

**TOWN OF LODI
PLAN COMMISSION MEETING MINUTES
JULY 9, 2019**

1. Call to order & roll call:

Meeting called to order by Chr. Krause @ 6:00 p.m. Commission members present: Kris Krause, Jack Pfister, Robert Robbins, James Layne, Jane Zavoral, Brian Henry, Chad Wolter. Also present: Town Attorney Lawrence Atty. Bechler; Atty. Richard "Rick" Schmidt for Fern Glen; Neil McIntyre for Clay Investments. Audience: Bob Collins, Roberta Arnold.

2. Fern Glen Farms Plat (Groves Family Trust) - Rezoning(s) for the Final Plat:

See Attachment A

Krause - the final plat was conditionally approved by the Plan Commission on 05/14/19 and the Town Board on 06/25/19. Outlot 1 rezone from R-1 to A-1 w/A-4 Overlay; and Outlot 2 rezone from R-1 to A-1 w/A-4 Overlay. Atty. Schmidt - one of the conditions was rezoning. Areas outlined in red are the areas to be rezoned. The recent legal description is correct for the land to be rezoned (see Attachment A) We ask that the rezones be approved per the conditionally approved final plat. Krause - I discussed these rezones with Atty. Atty. Bechler earlier today and he is okay with using the legal description in the rezone approval. The land for the Ice Age Trail will be via an easement at this time, possible in the future it'd be deeded to the Ice Age Trail group (insert legal name). Krause - in the past we've not only approved the rezones but have also required an actual deed restriction be approved and attached to the deed documents for affected parcels (the ones with the A-4 Overlay). Atty. Schmidt - in the Declaration of Easements (on file) that deed restriction is included several times. Atty. Bechler - I don't see it. Atty. Schmidt - it's 1.c.*

* " Outlot 1 and Outlot 2 are subject to [Conservation Easement, recorded in the Columbia County Register of Deeds as Document No. xx ("Conservation Easement")] that severely restricts usage of those two Outlots. Moreover, no Outlot may be used as a residential building site unless and until it is replatted as a "Lot" (subject to all platting laws and approvals) and it is in compliance with all laws applicable to buildings sites and such use is otherwise permitted under the Conservation Easement and other applicable laws and recorded restrictions. "

Atty. Bechler - the concern we have is that obviously we can assume the Ice Age Trail will require compliance with those terms. Atty. Atty. Schmidt - this Declaration can't be amended without town approval first. Atty. Bechler - that does address our concerns in the town's favor. Atty. Atty. Schmidt - this Declaration of Easements has not yet been recorded, waiting for approval from Atty. Atty. Bechler. Atty. Bechler - I will work on that asap. Atty. Bechler - we will want proof that it is recorded before we sign off on the final plat. Arnold - was the hammerhead turnaround included in recent changes? Atty. Schmidt - yes.

Robbins/Pfister motion to recommend approval of rezones as described above; MC 7-0.

3. Clay Investments LLC (Neil McIntyre) - Certified Survey Map (CSM) dividing 6.65-acre Parcel 11022-471.A in Section 21, Town 10N, Range 8E located including home @ W11066 Thistledown Drive. Lot 1 @ 1.50 acres, Lot 2 @ 1.50 acres (including current home), Lot 3 @ 1.50 acres, Lot 4 @ 1.46 acres:

See Attachment B

Krause - this is a parcel formerly owned by Jim Peterson (adjacent to 4.15-acre Parcel 11022-471.03 owned by

Lake Wisconsin Evangelical Community Church @ W11093 Ryan Road; 4.93-acre Parcel 11022-471.B owned by John & Doreen Reinwand @ N1686 Ryan Road; south of 43.59-acre Parcel 11022-432.A owned by William & Nancy Mitchell; and 1.495-acre Parcel 11022-1516 owned by Jeremy Tenjum & Laura Thayer @ W11030 Thistledown) . Clay Investments/McIntyre purchased this property and has been working on a CSM to divide it into 4 lots, 3 of which would meet the minimum lot size of 1.5 acres, but 1 just under that minimum at 1.46 acres. So McIntyre is appearing before us just to discuss that before he has a final CSM prepared. The minimum 1.5-acre lot size has been in effect since 2004. If we were to approve this CSM as drafted McIntyre would need a variance to the 1.5-acre minimum lot size for the Lot 4 that is shown as 1.46-acres. Atty. Atty. Bechler and I discussed this. There're 2 sides to this discussion. (1) we're not trying to do a Conservation Subdivision here, this is addition to the current Thistledown lots. All of the other parcels on Thistledown Drive are < 1.5 acres each. Those were created before the minimum lot size was increased to 1.5 acres. We've passed a number of variances over the years where there clearly was not any "hardship" but the variance made sense to us. If we strictly adhere to this 1.5 acre minimum, then McIntyre can only divide this parcel into 3 or less parcels. Atty. Bechler - I do want to point out that the variance ordinance has a procedure in it, which starts with a preliminary review, which this is. In Subsection A the subdivider should file an application for a variance stating fully all facts with all related data. Approving any variance is potentially precedent-setting. In the past variances have been granted for other logical reasons that are not covered in our ordinances. If the town approves this variance it must be done by motion or resolution, including why the variance is being approved or denied. I see that this parcel cannot be divided where all the meet the minimum. Robbins - if Lot 2 with the current home were the lot that was 1.46 acres would that make a difference? Atty. Bechler - not really. Wolter - you say going up Thistledown the lots are less than 1.5 acres, what is the average? Krause - the 8 I looked at range from .484-acre to 1.495-acres, averaging .81-acre. Atty. Bechler - the plat that those 8 homes are in was approved before the town even had a subdivision ordinance and minimum lot size. Krause - there's only 1 plat that we've reviewed and approved since 2004, which is the Pleasant Valley/Ness Plat, with 10 lots all larger than 1.5 acres. Arnold - with Conservation Subdivision didn't the town do that to protect environmental, ag land, groundwater quality, etc... Krause - so if we approve this 1 lot less than 1.5 acres what benefit is it to the town? Robbins - I'm concerned with the slippery slope we get into by approving lots less than our 1.5 acre minimum. Krause - when Atty. Atty. Bechler and I discussed that subject we could change our ordinance to less than 1.5 acre minimum, or we could add language to our variance ordinance. Pfister - is the 1.5 minimum fair to property owners? Atty. Bechler - the answer is that this parcel could be divided into 3 lots that all more than meet the 1.5 acre minimum. Why we'd grant a variance, what would be our justification? Atty. Atty. Bechler - the ordinance doesn't put that on the PC or TB, it's up to the developer to justify it. Layne - but this CSM is for lots adjacent to many other parcels that do not meet the 1.5 acre minimum. I understand Robbins asking why the lot that has the home on it couldn't be the lot that's less than 1.5 acres. Pfister - the 1.5 acre minimum could be considered an arbitrary minimum lot size. What is the impact broadly to the town with this minimum lot size of 1.5 acres. Robbins - if we reduce the minimum lot size to say 1-acre, is 6 houses on 6 acres what we want to see, or 4 houses on 6 acres? McIntyre - I understand that granting a variance opens a possible can of worms, but I also agree with Robbins about making the 1.46 acre lot be the one with the existing home on it. Krause - we're not taking action on this tonight. What Plan Commission members might want to do is read our Conservation Subdivision ordinance. Krause - the Comprehensive Plan is on the Town's website. Look at the current land use and the future land use maps. Atty. Bechler - I looked at the terrain here, are there any issues with slope? McIntyre - no.

4. Minutes of March 12, 2019 and May 14, 2019 meetings: *Robbins/Layne motion to approve minutes of March 12, 2019; MC 3-0-4* (*Henry, Pfister, Wolter and Zavoral not present at 03/12/19 meeting; Pfister was on winter vacation; Henry, Wolter and Zavoral weren't members at the time).*

Pfister/Robbins motion to defer action on 05/14/19 minutes to future date; MC 7-0.

5. Next meeting date is: Tuesday, August 13, 2019

6. **Adjourn:** *Pfister/Robbins motion to adjourn at 7:45 p.m.; MC 7-0*

April D. Goeske
Clerk-Treasurer

ATTACHMENT A

Groves Family Trust Property
Town of Lodi, Columbia County, WI

LEGAL DESCRIPTION

Land to be Rezoned from A - 1 & R - 1 to A - 1 with A - 4 Overlay:

Being a part the Southwest Quarter of the Northeast, the Southeast Quarter of the Northeast Quarter, the Northeast Quarter of the Southeast Quarter, the Northwest Quarter of the Southeast Quarter, the Southwest Quarter of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter of Section 20 and a part of the Southwest Quarter of the Northwest Quarter, the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 21 all located in Town 10 North, Range 8 East, Town of Lodi, Columbia County, Wisconsin, described as follows:

Beginning at the South Quarter corner of Section 20; thence North 00°19'34" West along the North - South Quarter line of said Section 20, 1,951.75 feet to a point on the South line of Lot 1, Certified Survey Map, No. 4748; thence South 85°35'46" East along the South line of said Lot 1, 225.00 feet to a point in the South right-of-way line of County Trunk Highway J; thence Southeasterly along a 1,020.65 foot radius curve to the left in the South right-of-way line of County Trunk Highway J having a central angle of 01°11'01" and whose long chord bears South 80°51'15" East, 21.09 feet to a point in the West line of lands described and recorded in Document No. 885380; thence North 02°03'25" East along the West line of lands described and recorded in Document No. 885380, 33.22 feet to the Northwest corner thereof, said point being in the centerline of County Trunk Highway J; thence North 09°17'19" West, 34.77 feet to a point in the North right-of-way line of County Trunk Highway J; thence Northwesterly along a 954.65 foot radius curve to the right in the North right-of-way line of County Trunk Highway J having a central angle of 06°46'54" and whose long chord bears North 77°11'19" West, 112.93 feet; thence North 73°47'58" West along the North right-of-way line of County Trunk Highway J, 136.67 feet to a point in the North - South Quarter line of said Section 20; thence North 00°19'34" West along the North - South Quarter line of said Section 20, 601.69 feet; thence South 89°59'54" East along the East - West Quarter line of said Section 20, 1,143.03 feet to the Southwest corner of the East 5 acres of the Southwest Quarter of the Northeast Quarter of said Section 20; thence North 00°25'05" West along the West line of the East 5 acres of the Southwest Quarter of the Northeast Quarter of said Section 20, 1,326.41 feet to a point in the North line of the Southwest Quarter of the Northeast Quarter of said Section 20; thence North 89°56'23" East along the North line of the Southwest Quarter of the Northeast Quarter and the North line of the Southeast Quarter of the Northeast Quarter of said Section 20, 1,469.28 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 20; thence North 89°14'46" East along the North line of the Southwest Quarter of the Northwest Quarter of said Section 21, 328.05 feet to the Northeast corner of the West 10 acres of the Southwest Quarter of Northwest Quarter of said Section 21; thence South 00°30'34" East along the East line of the West 10 acres of the Southwest Quarter of the Northwest Quarter of said Sections 21, 1,327.72 feet to the Southeast corner thereof; thence South 00°30'48" East along the East line of the West

20 acres of the Southwest Quarter of said Section 21, 624.24 feet to a point in the North right-of-way of County Trunk Highway J; thence South 87°40'11" West along the North right-of-way of County Trunk Highway J, 485.29 feet; thence North 00°30'45" West, 639.27 feet to a point in the East - West Quarter line of said Section 20; thence North 89°59'54" West along the East - West Quarter line of said Section 20, 2,216.44 feet; thence South 00°19'34" East, 664.85 feet to a point in the North right-of-way line of County Trunk Highway J; thence South 09°17'19" East, 34.77 feet to the Northwest corner of land described and recorded in Document No. 885380; thence South 02°03'25" West along the West line of land described and recorded in Document No. 885380, 250.89 feet to the Southwest corner thereof; thence South 86°52'35" East along the South line of land of land described and recorded in Document No. 885380, 300.14 feet to the Southeast corner thereof; thence North 02°03'25" East along the East line of land described and recorded in Document No. 885380, 218.16 feet to a point in the South right-of-way line of County Trunk Highway J; thence South 89°14'23" East along the South right-of-way line of County Trunk Highway J, 366.35 feet; thence North 89°32'29" East along the South right-of-way line South right-of-way line of County Trunk Highway J, 397.50 feet; thence South 00°25'11" East, 580.11 feet; thence North 89°55'29" East, 1,152.20 feet; thence North 00°31'20" West, 623.06 feet to a point in the line South right-of-way line of County Trunk Highway J; thence North 87°40'11" East along the South right-of-way line of County Trunk Highway J, 441.81 feet to a point in the West right-of-way line of Bilkey Road; thence South 00°27'41" East along the West right-of-way line of Bilkey Road, 1,072.85 feet; thence South 01°48'47" East along the West right-of-way line of Bilkey Road, 453.52 feet; thence South 00°03'59" East along the West right-of-way line of Bilkey Road, 339.18 feet; thence Southwesterly along a 65.25 foot radius curve to the right in West right-of-way line of Bilkey Road having a central angle of 88°41'12" and whose long chord bears South 44°16'37" West, 91.21 feet; thence South 88°37'13" West along the North right-of-way line of Bilkey Road, 108.57 feet; thence Southwesterly along a 478.75 foot radius curve to the left in North right-of-way line of Bilkey Road having a central angle of 10°48'39" and whose long chord bears South 83°12'53" West, 90.20 feet; thence South 77°48'34" West along the North right-of-way line of Bilkey Road, 60.43 feet; thence South 12°11'26" East along the West right-of-way line of Bilkey Road, 12.74 feet to a point in the South line of the Southeast Quarter of said Section 20; thence South 89°50'53" West along the South line of the Southeast Quarter of said Section 20, 2,595.00 feet to the point of beginning. Containing 7,686,156 square feet, (176.45 acres), more or less.

THIS DESCRIPTION WAS PREPARED BY: GROTHMAN & ASSOCIATES, S.C.
JAMES R. GROTHMAN
Professional Land Surveyor, No. 1321
Dated: February 8, 2019
File No.: 1217-722

THIS DESCRIPTION WAS PREPARED FOR: Groves Family Trust
Attn: Jackie Groves
1364 E. Corniche Court
Boise, Idaho 83706

ATTACHMENT B

Parcel

3.

