

## **TOWN OF WESTPORT**

### **REGULAR PLAN COMMISSION MEETING**

Kennedy Administration Building  
Community Meeting Room  
5387 Mary Lake Road  
Town of Westport, Wisconsin

AGENDA - November 11, 2019 7:00 p.m.

This meeting is being noticed as a possible gathering of a quorum of the Westport Town Board due to the possible attendance of Supervisors not appointed to the Commission. Supervisors may discuss items on this agenda, or gather information on these items, but no action will be taken on these items as the Town Board.

1. Call to Order
2. Public Comment on Matters Not On the Agenda
3. Approve Minutes
4. Consultation, Cross Lutheran Church Relocation, Community of Bishops Bay,  
West of CTH M/South of Inspire School, Texas Longhorn Drive  
(Middleton ETZ)
5. Initial Consultation, Rezone for Retail Sales Business, Lake Life Company, Bernards,  
4895 Easy Street (Town Zoning)
6. Initial Consultation, Land Division and Rezone (Create 1 additional lot), Picard,  
5015 Gilkeson Road (Waunakee ETZ)
7. Park Committee Report/Items for Action
8. Historic Preservation Commission Report/Items for Action
9. Waunakee/Westport Joint Planning Committee Report/Items for Action
10. Middleton/Westport Joint Zoning Committee Report/Items for Action
11. Miscellaneous Matters/Forthcoming Events
12. Adjourn

If you need reasonable accommodations to access this meeting, please contact the clerk's office at 849-4372 at least three business days in advance so arrangements can be made to accommodate the request.

## TOWN OF WESTPORT

### PLAN COMMISSION – October 14, 2019

The regular monthly meeting of the Plan Commission was called to order at 7:01 p.m. in the Community Meeting Room of the Bernard J. Kennedy Administration Building by Chair Grosskopf. Members present: Cuccia, Grosskopf, Kennedy, Manering, Ohm, and Pichette. Members absent: Bruskewitz. Also attending: Terry Enge, Doug Shillinglaw, Gerry Schmidt, Mary Nonn, Pam Dunphy, Lori Purdy, Sam Kaufmann, Tim Hibbard, Dick and Nancy Smith, Bill Kennedy, and Tom Wilson.

No one was present For Public Comment on Matters not on the Agenda. The minutes of the September 9, 2019 regular meeting were approved as presented on a motion by Kennedy, second Cuccia.

After brief opening remarks by Wilson, Gerry Schmitt of KL Engineering presented an update and overview of the County's CTH M Improvements preliminary design study project. After questions and comments, the Commissioners determined it would be premature to make any recommendations at this time and provided their comments. The next Public Involvement Meeting is scheduled for November 13, 5:00 p.m. to 6:30 p.m., at Holy Wisdom. The project web site is:

<https://countyofdane.maps.arcgis.com/apps/MapSeries/index.html?appid=5e28a536e6064ae99f3592c123621c6b&entry=2>

After a report by Wilson and discussion, the Land Division and Rezone (Split off Farm Home and Buildings), Dorn, 6303 Meffert Road, Waunakee ETZ, was recommended for approval with conditions and restrictions as recommended by Staff, including a further condition to add a notation to the CSM on the historic significance of the property (Century Farm), on a motion by Kennedy, second Cuccia.

After a report by Wilson, the Commission members discussed the proposed Veridian Development, Breunig Property, STH 19 between Division Street and Schumacher Road, utilizing the concept plan as proposed to take place in Waunakee, and provided the following comments and questions for the Town Board to consider providing to the Village:

Town staff comments:

- Proper improvements and connections to Schumacher Road.
- Protections for Schumacher Farm Park.
- Stormwater protections at highest allowable standards.
- Buffer and protect the development impact on the residences bordering the development in Westport on the west side of Schumacher Road.
- Concerns about the timing and phasing in the development for road improvements along Schumacher and Easy.

Commissioner additional comments:

- Consider further study if necessary and preserving the historical significance in some way of the farm building area, especially as to the dairy barn, or even as part of parkland dedication requirements consider having the developer work with Dane County Parks/Schumacher Farm Park to add the area to the Park (How best to utilize and preserve the current farm buildings in the development and how might the historic relevance of the farm be recognized).
- Take steps to prevent weeds and invasives on the site due to the work on prairie restoration done by the County on Schumacher Farm Park directly to the West.
- Concerns about maintaining the viewshed while traveling on STH 19 entering the Village.
- Density appears too high based on the planning done for the area, especially right along the entrance corridor to Waunakee's Main Street.
- Intersection of STH 19 and Schumacher Road would likely need significant work due to traffic increases (additional traffic, current sight lines, and steep slopes off the roadway).
- Concerns about the traffic impact on Schumacher Road and Easy Street, including having the developer pay for needed improvements (TIA).
- Need to consider the potential added traffic impact on STH 19 as it goes through the Village and any potential State DOT actions due to that added traffic (concerns again over 4 lane Main Street and parking loss).
- Veridian should be held to the same high standard of construction and development that the Town has seen the Village require of all other developers.
- Recreational path along STH 19 should connect to Village trails and sidewalks to the West and to Schumacher Farm Park and the Business Park to the East.

After Wilson provided a report to the Commission, Grosskopf opened the public hearing at 8:32 p.m. on the Town Zoning Code Revisions (Signage, Outdoor Storage, and Accessory Building Plumbing Revisions) items. After calling for comments three times without reply, Grosskopf closed the hearing at 8:35 p.m. After further discussion, the Code revisions as proposed were recommended for approval by the Board to be effective when all zoning towns adopt the same, with Wilson to put the revisions in Town Code form, on a motion by Pichette, second Cuccia.

Enge reported on the work of the Park Committee. Pichette reported on the work of the Historic Preservation Commission.

Wilson and Grosskopf reported on items before the Waunakee/Westport Joint Planning Committee and the Middleton/Westport Joint Zoning Committee.

There were no Miscellaneous Matters or Forthcoming Events raised.

Motion to adjourn by Cuccia, second Kennedy. The meeting adjourned at 8:45 p.m.

Mary Manering, Secretary

AGENDA ITEM #4

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



# CROSS LUTHERAN CHURCH

300 Broadway Dr. – Sun Prairie – WI – 53590 • 608.218.4797 • [brandtj@crosslutheran.church](mailto:brandtj@crosslutheran.church)

*Proposal: To alter the MDP for the community of Bishops Bay to combining several undeveloped residential lots into a 2.8-acre commercial lot for Cross Lutheran Church (adjacent to Hwy. M just south of Inspire Childcare Center).*

9/26/2019

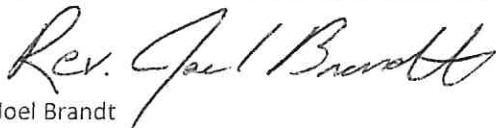
## Proposal:

Our congregation, Cross Lutheran Church would like to request that the City of Middleton and the Town of Westport consider a change to the MDP for the community of Bishops Bay which would combine several undeveloped parcels of land alongside Hwy M just south of the Inspire Childcare Center. This newly formed lot would be 2.8 acres with a gravel or recycled asphalt driveway leading from our property to the northernmost portion of Texas Longhorn Dr. Over the years, we have looked at multiple pieces of property within the development of Bishops Bay, however, after taking information from Middleton Plan Commission, Council and staff, we received feedback that the newly proposed site works better overall because of its immediate access to water and sewer services.

Because of the nearby home lots, this parcel of land could have immediate access to the existing water utilities without the need for the installation of a water well, and sewer services could be covered through the installation of a grinder pump on the southern corner of the property which would channel waste into the existing sewer infrastructure without the need for a holding tank or septic system. Furthermore, because this property would be hooked up to water services from Westport, there would be no need for the installation of an extra water holding tank which would support our fire suppression sprinkler system. Also advantageous to us is the fact that there is an existing water retention area adjacent to the western edge of our property. If we were granted appropriate permission, this water retention area would adequately control runoff from the property and would also help to reduce our upfront construction costs.

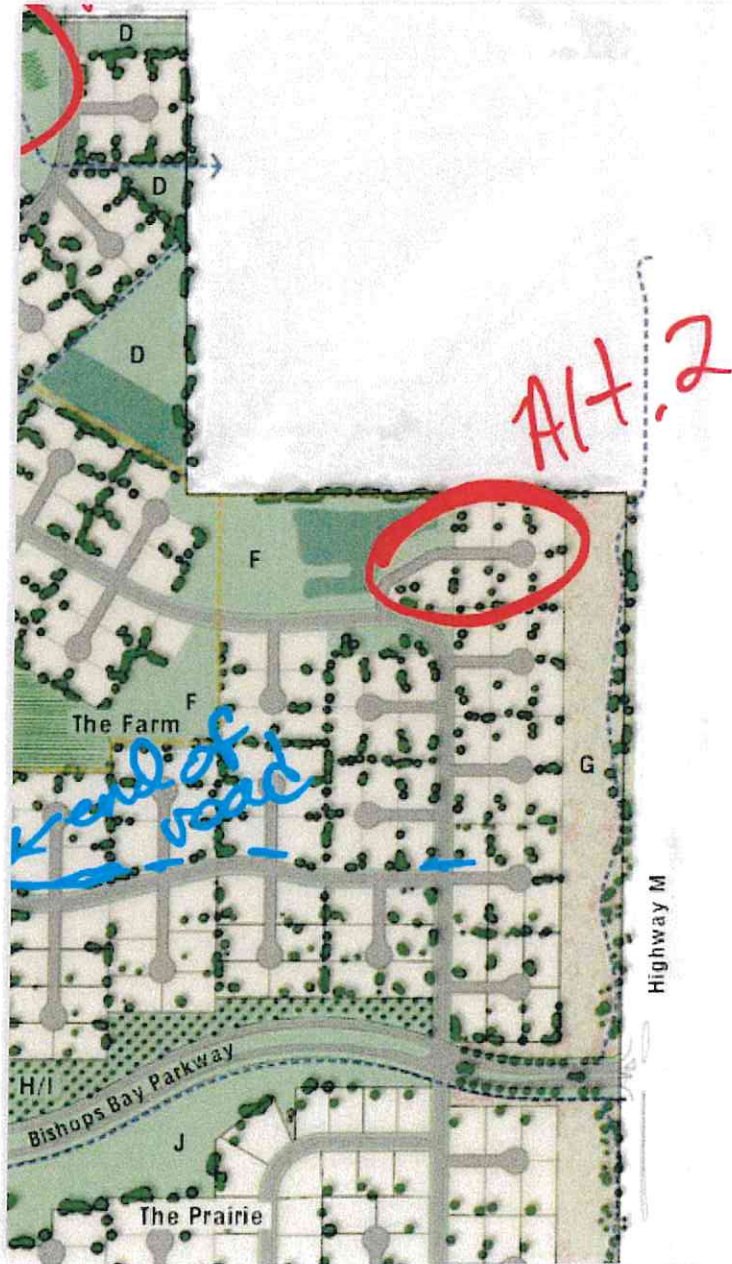
Furthermore, many residents and homebuyers may find themselves reluctant or even unwilling to purchase property alongside a major roadway like Hwy M. However for a church like ours, the visibility offered by this major roadway becomes a huge advantage and makes this property an ideal location for us.

Therefore we feel that the site off of Hwy M with access through Texas Longhorn Dr. meets the criteria for construction to begin in mid-2020. This request serves the city of Middleton, the town of Westport, the residents of Bishops Bay, and the people of Cross Lutheran Church. It enables us to take our next steps in moving our congregation forward and could hopefully ignite future development in the area as any progress helps build momentum. Thank you for your consideration.



Rev. Joel Brandt  
Cross Lutheran Church  
300 Broadway Dr.  
Sun Prairie, WI 53590  
608-218-4797

[brandtj@crosslutheran.church](mailto:brandtj@crosslutheran.church)



Governor  
Nelson  
State Park

GOVERNOR NELSON  
STATE PARK

COUNTY HIGHWAY M

PROPOSED CHURCH LOT  
2.8 ACRES

INSPIRE EARLY  
CHILD LEARNING

NOT FOR CONSTRUCTION









Elected Officials and Members of City Committees: In order to comply with the Open Meetings Act requirements, please limit any reply to only the sender of this electronic communication

**Mike Davis**

City Administrator

7426 Hubbard Avenue

Middleton, WI 53562

(608) 821-8358

[mdavis@ci.middleton.wi.us](mailto:mdavis@ci.middleton.wi.us)



AGENDA ITEM #5:

Initial Consultation, Rezone for Retail Sales Business,  
Lake Life Company, Bernards, 4895 Easy Street  
(Town Zoning)

October 21, 2019

To Whom it May Concern,

We purchased our new home at 4895 Easy Street on September 27, 2019. We were told by the homeowners and by our Realtor, Jenny Bunbury Johnson, that the outbuilding was zoned commercial. We knew of the plumber that worked his business out of this building.

Because of this, we chose to sell our home in Kilkenny Farms and close our Retail Shop on Main Street in Waunakee, so that we could move our business back home. We have been made aware, as of October 18<sup>th</sup>, that our outbuilding is not zoned for a retail space.

My husband and I both have careers in Law Enforcement and the medical field. Lake Life Company was created by our children and has been our creative outlet for the last four years. Most of our business is done by e-commerce, online and through our wholesale channel. Our new business model would be continuing our online sales and having our shop open to our customers 1-2 weekends per month. There is a parking lot on site and we have already discussed this plan with our neighbors directly across Easy Street. Our retail hours would be on a very limited basis, as we no longer want to run a retail business in the same model that we had. We will not have employees and already have a large insurance policy in place that protects our business and others.

We ask that you please consider changing our zoning to make this possible. Owning a retail space in Waunakee was not as we had hoped, with negativity from competitors and a large overhead in renting a space. We have a large following in Dane County and feel that limited retail hours are still a great asset to our community and the mission that we serve. We offer large contributions to local youth sports and clubs, as well as Law Enforcement agencies throughout Dane County. We are also supporters of other Entrepreneurs and offer free classes and training to help them start their own businesses.

In the two weeks since we have moved in, we have made huge improvements to the building and will continue to improve the land and buildings to bring awareness to living on a farm and rural living. My husband was born and raised in Waunakee and we have made it our home for the last 13 years. Our first Waunakee home was in the Nature Valley subdivision.

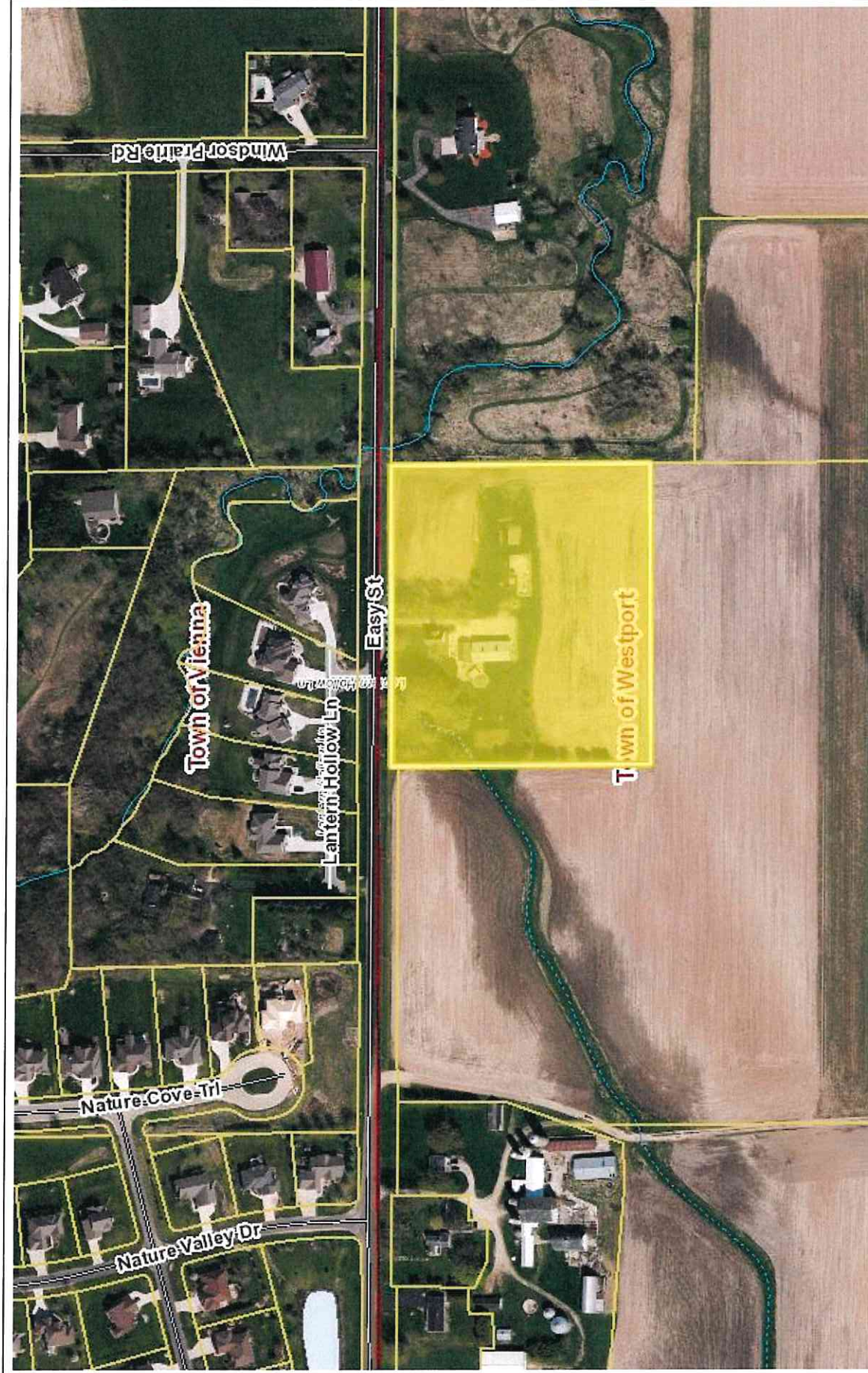
Thank you for your consideration.

Amy Bernards, Owner of Lake Life Company

608.228.9591

[divein@shoplakelifeco.com](mailto:divein@shoplakelifeco.com)





# Town of Westport GIS

DISCLAIMER: The Town of Westport does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1 = 376'

**Town of Westport**  
5387 Mary Lake Road  
Waunakee, WI 53597  
(608) 849-4372

Print Date: 10/31/2019



## **DANE COUNTY ORDINANCE AMENDMENT NO. 8394**

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

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Westport be amended to include in the LC-1 Limited Commercial District/s the following described land:

### **PETITION NUMBER: 8394**

A parcel of land located in the NE 1/4 of the NW 1/4 of Section 1, Town of Westport, also being part of Lot #1, Certified Survey Map #7653. Commencing at the North quarter corner of said Section 1; thence West, 305.28 feet to the point of beginning. Thence continue West, 103.81 feet; thence S01°16'34" East, 326.56 feet; thence N88°21'06" East, 105.82 feet; N01°38'12" East, 323.57 feet to the point of beginning.

### **CONDITIONAL ZONING**

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

### **DEED RESTRICTION REQUIRED**

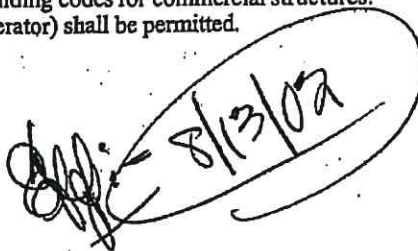
This amendment will be effective, if within 90 days of its adoption by Dane County the owner or owners of the land shall record the following restrictions on said land:

- 1) Deed restrict the LC-1 zoning lot to limit commercial uses to only the existing plumbing business.
- 2) Deed restrict the LC-1 zoning lot to prohibit billboards.
- 3) Deed restrict lot 1 CSM 7653 to prohibit further division.

Said restriction shall run in favor of Dane County and the pertinent Town Board as well as the owners of land within 300 feet of the site. Failure to record the restrictions will cause the rezone to be null and void.

The rezoned area shall be subject to the following conditions.

- 1) Design review and approval by Town Plan Commission shall be required prior to zoning change becoming effective.
- 2) Petitioners shall be responsible for costs incurred by Town for review of plans and any other costs incurred by Town associated with proposed rezone.
- 4) Only existing shed to be used for existing plumbing business on the LC-1 zoning lot.
- 5) Structure must comply with state building codes for commercial structures.
- 6) No employees (other than owner/operator) shall be permitted.

A handwritten signature, possibly "J. J. J.", is written over the date "8/13/02". The signature and date are enclosed within a large, hand-drawn oval.

The Dane County Board of Supervisors does ordain that this amendment, based upon their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
**3528627**

08/13/2002 11:55:38AM

Trans. Fee:  
Exempt #:

Rec. Fee: 17.00  
Pages: 4

DEED RESTRICTION  
PAGE 1

RETURN TO: Mark Marshall  
4895 Easy St.  
Waunakee, WI 53597

001561

PIN: - 066/0809-012-8001-5

RESTRICTIONS

I. WHEREAS, Mark & Tammy Marshall is/are  
the owner/s of the following described land in the Town  
of WESTPORT Dane County, Wisconsin,  
to-wit:

A parcel of land located in the NE 1/4 of the NW 1/4 of Section  
1, Town of Westport, also being part of Lot #1, Certified Survey  
Map #7653. Commencing at the North quarter corner of said  
Section 1; thence West, 305.28 feet to the point of beginning.  
Thence continue West, 103.81 feet; thence S01°16'34" East, 326.56  
feet; thence N88°21'06" East, 105.82 feet; N01°38'12" East,  
323.57 feet to the point of beginning.

II. WHEREAS said owner desires to place certain restrictions thereon,  
to bind the owner and those who may acquire title hereafter.

III. NOW, THEREFORE, in consideration of the mutual benefits passing to  
and from the owner and those who may hereafter purchase said land  
and the parties named as beneficiaries of these restrictions, the  
following restrictions are hereby imposed:

4/17

**DEED RESTRICTION**

001562

**PAGE 2**

- 1) Deed restrict the LC-1 zoning lot to limit commercial uses to only the existing plumbing business.
- 2) Deed restrict the LC-1 zoning lot to prohibit billboards.
- 3) Deed restrict lot 1 CSM 7653 to prohibit further division.

These restrictions shall constitute covenants running with the land and shall be binding upon all parties now owning any part of said land, their successors, heirs and assigns, and all parties

holding under them unless, pursuant to paragraphs V or VI of this instrument, said restrictions are amended or terminated.

**IV.** The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the land subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights:

- (a) The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of zoning ordinance of said County at the time the enforcement action is commenced; and
- (b) The Town Government of the Town WESTPORT Dane County, Wisconsin provided that the lands are within the governmental jurisdiction of said Town at the time the enforcement action is commenced.
- (c) The owner(s) of record of any land/s which are located within 300 feet of the subject site.

**V.** The restrictions set forth in paragraph 3 above may be amended in the following manner:

- (a) A written petition calling for the amendment of the restrictions may be made by the persons who are, at the time of the petition, owner/s of the lands subject to the restriction. Such petition shall be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning & Natural Resources Committee (or successor committee) which committee shall schedule and hold a public hearing on the petition in the same manner as public hearings for zoning amendment petitions are noticed and scheduled.

001564

DEED RESTRICTION  
PAGE 3

Following such hearing, the committee shall issue a written report on the petition to the County Board of Supervisors which shall, by majority vote, approve or reject the petition. If approved, the petitioner/s shall draft the amendatory covenant instrument, have same executed by the owner/s of the lands subject to the restrictions and record same.

(b) Such amendment shall also require approval of the Town Board.

VI. The restrictions set forth in Paragraph 3 above may be terminated in the following manner:

(a) Termination may be accomplished through County Board approval of a petition for termination of the restrictions. The procedures for introducing and processing the petition shall be as provided in Paragraph V(a) hereof, except that the petition shall call for termination rather than amendment of the restrictions and the instrument which is recorded shall be an instrument of termination. Such termination shall also require approval of the Town Board.

(b) A rezone of the property to a different zoning district shall also act to repeal the covenant controls.

IN WITNESS WHEREOF, the said grantor/s have hereunder set their seal/s this 18<sup>th</sup> day of July 2007



001563

DEED RESTRICTION

PAGE 4

ION

\*SIGNATURE:

"PRINT NAME:

\*SIGNATURE:

\*PRINT NAME:

\*SIGNATURE:

\*PRINT NAME:

STATE OF WISCONSIN)

) SS.

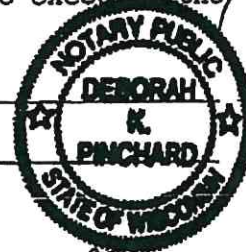
COUNTY OF DANE )

SIGNED AND SEALED IN THE PRESENCE OF:

Personally came before me, this 18th day of July  
2002 the above named, known to be the person/s who executed the  
foregoing instrument, and acknowledged the same.

NOTARY PUBLIC

\*



MY COMMISSION EXPIRES

2/23/03

2003

This document is drafted by:

Dane County Zoning

P&D Deed Restriction Form 6/2001 PLEASE DO NOT ALTER THIS FORM

## Robert Anderson

---

**From:** Kory Anderson <kanderson@generalengineering.net>  
**Sent:** Friday, November 1, 2019 10:12 AM  
**To:** amybernards@yahoo.com  
**Cc:** Robert Anderson; Mark Jankowski  
**Subject:** 4895 Easy Street Zoning Questions

Amy,

Sorry that I didn't get back to you sooner. Based on your questions from yesterday, this is what I have found in the Town's zoning ordinance that relates to your property:

If you rezone to SFR (Single Family Residential) and can meet the following criteria for your business, this would be considered a "small scale" home-based business and would be considered a permitted use:

- (a) There shall be no more than one full-time equivalent employee that is not an occupant of the residential dwelling on the same lot or parcel of the home-based business.
- (b) The home-based business shall not utilize a floor area exceeding 30% of the combined gross floor area of a dwelling unit and any accessory building and in no case shall the floor area utilized exceed 800 square feet.
- (c) Any structural addition to the home for the purposes of operating a home-based business shall be designed, and appear residential in character, so that the addition can readily be repurposed for residential uses at such time that the home-based business is no longer operating.
- (d) Retail sales or services shall be of goods grown, produced, assembled, or for services rendered on the premises. Sales of products not produced on the premises are permitted only when these sales are incidental to, and part of, the principal function of the home-based business.
- (e) There shall be no outdoor storage or display of equipment, materials, or stock.
- (f) The home-based business shall not cause any odor, dust, smoke, vibration, light, or noise that can be detected beyond the property line.
- (g) All mechanical equipment used in conjunction with the home-based business shall be operated within a structure.
- (h) The home-based business shall not utilize a business related vehicle as part of the operation of the business with a rated gross vehicle weight rate capacity in excess of 10,000 pounds, according to the manufacturer's classification.
- (i) The home-based business shall not require any business related vehicle visits by delivery trucks or vehicles with a rated gross vehicle rate capacity in excess of 20,000 pounds, according to the manufacturer's classification. The business shall not have more than 6 business related vehicle deliveries per week.
- (j) The home-based business shall not exceed 5 patron-related vehicles per day, or a maximum of 25 patron- or business-related vehicles per week, whichever is greater. Not more than 2 patron vehicles may be present at one time. The proprietor will provide adequate off-street parking on the property where the use is located. Parking areas shall not be used in determining gross floor area.
- (k) The hours of operation of the business involving visitors or employees shall be between the hours of 8:00 a.m. and 8:00 p.m.
- (l) No hazardous substances shall be used or stored as part of a home-based business except normal use for household purposes.
- (m) There shall be no evidence of a home-based business, other than a sign consistent with the requirements of Subchapter VIII, which indicates that a dwelling or accessory building is being utilized in part for any purpose other than a dwelling or accessory building.



AGENDA ITEM #6:

Initial Consultation, Land Division and Rezone (Create  
1 additional lot), Picard, 5015 Gilkeson Road  
(Waunakee ETZ)



To: Town of Westport Plan Commission

From: Jim Picard and Caeli Houden


Re: 5015 Gilkeson Road, Westport, Wisconsin: Request to Subdivide Existing Lot

Date: Submitted October 25, 2019

We are requesting approval to subdivide our lot at the referenced address, generally as shown on the attached draft map. Please note:

1. This proposed action would create one additional residential lot which we would intend to sell.
2. We have not consulted with a land surveyor and would of course plan to do so following the Plan Commission meetings.
3. The attached map shows our preliminary intended plan for going forward; but, we are of course prepared to work with you to create a final approach which meets all of your preferences and requirements.

We appreciate your time and consideration.

A handwritten signature in black ink, appearing to read "Jim Picard and Caeli Houden", followed by the date "10/25/19". The signature is written in a cursive, flowing style.

Jim Picard and Caeli Houden

**AKKOW Land Surveying**  
 A Division of Radel and Associates, Inc.  
 7340 Darlin Court, Unit 12 • Dane, WI 53529  
 Tel: (608) 849-8116 • Fax: (608) 850-4115

DATED: ~~JULY 17, 2006~~ 7/28/06

PREPARED FOR:  
 TEAM HOME BUILDERS

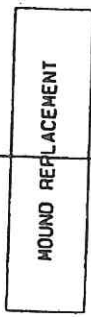
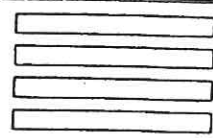
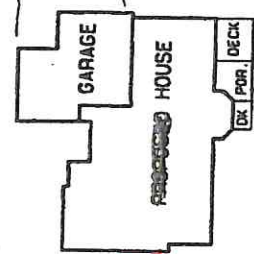
SCALE: 1" = 60'



GILKESON ROAD

RIVER ROAD  
 WIDTH VARIES

PROPOSED DRIVEWAY



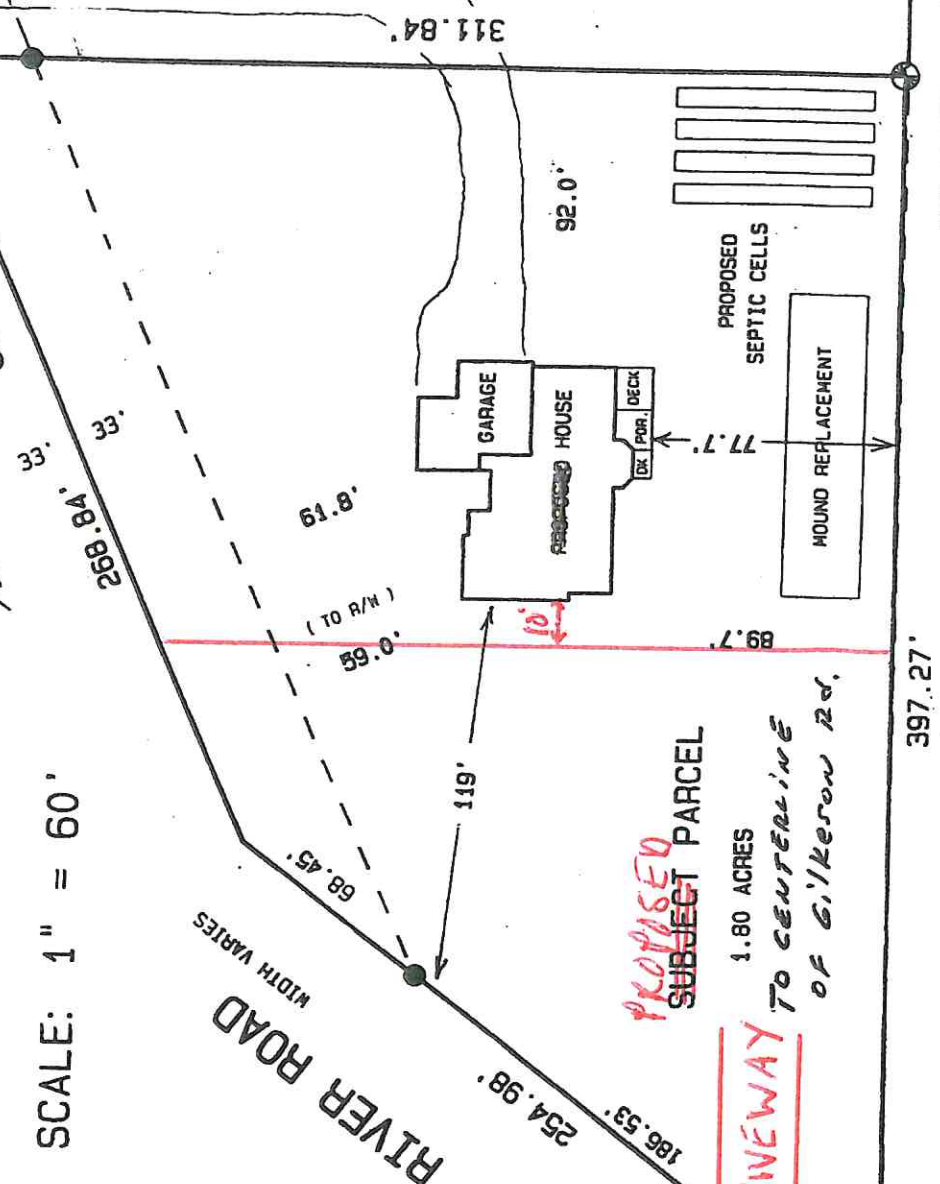
**PROPOSED  
 SUBJECT PARCEL**

1.80 ACRES

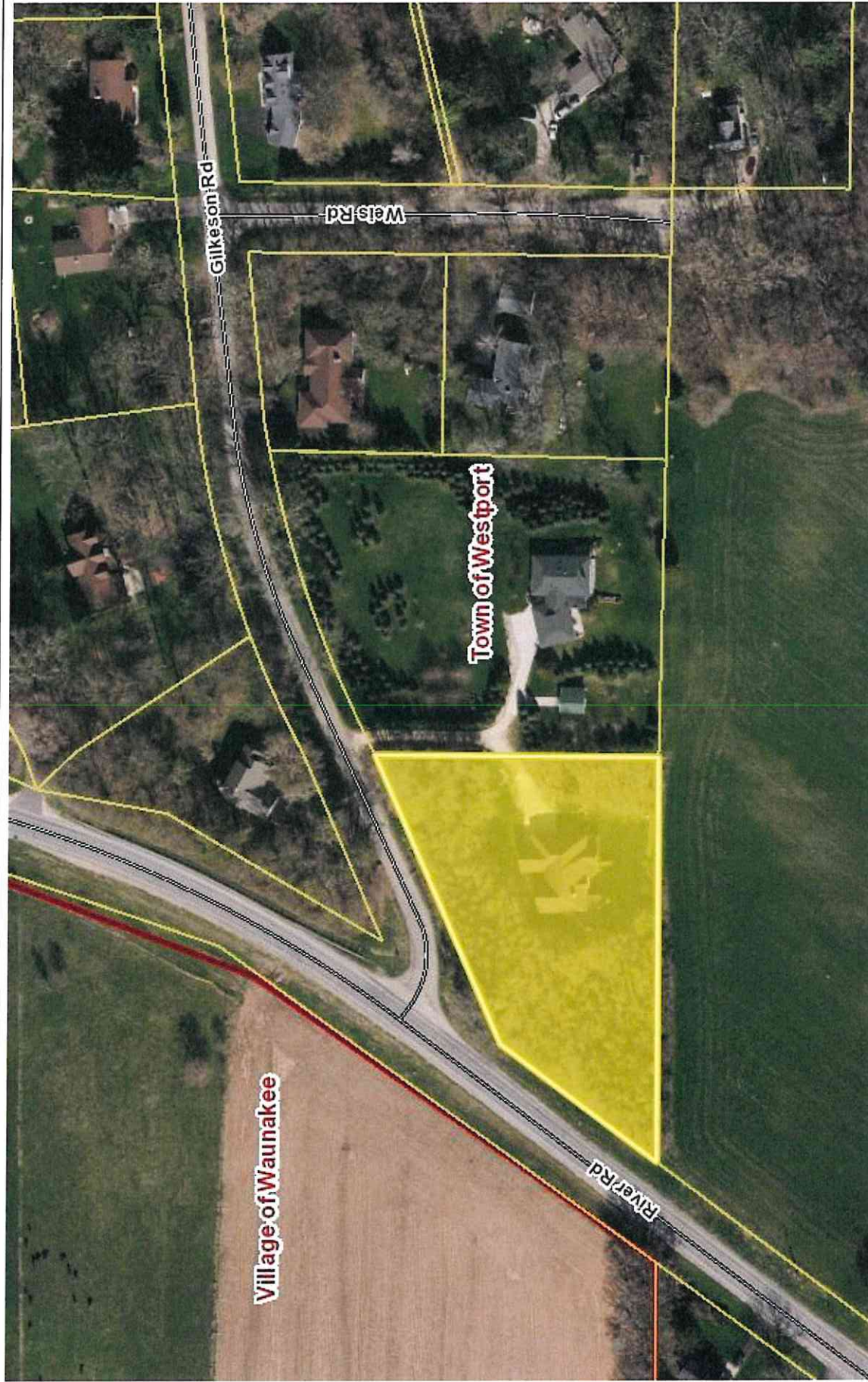
**DRIVEWAY  
 TO CENTERLINE  
 OF Gilkeson Rd.**

EAST 1/4 CORNER  
 SECTION 14  
 T8N, R9E

GENERAL DESCRIPTION/LOCATION:  
 PARCEL LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4







## Town of Westport GIS

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SCALE: 1 = 188'

## Town of Westport

5387 Mary Lake Road  
Waunakee, WI 53597  
(608) 849-4372

Print Date: 10/31/2019