

TOWN OF WINDSOR  
PLAN COMMISSION MEETING

 APPROVED  
11-24-15

Minutes

October 20, 2015

1. Call Meeting To Order.

Meeting convened by Commissioner Eichinger at 6:00 p.m.

2. Roll Call.

Commissioners present: Barry Eichinger, Dave Gaustad, Jeff Heisig, Kay Hoffman, and Beth Trotter. Al Davis and Bill LeGore had excused absences.

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 July 21, 2015.

A motion was made by Commissioner Heisig, seconded by Commissioner Hoffman, to approve the Minutes of the July 21, 2015, meeting as presented. Motion carried with a 5-0 vote.

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

Supervisor Stravinski advised that at the Plan Commission's last meeting it approved a CSM and rezone for Cyril Feiner on Highway V where he was splitting his personal residence and three agricultural buildings. This came to the Town Board on August 20, and the Town Board approved a two-lot CSM instead of a one-lot CSM.

On August 6, Yahara Materials withdrew its request for a conditional use permit application to operate a quarry on the Hoffman farm.

Also on August 5, the Town Board approved the Developer's Agreement and covenants and restrictions for Bear Tree.

6. Update On Windsor Incorporation.

Town Attorney Anderson advised that the town has been continuing with open houses and presentations. There has been a good turnout. There have been good questions raised. It was clear that there was a need for education and that need is being met through these forums. There will have been ten educational forums, with one additional mailing to go out with a copy of the actual notice.

7. Appearances.

None.

8. Agent James Grothman, Representing Windsor Real Estate, LLC Requests Approval Of A Certified Survey Map, Rezone And Conditional Use Permit In Order To Adjust Lot Lines Around The Existing Super 8 Hotel To Accommodate The Single-Family Residence. The Property Is Located At 4506 Lake Circle, Windsor.

Town Planner Rybarczyk provided a staff report. It has not changed much from the last time several months back. The town had received a CSM. The Plan Commission had some concerns. When it got to the Town Board, the applicant withdrew the application. Now it is being resubmitted to split the lot. They are looking to take an existing parcel and split it into two lots by taking the Super 8 Motel and putting it on a lot and creating a vacant parcel. The newly created Lot 1, which is the vacant parcel, will have access to C.T.H. CV through a 30-foot wide easement and a 50-foot wide easement and access to Lake Circle through a 50-foot wide easement.

Town Planner Rybarczyk showed an overhead projection of the CSM.

Lot 1 of CSM 2195 is zoned C-1, Commercial District. The portion of Lot 1 where the single-family home is located is zoned C-2, Commercial District. In addition to the property line adjustment, the portion of Lot 1 of CSM 2314 will be rezoned from C-2, Commercial District, to C-1, Commercial District, to allow for the single-family home. The remaining portion of Lot 1 of CSM 2314 will continue to be zoned C-2, Commercial District. To permit a single-family home in the C-1 District, a conditional use permit must be obtained.

Lot 2 from the motel has direct access to a town road. Lot 1 would have access from easements.

The applicant is looking for approval of a CSM, approval of a rezone, and approval of a conditional use permit with the rezone being where the house sits. The rezone will match the hotel.

The town did receive a letter from Attorney Gregory C. Collins when this was originally submitted with concerns about the single-family home, the underground storm water system, and Lot 1 access. There was concern about heavy truck traffic going through the existing parking lot. There is a culvert to allow for the flow of water. Staff has provided a condition to address the storm water. Lot 1 has access from an easement to the south and an easement to the north. The road has legal frontage off of the freeway. It is deemed a legal road, but it does not have public access. The Super 8 Motel has access to Lake Circle. The CSM does meet the requirements of the Wisconsin State Statutes and the town Ordinances.

The staff has concerns in that Lot 1 does not have access to the public right-of-way but only access by easement. If this was a new development, the town would likely not approve it. The town could be in favor of the CSM as long as everybody can understand that Lot 1 is not a buildable lot until it is joined to a lot with access from an improved public road. The easement runs through the parking lot. There is a guardrail, and the current use of the property is as a parking lot for Kenworth.

Jim Moeller explained. The newly created Lot 1 is owned by a different entity than Kenworth. Page 2 of the Resolution tracks Town Planner Rybarczyk's staff report. Paragraph 3 was added. It has to be made sure there is something that Mr. Grothman adds to the CSM that that is something that needs to be addressed in the future. There would need to be a deed restriction.

Town Planning and Development Coordinator Anderson Schweppe added that when a commercial developer comes forward, there is a site plan review ordinance. Now would be a good time to resolve the access issue.

a. Public Hearing.

Commissioner Eichinger opened the public hearing.

Surveyor Jim Grothman explained why they stopped the process. When he met with the county, it was not in favor of this proposal.

Jim Moeller indicated he is interested in the property and has property frontage. He stated that the rail was put in place as a boundary for the company. The guardrail is movable to provide access to Lot 1.

Brian Cortez, owner of the A&W, discussed the easement and what businesses would go in there and the weight of the vehicles.

Jim Moeller responded.

Discussion followed regarding the inability to combine lots. Roger Lane of Dane County indicated that the lot has to have legal access and frontage on a public road.

The existing Kenworth facility is owned by Windsor Properties.

Mr. Moeller is looking to purchase this property through Moeller Properties, LLC.

Discussion followed regarding transferring part of a parcel to make this work, combining lots, and the property lease.

The parties were advised that Windsor may become a village when the November 3 vote is certified on November 9.

Town Attorney Anderson suggested an ancillary agreement. Language could be chosen that gives discretion as to ownership and recommendations. There could be a deed restriction.

The public hearing was closed at 7:10 p.m.

b. Action/Resolution (Plan Resolution 2015-03).

Commissioner Heisig asked about the technical issues.

Town Planner Rybarczyk responded that there were only two comments.

Commissioner Heisig suggested removing “watchman or” from Paragraph 1.c. on Page 2 of the Resolution.

Commissioner Heisig also had a question regarding access by fire vehicles.

Town Planner Rybarczyk responded.

A motion was made by Commissioner Hoffman, seconded by Commissioner Heisig, to approve Plan Resolution 2015-15 Recommending Certified Survey Map (CSM), Rezone And Conditional Use Permit (CUP) To Reconfigure Lots with changes on page 2 removing “watchman or” from Paragraph 1.c. and removing “the C-1” prior to Commercial District in Paragraph 3 on page 2 and replacing it with “a” Commercial District. Commissioner Hoffman also asked that Town Board Liaison Stravinski convey the Plan Commission’s discussions and concerns as this proceeds to the Town Board. Motion carried with a 5-0 vote.

9. Staff Announcements.

There were none.

10. Adjournment.

At 7:15 p.m., a motion was made by Commissioner Gaustad, seconded by Commissioner Trotter, to adjourn the Plan Commission meeting. Motion carried with a 5-0 vote.

Respectfully submitted,



Ellen G. Teed  
Recording Secretary