

**VILLAGE OF WINDSOR
BOARD RESOLUTION 2016-68**

**APPROVAL OF THE FINAL PLAT OF
THE HAPPY VALLEY ADDITION TO WINDSOR GARDENS**

WHEREAS, Don Tierney (“Petitioner”), as owner of the land described in the Plat of Happy Valley Addition to Windsor Gardens (“Subject Property”), is requesting approval of the plat; and

WHEREAS, the Subject Property is located within the Estate Residential (ER) zoning district of the Village of Windsor; and

WHEREAS, the Village Planner has reviewed the request and prepared a Staff Report dated May 9, 2016 (“Staff Report”) recommending approval, subject to certain conditions specified in the Staff Report; and

WHEREAS, following review of information presented at the Plan Commission and the Staff Report, the Plan Commission decided to recommend approval to the Village Board, subject to the conditions specified in the Staff Report and Plan Resolution 2016-22; and

WHEREAS, the Village Board has reviewed the relevant information and hereby approves the request, all as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Windsor as follows:

The Village Board of the Village of Windsor **Conditionally Approves** the Final Plat approval request for Happy Valley Addition to Windsor Gardens (Petitioner Don Tierney) located in part of the NE ¼ of the NE ¼ and part of the SE ¼ of the NE ¼, Section 25, T9N, R10E, Village of Windsor, Dane County, Wisconsin, subject to the following conditions:

1. The Petitioner shall obtain approval for the Final Plat by the Village of Windsor and any other approving authorities, as required by law.
2. The Petitioner shall address the technical comments set forth in the Planner Comments section of this Staff Review to the satisfaction of the Village Planner.
3. The Petitioner shall address the technical comments set forth in the Surveyor Comments section of this Staff Review to the satisfaction of the Village Planner.
4. The Petitioner shall address the technical comments set forth in the Engineer Comments section of this Staff Review to the satisfaction of the Village Engineer.
5. Prior to recording of the Final Plat, the Petitioner shall present to the Village Director of Planning & Development the following fully executed original documents:

- a. A Developer Agreement, in a form satisfactory to the Village Board, Village Attorney and Village Engineer, covering the installation of public improvements for the proposed development including security acceptable to the Village Board, Village Attorney and Village Engineer and in the amount of 120 percent of the cost of the public improvements.
 - b. A Declaration of Covenants and Restrictions, in a form satisfactory to the Village Board, Village Attorney and Director of Planning & Development, ensuring the quality of the development.
 - c. A Stormwater Management Agreement, in a form satisfactory to the Village Board, Village Attorney and Village Engineer, for all stormwater management facilities including confirmation that Outlot 1 is dedicated to the Village for stormwater infiltration and conveyance.
 - d. A Deed Notice, in a form satisfactory to the Village Board, Village Attorney and Director of Planning & Development, for all public services (i.e. snow removal, garbage collection, etc) provided to the lots, and notice of such arrangements to be recorded and run with the land, in a form satisfactory to the Village Board, Village Attorney and Director of Planning & Development.
6. The Petitioner shall obtain approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Village of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR).
 7. The Petitioner shall obtain approval of the Final Plat by the DeForest Area Fire & EMS Inspector (or designee). The Petitioner shall comply with any and all recommendations by the DeForest Area Fire & EMS Inspector (or designee) prior to the Village signing the Final Plat.
 8. The Petitioner shall submit cash payment to the Village of Windsor for Fees in Lieu of Land in the amount determined pursuant to Section 38-636(b) of the Village of Windsor Code of Ordinances prior to the Village signing the Final Plat.
 9. The Petitioner shall submit cash payment to the Village of Windsor for Fees for Initial Improvement of Parkland in the amount determined pursuant to Section 38-638(e) of the Village of Windsor Code of Ordinances prior to the Village signing the Final Plat.
 10. The Petitioner shall promptly reimburse the Village of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Final Plat, including, but not limited to, the cost of professional services incurred by the Village of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor on May 17, 2016, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, President

Bruce Stravinski
Bruce Stravinski, Trustee

Monica M. Smith
Monica M. Smith, Trustee

Donald G. Madelung
Donald G. Madelung, Trustee

Alan Buchner
Alan Buchner, Trustee

Attested by:

Tina Butteris
Tina Butteris, Deputy Village Clerk

Incorporated by Reference:
Staff Report Dated May 9, 2016



Staff Review

TO: Village of Windsor Plan Commission
CC: Robert Wipperfurth, Tina Butteris, Amy Anderson Schweppe, Kevin Richardson, Connie Anderson
FROM: Jamie Rybarczyk
RPT DATES: May 09, 2016
MTG DATES: May 17, 2016
APRVL DATE: N/A
FOTH FILE: 16W027.01/06
RE: Happy Valley Addition to Windsor Gardens - Final Plat Request

BACKGROUND:

1. Petitioner/Agent: Don Tierney
2. Property Owner: Don Tierney
3. Location/Address: Part of the NE ¼ of the NE ¼ and part of the SE ¼ of the NE ¼, Section 25, T9N, R10E, Village of Windsor, Dane County, Wisconsin
4. Taxkey Number: 0910-251-8000-2 and 0910-251-9500-5
5. Area: 10.017 acres
6. Existing Zoning: AG-35ac, Agricultural District
7. Proposed Zoning: ER, Estate Residential District (Pending Approval)
8. Future Land Use: Traditional Single Family Residential (Pending Approval)

OVERVIEW:

The Petitioner is requesting discussion and action of a Final Plat for the Happy Valley Addition to Windsor Gardens located in part of the NE ¼ of the NE ¼ and part of the SE ¼ of the NE ¼, Section 25, T9N, R10E, Village of Windsor, Dane County, Wisconsin. The Final Plat covers land both in the Town of Bristol and Village of Windsor. Within the Village of Windsor, the Final Plat consists of ten (10) single family residential lots and one (1) outlot on 10.017 acres. The single family residential lots range in size from 24,600 square feet to 101,000 square feet. The outlot will be dedicated to the public for stormwater management and park purposes. All public rights-of-way will be constructed in the Town of Bristol.

PLANNER COMMENTS:

I provide the Village of Windsor Plan Commission with the following planning comments:

1. The Village of Windsor recently recertified its Farmland Preservation Plan. Through the recertification process, the subject 10.017 acres did not qualify for farmland preservation zoning or farmland preservation tax credits. As a result, the subject 10.017 acres was removed from the Farmland Preservation Plan.
2. The Village of Windsor recently adopted its Comprehensive Plan: 2035 as a result of its incorporation. To be consistent with the decisions made regarding the farmland preservation recertification process, Staff amended the land use designation for the subject 10.017 acres from Agricultural Preservation / Agricultural Enterprise Area to Traditional Single Family Residential.

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Final Plat.doc

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Staff Review

3. The Village of Windsor recently adopted the residential zoning districts of its Zoning Ordinance. To be consistent with the Farmland Preservation Plan and Comprehensive Plan: 2035 updates, Staff amended the zoning for the subject 10.017 acres from Ag-35ac, Agricultural District to ER, Estate Residential District. The ER District allows for minimum lot sizes of 20,000 square feet (unsewered) with a minimum lot width of 100 feet.
4. To date, the Petitioner has not submitted a Development Agreement, Erosion & Sedimentation Control Plan, Stormwater Management Plan, or Park & Trail Plan for review by the Village of Windsor.

SURVEYOR COMMENTS:

I provide the Village of Windsor Plan Commission with the following surveying comments:

1. The bearing and distance for the south and west boundary lines in the Surveyor's Certificate do not match that as illustrated on the map.
2. Notations for section corners at the northeast and southeast corners of the Plat should be revised to Section 25.
3. The proposed access easement on the south line of the Plat should indicate "for the benefit of Outlot 1".
4. Square footage notations should be added to the areas of the Lots and Outlot.

ENGINEER COMMENTS:

Staff provides the Village of Windsor Plan Commission with the following engineering comments:

1. The Petitioner shall obtain approval from Dane County Land Conservation for an Erosion & Sedimentation Control Plan.
2. The Petitioner shall obtain approval from Dane County Land Conservation for a Stormwater Management Plan.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of Windsor Plan Commission of the above described comments, the Village of Windsor Plan Commission may take the following action:

The Village of Windsor Plan Commission recommends to the Village of Windsor Board **Approval** of the Preliminary Plat request for Happy Valley Addition to Windsor Gardens (Petitioner Don Tierney) located in part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 25, T9N, R10E, Village of Windsor, Dane County, Wisconsin, subject to the following conditions:

1. The Petitioner shall obtain approval for the Final Plat by the Village of Windsor and any other approving authorities, as required by law.
2. The Petitioner shall address the technical comments set forth in the Planner Comments section of this Staff Review to the satisfaction of the Village Planner.
3. The Petitioner shall address the technical comments set forth in the Surveyor Comments section of this Staff Review to the satisfaction of the Village Planner.
4. The Petitioner shall address the technical comments set forth in the Engineer Comments section of this Staff Review to the satisfaction of the Village Engineer.
5. Prior to recording of the Final Plat, the Petitioner shall present to the Village Director of Planning & Development the following fully executed original documents:

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Staff Review

- a. A Developer Agreement, in a form satisfactory to the Village Board, Village Attorney and Village Engineer, covering the installation of public improvements for the proposed development including security acceptable to the Village Board, Village Attorney and Village Engineer and in the amount of 120 percent of the cost of the public improvements.
 - b. A Declaration of Covenants and Restrictions, in a form satisfactory to the Village Board, Village Attorney and Director of Planning & Development, ensuring the quality of the development.
 - c. A Stormwater Management Agreement, in a form satisfactory to the Village Board, Village Attorney and Village Engineer, for all stormwater management facilities.
 - d. A Revenue Sharing Agreement, in a form satisfactory to the Village Board, Village Attorney and Director of Planning & Development, for all public services (i.e. snow removal, garbage collection, etc).
6. The Petitioner shall obtain approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Village of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR).
 7. The Petitioner shall obtain approval of the Final Plat by the DeForest Area Fire & EMS Inspector (or designee). The Petitioner shall comply with any and all recommendations by the DeForest Area Fire & EMS Inspector (or designee) prior to the Village signing the Final Plat.
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 10. The Petitioner shall promptly reimburse the Village of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Final Plat, including, but not limited to, the cost of professional services incurred by the Village of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

COMPREHENSIVE PLAN CONSISTENCY:

The Final Plat for the Happy Valley Addition to Windsor Gardens is consistent with the Village of Windsor Comprehensive Plan: 2035.

ORDINANCE CONSISTENCY:

The Final Plat for the Happy Valley Addition to Windsor Gardens is consistent with Chapter 38, Land Division Ordinance and Chapter 52, Zoning Ordinance of the Village of Windsor Code of Ordinances.

EXHIBIT:

- A. Petitioner Application

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HAPPY VALLEY ADDITION TO WINDSOR GARDENS

Part of the Northeast 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northeast 1/4, Section 25, T9N, R10E, Village of Windsor, Dane County, Wisconsin



Bearings referenced to the East line of the Northeast 1/4 of Section 25, bearing 500°19'12"E

Surveyor's Certificate:

I, Daniel V. Birrenkott, Professional Land Surveyor S-1531, do hereby certify that in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the Village of Windsor, and under the direction of the owners listed hereon, I have surveyed, divided and under the direction of the owners listed hereon, I have surveyed, divided and mapped HAPPY VALLEY ADDITION TO WINDSOR GARDENS and that such plot correctly represents all exterior boundaries and the subdivision of the land surveyed and is a parcel of land as described below:

Part of the Northeast 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northeast 1/4, Section 25, T9N, R10E, Village of Windsor, Dane County, Wisconsin, described as follows: Beginning at the Northeast corner of said Section 25; thence S00°19'12"E, 2644.52 feet along the East line of said Northeast 1/4 to the East 1/4 Corner of said Section 25; thence S89°55'42"W, 165.00 feet along the South line of said Northeast 1/4; thence N00°19'12"W, 2644.51 feet to the North line of said Northeast 1/4; thence N89°55'29"E, 165.00 feet along said North line to the said Northeast corner and the point of beginning; Containing 436,341 square feet, or 10.017 acres.

Daniel V. Birrenkott, PLS No. 1531

DATED: April 1, 2016

REV: April 20, 2016

Owner's Certificate:

We, Dan and Joanne Tierney, as owners, hereby certify that we have caused the land described on this plat of HAPPY VALLEY ADDITION TO WINDSOR GARDENS to be surveyed, divided, mapped and dedicated as represented hereon. We also certify that this plat is required by S. 236.10 and S. 236.12 to be submitted to the following agencies for approval or objection:

Village of Windsor
Department of Administration
Dane County Zoning and Land Regulation Committee

In witness hereof, Dan and Joanne Tierney have caused these presents to be executed this ____ day of _____, 2016.

Donald C. Tierney

Joanne K. Tierney

State of Wisconsin)
County of Dane) ss

Personally came before me this ____ day of _____, 2016, the above-named Donald C. Tierney and Joanne K. Tierney, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, State of Wisconsin

Printed name _____ My commission expires _____

Consent of Mortgagee:

Great Midwest Bank, mortgagee of the lands described hereon, does hereby consent to the surveying, dividing, mapping and dedicating of the land described on this plat of HAPPY VALLEY ADDITION TO WINDSOR GARDENS, and does hereby consent to the owners certificate hereon.

Great Midwest Bank

By: _____

(printed name)

Its: _____

State of Wisconsin)
County of _____) ss

Personally came before me this ____ day of _____, 2015, the

above-named _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, _____ County, State of Wisconsin

Printed name _____ My commission expires _____

Villager of Windsor Certificate:

This plat of HAPPY VALLEY ADDITION TO WINDSOR GARDENS has been approved by the Village Board of the Village of Windsor consistent with the action taken by the Town Board on this ____ day of _____, 2016.

Christine Capstron, Clerk
Village of Windsor

Dane County Zoning and Land Regulation Committee Certificate

This plot known as HAPPY VALLEY ADDITION TO WINDSOR GARDENS is hereby approved by the Dane County Zoning and Land Regulation Committee this ____ day of _____, 2016.

Patrick Miles, Chair
Dane County Zoning and Land Regulation Committee

Village Treasurer (Director of Finance) Certificate:

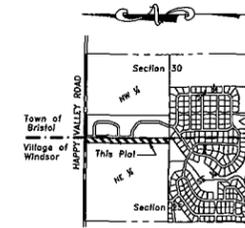
I, Tina Butters, being the duly elected, qualified and acting Director of Finance for the Village of Windsor, hereby certify that in accordance with the records in my office, there are no unpaid taxes and no unpaid special assessments as of _____ affecting any of the lands included in the plat of HAPPY VALLEY ADDITION TO WINDSOR GARDENS.

Tina Butters, Director of Finance
Village of Windsor

County Treasurer Certificate:

I, Adam Gallagher, being the duly elected, qualified and acting Treasurer for the County of Dane, hereby certify that in accordance with the records in my office, there are no unpaid taxes and no unpaid special assessments as of _____ affecting any of the lands included in the plat of HAPPY VALLEY ADDITION TO WINDSOR GARDENS.

Adam Gallagher, Treasurer
County of Dane

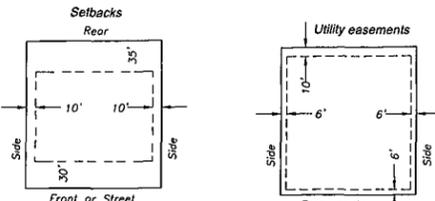
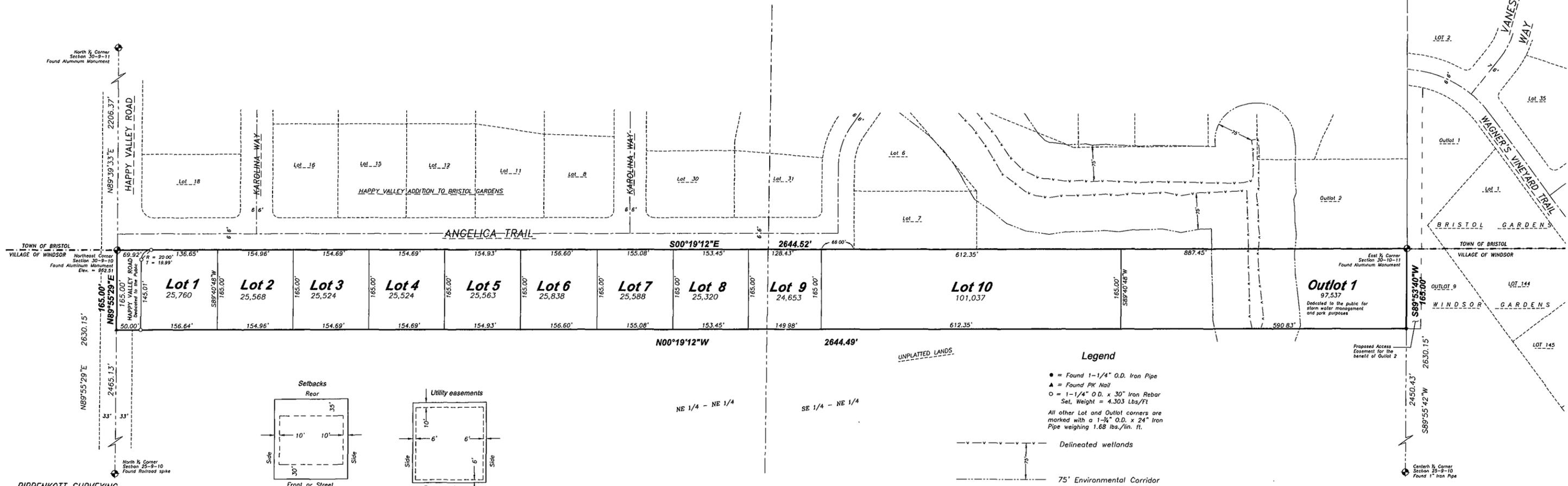


LOCATION SKETCH not to scale

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.
Certified _____, 20____
Department of Administration

Notes:

- 1) This survey is subject to any and all agreements and easements of record and those that may have not been recorded.
- 2) Before any digging, boring, construction, etc., is done on or near the lands in this subdivision, Diggers Hotline shall be called at 1-800-242-8511 for the safety and liability purposes for all involved.
- 3) The lands within this subdivision shall be served by underground utilities.
- 4) UTILITY EASEMENTS: No utility pedestals may be constructed along street rights of way without the developer and other servicing utility companies consent.
- 5) Outlot 1 dedicated to the public for storm water management and park purposes. Access to Wagner's Vineyard Trail via access easement.



Legend

- = Found 1-1/4" O.D. Iron Pipe
- ▲ = Found PK Nail
- = 1-1/4" O.D. x 30" Iron Rebar
Set, Weight = 4.303 Lbs/Ft

All other Lot and Outlot corners are marked with a 1-1/4" O.D. x 24" Iron Pipe weighing 1.68 lbs./lin. ft.

--- Delineated wetlands

--- 75' Environmental Corridor

BIRRENKOTT SURVEYING

BIRRENKOTT SURVEYING INC.
1677 N. BRISTOL STREET
SUN PRAIRIE, WIS. 53590
608-837-7463

Owner/Subdivider:
DON TIERNEY
3564 EGRE ROAD
DEFORDS, WI 53532
608-837-0102