

Town of Union
PLAN COMMISSION MONTHLY MEETING
Minutes of Thursday, November 30, 2023

The Town of Union Plan Commission monthly meeting was called to order by Chairman Alvin Francis at 6:30 p.m. on Thursday, November 30, 2023 at the Town of Union Town Hall, 15531 W. Green Bay Rd., Evansville, WI. Members in attendance included Chairman Francis, Larry Meier, Ray Legris, Derek Blume and Pat Hartin. Town Board members Kendall Schneider, Don Templeton, Rich Templeton and Dave Pestor, as well as Clerk Regina Riedel, were also in attendance.

Review and approval of October 26, 2023 Minutes

Motion to approve with correction of the spelling of Derek Blume's name made by Blume/Legris. Motion carried by unanimous voice vote, Hartin abstaining as he was not at the meeting.

Public comment (5 minutes max. per issue)

Francis noted that there is a proposed annexation of 47 acres of land on County C from the Town into the City of Evansville.

Public Hearing: Request by Woodworth Farms, Inc., 6726 N. Weary Rd., Evansville, WI 53536 for a land division and zoning change for parcel 6-20-222, located at 12638 W. US Highway 14 in the SE ¼ of the SE ¼ of Section 25. The applicants request separating off the house and outbuildings from the existing 77 acre parcel, creating a 6.2 acre parcel zoned A3. The parent parcel would retain A1 zoning.

Public hearing opened at 6:32 p.m.

Ryan Combs was in attendance representing the applicants. He stated the request is a simple land division, Woodworth is selling the buildings to the current renters and will continue to farm the remainder of the farmland.

Francis noted that Rock County Planning had a concern about leaving a remnant parcel across Highway 14; Combs stated that the parcel in question is actually attached to other parcels which are larger.

Public hearing closed at 6:35 p.m.

Meier stated that he had no objection to the land division. Blume confirmed that the City of Evansville will need to approve the request, as it is in their Extra Territorial Jurisdiction.

Motion to recommend to the Town Board approval of the request made by Woodworth Farms, Inc., 6726 N. Weary Rd., Evansville, WI 53536 for a land division and zoning change for parcel 6-20-222, located at 12638 W. US Highway 14 in the SE ¼ of the SE ¼ of Section 25 to separate off the house and outbuildings from the existing 77 acre parcel, creating a 6.2 acre parcel zoned A3 and retaining A1 zoning on the parent parcel made by Blume/Meier.

Roll call vote: Blume – Yes; Francis – Yes; Meier – Yes; Hartin – Yes; Legris – Yes. Motion carried 5-0.

Public Hearing: Request by Melvin & Kenda Shotliff, 9402 N. Berg Rd., Evansville, WI 53536 for a land division and zoning change for parcel 6-20-152, located at 18235 W. Emery Rd. in the NE ¼ of the NW ¼ of Section 19. The applicants request separating off

the buildings from the existing 44 acre parcel, creating a 2.7 acre parcel zoned A4. The parent parcel would retain A1 zoning.

Public hearing opened at 6:37 p.m.

Ryan Combs was in attendance representing the applicants. He stated the applicants have purchased the entire parcel and are looking to separate off the house and keep the remainder in farmland. The requested lot is designed to retain as much farmland as possible.

Public hearing closed at 6:41 p.m.

Francis noted that due to the length of the driveway, pull offs will need to be included for emergency vehicle access per the Town's driveway ordinance. He also noted that the Rock County Planning Department stated in their review of the request that the flag lot requested was unlikely to be approved at their level, although there is no restrictions on such lots at the Town level.

Motion to recommend to the Town Board approval of the request made by Melvin & Kenda Shotliff, 9402 N. Berg Rd., Evansville, WI 53536 for a land division and zoning change for parcel 6-20-152, located at 18235 W. Emery Rd. in the NE ¼ of the NW ¼ of Section 19 to separate off the buildings from the existing 44 acre parcel, creating a 2.7 acre parcel zoned A4 and retaining A1 zoning on the parent parcel, and requiring pull outs along the driveway for emergency vehicle access per the Town's driveway ordinance made by Legris/Meier.

Roll call vote: Blume – No; Francis – Yes; Meier – Yes; Hartin – Yes; Legris – Yes. Motion carried 4-1.

Public Hearing: Request by Randall Shotliff, 9341 Vista Meadow Dr., Verona, WI 53593 for a land division and zoning change for parcels 6-20-210, 6-20-211 and 6-20-212 located in the NW ¼ of the NW ¼ of Section 24. The purpose of the land division and zoning change is to create a 91 lot subdivision, the first phase of which will consist of 20 lots scheduled for development in Spring 2024. Each proposed lot would be rezoned Rural Residential.

Public hearing opened at 6:48 p.m.

Ryan Combs was in attendance representing the applicant. He stated that the original request for the subdivision was made in 2006. The parcels have been designated future residential development in the Town's Comprehensive Plan since 2006. The applicants realize that it is unlikely that the City of Evansville will approve the request, but the applicants would like to request approval of at least the rezone at this point to begin the process of working with the City on the request. Combs believes it would be a multiple decade development.

Francis reiterated that the parcels are in the future residential development area per the Comprehensive Plan.

Aaron Tachon, 8310 Territorial Rd. Lives adjacent to the parcels in question, and stated his opposition to the request. Referenced the Town's Smart Growth initiative which began in 2004, and sought to protect ag land, open spaces and natural resources. At that time, 68% of respondents to surveys stated the Town should pursue "slow or no growth." He and his family have lived on Territorial Rd. for 10 years, and in Evansville prior to that. The City has taken a stance of no growth outside of the City limits over the last decade. He understands where applicant is coming from in his desire to develop his land, however he has concerns about the impact this development would have on residents and the Town. He believes that this

subdivision, if approved, would end up alienating residents and result in many residents selling their homes and moving out of the Town.

Sarah Tachon, 8310 Territorial Rd. In attendance to voice her opposition to the proposed subdivision. The proposal does not preserve ag land and farmland. Her family lives adjacent to the proposed development, and have lived there for almost 10 years. They are currently surrounded by farm fields, own horses on their 35 acre property and enjoy utilizing their land. Her family is heavily invested in 4H and enjoy using their UTVs. Support economic development and growth, but not in their backyard. Tachon expressed concerns about increased traffic on Territorial Rd., on which an accident just occurred this morning. She expressed her appreciation for all the Plan Commission members that spoke with her regarding the application and her thoughts, and all the individuals who signed the petition against the proposal. Believes that the Town should remain a primarily agricultural community.

Sam Bock, 8323 Territorial Rd. Believes that the scale of the proposed subdivision is not in keeping with the slow development outlined in the Smart Growth Plan. Such a significant increase in traffic will be dangerous; Territorial Rd. is already a dangerous road and intersection. Believes there will be issues with increases in student enrollment which the Evansville School District may struggle to compensate for. The proposed subdivision will change the face of the neighborhood. Bock also believes that building in the current economy is a gamble, and has concerns that the houses built will not help address the need for affordable housing. Additionally, she fears being annexed by the City of Evansville. Overall, scale and density are her main concerns, and she would welcome larger lots that fit the current layout of the neighborhood.

Terry Brumley, 9029 N. Highway 14. Expressed concerns that Highway 14 is currently a dangerous road, and high traffic density is already an issue. Concerned that the proposal will increase the issues with traffic and commuter safety. Enjoys the Town as it is now and would not like to see any growth.

Heidi Deininger, 8238 N. Territorial Rd. She was involved in some of the earlier meetings regarding the development of the Smart Growth Plan, and believes the intention was for slow growth. Feels the proposed sequence of development is out of pace with what was intended. Many changes have taken place since the Plan was initially adopted. Regarding traffic, she has seen a number of accidents on Territorial Rd. and realizes that the reduction in speed limit on Territorial has helped somewhat but speeding is still an issue. Expressed concerns about changing the culture of the Town, and that the proposed development is happening too fast. Also concerned about residents moving out and losing the character of the Town. Safety is her number one concern.

Tiffany Engelkens, 8207 N. Territorial Rd. Previous speakers have addressed her concerns. Noted that it is the people who live near the land who have to deal with the everyday issues that result from development, not the folks who don't live there. Is concerned that road congestion will increase. Moved to her current home to live in the country and live that lifestyle, and her opinion should matter. Hopes Town recognizes that there are some municipalities that want growth, and some that don't.

Andy Dewar, 8936 Tupper Rd. Believes that there will be several hundred additional vehicles resulting from this development. One of his main concerns is runoff. Several decades ago erosion control was done on his property, and there are several culverts that run under County Highway M now and run across his property. Every time it rains, his land is inundated with water from across County M. He believes this issue will get worse with development.

Mary Haakenson, 12649 County Hwy. M. Is adjacent to the property in question, and is a dairy farmer. Thus far she has heard many points of view on the proposal that she hadn't yet considered. Recognizes the need for housing. Realizes there may be some nuisance complaints, but there is a right to farm law. Her perspective is different, as she is the only farmer who has spoken so far. Believes you can't stop the future and development, that change is inevitable. She is trying to understand all sides of the issue, and appreciates all comments that have been shared so far.

Dan Janes, 8106 N. Cemetery Rd. Agrees with all of the points that have been made thus far, but realizes that if the Town had this attitude toward development 50 years ago no one would be living where they are today. Liked it better when he was a child, none of the houses on Territorial Rd. were there then and it was slower, less traffic. However, posed the question: When do you shut the door, when you're the last one in?

Brenda Crandall, 8107 Territorial Rd. Stated that she is not against growth, just feels that this many lots is too many. Appreciates this way of life.

Jeff Deininger, 8238 Territorial Rd. The proposed development abuts his property, and will affect his family greatly. Noted that the parcels are not adjacent to the City of Evansville, and feels that development should be located closer to the City. Is concerned about the implications of well and septic for this many properties and how it will affect neighboring properties.

Jeff Bilhorn, 13115 W. Cty. Rd. M. Noted that the last time this request was brought up he believes it was to be adjacent to another development of a similar kind. This proposal is not adjacent to any development.

Jeff Hoke, 13005 W. Woodworth Dr. Main issue he has with the request is traffic concerns. Recent stop signs and speed limit reduction is appreciated but has not fixed the problems with speeding on Territorial Rd. Enforcement hasn't been timely with heavily trafficked times of day.

Carrie Singer, 8102 N. Territorial Rd. Main concern is the water table and the affects adding this many homes would have on it.

Ryan Combs stated that they anticipate that the build out will take years to get to the proposed 91 lots. The City of Evansville is shutting down approval of any developments in ETJ because they want to annex the land for their tax base, not the Town's tax base. Union has lost many acres to annexation to the City in the last 20 years and that erodes the tax base. The applicant is currently proposing 20 lots, they have to plan for the eventual full development but don't anticipate it happening anytime in the near future-.

Public hearing closed at 7:41 p.m.

Francis referenced the Bakers Crossing subdivision proposal, which was the first time the City of Evansville used its ETJ to stop a proposed subdivision, and there has been no development within the ETJ since then. The tax structure has also changed in the last 20 years, and currently most of the value for the Town's tax base comes from improvements to land.

Blume felt that the water table capacity is of concern, and also believes that a stormwater management plan should be required. It appears that the outlots are meant to help address this issue. Additionally, he would like to see park land included, and would like clarification that the outlots are meant to be park land. Combs stated that they are not against additional park land

being included in the second phase. Regarding traffic, Blume felt that there needs to be consideration regarding a fix for the intersection at County Highway M and Territorial Rd., and is concerned that the location of the proposed road onto County Highway M is at a hazardous location. Additionally, Blume noted that the area north of Territorial Rd. is a natural location for a proposed Highway 14 bypass corridor. Blume would also like to know if any covenants have been developed, as the County Planning Department also expressed concerns about this issue. Combs anticipates that will be a future discussion. Regarding roads and utilities, will the applicant be selling the lots or developing them himself? Combs stated Shotliff plans to sell the lots. Blume noted that the area is in line with the City of Evansville's proposed future development, and if they were to annex the land in there would be three times as many houses built as are being proposed at this time. Blume is very much in favor of slow development within the Town, but this is a unique situation. He is unsure how quickly this development would have a negative impact on the Town. He too lives in a home that is next to land that is prime development property and would be disappointed if it were to happen next to him.

Meier asked for the reasoning behind the lot sizes being on the low end of the permitted lot size for Rural Residential parcels. Combs stated that the proposed lot sizes are consistent with lot sizes in other subdivisions in this area of the Town. Meier believes that more information is needed. No perk tests have been done yet per Combs. Combs stated that they would be fine with tabling the land division request and only considering the rezoning request, which would allow them to move forward with the application to the City of Evansville.

Meier questioned whether the approval to rezone could be reversed in the future; Combs stated a contingency stating if the request was not approved by the City in a certain period of time it would revert to A1 would be acceptable to them.

Francis noted that in the Planners Report from Rock County, it was stated that once stormwater management was properly addressed and road improvements to address safety were taken care of, about 2/3 as many lots would end up being platted. The Town's parkland requirements would also take up additional land. He was unsure if the application as submitted meets the Town's subdivision requirements. Believes it is difficult to talk about only 20 lots without having the plan for a larger development to consider at the same time, as it is inevitable and has to be done so that the larger development can be supported. If the Plan Commission were to recommend approval of the application, it would have to be contingent on all of the other conditions being met (traffic studies, stormwater management, etc) as laid out in the zoning ordinance and monies being escrowed, engineering review, etc.

Legris is against the request, and is concerned about well, septic and water table problems for proposed houses and existing homes. Also has concerns about runoff. Believes it should be left A1.

Hartin spoke with the DNR, which stated that it is anticipated that in the future there will be new requirements for septic systems that will require more room for the systems. POWTS will be required to be further from wells, to address concerns about contamination. This will result in larger lot requirements.

Motion to recommend approval of request by Randall Shotliff, 9341 Vista Meadow Dr., Verona, WI 53593 for a zoning change for parcels 6-20-210, 6-20-211 and 6-20-212 located in the NW ¼ of the NW ¼ of Section 24, rezoning each parcel from A1 to Rural Residential parcels made by Blume/Meier.

Roll call vote: Blume – Yes; Francis – Yes; Meier – Yes; Hartin – Yes; Legris – No. Motion carried 4-1.

Motion to table request made by Randall Shotliff, 9341 Vista Meadow Dr., Verona, WI 53593 for a land division for parcels 6-20-210, 6-20-211 and 6-20-212 located in the NW ¼ of the NW ¼ of Section 24 to create a 91 lot subdivision, until applicants address the concerns discussed tonight made by Meier/Blume.

Roll call vote: Blume – Yes; Francis – Yes; Meier – Yes; Hartin – Yes; Legris – Abstain. Motion carried 4-0.

Motion to adjourn made by Blume/Legris. Motion carried by unanimous voice vote. Meeting adjourned at 8:16 p.m.