

TOWN OF ALGOMA
WINNEBAGO COUNTY, WISCONSIN
PLANNING COMMISSION MEETING
Wednesday, January 9, 2019 at 6:00 pm
Algoma Town Hall
15 N. Oakwood Road, Oshkosh, WI 54904

AGENDA

The Commission may discuss and act on the following:

1. Call to Order.
2. Roll Call.
3. Discussion and possible action re: Minutes from December 12, 2018.
4. Discussion and possible action re: Preliminary plat approval, Lakevista Estates development.
5. Adjourn.

NOTE: It is possible that members of other governmental bodies of the municipality may be present at the above scheduled meeting to gather information about a subject over which they have decision-making responsibility. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town Hall Office at 920-235-3789.

**TOWN OF ALGOMA
WINNEBAGO COUNTY, WISCONSIN
PLANNING COMMISSION MINUTES FOR
DECEMBER 12, 2018**

The Planning Commission meeting was called to order by Chair Clark at 6:05 p.m.

The following Commission members were present: Patricia Clark, Daniel Martin, Dewey Nelson, Audra Hoy, Kristine Timm and Mark Thompson.

The following were also present: Administrator Benjamin Krumenauer, Clerk Deborah Stark and Town Attorney Emily Dunham.

On a motion by Member Timm/Thompson, passed on a voice vote, the Commission approved the minutes of the November 14, 2018 meeting.

Attorney Dunham clarified that the Commission makes a recommendation to the Town Board and the Town Board makes a recommendation to Winnebago County Zoning. Winnebago County Zoning has the final say in this matter. Attorney Dunham recommended that any motion contain a change to the Resolution. On the Resolution from Winnebago County the Proposed Zoning states R-3 Suburban Medium Density Residential. Cary Rowe, Zoning Administrator for Winnebago County, says density is not a part of the zoning change and the petitioners have not asked for a density change. His recommendation is to strike the word "medium" and replace it with "low".

Chair Clark told the Commission that the item up for discussion and possible action was the rezoning of lots 002-0028-19-05 and 002-0030 to R-2 Suburban Residential and R-3 Two-Family Residential.

Administrator Krumenauer showed the maps of the development. He said that the Commission has held three previous meetings on this subject with 2 tabling the issue. The land use map recommends low density residential. The Winnebago County land use matrix was displayed showing the permitted uses of R-2 and R-3.

The Petitioners and Developers, Randy Schmiedel and Eric Hoffman, said that they have indefinitely scrapped the three story apartment complex. Mr. Schmiedel owns two properties on Leonard Point Lane and he approached the Leonard Point Lane Homeowners Association offering to create a cul-de-sac at the end of the lane so the buses and trucks have a turn

around. He was turned down by the Association. The proposed zoning and plat are consistent with other developments in the Town. He also went on to state the desire to make a compatible development that provides housing options for all Town and regional neighbors that wish to live in the community.

Dr. Timothy Hess of Invista Analytics is a statistician who works in the real estate consulting field. He estimated the total value of the development at \$30,290,000.00. When this is added to the Town's current valuation and provided nothing else changes, he projects a 4.8% reduction in the property tax levy. Using Oshkosh area data from a manuscript that was published in February, 2018, he found no loss in property values when single residences were next to duplexes.

There were no additional technical questions at this time.

Chair Clark verbalized the parameters for public comment and then opened the meeting up for comment.

Jay Jones of 1762 Leonard Point Road said that this piece of property has been in the family for 169 years. The land is supposed to be the retirement funds for his parents. He also requested that the Commission's decision be based on facts not hearsay.

Connie McDonald of 3218 Leonard Point Lane conveyed that low density is the issue and nothing else.

Dick Hanusa of 3368 Leonard Point Lane said that the surrounding area is all R-1 and R-2. The Commission is supposed to represent all the people attending the meeting and after voting he hopes that the Commissioners can look everyone in the eye and justify their vote.

Jeff Rogers of 1819 Sunkist Road addressed rental properties among single family homes. You can't always control tenants, so carefully consider rentals.

Developer and Petitioner Eric Hoffman said that the duplex lots are larger than necessary to keep the density low. They could make the lots smaller and still have the same density. The intent is to have twin homes where the owner occupies half of the home. Mr. Hoffman showed examples of twin homes that they have already built. They are planning on having covenants that will cover the single families and the twin homes.

Jessica Miller of 3447 Charlie Anna Drive asked about drainage because she has a sump pump that runs constantly.

Jayna Stark of 1540 Sheboygan Street said that she would like to see a natural area in the development that would encourage community gardens, etc.

Angie Henslin of 1580 Milton Circle asked that if the zoning was changed do the developers have to build all the pretty single and twin houses with covenants.

Jason Wianecki of 1700 Lake Breeze Road asked if the lots would be smaller if there were no R-3.

Mina Kuss 1759 Lake Breeze Road said that the Town does not need an R-3 area as the City of Oshkosh is making accommodations for this type of housing with their new developments.

Peter Donner of 3330 Leonard Point Lane pointed out that R-2 is low density. The concern is the R-3 portion, not stopping the development.

Paul Schmidt of 1951 Scarlet Oak Trail noted that everything around the area is single family and not duplexes. The duplexes are not consistent with development in the area. The Commission owes the citizens an explanation of why they voted a certain way. Post college students want to live in apartments, not duplexes. The developers will come back with an apartment complex on the undeveloped area. Their intent is to make the area high density.

Kari Vis of 4100 Westview Lane said the Leonard Point Road cannot handle any more traffic.

Developers and Petitioners Randy Schmiedel and Eric Hoffman reiterated that covenants will be a part of the total development.

Carl Stechly of 1111 Honey Creek Road said we don't want R-3, why do you (the developers) want it? He also mentioned his concerns over secondary impacts of development such as construction impacts, traffic changes, snow, cost to development, schools, etc.

Developers and Petitioners Randy Schmiedel and Eric Hoffman replied that with the R-3 they are trying to create housing that is affordable for more people. Currently, there aren't many affordable options in the Town of Algoma. They would like people to be able to live in a great neighborhood in the Town of Algoma.

Tim Finley of 1255 Willow Springs Road said he moved to the area because of Oakwood School. The school is already overcrowded so where will all of these new children attend school.

The Public Comment portion of the meeting ended at 7:13 p.m.

Commission Member Martin made the comment that the school situation has been addressed previously.

A motion was made by Commission Member Martin, seconded by Commission Member Hoy to recommend to the Town Board the approval of the rezoning of lots 002-0028-19-05 and 002-0030 to R-2 Suburban Residential and R-3 Two-Family Residential with the word "medium" struck from the Winnebago County Resolution and replaced with the word "low".

Member Thompson pointed out that the duplexes in the Town are mainly along the Highway 21 corridor, so the area should be zoned R-2 only.

No other discussion was held by the Commission.

The Commission responded to the motion with a roll call vote:

Hoy – Yes, R-2 and R-3 can be low density, the traffic capacity on Leonard Point Road is only at 50%, school situation cannot be controlled by the Town

Martin – Yes, consistent with the Comprehensive Plan, R-2 and R-3 can be low density, traffic is not an issue, cannot control schools

Nelson – No, R-3 does not fit in with land use

Timm – Yes, meets all compliance requirements of Town of Algoma Ordinance §225.39

Thompson – No, does not requirement for future land use plan

Clark – Yes, duplexes and condos in the area, whether or not the home is owner occupied or a rental there is no guarantee that the occupants will be good neighbors

The motion was carried 4 – 2 on a roll call vote.

On a motion by Members Thompson/Nelson, passed on a voice vote, the Commission adjourned at 7:24 p.m.

Respectfully submitted,
Deborah L Stark, WCMC
Clerk

Date: January 3, 2019

To: Town of Algoma Planning Commission

From: Benjamin Krumenauer, Administrator

Re: ITEM 4: COVER SHEET

UPDATE:

Review:

Below is a general update to Item 4 *Discussion and possible action re: preliminary plat approval, Lakevista Estates development.*

On October 10, 2018, Planning Commission members for the Town of Algoma provided a recommendation to approve the proposed preliminary plat with conditions. Since then various meetings and requirements have caused the development proposal to change enough that a revisit is required.

The action requested for the January 9, 2019 Planning Commission meeting is to revisit the preliminary plat and review the plat with the modifications. Substantively the developments intent has not changed but modifications to the proposed Caden Court layout and review process were significant enough to legitimize additional review. Impacts to stormwater, street layout, signage, etc were not impacted. The primary changes as stated within the attachments pertain to lot density and an alteration of review processes.

It is anticipated that your recommendation, if provided, will be reviewed during the January 16, 2019 Town Board Meeting.

Included within this packet

1. Item 4 Staff Report
2. Revised Preliminary Plat dated 12-21-2018
3. Submission paperwork provided by petitioner
4. Minutes from the October, 2018 Planning Commission Meeting
5. Draft Protective Covenants

ITEM 4: DISCUSSION RE: PRELIMINARY PLAT APPROVAL, LAKEVISTA ESTATES DEVELOPMENT

GENERAL INFORMATION

Applicant: Lakeview Estates, LLC
520 W Huron Street, Omro, WI 54963

Owner: AF Group, LLC
1445 Candlelight Court, Oshkosh, WI 54904

Action(s) Requested

Action 1: Applicant is requesting Preliminary Plat Approval for a new single-family and two-family residential subdivision.

Applicable Provisions

Town of Algoma Municipal Code
Chapter 23: Town/County Zoning of the Winnebago County General Code
Section 18.16(1) of the Winnebago County Subdivision Ordinance

Preliminary Plat Approval Process

Preliminary Plat Approval is the process of critically reviewing the request from all levels of form and function. In this case, the applicant is requesting scope and site concept approval that will provide the Town of Algoma and the developer a certain amount of assurance that the proposal is sound and consistent with the intent of the Town of Algoma Municipal Code and Comprehensive Planning documents. Once Preliminary Plat Approval is given, all conditions and designs will have a detailed review by Town Staff, Winnebago County, outside consultants and the applicant.

The Planning Commission will make a recommendation to the Town Board whether or not to approve the Preliminary Plat and if so, with what conditions. The Preliminary Plat then must be approved by the Town Board and the County with any required conditions. After the Preliminary Plat is approved, the conditions imposed must be met prior to final plat approval by the Town and County. Additional Planning Commission and Town Board approvals will be required prior to final acceptance.

Property Location and Type

The subject properties total 44.40 acres in area and are currently used as agricultural. The properties are consistent with current land-use and zoning designations and are located directly east of Leonard Point Road and north of Addie Parkway. The Town of Algoma Comprehensive Plan recommends low-density residential.

Subject Site

<i>Existing Land Use</i>	<i>Zoning</i>
Vacant (agricultural use)	A-2 General Agricultural Zoning District

Adjacent Land Use and Zoning

<i>Existing Land Uses</i>		<i>Zoning</i>
North	Residential	R-1 Rural Residential Zoning District
	Residential	R-2 Suburban Residential Zoning District
East	Residential	R-2 Suburban Residential Zoning District
South	Residential	R-2 Suburban Residential Zoning District
	Recreational	A-2 General Agricultural Zoning District
	Business	A-2 General Agricultural Zoning District (CUP)
West	Residential	R-1 Rural Residential Zoning District
	Mining	A-2 General Agricultural Zoning District

Comprehensive Plan

<i>Land Use Recommendation</i>	<i>Use Category</i>
Current Land Use	Agricultural/Vacant/Undeveloped Lands
Future Land Use	Low Density Residential

Background Information

The subject properties (44.40 acres) are in full compliance with existing Town of Algoma land use and Winnebago County Zoning Code. The applicant is requesting Preliminary Plat Approval that will subdivide the property into single-family and two-family dwelling lots. There is no multi-family residential development being proposed.

Relevant Past Meetings

October 11, 2017: Certified Survey Map Approval: Town of Algoma Planning Commission (5-1) and Town Board (5-0) approved a 4 lot certified survey map that separated the existing farm house and structures from the farm fields. The approved CSM included two single-family residential lots adjacent to Leonard Point Road and two larger agricultural lots that have access off of Addie Parkway and a yet to be determined roadway. The meeting was cited.

May 9, 2018: Planning Commission Workshop: A Planning Commission workshop was held to discuss a potential residential subdivision expansion in the Town of Algoma. A question was asked regarding the Town of Algoma’s appetite for increased residential development that could include single-family, two-family and multi-family residential developments. The workshop provided opportunities for the Planning Commission to ask clarification questions and discuss the ideas in a non-binding manner. Though not required, the developer encouraged community discussion so any ideas or concerns could be stated on the record. The meeting was cited and no action was taken.

October 10, 2018: Planning Commission: Planning Commission recommended (approved 4-0) to the proposed plat with conditions. Conditions are stated at the end of this report. The meeting was cited.

December 19, 2018: Town Board: Town Board, upon request of Petitioner, approved (approved 5-0) an extension to the development timeline in order for the petitioner to revise the proposed plat. The Town Planning Commission will need to revisit the plat if substantial changes are made. At the same meeting the Town Board recommended to Winnebago County a zoning map amendment within the plat's zone of influence. The recommendation to allow R-2 Single-family Low Density and R-3 Two-family Low Density was approved 5-0. The meeting was cited.

ANALYSIS:

Proposed Layout

Road Right-of-Way

Proposed roadways within Lakevista Estates include two primary access points. The first access point is a 66 foot wide corridor off of Leonard Point Road. Veanna Boulevard is considered the primary access point for the development and has a general meandering design intended to slow traffic and breakup long distance site lines. The second access point will be off the existing Butte des Morts Meadows subdivision to the south and will include the extension of Addie Parkway. Additional roadways as proposed include a loop oriented design to the east and a longer cul-de-sac (c.d.s.) to the northwest. All roadways are proposed with 66 foot r.o.w. and Caden Court provides a compliant 45 foot diameter cul-de-sacs with island.

All roadway dimensions are compliant with Chapter 225 Land Use with the exception of the proposed Caden Court. Cul-de-sacs in the Town should not exceed 600 feet in length, but can be up to 1,000 feet, provided density is not more than 15 housing units being served by said street. Caden Court is approximately 850 feet long from center of c.d.s. to center of Addie Parkway. The length does exceed 600 feet but is still under the maximum of 1,000 feet. A distance modification is not required.

Where the deviation occurs is in the density requirement. The units along Caden Court as proposed (28 total) are smaller in width than the traditional residential standard set forth in Town code. This area is designed as a lower cost, lower maintenance neighborhood that focuses on higher density single-family lots and more consolidated greenspace. To compensate for the added units an urban style street with mountable curb and storm sewer is proposed. Taking away the ditch and driveway culvert process makes access to the home site safer and cleaner. This proposal increases the density from a maximum of 15 lots per c.d.s. to 28 lots.

A modification/exception to Chapter 225-59 F(3) will be required upon final subdivision plat approval.

Code Language: 225-59 F(3): Cul-de-sac streets designed to have one end permanently closed should not normally exceed 600 feet in length, but can be up to 1,000 feet in length, provided density is not more than 15 housing units being served by said street. The Town may require an official map street stub or future connection to an existing road to decrease the permanent length of a cul-de-sac street. Such streets

shall terminate in a circular turnaround having a minimum right-of-way radius of 66 feet and a minimum roadway radius of 45 feet.

All proposed roadways as designed also conform to design standards outlined in Chapter 260: Public Works.

Lots

The developers are proposing a combination of single-family and two-family residences. The development is broken into three distinct and designed sections. In total 86 residential lots are proposed with a maximum potential of 103 residential living units. The difference in lots versus units represents the 34 proposed duplex units on 17 lots.

Traditional Single-Family:

This section revolves around two proposed stormwater detention facilities labeled Outlot 1 and Outlot 2. This section of the plat meets all required lot design standards and include a minimum lot size of 100 feet by 150 feet (minimum 15,000 sq ft or 0.344 acres). The proposed lots are consistent with neighboring subdivisions and represent the Town standard. This section has 41 proposed lots ranging in size from 0.344 acres to 0.641 acres. Using the Town's minimum 15,000 sqft and 100 ft lot width standard as a basis of review, the eastern portion of the development has a potential to include 47.8 (47 rounded) lots. The proposal is asking for 41 lots and has a density of 3.410 units per acre.

Two-Family Development:

The second section runs parallel to proposed Veanna Boulevard and consists of 17 two-family residential or single-family attached lots. Though certainly not as common as single-family developments the Town of Algoma has a number of two-family lots and condo associations already within the community. This slightly higher density proposal is still consistent with low-density residential developments and provides a different style of housing for future residents. In total, 34 residences are proposed on the 17 lots (2 per lot). The standard two-family development pattern in the Town of Algoma is for side-by-side residences. When appropriate, Winnebago County's Chapter 23: Zoning Code requires a consolidated design where two-family residences are developed in a section that is contiguous in nature. This proposal also meets these requirements. The same standard applies for two-family lot dimensions as it does for single-family lots. This section has lot sizes ranging from 0.344 acres to 0.636 acres. Using the Town's minimum 15,000 sqft and 100 ft lot width standard as a basis of review, the south portion of the development has a potential to include 21.6 (21 rounded) lots. The proposal is asking for 17 lots with 34 units. This area has a density of 4.583 units per acre.

Single-Family Neighborhood along Caden Court:

The third and final section of the proposal is defined as a single-family "condo" design. This section as stated above sits on Caden Court and is referenced as a standard single-family development at Winnebago County. This subdivision is a common design concept in many communities throughout the greater Oshkosh region and is intended to provide housing options for all ages and abilities. The focus and intent of the non-traditional residential development area is to provide a higher density residential living section while providing an equally consolidated cost of living aspect.

This section of the proposal has changed from the previously reviewed plat. The lots as proposed have been increased to a minimum of 65 feet wide and at least 10,000 sqft in area. This revision was triggered due to Winnebago County zoning regulations as well as State of Wisconsin NR115 guidelines. These regulations required a decrease in density in this section and the overall subdivision proposal by 3 lots. As displayed, the majority of the Caden Court lots are below the Town's minimum lot area and lot width requirements (15,000 sqft and the minimum 100 foot width). To compensate for this, home sites will be custom designed and pre-engineered to blend into topography, address drainage and driveway access, while maintaining the Town/County standard front and side building setbacks. An urban style street with mountable curb and storm sewer is also proposed. Most rear yards are larger than average and will be liberally landscaped and will contain a walking trail and drainage swales.

To be mindful of density and overall aesthetic and open space practices, the petitioner has added a trail amenity easement beginning to the southwest of Caden Court and meandering north and east back to Caden Court. Additionally proposed landscaping standards are displayed. This enhancement allows for the properties to access the rest of the area and neighborhood as well as enhance the already established neighborhoods. All residential lots will discharge off of Caden Court. This section has a proposed 28 lots ranging in size from 0.230 acres to 0.745 acres.

There are 4 driveways that will access the Caden Court cul-de-sac. Town land use restricts discharges onto cul-de-sacs to no more than three. The intent of this regulation is varied but appears to stem from seasonal snow load. To compensate for the additional driveway, a center cul-de-sac island is proposed to minimize snow removal and proposed narrower driveway widths for lots abutting the cul-de-sac (16 ft maximum for lots 37-41). Additionally, driveway locations will be restricted to allow for more spacing along alternating lot lines.

A modification/exception to Chapter 225-59 P(5) will need to be considered allowing 21 lots along Caden Court to have a reduced lot area.

Code Language: 225-59 P(5): Minimum lot area. All lots shall contain a minimum of 15,000 square feet or comply with the minimum lot size requirements of applicable zoning regulations, whichever is more restrictive.

A modification/exception to Chapter 225-59 P(8) will need to be considered allowing 28 lots along Caden Court to have a reduced lot width at the setback line.

Code Language: 225-59 P(8): Minimum lot width. Lots shall be at least 100 feet wide at the building setback line established under applicable zoning regulations. Corner lots shall be designed with extra width to permit adequate building setback from both streets.

A modification/exception to Chapter 225-59 P(9) will need to be considered in order to allow four lots to be discharged off of the cul-de-sac.

Code Language: 225-59 P(9): Lots accessed off of cul-de-sac. Lots at the end of a cul-de-sac shall be designed so that no more than three driveways access the bulb portion of the cul-de-sac.

Developers Agreement

A formal Developer Agreement with the Town of Algoma has not been made and will be required prior to final plat submission. The agreement will need to contain phasing procedures, any appropriate design standards for development, a final stormwater management plan and any additional information to ensure the successful completion of the project.

A final approved Developer Agreement shall be provided upon final plat submission.

Public Facilities

The developer has already been in conversations with utility companies and is developing an outline for utility extensions into the property. Algoma Sanitary District has stated existing capacity within the area and is in a position to provide sewer and water utilities.

A formal approval from private and/or public utility companies will need to be submitted prior to final plat.

Stormwater Management

Stormwater management as proposed is developed into three components. A developer is required to provide stormwater management practices that anticipate a 100 year flood event. This 100 year standard in theory will provide adequate containment and treatment for the proposed community and downstream properties. With no current stormwater management on the site, the inclusion of this requirement is anticipated to greatly improve the safety and welfare of downstream properties.

Detention Basins:

The Development has two proposed stormwater detention and treatment basins. Outlots 1 and 2 are designed to collect and contain stormwater during a flood event and provide a slow controlled discharge of water to existing facilities. The primary conveyance to these two basins is through underground storm mains. The proposed basins are designed with conveyance and safety in mind and utilize safety shelves to address this concern. Additional methods for safety that can be explored during site plan review include protective vegetation, signage or physical barriers. In the event of a greater than 100 year rain event the basins have spillways that discharge water in a controlled fashion. This discharge is still anticipated to be less than existing farm field runoff.

A maintenance agreement will need to be completed between the Town of Algoma and Lakeview Estates LLC so as to ensure the basins are properly maintained.

Storm Sewer Mains:

The proposal includes several storm sewer mains that convey collected rainwater from local swales to the detention facilities. This type of storm main is a common practice in many regional development but is less common in the Town of Algoma. Currently as designed, the storm mains have a volume only

designed for rain events. The potential inclusion of mini-storm provisions to handle day-to-day nuisance or sump pump water, is not included within this proposal.

Given the ongoing nuisance water issues in the Town of Algoma, the inclusion of larger storm sewer should be considered to help keep yards and r.o.w. clear.

Road Ditches:

The primary conveyance of stormwater in the Town is through its substantial ditch network. This proposal copies common practice. Conveyance of stormwater from the roadway to the detention basins is through underground storm sewer.

A full stormwater feasibility map has been provided for review. Arrows dictate direction of surface flow towards subdivision collection points.

Greenspace (Parkland Dedication)

Town of Algoma Land Use requirements state that the reservation and dedication of public land shall be required with all new residential developments. The subdivider shall dedicate 1,350 square feet of land to the town for each housing unit within the project, provided land in the subdivision is shown on the Town’s Comprehensive Plan as parkland or trail. These recommendations shall be dictated after consideration from the appropriate Town advisory committee. An exception is permitted if the dedication of additional property or trail system is not warranted. If an exception is appropriate, then a “payment in lieu of” is required. This in lieu of payment shall be \$825 per residential unit.

Dedication of recreational land:

CALCULATION total units X 1,350 sqft = dedication requirement
103 units X 1,350 sqft = 139,050 sq ft or 3.192 acres

Payment in Lieu of:

CALCULATION total units X \$825 = payment requirement
103 units X \$825 = \$84,975

Given the recent completion of Jones Park and its location to the proposed development additional greenspace is less of a need. There are provisions with recent certified survey maps that require trail connections as well as other pedestrian accommodations. Recommendations for greenspace allocations will be reviewed and recommended through Site Plan Review Committee or Parks Committee.

A condition of final plat approval will be to address the dedication of public space or the “payment in lieu of” requirement.

Lighting

Town of Algoma Municipal Code requires that street lighting be provided along each intersection on collector or more intense roadways.

An approved street light shall be required at the intersection of Veanna Boulevard and Leonard Point Road.

Subdivision Signage

Subdivision signage is not required per Town of Algoma Municipal Code. Site Plan Review Committee and Winnebago County will provide guidance on signage options.

The inclusion of a subdivision identification sign is allowed but will have to be approved if proposed.

Architectural Features/Covenants

Draft protective covenants have been supplied and are included in this packet. The primary focus of these architectural restrictions are to ensure consistent and complimentary design, provide immediate landscaping and maintenance requirements and provide additional regulations where Town of Algoma municipal code does not.

If design standards such as covenants are proposed, it is a requirement that they be included within the Developer Agreement and must be provided prior to final plat approval.

Compatibility and Zoning

Item 4 of the December 12, 2018 Planning Commission proposed rezoning the existing parcels to zoning designations that would permit this platting process. The development as proposed maintains the spirit and intent of the Town of Algoma Municipal Code and Comprehensive Plan. This action was recommended for approval 4-2 by the Planning Commission and further recommended on December 19, 2018 by Town Board (carried 5-0).

RECOMMENDATION(S):

Administrator recommends approval of the Lakevista Estates Preliminary Plat with the following modifications/ exceptions and condition(s):

Recommended Modifications/Exceptions:

1. *A modification/exception to Chapter 225-59 F(3) will be required upon final subdivision plat approval*
2. *A modification/exception to Chapter 225-59 P(5) will need to be considered allowing 21 lots along Caden Court to have a reduced lot area*
3. *A modification/exception to Chapter 225-59 P(8) will need to be considered allowing 28 lots along Caden Court to have a reduced lot width at the setback line*
4. *A modification/exception to Chapter 225-59 P(9) will need to be considered in order to allow four lots to be discharged off of the Caden Court cul-de-sac*

Recommended Conditions:

- A. *Completion of site plan review committee*
- B. *An approved developer agreement shall be provided upon final plat submission*

- C. *A formal approval from private or public utility companies shall need to be submitted prior to final plat*
- D. *A stormwater facility maintenance agreement shall need to be completed between the Town of Algoma and the Lakeview Estates LLC so as to ensure the basins are properly maintained*
- E. *Considering the ongoing nuisance water issues in the Town of Algoma, the inclusion of larger storm sewer should be considered to help keep yards and r.o.w. clear*
- F. *A condition of final plat approval will be to address the dedication of public space or the “payment in lieu of” requirement*
- G. *An approved street light shall be required at the intersection of Veanna boulevard and Leonard Point Road*
- H. *The inclusion of a subdivision identification sign is allowed but will have to be approved if proposed*
- I. *If design standards such as covenants are proposed, it is a requirement that they be included within the Developer Agreement and must be provided prior to final plat approval*
- J. *All Town of Algoma, Winnebago County, other reviewing organizations and state guidelines and regulations be followed*

Additional Planning Commission conditions recommended at the October 10, 2018 meeting:

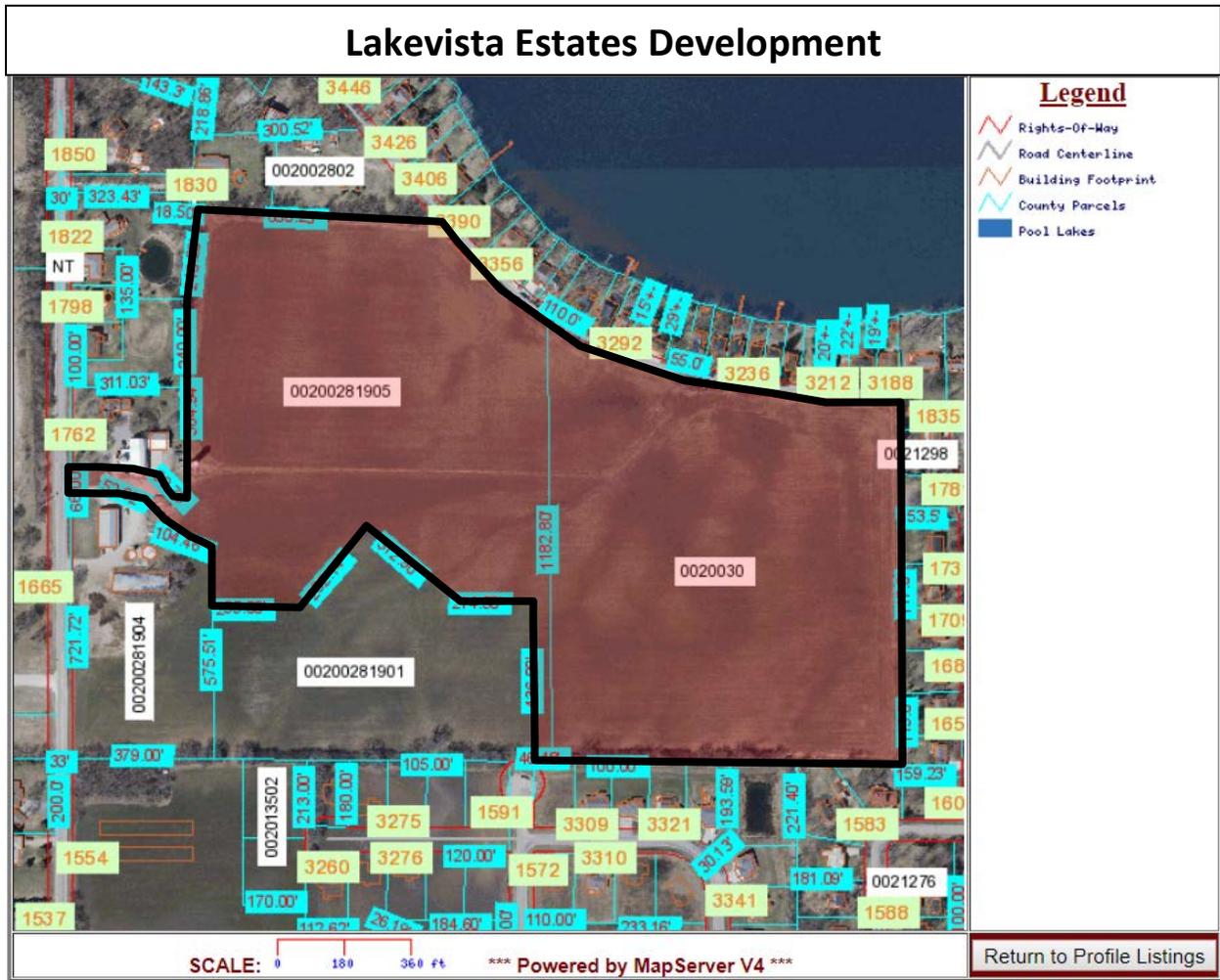
- K. *Sump pump management be provided to lots including lots 23 – 62*
- L. *Mailboxes along Caden Court include a central location near the proposed Addie Parkway extension**
- M. *Outlots one and two hold a permanent maintenance agreement where developer is responsible for maintenance***
- N. *No parking permitted along Caden Court****

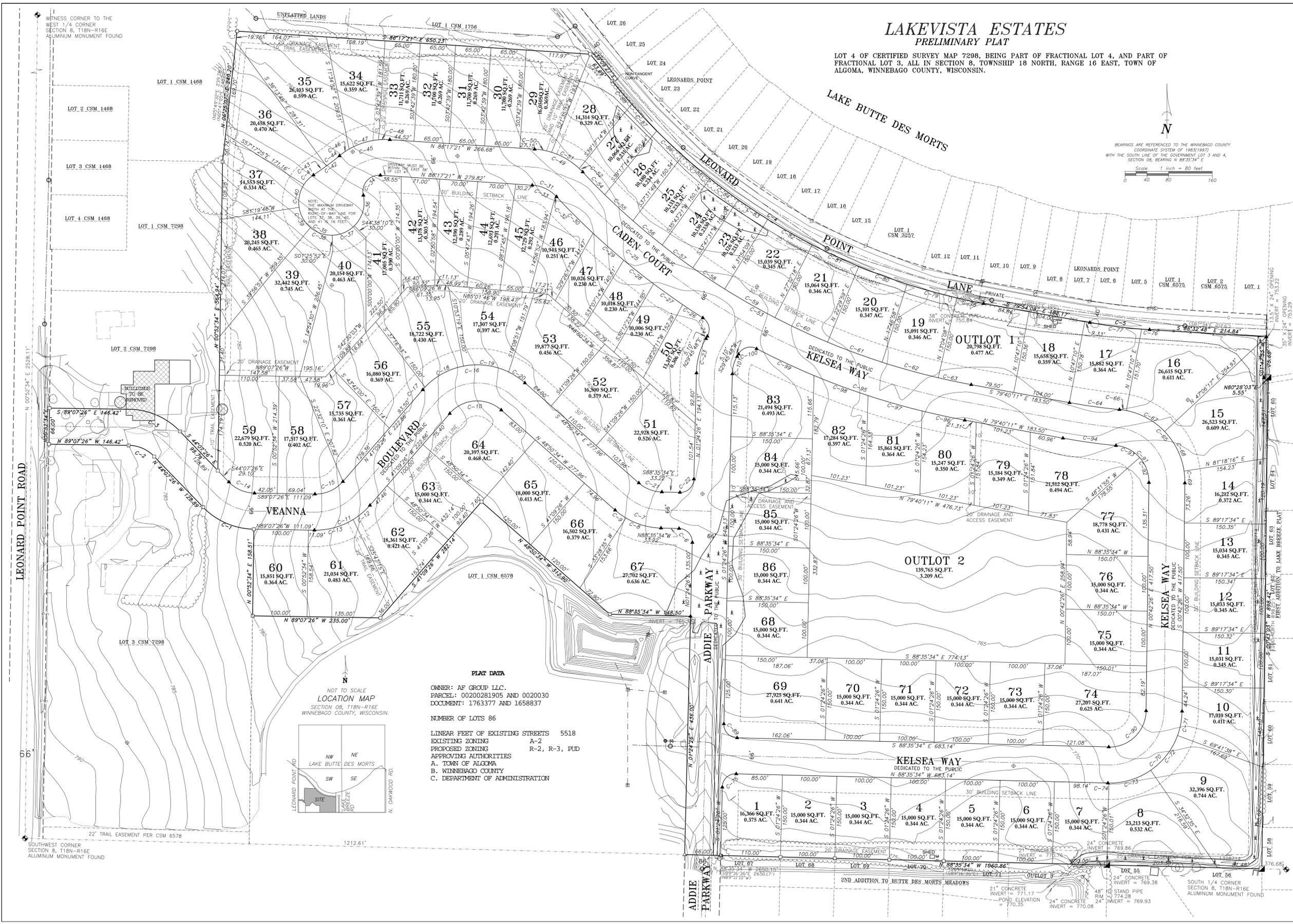
Administrator Note:

* The mailbox location requirement is tied to approvals through USPS and will require additional review. If recommended, staff would advise the condition state that *if approved by USPS mailboxes should be consolidated to in a central location for Caden Court lots.*

** While possible, staff feels that a permanent maintenance agreement with the developer is not a reasonable condition that can be made. In lieu of the above recommendation a condition could be placed where all designated stormwater facilities and easements have a maintenance agreement in place requiring long term maintenance by the neighborhood and/or developer.

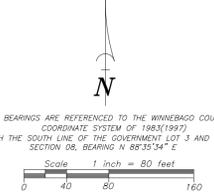
*** Parking restrictions within a neighborhood require ordinance changes and should not be tied to the developer. As worded, this condition requires the Town to modify the Municipal Code. If the Planning Commission feels that parking along Caden Court should be restricted, that action should be taken up separately from this preliminary plat review.



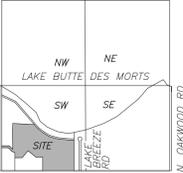


LAKEVISTA ESTATES
PRELIMINARY PLAT

LOT 4 OF CERTIFIED SURVEY MAP 7298, BEING PART OF FRACTIONAL LOT 4, AND PART OF FRACTIONAL LOT 3, ALL IN SECTION 8, TOWNSHIP 18 NORTH, RANGE 16 EAST, TOWN OF ALGOMA, WINNEBAGO COUNTY, WISCONSIN.



NOT TO SCALE
LOCATION MAP
SECTION 08, T18N-R16E
WINNEBAGO COUNTY, WISCONSIN.



PLAT DATA
OWNER: AF GROUP LLC.
PARCEL: 00200281905 AND 0020030
DOCUMENT: 1763377 AND 1658837
NUMBER OF LOTS 86
LINEAR FEET OF EXISTING STREETS 5518
EXISTING ZONING R-2
PROPOSED ZONING R-2, R-3, FUD
APPROVING AUTHORITIES
A. TOWN OF ALGOMA
B. WINNEBAGO COUNTY
C. DEPARTMENT OF ADMINISTRATION

Martenson & Eisele, Inc.
Planning - Surveying - Engineering - Architecture
101 W. Main St., Omro, WI 54963
Phone (920) 685-6240 Fax (920) 685-6340
www.martenson-eisele.com
info@martenson-eisele.com



NO.	DATE	REVISION	CHECKED	APPROVED
1	12-21-18	REVISE LAYOUT LOTS 23 TO 50 & S3 TO S7		

LAKEVISTA ESTATES
PRELIMINARY PLAT
LOT 4 OF CERTIFIED SURVEY MAP 7298, BEING PART OF FRACTIONAL LOT 4, AND PART OF FRACTIONAL LOT 3, ALL IN SECTION 8, TOWNSHIP 18 NORTH, RANGE 16 EAST, TOWN OF ALGOMA, WINNEBAGO COUNTY, WISCONSIN.
PREPARED FOR: AF GROUP LLC
5057 RIVERA ROAD DRIVE
OMRO, WI 54963
ATTN: ERIC HOFFMANN

SCALE 1"=80'
DATE 09/25/18
COMPUTER FILE 2303001PREPLAT

DRAWING NO. 0-2303-001 PG 1 OF 2

LAKEVISTA ESTATES PRELIMINARY PLAT

LOT 4 OF CERTIFIED SURVEY MAP 7298, BEING PART OF FRACTIONAL LOT 4, AND PART OF FRACTIONAL LOT 3, ALL IN SECTION 8, TOWNSHIP 18 NORTH, RANGE 16 EAST, TOWN OF ALGOMA, WINNEBAGO COUNTY, WISCONSIN.

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DRAWN BY	DSL	DATE	NO.	CHECKED	APPROVED	REVISION	
						DATE	NO.
		12-21-18	1			REVISE LAYOUT LOTS 23 TO 50 & 53 TO 57	

**LAKEVISTA ESTATES
PRELIMINARY PLAT**
 LOT 4 OF CERTIFIED SURVEY MAP 7298, BEING PART OF FRACTIONAL LOT 4, AND PART OF FRACTIONAL LOT 3, ALL IN SECTION 8, TOWNSHIP 18 NORTH, RANGE 16 EAST, TOWN OF ALGOMA, WINNEBAGO COUNTY, WISCONSIN.
 PREPARED FOR: M&E ESTATES, LLC
 5057 RIVERACRE DRIVE
 OMRO, WI 54963
 ATTN: ERIC HOFFMANN

SCALE: 1"=80'
 DATE: 09/25/18
 COMPUTER FILE: 2303001PREPLAT

DRAWING NO.
0-2303-001 PG 2 OF 2

Curve	Radius	Delta	Length	Chord Bearing	Chord	Tangent In	Tangent Out
1	133.00'	045°00'00"	104.46'	S 66°37'26.0" E	101.79'	S 44°07'26" E	S 89°07'26" E
2	67.00'	045°00'00"	52.62'	N 66°37'26.0" W	51.28'	N 44°07'26" W	N 89°07'26" W
3	133.00'	045°00'00"	104.46'	N 66°37'26.0" W	101.79'	N 44°07'26" W	N 89°07'26" W
4	1147.88'	040°29'49"	811.33'	S 59°12'52.5" E	794.54'	S 38°57'58" E	S 79°27'47" E
5	954.50'	006°38'40"	110.69'	S 83°13'28.0" E	110.63'	S 79°54'08" E	S 86°32'48" E
(117.22')							
6	25.00'	090°00'00"	39.27'	N 43°35'34.0" W	35.36'	N 01°24'26" E	N 88°35'34" W
7	133.00'	039°45'00"	92.27'	S 88°43'04.0" E	90.43'	S 48°50'34" E	S 88°35'34" E
8	133.00'	029°07'59"	67.63'	S 74°01'34.5" E	66.90'	S 59°27'35" E	S 88°35'34" E
9	133.00'	010°37'01"	24.64'	S 54°09'04.5" E	24.61'	S 48°50'34" E	S 59°27'35" E
10	67.00'	090°00'00"	105.24'	S 86°09'26.0" W	94.75'	N 48°50'34" W	S 41°09'26" W
11	133.00'	049°43'08"	115.41'	N 66°01'00.0" E	111.82'	S 89°07'26" E	N 41°09'26" E
12	133.00'	017°25'48"	40.46'	N 49°52'20.0" E	40.30'	N 58°35'14" E	N 41°09'26" E
13	133.00'	032°17'20"	74.95'	N 74°43'54.0" E	73.96'	S 89°07'26" E	N 58°35'14" E
14	67.00'	045°00'00"	52.62'	S 66°37'26.0" E	51.28'	S 44°07'26" E	S 89°07'26" E
15	67.00'	049°43'08"	58.14'	N 66°01'00.0" E	56.33'	S 89°07'26" E	N 41°09'26" E
16	133.00'	090°00'00"	208.92'	S 86°09'26.0" W	188.09'	N 48°50'34" W	S 41°09'26" W
17	133.00'	002°48'13"	6.51'	S 42°33'32.5" W	6.51'	S 43°57'39" W	S 41°09'26" W
18	133.00'	035°09'02"	81.59'	S 61°32'10.0" W	80.32'	S 79°06'41" W	S 43°57'39" W
19	133.00'	036°32'14"	84.81'	N 82°37'12.0" W	83.38'	N 64°21'05" W	S 79°06'41" W
20	133.00'	019°30'31"	36.00'	N 56°35'49.5" W	35.89'	N 48°50'34" W	N 64°21'05" W
21	67.00'	039°45'00"	46.48'	S 68°43'04.0" E	45.56'	S 48°50'34" E	S 88°35'34" E
22	25.00'	090°00'00"	39.27'	N 46°24'26.0" W	35.36'	S 88°35'34" E	N 01°24'26" E
23	133.00'	028°21'22"	65.82'	S 15°35'07.0" W	65.15'	S 29°45'48" W	S 01°24'26" W
24	25.00'	087°36'24"	38.23'	N 14°02'24.0" W	34.61'	N 29°45'48" E	N 57°50'36" W
25	1363.88'	014°40'29"	349.32'	S 50°30'21.5" E	348.37'	S 43°10'07" E	S 57°50'36" E
26	1363.88'	001°51'47"	44.35'	S 56°54'42.5" E	44.35'	S 55°58'49" E	S 57°50'36" E
27	1363.88'	002°45'06"	47.66'	N 65°54'39.0" W	46.66'	N 45°31'57" W	N 86°17'21" W
28	1363.88'	002°56'14"	69.92'	S 51°45'36.0" E	69.91'	S 50°17'29" E	S 53°13'43" E
29	1363.88'	003°08'25"	74.75'	S 48°43'16.5" E	74.74'	S 47°09'04" E	S 50°17'29" E
30	1363.88'	003°58'57"	94.80'	S 45°09'35.5" E	94.78'	S 43°10'07" E	S 47°09'04" E
31	67.00'	043°07'14"	50.42'	N 64°43'44.0" W	49.24'	N 43°10'07" W	N 86°17'21" W
32	67.00'	002°21'50"	2.76'	N 44°21'02.0" W	2.76'	N 43°10'07" W	N 45°31'57" W
33	67.00'	040°45'24"	47.66'	N 65°54'39.0" W	46.66'	N 45°31'57" W	N 86°17'21" W
34	60.00'	106°20'11"	55.68'	S 40°32'33.5" E	48.02'	N 86°17'21" W	S 12°37'32" E
35	60.00'	249°10'02"	260.93'	S 68°02'31.0" E	98.80'	S 56°32'30" W	N 12°37'32" W
36	60.00'	057°59'22"	60.73'	N 16°22'09.0" E	58.17'	N 45°21'50" E	N 12°37'32" W
37	60.00'	043°12'18"	45.24'	N 66°57'59.0" E	44.18'	N 88°34'08" E	N 45°21'50" E
38	60.00'	041°22'49"	43.33'	S 70°44'27.5" E	42.40'	S 50°03'03" E	N 88°34'08" E
39	60.00'	041°22'49"	43.33'	S 29°21'38.5" E	42.40'	S 08°40'14" E	S 50°03'03" E
40	60.00'	041°22'49"	42.40'	S 12°01'10.5" W	42.40'	S 32°42'35" W	S 08°40'14" E
41	60.00'	023°49'55"	24.96'	S 44°37'32.5" W	24.78'	S 56°32'30" W	S 32°42'35" W
42	600.00'	005°39'20"	59.22'	N 53°42'50.0" E	59.20'	N 56°32'30" E	N 50°53'10" E
43	600.00'	002°46'15"	29.02'	N 55°09'22.5" E	29.01'	N 56°32'30" E	N 53°46'15" E
44	600.00'	002°53'05"	30.21'	N 52°19'42.5" E	30.21'	N 53°46'15" E	N 50°53'10" E
45	133.00'	042°49'29"	99.41'	S 72°17'54.5" W	97.11'	N 86°17'21" W	S 50°53'10" W
46	133.00'	009°19'24"	21.64'	S 55°32'52.0" W	21.62'	S 60°12'34" W	S 50°53'10" W
47	133.00'	024°38'44"	57.21'	S 72°31'56.0" W	56.77'	S 84°51'18" W	S 60°12'34" W
48	133.00'	008°51'21"	20.56'	S 89°16'58.5" W	20.54'	N 86°17'21" W	S 84°51'18" W
49	133.00'	043°07'14"	100.10'	N 64°43'44.0" W	97.75'	N 43°10'07" W	N 86°17'21" W
50	133.00'	013°42'35"	31.82'	N 79°26'03.5" W	31.75'	N 72°34'46" W	N 86°17'21" W
51	133.00'	025°33'27"	59.33'	N 59°48'02.5" W	58.84'	N 47°01'19" W	N 72°34'46" W
52	133.00'	003°51'12"	9.94'	N 45°05'43.0" W	9.94'	N 43°10'07" W	N 47°01'19" W
53	1297.88'	036°30'04"	826.83'	S 61°25'09.0" E	812.92'	S 43°10'07" E	S 79°40'11" E
54	1297.88'	002°33'48"	58.07'	S 44°27'01.0" E	58.06'	S 43°10'07" E	S 45°43'55" E
55	1297.88'	003°05'49"	70.15'	S 47°16'49.5" E	70.14'	S 45°43'55" E	S 48°49'44" E
56	1297.88'	003°05'11"	69.91'	S 50°22'19.5" E	69.91'	S 48°49'44" E	S 51°54'55" E
57	1297.88'	003°05'34"	70.06'	S 53°27'42.0" E	70.05'	S 51°54'55" E	S 55°00'29" E
58	1297.88'	003°05'22"	69.98'	S 56°33'10.0" E	69.97'	S 55°00'29" E	S 58°05'51" E
59	1297.88'	004°41'51"	108.41'	S 60°26'46.5" E	106.38'	S 59°05'51" E	S 62°47'42" E
60	1297.88'	004°42'19"	106.59'	S 65°08'51.5" E	106.56'	S 62°47'42" E	S 67°30'01" E
61	1297.88'	004°43'01"	106.85'	S 69°51'31.5" E	106.82'	S 67°30'01" E	S 72°13'02" E
62	1297.88'	004°42'50"	106.78'	S 74°34'27.0" E	106.75'	S 72°13'02" E	S 76°55'52" E
63	1297.88'	002°44'19"	62.04'	S 78°18'01.5" E	62.03'	S 76°55'52" E	S 79°40'11" E
64	1104.50'	004°48'40"	92.74'	S 82°04'31.0" E	92.72'	S 79°40'11" E	S 84°28'51" W
65	133.00'	085°11'17"	197.75'	N 10°30'24.0" E	180.03'	N 00°42'26" E	N 84°28'51" W
66	133.00'	005°29'01"	12.73'	N 81°44'20.5" W	12.72'	N 78°59'50" W	N 84°28'51" W
67	133.00'	035°09'03"	81.60'	N 61°25'18.5" W	80.32'	N 43°50'47" W	N 78°59'50" W
68	133.00'	035°09'03"	81.60'	N 26°16'15.5" W	80.32'	N 08°41'44" W	N 43°50'47" W
69	133.00'	009°24'10"	21.83'	N 03°59'39.0" W	21.80'	N 00°42'26" E	N 08°41'44" W
70	133.00'	090°42'00"	210.54'	N 46°03'26.0" E	189.24'	S 88°35'34" E	N 00°42'26" E
71	133.00'	019°35'58"	45.49'	N 10°30'24.0" E	45.27'	N 20°18'22" E	N 00°42'26" E
72	133.00'	035°09'03"	81.60'	N 37°52'53.5" E	80.32'	N 55°27'25" E	N 20°18'22" E
73	133.00'	035°09'03"	81.60'	N 73°01'56.5" E	80.32'	S 89°23'32" E	N 55°27'25" E
74	133.00'	000°47'58"	1.86'	S 88°59'33.0" E	1.86'	S 88°35'34" E	S 89°23'32" E
75	25.00'	090°00'00"	39.27'	S 46°24'26.0" W	35.36'	N 88°35'34" W	S 01°24'26" W
76	954.50'	000°52'10"	14.48'	S 86°06'43.0" E	14.48'	S 85°40'38" E	S 86°32'48" E
77	954.50'	005°46'30"	96.21'	S 82°47'23.0" E	96.17'	S 79°54'08" E	S 85°40'38" E
78	1147.88'	002°31'55"	50.73'	S 78°11'49.5" E	50.72'	S 76°55'52" E	S 79°27'47" E
79	1147.88'	004°42'50"	94.44'	S 74°34'27.0" E	94.41'	S 72°13'02" E	S 76°55'52" E
80	1147.88'	004°43'01"	94.50'	S 69°51'31.5" E	94.47'	S 67°30'01" E	S 72°13'02" E
81	1147.88'	004°42'19"	94.27'	S 65°08'51.5" E	94.24'	S 62°47'42" E	S 67°30'01" E
82	1147.88'	004°41'51"	94.11'	S 60°26'46.5" E	94.08'	S 58°05'51" E	S 62°47'42" E
83	1147.88'	003°14'46"	65.03'	S 56°28'28.0" E	65.02'	S 54°51'05" E	S 58°05'51" E
84	1147.88'	003°14'42"	65.01'	S 53°13'44.0" E	65.00'	S 51°36'23" E	S 54°51'05" E
85	1147.88'	003°15'14"	65.19'	S 49°58'46.0" E	65.18'	S 48°21'09" E	S 51°36'23" E
86	1147.88'	003°16'24"	65.58'	S 46°42'57.0" E	65.57'	S 45°04'45" E	S 48°21'09" E
87	1147.88'	003°21'10"	67.17'	S 43°24'10.0" E	67.16'	S 41°43'35" E	S 45°04'45" E
88	1147.88'	002°45'37"	55.30'	S 40°20'46.5" E	55.29'	S 38°57'58" E	S 41°43'35" E
89	25.00'	090°00'00"	39.27'	S 43°35'34.0" E	35.36'	S 01°24'26" W	S 88°35'34" E
90	67.00'	090°42'00"	106.06'	N 46°03'26.0" E	95.33'	S 88°35'34" E	N 00°42'26" E
91	67.00'	085°11'17"	99.62'	N 41°53'12.5" W	90.69'	N 00°42'26" E	N 84°28'51" W
92	67.00'	042°35'39"	49.81'	N 20°35'23.5" W	48.67'	N 00°42'26" E	N 41°53'13" W
93	67.00'	042°35'38"	49.81'	N 63°11'02.0" W	48.67'	N 41°53'13" W	N 84°28'51" W
94	1170.50'	004°48'40"	98.29'	S 82°04'31.0" E	98.26'	S 79°40'11" E	S 84°28'51" W
95	1363.88'	017°02'23"	405.62'	S 71°08'59.5" E	404.12'	S 62°37'48" E	S 79°40'11" E
96	1363.88'	003°22'29"	80.33'	S 78°58'56.5" E	80.32'	S 76°17'42" E	S 79°40'11" E
97	1363.88'	004°20'22"	103.30'	S 74°07'31.0" E	103.27'	S 71°57'20" E	S 76°17'42" E
98	1363.88'	004°26'25"	105.70'	S 69°44'07.5" E	105.67'	S 67°30'55" E	S 71°57'20" E
99	1363.88'	004°53'07"	116.29'	S 65°04'21.5" E	116.25'	S 62°37'48" E	S 67°30'55" E
100	25.00'	087°36'24"	38.23'	S 73°34'00.0" W	34.61'	N 62°37'48" W	S 29°45'48" W
101	67.00'	028°21'22"	33.16'	S 15°35'07.0" W	32.82'	S 29°45'48" W	S 01°24'26" W

BENCHMARKS:
 BM-1
 TAG BOLT ON HYDRANT ON EAST SIDE OF ADDIE PARKWAY, AT SOUTEAST CORNER OF JONES PARK PROPERTY
 ELEVATION = 778.61.
 BM-2
 ALGOMA W GPS MONUMENT
 ELEVATION = 787.36

NOTES

CONTOURS ARE FOOT INTERVALS AND BASED ON THE USGS DATUM.

UTILITY EASEMENTS WILL BE SHOWN ON THE FINAL PLAT.

DRAINAGE EASEMENTS FOR SWALES AND BASIN WILL BE GRANTED TO THE TOWN AND COUNTY FOR ACCESS AND MAINTENANCE.

LEGAL DESCRIPTION



Town of Algoma
15 N. Oakwood Road
Oshkosh, WI 54904
(920) 235-3789

Visit us at www.townofalgoma.org
M-Th 9:00-5:00 F 9:00-1:00

Site Plan Review/Plan Commission General Application

APPLICANT INFORMATION

Petitioner: Lakeview Estates LLC Date: 1/3/2019
Petitioner's Address: 520 W. Huron St City: Oshkosh State: WI Zip: 54963
Telephone #: (920) 858-7567 Fax: () _____ Other Contact # or Email: EW H09@charter.net
Status of Petitioner (Please Check): Owner Representative Tenant Prospective Buyer
Petitioner's Signature (required): [Signature] Date: 1/3/19

OWNER INFORMATION

Owner(s): AF Group LLC Date: 1/3/19
Owner(s) Information: 1445 Candlelight City: Oshkosh State: WI Zip: 54904
Telephone #: () _____ Fax: () _____ Other Contact # or Email: _____
Ownership Status (Please Check): Individual Trust Partnership Corporation

Property Owner Consent (required)

By signature hereon, I/We acknowledge that Town officials and/or employees may, in the performance of their functions, enter upon the property to inspect or garner other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Town of Algoma for incomplete submissions or other administrative reasons.

Property Owner's Signature: [Signature] Date: _____

SITE INFORMATION

Address/Location of Proposed Project: East of 1762 Leonard Point Road
Current Use of Property: General Ag Zoning: A-2
Land Uses Surrounding Your Site:
North: Residential
South: Residential + Ag Buildings
East: Residential
West: Park + Residential

Projected Timeline: ASAP

Project Description: Residential Subdivision
See Attached Mapping



Town of Algoma
15 N. Oakwood Road
Oshkosh, WI 54904
(920) 235-3789

Visit us at www.townofalgoma.org

M-Th 9:00-5:00 F 9:00-1:00

Site Plan Review/Plan Commission General Application Continued

SITE INFORMATION CONTINUED

Development Characteristics Gross Acreage/ Square Feet: 45 Acres

Development Area and Percentage: 45 Acres

of Employees/#of Residential Units: ~~124~~ 86

of Proposed Parking Space: NA

Traffic Count Projections (attach documentation): NA

Percent Impervious (attach documentation): NA

Description of Required Landscaping (attach landscape plan): _____

Additional Information: See Attached

Drainage Narrative

OFFICE USE ONLY

Received By: [Signature] Date: 1/3/2019 Fee: PREVIOUSLY PAID Paid: Yes No

Note: The Town of Algoma or a duly appointed official maintain the right to cancel this agreement if the applicant has been deemed in violation of this agreement or Town of Algoma Municipal Code. No refund will be provided.

Subject: Lakevista Estates Preliminary Plat

Date: December 26, 2018

Enclosed is the revised preliminary plat, which replaces the preliminary plat previously submitted, September 26, 2018.

The main plat revisions are to the Caden Court lots. The previous plat had some of these lots below the County's minimum 65 feet width and 10,000 square feet of area. All lots on Caden Court are now at or above the County's minimum width and area requirements. The previous plat was scheduled to be reviewed under the County's Planned Development District (PDD) process. The PDD application has recently been removed from the County's review process.

The same original intent per the previous submittal regarding the Caden Court neighborhood is still planned...strict building and landscaping covenants, seasonal yard maintenance thru home owners association, on a quiet urban style street.

As allowed under Chapter 225-58 Waiver or Modification, we are asking the Town to grant the following exceptions from the Town's Land Development Code pertaining to the following:

Chapter 225-59 F(3) *Cul-de-sac streets... should not normally exceed 600 feet in length, but can be up to 1,000 feet in length, provided density is not more than 15 housing units...*

Caden Court is approx 850 in length and has 28 proposed housing units. To compensate for the added home sites an urban style street with mountable curb and storm sewer is proposed. Taking away the ditch and driveway culvert process makes access to the home site safer and cleaner. We are proposing to create a unique neighborhood that will likely provide home sites to the "empty nester generation". We are not anticipating the added vehicular movements that are typical of the traditional family home.

Chapter 225-59 P(5) *Minimum lot area...of 15,000 square feet...*

Chapter 225-59 P(8) *Minimum lot width...at least 100 feet wide...*

The majority of the Caden Court lots are below the Town's minimum lot area and lot width requirements. To compensate for this, home sites will be custom designed and pre-engineered to blend into topography, address drainage and driveway access, while

maintaining the Town/County standard front and side building setbacks. An urban style street with mountable curb and storm sewer is also proposed. Most rear yards are larger than average and will be liberally landscaped and will contain a walking trail and drainage swales.

Chapter 225-59 P(9) *Lots accessed off of cal-de-sac...no more than three drives...*

There are 4 driveways proposed to access the Caden Court cul-de-sac. To compensate for the additional driveway, a center cul-de-sac island is proposed to minimize snow removal and proposed narrower driveway widths for lots abutting the cul-de-sac.

**TOWN OF ALGOMA
WINNEBAGO COUNTY, WISCONSIN
PLAN COMMISSION MEETING
Wednesday, October 10, 2018**

Summary of Proceedings

1. Call to Order:

The Town of Algoma Plan Commission meeting was called to order by Ms. Clark at 6:05 p.m.

2. Roll Call:

The following Committee Members were in attendance: Petey Clark, Audra Hoy, Dan Martin, Mark Thompson.

The following Committee Members were absent: Kristine Timm, Dewey Nelson

The following were also present: Benjamin Krumenauer, Administrator

Ms. Clark (Chair) thanked the Planning Commission and audience for their participation and involvement in the meeting. She explained the process of the meeting as well as how the public forum component will be handled.

3. Discussion and possible action re: Minutes of the July 11, 2018 meeting.

Motion to approve the minutes of the July 11, 2018 meeting was made by Ms. Hoy, Mr. Martin

Motion carried (4-0).

4. Discussion and possible action re: Rezoning of lots 00200281905 and 0020030 to R-2 Suburban Residential and R-3 Two-Family Residential.

Mr. Krumenauer explained the details of the rezoning request including site particulars and a brief overview of the subdivision concept being proposed by Lakeview Estates LLC. He went on to describe the different rezoning components and stipulated that the proposal is consistent with the Town of Algoma Comprehensive Plan and Winnebago County Zoning. The zoning process is one of many steps that are required prior to final approval of the proposed subdivision development.

Ms. Clark asked if there were any technical questions.

No technical questions were asked by the Planning Commission members.

Ms. Clark opened the discussion up to the audience for any questions or comments.

Caleb Ihrig, 3550 Bambi Lane: stated concerns regarding the density and house size in areas of the proposed development. Mr. Ihrig also has traffic concerns regarding the development and whether or not it would decrease the usability of Leonard Point Road for current residents.

Russell Schwandt, 3292 Leonard Point Lane: expressed his concerns of future traffic issues along Leonard Point Road relating to traffic density. He continued by stating his concerns regarding duplex developments and stated that nowhere in the area where duplexes built. Lastly, he wanted to state his support for the continuation of a rural Town of Algoma and requested that a rural atmosphere be promoted by Town officials.

Robert Reigh, 3308 Leonard Point Lane: submitted for the record a petition signed by over 250 local residents (un-confirmed total). The petition recommends only R-1 Rural Residential Developments in the Town of Algoma and was not in support of R-2 or above zoning or development densities. Mr. Reigh continued by stating his concern for the development as proposed and is not in support of high density developments.

Jon Reiland, 3356 Leonard Point Lane: reminded the Planning Commission of the 5 P's planning process and further recommended that the proposed area remain single-family. He went on to state his concerns over safety along Leonard Point Road and if higher density is permitted, than safety may be compromised. Lastly, Mr Reiland stated his concerns over stormwater if the development is permitted.

Dick Hanusa, 3368 Leonard Point Lane: references various pieces of the Town of Algoma Municipal Code and recommended that these regulations be followed at all times. The sections in reference included Chapter 225: Land Use, Article V.

Connie McDonald, 3218 Leonard Point Lane: asked for clarification between R-2 and R-3 zoning designations and stated her general concerns of overdeveloping the area. She also stated that given the recent flooding in SW Wisconsin, what is being done to ensure that this area will not see that volume of flooding?

Mr. Krumenauer clarified the zoning related questions and stated that stormwater management is a component of the platting process and will be clarified in the next item.

Matt Everett, 3630 Leonard Point Road: reminded the Planning Commission that the Town of Algoma was always a rural community and that this area has seen development that isn't consistent with that past. He went on to express his concerns regarding new developments and that they would bring access issues at STH-21 and that density of the Town roads is of major concern.

Eric Rintamaki, 3309 Nelson Road: believes that R-3 zoning designations are a gateway for higher density apartments. He also expressed concerns regarding OASD capacity with future development, speeding issues along existing roadways. Lastly, he stated his concerns over more storage facility developments and the desire to keep the area rural in nature.

Paul Schmidt, 1951 Scarlet Oak Trail: recommended that no future development be permitted until the Town of Algoma fixes the existing road infrastructure. He stated that our Town roads are falling apart and that this should be of paramount concern.

Thomas Leske, 1857 Scarlet Oak Trail: stated “no to development” and that traffic concerns along Town roadways needs to be addressed prior to future development. He agreed with the previous resident and that intersections and roads come first. Lastly he stated “Who is responsible for telling family, no more kids (are allowed) at Oakwood Elementary?”

Mr. Krumenauer clarified OASD perspective and stated that the district did not foresee any capacity issues at Oakwood Elementary or the district at this time. He went on to state that the district has various methods to increase capacity at many of their schools.

Cordell Ernst, 1220 Welsh Haven Drive: stated his concern regarding overflow traffic onto adjacent residential roads.

Jeff Somers, 155 Milton Circle: asked the Town of Algoma if additional research was done regarding existing road capacity and how it fits with future development. He also asked if sewer and water studies were completed.

Craig Sickler, 1575 Leonard Point Road: stated his opposition to the development and said that the Town should plan the future of the Town, not the developer.

The Item was returned to the Planning Commission for Discussion.

Mr. Thompson stated that though the comprehensive plan does not state what low density residential is, it is his understanding that the intent was for it to be single-family. He continued by stating that low density in his opinion is R-2. Given these concerns and the questions yet to be answered by Developer and Town, he would recommend a tabling motion.

Mr. Thompson made a motion to table Item 4 until the November, 2018 Planning Commission meeting. The motion was seconded by Mr. Martin.

Motion carried 4-0

Item 4 is tabled for one month in order to allow the Developer and Town time to answer questions raised.

5. Discussion and possible action re: Preliminary Plat Approval – Lakevista Estates.

Mr. Krumenauer explained the item and detailed the individual aspects of the development proposal. This residential development includes three distinct sections for discussion. Section one is a single-family development consisting of standard residential lots with a large stormwater feature in the middle. The second portion consists of twindo or duplex developments along the proposed Veanna Boulevard. The last portion consists of single-family lots with a PDD alternative allowing greater lots quantities with smaller lot sizes. Mr. Krumenauer went on to explain that the intent of this proposal is to cater to all level of housing options. The item review also included discussion that was brought up in Item 4 and included the background of the development process, and the historical allowances within the Town of Algoma Comprehensive Plan and other planning documents.

Ms. Clark opened the item up for technical questions.

Ms. Clark asked for some clarifications on stormwater/sump pump concerns as well as clarified her concerns on the proposed pedestrian accommodations as designed.

Mr. Krumenauer stated that many of those concerns are consistent with staff thoughts and can be further clarified during the site plan review process.

Mr. Thompson asked for some additional clarifications on potential mini-storm development for sump pumps. He also asked whether or not drain tile was located in the fields. Lastly, Mr. Thompson asked for some clarification from the developer/design firm on stormwater mitigation.

Jack Richardson, Martenson & Eisele, Inc. (development design firm): explained the stormwater design process and that the pre plat approval process requires proof of feasibility with final design and review required prior to final plat. He also stated that the basins as currently proposed are designed to handle large rain events as well as regular day to day “nuisance” water.

Mr. Thompson asked if mini storm will be an issue.

Mr. Richardson stated that those options can be explored and that the system may need to be tweaked appropriately if required.

Eric Hoffmann, Lakeview Estates, LLC: Went on to explain that a full drain tile study has not been completed but general practice includes identification and abandonment during the infrastructure/basement construction.

Ms. Clark asked if bedrock depth and soil characteristics were reviewed.

Mr. Hoffmann stated that the bedrock was not discovered above 14 feet in any of the test holes. He explained that the rock located deeper in the test pits was difficult to dig, but not bedrock.

Ms. Clark reminded the developers of the shallow bedrock in other locations and that it daylights in several neighborhoods to the west.

Mr. Hoffmann went on to explain the overall intent of the development including concepts, and the importance of providing housing for all ages. Additionally, he stated that the intent of the duplex/twindo portion is to provide a buffer from Jones Park and other less desirable uses such as quarries, public areas and other developments.

Randy Schmiedel, Lakeview Estates LLC: described the PDD portion of the development as an opportunity to cater to residents that want to age within the community. He explained that the development will appeal to 55+ residents that want to limit maintenance but stay in the Town of Algoma. He also stated that the proposed pedestrian accommodations will not terminate at Leonard Point Lane and are not necessarily intended for all community members. They are designed as a perk for the PDD and a safe place to explore for the home owners.

Ms. Clark asked if the PDD portion will have an age limit.

Mr. Schmiedel stated that is not likely as the market will dictate need.

Mr. Thompson asked who the owner of outlots 1 and 2 will be.

Mr. Hoffmann stated final ownership is yet to be determined, but could be either a neighborhood association or the Town of Algoma.

Mr. Krumenauer stated that the Town's primary concern is long-term maintenance of the basins. He stated that could be completed regardless of owner as long as strong legal paperwork is understood by all parties. An example is a Memorandum of Understanding for maintenance.

Mr. Thompson asked if parkland is allotted.

Mr. Hoffmann stated that the PDD area has communal greenspace but the parkland fee/development process is not yet finalized and will require Town approval.

Mr. Schmiedel talked about various remedies to speeding in the development. He discussed the curved design of Veanna Boulevard and that other methods can be explored.

Seeing no additional technical questions, Ms. Clark opened the discussion up to anyone in the audience.

Mina Kuss, 1759 Lake Breeze Road: suggested a few procedural improvements that the Town of Algoma could do to make the tabling/access process more efficient.

Caleb Ihrig, 3550 Bambi Lane: stated a few concerns that he had regarding lighting of the subdivision and proposed trails. He recommended to additional lighting. He stated his concerns regarding long term stormwater management and asked how the Town will correct the current issues. Lastly, he asked whether or not the basins as proposed will have security fencing.

Mr. Hoffmann stated that no pedestrian lighting is proposed at this time and that the stormwater management areas as designed will have a net positive gain to the community. He also stated that security fencing around basins is not always the best option as it doesn't always stop a person from accessing the area but will always impede public safety from getting to a person in duress.

Thomas Machak, 1873 Scarlet Oak Trail: asked the developer if there was a need for this development.

Mr. Schmeidel answered affirmatively and that there was strong interest.

Robert Reigh, 3308 Leonard Point Lane: stated his preference that the field continues to stay as its current use. He also stated his concerns regarding existing storm issues and whether or not the development would add to the issues.

Dick Hanusa, 3368 Leonard Point Lane: asked if the density of the PDD area is consistent with Code.

Mr. Krumenauer responded affirmatively.

Mr. Hanusa then asked for some additional clarification on the proposed Outlot 1 discharge location and whether any wetlands were discovered.

Pam Persick, 1822 Leonard Point Road: expressed her concerns regarding long-term maintenance of the proposed stormwater basins. She stated that from experience, the process is very costly and time intensive. She also asked how the developers will keep people off of private property when walking along the proposed pedestrian trail.

John Reiland, 3356 Leonard Point Lane: asked the Town of Algoma to look at the cost of development versus the benefits. It was also asked whether or not any fiscal impact was reviewed prior to the development proposal. Lastly Mr. Reiland asked a clarification question regarding the location of the basin and how water will be expected to flow up hill to the outlot.

Mike Haave, 3258 Leonard Point Lane: Stated the location of a known farm drain tile in the area approximately 1.5 lots east of his own. He also expressed his concerns regarding the proposed lot lines adjacent to Leonard Point Lane.

Garret Alford, 1799 Lake Breeze Road: asked where other location of Planned Developments were in the Town. He also asked for the developers to explain the process and intent of a PDD.

Paul Schmidt, 1951 Scarlet Oak Trail: wished to state the proposed PPD development area is inconsistent with the youthful trends of the Town. He also wished to know the goal of the proposed basins and what the cost to maintain is for the Town of Algoma. He went on to ask how long it would take for the development to break even.

Connie McDonald, 3218 Leonard Point Lane: said that this development will destroy the rural feeling of the Town. She went on to ask who would be responsible for the stormwater management areas and what the impact of wetlands will be towards the development. Ms. McDonald also had concerns of the discharge locations for pedestrian accommodations and that she also feels that the “developers should not market the property as partial lake views, they do not have lake views, we do”. Lastly she stated her desire for the development to stay a rural farm field.

Patrick Lafontaine, 3449 Sheppard Drive: expressed his concerns of how the development will affect area traffic patterns.

Thomas Leske, 1857 Scarlet Oak Trail: reiterated the importance of when the Town will “break even”. He also stated it was wrong for the review team to be under the Developer’s “bank role”. He stated the development should be reviewed by outside professionals.

Mr. Krumenauer stated on the record that outside firms do review each proposal regardless of what the development is. He went on to state that the cost of review is paid through fees to the Town from the developer but not controlled by the developer.

Jeff Salchert, 3939 Leonard Point Road: expressed his concern over the traffic impacts along Leonard Point Road. He also notified the Town regarding the speeding along Leonard Point Road.

Peter Donner, 3330 Leonard Point Lane: expressed his thoughts that development for progress is fine when correct but extreme caution should be used. Mr. Donner also asked a few design questions relating to the proposed basins and various sump pump concerns regarding conveyance of water once discharged.

Charles Sheveland, 3612 Leonard Point Road: wants to make sure Town holds developer responsible for proper pond management and ensure that the basins are held to a high standard.

Jack Richardson, Martenson & Eisele, Inc: provided answers to many of the questions raised during public forum.

Mr. Richardson explained the PDD process and how it follows the spirit of the code. It is a tool designed to enhance the overarching zoning. He went on to discuss the various wetland components and the inclusion of WisDNR in the determination of wetland developments. In the development practice designs are generally done backwards from end of storm to top, lake to house, etc.

Mr. Hoffman, Lakeview Estates LLC: explained the desire to maintain the proposed basins to a higher standard. He wants to see a nice backyard basin. The proposed trail enhancement will be seen as a private amenity for the PDD area and that plantings will be supported to soften features.

Mr. Richardson stated that the proposed basin in the lower area is lower than the adjacent lots and will accept water before reaching the private lane to the north. The design firm went on to state that as much reasonable research will be given to locate existing farm drain tile. Additional storm mitigation features will include berms along the north end of the development to contain stormwater. Maintenance of drainage areas will be in place prior to development completion. All design basins will support the containment of stormwater.

Mr. Hoffmann stated that it is extremely difficult to define a break-even point for a development. He went on to state that the cost of development is a burden of the developer, but the final roads and infrastructure are not accepted by the Town or appropriate agency until approved.

Seeing no additional comments/questions, Ms. Clark brought the discussion back to the Planning Commission.

Ms. Hoy discussed the importance of sump pump control and asked whether or not the developer will account for these.

Mr. Richardson stated that the stormwater design is proof of feasibility and that final design can take those into account if required by site plan committee.

Mr. Thompson stated that for almost 20 years he has been reviewing and addressing planning commission items. He discussed the past practices of the Town and that road progress hasn't kept up with developments. This was a miss from his perspective and should be considered regarding future development but not necessarily a complete hindrance to future development. He went on to explain the development cost and maintenance cost process and how it is a privilege to develop not a right of the developer.

Kevin Mraz, Algoma Sanitary District: provided various notes regarding sewer and water development needs. He explained the process for future sewer and water needs as well as the existing capacity for developments such as this. He continued by stating the district has always anticipated these developments and that they are prepared for this eventuality.

Mr. Thompson made a motion for approval with the recommended conditions as well as:

- a. Sump pump management be provided to lots including lots 23 – 62.
- b. Mailboxes along Caden Court include a central location near the proposed Addie Parkway extension.
- c. Outlots one and two hold a permanent maintenance agreement where developer is responsible for maintenance.
- d. No parking permitted along Caden Court.

Seconded by Mr. Martin

Ms. Clark stated her concern for the restrictions on mailbox and parking locations. She asked if these were appropriate at this level.

Mr. Krumenauer stated that these conditions are noted as recommendations to the Town Board and can be further reviewed for consistency. He went to state that USPS will have discretion for mailbox locations and parking is a municipal code regulation and will need other approvals prior to action.

Mr. Martin discussed the importance of clear thinking and creating protections that ensure a strong Town of Algoma. He explained the importance of level headed thinking and how the overall needs of the community must be put into perspective, not just the immediate area.

Mr. Thompson talked about protections for the west and that these developments are both positive for the area and important to get right. He went on to state that the only method to protect from future development is to purchase the property yourself.

Ms. Clark thanked the community members for their participation.

Motion carried 4-0.

6. Adjourn

A motion to adjourn was made by Mr. Martin and seconded by Ms. Hoy. The meeting was adjourned unanimously at 9:17 p.m.

Submitted by,
Deborah L Stark, WCMC
Clerk

Recording Secretary,
Benjamin Krumenauer
Administrator

LAKE VISTA ESTATES,
A Wisconsin general partnership

DRAFT

DECLARATION OF PROTECTIVE COVENANTS

To

Lots 1 – 22 & 53 – 86
Lake Vista Estates

THE PUBLIC

Lake Vista Estates, A Wisconsin general partnership (hereinafter the “Declarant”), being the owner of the above-described real estate hereby makes the following Declaration of Protective Covenants for the purpose of insuring the orderly and harmonious development of said real estate and imposing certain requirements, restrictions and limitations upon the use and occupancy thereof. The Protective Covenants imposed by this Declaration shall run with the land and be binding upon and inure to the benefit of all future owners of said real estate.

1. **Residential Use.** Each Lot shall be used for the construction of a single-family residence and related improvements authorized by this Declaration. No portion of a Lot may be used for any business or commercial purpose with the exception of a home office; provided that there is no signage other than the signage authorized hereunder and the office is not used for meetings with clients, customers or other persons for business purposes. This paragraph shall not apply to any Out lot or Lot used for storm water detention or retention purposes.
2. **Dwelling Size.** The floor area of the living space of the residence totally above the exterior finish grade, exclusive of open porches and garages, shall be not less than:
 - a) For a ranch style residence, 1,500 square feet. A ranch style residence with a walk-out basement is permitted, but the floor area of the lower level shall not be counted for the purpose of this restriction.
 - b) For a two-story residence a minimum of 1,800 square feet (with a minimum of 1,100 square feet on the first floor);
 - c) For a residence with more than two (2) levels, a minimum of 1,900 square feet (with a minimum of 1,400 square feet on the two (2) primary levels).
 - d) Twindominiums will be a minimum of 2,300 square feet.
 - e) A raised ranch, split level or other residence with only one ((1) elevation visible from the front or rear shall be oriented so one (1) elevation is visible from the front and two (2) elevations are visible from the rear.
3. **Garages.** The construction of each residence shall include not less than a standard two (2) car attached garage. No garage may be more than thirty-six (36) feet in width.
4. **Storage Buildings.** No temporary or permanent buildings shall be located on a Lot, except a single-family residence with an attached garage.
5. **Exterior of Buildings.** Any natural wood on the exterior of a residence (with the exception of cedar shake shingles) shall be stained with a non-transparent stain or painted within one (1) year of the commencement of the construction of the residence. No natural weathering exterior material, log or log siding shall be installed on any residence. No texture 1-11 hardboard or similar siding is permitted on any residence. The roof pitch of each residence shall be 5-12 or greater and all chimneys and exterior flues shall be enclosed. Any roof color other than an earth

tone and any roof material other than asphalt or fiberglass shingles shall require the approval of the Architectural Control Committee. A minimum of twenty percent (20%) of the front of each residence, excluding doors and windows shall consist of brick, stone, no-maintenance shake or another similar material approved by the Architectural Control Committee.

6. **Fences.** No fence shall be constructed on any Lot except for the following:
 - a. Ornamental fences such as a split rail, picket and post and rail, no more than four (4) feet in height and incorporated with landscaping.
 - b. Chain link or solid wood fences no more than four (4) feet in height, located at least twenty-five (25) feet from the rear lot line, twenty-five (25) feet from the side lot line adjacent to the street on a corner lot and four (4) feet from all other side lot lines. Fences in the rear yard shall not extend more than eight (8) feet beyond the extended line of the side of the residence. Chain link fences must be green or black vinyl coated with no substitutes.
 - c. Chain link or solid wood fences approved by the Architectural Control Committee surrounding an in-ground swimming pool. Chain link fences permitted under this Paragraph must be vinyl coated with no substitutes.
 - d. Chain link or solid wood fences no more than seven (7) feet in height surrounding an animal yard adjacent to an animal shelter in the garage of the residence. The animal yard shall have an area no larger than one hundred twenty (120) square feet.
7. **Location of Residence and Improvements.** The location of the residence and any other authorized improvements on the Lot shall comply with all setback requirements shown on the plat and imposed by applicable ordinances and regulations, unless a variance is received from the Architectural Control Committee and each municipality having zoning jurisdiction over the Lot.
8. **Pet Shelters.** Any dog, cat or similar pet shelters shall be located within the garage attached to the residence.
9. **Driveways and Approaches.** All driveways shall be surfaced with concrete or asphalt within one (1) year from the commencement of construction of the residence. A concrete or asphalt approach connecting the driveway to the finished street shall be installed within six (6) months after the installation of the finished street. A driveway culvert shall be installed under each driveway. The driveway culvert shall be sized in accordance with the approved drainage plan for the subdivision and shall have apron end section on each end.
10. **Antennas, Satellite Dishes and Other Equipment.** No ham radio antennas, radio towers or similar equipment shall be permitted on any Lot. No satellite television dish shall be located on any Lot, except one (1) satellite dish not exceeding twenty (20) inches in diameter installed as part of the residence. Said dish may not be in the front yard.
11. **Alternative Energy Devices.** No alternative energy devices, such as solar panels or sun collection devices, windmills or vertical wind turbans shall be allowed on any Lot.
12. **Above-Ground Pools/Spas.** No above-ground pools shall be permitted without the prior written approval of the Architectural Control Committee. An outside whirlpool tub or spa on a deck or patio adjacent to the residence is permitted.
13. **Completion of the Residence.** The residence shall be completed in accordance with the plans and specifications approved by the Architectural Control Committee within one (1) year from the commencement of construction. The residence shall be deemed to be completed when a Final Permit has been issued by the municipality having jurisdiction over the construction of the residence. A copy of the Final Permit shall be filed with the Architectural Control Committee to evidence compliance with this requirement.

14. **Excess Excavation Dirt.** The Architectural Control Committee shall have the right to elect to have any excess dirt from any excavation deposited on any Lot or proposed Lot with the subdivision designated by the Architectural Control Committee at no expense to the Architectural Control Committee or the Declarant. Small berms may be construction on the lot; provided that they do not interfere with drainage.
15. **Weed Control.** Prior to the installation of the lawn on the Lot, the Lot shall be mowed at least two (2) times per year. One of the mandatory mowing's shall be between June 1st and June 15th and the second mandatory mowing shall be between August 1st and August 15th.
16. **Landscaping.** The landscaping of each Lot shall be complete no more than twelve (12) months after the residence on the Lot is complete. All greenspace on the Lot must be landscaped using standard residential landscaping material and a conventional grass lawn. No natural areas shall be permitted, except existing wooded areas and other natural areas approved by the Architectural Control Committee. At least four (4) shade trees with a minimum diameter of at least two (2) inches shall be retained on the Lot or planted within the time period specified above. At least two (2) of the trees must be located between the residence and the street.
17. **Exterior Maintenance.** The owner of the Lot shall maintain the exterior of the residence and all driveways and sidewalks in a good state of repair and shall properly maintain all trees, shrubs and other landscaping. All grass clippings, fallen branches, brush and other yard waste shall be promptly removed from the Lot. No yard waste shall be placed on any Lot, Out lot or common area. The owner of the Lot shall take reasonable precautions to avoid the transmission by surface water run-off of nutrients and pollutants such as pet waste, commercial fertilizers, herbicides, soil sediment and lawn clippings into any wetland or navigable waterway.
18. **Easements.** Easements for the installation and maintenance of drainage facilities, retention areas, utilities and cable television are reserved over the areas designated on the plat and within the setback areas of each Lot. Easements for drainage facilities required by Declarant, Town of Algoma, Winnebago County are also reserved over the areas designated on the plat and the setback areas of each Lot. The actual location of these easements shall be determined at the time the utilities and/or drainage facilities are installed. No structure planting or other materials shall be placed or permitted to remain in an easement area which may damage or interfere with the installation and maintenance of any utility, change the direction of flow in any drainage channel or obstruct or retard the flow of water in any drainage channel. The easement area of each Lot and all improvements on it shall be maintained continuously by the owner of the Lot, except for improvements for which a public authority or utility company is responsible. The storm drainage and grading plan for each Lot shall be approved by the Town of Algoma and all owners shall comply with such plan. The Architectural Control Committee shall have the right, at any time, to determine the direction of the drainage flow and require the owner(s) to grade any drainage easement on a Lot accordingly at the expense of the owner(s); provided such determination does not conflict with the current drainage and grading plan on file with the Town of Algoma.
19. **Underground Utilities.** All gas, electrical, telephone, television and other utilities lines or cables serving the Lots and the improvements located therein shall be laid underground,
20. **Signs.** No signs of any kind shall be displayed to the public view, except (a) signs used by the Declarant or its realtor to advertise the sale of Lots; (b) signs used by a builder to advertise newly constructed residences for sale; or (c) one sign of not more than eight (8) square feet used by the owner of a Lot or a realtor to advertise the Lot and improvements for rent or sale.
21. **Nuisances.** No noxious or offensive activity shall be carried on upon any of the Lots, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

22. **Burning Restriction.** No burning garbage or other refuse shall be permitted on any Lot, Out lot or common area. The owner of a Lot may have a recreational fire on the Lot in a properly designed fire pit or fire container. The owner of a Lot may not have a fire on any Out lot, common area or Lot not owned by that owner. All authorized burning on a Lot shall comply with any regulations or requirements established by the Architectural Control Committee and the municipality having jurisdiction over the Lot. The owner of a Lot shall be responsible for any damage caused by a fire originating on the Lot.
23. **Vehicle Restrictions.** No inoperable, partially dismantled, wrecked, junked, discarded or unlicensed motor vehicle shall be allowed to remain on any of the Lots outside of a building. No commercial vehicles other than a pickup truck or standard sized van may be parked on a Lot or the adjacent street on a regular basis. The intent of the restriction contained in the previous sentence is to prohibit the presence of cargo vans, box trucks, semi-tractors, dump trucks and other large commercial vehicles whose presence detracts from the residential nature of the subdivision.
24. **Outside Storage of Certain Items Prohibited.** No construction or similar equipment; mobile home; motor home or recreational vehicle; camper; removable camper top; trailer; fishing shanty; boat on a trailer; personal water craft on a trailer; snowmobile on a trailer; movable boat lift or other item of similar nature shall be permitted on any Lot, except in the garage of the residence.
25. **Occupancy of Recreational Vehicles.** Overnight guest may occupy a motor home or recreational vehicle on a Lot for a maximum of seven (7) nights.
26. **Animals.** No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that a maximum of two (2) domestic animals (dogs, cats or other normal household pets) may be kept on any Lot, provided they are not kept, bred or maintained for any commercial purpose. All dogs shall be kept in the residence (including a pet shelter within the garage of the residence) or within the fenced animal yard authorized by this Declaration when not on a leash or otherwise under the direct control of the owner. The person responsible for the pet shall collect and properly dispose of all animal waste deposited by the pet, including animal waste deposited on any Lot, Out lot or common area.
27. **Garbage/Recyclables.** Garbage that is not recyclable shall be kept in properly covered containers or inside sealed plastic bags. Newspapers, cardboard and other recyclables shall be sorted, stored and disposed of in the manner required by applicable recycling rules and regulations. Garbage and recyclables shall not be placed on the curb more than twenty-four (24) hours prior to the designated pickup time. All empty garbage cans and recycling containers shall be removed from the curb within twenty-four (24) hours of being emptied.
28. **Additional Lots.** Any additional Lots created by the conversion of any out lot to a residential Lot or Lots shall also be subject to these Protective Covenants, including without limitation, the provisions related to the Property Owner's Association and the power of the Property Owner's Association to levy assessments.
29. **Architectural Control Committee.** No structure, landscaping or substantial improvement of any kind shall be erected, placed or altered on any Lot until the construction plans and specifications and plot plan showing the location of such improvements have been approved by the Architectural Control Committee as to color, type and quality of materials, quality of workmanship, location, height, grade elevation and harmony of exterior design with the neighborhood, surround structures and existing topography.
 - a. **Membership.** The Architectural Control Committee shall be composed of Eric Hoffman and Randy Schmeidel. Each member of the Architectural Control Committee shall have the right to resign at any time. In the event of death or resignation of any member of the

Committee, the remaining member(s) shall have full authority to designate a successor. A majority of the Architectural Control Committee may designate a representative to act for it. The Architectural Control Committee shall have the right to delegate all or any part of the authority granted to it to the Property Owner's Association at any time.

- b. At least ten (10) days prior to commencement of construction of any structure or other substantial improvement on any Lot, one (1) copy of the plans, specifications and plot plan showing the proposed location of such structure or improvement shall be submitted to the Architectural Control Committee. The Architectural Control Committee's approval or disapproval shall be in writing in a document which can be recorded and signed by one (1) member of the Architectural Control Committee. In the event that the majority of the Architectural Control Committee fails to approve or disapprove the plans and specifications within thirty (30) days after receipt of same by any member of the Architectural Control Committee, approval shall not be required and this paragraph of these Protective Covenants shall be deemed to have been fully complied with. The Architectural Control Committee shall retain one (1) copy of all approved plans and specifications until construction is completed. The Architectural Control Committee shall have the right to waive compliance with the requirements of this paragraph for certain types or classes of structures, landscaping or improvements.
30. **Property Owners Association Maintenance and Upkeep.** The Declarant, and/or the owners of the Lots shall form a Property Owner's Association (the "Association") for the purpose of; (a) owning certain common areas covered by the Declarant to the Association, and (b) maintaining the common areas, pedestrian walkways, retention ponds, signage and other common areas and facilities. Each owner of a Lot shall automatically be a member of the Association and shall be obligated to abide by such rules and/or regulations as the Association may establish from time to time.
 31. **Property Owner Association Assessments.** The Association shall have the right to charge an equal share of all reasonable and necessary costs incurred by the Association to the owner(s) of each of the Lots. The amount of the assessment shall be computed by dividing the costs for which the assessment is being made by the number of developed Lots existing at the time of the assessment. The assessments may be made on the basis of costs actually incurred by the Association or annually on the basis of a budget of the estimated costs for the following year. The Declarant, or its successor shall be responsible for the assessment for any Lot which is platted, but not sold. The assessment shall apply to all of the Lots, whether or not a residence has been constructed on the Lot. Notwithstanding anything contained in this Declaration to the contrary, the method of assessment shall not be amended so as to provide that the amount of the assessment on a lot is increased over the amount determined under the foregoing method without the written consent of the owner(s) of all Lots receiving an increased assessment.

Any assessment not paid within thirty (30) days of billing shall bear interest at the rate of twelve percent (12%) per annum, until paid. In the event a member of the Association in in default in the payment of any assessment for a period of more than (30) days, the Association may bring suit to enforce collection of the delinquent assessment and all costs of such proceeding, including reasonable attorney's fees, shall be the responsibility of its member in default.
 32. **Term, Amendments, Enforceability and Severability.** These Protective covenants shall run with the land and shall be binding upon and inure to the benefit of the owners of the Lots and all persons claiming under them for a period of twenty-five (25) years from the date these Protective Covenants are record. Thereafter, these Protective Covenants shall be automatically extended for

successive ten (10) year periods, unless otherwise indicated in a written declaration signed by the then owners of a majority of the Lots and recorded in the office of Winnebago County Register of Deeds. These Protective Covenants may be amended in whole or in part at any time by a document signed by the owners of two-thirds (2/3) of the Lots and recorded in the Office of the Winnebago County Register of Deeds. The owner of any of the Lots shall have the right to enforce these Protective Covenants by injunction or other lawful procedure and to recover any damages resulting from a violation thereof together with attorney's fees and other costs of enforcement. The invalidation of any portion of these Protective Covenants by judgment or a court order shall in no way affect any of the other provisions which provisions shall remain in full force and effect. The termination of these Protective Covenants shall not result in the termination of, or otherwise affect, any other covenants, easements or restriction affecting the Lots, including those of any plat of which the Lots become a part. Notwithstanding the foregoing, no amendment of termination of these Protective Covenants shall alter the rights or responsibilities of the Association pursuant to Paragraphs 30 and 31.

IN WITNESS WHEREOF: the undersigned have caused these Protective Covenants to be executed on this _____ day of _____ 2018.

LAKE VISTA ESTATES

By: _____
Eric W. Hoffmann – Partner

By: _____
Randy Schmeidel - Partner