

Town of Eldorado Plan Commission (EPC) Meeting Minutes

June 9, 2020

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2018 - 4/30/2021)	x	Bill Averbeck, Town Board Liaison (5/1/2019 - 4/30/2021)
	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (11/16/2019 – 4/30/2021)		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Dave Jahns, Town Board Member & Building Permit Officer	Eric Freiburg, ET Surveying	Corey Nitz	Trish Nau, East Central Wisconsin Regional Planning Commission
Jerry Isaac	Ben Isaac		

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 7:00 p.m. followed by pledge of allegiance. Agenda order revised to allow discussion of Nitz/Isaac Concept Plan after review of minutes.

Review of Minutes: EPC reviewed the minutes from March 10, 2020 (Vis public hearing & EPC meeting) and May 12, 2020. Motion made by Averbeck/White to approve all minutes. Motion carried 4-0.

Tracking # CP-2020-06-09-Nitz/Isaac

Concept Plan – Application for Minor Land Division of A-1 Land – by Corey Nitz:

Location/Description of Property: W9543 Rose-Eld Rd / T07-16-16-31-05-005-00 (Nitz)

Parent parcel acres: 3.005 +/-

Current zoning: A-2

Proposed parcel acres: addition of 0.046 +/- acres from T07-16-16-31-08-004-00 (Isaac non-farm residence)

Area of dedication acres: previously dedicated

Proposal: quit claim 0.046 +/- acres from T07-16-16-31-08-004-00 to increase the side-yard setback from existing illegal accessory structure at W9543 Rose-Eld Rd to meet setback requirements.

Location/Description of Property: W9509 Rose-Eld Rd / T07-16-16-31-08-004-00 (Isaac non-farm residence)

Parent parcel acres: 1.503 +/-

Current zoning: A-1 with conditional use permit for 1.5 acre non-farm residence

Proposed parcel acres: addition of 0.047 +/- acres from T07-16-16-31-08-005-00 (Isaac farm buildings & ag land)

Area of dedication acres: previously dedicated

Proposal: quit claim 0.047 +/- acres from T07-16-16-31-08-005-00 (Isaac farm buildings & ag land) to maintain the 1.5 acres for a non-farm residence at W9509 Rose-Eld Rd.

Base Farm Tract (BFT) Acres: 196.3 +/- (Isaac Revocable Trust)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 186.952+/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 9.348+/-

Eric Freiburg, Surveyor for Corey Nitz, explained a proposal to quit claim 0.046 +/- acres from Isaac (W9509 Rose-Eld Rd) to Nitz (W9543 Rose-Eld Rd) to create a distance of 50.5 ft from the revised eastern parcel line of the Nitz lot to the currently illegal non-conforming accessory structure on Nitz property. This will then meet the required side-yard setback of 50 ft. in A-2 district. The revised western property boundary for the Isaac non-farm residence will be 26 ft from the overhang of the Isaac home, which still meets the required side-yard setback of 15 ft. for dwellings and attached garages. The dimensions of the proposed land transfer from Isaac to Nitz does not follow the current N-S lot

line due to the existing mound behind the Isaac house. Freiburg also explained a proposal to quit claim 0.047 +/- acres from Isaac (barn & farm land parcel) to Isaac (W9509 Rose-Eld Rd) to maintain the 1.5 +/- acre non-farm residence lot. The 0.047 +/- acres will adjust the entire eastern lot line of the Isaac non-farm residence to the east an additional 7 feet. Freiburg stated that the small acreage does not necessitate a CSM and two quit claims will be adequate. EPC stated all land divisions need to be approved by the Town.

Significant discussion followed with Jerry Isaac, Ben Isaac, Corey Nitz and EPC regarding the proposal; alternative options to resolve the illegal building; required setbacks for a non-farm residence parcel vs. a farm residence parcel (A-1) vs. A-2 parcel; the existing conditional use permit for a non-farm residence and need to maintain 1.5 acres or apply for a revised conditional use permit; and potentially converting the non-farm residence back to a farm residence. Options for future expansion of the attached garage at the non-farm residence with the revised lot line were also discussed. During discussion Isaacs/Nitz asked EPC numerous questions about the Town's order to remove the illegal structure, daily fines and whether this land transfer would resolve the issue with the Town. EPC repeatedly directed them to attend the Town Board meeting on June 22, 2020 to discuss this matter as it is not the jurisdiction of EPC. Dave Jahns did provide some clarification on the order to remove the building to facilitate discussion, primarily clarifying that the accessory structure was constructed illegally by Nitz without obtaining a building permit or discussing required setbacks with the Town. The Town has ordered the building be removed. Discussion also took place about fences at the request of Ben Isaac. EPC read from ordinance that fences need to be two feet off the lot lines at non-residential lots and at least one foot off the lot line at residential lots. Further discussion followed regarding options and Isaac/Nitz were encouraged to apply for a permit with Dave Jahns so details could be discussed.

During discussion, EPC learned that Ben Isaac is in the process of purchasing the Isaac non-farm residence parcel at W9509 Rose-Eld Rd. EPC informed Isaacs that there is a restriction filed to the deed requiring a potable well be installed on the property prior to transfer. The potable well at the Isaac farm parcel immediately to the east of the non-farm residence is currently utilized. This was a condition of the conditional use permit. Jerry Isaac disputed that was an agreed condition and that it was supposed to read if the parcel was ever sold out of the Isaac family. Borski read from the deed restriction and conditional use permit and stated that minutes from the public hearing will need to be reviewed. The Town will likely need to consult with the Town Attorney as well but they should be aware of this restriction as they move forward with property transfer.

EPC provided Freiburg with an application for a minor land division (\$300) and a rezone (\$350) for the proposal presented; however, Isaacs & Nitz need to decide if they wish to proceed. Since the only application the Town has created for minor land division is by certified survey map, this application will need to be used for the quit claim applications. EPC explained that Isaac's (not Nitz) will need to submit an application for a minor land division since they own both parcels where the land will be taken from and be signed by Isaac's registered agent, trustee, or owners, as applicable. Also, the land to be sold from Isaac's to Nitz will need to be rezoned from A-1 to A-2 to be combined with Nitz's parcel. If Isaac's wish to proceed with the applications, they need to be submitted to the Town with fees by June 23, 2020 to be considered for the July 14, 2020 EPC meeting due to the need to public notice for the rezone. Jerry Isaac asked what needs to be done if the sale to Ben Isaac takes place ahead of this proposed quit claim process. Borski stated the current owners on record need to sign the applications prior to submittal. If the non-farm residence parcel is sold during the processing of the applications, the new property owners will need to submit a written statement to the Town that they concur with the applications and would like the Town to proceed.

See page 3 for next agenda item.

Tracking # MLD-2020-06-01-Langenfeld
Minor Land Division – Richard Langenfeld:

Location/Description of Property: N9548 County Road C / T07-16-16-06-04-001-00

Parent parcel acres: 45.5 +/-

Current zoning: A-1

Proposed parcel acres: 5.952 +/-

Area of dedication acres: 0.220 +/- for County Road C

Proposal: Create 5.952 +/- (Lot 1) by a minor land division for separation of farm house and farm buildings from farm land. Farm house and farm buildings to be sold for continued farm use. Farm land to be retained for continued farming.

Base Farm Tract (BFT) Acres: 505.8 +/- (Richard Langenfeld)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 481.714 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 24.086 +/-

Neither Richard Langenfeld nor his Surveyor were present. EPC members reviewed the proposed CSM and application. Concept plans previously reviewed by EPC included #CP-2019-10-30-Langenfeld and #CP-2020-03-16-Langenfeld. Changes to the frontage and side yard setbacks previously discussed at the concept plan reviews have been incorporated in the proposed CSM.

Motion made by Borski/Averbeck to recommend approval to the Town Board of creation of 5.952 +/- acre Lot 1 with 0.220 +/- acres dedicated to County Road C without rezone. Motion carried 4-0. The minor land division application and CSM will be further reviewed by the Town Board at the next meeting on June 22, 2020. If approved, the CSM will be signed by the Town Board. Borski noted the CSMs submitted to the Town are all copies. An original CSM will need to be provided to the Town for signature on June 22, 2020. Borski will notify Richard Langenfeld and his Surveyor.

Comprehensive Plan Review:

Trish Nau from East Central WI Regional Planning Commission (ECWRPC) (replacing Kathy Thunes) attended to review the following:

- Framing Concepts
- Future Land Use Map
- Next steps

Nau took notes for purposes of ECWRPC. Proposed schedule:

- July 14, 2020 - Special Session intergovernmental meeting from 5:30 – 6:30 p.m. Nau will send Borski the information needed to notify the governmental entities and provide public notice.
- Public notice and 30-day review of the draft Comprehensive Plan
- September 8, 2020 – EPC recommends approval of the Comp Plan to the Town Board
- September 28, 2020 – Public hearing and adoption by the Town Board

Public Input: none

Future Meetings & Agenda Items:

- July 14, 2020 - Special Session intergovernmental meeting from 5:30 – 6:30 p.m.
- Public Hearing July 14, 2020 for Alliant Conditional Use Permit application and Rusch/Gebert MLD
- Public Hearing July 14, 2020 for Isaac (Nitz) MLD application and Rezone application
- No other agenda items, concept plans or applications being discussed. Review and renewal of conditional use permits will need to resume in August.

[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Averbeck/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 9:40 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission