

Middleton Westport Joint Zoning Committee Agenda

Thursday, 6/25/2020 6:00 PM

Zoom <https://zoom.us/j/> **Meeting ID: 921 1480 7255 Password: 321123**

Call in Number – (312) 626-6799

Instructions for accessing this meeting

If you need special assistance or access to toll free number, please call 608-821-8394

Posted on the City's web site at meetings.cityofmiddleton.us revised 6/22/20 9:00 am

Roll Call

Election of Chair, Vice-Chair

Approval of Minutes

- 1.) Draft minutes of Nov. 20, 2019

Public Hearing

- 1.) General Implementation Plan Amendment, Community of Bishops Bay--Relocation of 13 Residential Lots for Church and School--Texas Longhorn Drive.

Agenda Items

- 1.) General Implementation Plan Amendment, Community of Bishops Bay, The Farm and Reserve Hill Neighborhoods--Relocate 13 Residential Lots for Church and School--Texas Longhorn Drive (PC-2577)

Last November, Commission members supported the concept of this church relocating to a site immediately south of Inspire Preschool. The Town of Westport's Plan Cmsn and Town Board have endorsed granting a GIP amendment for this project, and T. Wall Enterprises is proposing to relocate the 13 residential lots being displaced to a few locations northwest of the church site, in the same neighborhood (The Farm). The project would eventually lead to an adjustment in the boundary between Middleton and Westport.

RECOMMENDATION: Review the record of the public hearing and input from the Town and City Plan Commissions and Town Board members, and forward a recommendation to the Middleton Common Council, which will hold its own hearing on this request.

ENCLOSURES: Packet contains Westport and Middleton staff comments and meeting minutes; Requested amendments to the GIP (text and maps); Notice for June 25 hearing before the MWJZC; Westport Resolution 20-04 recommending approval with contingencies; applicant's plan set.

Adjournment

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.

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.

NOTICE OF ONLINE MEETING

Due to the public health emergency that has been declared for the COVID-19 outbreak, the State of Wisconsin is encouraging community interventions such as social distancing, replacing in-person meetings with remote communications when possible, and other precautions that can help minimize further spread of COVID-19 in our community. The City of Middleton has set this as an online meeting with remote participation to promote social distancing and help protect our community.

Governmental bodies can meet their obligation for open public meetings while practicing social distancing to help protect public health by conducting meetings via telephone conference calls as long as the public is provided with an effective way to monitor such calls.

At the request of the Common Council, this Zoom meeting will be recorded.

To Participate in an Online Zoom Meeting:

Computer: First time users will need to download and run the Zoom client app (zoom.us) for your computer. It may be easiest to use a laptop computer with built-in camera and microphone, or a desktop computer with a headset or speakers/microphone. If you would like to speak during the meeting but do not have a microphone on your computer, you will need to call in with a phone.

Smartphone/Tablet: First time users will need to download and run the Zoom client app (zoom.us) for your iPhone, iPad or Android device to join the meeting with your smartphone or tablet.

Join Meeting: To join the online meeting, open the Zoom app, click “Join a Meeting,” and enter the **Meeting ID** and **Password** printed at the top of the agenda.

Phone: If needed, call either (312) 626 6799 (Chicago) or (301) 715-8592 and enter the **Meeting ID** and **Password** printed at the top of the agenda. **Any person who would like phone access other than by the listed long-distance telephone numbers** should contact the city staff at (608) 821-8394 or mopitz@cityofmiddleton.us for a toll free number.

Technical difficulties? If you experience difficulties while trying to connect to the meeting, please see the help center resources at zoom.us, or call or text the Zoom help line at: +1 (888) 799-9666 ext. 2.

Tips for Zoom Use

- If you don't have a camera, that's fine. You'll still be able to see and hear everything, and participate in discussion as appropriate. Your video participant box will just appear black (or with your static Zoom profile picture, if you upload one). In any event, your participant box will have your name in it, as you entered it. Please enter your name instead of phone number so it will be easier for others to see who's participating in the meeting. You can edit your name in the Participant Video Panel section of the screen if needed.

- When in the meeting, activate your sound and camera when ready (microphone and video camera symbols should be in the lower left portion of screen). The Zoom software includes functionality for you to test the microphone and camera to ensure they're working.
- Committee members are expected to participate in discussion freely. Participants are asked to leave their microphone muted until called on to speak. If a member of the audience would like to say something, please raise your hand and wait to be recognized by the chair.
- To raise your hand during the meeting, click on the icon labeled "Participants" at the bottom center of your screen. At the bottom of the pop-up participants window, click the button labeled "Raise Hand."
- You may see the meeting participants displayed across the top of your screen in a video panel above the host's shared screen view. If you'd prefer to show the participant video panel to the right of the shared screen, which is often a more efficient use of screen space, click the "View Options" drop-down menu at the top of the screen and check the "Side-by-side Mode" option.
- In "Side-by-side Mode" you can modify your view of the participants by choosing Gallery View (everybody) or Speaker View (active speaker only) at the top of the participant video panel. The participant panel can be enlarged or reduced by dragging the gray vertical separator to the left or right.
- **Motions:** When making or seconding a motion, Committee members are asked to state their name first so everybody will know who is speaking.
- **Votes:** Unless votes are clearly unanimous, staff will take votes by roll call.

MIDDLETON/WESTPORT JOINT ZONING COMMITTEE

WEDNESDAY, NOVEMBER 20, 2019 6:00 P.M.

DRAFT MINUTES

*These minutes are not final until they are formally approved at a subsequent meeting.
Meeting materials are available on the City's website: <http://meetings.cityofmiddleton.us/>*

Call to Order & Roll Call

Chair Sipsma called the meeting to order at 6:01 p.m. in the Council Chambers of Middleton City Hall.

MEMBERS PRESENT: Dean Grosskopf, Cyndi Kennedy, Ken Sipsma (Town of Westport); Leif Hubbard, Jennifer Murray, Kurt Paulsen (City of Middleton)

STAFF PRESENT: Mark Opitz, Tom Wilson

1. Approval of Minutes of 07/24/19 meeting

Moved by Hubbard, seconded by Murray, to approve the minutes as prepared. **Motion passed** 6-0.

2. Consultation—Relocation of Cross Lutheran Church, Community of Bishops Bay, Texas Longhorn Drive (West of CTH M/South of Inspire School)

Wilson provided background information and reported that the Town's Plan Commission viewed the concept favorably at their 11/11/19 meeting. He noted that the church as currently proposed would replace seven residential lots that may be more difficult to sell because they are located along Highway M, and he stated that moving forward would necessitate an amendment of the General Implementation Plan.

Committee members discussed the applicant's 9/26/19 proposal and offered the following inquiries/comments:

- Would the seven lots be moved elsewhere? (Wilson: Westport probably wouldn't support that.)
- Would there be access from Inspire and would they have a concern about this institutional use? (Wilson: No access; a church makes a great neighborhood amenity.)
- Area F is a detention basin and bioswale.
- Utilities and traffic.

Terrence Wall spoke about utilities and the traffic plan, and Pastor Charlie Brandt spoke about the church's desire for good visibility and access. He noted the congregation size is around 100 members. Each committee members spoke favorably about the concept. No action was taken.

3. Redtail Ackers project update

Opitz recapped the evolution of the project and cited Gary Huth's 10/11/19 memo regarding the development's storm water management. Wilson wondered whether Dane County might provide funds to help abate storm water runoff from the county highway property. Paulsen acknowledged neighborhood concerns regarding site runoff but said he expects that these will be addressed when all the storm water management plan is fully implemented. No action was taken.

4. Adjournment

Moved by Paulsen, seconded by Hubbard, to adjourn. **Motion carried** 6-0 and the meeting ended at 6:31 pm.

Note: These minutes were prepared by Mark Opitz and are subject to change at a subsequent meeting.

NOTICE OF PUBLIC HEARING

Thursday, June 25, 2020, at 6:00 p.m.

Middleton/Westport Joint Zoning Committee

Zoom Meeting ID: 921 1480 7255 Password: 321123

To participate by phone: (312) 626-6799 *

Request for General Implementation Plan Amendment The Farm and Prairie neighborhoods in The Community of Bishops Bay Middleton/Westport Joint Planning Area

Pastor Joel Brandt, on behalf of Cross Lutheran Church, 300 Broadway Dr, Sun Prairie, requests approval of a General Implementation Plan (GIP) Amendment to rezone 5.1 acres of land on Texas Longhorn Drive, straddling the Farm and Prairie neighborhoods, from Cluster Residential Lots (Cl-R) to Commerce (C).

The purpose of the rezoning is to allow the construction of a church. The 13 residential lots replaced by the church would be relocated to other parts of the undeveloped Farm neighborhood, maintaining the residential density identified in The Community of Bishops Bay Master Development Plan (the GIP pertaining to this development). The addition of this commerce use in this location and relocation of 13 residential lots may increase the impervious area in The Farm neighborhood, but this increase could still be within approved standards. See Exhibit A indicating the proposed location of the church and relocated residential lots.

During the hearing, all interested persons will have an opportunity to speak or register their opinion. Statements may also be provided to City staff by 4:30 p.m. on the day of the hearing. Committee members may take action following the hearing.

To participate in the meeting online, use the Zoom app or go to <https://zoom.us/j/>, then type in the **Meeting ID and Password**. If your computer does not have a microphone and you wish to speak during the meeting, call (312) 626-6799 and reference the meeting ID.

* Any person who would like phone access other than by the listed long-distance telephone number should contact the city planner (see below) for a toll free number. If you experience technical difficulties while trying to login to the meeting, call or text (608) 821-8394.

Information about these applications is available on the City and Town websites at:

www.cityofmiddleton.us/publichearings

<http://www.townofwestport.org/>

For additional information, or to provide a statement prior to the hearing, contact:

Mark Opitz

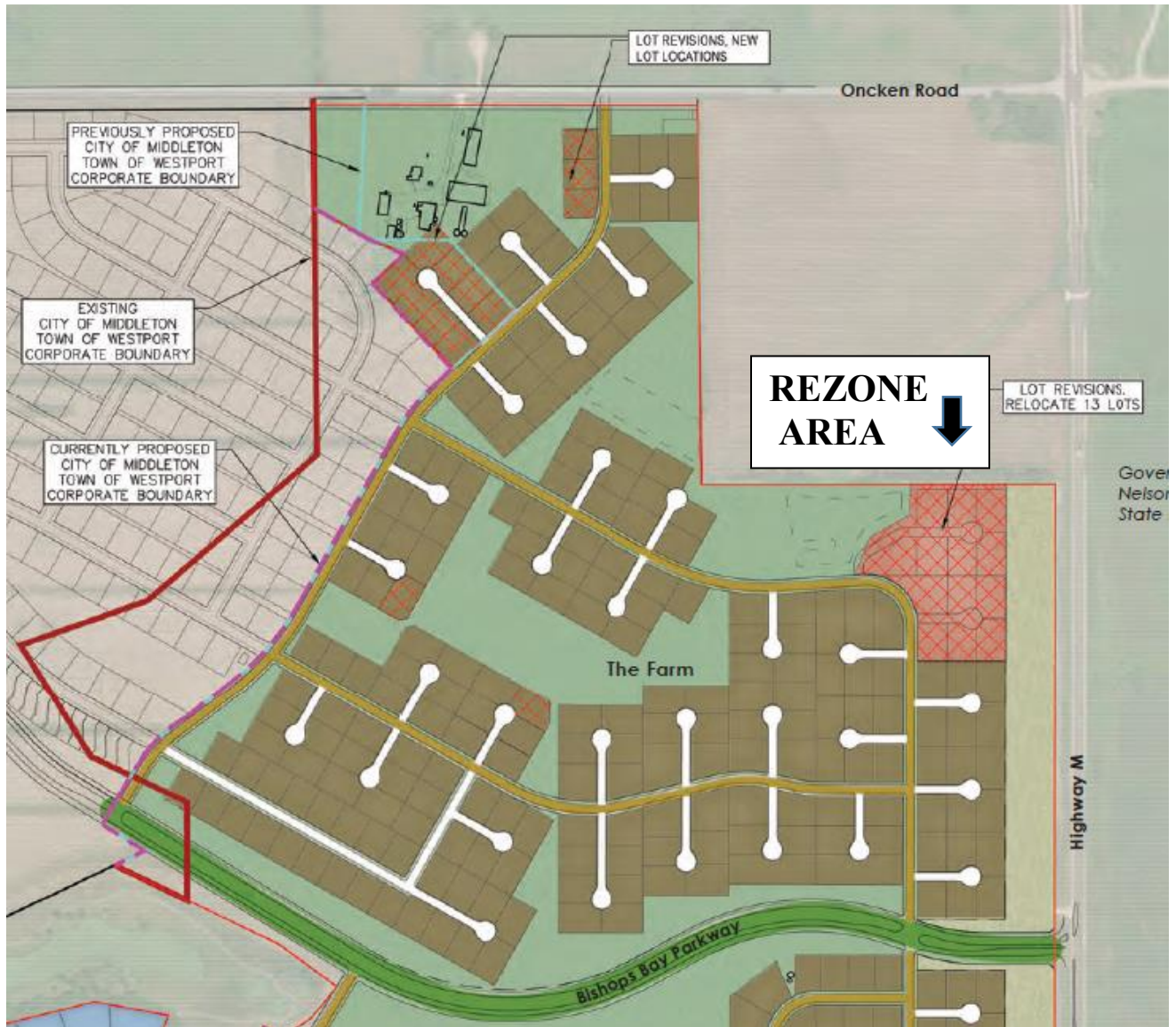
City Planner & Zoning Administrator

mopitz@cityofmiddleton.us (608) 821-8394

7426 Hubbard Ave., Middleton, WI 53562

Publish: 06/11/20, 06/18/20 Times-Tribune

Exhibit A



STAFF AGENDA MEMORANDUM
TOWN OF WESTPORT
REGULAR PLAN COMMISSION MEETING
Kennedy Administration Building
Community Meeting Room
5387 Mary Lake Road
Town of Westport, Wisconsin

Monday, June 8, 2020 7:00 p.m.

1. Call to Order via GoToMeeting virtual video conference
2. Public Comment On Matters Not On the Agenda
3. Approve Minutes.
For the 3/9/20 meeting minutes.
4. Initial Consultation, Land Division and Possible Rezone (Create One Additional Residential Lot), Bakke, 5687 Cobblestone Lane (Waunakee ETZ)

The Bakkes would like to take their larger than normal lot in the original Carriage Ridge along the south side of Cobblestone near our Town lands and divide it to create an additional building site and lot. Note that the size of the created lot and the lot with the Bakkes' home would then be similar in size to the existing neighborhood lots. The area for the home on the created lot would be irregularly shaped, but likely has room with all setbacks, including any wetland or stream setbacks, to accommodate a home similar in size and architecture to those already existing. My original thought is that it did not seem proper to divide this lot that was created so long ago, but now after looking at it compared to the others, I am thinking the Bakkes just wanted a larger lot so it was created this way for them. Tom Bunbury has no issue with it being divided. No rezone is necessary since this new lot would be the same zoning as all others in the neighborhood. Also note that there are really no other lots this size that were originally created. Some have since been combined, but none were this size originally. The split would comply with our Comp Plan to provide for infill development. However, I do not know if the Bakkes have talked to their neighbors about this and that is something they would need to do before proceeding. One other thing is that I don't believe this split would somehow effect the integrity of the neighborhood, but you may differ since it has been open for so long. There is no obligation to allow this since the neighborhood has been set for so long, but it may make sense in looking at the lot size and location. Since the house across Cobblestone actually fronts on Polo Ridge with a tree line along Cobblestone, the only one affected besides those walking or driving by are the Bakkes.

RECOMMENDATION: *This is only a consult, but please advise the owners of any issues to address, or if proceeding is appropriate.*

5. Zoning Amendment, GIP Amendment, Relocate 13 Residential Lots for Church and School, The Community of Bishops Bay, Cross Lutheran Church, Texas Longhorn Drive (Middleton ETZ), Discussion/Recommendation

This is from my staff memo for the consultation with the Church on this relocation for the 11/11/19 Commission meeting: “The Church is back to look for a new location to construct fairly soon due to the City not approving of building on the approved Oncken Road site without utilities. They have somewhat settled on a spot in the Town just south of Inspire and in the corner of the west edge of the development along M. Access would be along a Town road, and the Church would of course be required to have parking and all necessary services. It may have to utilize a grinder pump for sewer until the lift station on Oncken is built, but otherwise fits in plans for the development generally. The CBB Master Plan and the GDP for the property would need to be revised, and an SIP for the Church particulars as well as Design Review would be needed. So we are really just looking at whether this fits in this location in the development.

The Church has been spun around here a little because of the lack of utilities along Oncken, even though that area is now and will remain an area for a church and school. Staff here has no concerns with relocating this Church to this location as long as enough property is used and as long as these lost residential units are not transferred to any of the current Town CBB properties. There are many details to work out, but we all feel they can be readily taken care of. We also believe that City staff and some City Plan Commission and Council members have essentially endorsed this location. The item is set for a consult at the JZC meeting on November 20.”

And the minutes of that meeting are as follows: “A Consultation was then held for the potential Cross Lutheran Church Relocation, Community of Bishops Bay, West of CTH M/South of Inspire School, Texas Longhorn Drive (Middleton ETZ). The presenters were told of various issues by the Commissioners, but in general, if details could be satisfactorily addressed, the location and use were generally viewed as acceptable.”

The minutes from the Middleton Plan Commission meeting which took place after the JZC and Town PC meeting on 11/26 are as follows: “Opitz provide background information, noting that Westport and Middleton staff support this new site for the congregation and the Town Plan Commission and the Joint Zoning Committee provided favorable feedback at their recent meetings. He also provided an updated staff recommendation regarding any potential motion endorsing the concept.

Paulsen noted that there will need to be an amendment to the General Implementation Plan and that this area will be platted at the Specific Implementation Plan stage. Commission members also discussed traffic circulation and site access (expressing support that there isn’t a direct connection with Highway M), the relationship to planned parks and open space (Tyson expressed

concern about potential loss of the playing field), and ensuring that there is architectural appeal from both Highway M and the neighborhood. Developer Terrence Wall stated that there will be no loss of open space from the original plan and that there is plenty of room for a playing field between the church and the bike path. He noted that he has already installed a detention pond immediately west of the site to help capture stormwater from farmland. Wall said that the site will have full urban services. He added that he would like to relocate the seven residential lots previously planned on this site to a different location in the Westport portion of the development. Paulsen stated that the SIP will need to ensure the preservation of the playing field that was envisioned when the adjoining preschool was approved.

Moved by Ramsey, seconded by Paulsen, to grant approval of the concept, noting in particular the following:

- Favorable review of this concept does not obligate the City to grant future approvals.
- The City's review of this project should not be construed as the City being willing to consider future developments in an area before it is platted.
- There will be a Middleton Utility District water area charge as per agreement between the City, Town, and Developer.

Motion carried 6-0"

The rezone is set for hearing before the JZC on 6/25 and for review by the City Council after.

The Church proposal is totally consistent with the concept plan proposed, except they are also looking to add property for the future phase of a potential school. The land needed would essentially comprise 13 of the lots proposed in the GIP. The developer is looking to relocate those lots throughout the Farm. The first map within the package shows the 13 relocated lots elsewhere within The Farm (they have a red criss-cross hatch). This has been noted as an issue from the beginning with planners. The Church and school buildings seemed acceptable, but the concern was that moving the lots will somehow throw off the density in Westport as originally approved. The developer has responded to that by providing more acreage in Westport and taking it from The Reserve. There will also be some stormwater and impervious surface issues that will need to be dealt with by City staff. We feel that traffic here will not be an issue since it will only be briefly along Texas Longhorn road before you get to the facility from Bishops Bay Parkway, then to CTH M, there is plenty of room to Q up along those roads, there are now going to be fewer homes along Texas Longhorn to be concerned, and there will be a signal installed at CTH M and Bishops Bay Parkway with the next plat.

From our engineer, Kevin Even:

- I think the use is appropriate and compatible with the neighborhood.*
- The stormwater plan will need to be revisited.*
- The TIA should be revised based on the use. We should require a simple TIA revision that shows the church will work with a level of D or higher at the intersection without a signal.*
- The detail of the site plan will be important to mitigate the problems it could cause of the residential area such as access, lighting, setbacks for buildings and parking lots.*

There are really three choices here: Recommend to reject the rezoning as it does not comply with the original plan and church location especially with adding lots in exchange for allowing the church; approve with standard conditions and Kevin's conditions including the lot relocation as it does not change the lot count or increase the residential density with the added Town property; or maybe a combination approval to approve just the church location but not the lot relocation indicating that the density in residential equivalency units is probably higher if the 13 homes are relocated rather than replaced, with even saying that the added lots should be considered when the SIP for the particular areas are proposed as opposed to now.

Whatever choice you make, I can then write a recommendation for the Board to consider at its meeting next week, and for the JZC to review at the end of the month with any revisions the Board may make.

RECOMMENDATION: I really feel that the adding of the land from The Reserve to The Farm offsets any density issues and provides for the exact amount of homes we agreed to in Westport (not ADDING lots even though yet another change to the development), helps move this church forward in what I feel is a good location, may help jump start the development, and will act as a buffer from CTH M for the other residents, all consistent with the development intent in Westport for CBB and our Comprehensive Plan, so I suggest moving to recommend approval based on the documents submitted, subject to the following conditions and restrictions: Compliance with comments that come in from the fire dept., town engineer, town maintenance staff, and WAEMS as approved by the Town Administrator; build generally as presented; a CSM consistent with the proposal that contains all Town standard conditions; easements as necessary for access and utilities; restrictions on the use of non-dark sky lighting with all lighting and fixtures to be approved by the Town Administrator prior to installation; Wilson to review and approve any restriction documents; maintain SIP and Design Review over the church and other new structures; maintain all plat easements, covenants, and restrictions; municipal water and sewer shall be provided to the church as approved by the Town Utility Manager, Town Engineer, and Town Administrator; stormwater and erosion control measures to comply with those already approved for the area through the GDP; and, any other conditions or restrictions the Commission may have as come up at the meeting.

6. Park Committee Report/Items for Action
Terry, if present, will give a report on recent Committee work.
7. Historic Preservation Commission Report/Items for Action
Joe, if present, will give a report on recent Commission work.
8. Waunakee/Westport Joint Planning Committee Report/Items for Action
An oral report will be provided as necessary.

9. Middleton/Westport Joint Zoning Committee Report/Items for Action
An oral report will be provided as necessary.
10. Miscellaneous/Forthcoming Events
An oral report will be provided as necessary.
11. Adjourn

TOWN OF WESTPORT

PLAN COMMISSION – June 8, 2020

The regular monthly meeting of the Plan Commission was called to order at 7:03 p.m. via GoToMeeting.com virtual video conference by Chair Grosskopf. Members present: Bruskewitz, Cuccia, Grosskopf, Kennedy, Manering, Ohm, and Pichette. Members absent: None. Also attending: Joel Brandt, Charlie Brandt, Taylor Brengel, Gordon Hunter, Nate Stevens, Joe Cox, Jake Bunz, Anne and Phil Bakke, Tim Wohlers, and Tom Wilson.

No one was present For Public Comment on Matters not on the Agenda. The minutes of the March 9, 2020 regular meeting were approved as presented on a motion by Bruskewitz, second Kennedy.

An Initial Consultation for a proposed Land Division and Possible Rezone (Create One Additional Residential Lot), Bakke, 5687 Cobblestone Lane (Waunakee ETZ) was then held. After a brief presentation by Wilson and discussion with the landowners, the Commissioners advised generally of their approval of the concept.

Wilson presented introductory comments on the proposed Zoning Amendment, GIP Amendment, Relocate 13 Residential Lots for Church and School, The Community of Bishops Bay, Cross Lutheran Church, Texas Longhorn Drive (Middleton ETZ) item, followed by a presentation from Pastor Joel Brandt. There was then a lengthy discussion with questions and comments from the Commissioners regarding several issues such as: Clarification regarding the access to the church property (there will be a temporary driveway at the beginning maintained by the Church, but eventually there will be a Town road maintained by the Town); traffic control and the possibility of the need for a traffic study, particularly when the school was built (it was noted there will be a traffic light at the intersection of CTH M and Bishops Bay Parkway); Town water and sewer is available to the site; Waunakee EMS and Middleton Fire and have not objected to the plan; SIP approval and Town Design Review will be required for each of the Church phases; comments were made regarding the ultimate Church structure including that the design seem dated, some Commissioners would like to see more of a farm themed building or consider a prairie style structure; the Commission stressed the need for stormwater management and meeting the standards set for the development; and, it was suggested the Church have community gardens. The Commissioners each noted their general approval of the Church location subject to further Town and City review, with concerns about the lot relocation plan proposed, but that the Town would maintain 394 total residential lots in the Town, since the adding of the some land from The Reserve to The Farm offsets potential Town area density issues and provides for the exact amount of homes agreed upon in Westport (not ADDING lots even though yet another change to the development), helps move the Church forward in a good location, may help jump start the development, and will act as a buffer from CTH M for the other residents, all consistent with the development intent in Westport for the Community of Bishops Bay and the Comprehensive Plan.

After further comment and discussion, Bruskewitz moved to approve the proposal based on the documents submitted, second Cuccia, subject to the following conditions and restrictions as recommended by Town staff: Compliance with comments from the fire dept., town engineer, town maintenance staff, and WAEMS as approved by the Town Administrator; build generally as presented with consideration to comments suggested by Commissioners; a CSM consistent with the proposal that contains all Town standard conditions; easements as necessary for access and utilities; restrictions on the use of non-dark sky lighting with all lighting and fixtures to be approved by the Town Administrator prior to installation; Wilson to review and approve any restriction documents; maintain SIP and Design Review over the church and other new structures; maintain all plat easements, covenants, and restrictions; municipal water and sewer shall be provided to the Church as approved by the Town Utility Manager, Town Engineer, and Town Administrator; and, stormwater and erosion control measures to comply with those already approved for the area through the GIP, with an accepted friendly amendment that the relocation of the 13 lots as requested be allowed but be specifically determined at a later date. The motion was defeated by a vote of 3-4 (Kennedy, Ohm, Pichette, Manering voting no).

After a brief further discussion to refine the motion, Kennedy moved to approve this proposal based on the documents submitted, second Manering, subject to the following conditions and restrictions as recommended by Town staff: Compliance with comments from the fire dept., town engineer, town maintenance staff, and WAEMS as approved by the Town Administrator; build generally as presented with consideration to comments suggested by Commissioners; a CSM consistent with the proposal that contains all Town standard conditions; easements as necessary for access and utilities; restrictions on the use of non-dark sky lighting with all lighting and fixtures to be approved by the Town Administrator prior to installation; Wilson to review and approve any restriction documents; maintain SIP and Design Review over the church and other new structures; maintain all plat easements, covenants, and restrictions; municipal water and sewer shall be provided to the Church as approved by the Town Utility Manager, Town Engineer, and Town Administrator; stormwater and erosion control measures to comply with those already approved for the area through the GIP; and, that the relocation of the 13 lots as requested can be relocated in Westport but only with an agreed upon location by Middleton and Westport which may include some ultimate boundary changes. The motion passed unanimously.

Wilson reported on the work of the Park Committee. Pichette reported on the work of the Historic Preservation Commission. Grosskopf reported on items before the Waunakee/Westport Joint Planning Committee and the Middleton/Westport Joint Zoning Committee.

For Miscellaneous Matters or Forthcoming Events raised, Wilson advised the Commission members that the Town is working to get back to in-person meetings, but that may be after Summer depending on the Commission's work load and Dane Forward allowances, the Cross Lutheran pastors thanked the Town for its work and consideration on the proposed church, and Ohm inquired about the work at Woodland and Simon Crestway to which Wilson replied.

Motion to adjourn by Manering, second Ohm. The meeting adjourned at 8:35 p.m.

Mary Manering, Secretary



999 Fourier Drive, Suite 201
Madison, Wisconsin 53717
(608) 821-3960 phone
(608) 826-0530 FAX
www.vierbicher.com

Letter of Transmittal

Date: 5/20/2020

Project No. 190322

Re: The Community of Bishops Bay –
GIP Modification Submittal for
Town of Westport Development

(Electronic Submittal)

File:

Attn: Tom Wilson
To: Town of Westport
Kennedy Administration Building
5387 Mary Lake Road
Waunakee, WI 53597

WE ARE SENDING YOU:

☒

Attached

☐

Under separate cover via _____ the following items:

☐

Shop Drawings

☐

Prints

☐

Plans

☐

Samples

☐

Specifications

☐

Copy of Letter

☐

Change Order

☐

Pay Request

Copies	Date	No.	Description
-	5/20/2020	-	Plan Commission Application for GIP Modification (GIP Amendment)
-	5/20/2020	-	GIP Amendment Plans (11 x 17)
-	5/06/2020	-	Concept Site Plan
-	5/11/2020	-	Floor Plan (Phase 1 Building)
	5/19/2020	-	Concept Renderings

THESE ARE TRANSMITTED AS CHECKED BELOW:

☒

For approval

☐

Approved as submitted

☐

Resubmit _____ copies for approval

☐

For your use

☐

Approved as noted

☐

Submit _____ copies for distribution

☐

As requested

☐

Returned for corrections

☐

Return _____ corrected prints

☒

For review & comment

☐

For your file

☐

REMARKS:

Based on prior City and Town staff coordination, we request for this project to be placed on the agenda for the June 8th Westport Plan Commission meeting and a successive Town Board meeting, as well as the June 24th Middleton-Westport Joint Zoning Committee meeting. The \$250 application fee was submitted by check on 5/19/2020.

Please contact us if you need any more information or if you have any questions. Thank you.

Copy to The Community of Bishops Bay
Cross Lutheran Church Signed Nicholas D. Bower, PE

If enclosures are not as noted, kindly notify us at once.

Zoning Change

Parcel Numbers Affected: N/A
Property Address or Location: West of CTH M / NE of Texas Longhorn Dr
Zoning District Change: To: Commerce (Church Site)
(To/From/ # of Acres) From: CL-R (Residential)
5.1 acres (All Phases)

Narrative: (reason for change, intended land use, size of farm, time schedule)

- ☐ Separation of buildings from farmland ☐ Creation of a residential lot
☐ Compliance for existing structures and/or land uses ☒ Other

GIP Amendment for The Woods, The Farm, and The Prairie
neighborhoods within The Community of Bishops Bay to allow for
a Commerce use within The Farm neighborhood.

Variance — N/A

Current Principal Use: _____
Accessory or Secondary Uses: _____
Proposed Use: _____
Ordinance section from which variance is being sought: _____

What specific departure from the ordinance is being proposed (refer to the standards of the ordinance)?

Have you been granted any variances in the past for this property? ☐ Yes ☐ No

If yes, please describe: _____

Name of adjoining property owners, if known: _____



PLAN COMMISSION APPLICATION

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

Plan Commission usually meets the 2nd and 4th 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 (nonrefundable) fee(s) **and deposit (see chart below)**.
3. One (1) plan set, 11"x17", and an electronic version emailed to Diane, the Office Manager, at dattoe@cityofmiddleton.us. The plan sets must include streetscape and site landscape plans.
4. One separate copy of the streetscape/landscape plan must be submitted to Mark, the City Forester, at mwegner@cityofmiddleton.us.

Project Address/Name: The Community of Bishops Bay - GIP Modification

Applicant: Cross Lutheran Church, Attn: Pastor Joel Brandt		
Address: 300 Broadway Dr., Sun Prairie, WI 53590		
Phone: 608-999-0631	Fax:	Email: brandtj@crosslutheran.church

Owner: The Community of Bishops Bay LLC, Attn: Terrence Wall		
Address: P.O. Box 620037, Middleton, WI 53562		
Phone: 608-831-5500	Fax:	Email: info@bishopsbaycommunity.com

Project Description: GIP Amendment for The Woods, The Farm, and The Prairie neighborhoods within The Community of Bishops Bay to allow for a Commerce use within The Farm neighborhood.

Owner/Applicant Signature: Rev. Joel Brandt **Date:** 5/19/2020

Note: - City ordinances are on the City website at <http://www.ci.middleton.wi.us/115/City-Code-of-Ordinances>
 - Applicants must check with the Building Inspection Dept. to determine if any permits are required.

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
GIS (cost to update City records)	See below**
Preliminary Plat	\$400 + \$50/acre
Rezoning	\$400-\$2,000***
Sign Design Review	\$50
Sign Variance	\$200
<input checked="" type="checkbox"/> SIP/SIP Modification* (GIP)	\$50-\$400***

* Specific Implementation Plan in Planned Development District
 ** Land Divisions: Plat = \$500 + \$30/lot; CSM = \$200 + \$30/lot; public improvements = \$0.75 x total pipe length (total footage of all public pipes + private storm water pipes) - see attached calculation sheet
 *** Fee based on cost of project. For Rezoning: 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. For SIP Modifications: projects under \$10,000 = \$50, between \$10,000 and \$50,000 = \$200, and over \$50,000 = \$400.

<p>Deposit</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>TRAFFIC IMPACT ANALYSIS Required Yes <input type="checkbox"/> No <input type="checkbox"/></p>
--

NOTICE OF PUBLIC HEARING

Thursday, June 25, 2020, at 6:00 p.m.

Middleton/Westport Joint Zoning Committee

Zoom Meeting ID: 921 1480 7255 Password: 321123

To participate by phone: (312) 626-6799 *

Request for General Implementation Plan Amendment The Farm and Prairie neighborhoods in The Community of Bishops Bay Middleton/Westport Joint Planning Area

Pastor Joel Brandt, on behalf of Cross Lutheran Church, 300 Broadway Dr, Sun Prairie, requests approval of a General Implementation Plan (GIP) Amendment to rezone 5.1 acres of land on Texas Longhorn Drive, straddling the Farm and Prairie neighborhoods, from Cluster Residential Lots (Cl-R) to Commerce (C).

The purpose of the rezoning is to allow the construction of a church. The 13 residential lots replaced by the church would be relocated to other parts of the undeveloped Farm neighborhood, maintaining the residential density identified in The Community of Bishops Bay Master Development Plan (the GIP pertaining to this development). The addition of this commerce use in this location and relocation of 13 residential lots may increase the impervious area in The Farm neighborhood, but this increase could still be within approved standards. See Exhibit A indicating the proposed location of the church and relocated residential lots.

During the hearing, all interested persons will have an opportunity to speak or register their opinion. Statements may also be provided to City staff by 4:30 p.m. on the day of the hearing. Committee members may take action following the hearing.

To participate in the meeting online, use the Zoom app or go to <https://zoom.us/j/>, then type in the **Meeting ID and Password**. If your computer does not have a microphone and you wish to speak during the meeting, call (312) 626-6799 and reference the meeting ID.

* Any person who would like phone access other than by the listed long-distance telephone number should contact the city planner (see below) for a toll free number. If you experience technical difficulties while trying to login to the meeting, call or text (608) 821-8394.

Information about these applications is available on the City and Town websites at:

www.cityofmiddleton.us/publichearings

<http://www.townofwestport.org/>

For additional information, or to provide a statement prior to the hearing, contact:

Mark Opitz

City Planner & Zoning Administrator

mopitz@cityofmiddleton.us (608) 821-8394

7426 Hubbard Ave., Middleton, WI 53562

Publish: 06/11/20, 06/18/20 Times-Tribune

Exhibit A



TOWN OF WESTPORT

TOWN BOARD - Monday, June 15, 2020

The regular semi-monthly meeting of the Town Board was called to order at 7:02 p.m. by Chair Grosskopf using video conferencing via GoToMeeting.com. Members present: Cuccia, Enge, Grosskopf, Sipsma, and Trotter. Members absent: None. Also Present: Jason Johnson, Kris Roesken, Tim Bolhuis, Joel Brandt, Taylor Brengel, Tim Wohlers, Bob Anderson, and Tom Wilson.

There was no Public Comment On Matters Not On the Agenda. The minutes of the June 1, 2020 regular meeting were approved as presented on a motion by Sipsma, second Trotter.

Regular Operator Licenses for several applicants as on file with the Clerk and presented were granted subject all state and local requirements on a motion by Sipsma, second Cuccia.

For Sewer Utility Miscellaneous Items, Wilson reported on the Town insurance company denial of a back-up claim made for October of last year by Richard Divelbiss. No claim was ever actually filed with the Town but was made by Mr. Divelbiss' insurance company for subrogation to our insurer.

For the Engineer Report, Wilson provided the Board with an update on the Mary Lake neighborhood road work and Cuccia made comments on the status of the roads not being worked on and complimented the truck drivers.

Resolution 20-04 [Recommendation Approve Zoning Amendment, GIP Amendment, Relocate 13 Residential Lots for Church and School, The Community of Bishops Bay, Cross Lutheran Church, Texas Longhorn Drive (Middleton ETZ)] was approved with restrictions and conditions after a presentation by Wilson, questions of the applicant, and discussion, consistent with the Town Plan Commission recommendation, on a motion by Sipsma, second Cuccia.

After discussion and a review of staff information and recommendation, and after a comment by Grosskopf on the fairness of the process to the companies that made proposals, the Refuse/Recycle Contract Proposal of Badgerland Disposal as presented was accepted and approved as the lowest cost of a responsible company and with comparable services, with staff authorized to negotiate and execute a contract consistent with the proposal on a motion by Trotter, second Enge.

Wilson presented on the FEMA Road Improvements and Chip Seal Maintenance Bids Award/Contract Approval items, including the information provided by the Town Engineer with recommendations. After discussion, the low bid from Raymond P. Catell contractors to also include the west Woodland Drive repair change order was approved, as was the low bid from Scott Construction for the Chip Seal Maintenance work, both as recommended by the Town Engineer including necessary associated costs, with Wilson authorized to execute the contracts when in acceptable form, on a motion by Sipsma, second Enge.

Wilson reported to the Board on various items related to the Town's COVID-19 Response.

Grosskopf reported on items before the plan commission/committees. The Audit Committee recommended payment of bills as presented by Wilson after questions were answered.

For Administrative Matters raised, Wilson advised the Board that staff will be off on Friday July 3 for the Independence Day Holiday. For Miscellaneous Business or Forthcoming Events raised. Enge advised that he liked the signs Waunakee used for the historical information at the new library and wants similar signs investigated when used by the Town for similar activities.

Current bills were paid as presented by Wilson and recommended by the Audit Committee after questions were answered on a motion by Enge, second Sipsma.

Motion to adjourn by Sipsma, second Enge. The meeting adjourned at 7:42 p.m.

Thomas G. Wilson
Attorney/Administrator/Clerk-Treasurer

**TOWN OF WESTPORT
RESOLUTION NO. 20-04**

**RESOLUTION BY THE TOWN OF WESTPORT BOARD OF SUPERVISORS
APPROVING THE GIP ZONING AMENDMENT TO ALLOW FOR A CHURCH AND
RELATED STRUCTURES AND RELOCATE 13 RESIDENTIAL LOTS WITHIN THE FARM
FOR THE COMMUNITY OF BISHOPS BAY (CROSS LUTHERAN CHURCH), TOWN OF
WESTPORT, DANE COUNTY, WISCONSIN
(Texas Longhorn Drive, Middleton ETZ)**

WHEREAS, an application to amend the GIP zoning and relocate 13 residential lots and allow a church and related structures for property located in The Farm on Texas Longhorn Drive (the "Property"), Town of Westport (the "Town"), was submitted by Cross Lutheran Church ("Petitioner"), to the Town and City of Middleton for review and action on May 20, 2020 (See Exhibit A); and,

WHEREAS, Town Plan Commission reviewed the proposal and met with the Petitioner with respect to the proposed amendment at its regular meeting on June 8, 2020, and found: a) General approval of the Church location subject to further Town and City review; b) Concerns raised about the lot relocation plan proposed, but that the Town should maintain 394 total residential lots in the Town, since the proposed addition of the some land from The Reserve to The Farm offsets potential Town area density issues and provides for the exact amount of homes agreed upon in Westport (not ADDING lots even though yet another change to the development); and, c) Approval of the Church location helps move the Church forward in a good location, may help jump start the development, and will act as a buffer from CTH M for the other residents; and,

WHEREAS, the Town Plan Commission found that the above determinations were all consistent with the development intent in Westport for the Community of Bishops Bay and the Town Comprehensive Plan, which includes the Middleton/Westport ETZ area; and,

WHEREAS, based on the above, the Town Plan Commission recommended approval of the amendment with revisions and restrictions as noted in its June 8, 2020 meeting minutes; and,

WHEREAS, the Town Board reviewed the recommendation of the Town Plan Commission, met with Petitioner on the GIP zoning amendment for the Property, and agrees with the recommendation of the Town Plan Commission and the basis therefor noted here; and,

WHEREAS, The Town Plan Commission and Town Board find that the requested GIP zoning amendment as recommended is consistent with the Town's Comprehensive Plan and provisions of the Town and City codes related to the Middleton/Westport ETZ area.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of Supervisors of the Town of Westport hereby recommends approval of the proposed GIP zoning amendment, subject to the following revisions and restrictions.

1. The Church Property should be restricted for no further land divisions or creation of building sites and no annexation without prior approval of the Town of Westport which restriction should be shown on the face of the CSM which creates the Church Property parcel;

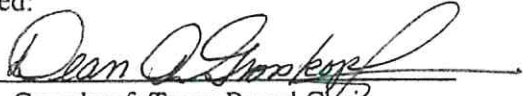
2. Town municipal water and sewer shall be provided to the Church property as approved by the Town Utility Manager, Town Engineer, City Staff, and Town Administrator;
3. Compliance with comments from the fire dept., town engineer, town maintenance staff, and WAEMS as approved by the Town Administrator;
4. Maintain all currently in place plat easements, covenants, and restrictions;
5. All special assessments and fees shall be paid;
6. Deed restrictions relating to subsequent development, use or division of land approved by the Town Attorney, and the rezoning will be effective upon the recording of the restriction document;
7. SIP approval and Town Design Review will be required for each of the Church phases, including any structures and signage, with the Church to be built generally as presented with consideration to comments suggested by the Town Plan Commissioners at its June 8, 2020 meeting;
8. A CSM to create the Church Property consistent with the proposal and this recommendation that contains all Town standard conditions and easements as necessary for access and utilities;
9. Restrictions on the use of non-dark sky lighting with all lighting and fixtures to be approved by the Town Administrator prior to installation;
10. Stormwater and erosion control measures to comply with those standards already approved for the area through the current GIP;
11. All parking for the Church Property shall be provided on site and not on any public or private street; and,
12. The proposed relocation of the 13 lots as requested can be relocated in Westport but only with an agreed-upon location by Middleton and Westport, which may include some ultimate boundary changes, ultimately to be determined through the SIP process; and,
13. All Town and City costs for engineering, planning, legal, and any other required services shall be reimbursed as agreed by the Petitioner.

The above and foregoing Resolution was duly adopted by the Town Board of Supervisors of the Town of Westport, Dane County, Wisconsin, at a regular meeting held on 15th day of June, 2020 by a vote of 5 ayes and 0 nays, with 0 member(s) absent.


TOWN OF WESTPORT

Approved:

By:


Dean A. Grosskopf, Town Board Chair

Attest:


Thomas G. Wilson,
Town Attorney/Administrator/Clerk-Treasurer

Approved:

Posted:

6/16/2020
6/17/20

The Community of

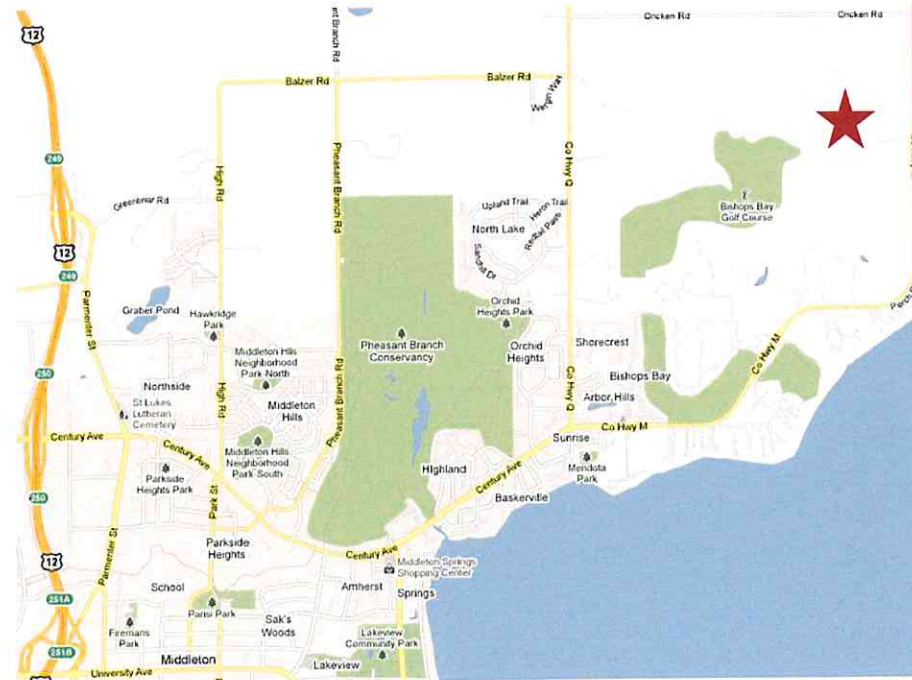
BISHOPS BAY



The Farm & Reserve
Hill Neighborhood
GIP Amendment
May 20, 2020

Contents:

GIP Summary Text
Lot & Street Types Map (Overview of Revisions)
Lot & Street Types Map (Currently Proposed)
Park Lands Map (Currently Proposed)



Developer: The Community of Bishops Bay LLC



P.O. Box 620037
Middleton, WI 53562
(608) 831-5500

Engineer, Planner, Landscape Architect, Surveyor:

vierbicher
planners engineers advisors



999 Fourier Drive, Suite 201
Madison, WI 53717
Phone: (608) 826-0532

Exhibit A 1

The Community of Bishops Bay– GIP Amendment

GIP Summary Text

Overview

This General Implementation Plan (GIP) Amendment modifies The Farm and Reserve Hill neighborhoods within The Community of Bishops Bay. This Amendment proposes relocating two hamlets (13 single family lots) within The Farm neighborhood. A new church will be located in the current location of the hamlets, west of County Trunk Highway M and south of an existing preschool site. The church will provide the added benefit of serving as a land use transition from the highway and preschool site to the residential neighborhood setting.

Currently, the GIP is approved for 394 residential lots and a density of 1.6 dwelling units per acre (dua) within the Town of Westport. No change in the number of homes or residential density within the Town of Westport is proposed because the proposed municipal boundary is being revised to include approximately 4 additional acres.

Lot Types & Consistency with the MDP

The changes within this proposed GIP Amendment include an adjustment to the layout for the Cluster Residential (CI-R) lots, addition of a Commerce land use in The Farm neighborhood, and an adjustment to the proposed City of Middleton/Town of Westport corporate boundary.

The proposed layout for The Farm neighborhood contains 219 Cluster Residential lots and a Commerce land use within the Town of Westport. No single family lots are being removed or added as part of this amendment. Final lot counts, sizes, configurations and designations will be determined at the SIP level. The lot type designations are consistent with the chart on page 25 of the Master Development Plan (MDP) that lists lot types by neighborhood.

The Cluster lot sizes conform to the CI-R lot standards. Cluster lot sizes are anticipated to range in size from 9,000-14,000 sf. Approved CI-R lot sizes are 5,000-40,000 sf.

The Commerce land use is a conditional use in The Farm neighborhood, and will require that the development conforms to the Commerce development standards. Commerce standards do not have a maximum lot size. The Commerce development within the Farm will have a rear yard setback of at least 10', a maximum building height of 60', and a maximum impervious area of 80%.

Neighborhood residential densities also remain within the limits established in the MDP. Proposed densities are as follows (MDP maximum density in parentheses):
The Farm: 1.6 dua (2.3 allowed)

Parks & Open Space

The percentage of total park and open space will remain unchanged at 31%. This GIP Amendment includes a minor adjustment to the proposed boundary of the Farm Neighborhood Park.

This change will result in 77 acres of total park and open space. The proposed 77 acres of parkland is above the required Town dedication of 19.9 acres (2,200 sf per lot x 394 lots). An additional 57 acres of open space will be provided via easements on each lot to accommodate trail connections, prairie planting and agriculture areas, bringing the total open space area to 134 acres.

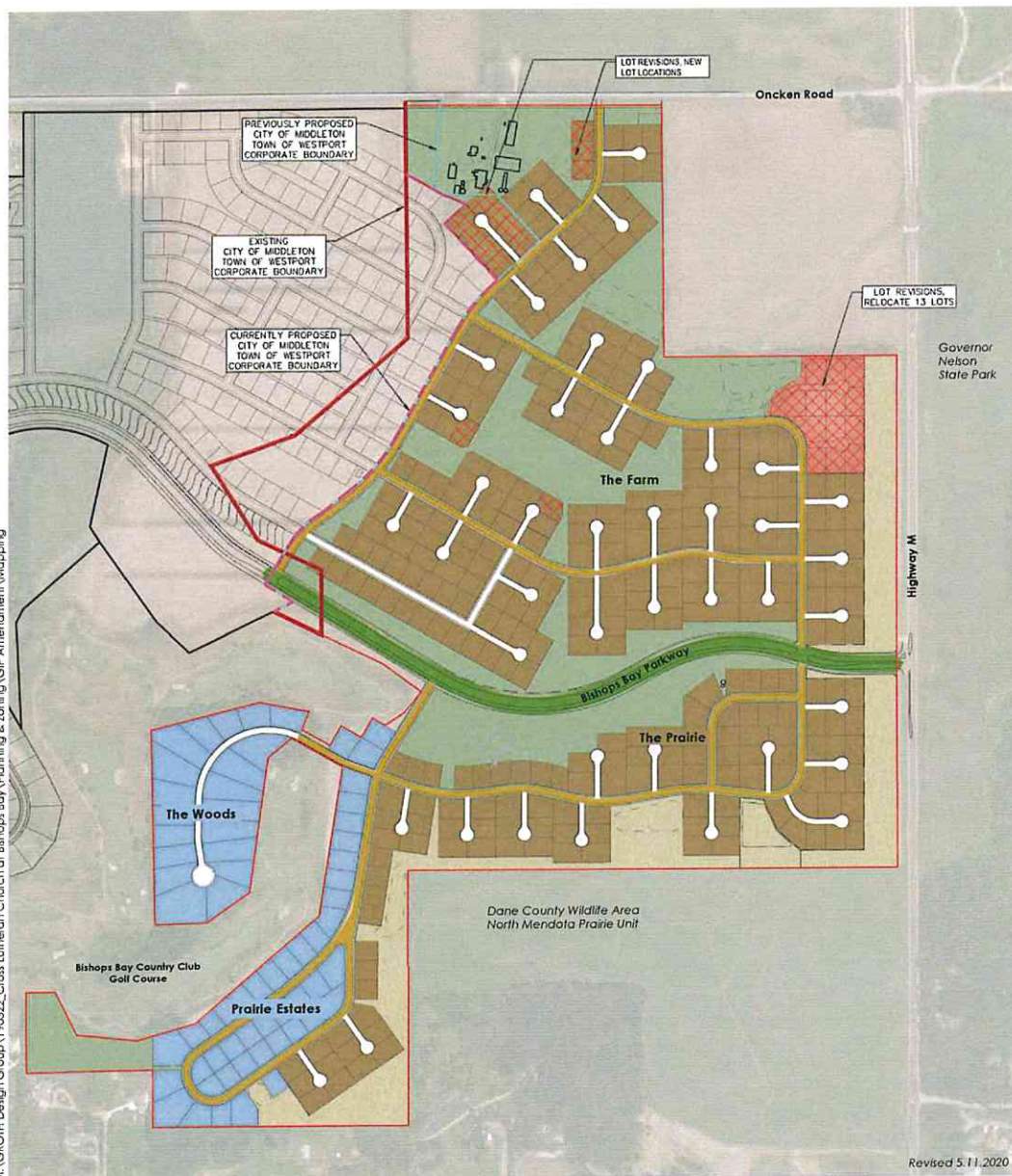
Road & Trail Network

All public streets use either the Parkway Boulevard or Rural Residential street types, as specified in the MDP—see the attached map for precise locations of these street types.

A temporary access drive will be constructed to allow access to the Commerce development until the surrounding Farm neighborhood lots and street network is developed. The access drive will meet requirements set by the Middleton Fire Department.

vierbicher
planners engineers advisors





The Community of Bishops Bay

GIP Amendment - Westport Area

Lot & Street Types Map (Overview of Revisions)

LOT TYPES:

- Commerce (C) Lot
No min lot area; 15' wide min
- Cluster Residential (Cl-R) Lot
5,000 sf min; 50' wide min
- Manor Residential (M-R) Lot
9,500 sf min; 75' wide min

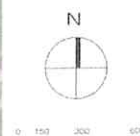
STREET TYPES:

- Parkway Boulevard 110' max. ROW
- Rural Residential Street 48' ROW

Note: Private streets/drives shown in white

MUNICIPAL BOUNDARIES:

- Existing Corporate Boundary (~ 267 ac)
- Currently Proposed Corp. Boundary (~ 252 ac)
- Previously Proposed Corp. Boundary (~ 248 ac)






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The Community of Bishops Bay
GIP Amendment - Westport Area
 Lot & Street Types Map (Currently Proposed)

LOT TYPES:

-  Commerce (C) Lot
No min lot area; 15' wide min
-  Cluster Residential (Cl-R) Lot
5,000 sf min; 50' wide min
-  Manor Residential (M-R) Lot
9,500 sf min; 75' wide min

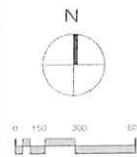
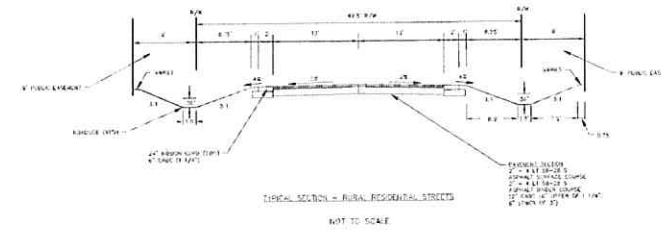
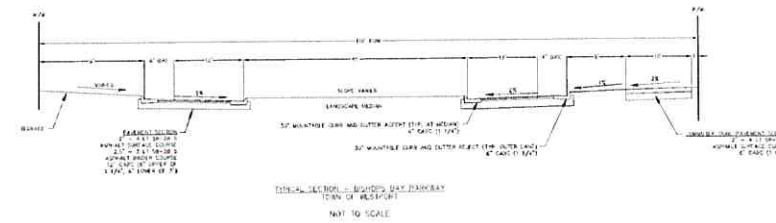
STREET TYPES:

-  Parkway Boulevard 110' max. ROW
 Rural Residential Street 48' ROW

Note: Private streets/drives shown in white

MUNICIPAL BOUNDARIES:

- Existing Corporate Boundary (~ 267 ac)
- - Currently Proposed Corp. Boundary (~ 252 ac)



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Oncken Road

EXISTING CITY OF MADISON TOWN OF WESTPORT CORPORATE BOUNDARY

CURRENTLY PROPOSED CITY OF MADISON TOWN OF WESTPORT CORPORATE BOUNDARY

The Woods

Bishops Bay Country Club Golf Course

Park

Prairie Estates

The Farm

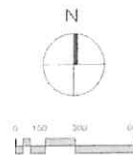
The Prairie

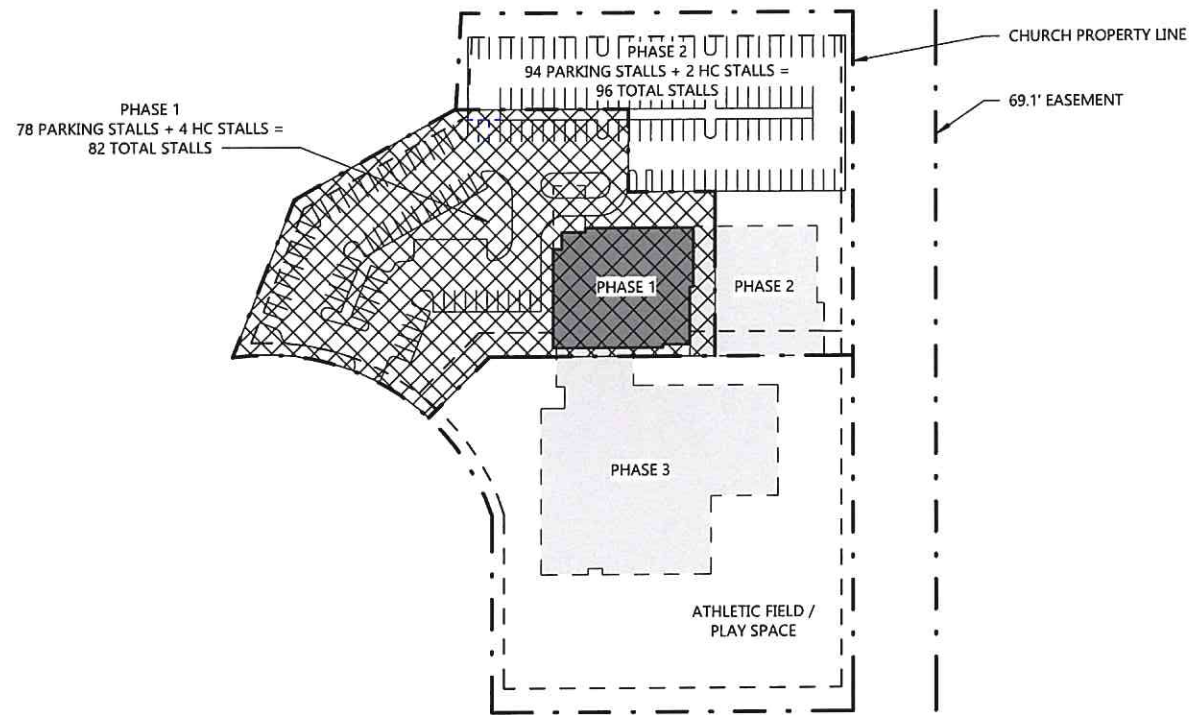
Bishop's Bay Parkway

Dane County Wildlife Area North Mendota Prairie Unit

Revised 5.11.12

PARK LANDS - TOWN OF WESTPORT				
DESIGNATION	DESCRIPTION	MDP AREA (2015 REVISION, IN ACRES)	PROPOSED AREA (IN ACRES)	NOTES
A	FARM NEIGHBORHOOD PARK	2	4	INCLUDES FARMSTE
B	COMMUNITY GARDEN	4	5	INCLUDES FARMSTE
D	LINEAR PARKWAY	14	10	
E	FARM FIELD	8	5	
F	LINEAR PARKWAY	6	7	
G	RAIRIE RESTORATION	12	6	PRIVATE PARK
H/I	ORCHARD	12	7	COMBINED AREAS
J	SAVANNA NEIGHBORHOOD PARK	9	10	
K	LINEAR PARKWAY	3	8	
L	RAIRIE RESTORATION	3	8	INCLUDES PARK ALONG GOLF COUR
M	LINEAR PARKWAY	2	2	
N	RAIRIE RESTORATION	10	5	PRIVATE PARK
	STCRMWATER MANAGEMENT FACILITY			
		85	77	
TOWN OF WESTPORT AREA		270	252	
PERCENT PARKLAND		31%	31%	
LOT EASEMENT AREA OPEN SPACE			57	
-----		PAVED RECREATIONAL TRAIL		
-----		GRAVEL/MOWED TRAIL		
NOTE: TOWN OF WESTPORT REQUIRES 2,200 SF OF PARKLAND PER LOT (19.9 ACRES) TOWN OF WESTPORT AREA IS BASED ON PROPOSED CORPORATE BOUNDARY AND ANTICIPATED ROW ADJUSTMENTS				





SITE PLAN

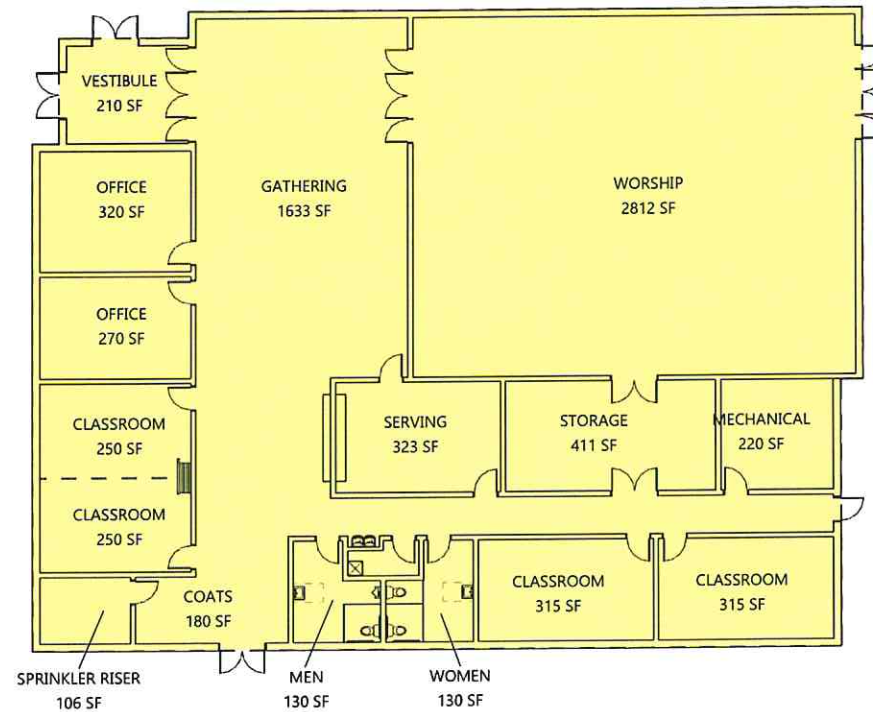
1" = 100'-0"



6

CROSS LUTHERAN

BISHOPS BAY
MIDDLETON, WI



REVISED

PLAN = 9,160 SQ FT

LEVEL 1 - FLOOR PLAN PHASE 1

1/16" = 1'-0"

CROSS LUTHERAN

BISHOPS BAY
MIDDLETON, WI

7





CROSS LUTHERAN
MIDDLETON, WISCONSIN

16.048
PRELIMINARY CONCEPT RENDERINGS
05/19/20

8



CROSS LUTHERAN
MIDDLETON, WISCONSIN

16.048
PRELIMINARY CONCEPT RENDERINGS
05/19/20

9



CROSS LUTHERAN
MIDDLETON, WISCONSIN

16.048
PRELIMINARY CONCEPT RENDERINGS
05/19/20

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