

Minutes

Town of Ledgerview Zoning & Planning Commission

August 14, 2013

Members Present: Chairwoman Jane Tenor, Vice Chairman Mark Handeland, Al Case, Mark Chambers, Chet Lamers, Rebecca Afshar and Renee Van Rossum

Support Staff Present: Sarah Burdette (Town Clerk/ Administrator) and Renae Peters (Recording Secretary)

The meeting was called to order at 6:00pm by Chairwoman Jane Tenor.

Approve/ Amend Agenda: Renee Van Rossum made a motion to approve the agenda as posted. Chet Lamers seconded the motion. Motion carried.

Minutes: Rebecca Afshar made a motion to approve the July 10, 2013 minutes as written. Mark Handeland seconded the motion. Motion carried.

Public Hearings: None

New Business:

- a. The Commission reviewed the request by Ryan Radue of Radue Homes for a final plat for the Reserve at Meadow Ridge subdivision located on parcels D-179-1, D-179-2 and D-164-1. At their July 1, 2013 meeting, the Town Board approved the preliminary plat with conditions. Mr. Radue has satisfied the conditions. An Area Development Plan was recommended for approval at the May 15, 2013 meeting(condition 6). The Town pursued the conservancy vacation of Outlot 6 which will be final on August 17, 2013 to be potentially sold to the developer and a portion re-directed to the Town for future park access. All developer agreement, right of way, storm-water(condition 1), and sewer and water conditions have been met. Sidewalks will be constructed upon issuance of an occupancy permit for each home. A temporary construction driveway will be constructed between lots 9 and 10. Main entrances into the subdivision are Meadow Sound Drive and a to-be-determined access from Lime Kiln Road near Copper Lane. Correspondence from Joan Pansier was handed out at the meeting. The Commission explained that they have no jurisdiction over eminent domain matters; it is an issue for the Town Board. The Commission had concerns about the length of Beachmont Road for emergency vehicle turnaround and Mr. Radue explained that the road was

previously platted and the right of way was dedicated as such and meets Town ordinances. **Mark Handeland made a motion to open the meeting for public comment at 6:14pm. Rebecca Afshar seconded the motion. Motion carried.** Joan Pansier, 3870 Dickinson Road, referenced an e-mail from Paul Fontecchio at Brown County Highway, where she claims that the county says the temporary construction driveway on Lot 9 across from the Tesar property would be “perfect” and that an entrance at Copper Lane would not be “ideal”. She stated that the county would be “ok” with an entrance from Lime Kiln Road into Lot 9. Mrs. Pansier stated that she felt the Town Board is not considering other alternatives to the Copper Road access and that “the truth must come out”. Sarah Burdette replied that Brown County controls the access onto Lime Kiln Road and explained that the e-mail from Paul Fontecchio gives his opinion that the 90 degree angle of the intersection made with the Tesar property across from the Radue development is superior to the 75 degree angle at Copper Lane, which is within intersection requirements. Mr. Fontecchio expressed his personal view that he would not be in favor of any eminent domain issue. Ms. Burdette clarified that Mr. Fontecchio was giving his own opinion on this matter and rather than taking a position that was reflective on the county as a whole. Brown County approved the preliminary plat and barring any unmet requirements, final plat approval technically should not be held up. As the developer, Mr. Radue is not required to show access to Lime Kiln Road. The Town Board requested another access at Lime Kiln. Brown County Highway Department only looks at angles, access and traffic not land/ road suitability. Mrs. Pansier stated that she spoke with Marc Hess, Town Board Chairman, and Andy Schlag, Town Board Member, and she indicated that they stated the Town Board did not require the Copper Lane access. Renee Van Rossum pulled out the minutes from the July 1, 2013 meeting and showed the motion where the Town Board took such action. Jane Tenor commented that the Commission uses the Comprehensive Plan as a guide and is not involved in this issue. Mrs. Pansier said that her family has been living in the area for many years and asked why their (the Pansier family) land should be taken now for half of a road they do not want. She asked where in the Comprehensive Plan it showed the road platted. Ms. Burdette answered that the Comprehensive Plan is a guide but the official Town map is the document that shows dedicated and future roads. Ms. Burdette tried to explain that roads benefit all property owners to provide access for future development even if there are no immediate plans. Mrs. Pansier is adamant about having a say in what happens to her own property. Both Jane Tenor and Renee Van Rossum said they respected Mrs. Pansier’s views but there was nothing they could do about the access issue because the Commission doesn’t have jurisdiction on that matter. **Renee Van Rossum made a motion to close the meeting to public comment at 6:34pm. Rebecca Afshar seconded the motion. Motion carried. Mark Handeland made a motion to recommend approval of the final plat of the Reserve at Meadow Ridge subdivision with the following conditions:**

1. Sidewalk must be included as provided for in section 96-9(H).

2. Subject to the design, bidding process as provided by Chap. 96 and as deemed necessary by the Town Engineer.
3. Subject to an approved developer's agreement between Radue Homes and the Town of Ledgeview and/or the Ledgeview Sanitary District.
4. Subject to approval by all overlying Federal, State and local agencies having jurisdiction over the platting process.
5. Addition of any drainage easements or temporary easements as identified by the Town Engineer.
6. The 20' wide access easement off of Outlot 6 and Lot 1 should be changed to an outlot that is owned by the Town.
7. Access to Copper Lane will continue to be pursued by the Town. The developer shall participate in the cost associated with their development and frontage for the connection to Copper Lane.

Rebecca Afshar seconded the motion. Motion carried.

b. Jane Tenor made a motion to amend the agenda to move item 6c before item 6b. Rebecca Afshar seconded the motion. Motion carried. The Commission reviewed the request by Steve Zeitler, surveyor for Mark Laack, owner, for a CSM for parcel D-401 located on Heritage Road, to split the parcel into three lots. Sarah Burdette reported that the request met application and fee requirements, also rezone, water and sewer, signature and special assessment payment requirements. Two items must still be addressed by the property owner, namely, if the county will allow a driveway onto Heritage Road on Lot 3 and a sewer service area amendment to include the entire parcel(s). **Mark Handeland made a motion to open the meeting for public comment at 6:40pm. Chet Lamers seconded the motion. Motion carried.** Clayton Bildings, 5041 Sportsman Road, informed the Commission that Brown County would not allow Wayne Lane to continue across Heritage Road to provide road access to parcel D-402 due to the steepness of the road, essentially land-locking the property. Mr. Bildings wants the Commission to consider to provide for some type of access to the property on Heritage Road as it is inaccessible from Sportsman Road. **Mark Handeland made a motion to close the meeting to public comment at 6:44pm. Chet Lamers seconded the motion. Motion carried.** The Commission was concerned that driveway access on Heritage Road could be dangerous because of the steepness of the road and the speed limit. Lots 1 and 2 would share a driveway but Lot 3 has no designation for a driveway. The property would also be required to have a sewer service amendment to include the entire parcel(s) in the serviced area. Currently, sewer service only extends 250' onto the property from the road. **Rebecca Afshar made a motion to table the review of the CSM for parcel D-401 until such time as the owner can be in attendance and Brown County Highway makes a decision on Lot 3's driveway access. Jane Tenor seconded the motion. Motion carried.**

- c. **Jane Tenor made a motion table the review of the request by Steve Zeitler, surveyor for Mark Laack, owner, to rezone parcel D-401 from RR to R-1 due to the above motion. Mark Handeland seconded the motion. Motion carried.**
- d. The Commission reviewed the request by Steve Bieda of Mau & Assoc., agent for Darrell and Tammy Henninger, owner, for a CSM for parcel D-112, located at 3161 Cottage Road, to split off one lot. Sarah Burdette reported that the site plan was recommended for approval in May. Also in May, the property was granted a use variance for the house to remain on Lot 2. Sewer on the property is supplied by Bellevue who requested and received a 20' private easement for maintenance, repair or inspection. WDOT is in the process of connecting STH 29 through Cottage Road but does not buy road right of way ahead of time. Future road frontage requirements are 240'. With future right of way purchase, Lots 1 and 2 will meet the minimum road frontage requirements. **Chet Lamers made a motion to recommend approval of the CSM for D-112 with the the condition that a statement on the CSM that sewer easement shall be private easement and that maintenance, repair, and inspection of the facilities shall be the responsibility of the owners of Lots 1 and 2. Al Case seconded the motion. Motion carried.**

The Commission opened the floor for comment from Steve Zeitler, agent for Mark Laack, owner of D-401 at 7:04pm. Sarah Burdette explained to Mr. Zeitler that the Commission tabled his items due to questions about driveway access on Lot 3. Mr. Zeitler explained that the county has control of the access and they are reviewing. He has spoken to Clayton Bildings and understands his concerns. Mr. Zeitler also explained the disproportionate lot sizes, noting that the steep terrain dictates buildable area. He understands that the WDNR will have to be involved in any driveway permitting. The Commission closed the floor to comment at 7:07pm.

Old Business:

- a. The Commission continued review of the model Agriculture- Farmland Preservation ordinance. Sarah Burdette reminded the Commission that Brown County is looking for uniformity in the zoning ordinance though Ledgeview still has the authority to make changes. Chet Lamers commented that there really wouldn't be much to change as the ordinance was written by a legal authority. **Jane Tenor opened the meeting for public comment at 7:15. Chet Lamers seconded the motion. Motion carried.** Ms. Tenor asked Joan Pansier, 3870 Dickinson Road, if she had any comment on the Working Lands Initiative since she is in the farming business. Mrs. Pansier asked what the difference is between Agriculture and Exclusive Agriculture zoning. Sarah Burdette answered that any property zoned Exclusive Agriculture would have the right to request farm tax credit. All current A-1 zoning would change to AG-FP zoning with the adoption of this new ordinance. This would basically be a name change as the requirements are almost identical to current zoning. Ms. Burdette stressed that the zoning change is the state and county's

request, not the Town's. **Jane Tenor made a motion to close the meeting to public comment at 7:18pm. Rebecca Afshar seconded the motion. Motion carried. Rebecca Afshar made a motion to continue review of the model Agriculture- Farmland Preservation ordinance at September's meeting. Renee van Rossum seconded the motion. Motion carried.**

Zoning Administrator Report:

- a. Future agenda items:
 1. Belle Isle Meadows preliminary plat review (potentially October)
 2. Sign permits
 3. Fence ordinance
- b. The Town Board tabled any decisions on the ordinance recommendations made at the June 12, 2013 meeting.
- c. Sarah Burdette informed the Commission that the Contract Planning position interviews were finished and a recommendation would be made to the Town Board at the August 20, 2013 meeting. The Comprehensive and Park Plan interviews were conducted this week and the top contenders will be brought before the Commission in September for a recommendation to the Town Board.

Communications:

Sarah Burdette told the Commission meeting process review is being worked on. Ms. Burdette handed out a pamphlet for a training opportunity from Wisconsin Downtown Action Council.

Renee Van Rossum made a motion to adjourn at 7:30pm. Rebecca Afshar seconded the motion. Motion carried.

Minutes prepared and signed on August 15, 2013 by:

Rena Peters
Recording Secretary