

Town of Union PLAN COMMISSION MEETING March 27, 2008

The Town of Union Plan Commission regular meeting was called to order on Thursday, March 27, 2008 at the Eager Free Public Library, 39 W. Main Street, Evansville at 7:01 p.m. by Alvin Francis, Chairman. Members present included Alvin Francis, Doug Zweizig, Eric Larsen, Kim Gruebling, and Rich Templeton. Also in attendance: Town Supervisor George Franklin, Town Engineer Greg Hofmeister, Town Attorney Matt Dregne, and Clerk Regina Ylvisaker. Plan Commission members Mike Exum and Marty Johnson were not in attendance.

Approve February 28, 2008 Plan Commission Minutes

Motion to approve the minutes as written made by Eric Larsen. Second by Doug Zweizig. Motion carried by unanimous voice vote.

Chairman Alvin Francis noted that the agenda for the meeting had been revised; a revised copy was posted at the Town's official posting locations but was not published in the newspaper due to an error by the newspaper.

Francis notified the Commission that member Mike Exum had resigned from the Plan Commission. Additionally, member Rich Templeton's term on the Commission expires with tonight's meeting.

Discussion, review and possible approval of preliminary plat map, development phasing plan, zoning change from A1 to RR, and ROW dedication for Bakers Crossing Estates/Robert Janes, 8739 N. Territorial Rd. Evansville.

Attorney Matt Dregne reviewed the memo he sent to the Plan Commission members dated March 26, 2008. Most of his comments in the memo addressed procedural issues related to the approval of the development request. It was his opinion that there must be a public hearing held to approve the preliminary plat, and that there has not yet been a public hearing on that issue; there has only been a public hearing to approve the sketch map. This opinion was based upon Dregne's interpretation of the Town's zoning ordinance. Doug Zweizig expressed concerns that the Plan Commission did not write the ordinance in question, and therefore does not know the intent of the writers, which makes interpretation difficult.

Attorney Dregne stated that it was his opinion that the best practice to follow in interpreting the ordinance and required procedures is to take the two-step approach. With this approach the review of the sketch map would take place prior to the two steps of approving the preliminary plat and final plat. Dregne stressed the importance of having tight procedures in this area of proposal review and approval. Kim Gruebling felt that the three-step approach outlined in the memo may be a better process, as it would provide more opportunities for public input. Gruebling did not like the idea of requiring two application fees for one development request. Greg Hofmeister outlined the process being used by the Town of Albany, which is working well overall: there is no fee charged at the initial application and sketch map phase, and no surrounding landowner notification is made at that stage. Fees are assessed once the application moves forward with a preliminary plat. The only issue with this process has been not notifying the surrounding landowners.

Ron Combs, representing Bob Janes, stated that he felt that they had been diligent in providing information and responding to questions from the Commission. It is his opinion that they are now at the preliminary plat stage, and there have been no changes in the number of lots or other major changes to the plat as previously submitted. He felt that the Commission could approve the preliminary plat at tonight's meeting with conditions and would be consistent in following past practice. Kim Gruebling agreed with the attorney's opinion that the Commission must still hold a public hearing prior to approving the plat.

Attorney Dregne reiterated his opinion that the best approach overall is to approve zoning changes in conjunction with phases, not all at once. This allows the Town to effectively control development and would eliminate the need for laying out phasing requirements in the developer's agreement. Bob Janes stated his concerns that the project would not be economically feasible with only developing 10 lots, which is all that would be approved if the zoning change only applied to the first phase of development. The project is feasible if 25 lots can be developed. Approving only partial zoning changes leaves him hanging if future phasing is not approved, as costs for surveying, etc are significant and apply to the entire development. Janes also noted that the stormwater management plan is part of the proposed phase 3. Combs clarified that they are not asking for preliminary plat approval of the entire 53 acres, only the phase 1 plat and the overall zoning change.

Gruebling asked for clarification of the intentions of the developer for outlot 1, and who would have ownership of the lot. Combs stated that the intention is for the developer to retain ownership of the outlot until phase 3, at which time ownership would be turned over to a homeowners association. Dregne mentioned that the Town's zoning ordinance requires that outlots be deeded to homeowners associations at the outset of development, and any deviation from this would need to be clarified in a developers agreement.

Motion made by Eric Larsen to recommend to the Town Board approval of the zoning change of parcel #6-20-197, located at the SW corner of County Hwy. M and Territorial Road and totaling 53.7 acres from A1 to Rural Residential, on the condition that the developer (Robert Janes, 8739 N. Territorial Road, Evansville, WI) enter into a developers agreement with the Town of Union containing a phasing plan as laid out in the draft resolution prepared by legal counsel. The phasing plan will allow lots 1-11 (phase 1) be developed no earlier than 2008; lots 12-18 (phase 2) be developed no earlier than 2010; and lots 19-28 (phase 3) be developed no earlier than 2011. The developer will enter into said developer's agreement within six months of Town Board approval. Second by Kim Gruebling.

Roll Call Vote: Alvin Francis – Yes; Doug Zweizig – Yes; Eric Larsen – Yes; Rich Templeton – Yes; Kim Gruebling – Yes. Motion carried 5-0.

The Plan Commission then reviewed the memo from Town Engineer Greg Hofmeister which outlined concerns with the Bakers Crossing Estates proposed development. One item of concern was the parkland dedication required in the Town's zoning ordinance; Hofmeister suggested including specifics related to this in the developers agreement. The area intended for parkland dedication for this development is not in the 53 acres currently under discussion, it is in land which would be developed at some time in the future. Combs noted the area on the presentation map and explained that the parkland would not be accessible until the future development was completed. It is unclear at this time what level of involvement the Town's Parks and Trails Committee has in decision making with regard to location of parkland. Clerk Regina Ylvisaker will clarify this issue and contact Combs with further information.

The remainder of the issues and concerns outlined by Hofmeister were addressed in a satisfactory manner by the developer. The preliminary plat should now meet all requirements of the Town and a public hearing on the approval of the plat will be held at the April Plan Commission meeting.

Combs will send 18 copies of page 2 of the application for zoning and land division with changes discussed, as well as 11 updated maps for distribution to the Town Board, Building Inspector, Marty Johnson, 2 new Plan Commission members TBD, Clerk's files, and others as necessary to Clerk Ylvisaker. Attorney Dregne requested that Combs and Janes send him a letter agreeing to an extension of the approval timeline to June 1, 2008.

Review of Conditional Use Permit held by Candace Phelps, 13222 W. East Union Rd, Evansville, WI 53536 to operate a 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. The gravel pit is currently operated by Aggregate Produced Products, Inc.

Town Supervisor George Franklin reviewed the issue regarding the condition of the road and water runoff issues related to the operation of the gravel pit on N. East Union Road. Several members of the Plan Commission as well as the Town Board had been to the site to review the road condition and water issues over the past several weeks. Franklin noted that he feels the operation of the pit is good for the Town, and that it is in the best interest of all parties affected to work together to solve the current problems. Franklin agrees with neighbors and others that the condition of the road (N. East Union) is terrible; he stated that Chairman Kendall Schneider had called Rock County and they had run out of signs to post a weight limit on the road. It is hard to lay blame for the current road condition on any one person or group, as others living along the road have had dirt, etc hauled in and damage was done to the road at that point. The road has gotten to a point now where it is unsafe for traffic.

Attorney Dregne noted that he had not been asked to do any research on this issue by the Town yet, but recommends that the Town post warning signs and whatever else is necessary to alert the public to the poor road condition and safety concerns.

Motion to recommend to the Town Board that they authorize emergency repairs to N. East Union Road made by Kim Gruebling. Second by Eric Larsen. Motion approved by unanimous voice vote.

Motion to recommend to the Town Board to immediately secure and post signage at N. East Union Road to 1) restrict traffic on the road to 12 tons or less, and 2) notify the public of the dangerous road conditions, including flashing lights and road closed signs made by Kim Gruebling. Second by Eric Larsen. Motion approved by unanimous voice vote.

Motion made to recommend to the Town Board to work with the operator of the gravel pit as quickly as possible to resolve the issue of road condition to allow use by the gravel pit and necessary trucks, equipment, etc for daily and usual operation of the pit made by Doug Zweizig. Second by Kim Gruebling.

Discussion: Francis feels it is important that a plan to repair the road is needed prior to the review of the Conditional Use Permit held by Candace Phelps which allows operation of the gravel pit, which will occur at the May 2008 Plan Commission meeting.

Motion approved by unanimous voice vote.

Motion to adjourn by Eric Larsen. Second by Rich Templeton. Meeting adjourned at 9:30 pm.

*Respectfully submitted by:
Regina Ylvisaker, Clerk*

Note: Minutes are considered draft until reviewed and approved by the Plan Commission at a properly noticed meeting