

**TOWN OF LODI
PLAN COMMISSION MEETING MINUTES
MAY 23, 2017**

1. Call to order and roll call: Meeting called to order by Chairman Marx at 6:05 p.m. Commission members present: Kris Krause, Robert Robbins, Jack Pfister, James Matras, James Bechen, Tom Marx. Also present: Kensel “Kip” Disrud; Jim Grothman (Grothman & Associates Surveying); John Berry, Randy Becker (Becker Home Improvement), Roberta Arnold,

New Plan Commission member James Matras introduced.

2. Parcel 11022-43.01: Certified Survey Map, Rezone and Waiver of Access to create a new 5-acre lot for a Single-Family home. The 5-acre lot to be rezoned to from A-1 Agriculture to RR-1 Rural Residence and the remaining 30.16 acres would remain A-1 Agriculture but have would be restricted by a A-4 Agriculture Overlay, located in Section 3, owned by Kensel & Maria Disrud.

Grothman – we’re looking at a 5-acre rezone on the far west/east side of this parcel (towards Wildenberg & Michael Drives). The property is a 35-acre parcel. Lot 1 will be the rezoned 5-acre section (approx. 3.5 acres of that is buildable) and Lot 2 will be the Ag Overlay section. There are some wetlands, but the home will not affect that. The access/driveway will come off Michael Drive via an easement, and will be approximately 600’ in length.

Krause: we have to consider action on the following – CSM, rezone of the 5-acre lot created, and Waiver of Access. Bechler – this looks easy on its face; and we’ve done quite a few of these. The issue with this property is the wetland. There are strong policy considerations when you have wetlands in a property. The fact that this parcel is quote wooded means wetlands may be less of a consideration. We should put a covenant on Lot 1 stating that there will be no land disturbance on the wetland area. Krause – I agree 100%; if these lots were owned by separate owners that might be an issue. But both lots will be owned by the same owner. Bechler – that’s today, but if in the future they’d become separate a covenant protecting the wetlands would be conveyed with each. Grothman – the county will always protect anything done in a wetland. Bechler – a covenant wouldn’t tie the lots to stay one parcel, but protect them in the future. Krause – what happens so often is that owners bring in fill to make areas more lawn and easier to maintain. Disrud – Wenger has for years mowed in that area for feed for his horses. Grothman – I can put a notation on the CSM regarding Lot 1 having wetland, and that area is not to be disturbed.

Krause – the Waiver of Access is needed because the access to the driveway is over an easement granted by adjacent property owner.

Bechen/Marx motion to approve rezone of 5-acre Lot 1 from A-1 Agricultural with 31+-acre Lot 2 to be rezoned from A-1 to A-1 with A-4 Ag Overlay, with notation of wetland protection on Lot 1; MC 6-0.

Pfister/Robbins motion to approve Waiver of Access via existing easement; MC 6-0.

Pfister/Robbins motion to approve Certified Survey Map as presented with Restrictive Covenant submitted for Lot 1 (by 5/30/17 TB meeting) restricting use of wetlands in Lot 1; MC 6-0.

3. Parcel 11022-646.02: Certified Survey Map & Waiver of Access to create a new 20-acre parcel, as part of future estate planning, from this 95.88-acre parcel, located in Section 32, owned by John & Phyllis Berry, W11683 State Road 60.

Krause – last time we met we discussed access to the property and land division. Grothman – we did hire Atty. Paul Johnson to prepare the Restrictive Covenant requested, which is presented to you this evening. This CSM is creating a 20.5-acre parcel, with frontage provided by John Berry’s son’s adjacent property. John Berry – in the future we anticipate both sons will own our property, one son already owns adjacent property, so this CSM is creating a parcel for our other son. Grothman – in the future there will be additional updated CSM’s relating to the Berry properties. Bechler – my only concern is what land has to be added. Also, the statement that the access/easement is by “other document”, is that ready yet? Grothman – no. Bechler – that will be needed before the CSM can be approved. Grothman – upon conditional approval the Town could withhold signing the CSM until that access/easement document is prepared. Krause – so to summarize this – at face value no one has a problem with a division like this, except for the possibility of a very long access/driveway if a single-family home was ever built on this new lot. Bechler – my rough math comes up with a ½ mile driveway. Grothman – no, I’d say “as the crow flies” it’s about 1,400 – 1,500 feet. Krause – I think it’s longer than that. But we have approved long driveways in the past. Bechen – one of the reason we asked for Restrictive Covenants was to assure the Town will have the final say on developing of this lot. I don’t see someone coming in a swiping a 33’ wide path through to this parcel. Grothman – this is all owned by the same family; John & Phyllis Berry are doing this as part of estate planning for the future. Krause – as long as it stays in a family these access easements usually work out, but in the future, if it ever happens, the problems begin when the property is no longer owned within one family. Grothman – I’ve seen that happen also, and it’s an expensive war. But with this Restrictive Covenant document prepared it should stop that from happening. Bechler – with the Restrictive Covenant giving town-review authority I am comfortable with anything that would happen in the future. Bechen – I think the covenants solidify the town’s wishes, and show that the Berry’s are doing everything at this time to pass this on to their sons.

Pfister/Mar motion to approve 33’ access Waiver of Access for Parcel 11022-646.02, not for the purposes of a road, but as an access/driveway to Lot 1; MC 6-0.

Marx/Robbins motion to recommend that the Town Board approve the draft CSM but withhold signatures until a Restrictive Covenant in the form submitted by petitioner, as well as a 33’ wide access easement document utilizing description on page 6 of CSM; MC 6-0

4. Parcel 11022-220: Variances to County Ordinance 16-110-030(2) Road Setback for proposed new second story residential addition to be 23.7 ft. from the road right-of-way and 50.2 ft. from the centerline of the road, and 7.3 ft. from the side yard, located in Section 5, owned by Benjamin & Jessica Street, W11619 Demyneck Road.

Becker – currently this is a 1-story cottage, the Street’s want to add a 2nd story to make this a full-time residence. Bechen – I think these setbacks are consistent with other homes in that area. Krause – we’ve looked at many of these; there is no “hardship” in this but to update a circa 1950’s ranch/cottage to fit in with other homes in the area the variances are needed. Bechler – most communities would suggest that the owner should tear down the current home and build a 2-story home that does meet current setbacks. Bechen – I think this is a far better improvement to the neighborhood than trying to make a home that meets setbacks.

Bechen/Pfister motion to approve (insert) to be 19.7’ from road row, 46.2’ from the centerline, etc.; MC 6-0.

5. Parcels 11022-87 & 11022-87.A: Certified Survey Map to combine parcels into one parcel for building purposes, located in Section 4, Owned by Kenneth Kolste, N2805 N. Lake Point Dr.

Grothman – what Ken wants to do here is consolidate his 2 parcels, eliminating the lot line between Lots 6 & 7. Bechler – this would create a parcel with 2 driveways on it going out to 2 different roads (N. Lake Point and Lake View). Marx – common sense tells me that these 2 driveways have existed for a long time, and the fact that it ends up being a non-conforming 2 access-in-one-parcel

Marx/Bechen motion to approve the CSM as presented with the 2 access/driveways being allowed; MC 5-1 (Pfister – no).

6. April 20, 2017 meeting minutes: *Marx/Robbins motion to approve as prepared by Goeske and edited by Krause; MC 5-0.*

7. Next Meeting: Krause – I think most items before the PC have been addressed. But there is the short joint PC/TB meeting at 5:30 p.m. next Tuesday, May 30th regarding the amendments to the Comprehensive Plan.

Krause – the documents I handed out to you this evening (INSERT) relate to approaching the process for rezone, variances, etc. and how they are handled and outlining the process. It would allow for professional reviews of applications prior to PC and TB meetings and freshen the process.

8. Adjourn: *Marx/Pfister motion to adjourn at 8:00 p.m.; MC 6-0.*

April D. Goeske
Clerk-Treasurer