

TOWN OF WEST POINT

Plan Commission Meeting

The Town of West Point Plan Commission met Thursday, March 28, 1996 at 8:07 P.M. at the Town Hall. 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 Fred Madison; Dave Cole; Joyce Sinkule; Doug Richmond; Dick O'Connor; Town Engineer - Joe Constanza; and Town Attorney, Jeff Clark.. Absent was Roger Ballweg and Cliff Lawton.

Minutes were corrected to note Bill Roark was the citizen mentioned. Motion by Sinkule, seconded by Cole. Cote: Yes - 4 No - 0. Carried.

All correspondence was agenda related and deferred.

John Ferris: Mr. Farris' attorney requested recommendation for approval of the Promised Land Condominium. The request is based on agreement with Attorney Clark's recommended conditions as outlined in a letter to Chair Madison dated March 12, 1996 (C.A.R.M.)*. Attorney Clark indicated those issues had been resolved. Engineer Constanza concurred with Attorney Clark and indicated on a map furnished by Mr. Farris that the drainage easement shown was satisfactory.

The Town of West Point Plan Commission recommends that the Condominium Plat of The Promised Land condominium be approved subject to the following conditions being met:

1. To resolve all issues in connections with any and all alleged violations of the Town of West Point's Land Division and Subdivision Regulations Ordinance 2-4-93, payment of a forfeiture of \$ 500.00 to the Town of West Point, together with reimbursement of the Town for all fees and expenses incurred by the Town through January 19, 1996, for the Town Engineer and the Town Attorney in the amount of \$ 1,986.00.
2. Paying the required Plat Review Fee relating to the Condominium Plat, the fees of the Town Consultants relating to the project subsequent to submission for approval, and the fees in lieu of dedication of park land in the amount of \$ 3,795.79.
3. Entering into a storm water drainage easement and recording same granting the Town a 20 foot drainage easement for future storm water drainage management in a form acceptable to the Town Engineer and Town Attorney.
4. Entering into a recording immediately thereafter a First Amendment to condominium Declaration in a format that is satisfactory to the Town Engineer and the Town Attorney.

Motion by Richmond. Seconded by Sinkule. Vote: Yes - 3 No - 1. Carried.

Todd Olson: Mr. Olson's attorney Steve Roy commented on a letter he received from Town Attorney Clark. Attorney Clark and Town Engineer Constanza expressed their concerns about existing ravines and what will be provided to the Town for access to the easements for maintenance. Discussion

continued concerning damage to Lake Drive as a result of development construction. Attorney Roy suggested that attaching a fee guaranteeing the condition of Lake Drive was unfair and set a precedent. Mr. Olson would be the first in the Town to have the fee imposed. Attorney Clark indicated that the guarantee would be in affect only until public improvements are complete.

Engineer Costanza stated that easements and erosion control for ravines require more review. All trees require for the development would be placed along Hwy 188 as a screen. Engineer Constanza, Engineer Seiner and Mr. Olson will collaborate to formulate a species and planting plan. Chair Madison suggested that the minimum for conifer be 3' 4".

Dave Cole suggested that the property owners be placed on notice that they have responsibility for affects of weather events on erosion sensitive areas of their property. The list of requests for variance as submitted were realistic.

The Town of West Point Plan Commission recommends that the preliminary plat of Rolling Woods be approved subject to the following conditions being met:

1. Submission of detailed plans and specifications for storm water runoff, erosion control, and street improvements prepared by a professional engineer to the Town's engineer for review and approval prior to recording the final plat.
2. Submission of Declarations of Covenants, Restrictions, and conditions for the plat in a format that is satisfactory to the Town engineer and Town attorney prior to recording the final plat. The declaration must be recorded immediately after recording the final plat.
3. Entering into a Developer's Agreement, including all exhibits thereto, with the Town of West Point, and providing financial guarantees in the amount of the estimate required by the Town's engineer for the public improvements required by and relating to the plat. The Developer's Agreement and financial guarantee shall be in a format that is satisfactory to the Town's engineer and attorney and shall be entered into prior to recording the final plat.
4. Paying the required plat review fee relating to the preliminary plat, along with the final plat review fees, the fees of the Town's consultants relating to this project upon approval of the final plat, or paid current prior to the commencement of any construction, and the fees in lieu of dedication of park land in the amount of \$ 4,657.09.
5. Providing satisfactory evidence that Todd R. Olson is the owner of record of all of the lands within the boundaries of the Plat of Rolling Woods.
6. Obtaining the approval of all other agencies having legal approval or objecting authority prior to recording the final plat.
7. Except as noted below, the variances requested by letter dated 3/28/96 are hereby approved insofar as they depart from the literal terms of the Town's subdivision ordinance as interpreted within the specific terms of the Developer's Agreement. Exceptions:
8. As part of the Developer's Agreement, Developer shall agree that Developer will be responsible for any and all damages to Lake Drive beyond reasonable wear and tear occasioned by construction of the plat Public Improvements by Developer. The sum of \$ 3,800.00 shall be added to the financial guarantee provided by Developer to guarantee Developer's obligations in regard to Lake

Drive.

9. All of the conditions set forth above as conditions of recording the final plat shall be complied with to the satisfaction of the Town's engineer and attorney prior to the commencement of any construction.

Motion by Cole. Seconded by Richmond. Vote: Yes - 4 No - 0. Carried.

Larry Lenerz: Town Attorney Clark indicated that the development agreement, covenants, and easements for line of site at intersections were acceptable. Easements for storm water runoff and detention are in order. The outlot requested by the Town has been conveyed to the Town. The southern property line shall be fenced.

Engineer Constanza expressed some very minor concerns about the possibility of storm water over topping West Point Road. Continued discussion diminished all concern.

The Town of West Point Plan Commission recommends that the final plat of the First Addition to Selwood Farm be approved subject to the following conditions being met:

1. The technical form of the map, the Developer's Agreement, and the Declaration of Development Plan and Protective Covenants having been fully approved by the Town engineer and the Town attorney and executed by all parties thereto. The Declaration of Development Plan and Protective Covenants shall be recorded immediately after recording the final plat and a copy of the recorded Declaration being provided by the Town. All approvals of all other agencies having legal approval or objecting authority shall have been received and/or signatures obtained, as necessary, on the final plat.

2. The Permanent Drainage Easement Agreement having been approved by the Town engineer and the Town attorney and signed by all of the parties thereto. The Permanent Drainage Easement Agreement shall be recorded immediately following the recording of the plat and a copy of the recorded Permanent Drainage Easement Agreement provided by the Town.

3. The Vision Easement having been approved by the Town engineer and Town attorney and signed by all parties thereto. The Vision Easement shall be recorded immediately following the recording of the plat and the recorded Vision Easement provided by the Town.

4. The Irrevocable Stand-By Letter of Credit having been approved by the Town engineer and Town attorney and signed by the Bank of Prairie du Sac and the original delivered to the Town of West Point Clerk.

5. All final plat review fees, the fees of the Town's consultants and any other necessary fees, including the fee in lieu of park land dedication, provided for under the Town's Subdivision Ordinance, having been paid in full.

6. A title commitment from a licensed title company being provided evidencing that Larry Lenerz, LLC is the owner of record of all of the lands within the boundaries of the final plat of First Addition to Selwood Farm.

7. Certification from the Secretary of State that Larry Lenerz, LLC is a Wisconsin limited liability company duly organized under the laws of the state, has filed its most recent annual report required by state statute, and has not filed Articles of Dissolution.

8. Larry Lenerz, LLC quit claiming to the Town of West Point Outlot 1 as shown on the final plat of the First Addition to Selwood Farm immediately subsequent to recording the final plat and the original Quit Claim Deed being returned to the Town through the Town attorney

9. A road guarantee fee shall be determined by Town Engineer Constanza to cover that portion of Selwood Drive between Hwy 188 and the proposed West Point Drive until completion of public improvements.

Motion by Richmond. Seconded by Cole. Vote: Yes - 4 No - 0. Carried.

Schwartz/Kirner: No one represented Schwartz/Kirner. Discussion: Commission members discussed density. Concern exists among members that density may be too high and that there is too great a change in the original concept approved for Mr. Aylward. These concerns are to be forwarded to Mr. Schwartz and Mr. Kirner by Town Engineer Constanza.

Clifford Whittmore: Mr. Whittmore is requesting a variance to add a second story to a portion of an existing structure at N2407 Hwy 188. The existing structure is non-conforming due to a set back violation (C.A.R.M.)*.

Motion by Richmond. Seconded by Cole to allow Mr. Whittmore to proceed with all new construction remaining within the existing building envelope. All septic system issues must be resolved prior to issuance of building permits. Vote: Yes - 4 No - 0. Carried.

Earl Lanzendorf: Mr. Lanzendorf indicated that the concerns of the public expressed at the public hearing have been met. The access road has moved to the approximate location of an existing farm road. Mr. Howard Hartmann represented Gordon Hartmann to satisfy the Plan Commissions request that a owner's representative be present to verify the quarry and road concept. The Town is to receive an approved copy of the restoration plan.

Motion by Cole. Seconded by Sinkule to recommend to the Town Board that the project be allowed to proceed. The Town Board should address the payment for expenses incurred as a result of Engineer Constanza's time spent in review. Vote: Yes - 4 No - 0. Carried

Motion to adjourn at 10:30 P.M. by Richmond. Seconded by Sinkule. Vote: Yes - 4 No - 0. Carried.

Respectfully Submitted



Richard O'Connor

*C.A.R.M. = Copy attached to record minutes.