

AGENDA
TOWN OF WILSON PLAN COMMISSION MEETING
Town of Wilson Office
5935 South Business Drive, Sheboygan
Monday, January 11, 2010 - 7:00 p.m.

CALL TO ORDER & DECLARATION OF OPEN MEETING

APPROVAL OF DRAFT MINUTES:

APPOINTMENT:

1. Ryan Zinkel, Plan Commission's review of Conditional Use Permit Application for public/semi-public use for the purpose of worship at 9110 Sauk Trail Road, Oostburg
2. Steve Boll, Troy Hartjes regarding Kohler Company Draft Final Plat for Deer Park Subdivision – Appointment/discussion

NEW BUSINESS:

None

OLD BUSINESS:

3. Zoning District for cemeteries – current status
4. Wood Processing

CORRESPONDENCE:

5. 12/7/09, Town Board Meeting Minutes
6. 12/16/09, correspondence from Bill Gartmann
7. 12/18/09, Town Board Meeting Minutes

FUTURE AGENDA TOPICS:

ADJOURN:

Persons with disabilities who may require assistance to attend this meeting should contact the Town Clerk at 920-208-2390 at least 24 hours prior to the meeting. Commission members who are unable to attend should call the Town Clerk at 208-2390. Town Board members will be in attendance for the purpose of gathering information about a subject over which it has decision-making ability. A quorum may be present. The Plan Commission does not taken in public comment at their meetings.

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January 11, 2010 Plan Commission Meeting

CALL TO ORDER & DECLARATION OF OPEN MEETING

Meeting was called to order by Chair Fuller at 7:00 p.m. and declared an open meeting.

PRESENT: Chair Doug Fuller, Commissioners Mary Ann Bergin, Fred Goebel, David Senkbeil, Phyllis Summers, Rich Ternes, **Absent:** June Spoerl, Jim Kummer. **Also present:** Steve Boll, Troy Hartjes, Ryan Zinkel, Dr. Mansoor Mirza, David Gartman, David Senkbeil, Cheryl Rostollan.

APPROVAL OF DRAFT MINUTES:

Deferred

APPOINTMENT:

1. Ryan Zinkel, Plan Commission's review of Conditional Use Permit Application for public/semi-public use for the purpose of worship at 9110 Sauk Trail Road, Oostburg – Attorney Ryan Zinkel thanked the Plan Commission for the opportunity to speak with them. In order to use the property as a house of worship, Attorney Zinkel's client, Dr. Mansoor H. Mirza, is seeking to obtain a Conditional Use Permit for Public/Semi-Public use as a house of worship. They are currently just providing information. They are still gathering info to complete the application. The survey and floor plans were just recently finished by Hinze and are attached. Their goal is to ask and answer questions in order for the application to be completed correctly. They will be meeting with Jarvis Architects for the first time tomorrow to make sure the building is up to code for usage. Attorney Zinkel asked the board if it would be okay for Dr. Mirza to speak and tell about himself and explain his intentions. Dr. Mirza thanked everyone for allowing him to be here. He currently lives in Manitowoc and works at Holy Family Memorial. He is planning to move to Sheboygan and will be working at Aurora Hospital from July. There are between 80 and 100 Muslim families in the Sheboygan area. There is no worship place for them. So in order for them to keep their faith and practice their religion, we were looking for a place. I happened to buy this property as an investment and now hoping to get a Conditional Use Permit to use this property as a house of worship so that these families can practice their religion. Usual time of gathering will be Fridays and weekends. One to two people may attend during the weekday (noontime or evenings). Noise should not be an issue because they do not use any loud speakers and their prayers do not allow any singing. Their prayers are very quiet. Chair Fuller questioned the number of families and how many of them really show up. Dr. Mirza stated between 10 and 20 people are expected to practice their faith regularly. Commissioners questioned whether the parking would be adequate. There are approx 22 parking spots right now and there is also 4 acre property along the side that may be used in the future. Fuller shared that a Conditional Use Permit is not granted forever; it may be revoked and is reviewed every two years. The property is zoned Highway Commercial and conditional use permits may be granted for Public/Semi-Public. Ternes questioned limitations as to the number of people that may be in the building at one time. At one time the building was used as a school. The drawings provided are of the building's current state. The building has sliders already installed to separate rooms. Per Chair Fuller, potential issues may include plumbing, but this should be adequate but it could come up in a future discussion. The maximum number of occupants allowed at one time will need to be addressed. Dr. Mirza will check with the fire department that already did an inspection. All parking would need to be on-site (not on town roads). Goebel asked if neighbors have been notified. Officially no, tonight is for discussion purposes. Second to last page of the handout contains a listing of the neighbors who will receive written notice who have the right to come to the hearing and be heard. Zinkel asked if the commission had any questions regarding the application. Fuller shared that if all of the families elected to worship all at once the neighbors may get a little excited. Commissioners questioned if his intentions were to keep it Highway Commercial. Dr. Mirza stated yes. Dr Mirza shared that two meetings of the Islamic Society of Sheboygan had been held there, but since then

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Attorney Zinkel advised them not to use the building anymore until they receive a Conditional Use Permit. No action taken.

2. Steve Boll (Kohler Company), Troy Hartjes (Crispell-Snyder) regarding Kohler Company Draft Final Plat for Deer Park Subdivision – Steve Boll provided the official Preliminary Plat that the Plan Commission previously recommended to the town board for approval. After the Plan Commission's approval and recommendation, Kohler Company reconsidered going forward and put the project on hold for approximately a year. Kohler Company recently came forward to the town stating their intention to now go forward with this project. Boll stated that on the new DRAFT Final Plat, the streets are identical to the Preliminary Plat previously recommended for approval to the town board by the Plan Commission. Boll explained the changes to the project, where the lots were added and stated that they are still meeting R-1 standards so that they would not have to come back to the town for any variances (10 lots were added). Kohler Company asked the Plan Commission to endorse the Draft Final Plat provided. David Gartman interjected that upon his recommendation, the town's attorney, John St. Peter, is reviewing the zoning which should have described the land by legal description rather than referring to the lot numbers in the resolution passed by the board; the lot numbers no longer reflect the correct land due to the plat changes. Boll pointed out that there is a clause at the bottom of the legal description for the Conservancy re-zoning request that speaks to an access easement for utilities, etc. Fuller stated that he reviewed the new DRAFT Final Plat submitted and found a lot (Lot 25) that does not meet the town's required 100' frontage. Fuller stopped his review after finding one non-conforming lot. Boll assured Fuller that all lots would be re-configured to conform to the town's zoning and that the mistake was unintentional. There are also some lot lines that Boll is uncomfortable with and that he would like to see some of the lines straightened out. If Fuller is going to review/double check all of the lot frontages and sizes, he will need a different map. Boll stated that AECOM will check for zoning non-conformances in their plat review and include any discrepancies in their recommendations to the town. Boll assured Fuller that this is a draft; he apologized and said that all numbers would be rechecked. Hartjes was surprised that he missed this. Tonight Boll was seeking to show the Plan Commission Kohler Company's intent for the land. Fuller asked how much trouble it would be to receive a new map with the new DRAFT Final Plat super-imposed over the Preliminary Plat previously recommended for town board approval by the Plan Commission. Hartjes will provide this to the town as soon as possible.

To keep on schedule, Boll would like to go to the town board on Monday, January 18, 2010, with the Plan Commission's endorsement of the DRAFT Final Plat contingent upon the overlaying map matching the roads and infrastructure on the previously recommended plat. Hartjes offered to have the overlaying map done quickly, within a few days. Fuller wants to be sure that the plat is right when it leaves the Plan Commission, as he is on record speaking about this in the Dec. 16, 2009 Special Meeting. Boll asked if the Plan Commission would endorse the Preliminary Plat changes, if they are comfortable with the new lot layout and he stated that minor changes to a Preliminary Plat are allowed and that no design changes are being made. Boll asked the Plan Commission to pass this on so that they may move onto the Final Plat. Fuller wants to know, "When do we see the final plat?" Because that is what we should be seeing. We should be seeing THE FINAL PLAT. It comes here, and it either gets accepted or rejected. Boll continues to pursue to get passed on. Gartman asked the Plan Commission, when making their choices, to look at the Town of Wilson's Subdivision Ordinance (steps to follow) and State of WI Stats. for procedures so that nothing gets missed. Gartman also said that the town board's main passions would be that all events are taken care of properly and in order. He also said that is why this has been turned over to our legal counsel, because this project has had so much jumping around through this whole process. Wants to make sure John St. Peter knows the concerns we are having. Also having John

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St. Peter review Subdivision Ordinance and make sure we're in compliance. Fuller asked what the disposition of that resolution is. Gartman responded they are waiting for direction from John St. Peter. Fuller questioned then that the zoning issue has not been resolved. Gartman responded that there is a resolution, but the attorney is looking if sufficient for all the steps that were there—that's the key here. Boll stated the zoning petitions were approved and the direction from Mr. Gartman was to clarify the zoning parcels with legal descriptions. Cheryl Rostollan noted the Commissioners to look at handout received tonight, John St. Peter's response to Steve Boll. Steve Boll offered to send John St. Peter all the 3 petitions, the previous resolution, and any at his request.

In an effort to confirm Conservancy Zoning, Boll and Rostollan did a record search in the town office and found that Kohler Company had recommended that this zoning follow the long range plan for the Village of Kohler.

Fuller shared that the Final Plat is required to be submitted to the Plan Commission no less than 60 days prior to the commission's meeting date, which means that this week for consideration in March, 2010. Boll responded that the Final Plat submittals are also submitted to Sheboygan County, the State of WI DOT and Dept. of Commerce, besides the Town of Wilson. Fuller is concerned about trying to run this one quickly through; he doesn't think that the town's attorney will have a problem with the rezoning issues, but he does not know this to for a fact. Fuller also doesn't feel that it's fair to Troy Hartjes to do all of the mapping work without knowing for sure if action will be taken. Fuller does not want to provide an approval contingent upon anything and he requested that the next submittal be as close to the "Final" as possible. Boll believes that this is project is evolving into a better project than when it was first submitted to the town. Fuller wants to focus on the changes, to see them and where they were made and he suggested that the overlay map be made after the changes are made to be sure that the all lots are conforming to zoning.

Gartman clarified that one of the road accesses are located directly under the power lines. Gartman asked for input from the Plan Commission regarding the power lines and whether it is a good plan to have the power line following the road with the road directly between the sets of poles and extending into a conservancy. Gartman is also concerned about future development of the Wieck, how would it be accomplished? Boll offered to prepare some roadway examples for the Wieck property. The newest plat indicates that road would be built 40' on either side of the road. Fuller doesn't know if this is a good idea and he would like to see the power line easements located in the back yards, he believes that there are always ways around this. Discussion regarding the "spite strip" (which Kohler calls a landscape buffer) – there is a possibility of another road, ingress/egress, with a little swale and there are ways to get around those towers.

Upon receipt of the overlaying map from Hartjes which will include the DRAFT Final Plat overlaying the Preliminary Plat approved by the Plan Commission Fuller will provide comments to the town board regarding any issues he sees for their review for their Jan. 18, 2010 meeting. Clerk will notify Fuller when this map arrives for Fuller's pickup and provide a copy to all Plan Commissioners and they may also provide their input to the town board prior to next Monday's town board meeting. The zoning is another issue that the town's counsel is presently working on – it is kind of in limbo until hearing back from Attorney St. Peter and it needs to become a "done-deal". Gartman suggested that going forward all rezoning requests for plats refer by legal description versus lot numbers.

NEW BUSINESS:

None

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OLD BUSINESS:

3. Zoning District for cemeteries – Plan Commission recommendation being reviewed and processed by the town board.
4. Wood Processing – Plan Commission recommendation being reviewed and processed by town board.

CORRESPONDENCE:

5. 12/7/09, Town Board Meeting Minutes
6. 12/16/09, correspondence from Bill Gartmann
7. 12/18/09, Town Board Meeting Minutes
8. 12/16/09, Special Town Board Minutes
9. 1/11/10, Correspondence from Steve Boll/Attorney St. Peter
10. Deer Park Subdivision/Town of Wilson Development Agreement

FUTURE AGENDA TOPICS:

- The next Plan Commission Meeting will be held Feb. 8, 2010 at 7 p.m.

ADJOURN:

Motion to adjourn by Summers; seconded by Schleicher; motion carried and meeting adjourned at 8:15 p.

Minutes submitted by: Cheryl Rostollan, Clerk
Mary Ann Bergin, Secretary