

Town of Union
PLAN COMMISSION MEETING
Minutes of July 28, 2011

The Town of Union Plan Commission regular meeting was called to order at 7:00 p.m. on Thursday, July 28, 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, Eric Larsen, Renee Exum, and Dave Pestor. Also in attendance were Building Inspector Bob Fahey, Town Chairman Kendall Schneider, Town Supervisors George Franklin and Kim Gruebling, Town Engineer Greg Hofmeister, and Clerk Regina Ylvisaker.

Approve June 30, 2011 Plan Commission Minutes

Motion to approve minutes of the June 30, 2011 Plan Commission minutes as written made by Zweizig/Pestor. Motion carried by unanimous voice vote.

Public Comment (10 minutes max/issue)

Cathy Bembinster, Hwy. C, asked if the Town could use portions of the wind licensing ordinance to regulate other operations/industries. Specific portions she felt may be helpful included the clause requiring applicants reimburse the Town for cost of developing the ordinance; and regulation of items such as HVAC and generators on accessory buildings next to towers and antennas that generate noise. Bembinster distributed a list of possible issues to the Commission.

Daria O'Connor, Evansville Brooklyn Road, spoke regarding the pending cell phone tower application in her neighborhood. Has located information regarding health concerns related to towers, specifically cancer. Also concerned about lighting and its affect on neighbors. Wondering if the tower has to be located in that area, and if there will be any height regulations. Also expressed concerns about 911 interference. Would like to see these issues addressed, including affect on property values. O'Connor expressed her willingness to assist the Commission in any way regarding research on the issues.

Zweizig wondered about the Board's addressing the changes to Chapter 17 at their July meeting; Regina Ylvisaker clarified that the Board took no official action on the issue because it was not posted as a public hearing, as there was not adequate time to post a Class 3 notice prior to the meeting.

Public Hearing: Review and Recommendation to Town Board Action on Request made by Eric & Marion Tong, 18251 W. Emery Rd., Evansville, WI 53536 for a land division and zoning change for parcel 6-20-152A, address above. The applicants request to divide off 25 acres of the existing 35 acre parcel; the resulting 10 acre parent parcel would be rezoned A2, and the newly created 25 acre parcel would be rezoned A2.

Eric and Marion Tong were in attendance; clarified that the 25 acre parcel could remain A1 if a neighbor chose to purchase the land.

Public hearing opened at 7:15 p.m.

Sarah Bower, 18309 W. Emery Rd., supports request and believes a neighboring farmer would be likely to purchase the 25 acre parcel.

Public hearing closed at 7:16 p.m.

Eric Larsen noted that the requested split would create a parcel that has no access to a road, wondered if this is acceptable. Per Bob Fahey, the Town can allow an easement onto the property but couldn't finalize the request tonight as they don't know where the easement would be located and therefore who would require the easement. Zweizig thinks the time to do the rezone is when a sale is imminent. He noted the request would also likely require a deed restriction in addition to an easement. Tongs stated they have not yet approached neighbors regarding a sale as they were of the impression that they should know what would be approved by the Town prior to approaching neighbors. Fahey clarified that the current renter is not an adjacent landowner, and would not be a prospective buyer in the scenario the Commission would potentially approve.

The Tongs indicated they would be willing to discuss the sale with their neighbors and return to the Plan Commission with a prospective buyer.

Motion to table application from Eric & Marion Tong, 18251 W. Emery Rd., Evansville, WI 53536 for a land division and zoning change for parcel 6-20-152A, for no more than six months made by Zweizig/Larsen. Motion carried by unanimous voice vote.

Motion to amend original motion to table application for 60 days and include as an agenda item for the next two Plan Commission meetings made by Zweizig/Larsen. Motion carried by unanimous voice vote.

Public Hearing: Review and Recommendation to Town Board Changes to the Town of Union Code of Ordinances, Chapter 17, Zoning, Sections 17.04 (2), 17.05 (3), 17.05, and 17.19.

Public hearing opened at 7:38 p.m.

Gary Messinger, Bullard Rd., spoke regarding how to address the buildings less than 80 or 100 square feet in size; suggests that allowing one building over 100 square feet and one under 100 square feet per acre of land may be a good compromise. Larsen noted that there are currently A3 parcels with conditional use permits that have numerous calf hutches, for example. He also noted that there is no limit on buildings on A2 or A1 parcels, and this discrepancy does not make sense to him. Fahey stated that the only reason for the current regulation is that it was previously done that way by the County, whose zoning ordinance the Town adopted. Fahey explained that the reason for limiting the number of buildings on smaller parcels was to avoid a hodgepodge of buildings on 1, 2 or 3 acre lots. Cities have similar restrictions; Fahey has found that the more buildings someone has the more things they accumulate. He does not see a need for allowing 9-10 buildings on a 9 or 10 acre lot, thinks the idea of one building per acre is too much. Larsen noted there seems to be no balance, when people are allowed to have multiple calf hutches (for example) with CUPs. Kim Gruebling thinks changes would allow for the problem of more buildings to get worse, as there would be no incentive for people to tear down old buildings when they could just build new ones instead. Francis wonders why small buildings such as calf hutches would be counted as a building; why wouldn't those which require building permits be the only ones counted as buildings. Fahey suggested a change to the accessory building definition stating that a single calf hutch or dog house is not an accessory building; he doesn't think that changing the definition to exclude buildings that don't require a building permit is a good decision.

Kendall Schneider stated that the main reason this issue was brought up is due to the fact that the Messingers have a free standing garage which counts as a building; the Town could change

the definition of accessory building to exclude detached garages for A3 parcels. Larsen doesn't think there is a problem with having as many buildings as acres, as long as they are using the number of buildings above and beyond two accessory buildings for agricultural use; Fahey stated that problems would arise when the use of the buildings changes. Renee Exum thinks the change suggested by Schneider may be a good solution. Don Krajeck suggested limiting total square footage of accessory buildings based on total acreage of parcel. Schneider noted that other townships do have a percentage based accessory building allotment; additionally a number of land divisions in the past few years have been rezoned to A3 and have more than the allowed number of accessory buildings.

Gruebling suggested changing the allowed number of allowed buildings to 3 from 2, which is a 50% increase. Larsen suggested moving to the number of allowed buildings three and making additional buildings a CUP, and including in CUPs for larger numbers of animal units the allowance for additional buildings. Making people come in for a CUP would lessen the likelihood that buildings would be poorly taken care of, since there would be an investment of time and money on the part of the applicant to get additional buildings. Fahey does not think that the CUP route is a good route to go, historically they have been problematic. He would rather see the change incorporated into the permitted use section.

Public hearing closed at 8:16 p.m.

Motion to recommend to the Town Board modifying Town of Union Zoning Ordinance Chapter 17, Section 17.08 (2) (J) to state "There shall be no more than three (3) accessory buildings per lot" made by Zweizig/Exum.

Motion carried by 4-1 vote, Larsen voting no.

Definition of buildings is still an issue at this point, as it still includes dog houses, etc. at this time. Zweizig suggested changing the definition of accessory buildings to "those which require a building permit." Larsen suggested changing the ordinance to allow no more than three accessory buildings that require a permit on A3 parcels.

Motion to recommend to the Town Board changing Town of Union Zoning Ordinance Chapter 17, Section 17.08 (2) (J) to state "There shall be no more than three (3) permitted accessory buildings (80 sq ft or more) per parcel" by Zweizig/Larsen.

Motion carried by unanimous voice vote.

Tower and Antenna Ordinance Development

The Commission reviewed the draft ordinance.

Motion to include A2 in the list of zoning districts allowing towers and antennas made by Francis/Larsen. Roll call: Larsen yes, Exum No, Francis Yes, Zweizig abstain, Pestor Yes. Motion carried 3-1.

The Commission will review section 7 following receipt of a sample annual form from Greg Hofmesiter. Hofmeister will also discuss with his peers the issue of minimum separation between towers by tower type.

Other issues that still need to be addressed include fall down radius, scenic view sheds, and setbacks.

Motion to request town board approval for attorney advice on licensing vs. CUP for towers and antennas made by Larsen/Zweizig. Motion carried by unanimous voice vote.

Discussion/Action: Evansville Comp Plan Amendments

Discussion: Plan Commission Policies and Implementation Strategies

Motion to adjourn by Larsen/Zweizig. Meeting adjourned at 10:17 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.