

TOWN OF WEST POINT

Plan Commission Meeting

The Town of West Point Plan Commission met Thursday, November 26, 1996 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 Dave Cole, Fred Madison, Doug Richmond, Joyce Sinkule, Dick O'Connor.

MINUTES: Approved by Joyce Sinkule and seconded by Doug Richmond. Vote: Yes - 4 No - 0

CORRESPONDENCE: Attorney Clark to Terry Volk RE: Approval

DISCUSSION:

Mr. Brian Anderson - Public Hearing (8:02 PM):

Mr. Anderson is presented his petition to demolish an existing 20' x 30' 1 story home with a basement leaving the existing basement with the lake side exposed. The Anderson's are proposing to convert the basement with a deck and railing into a boathouse.

A variance is required due to the overall height of the new structure will be 15' above the ordinary high water line.

No comment for or against from the public. Hearing closed at 8:10 PM.

Motion to reconvene as planning commission. Motion by Dave Cole. Seconded by Joyce Sinkule. Vote: Yes - 4 No - 0

Motion by Dave Cole and seconded by Joyce Sinkule to recommend to the Town Board to approve the variance based on a net decrease in the overall height and that the elevation of the slab is 6' +/- above ordinary high water. Vote: Yes - 4 No - 0.

Public Comment - Bill Roark - Trees along Cty Hwy J & Loring Road:

Fred Madison suggested that Jane Manke get organized to present to the Planning Commission at the 12/12/96 meeting so the Planning Commission can make a recommendation to the Town Board.

Agenda Item # 5: Dave Fordam

Mr. Fordam presented a copy of the B.A.A.P. strategic Plan. B.A.A.P. is the only backup to (1) other plant in Radford, VA that is active. The army is expected to retain B.A.A.P.

Congress created A.R.M.S. (Armament Retooling and Support Initiative) in 1992 to provide income to assist in maintaining the facilities.

Contamination: 2% of the plant is contaminated primarily in the southeast corner. There were four sites within the plant that were contaminated. One, a surface soil contamination has been cleaned up. The other three are being attended to. Ground water is currently being treated at a rate of 3000 +/- per minute. Of the 2%, 20% +/- has been cleaned up.

Industrialization would be in the central part of the plant.

Environmental: Army will carefully screen applicants to reduce risk. They must meet State mandate for discharges to the environment. An environmental impact statement for each potential user will be produced prior to approval.

All 1500 +/- buildings are available for consideration to potential users.

Agenda Item # 6: B.A.A.P. Resolution

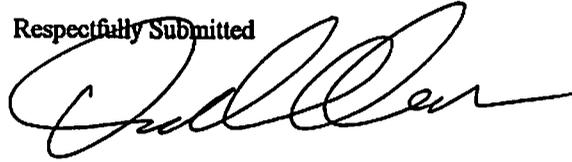
Postponed to the 12/12/96 meeting

Agenda Items - December 12, 1996

- (1) Jane Manke - Trees on Cty Hwy J and Loring Road
- (2) Review the C.S.W.A.D. Resolution and Dave Fordam's presentation
- (3) Char Bereton - D.A.T.C.P.

Motion to adjourn the meeting at 9:34 PM was made by Doug Richmond and seconded by Joyce Sinkule. Vote: Yes - 5 No - 0.

Respectfully Submitted



Dick O'Connor

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...ped description of the rou

by this district shall be the overall principle guiding
of permits.

Permitted Accessory Uses:

- 1. Uses, buildings and structures incident to the Permitted Uses.
- 2. Quarters for year around house
- 3. Two family residences where the second unit does not exceed 60% of the floor area of the principal unit, its occupancy is intended for a family member related by blood, adoption or marriage to the occupants of the principal unit, at least one entrance to the second unit is through the principal unit, and where the overall appearance of the structure resembles that of a single family residence.
- * 4. Home occupations and residential businesses, as regulated in the 17.01-4 Appendix.
- 5. Residential signs as regulated in 17.09.
- 6. Outside storage as regulated by sections 17.03-2(6) and 17.05-6.

**3) RR Rural Residential A-R-Agriculture/
Residence District**

A. Statement of Intent: This district is intended to allow rural residential development, some within the general territory set aside as agricultural use on the Town Plan. The Plan limits the total amount of land to be placed in this district, in order to protect the basic agricultural areas, and to avoid creating a demand for an expanded rural road system or other municipal services in such areas. This district is intended to serve residential uses which accept the dominance of an agricultural environment, and where they may also pursue limited forms of agriculture, such as hobby farming, horse keeping, and other aspects of the rural lifestyle, including preservation of farm open space. The lot size is therefore set high enough to meet such rural needs, and under an optional special provision, allows for setting aside a part of each lot into common preserved open space.

B. Permitted Uses By Right: All uses as permitted by right in the R-1 Residential District.

C. Permitted Accessory Uses: All accessory uses as permitted in the R-1 Residential District.

D. Uses Permitted by Conditional Grant: All conditional uses permitted in R-1 Residential District.

E. Special Regulations: Notwithstanding the minimum lot size and lot width requirements of section 17.10-7 for this district, tracts of at least 10 acres in area may be developed into lots of smaller sizes and widths, but not less than 1.5 acres per lot and 200 feet of width, provided the difference in required versus actual lot size is placed into massed preserved open space. Such space may be natural area or preserved farm lands and farm structures, however, not more than 70% of the preserved area and not more than 40% of each lot may be zoned in the wetland (WPD) or floodplain (OFP) districts. Such preserved spaces shall contain no habitable buildings unless they exceed 10 acres, in which case one dwelling and associated farm or residential accessory structures is allowable thereon. As part of the platting process, such preserved area shall be either an indivisible outlot owned in equal undivided interests by the other subdivision lot owners, as tenants in common, or if over 10 acres and containing buildable area hereunder, be an indivisible lot, held in individual ownership as one building site, but subject to an open space easement for the balance of the site.

*
"clustering"

D. Uses Permitted By Conditional Grant:

- 1. Two family residences provided they appear to be single family in exterior appearance, and no more than 2 out of every 10 lots in a plat are granted.
- 2. Expansions of existing cemeteries, religious facilities, or recreation fields. (See also OIP and OCR Districts for alternate regulation).
- 3. New religious or recreation fields listed in B.2 and 3 preceding. Recreation uses involving principal buildings shall be processed under the OIP or OCR overlay districts.
- 4. Educational facilities, whether public or private, boarding or non-boarding, including day care, pre-school, elementary, secondary and post-secondary. (See also OIP Overlay District).
- 5. Boarding and riding stables for horses; commercial dog kennels; or veterinary clinics.
- 6. Public fire stations or utility transmission substations. (See also PUL or OIP districts).
- 7. Communications broadcasting and relay towers.

E. Special Regulation: All of the principal, accessory, and conditional uses permitted by this district are subject to involving only incidental removal of existing woodlands, and minimal soil erosion. Preservation of the natural environment

17.07 PLANNED DEVELOPMENT PROJECTS

17.07-1 INTRODUCTION AND PURPOSE

(1) Uniform and Individual Lot Regulations: This Ordinance is predicated upon regulating the land development and use maintenance process primarily on an individual lot or tract basis, with all lots in the same district being subject to regulations which are uniform throughout that district, as prescribed by s.62.23(7)(b) Wis.Stats., in order to achieve the Purposes In View set forth in s.62.23(7)(c) and in section 17.00-6 of this Ordinance.

(2) Diversified and Grouped Lot Regulations: However, as also provided for in said s.62.23(7)(b), with the consent of the land owners, there may be, and hereby is established, a special district in which the regulations need not be uniform throughout the district, so that there may be permitted development regulations which have the same Purposes In View as s.62.23(7)(c) and section 17.00-6 of this Ordinance, but which seek to allow regulation on a project basis, possibly involving many lots or tracts or multiple structures, including possibly allowing more than one principal structure per lot, which regulations as set forth in said s.62.23(7)(b) Wis.Stats., will tend to promote over time the maximum benefits of:

- A. coordinated area site planning
- B. diversified location of structures
- C. mixed compatible uses
- D. safe and efficient pedestrian and vehicle traffic system
- E. attractive recreation and landscaped open spaces
- F. economic design and location of public and private utilities, and community facilities, insuring adequate standards for construction and planning

17.07-2 DISTRICT ESTABLISHMENT

(1) OPD Overlay Planned Development District: The regulations of this Section shall operate in conjunction with the application to specific tracts of land of the OPD Overlay Planned Development District as established in Sections 17.10 and 17.11 of this Ordinance.

(2) Minimum Area Required: In order to be regulated under this section, proposed project plans must be no less than the following minimum size:

<u>Proposed Principal Uses</u>	<u>Minimum Project Size</u>
Residential & Open Space Uses	400 100,000 square feet
Mixed Compatible Uses	200,000 square feet
Commercial or Industrial Uses	200,000 square feet

(3) Ownership Consent: As required by s.62.23(7)(b) Wis.Stats., a proposed development at the time of application of the OPD Overlay Planned Development District shall require the consent of the owners to the regulations as shall

apply to their individual tracts through the approved OPD district project plan.

(4) Pre-Mapping Permitted: With the consent of the owner at the time of mapping, the OPD overlay district may be Provisionally mapped (see section 17.14-7 (3) Provisional Zoning) for an indefinite period of time, notwithstanding the three year limit of 17.14-7(3), and without complying with the Petition and Determination requirements herein (see 17.07-4 (2) and 17.07-6) in cases where the Town Plan recommends eventual development via the OPD district and this section, and where the Town Board determines that pre-mapping of the OPD district will serve to encourage development via the OPD method. No zoning permit shall be issued under such pre-mapped OPD district until all the Petition and Determination requirements of this section have been fulfilled.

17.07-3 USES PERMITTED

(1) Underlying District Uses: All uses as permitted by the underlying district or districts within the boundaries of the overlay OPD district may be permitted in the project plan approved as part of the OPD regulations as stated therein, subject to (4) below. Said plan may also provide for excluding uses that are otherwise permitted by the underlying districts, or for follow-up approval of Building Site and Operational Plans as provided for in Section 17.05 of this Ordinance.

(2) Other Uses Permitted: In addition to (1) preceding, any other use permitted by this Ordinance may be permitted as part of the project plan approved as part of the OPD regulations, consistent with the approval criteria set forth in 17.07-5 hereunder.

(3) Individual Uses and Structures need not necessarily comply with the specific building location, height, building size, floor area ratio, lot size or open space requirements of the underlying district, provided that benefits as set forth in ss.66.23(7)(b) Wis.Stats. and 17.07-1(2) of this section justify deviation from said requirements.

(4) Conditional Use Processing: Uses permitted in an underlying district or elsewhere in the Ordinance by Conditional Use Grant, if not permitted by right in one of the underlying districts, shall only be permitted through the OPD regulations as a Conditional Use. The petition, application materials, and hearing for said Conditional Uses may be part of the OPD process to avoid dual processing, unless the OPD plan specifically determines that the Conditional Uses are to be separately evaluated and processed.

17.07-4 PROCEDURE

(1) **Pre-Petition Conference:** Prior to official submittal of a petition, the petitioner shall meet with the Planning Commission for a preliminary discussion as to the scope and proposed nature of the contemplated development, especially as relates to the petitioner's intentions to submit a General or Detailed application.

(2) **Petition:** Following the pre-petition conference, petition may be made to the Zoning Administrator by the owners or agents of properties proposed for such development, to amend the zoning map by the overlaying of an OPD District in order to permit the application of the provisions of this section to such development. Such petition shall be accompanied by a fee as required in Section 17.02-6, and the following information in appropriate detail as to the type of approval, General or Detailed, desired. (See Determination in Section 17.07-6)

A. **A Statement** describing the general character of the intended development and the desirability of applying the requirements of this section and the OPD district rather than those ordinarily applicable through basic underlying zoning. This statement should at least include:

1. **Statistical data** on total size of the project area, area of open space, residential density computation and proposed number of dwelling units, population analysis, market analysis, economic analysis, impact upon municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.

2. **A Financial Factors** general summary including the value of structures, estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price, and total anticipated development cost of the project.

3. **Organizational and Service Structure** general outline related to intended property owner's association, deed restrictions, and provision of private services.

B. **A General Development Plan** and related maps and plans including descriptive statements of objectives, principles and standards used in formulation of the project showing at least the following information as may be required by the Planning Commission and Town Board to apply the criteria for approval as hereinafter set forth:

1. An accurate map of the project area including its relationship to surrounding properties.

2. The pattern of public and private roads, driveways, and parking facilities and intended design standards.

3. The size, arrangement and location of lots or of proposed building groups.

4. The location of private recreational and natural open space areas and areas reserved or dedicated for public uses such as school, park, nature preserve, etc.

5. The type, size and location of structures.

6. General landscape treatment.

7. Architectural drawings and sketches or photos of similar developments illustrating the design and character of proposed structures.

8. The location of present and proposed sanitary sewer and other utility facilities if necessary to an evaluation of the project plan.

9. Existing topography and storm drainage pattern and proposed storm drainage system showing basic topography changes, if deemed necessary for project evaluation.

(3) **Referral to Planning Commission:** Such petition shall be referred to the Planning Commission and processed as a zoning change. Upon completion of necessary study and investigation, the Planning Commission shall make its recommendation to the Town Board as to the appropriateness and desirability of the application of the OPD District as relates to the suitability of the building, site and development plans and any additional conditions which the Commission may feel necessary or appropriate.

(4) **Public Hearing:** The Planning Commission, before taking affirmative action to approve such petition, shall hold a public hearing pursuant to statutory provisions for zoning amendments. Notice for such hearing shall include reference to the consideration of the proposed project development plans coincident with the requested zoning change to OPD.

17.07-5 BASIS FOR APPROVAL

The Planning Commission, in making its recommendations, and the Town Board, in making its determination, shall give consideration and satisfy themselves as to the following:

(1) **Construction Schedule:** That the proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following the approval of the project and requested overlay of the OPD District, and that the development will be carried out according to a reasonable construction schedule satisfactory to the Town.

(2) **Adequate Professional Assistance:** That the project plan is being prepared with adequate professional assistance, especially as relates to justifying deviation from standards as set forth in the underlying basic zoning districts or from other development standards such as for streets and utilities, and to achieving (3) and (4) below.

(3) **Conformity to Town Plan:** That the project plan serves to implement the spirit and intent of the Town Plan, especially as relates to preservation of conservation areas and creation of common open spaces, and to creation of a more diversified and interesting use pat-tern than might otherwise result from application of underlying zoning patterns.

(4) **Achievement of Purposes and Benefits:** That the project plan achieves the Purposes In View for zoning as set forth in s.62.23(7)(c) Wis.Stats. and Section 17.00-6 of this Ordinance, as well as the Benefits of Planned Development projects as set forth in s.62.23 (7)(b) Wis. Stats and Section 17.07-1(2) of this Ordinance.

(5) **Preservation and Care of Open Space:**

A. That the resultant common open space is suitable for its use as relates to location, access, size and shape, proposed degree of improvement for recreational use, or proposed degree of protection from damage if a natural or agricultural area;

B. That adequate guarantee for retention of proposed private open spaces in their proposed uses and against building or other development (except as consistent with the open space objective) shall be accomplished by conveying to the municipality as part of the conditions of approval, a land covenant to be approved by the Planning Commission and recorded at the County Register of Deeds office restricting the area as herein required;

C. That in the case of a private open space proposal, the care and maintenance of such open space shall be insured either by covenant running with the land, or by establishment of an appropriate management organization or property owner's association for the project, or by agreement with the municipality for establishment of a special service district for the project area on the basis of which the municipality shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the Town shall have the right to carry out and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the Town.

D. That ownership and tax liability of private open space areas shall be established in a manner acceptable to the municipality, and made a part of the conditions of the plan approval.

E. That adequate financial guarantee is being offered that such common open space will be developed or protected as proposed by the owners or developers in the form of bonds, sureties, or letters of credit acceptable to the Town pursuant to the procedures used in the building and platting of public streets.

(6) **Proposed Residential Developments:**

A. That such development will create an attractive residential environment of sustained desirability and economic stability, including placement of structures in relation to terrain and soils, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the neighborhood.

B. That the total average allowable residential density of the project has been computed according to the following:

1. **Measurable Area:** That portion of the underlying basic zoning which is a residential or commercial district, excluding existing street rights of way or open space easements.

2. **Average of Varying Districts:** Where the underlying zoning consists of more than one density of residential use, each separate density district shall be measured according to the schedule in 4. below, and the total of such measurements shall constitute the total allowable residential dwelling units, with the average per acre of that total constituting the allowable average density for computations where less than the total is proposed.

3. **Wetlands and Floodplains:** Where the project ownership contains wetland zoning, the total allowable density may be increased by the percentage which such zoning is of the total measurable project area, up to a maximum of 40%. Where floodplain zoning is present, there shall be available sufficient land outside of the flood zone that 60% of the project area is not subject to flooding.

4. **Residential Density Schedule:**

Underlying <u>Basic District</u>	Percentage <u>Factor</u>	Density Sq. Ft of Land <u>Per Dwelling</u>
AG	100%	130,000
RE	95%	40,000
RR	90%	130,000
R-1	85%	25,000*
R-1E	85%	36,000
R-2	85%	12,500*
R-3	100%	8,000*
B-1	100%	40,000*

*Triple if community sewer not available.

5. **Density Increase Permitted:** That an increase in the allowable maximum density not to exceed 10%, may be permitted upon recommendation of the Planning Commission, that the increased density is justified in terms of the relationship to open areas, service demand and the total quality and character of the project.

C. That the population composition of the development will not result in adverse effect from that anticipated in the Town Plan upon the community's capacity to provide needed school or other municipal service facilities.

D. That adequate guarantee is provided for permanent retention as "open area" of open land area resulting from the application of these regulations either by dedication to the public or by private reservation as regulated by Section 17.07-5(5) preceding.

(7) Proposed Commercial Developments:

A. That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship, and demonstrated tenant interest.

B. That the proposed development will be adequately served by off-street parking and truck service facilities.

C. That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect on the general traffic pattern of the area.

D. That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the aesthetics, enjoyment or property values of the surrounding neighborhood.

(8) Proposed Industrial Developments:

A. That the operational character, physical plant arrangement, and architectural design of buildings will be compatible with the performance standards and with good industrial development design, and will not result in adverse effect upon the property values or enjoyment of the surrounding neighborhood.

B. That the proposed development will have adequate provision for off-street parking and truck service areas and will be adequately served by rail or highway facilities.

C. That the proposed development is properly related to the total transportation system of the community and will not result in adverse effect on the safety and efficiency of the public streets.

(9) Proposed Mixed Use Developments:

A. That the proposed mixture of uses produces a unified composite which is compatible within itself and which, as a total development entity, is compatible with the surrounding neighborhood and consistent with the general objectives of the Town Plan.

B. That the various types of uses conform to the general requirements as herein before set forth, applicable to projects of such use character.

C. That allowable maximum residential density shall be computed in the same manner as provided for in (6) Proposed Residential Development, above.

17.07-6 DETERMINATION

(1) **Denial or Approval:** The Town Board after due consideration, upon recommendation of the Planning Commission, may deny or approve the petition as submitted or approve the petition subject to changes or additional conditions. Petitions which are approved become final only after application of the OPD District as provided for in Section 17.14 Changes and Amendments.

(2) **Representations and Conditions Incorporated:** The General or Detailed Approval of a petition and consequent amending of the Zoning Map by overlay of the OPD district shall be based upon, and thereby incorporate, all the representations contained in the petition and its accompanying written and other exhibits offered by the petitioner, as modified by the Town as part of the review and approval process.

A. **General Approval:** Plans submitted for such an approval need not necessarily be completely detailed at the time of Overlay zoning, provided they are of sufficient detail to satisfy the Planning Commission and Town Board as to the general character, scope and appearance of the proposed development. Such preliminary plan shall at least designate the pattern of proposed streets, and size and arrangement of lots as in the preliminary platting process which may indeed also be involved, the basic pattern of land use, with an illustration of a "typical" example of the development proposed. The approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses, so that all detailed approvals are complete before an Occupancy Certificate is required.

B. **Detailed Approval:** Plans submitted for detailed approval shall be sufficiently complete that the factors normally associated with issuance of a Zoning Permit under this Ordinance, such as a developer's agreement or approval of a property division under the Subdivision Ordinance, are presented. Without prejudice because of enumeration, this can include information related to section 17.05 Approval of Building, Site, and Operational Plans; to section 17.06 Conditional Uses; to section 17.04 Performance Standards; and to preliminary or final plats under the Subdivision Ordinance.

(3) **Subsequent Changes:** Proposed changes to approved project plans, judged insubstantial by the Planning Commission, may be approved by the Commission and added to the project file. Proposed changes which the Commission

judges to be substantial shall require approval by the Town Board, after review and recommendation by the Commission and after Public Hearing as set forth in 17.07-4(4) preceding.

(4) **Project Terminations:** Approved Planned Development Projects including those which have begun development under the terms of the approved project plan, may be modified so as to terminate all or some of the special conditions approved under the plan, in order to return to basic underlying zoning regulations for all or some of the developed or undeveloped portions of the project area.

A. **Petition:** Where the original project petitioner or their successors are able to initiate a petition, they may file a petition seeking project plan termination, suggesting how areas already developed under the project plan may be made conforming to underlying zoning regulations, or how those areas might remain under a reduced area project plan. Where said original petitioners are no longer able to file such a petition, the Planning Commission may act as a petition filer.

B. **Hearing and Recommendations:** When a petition is filed to terminate a project plan in whole or part, the Commission shall hold an informational hearing, notifying all affected parties, so that the Commission may learn what form of project plan termination would best serve the interests of all affected parties. The Commission shall then recommend to the Town Board such project plan modifications or termination as it deems appropriate. The Town Board shall treat said recommendation as a zoning petition, and hold the necessary hearing before acting.

C. **Determination:** In the manner set forth in (1) to (4) preceding the Town Board shall act upon the petition. The project file and Zoning Map shall be appropriately modified with the changes adopted by the Board, and as necessary, any land covenants, plats or other recorded documents amended as required to conform with the revised regulations, with the costs apportioned as directed by the Board.

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