

# APPROVED MINUTES

## TOWN OF WILSON PLAN COMMISSION

June 08, 2015 Meeting

### CALL TO ORDER & DECLARATION OF OPEN MEETING:

Meeting was called to order by Vice Chair June Spoerl at 6:30 PM and declared an open meeting.

**PRESENT:** Commissioners MaryAnn Bergin, Fred Goebel, Guy Jones, Jim Kummer, Dave Schleicher, June Spoerl, and Rich Ternes. **Absent:** Chair Doug Fuller. **Others:** John Ehmann, Rick Meyer, Denise Grady, Jack Leonhardt, and Joelynn Johnson.

### NEW BUSINESS:

- 1.) Approval of Draft Minutes

Motion by Kummer; seconded by Schleicher to approve the June 8, 2015 draft minutes as amended; motion carried with no nay votes and no abstentions.

- 2.) Review to Determine Rental Language in R-1 Zoning. This agenda item was the result of a complaint filed with the Town by Phil Mersberger on March 25, 2015 along with his attachments including a Court of Appeals Decision and the Town of Wilson's Residential R-1 Zoning Ordinance. A copy of this complaint was provided to us tonight. Included with our packets were the Town Board's meeting minutes from May 4, 2015, noting their motion to refer R-1 zoning to this Plan Commission to review for the purpose to determine if we should or should not have rental language in R-1 zoning stating either for or against and/or how it would be allowed. Also in our packets was a memorandum from our Town Chairman, John Ehmann, providing some background information and clarification on this subject. From this memorandum an issue was raised because our ordinances list what is permitted and the Town Board dismissed this complaint as they were unable to determine if our R-1 zoning language prohibited such rental activity. It was noted that this problem may come up more often with Airbnb (a website to rent out lodging worldwide). This is happening everywhere in the U.S. You can go online and people have their homes and rooms in their homes for rent. It was suggested we get Legal Counsel's opinion on this and provide information as to how other municipalities of our size are handling this matter. We also need to protect our neighborhoods. Further discussions took place regarding this matter. June Spoerl to contact Legal to find out how other townships address this issue.

### OLD BUSINESS:

- 3.) The Plan Commission will also make a recommendation on a land division request from David Koeppel, W1385 Town Line Road, Oostburg, WI and consider the owner's request as follows: Proposed Division of Certified Survey Map of tax parcel #59030463580. Denise Grady (David Koeppel's Fiancee) was in attendance representing David Koeppel. There seems to be no reason for not approving this request. There are no buildings on the 40 acres. Lot 2 is not buildable because of wetlands and setbacks. An issue though was raised as the revised Certified Survey Map was not signed by David Koeppel or the County Planning Director.

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Motion by Kummer; seconded by Spoerl to recommend the Town Board approve this land division after receiving the signed Certified Survey Map by David Koeppel and the County Planning Director; motion carried with no nay votes and no abstentions.

- 4.) The Town of Wilson Plan Commission will make a recommendation on a rezoning request by David Koeppel, W1385 Town Line Road, Oostburg, WI and consider the request of the applicant for the rezoning from (Agriculture District) A-1 to A-2 of a parcel consisting of 40 acres. This request is for tax parcel #59030463580 located North of Town Line Road, located in the Southwest corner, Section 23, Township 14, Range 23, Sheboygan County, WI.

Motion by Schleicher; seconded by Ternes to recommend the Town Board approve the zoning change from A-1 to A-2; motion carried with no nay votes and no abstentions.

- 5.) Maintenance/Road Supervisor Rick Meyer; Revision of Subdivision Ordinance Chapter 4, Section 4.01. Rick brought this issue to the attention of the Town Board and they recommended it come before the Plan Commission. The reason Rick brought this issue to the Board was that there has always been an issue for the Maintenance Department when doing any work within any of these easements identifying where exactly they are and felt it may be helpful in the future to have the developer provide above grade monuments for the town's drainage easements and retention ponds. The maps do not always tell much when they are in the field. This would help the Maintenance Department with brush removal, tree trimming, and ditch cleaning knowing they are not on private property. Maintenance should be doing more work in some of these areas, but are not getting them done because of this. A good example of this would be the Park & Forestry's public accesses to Lake Michigan have mounted orange RW signs. Rick has been working with Joe Bronoski from Abacus on amending our ordinance. Rick's request would include drainage easements, wet or dry ponds, utility easements, and town easements as necessary. The town's property could then be monitored. Drainage tiles are another concern for developing subdivisions. Going forward this all would be the developer's responsibility of a subdivision and part of the Developer's Agreement. His first step would be to go back into developed subdivisions and the second step would be new development with developer agreements for town easement and right of ways. It was recommended that Rick come back and submit to the Plan Commission what he wants to change, why he wants to change it, and include the developers agreement issue. The Plan Commission will then submit to the Town's Legal Counsel for legal language. Once Legal has reviewed, a Public Hearing by the Plan Commission would be required and then a recommendation could be made to the Town Board.

- 6.) Review of Animals Kept in R-1 Zoning. Town's Legal Counsel, Matt Parmentier, responded to June Spoerl's request for samples of towns that have new animal control ordinances. Of the two sent, the Town of Williamstown was more specific. Further discussions occurred from reviewing their ordinance. It was also noted that R-1 zoning should have a restriction. We tabled this agenda item to next month (July 13, 2015) for input as to what should be incorporated into our current ordinance. A Public Hearing is also required.

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- 7.) Section 8 of the Zoning Ordinance, Conditional Uses, Section 8.15, Review and possible recommendation of change. This agenda item was tabled from last month. Jim Kummer had suggested this change because, at present, the Town Board can change a CUP without a Public Hearing and this is not right. We also needed to amend this ordinance with better language. June Spoerl was to submit Page 3 "Proposed Change to 8.15 Modify or Revoke Conditional Use" to Town Clerk for submittal to Legal Counsel for his review. A Public Hearing is also required to change this ordinance.
- 8.) Park and Forestry proposed changes to Ordinance, Chapter 30 Public Parks. June Spoerl to have Town Clerk send final version to Park and Forestry for their final review. This agenda item was tabled to next month (July 13, 2015) and to have a representative from Park & Forestry present. A Public Hearing is also required.
- 9.) Sign Ordinance – Possible revision to Sign Ordinance 29.02 Administration. A Public Hearing has been scheduled for our July 13 2015 meeting.

Agenda Items 5, 6, 7, and 8 above all contain ordinance changes and still require a Public Hearing.

### CORRESPONDENCE:

- 10.) Approved Plan Commission Minutes (April 13, 2015)
- 11.) Approved Town Board Minutes (April 6, 2015)  
Approved Town Board Minutes (April 14, 2015)  
Approved Town Board Minutes (April 29, 2015)  
Draft Town Board Minutes (May 4, 2015)  
Approved Town Board Minutes (May 6, 2015)  
Approved Town Board Minutes (May 11, 2015)  
Draft Town Board Minutes (May 18, 2015)
- 12.) State of Wisconsin DNR Letter to Jess Barley of Kohler Co. (May 22, 2015)

The next Plan Commission Meeting will be held Monday, July 13, 2015, at 6:30 PM.

### ADJOURN:

Motion by Kummer; seconded by Spoerl to adjourn; motion carried with no nay votes and no abstentions; and meeting adjourned at 7:40 PM.

Minutes Submitted By: MaryAnn Bergin, Secretary  
Georgene Lubach, Clerk