

Town of Union
PLAN COMMISSION MEETING
Minutes of January 27, 2011

The Town of Union Plan Commission regular meeting was called to order at 7:00 p.m. on Thursday, January 27, 2011 at the Evansville Fire Station, 425 Water St., Evansville, WI by Chairman Alvin Francis. Members in attendance included Chairman Francis, Vice Chairman Doug Zweizig, Renee Exum, Dave Pector, Kim Gruebling, and Eric Larsen. Also in attendance were Town Supervisor George Franklin, Building Inspector Bob Fahey, and Clerk Regina Ylvisaker.

Approve November 18, 2010 Plan Commission Minutes

Motion to approve the minutes of the November 18, 2010 meeting as written made by Doug Zweizig. Second by Eric Larsen. Motion carried by unanimous voice vote.

Public Comment (10 minutes max/issue)

Brett Frank was in attendance and had questions regarding the Conditional Use Permit issued to APPI for the gravel pit on N. East Union Rd. The permit states no blasting; however there are DOT projects coming up which require limestone and there is limestone located in the quarry that cannot be reached without blasting. The State standards are stringent when dealing with limestone quality and strength for DOT projects. Frank stated that most pits in this area don't have limestone that will meet State standards. He needs to blast to have the limestone in his quarry tested if he wants it to be considered for DOT projects. Frank stated that the blasting would be smaller than what has been done in the past. Additionally, the businesses doing the blasting are insured, and cover any damage to surrounding buildings. Kim Gruebling asked if the blasting would be a onetime occurrence or ongoing; Frank stated that the testing would require one blast, and if the stone was acceptable to the state the size of the jobs would dictate the amount of blasting. Any blasting would occur only after a job was secured and would be done job-by-job. Frank stated that the limestone in the quarry may not be acceptable to the state, but there is no way to tell without blasting. Eric Larsen felt there would be no point in letting them blast for testing if the Town would not let them continue blasting for projects. Alvin Francis asked if the limestone were useable, the crushing would be continuous. Frank clarified that it would not be; 50,000 tons of material would take 3-4 weeks of crushing to obtain. Francis stated that his impression following prior discussions with neighbors regarding the CUP is that noise from the operation is a major complaint, and blasting and additional crushing would create additional noise. Frank stated the crushing would take place at least 2,000 feet off the road. Doug Zweizig felt that if blasting is not allowed under the current CUP, an application for a new CUP would be required to request the addition of blasting operations at the site. Gruebling stated he would be reluctant to approve blasting given the history of noise complaints from neighbors, and the fact that the current permit is very specific regarding no blasting.

Discussion: Farmland Preservation

Francis had asked the County for a letter regarding their questionnaire for zoning ordinance updates as related to the farmland preservation zoning ordinance. Renee Exum thinks it is a good idea to have the County assist with our ordinance update, and felt that it was likely that the County would be receiving some sort of grant money for working with Towns on this issue. Francis would like to come to a consensus on answers to the questionnaire for discussion at the next Plan Commission meeting, so the questionnaire could be completed at the next meeting and sent in by the County's deadline of February 28. Concern is that tax credits will expire and residents will not be eligible for new credits if the ordinance is not recertified.

Motion requesting that all Commission members work on the questionnaire in preparation for the February 24, 2011 Plan Commission meeting made by Renee Exum. Second by Doug Zweizig. Motion carried by unanimous voice vote.

Discussion: City of Evansville Future Land Use Maps

The maps were discussed at the November Plan Commission meeting, as well as the idea of having Commission members attend City of Evansville meetings. Larsen plans to attend the February City Plan Commission meeting; it should be held on February 1, and he will send an email out to Commission members confirming date/time/location. Larsen noted that on the City website individuals can sign up to receive email notices of meetings. Gruebling suggested contacting members of the community such as bankers, realtors, builders to explain the issue that more expensive houses tend to be built on larger lots that are historically located in the country (Union), and by the City's actions they are closing off the area and limiting the growth of those types of homes. Larsen believes that the City is contradicting its own smart growth plan goal of limiting sprawl, by not allowing Union to develop any closer to the city than the extra territorial jurisdiction they are forcing the Town to create sprawl.

Discussion: Plan Commission Policies and Implementation Strategies

Larsen reviewed the table he created to map historical land division and zoning changes made by the Commission, to detail the reasons behind the decisions, and split the decisions out by zoning classification. This should provide documentation and past practices to review to ensure consistency on issues that come before the Commission. Larsen also thinks the table would help Bob Fahey when handing out land division/zoning applications to individuals, he would be able to provide some direction on the Commission's history of decisions on issues, which would hopefully reduce the instances of people spending time and money on applications that are not submitted in a manner that is acceptable to the Commission.

It was agreed that working on rows of similar types of splits would be the best way to approach the table. For the February meeting, the group will focus on A1-to-A3, and A-1 conditional use land divisions. Commission members will be expected to come to the meeting with smart growth references and examples of splits, including name & date, for discussion. Zweizig wondered if including references to the section of the zoning code that relates to the split would be helpful as well; it was agreed to include the references to see if they are helpful.

Public Hearing: Review and Recommendation to Town Board Amendments to Town of Union Code of Ordinances Chapter 17, Secs. 17.02 (2); 17.03 (1); 17.06 (3); 17.07 (3); 17.08 (3); 17.09 (3); 17.10 (3); 17.11 (3); 17.12 (3); 17.13 (3); 17.14 (3), (5); 17.15 (2); 17.16 (2); 17.17 (3); 17.18

Public hearing opened at 7:46 p.m.

Francis read in emailed comments received from Supervisor Don Krajeck:

My general impression from the board discussion was that the board wanted final say on any conditional use permit. Part of the reason for having public hearings at plan commission level was to decrease the load and length of the board meetings. Personally, if there is a hearing at the plan commission level, I see absolutely no need to have another hearing at the board level. Either the applicant meets the ordinance standards, or they don't. The board should only have to decide if the plan commission properly applied the existing ordinances.

Other points:

1. In 17-14 B Economic Feasibility. I think this is the only place in the ordinances that the town asks for financial information from a developer. Can the town legally do that here?

2. In 17-14 C Design Standards. The town engineer should be involved for design review and construction supervision at the developer's expense.

Francis agreed that it would be more efficient to have only one hearing at the Plan Commission level. Legal counsel had stated that having only one hearing at the Board level was acceptable, but had not indicated that holding only one hearing at the Plan Commission level was acceptable. Larsen believes that the public should be allowed the opportunity to speak at a public hearing in front of the people making the final decision on the application, i.e. the Board. Gruebling questioned why the change in granting authority was being considered at all; Francis stated that the issue has been discussed for a while, and the Board is concerned about being ultimately responsible for any problems or issues that come out of a CUP which they had no authority in granting.

George Franklin explained that Chairman Kendall had brought the issue up a while ago, basically being concerned with having elected officials responsible for the final decision. Franklin has had concerns with the length of time and number of meetings that the Plan Commission has spent recently going over the same issues on applications, specifically the APPI gravel pit CUP. He feels that the Commission has issues and facts in front of them and fail to make decisions. As far as the Board having the final approval of CUPs, Franklin strongly agrees with making the change.

Larsen feels strongly that there should be a public hearing at both the Plan Commission and Board level. If the Board is simply reviewing the work of the Plan Commission, Zweizig feels a public hearing at the Board level is necessary.

Motion to update §17.18(8) "Notice and public hearing" to require both the Plan Commission and Town Board to hold public hearings on Conditional Use Permits made by Eric Larsen. Second by Doug Zweizig. The specific wording to include is: "Before issuing a Conditional Use Permit, the Plan Commission and the Town Board shall each hold a public hearing." Francis favors Krajeck's approach, and thinks that a second hearing at the Board level is unnecessary and tends to make the process less efficient. He believes that it should be up to the Board if they want to have a public hearing. Gruebling felt the Board shouldn't be able to cherry pick which issues they want to have public hearings on; it should be all or none.

Roll call: Alvin Francis – Yes; Doug Zweizig – Yes; Renee Exum – Yes; Dave Pestor – Yes; Kim Gruebling – Abstain; Eric Larsen – Yes. Motion carried 5-0.

§17.06 (3), 17.07 (3), 17.08 (3), 17.09 (3), 17.10 (3), 17.11 (3), 17.12 (3), 17.13 (3), 17.14 (3), 17.15 (3), 17.16 (3), 17.17 (3) - Motion to change first sentence in all sections to read "A conditional use in this district is to permit the following uses only after public hearings, Plan Commission recommendation to the Town Board, and approval of the Town Board" made by Eric Larsen. Second by Renee Exum. Larsen amended his motion to "A conditional use in this district is to permit the following uses only after public hearing at the Plan Commission, recommendation by the Plan Commission, public hearing at the Town Board, and approval of the Town Board." Second to amendment by Renee Exum.

Roll call: Alvin Francis – Yes; Doug Zweizig – Yes; Renee Exum – Yes; Dave Pestor – Yes; Kim Gruebling – Abstain; Eric Larsen – Yes. Motion carried 5-0.

17.06 (3); 17.17 (3) – Motion to change second sentence in both sections to read “The Plan Commission will review the applicable facts pertaining to the proposed conditional use (ref. §17.18(6)) and will recommend approval of the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan. Conditional use permits are permitted only subject to the fulfillment of conditions which effectively ensure that no such problems will be created.” made by Doug Zweizig. Second by Eric Larsen. Amendment to include a reference to 17.18 (5) at the end of the first sentence made by Eric Larsen. Second by Doug Zweizig. Motion carried by unanimous voice vote (Kim Gruebling abstaining).

§17.18 (5) - Motion to include in the first paragraph before the last sentence, an outline of the Town Board approval process to read “The Town Board shall hold a public hearing and make a final decision” made by Renee Exum. Second by Eric Larsen. Motion carried by unanimous voice vote (Kim Gruebling abstaining).

Motion to recommend that the Town get attorney recommendation on language regarding renewal/enforcement of CUPs in §17.18 (5) para 3 made by Renee Exum. Second by Doug Zweizig. Exum accepted amendment from Dave Pestor to add to the list of issues to discuss with the attorney the idea of utilizing a licensing ordinance for commercial businesses instead of a CUP. Second by Doug Zweizig. Motion amendment withdrawn. Original motion carried by unanimous voice vote (Kim Gruebling abstaining).

17.18 (5) para 2 – Motion to change “land divider” to “applicant” made by Eric Larsen. Second by Renee Exum. Motion carried by unanimous voice vote (Kim Gruebling abstaining).

17.14 (5) (B) – Motion by Doug Zweizig to change to “Plan Commission and Town Board” and change “its” to “the P.U.D.’s.” Second by Renee Exum. Motion carried by unanimous voice vote (Kim Gruebling abstaining).

The Commission wanted noted that they would like to ask legal counsel about the issuing temporary CUPs, whether they should be a separate issue within the ordinance from a “regular” CUP, the concept of a CUP going with the land, and does a temporary CUP follow the land. This topic should be added to the list for the next time the attorney is in attendance at a meeting.

Motion to table further discussion of the zoning ordinance updates and add the issue as an agenda item for the February 24, 2011 meeting made by Eric Larsen. Second by Doug Zweizig. Motion carried by unanimous voice vote.

Public Hearing: Review and Recommendation to Town Board Adoption of Ordinance 2011-01, An Ordinance to Allow Reimbursement of the Costs of Reviewing Zoning Applications in the Town of Union

Public hearing opened at 9:28 p.m.

Doug Zweizig suggested changing the language from “...timely pay...” to “...pay timely...”

Public hearing closed at 9:30 p.m.

Motion to recommend to the Town Board adoption of Ordinance 2011-01, An Ordinance to allow Reimbursement of the Costs of Reviewing Zoning Applications in the Town of Union, with the language change to "...pay timely..." made by Eric Larsen. Second by Dave Pestor.

Roll call: Alvin Francis – Yes; Doug Zweizig – Yes; Renee Exum – Yes; Dave Pestor – Yes; Kim Gruebling – Yes; Eric Larsen – Yes. Motion carried 6-0.

Public Hearing: Review and Recommendation to Town Board Adoption of Ordinance 2011-02, An Ordinance to Add a Right-To-Farm Disclaimer to Certified Survey Maps and Plats in the Town of Union

No public hearing held. Item tabled until February Plan Commission meeting. The Commission would like legal counsel opinion on the "noise" issue within the language of the ordinance.

Motion to adjourn made by Eric Larsen. Second by Kim Gruebling. Motion carried by unanimous voice vote. Meeting adjourned at 9:31 p.m.

Respectfully submitted by Clerk Regina Ylvisaker.

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