

Approved 5-5-16  
Village Board  
Approved 5-17-16  
Plan Commission

VILLAGE OF WINDSOR

JOINT MEETING OF THE VILLAGE BOARD AND PLAN COMMISSION

Minutes

April 19, 2016

1. Call Meeting To Order And Roll Call.

- a. The Village Board meeting was convened by President Wipperfurth at 5:00 p.m. All Trustees were present.
- b. The Plan Commission meeting was convened by Chairperson Wipperfurth at 5:00 p.m. All Commissioners were present, except Commissioner LeGore who had an excused absence.

Others present: Village Finance Director/Deputy Clerk Tina Butteris, Village Planning and Development Coordinator Amy Anderson Schweppe, Village Attorney Connie Anderson, Village Planner Jamie Rybarczyk, and Village Engineer Kevin Richardson.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Trustee Madelung.

3. Announcements.

- a. Public Hearing To Obtain Public Input On Proposed Blanket Rezones For Residential Zoning Districts.
- b. Public Hearing To Obtain Input On Windsor Comprehensive Plan.
- c. Public Hearing To Obtain Input On Windsor Crossing CSM.

President Wipperfurth read the above announcements.

4. Consideration And Adoption Of Blanket Rezones For Residential Zoning Districts For The Village Of Windsor.

- a. Public Hearing.

President Wipperfurth opened the public hearing at 5:01 p.m.

A staff report was given by Village Planner Rybarczyk. Over the last several months, Windsor has been working on its Comprehensive Plan due to zoning changes. Draft language was approved last month by both the Plan Commission and Village Board. What is before the Board at this meeting is the blanket rezone of those parcels. The new names were applied to the zoning map. Windsor kept most of the districts in unison with Dane County.

Over the last several weeks, residents have called Village Planner Rybarczyk and Director of Planning and Development Anderson Schweppe asking what this means to them and what does this do to their property. After a short discussion, they realize that it was just a name change to the district.

Mr. Gotzion's lot was originally recreational. He and Dan Paulson provided information to the village that it went from recreational to a multi-family parcel. He would like to maintain the multi-family zoning.

Dan Paulson asked that Village Planner Rybarczyk zero in on the screen to the area on Windsor Road east of the Windsor school. Aren't these duplexes? Is that the correct zoning? Village Planner Rybarczyk responded, no, it wasn't the correct zoning. It should be MF-2.

Notice will be provided to the duplex owners indicating that their lots are incorrectly zoned. Director of Planning and Development Anderson Schweppe noted there would be clean-ups in the future months.

President Wipperfurth offered compliments to the staff. There are about 1,500 parcels being rezoned.

President Wipperfurth closed the public hearing at 5:06 p.m.

Village Planner Rybarczyk questioned whether the incorrect zoning of the duplex lots was a clerical error. After checking Dane County's plat book online, it was determined that the lots were incorrectly zoned as R-1 by Dane County.

Director of Planning and Development Anderson Schweppe explained the ETJ area south of Windsor Road and east of Highway 51. There are parcels that have AG-35 zoning that will need to be cleaned up. A lot of them are nonconforming.

b. Plan Commission Action Item / PC Resolution 2016-14.

A motion was made by Commissioner Gaustad, seconded by Commissioner Davis, to approve Plan Commission Resolution 2016-14 Recommending Adoption Of Blanket Rezones For Property In Residential Zoning Districts In The Village Of Windsor. Motion carried with a 6-0 vote.

c. Village Board Action Item / Village Board Zoning Ordinance 2016-19.

A motion was made by Trustee Buchner, seconded by Trustee Madelung, to approve Village Board Ordinance 2016-19, Adoption Of Blanket Rezones For Property In Residential Zoning Districts In The Village Of Windsor. Motion carried with a 5-0 vote.

5. Review And Recommendation Of Amendments To The Village Of Windsor Comprehensive Plan.

a. Public Hearing.

President Wipperfurth opened the public hearing at 5:13 p.m.

Village Planner Rybarczyk discussed amendments to the Comprehensive Plan. Before the Board is the final draft of the Village of Windsor Comprehensive Plan 2035. When Windsor was a town, the Comprehensive Plan was sent to Dane County for approval. The county did not act on it. Now that Windsor is a village, staff went through the Comprehensive Plan and changed references from town to village, updated changes in Plan Commission and Village Board members, updated the economic development sections, and updated some of the utility sections regarding combining of the utility districts. Some of the policies were also changed with regard to intergovernmental cooperation because Windsor now has extraterritorial jurisdiction over towns which it borders.

Village Attorney Anderson noted that at 4:54 p.m. she received comments from Alan Harvey.

He suggested one minor change he would like the Board to consider regarding nonmetallic mining sites. He suggested adding in three words. What is stated is that, as of the date of incorporation of the village of Windsor, any approval of any nonmetallic mining sites will be required to meet the village of Windsor Ordinances. Mr. Harvey suggested that the sites be considered as a conditional use, rather than a conditional use.

Village Attorney Anderson indicated it was her intent that it would be considered as a conditional use. She did not see that the change would change the intent of the Plan. This comment does not change what the intent was in the Comprehensive Plan.

Village Attorney Anderson indicated she would like to have had Mr. Harvey's comments sooner.

President Wipperfurth agreed with Village Attorney Anderson about receiving the comments sooner. He thought the change would help define the process. He did not have a problem with the three words suggested.

Village Planner Rybarczyk explained the next steps. The village will do one last noticing to adjoining communities.

President Wipperfurth noted that the village will review the Comprehensive Plan yearly to see if any changes should be made.

Village Planner Rybarczyk added that the Comprehensive Plan will be posted on the website for viewing by the Plan Commission members, Village Board members, and the public. He will make the Comprehensive Plan available on a CD for the Plan Commission and Village Board members.

Trustee Stravinski said it was his understanding that Windsor was going to have nonmetallic mining as a separate rezone.

Village Planner Rybarczyk responded. That is to be determined. They are still working on this. No decisions have been made.

Commissioner Eichinger felt the three words should be included as they helped with clarification.

President Wipperfurth stated that this language could be included wherever it would be appropriate.

Village Planner Rybarczyk responded this is the only place where it would apply. He will do a search to make sure.

Trustee Buchner felt receiving this request at the 11th hour was an undue burden on staff. He indicated he was not in favor of that action at this meeting.

Trustee Madelung stated he was stewing about this. He does not disagree with the change in the words. He did not like the propensity of Mr. Harvey sending things at the 11th hour. If he does this anymore, Trustee Madelung stated he would not consider it. The village needs time to review and read the request. He did not have problems with the wording. A lot of the developers continue to bring things in at the 11th hour which does not allow staff and members time to review.

Village Attorney Anderson shared the frustration.

If the village approves of the language change, Village Attorney Anderson said she would step aside and let it be changed. She did not want to take on individuals that have last-minute requests. She would prefer that the village look at the language and consider whether the intent is valuable. She agreed with Trustee Madelung and Trustee Buchner. There needs to be a vote as to whether the village considers the language to be an improvement.

Trustee Stravinski felt the language was an improvement.

Trustee Buchner argued that, by definition, conditional use requires a different set of actions.

Village Attorney Anderson responded that is why she did not include it. It requires a different action.

Village Attorney Anderson indicated the wording can be changed to make it easier for the public.

Based on Village Attorney Anderson's explanation, Trustee Buchner said he would concede.

President Wipperfurth closed the public hearing at 5:32 p.m.

b. Plan Commission Action Item / PC Resolution 2016-15.

A motion was made by Commissioner Davis, seconded by Commissioner Eichinger, to approve Plan Resolution 2016-15 Recommending Adoption Of The Village Of Windsor Comprehensive Plan: 2035 Pursuant To Wisconsin Statutes Section 66.101 as amended with the addition of the proposed language. Motion carried with a 6-0 vote.

c. Village Board Action Item / Village Board Ordinance 2016-10.

A motion was made by Trustee Smith, seconded by Trustee Stravinski, to approve Board Ordinance 2016-10, An Ordinance To Adopt Village Of Windsor Comprehensive Plan: 2035 For The Village of Windsor, Dane County, Wisconsin, as amended with the addition of the proposed language. Motion carried with a 5-0 vote.

6. Windsor Crossing LLC, JED And Forward Development Group Are Requesting Approval Of A Certified Survey Map (CSM) For The Re-division Of Certain Property In The Windsor Crossing Plat In Order To Proceed With A Phased Multi-Family Development Proposal. The Location Is Generally Located South Of Windsor Road And East Of North Towne Road In Section 29 Of The Village Of Windsor.

a. Public Hearing.

President Wipperfurth opened the public hearing at 5:34 p.m.

Village Planner Rybarczyk provided a staff report. Windsor went through a series of land divisions several months back. The petitioner had a CSM for the west side, a CSM for the east side, and a plat for the residential component and is here for a redivision of the east CSM. It will be divided into four multi-family lots for financing purposes. He explained the four lots. The lots meet Windsor's land division ordinances. Access will be from a private drive. It is consistent with the Windsor Comprehensive Plan.

All that is being requested is a redivision of the four-lot CSM. There is no site-plan approval at this meeting.

President Wipperfurth noted that the petitioner is working on the suggested changes to the multi-family unit buildings.

President Wipperfurth closed the public hearing at 5:39 p.m.

b. Plan Commission Action Item / PC Resolution 2016-19.

A motion was made by Commissioner Eichinger, seconded by Commissioner Hoffman, to approve Plan Commission Resolution 2016-19 Recommending Approval Of Certified Survey Map (CSM) For The Redivision Of Certain Property In Windsor Crossing To Proceed With A Phased Multifamily Development Proposal. Motion carried with a 6-0 vote.

c. Village Board Action Item / Village Board Resolution 2016-59.

A motion was made by Trustee Madelung, seconded by Trustee Buchner, to approve Board Resolution 2016-59, Approval Of Certified Survey Map (CSM) For The Re-Division Of Certain Property In Windsor Crossing In Order To Proceed With A Phased Multifamily Development Proposal. Motion carried with a 5-0 vote.

7. David And Sandra Grinde Request Approval Of Conditional Use Permit for an Existing Caretaker Residence In A C-1 (Commercial) Zoning District Located At 4203 Snowy Owl Ct., DeForest.

Village Planner Rybarczyk provided a staff report. He felt the best way to explain this was to talk about all three properties in unison. Each property will have its own resolution.

Mr. Grinde owns three separate properties. Village Planner Rybarczyk showed the properties on the overhead screen. One is a .83 acre parcel that is zoned C-1 which is the limited commercial district. It has two existing buildings on it that are used for rental storage. One has a caretaker apartment. It is accessed by a public easement.

The property at 4213 is approximately .72 acre (later noted as incorrect) and is also zoned C-1. This is where Top Notch Welding is located. What Mr. Grinde is looking to do is construct a new single-family residence on this property. He currently lives at 4215, which he would like to sell. It is zoned C-1 and is approximately 1.25 acres in size. Zoning classification C-1 allows for a single-family residence and caretaker's residence. Both require a conditional use. What Mr. Grinde wants to do is bring these properties into conformity with Windsor's zoning code.

Regarding 4213, what he is requesting is a conditional use that allows him the right to construct a new single-family residence on this property. The conditional use would allow the continuation of the single-family residence under Windsor's new code.

Dan Paulson provided a site plan.

Village Planner Rybarczyk put together recommendations for all three parcels, and Village Attorney Anderson assisted in drafting resolutions.

Dan Paulson had two comments. The lot size for 4213 is 1.28 acres, not .83.

Regarding the Resolutions and paragraph 1c), they do not want to get locked into just storage. They would like the paragraph dropped or add any other permitted uses allowed in C-1 zoning.

Village Planner Rybarczyk and Village Attorney Anderson did not have any issues and did not have an objection to adding clarifying language "or any approved permitted uses in the C-1 Zoning District."

Trustee Buchner asked for the history of the caretaker's apartment.

Mr. Grinde responded that currently his son lives there. He lived in the apartment for two years. When he built the building, he got approval for a caretaker apartment.

President Wipperfurth noted that the property owner to the south did something similar.

Director of Planning and Development Anderson Schweppe added that the process was never completed at Dane County.

Dan Paulson explained that this occurred when DeForest took extraterritorial jurisdiction over Windsor.

Mr. Paulson had an appraisal that showed the floor plan which was acceptable to Village Planner Rybarczyk.

Mr. Paulson asked about paragraph 1d).

Village Planner Rybarczyk responded that this goes back to approximately 2005 regarding standards for building composition, screening of outdoor storage, etc.

Address 4213 is the existing shop. They are not asking for a CUP for the shop. It is permitted under C-1. They would like this dropped. They are only looking for a CUP for the addition of the residence.

Mr. Paulson noted that Mr. Grinde is allowed to work any time of day.

Village Planner Rybarczyk stated that the village could potentially argue that and the number of employees and hours of operation.

Mr. Grinde explained how he works.

President Wipperfurth noted this is how he operates now. If it would change, then he would have to come back.

Mr. Grinde advised that he builds most of his projects and then takes them to a job site.

President Wipperfurth stated that this is a quasi-business district. There have been no complaints. If the business changes, how can we protect from complaints?

Commissioner Hoffman asked whether someone could work in their own private shop after hours. Or is this when the doors are open to the public? What does "hours of operation" mean?

Village Attorney Anderson added that in Mr. Grinde's application he indicated that his current general operating hours are "X." Operating hours when the public comes to his shop.

Village Attorney Anderson advised that zoning issues are complaint-driven.

President Wipperfurth stated these are the general public hours that he may be open to the public, recognizing that he may be doing work on a sporadic basis.

Trustee Madelung added that general hours of operation are from 6:00 a.m. to 9:00 p.m. with other hours of operation unrestricted.

Village Attorney Anderson noted that Village Planner Rybarczyk is doing what is appropriate for a business planner to do.

Trustee Buchner added that this will not be a problem as long as Mr. Grinde is the owner. He asked whether there would be a procedure to strip off the new home and sell it at some time.

Village Planner Rybarczyk answered that it would be difficult to get a lot line between the existing lot and the shop.

Mr. Grinde added that he did not think it would be possible to do a land division. There is not enough land.

Village Attorney Anderson suggested striking 1c). What is before the Village Board is a conditional use permit. Is Windsor willing to let Mr. Grinde put a home there?

Village Planner Rybarczyk responded he was fine with that.

Commissioner Hoffman stated that striking 1c) is a good idea. She suggested Mr. Grinde could modify his application regarding business hours.

President Wipperfurth stated, if he heard Commissioner Hoffman correctly, that the application could be used as an exhibit to the approval. If there was a question, one could refer back to the application. Windsor is not here to review the business.

Director of Planning and Development Anderson Schweppe stated that the best course of action would be to remove 1c).

Discussion followed on the joint well. It will be joint between the two buildings on the same lot.

Regarding 4215, they are doing a CUP to clean up the mess Dane County made.

Trustee Stravinski had a question regarding 4213. When we look at Roadside Use in the Plan, it was 50 percent open space and a certain percentage of brick or block.

Village Planner Rybarczyk explained what was required.

Discussion followed regarding the caretaker.

Trustee Stravinski asked whether Mr. Grinde would be able to rent to two different people. He sees this as a potential problem. There could be a deed notice.

It was suggested to do a notice on the deed when Mr. Grinde sells his house.

a. Plan Commission Action Item / PC Resolution 2016-16.

A motion was made by Commissioner Hoffman, seconded by Commissioner Gaustad, to approve Plan Commission Resolution 2016-16 Recommending Approval Of Conditional Use Permit For Existing Caretaker Residence In C-1 (Commercial) At 4203 Snowy Owl Court, Village Of Windsor, with the addition to 1c) that adds "or any approved permitted uses in the C-1 Zoning District." Motion carried with a 6-0 vote.

b. Village Board Action Item / Village Board Resolution 2016-56.

A motion was made by Trustee Buchner, seconded by Trustee Madelung, to approve Board Resolution 2016-56, Approval of Conditional Use Permit For Existing Caretaker Residence In C-1 (Commercial) At 4203 Snowy Owl Court, Village Of Windsor, with the addition to 1c) that adds "or any approved permitted uses in the C-1 Zoning District." Motion carried with a 5-0 vote.

8. David And Sandra Grinde Request Approval Of Conditional Use Permit In Order To Construct A Single Family Residence In A C-1 (Commercial) Zoning District Located At 4213 Snowy Owl Ct., DeForest.

a. Plan Commission Action Item / PC Resolution 2016-17.

A motion was made by Commissioner Hoffman, seconded by Commissioner Davis, to approve Plan Commission Resolution 2016-17 Recommending Approval Of Conditional Use Permit For Single Family Residence In C-1 (Commercial) At 4213 Snowy Owl Court, Village of Windsor,

changing the acreage from .72 acres to 1.28 acres, changing the reference in 1b) and 1d) from single family residence to caretaker residence, and deleting 1c). Paragraph 1d) will require that the well and septic system be properly sized.

Village Planner Rybarczyk had a question regarding the lot size which was clarified.

Motion carried with a 6-0 vote.

b. Village Board Action Item / Village Board Resolution 2016-57.

A motion was made by Trustee Stravinski, seconded by Trustee Buchner, to approve Board Resolution 2016-57, Approval Of Conditional Use Permit For Single Family Residence In C-1 (Commercial) At 4213 Snowy Owl Court, Village Of Windsor, reflecting the same changes that the Plan Commission made. Motion carried with a 5-0 vote.

9. David And Sandra Grinde Request Approval Of Conditional Use Permit To Allow For An Existing Single-family Home To Be Permitted In A C-1 (Commercial) Zoning District Located At 4215 Snowy Owl Ct., DeForest.

a. Plan Commission Action Item / PC Resolution 2016-18.

A motion was made by Commissioner Hoffman, seconded by Commissioner Davis, to approve Plan Commission Resolution 2016-18, Recommending Approval Of Conditional Use Permit For Single Family Residence In C-1 (Commercial) At 4215 Snowy Owl Court, Village Of Windsor. Motion carried with a 6-0 vote.

b. Village Board Action Item / Village Board Resolution 2016-58.

Trustee Buchner asked why do we now need a conditional use in a commercial area.

Dan Paulson responded that this is a clean-up of a confusion between Dane County, DeForest, and Windsor.

A motion was made by Trustee Smith, seconded by Trustee Buchner, to approve Board Resolution 2016-58, Approval Of Conditional Use Permit For Single Family Residence In C-1 (Commercial) At 4215 Snowy Owl Court, Village of Windsor. Motion carried with a 5-0 vote.

10. Adjournment.

At 6:45 p.m., a motion was made by Commissioner Davis, seconded by Commissioner Gaustad, to adjourn the Plan Commission meeting. Motion carried with a 6-0 vote.

JOINT MEETING OF THE VILLAGE BOARD AND PLAN COMMISSION, 4/19/16

At 6:45 p.m., a motion was made by Trustee Buchner, seconded by Trustee Madelung, to adjourn the Village Board meeting. Motion carried with a 5-0 vote.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ellen G. Teed". The signature is written in black ink and is positioned above the printed name and title.

Ellen G. Teed  
Recording Secretary