

# Middleton Westport Joint Zoning Committee Agenda

Wednesday, August 18, 2021 6:00 PM

Virtual Meeting via [www.zoom.us](http://www.zoom.us)

**Zoom Meeting ID: 895 1035 7433 Passcode: 867 5309 Call In: 312 626 6799\***

(If needed, a toll-free phone number is available by calling (608) 821-8394 prior to the meeting.)

Posted on the City's web site at [meetings.cityofmiddleton.us/](http://meetings.cityofmiddleton.us/) 8/13/21 3:30 p.m.

## **Call to Order and Roll Call**

## **Approval of Minutes**

- 1) Minutes of March 24, 2021 meeting

## **Agenda Items**

- 1) Potential General Implementation Plan Amendment to Allow Natural Cemetery and Funeral Home

## **Adjournment**

**Public Comment:** The chairperson has the discretion to recognize people who wish to speak regarding a particular agenda item not associated with a public hearing. If one person is recognized to speak, then others will also be given the opportunity to speak. To avoid potential violations of the Wisconsin open meetings law, the commission will not accept public comments regarding items that are not listed on the agenda. The public is welcome to provide comments at the beginning of regularly scheduled Common Council meetings.

**Potential Quorum of Other Bodies:** It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at this meeting to gather information; however, no action will be taken by any governmental body at this meeting other than the governmental body specifically referenced in this notice.

**Meeting Accommodations:** Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact the City Administrator at (608) 821-8350, 7426 Hubbard Ave., Middleton, WI at least 24 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

**Staff contacts for this meeting:** Mark Opitz, [mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us), (608) 821-8394  
Tom Wilson, [twilson@townofwestport.org](mailto:twilson@townofwestport.org), (608) 849-4372

# MIDDLETON-WESTPORT JOINT ZONING COMMITTEE

## Wednesday, March 24, 2021 6:00 p.m.

### MEETING MINUTES

*These minutes are not final until they are formally approved at a subsequent meeting*

Meeting materials are available on the City's website at <http://meetings.cityofmiddleton.us/>

A recording of the meeting is available at: <https://www.youtube.com/watch?v=l7PYk6UeELw>

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#### **Roll Call**

Chair Sipsma called the meeting to order at 6:02 p.m. The meeting was conducted online only via the Zoom platform.

**MEMBERS PRESENT:** Randy Bruce, Dean Grosskopf, Cynthia Kennedy, Jen Murray, Kurt Paulsen, Ken Sipsma

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mark Opitz, Tom Wilson

#### **Approval of Minutes**

**Motion** by Paulsen, seconded by Kennedy, to approve the draft minutes of January 27, 2021, as prepared. **Motion passed** 5-0.

#### **Agenda Items**

##### **1) 4914 Wakanda Drive: Recommendation regarding revised zoning variance application**

Wilson and Opitz spoke about how Ken Lambrecht has changed his building plan from the project for which the Middleton Zoning Board of Appeals granted variances on Feb. 3. The level below the garage is now planned to extend forward beneath the driveway so that the foundation wall is aligned with the front edge of the roof overhang. Wilson reported that the Westport Plan Commission has recommended approval. Grosskopf said that this was the direction that Town officials had thought the project was going when they reviewed it earlier this year.

**Moved** by Paulsen, seconded by Grosskopf, to recommend to Middleton's Zoning Board of Appeals and the Town Board approval of the revised variances subject to the conditions identified in the Town's resolution. **Motion passed** 5-0.

##### **2) 4916 Borchers's Beach Road: Recommendation regarding revised zoning variance application**

Steve Levy spoke about his plan to reconstruct a residence on this oddly shaped parcel while preserving as many mature trees as possible. He noted that the existing home already doesn't meet all minimum setback requirements. Wilson reported that the Town Plan Commission considered the proposed placement to be the best option for the site and neighborhood. Opitz elaborated on the minimum setbacks required by County R2 zoning. Committee members briefly discussed the project and the hardship presented by the configuration of lot.

**Moved** by Paulsen, seconded by Murray, to recommend to Middleton's Zoning Board of Appeals and the Town Board approval of the variances subject to the conditions identified in the Town's resolution. **Motion passed** 4-0, with Kennedy abstaining.

### **Adjournment**

**Moved** by Grosskopf, seconded by Murray, to adjourn. **Motion passed**, and the meeting adjourned at 6:22 p.m.

*Minutes prepared by Mark Opitz, City Planner and Zoning Administrator. These minutes should not be considered finalized until they are formally approved at a subsequent meeting of the Committee.*



# PLAN COMMISSION APPLICATION

CITY OF MIDDLETON • 7426 HUBBARD AVE. • MIDDLETON, WI. 53562 • (608) 821-8370 • FAX (608) 827-1080

Plan Commission usually meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 7 p.m. in the Council Chambers of Middleton City Hall. The following **must be submitted THREE weeks** prior to any Plan Commission meeting for staff review and agenda placement. Failure to submit a complete package may result in the return of all items, a resubmittal fee, and a delay of your project.

1. Plan Commission Application & Checklist (this packet).
2. Required fee(s) **and deposit (see chart below)**.
3. One (1) copy of the submittal and an electronic version emailed to [dattoe@cityofmiddleton.us](mailto:dattoe@cityofmiddleton.us).

**Project Address:** LOT 1 CSM 13066 CS83/295-298 03/23/2011 F/K/A PRT OF SEC 29-8-9 PRT SW1/4SE1/4, PRT SE1/4SW1/4 & PRT SW1/4SW1/4 & SEC 31-8-9

Applicant: <b>The Wisconsin Foundation Inc</b>		
Address: <b>1818 Parmenter Street Middleton WI 53562</b>		
Phone: <b>608-575-1018</b>	Fax:	Email: <b>maddie@twallenterprises.com</b>

Owner: <b>The Wisconsin Foundation Inc</b>		
Address: <b>1818 Parmenter Street, Middleton WI 53562</b>		
Phone: <b>608-575-1018</b>	Fax:	Email: <b>maddie@twallenterprises.com</b>

**Project Description:** **Rezoning a current piece of vacant land to create a Natural Burial cemetery. A future funeral home will eventually be built along Oncken Road.**

**Owner/Applicant Signature:**  **Date:** **7/8/2021**

Terrence R Wall (Feb 16, 2021 16:23 CST)

**Note:** City ordinances are on the City website at <http://www.ci.middleton.wi.us/ordinances/ordinances.htm>

Fees (check what applies):		
	Certified Survey Map	\$200 + \$25/lot
	Concept Review	\$50
	Conditional Use Permit	\$300
	Design Review	\$200
	Design Review Revisions	\$50
	Final Plat	\$400 + \$50/lot
	Preliminary Plat	\$400 + \$50/acre
X	Rezoning	\$400-\$2,000**
	Sign Variance	\$200
	SIP/SIP Modification	\$50-\$400**
<p>* Specific Implementation Plan in Planned Development District</p> <p>** Fee based on cost of project. <b>For Rezoning:</b> single lot or project = \$400, larger projects and PDD rezoning requests = \$1,000 for projects up to 50 acres, and \$2,000 for projects over 50 acres. <b>For SIP Modifications:</b> projects under \$10,000 = \$50, between \$10,000 and \$50,000 = \$200, and over \$50,000 = \$400.</p>		

<p><b>Deposit</b></p> <p>An Escrow Deposit of \$5,000 is required per Ord. 10.128(2) to cover project review costs by outside consultants when necessary. See attached excerpt from City Ordinances.</p> <p>Waiver authorized:  <input type="checkbox"/> _____ date _____</p> <p><b>TRAFFIC IMPACT ANALYSIS</b>  <b>Required Yes <input type="checkbox"/> No <input type="checkbox"/></b></p>
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# CITY OF MIDDLETON REZONING CHECKLIST

Project Name: <b>The Wisconsin Foundation Cemetery</b>	Submitted By: <b>Terrence Wall, Director</b>
Project Address: <b>See legal description</b>	Date Submitted: <b>7/8/2021</b>

All requests for a zoning map or district change, after receipt by the Zoning Administrator, shall be forwarded to the Plan Commission. The Plan Commission shall, after study, make its recommendation to the Common Council. The Plan Commission will set a date for a public hearing by publishing a Class II notice.

**Note:** Include on the plan sheets each applicable item listed below with all formal plan submittals. This list is not intended to show all applicable requirements. All boxes should be checked, or marked "N/A" if the item does not apply. Ten (10) copies of the plans must be submitted with this checklist as a single package no later than 4:30 pm, Tuesday, three (3) weeks prior to presentation at Plan Commission.

- x   1. Site plan of all lots and structures including surrounding properties within 200'.
- N/A   2. Utility installations and easements.
- x   3. **Lot dimensions, area and legal description.**

Request to change PDD-G district to AG & B-3 district of the following described land: \_\_\_\_\_  
LOT 1 CSM 13066 CS83/295-298 03/23/2011 F/K/A PRT OF SEC 29-8-9 PRT SW1/4SE1/4,  
PRT SE1/4SW1/4 & PRT SW1/4SW1/4 & SEC 31-8-9

Public Hearing date as established by the Plan Commission (Class II Notice): \_\_\_\_\_

Date notice mailed to all affected property owners: \_\_\_\_\_

Applicant's statement: Please see attached cover letter for statement.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<b>Staff Contacts</b>		
<b>Abby Attoun-Tucker, AICP</b> Planning & Community Development Director (608) 821-8343 Email: <a href="mailto:aattoun@cityofmiddleton.us">aattoun@cityofmiddleton.us</a> Fax: (608) 827-1080	<b>Mark Opitz</b> City Planner Zoning Administrator (608) 821-8394 Email: <a href="mailto:mopitz@cityofmiddleton.us">mopitz@cityofmiddleton.us</a> Fax: (608) 827-1080	<b>Daphne Xu</b> Associate Planner (608) 821-8377 Email: <a href="mailto:dxu@cityofmiddleton.us">dxu@cityofmiddleton.us</a> Fax: (608) 827-1080
<b>Diane Attoe: Office Manager, Public Works Department</b> Phone: (608) 821-8370 / Fax: (608)827-1080 Email: <a href="mailto:dattoe@cityofmiddleton.us">dattoe@cityofmiddleton.us</a>		



July 8, 2021

Middleton Plan Commission  
City of Middleton  
7426 Hubbard Avenue  
Middleton, WI 53562

Re: The Wisconsin Foundation Request for Cemetery

Dear Middleton Plan Commission:

The Wisconsin Foundation is asking to change the zoning for 20 acres on Oncken Road that encompasses the old quarry, to a cemetery and future funeral home, with the follow up question of whether we should de-annex to Westport.

The old quarry land has been filled with construction debris but was not compacted and therefore, it is not feasible to develop this area for homes or buildings, except near Oncken Road for a small funeral home. Due to the lack of utilities on the site, we are requesting city water well and sewer access, but it is not our intent to build the funeral home immediately. We are willing to wait for city sewer and water.

This land is presently zoned as a planned development district or PDD. We had planned for a public school here, but it has become clear that the Waunakee School District is going to select a site in Waunakee for the next school.

There is a huge need for a new cemetery in the metro area given the fact that the existing cemeteries are filling up. Therefore, we are requesting that this land be rezoned for a cemetery, and future funeral home and mausoleum (no crematorium).

This would be a "Natural Burial Cemetery" as defined by the Green Burial Council, meaning that it would use burial practices that have no long-term degradation of the soil health, plant diversity, water quality, and ecological habitat. There is only one other natural cemetery in the entire state of Wisconsin. Natural cemeteries also require restricting the burial density to no more than 500 burials/acre. This would include conducting an Ecological Impact Assessment as well as using only natural and biodegradable burial containers/shrouds (i.e. wicker, wood, cloth), and absolutely no plastic, metal, or synthetic materials. It would also limit the size and type of memorial markers to prevent impairment of the ecological conditions of the natural landscape, and embalming is strictly prohibited. Attached you will find the requirements from the Green Burial Council for hybrid and natural cemeteries. We plan to meet the higher standard requirement of a Natural Cemetery. We have also included a number of walking paths for visitors to use.



We ask that you please process our proposed SIP rezoning request for the 20 acres of land based upon the attached plat to create a Natural Cemetery.

Thank you,

The Wisconsin Foundation

By:

  
Terrence R Wall (Feb 16, 2021 16:23 CST)

Terrence Wall, *President*





## **Oncken Road – Wisconsin Foundation Inc. Cemetery**

Legal description: LOT 1 CSM 13066 CS83/295-298 03/23/2011 F/K/A PRT OF SEC 29-8-9 PRT SW1/4SE1/4, PRT SE1/4SW1/4 & PRT SW1/4SW1/4 & SEC 31-8-9

Utilities: There are currently no utilities on the site.

Easements: There are currently no easements on the site.

# 2019 Property Records for City of Middleton, Dane County

May 4, 2021

**Tax key number:** 0809-293-9320-2

**Property address:** Oncken Rd

Traffic / water / sanitary: Medium / None / None

Legal description: LOT 1 CSM 13066 CS83/295-298 03/23/2011 F/K/A PRT OF SEC 29-8-9 PRT SW1/4SE1/4, PRT SE1/4SW1/4 & PRT SW1/4SW1/4 & SEC 31-8-9 PRT NE1/4NE1/4, PRT NW1/4NE1/4, PRT SW1/4NE1/4, PRT SE1/4NE1/4 & PRT NE1/4SE1/4, PRT NW1/4SE1/4, PRT SW1/4SE1/4, PR T SE1/4SE1/...

Summary of Assessment	
Land	\$ 0
Improvements	\$0
Total value	\$0

Land									
Qty	Land Use	Width	Depth	Square Feet	Acres	Water Frontage	Tax Class	Special Tax Program	Assess Value
1				852,687	19.575	None	Exempt other		\$0

	Standard	Hybrid Cemetery	Natural Burial Grounds
1.	Accurately represent earned level of GBC certification in marketing materials, websites, and conversations with the public, clients, and the media.	✓	✓
2.	Provide clients and families with the opportunity to participate in the burial and ritual process, in keeping with state law and with these standards.	✓	✓
3.	Accept for burial only decedents that have not been embalmed or those embalmed only with GBC-approved, nontoxic chemicals.	✓	✓
4.	Prohibit the use of a vault (partial, inverted, or otherwise), a vault lid, concrete box, slab or partitioned liner in the burial plot.	✓	✓
5.	All burial containers, shrouds, and other associated products made only of natural, biodegradable materials.	✓	✓
6.	Develop a <i>Maintenance and Operations Manual</i> to be utilized by all staff members, contractors, and volunteers to implement site goals, policies, and best practices.	✓	✓
7.	Establish an endowment fund to ensure the long-term maintenance of the site by setting aside at least 10% of all burial plot sales.	✓	✓
8.	Conduct an <i>Ecological Impact Assessment</i> , starting with a property baseline document that includes existing ecological conditions and sensitive area analysis. Update periodically to assess future property/habitat conditions and plant inventory.		✓
9.	Restrict access and burial operations within sensitive areas as identified in the <i>Ecological Impact Assessment</i> .		✓
10.	Use operational and burial practices that have no long-term degradation of soil health, plant diversity, water quality, and ecological habitat.		✓
11.	Limit the type and size of memorial markers so that they do not impair the ecological conditions and aesthetic of the natural cemetery landscape.		✓
12.	Site conditions as identified in the <i>Ecological Impact Assessment</i> and sensitive areas analysis, will restrict burial density on the property; therefore, Natural and Conservation burial grounds will have limits to		✓

	allowable burial density. For Natural Burial, the cemetery's average density shall not exceed 500 burials/acre. For Conservation Burial, average density shall not exceed 300 burials/acre. Burial density of sensitive areas may be transferred to less restricted areas on the property to maximum densities of Natural Burial - 600/acre, Conservation Burial - 400/acre.		
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