

Regular Plan Commission Meeting

Meeting Notice and Agenda

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Monday, June 1, 2015

7:00 pm

- I. Call to Order, Pledge of Allegiance, and Roll Call
- II. Public Comment – This is an opportunity for anyone to address the Plan Commission on any issue NOT on the current agenda. *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.
- III. General Business
 1. Discussion and action regarding minutes of regular meeting held May 4, 2015.
 2. Consideration of a request from Incredible Cars LLC for a Conditional Use Permit as a Vehicle Sales use located at 2563 Main Street.
 - a. Public Hearing**
 - b. Discussion and action to make a recommendation to the Village Board
- IV. 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 matt@cross-plains.wi.us.

Regular Plan Commission Meeting

Meeting Minutes

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Monday, May 4, 2015
7:00 pm

I. Call to Order, Pledge of Allegiance, and Roll Call

President Andreoni called the regular Plan Commission meeting to order at 7:00 pm.

Present: Commissioners Todd DuQuette, Mitch Hogan, Ron Hilmanowski, Judy Ketelboeter, Clifford Zander, and President Pat Andreoni.

Absent: Commissioner Randy Case.

II. Public Comment – None.

III. General Business

1. Discussion and action regarding minutes of regular meeting held February 2, 2015 –

A motion was made by Commissioner DuQuette, seconded by Commissioner Hilmanowski, and unanimously carried by the Plan Commission to approve the regular meeting minutes held February 2, 2015.

2. Consideration of a request from the Gallina Corporation for a Zoning Map Amendment and General Development Plan (GDP) for 1400 Bourbon Road from Multi-Family Residential-16 (MR-16) to Planned Development (PD) in order to construct a 53-unit apartment building:

a. Public Hearing – A motion was made by Commissioner Ketelboeter, seconded by Commission Hilmanowski, and unanimously carried by the Plan Commission to open the Public Hearing at 7:19 pm.

- No comments were made.

A motion was made by Commissioner Hogan, seconded by Commissioner Hilmanowski, and unanimously carried by the Plan Commission to close the Public Hearing at 7:20 pm.

b. Discussion and action to make a recommendation to the Village Board – Following discussion, a motion was made by Commissioner Duquette, seconded by Commissioner Zander, and unanimously carried by the Plan Commission to recommend approval to the Village Board regarding a request from the Gallina Companies for a Zoning Map Amendment and General Development Plan (GDP) for 1400 Bourbon Road from Multi-Family Residential-16 (MR-16) to Planned Development (PD) in order to construct a 53-unit apartment building subject to the following conditions:

- Access path from Bourbon Road to Village Conservancy be defined and created within the Specific Implementation Plan (SIP).
- Chain link fence along the eastern property line shall be removed.
- The Plan Commission concurs with the Staff Report submitted by the Zoning Administrator.

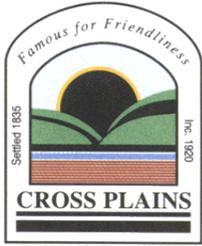
V. Adjournment

A motion was made by Commissioner Duquette, seconded by Commissioner Hilmanowski, and unanimously carried by the Plan Commission to adjourn the meeting at 7:21 pm.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,

Matthew G. Schuenke
Village Administrator/Clerk-Treasurer



Village of Cross Plains
PO Box 97, 2417 Brewery Road
Cross Plains, WI 53528
Phone: (608) 798-3241
Fax: (608) 798-3817

Memorandum

To: Plan Commission
From: Matthew G. Schuenke, Zoning Administrator
Date: May 28, 2015
Re: **Incredible Cars** – Conditional Use Permit Request

Executive Summary

The Village is in receipt of a request from Incredible Cars, LLC to open a used car sales business located at 2563 Main Street. The property is located within the Community Mixed Use (CMU) Zoning District and potentially allows for Incredible Cars as a “Vehicle Sales” land use. Vehicle Sales are a conditional use within the CMU Zoning District. The former use of the property was for the Hair Chamber as a “Personal Service” use. No additional improvements are presently perceived and the applicant will use the property, via lease, in the “as is” condition. This memorandum will summarize the request and serve as the official Staff Report by reviewing the submittals against the relevant sections of the Zoning Code.

Project Background

The property is the former location for the Hair Chamber which was a beauty salon and hair cut business for several years. The Property Owner desires to now lease the property to Incredible Cars to sell “quality, safety inspected and fully functional cars and trucks in a fun and clean environment”. No improvements to the property are planned at this time. The sales area would consist of 14 spaces mainly along the Main Street side of the business, with 4 spaces dedicated to user parking. This would be the first location for the business that is to be started by Co-Owners Dave Morrill and Jacob Sivertson. Both individuals have a varying degree of experience in car sales and would share responsibility of running the business. Enclosed with this memorandum as Appendix A, is their application for a Conditional Use Permit as required by the Zoning Code.

Code Review

Section 84.35 – CMU Community Mixed Use District (Appendix B)

The CMU District is intended to provide a wide range of large and small scale office, retail, service, and lodging uses that are compatible with the desired community character. By definition, the Incredible Cars proposal is allowed only with the granting of a conditional use permit as a Vehicle Sales land use (Section 84.35(c)(21)). The building footprint and parking lot dimensions are not proposed to change and are generally in compliance with the lot requirements within the code. The application as proposed requires further review within Article III (Land Use Regulations), VI (Overlay Zoning Districts), and IX (Administration and Procedures). However, existing exterior lighting (Article VII) and landscaping (Article VIII) are not in compliance with the requirements if this were proposed as new development. This shortcoming can be addressed by levying conditions on the application through process defined in Appendix E. The project as proposed appears to meet all aspects of the CMU Zoning District for existing facilities as presented to the Plan Commission.

Section 84.58(s) – Vehicle Sales (Appendix C)

This portion of the code defines the land use and parking requirements necessary to support the use requested. The applicant included a response to each requirement in their submittal listed in Appendix A under Subsection B on page 2. The sales area will be delineated by striping the parking lot to provide for 14 vehicles over 1,142 square feet. They may only park operable vehicles within the defined sales area and may not use the landscaping areas for any activity, including car display. The parking calculation requires at least 4 spaces which will allow for one handicap, one employee space, and two spaces for customers. The use as proposed appears to meet all aspects of the Land Use requirements for Vehicle Sales as presented to the Plan Commission.

Section 84.94 – (GW-O) Groundwater Protection Overlay Zoning District (Appendix D)

A portion of the property falls within Zone C of the Groundwater Protection Overlay District as defined on the enclosed map. This does include the building. Note that the proposed use is not prohibited and could be allowed as a conditional use, the same as what the underlying district requires for Vehicle Sales land uses. The use as proposed appears to meet all aspects of the Land Use requirements for Zone C within GW-O.

Section 84.161 – Conditional Uses (Appendix E)

The proposal to locate a Vehicle Sales Use (i.e. – Incredible Cars) on this property is allowed only through a conditional use permit. There are certain uses defined within the code, which because of their unique characteristics make them impractical to predetermine their permissibility. In these cases, specific standards, regulations, and/or conditions may be established by the Plan Commission and Village Board upon review of a request for a Conditional Use Permit. The application is included with this memorandum as Appendix A. Please note that the application requirements by which a conditional use permit must complete are listed in Section 84.161(d). A Class I notice was published on May 21st in the News Sickle Arrow as notification of the meeting and public hearing. Notices were also distributed to property owners within 100 feet of the property. The application is sufficient to meet the requirements of the code in order for the Plan Commission to hold the hearing, conduct its review, and consider any conditions.

Zoning Administrator Review

The Zoning Administrator is required to evaluate the completed application against the provisions of 84.161(e)(3) as follows:

- a. *Is in harmony with the recommendations of the Comprehensive Plan* – The subject property in question is currently adjacent to the reconstruction of US Highway 14 (Main Street) that when finished will be a tremendous public improvement to the Village including new utilities, improved traffic flow, and upgraded streetscape aesthetics. This property is nearest the eastern most gateway to the community on the highway and it is situated in a very prominent location. The Future Land Use Map designates this property as “Planned Business” which is consistent with the intended use as well as its current zoning. However, the use as proposed fails to meet several objectives of the Comprehensive Plan rendering it out of harmony with the Comprehensive Plan as follows:

Cultural Resource Programs and Recommendations (Page 34-35) – The application as proposed appears inconsistent with several desired recommendations within this chapter as follows:

- *Continue Historic Downtown Renovations* – “The Village should also continue to invest in high quality Downtown public infrastructure and take advantage of opportunities to incorporate new infrastructure such as the future Highway 14 reconstruction.”
- *Improve Community Image* – “...it will be important for the Village to establish and enforce standards that help ensure that it presents a positive image to residents and visitors. Such standards should specifically address aesthetic components of development such as architecture and building materials, the thoughtful integration of open and gathering spaces, and the preservation of attractive community entryways...”

Land Use Objective #4 (Page 43) – *Through the implementation of comprehensive planning and detailed area plans, work towards achieving the highest and best use of all vacant and underutilized lands and buildings in the Village of Cross Plains:* The reuse of this facility as proposed in its existing condition is not the highest and best use given its prominent location. The Planned Business designation within the Future Land Use Map provides many opportunities to help maximize this site’s potential.

Land Use Objective #7 (Page 44) – *Improve visual quality and physical design of the Village of Cross Plains by developing and enforcing new signage, landscaping, property maintenance, site plan review, building design, parking, and outdoor storage regulations:* The Village has adopted several new codes in the last two years addressing these issues in an effort to meet this objective. The use clutters the site with vehicles for sale, and offers no other site improvements to address this objective.

Land Use Objective #8 (Page 44) – *Consider the visual impacts of developments during the approval process and prevent development on or near slopes and bluffs in and around the Village:* This would be an absolute requirement if it were new construction and they would have to fully comply with Article VII (Performance Standards) which would be highly scrutinized given its prominent location; however, no aesthetic improvements are proposed.

The Comprehensive Plan also establishes Policies to assist the Village in the implementation of these objectives. There are several policies the proposed use would violate:

Policy #6 (Page 44) – *Preserve and enhance the character of the Main Street corridor by encouraging compatible new development and redevelopment:* The use as proposed does not enhance the corridor with no improvements planned nor does it address a market not already fulfilled in the Village.

Policy #11 (Page 44) – *Adopt and use high-quality standards for building, site, landscape, signage, and lighting design in new development projects:* The Village has adopted these standards; however, they are not automatically applied to this site due to the proposed land use using existing facilities without new improvements. However, these requirements could be applied conditionally if desired.

Policy #12 (Page 44) – *Protect the visual quality of major community thoroughfares by requiring all development and redevelopment along these entry corridors to include site plan and design review:* Again, no improvements are proposed by this project, and the subject property is located on the Village’s main thoroughfare near one of the most important entrances to our community.

The evidence presented by the Applicant thus far to demonstrate the proposed use’s consistency with the Comprehensive Plan is not sufficient enough to meet this requirement. It is by the determination of the Zoning Administrator that the proposed use may be in conflict with the Comprehensive Plan.

- b. *Will result in a substantial or undue adverse impact on nearby property...* – I do not believe this use, if maintained as detailed, will be an adverse impact on neighboring properties. Filling a vacancy and providing usability of underserved properties is beneficial and this helps to eliminate that void on Main Street following the closing of the former business.
- c. *Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property* – The proposed use intensifies the Vehicle Sales land use within the Village. There are currently three existing Vehicle Sales uses in the Village and this would add a fourth. The existing three also offer Vehicle Service, but still offer a wide array of new/used vehicles for sale in a similar manner as is proposed. Furthermore, with no changes to the site proposed to bring the property into compliance with landscaping and exterior lighting, the proposed project does not maintain the desired land use intensity and visual impacts.
- d. *The conditional use is located in an area that will be adequately served by public improvements* – The property is well served and further enhanced by public improvements, especially with the completion of Highway 14 in 2015.
- e. *The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use* – At the present, the proposed use will fill a vacancy on Main Street and will only further contribute to a use already well-served within the Village. The public benefit to allowing this proposed conditional use permit to be approved as presented, appears to be in conflict with the Comprehensive Plan which was established initially by the Village in 2008. The application as presented, based on the materials submitted, code review, and overall application review, does not provide enough public benefit to support this application in the code. Additional items to consider for the application as conditions could include the submittal of a landscaping plan, lighting plan, architectural improvements, signage detail, and other items currently listed as a concern in this application.

Recommendation

Village Staff recommends holding the public hearing, reviewing the application, consideration for the Staff Report, and making a recommendation to the Village Board.

Appendices

- Appendix A – Application for Conditional Use Permit, Site Plan, and Other Submittals
- Appendix B – Section 84.35: (CMU) Community Mixed Use District
- Appendix C – Section 84.58(s): Commercial Land Uses (Vehicle Sales)
- Appendix D – Section 84.94: (GW-O) Groundwater Protection Overlay Zoning District
- Appendix E – Section 84.161: Conditional Use

Appendix A

**Application for Conditional Use Permit
Incredible Cars, Inc
Date of Submission: May 15, 2015**

Property Description

Currently: Lot One (1) of Certified Survey Map No. 02302, recorded in the Dane County Register of deeds office, in the Village of Cross Plains, Dane County, Wisconsin.

Proposed: Unchanged

Parcel Number: 0707-034-8047-1

Address: 2563 Main St, Cross Plains, WI 53528

Current Owner: Caryl M Zander Irrevocable Trust

Authorized Agent for purposes of this Application: Incredible Cars, LLC, owned by Jacob Sivertson and David Morrill.

Zoning Description

Current zoning classification: Community Mixed Use (Section 84.35)

Proposed Conditional Use – Section 84.161(d)

1) Map – please see Attachment I

2) Vehicle Sales. This classification is a principal use permitted as Conditional Use under Section 84.35(c)(21). Incredible Cars provides quality, safety inspected and fully functional cars and trucks in a fun and clean environment to the greater Cross Plains community. Our long-term goal is to thrive as a hometown family vehicle destination. Typical hours are 9am-6pm weekdays, 10am-5pm Saturdays and by appointment. Strengthening the community is a primary goal of keeping automotive business local, including sponsorships of local youth teams and community donations.

Dave Morrill, co-owner, has been in the vehicle business for 22 years. All of this time has been in retail sales. Responsibilities include vehicle display, reconditioning, and purchasing, as well as guest after-sales follow-up. Dave has lived in the Cross Plains community for the past 13 years and many years to follow. He is married with two children that have grown up through the Middleton-Cross Plains School District. His wife also works locally in the community and has for the past 15 years.

Jacob Sivertson, co-owner, has been in the vehicle retail business for over five years, the entirety being in a luxury vehicle sales environment. His primary goal has been to take care of his guests as he would his family. He regularly finishes first in retail sales, and also (more importantly) Customer Satisfaction within his dealership. Jacob resides in neighboring Verona with his wife and two boys. He grew up in a small farm community, the Village of Elk Mound, WI before moving to the Madison area to attend the University of Wisconsin Madison.

No immediate changes are intended to the current building exterior or structure. The current occupant is retiring and her hair salon and property will be vacant. This plan continues the retail experience while complementing neighboring businesses and fully utilizing the potential of the property, being part of the Village of Cross Plains corridor.

An update to the building wall sign is intended and will be submitted and approved under the Village's sign permitting process.

3) Site Plan – see attachment II

4) **Supporting Reasons for Approval of Application**

A. The Proposed use is consistent with Comprehensive Plan:

The proposed conditional use is consistent with the Village of Cross Plains Comprehensive Plan (the "Plan). "Consistent" in these situations has been defined by Wisconsin courts to mean that it "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." Our goal as applicant is to provide local competitive choices of vehicles to the greater community. The Applicant is responsible for the landscaping and cleanliness of our premises in order to provide a top level of local pride to our clients. A primary objective of the Comprehensive Plan is to "*work towards achieving the highest and best use of all vacant and underutilized lands and buildings in the Village of Cross Plains.*" In its current state, the property is under-utilized and almost without presence. As tenant, we will be filling the property and using its size and position to its potential. Another Objective of The Plan is to *improve the visual quality and physical design of the Village of Cross Plains.*" Our fresh new business will give a clean presence of newer, appealing vehicles as residents and visitors enter Cross Plains. This display encourages potential future businesses, showing the Village is prosperous and full of life, while retaining the smaller, hometown feel. Because we will not be building on the current property, the "*visual impacts of developments*" will be a non-factor. Furthermore, this property will allow residents to shop for a newer vehicle without breaking their routine of working out, grocery shopping, or running errands – instead we will be complimenting those neighboring businesses.

B. The Proposed Changes Meet CUP Standards for Approval – Section 84.58(s)

Our sale and display of vehicles will be supported by an ancillary repair shop in the area.

Regulations:

- (1) The outdoor vehicle sales area is to be enclosed by a painted perimeter which completely encloses all vehicles displayed outdoors. This area is 836 sq. ft. located on the south, Main St facing side of the asphalt. This area is the total of twelve vehicle stalls, each 9'x17', which is the same as the standard parking lot stall as verified by the neighboring Walgreens parking lot. On the north end of the asphalt, west of the building, will be a display area 18'x17', or 306 sq. ft., consisting of two display vehicles.
- (2) The outdoor display is to remain on the asphalt, not conflicting with any protected green space areas, required landscaped areas, or required buffer yards.
- (3) The Facility has no abutting residentially zoned property.
- (4) Materials, in this case vehicles, will not have signs or other materials protruding, as to not interfere with any on-site or off-site traffic visibility, including vehicles not being able to see other vehicles or pedestrians when entering or exiting Main Street to Glacier's Edge Square, or vice versa. Materials will not obstruct vehicle or pedestrian view while entering or exiting

the property.

(5) Only operable vehicles shall be displayed. All repair work to be completed off premises.

(6) Minimum required parking: One space per 300 sq. ft. of gross floor area. Four (4) parking spaces will be provided on the west side of the property, including one (1) handicapped stall, which is consistent with the required parking spaces given our 1200 sq. ft. of floor area. Each parking stall is to measure 9' in width and 17' in length.

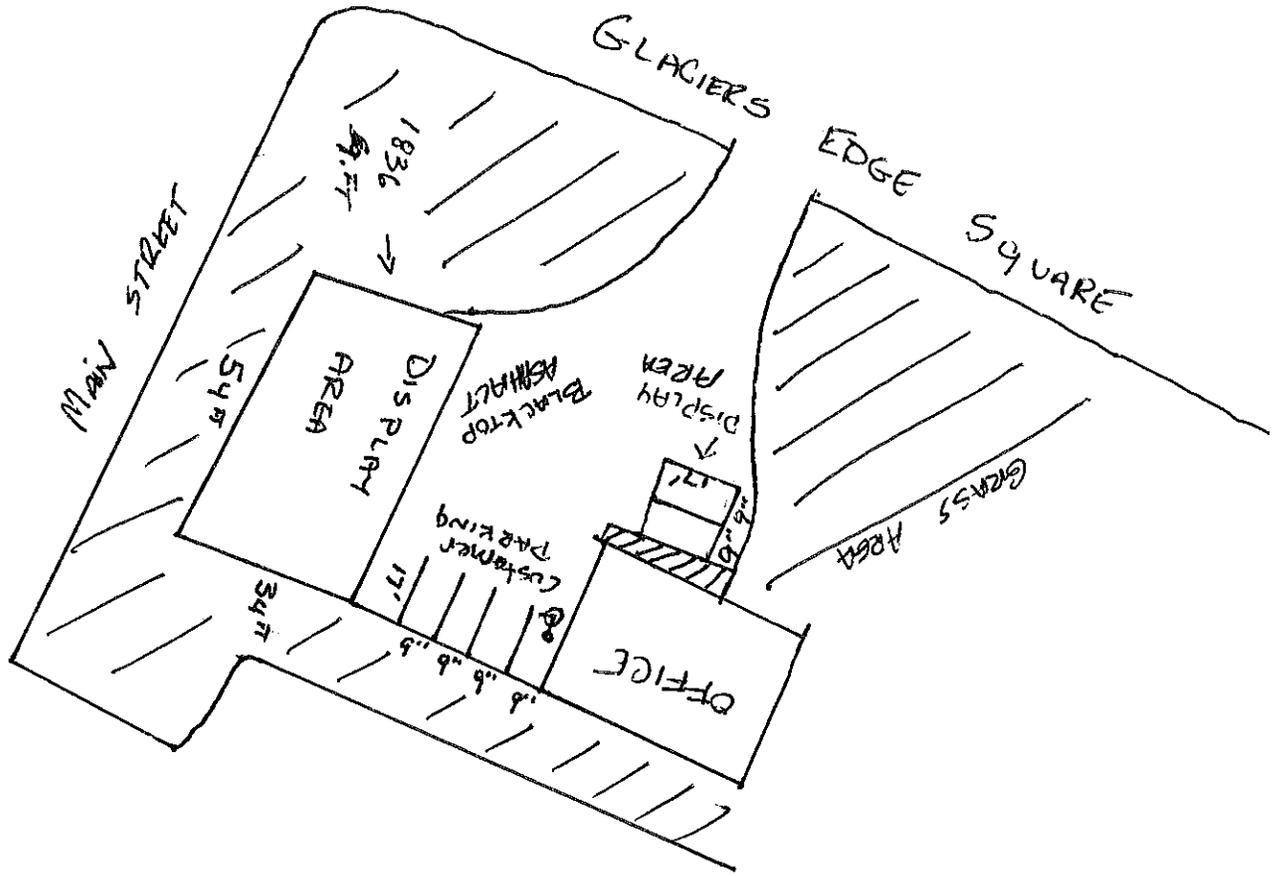
Owners of Properties Located within 100 feet of Subject Property

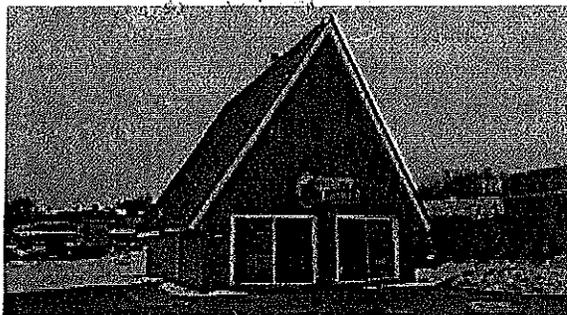
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Parcel No.
Parcel Address:
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Parcel No.
Parcel Address:
Description:
Owner





1736956 Active **Business/Comm** Price: \$1,500
2563 Main St # **Village** Cross Plains D17
County: Dane **Mailing City:** Cross Plains
 WI 53528
Trade Name: **Units in Bldg: 1**

RE For Sale: No **Ann Rent/SqFt:** \$ 20.00
Bus for Sale: No **Bldg Gross SqFt:** 900 *Assessor*
Lease Only: Yes **Net Leasable SF:** 900
of Stories: 1 **Onsite Parking:** 8
Approx Bldg Dim: 25x35 **Parking Fee/Mo:** \$ 0
Estimated Age: 999 **Open House:**

Schedule a Showing **Show Date:**

Directions: Hwy 14 W to Cross Plains

Unit:	Lease Type:	Lse Exp Date:	Renew Op:	Annual Base Rent:	Annual Rent/SqFt:	Other Fees/SqFt:	Gross SqFt:
1	0	0	No	\$ 0	\$ 0.00	\$ 0	0
2				\$	\$	\$	
3				\$	\$	\$	

Gross Op Inc: \$ 0 **Zoning:** Comm **Ceiling Hgt Min:** 8 **Max:** 8
Gross Sales: \$ **Lot Size:** .24 **Street Frontage:** 83
Gr Rental Inc: \$ **Vacancy:** % **# Loading Docks:**
Ann Op Exp: \$ 0 **Land Assess:** \$ 177,500
Net Op Inc: \$ 0 **PerPropTax:** \$ **Year:** **Improvements:** \$ 72,600
Parcel #: 0707-034-8047-1 **Inc/ExpYr:** 0 **Total Assess:** \$ 250,100 / 2014
Owner: **Inventory:** \$ **Net Taxes:** \$ 5,285 / 2013
Legal: Lot 1 CSM #2302

Type	Retail, Office, Service	Building Parking	6-10 spaces, Onsite, Paved
Location	Shopping center	Seating Capacity	11-20 persons
Present Use	Retail, Service	Licenses	None
Building Framing	Wood frame	Sale Includes	N/A
Exterior	Wood	Documents on File	N/A
Roofing	Metal	Lease Type	Gross
Heating/Cooling	Forced air	Tenant Pays	Heat, Air Conditioning, Electric, Water, Sewer
Fuel	Natural gas	Terms/Option	N/A
Water/Waste	Municipal water, Municipal sewer	Exchange	N/A
Features	Public rest rooms, Display window	Miscellaneous	N/A
		Occupancy	Tenant(s)

900 SF located on Main St (Hwy 14) in Cross Plains. \$750/MO Triple Net or \$1500/MO Gross. Currently set up fro a Hair Salon. Move right in or remodel for office/retail use. Great exposure - 12,000 cars per day - Site adjoins Walgreens & Piggly Wiggly.

For showings call Mike Roessler 608-212-2006 or Lori Zander 608-279-0270

List Agent: <u>Michael Roessler</u>	CoList: <u>Lori Zander</u>	List Date: 2/10/2015	Electronic Consent:
608-212-2006 F:	608-279-0270	Expiration Date: 2/9/2016	Exclusive Agency: No
<u>mroessler@c21affiliated.com</u>	<u>lzander@c21affiliated.com</u>	SubAgent Comm: 3%	Licensee Interest: Yes
<u>Century 21 Affiliated Roessler</u>	<u>Century 21 Affiliated Roessler</u>	BuyerAgent Comm: 3%	Limited Service: No
608-798-4000 Fax #: 608-798-4090	608-798-4000 Fax #: 608-798-4090	Days On Market: 6	Multiple Rep: Yes
2034 Main St Ste 1	2034 Main St Ste 1	CumulativeDaysMkt 6	Named Exceptions: No
Cross Plains WI 53528-8855	Cross Plains WI 53528-8855	AO Date:	Policy Letter:
Sale Agent:	Sold Price:	Closing Date:	Variable Comm: No
	Concessions:	Financing:	Sale Factors:

Accuracy of Information is not guaranteed and should be verified by buyer if material. Equal Housing Opportunity listing. Copyright 2015 SCWMLS



Millonzi Law, LLC

PO Box 348 | 1104 Mills St. | Black Earth | Wisconsin | 53515 | 608.767.1505 (ph) | 608.767.1506 (fax)

May 13, 2015

David Morrill
Jacob Sivertson

Dear Mr. Morrill:

The following may be considered a non-binding letter of intent setting forth the basic terms of a lease of the property located at 2563 Main Street, Cross Plains, Wisconsin, (the "Property"). The Property is currently owned by the Caryl M. Zander Irrevocable Trust dated July 22, 2013, of which Rachel M. Ripp and William G. Zander, are Co-Trustees (the "Trust").

The following paragraphs represent an outline for the parties to work from in moving toward entering into a formal lease, but are not legally binding as a lease. The lease will be on the terms and subject to the conditions set forth in a legally binding written agreement to be negotiated and entered into by both parties.

The Co-Trustees propose the following framework for the lease and the process of finalizing it:

1. Term of Lease. The lease shall be a five year lease. So long as you are not in default, you will have the option to renew for another five years after the initial term.
2. Rent. The base monthly rent for the Property shall be \$1,000.00 per month, for the first 3 years. Starting at year 4, the base monthly rent will increase 3% per year. In addition, you will also pay property taxes, insurance, all utilities and will be responsible for all maintenance of the Property and equipment located on the Property.
3. Tenant's Conditions to Entering into Lease. Your obligation to enter into a lease will be conditioned upon the Village of Cross Plains approving a Conditional Use Permit for the operation of a car dealership on the Property. Upon signing this letter of intent, you will proceed with diligence to obtain the necessary Village approvals.
4. Payment of Consideration. Upon the signing of this Letter of Intent by both parties, you shall provide earnest money of \$500.00 to be held in my firm's trust account. The earnest money will be applied to the security deposit if a lease is signed. If you do not enter into a lease because you are unable to obtain your Conditional Use Permit, the earnest money shall be returned to you. If you do not enter into a lease for any other reason, the Earnest Money will be paid to the Trust.

5. Personal Guaranty. It is understood as part of this transaction that you will provide a personal guaranty of the lease.
6. Nonassignability. Neither this Letter of Intent nor any subsequent lease shall be transferred or assigned, in whole or in part, without the prior written consent of the Trust, which approval will not be unreasonably withheld.
7. Binding Confidentiality. As stated above, this letter constitutes a summary for negotiation of a binding lease and related documents. Each of the parties agrees for itself, its affiliates and owners that any and all information contained in this letter of intent, as well as any and all information disclosed by one party to the other in the negotiation of the transactions contemplated hereby is "confidential information." Each party agrees that (i) confidential information shall not be disclosed to anyone other than the party's agents and employees who have a need to know and who shall receive the same with knowledge of this paragraph and instructions to keep the same confidential; and (ii) no party shall use for itself or for its benefit confidential information of the other party.
8. Professional Fees/Costs. Each party shall be responsible to pay his or her own attorneys' fees and other professional fees incurred arising out of this transaction.
9. Good Faith Negotiations. The parties shall negotiate in good faith and make their best efforts to arrive at an agreement for the lease of the Property as soon as possible.
10. Exclusive Dealing. During the term of this Letter of Intent, while negotiating the lease of the Property, the Trust shall not directly or indirectly, offer to lease the Property to anyone other than you.
11. Access to Leased Premises. While negotiating the lease of Property and seeking Village approvals, you, your employees, representatives and agents shall have reasonable access to the Property during normal business hours and upon reasonable verbal notice to the Trust for purposes of inspection and evaluation of the space for meeting your business needs.
12. Termination. Each party has the right to terminate this Letter of Intent if no lease agreement is signed within ninety (90) days of the date this Letter of Intent is last signed by a party.

Please indicate your acceptance and approval of the terms of this letter by signing and dating below and returning the original to Rachel Ripp no later than 5 business days from the date above. As you know, other parties are interested in leasing the Property. The Co-Trustees intend to consider those signed letters of intent received by the deadline and select one to accept and move forward with negotiations.

David Morrill
May 13, 2015
Page 3 of 3

Sincerely,
MILLONZI LAW, LLC

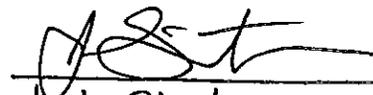

Kay A. Millonzi

LETTER OF INTENT ACCCEPTED AND AGREED:



David Morrill

Dated: 5/17/15



Jacob Sivertson

5/17/15

Rachel Ripp, Co-Trustee, Caryl M. Zander Irrevocable Trust

Dated: _____

William Zander, Co-Trustee, Caryl M. Zander Irrevocable Trust

Dated: _____

Appendix B

- (2) Article VII: Performance Standards
- (3) Article VIII: Landscaping Regulations
- (4) Chapter 87: Signage Regulations

SECTION 84.35 (CMU) Community Mixed Use Zoning District.

- (a) **Intent.** This district intends to permit a wide range of large and small scale office, retail, service, and lodging uses that are compatible with the desired community character.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (1) Mixed Use Building Residential Use
 - (2) Selective Cutting
 - (3) Community Garden
 - (4) Outdoor Open Space Institutional
 - (5) Passive Outdoor Recreation
 - (6) Essential Services
 - (7) Small Scale Public Services and Utilities
 - (8) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(i)
 - (9) Office
 - (10) Personal or Professional Service
 - (11) Indoor Sales or Service
 - (12) Artisan Production Shop
 - (13) Indoor Maintenance Service
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (1) Single Family
 - (2) Two Flat
 - (3) Cultivation
 - (4) Clear Cutting
 - (5) Market Garden
 - (6) Indoor Institutional
 - (7) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
 - (8) Community Living Arrangement (16+ residents) meeting the requirements of Section 84.57(j)
 - (9) Institutional Residential
 - (10) Outdoor Display
 - (1) Physical Activity Studio
 - (12) Indoor Commercial Entertainment
 - (13) Outdoor Commercial Entertainment
 - (14) In-Vehicle Sales and Service

- (15) Group Daycare Center
 - (16) Commercial Animal Boarding/Daycare
 - (17) Bed and Breakfast
 - (18) Vacation Rental Home
 - (19) Commercial Indoor Lodging
 - (20) Boarding House
 - (21) **Vehicle Sales**
 - (22) Vehicle Service
 - (23) Vehicle Repair
 - (24) Intensive Outdoor Activity
 - (25) Transit Center
 - (26) Off-Site Parking
 - (27) Large Wind Energy System
 - (28) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Home Occupation
 - (2) In-Home Daycare 4-8 Children
 - (3) In-Family Suite
 - (4) Residential Accessory Structure
 - (5) Nonresidential Accessory Structure
 - (6) Landscape Feature
 - (7) Recreational Facility
 - (8) Residential Kennel
 - (9) On-Site Parking
 - (10) Company Cafeteria
 - (11) Incidental Outdoor Display
 - (12) Incidental Indoor Sales
 - (13) Incidental Light Industrial
 - (14) Satellite Dish
 - (15) Personal Antenna and Towers
 - (16) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
- (1) Accessory Dwelling Unit
 - (2) Small Wind Energy System
 - (3) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (1) Temporary Outdoor Sales
 - (2) Temporary Outdoor Assembly
 - (3) Temporary Shelter Structure

- (4) Temporary Storage Container
- (5) Temporary On-Site Construction Storage
- (6) Temporary Contractor's Project Office
- (7) Temporary On-Site Real Estate Sales Office
- (8) Temporary Relocatable Building
- (9) Garage or Estate Sale
- (10) Farmer's Market (requires conditional use permit)

(g) **Density, Intensity, and Bulk Regulations for the (CMU) Community Mixed Use District.**

	Residential Uses		Nonresidential Uses
Minimum Lot Area	9,600 square feet	✓	9,600 square feet ~10,800 sq ft
Maximum Density	8 dwelling units per acre		N/A
Minimum Lot Frontage	50 feet	✓	50 feet ~90'
Maximum Building Coverage of Lot	50 percent	✓	50 percent ~11.11%
Minimum Landscape Surface Ratio	30 percent	✓	30 percent ~50%
Minimum Lot Width (per building, not unit)	80 feet	✓	80 feet ~90'
Minimum Front Setback	25 feet	✓	25 feet ~50'
Minimum Street Side Setback	25 feet	✓	25 feet ~36' (west)
Minimum Side Setback	10 feet	✓	10 feet ~20' (east)
Minimum Rear Setback	25 feet	✓	25 feet ~30'
Maximum Principal Building Height	35 feet	✓	35 feet 1.5 Story
Minimum Principal Building Separation (multi-structure developments on shared lots)	20 feet	✓	20 feet Single Structure
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	✓	5 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear Existing No New
Minimum Parking Required	See Article III		See Article III See Appendix D
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	✓	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley N/A
Accessory Building Side Setback	3 feet	✓	10 feet N/A
Accessory Building Rear Setback	3 feet	✓	10 feet N/A
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	✓	20 feet N/A

(h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:

- (1) Article VI: Overlay Zoning Districts See Appendix C
- (2) ~~Article VII: Performance Standards~~ Not new construction, does not apply.
- (3) ~~Article VIII: Landscaping Regulations~~
- ✓ Chapter 87: Signage Regulations
 - To be applied for under separate permit once designed.
 - Desire to install a "Wall Sign".

Appendix C

enclosed building. This shall not include Vehicle Sales, Vehicle Service, or Vehicle Repair land uses.

Regulations:

(1) Minimum required parking: One space per 300 square feet of gross floor area.

- (r) **Outdoor Maintenance Service.** Facilities where maintenance service is provided, including repair, and where all or any portion of the operation is located outside of an enclosed building. This shall not include Vehicle Sales, Vehicle Service, or Vehicle Repair land uses.

Regulations:

(1) All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of 0.60.

(2) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.

(3) Minimum required parking: One space per 300 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.

- (s) **Vehicle Sales.** The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses also include an ancillary repair shop associated with the vehicle display lot and sales building.

Regulations:

✓ (1) The outdoor vehicle sales area shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner which completely encloses all vehicles displayed outdoors. *Painted perimeter, 1,142 sq ft, 14 total displays*

✓ (2) The display of vehicles shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards. *Pavement*

✓ (3) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property. *No adjacent residential* Only as defined on Site Plan

✓ (4) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts. *Mainly vehicle display, no protruding obstructions.*

✓ (5) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed. *Operable Vehicles Only*

✓ (6) Minimum required parking: One space per 300 square feet of gross floor area.

- (t) **Vehicle Service.** Facilities where vehicle service is provided entirely within an enclosed building, such as an oil change shop. This shall not include Vehicle Sales or Vehicle Repair.

4 spaces to be provided which allows for 1 handicap, 1 employee, and up to 2 customers.

See Subsection B on page 2 of Appendix A for Applicant's response to these requirements.

Appendix D

A portion of this property including the building is located within Zone C of GW-O.

SECTION 84.94 (GW-O)Groundwater Protection Overlay Zoning District.

- (a) **Purpose.** The Village of Cross Plains depends on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this ordinance is to institute land use regulations and restrictions to protect the Village water supply and well fields, and to promote the public health, safety, and general welfare of the residents of the Village.
- (b) The Groundwater Protection Overlay District includes the recharge area for the Village wells that lies within the Village limits, as described in the Village of Cross Plains Well Head Protection Plan and incorporated herein as if fully set forth.
- (c) **Overlay Zones.** The Groundwater Protection Overlay District is divided into Zone A, Zone B, and **Zone C**, as described in the Village of Cross Plains Well Head Protection Plan.
 - (1) Zone A includes lands that lie within the 5-year Time of Travel from each Village well and all areas within 1,500 feet of each Village well.
 - (2) Zone B includes the area between the boundary of Zone A and the 25-year Time of Travel boundary for each Village well.
 - (3) **Zone C** includes the area between the boundary of Zone B and the boundary of the Zone of Influence for each Village well.
- (d) **Land Use Regulations for All Zones.**
 - (1) The land use regulations in this Section are in addition to the land use regulations established for the underlying zoning district.
 - ✓ **Prohibited Uses for All Zones.** Those uses declared to be prohibited have a high probability that such activities routinely associated with them (storage, use, and handling of potential pollutants) will cause groundwater contamination. Prohibited uses include, but are not limited to, the following uses within the Groundwater Protection Overlay District:
 - a. Septage and/or sludge spreading
 - b. Gasoline stations
 - c. Landfills or waste disposal facilities
 - d. Spray waste water facilities
 - e. Bulk fertilizer and/or pesticide facilities
 - f. Asphalt products manufacturing
 - g. Salt storage
 - h. Electroplating facilities
 - i. Paint and coating manufacturing
 - j. Hazardous and/or toxic materials storage
 - k. Hazardous and/or toxic waste facilities
 - l. Radioactive waste facilities

(e) **Land Use Regulations for Zone A.**

- (1) **Permitted Uses in Zone A.** The following uses are permitted uses within Zone A of the Groundwater Protection Overlay District. Uses not listed in this Subsection or in Subsection (2), below, are considered to be prohibited uses.
- a. Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
 - b. Wildlife areas
 - c. Non-motorized trails, such as biking, skiing, nature, and fitness trails
 - d. Residential, commercial, and industrial property, which is municipally sewered and free of flammable and combustible liquid and underground storage tanks
- (2) **Conditional Uses for Zone A.** The following uses may be allowed as a conditional use per the requirements of Section 84.161, provided adequate groundwater protections and monitoring measures are implemented:
- 1. Nurseries for ornamental plants, greenhouses, and associated retail sales outlets
 - 2. Cemeteries

(f) **Land Use Regulations for Zone B.**

- (1) **Permitted Uses in Zone B.** The following uses are permitted uses within Zone B of the Groundwater Protection Overlay District. Uses not listed or referenced in this Subsection or in Subsection (2), below, are considered to be prohibited uses.
- a. Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
 - b. Wildlife areas
 - c. Non-motorized trails, such as biking, skiing, nature, and fitness trails
 - d. Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with the requirements of the Wisconsin Department of Agriculture, Trade and Consumer Protection.
 - e. Residential, commercial, and industrial property which is municipally sewered or has a State-approved sewer and septic system
- (2) **Conditional Uses for Zone B.** The following uses may be allowed as a conditional use per the requirements of Section 84.161, provided adequate groundwater protections and monitoring measures are implemented:
- a. Nurseries for ornamental plants, greenhouses, and associated retail sales outlets
 - b. Cemeteries

(g) **Land Use Regulations for Zone C.**

- (1) **Permitted Uses in Zone C.** The following uses are permitted uses within Zone C of the Groundwater Protection Overlay District. Uses not listed or

referenced in this Subsection or in Subsection (2), below, are considered to be prohibited uses.

- a. Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
- b. Wildlife areas
- c. Non-motorized trails, such as biking, skiing, nature, and fitness trails
- d. Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with the requirements of the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- e. Residential, commercial, and industrial property which is municipally sewered or has a State-approved sewer and septic system



Conditional Uses for Zone C. The following uses may be allowed as a conditional use per the requirements of Section 84.161, provided adequate groundwater protections and monitoring measures are implemented:

- a. Nurseries for ornamental plants, greenhouses, and associated retail sales outlets
- b. Cemeteries
- c. Any other use permitted by right or by conditional use in the underlying zoning district

(h) **Separation Distance Requirements.** The following minimum separation distances shall be maintained in the Groundwater Protection Overlay District between the well and certain land uses and facilities as follows:

- (1) 60 feet between the well and any storm sewer main.
- (2) 200 feet between the well and any sanitary sewer main, sanitary sewer manhole, lift station, or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer main where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet the then current American Water Works Association C600 specification. In no case may the separation distance between the well and any sanitary sewer be less than 60 feet.
- (3) 400 feet between the well and any septic tank or soil adsorption system receiving less than 8,000 gallons per day, a cemetery or storm water drainage pond.
- (4) 600 feet between the well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Agriculture, Trade and Consumer Protection or its designated agent.
- (5) 1,000 feet between the well and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum contaminated soil regulated under Wisconsin Department of Natural Resources Chapter NR 718 while that facility is in operation;

industrial commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption systems receiving 8,000 gallons per day or more.

- (6) 1,200 feet between the well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal, or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Wisconsin Department of Natural Resources Chapter NR 140 enforcement standards that is shown on the department's geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tank installations that have not received written approval from the Wisconsin Department of Agriculture, Trade and Consumer Protection or its designated agent; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(i) **Enforcement.**

- (1) Any person, firm, or corporation who fails to comply with the provisions of this Section shall forfeit not less than \$100.00 nor more than \$500.00 for each violation, plus the costs of prosecution. Any person, firm, or corporation in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment is made, but not exceeding 30 days, or alternatively shall have those costs added to their real property as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.
- (2) Where any of the prohibited or conditional uses listed above in Subsections (d)(2), (e)(2), (f)(2), or (g)(2) exist within the Groundwater Protection Overlay District on the effective date of this ordinance, such uses shall be treated as nonconforming uses and any expansion thereof shall be prohibited. However, owners of these facilities may be allowed to upgrade the facilities to facilitate or enhance groundwater protection with approval of the Village Board. The procedures and standards for obtaining a conditional use shall be applicable to any such approval.

SECTION 84.95 (HILL-O) Hillside/Hilltop Overlay Zoning District.

- (a) **Purpose.** This district is intended to set forth special requirements for the protection of the hillsides and hilltops from the adverse effects of development. Development in these areas, if allowed, shall be restricted so as to minimize the disturbance of land and vegetation and preserve the viewshed year-round for areas of lower elevation.
- (b) **Definitions.** Hillsides, hilltop and hilltop edges are defined terms in Chapter 83 of the Village's Code of Ordinances (Land Division and Subdivision), which provisions are adopted and incorporated herein by reference.

Appendix E

request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or applicant.

- (2) The Village Board may take final action (by ordinance) on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.
 - (3) If the Village Board wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Village Board action. Any action to amend the Official Zoning Map requires a majority vote of the Village Board, except that in case of adverse recommendation by the Plan Commission or of a protest against such change signed and acknowledged by the owners of 20 percent of the frontage proposed to be changed or the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed, except by a $\frac{3}{4}$ vote of all members of the Village Board. The Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- (h) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

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 make impractical the predetermination of permissibility. 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. →
- (d) **Application.** An application for a conditional use permit shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):
 - (1) A map of the subject property to scale depicting:
 - ✓ All lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property.

Non-binding letter of intent to lease property.

- ✓. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County.
- ✓. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
- ✓. All lot dimensions of the subject property.
- ✓. 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. [See Appendix A](#)
- (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 on said site plan. N/A
- (4) ✓. Written justification for the proposed conditional use, including evidence that the application is consistent with the Comprehensive Plan. [See Appendix A](#)
- (5) ✓. For Group and Large Development, a Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation N/A requirements for content and format may be required by the Village if deemed necessary by the Village Engineer.

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

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator may coordinate review with the Village's Development Review Team.
- (3) The Zoning Administrator shall review the completed application and evaluate whether the proposed conditional use:

See Cover Memo,
Intended Use
Fails to be
consistent with
Comp Plan.

- ✗. Is in harmony with the recommendations of the Comprehensive Plan.
- ✓. Will 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, either as they now exist or as they may in the future.
- ✗. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
- ✓. 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 agencies serving the subject property.



The potential public benefits outweigh any and all 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.



See memorandum.

The Zoning Administrator shall prepare a written report addressing items (e)(3)a.-e. above, to be forwarded to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. 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.



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.

App Date: May 15 (Draft), May 21 (Final)

Class I Notice: May 21

Hearing Date: June 1



Review and Recommendation by the Plan Commission.

(1) Within 60 days after the public hearing, the Plan Commission may make a written report to the Village Board, and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (e)(3)a.-e. above.

(2) If the Plan Commission fails to make a recommendation within 60 days after the public hearing, the Village Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive a recommendation from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so Section 84.158.

(h) **Review and Action by Village Board.**

(1) The Village Board shall consider the recommendation of the Plan Commission regarding the proposed conditional use. The Village Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, applicant, and/or from any other source.

(2) The Village Board may take final action (by resolution) on the application at the time of its initial meeting or may continue the proceedings at applicant's request. The Village Board may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications, or may deny approval of the proposed conditional use.

(3) If the Village Board wishes to make significant changes in the proposed conditional use, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Village Board action.

- (i) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (j) **Revocation of an Approved Conditional Use.** Upon approval by the Village Board, 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 Chapter. Any conditional use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter 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 Village Board, following the procedures outlined in Subsection (i), above.
- (k) **Time Limits on the Development of Conditional Use.** Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of its approval by the Village Board and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, “operational” shall be defined as the granting of a certificate of occupancy for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Village Board and shall be based upon a showing of acceptable justification (as determined by the Village Board). However, as a condition of approval, the 365 and/or 730 day time limits may be extended for any specific period including not time limit to accommodate phased or multi-stage development.
- (l) **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.
- (m) **Change of Ownership.** All requirements of the approved conditional use shall be continued regardless of ownership of the subject property; however, submittal of a plan of operation may be required prior to the change in ownership.
- (n) **Modification, Alteration, or Expansion.** Modification, alteration, or expansion of any conditional use without approval by the Village Board, shall be considered in violation of this Chapter and shall be grounds for revocation of said conditional use approval per Subsection (j), above. A modification, alteration, or expansion which has been approved as part of a prior valid condition use does not require a new conditional use approval.

- (o) **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, at the applicant's expense, with the Register of Deeds for the subject property.
- (p) **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 Chapter, 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.
- (q) **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 recommend, and the Village Board may designate, any proposed conditional use request as a limited conditional use. The Plan Commission shall specify which of the following characteristics 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 Village Board deems specially relevant and material.
- (r) **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:
 - a. Changing from the specific use originally permitted by conditional use to another operation of the same 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 In-Vehicle Sales and Service under Section 84.58(i).
 - b. Only a change in the ownership of the subject property.
 - c. Only a change in the ownership of the business or other operator of the land use.

- d. Other changes explicitly identified in a currently valid conditional use permit which are identified as acceptable as a successor conditional use.
- (2) **Purpose.** The purpose of these provisions is to create a process which:
- a. Verifies that the proposed change is a valid successor conditional use.
 - b. Creates a record that the proposed change is recognized by the Village as a successor conditional use.
 - c. Clarifies that the same conditions of approval, development and operation continue to apply to a successor conditional use.
 - d. Reduces the costs and time needed to approve a successor conditional use;
- (3) **Approval Process.** A successor conditional use shall not require the granting of a new conditional use permit by the Village. However, prior to operation, a successor conditional use shall require the formal reaffirmation of its status as a valid successor conditional use. This required formal reaffirmation shall be issued in writing by the Village Zoning Administrator, or by the designee of the Village Zoning Administrator.
- (4) **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 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.
- (5) **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.

SECTION 84.162 Temporary Use Permit Procedures.

- (a) **Purpose.** The purpose of this Section is to provide regulations that govern temporary uses. All temporary uses are required to meet the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.
- (b) **Review and Approval by the Zoning Administrator.** There is no formal application requirement or process for temporary uses. However, temporary uses have the potential to create undesirable impacts on nearby properties that cannot be determined except on a case-by-case basis. In order to address unforeseen

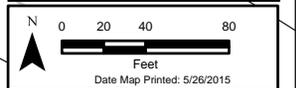
Village of Cross Plains

Glaciers Edge Square

Main Street

W Brewery Road

- LEGEND
- Streets
 - Tax Parcels (Static)
 - Municipal Boundary
 - Lakes
 - Rivers



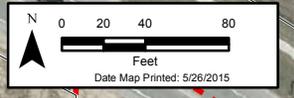
Village of Cross Plains

Glaciers Edge Square

Main Street

W Brewery Road

- LEGEND**
- Streets
 - Tax Parcels (Static)
 - Municipal Boundary
 - Lakes
 - Rivers



Incredible Cars Conditional Use Permit - Public Hearing Notice Distribution

Parcel #	Name	Address	City	State	Zip Code	Notes
0707-034-8047-1	Caryl M Zander Irrev Tr.	3305 Round Table Way	Cross Plains	WI	53528	Property Owner
0707-034-8047-1	Current Resident	2563 Main Street	Cross Plains	WI	53528	Subject Property
0707-034-8460-1	James & Annette Dowd	PO Box 1159	Deerfield	IL	60015	within 100'
0707-034-8020-1	Lancasters Real Estate of Cross Plains LLC	28 Glaciers Edge Square	Cross Plains	WI	53528	within 100'
0707-034-8056-0	Glaciers Edge LLC	5440 Willow Rd., Suite 101	Waunakee	WI	53597	within 100'
0707-034-8015-9	Glaciers Edge LLC	5440 Willow Rd., Suite 101	Waunakee	WI	53597	within 100'
0707-034-8085-5	State Bank of Cross Plains	1205 Main Street	Cross Plains	WI	53528	within 100'
0707-034-8065-9	Judity A Sonnemann	2543 Main Street	Cross Plains	WI	53528	within 100'
0707-034-8180-9	WI DNR	PO Box 7921	Madison	WI	53701	within 100'
	Town of Cross Plains	3734 County Road P	Cross Plains	WI	53528	within 1,000'



VILLAGE OF CROSS PLAINS

2417 Brewery Road, PO Box 97 • Cross Plains, WI 53528 • Phone (608) 798-3241 • Fax (608) 798-3817

May 22, 2015

RE: Proposed Conditional Use Permit Application for Incredible Cars LLC located at 2563 Main Street

Dear Property Owner and/or Resident:

Please find on the back of this letter the public hearing notice for a proposed Conditional Use Permit for Incredible Cars LLC to be located at 2563 Main Street. The permit is required in order for a Vehicle Sales use to be allowed at this location.

You are receiving this notice because you either reside or own property within the vicinity of the proposed conditional use permit.

Please contact me if you have any questions, (608) 798-3241 x 105.

Sincerely,

Matthew G. Schuenke
Zoning Administrator

VILLAGE OF CROSS PLAINS

2417 Brewery Road
Cross Plains, WI 53528
(608) 798-3241

Plan Commission – Public Hearing Notice

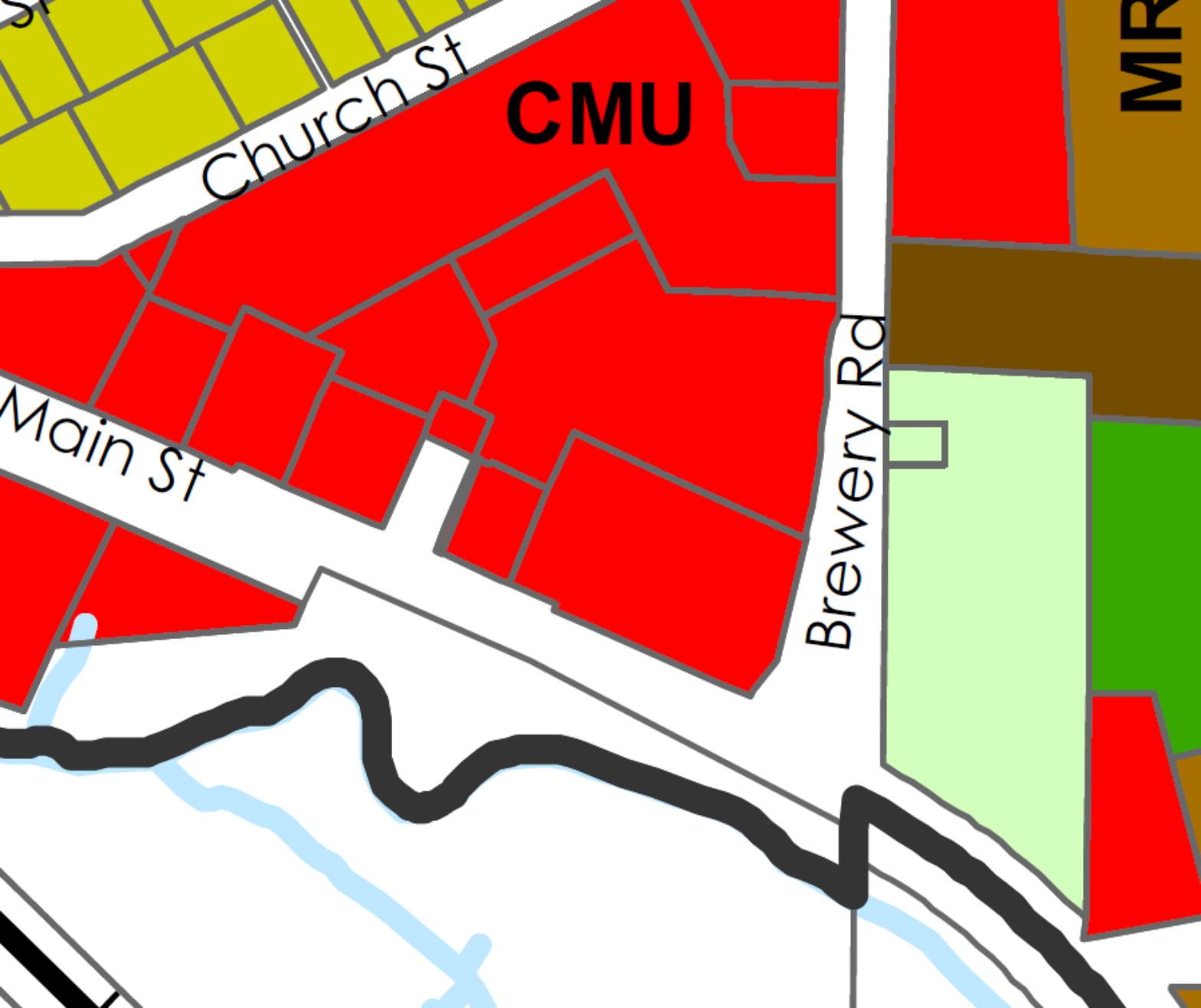
Notice is hereby given that a public hearing will be held at the Village Hall located at 2417 Brewery Road, Cross Plains, WI 53528 at 7:00 pm on June 1, 2015 before the Plan Commission regarding the following items:

1. A request from Incredible Cars, LLC for a Conditional Use Permit as a Vehicle Sales use located at 2563 Main Street.

Dated this 21st day of May, 2015.



Matthew G. Schuenke
Administrator/Clerk-Treasurer



Church St

CMU

MR

Main St

Brewery Rd

