

# TOWN OF UNION

## PLAN COMMISSION MEETING

### Minutes for January 25, 2007

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The Town of Union Plan Commission met on Thursday, January 25, 2007 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI. The meeting was called to order at 7:00 p.m. by Chairman Alvin Francis.

Present: Alvin Francis, Mike Exum, Kim Gruebling, Marty Johnson, Rich Templeton, Doug Zweizig and Eric Larsen. Greg Hofmeister, town engineer. Bob Fahey, building inspector.

Absent: None

#### **Approval of January 18, 2007 meeting minutes**

Eric Larsen moved to approve the January 18, 2007 minutes with the correction of "the next meeting" to "a future meeting" in respect to David Rich's Conditional Use permit review information. Mike Exum second. Approved by unanimous vote.

**Public Hearing: Discussion and resolution on recommending to the Town Board an amendment to the Town of Union Comprehensive Plan Future Land Use Map #19 to allow for RR zoning for a new 1.88 acre parcel created from Parcel #6-20-67 which is located at the south end of Harold Drive.**

**Public Hearing: Teresa Shea and Allen Booth, 10244 N. Harold Dr., Brooklyn, WI 53521 request a land division and zoning change for Parcel 6-20-67 located in the NE 1/4, SW 1/4 of Section 9. The current parcel is 19.4 acres and zoned A1. The owners request to split off an 1.88 acre RR parcel for the purpose of a relative building a home on the lot. This parcel is located at the south end of Harold Drive.**

Public Hearing opened at 7:08 p.m. to address the above two agenda items:

Teresa Shea spoke that her sister would like to move to the area to help take care of her brother. They would like to create a lot so her sister could build a home on the lot. The parcel had a restriction set on it when it was first divided in the early 1990's that the lot could not be divided for ten years. This time period has been met, so no other restrictions apply.

Neighbor Ray Hendrickson wondered about the wells in addition to the possibility of the bigger parcel being divided into more lots. He also wondered about a depression area where his horses graze. Neighbor Jeff Maly voiced his concern about the placement of the proposed new house being directly behind his house. He is also concerned about the water table. Would prefer the house to be placed near the berm. Ms. Shea indicated the location of the house on the map was not necessarily indicative of its final location.

Rich Templeton, a farmer who farms next to the proposed lot, gave formal notice to Ms. Shea's sister and brother-in-law that there would be farm machinery noise after hours and odor factors surrounding his use of the land in his farming operations. Both acknowledged their understanding of what he said. Public Hearing closed at 7:22 p.m.

Kim Gruebling wondered about whether or not a change to the Comprehensive Plan is required. Doug Zweizig questioned what would limit other people from requesting to divide off a lot.

Mike Exum was concerned about spot zoning and would be more favorable to a lot size similar to the other lots.

Greg Hofmeister wondered why the lot was shaped as a flag. Teresa replied that she felt a smaller lot would be more favorable to the board. Greg noted that it's advisable not to create flag lots as to avoid homes being built in front of each other later. Greg did not recommend the lot size and shape as proposed.

The applicant's proposed scoring of the property was 180.

Doug Zweizig recommended the large lot be divided into two A2 or two A3 parcels.

Mike Exum moved to take no action on proposed land division application for #6-20-67 with a recommendation that the applicant resubmit an application based upon the recommendations made at the meeting to divide into two A3 lots. Second by Marty Johnson.

Rich Templeton moved to amend the motion to recommend allowing an approximately 5 acre A3 and an A2 lot instead of the two A3 lots. Second by Kim Gruebling. Amendment carries by unanimous voice vote.

Motion carries by unanimous roll call vote. Final motion's intent: *To take no action on proposed land division application for #6-20-67 with a recommendation that the applicant resubmit an application based upon the recommendations made at the meeting to divide the parcel into an approximate 5 acre A3 parcel and an A2 parcel.*

**Public Hearing: Discussion and resolution on recommending to the Town Board an amendment to the Town of Union Comprehensive Plan Future Land Use Map #19 to allow for RR zoning for a new 1.5 acre parcel created from Parcel #6-20-150 which is located on southwest corner of Pleasant Prairie Rd and Emery Rd in the NE 1/4, NE, 1/4 of Section 19.**

Public Hearing opened at 8:06 p.m. to address the above two agenda items:

Paul Mass indicated his son would like to build a house on the new parcel. Discussion ensued about scoring form. Applicant ranked the proposal at 170.

A letter from Warren Ekenberg was read. Elaine Strassburg questioned why we are giving exceptions to a newly adopted Comprehensive Plan when there was opportunity during the Plan's development process to have had this incorporated. Randy Shottliff shared that Maas is attempting to conserve the amount of farm land used. It was clarified that Paul's son is not involved in the farming operation.

Public hearing closed.

Kim Gruebling moved that the Plan Commission make no recommendation to change the Comprehensive Plan for this request. Second by Doug Zweizig. Rich Templeton stated that he would have liked a site where there was a previous home. Motion passed by unanimous roll call vote.

**Public Hearing: Paul Maas, 17816 W. Evansville-Brooklyn Rd., WI 53536 requests a land division and zoning change to separate off a 1.5 acre RR parcel from the current 77 A1 parcel. Parcel is Parcel # 6-20-150. The owner requests this split for his son to build a**

**house on.**

Public Hearing opened at 8:06 p.m. No comment. Public Hearing closed at 8:07 p.m.

Motion by Kim Gruebling to recommend denying the request to separate off a 1.5 acre RR parcel. Second by Eric Larsen. Motion passed by unanimous voice vote. Because it does not fit the current Comprehensive Plan and because a building site had been previously divided off of the property.

**Public Hearing: Discussion and resolution on recommending to the Town Board an amendment to the Town of Union Comprehensive Plan Future Land Use Map #19 to increase the area of Special Purpose District for parcel 6-20-97 located south of State Hwy 59 on the west side of N. East Union Road, Fire #10607.**

**Candace Phelps, 13222 W. East Union Rd, Evansville, WI 53536 requests a zoning change for her 138 acre parcel (6-20-97) from A1 to Special Purpose in order to begin additional mining. Parcel is located south of State Hwy 59 on the west side of N. East Union Road, Fire #10607. Time table for development is 3-4 months.**

Public Hearing opened at 8:12 p.m. to address the above two agenda items. Brett Frank stated that two reclamation sites were set up prior to the Comprehensive Plan established. He would like the zoning to be changed to Special Purpose. When done mining, it would be converted back to farmland. All traffic would go directly to Hwy 59. Kendall Schneider stated that Frank Bros is bonded. Clerk O'Leary requested a copy of the bond on an annual basis. Brett noted that neighbors requested the ponds be closer to the pit and out of sight of the neighbors.

Greg Hofmeister questioned about hours of operation and dust control.

Doug questioned about the recharge area shown on Map #16 of the Comprehensive Plan. Tom Davis wondered about the wells. Brett Frank stated that Sam's Well Drilling would put the well deep into a separate aquifer. He also added that there would likely be 2 trucks per hour. Operating 6 a.m. - 6 p.m. seasonally. Tom Davis wondered what the setbacks would be for the mining. No ordinance is in place with these types of specifications. Brett noted that a berm would be built to block the view of the operation. Jim Fahey noted that when Tom built his house, he had told him there would be trucks coming out of the driveway. Connie Davis retorted that this is a much larger scale proposal than what there was before. Connie asked about noise factor. Brett stated that he is mandated by state standards for noise levels and dust. Tom Davis noted that the road is getting destroyed and that when the trucks come out of the drive, they drive over Tom's yard. Brett stated that the county has told them when repairs are needed.

Bridget Larsen stated that the road is in poor condition and wondered about the 24 truck limit/day and how the bond will be adjusted to improve the road. She also wondered about changing the land back to ag land when it is done. Brett replied he's mandated from the county to have a reclamation plan. Doug Lee was favorable.

Neighbor George Franklin wondered about Brett's proposed option for an alternative access to Hwy 59. Brett said that wasn't favorable due to the cost.

Tom Davis asked about the 300 foot sight distance for the driveway. Bob stated that the drive is an existing drive.

Eric Larsen noted his concern for the gravel on the road as a danger for braking and he was concerned about the view from his house to the pit. Brett stated a 20' berm would help block the sight. There would be one person on sight each day to monitor the gravel on the road.

Tom Davis wondered how this relates to the Smart Growth Plan. Rich Templeton stated that there was a pit there from the beginning.

Public Hearing closed at 8:45 p.m.

Mike Exum asked how long this land would be mined. Brett replied that the holes will be reclaimed within 6 months to 1 year. The mine could be operational for 50-60 years. Doug Zweizig was impressed by the reclamation proposal and how it would bring back ag land. Kim noted that in the Comprehensive Plan this would be economic development.

Kim noted items that he would like to have in the conditional use permit. They are: hours of operation, water table effect, truck traffic, gravel cleanup, the road bond, the berm, a fence, and a bond for reclamation if there is bankruptcy

Doug Zweizig moved to change the zoning of parcel 6-20-97 from A1 to Special Purpose as indicated on map #3 of the proposal. Motion withdrawn before a second.

Discussion ensued regarding the size and location of the proposed SP.

Marty Johnson moved to take no action and to recommend the applicant come back with a certified survey map offering the house and buildings as an A1 parcel and the rest as a special purpose district. Second by Kim Gruebling. Motion approved by unanimous roll call vote.

**Public Hearing: Discussion and resolution on recommending to the Town Board an amendment to the Town of Union Comprehensive Plan Future Land Use Map #19 to allow B1 or A3 and A2 zoning for a new parcel and remaining parcel (6-20-311) located along Marsh Rd west of Cty Tk M.**

**Stella Krumwiede, 6516 N. Weary Road, Evansville, WI 53536 requests a land division, conditional use permit and zoning change to create a new 3.1± acre parcel zoned B1 from a 35.24 acre A1 parcel (6-20-311) for the purposes of constructing an electric sub-station. The remaining 31.5± acre parcel would be rezoned A2.**

Public Hearing opened at: 9:17 p.m. to address the above two agenda items.

Scott George from Evansville Water & Light indicated this land would be used for an electrical substation. Bob Fahey noted the letter sent from Ron Combs suggesting that the conditional use of a utility be added to the A3 zoning ordinance language. George Franklin noted that he would like to see a 99 year lease arrangement and to keep the land A1.

Doug Zweizig moved to take not action to amend the Comprehensive plan to to allow B1 or A3 and A2 zoning for a new parcel and remaining parcel (6-20-311) located along Marsh Rd west of Cty Tk M. Second by Eric Larsen. Motion carried by unanimous voice vote.

Motion by Doug Zweizig to approve a conditional use permit for the construction of an electrical substation and storage building on a 3.1 acre area of parcel #6-20-311 in the sw corner of said parcel as a permitted conditional use on the A1 parcel as it is consistent with the Comprehensive Plan to provide sufficient electric utilities and to preserve quality farmland with

the condition that the land be reclaimed back to farmland if no longer used as an electric utility.  
Second by Mike Exum.

Motion passed by unanimous roll call vote.

**Ordinance modification to double permit fees if permits not issued prior to work being started.**

**Ordinance modification restricting a two year period for work to be completed once a permit is issued.**

Doug moved to table the last two agenda items to a special procedure meeting with a date to be set. Second by Marty Johnson. Motion approved by unanimous voice vote.

Motion to adjourn by Marty Johnson. Second by Kim Gruebling.

Meeting adjourned at 9:49 p.m.

Submitted by

Linda O'Leary  
Clerk