



Town of Windsor Plan Commission Meeting
Tuesday, January 21, 2014 @ 6:00 p.m.

MINUTES

1. **Call Meeting to Order and Roll Call:** The meeting was called to order at 6:00 p.m. by Chairman Bill LeGore. Commissioners Alvin Davis, Barry Eichinger, Jeff Heisig, Kay Hoffman, Bill LeGore, Beth Trotter, and Dan Wendtland were present. Windsor Staff members Connie Anderson (Town Attorney), Jamie Rybarczyk (Town Planner), Kevin Richardson (Town Engineer), Amy Anderson Schweppe (Town Planning and Development Coordinator) and Bruce Stravinski (Town Board Liaison) were in attendance.
2. **Recitation of the Pledge of Allegiance:** The Pledge was recited by all in attendance.
3. **Minutes from October 15, 2013:** Dan Wendtland made a motion to approve the minutes as presented. The motion was seconded by Alvin Davis. The motion passed 7-0.
4. **Report from Bruce Stravinski, Liaison to the Town Board:** Bruce Stravinski reported that:
 - The Town Board reviewed and approved the Traveler Homes request for site plan approval for the 4 Unit Building on Lot 3 of Windsor Corners.
 - The Town Board has not reviewed the Farmland Preservation Zoning Map amendments since the discussion is still ongoing at the Plan Commission level.
5. **Appearances:** There were no unscheduled appearances.
6. **Rezone petitions for amendments to Windsor's Farmland Preservation Zoning map and subsequent Zoning Map Amendments for Dane County (Plan Commission Resolution 2014-01).** Chairman Bill LeGore opened the Public Hearing and requested a presentation from Staff. Brian Standing (Senior Planner, Dane County) was present to discuss the planned blanket rezone petition process and answer any resident questions. State law required that the County make amendments to its Zoning Ordinances and Zoning Map to show compliance with requirements for the Farmland Preservation Program. Individual parcels were evaluated for an appropriate land use zoning category and recommendations were mailed to individual property owners on the proposed zoning changes. A significant number of legal non-conforming properties will be corrected as part of this process which brings the zoning into compliance and is at no cost to the property owners.
 - Dennis Dobson (4358 Windsor Road) was concerned that the rezone would cause his accessory building to become non-compliant. He was worried about financing and future sale considerations. He also was concerned because he has some chickens and ducks and he wondered if they would no longer be permitted. Brian Standing discussed options to bring Mr. Dobson's property into compliance with the current uses. They agreed to discuss this item at a future date.

- Dave Ziegler (7625 Grinde Road) asked why part of his property was zoned Conservancy-1. Brian Standing said that it would allow for Ag uses, but given the soil and water conditions, it prohibits residential buildings. Mr. Grinde also asked if livestock would be compatible. Mr. Standing said it was permitted.
- Commissioner Eichinger asked about a sliver of land that is in Oak Springs Circle that is zoned Conservancy-1. Mr. Standing responded that it was zoned that way because the parcel was too small to permit a residential building and could not be zoned into a residential district. Mr. Standing confirmed ownership of the sliver of land in question.

Chairman Bill LeGore closed the public hearing. On advice from Brian Standing the rezone petitions will be held in abeyance until the county can schedule their formal review process. At that time, the rezone application will come back before the Plan Commission and Town Board, likely in March of 2014.

7. **Craig Frank of CF Investments, LLC requests consideration of a Concept Plan for Lot 97 of Wolf Hollow (Oak Prairie of Wolf Hollow). The proposal includes a combination of 2-Unit, 3-Unit, 4-Unit and row houses for a total of 60 multi-family units. The project is located southeast of the intersection of Windsor Road and Wolf Hollow Road. The project is surrounded by existing residential along the following streets: Windsor Road to the north, Wolf Hollow to the west, and Grosbeak Glen to the south.** Town Planner, Jamie Rybarczyk, presented his staff report to the Plan Commission. Town Engineer, Kevin Richardson, also presented his comments for consideration. Concerns over stormwater and infiltration, fire and ems access, maintenance equipment needs and traffic circulation were items discussed by the group. Kevin Richardson stated that there needed to be a consensus on the design of the site plan before going any further. Is the proposed site plan the best layout for 60 units on this lot? Is the single 30 foot access sufficient to serve the development?

Craig Frank discussed some of the history of the parcel. He was aware of the access issue. He stated that he chose the building design to accommodate parking and attract a more stable and higher paying renters because of the single private entries.

Sue Dalton (4535 Oak Lane) requested examples of what the buildings were going to look like. She was concerned about the continuing problems with rental property in the Lake Windsor area and seeing those problems become a drain on the resources of the community.

Craig Frank responded that he planned to maintain ownership of the development and has success with similar projects in other communities. He planned to use prairie-style architecture and he presented some examples of buildings for reference. The buildings are designed to mimic single-family homes as much as possible.

Commissioner Dan Wendtland asked if the entrances will meet the requirements of the Site Plan, referring to the "attractive and obvious entrance."

Kevin Richardson commented that further consideration of access to the east has been discussed. The Town owns the Right of Way and the CDA owns the property to the east.

Craig Frank spoke with the Fire Department and said that he thought the current plan was acceptable. Kevin Richardson commented that two access points is typical for this type of development. Arrangements will need to be made as to when a second access would be required, like a phasing plan.

Jamie Rybarczyk acknowledged that the applicant shows that he has provided the required 24 feet of pavement, the Town is just not getting the additional right of way. The unknown is when access from the east might be required. Craig Frank stated that the lot was approved with the single access and 60 units.

Commissioner Beth Trotter asked about how long it would take to complete the project. Craig Frank thought about 2 years.

Commissioner Barry Eichinger stated he did not like the site plan. It wasn't pedestrian friendly; there wasn't a link to either the commercial property to the east, or the residential to the west. There wasn't a park or play area, very isolated.

Kevin Richardson summarized the concerns as: Access, Buffering - how it will work with the neighbors, setback issues, is it pedestrian friendly - does it require more circulation, does the site plan design effectively support the density requested and optimize site characteristics and phasing considerations.

8. **Windsor Golf Ventures, Inc. requests consideration of a Preliminary Plat for Windsor Blue a residential plat located in the SW ¼ of the SE ¼ and the SE ¼ of the SE ¼ of section 30, in the Town of Windsor. Further described as a 13 lot subdivision bordered by Golf Drive to the north, Birch Drive to the east, Oak Lane to the south and Fairway Circle to the west. (Plan Commission Resolution 2014-02)** Chairman Bill LeGore opened the public hearing and requested a presentation from Staff. Town Planner, Jamie Rybarczyk, presented his staff report. The proposed development will replace two holes of the Lake Windsor Country Club golf course. The development is 10.77 acres located south of Golf Drive, west of Birch Drive, and north of Oak Lane. The development proposal contains eleven (11) single-family lots, two (2) duplex lots, a neighborhood park, and two (2) outlots to be conveyed to Lots 1 and 2 of CSM 13005.

Lots 1-6 along Golf Drive are proposed to be served by public sewer and water. Lots 7-13 along Oak Lane are proposed to be served by public sewer and private wells. A multi-purpose trail is proposed along the southern edge of Golf Drive at the time Golf Drive is reconstructed. The petitioner proposes to contribute a share to the construction cost for the multi-purpose path. Pending approval of the preliminary plat, the applicant will need to secure zoning and a comprehensive plan amendment in order to proceed.

Tim Gotzion (Applicant) provided his comments regarding the withdrawal of the Windsor Links Plat and the new Windsor Blue Plat and CSM. He highlighted the addition of a needed park for the area. The area is not part of the current golf course plan.

- John Oshman (6611 S. Oak Lane) inquired about the lots on wells and if there is a requirement for a ground water impact survey. Mr. Oshman also asked what has been done to investigate the impact on the Lake Windsor Sanitary District's facilities which are over 40 years old. He proposed an impact survey for that as well. Would the current system be

overloaded by the new capacity and what measurers were being considered to require the developer to provide escrow these impacts.

Kevin Richardson, Town Engineer, responded that at the preliminary plat stage, the applicant is not required to provide all the engineering yet. These engineering reports will be required and that the burden is on the developer to prove the system is adequate. The wells are under the oversight of the DNR. There is public water supply, but for certain lots, the developer has chosen not to hook up to it. Staff is neutral on the issue of the wells. All utility work is observed and inspected at construction.

- Sue Dalton (4535 Oak Lane) asked what was happening with (3 lots on the corner of Birch and Golf, not contained in the plat). Tim Gotzion responded that those are duplex lots that were previously approved. She also asked about the value of the single family homes to which Mr. Gotzion responded that he was going to develop covenants to control the housing development versus trying to meet a certain price expectation. Suggestions on size of buildings and architecture enhancements like brick and stone were given as examples.
- Justin Wheeler (4511 E. Oak Lane) asked if the plan is to keep the existing trees. Mr. Gotzion said that was the intent. That was a major feature that enhances the lot. Mr. Wheeler was concerned that there were a lot of vacant lots already available nearby in Conservancy Place and Windsor Corners. Mr. Gotzion responded that these lots were larger and unique enough to be marketable.
- Kirk Dalton (4535 Oak Lane) wanted to know what the lots would sell for and what it would take to cover the costs. Mr. Gotzion responded that he is hoping to continue to improve the Golf Course. He could not comment on profit. Mr. Dalton was questioning why a new plan is being presented and the old subdivision plan is not. Mr. Gotzion said that the approvals from the Village and Town did not come timely and the economy changed. Mr. Dalton wanted reassurance that that improvements will happen. He wanted to know if more of the plan included subsequent development.
- Marybeth Schlagheck (4596 Golf Road) said she was in favor of the plan.
- Ed Busse (4527 E. Oak Lane) said he was okay with the proposal and understood the change of direction that has taken place over the development of the Golf Course. He also liked the location of the park. It was the best that could be done under the current circumstances.
- Sue Dalton (4535 Oak Lane) said she is concerned about the development because of the high groundwater and the quality of the development. She said she does not want to see more duplexes.
- Tim Gotzion requested that the funds from the park facility improvement fee collected through the development process be used at the park in the plat. Kevin Richardson responded that was something negotiated in the development agreement.

Commissioner Alvin Davis made a motion to approve Plan Commission Resolution 2014-02, prepared by Attorney Constance Anderson, with the conditions below. The motion was seconded by

Commissioner Barry Eichinger. The motion passed 6-0 with one member not in the room for the vote.

****Plan Commission Resolution 2014-02****

A. The Town of Windsor Plan Commission recommends to the Town of Windsor Board **Conditional Approval** of the Preliminary Plat of Windsor Blue, Town of Windsor, Dane County, Wisconsin, subject to satisfaction of each and every one of the conditions set forth in the Town staff report dated January 14, 2014 ("Staff Report"), and each and every one of following conditions:

1. The Final Plat shall be consistent with the facts set forth in the Overview section of the Staff Report, as determined by Town staff. If the Final Plat is not consistent therewith, then Town staff may request reconsideration of this requirement by the Plan Commission.
2. The Petitioner shall address the technical comments set forth in the Planning Comments section of the Staff Report to the satisfaction of the Town Planner. With respect to the technical comments, the Plan Commission recommends that the Petitioner pay 100% of the costs of the multipurpose path, and in consideration therefor, that the requirement for concrete paths along both sides of all roads be reduced to require the concrete path along only one side of the road.
3. The Petitioner shall address the technical comments set forth in the Engineering Comments section of the Staff Report to the satisfaction of the Town Engineer.
4. The Petitioner shall submit the Final Plat within 36 months of this preliminary approval, or the Preliminary Plat shall be deemed null and void and of no further force or effect, and the Petitioner will need to restart the process.
5. The Petitioner shall record a deed restriction, in a form satisfactory to the Town Attorney, prohibiting the conveyance of a lot to a homeowner prior to the Petitioner complying with the planning and engineering comments and recommended conditions of approval of the Preliminary and Final Plat.
6. The Petitioner shall record a Developer Agreement, in a form satisfactory to the Town Board, Attorney and Engineer, covering the installation of public improvements for the proposed development including a security in the amount of 125 percent of the cost of the public improvements.
7. The Petitioner shall obtain approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR).
8. The Petitioner shall submit a Stormwater Management Agreement, in a form satisfactory to the Town Board, Attorney and Engineer, for all stormwater management facilities.
9. The Petitioner shall obtain approval of Construction Plans and Specifications, in a form satisfactory to the Town Engineer, for all public improvements prior to construction.

10. The Petitioner shall record a Declaration of Covenants and Restrictions, in a form satisfactory to the Town Board, Attorney and Engineer, ensuring the quality of development.
11. The Petitioner shall comply with the Town of Windsor Code of Ordinances for Design Review for Single- and Two-Family Dwellings.
12. The Petitioner shall submit a cash payment to the Town of Windsor for Fees for Initial Improvement of Parkland in the amount determined pursuant to the Town of Windsor Code of Ordinances § 38-639(e). (Note: Fees in 2014 were \$1,091.36 for each single family unit and duplex dwelling unit. Fees are adjusted annually based on the CPI, and are determined based on the date of payment.)
13. The Petitioner shall reimburse the Town of Windsor for all costs and expenses incurred by the Town of Windsor in connection with the review and approval/denial of the plat, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
14. The Petitioner shall apply for and obtain a Comprehensive Plan Amendment. The Town of Windsor Comprehensive Plan: 2025 designates the land as Environmental Preservation and Parks. A condition of approval of the Preliminary Plat shall be and is that the Future Land Use Plan Map be amended to allow for the proposed development.
15. The Petitioner shall apply for and obtain a zoning change so that the preliminary plat is in compliance with the Dane County Zoning Ordinance. (See Staff Report section entitled Zoning Ordinance Consistency.)

B. The Plan Commission's recommendation expires ninety (90) days from the date of adoption of this Resolution. Time is of the essence. If the Town Board is unable to or does not act on the Plan Commission's recommendation prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Town Board.

C. It is the Petitioner's obligation to satisfy those conditions recommended by the Plan Commission and adopted by the Town Board, and to provide satisfactory verification of compliance to the Town. All submissions to the Town for determinations of compliance shall be made at least ten (10) business days prior to the date upon which verification of compliance is required.

9. **Windsor Golf Ventures, Inc. requests consideration of Certified Survey Map to create one lot along Oak Lane.** (*Plan Commission Resolution 2014-03*) Chairman Bill LeGore opened the public hearing and requested a presentation from Staff. Town Planner, Jamie Rybarczyk, presented his staff report. The proposed development will create a single lot along Oak Lane for the purpose of a single family residential lot. Chairman LeGore asked for comments from the public.

- John Oshman (6611 Oak Lane) expressed his concern about creating a new lot that would mix new architecture into an older neighborhood with 1960 style housing next to his property. Mr. Gotzion stated that the building will be deed restricted to assure quality construction. Mr. Oshman was

concerned about building elevation and stormwater flow to the current culvert. He also requested that the record reflect his concern about his property losing value because it will lose frontage to the golf course which he has paid taxes on for many years. Town Planner, Jamie Rybarczyk commented that the newly created lot will not completely limit Mr. Oshman's access to the golf course. The lot that is being created will border the side lot line, but the rear lot line will still be along the golf course. Mr. Oshman requested that his comments and an e-mail be taken to the Town Board.

Commissioner Barry Eichinger made a motion to approve Plan Commission Resolution 2014-03, prepared by Attorney Constance Anderson, with the conditions below. The motion was seconded by Commissioner Jeffrey Heisig. The motion passed 7-0.

****Plan Commission Resolution 2014-03****

A. The Town of Windsor Plan Commission recommends to the Town of Windsor Board **Conditional Approval** of the CSM for Windsor Golf Ventures, Inc. located in the SW ¼ of the SE ¼ of the SE 1/4, & the NE 1/4 of the NE 1/4 of Section 31, T9N, R10E, Town of Windsor, Dane County, Wisconsin, subject to satisfaction of each and every one of the conditions set forth in the Town staff report dated January 14, 2014, and each and every one of following

1. The Petitioner shall diligently proceed with Windsor Blue Preliminary Plat concurrent with development of the CSM, and the Windsor Blue Preliminary Plat shall include the dedication of 84,380 sf for a neighborhood park. Upon fulfillment of that condition, the Petitioner shall not be required to pay further Fees in Lieu of Land Dedication required by Section 38-636(1) of the Town of Windsor Code of Ordinances. If the Plat and CSM are not developing concurrently, as determined by the Town staff, then Town staff may request reconsideration of this requirement by the Plan Commission.
2. The Petitioner shall submit a cash payment to the Town of Windsor for Fees for Initial Improvement of Parkland in the amount determined pursuant to the Town of Windsor Code of Ordinances § 38-639(e). (Note: Fees in 2014 are \$1,091.36 for each single family unit and duplex dwelling unit. Fees are adjusted annually based on the CPI, and are determined based on the date of payment.)
3. The Petitioner shall reimburse the Town of Windsor for all costs and expenses incurred by the Town of Windsor in connection with the review and approval/denial of the CSM, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
4. The Petitioner shall apply for and obtain a Comprehensive Plan Amendment. The Town of Windsor Comprehensive Plan: 2025 designates the land as Environmental Preservation and Parks. A condition of approval of the CSM shall be and is that the Future Land Use Plan Map be amended to allow for the proposed development.
5. The Petitioner shall apply for and obtain a zoning change so that the CSM is in compliance with the Dane County Zoning Ordinance. The lot is currently zoned R-1 Residence District and A-1(EX) Exclusive Agriculture and would need to be zoned R-1 Residence District in its entirety.

B. The Plan Commission's recommendation expires ninety (90) days from the date of adoption of this Resolution. Time is of the essence. If the Town Board is unable to or does not act on the Plan Commission's recommendation prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Town Board.

C. It is the Petitioner's obligation to satisfy those conditions recommended by the Plan Commission and adopted by the Town Board, and to provide satisfactory verification of compliance to the Town. All submissions to the Town for determinations of compliance shall be made at least ten (10) business days prior to the date upon which verification of compliance is required.

10. Adjournment: Commissioner Barry Eichinger made a motion to adjourn the meeting. The motion was seconded by Commissioner Beth Trotter. The motion passed 7-0.

Minutes prepared by: Amy Anderson Schweppe

A handwritten signature in cursive script, appearing to read "Amy Anderson Schweppe".