

Town of West Point Plan Commission Minutes December 5, 2019

Pursuant to Wisconsin State Statutes s. 19.84 the Plan Commission of the Town of West Point held its semi-monthly meeting on Thursday, December 5, 2019 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 website. Chairman Kevin Kessler called the meeting to order at 7:01 p.m. Members present were Kevin Kessler, Nathan Sawyer (7:06pm), Renee Nair, Darrell Lehman, Byron Olson, Ron Grasshoff, and Gordon Carncross (Town Board Representative). Also present was Taffy Buchanan, Town Clerk.

Agenda #2 – Approval of Agenda – A motion was made by Renee Nair to approve the agenda, 2nd by Ron Grasshoff – motion carried unanimously.

Agenda #3 Approve Minutes – Copies of the November 4, 2019 Plan Commission minutes had been emailed to each member for their review. A motion was made by Renee Nair to approve the minutes with a minor correction, 2nd by Ron Grasshoff – motion carried unanimously.

Agenda #4 Correspondence – The Town Clerk received an email from Steve Bodenschatz wondering if the Town had received the rezoning package from the County and when they would be on the agenda. Ron Grasshoff is going to attend Columbia County meeting about the modification of their Land & Water Resource Management Plan.

Agenda #5 Citizen Input – None

Agenda #6 Public Hearing for a Conditional Use Permit for Brandon & Carrie Finley, N2196 Blackhawk Drive, Lodi, WI. 53555 - Tax Parcel #11040-972.01, in Section 11, Town 10N, Range 7E. The Conditional Use Permit is required by Columbia County Zoning Ordinance Section 16-110-020. The house is a single family dwelling and the property is zoned SF-1 Single Family Residential. The property owner has requested approval to use the residence for short term rental or Tourist Rooming House which is allowed under the County Zoning Ordinance

with a conditional use permit. – The public hearing was opened at 7:08pm. Taffy Buchanan, Town Clerk, stated 37 letters were sent to landowners within 1000 feet to notice them about the public hearing. The Town received 1 notice back marked undeliverable. Brandon Finley explained the proposed of the CUP for a Tourist Rooming House. Brandon Finley stated they are living in the house right now while they are remodeling their other house, but are looking to rent it out once their other house is finished. Their other house is in Selwood, so they are close by for any issues that come up while they are renting the Trails End house. No one else presented comments or registered at the public hearing and no written comments were received. The public hearing was closed at 7:11pm.

Agenda #7 Public Hearing for a Land Division, Rezone, and Variance for Scott Earnest & Kathryn Livesay, at W12497 County Highway V, Lodi, WI 53555, for a 2-lot Land Division and Rezoning from A-1 Agriculture to RR-1 Rural Residential and A-1 Agriculture with an A-4 Agricultural Overlay. A variance request has also been received for a driveway over 1000 feet. The parcel is #11040-107 Section 9, Town 10N, Range 7E in the Town of West Point. This parcel will be divided through a Certified Survey Map into 2 lots. – The public hearing was opened at 7:12pm. Taffy Buchanan, Town Clerk, stated 16 letters were sent to landowners within 1000 feet to notice them about the public hearing. The Town received 1 notice back marked undeliverable. Scott Earnest explained the proposal. They would like to build a house and shed on the land and according to Columbia County Ordinances you cannot build a residence on land zoned A-1. In order to build a house they have to rezone 5 acres to RR-1 Rural Residential and have the rest of their land zoned A-1 Agriculture with an A-4 Overlay. They also need a waiver of access granted since they do not have road frontage and a variance to the 1000 feet shared driveway maximum. No one else presented comments or registered at the public hearing and no written comments were received. The public hearing was closed at 7:15pm.

Agenda # 8 Public Hearing for a Minor Land Division for Lucille R. Foster Trust c/o Kathy Esser, 455 S. Junction Road, Madison, WI 53719. The parcels being affected are #11040-164.A and #11040-165. The present parcel #11040-164.A would be expanded with a 66' wide addition from the present parcel #11040-165 to provide frontage on Fjord Road. That parcel would be "Lot 2" of the proposed minor land division. In addition, a new lot of approximately 5.32 acres ("Lot 1") would be created by removing it from the present parcel and #11040-165. In accordance with s. 6.12(B)(1) of the ordinance, the applicant may request to be

excused from several submittal requirements normally applicable to major land divisions. – The public hearing was opened at 7:15pm. Taffy Buchanan, Town Clerk, stated 29 letters were sent to landowners within 1000 feet to notice them about the public hearing. The Town received 1 notice back marked undeliverable. Jim Grothman explained the proposed minor land division. Justin & Neisha Vils, N1740 Fjord Road, were present at the public hearing because they wondered if a driveway was going in and how the proposed lot might affect their property. No one else presented comments or registered at the public hearing and no written comments were received. The public hearing was closed at 7:22pm.

Agenda #9 Conditional Use Permit for Tourist Rooming House for Brandon & Carrie Finley, N2196 Blackhawk Drive, Lodi, WI. 53555 - Tax Parcel #11040-972.01. - The summary report from Columbia County did not seem to have all the necessary information. A motion was made by Ron Grasshoff to go through each of the Findings of Fact and ask questions of the applicant as we go through them, 2nd by Gordon Carncross – motion carried unanimously. A motion was made by Ron Grasshoff to find criteria’s #1, #2, & #5 to be found “satisfied with conditions” 1-17 listed on the County Report under “Items for Consider” and additional conditions: 1) proof of commercial insurance as a Tourist Rooming House is provided, 2) the rental agreement is adjusted to limit it to 3 vehicles on the property, 3) the rental agreement is incorporated into the CUP and conditions, 4) the well is sampled and found to be safe, and 5) the septic system is found satisfactory for the number of bedrooms; in addition, Ron Grasshoff’s motion was to find criteria’s #3, #4, #6, & #5 to be found “satisfied”, 2nd by Nathan Sawyer – motion carried unanimously. Conditions 1-17 listed on the County Report under “Items for Consider” are: 1. The Conditional Use Permit is not transferrable to another owner; 2. Accessory structures shall not be used as habitable structures; 3. Pets shall be contained on the rental property; 4. Establishment of quiet hours. Typical conditions include quiet hours between 10:00 pm and 8:00 am on weekdays and 11:00 pm and 8:00 am on weekends; 5. All fires shall be in a proper fire pit structure, and shall be extinguished during established quiet hours; 6. The use of fireworks shall be prohibited; 7. The use of firearms shall be prohibited. 8. Special events or parties shall be prohibited; 9. Parking must be provided on-site, with a maximum of 3 vehicles allowed; 10. Occupancy associated with the Tourist Rooming House shall be limited to 8 persons; 11. Provide the Planning and Zoning Department, Town Chair, Town Clerk and Town Constable with a 24-hour contact number; 12. A sign no larger than 12” by 18” shall be placed near the primary entrance door with a 24-hour

contact number in case of a complaint or emergency. If the owner does not live within one hour's drive of the tourist rooming house, there shall be a local contact person; 13. A state sales tax number must be obtained and provided to the Planning and Zoning Department; 14. Property must remain free from citation and charges for nuisance, disorderly conduct or other illegal activity; 15. Garbage and recycled materials shall be properly stored; 16. Owner's website or other advertising shall state there are conditions associated with this use; 17. The Planning and Zoning Department shall have the right of inspection for the purpose of determining compliance with this permit during normal working hours or upon reasonable notice outside of normal hours. A motion was made by Byron Olson to recommend to the Town Board that they make the Finding of Facts recommended by the Plan Commission and to recommend to Columbia County that they approve the CUP with the above conditions, 2nd by Ron Grasshoff – motion carried unanimously.

Agenda #10 CSM Review for Land Division, Rezone, and Variance for Scott Earnest & Kathryn Livesay, at W12497 County Highway V, Lodi, WI 53555 - Tax Parcel #11040-107 – A motion was made by Ron Grasshoff to excuse the applicants from the following citations: 6.08(B)(1) subsections E, F, G, H, I, J; 6.08(B)(2); 6.08 (B)(3) (entire subsection); 6.08(B) (4) (entire subsection); 6.08(B) (7) in accordance with 6.12(B)(1) of the West Point Code of Ordinance, 2nd by Gordon Carncross – motion carried unanimously. A motion was made by Kevin Kessler to recommend approval of the waiver of access to a public road and an additional waiver to exceed 1000 feet for the length of the driveway, 2nd by Ron Grasshoff – motion carried unanimously. A motion was made by Kevin Kessler to recommend to the Town Board to approve the CSM subject to the conditions suggested by the Town Attorney if such suggested conditions were completed by the January Town Board meeting, 2nd by Renee Nair – motion carried unanimously. The Town Attorney suggested Covenants & Restriction include the deed restriction for the A-4 overlay, the map with the building envelope, and the coupling of the two parcels. A “park fee” of \$900.00 would also need to be paid since a new lot has been created. Ron Grasshoff noted part of the parcel is in an environmental corridor indicated in the Town's Comprehensive Plan's Maps.

Agenda #11 CSM Review for Minor Land Division for Lucille R. Foster Trust for Tax Parcels #11040-164.A and #11040-165. - A motion was made by Renee Nair to excuse the applicant from the following citations: 6.08(B)(1) subsections E, F, G, H, I, J; 6.08(B)(2); 6.08 (B)(3) (entire subsection); 6.08(B) (4) (entire

subsection); 6.08(B) (7) in accordance with 6.12(B)(1) of the West Point Code of Ordinance for the CSM pending before the Plan Commission with the understanding of the additional information submitted this evening satisfied some citations, 2nd by Ron Grasshoff – motion carried unanimously. The Town Attorney provided nine proposed conditions to the Plan Commission to consider before approving the CSM (*attached to the minutes*). The Plan Commission made an edit to #3, taking out “and approval of the Columbia County Board of Supervisors as to the road dedication” and an edit to #6 adding “financial” before the word “consideration”. The Plan Commission also wants the Town Attorney to add 3 more conditions concerning: recording a shared access and driveway easement agreement; a letter approving of the CSM; and Declaration of Covenants & Restrictions prohibiting further division of Lot 1. These would be numbered 10, 11, and 12. A motion was made by Kevin Kessler to recommend to the Town Board approval of the CSM submitted with the recommended conditions 1 thru 12 with the edits to 3 and 6, 2nd by Byron Olson – motion carried unanimously.

Agenda #12 Town Board Report – Gordon Carncross gave the Town Board report.

Agenda #13 Set Next Meeting Date – The next meeting will be scheduled as needed.

Agenda #14 Adjourn Meeting - A motion was made by Renee Nair to adjourn the December 5, 2019 Plan Commission meeting, 2nd by Ron Grasshoff – motion carried unanimously. The meeting was adjourned at 10:08pm.

Respectfully Submitted by
Taffy Buchanan, Town Clerk

**FOR PLAN COMMISSION CONSIDERATION
PROPOSED
RECOMMENDED CONDITIONS OF APPROVAL
OF
FOSTER TRUST/WEYNAND CSM
[GROTHMAN FILE NO. 719-314]**

The Plan Commission hereby recommends approval of the Foster Trust/Weynand CSM to the Town Board provided all of the conditions set forth below are met prior to the time the CSM is submitted to the Town for final execution and recording:

1. Execution of a Declaration of Covenants, Conditions and Restrictions in a form acceptable to the Town Attorney and Town Chair, providing that no building permit shall be issued by the Town for Lot 2 of the CSM until the Applicant complies with all applicable provisions of Chapter 12 of the Town's Code of Ordinances regulating construction and maintenance of driveways, including Section 12.21, Engineering Plan Components.

2. Payment of a fee in lieu of park land dedication for the newly created Lot 1 of the CSM as required by Section 6.17(E) of the Code in the amount of \$900.00.

3. Obtaining final written approval of the CSM by Columbia County Planning and Zoning Department and approval of the Columbia County Board of Supervisors as to the road dedication prior to the recording of the CSM.

4. Execution by the land divider(s) of the Town's Notice of Responsibility Agreement acknowledging payment of all fees and expenses incurred by the Town in connection with the review of the CSM and all related documents including, but not limited to, all review fees including the fees of the Town Attorney and Town Engineer. All fees to be paid current prior to or at the time the final CSM is execute by the Town.

5. Pursuant to Section 6.14(E) of the Code, depict of the required Building Envelopes on Lots 1 and 2, which locations shall be approved by the Town Board and which map shall be incorporated into a Declaration of Covenants, Conditions and Restrictions in a format acceptable to the Town Attorney and Town Chair and recorded along with the final CSM.

6. That the Town Board, for consideration acceptable to it, dedicate Outlots 2 and 3 of The Fjords for public road purposes to establish public road frontage for Lots 1 and 2 of the CSM and adjoining lands.

7. Verification of payment of all outstanding real estate taxes as of the date the Town is requested to execute the final CSM for Lots 1 and 2 or the lands from which Lots 1 and 2 are derived.

8. Recording of the CSM with six (6) months of the final approval of the CSM by the Town Board and, failing same, a new review and re-approval shall be required pursuant to Section 6.14(F) of the Code.

9. Providing satisfactory evidence to the Town Attorney of the existence of the Lucille R. Foster Trust and the trustee's or trustees' authority to execute all documents related to the CSM on behalf of the Trust.