

Approved
6-2-2016

VILLAGE OF WINDSOR

JOINT MEETING OF THE VILLAGE BOARD AND PLAN COMMISSION

Minutes

May 17, 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, except Trustee Buchner who arrived at 5:05 p.m.
- b. The Plan Commission meeting was convened by Chairperson Wipperfurth at 5:00 p.m. All Commissioners were present except Commissioner Davis.

Others present: Director of Finance/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 Commissioner LeGore.

3. Minutes From April 19, 2016.

Commissioner Eichinger questioned the lack of reference on page 2 to duplex lots and zero lot lines in connection with the properties on Windsor Road. It was stated that the discussion centered around the fact that these lots were incorrectly zoned by the county which needed to be corrected.

A motion was made by Commissioner Eichinger, seconded by Commissioner Hoffman, to approve the Minutes of April 19, 2016, as presented. Motion carried with a 6-0 vote.

4. Announcements.

- a. Public Hearing For Jay Rauls A Request For Approval Of A Certified Survey Map And Rezone.
- b. Public Hearing For Don Tierney A Request For Final Plat Approval Windsor Gardens Happy Valley Addition.

President Wipperfurth read the above announcements.

5. Appearances.

There were no appearances.

6. Jay Rauls Requests Approval Of A Certified Survey Map And Rezone In Order To Separate The Existing Farm Residence And Ag Buildings From The Farmland At 6961 North Towne Road. The Proposal Would Rezone The Newly Created Parcel To A-2(2) And The Balance Of The Farmland Would Remain A-3.

Village Planner Rybarczyk provided a staff report. The petitioner wishes to subdivide the principal farm residence and agricultural buildings from the parent parcel. The new parcel containing the buildings would be 2.13 acres. The petitioner is also requesting a rezone from A-3 to A-2(2). The remaining 36.22 acres will remain in farming and will stay A-3. Conditions 1, 2, and 3 are linked regarding housing of animal units. The Rauls have indicated they will not house animals in the new area. Village Planner Rybarczyk suggested adding a note on the face of the CSM that the buyer beware that the buildings cannot be used for agricultural purposes because they will not meet the setback ordinance. Condition 4 indicates this is one of the areas identified by the Cooperative Plan. As a courtesy, this should be sent to the village of DeForest for its comments.

Regarding the surveyor's comments, Comments 5 and 6 can be removed. They were added for ease with regard to the zoning change map. Dan Paulson agreed that Comments 5 and 6 could be removed.

Mr. Paulson was concerned with Comment 1 that the language should be printed on Sheets 2 and 3. Village Planner Rybarczyk would like the village's surveyor to weigh in on this. If it is required by state statute, he would have to meet that.

Village Planner Rybarczyk noted that no fees in lieu of parkland or park fees would be required. They would be waived.

Village Planner Rybarczyk put together a recommendation for the village with five conditions. He suggested adding a notation on Lot 1 stating that the existing agricultural buildings cannot be used for the housing of livestock.

Director of Planning and Development Anderson Schweppe contacted the village of DeForest planner, and they are aware of this CSM.

a. Public Hearing.

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

Dan Paulson indicated that he has been in contact with the village of DeForest. They passed this on to their attorney. He agreed with Village Planner Rybarczyk's report.

Trustee Smith asked why they were rezoning the property.

Village Planner Rybarczyk responded that the property is now zoned A-3. Because they are splitting off acreage, they will have to rezone it.

Dan Paulson did not know if the petitioner intended to transfer the property to a family member or sell it.

Livestock is not feasible at this location, and the property is not large enough for livestock for the Rauls.

President Wipperfurth added that there is more value to the farmer to have more farmland.

Village Planner Rybarczyk stated, as he looked back, the building labeled "barn" would theoretically meet the 50-foot setback.

Mr. Paulson said it looked close.

Village Planner Rybarczyk added that someone may want a hobby farm with a horse.

Mr. Paulson indicated the building was 80 feet off the back line.

Village Planner Rybarczyk asked whether the barn could be redefined as a building or shed where livestock could be housed.

Mr. Paulson replied that he could note that.

President Wipperfurth felt that was a good idea.

Trustee Stravinski asked, if something was constructed in the future, could there be another animal unit.

Village Planner Rybarczyk answered. If the remnant is next to a residential area, it has to be 100 feet.

Director of Planning and Development Anderson Schweppe added that there needs to be a 50-foot rear setback line for animal units.

President Wipperfurth closed the public hearing at 5:20 p.m.

b. Action Item / Plan Commission Resolution 2016-21.

Village Planner Rybarczyk advised that there needed to be language that a notation will be placed on the CSM indicating that the barn could be used for housing animals and also showing the 50-foot setback on the face of the CSM.

A motion was made by Commissioner Hoffman, seconded by Commissioner Gaustad, to approve Plan Commission Resolution 2016-21 Recommending Approval Of Certified Survey Map And Rezone Request To Separate Farm Residence From Agricultural Land: Jay Rauls, 6961 North Towne Road, Windsor, WI, with the notation regarding allowing livestock and referencing the 50-foot setback lines. Motion carried with a 6-0 vote.

c. Action Item / Village Board Resolution 2016-67.

A motion was made by Trustee Buchner, seconded by Trustee Madelung, to approve Village Board Ordinance 2016-67, Approval Of Certified Survey Map And Rezone Request To Separate Farm Residence From Agricultural Land: Jay Rauls, 6961 North Towne Road, Windsor, WI, mirroring the Plan Commission Resolution additions. Motion carried with a 5-0 vote.

d. Action Item / Village Board Ordinance 2016-14.

A motion was made by Trustee Stravinski, seconded by Trustee Madelung, to approve Ordinance 2016-14, Approval Of Rezone From A-3 Agriculture To A-2(2) Agriculture Of A Parcel Created By Certified Survey Map: Rauls, 6961 North Towne Road, Village Of Windsor. Motion carried with a 5-0 vote.

7. T Wall Enterprises Requests Consideration And Comments Related To Refinements To A Draft Site Plan For The Floorplan And Unit Count For Phase 1 Of The Covered Bridge Residences At Bear Tree. The Proposal Includes A 75 Unit Building With A Mix Of Studio, 1 Bedroom And 2 Bedroom Units.

Village Planner Rybarczyk provided a staff report. Before the village is the request of T Wall Enterprises for a preliminary review of the floor plans and unit counts. The Village Board has already gone through the Master Concept Plan and architecture a few months ago.

Being proposed is a multi-family project consisting of 300 units, with four buildings, each three stories in height with 75 units per building. Each building will include a mix of studio (550 square feet), one-bedroom (800 square feet), and two-bedroom (1,100 square feet). There will be 30 studio apartments, 26 one-bedroom apartments, 18 two-bedroom apartments, and one two-bedroom apartment with a den. They may vary from building to building. They are now including a community room on the ground floor of each building. Floors 2 and 3 will have a gathering room.

The covenants were compared to the Bear Tree covenants.

This will only pertain to Lots 1 and 3. A new declaration of covenants will remove language regarding senior housing. They are meeting Windsor's one- and two-bedroom square-foot requirements. Windsor requires 600 square feet for a studio apartment, while they are proposing only 550 square feet. The developer feels that a lot of their market will come from the studio apartments. There will be 58 parking spaces underground, with there being a parking lot for 40 vehicles. This does not meet Windsor's requirements. They are proposing 98 parking spaces, while Dane County requires 112-1/2 parking stalls.

At the meeting the only items to address are a preliminary review of the floor plan and unit counts.

Jon Hepner, manager from T Wall Enterprises for this development, provided a PowerPoint presentation. He showed the added stone. He touched on the studio apartment and why they think the percentage of studio units they are requesting is applicable here. They have increased their studio apartments because of demand. He explained the studio apartments. There is a closed off space for the bedroom with a partial wall. He went over possible future tenants.

Mr. Hepner discussed parking. This is a ratio of 1:3, compared to 1:5 required by Dane County ordinances. They find there is under-utilization of leased parking stalls.

There will be an additional cost for a parking space, whether it is in the garage or on the surface. Parking is not included in the rent.

Rents will be based on the market rates. They are requesting 45 percent studios for all phases. There may not necessarily be 45 percent in each phase.

An amendment was asked for to allow them to build 98 parking stalls rather than 112-1/2 parking stalls. There would be a stall per unit and more.

President Wipperfurth commented regarding the 45 percent for studio apartments. That would not increase the number of units per building. The footprint would then be smaller with 45 studio units.

Trustee Stravinski asked about the difference between a studio apartment and a one-bedroom apartment.

The wall will not go all the way to the ceiling, and there is no door.

Trustee Madelung stated that he liked the design. It was very clever.

Village Planner Rybarczyk indicated what staff needed was direction from the Plan Commission and Village Board. A covenant needs to be submitted to the village of DeForest. Needing

direction was the unit count, square footage of the studio apartments, percentage of studio apartments, and whether Windsor would require one parking space per unit under the building.

Trustee Stravinski discussed parking. If there are 56 units that are one-bedroom or efficiency and each had one vehicle and two-bedroom apartments had two vehicles, that would require 93 spaces. He was comfortable with 98 parking spaces and granting a waiver.

Village Planner Rybarczyk added that Windsor has approved conceptually the master plan for the entire development. Now the developer is looking at Phase 1.

President Wipperfurth stated there needed to be as much underground parking as possible. That is one of the attractive things of this type of development – underground parking.

Trustee Madelung suggested 75 percent underground parking.

That may be a problem if there are 45 percent studio units. Seventy percent would be more appropriate.

Trustee Stravinski discussed the stone on the drawings. The picture shows it higher. It needs to be consistent. He had discussed the stone wrapping around the corners.

President Wipperfurth noted that the only items to be decided at the meeting were the unit counts and floor plan.

Director of Planning and Development Anderson Schweppe added regarding parking that in December of 2015 part of the issue that was strongly discussed was the fact that Windsor wanted to minimize above-ground parking.

The applicant's representative responded that if they did expand the above-ground parking it would not affect the green space.

Trustee Buchner asked if all parking spots would be leased whether they were above-ground or underground.

Yes, if you are a resident, there will be a charge for a parking spot.

If you do not have a parking space underground for everyone, would you have a storage space for everyone?

The response was, "probably not."

President Wipperfurth recapped. All village members were in agreement with the 300 units. Regarding parking, Trustee Madelung made a proposal at 70 percent. Trustee Smith was concerned about storage. If you do not have a parking spot, what is your backup plan if everyone wants underground parking?

It will be on a first-come, first-served basis.

President Wipperfurth felt it was reasonable for people to have a place to store their items. If someone wants underground parking and there is nothing available, they can go elsewhere.

Trustee Smith discussed visitor parking stalls.

President Wipperfurth noted that Windsor requires 600 square feet for a studio. They are requesting 550 square feet. It is probably within the market range. They are in agreement with that.

Village Planner Rybarczyk stated there would be a maximum of 45 percent studio units.

Commissioner Gaustad felt that was a good number because of the change in home ownership and automobile ownership.

Village Planner Rybarczyk indicated that Windsor has to produce a multi-family covenant document that will be taken to DeForest. It was his opinion that this should be written so Windsor will never have to take this back to DeForest again. It will expire at some point.

Trustee Stravinski said he was good with the 45 percent.

Commissioner Eichinger liked the comment that two studio units could be combined into one unit if the market changes.

President Wipperfurth added that he recently ran into a former village of DeForest trustee who saw this presentation and is excited to move into the complex.

8. Windsor Crossing LLC, JSD And Forward Development Group Are Requesting Site Approval For A Phased Multi-Family Development Project. The Location is Generally Located South Of Windsor Road And East Of North Towne Road In Section 29 Of The Village Of Windsor. The Proposal Includes 228 Multi-Family Units In Multiple Buildings.

a. Public Hearing.

Village Planner Rybarczyk provided a staff report. Before Windsor is Forward Development Group who is requesting approval of their multi-family site plan. They have been working with staff to make the changes suggested. Windsor has gone over the building architecture.

They are reducing the number of units from 244 to 228 and have made modifications to the buildings. The pitch of the roof has change from 8:12 to 6:12 to lower the height. The stone

vener has been changed on the buildings. They have revised some of the architectural details to better accentuate entrances. They revised the patio layout at the community building.

Village Engineer Richardson indicated a lot of money has been spent through TIF and TID so there is storm water management on the site. The utility layout is still subject to approval.

Village Planner Rybarczyk added that this is consistent with the village's Comprehensive Plan. Zoning is in place for the development. They have been following the Master Plan guidelines for the town center.

Village Attorney Anderson asked whether there would be any difficulty sending the cover letter to DeForest. This is an overview of what this would look like.

Ron Henshue, representing Forward Development Group, commented on a couple of things. They reduced the number to 228 units and changed the layout. He discussed phasing. They would like to start in July with the next building starting in September or October. There would be 15 percent studio, 60 percent one-bedroom, and 25 percent two-bedroom. The units are larger than most of the units in this area. The rental rates will be \$150 to \$200 lower than rates earlier discussed.

Kevin with JSB discussed stone and the entry. They also discussed the patios. There will be a fireplace and a landscape buffer around the clubhouse.

Ron Henshue advised that ATC has approved the berm. They are over the 1.5 for parking. Underneath the building is 1:1. There is storage on each floor and in the basement.

Trustee Madelung asked about handicapped accessibility.

Jeremy Frommer from Iconica responded the backside is all level.

Trustee Stravinski discussed the brick on the outside of the buildings. There is no symmetry. He likes things symmetrical.

Mr. Frommer responded that the building is not symmetrical.

Trustee Madelung added that it breaks it up. Row houses are broken up so everything does not look the same.

Commissioner LeGore discussed the roof pitch and variety of materials. It does break it up nicely. It is not monolithic.

Commissioner Eichinger added that he liked their approach.

President Wipperfurth echoed Director of Planning and Development Anderson Schweppe's comments that the developers have been very cooperative and good to work with. They have been very timely.

Trustee Smith also commended the developers on the changes and the clubhouse.

Trustee Madelung liked the detail.

Village Attorney Anderson recommended approval.

b. Action Item / Plan Commission Resolution 2016-20.

A motion was made by Commissioner Eichinger, seconded by Commissioner LeGore, to approve Plan Commission Resolution 2016-20, Recommend Site Plan Approval For Phased Multifamily Development Project In Windsor Crossing. Village Planner Rybarczyk noted that he had the wrong date on his staff report which would be corrected. The motion maker and second concurred. Motion carried with a 6-0 vote.

c. Action Item / Village Board Resolution 2016-60.

A motion was made by Trustee Smith, seconded by Trustee Buchner, to approve Board Resolution 2016-60, Approval Of Site Plan For Phased Multifamily Development Project In Windsor Crossing. Motion carried with a 5-0 vote.

9. Don Tierney Requests Approval Of A Final Plat For The Windsor Gardens Happy Valley Addition. The Proposal Includes 10 Single Family Lots North Of Windsor Gardens Bordered By Happy Valley Road And The Town Of Bristol.

Village Planner Rybarczyk indicated that before the village is the final plat for the Happy Valley Addition to Windsor Gardens. There will be 10 single-family homes and one outlet. Lot sizes are 24,600 square feet to 101,000 square feet for Lot 1. The outlet will be dedicated for storm water management. The public rights-of-way will be constructed in the town of Bristol. What is being proposed is consistent with Windsor's Comprehensive Plan and Zoning Ordinances.

Surveyor comments were discussed with Dan Birrenkott.

Village Engineer Richardson received the storm water management plan on Thursday. They will be treating 93 percent of the water on-site. Water will be channelized and directed into a treatment pond. For them to meet the infiltration standard, they are using all of the open space as passive infiltration.

Village Attorney Anderson commented regarding discussions with Attorney Mike Lawton. She has looked at the storm water management documents. There will need to be a storm water management agreement.

The public road will be constructed in Bristol. Bristol will maintain the road. Homes will be located in Windsor and will receive Windsor garbage services. There will be no revenue sharing agreement. There will be a deed notice requirement.

a. Public Hearing.

President Wipperfurth opened the public hearing at 6:50 p.m.

Trustee Madelung asked whether Outlot 1 would be dedicated to storm water management or park.

Village Attorney Anderson responded that all of that area is needed for storm water management. She explained that Items C and D will need to be adjusted. There will be fees in lieu of parkland.

President Wipperfurth commented on the storm water management area. Windsor has had plats come through that had lots designated for storm water management or parkland. Windsor needs to identify that this area is for storm water management.

President Wipperfurth closed the public hearing at 7:01 p.m.

b. Action Item / Plan Commission Resolution 2016-22

Village Attorney Anderson stated that No. 5 will be the same for both the Plan Commission and the Village Board. This is Windsor's traditional list. Subparagraph a. is fine, as is b. Language will need to be added at the end of c. that the Village Engineer has reviewed the storm water management report and determined that all lands in Outlot 1 are required for storm water management. Regarding d., rather than saying there is a revenue sharing agreement, Windsor will do a deed notice to be recorded with each lot that identifies that the road is in Bristol and the services are from Windsor.

A motion was made by Commissioner Gaustad, seconded by Commissioner Eichinger, to approve Plan Commission Resolution 2016-22 Recommending Approval Of The Plat Of The Happy Valley Addition To Windsor Gardens with the changes to Paragraph 5. Motion carried with a 6-0 vote.

c. Action Item / Village Board Resolution 2016-68.

Trustee Stravinski asked the applicant if there was any reason why the storm water agreements were received at the last minute. Attorney Lawton responded.

Village Attorney Anderson added that this is an odd situation. The only public improvement is the storm water management.

A motion was made by Trustee Smith, seconded by Trustee Buchner, to approve Board Resolution 2016-68, Approval Of The Final Plat Of The Happy Valley Addition To Windsor Gardens. Motion carried with a 5-0 vote.

10. Ordinance 2016-12 An Ordinance To Extend The Moratorium On Certain Rezones, Issuances Of Conditional Use Permits And The Expansion Of Existing And/Or Creation Of New Non-Metallic Mining Operations Within The Village Of Windsor Pending The Study Of Possible Legislative Action.

Village Attorney Anderson provided an overview. The village has been working very hard to get the Comprehensive Plan, ordinances, zoning, land division, and all of the changes made because of the change in Windsor's status. Windsor came close to the goal of having them done in six months. The non-metallic mining zoning has not been addressed. Staff would like to do that in a comprehensive review and come back to the Village Board. For that reason, Windsor is bringing back the moratorium. This is not a development moratorium but one that was adopted on November 24. Everything was removed except for rezoning, CUPs, and expansion of existing or creation of new non-metallic mining.

Trustee Madelung asked whether it would expire in 180 days.

Village Planner Rybarczyk went over what was remaining. In June, staff will present the last of the blanket rezones, which are the Sun Prairie AG 35 parcels south of Windsor Road and east of Highway 51, with a public hearing and adoption in July. Staff agreed, based on some of the recent development, that there are some deficiencies in the land division ordinances. Those will come back for amendment. Those will be brought before the Plan Commission for adoption in June. For the zoning ordinance, Windsor has a lot of the general restrictions and provisions that need to be adopted. Those will be brought in June for adoption in July or August.

- a. Consideration / Action Item: Plan Commission Recommendation To The Village Board Of Windsor On Ordinance 2016-12.

A motion was made by Commissioner Eichinger, seconded by Commissioner LeGore, to approve Plan Commission Resolution 2016-12. Motion carried with a 6-0 vote.

- b. Consideration / Action Item: Village Board Ordinance 2016-12.

A motion was made by Trustee Stravinski, seconded by Trustee Smith, to approve Board Resolution 2016-12. Motion carried with a 5-0 vote.

President Wipperfurth had some quick announcements prior to adjournment. There will be at least one more joint meeting between the Village Board and Plan Commission on June 21 at 5:00 p.m. It will be determined, based on upcoming agendas, whether there will be a need for

more joint meetings. President Wipperfurth thanked Windsor staff and consultants for all of their work.

11. Adjournment Of The Windsor Plan Commission.

At 7:14 p.m., a motion was made by Commissioner Eichinger, seconded by Commissioner Hoffman, to adjourn the Plan Commission meeting. Motion carried with a 6-0 vote.

12. Windsor Crossing Status Update To Village Board.

- a. Developers Agreement.
- b. Single Family Covenants.
- c. Multi-Family Covenants.

President Wipperfurth noted that some of these items have not been entirely reviewed.

Village Attorney Anderson began the discussion. There are three different areas that the village is looking at: the west-side CSM, the east-side CSM (which used to be the condo and multi-family plat), and the full replat for single-family. We have gone ahead and vacated, and that document needs to be recorded. We are trying to close on sales. Mapping was discussed.

Village Attorney Anderson noted that Windsor has reviewed the purchase agreements. She would like to have agreements signed with a drop-dead date. She will also provide comments for the Village Board on May 19, 2016.

President Wipperfurth asked, when you look at the purchase agreements and you indicate fees, square footage, price, does the road have to come out of the square footage?

Ron Henshue responded that the square footage should tie to the original agreement.

13. Adjournment Of The Windsor Village Board.

At 7:33 p.m., a motion was made by Trustee Smith, seconded by Trustee Madelung, to adjourn the Village Board meeting. Motion carried with a 5-0 vote.

Respectfully submitted,



Ellen G. Teed
Recording Secretary