

Town of Union
PLAN COMMISSION MEETING
Minutes of May 26, 2011

The Town of Union Plan Commission monthly meeting was called to order by Chairman Alvin Francis at 7:00 p.m. on Thursday, May 26, 2011 at the Evansville Fire Station, 425 Water St., Evansville, WI. Members in attendance included Chairman Francis, Vice Chairman Doug Zweizig, Dave Pestor, Renee Exum, and Eric Larsen. Supervisor George Franklin, Building Inspector Bob Fahey, and Clerk Regina Ylvisaker were also in attendance.

Approve April 28, 2011 Plan Commission Minutes

Motion to approve the minutes of the April 28, 2011 meeting as written made by Doug Zweizig. Second by Eric Larsen. Motion carried by unanimous voice vote.

Zweizig noted that the Town website is much improved.

Public Comment (10 minutes max/issue)

Kyo Ladopolous, residing on Netherwood Road in Oregon, was in attendance requesting the Plan Commission review a conceptual proposal of a land division of property owned by Nick Ladopolous on Holt Road. He noted that the Trumpy land near this property was recently divided. In his opinion, it would be easier to sell the farmland if some of the buildings currently on the lot were split off; the area surrounding the existing buildings is not very productive land and farmers he has spoken with would rather not deal with buildings and foundations on farmland. Last year the home and some of the buildings were split off of the parent parcel, and the parcel is currently on contract to purchase. The current request would be to separate off 4.12 acres adjacent to the prior split. The remaining farmland is currently up for sale; Nick Ladopolous stated two offers to purchase have been received and both were contingent upon removal of buildings and foundations and replace them with topsoil. Larsen asked if the 4.12 acre parcel would be rezoned A3, and if there would be any agricultural activity on the property. Ladopolous stated that it would be rezoned A3 and there would be no ag activity planned. Larsen asked by 4.12 acres was chosen rather than the minimum A3 size of 3 acres. Ladopolous stated that the farmland is of lower quality in the entire 4 acre area. Zweizig stated that providing the rationale for such decisions in their application, i.e. why 4 acres vs. 3 acres, etc., would be helpful. Larsen explained that it is the responsibility of the applicant to show how the requested division would be consistent with the Town's smart growth plan. Larsen also noted that the Trumpy split had an existing home on it, and there are no homes on the division proposed by Ladopolous. Alvin Francis noted that Trumpy's land was located in the Town's future development area, and this land is not.

Shane Begley, of Begley Wireless representing AT&T, was in attendance regarding the Town's tower moratorium. He had submitted an application to the Building Inspector for a cell tower on April 13, located west of town on Sayre's property, and has entered into long term contract with the Sayres already. Begley explained that in establishing the proposed location for the tower, he made sure the tower was located in an agricultural district, as is usually preferable, and had proper setbacks. He would like to have his application accepted so that it can be reviewed for approval as soon as the moratorium is expired. Begley noted that TV towers are much higher than cell towers; the tower he proposed would be a 250' self supporting tower, lighted, gray to blend in with sky. Zweizig and others felt that it was inappropriate to work directly with an applicant to develop an ordinance. Francis noted that damage to roads resulting from tower construction is one concern the Town has. Begley noted that it is already included in the

contract with the landowner that if the tower is abandoned, the tower is removed to 3 feet below the surface of the soil.

A resident in attendance with a farm on Emery Road totaling 35.07 acres would like to sell part of the farmland (24-26 acres) to the neighbor who is adjacent to them as they don't need that much acreage. What do they need to do for this? The Plan Commission explained that such a sale would involve a zoning change, as the change in lot sizes would require such. The 8-10 acres remaining would be zoned either A2 or A3, dependent upon actual acreage. Francis believes the ~24 acres could remain A1 if they were being attached to another A1 parcel.

Gary Messinger, Bullard Rd., owns 5 acres zoned A3 with three buildings currently located on the property. Is allowed 3 buildings on his land and currently has the maximum. He would like to put up a three sided shed for livestock, which would be on skids and not permanent. When asked, Bob Fahey he would be unable to add such a building. Messinger wonders if the definition of "building" should be reviewed, as he believes that as it currently reads he would be unable to have a garden shed, tool shed, etc. The Plan Commission agreed that Fahey interpreted the definition correctly; the question is whether it should be taken under advisement to change. Francis would like to review the issue next month. Motion by Eric Larsen to review A3 zoning district wording regarding buildings at the next Plan Commission meeting. Second by Doug Zweizig. Motion carried by unanimous voice vote.

Public Hearing: Review and Recommendation to Town Board action on request made by Dennis Midthun, 502 Cabrillo Ct., Verona, WI 53593 to separate off 8 acres from the existing ~25 acre parcel located in the NE ¼, SE ¼, and NW ¼ of the NE ¼ of Section 14, #6-20-116.1, 13845 W. Bullard Rd. and 13907 W. Bullard Rd. The applicant is requesting the 17 acre parent parcel retain A2 zoning, and the resulting 8 acre parcel be rezoned A3. The purpose of the request is to separate the two existing homes on the lot into separate parcels.

Public hearing opened at 7:45 pm.

Dennis Midthun, owner, feels the change would be a great improvement for the area; the homes are currently rental property and he believes allowing for home ownership would be an improvement.

Paul Hagen, Bullard Rd., thinks that the property hasn't been taken care of, and is against allowing the split.

It was explained that the marsh, or flag lot, area was previously used as a pasture for horses that the prior homeowner owned. There is a separate well and septic for each home.

Marie Messinger, Bullard Rd., believes the less splitting up of property that is done the better.

Midthun noted that he is not taking any land out of ag land production, and essentially nothing will change if the property is divided into two parcels.

Public hearing closed at 7:56 p.m.

Larsen noted that this request is different than previous A2-A3 splits, as no buildable lot will be created as has occurred in most prior similar divisions. Larsen agrees that the land will not be changed, no ag land will be taken out of production, and agrees that ownership vs. renting is better for rural communities as it makes people more likely to use the land in an agricultural

manner. Zweizig agrees with Larsen, but is concerned that in the future someone may feel that the flag lot may be viewed as a buildable lot and request another division. The flag lot is located in a marsh area which is very unsuitable for building. Dave Pestor feels the split should be approved, doesn't think that future development is a concern. Larsen noted that both of the proposed lots already have the maximum 3 buildings allowed.

Motion to recommend to the Town Board approving the request made by Dennis Midthun, 502 Cabrillo Ct., Verona, WI 53593 to change the zoning of the requested 8 acre parcel located in the NE ¼, SE ¼, and NW ¼ of the NE ¼ of Section 14, #6-20-116.1, 13845 W. Bullard Rd. and 13907 W. Bullard Rd. made by Eric Larsen. Second by Dave Pestor.

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

Motion to recommend to the Town Board approving the request made by Dennis Midthun, 502 Cabrillo Ct., Verona, WI 53593 to separate off 8 acres from the existing ~25 acre parcel located in the NE ¼, SE ¼, and NW ¼ of the NE ¼ of Section 14, #6-20-116.1, 13845 W. Bullard Rd. and 13907 W. Bullard Rd. made by Eric Larsen. Second by Doug Zweizig.

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

Discussion/Action: Evansville Comp Plan Amendments

Larsen did not attend the City Council meeting, and hasn't located minutes online. Francis believes that the Council will have a public hearing on the amendment on June 14. Bob Janes confirmed that a public hearing was not held at the last Council meeting.

Francis feels a Plan Commission comment at the Council's public hearing is necessary, as they could adopt the amendment at that meeting. Others felt that any statement made by the Town would not be taken into consideration by the Council, given prior reactions to comments and requests made by the Town regarding the issue. Zweizig would like the issue to be an ongoing agenda item, and noted that perhaps the Town will need to rethink it's smart growth plan if the amendment is adopted.

Tower and Antenna Ordinance Development

Zweizig thinks that MET towers should be included in the ordinance as well. He suggested having Town Engineer Greg Hofmeister look at Magnolia's tower and antenna ordinance as a model ordinance and provide input, as well as asking his thoughts regarding including MET towers and any other types of towers that could be included. Francis would also like Hofmeister to address road damage issues.

Begley explained that monopoles are generally 200' and under. It was his opinion that nothing over 300' would be sited in this area as it is relatively flat, 250' would be the tallest tower height considered. Towers under 199' don't have to be lit per FAA, so going to a higher tower would not only allow for a lighted tower, it would reduce the chance that additional towers would be needed in the future to cover more area. Begley explained that most municipalities he has worked with are asking for proof that the towers are needed, in the form of propagation maps from engineers designing the sites, and most companies are providing this information. Radio towers transmit much farther than cell towers, which only cover 6-8 miles. Begley noted that tower coverage areas have to overlap with each other, or there are dead spots. Placing towers right the first time eliminates additional towers in the future. He suggested plotting out any

existing towers in the area and proceeding from there. Francis stated that the Plan Commission would appreciate any information on other ordinances that Begley could provide. He would also like any input from Hofmeister in the next two weeks.

Motion to request the Town Board authorize the use of the Town Engineer to educate the Commission, to assist in the development of an ordinance, review sample ordinances, and ensure the ordinance the Town develops meets the needs of a variety of towers, including larger towers and MET towers made by Doug Zweizig. Second by Eric Larsen. Motion carried by unanimous voice vote.

Renee Exum thinks it may be more cost effective to ask the attorney for advice and ordinances he could share with us now, and then have him attend a meeting at a later date.

Motion to recommend to the Town Board approval to request from the Town Attorney recommendations and examples of tower and antenna ordinances made by Renee Exum. Second by Eric Larsen.

Larsen noted that the Wisconsin League of Municipalities may have good examples, and may be less costly than having the attorney recommend them. Exum thinks the attorney may be able to provide ordinances that he himself has worked on.

George Franklin stated that Begley offered to send ordinances to the Town; why not take those and review them, and then have Hofmeister and others look at it at that point. Begley recommended that the Plan Commission establish a list of bullet points outlining what they want, and develop an ordinance from there. Larsen understands what Franklin is getting at, the Plan Commission needs to have a starting point before having further reviews done. Zweizig would like to have someone who knows about towers assist, as he and others on the Commission do not have any experience in this area. Larsen clarified that the Town Engineer will not be drafting the ordinance for the Plan Commission, and will instead be educating the group on the issue.

Amend original motion to relate specifically to ordinances that the Town Attorney has personally drafted made by Renee Exum. Second by Eric Larsen. Amendment carried by unanimous voice vote. Original motion as amended carried by unanimous voice vote.

Begley recommended contacting the Wisconsin Wireless Association, explaining that they work with carriers and other entities, and may be able to provide input. Exum stated the importance of being sure that the Town is taking citizen interests into consideration, not just business interests. Regina Ylvisaker will email Begley to acquire copies of maps and other info distributed at the Plan Commission meeting.

Discussion: Farmland Preservation

Carrie Houston from Rock County would like to meet with the Plan Commission regarding the County's farmland preservation map, and is available Mondays and Wednesdays in the evenings in June. Will wait on scheduling a meeting for now.

Discussion: Plan Commission Policies and Implementation Strategies

No materials to discuss.

Motion to adjourn made by Eric Larsen, second by Alvin Francis. Meeting adjourned at 9:27 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.