

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
July 10, 2019

Chairperson Harlan Hebbe called the meeting of the Plan Commission to order at 6:00 pm. Other Plan Commission members present included Jim Hampton, Tonia Speener, Ryan Burnett and Steve Plunkett. Also present were Building Inspector / Assistant Zoning Administrator, Paul Kufahl and Community Development Director, Steve Kunst. Jay Wittman and Tom Steele were excused.

MINUTES:

Motion by Jim Hampton, second by Tonia Speener to approve the minutes of the June 26, 2019 Plan Commission meeting, as presented. Motion carried 5-0

CERTIFIED SURVEY MAP(S):

- a. *Riverside Land Surveying, agent, requests Certified Survey Map approval for a land division at the property addressed 3503 South Mountain Road. Parcel #34.212807.002.003.00.00. Docket #2019-21.*

Community Development Director, Steve Kunst stated the applicant requests approval of a Certified Survey Map (CSM) to divide a 9.89-acre parcel creating an approximately 2-acre single-family residential lot and a 33-foot wide ingress/egress easement adjacent to the existing shared driveway making it easier to create a future public road, if necessary. He noted the new lot would share a drive access with three other existing residences because Marathon County will not allow an additional access point onto County Road N. Finally, Kunst noted all parcels on the CSM are in conformance with the required lot standards for the Estate Residential-1 zoning district.

Jim Hampton questioned whether the existing shared driveway is part of an easement. Nathan Wincentsen, agent, noted the current 33' wide portion of the adjacent lot was reserved for future right of way needs as part of a previous CSM, however it does not have a formal easement recorded.

Ryan Burnett introduced the idea of extending the proposed easement to mirror the adjacent area reserved for future road use to help facilitate the any future road development. As part of the Commissioners discussion, Hebbe questioned whether the Town had any intent of requiring or building a road in this area. Kunst indicated the Town had no intentions of establishing a public road at that location and any extension of the easement for a future road could potentially create a nonconformity for the sheds located on Lot 2 of the CSM. Wincentsen suggested reserving the easement area for future road use which would give all lots access.

Wincentsen also stated they were recently made aware of a WPS utility easement that was not indicated on the CSM. He noted it is 16.5 feet wide and runs within the proposed ingress/egress easement along the eastern property boundary and includes the buried electrical service cables and transformer which serves the existing residences. Steve Plunkett asked for clarification of the utility easements location and

if the electrical lines would need to be moved if a road were developed. Wincentsen clarified and indicated the developer of the road would likely need to pay WPS to move the electrical service lines.

Commissioners asked staff at what point a public road would be required. Kunst noted a public road would likely be required if there was any future subdivision development of lots to the east.

Hampton inquired about an agreement to use the existing driveway, noting neighbors may be able to restrict access to others without a legal agreement. Wincentsen indicated the reservation of the driveway for future road use was standard practice at the time it was created and is treated like a legal easement. He noted any aggrieved party may have legal right for use of the driveway based on the long term understanding of the reservation's intent. Plunkett questioned the setback requirements for Lot 2's septic mound. Kunst noted the identified setback is two (2) feet greater than the required 10' setback.

Motion by Tonia Speener, second by Jim Hampton to recommend approval of the Certified Survey Map (CSM) for a land division at the property addressed 3503 South Mountain Road, conditioned upon a modified CSM which indicates the location of the WPS Utility Easement and identifies the proposed ingress/egress easement as reserved for a future road. Motion carried 5-0

b. Tim Vreeland, agent, requests Certified Survey Map approval for a land division at the property addressed 5308 Dogwood Road. Parcel #34.172807.009.004.00.00. Docket #2019-22.

Applicant was not present. Plan Commissioners opted to table this item to a future meeting.

NEW BUSINESS:

c. Wisconsin Department of Transportation, applicant, requests approval of a Correction Instrument to rescind a Trans 233 Restriction for Parcel #34.102807. 015.003.00.00, #34.102807.015.004.00.00, and #34.102807.015.005.00.00. Docket #2019-19.

Kunst noted the Wisconsin Department of Transportation (WisDOT) received a request from property owners along Hummingbird Road (CTH R) to rescind a 50-foot setback restriction placed on their properties in 2003. He stated WisDOT agreed to remove the setback restriction from the three (3) properties identified, but is required to file a Correction Instrument with the Marathon County Register of Deeds Office after approval by the Town of Rib Mountain. Additionally, Kunst stated the 50-foot setback imposed by the State in 2003 is greater than the Town minimum setback of 45 feet identified in the Town Zoning Ordinance and thus, staff does not see an issue with the proposed Correction Instrument. Hampton asked if the 50' setback requirement is imposed on the lots north and south of the three (3) subject parcels. Kunst indicated the setback only applies to the three (3) subject parcels.

Robert Winat, Wisconsin Department of Transportation representative, gave a brief history of the imposition of Trans 233 Restrictions, noting that division of parcels in areas where access was controlled by WisDOT triggered the additional setback requirements. He noted the court system later overturned

WisDOT's ability to impose those setbacks non-State Subdivision plats and thus will file a Correction Instrument at the request of the property owner. Winat also noted that WisDOT will transfer right-of-way access restrictions to Marathon County because County Road R is maintained by the County.

Burnett confirmed the Town's 45' foot setback still applies when the WisDOT setback is removed. Kunst confirmed local zoning requirements would apply after the Correction Instrument is filed with these parcels.

Motion by Jim Hampton, second by Ryan Burnett to recommend approval of the Correction Instrument to rescind a Trans 233 Restriction for Parcels #34.102807.015.003.00.00, #34.102807.015.004.00.00, and #34.102807.015.005.00.00, as presented. Motion carried 5-0

d. Riverside Land Surveying, agent, requests an amendment to the Final Plat for Stone Horizon subdivision. Parcel #34.182807.016.003.00.00. Docket #2019-20.

Kunst indicated the applicant requests an amendment to the Final Plat for Stone Horizon Subdivision. As the developer was formalizing the stormwater management plan it became evident 'Outlot 1' needed to increase in area to encompass the required stormwater management facilities. As a result, Outlot 1 is proposed to increase to 0.383 acres and Lot 8 goes to 2.249 acres. Kunst noted Lot 8 remains compliant with the Town Zoning and Land Division Ordinances and no further changes to the Plat are proposed.

Tonia Speener asked if all noted conditions from the original plat approval are still valid. Kunst indicated they were and should be part of any recommendation for the requested amendment.

Motion by Tonia Speener, second by Jim Hampton to recommend approval of the Final Plat Amendment for Stone Horizon subdivision, with the following conditions:

- **A signed developers agreement covering all public improvements (street, utilities, etc.) and financial sureties.**
- **Finalized Stormwater Management Plan and/or long-term maintenance agreement approved by the Town Engineer.**
- **Finalized street plans approved by the Town Engineer.**
- **A finalized copy of any protective/restrictive covenants along with primary contact for any homeowner's association.**

Motion carried 5-0

e. Jim Vandergeest, owner, requests a Pre-Application Conference for a potential Zoning Map Amendment. Docket #2019-18.

Kunst indicated the applicant seeks Plan Commission direction on a potential rezoning application for a lot at the northeast corner of Foxglove and Wintergreen Roads for the potential construction of a residential duplex. He noted the subject property is currently zoned Estate Residential-1 (ER-1) and solely permits single-family residential development at a density of one (1) unit per acre and the applicant is

interested in rezoning the property to Mixed-Residential-4 (MR-4) which permits single-family and duplex residential development at a density of four (4) units per acre. Additionally, Kunst indicated the subject property could be divided and permit two (2) duplex structures, if rezoned.

Jim Vandergeest, owner, stated they are interested in building a single-story duplex on the property, with the intention of living in one unit and renting the other. Vandergeest noted they reside in Florida for the winter and would like the other tenant to watch over and maintain the property while they are away. Deana Vandergeest noted all of their commercial properties and previous residences have been well maintained and attractive and this particular property provides additional screening from the trees along Foxglove Rd.

Commissioners had the following questions, comments and concerns.

- Would a 4-plex or greater building be allowed, expressing concern for a large multi-unit development?
- Where are the nearest MR-4 zoned parcels, to help establish a duplex fit in the area?
- Would septic and well requirements be a concern based on the parcel and building size?
- How far is the parcel from the highway?
- What is the age and condition of the existing neighborhood?
- We need to look out for future development potential, because after the current owner leaves there is potential for greater development and this parcel and adjacent parcels?
- Neighborhood feedback will weigh heavily on the decision.
- New construction in the area may bring some new life and value to the older neighborhood.
- Access would need to be from Wintergreen Rd
- Building design will play a major role in how it fits the neighborhood.

Plan Commissioners were split in their opinions of the project with some feeling as though a duplex would not fit the area and others feeling it may have a place if designed properly and neighborhood feedback is taken into consideration.

CORRESPONDENCE / QUESTIONS / TOWN BOARD UPDATE:

Road Names – Kunst noted the Town has submitted new road names to Marathon County and they have been accepted. He anticipated implementation near the end of September or October.

PUBLIC COMMENT:

Robert Winat indicated that local road payments may increase as part of the new State Budget.

ADJOURN:

Motion by Tonia Speener, second by Ryan Burnett to adjourn the Plan Commission Meeting. Motion carried 5-0. Meeting adjourned at 7:07 pm.

Respectfully Submitted,

Paul Kufahl, Building Inspector / Assistant Zoning Administrator