

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Tracking # ZON-2021-12-10-MTRV Enterprises LLC

Date: January 11, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary		Aaron Rickert, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeff White, Member		

Public Hearing – Application for Rezoning from A-1 to A-2 – MTRV Enterprises LLC:

Applicant: MTRV Enterprises LLC

Location/Description of Property: W8880 Lincoln Rd / T07-16-16-09-11-003-00

Parent parcel acres: 5.013 +/-

Current zoning: A-1

Proposed parcel acres: same

Area of Dedication acres: none

Proposal: Rezone property from A-1 to A-2 to allow continued use as a residential rental and storage of owner’s equipment in lieu of a non-farm residence with conditional use permit in A-1 district.

Base Farm Tract (BFT) Acres: 232 +/- (Ronald Westphal BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 220.952 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 11.048 +/-

Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town’s Base Farm Tract map with parcel data as of 12/31/2013.

Attendance for the application: None

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published December 26, 2021 and January 2, 2022.

Presentation of application:

Brenner/Borski summarized the application as submitted to the Town for rezone from A-1 to A-2 to allow continued use as a residential rental and storage of owner’s equipment in lieu of renewing a conditional use permit (CUP) for a non-farm residence (NFR) issued for the property on December 28, 2018. Brenner/Borski shared the background that led up to this application. This is following actions for land division and rezone since December 2018 where the EPC has since learned land with existing old farmhouses and outbuildings are able to be rezoned from A-1 to A-2 under the existing ordinance, whereas the EPC previously understood the only option to address farmhouses being split from the farmland was to issue a CUP for a NFR. Since A-2 District does not require the residence to meet the definition of a “farm residence”, it is appropriate to rezone the property to A-2 General Agricultural to allow continued ag use with the existing outbuildings. This same rezone from A-1 to A-2 in lieu of renewal of a CUP for NFR was also just done for W8232 Lone Elm Rd and CUP # ELD-18-02.

Questions of applicant from members of the public: None

Questions of applicant from Eldorado Plan Commission (EPC) members: None

Testimony in support of application (offered three times): None

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Town of Eldorado Plan Commission
Public Hearing Minutes – MTRV Enterprises LLC –Rezone

Testimony in opposition of application (offered three times): None

Rebuttal testimony by applicant: None

Discussion by EPC: None

Motion:

Motion made by Brenner/Wenker to recommend approval of the application to rezone W8880 Lincoln Rd, parcel # T07-16-16-09-11-003-00, from A-1 to A-2.

Borski, Brenner, Wenker & White voted in favor of the motion. Motion carried 4-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on January 24, 2022.

Brenner adjourned the hearing at 7:04 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Tracking # CUP-2022-01-29-TJRVJM Real Estate LLC

Date: March 8, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeff White, Member	x	Matt Parmentier, Town Attorney

Public Hearing – Application for Conditional Use Permit by TJRVJM Real Estate LLC for Highland Farm

Applicant: TJRVJM Real Estate LLC

Location/Description of Property: W8232 Lone Elm Rd / T07-16-16-03-02-004-00

Parent parcel acres: 5.092 +/-

Current zoning: A-2

Proposed parcel acres: same

Area of Dedication acres: none

Proposal: Conditional use permit for multiple potential agri-tourism businesses

Base Farm Tract (BFT) Acres: 231.3 +/- (Lynn Hinz BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 220.286 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 11.014 +/-

Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town's Base Farm Tract map with parcel data as of 12/31/2013.

Attendance for the application: Kelsie Lally

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published February 20 and 27, 2022.

Overview of public hearing by Town Attorney

Parmentier commented on the process and agenda, provided handouts including the agenda, a site map, copy of the application, and supplemental materials, copy of Zoning Regulations 17.51 Conditional Accessory Uses and 17.72-17.74 Criteria for decision making (a)-(c) reviewed. Criteria (d) does not apply.

Presentation of application:

Lally presented the same concept plan presentation initially provided during the concept plan review on 2/14/22 outlining the agri-tourism business options including converting the granary barn to a bakery, a coffee shop operating from 7 am – 2 or 3 pm, wedding venue, business meeting venue, agricultural learning experiences, live outdoor music venue (small 2-3 person Bluegrass band (violin, cello)), greenhouse dinner venue, greenhouse planting sessions and/or petting zoo. Parking for larger event will include east pasture parking and a shuttle bus from the Oshkosh restaurants. Lally stated the investors are interested in giving back to the community.

Public comments on application:

- Phyllis Moss, 3472 Lone Elm Rd, property owner across the street, is interested about the plan. They are concerned the road is currently pretty quiet and a country road with little traffic. Parking cars on the road will be

a safety issue. They like their solitude and view. They are concerned with light pollution. The recent greenhouse currently has lights on 24 hrs and are concerned with future lights.

- Mary Braasch, 3482 Lone Elm Rd, property owner across the street at an angle, stated Oshkosh Truck uses the road heavily on Lone Elm Rd. They are wondering if there will be a sunset clause or a review date and would like the Town to consider the possibility of a slower speed limit.
- Jerry Borski, TN Eldorado Fire Dept (EFD) Fire Chief, asked if the owner will be submitting a commercial building plan to the state and whether EFD will have an opportunity to review as there is a concern from a safety & fire protection perspective.

Applicant's response to public comments:

Lally stated they are waiting on submitting building plans to the state as architecture plans are expensive. They are waiting for approval by the Town first. They are willing to have the Town look at the building plans and provide input.

Testimony in support of application (offered three times):

Dave Jahns spoke in favor of the application stating it will be good for the Town bringing in more revenue and the ordinances will address the parking.

Testimony in opposition of application (offered three times):

None.

Discussion, deliberation, and possible action by EPC:

EPC discussed concerns about traffic safety, light pollution, parking, EFD review and term/renewal condition options brought up by neighbors and Fire Chief.

EPC general comments:

- The conditional accessory use for agri-tourism and proposal seems to be for agri-tourism to be a primary use although these would be pleasant businesses in Town.
- The bakery license will be reviewed by the State annually. A liquor license would be needed from the Town Board and could not use the existing liquor licenses by the associated restaurants in Oshkosh (different property location and County).
- Max number of vehicles for the property? – 100 per Lally
- Conditional approval needs to fit in the Comprehensive Plan of protecting our rural atmosphere.

Parmentier commented that EPC has the ability to limit approval of the application (vs. options to approve as is or fully deny).

EPC reviewed each of the line items in the Highland Farm Conceptual Vision submitted with the application:

- General:
 - EPC suggested a site plan, landscape plan and lighting plan be submitted for approval.
 - Times of operation for 5 AM – 11 PM, Monday – Sunday: question if this is use-specific times open to the public or time staff will be at the property, or both? Need clarification on when staff will be present on site during all approved business operations (e.g., weddings, business meetings).
 - Include a no street parking clause in the permit.
 - Include requirement for professional waste service in the permit (not specific to Waste Management).
 - Include requirement to follow the sign ordinance in the permit.
 - Discuss Town road maintenance concerns with Town Patrolman, Mike Pionke, prior to taking action on the application.
- Weddings in large barn:
 - Lally clarified this will be an indoor/outdoor wedding venue.

- Question from EPC whether barn wedding venue will be approved by the State – Lally will research.
- Question from EPC if weddings will be live music and/or recorded music – likely both.
- Ability to limit noise level needs exploration and research.
- Concern from EPC on whether weekly weddings year-round meet the definition of an accessory use vs. a primary use (i.e., commercial use). Needs further exploration and research.
- Business meetings in large barn:
 - Concern from EPC on whether weekly business meetings of 200/ year year-round meet the definition of an accessory use vs. a primary use (i.e., commercial use). Needs further exploration and research.
- Learning experiences located throughout property:
 - Will take place during school hours and include bus transportation.
- Live Music outside near greenhouse or in large barn:
 - Music events could be individually approved as opposed to written in a permit.
 - Amplification concerns.
 - Proposal needs further exploration and research.
- Greenhouse dinners – no concerns as proposed
- Greenhouse planning sessions - no concerns as proposed
- Commercial bakery in large barn – no concerns as proposed (noting request from Fire Chief to review & provide input on plans)
- Coffee shop in small barn – no concerns as proposed. State codes will dictate max occupancy.
- Petting zoo
 - Since owner does not currently own the land necessary for the petting zoo, EPC recommend this be a future amendment to the permit after the land is acquired.

Future actions:

Parmentier summarized the proposed concerns and will provide an email summary to Lally and EPC members following the meeting. Parmentier reviewed the process for continued review of the application and next steps. Lally stated there is no specific time frame needed for the application. Parmentier clarified that future discussion will take place at open meeting(s) but will not be in the form of a public hearing. The EPC will continue review and discussion of the application at a Special EPC Meeting on Monday, April 4, 2022 at 7:00 p.m.

Adjourn:

Motion made by Wenker/White to adjourn the public hearing. Brenner adjourned at 8:37 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Tracking # **ZON-2022-03-14-Baker**

Date: April 12, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeff White, Member		

Public Hearing – Application for Rezoning RD to A-2 – Chris & Keetra Baker

Applicant: Chris & Keetra Baker

Location/Description of Property: vacant land on Dike Rd / T07-16-16-35-13-003-00

Parent parcel acres: 9.62 +/-

Current zoning: Rural District, RD

Proposed parcel acres: same

Area of dedication acres: N/A

Proposal: Rezone from Rural District, RD, to General Ag, A-2

Base Farm Tract (BFT) Acres: N/A - not assigned per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013 (zoned RD)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): N/A – zoned RD

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): N/A – zoned RD

Attendance for the application: Chris & Keetra Baker

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published March 27 and April 3, 2022.

Presentation of application:

Chris Baker summarized the intent of the application is to rezone their current 9.62-acre parcel from RD to A-2 to allow construction of an accessory building in advance of construction of their home on the same parcel. This application differs from the concept plan discussion on July 13, 2021 in that they are not purchasing a portion of the adjacent land to rezone and merge with their lot at this time. That may take place next year. However, the maximum size for accessory structures in RD does not allow them to build the size building they need and therefore need to rezone to A-2 prior to purchasing the adjoining land. Baker stated he already worked with Dave Jahns for the culvert permit and the culvert and start of the driveway are in place.

Questions of applicant from members of the public: None

Questions of applicant from Eldorado Plan Commission (EPC) members: None

Testimony in support of application (offered three times):

Charlie Becker (Town Resident) and Dave Jahns (Town Supervisor & Permit Officer) spoke in favor of the application, stating that the plan will fit in the neighborhood nicely.

Gary Miller (Town Chairman) spoke in favor of the application.

Testimony in opposition of application (offered three times): None

April 12, 2022

Town of Eldorado Plan Commission
Public Hearing Minutes – Chris & Keetra Baker –Rezone

Rebuttal testimony by applicant: None

Discussion by EPC: Application appears in line with concept plan discussion.

Motion:

Motion made by Wenker/White to recommend approval of the application to rezone parcel # T07-16-16-35-003-00, from RD to A-2.

Borski, Brenner, Rickert, Wenker & White voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on April 25, 2022. Baker inquired how to obtain a fire number. Jahns stated he can apply with the County. Jahns will assist Baker.

Brenner adjourned the hearing at 7:12 p.m.

Respectfully submitted,

Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Tracking # Amend-Comp-Plan-2022-04-18-Zickert-Albrecht-Simon

Date: June 7, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

Public Hearing – Application for Amendment to the Comprehensive Plan Update 2040 – Applicant: Cory & Brittney Zickert, Michael Albrecht & Michele Simon

Applicant 1: Cory & Brittney Zickert

Location/Description of Property: N7840/N7828 Townhall Rd / T07-16-16-29-10-014-00

Parent parcel acres: 6.642 +/-

Current zoning: Residential District

Applicant 2: Michael Albrecht

Location/Description of Property: N7876/N7880 Townhall Rd / T07-16-16-29-09-007-00

Parent parcel acres: 2.45 +/-

Current zoning: Residential District

Applicant 3: Michele Simon

Location/Description of Property: N7889 Cty Rd C / T07-16-16-29-10-004-00

Parent parcel acres: 5.5 +/-

Current zoning: Residential District

Attendance for the application: Cory & Brittney Zickert, Mike Albrecht, Michele (Simon) Sievert

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the Class I legal notice published April 24, 2022.

Presentation of application:

Brenner summarized the application as submitted is to amend the Future Land Use Map of the Comprehensive Plan Update 2040 for these three parcels only and change allowed future use from Transitional Residential District to Agricultural. Cory Zickert summarized the application to amend the Future Land Use Map for their parcel is due to their attempt for a building permit and finding out their property is currently zoned Residential. Zickert’s need to rezone their property to Agricultural (A-2) to move forward with additions to their ag-related business building but cannot currently rezone due to the Future Land Use Map.

Questions of applicant from members of the public: None

Questions of applicant from Eldorado Plan Commission (EPC) members: None

Testimony in support of application (offered three times):

Rosalind Lyness and Dave Jahns spoke in favor of the application.

Testimony in opposition of application (offered three times): None

June 7, 2022

Town of Eldorado Plan Commission
Public Hearing Minutes – Zickert / Albrecht / Simon – Amendment to the Comprehensive Plan Update 2040

Rebuttal testimony by applicant: None

Discussion by EPC: EPC discussed that the amendment to the Future Land Use Map will reflect the three parcels as “Agricultural” and not specifically A-1 Exclusive Ag or A-2 General Ag. To physically rezone any of the parcels from the current Residential District to either A-1 or A-2, applications for rezone will need to be submitted and processed separately.

Motion:

Motion made by Rickert/White to recommend approval of the application to amend the Future Land Use Map, Figure B-3 of the Comprehensive Plan Update 2040, for N7876/N7880 Townhall Rd, N7876/N7880 Townhall Rd and N7889 Cty Rd C to change from Transitional Residential District to Agricultural.

Borski, Brenner, Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider a resolution at the next scheduled Town Board meeting on June 27, 2022 and then East Central Wisconsin Regional Planning Commission will be able to modify the Future Land Use Map. Following approval by the Town Board, Zickert’s will be able to submit an application for rezone.

Brenner adjourned the hearing at 7:13 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
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Public Hearing Minutes**

Tracking # *CSM-2022-05-16-Jahns, et al.*

Date: June 7, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

Public Hearing – Application for Certified Survey Map – Applicant: David Jahns, et al.

Applicants: David Jahns, Patricia M. Jahns, Joan L. Toetz, Thomas J. Jahns

Location/Description of Property: W7535 Cty Rd OO / T07-16-16-36-12-008-00

Parent parcel acres: 31.09 +/-

Current zoning: A-1

Proposed parcel acres: 3.008 +/- for Lot 1 with rezone and 28.077 +/- for Outlot 1 without rezone

Area of dedication acres: none

Proposal: split farmhouse and buildings from tillable farmland for sale of farmland and rezone of parcel with house and buildings from A-1 to A-2

Base Farm Tract (BFT) Acres: 39 +/- (David Jahns BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 37.14 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 1.86 +/-

Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town's Base Farm Tract map with parcel data as of 12/31/2013.

Attendance for the application: David Jahns, Patricia Jahns, Joan Toetz

Meeting called to order by Brenner at 7:13 p.m.

Brenner read the legal notice combined for both the CSM and rezone applications, published May 22, 2022 and May 29, 2022.

Presentation of application:

Brenner summarized the CSM application as submitted. David Jahns stated the intent of the application is to settle everything with the family since the passing of their mother. They (the four siblings) want to sell the house and shed to one of the siblings and sell the farmland to a local farmer. The farmland would be landlocked, so they are drafting a driveway easement for the proposed landlocked outlot with an attorney for 40 feet off the west property line.

Questions of applicant from members of the public: None

Questions of applicant from Eldorado Plan Commission (EPC) members: EPC discussed with Jahns that the driveway easement will need to be drafted and submitted to the Town with recording fee prior to signature approval of the proposed CSM for recording at the Register of Deeds by the Town following assignment of a CSM number by the County.

Testimony in support of application (offered three times): None

Testimony in opposition of application (offered three times): None

June 7, 2022

Town of Eldorado Plan Commission
Public Hearing Minutes – David Jahns, et al. – Certified Survey Map

Rebuttal testimony by applicant: None

Discussion by EPC: Borski informed EPC that Tom Jahns made contact that day and provided verbal support for the CSM and rezone applications. Tom Jahns will work with the Town Clerk to provide his signature to the applications prior to the Town Board meeting on June 27, 2022.

Motion:

Motion made by Rickert/Brenner to recommend approval of the application for a certified survey map for W7535 Cty Rd OO, parcel T07-16-16-36-12-008-00, for creation of proposed Lot 1 of 3.008 +/- acres and remnant proposed Outlot 1 of 28.077 +/- acres, contingent upon receipt of a driveway easement.

Borski, Brenner, Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on June 27, 2022.

If approved, the CSM will be signed by the Town Board following receipt of the driveway easement, recording fee and any applicable legal fees.

Brenner adjourned the hearing at 7:27 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Tracking # *ZON-2022-05-16-Jahns, et al.*

Date: June 7, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

Public Hearing – Application for Rezone – Applicant: David Jahns, et al.

Applicant: David Jahns, Patricia M. Jahns, Joan L. Toetz, Thomas J. Jahns

Location/Description of Property: W7535 Cty Rd OO / T07-16-16-36-12-008-00

Parent parcel acres: 31.09 +/-

Current zoning: A-1

Proposed parcel acres: 3.008 +/- for Lot 1 with rezone and 28.077 +/- for Outlot 1 without rezone

Area of dedication acres: none

Proposal: split farmhouse and buildings from tillable farmland for sale of farmland and rezone of parcel with house and buildings from A-1 to A-2

Base Farm Tract (BFT) Acres: 39 +/- (David Jahns BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 37.14 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 1.86 +/-

Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town’s Base Farm Tract map with parcel data as of 12/31/2013.

Attendance for the application: David Jahns, Patricia Jahns, Joan Toetz

Meeting called to order by Brenner at 7:27 p.m.

Brenner referred to the combined legal notice read immediately prior for the Certified Survey Map (CSM) public hearing (reference Tracking # *CSM-2022-05-16-Jahns, et al.*). The combined legal notice included both the CSM and rezone applications, published May 22, 2022 and May 29, 2022.

Presentation of application:

Brenner summarized the rezone application as submitted and that approval of the rezone will be contingent upon approval of the CSM discussed at the hearing immediately prior to this one. David Jahns stated the intent of the application is to provide more flexibility for the farmhouse and buildings in the future as it is being split from the farmland.

Questions of applicant from members of the public: None

Questions of applicant from Eldorado Plan Commission (EPC) members: None

Testimony in support of application (offered three times): None

Testimony in opposition of application (offered three times): None

Rebuttal testimony by applicant: None

June 7, 2022

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Public Hearing Minutes – David Jahns, et al. – Rezone

Discussion by EPC: Brenner agrees that rezone from A-1 to A-2 will provide more flexibility for the property and is appropriate since the existing farmhouse will no longer meet the definition of a “farm residence” and the desired lot size is larger than the size allowed for a non-farm residence (with conditional use permit of 1.86 +/- acres).

Motion:

Motion made by Brenner/Yoder to recommend approval of the application to rezone proposed Lot 1 of 3.008 acres, a portion of parcel T07-16-16-36-12-008-00 at W7535 Cty Rd OO, from A-1 to A-2 contingent upon approval of the proposed certified survey map, contingent upon receipt of the driveway easement to proposed Outlot 1.

Borski, Brenner, Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on June 27, 2022.

Brenner adjourned the hearing at 7:33 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

**Tracking # CSM-2022-06-16-Eilertson and
Tracking # ZON-2022-06-16-Eilertson**

Date: July 12, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

Public Hearing – Application for Certified Survey Map (CSM) / Rezone A-1 to A-2 – Cary & Sharon Eilertson:

Applicant: Cary & Sharon Eilertson

Location/Description of Property: N8803 Cty Rd C / T07-16-16-17-06-002-00 (1.5 ac.) & T07-16-16-17-06-001-00 (36.701 ac.)

Parent parcel acres: 1.5 & 36.701 +/-

Current zoning: A-1

Proposed parcel acres: Lot 2 of 3.922 (with house, shed & well) & Lot 1 of 34.362 +/- (remnant undeveloped)

Area of Dedication acres: 0.931 +/- for Lincoln Rd (none for Cty Rd C)

Proposal: combine existing Lot 1 of CSM No. 1734 that includes the house with a portion of the larger parcel with the existing shed and potable well for rezone to A-2 and leave the remnant as A-1

Base Farm Tract (BFT) Acres: 39.3 +/-

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 37.428 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 1.872 +/-

Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town's Base Farm Tract map with parcel data as of 12/31/2013.

Attendance for the application: None – Sharon Eilertson contacted Borski prior to the meeting and stated they had a prior commitment for the date of the hearing but would be available by phone if there were questions.

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published June 26 and July 3, 2022.

Presentation of application:

Brenner & Borski summarized the application including previous discussion during the concept plan review. The house is currently on one lot (Lot 1 of CSM No. 1734) and the building and potable well on another larger lot. Eilertson's wish to put the house, building and potable well with the yard and trees all on one lot and rezone from A-1 to A-2 for estate planning purposes.

Questions of applicant from members of the public: None

Questions of applicant from Eldorado Plan Commission (EPC) members: None

Testimony in support of application (offered three times):

Dave Jahns spoke in favor of the application.

Testimony in opposition of application (offered three times): None

Rebuttal testimony by applicant: None

Discussion by EPC:

EPC discussed that proposed Lot 2 with the house, building, potable well and yard meets the criteria in the Zoning Ordinance for zoning out of A-1 and meets the Future Land Use Map for rezone to A-2. Borski also stated that a public hearing is not required for the CSM and no special contingencies are anticipated for the recommendation. As such, both applications are being addressed under a single hearing.

Motion:

Motion made by White/Brenner to recommend approval of the application for a CSM for N8803 Cty Rd C, parcel T07-16-16-17-06-002-00 (1.5 ac.) & T07-16-16-17-06-001-00 (36.701 ac.), for creation of proposed Lot 2 of 3.922 +/- acres and proposed remnant Lot 1 of 34.362 +/- acres with 0.931 +/- acres dedicated to Lincoln Road.

Motion made by Borski/Rickert to recommend approval of the application to rezone proposed Lot 2 of 3.922 +/- ac. at N8803 Cty Rd C, from A-1 to A-2 contingent upon approval of the proposed CSM.

Borski, Brenner, Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider the applications at the next scheduled Town Board meeting on July 25, 2022. If approved, the CSM will be signed by the Town Board.

Brenner adjourned the hearing at 7:17 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Tracking # CUP-2022-07-05-Newcastle Property Investments LLC

Date: August 9, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

Public Hearing – Application for Conditional Use Permit – Applicant: Newcastle Property Investments, LLC

Applicant:

Location/Description of Property: N8030 Sales Rd / T07-16-16-26-01-003-00

Parent parcel acres: 5.217 +/-

Current zoning: Commercial

Proposed parcel acres: N/A

Area of Dedication acres: N/A

Proposal: Install security gate & fence, cameras, solar powered lighting & shipping containers for use by the existing storage business.

Attendance for the application: Eric Borseth

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published July 24 and 31, 2022.

Presentation of application:

Borseth presented the application including an accompanying power point presentation. The application is for improvements to the property including:

- a security gate with keypad entry,
- security fence surrounding the security gate to prevent unauthorized access from Sales Rd,
- security cameras with wi-fi,
- solar powered lighting pointing downward to minimize light pollution, and
- up to 250 shipping containers with no electricity to the containers starting with 10 containers and increasing as consumer demand fills the containers.
- Big Air 45 container vents may be added to the containers to supplement the standard container vents.

Borseth intends to construct a new building with temperature and humidity control when cash flow allows and may add a sign in two to five years (neither item part of CUP). Borseth agreed to following the Sign Ordinance and obtain building permits per Town ordinances. Borseth puts forth a proposal for up to 200 containers that are 20 feet long and up to 75 containers that are up to 40 feet long with no more than 250 containers total. All shipping containers are proposed to be all blue or all tan. Any graffiti will be covered upon discovery. The containers are intended to be rodent & pest proof and heat/cool quickly. The containers are no longer proposed to be one foot apart as discussed during the concept plan discussions; rather, they will be placed immediately adjacent to each other in groups. Borseth confirmed with the tax assessor that the containers will be *taxed* as personal property despite use for a commercial business. Borseth has a property manager that will handle the day-to-day management and Borseth will manage the business, visiting the property weekly.

Borseth questioned how the Town charges for placement of storage containers. Dave Jahns, Permit Officer, stated that mini buildings (e.g., garden sheds) are considered structures needing permitting if over 10' x 12'. EPC commented that administrative effort by the Town for iterative additions of storage containers will need to be discussed and decided as a condition of the CUP.

Questions of applicant from members of the public:

Ron Lyness commented he is concerned with rodent entry in anything cut to add ventilation. Borseth replied that he will seal with intent to remain rodent proof.

Chuck Boyd commented that his residential tenant across I-41 has complained about race car testing noise coming from the property heard across the highway for 2-3 hours at a time at night. There is apparently a tenant that arrives at the property in the early evening and is running a Dyno all hours. There are also car lights coming and going all hours of the night. Boyd also believes someone is staying in a camper on Borseth's property. Boyd commented that he basically has a noise and activity complaint. Jahns stated that there is a Nuisance Ordinance. Borseth replied that he will look into the complaints and adhere to the Nuisance Ordinance. Boyd further shared with Borseth that there is theft in the area and recommended he consider a fence around the buildings.

Lyness inquired how the shipping containers are being taxed and whether there is any revenue for the Town. Brenner commented that it is not likely to affect how or if EPC approves or denies the application. Borseth clarified that the Tax Assessor plans to tax as personal property. Concern was raised from the public about setting precedence for requiring a Conditional Use Permit for purchase/placement of personal property. Brenner reiterated that EPC is not deciding the CUP application based on taxes. Jahns, as Permit Officer, clarified that the CUP is permitting the land use, not the tax implications.

Questions of applicant from Eldorado Plan Commission (EPC) members:

White questioned if there is intent for future PODS use where PODS go out to be loaded and then transported and stored on the property. Borseth stated this is not in the application and not intended. He has no equipment to haul, etc.

EPC informed Borseth that a previous CUP applicant for another business agreed to provide the plan to the Eldorado Fire Department (EFD) for review. Borseth agreed to submit his plan to EFD and implement their recommendations, including spacing between containers.

EPC discussed concerns with storage of gas, combustibles, or hazardous waste. Borseth agreed to put within the rental contracts that these items are not allowed.

Testimony in support of application (offered three times):

Lisa Yoder, Chuck Boyd and Dave Jahns spoke in favor of the application.

Testimony in opposition of application (offered three times):

Ron Lyness spoke in opposition of the shipping containers as an eyesore and concern with stormwater runoff into his adjacent field but is in favor of the property improvements.

Rebuttal testimony by applicant:

Borseth added that he will address reports of noise or light pollution. The fence/gate will limit vehicle entry without keypad access. He will work with the EFD on any concerns with the tight rows and no proposed space between the containers. A water management system will be drafted when the permanent buildings are built but he has been informed by the Department of Natural Resources (DNR) that one is not needed for placement of the storage containers.

Discussion by EPC:

EPC commented that the majority are in favor of the improvements and discussion followed regarding specific conditions of the permit, settling on the following:

- Permit to be issued to Newcastle Property Investments, LLC as landowner.
- Allow Borseth to increase the fence beyond the proposal as needed for protection of property.
- Submit the site plan to EFD and implement their recommendations, including spacing between containers.
- Shipping containers must be uniform color and either blue or tan.
- Graffiti to be addressed upon discovery.
- Maximum of 250 containers.
- Maximum of 52,000 square feet or 1.2 acres of shipping container area (calculated using 175 containers 20-foot long and 75 containers 40-foot long).
- No spacing constraints other than to adhere to EFD recommendations for safety.
- Consult with the Permit Officer prior to placement of additional containers per batch, regardless of number. Permit Officer will involve EFD and Town Patrolman as needed.
- A special administrative fee will be charged to be paid to the Town as follows to cover Permit Officer, EFD and Town Patrolman effort to review for safety, traffic, road use, stormwater runoff & culvert considerations as the number of containers are incrementally increased: \$125 per 25 containers, regardless of container size.

For clarity,

- The first \$125 must be paid prior to placement of the first container (1-25)
- An additional \$125 is required prior to placement of the 26th container (26-50)
- An additional \$125 is required prior to placement of the 51st container (51-75)
- An additional \$125 is required prior to placement of 76th container (76-100)
- An additional \$125 is required prior to placement of 101st container (101-125)
- An additional \$125 is required prior to placement of 126th container (126-150)
- An additional \$125 is required prior to placement of 151st container (151 – 175)
- An additional \$125 is required prior to placement of 176th container (176 – 200)
- An additional \$125 is required prior to placement of 201st container (201 – 225)
- An additional \$125 is required prior to placement of 226th container (226 – 250)
- The maximum cumulative special administrative fee is \$1,250.
- No term limit due to the requirement to consult with the Permit Officer prior to placement of each batch of containers.
- Adhere to Town Ordinances including Nuisance and Sign Ordinances.

Motion:

Motion made by Yoder/Brenner to approve the application by Newcastle Property Investments, LLC for a CUP for property improvements and placement of shipping containers at N8030 Sales Road, parcel #T07-16-16-26-01-003-00, with the conditions discussed with no term limit.

Borski, Brenner, Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Future actions:

The EPC will work with the Town Attorney to draft a CUP. After professional service (e.g., attorney) fees are paid, the CUP can be signed by the EPC.

Brenner adjourned the hearing at 8:36 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Tracking # CSM-2022-08-17-Rickert Bros LLC

Tracking # CUP-2022-08-17-Rickert Bros LLC

Date: September 13, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

Public Hearing – Application for Certified Survey Map (CSM) / Conditional Use Permit (CUP) for Non-farm Residence (NFR) – Applicant: Rickert Bros LLC (Jim & Greg Rickert)

Location/Description of Property: vacant parcel NE of northern intersection of Lincoln Rd & Town Hall Rd / T07-16-16-09-07-005-00

Parent parcel acres: 23.83 +/-

Current zoning: A-1

Proposed parcel acres: 3.005 +/-

Area of dedication acres: 0.427 +/- for Town Hall Rd

Proposal: create a 3.005 +/- acre Lot 1 for sale and construction of a NFR under CUP

Base Farm Tract (BFT) Acres: 545.7 +/-

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 519.714 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 25.986 +/-

Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town’s Base Farm Tract map with parcel data as of 12/31/2013.

Attendance for the application: Greg Rickert (and Kieran Weed, prospective purchaser)

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published August 28, 2022 and September 4, 2022.

Presentation of application:

G. Rickert explained that this property was surveyed 18 years ago with the intention to create two small lots for sale and construction of homes but did not proceed with the preliminary CSM at the time. At present, they are proposing to create a single 3.005-acre lot in the same location and sell to Weeds, a friend of the family, for construction of a NFR. A percolation test was done in 2005 and was recently re-certified by the County. The perc test has been submitted to the State for a sanitary permit. Weed introduced himself, his family and shared his profession.

G. Rickert explained they may pursue a driveway easement with Weed for the South farm driveway but do have other access to the remnant farmland. The first NFR for this BFT was constructed on a 6.0 acre lot (N9177 Town Hall Rd) that included a wetland area just north of the adjacent residence (N9145 Town Hall Rd). This proposed lot is contiguous to these other residences. This location makes the most sense for the farm operation to split and sell as the location north of the first NFR is tiled and not preferred for a NFR. The elevation would also have to be increased to allow a basement. There are no other wetland areas that could be selected to split off this farm.

Questions of applicant from members of the public: none

September 13, 2022

Town of Eldorado Plan Commission
Public Hearing Minutes – Rickert Bros LLC (Jim & Greg Rickert)
Minor Land Division / Conditional Use Permit for a Non-farm Residence

Questions of applicant from Eldorado Plan Commission (EPC) members: none

Testimony in support of application (offered three times):

Charlie Becker, Jerry Isaac and Ben Isaac spoke in favor of the application.

Testimony in opposition of application (offered three times): Jeremy Magolski spoke in opposition of the application because he lives next door to the proposed lot and this is not an area for residential development per the Town's Comprehensive Plan (Future Land Use Map). Magolski recalls Rickerts stating during the first NFR that it would be the only one. Magolski referenced a public comment recorded during the Comprehensive Planning process regarding limiting residential redevelopment in the areas of farmland and believes Rickert's made this comment.

Rebuttal testimony by applicant: G. Rickert responded they did not make the referenced comment and they never said the first NFR was going to be the only one. This is not the last NFR allowed to them under the Comprehensive Plan. Brenner further explained to clarify the Comprehensive Plan, Future Land Use Map, BFTs and Zoning Regulations that allow NFRs.

Discussion by EPC: The CSM meets the frontage requirements for a NFR in A-1 district. The first NFR was 6.0 acres. Allowing this 3.005-acre lot is within the 25.986 max NFR acres allowed for this BFT. The perc test is valid per the County. Since the current property owner has other access to the landlocked remnant through their own farmland, the potential for a farm driveway easement should not be a condition of the approval.

Motions:

Motion made by Yoder/Brenner to recommend approval of the application for a CSM for the vacant land on Town Hall Road, parcel #T07-16-16-09-07-005-00, for creation of proposed Lot 1 of 3.005 +/- acres with 0.427 +/- acres dedicated to Town Hall Road, without rezone.

Borski, Brenner, A. Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Motion made by Yoder/Brenner to approve the application for a CUP for a NFR for a term of three years, until September 2025, on proposed Lot 1 of the proposed CSM (3.005 +/- acres from parcel #T07-16-16-09-07-005-00) contingent upon approval of the CSM application by the Town Board.

Borski, Brenner, A. Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider the CSM application at the next scheduled Town Board meeting on September 26, 2022. If approved, the CSM will be signed by the Town Board.

The EPC will work with the Town Attorney to draft a CUP for a NFR. After professional service (e.g., attorney) fees are paid, the CUP can be signed by the EPC and applicant.

Brenner adjourned the hearing at 7:33 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Date: September 13, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

**Public Hearing – Review for Renewal of Conditional Use Permit for a Non-Farm Residence
Conditional Use Permit #ELD-16-001, March 31, 2016, issued April 26, 2016, renewed March 10, 2020 (retroactive to
March 2019)**

Applicant: Mitchell and Jenna Vis

Location/Description of Property: N9177 Town Hall Rd / T07-16-16-09-07-004-00

Parent parcel acres: 6.0 +/-

Current zoning: A-1

Base Farm Tract (BFT) Acres: 545.7 +/- (Rickert Bros, LLC BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 519.714 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 25.986 +/-

Attendance for the application: None but the property owners contacted Borski in advance of the hearing to confirm they are not requesting any changes to the CUP.

Meeting called to order by Brenner at 7:33 p.m.

Brenner read the legal notice published August 28, 2022 and September 4, 2022.

Presentation of application:

A questionnaire was sent to the property owners in advance of the hearing regarding current use of the property. EPC reviewed answers indicating continued compliance with the CUP. No changes to the CUP are requested by the owner. Borski summarized the CUP was recorded at the Register of Deeds in 2016 and will need follow-up recording when renewed with no term limit to update the term limit date. Borski also reminded EPC of past decisions to renew NFR CUPs without term limit after two reviews without compliance issues.

Testimony in support of application (offered three times):

Gary Miller, Charlie Becker and Greg Rickert spoke in favor of the application.

Testimony in opposition of application (offered three times): None

Rebuttal testimony by applicant: None

Discussion by EPC: For the benefit of newer EPC members and the public, EPC discussed term limits, previous decision to renew NFR CUPs without term limit after a new home is built and there are two reviews without compliance issues and that this one NFR CUP was for some reason recorded at the Register of Deeds. EPC has since decided not to record NFR CUPs at the Register of Deeds. EPC agreed the recorded document should be updated to reflect no term limit now that formal hearing reviews are done.

September 13, 2022

Town of Eldorado Plan Commission
Public Hearing Minutes – Mitchell and Jenna Vis – CUP # ELD-16-001

Motion:

Motion made by Brenner/White to renew the NFR CUP at N9177 Town Hall Road, parcel number T07-16-16-09-07-004-00, retroactively from March 2022 with no term limit and for the renewal documents to be recorded at the Fond du Lac County Register of Deeds.

Borski, Brenner, Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Future actions:

The EPC will draft a CUP renewal document and provide to the applicant.

Brenner adjourned the hearing at 7:49 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Tracking # ZON-2022-10-11-Zickert

Date: November 1, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary		Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

Public Hearing – Application for Rezone Residential to Exclusive Agriculture (A-1) – Zickert

Applicant: Cory & Brittney Zickert

Location/Description of Property: N7828 / N7840 Town Hall Rd / T07-16-16-29-10-014-00

Parent parcel acres: 6.642 +/-

Current zoning: Residential

Proposal: Rezone to Exclusive Agriculture (A-1) (Farmland Preservation District)

Attendance for the application: Cory & Brittney Zickert

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published October 16 and 23, 2022.

Presentation of application:

C. Zickert explained the intent of the application is to move the zoning back to Agricultural from Residential following an update to the Future Land Use Map (FLUM) of the Comprehensive Plan (Update 2040). [Secretary’s note: The FLUM listed this property as future Transitional Residential District and required an amendment to allow rezone to Agricultural. The amendment to the FLUM was approved by the Town Board on June 27, 2022.] The zoning issue originated when the Town denied an application for a building permit for the existing business due to the current Residential District zoning. Zickerts were surprised to find the property zoned Residential and confirmed the zoning with Fond du Lac County. The property currently has a residence, ag-related business and animals on site. The property has been owned by the family as a farm since 1960. They currently have ponies, chickens and goats.

Questions of applicant from members of the public: None

Questions of applicant from Eldorado Plan Commission (EPC) members:

Discussion took place regarding the appropriate zoning with the current use: A-1, Farmland Preservation District or A-2, General Agricultural District. A-2 has two animal units/acre limit. Zickert’s communicated their preference for A-1 with the horses, goats, and ag-related business. Their business services hatcheries and the pond is licensed as a fish hatchery by the Department of Agriculture, Trade and Consumer Protection (DATCP). As a result, this use falls under Aquaculture (Fish Hatchery), an agricultural use per the Zoning Ordinance.

Testimony in support of application (offered three times):

Gary Miller spoke in favor of the application.

Testimony in opposition of application (offered three times): None

Rebuttal testimony by applicant: None

November 1, 2022

Town of Eldorado Plan Commission
Public Hearing Minutes – Cory & Brittney Zickert – Rezone

Discussion by EPC:

The existing parcel meets all setbacks and lot dimensions required for A-1.

Motion:

Motion made by Brenner/White to recommend approval of the application to rezone N7828 / N7840 Town Hall Rd, parcel # T07-16-16-29-10-014-00, from Residential to Exclusive Agriculture (A-1).

Borski, Brenner, White & Yoder voted in favor of the motion. Motion carried 4-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on November 21, 2022.

Brenner adjourned the hearing at 7:21 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission