Plan Commission. This statement shall be dated and signed by the applicant.

b. All information that was supplied in the complete application described in Subsection (d), above.

c. Application filed with the Village Clerk.

(5) **Review by the Zoning Administrator.**

a. The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Title. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

b. The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested appeal is in harmony with the Comprehensive Plan.

c. The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Title or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(6) **Review and Action by the Zoning Board of Appeals.**

a. Within 60 days after the filing of the appeal, the Zoning Board of Appeals shall make its findings. Such findings shall be based on the findings of Subsection (8), above, and shall be based on substantial evidence. The Zoning Board of Appeals may request further information and/or additional reports from the Plan Commission, Zoning Administrator, the applicant, and/or any other entity as it sees fit.

b. If the Zoning Board of Appeals fails to make a determination within 60 days after the appeal, then the request for the appeal shall be considered denied.

(7) **Effects of Denial.** No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances.

(8) **Limited Effect on a Favorable Ruling on an Appeal.**

a. No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development commenced within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.

b. A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this 365-day period of time.

(m) **Revocation of an Approved Conditional Use.**

(1) Upon approval, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 84.164. Once a conditional use is granted, no erosion control permit, site plan, certificate of occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Title.

(2) Any conditional use found not to be in compliance with the terms of this shall be considered in violation of this Title and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, following the procedures outlined in Subsections (d) through (i), above. The Village shall provide the property owner with appropriate served notice to consider revocation. Village staff shall provide written findings of fact in relation to the factors listed in Subsection (h).

(n) **Time Limits on the Development of Conditional Use.**

(1) Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Plan Commission and shall be operational within 730 days of said approval. For the purposes of this Section, "operational" shall be defined as the granting of a certificate of occupancy for the conditional use.

(2) Failure to initiate development within this period shall automatically constitute a revocation of the conditional use.

(3) Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Zoning Administrator and shall be based upon a showing of acceptable justification, as determined by the Plan Commission. However, as a condition of approval, the 365-day and/or 730-day time limits may be extended for any specific period to accommodate phased or multi-stage development.

(o) **Discontinuing an Approved Conditional Use.** Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(p) **Change of Ownership.** All requirements and conditions of the approved conditional use shall be continued regardless of ownership of the subject property.

(q) **Modification, Alteration, or Expansion.**

(1) Modification, alteration, or expansion of any conditional use without approval per the process in this subsection shall be considered in violation of this Title and shall be grounds for revocation of said conditional use approval per Subsection (m), above.

(r) **Recording of Conditional Use Requirements.** Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the Village. The Village shall record modifications, alterations and expansions as well as expired or revoked conditional use permits.

(s) **Formerly Approved Conditional Uses.** A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Title, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under this Section.

(t) **Limited Conditional Uses:** A limited conditional use is any development, activity or operation for which a conditional use permit has been approved that is limited to a specific operator or property owner, or to a specific date or event upon which the conditional use permit either expires or is required to be reviewed and reapproved. The Plan Commission may require any proposed conditional use request to be a limited conditional use. The Plan Commission shall specify which of the following characteristics, based on substantial evidence, are present that create the need for the limited conditional use:

(1) A particular aspect of the specific land use.

(2) A particular aspect of the proposed operation (including, but not limited to, operating hours).

(3) A particular aspect of the proposed location.

(4) A particular aspect of the proposed site design.

(5) A particular aspect of the adjacent property or of the surrounding environs.

(6) Any other reason(s) the Plan Commission deems specifically relevant and material.

(u) **Successor Conditional Uses.**

(1) **Definition.** A successor conditional use is a land use which has been granted a conditional use permit by the Village, which is proposed to undergo one or more of the following changes:

a. Changing from the specific use originally permitted by the conditional use to another operation of the same use within 365 days of the ending of the original use. For example, changing from one restaurant to another is permitted. However,

changing from a restaurant to a tavern is not permitted even though both are considered Indoor Commercial Entertainment land uses under Section 84.58(d). Likewise, changing from a drive-through restaurant to a drive-through bank is not permitted, even though both are considered a Drive-Through under In-Vehicle Sales and Service in Section 84.58(i).

b. A change in the ownership of the subject property

c. A change in the ownership of the business or other operator of the land use

d. Other changes explicitly identified in a previously issued conditional use permit that are identified as acceptable successor conditional uses

(2) **Purpose.** The purpose of these provisions is to create a process that:

a. Reduces the costs and time needed to approve a successor conditional use.

b. Verifies that the proposed change is a valid successor conditional use.

c. Creates a record that the proposed change is approved.

d. Provides the land use and Village with a list of all applicable requirements.

(3) **Proposed Expansions Are Not Eligible.** Any physical enlargement of a previously approved conditional use in terms of buildings, structures, activity areas, and/or any expansion of the conditions of operation beyond the limits of site plans, floor plans and conditions of operation (i.e. peak traffic) approved through the conditional use process shall not be eligible for treatment as a successor conditional use and must seek an amendment to its conditional use permit through the conditional use process.

(4) **Ineligible Land Uses.** The following land uses are not eligible for treatment as a successor conditional use, and shall require approval of a new limited conditional use permit which is specific to both the business owner and to the property owner:

a. Intermediate Home Day Care (9-15 children) land uses in residential zoning districts.

b. Bed and Breakfast land uses in residential zoning districts.

(v) **Conditional Use Permit Hearing Procedure.**

(1) **Chairman.** The chair of the commission shall preside over the public hearing and may impose reasonable limitations on evidence or testimony, including but not limited to, reasonable time limits. The commission shall not be bound by strict rules of evidence. However, any evidence not deemed substantial evidence as defined in Subsection (f)(1)a., shall not be admissible. The Village may appoint a hearing officer to assist the chair or to rule on evidentiary matters.

(2) Any party participating during a public hearing must state the party's name and address.

(3) **Public Hearing Procedure:**

a. The Plan Commission Chairman calls the meeting to order and takes roll call of Plan Commission members in attendance.

b. Vote to Approve, Approve with Changes, or Deny the previous meeting's minutes.

c. The Plan Commission Chairman opens the public hearing.

d. Village staff presents the application and related documents into the record.

1. Plan Commission members ask questions of staff.

e. The applicant or representative provides a statement or presentation.

1. Plan Commission members and attendees ask questions of the applicant.

f. Attendees provide testimony, if desired.

1. Plan Commission members and applicant ask questions of the attendees providing testimony.

g. Applicant may offer a rebuttal to the attendee's testimony.

h. After all testimony has been heard, the Plan Commission Chairman closes the public hearing.

i. A Plan Commission member must motion to:

1. Postpone the decision or recommendation to a future meeting for further review.

2. Add, remove, or alter the Conditions.

3. Approve the Conditional Use Permit subject to the Findings and Conditions.

j. The Plan Commission Chairman calls a rollcall vote for the approval or denial of the Findings and Conditions.

k. The Plan Commission Chairman calls a rollcall vote for the approval or denial of the Conditional Use Permit request.

2. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.

3. **Effective Date.** This Ordinance shall take effect immediately upon its passage and publication.

Adopted this ___ day of _____, 2020.

VILLAGE OF CROSS PLAINS

By: _____
Jay Lengfeld, President

By: _____
Bill Chang, Administrator/Clerk

Agenda Memorandum

Staff/Department: Bill Chang, Village Administrator
Subject Matter: Small Solar Energy System Ordinance Amendment
Meeting Date: August 31, 2020
Referral History: N/A

Executive Summary:

This ordinance amends sections to the Village's Zoning Ordinance to streamline the permitting process for small solar systems (residential solar).

Project Background:

Within the past year, the Village has seen an increased interest in residential solar. The Sustainability Committee and Village Board has also expressed interest in streamlining the approval process.

The Village is also in the process of obtaining certification to become a SolSmart Community® The revised amendment language reflects language recommended by Sol Smart.

Code/Policy Review:

Chapter 84 of the Village Municipal Code regulates Zoning and solar developments.

Fiscal Impact:

None

Recommendation:

Staff recommends that the Plan Commission recommend approval of these ordinances to the Village Board.

Appendices:

An Ordinance to Amend Certain Provisions of Section 84.65(X) Concerning Small Solar Energy Systems and To Amend Sections 84.25 – 84.40 of the Village Code of Ordinances to Allow Small Solar Energy Systems As Permitted in All Zoning Districts as an Accessory Use and Structure

VILLAGE OF CROSS PLAINS

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF SECTION 84.65(x) CONCERNING SMALL SOLAR ENERGY SYSTEMS AND TO AMEND SECTIONS 84.25 – 84.40 OF THE VILLAGE CODE OF ORDINANCES TO ALLOW SMALL SOLAR ENERGY SYSTEMS AS PERMITTED IN ALL ZONING DISTRICTS AS AN ACCESSORY USE AND STRUCTURE

The Village Board of the Village of Cross Plains, Dane County, Wisconsin does hereby ordain as follows:

1. Section 84.65(x)(1) of the Village Code of Ordinances is repealed in its entirety and recreated to now read as follows:

   (1) Roof mounted, building mounted and ground mounted solar energy systems are permitted in all zoning district as an accessory use and structure to a permitted principal use subject to the standards for accessory structures in the applicable zoning district, and the specific criteria set forth in this section.

2. Section 84.65(x)(2) of the Village Code of Ordinances is repealed in its entirety and recreated to now read as follows:

   (2) Except as provided for in this paragraph, solar energy systems shall comply with the height limits and setback requirements for accessory structures in the zoning district in which the solar energy system is located. For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted to exceed the district's height limit by up to 15 feet above the rooftop to which it is attached. Ground-mounted solar energy systems are prohibited in the front yard of a residential zoned district.

3. Section 84.65(x)(7) is created to now read as follows:

   (7) Solar energy systems are exempt from any and all screening requirements as set forth in this chapter or any other chapter of the Village Code.

4. Section 84.65(x)(8) is created to now read as follows:

   (8) Definitions.

a. Ground Mounted. A solar energy system mounted on a rack or pole that rests or is attached to the ground.

b. Roof Mounted. A solar energy system mounted on a rack that is fastened to or ballasted on a building roof.

c. Solar Energy System. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical or chemical means.

5. Section 84.25(d)(6) is created to add small solar energy system as an accessory use permitted by right. Section 84.25(e)(2) is deleted.

6. Section 84.26(d)(18) is created to add small solar energy system as an accessory use permitted by right. Section 84.26(e)(4) is deleted.

7. Section 84.27(d)(12) is created to add small solar energy system as an accessory use permitted by right. Section 84.27(e)(5) is deleted.

8. Section 84.28(d)(13) is created to add small solar energy system as an accessory use permitted by right. Section 84.28(e)(5) is deleted.

9. Section 84.29(d)(13) is created to add small solar energy system as an accessory use permitted by right. Section 84.29(e)(5) is deleted.

10. Section 84.30(d)(13) is created to add small solar energy system as an accessory use permitted by right. Section 84.30(e)(4) is deleted.

11. Section 84.31(d)(13) is created to add small solar energy system as an accessory use permitted by right. Section 84.31(e)(2) is deleted.

12. Section 84.32(d)(13) is created to add small solar energy system as an accessory use permitted by right. Section 84.32(e)(2) is deleted.

13. Section 84.33(d)(13) is created to add small solar energy system as an accessory use permitted by right. Section 84.33 (e)(2) is deleted.

14. Section 84.34(d)(17) is created to add small solar energy system as an accessory use permitted by right. Section 84.34(e)(3) is deleted.

15. Section 84.35(d)(17) is created to add small solar energy system as an accessory use permitted by right. Section 84.35(e)(3) is deleted.

16. Section 84.36(d)(16) is created to add small solar energy system as an accessory use permitted by right. Section 84.36(e)(3) is deleted.

17. Section 84.37(d)(12) is created to add small solar energy system as an accessory use permitted by right. Section 84.37(e)(2) is deleted.

18. Section 84.38(d)(12) is created to add small solar energy system as an accessory use permitted by right. Section 84.38(e)(2) is deleted.

19. Section 84.39(d)(12) is created to add small solar energy system as an accessory use permitted by right. Section 84.39(e)(2) is deleted.

20. Section 84.40(d)(6) is created to add small solar energy system as an accessory use permitted by right. Section 84.40(e)(2) is deleted.

21. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.

22. **Effective Date.** This Ordinance shall take effect immediately upon its passage and publication.

Adopted this ___ day of _____, 2020.

VILLAGE OF CROSS PLAINS

By: _____ By: _____

Jay Lengfeld, President Bill Chang, Administrator/Clerk

Agenda Memorandum

Staff/Department: Bill Chang, Village Administrator
Subject Matter: Extraterritorial Jurisdiction Ordinance Amendment
Meeting Date: August 31, 2020
Referral History: N/A

Executive Summary:

This ordinance amends sections to the Village's Subdivision Ordinance to include the use of an Official Map for Extraterritorial review. This amendment will also bring Chapter 83 into compliance with case law regarding a municipality's power for extraterritorial review (Town of Delavan v. City of Delavan).

Project Background:

The Plan Commission recently discussed completing an Official Map. Official mapping is tool that many municipalities utilize to plan and reserve certain properties for future infrastructure improvements. This allows for the municipality to utilize its extraterritorial powers to ensure smart and responsible growth. It also allows for townships, property owners, and developers to anticipate any objections that the municipality will have.

In 2009, the Village of Cross Plains started the official mapping process. The process was not completed due to hardship concerning a Highway 14 bypass.

Code/Policy Review:

Chapter 83 of the Village Municipal Code regulates Zoning and solar developments.

Fiscal Impact:

None

Recommendation:

Staff recommends that the Plan Commission recommend approval of these ordinances to the Village Board.

Appendices:

An Ordinance to Repeal Section 83.29(B)(2) And (3) of the Village Code of Ordinances Concerning Extraterritorial Plat Approval Jurisdiction and to Recreate Section 83.29(B)(2).

VILLAGE OF CROSS PLAINS

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL SECTION 83.29(b)(2) AND (3) OF THE VILLAGE CODE OF ORDINANCES CONCERNING EXTRATERRITORIAL PLAT APPROVAL JURISDICTION AND TO RECREATE SECTION 83.29(b)(2)

The Village Board of the Village of Cross Plains, Dane County, Wisconsin does hereby ordain as follows:

1. Sections 83.29(b)(2) and (3) of the Village Code of Ordinances are hereby repealed in their entirety.

2. Section 83.29(2) is recreated to now read as follows:

   (2) No such land division will be permitted unless such land division is consistent with the provisions of the Village of Cross Plains Official Map, as approved, and as amended from time to time.

3. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.

4. **Effective Date.** This Ordinance shall take effect immediately upon its passage and publication.

Adopted this ___ day of _____, 2020.

VILLAGE OF CROSS PLAINS

By: _____ By: _____

Jay Lengfeld, President Bill Chang, Administrator/Clerk

Agenda Memorandum

Staff/Department: Bill Chang, Planning
Subject Matter: Scenic Valley
Meeting Date: August 31, 2020
Referral History: Plan Commission – 06.06.20

Executive Summary:

Horizon Investment Associates (Scenic Valley) is requesting several variances from Chapter 83 of the Village Municipal Code to allow construction past the September 15th deadline and to ensure that they are able to relocate an easement for Wingra to minimally impact the project. The following variances have been requested.

- A Variance Request from Section from 83.104, to Extend the Construction Schedule in 2020.
- A Variance Request from Section 83.18, to Waive the Requirement Limiting Hillside and Hilltop Development.
- Variance Request from Section 83.76, to Waive the Requirement for Lots 45A and 45B to have Access to a Public Street.
- Variance Request from Section 83.83(e), to Waive the Requirement for Lots 45A and 45B to have a Front or Abut a Public Street for a Distance of at Least 50 Feet.
- A Variance from Section 83.98, to Waive the Requirement of Pedestrian Ways.

Upon recommendation of for approval of the variances, Scenic Valley is also requesting recommendation of the proposed certified survey map splitting Lot 45 into three separate lots.

There are several agreements that will need to be approved by the Village Board as a part of this process. Please see the attached memo from Scenic Valley attached. The draft agreements have not been attached but are available upon request.

Project Background:

Scenic Valley had requested similar variances as part of the approval process for the plat. Those variances were unique to that proposal and plat. Since this proposal deviates from the approved plat, the approved variance, which applied specifically to the development of Lot 45 need to be requested again for this land division.

In addition to asking for the same waivers, this proposal now will create two lots for development and an Outlot. The Outlot is proposed for access to Lots 45A, 45B and the property owned by Wingra. Wingra will also own the Outlot. Therefore, additional variances have been requested for Lots 45A and 45B in regards to public road frontage and dimensions.

The Developer's Agreement and Restrictive Covenants will need to also be amended if the variances are approved. Additional access easements and maintenance agreements are being proposed to resolve issues that the Village may have.

Code/Policy Review:

Chapter 83 regulates the Land Division in the Village. The variances requested are from Sections: 83.104, 83.18, 83.76, 8.383(e), and 83.98.

Agenda Memorandum

Fiscal Impact:

Developer to pay all costs associated with this development.

Recommendation:

Staff's recommendations are as follow:

Regarding the Variance Request from Section from 83.104, to Extend the Construction Schedule in 2020.

- Extension only to September 30th.
- On or before that date, all disturbed areas will be temporarily seeded with Rye or a similar cover.
- On or before that date, an inspection will be done to ensure that all erosion control BMP's are installed and in good condition as per Erosion Control Plan. Inspection must be signed off on by Town and Country Engineering and Village Staff.
- Whenever the site is not snow covered – there will be a weekly inspection done by the developer of the erosion control BMPs and a copy of that submitted to the Village each week.
- Restoration of all site work that does not drain to the infiltration/detention areas will be completed – including seed and mulch – by September 15th 2020. In particular the Hwy KP corridor.
- Cut out sections on HWY KP must be repaved by September 30th.

Regarding the Variance Request from Section 83.18, to Waive the Requirement Limiting Hillside and Hilltop Development.

- Staff recommends this variance based on the variance approval from the final plat.

Regarding the Variance Request from Section 83.76, to Waive the Requirement for Lots 45A and 45B to have Access to a Public Street.

- Staff recommends this variance conditioned on the Village reaching the agreements on CSM items below.

Regarding the Variance Request from Section 83.83(e), to Waive the Requirement for Lots 45A and 45B to have a Front or Abut a Public Street for a Distance of at Least 50 Feet.

- Staff recommends this variance conditioned on the Village reaching the agreements on CSM items below, and;
- The applicant's surveyor should provide the Village with the exact length of the street frontage of Lot 45A and Lot 45B along the short length of street neck located west of the cul-de-sac combined with the frontage on the cul-de-sac. If the total frontage is 50 feet or less, applicant shall ensure that Lot 45A and 45B have at a minimum 50 feet of private street frontage in order to meet the Village's zoning code requirement under Section 84.38(g).

Regarding the Variance from Section 83.98, to Waive the Requirement of Pedestrian Ways.

- Staff recommends this variance based on the variance approval from the final plat.

Regarding the Certified Survey Map.

- Staff recommends that the CSM be conditioned upon agreement for the following items:
    - Village approval of the amendments to the Restrictive Covenants.
    - Village approval of the shared access and utility agreement.
    - Village approval of the road maintenance and repair and option agreement.
    - Village approval of the amendments to the Developer's Agreement.

Agenda Memorandum

Appendices:

Memorandum of Request from Horizon, Proposed CSM. VB Approved Variance from Nov. 2019.

SCENIC VALLEY
DESIGN STANDARDS VARIANCE AND/OR WAIVER REQUEST LETTER

1) **Construction/Disturbance Schedule Variance**

Section 83.104 of Village ordinances states "*All earth-disturbing activities for land divisions greater than one acre in size shall occur between May 1 and September 15 each year. Restoration of all earth disturbances shall be completed by September 15*".

In order to complete the street and utility construction for the Scenic Valley Subdivision prior to home construction in the Spring of 2021, the applicant is requesting a variance to allow construction from September 15th, 2020 through November 15, 2020. Without the schedule variance, mass grading activities on site may not be complete this fall which would require land disturbance again during the heavier rainfall months in the Spring of 2021. The pond located on this site is designed for the complete development of both phase 1 and phase 2 and is more than adequate to maintain runoff standards should there be rainfall event past the current September 15th requirement.

Pre-Construction Meeting Agenda

Scheduling:

1. Installation of erosion control items is anticipated to begin on-----7/14/2020
2. Sanitary sewer and sewer lateral installation is anticipated to begin on----7/27/2020, 9/7/2020
3. Water main and water service installation is anticipated to begin on ----7/27/2020, 9/9/2020
4. Storm sewer installation is anticipated to begin on----8/17/2020, 9/11/2020
5. Finish grading of street sub-grade is anticipated to begin on----9/14/2020, 9/18/2020
6. Street aggregate placement is anticipated to begin on ----9/21/2020, 9/24/2020
7. Curb and gutter installation is anticipated to begin on----9/25/2020, 9/29/2020
8. Sidewalk installation is anticipated to begin on 9/30/2020, 10/2/2020
9. Street binder paving is anticipated to begin on----10/05/2020, 10/09/2020
10. Restoration of disturbed areas is anticipated to begin on----8/3/2020-thru end of project, 10/31/2020

11. Traffic control of CTH KP is anticipated to begin on----7/24/2020, 10/1/2020
12. Paving of CTH KP is anticipated to begin on----9/17/2020,9/18/2020
13. Relocation of CTH KP ATC pole is anticipated to begin in----8/24/2020, 9/15/2020

MEMORANDUM

TO: Village of Cross Plains, Wisconsin
Plan Commission ("Village")

FROM: Horizon Investment Associates, LLC
("Horizon"); and
Wingra Real Estate, LLC ("Wingra")

DATE: August 17, 2020

RE: CSM to Divide Lot 45 of Plat of Scenic Valley in Cross Plains, Wisconsin

---

Horizon and Wingra hereby request approval from the Village for Lot 45 of the Plat of Scenic Valley to be divided into three (3) lots. This concept has been under discussion with Village staff for a number of months. This Memorandum provides an outline of the structure, transactions, terms and conditions on which the proposed division of Lot 45 would occur and addresses the questions and comments contained in previous correspondence from the Village.

Included with this Memorandum is a proposed certified survey map which describes the proposed division of Lot 45.

As background in order to clear the Scenic Valley property of certain easements that impede development, an agreement needs to be reached between Wingra and Horizon concerning access to the Wingra property south of the Scenic Valley property. As a condition of releasing the easements that impede development, Wingra has asked for a fee title access to its property South of the Scenic Valley property if possible. It was always contemplated that Wingra and the applicable cell phone companies would have access through Lot 45 as a way to clear easements from other developable lots in the Scenic Valley project.

We have attempted to request below all ordinance variances and waivers which we think would be needed, however our intention is to apply for all waivers and variances that would be necessary to accomplish the objective of providing fee title access to Wingra through what is now Lot 45. Horizon's intention is that Lots 45A and 45B would continue to be used for storage unit purposes once developed and would be subject to the provisions of the development agreement and covenants which refer to Lot 45, subject to the modifications contemplated by this Memorandum.

1. Private Rocky Bluff Court and a 66' wide strip of fee title ownership running south of Private Rocky Bluff Court to the North line of the Wingra property would become a separate Outlot 10 of the CSM to be conveyed to Wingra. This Outlot 10 would be solely owned by Wingra. This Outlot 10 is shown on the CSM included with this Memorandum.

2. The remaining two Lots, Lot 45A (West) and Lot 45B (East), would have an easement for access over Outlot 10 and a variance is requested for Lots 45A and 45B with no public road frontage (See Section 83.83(e) of the Village Ordinances).

3. The Village would retain its access easement over original Private Rocky Bluff Court.

4. Lots 45A and 45B would continue to be obligated as to the Village to maintain original Private Rocky Bluff Court in accordance with the terms of the existing easement. Additional assurances could be added to the Village access easement if the Village believes that is necessary.

5. As between the owners of Lots 45A and 45B on the one hand and Wingra on the other, there may be separate allocations of responsibility but Lots 45A and 45B would remain obligated as to the Village to maintain original Private Rocky Bluff Court. See attached enclosed documents.

6. Easements for ingress/egress and utilities for Lots 45A and 45B would be granted over Private Rocky Bluff Court.

7. A restrictive covenant in the form included with this Memorandum would be recorded to restrict it to an access use.

8. A variance as to lot width is not required due to the restrictive covenant.

9. A change to the Declaration of Covenants and Restrictions would be made to allow for the use by Wingra of Outlot 10 for ingress/egress and utility purposes. Proposed amendment is enclosed.

10. A change to the Development Agreement with the Village would be made to remove the conditional use permit requirement as to Outlot 10 and to permit Outlot 10 to be used as an ingress/egress and utility road. For a specific use of Outlot 10 only for ingress/egress and utility purposes, a conditional use permit should not be necessary. Proposed agreement is enclosed.

11. The Hillside Development ordinance waiver (Sec. 83.18 of the Village Ordinances) would continue to be needed and is requested again.

12. The variances as to sidewalks and street grade would continue to be needed and are requested to the extent they would not otherwise continue to apply. This is the waiver granted under Section 83.98 of the Village Ordinances and we understand will need to be reapproved again. The waiver would include 6 foot wide terraces for snow removal storage and 2:1 cut slopes outside of the 6 foot wide terraces.

13. The applicable cell phone companies and utilities would be given an easement over Outlot 10 to access the cell phone tower site located on the Wingra property south of Lot 45 and the utility infrastructure itself will follow a different route through platted easements.

14. The parties would be willing to plant some vegetation to address concerns as to landscape surface area along Outlot 10.

15. To the extent other dimensional variances from the terms of the Village zoning code are needed for any of the three (3) lots they are hereby requested.

16. Wingra would by separate agreement with the Village repair the public section of Rocky Bluff Court as to excessive wear and tear from heavy truck usage. Public Rocky Bluff is set to be constructed for heavy truck use already. The agreement would also provide the Village

with the option to purchase Outlot 10 for $1 upon ceasing mining operations. Outlot 10 shall be brought up to Village standards at that time and at the expense of owner of Outlot 10 prior to the transaction with the Village. See enclosed agreement for more information.

* * * * * *

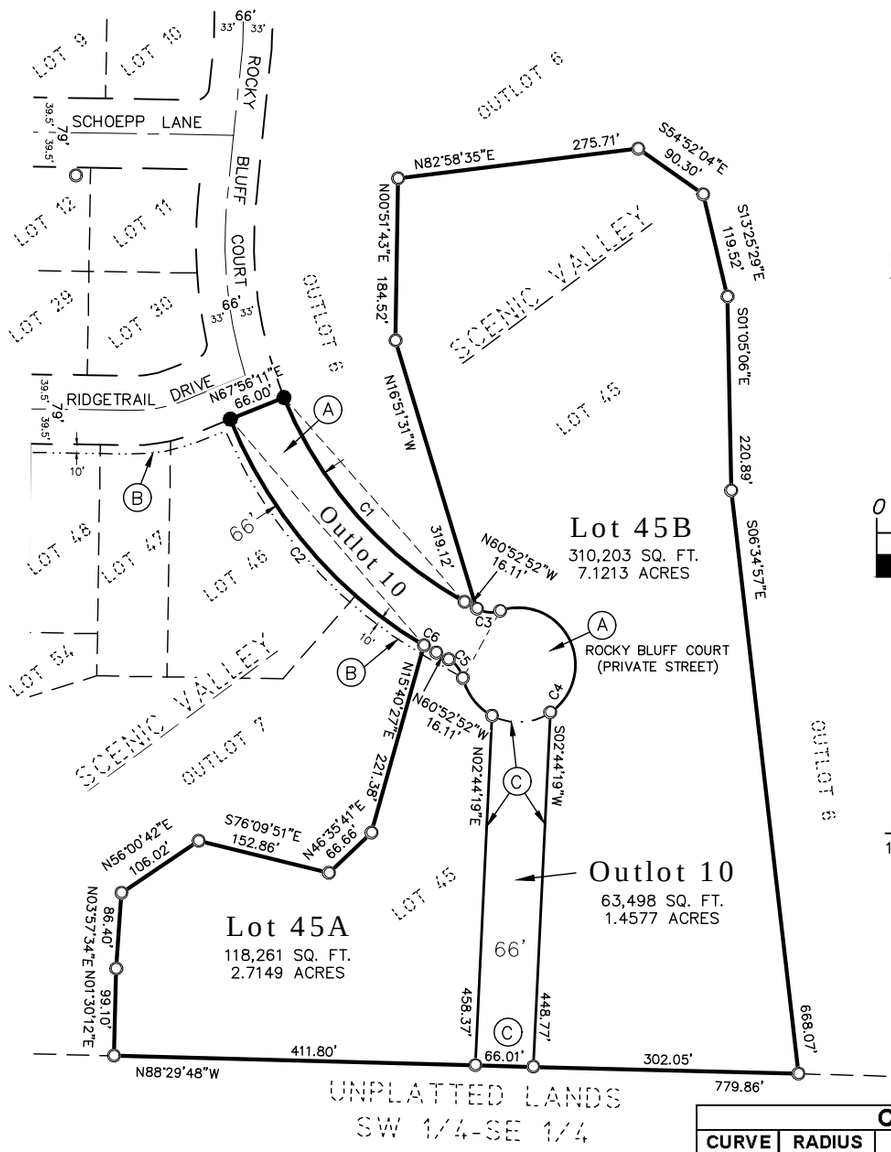
DANE COUNTY
CERTIFIED SURVEY MAP #_____

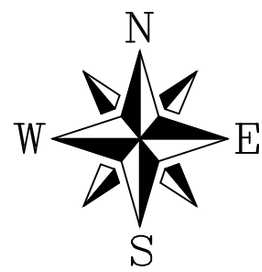
Lot 45 of Scenic Valley, being located in the NW 1/4 of the SE 1/4, Section 4, T.7N., R.7E., Village of Cross Plains, Dane County, Wisconsin

C.S.M. No. _____

Doc. No. _____

Vol. _____ Page _____





BEARINGS ARE REFERENCED TO THE SOUTH LINE OF LOT 45 OF SCENIC VALLEY, WHICH IS RECORDED TO BEAR NORTH 88°29'48" WEST

GRAPHIC SCALE

0 100 200 400

(IN FEET)

Owner & Subdivider:
Horizon Investment Assoc., LLC
Jamie Zajicek
2809 Birchwood Pass
Cross Plains, WI 53528

Notes:

1. Lot 45A, Lot 45B and Outlot 10 are subject to the the applicable provisions of Documents 5572879, 5572880, 5572881 and 5572877, and any recorded Amendments thereto, and ingress/egress and utility easements to be granted by separate instruments as noted hereon.

CURVE DATA TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C-1	467.00'	38°49'02"	316.39'	S41°28'20"E - 310.37'
C-2	533.00'	37°04'33"	344.90'	N40°36'05"W - 338.92'
C-3	33.00'	47°39'53"	27.45'	S84°42'48"E -26.67'
C-4	65.00'	275°19'45"	312.35'	S29°07'08"W - 87.55'
LOT 45B		164°32'35"	186.67'	S26°16'27"E - 128.82'
OUTLOT 10 ESMT.		61°23'53"	69.65'	N86°41'47"E - 66.37'
LOT 45A		49°23'17"	56.03'	N37°54'37"W - 54.31'
C-5	33.00'	47°39'53"	27.45'	N37°02'55"W - 26.67'
C-6	533.00'	01°44'30"	16.20'	N60°00'37"W - 16.20'

LEGEND

- ● 1-1/4" by 18" Iron Rebar to be set by Scenic Valley Plat
- ○ 3/4" by 18" Iron Rebar Weighing 1.50 lbs./ft. to be set
- (A) Rocky Bluff Court (Private Street) per plat of Scenic Valley and non-exclusive Village Access Easement per Doc No. 5572879. Non-exclusive ingress/egress & utility easement to be granted to Lot 45A, Lot 45B, Outlot 10 & others by separate instrument.
- (B) 10' Utility Easement per Scenic Valley plat, recorded as Doc No. 5572877.
- (C) Non-exclusive ingress/egress & utility easement to be granted to Lot 45A, Lot 45B & others by separate instrument.
- Boundary Lines per this Survey
- Deed/Survey Line of Record
- Existing R/W Line
- Ingress/Egress Easement Line (See Note Above)
- Utility Easement Line (See Note Above)
- Lot Line
- Centerline

WISCONSIN
MATTHEW E. HOGLUND
S-1970
FALL RIVER
WI
8/14/2020
LAND SURVEYOR

QUAM ENGINEERING, LLC
4604 SIGGELKOW RD. STE. A, McFARLAND WI, 53558
608-838-7750 www.quamengineering.com
Project # JZ-06-16

Drawn By: MEH
Project # JZ-06-16

DANE COUNTY
CERTIFIED SURVEY MAP #_____

Lot 45 of Scenic Valley, being located in the NW 1/4 of the SE 1/4, Section 4, T.7N., R.7E., Village of Cross Plains, Dane County, Wisconsin

SURVEYOR'S CERTIFICATE:

I, Matthew E. Hoglund, Registered Land Surveyor, do hereby certify to the best of my knowledge and belief, that I have surveyed, divided, and mapped the following Certified Survey, being Lot 45 of Scenic Valley, recorded in Volume 61-025A of Plats on Pages 130 through 134 as Document No. 5572877, being located in the Northwest 1/4 of the Southeast 1/4 of Section 4, Township 7 North, Range 7 East, Village of Cross Plains, Dane County, Wisconsin.

Containing 491,962 square feet or 11.294 acres, more or less.

BEING SUBJECT TO all easements and agreements, if any, of record and/or fact.

I further certify, to the best of my knowledge and belief, that this map is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made; that I have made such survey, land division, and map by the direction of Jamie Zajicek of Horizon Investment Associates, LLC, owner of said land; that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the subdivision regulations of the Village of Cross Plains in surveying, dividing, and mapping the same.

Dated this 14th day of August, 2020.

DRAFT

_____
Quam Engineering, LLC
By: Matthew E. Hoglund
P.L.S. S-1910

WISCONSIN
MATTHEW E.
HOGLUND
S-1910
FALL RIVER
WI
LAND SURVEYOR

VILLAGE BOARD APPROVAL CERTIFICATE:

Resolved, that this Certified Survey Map in the Village of Cross Plains, Horizon Investment Associates, LLC, owner, is hereby approved and dedications accepted by the Village Board.

Date:_____ Approved_____
Jay Lengfeld - Village President

I hereby certify that the foregoing is a copy of a resolution adopted by the Village Board of the Village of Cross Plains.

Date:_____ Signed_____
Bill Chang - Administrator/ Clerk

REGISTER OF DEEDS CERTIFICATE:

Received for recording this ___ day of _____, 20___, at _____ o'clock __M. and

recorded in Volume _____of Certified Survey Maps on Pages _____

as Document No. _____.

_____
Kristi Chlebowski, Dane County Register of Deeds

Drawn By: MEH
Project # JZ-06-16

DANE COUNTY
CERTIFIED SURVEY MAP #_____

Lot 45 of Scenic Valley, being located in the NW 1/4 of the SE 1/4, Section 4, T.7N., R.7E., Village of Cross Plains, Dane County, Wisconsin

OWNERS CERTIFICATE:

Horizon Investment Associates, LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said company caused the land described on this Certified Survey Map to be surveyed, divided, mapped, and dedicated as represented on this plat. Horizon Investment Associates, LLC does further certify that this Certified Survey Map is required to be submitted to Village of Cross Plains for approval.

IN WITNESS WHEREOF, the said Horizon Investment Associates, LLC has caused these presents to be signed by Jamie Zajicek, Managing Member at _____, Wisconsin on this _____, day of _____, 20__.

In the presence of: _____
Jamie Zajicek, Managing Member

STATE OF WISCONSIN)
COUNTY DANE) SS

Personally came before me this ___ day of _____, 20___, Jamie Zajicek, Managing Member of the above named Limited Liability Company, to me known to be the person who executed the foregoing instrument, and to me known to be such Managing Member of said Limited Liability Company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said company, by its authority.

(Notary Seal) _____ Notary Public, _____, Wisconsin

My commission expires _____.

CONSENT OF MORTGAGEE:

Compeer Financial, ACA, a _____ duly organized and existing under and by virtue of the laws of the State of _____, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping, and dedication of the land described on this plat, and does hereby consent to the above certificate of Horizon Investment Associates, LLC, owner.

IN WITNESS WHEREOF, the said Compeer Financial, ACA has caused these presents to be signed by Kyle Maring, its Financial Officer, at _____, _____, on this _____, day of _____, 20__.

In the presence of:

Compeer Financial, ACA _____

_____ , Date: _____
By: Kyle Maring, its Financial Officer

WISCONSIN
MATTHEW E. HOGLUND
S-2470
EAU CLAIRE
WI
8/14/2020
DRAFT
LAND SURVEYOR

STATE OF _____)
_____COUNTY) SS

Personally came before me this ___ day of _____, 20___, Kyle Maring, Financial Officer of Compeer Financial, ACA, to me known to be the person who executed the foregoing instrument, and to me known to be such Financial Officer of said _____, and acknowledged that they executed the foregoing instrument as such officers as the deed of said _____, by its authority.

(Notary Seal) _____ Notary Public, _____, _____.
My commission expires _____.

Agenda Memorandum

Staff/Department: **Bill Chang, Planning**
Subject Matter: **Extraterritorial Plat Review – Brunner/Hartung**
Meeting Date: **August 31, 2020**
Referral History: **N/A**

Executive Summary:

Gary Brunner is proposing a land division of his property at 4597 County Highway P, Cross Plains WI. He intends to sell Lots 3 and 4 to James Hartung and has asked for the Villages approval of extraterritorial review. The land division is currently under review at the Town of Cross Plains and in consideration for rezoning. Staff discussion with Hartung is that there is no intention to develop these lots.

Project Background:

As part of this process, the Village had approved a detachment of .4 acres of land owned by Brunner. The Town of Cross Plains has accepted attachment of the section to the township. Approval of the certified survey map and recording of such would allow Brunner and Hartung to complete their transaction.

The Village Parks and Recreation Department and Public Facilities currently accesses its conservation areas (east and south of the Glacial Valley Subdivision) through this property. A formal access easement has been drafted and is currently being reviewed.

Code/Policy Review:

Chapter 83 regulates the Village's Extraterritorial plat review.

Fiscal Impact:

N/A

Recommendation:

Staff recommends approval of the certified survey map, conditioned on the access easement agreement being approved by all parties.

Appendices:

Letter of Intent, Zoning descriptions, CSM, Zoning proposed map.

WILLIAMSON SURVEYING & ASSOCIATES, LLC

104A WEST MAIN STREET, WAUNAKEE, WI 53597

NOA T. PRIEVE and CHRIS W. ADAMS

PHONE: 1-608-255-5705 WEB: WILLIAMSONSURVEYING.COM

Letter of Intent

Gary Brunner is selling most of his land to his neighbor James Hartung. Gary Brunner will be retaining the farm house and buildings which will be rezoned to RM-16. The rest of the land will be sold to James Hartung. The field on the east side of County Trunk Highway “P” will rezoned to FP-1 and will remain in farmland. There are currently two RR-4 zoned parcels on the west side of County Trunk Highway “P” which abut up to the Village of Cross Plains and are included in the Village’s Urban Services area. These two parcels will be combined into one Lot and will be rezoned to RR-8. There is also a small portion of lands that were located in the Village of Cross Plains which have now been detached back to the county which will be rezoned to RM-8 and RR-8. James at this time doesn’t have any plans on developing this land. The remaining land on the west side of County Trunk Highway “P” will be rezoned to FP-1 and will remain in pasture land.

EXISTING ZONING DISTRICT(S)	PROPOSED ZONING DISTRICT(S)	ACRES
FP-35	FP-1	20.36
FP-35	FP-1	24.51
FP-35	RM-8	9.59
RR-4	RR-8	10.39
VILLAGE LANDS	RM-8	0.06
VILLAGE LANDS	RR-8	0.07

WILLIAMSON SURVEYING & ASSOCIATES, LLC

104A WEST MAIN STREET, WAUNAKEE, WI 53597

NOA T. PRIEVE and CHRIS W. ADAMS

PHONE: 1-608-255-5705 WEB: WILLIAMSONSURVEYING.COM

FP-35 TO FP-1

A parcel of land located in part of the Southwest ¼ and Northwest ¼ of the Southeast ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the South ¼ Corner of said Section 3; thence N 89°51'21" E along the South Line of the said Southeast ¼, 369.59 feet to the point of beginning.

Thence continue N 89°51'21" E along said South Line of the Southeast ¼, 956.98 feet; thence N 00°45'41" E, 2,066.93 feet to the South right-of-way of Wisconsin Department of Transportation Railroad; thence along said South right-of-way of Wisconsin Department of Transportation Railroad for the next two courses N 45°56'18" W, 30.35 feet; thence N 46°32'29" W, 69.16 feet to the East right-of-way of County Trunk Highway "P"; thence along said East right-of-way of County Trunk Highway "P" for the next 7 courses S 12°26'49" W, 716.35 feet; thence S 07°16'11" W, 201.41 feet; thence along an arc of a curve concaved northwesterly having a radius of 1,707.10 feet and a long chord bearing of S 27°16'16" W, 479.68 feet; thence S 35°20'49" W, 338.40 feet; thence N 54°39'20" W, 20.00 feet; thence S 35°20'49" W, 181.50 feet; thence along an arc of a curve concaved southeasterly having a radius 1,382.50 feet and a long chord bearing of S 26°05'06" W, 444.99 feet to the point of beginning. This parcel contains 887,025 sq. ft. or 20.36 acres thereof.

VILLAGE LANDS TO RM-8

A parcel of land located in part of the Southeast ¼ of the Southwest ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the South ¼ Corner of said Section 3; thence N 00°49'40" E along the East Line of the said Southwest ¼, 532.10 feet to the point of beginning.

Thence continue N 00°49'40" E along said East Line of the Southwest ¼, 234.36 feet; thence West, 9.12 feet to the West Line of Glacial Valley Subdivision; thence along said West Line of Glacial Valley Subdivision for the next two courses S 01°53'50" W, 170.33 feet; thence S 00°12'26" E, 61.97 feet; thence S 79°09'30" E, 11.36 feet to the point of beginning. This parcel contains 2,564 sq. ft. or 0.06 acres thereof.

FP-35 TO RM-8

A parcel of land located in part of the Southwest ¼ of the Southeast ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the South ¼ Corner of said Section 3; thence N 00°49'40" E along the West Line of the said Southeast ¼, 532.10 feet to the point of beginning.

Thence S 79°09'30" E, 468.16 feet to the West right-of-way of County Trunk Highway "P"; thence along said West right-of-way of County Trunk Highway "P" for the next 5 courses along an arc of a curve concaved southeasterly having a radius of 1,487.50 feet; thence N 34°56'19" E, 21.17 feet; thence N 35°20'48" E, 85.50 feet; thence N 54°39'20" W, 10.00 feet; thence N 35°20'50" E, 434.40 feet; thence along an arc of a curve concaved northwesterly having a radius of 1,572.10 feet along a long chord bearing of N 27°28'45" E, 430.44 feet; thence N 69°56'39" W, 128.89 feet; thence S 67°40'24" W, 246.81 feet; thence S 31°28'42" W, 195.96 feet; thence West, 355.00 feet; thence South, 290.00 feet; thence West, 153.07 feet to a point on the said West Line of the Southeast ¼, thence S 00°49'40" W along the said West Line of the Southeast ¼, 234.36 feet to the point of beginning. This parcel contains 417,828 sq. ft. or 9.59 acres thereof.

RR-4 TO RR-8

A parcel of land located in part of the Southwest ¼ and Northwest ¼ of the Southeast ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the South ¼ Corner of said Section 3; thence N 00°49'40" E along the West Line of the said Southeast ¼, 766.46 feet to the point of beginning.

Thence continue N 00°49'40" E along said West Line of the said Southeast ¼, 1,843.18 feet to the South right-of-way of Bourbon Road; thence S 84°00'07" E along said South right-of-way of Bourbon Road, 107.03 feet; thence South, 936.80 feet; thence East, 375.00 feet; thence South, 605.00 feet; thence West, 355.00 feet; thence South, 290.00 feet; thence West, 153.07 feet to the point of beginning. This parcel contains 452,785 sq. ft. or 10.39 acres thereof.

VILLAGE LANDS TO RR-8

A parcel of land located in part of the Southeast ¼ and Northeast ¼ of the Southwest ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the South ¼ Corner of said Section 3; thence N 00°49'40" E along the East Line of the said Southwest ¼, 766.46 feet to the point of beginning.

Thence continue N 00°49'40" E along said East Line of the Southwest ¼, 1,740.98 feet; thence S 85°48'47" W, 1.93 feet to a point that is the extension of the East Line of Outlot 1, Glacial Valley Subdivision; thence along said extension of the East Line of OutLot 1, Glacial Valley Subdivision and the East Line of said Glacial Valley Subdivision for the next 4 course S 00°38'02" W, 603.90 feet; thence S 00°48'54" W, 494.54 feet; thence S 01°28'25" W, 356.71 feet; thence S 01°53'50" W, 285.86 feet; thence East, 9.12 feet to the point of beginning. This parcel contains 2,937 sq. ft. or 0.07 acres thereof.

FP-35 TO FP-1

A parcel of land located in part of the Southwest ¼ and Northwest ¼ of the Southeast ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the South ¼ Corner of said Section 3; thence N 00°49’40” E along the West Line of the said Southeast ¼, 2609.64 feet to the South right-of-way of Bourbon Road; thence S 84°00’07” E along the said South right-of-way of Bourbon Road, 107.02 feet; to the point of beginning.

Thence South, 936.80 feet; thence East, 375.00 feet; thence South, 605.00 feet; thence N 31°28’42” E, 195.96 feet; thence N 67°40’24” E, 246.81 feet; thence S 69°56’39” E, 128.89 feet to the West right-of-way of County Trunk Highway “P”; thence along said West right-of-way of County Trunk Highway “P” for the next 3 courses along an arc of a curve concaved northwesterly having a radius of 1,572.10 feet and a long chord bearing of N 19°24’10” E, 11.42 feet; thence N 20°25’30” E, 186.53 feet; thence N 12°26’49” E, 770.46 feet to the South right-of-way of Wisconsin Department of Transportation Railroad; thence along said South right-of-way of Wisconsin Department of Transportation Railroad for the next 3 course N 46°32’28” W, 78.88 feet; thence N 46°32’29” W, 153.24 feet; thence along an arc of a curve concaved southwesterly having a radius of 2,815.29 feet and a long chord bearing of N 52°18’41” W, 259.82 feet to the South right-of-way of Bourbon Road; thence along said South right-of-way of Bourbon Road for the next 2 courses N 84°21’40” W, 563.30 feet; thence N 84°00’07” W, 127.68 feet to the point of beginning. This parcel contains 1,067,501 sq. ft. or 24.51 acres thereof.

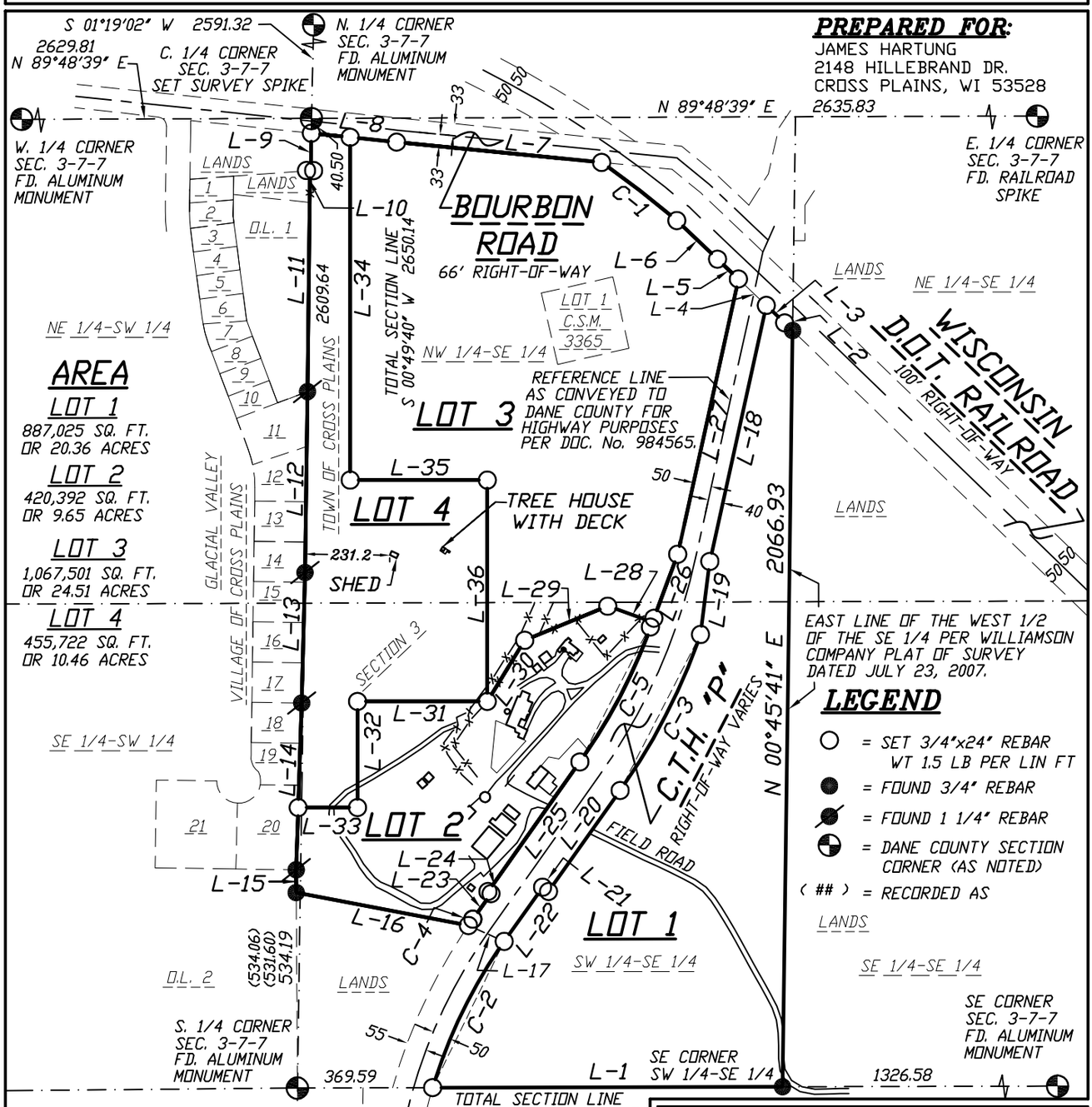
CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS

104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the part of the NE ¼ and SE ¼ of the SW ¼ and part of the NW ¼ and SW ¼ of the SE ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin. Including all of Lot 1 C.S.M. No. 3365.



AREA

LOT 1
887,025 SQ. FT.
OR 20.36 ACRES

LOT 2
420,392 SQ. FT.
OR 9.65 ACRES

LOT 3
1,067,501 SQ. FT.
OR 24.51 ACRES

LOT 4
455,722 SQ. FT.
OR 10.46 ACRES

NOTES:

1.) SEE SHEETS 2 AND 3 FOR LOTS 2,3 AND 4 DETAILS.

2.) SEE SHEET 4 FOR ALL NOTES.

WCCS – DANE ZONE
SCALE 1" = 400'

0' 200' 400' 800' 1200'

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SE 1/4 OF SECTION 3-7-7 LINE TO BEAR N 89°51'21" E

DOCUMENT NO._____

CERTIFIED SURVEY MAP NO._____

SURVEYORS SEAL

19W-425

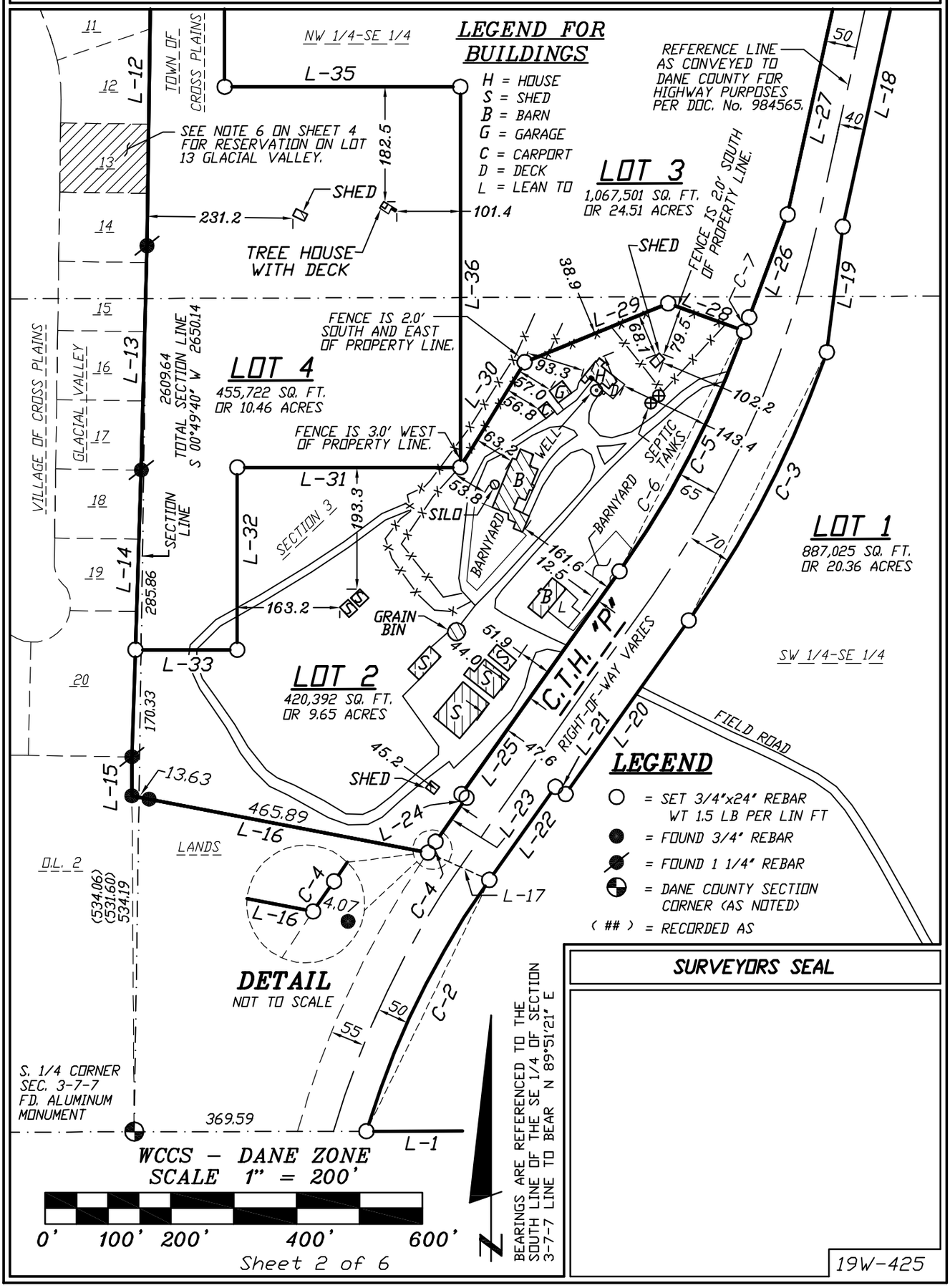
CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS

104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the part of the NE ¼ and SE ¼ of the SW ¼ and part of the NW ¼ and SW ¼ of the SE ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin. Including all of Lot 1 C.S.M. No. 3365.



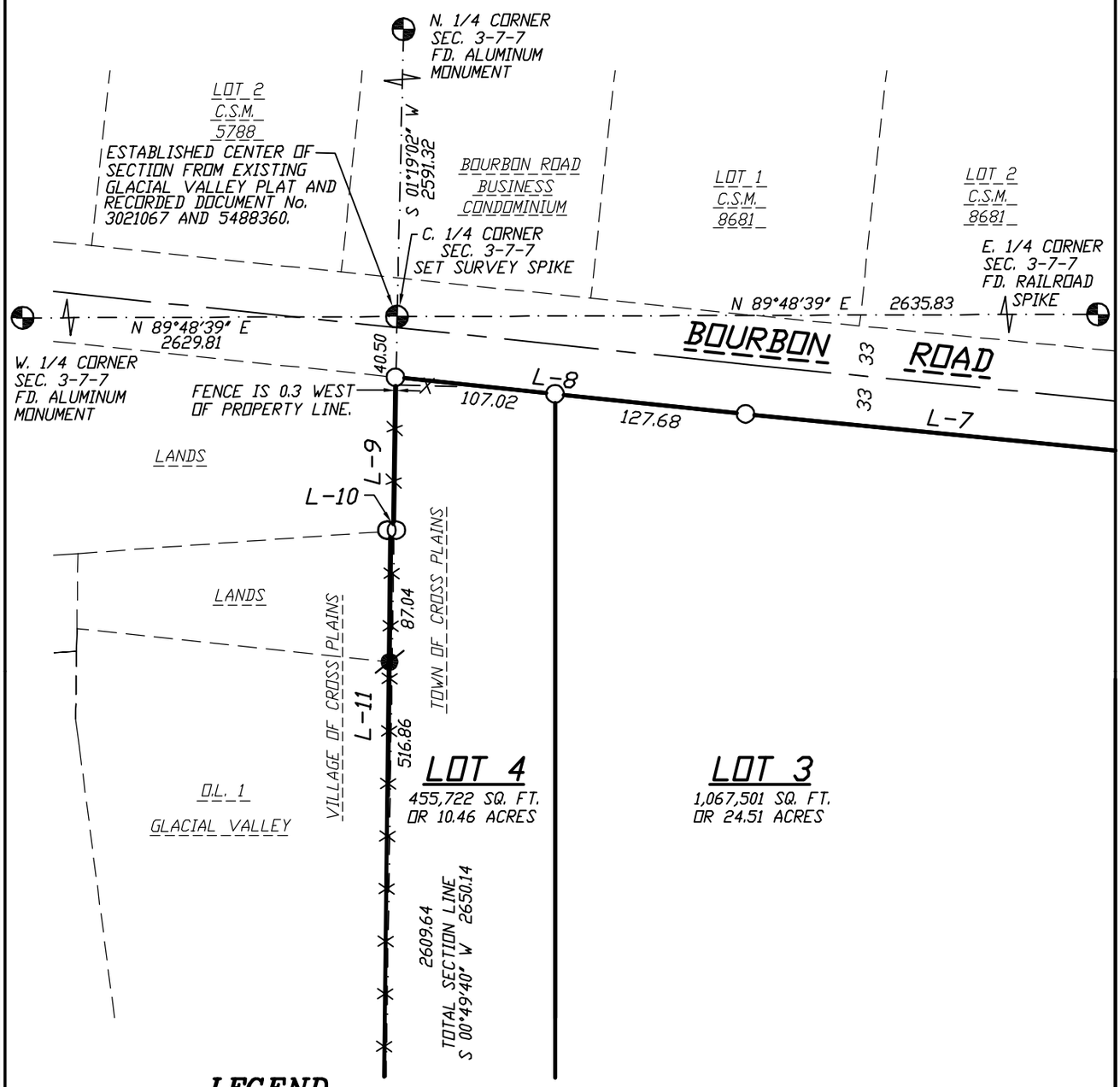
SURVEYORS SEAL

19W-425

CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC
NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the part of the NE ¼ and SE ¼ of the SW ¼ and part of the NW ¼ and SW ¼ of the SE ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin. Including all of Lot 1 C.S.M. No. 3365.



LEGEND

- ○ = SET 3/4"x24" REBAR WT 1.5 LB PER LIN FT
- ● = FOUND 3/4" REBAR
- = FOUND 1 1/4" REBAR
- = DANE COUNTY SECTION CORNER (AS NOTED)
- (##) = RECORDED AS

WCCS – DANE ZONE
SCALE 1" = 100'

0' 50' 100' 200' 300'

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SE 1/4 OF SECTION 3-7-7 LINE TO BEAR N 89°51'21" E

N

SURVEYORS SEAL

19W-425

CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC
NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the part of the NE ¼ and SE ¼ of the SW ¼ and part of the NW ¼ and SW ¼ of the SE ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin. Including all of Lot 1 C.S.M. No. 3365.

CURVE TABLE

CURVE	RADIUS	CHORD BEARING	CHORD	ARC	DELTA	TANGENT BEARING
C-1	2815.29	N 52°18'41" W	259.82	259.91	5°17'23"	IN-N 49°40'00" W OUT-N 54°57'23" W
C-2	1382.50	S 26°05'06" W	444.99	446.94	18°31'21"	OUT-S 16°49'26" W
C-3	1707.10	S 27°16'16" W	479.68	481.27	16°09'11"	IN-S 19°11'40" W
C-4	1487.50	N 34°56'19" E	21.17	21.17	0°48'55"	IN-N 34°31'52" E
C-5	1572.10	N 27°16'16" E	441.75	443.21	16°09'11"	OUT-N 19°11'40" E
C-6	1572.10	N 27°28'45" E	430.44	431.79	15°44'13"	
C-7	1572.10	N 19°24'10" E	11.42	11.42	0°24'48"	

LINE TABLE

LINE	BEARING	DISTANCE
L-1	N 89°51'21" E	956.98
L-2	N 45°56'48" W	30.35
L-3	N 46°32'29" W	69.16
L-4	N 46°32'29" W	105.01
L-5	N 46°32'29" W	78.88
L-6	N 46°32'29" W	153.24
L-7	N 84°21'40" W	563.30
L-8	N 84°00'07" W	234.70
L-9	S 00°49'40" W	102.20
L-10	(S 86°02'47" W) S 85°50'00" W	(1.91) 1.93
L-11	(S 00°47'20" W) S 00°38'02" W	(603.89) 603.90
L-12	(S 00°58'10" W) S 00°48'54" W	(494.40) 494.54
L-13	(S 01°35'30" W) S 01°28'25" W	(356.92) 356.71
L-14	(S 02°02'00" W) S 01°53'50" W	(456.22) 456.19
L-15	(S 00°13'03" E) S 00°12'26" E	(64.48) 61.97
L-16	(S 79°00' E) (S 79°10'10" E) S 79°09'30" E	479.51
L-17	S 66°04'03" E	106.96
L-18	S 12°26'49" W	716.35
L-19	S 07°16'10" W	201.41
L-20	S 35°20'49" W	338.40
L-21	N 54°39'20" W	20.00
L-22	S 35°20'49" W	181.50
L-23	N 35°20'49" E	85.50
L-24	N 54°39'20" W	10.00
L-25	N 35°20'49" E	434.40
L-26	N 20°25'30" E	186.53
L-27	N 12°26'49" E	770.46
L-28	N 69°56'39" W	128.89
L-29	S 67°40'24" W	246.81
L-30	S 31°28'42" W	195.96
L-31	WEST	355.00
L-32	SOUTH	290.00
L-33	WEST	162.19
L-34	SOUTH	936.80
L-35	EAST	375.00
L-36	SOUTH	605.00

NOTES:

3.) THIS SURVEY WAS PREPARED WITH A 60 YEAR TITLE REPORT FROM LOCAL TITLE COMPANY LLC WITH AN EFFECTIVE DATE OF NOVEMBER 4TH, 2019, ORDER No. L011210LR.

4.) WETLANDS, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.

5.) FLOOD PLAIN, IF PRESENT, HAS NOT BEEN LOCATED OR SHOWN.

6.) LOT 13 OF GLACIAL VALLEY IS RESERVED FOR FUTURE ROAD RIGHT-OF-WAY IF LOT 4 OF THIS C.S.M. IS DEVELOPED.

SURVEYORS SEAL

19W-425

CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC
NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the part of the NE ¼ and SE ¼ of the SW ¼ and part of the NW ¼ and SW ¼ of the SE ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin. Including all of Lot 1 C.S.M. No. 3365.

SURVEYOR'S CERTIFICATE

I, Noa T. Prieve, Professional Land Surveyor hereby certify that this survey is correct to the best of the professional surveyor's knowledge and belief and is in full compliance with the provisions of Chapter A-E 7 and Chapter 236.34 Wisconsin Statutes, the subdivision regulations of Dane County, and by the direction of the owners listed below, I have surveyed, divided, and mapped a correct representation of the exterior boundaries of the land surveyed and the division of that land, being part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin. Including all of Lot 1 Certified Survey Map No. 3365, recorded in the Dane County Register of Deeds Office in Volume 13 of Certified Surveys, Page 152, as Document No. 1648533, being more particularly described as follows:

Commencing at the South 1/4 Corner of said Section 3; thence N 89°51'21" E along the South Line of the Southeast 1/4, 369.59 feet to the point of beginning.

Thence continue N 89°51'21" E along said South Line of the Southeast 1/4, 956.98 feet to the Southeast Corner of the Southwest 1/4 of the Southeast 1/4; thence N 00°45'41" E along the East Line of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4, 2,066.93 feet to the South Right-Of-Way of Wisconsin Department of Transportation Railroad; thence along the said South Right-Of-Way of Wisconsin Department of Transportation Railroad for the next 6 courses N 45°56'48" W, 30.35 feet; thence N 46°32'29" W, 69.16 feet to the East Right-Of-Way County Trunk Highway "P"; thence N 46°32'29" W, 105.01 feet to the West Right-Of-Way of said County Trunk Highway "P"; thence N 46°32'29" W, 78.88 feet; thence N 46°32'29" W, 153.24 feet; thence along an arc of a curve concaved southwesterly having a radius of 2,815.29 feet and a long chord bearing of N 52°18'41" W, 259.82 feet to the South Right-Of-Way of Bourbon Road; thence along said South Right-Of-Way of Bourbon Road for the next two courses N 84°21'40" W, 563.30 feet; thence N 84°00'07" W, 234.70 feet to a point on the West Line of the said Northwest 1/4 of the Southeast 1/4, thence S 00°49'40" W along the said West line of the Northwest 1/4 of the Southeast 1/4, 102.20 feet; thence S 85°50'00" W, 1.93 feet to a point that is the extension of the East Line of Outlot 1, Glacial Valley; thence along said extension of the East Line of OutLot 1, Glacial Valley and the East Line of said Glacial Valley for the next 5 course S 00°38'02" W, 603.90 feet; thence S 00°48'54" W, 494.54 feet; thence S 01°28'25" W, 356.71 feet; thence S 01°53'50" W, 456.19 feet; thence S 00°12'26" E, 61.97 feet; thence S 79°09'30" E, 479.51 feet to a point on the said West Right-Of-Way of County Trunk Highway "P"; thence S 66°04'03" E, 106.96 feet to the said East Right-Of-Way of County Trunk Highway "P"; thence along said East Right-Of-Way of County Trunk Highway "P" along an arc of a curve concaved southeasterly having a radius of 1,382.50 feet and a long chord bearing of S 26°05'06" W, 444.99 feet to the point of beginning.
EXCEPT
Lands conveyed to Dane County for Highway Purposes in Document No. 984565.

Total parcel = 2,830,640 sq. ft. or 64.98 acres

Williamson Surveying and Associates, LLC
by Noa T. Prieve & Chris W. Adams

Date_____

_____
Noa T. Prieve S-2499
Professional Land Surveyor

SURVEYORS SEAL

19W-425

CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC
NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the part of the NE ¼ and SE ¼ of the SW ¼ and part of the NW ¼ and SW ¼ of the SE ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin. Including all of Lot 1 C.S.M. No. 3365.

OWNERS' CERTIFICATE:

As owner, We hereby certify that we caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the certified survey map. We also certify that this certified survey map is required by sec. 75.17(1)(a), Dane County Code of Ordinances, to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

WITNESS the hand seal of said owners this _____day of_____,20___.

_____ _____
Gary Brunner Kristine Brunner

STATE OF WISCONSIN)
DANE COUNTY)

Personally came before me this _____ day of _____, 20___ the above names Gary Brunner and Kristine Brunner to me known to be the people who executed the foregoing instrument and acknowledge the same.

_____County, Wisconsin.

_____
Notary Public

My commission expires _____

_____
Print Name

TOWN BOARD RESOLUTION

Resolved that this certified survey map is hereby acknowledged and approved by the Town of Cross Plains on this _____day of _____, 20___.

_____
Nancy Meinholz
Town Clerk

VILLAGE OF CROSS PLAINS

Resolved that this certified survey map in the Town of Cross Plains is hereby acknowledged and approved by the Village of Cross Plains on this _____day of _____, 20___.

_____
Bill Chang
Village Clerk

NOTE:

REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY.

DANE COUNTY APPROVAL

Approved for recording per Dane County Zoning and Land Regulation Committee action on _____.

_____
Daniel Everson
Assistant Zoning Administrator

REGISTER OF DEEDS:

Received for recording this ___ day of _____, 20___ at ___ o'clock ___.M. and recorded in Volume _____ of Dane County Certified Surveys on pages _____ through _____.

_____
Kristi Chlebowski
Register of Deeds

DOCUMENT NO._____

CERTIFIED SURVEY MAP NO._____

SURVEYORS SEAL

19W-425

CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC
NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the part of the NE ¼ and SE ¼ of the SW ¼ and part of the NW ¼ and SW ¼ of the SE ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin. Including all of Lot 1 C.S.M. No. 3365.

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WITNESS the hand seal of said owners this _____day of_____,20___.

_____ _____
Gary Brunner *Kristine Brunner*

STATE OF WISCONSIN)
DANE COUNTY)

Personally came before me this _____ day of _____, 20___ the above names Gary Brunner and Kristine Brunner to me known to be the people who executed the foregoing instrument and acknowledge the same.

_____*County, Wisconsin.* _____
Notary Public

My commission expires _____ _____
Print Name

TOWN BOARD RESOLUTION

Resolved that this certified survey map is hereby acknowledged and approved by the Town of Cross Plains on this _____day of _____, 20___.

_____
Nancy Meinholz
Town Clerk

VILLAGE OF CROSS PLAINS

Resolved that this certified survey map in the Town of Cross Plains is hereby acknowledged and approved by the Village of Cross Plains on this _____day of _____, 20___.

_____
Bill Chang
Village Clerk

NOTE:

REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY.

DANE COUNTY APPROVAL

Approved for recording per Dane County Zoning and Land Regulation Committee action on _____.

_____
Daniel Everson
Assistant Zoning Administrator

REGISTER OF DEEDS:

Received for recording this ___ day of _____, 20___ at ___ o'clock ___.M. and recorded in Volume _____ of Dane County Certified Surveys on pages _____ through _____.

_____
Kristi Chlebowski
Register of Deeds

DOCUMENT NO._____

CERTIFIED SURVEY MAP NO._____

SURVEYORS SEAL

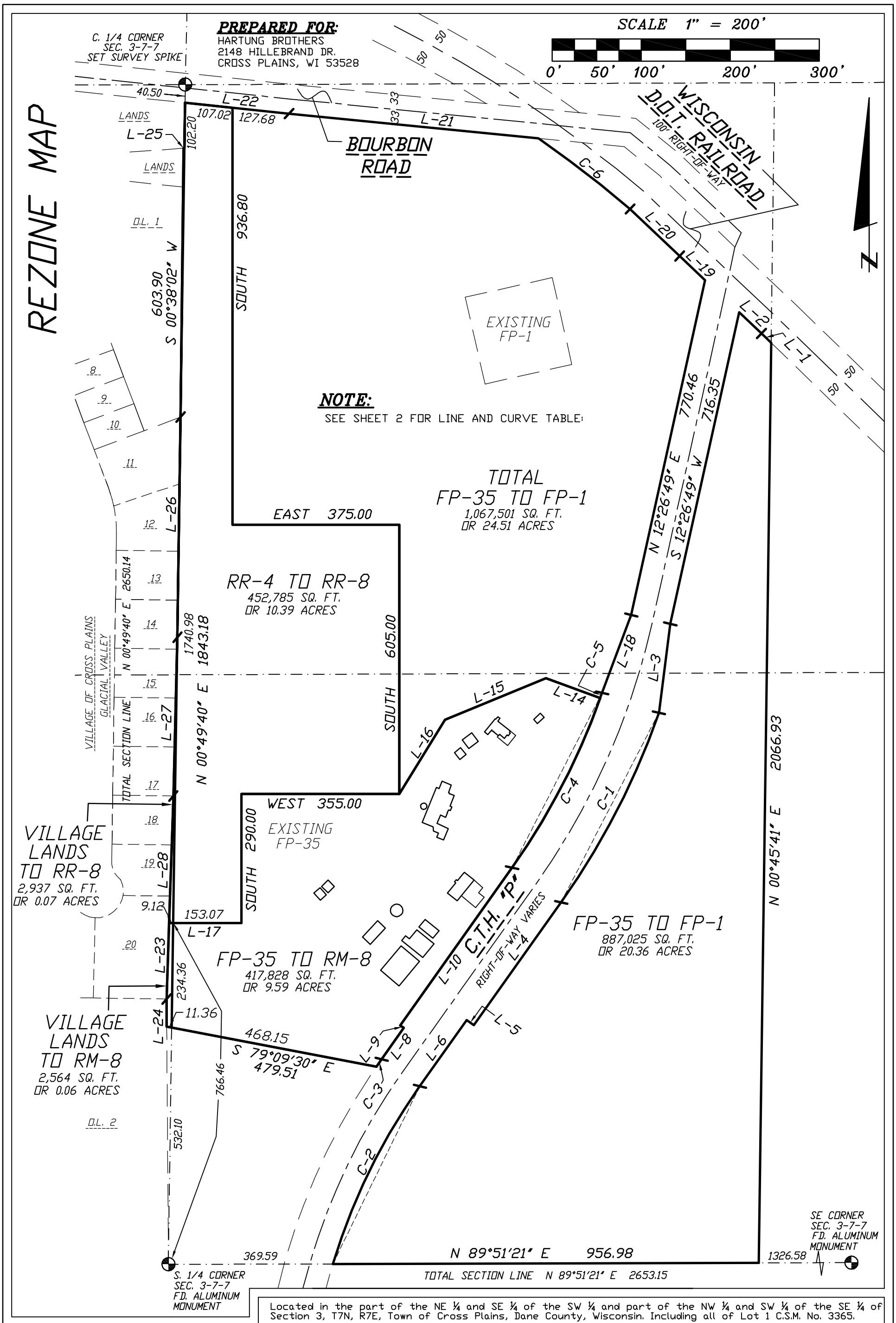
19W-425

REZONE MAP

PREPARED FOR:
HARTUNG BROTHERS
2148 HILLEBRAND DR.
CROSS PLAINS, WI 53528

SCALE 1" = 200'

0' 50' 100' 200' 300'



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DATE	MARCH 26, 2020
SCALE:	1" = 200'
DRAWN BY	NEIL BORTZ
CHECK BY	N.T.P.
DRAWING NO.	19W-425
SHEET	1 OF 2

WILLIAMSON SURVEYING & ASSOCIATES, LLC
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597.
NOA T. PRIEVE & CHRIS W. ADAMS
PROFESSIONAL LAND SURVEYORS
PHONE: 608-255-5705 FAX: 608-849-9760 WEB: WILLIAMSONSURVEYING.COM

REZONE MAP

LINE TABLE:

L-#	BEARINGS	DIST.
L-1	N 45°56'48" W	30.35
L-2	N 46°32'29" W	69.16
L-3	S 07°16'11" W	201.41
L-4	S 35°20'49" W	338.40
L-5	N 54°39'20" W	20.00
L-6	S 35°20'49" W	181.50
L-7	S 79°09'30" E	468.16
L-8	N 35°20'48" E	85.50
L-9	N 54°39'20" W	10.00
L-10	N 35°20'50" E	434.40
L-11	N 20°25'30" E	186.53
L-12	N 12°26'49" E	58.34
L-13	S 68°02'15" W	132.57
L-14	N 69°56'39" W	128.89
L-15	S 67°40'24" W	246.81
L-16	S 31°28'42" W	195.96
L-17	WEST	162.19
L-18	N 20°25'30" E	186.53
L-19	N 46°32'29" W	78.88
L-20	N 46°32'29" W	153.24
L-21	N 84°21'40" W	563.30
L-22	N 84°00'07" W	234.70
L-23	S 01°53'50" W	170.33
L-24	S 00°12'26" E	61.97
L-25	S 85°48'47" W	1.93
L-26	S 00°48'54" W	494.54
L-27	S 01°28'25" W	356.71
L-28	S 01°53'50" W	285.86

CURVE TABLE:

CURVE	RADIUS	CHORD BEARING	CHORD	ARC	DELTA
C-1	1707.10	S 27°16'16" W	479.68	481.27	16°09'11"
C-2	1382.50	S 26°05'06" W	444.99	446.94	18°31'21"
C-3	1487.50	N 34°56'19" E	21.17	21.17	0°48'55"
C-4	1572.10	N 27°28'45" E	430.44	431.79	15°44'13"
C-5	1572.10	N 19°24'10" E	11.42	11.42	0°24'48"
C-6	2815.29	N 52°18'41" W	259.82	259.91	5°17'23"

Located in the part of the NE ¼ and SE ¼ of the SW ¼ and part of the NW ¼ and SW ¼ of the SE ¼ of Section 3, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin. Including all of Lot 1 C.S.M. No. 3365.

DATE	MARCH 4, 2020
SCALE:	1" = 200'
DRAWN BY	NEIL BORTZ
CHECK BY	N.T.P.
DRAWING NO.	19W-425
SHEET	2 OF 2

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