

Town of Perry  
Minutes of Land Use Committee Meeting  
Monday, June 6, 2005  
Perry Town Hall

1. Call to Order. Chairman Mick Klein Kennedy called the meeting to order at 8:20 PM. Committee members in attendance: Ann Windsor and Dean Vogel, Clerk Mary Price. Others present: Gary Baumgartner, Roger Kittleson, Larry Price, Sarah Baumgartner, Terry Miller, Monica Miller, Peter Waltz, Juanita Anderson, Walter Anderson, Jr. , Gene Frakes, Duane Iverson, Bird Cupps.
2. Minutes of Previous Meeting – May 3, 2005. Ann Windsor moved and Dean Vogel seconded a motion to approve the minutes of the Land Use Committee meeting held on May 3, 2005 as presented. Motion carried.
3. Town of Perry revised Land Use Plan. Chairman Mick Klein Kennedy reported that the Dane County Zoning and Land Regulation Committee of the Dane County Board of Supervisors held a public hearing on May 24, 2005 on the Town's Land Use Plan as revised in 2004. Mick and Ann Windsor represented the Town at the public hearing. Mick answered the ZLR Committee's questions. Committee approved a resolution to amend the Dane County Farmland Preservation Plan by adopting Town's Land Use Plan as revised in 2004. The Dane County Board will consider the resolution at a June, 2005 meeting.
4. Applications – Public Hearings and recommendations.
  - a. Terry Miller, 1177 STH 78, zoning change, setback variances – additions. The Committee reviewed suggested additional conditions for the zoning change approval presented by Terry Miller. Peter Waltz, Terry Miller's attorney, explained the suggested additional conditions, Dane Co. Zoning options for restrictions, and LC-1 zoning. Walter Anderson, Jr. stated his concerns about additional traffic and noise that might be generated and requested that the Committee continue to postpone action for additional time to assess possible effects on his land. Walter Anderson, Jr. requested additional time to meet with Terry Miller. Peter Waltz asked what items would be discussed and Walter Anderson, Jr. indicated that he is concerned about his property value.

Ann Windsor moved and Dean Vogel seconded a motion to recommend that the Town Board approve the application presented by Terry Miller to rezone .631 acres from A1-Ex to LC-1 and approve the setback variances for additions to the existing garage and residence, and include with the Board's approvals the following conditions and restrictions:

    1. Said property to be used exclusively for a heating, ventilation and air conditioning business and as a residence for the owner of said business.
    2. Equipment to be stored on the lot shall be limited to two trucks and a utility trailer. There shall be no outside storage of materials used by the business.

3. The portion of the accessory building on the lot used for business purposes cannot be expanded. This restriction shall not affect any expansion of the building, if such expansion is for the personal (non-business) use of the owner.
4. Owners shall enter into an agreement with the Town of Perry which states that in the event owners intend to sell the property, they agree to rezone the subject property to residential zoning prior to said sale. A Notice Document will be prepared and recorded on this parcel.
5. All employees, except one or one full-time equivalent, shall be a member of the family residing on the premises.
6. Must comply with the procedure and standards of operation for a limited family business as described in Dane County Ordinance 10.192 (1) thru (8):
  - (1) The purpose and intent of this section is to provide a centralized listing of the procedures and standards of operation for limited family businesses which may be permitted in several districts.
  - (2) A conditional use permit for a limited family business is designed to accommodate small family businesses without the necessity for relocation or rezoning while at the same time protecting the interests of adjacent property owners. Applicants for this conditional use permit should recognize that rezoning or relocation of the business may be necessary or may become necessary if the business is expanded.
  - (3) All employees, except one or one full-time equivalent, shall be a member of the family residing on the premises.
  - (4) Using applicable conditional use permit standards, the committee shall determine the percentage of the property that may be devoted to the business.
  - (5) The conditional use permit holder may be restricted to a service oriented business and thus prohibited from manufacturing or assembling products or selling products on the premises or any combination thereof.
  - (6) The conditional use permit may restrict the number and types of machinery and equipment the permit holder may be allowed to bring on the premises.
  - (7) Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings. The design and size of the structures is subject to conditions set forth in the conditional use permit.
  - (8) The conditional use permit shall automatically expire on sale of the property or the business to unrelated third party.

Walter Anderson, Jr. requested verification of the minimum lot area and lot area coverage as required for LC-1 zoning. Peter Waltz reported that the CSM prepared for the lot indicates that the lot meets the criteria. Walter Anderson, Jr. requested that back-up beepers be required on Terry Miller's trucks. Walter Anderson, Jr. asked if the Town of Perry's Land Use Plan Mandatory Criteria for Limited Commercial zoning No. 5 (outside lighting to be shielded) had been met or will be met. Walter Anderson, Jr. requested that delivery trucks be limited to two days per week. Terry Miller agreed to extinguish outdoor lighting when not in use, and he will consider adding back-up beepers to his trucks. He felt that limiting truck deliveries to two days per week was unreasonable.

Motion carried.

- b. Gene Frakes, approx. 9876 CTH A, 10 kw wind tower site. The Committee reviewed additional technical wind tower information presented by Gene Frakes. Ann Windsor moved and Dean Vogel seconded a motion to recommend that the Town Board approve the application presented by Gene Frakes for a 10 kw wind tower site. Gene Frakes presented information indicating that this site could generate 112 min. of shadow per year. Motion carried.
  - c. Gary Baumgartner, approx. 9876 CTH A, revised driveway construction plan. Dean Vogel moved and Ann Windsor seconded a motion to recommend that the Town Board approve the revised driveway site and revised driveway construction plan on parcel 0506-231-9003-0 as shown on the plat of survey prepared for Gary Baumgartner by Bruce D. Bowden, Land Surveyor, on May 26, 2005. Motion carried.
5. Discussion with Land Use Committee applicants. Clerk Mary Price reported that applicants for openings on the Land Use Committee – Bird Cupps, Ken Bartz, Trudy Fritsche, Sarah Baumgartner, and Ken Hefty - were invited to the June site views and Committee meeting. The Committee discussed the work performed by the Committee with the applicants present.
  6. Schedule meetings. The Committee's July meeting schedule will be set after the Town Board meets on June 14, 2005.
  7. Adjourn. Ann Windsor moved and Dean Vogel seconded a motion to adjourn. Motion carried. The meeting adjourned at 9:40 PM.

Respectfully submitted,

Mary L. Price, Clerk