

TOWN OF WINDSOR
PLAN COMMISSION MEETING

Minutes

October 21, 2014

 APPROVED
11-18-2014

1. Call Meeting To Order.

Meeting convened by Chairperson LeGore at 6:00 p.m.

2. Roll Call.

Commissioners present: Al Davis, Barry Eichinger, Bill LeGore, Kay Hoffman, Beth Trotter, and Dan Wendtland. Jeff Heisig was absent. Others present: Planning and Development Coordinator Amy Anderson Schweppe, Town Engineer Kevin Richardson, Town Attorney Connie Anderson, Town Planner Jamie Rybarczyk, and Town Board Liaison Bruce Stravinski.

3. Recitation Of The Pledge Of Allegiance.

The Pledge of Allegiance was recited.

4. Minutes From August 19, 2014, and September 16, 2014.

Commissioner Davis noted that he arrived late to the meeting on August 19. A motion was made by Commissioner Davis, seconded by Chairperson Wendtland, to approve the Minutes of August 19, 2014, with the notation being added that Commissioner Davis arrived late. Discussion was had regarding who could vote to approve the Minutes in that some of the Commissioners were not present at the meetings. Planning and Development Coordinator Amy Anderson Schweppe indicated that everyone could vote on the motions even though they were not at the meeting. Town Attorney Anderson added that if any Commissioner did not feel comfortable voting in favor of a motion they could abstain. Motion carried with a 4-0 vote, with Commissioners Eichinger and Trotter abstaining. A motion was made by Commissioner Wendtland, seconded by Commissioner Eichinger, to approve the September 16, 2014, Minutes as presented. Motion carried with a 5-0 vote, with Commissioner Davis abstaining.

5. Report From Bruce Stravinski, Liaison To The Town Board.

Supervisor Stravinski reported on the following:

At the Plan Commission meeting on September 16, 2014, it tabled a request by John DeWitt representing Windsor Development Corp. The request was for site plan review for a 53-unit multi-family building on Lot 137 of Holland Fields. This was tabled until the Town Board addressed the issue of compatibility, which was a condition of approval in the 1999 Developer's Agreement.

On Thursday, October 9, a special Town Board meeting was held. A proposal was submitted to the town by John DeWitt to deed restrict Lot 137 for single-family or duplex lots. There were two conditions that needed to be met:

- Receipt of \$50,000 to cover his expenses incurred on this project and
- This payment needed to be made by November 5, 2014.

This proposal was given by the Town Board to a representative of Holland Fields homeowners with definite instructions that the town of Windsor would not, and could not, participate in any way with this proposal. This would be a private matter between John DeWitt and the affected homeowners.

The homeowners have held a meeting and raised some money. Supervisor Stravinski was not sure how much.

This item is on the Town Board agenda for November 6.

Town Attorney Anderson's update on the meeting held on a Packers' Sunday was they had commitments between \$18,000 and \$20,000 of these funds.

At the August 19, 2014, Plan Commission meeting, it approved a request by Don Tierney for a certified survey map in order to combine two lots in the Field of Dreams addition to Windsor Gardens.

The Town Board, on September 18, approved the CSM with the five conditions listed by the Plan Commission.

The Plan Commission approved a request by Tim Gotzion for an amendment to the environmental corridor for the Windsor Blue Plat.

The Town Board, on September 18, also approved it in the same manner.

The Plan Commission approved a request (with conditions) by Yahara Materials for a conditional use permit to operate a quarry west of Highway C, between Vinburn and Windsor Roads.

The Town Board, on September 18, held this item in abeyance. This was done so staff could research some of the questions and concerns raised at the meeting.

At the October 2 Town Board meeting, the Town Board received a letter from Yahara Materials requesting the conditional use permit application be tabled until further notice. The Town Board accepted the letter from Yahara Materials and approved a motion to table the CUP application until May 21, 2015.

At a previous Plan Commission meeting, the Plan Commission approved the preliminary plat of Bear Tree with conditions. On September 18 and October 2 the Town Board approved the preliminary plat with conditions and some modifications recommended by the Plan Commission.

6. Appearances.

None.

7. Applicant Bill Kippley Requests A Site Plan Review For A Lighted Pylon Sign In Conjunction With His Mini-Warehouse Project On Conifer Court. (Plan Resolution 2014-26).

A staff report was provided by Town Planner Rybarczyk. The Plan Commission recently approved the site plan for the mini-storage on Mr. Kippley's property. He is now coming back to the town for signage. The proposed sign would be 10 feet by 20 feet. The height would be 27 feet measured from the centerline of CTH V to the top of the sign and 42 feet measured from the ground to the top of the sign. The sign would be set back 4-1/2 feet from the fence line and 5-1/2 feet from the property line. The sign pole is 16 inches in diameter. The sign is single-faced and will be illuminated with LED lights.

The maximum size of the sign face can only be 200 square feet, which it meets. The maximum height shall not exceed 35 feet. For a pylon sign, the height is measured from the elevation of the centerline of the adjacent road to the top of the sign. Ground and pylon signs may not be located less than 5 feet from a side or rear lot line. Illumination of the sign must be designed so that the lighting element is shielded from view from any adjacent residence and from vehicular traffic. There shall be no more than one sign per parcel, and the sign must be located on the same parcel as the site advertised on the sign.

The sign meets the ordinance requirements.

Town Planner Rybarczyk felt the sign could be lowered down 10 feet which would still allow visibility from the road and look like it is not sticking out of the trees.

After discussions between Town Planner Rybarczyk, Town Engineer Richardson, and Town Attorney Anderson, the town finds it difficult that an establishment could happen on the 9/10 of an acre piece of property adjacent to the sign without extensive engineering.

Town Planner Rybarczyk prepared a staff recommendation with there being a proposed Resolution.

Town Engineer Richardson indicated that Roger Manthe called multiple people, including Town Chairperson Wipperfurth, Planning and Development Coordinator Amy Anderson Schweppe, and him. Mr. Manthe indicated he was against the sign. He was concerned about the sign falling down onto his property. He was concerned about light on his property.

Commissioner Eichinger mentioned reducing the sign height. If the corner ended up not being farmland and became wooded after a period of time, would that have any impact?

Attorney Mike Lawton, representing Mr. Kippley, indicated they were concerned about that. He also stated that Roger Manthe would probably like to sell his property to them. They are concerned about what may happen on his property. What he could do with this property – who knows? It could become a building at some time or woods which would have an impact on their sign. A building could block it. Right now the 9/10 of an acre is a corn field. Attorney Lawton indicated they were fine with Town Planner Rybarczyk's other conditions. They were concerned about the height recommendation. They would like it 42 feet above the ground level, but they are willing to reduce it a few feet.

Bill Rupp, representing the company installing the sign, said the lighting will be LED lighting. The sign has a darker background so it is not as bright as a white background. There is only one sign face. This is a very substantial pole so it will not fall over.

Attorney Lawton indicated they would go half way between their number and Town Planner Rybarczyk's number, or 37 feet.

Commissioner Wendtland asked whether notice should have been given to the neighborhood.

Planning and Development Coordinator Amy Anderson Schweppe responded that notices were sent out with the site plan, but nothing was sent out about the sign.

Commissioner Wendtland stated that Roger Manthe got stuck with his property, and he does not want the sign.

Mr. Kippley added that he had spoken to a neighbor next to him and one in the center.

Discussion followed initiated by Commissioner Wendtland stating that Mr. Kippley had not contacted Mr. Manthe.

Mr. Kippley and Attorney Lawton both responded that Mr. Kippley had contacted both Roger Manthe and his wife several times.

Commissioner Wendtland was adamant that he did not contact Roger Manthe.

Mr. Kippley responded that he was willing to show Commissioner Wendtland his telephone records.

Commissioner Wendtland stated that Mr. Kippley should purchase Mr. Manthe's property. There is a mess here.

Commissioner Wendtland felt that the town should have helped Mr. Manthe so he wasn't left with this odd parcel.

Town Engineer Richardson responded that the town did help Mr. Manthe regarding a couple of parcels on Highway 51. This particular parcel was negotiated solely between Mr. Manthe and the Department of Transportation.

Commissioner Wendtland did not see this as being good for the neighborhood. The sign should be on Highway 51.

Commissioner Wendtland felt the notification was not good.

Commissioner Hoffman asked about the sign.

There will be no light from the sides or the back of the sign. The location where it was placed was for the best visibility on Highway V heading west.

Commissioner Eichinger commented that the sign will be an LED sign and will be lit all night.

Commissioner Wendtland said that the sign does not fit what we need in this area.

Chairperson LeGore indicated that this is a unique area surrounded by trees. The business needs signage to promote its location.

Attorney Lawton added that they will keep the sign below the height of the trees.

A motion was made by Commissioner Wendtland to deny the request. The motion died for lack of a second.

Town Attorney Anderson stated that in the report one will see that it is consistent with the zoning ordinance. It meets the Dane County Ordinances.

Town Planner Rybarczyk indicated that Mr. Manthe cannot put anything on his 9/10 acre piece of property.

Town Engineer Richardson added that it is in a hole, and no one will want to develop it.

A motion was made by Commissioner Eichinger, seconded by Commissioner Trotter, to approve Resolution 2014-26 Recommending Approval Of An On-Site Lighted Pylon Sign For The Mini-Warehouse Redevelopment Located At 7647 Conifer Court, In The Town Of Windsor, Dane County, Wisconsin, with the petitioner lowering the pylon sign to a total height of 17 feet (as measured from the centerline of CTH V to the top of the sign) or 32 feet (as measured from the ground to the top of the sign).

Roll call vote:

Commissioner Trotter – yes
Commissioner Davis – yes
Commissioner Eichinger – yes
Commissioner Wendtland – no
Commissioner Hoffman – yes
Chairperson LeGore – yes

The motion carried 5-1.

8. Applicant Douglas Porter And Mark And Dawn Porter Request Approval Of A Certified Survey Map In Order To Expand The Residential Lot At 6947 Portage Road. The Request Also Includes A Rezone From A1-EX (Agriculture Exclusive District) To R-1 (Residential District).

a. Public Hearing.

Chairperson LeGore opened the public hearing at 6:43 p.m.

Town Planner Rybarczyk provided a staff report. Mark and Dawn Porter are looking to do a lot line adjustment to property along Portage Road. They are looking at extending their property further into the farm. They would now like to purchase an additional piece of the farm by CSM. This is outside of the Farmland Preservation Area and Agricultural Enterprise Area. They would like to rezone the entire property to R-1 from A1-Exclusive.

Chairperson LeGore indicated that Dawn Porter, 6947 Portage Road, supported the application and did not wish to testify. Doug Porter, 731 Highway A, Edgerton, also supported the application and will testify to answer questions.

Doug Karr, 3935 Partridge Road, was in opposition to the extension. This is in a floodplain. He would like it to stay the way it is.

Brian LaRue, 3923 Partridge Road, felt the same way. He indicated when he bought his home that he was guaranteed that this would remain viewing land.

Mr. Karr indicated that, if this had been explained better in the materials he received, he and Mr. LaRue would not have needed to appear.

The public hearing was closed at 6:50 p.m.

b. Action (Plan Resolution 2014-27).

Commissioner Eichinger questioned the lot line.

Doug Porter showed it on the map and indicated the map is misleading. What was brought in was 1.2 acres. The total acreage of the applicants' property will be 2.37 acres. Doug Porter agreed that this is wetlands. There is no intent to build any buildings or residences on the property. Because this property is in the family trust, now is the time to plant trees on it or shrubbery. Mark and Dawn Porter want it to stay natural. There may possibly be a storage shed at some time, but there will be no residence. Doug Porter apologized regarding how this was put out. No buildings will be going up, only trees and shrubbery to beautify it. There will be 35+ acres remaining in the trust, and that is of concern to him – not knowing what may become of that.

Town Attorney Anderson added there can be no construction within 75 feet of wetlands.

Commissioner Hoffman confirmed that the total acreage would be only 2.37 acres when everything is done.

A motion was made by Commissioner Wendtland, seconded by Commissioner Eichinger, to approve Plan Resolution 2014-27 Recommending Approval Of A Certified Survey Map And Rezone In Order To Expand The Existing Residential Lot At 6947 Portage Road, Town Of Windsor, Dane County, Wisconsin. Motion carried with a 6-0 vote.

Commissioner Wendtland had a question regarding notification to neighbors. What can we do so the public can know better? The town should not just follow the legalese.

Supervisor Stravinski responded that the town does go beyond the county requirements.

Chairperson LeGore asked Planning and Development Coordinator Amy Anderson Schweppe as to the town's standard operating practice.

She responded that the town's practice is based on state law and town ordinances. State law requirements are for notification to properties within 250 feet 10 days prior to a meeting. The

town of Windsor is more stringent. The town notifies property owners within 500 feet. Only certain types of developments get notices. The process to change the notice requirement would require an amendment of the town's ordinance. The town does not want to look like it is supporting or not supporting an application.

Chairperson LeGore asked what types of matters get notice.

Planning and Development Coordinator Amy Anderson Schweppe responded that notice would go out regarding any change in land use such as a rezone, variance, subdivision, site plan review, or CUP. The town does the initial notice to property owners. The town is not going to send another notice regarding Lot 137.

Town Planner Rybarczyk added that Windsor uses the Dane County signage ordinance because it does not have one of its own. They do not require notification.

Planning and Development Coordinator Amy Anderson Schweppe stated that they were not asking for a variance or any type of land change.

Commissioner Wendtland asked whether the town could change its ordinance that an upcoming agenda is reviewed by members of the Commission and if the majority of the members of the Commission feel it needs to be reviewed by members, then notify them. When asked how they would be notified of a proposed agenda, he responded by mail. Town Attorney Anderson responded that then they would be having a meeting.

Chairperson LeGore stated that pre-coordinating the agenda with members may not be legal and would be very cumbersome.

Commissioner Trotter states that, with our notices, the town is doing exactly what it is supposed to do. Too much information is not good.

Town Planner Rybarczyk asked the Plan Commission members to keep in mind that if the ordinance is changed there is a domino effect. Increasing the area notified or information will increase Planning and Development Coordinator Amy Anderson Schweppe's time and costs. Does the town raise the development review fees to cover the additional costs?

Commissioner Eichinger asked if anyone knew of any instances where the applicant was required to make contact with neighbors.

Town Planner Rybarczyk answered "no," the town cannot force them to do so.

Planning and Development Coordinator Amy Anderson Schweppe added that some applicants do meet with the neighbors, such as Tim Gotzion who has had a neighborhood meeting regarding his project. However, Mr. DeWitt chose not to meet with the neighbors.

Planning and Development Coordinator Amy Anderson Schweppe stated that the town has taken on the burden of notifying neighbors but only on things where the town has authority to do so.

Town Attorney Anderson added that this is not a unique issue to the town of Windsor. There are statutes and ordinances that try to do the best they can in trying to set standards. On the other hand, for the people at the meeting where there is a major area that is aware of the issue they have some responsibility on their own to look on the website and come to the Town Hall to get additional information. There is responsibility on the private property owners to get the additional information.

Town Engineer Richardson stated the key is that the town tries to be consistent. It cannot show preference and try not to show preference. The town needs to follow its ordinances to stay out of trouble. If you want to change the ordinance, that could be brought to the Town Board.

Supervisor Stravinski suggested that this be a future agenda item for the Plan Commission.

The notice can be sent out the first time, but it doesn't need to be sent out each time. Lot 137 will have been a topic at close to nine meetings. Does the town send out notices each time? The people should pay attention to the agendas. The people have a certain amount of due diligence.

Commissioner Wendtland would like this as an agenda item.

Chairperson LeGore asked Commissioner Wendtland to make a recommendation as to notification. Planning and Development Coordinator Amy Anderson Schweppe indicated she was willing to work with Commissioner Wendtland. Town Planner Rybarczyk added that he was willing to help out.

Planning and Development Coordinator Amy Anderson Schweppe would like to wait to address this issue until January, after tax season.

Commissioner LeGore suggested that people sign up to receive agendas via e-mail.

Planning and Development Coordinator Amy Anderson Schweppe stated that people do not want too much contact from the town. The town has "Constant Contact."

Town Attorney Anderson indicated that residents could sign up by committee. They would also have the ability to unsubscribe.

Commissioner Wendtland also discussed tabled items. The Plan Commission has two. They should come up at the next meeting according to *Robert's Rules*. They could be deferred or held in abeyance. The town is not following *Robert's Rules*.

Supervisor Stravinski stated that the Plan Commission recommended that the Town Board table Lot 137 until it had adequate information to come back to the Plan Commission.

Commissioner Wendtland noted that Lot 97 of Wolf Hollow was also tabled.

Town Attorney Anderson's recommendation was to never table an item unless it is indicated when it will be removed from the table.

Chairperson LeGore indicated that, when a motion to table is made, it should be the practice to put a shelf life on it.

Planning and Development Coordinator Amy Anderson Schweppe suggested adding tabled items on the agenda as "Old Business."

Town Attorney Anderson added, with respect to Lot 97, Mr. Frank is interested in having something reconsidered and has been submitting items.

The difference between abeyance vs. tabled has to be defined.

9. Adjournment.

At 7:45 p.m., a motion was made by Commissioner Trotter, seconded by Commissioner Hoffman, to adjourn the meeting. Motion carried with a 6-0 vote.

Respectfully submitted,



Ellen G. Teed, Recording Secretary