

Town of West Point

Plan Commission Minutes

March 21, 2013

Pursuant to Wisconsin State Statutes s. 19.84, the Plan Commission of the Town of West Point held its semi-monthly meeting on Thursday, March 21, 2013 at the West Point Town Hall, N2114 Rausch Road, Lodi, Wisconsin. The meeting agenda was posted in three places as required by law and on the Town's web site. Chairman Kevin Kessler called the meeting to order at 7:03 p.m. Members present were: Kevin Kessler, Ashley Nedeau-Owen, Byron Olson, Fred Madison, Mathew Zeman (Town Board Representative for Gordon Carncross) (7:07 p.m.), Wayne Houston, Fred Madison and Nathan Sawyer (7:04 p.m.). Also present were Edith K. Eberle, Town Clerk, and Taffy Buchanan, Deputy Town Clerk. Excused absence was Gordon Carncross.

Agenda #2 – Approval of Agenda – A motion was made by Ashley Nedeau-Owen to approve the agenda, 2nd by Wayne Houston – motion carried unanimously.

Agenda #3 - Approve Minutes – Copies of the March 7, 2013 Plan Commission minutes had been emailed to each member for their review. A motion was made by Fred Madison to approve the minutes as presented, 2nd by Wayne Houston – motion carried.

Agenda #4 - Correspondence – None

Agenda #5 - Citizen Input on non-agenda topics – None

Agenda #6 - Public Hearing for a Conditional Use Permit for Stephen (Chris) Haynes at N2288 Trails End, Lodi, WI 53555. The Conditional Use Permit is for Columbia County Zoning Ordinance Chapter 16-150-070 D. The property owner has requested approval to use the residence for a short term rental which is allowed under the County Zoning Ordinance with a conditional use permit. – Deputy Town Clerk, Taffy Buchanan, sent out 32 letters to residents within 1000 feet of N2288 Trails End. The Public Hearing was opened at 7:08 p.m. A petition opposing the proposed Conditional Use Permit was submitted that was signed by 23 neighboring citizens. The following people registered their appearance at the

public hearing or sent letters “for” or “against” the Conditional Use Permit for tenant rooming house:

- Laura Varney, W10958 W. Harmony Dr. (not a West Point resident) – registered but did not speak - “for”
- William N. Roark, 4801 Sheboygan, Madison (landowner on Trails End) – concerned about impact of what remains of “Little Marsh” – registered and spoke “against”
- Tom Fisher, N2366 Trails End – registered and spoke - could affect safety of people walking and using Smith Park Road – “against”
- Kent Ramquist, N2369 Trails End – registered and spoke - could drive property prices down – “against”
- Scott Commings, N2310 Trails End – registered and spoke - His dad build their place in 1965. People should be able to enjoy their vacation, but be respectful to their neighbors. – “against”
- Phil Salkin, 944 Autumn Woods, Oregon (Represented the Wisconsin Realtors Association) - registered and spoke - He feels Tourist Rooming Houses help the owners hold on to property and helps bring in revenue to the community. – “for”
- Fred Bossard, N2296 Trails End – (property owner – not a resident) - registered and spoke - He has been a property owner here for 48 years, He is concerned about the possibility of vandalism and the effect on their wells from people servicing their boats in there. There is no supervision, like when there’s an on-site manager. – “against”
- Hank Loncki, N2396 Trails End – registered and spoke - There has been noise from car horns, bonfires, people talking, and fireworks. He said they called the Sheriff about the fireworks, but the people quit five minutes before the Sheriff arrived. – “against”
- Gary Hoffman, N2344 Trails End – registered and spoke - Concerned for the safety of their young daughter, and was wondering if they do Background Checks. – “against”
- Nancy Roark, landowner on Trails End – registered but did not speak - “neither for nor against”
- Flo Roth, 544 Hilltop Dr., Madison (not a West Point resident) – registered but did not speak – “for”
- Joanne Bader, N2340 Trails End – registered and spoke - Lived here since 1962 and after hearing the issues brought up at the public hearing, she would feel guilty doing this to her friends. Did not indicate “for”, “against” or “neither” on the appearance slip.

- George Wirtanen, N2354 Trails End – registered, but did not speak. “for”
- Steve Witherspoon, 515 Seminary Street, Lodi, WI. (not a West Point resident) - registered but did not speak – “for”
- Philip Bossard, N2296 Trails End, (property owner, not a resident) – registered and spoke) People left a bonfire unattended and has photos of nine cars being parked there. – “against”
- Paula Zwiebel, N2360 Trails End, sent letter – “against”
- Judy Spek Haynes, 250 N. Summit Moors Drive, Oconomowoc (N2288 Trails End) (property owner. not a resident) – registered and spoke - The whole neighborhood has fires and set off their car horns. They have never been given any notice of a Sheriff call. They do background checks, not for sexual predators but the she will look into it. They talk to their renters 3 or 4 times before they rent to them. They re-did their contracts to include these restrictions: no bonfires during “no burn” times, no loud music after 10:00 p.m., no fireworks permitted, no vehicles or trailer on the road, maximum of 4 cars allowed, and pets must stay in gated area in yard and be cleaned up after. – “for”
- Stephen (Chris) Haynes, 250 N. Summit Moors Drive, Oconomowoc (N2288 Trails End) – (property owner and applicant. not a resident) – registered and spoke - Everyone should not be judging people they haven’t met. There is no tangible evidence of problems. If needed they could get a local manager to handle any issues. Tourist Rooming Houses attract tourists and prohibiting weekly rentals could cost millions in revenue to the community. Tourist Rooming Houses should be regulated not prohibited. – “for”

The Plan Commission responded to brief questions from the audience. Kevin Kessler read portions from the Columbia County Ordinance for informational purposes in response to questions. The Public Hearing was closed at 8:27 p.m.

Agenda #7 - A Conditional Use Permit for Stephen (Chris) Haynes at N2288 Trails End, Lodi, WI 53555. The Conditional Use Permit is for Columbia County Zoning Ordinance Chapter 16-150-070 D. The property owner has requested approval to use the residence for a short term rental which is allowed under the County Zoning Ordinance with a conditional use permit. – A motion was made by Fred Madison to recommend to the Town Board to recommend to Columbia County the approval of the Conditional Use Permit for Stephen (Chris) Haynes subject to conditions, 2nd by Ashley Nedeau-Owen. – Roll call vote as follows:

Matt Zeman – no; Bryon Olson – no; Ashley Nedeau-Owen – no; Fred Madison – no; Wayne Houston – no; Nathan Sawyer – no; Kevin Kessler – abstained - motion failed. Chairman Kessler explained that although he had no conflict of interest, he would at his discretion abstain from voting on this agenda item due to his residence in the neighborhood. A motion was made by Byron Olson to recommend to the Town Board that no permit be granted because it would be detrimental to the general welfare of the occupants of surrounding lands and the use would change the essential character of the same area such that the use will substantially impair or diminish the use, value or enjoyment of the existing or future permitted uses in the area. The motion included other additional narrative. There was no 2nd - motion died. A motion was made by Wayne Houston to recommend to the Town Board to deny the conditional use permit for cause, 2nd by Fred Madison. – Roll call vote as follows: Matt Zeman – yes; Bryon Olson – yes; Ashley Nedeau-Owen – yes; Fred Madison – yes; Wayne Houston – yes; Nathan Sawyer – yes; Kevin Kessler – abstained - motion carried. A motion was made by Byron Olson to find that County ordinance section 16-150-070-D. criteria #1 and #2 would not be satisfied based upon Findings of Fact: #1 that the proposal would be detrimental to the general welfare of the occupants of surrounding lands and the use will change the essential character of the general vicinity, and #2 that the use will substantially impair or diminish the use, value, and enjoyment of existing and future permitted uses in the area, 2nd by Wayne Houston. – Discussion followed. Passage of the motion would mean that criteria #1 and #2 on the County form for findings of fact would be checked as “not satisfied”. Roll call vote as follows: Matt Zeman – yes; Bryon Olson – yes; Ashley Nedeau-Owen – yes; Fred Madison – yes; Wayne Houston – yes; Nathan Sawyer – yes; Kevin Kessler – abstained -motion carried. A motion was made by Fred Madison to find that County ordinance section 16-150-070-D. criterion #5 would not be satisfied. , 2nd by Wayne Houston. Discussion followed. Passage of the motion would mean that criterion #5 on the County form for findings of fact would be checked as “not satisfied”. (Criterion #5 is that the site has adequate utilities including, if necessary, acceptable disposal systems.) - Roll call vote as follows: Matt Zeman – yes; Bryon Olson – yes; Ashley Nedeau-Owen – yes; Fred Madison – yes; Wayne Houston – yes; Nathan Sawyer – yes; Kevin Kessler – abstained - motion carried. Discussion followed regarding the County form. Kevin Kessler believes that Section 16-150-070-C.3. of the County ordinance requires that only the Town findings of fact “address” all the criteria in sub. D. He believes that if there is a finding that at least one of the criteria is not satisfied, the ordinance would not require a determination of “satisfied” or “not satisfied” for all the other criteria. The form provided by the County does not appear to

allow that option, however. A motion was made by Ashley Nedeau-Owen to find the following criteria are satisfied: #3 – (the erosion, potential of site based on topography, drainage, slope, soil type, and vegetative cover); #4 – (the prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands); and #6- (Access to street and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.), 2nd by Byron Olson – Roll call vote as follows Matt Zeman – yes; Bryon Olson – yes; Ashley Nedeau-Owen – yes; Fred Madison – no; Wayne Houston – no; Nathan Sawyer – yes; Kevin Kessler – abstained - motion carried. A motion was made by Ashley Nedeau-Owen to find criterion #7 is not satisfied: (the conditional use shall conform with the standards of the applicable district in which it is located) ,2nd by Byron Olson – Roll call vote as follows: Matt Zeman – yes; Bryon Olson – yes; Ashley Nedeau-Owen – yes; Fred Madison – yes; Wayne Houston – yes; Nathan Sawyer – yes; Kevin Kessler – abstained - motion carried. A motion was made by Kevin Kessler to indicate on the section of the County form reserved for further explanation of the Findings of Fact, that copies of the Plan Commission and Town Board minutes are attached, 2nd by Wayne Houston – motion carried unanimously.

Agenda #8 - A Conditional Use Permit for David Mitchell at W12618 Pleasant View Park Road, Lodi, WI 53555. The Conditional Use Permit is for Columbia County Zoning Ordinance Chapter 16-150-070 D. The property owner has requested approval to use the residence for a short term rental which is allowed under the County Zoning Ordinance with a conditional use permit. - A motion was made by Byron Olson to recommend to the Town Board to deny the conditional use permit for the same causes cited in the previous action for Stephen (Chris) Haynes, 2nd by Nathan Sawyer. Discussion followed. Kevin Kessler discussed correspondence from the attorney for the applicant and from the County regarding the tourist rooming house use on the subject property was a legal pre-existing non-conforming use. He indicated that the parties agree that this is a pending legal matter of authority and interpretation between the County and the applicant. The Town does not have any independent zoning authority. Passage of the motion would mean that criteria #1, #2, #5 and #7 on the County form for findings of fact would be checked as “not satisfied”. Criteria #3, #4, and #6 would be checked as “satisfied”. The criteria are as follows #1 - the establishment, maintenance or operation of the proposed use will not be detrimental to or endanger the public health, safety or general welfare of the occupants of surrounding lands; and #2 - the use will be designed, constructed, operated and maintained so as to be compatible and be appropriate in

appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value or enjoyment of existing or future permitted uses in the area, on the Findings of Fact not satisfied, based on it would be detrimental to the general welfare of the occupants of surrounding lands and the use will change the essential character of the general vicinity, and that the use will substantially impair or diminish the use, value, and enjoyment of existing and future permitted uses in the area; #3 - the erosion, potential of site based on topography, drainage, slope, soil type, and vegetative cover; #4 - the prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands; #5 - the site has adequate utilities including, if necessary, acceptable disposal systems; #6 - access to street and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow; and #7 - the conditional use shall conform with the standards of the applicable district in which it is located. – Roll call vote as follows: Matt Zeman – yes; Bryon Olson – yes; Ashley Nedeau-Owen – yes; Fred Madison – yes; Wayne Houston – yes; Nathan Sawyer – yes; Kevin Kessler – yes - motion carried.

Agenda #9 Chapter 6 Land Division and Subdivision Ordinance – Kevin Kessler is working with Attorney Jeff Clark on the Chapter 6 Land Division and Subdivision Ordinance. A motion was made by Kevin Kessler to postpone, 2nd by Wayne Houston – motion carried unanimously.

Agenda #10 Siting Criteria for new Homes in Rural Area – A motion was made by Fred Madison to recommend to the Town Board to authorize the Town Engineer to develop a process and an additional fee if necessary to review a new home siting applications based upon criteria in the Comprehensive Plan and to add any additional cost to the driveway fee, 2nd by Wayne Houston – motion carried unanimously.

Agenda #11 Wind Turbines – A motion was made by Wayne Houston to postpone, 2nd by Ashley Nedeau-Owen – motion carried unanimously.

Agenda #12 Broadband Infrastructure Update – No meeting.

Agenda #13 Town Board Report – No report.

Agenda #14 Next Meeting Agenda – April 4, 2013 – Public Hearing for Gasser Brothers Plat of Survey; Gasser Brothers Plat of Survey, Chapter 6 Land Division and Subdivision Ordinance; Wind Turbines; Report on Broadband Infrastructure; and Town Board Report, and any other business that may legally be brought before the Plan Commission.

Agenda # 15 Adjourn Meeting – A motion was made by Fred Madison to adjourn the March 21, 2013 Plan Commission meeting at 9:55 p.m., 2nd by Wayne Houston – motion carried unanimously.

Respectfully Submitted by
Taffy Buchanan
Deputy Town Clerk