

# TOWN OF UNION PLAN COMMISSION MEETING

## Minutes for February 22, 2007

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The Town of Union Plan Commission 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 present included Doug Zweizig, Kim Gruebling, Mike Exum, Alvin Francis and Eric Larsen. Absent members: Marty Johnson and Richard Templeton Jr. Also in attendance: Building Inspector Bob Fahey and Town Engineer Greg Hofmeister.

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 opposes the approval of Paul Maas's request to divide off a lot. This letter 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.**

Public Hearing Closed at 7:08 p.m.

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.

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. Also, a parcel can have multiple zoning districts as long as a legal description exists.

The area Frank Bros. Is interested in mining is north of the buildings. The question is what part of the property is to be zoned special purpose district.

*Mike Exum made a motion that the additional area to be mined (in the proposal) be zoned special purpose. Second by Mike Larsen. Motion approved by unanimous roll call vote.*  
Kim Gruebling: Y; Doug Zweizig: Y; Alvin Francis: Y; Mike Exum: Y; Eric Larsen: Y

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

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to identify dimensions for this area.

Kendall Schneider talked about issues related to the road: redoing the road to a higher standard of road with cost sharing between township and Frank Bros., culverts, and truck traffic direction to and from pit.

Other conditional concerns were addressed by the Commission:

- Hours of operation: Brett would like daylight hours M-F, Saturdays til 2 p.m. No Sundays. (Neighbors Connie and Tom Davis stated they would prefer set hours)
- Maximum 20 acres open gravel pit at a time.
- Dust/erosion control
- Plan Commission review period. (Mike Exum recommended a review in one year to start with.)

Public Hearing Closed at 8:01 p.m.

Eric Larsen stated his concern for site visibility from the pit's driveway. Commission discussed recommendation of "Trucks Entering" sign.

Kim Gruebling brought up issues of what the building will look like, road cleaning equipment, the berm height and vegetation, the area to be mined, and hours of operation. Brett Frank stated he would be willing to operate from 6 a.m. - 6 p.m. M-F and 7a.m. - 2 p.m. on Saturdays. Mike Exum asked about financial protection of Township if business goes out of business as well as a bond for the road and berm/screening specifications.

*Motion by Kim Gruebling to postpone action on this 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 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 Zweizig second. Motion passed by unanimous voice vote. Kim Gruebling: Y; Doug Zweizig: Y; Alvin Francis: Y; Mike Exum: Y; Eric Larsen: Y*

**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.**

Public Hearing opened at 8:20 p.m.

Previously the Plan Commission approved a conditional use permit for the electric sub-station with the intention that Krumwiedes would create a lease agreement. However, the ordinance doesn't allow a lease agreement on land for longer than nine years and thus the parcel would need to be split off. The Town Board at their February meeting suggested the Plan Commission review the request for this consideration.

Ron Combs requested the Plan Commission split off the parcel with a conditional use permit creating two non-conforming A1 lots; one that is 3.1 acres for the substation and one that is 32.14 acres.

Public Hearing closed at 8:27 p.m.

*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 roll call vote. Kim Gruebling: Y; Doug Zweizig: Y; Alvin Francis: Y; Mike Exum: Y; Eric Larsen: Y*

**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 a new proposal for Randy Shotliff asking for residential lots and to combine the remaining land into one large A1 parcel.

Public Hearing opened at 8:25 p.m.

Kim Gruebling's question to who would own the pond was answered by Ron Combs stating the pond would be owned by a homeowner's association which would be created when the subdivision is created.

Heidi Carvin, Evansville School District Superintendent, stated she is here to present information on school enrollment issues. Ms. Carvin noted issues of maximum capacity along with traffic problems around the school grounds as problems currently facing the school district. She stated the school board is not taking a positive nor negative position to the request.

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

Alvin Francis 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 because once it's built on, we can't get it back. Heidi Dieniger, neighbor, voiced concern for this request setting a precedence for allowing land to be divided in the area and that other land owners will want to do the same thing. Dan Wietecha, the new City of Evansville Administrator, noted that in the City of Evansville's Land Use plan, the area in question is designated as agriculture.

Attorney Jeff Roethe representative of Randy Shotliff shared concerns of DOT by-pass plans and that getting commitments out of the Department of Transportation is difficult. He urged the Plan Commission to approve the request.

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

George Franklin presented minutes from a Town Board meeting in April 1995 when Randy divided off a parcel for his sister. The motion approving the land division included a stipulation that there be no further division of the property. A small part of this land indicated in the stipulation is slated for Phase I of Randy's proposed subdivision. Randy's attorney, Jeff Roethe indicated this stipulation is not binding. Randy argued that the new Comprehensive Plan map slated this exact area for development.

Renee Exum read a letter addressed to the Plan Commission from Dolores Rohloff regarding the request to rezone property on M& Territorial Road to allow a commercial enterprise to be established. (Mr. Shotliff's new request does not include any commercial lots.)

The issue of the location of this proposed subdivision to other subdivisions was addressed again. Question remained over interpretation of whether or not these were similar type subdivisions.

Public Hearing closed at 8:55 p.m.

Doug noted a section in the Comprehensive Plan about rural character and that this request would change the rural character of the township and this is a big finger of proposed growth. 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. (Clerk Attendance Records for the meeting indicate he was in attendance based on his signature on the attendance sign-up sheet.)

It was noted that the Traffic Report provided by Mr. Shotliff does not meet the requirements of the Land Division Ordinance p. 12 (16.09.11.D). Town Engineer, Greg Hofmeister stated what was included in the application is preliminary and that the board should get more information as the steps progress.

Eric Larsen noted the large number of lots (20) and voiced his opinion that this proposal does fit in with the rural character issue as it is relatively close to other developments. Doug Zweizig felt it wasn't within a quarter mile of similar development. Concerns were voiced about using this high quality ag land and Eric Larsen wondered about approving this development 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.

*Motion by Doug Zweizig to postpone further action 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 4-1 vote. Eric Larsen - Y; Mike Exum - Y; Alvin Francis - N; Doug Zweizig - Y; and Kim Gruebling - Y.*

Doug questioned if there was a process for getting an attorney's opinion. Don Krajeck indicated he would meet with the attorney if someone would go with him. Many Plan Commission members showed interest. Clerk O'Leary will send a copy of the April 1995 minutes to Attorney Forbeck.

Clarification was made from Randy Shotliff that the proposed subdivision is indeed next to an existing farm operation, i.e., that being cropped farmland. Clarification is needed for the term "farm operation" on the Site Assessment Checklist.

Doug Zweizig noted that the Comprehensive Plan Utilities Map shows a gas line running along Territorial Rd. He referenced Randy's completed Site Assessment Checklist. Ron Combs stated that he interpreted the utility line question as referencing a non-local utility line such as a high pressure line.

**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 necessary or taken at this time.

**Public Hearing and resolution to recommend changes to the permitted conditional uses under the A1 and A3 zoning categories.**

No action necessary or taken at this time.

**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.**

Public Hearing opened and closed with no public comment.

*Motion by Eric Larsen to resolve to recommend the Town Board amend Ordinance 95-5 or Fee Resolution to double permit fees if permit is not issued prior to work being started. Second by Doug Zweizig. Motion passed by unanimous roll call vote. Eric Larsen - Y; Mike Exum - Y; Alvin Francis - Y; Doug Zweizig - Y; and Kim Gruebling - Y.*

**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 with no public comment.

*Mike Exum resolved to recommend to the town board to amend 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. Eric Larsen - Y; Mike Exum - Y; Alvin Francis - Y; Doug Zweizig - Y; and Kim Gruebling - Y.*

**Other Announcements**

Mike provided general information on a training that is being planned by UW Center for Land Use. Other townships are interested in attending. Cost will be \$10 - \$15. The training will focus on the work of a Plan Commission.

Bob Janes asked about modifications to the A1 zoning to allow an in-home beauty salon. This condition use was added when the zoning code was revised in 2006.

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

**Adjournment**

Motion by Mike Exum to adjourn. Second by Kim Gruebling. Meeting adjourned at 9:50 p.m.

*Respectfully submitted by:  
Linda O'Leary*