

TOWN OF WEST POINT

Planning Commission Meeting

The Town of West Point Planning Commission met on Thursday, July 27, 1995 at 7:35 PM at the Town Hall for a public hearing regarding the Vitales' rezoning request for their property located in Section 7, T. 10N.-R. 9E., the NE¼ of the SW¼, known as Lot 1 of Certified Survey Map # 2002. The request is for a change from agriculture to commercial. The meeting was posted in three places.

Pursuant to Wisconsin State Statute 19.84, the meeting of the Town of West Point Planning Commission was called to order by Fred Madison. Planning Commission members present were Dave Cole, Cliff Lawton, Doug Richmond, Fred Madison, Roger Ballweg, Dick O'Connor, and Joyce Sinkule. Also present were Town Engineer Joe Costanza, Town Attorney Jeff Clark, and Assessor Harry Sawyer for a portion of the meeting..

Fred Madison asked for input regarding the Vitale rezoning request. LeRoy ^{Hoekmann} ~~Hauptman~~ responded by objecting to the rezoning. He is a dog breeder who read the notice in the paper. His objections involve the possibility of a "puppy mill" being operated, with the puppies being sold indiscriminately to pet stores and others. Lois ~~Foss~~ Foss, a neighbor, is concerned about the noise, but there is already noise. After hearing the explanation of the proposed operation by the Vitales', she is not sure if she would object to the rezoning. Fred Madison commented that he had received a telephone call from Mr. Duffy, who owns the industrial property located adjacent to the Vitale property. Mr. Duffy objected to the rezoning.

With no further citizen comments, the public hearing portion of the meeting was adjourned.

The regular meeting was called to order at 7:55 PM. The minutes of the previous meeting were read, with a correction on the 2nd page, 5th paragraph, which should reference the county zoning ordinance on page 12, 11.06, not ordinance 11.04. Motion to approve the corrected minutes by Dave Cole, seconded by Doug Richmond. Motion carried.

Correspondence: None. Fred Madison commented that he had talked with the Kautz couple (06/22/95 meeting) who had requested a second driveway onto their property. They conveyed a thank you to the commission members for their suggestions.

Jim Vitale: Request for rezoning of approximately 1.2 acres from agriculture to commercial. Discussion by Jeff Clark regarding the possible application of Columbia County Ordinance 11.08F. The Vitales will also need a variance from the county for the distance the proposed kennel will be located from the adjacent property lines and the existing buildings. Because the Vitales are already operating a kennel, which is a commercial business, they may need commercial zoning for their present operation. If the rezoning application is granted, a covenant on a deed could restrict the use of the property to only dog kennel purposes. The problem of the noise is also governed by the nuisance ordinance. Motion by Dave Cole to table the application until Attorney Jeff Clark can discuss the legal issues with county zoning admin-

istrator Mike Stapleton. Seconded by Joyce Sinkule. Motion carried with a unanimous 6-0 vote.

Dennis & Mark Bender: Randy Lund, Bender's engineer was present to discuss any questions which may arise. Mr. Bender sent legal documentation to Jeff Clark on June 16, 1995, which may cause the required 90-day response/action time to be on or before Sept. 16, 1995. Dennis Bender requested that the minutes reflect that he may not agree with the Sept. 16, 1995 date.

Jeff Clark addressed some of the issues which he thought the commission should consider, and these items should become a part of the conditions which are attached to the final plat, such as

1. Resolve the time frame issue regarding the decision which was made on the preliminary plat.
2. Confirming or denying that the money escrow has been paid to the town, and that the plat fee has been paid or will be paid.
3. Discussed the need for the public hearing.
4. Variances which will have to be decided upon and granted at the next meeting. The variances may include such items as sidewalk requirement, curb and gutter, street lights, street signs, etc.
5. The east boundary line fence is adjacent to Preservation Agricultural land. A line fence will need to be maintained, and the lot owners adjacent to this parcel must be informed as to their responsibilities.
6. Park dedication: 2.2 acres must be dedicated, or fees can be accepted, or a park fee can be paid in the future, after several of the lots have been sold, based on the fair market value of the property or the cost to develop a park. The latter fee could be established with a bond requirement, based on cost estimates. An irrevocable amount could be established for public features.
7. Sanitary district: The developer may be required to provide a utility easement for the possibility of a future sanitary district. The developer shall notify the buyers that a district may affect their lot within the near future.
8. The engineer's road requirements, terracing, and road cuts should be included in the bond issue so that the town would have money to finish the roads and roadway requirements if the developer does not complete the road specifications as indicated in the final plat.
9. Deal with the water retention area which is located in the Wisconsin Power and Light easement.
10. Define storm water management.
11. The plat conditions should include the developers' intention to rezone a portion of the property for multi-family use. Because the developer intends to build no condominium buildings with more than two units per building, this condition could be included as a deed restriction and/or as a part of the condominium association by-laws, to protect the integrity of the development and satisfy the concerns of the planning commission.
12. The private road which will serve the condominiums should be a maintenance cost to be shared by the owners or the lot owners who will be served by the road, no matter who has ownership of the proposed multi-family parcel.
13. If the condominiums are approved, the density should be limited and extra parking should be provided. Six duplex condominium buildings are physically possible on the parcel.
14. The subdivision ordinance requires that trees be planted along the streets at 50-foot

intervals. Discussed the need to put the trees on the lots along the streets after the houses are built so that lot owners do not cut down or destroy newly planted trees. Motion by Cliff Lawton to establish a "Tree Fund", with the town then placing the required number of trees wherever they determine that the trees are needed. Motion seconded by Doug Richmond. Discussion: Determining or recommending the location of the trees is also an obligation of the town engineer. Motion carried with a 5-1 vote in favor of the motion.

Bill Knickmeyer: Dr. Knickmeyer acted as spokesperson for the 28+ residents of the Selwood Subdivision who were present, and they requested, by petition, that

1. Developer Larry Lenerz be permitted an access road from his new subdivision, across agriculture-zoned land, to meet Selwood Drive near its entrance onto State Trunk Highway (STH) 188 so that all the traffic is not channeled onto the entire length of Selwood Drive.
2. The public lake access near the west end of Selwood Drive be eliminated, and
3. No road access from the proposed subdivision be allowed onto Selwood Drive, approximately midway between the beginning and end of Selwood Drive.

A copy of the petition is attached and made a part of these minutes. The primary concern of the residents is for the safety of the present and future property owners. Some of the residents were concerned about the new septic systems affecting their existing systems. Fred Madison and Dave Cole explained that the force of the dammed up river water is causing ground water to travel in the opposite direction, and that if there is a septic problem, the existing septic systems could affect the proposed new systems. Engineer Jim Grothman was also present to hear the input from the citizens and discuss how the plat could be drawn. Larry Lenerz was not available to attend this meeting. The planning commission will consider the concerns of the petitioners as they work with the developer and his engineer.

Lynda McGinnity: Ms. McGinnity, Stark Realty, represented Robert and Mary Wolff, who are selling 6.93 acres located at W13665 Rausch Lane. A potential buyer, Dana Kolb, was also present. A request was made for rezoning the property from residential to agricultural. Motion by Cliff Lawton to recommend to the town board that the application for Ag2 zoning be granted. Motion seconded by Doug Richmond. Motion carried for the Ag-2 zoning because of the smaller parcel size (less than 35 acres), the present use and the intended use. (See supporting documentation as provided by Ms. McGinnity.) Motion carried with a 6-0 favorable vote, based on the above-noted factors.

Former Madison property: The CSM regarding the farmstead and five acres of the former Madison property is being sold as a separate parcel. Motion by Dave Cole to recommend to the town board that the CSM be approved. Motion seconded by Doug Richmond. Motion carried 6-0.

Roger Ballweg: Mr. Ballweg represented himself, and did not act as a member of the Planning Commission. Jeff Clark provided input as to the events leading up to the request at this meeting. Discussed Joe Costanza's explanation of the land ownership changes from the previous meeting. Motion by Dick O'Connor, seconded by Cliff Lawton, to recommend to the town board that they accept the CSM without any penalty to Mr. Ballweg. The penalty should be waived because of the confusion and legal technicalities which were involved, and which were then

resolved regarding the status of the CSM lot, causing a minor subdivision. Motion carried 5-0, with Roger Ballweg abstaining from the vote.

Motion to adjourn at 10:55 PM by Roger Ballweg, seconded by Cliff Lawton. Motion carried 6-0.

Respectfully submitted,


Joyce Sinkule

LARRY LENERZ SUBDIVISION

We, the undersigned residents of Selwood Drive, Selwood Farm Subdivision, are petitioning the Town of West Point Board to:

- 1) allow Larry Lenerz to access his new subdivision off of Selwood Drive via a new road near Hwy. 188; and
- 2) eliminate the public lake access between Selwood Farm Lots 10, 11 & 12; and
- 3) have no road access from the new subdivision onto Selwood Drive.

48. Cindy Thompson W14223 Selwood 643-4622

45. Doug Stamm W14245 Selwood 643-4774
46. Kim Stsbach W14236 Selwood 643-8601

47. Bradley Schultz & Lori Amstad 643-7843

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|-----|------------------|-------------|-----------------------------|------------|
| 1. | Gara Kuchmeyer | - W14118 | Selwood Dr., Prairie du Sac | - 643-4543 |
| 2. | | | | |
| 3. | W14130 | Selwood Dr. | | - 643-4600 |
| 4. | Carol George | - W14116 | Selwood Dr. | - 643-7344 |
| 5. | Kathleen Mueller | W14130 | " | " |
| 6. | Bill Kuchmeyer | W14118 | Selwood Dr. | 643-4600 |
| 7. | Jan Cors | W14124 | " | 643-4543 |
| 8. | Jan Cors | W14124 | " | 643-8159 |
| 9. | Dwight Kuchmeyer | W14124 | Selwood Dr. | 643-4609 |
| 10. | W14236 | " | " | |
| 11. | W14124 | " | " | 643-4630 |
| 12. | W14124 | Selwood Dr | PO5 | 643-3106 |
| 13. | Janine Fair | W14196 | Selwood Dr | " |
| 14. | Dwight Kuchmeyer | W14028 | Selwood Dr | 643-5256 |
| 15. | | | I Agree To #3 only | 643-4639 |
| 16. | E. Hammann | W14231 | Selwood | 643-6179 |
| 17. | | | | |
| 18. | Robert Hammann | W14231 | Selwood | 643-6179 |
| 19. | Willet T. Fair | W14196 | Selwood Dr | 643-5256 |
| 20. | Kauni Miller | W14252 | Selwood | 643-6514 |
| 21. | Rice Coverd | 14239 | Selwood | 643-7812 |
| 22. | | | | |
| 23. | Jean M Kuchman | | Selwood | 643-3106 |
| 24. | | W14020 | Selwood | 643-3918 |
| 25. | Carol Kuchmeyer | W14250 | Selwood | 643-8784 |
| 26. | Cliff Thompson | W14222 | Selwood | 643-4626 |
| 27. | | | | |
| 28. | Dorlene Parker | W14246 | Selwood | 643-2151 |
| 29. | Barbara Young | W14208 | Selwood | 643-8734 |
| 30. | Francis Young | W14208 | Selwood | 643-8734 |
| 31. | Joni Kiepley | W14028 | Selwood (except #2) | 643-4639 |
| 32. | Bob Oler | W14202 | Selwood | 643-3530 |
| 33. | Carolyn Peterson | W14188 | Selwood Dr. | 643-4630 |
| 34. | Blake Hodman | W14146 | Selwood Dr. | 643-8021 |
| 35. | Al Miller | W14252 | Selwood Dr. | 643-6514 |
| 36. | John J. Hippen | W14180 | Selwood Dr | 643-9331 |
| 37. | Amy Hippen | | " | 643-4293 |
| 38. | Jane Effling | W14204 | " | " |
| 39. | Prani Effinger | " | " | " |
| 40. | Jeanne Baem | W14210 | " | 643-3682 |
| 41. | Allan Baem | W14210 | " | 643-3682 |
| 42. | Lucy Stamm | W14245 | " | 643-4745 |
| 43. | W14020 | Selwood Dr. | | 643-3918 |
| 44. | Reona Skelly | W14020 | Selwood Dr. | 643-4641 |