

**VILLAGE OF WINDSOR
BOARD RESOLUTION 2018-92**

**APPROVAL OF THE CONDITIONAL USE PERMIT FOR CARETAKER RESIDENCE
AT 7646 CONIFER COURT, IN THE VILLAGE OF WINDSOR**

WHEREAS, William Kippley (dba Kippley Rental Properties, LLC) requests approval of a Conditional Use Permit for a caretaker residence on the subject property; and

WHEREAS, the Village Director of Planning | Zoning Administrator has reviewed the request and prepared a Staff Report dated September 28, 2018 (the "Staff Report") recommending conditional approval, subject to certain conditions specified in the Staff Report; and

WHEREAS, following review of information presented at the Plan Commission meeting, Public Hearing, and the Staff Report, the Plan Commission recommended approval to the Village Board, subject to the conditions in Plan Commission Resolution 2018-18.

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

The Windsor Village Board Approves the Conditional Use Permit request for a Caretaker Residence for William Kippley (dba: Kippley Rental Properties, LLC) to be located at 7646 Conifer Court, DeForest, WI 53532, subject to the following conditions:

1. The Conditional Use Permit is limited to 7646 Conifer Court, DeForest, WI 53532 (Tax key 196/0910-09-8535-0).
2. The Conditional Use Permit is limited to one (1) caretaker residence as depicted on the Site Plan on the subject property.
3. The Conditional Use Permit shall automatically expire on sale of the subject property or the business to an unrelated third party.
4. The Petitioner shall record a deed restriction and notice of terms and conditions of the Conditional Use Permit, in a form approved by the Village Attorney.
5. The Petitioner shall comply with the requirements of Sec. 52-73 C-2, General Commercial District.
6. The Petitioner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the subject property will not detract from neighboring properties. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the subject property and all such materials shall be disposed of promptly and properly.
7. The Petitioner shall allow representatives from the Village of Windsor (or designee) to inspect the subject property following a 24-hour notice for the purposes of determining compliance with the Conditional Use Permit approval.
8. The Petitioner shall address any and all comments of the DeForest Windsor Fire & EMS to the satisfaction of the Director of Planning | Zoning Administrator and DeForest Windsor Fire & EMS.

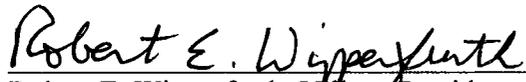
9. The Petitioner shall address any and all comments of the Building Inspector (or designee) to the satisfaction of the Director of Planning | Zoning Administrator and Building Inspector (or designee).
10. The Petitioner shall obtain the appropriate permits from the Village of Windsor.
11. The Petitioner shall promptly reimburse the Village of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Conditional Use Permit request, 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.
12. The Village of Windsor Board's approval of the Conditional Use Permit request expires one hundred-eighty (180) days from the date of adoption of this Resolution. Time is of the essence. If the Petitioner encounters an unforeseen development delay, as determined by the Zoning Administrator, the Zoning Administrator is authorized to extend the one hundred-eighty (180) days expiration up to an additional one hundred-twenty (120) days. If the Petitioner has not complied with all of the conditions prior to expiration, then a new application and new fees must be submitted and a complete review will be necessary.
13. Other Conditions.
 - a. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Village of Windsor, Dane County, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
 - b. The conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village of Windsor as being in compliance with all pertinent ordinances.
 - c. Should the conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Village of Windsor, pursuant to the enforcement provisions of this conditional use.
 - d. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

- e. Unless this conditional use expressly states otherwise, plans that are specifically required by this conditional use may be amended upon the prior approval of the Village of Windsor if the Village of Windsor finds the plan amendment to be minor and consistent with the conditional use. Any change in any plan that the Village of Windsor feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
- f. Should any paragraph or phrase of this conditional use be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- g. If any aspect of this conditional use or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Village of Windsor.

14. Evidence and Findings. The Village Board finds the conditions set forth herein are reasonable; to the extent practicable, measurable; related to the purpose of Zoning Code; and based on the facts and information set forth in the Staff Report and Petitioner Application, which have been reviewed and are incorporated herein by reference.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor held on October 4, 2018, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR


 Robert E. Wipperfurth, Village President

Attested by:


 Christine Capstran, Village Clerk

INCORPORATED BY REFERENCE:

Staff Report
 Petitioner Application



Windsor

Growing Forward

To: Village of Windsor Board
Cc: Robert Wipperfurth, Tina Butteris, Christine Capstran, Kevin Richardson,
William Cole
From: Amy Anderson Schweppe, Jamie Rybarczyk
Rpt Date: September 28, 2018
Mtg Date: October 4, 2018
Submtl Date: August 12, 2018
Aprvl Date: N/A
Re: Kippley Rental Properties, LLC – Conditional Use Permit for Caretaker
Residence

BACKGROUND:

Petitioner: Kippley Rental Properties, LLC
Property Owner: William Kippley
Location / Address: 7646 Conifer Court, DeForest, WI 53532
Taxkey Number: 196/0910-09-8535-0
Area: 4.499 acres
Existing Zoning: C-2, General Commercial District
Proposed Zoning: N/A
Future Land Use: Roadside Mixed Use

REQUEST:

The Petitioner is requesting discussion and action by the Village Board for a Conditional Use Permit to allow a Caretaker Residence to be located at 7646 Conifer Court.
See Exhibit A for additional information regarding the Petitioner's request.

OVERVIEW:

The subject property contains a multi-tenant building with leased units to various businesses and hobbyists. In addition, the subject property includes self-storage units with U-Haul rentals. Due to the frequent access by customers to the businesses, self-storage units, and U-Haul rentals, a caretaker/night watchman is required on the subject property 24 hours a day / 7 days a week.

The Petitioner proposes to convert an office space into the caretaker residence.

VILLAGE STAFF COMMENTS:

The Planning, Zoning and Development Department provides the Village Board with the following **planning, zoning and development** comment(s):

1. Village of Windsor Code of Ordinances: Chapter 52 Zoning Districts – Procedures

52-101(5)(d). The proposed request shall be evaluated by the Village Staff and their report to the Village Plan Commission and Village Board shall include responses to the following questions:

- a) *How is the proposed conditional use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this [chapter], and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?*
 - Response: The general use of the subject property is commercial as identified by the designated land use and zoning. An allowable use, if approved as a Conditional Use, includes caretaker residence.
- b) *How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Windsor Comprehensive Plan, this [chapter], and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?*
 - Response: The Petitioner’s request focuses on a caretaker residence located within the multi-tenant building. The exterior of the multi-tenant building and principal use of the subject property will not change.
- c) *Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters effecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of this [chapter], the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development?*
 - Response: The multi-tenant building and principal use of the subject property will not change. The exterior of the multi-tenant building will not change. Interior remodeling will be required subject to approval by the Village Building Inspector and DeForest Windsor Fire & EMS departments.
- d) *Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?*
 - Response: The general use of the subject property is commercial. The addition of a caretaker residence is an allowable use in the C-2 District (General Commercial). Single family residences exist along Conifer Court.

e) *Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?*

- Response: Yes.

f) *Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in subsections (d)(1) through (5) of this section), after taking into consideration any proposal by the petitioner and any requirements recommended by the petitioner to ameliorate such impacts?*

- Response: The subject property and multi-tenant building are maintained. The benefit of the Conditional Use Permit is to the Petitioner and not the general public.

VILLAGE POLICY COMMENTS/CONCERNS:

The Village Staff provides the Village Board with the following policy comments/concerns that require further discussion and action:

1. The Village Board shall evaluate the Conditional Use Permit request per Sec. 52-101(d) of the Code.

VILLAGE PLAN COMMISSION RECOMMENDATION:

On September 13, 2018 the Village Plan Commission recommended to the Village Board Approval of the Conditional Use Permit request for a Caretakers Residence located at 7646 Conifer Court, DeForest, WI 53532 by Resolution 2018-18.

Exhibit B provides the unofficial meeting minutes for the Village Plan Commission regarding the Petitioner's request.

VILLAGE STAFF RECOMMENDATION:

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

The Village of Windsor Board Approves the Conditional Use Permit request for a Caretaker Residence for William Kippley (dba: Kippley Rental Properties, LLC) to be located at 7646 Conifer Court, DeForest, WI 53532, subject to the following conditions:

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5. The Petitioner shall comply with the requirements of Sec. 52-73 C-2, General Commercial District.
6. The Petitioner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the subject property will not detract from neighboring properties. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the subject property and all such materials shall be disposed of promptly and properly.
7. The Petitioner shall allow representatives from the Village of Windsor (or designee) to inspect the subject property following a 24-hour notice for the purposes of determining compliance with the Conditional Use Permit approval.
8. The Petitioner shall address any and all comments of the DeForest Windsor Fire & EMS to the satisfaction of the Director of Planning | Zoning Administrator and DeForest Windsor Fire & EMS.
9. The Petitioner shall address any and all comments of the Building Inspector (or designee) to the satisfaction of the Director of Planning | Zoning Administrator and Building Inspector (or designee).
10. The Petitioner shall obtain the appropriate permits from the Village of Windsor.
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13. Other Conditions.
 - a. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the Dane County, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
 - b. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not

vary from the purposes herein mentioned unless expressly authorized in writing by the Village of Windsor as being in compliance with all pertinent ordinances.

- c. Should the conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Village of Windsor, pursuant to the enforcement provisions of this conditional use.
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- e. Unless this conditional use expressly states otherwise, plans that are specifically required by this conditional use may be amended upon the prior approval of the Village of Windsor if the Village of Windsor finds the plan amendment to be minor and consistent with the conditional use. Any change in any plan that the Village of Windsor feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.
- f. Should any paragraph or phrase of this conditional use be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- g. If any aspect of this conditional use or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Village of Windsor.

LOCATION MAP:

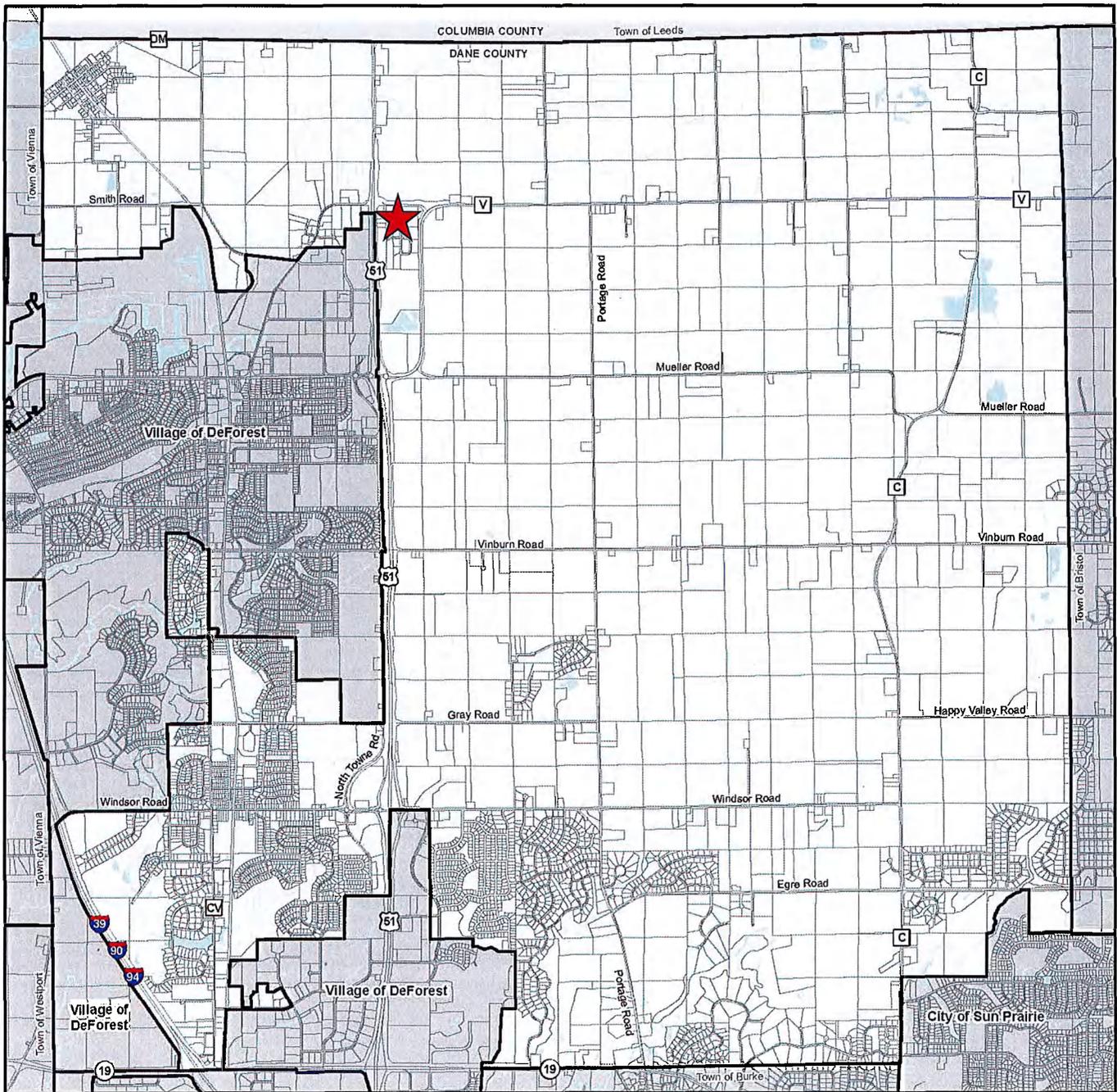


EXHIBIT:

A. Petitioner Application

VILLAGE OF WINDSOR

General Information and Application for Development, Land Division, Site Plan and Zoning

The Village of Windsor Plan Commission typically meets on the Second Thursday of every month at 5:00 p.m., and the Windsor Village Board typically reviews planning issues on the First Thursday of every month at 5:00 p.m. (or as otherwise scheduled) at the Village Hall, 4084 Mueller Road. Applicants must submit a complete application and materials no less than 30 days prior to the next regularly scheduled Plan Commission meeting.

Requested Action:

<input type="checkbox"/> Rezone	<input type="checkbox"/> Concept Plan	<input type="checkbox"/> Site Plan Review
<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Variance	<input type="checkbox"/> Certified Survey Map	<input type="checkbox"/> Other _____

Other Agencies that may need to be addressed (staff will provide direction):

Dane County
 City of Sun Prairie
 Village of DeForest
 Token Creek Conservancy Committee or Windsor Parks Commission
 Capital Area Regional Plan Commission (CARPC)
 Wisconsin Department of Transportation (DOT)
 Wisconsin Department of Natural Resources (DNR)

Project Location:

71646 Conifer Ct, DeForest, WI, 53532

Parcel Number(s)

09 100 92 85 350

Current Zoning Classification:

C-2 - No restriction - No conditional use

Applicant Statement (Must be signed prior to the time the Application is reviewed by staff).

I have reviewed and understand the Village of Windsor subdivision ordinance, site plan review ordinance and applicable zoning ordinance as they relate to technical specifications, required submittal information, and standards for approval relating to this request and those standards governing the Village's recommendations and decisions.

I understand an administrative fee will be assessed for review of my project by the Village and its consultants, and that payment in full is required as a condition for approval. Consultant fees are invoiced and paid separately by the applicant in addition to any application fees.

William J. Kojak
Applicant Signature

7-24-18
Date

Contact Information

Applicant:

Name: William Kippley
Address: 3722 Highway 19
City, State, Zip: Sun Prairie, WI 53590
Phone Number(s): 608-842-3040
Cell Phone(s): 608-575-1143
Email Address(es): sales @ pta trucks. com

Surveyor:

Name:
Address:
City, State, Zip:
Phone Number(s):
Cell Phone(s):
Email Address(es):

Attorney:

Name:
Address:
City, State, Zip:
Phone Number(s):
Cell Phone(s):
Email Address(es):

Owner:

Name: William Kippley
Address: 3722 Highway 19
City, State, Zip: Sun Prairie, WI, 53590
Phone Number(s): 608-842-3040
Cell Phone(s): 608-575-1143
Email Address(es): sales @ PTA TRUCKS. COM

Engineer:

Name:
Address:
City, State, Zip:
Phone Number(s):
Cell Phone(s):
Email Address(es):

Kippley Rental Properties, LLC.

7646 Conifer Court
Deforest, WI 53532



Conditional Use Permit Application

Letter of Intent

Kippley Rental Properties, LLC

On July 13, 2018 the Village of Windsor noticed a zoning violation on our property located at 7646 Conifer Court, currently zoned C-2 No restrictions, No conditional use. We had created one of our spaces into a living quarters for our property caretaker/night watchman. We provide a secure storage service to our Windsor residences and a part of the security is having an onsite person to oversee operations, provide direction to clients with lost keys, third party deliveries and pick-ups after normal business hours and assist with security for the rentals and the onsite tenants. Attached are some photos of the site and the living space provided, all egress codes and accesses are met and maintained for a safe and secure and healthy living space. We believe this to meet all requirements for obtaining a Conditional Use Permit as stated in Sec. 52-73. General Commercial District. (3) (g) Residence for a caretaker or business owner.

Project Team – Applicant and Owner Bill Kippley - 3722 Highway 19, Sun Prairie, WI, 53590 – cell 608-575-1143 – email sales@ptatrucks.com

Property Overview- Parcel #091009285350 4.499 acres 7646 Conifer Court DeForest WI

Zoning Questions:

#1 The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare as egress and fire codes are met and do not affect any other tenants in the adjoining spaces.

#2 The uses, values and enjoyment of the property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use. This is improved as it will provide more security and discourage any uninvited guests to the property outside of normal business hours.

Bill's phone #: (608) 575-1143
Cory's phone #: (608) 635-6900
Email: cory@coniferstorage.com

Kippley Rental Properties, LLC.

7646 Conifer Court
Deforest, WI 53532



#3 The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. We feel the increased security awareness will encourage development in the area.

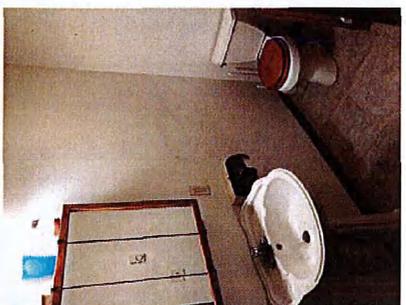
#4 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. We feel these are very adequate for our application and the site improvements are provided.

#5 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Not applicable.

#6 That the condition use shall conform to all applicable regulations of the district in which it is located. Yes, as stated in Sec. 52.73 C-2 Commercial District paragraph 3 line G (Residence for a caretaker or business owner)

Bill's phone #: (608) 575-1143
Cory's phone #: (608) 635-6900
Email: cory@coniferstorage.com

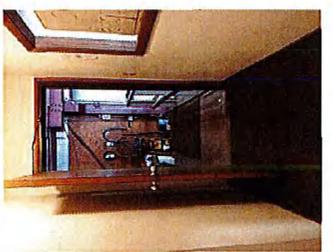
REVISIONS:	
DATE:	7/27/18
JOB NAME:	
SCALE:	1/4" = 1'-0"
SHEET:	C1



LIVING SPACES WITH ADEQUATE LIGHT AND VENT REQUIREMENTS

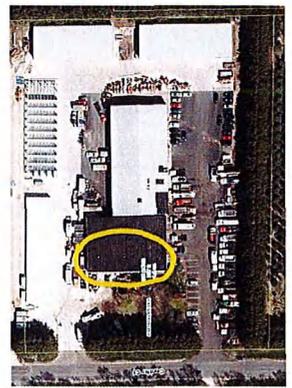


EGRESS EXITS FROM THE UPPER LIVING SPACE AND EXIT MARKERS



CARETAKER QUARTERS LOCATED ON UPPER LEVEL WITH EXIT TO FRONT AND REAR OF THE BUILDING.

GENERAL LOCATION OF LIVING QUARTERS ON SITE



THIS AREA DOES NOT HAVE A SEPARATE ADDRESS ASSIGNED AS IT IS NOT A PERMANENT RESIDENCE BUT IS INTENDED FOR OVERNIGHT CARETAKER FACILITIES.

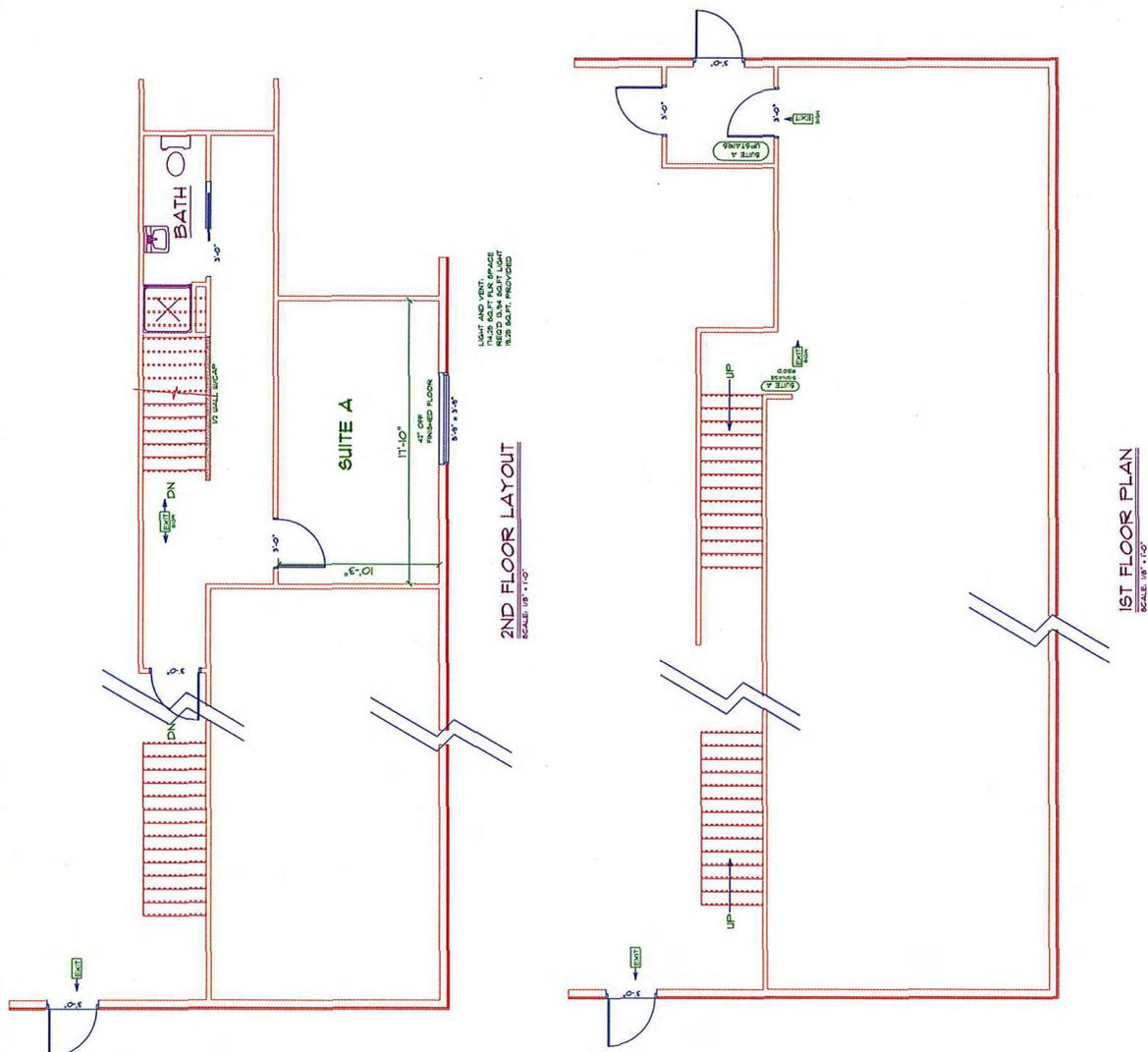
REVISIONS:

THIS DOCUMENT CONTAINS CONFIDENTIAL OR PROPRIETARY INFORMATION OF MARTEN BUILDING & DESIGN INC. (M&D).
 NEITHER THIS DOCUMENT NOR THE INFORMATION HEREIN IS TO BE REPRODUCED, DISTRIBUTED,
 USED, OR DISCLOSED EITHER IN WHOLE OR IN PART EXCEPT AS AUTHORIZED BY M&D.
 ASSUMES NO LIABILITY FOR HOME CONSTRUCTION FROM THIS PLAN. IT IS THE RESPONSIBILITY
 OF THE PURCHASER OF THIS PLAN TO HAVE BUILDER OR CONTRACTOR VERIFY ALL DIMENSIONS PRIOR
 TO PROCEEDING WITH CONSTRUCTION. BUILDER OR CONTRACTOR MUST ALSO VERIFY COMPLIANCE
 WITH ALL LOCAL CODES AND CONDITIONS. ALL CARE HAS BEEN TAKEN BY M&D TO MAKE PLANS
 ACCURATE. PLANS ARE FOR LOCATIONS AND REFERENCES ONLY. BUILDER OR CONTRACTOR RESPONSIBLE
 FOR ANY ENGINEERING AND REVISIONS TO PLAN ALL ENGINEERING TO INCORPORATE ACTUAL SITE CONDITIONS.

MARTEN
Building & Design

PRairie TRUCK
 AND AUTO

CONDITIONAL USE PERMIT DOCUMENTATION



VILLAGE OF WINDSOR
PLAN COMMISSION MEETING

Minutes

September 13, 2018

1. CALL MEETING TO ORDER AND ROLL CALL.

Meeting convened by Vice-Chairperson LeGore at 5:00 p.m. Commissioners present: Dave Gaustad, Jeff Heisig, Kay Hoffman, and Bill LeGore. Commissioners absent: Tim Lange, Brad Mueller, and Bob Wipperfurth.

Others present: Director of Planning and Development Amy Anderson Schweppe, Village Deputy Administrator/Director of Economic Development Jamie Rybarczyk, and Village Attorney Bill Cole.

2. RECITATION OF THE PLEDGE OF ALLEGIANCE.

The flag pledge was led by Commissioner Gaustad.

3. ANNOUNCEMENTS.

None.

4. APPEARANCES BEFORE THE PLAN COMMISSION.

None.

5. MINUTES FROM AUGUST 9, 2018.

A motion was made by Commissioner Gaustad, seconded by Commissioner Hoffman, to approve the Minutes of August 9, 2018, as presented. Motion carried with a 4-0 vote.

6. PUBLIC HEARING.

- 6.a. Kevin Acker (d/b/a Pleasant Hill Estates, LLC) Requests A Rezone From R-3 (Single Family Residential District) To R-4 (Single Family Residential District)

For: Lots 28-31, 41-44 And 63-66 Of The Plat Of Pleasant Hill Estates & Lot 326 Of The Plat Of Wolf Hollow At Pleasant Prairie Creek.

- 6.b. William Kippley (d/b/a Kippley Rental Properties, LLC) Requests A Conditional Use Permit For A Caretaker Residence At 7646 Conifer Ct., DeForest.

Vice-Chairperson LeGore read the above announcements.

7. OLD BUSINESS.

- 7.a. Plan Resolution 2018-20 Ratification Of Plan Resolutions 2017-08, 2017-09, And 2017-10 For The 2018 Covered Bridge Project On Lots 1, 2 And 3 Of The Plat Of Bear Tree Farms In Section 28 Of The Village Of Windsor, Dane County.

A staff report was provided by Village Deputy Administrator/Director of Economic Development Rybarczyk.

The Plan Commission has seen and approved the Covered Bridge Development Phase 1 concept. Work has been going on for a year. Attorney Connie Anderson, who, as Windsor's attorney, has a history with this project, was unable to attend the meeting. She felt it was in the Village Plan Commission's interest to ratify its prior approval of Resolutions 2017-08, 2017-09, and 2017-10. This will go before the Village Board on October 16 for final review. The only different thing from a year ago will be the phasing. The developer was going to go from west to east. Now the developer will go from east to west. The reason for that is because the old Phase 4 included the clubhouse and a lot of the amenities. The developer has found if the amenities are in the first phase the project goes quicker. Work will be done in 2018 and 2019, with occupancy in 2020—a year to a year and a half following the start of construction. They still have their access points onto Pederson Crossing Boulevard and Warner Farm Drive. They will be asking the Village Board for a temporary access onto Windsor Road.

There were no representatives on behalf of the developer present because of a scheduling conflict.

A motion was made by Commissioner Heisig, seconded by Commissioner Hoffman, to approve Resolution 2018-20, Ratification Of Plan Resolutions 2017-08, 2017-09, And 2017-10 For The 2018 Covered Bridge Project On Lots 1, 2 And 3 Of The Plat Of Bear Tree Farms In Section 28 Of The Village Of Windsor, Dane County. Motion carried with a 4-0 vote.

8. NEW BUSINESS.

- 8.a. Kevin Acker (d/b/a Pleasant Hill Estates, LLC) Requests A Rezone From R-3 (Single Family Residential District) To R-4 (Single Family Residential District)

For: Lots 28-31, 41-44 and 63-66 Of The Plat Of Pleasant Hill Estates And Lot 326 Of The Plat Of Wolf Hollow At Pleasant Prairie Creek.

Vice-Chairperson LeGore opened the public hearing at 5:10 p.m.

A staff report was provided by Director of Planning and Zoning Anderson Schwappe.

Petitioner is requesting a rezone from R-3 to R-4 for Lots 28-31, 41-44, 63-66 of the Plat of Pleasant Hill Estates and Lot 326 of the Plat of Wolf Hollow at Pleasant Prairie Creek. The purpose is to allow flexibility with the building envelopes by allowing reduced front yard and side yard setbacks. It will allow the builders to build homes with larger footprints.

This is consistent with the Windsor Code of Ordinances and zoning. It will have no impact on Windsor's Comprehensive Plan.

Kevin Acker added that it will allow for bigger backyards.

Vice-Chairperson LeGore closed the public hearing at 5:12 p.m.

A motion was made by Commissioner Gaustad, seconded by Commissioner Heisig, to approve Resolution 2018-17 Recommending Conditional Approval Of The Rezone Regarding Lots 28-31, 41-44, 63-66 Of The Plat Of Pleasant Hill Estates And Lot 326 Of The Plat Of Wolf Hollow At Pleasant Prairie Creek, In The Village Of Windsor. Motion carried with a 4-0 vote.

- 8.b. Plan Resolution 2018-18 William Kippley (d/b/a Kippley Rental Properties, LLC) Requests A Conditional Use Permit For A Caretaker Residence At 7646 Conifer Ct., DeForest.

Vice-Chairperson LeGore opened the public hearing at 5:15 p.m.

Director of Planning and Zoning Anderson Schwappe provided a staff report.

The subject property contains a multi-tenant building with leased units to various businesses and hobbyists. There are also self-storage units with U-Haul rentals. Due to the frequent access by customers, a caretaker is required on the property 24 hours a day, 7 days a week.

The petitioner's request focuses on a caretaker residence located within the multi-tenant building. The exterior of the multi-tenant building and principal use of the subject property will not change. Interior remodeling will be required subject to approval by the Village Building Inspector and DeForest Windsor Fire & EMS departments. The addition of a caretaker residence is an allowable use in the C-2 District.

Staff has recommended approval.

Vice-Chairperson LeGore closed the public hearing at 5:17 p.m.

Commissioner Heisig added that the approval expires upon sale of the property.

A motion was made by Commissioner Hoffman, seconded by Commissioner Gaustad, to approve Resolution 2018-18 Recommending Conditional Approval Of The Conditional Use Permit For Caretaker Residence At 7646 Conifer Court, In The Village Of Windsor. Motion carried with a 4-0 vote.

8.c. Plan Resolution 2018-19 Summit Credit Union Requests Approval Of A Site Plan For The Construction Of A Retail Financial Institution At The Corner Of Windsor Road And North Towne Road, In The Village Of Windsor.

A staff report was provided.

The petitioner is requesting discussion and action by the Plan Commission for a site plan review for Summit Credit Union, which would be located on Lot 1 of a redivision of Lot 1 of CSM 14307. The development will be accessed from North Towne Road by two private streets. The design of the private streets complies with the requirements of the Code.

The petitioner is proposing, among other things:

- A one-story building with a walk-in lobby and detached drive-through teller;
- 22 parking stalls (including one ADA accessible parking stall) for employees and customers;
- Storm sewer facilities directing stormwater to the regional infiltration and detention basins;
- A landscaped retaining wall on the north property line;
- Monument sign on the southwest property line;
- Pedestrian sidewalk connection to North Towne Road on the west property line;
- 5 light poles on the property.

There will be approximately 15 employees. Hours of operation would be Monday through Thursday 9:00 a.m. to 5:00 p.m., Friday 9:00 a.m. to 6:00 p.m., and Saturday from 9:00 a.m. to 12:00 p.m. Teller hours would be expanded on all days. The petitioner estimates 100 walk-in customers and 200 drive-through customers daily.

Windsor recommended that the proposed pedestrian sidewalk align with the multi-path pedestrian crossing at the roundabout of North Towne Road.

Petitioner responded that it was proposed this way because of ADA.

Windsor withdrew its recommendation.

Windsor staff recommended a discussion regarding the benefit of one monument sign identifying the businesses within the commercial area versus individual monument signs on each lot. The word “Windsor” will be required on either monument sign.

There was a discussion regarding fences/retaining walls over utility easements. The retaining wall will need to be relocated. The Engineer had no objection to the stormwater management plan.

Greg Polacheck was present representing Summit Credit Union. He introduced others on his team: Peter Tan from Strang on behalf of the design and Austen Conrad. Konner Kearney was present on behalf of FDG. Bill Dunlop was also present.

Mr. Polacheck stated he was pleased to be before the Windsor Plan Commission. They have worked hard on the building plan. The project is in the TIF District, but they will not seek any dollars to do the project.

Peter Tan described the slides of the project. The building will be at the corner of Windsor Road and North Towne Road. He showed the building elevations and explained the sample building materials he brought. There will be no rooftop mechanicals.

Since the original survey was done, some of the utilities have been involved. There is cabling in the right-of-way. There was discussion regarding moving the retaining wall and the building to stay in the easement.

Bill Dunlop explained access of the site from North Towne Road. There will be a single lane coming in and two lanes going out onto private streets. He explained their reasoning for angular parking versus straight-in parking. This was done for space reasons and safety and ease of access.

Village Deputy Administrator/Director of Economic Development Rybarczyk stated that Windsor’s ordinance prohibits angular parking on two-way drives.

Village Attorney Cole asked if there was a practical reason why it could not be 90 degree parking.

Konner Kearney stated it was from a safety and circulation standpoint and getting additional parking spots. Using 90 degree parking could cause congestion issues. Angular parking improves the circulation and safety.

Village Attorney Cole stated that 90 degree parking is mandatory. There is nothing that would preclude it from being 90 degree parking.

Konnor Kearney responded the intent was to gain the additional parking stalls.

Bill Dunlop said they are dealing with grade issues. Parking at 45 degrees would have a narrower footprint. This would allow people to pull into the parking spaces fairly efficiently.

Village Attorney Cole again said we are dealing with a code that says 90 degrees. Can the developer do 90 degrees?

The response was that the parking will have to be addressed.

Village Attorney Cole stated, if the applicant could conform to the code, it should conform. If it is impossible, then the Plan Commission could approve a waiver of the parking and allow it to proceed. It is up to the applicant to provide reasonable justification for the parking.

Konnor Kearney said, with the grade issues, the angle parking can push the sidewalk closer to the street and shift the building and gain more parking spaces.

Commissioner Hoffman had a question regarding the lot on the north side of the road. She asked where the main entrance of the Summit building would be.

Konnor Kearney responded it would be on the north side.

Commissioner Heisig stated that the ordinance should be for the best use of the site – instead of mandatory 90 degree parking.

Commissioner Gaustad felt this might be a good time to take a look at that ordinance.

Mr. Dunlop added that they can narrow the access drive.

Village Deputy Administrator/Director of Economic Development Rybarczyk stated the Plan Commission could make a recommendation of approval for Resolution 2018-19 and make a secondary motion that the Village Board look at this ordinance based on the comments made based on industry standards and safety standards. All were in agreement that the ordinance is outdated.

Discussion on signs followed. Peter Tan showed the location of the sign.

Mr. Polacheck indicated they would have a monument sign at North Towne Road and the entrance and another at the northeast quadrant and the freeway that marks the overall property. They would like to maintain visibility with signage on North Towne Road.

Konnor Kearney added that they envision monument signage.

Mr. Polacheck said the sign would say “Summit At Windsor Crossing”.

Village Deputy Administrator/Director of Economic Development Rybarczyk stated they have been working with FDG. Windsor does not want to see every single user on Windsor Road having a monument sign. It is in Windsor's best efforts to try to work this out that there is one sign for the whole development. All of the big players would have signage under this. FDG is not at that point, but Summit is here today. Staff would like to see consolidation in monument signs.

Village Attorney Cole added that a communal monument sign is preferred.

Commissioner Heisig stated there is something about being first. This is what you get. If they have exposure on that road, a sign would make sense.

Vice-Chairperson LeGore said whether there was a monument sign location would be in the context of the site.

Vice-Chairperson LeGore read the Public Comment Sign-Up sheet registrants that Bill Dunlop supported the application, as did Peter Tan, Austen Conrad, and Greg Polacheck.

A motion was made by Commissioner Hoffman, seconded by Commissioner Heisig, to move forward with the Village Board to look at the ordinance. She also would like the Village Board to pass along the signage issue to discuss with the developer and Summit what kind of signage would be allowed in that development. What we would be approving would be Resolution 2018-19. As part of the motion, she would also like the Village Board to make a final determination on the parking and signage. Commissioner Heisig would like to pass on whether the Plan Commission liked the sign or whether it did not like the sign. Commissioner Heisig recommended to include a monument sign. Vice-Chairperson LeGore asked what the Plan Commission's recommendation was for the sign. Chairperson Hoffman indicated she would stay with her original motion.

Village Attorney Cole stated the Plan Commission could move to approve Resolution 2018-19 regarding approval of the site plan with the parking as shown on the site plan. They could recommend to the Village Board that it consider amending the parking restriction. They could also recommend to the Village Board that it give consideration as to whether or not one communal sign would be preferable to one monument sign.

Commissioner Hoffman stated she was going to go with her original motion with the monument sign.

Commissioner Gaustad said there could be a communal sign but also approve them to have this sign as well.

Vice-Chairperson LeGore agreed. The Plan Commission is recommending approval of the site plan but have items brought to the Village Board with respect to the parking on the development

site and an overall sign as well as an individual sign. The motion maker and second agreed to the revision of the motion. Motion carried with a 4-0 vote.

9. ADJOURNMENT.

At 6:15 p.m. a motion was made by Commissioner Gaustad, seconded by Commissioner Hoffman, to adjourn the Plan Commission meeting. Motion carried with a 4-0 vote.

Respectfully submitted,

Ellen G. Teed

Ellen G. Teed
Recording Secretary

DRAFT