

TOWN OF UNION PLAN COMMISSION MEETING

Minutes for February 22, 2007

The Town of Union Plan Commission regular monthly board meeting was called to order on February 22, 2007 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI at 7:00 p.m. by Alvin Francis. Members Doug Zweizig, Mike Exum, and Eric Larsen were present. Absent members: Marty Johnson and Richard Templeton Jr. Building Inspector Bob Fahey and Town Engineer Greg Hofmeister were also in attendance.

Eric Larsen moved to approve the January 25, 2007 Plan Commission minutes. Second by Doug Zweizig.

Mike Exum turned in a letter dated February 8, 2007 from Helene & Warren Ekenberg which is in addition to their letter read at the January 25, 2007 Plan Commission meeting.

Kim Gruebling arrived at 7:07 p.m.

Public Hearing and Recommendation to Town Board for request by Candace Phelps, 13222 W. East Union Rd, Evansville, WI 53536 to enlarge mining operation on her 138 acre parcel (6-20-97) located south of State Hwy 59 on the west side of N. East Union Road, Fire #10607. Request returns to Plan Commission for further investigation of most appropriate way to divide, zone, and monitor operation under a conditional use permit.

Brett Frank of Frank Brothers, Inc. who currently runs the pit met with Town Board members at the county. Brett stated the amount to be open would be no more than 20 acres total. He provided a letter from the Department of Natural Resources stating conditional approval of a new high capacity well.

Other discussion dealt with road conditions and berm issues.

Alvin Francis questioned what the board felt was a proper way to proceed and if it would be to change the A1 zoning code to allow a reclamation gravel pit as a conditional use. There was question whether or not it would be appropriate to change the ordinance to fit the need rather than working within the current ordinance.

The issue of "assessed value" was clarified stating the land is taxed for what it is used for even within a parcel. The assessment is not based on the zoning classification.

The area they are interested in mining is north of the buildings. The question is what part of the property is to be zoned special purpose district. Motion approved by unanimous roll call vote.

Kim Gruebling: Y
Doug Zweizig: Y
Alvin Francis: Y
Mike Exum: Y
Eric Larsen: Y

Mike Exum made a motion that the additional area to be mined (in the proposal) be zoned special purpose. Second by Mike Larsen.

A legal description is needed to identify what areas of the parcels would be mined. Brett drew lines as to where he thought the lines would go for the special purpose district. Alvin asked him to identify dimensions for this area.

Kendall talked about the road.

- Redo the road to a higher standard of road with costs possibly shared between township and Frank Bros.
- Steel culverts.
- Direction for truck travel to and from pit.

Alvin continued on with conditions:

- Hours of operation: Brett would like daylight hours M-F, Saturdays til 2 p.m. No Sundays. Davis' would prefer set hours.
- 20 acres open max
- Dust/erosion
- Reviewing. Mike recommended one year review to begin with.

Public Hearing Closed at 8:01 p.m.

Mike Larsen stated concern of site visibility from driveway. Discussed recommendation of "Trucks Entering" sign.

Kim questioned diagram of building, road cleaning equipment, the berm height and vegetation, the area to be mined, hours of operation (Brett said 6 a.m. - 6 p.m. M-F). Mike Exum asked about financial protection of Township if business goes out of business. Also a bond for the road. Berm/screening specifications.

Motion by Kim to postpone action on request from Candace Phelps, 13222 W. East Union Rd, Evansville, WI 53536 to enlarge mining operation on her 138 acre parcel (6-20-97) located south of State Hwy 59 on the west side of N. East Union Road, Fire #10607. action to next month in order for Brett Frank to bring back written information regarding the berm/screening, size of mining area, function, plantings, building plans, hours of operation, and road cleaning equipment; and so that the Plan Commission can finalize the conditions for approval. Doug Zwezig second. Motion passed by unanimous voice vote.

Public Hearing and Recommendation to Town Board for request by Stella Krumwiede, 6516 N. Weary Road, Evansville, WI 53536 to construct an electric sub-station on a 3.1 acre area of the 35.24 acre A1 parcel (#6-20-311). Request returns to Plan Commission for further investigation of most appropriate way to permit use by dividing and/or rezoning property and issuing a conditional use permit.

Previously the board approved a conditional use permit to have the electric sub-station with a lease agreement. The Town Board however requested the Plan Commission

Ron Combs requested the Plan Commission split off the parcel with a conditional use permit creating two non-conforming A1 lots of 3.1 acres and 32.14 acres.

Eric Larsen moved to approve the division of parcel 6-20-311 into a 3.1 acre non-conforming

A1 parcel for the specific use of a public utility and for the remaining 32.14 acres to become a non-conforming A1 parcel. Second by Doug Zweizig. Motion approved by unanimous voice vote.

Public Hearing and Recommendation to Town Board for request by Randy Shotliff, 4215 Winnequah Dr. Monona, WI 53716 for a land division and zoning change to create 22 rural residential parcels (20 buildable lots and 2 outlots) using 41.65 acres of land from two A1 parcels (#6-20-212 (89.406 acres) & #6-20-211 (33.1 acres)). The remaining 80 some acres of parcels #6-20-212 and #6-20-211 will then be combined with the A1 parcel #6-20-210 (32.881 acres) to create one large A1 parcel of approximately 114 acres. This land is located in the NW 1/4 of Section 24 and part of the SW 1/4 of Section 24. New request.

Ron Combs presented this new proposal asking for residential lots and to combined the remaining land into one large A1 parcel.

The pond would be owned by a homeowner's association which would be created when the subdivision is created.

Public Hearing opened at 8:25 p.m.

Heidi Carvin stated she is here to present information on school enrollment issues. Ms. Carvin noted issues of maximum capacity along with traffic problem issues. She stated the school board is not taking a positive or negative position to

Jeff Billhorn neighbor to the property in question stated this proposal doesn't maintain rural character and is not adjacent to utilities.

Alvin questioned distance to nearest subdivision. Ron Combs said two current subdivisions are within 1/4 mile.

Don Krajeck provided an article referencing the rapid loss of farm land in the State of Wisconsin. Sharon Franklin stated that we need to be careful in how we spend our farmland that we can't get it back. Heidi Deiniger voiced concern for setting precedence for allowing this land to be dividied and that other owners will want to do the same thing. Dan Wotecho, from the City of Evansville noted that in the City of Evansville's landuse plan this area is designated as agriculture.

Attorney Jeff Roethe representative of Randy Shotliff shared concerns of by-pass plans and getting committments out of the Department of Transportation. He urged the Plan Commission adopt the request.

Kendall Schneider presented an article from the Wisconsin State Journal referencing the use of land for housing.

George Franklin presented minutes from April 1995 when Randy divided off a parcel for his sister. The motion included a stipulation that there be no further division of the property. A small part of this land property indicated is slated for Phase I of Randy's proposed subdivision.

Renee Exum read a letter from Dolores Rohloff.

Location of proposed subdivision to other subdivisions.

Public Hearing closed at 8:55 p.m.

Doug noted section ___ of the Comprehensive Plan shows that this request would change the rural character of the township. He also felt that previous agreements are not voided by the Comprehensive Plan. Randy stated he was not aware of the conditions put on the land division for his sister and questioned whether or not he was at the meeting.

Traffic report does not meet the requirements of the Land Division Ordinance p. 12 (16.09.11.D). Greg stated what was included in the application is preliminary and that the board should get more information as the steps progress.

Eric noted the large number of lots (20). He felt this area fits in the rural character issue as it is relatively close to other developments. Doug felt it wasn't within a quarter mile of similar development. Concerns mentioned about using this high quality ag land. Eric asked about approving a portion at a time.

Mike Exum asked how the Plan Commission would handle future requests from the 35 acre parcel owners to divide their land.

Attorney Roethe indicated the stipulation for no further development is not enforceable.

Motion by Doug Zweizig to postpone to the next meeting in order to get legal advice on the restrictions to the previous land division. Second by Eric Larsen. Motion carried by 5-1 vote.

Eric Larsen - Y
Mike Exum - Y
Alvin Francis - N
Doug Zweizig - Y
Kim Gruebling - Y

Doug questioned if there was a process for getting an attorney's opinion.

Clarification was made that the proposed subdivision is next to existing farm operations being cropland. Clarification is needed for the term "farm operation" on the Site Assessment Checklist.

Utilities Map shows a gas line running along Territorial Rd. Site Assessment Checklist. V.C. Ron interpreted it as a non-local utility line such as a high pressure.

Discussion and resolution to recommend an amendment to the Town of Union Comprehensive Plan Future Land Use Map #19 to address any recommendations identified in Items #1-3 above.

No action

Public Hearing and resolution to recommend changes to the permitted conditional uses

under the A1 and A3 zoning categories.

No action taken.

**Public Hearing and resolution to amend Ordinance 95-5 or Fee Resolution to double permit fees if permit is not issued prior to work being started.
Public Hearing opened and closed.**

Motion by Eric Larsen to resolve to recommend the Town Board to amend Ordinance 95-5 or Fee Resolution to double permit fees if permit is not issued prior to work being started. Second by Doug Zwezig. Motion passed by unanimous roll call vote.

Public Hearing and resolution to amend the Ordinance 95-5 restricting a two year period for work to be completed once a permit is issued.

Public Hearing opened and closed.

Mike Exum resolved to recommend to the town board to amend the Ordinance 95-5 restricting a two year period for work to be completed once a permit is issued. Second by Kim Gruebling. Motion passed by unanimous roll call vote.

Mike provided information on the training that is being planned by UW Center for Land Use. Other townships are interested in attending. Cost will be \$10 - \$15.

Bob Janes asked about modifications to the A1 zoning to allow in-home beauty salon.

Doug Zwezig made mention that it would be good to have Heidi Carvin present information on the Evansville School District.

Motion by Mike Exum to adjourn. Second