

The Plan Commission of the Town of Taycheedah conducted a public hearing on January 7th, 2002, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board in regards to the Preliminary Plat of Hawk's Landing submitted by Nett Land & Development. Members present were Chairman Dennis Osterholt, Joe Thome, John Wagner, Mike Wirtz, Mark Kirschling, Angie Prull, Ann Simon and Secretary Brenda Schneider. Also present was Ron Cunzenheim of Excel Engineering, representing the Nett's.

Chairman Osterholt called the public hearing to order and read the notice for the hearing. He also outlined the format to be followed for the hearing.

Ron Cunzenheim and Nett testimony:

- Town Board reviewed the conceptual plan in November. A few modifications were requested and ultimately incorporated into the Preliminary Plat. The modifications were as follows:
 - Lot sizes were increased.
 - Green space was increased with an additional large open space area.
 - The numbers of driveways onto Fine View Road were reduced to one.
 - Location of the Ledge Road intersection moved approximately 200 feet west.
- The woods would be conserved.
- A majority of the stone fence would remain.
- Preparations for utilities will determine rock elevation. Lot 55 will require a grinder pump.
- Storm water management meets the requirements of the Town's ordinance. The plat includes three drainage basins and eyebrow retention areas on the east end. Run off will not be increased.
- Average lot size is .67 acres. Density is .83 acres with the green space.

Plan Commission comments and questions:

- ❖ Restrictive covenants Item # 28 states the provisions will be binding for 20 years. Member would like to see 25 years. Nett clarified that the item goes on to state that the covenants will automatically extend at 5 year periods unless the majority of the property owners execute and record an instrument to terminate. Member would also like clarification as to one owner, one vote regardless of the number of lots owned. After discussion, Nett's and member agreed to not pursue the number of votes issue.
- ❖ Responsibility of maintaining the green space was discussed. Nett clarified the subdivision association would be responsible for all expenses incurred do to the upkeep of the green space. Each lot owner would become a member of the association. A copy of the covenants will have to be recorded with every deed. Agents for each buyer will review the deed and covenants at three stages prior to closing.
- ❖ Member contacted the Towns Association; who claims covenants don't hold water. The Board needs to adopt an ordinance giving the town enforceability. Member concerned the Town may become liable for the maintenance of the green space.
- ❖ Member stated the landowners would determine if the green space is not being maintained. If they chose to ignore the maintenance, noxious weeds may be allowed to produce, retention areas could be filled-in, etc. Nett rebuttal: covenants are rules and regulations above and beyond the Town's ordinances.
- ❖ Member stated the enforcement of town ordinances is different that the enforcement of restrictive covenants. A suggestion was made to obtain an opinion from the Town's attorney. Another member questioned who would cover the legal costs? Chairman Osterholt stated that if the Plan Commission requests the legal opinion then the Town should cover the costs.

Public comment and questions:

- The Town has a noxious weed ordinance. The ordinance gives the Town the authority to cut the weeds if the owners neglect them. The owners would also have to pay for it.
- Adjacent property owner, Bud Sabel, voiced concern about additional water run-off from the developed property destroying his crops. Mr. Sabel asked if he would be reimbursed for future crop loss. Mr. Cunzenheim stated he is confident that the drainage plan will work well and that overflow to Mr. Sabel's property will not occur. Mr. Sabel asked for a guarantee in writing. The Commission, the Petitioners and the public held considerable discussion on the drainage

methodology, the impact of roofs, lawns and hard surfaces vs. current vegetation, and the capacity of the retention ponds. Mr. Cunzenheim explained to run-off calculations. Mr. Cunzenheim also stated that water would still flow to the east. A member stated her number one concern is water drainage. She also stated a water problem already exists on the Petrie farm. Her second concern pertains to the property line. The Nett's do not own the fence line. (The fence line is not included in the development plan.) Her third concern pertains to the state considering specific guidelines in the establishment of residential area near farms. The Sabel's and Petrie's may lose the ability to increase their farm. Mr. Cunzenheim stated a swale or berm could be placed along the Petrie's property to control eastward drainage from the development. Another member questioned confusion over concern about allowing residential development near existing farms when the Town Board recently approved single-family development on five-acre parcels in the agriculture district.

- Mr. Sabel again questioned his recourse in the event he suffers crop damage. Mr. Cunzenheim stated that would be civil issue. The group again discussed the retention ponds and the added berm.
- An adjacent landowner questioned the effect the development will have on well water. Mr. Cunzenheim stated that with the recharge basins, average rainfall and 60 gallons per person per day, the use doesn't come close to affecting the aquifer. A member suggested a share well concept in order to reduce the number of holes drilled into the aquifer. The Nett's stated that shared wells are intended in the areas where feasible. Their intent is two lots per well.
- A member questioned the cul de sac design. Member suggests the Nett's clarify maintenance responsibility to the owners adjacent to the teardrop area in the covenants. (Item #22 in the covenants addresses this issue.) Member also discussed the teardrop design as additional expense to the Town for future road repair and maintenance. The Nett's envision the teardrops planted with trees, which would add aesthetically.
- A member questioned the revised location of the intersection. Mr. Cunzenheim stated the proposed intersection is approximately 100 feet west of the Sabel house.
- Comments and questions again pertained to the drainage issue. A member stated that culvert runoff by Ledge was a concern. He questioned whether or not the retention area would be large enough. Member also stated the County would review the drainage plan at no cost.
- Nett stated the soil is sandy in nature and therefore is very pervious. He is confident in the drainage plan.
- Mr. Sabel mentioned that 8 years ago the ASCS office designed a grass-way in the drainage area as a way to slow down water erosion. The design was based on the drainage at that time, not including a development plan.
- A member asked about single-family home size. Nett stated the development would be on single-family with 1500 sq. ft./ one story minimum and 1900 sq. ft. total/ two story, roof pitch is 6:12 and masonry is required on homes less than 1800 sq. ft. Architectural Reviews will be required for all dwelling, accessory buildings, fences, antennas and other structures.

Ann Simon motioned to put the proposal on hold until we check with the water situation or not develop the southwest parcel in order to protect the farmland. Ann Simon restated her motion to allow the development of the back 1/2, not the southwest section, in order to protect the agriculture industry.

Commission discussion:

- Member questioned the Town Board approval of the conceptual plan and now suggests the Plan Commission should eliminate 1/3 of the development. The Town Board gave the go ahead to develop.
- Another member stated a need to verify the drainage concerns. He also stated the Town Board should never have rezoned the property in light of their current concerns. Another member stated we couldn't go back now.

Motion died for lack of a second.

Joe Thome motioned to accept the development design with the condition that the drainage be review by the County, or an independent expert, by tomorrow night's Town Board meeting. The review should include what can be done in the future to protect the ag-land south of the culvert, seconded by Dennis Osterholt. The Commission briefly discussed the one-day deadline. Chairman Osterholt stated the review would be needed before a Final Plat could be approved.

Roll call vote:

Ann Simon	no
Mark Kirschling	yes
John Wagner	yes
Joe Thome	yes
Angie Prull	yes
Mike Wirtz	yes
Dennis Osterholt	yes

Motion carried (6-1). Ron Cunzenheim was instructed by the Plan Commission to request that the County fax their written review comments to the Clerk, Brenda Schneider.

Mike Nett made to follow comments:

The larger, lower retention area for the development will have to be constructed prior to the sale of any lots and subsequently, the construction of any homes. Even though Phase 1 will include the platting of only 20-30 lots, the retention area is designed for a much larger area. We will be able to see if the drainage plan works long before the remainder of the development is complete. Mike stated that if it becomes evident that the drainage plan is not sufficient, the Nett's would work with the Town to rectify the problems.

They wanted to construct a deep pond in the retention area. They considered having a hydrant installed for use by the fire departments. However, the soil is too permeable and would require a clay liner. Therefore, the Nett's are confident the aquifer will not be impacted by their development.

Joe Thome motioned to adjourn, seconded by Mike Wirtz. Motion carried.

Attest Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary
Town Clerk

May 13th, 2002

Plan Commission
Pat Mand Rezoning Petition

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Monday, May 13th, 2002, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the rezone petition submitted by Pat Mand. Mr. Mand requests a rezoning of approximately 1.98 acres in the SW 1/4 of the NW 1/4 of Section 27 from Exclusive Ag to Business-2 (without public sewer). The parcel is located at N7907 Church Road. Members present were Chairman Dennis Osterholt, Mike Wirtz, Angie Prull, Joe Thome, John Wagner and Ann Simon. Also present was Secretary Brenda Schneider. Mark Kirschling was absent.

Chairman Osterholt called the hearing to order and read the public notice.

Mr. Mand's comments were as follows:

- Business zoning would reflect the business activity located on the property. Mr. Mand wants to be in the guidelines of the ordinance.
- In 1990, he applied for a permit to build a pole building for a shop, with a Board of Appeals approved setback variance.
- The business office is located in his home.
- He has one full-time employee and a couple of part-time employees.
- The site has a well but no bathroom.
- The land is taxed at business rates.

Commission discussion and questions:

- ❖ A previous Board of Appeals decision pertaining to the building limits future additions. The Secretary read aloud the Board of Appeals decision from the 1998 building addition.
- ❖ Mr. Mand may add a bathroom. The bathroom would have to be state approved.
- ❖ The state inspector inspected the building previously. He did not require a bathroom.
- ❖ Equipment repairs are done on the site.
- ❖ Any Commission recommendation would not infringe upon the Board of Appeals decisions made in the past.
- ❖ A member was concerned about setting precedence.

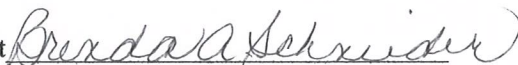
The group in attendance briefly discussed the rezonings done in 1999 by the Town Board as part of the Comprehensive Planning process. Mr. Mand never did have business zoning on this parcel, therefore the 1999 rezonings did not impact any prior business zoning of the parcel.

Martin Birschbach, a local landowner, does not object to Mr. Mand's rezoning.

John Wagner motioned to recommend the Town Board approve Pat Mand's rezoning from Exclusive Ag to Business-2, seconded by Joe Thome. Motion carried.

Dennis Osterholt motioned to adjourn, seconded by Joe Thome. Motion carried.

Attest



Brenda A. Schneider
Plan Commission Secretary

May 13th, 2002

Plan Commission
Hawk's Landing Final Plat Review

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Monday, May 13th, 2002, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the Final Plat of Hawk's Landing, requested by Nett Land & Development. Members present were Chairman Dennis Osterholt, Mike Wirtz, Angie Prull, Joe Thome, John Wagner and Ann Simon. Also present was Secretary Brenda Schneider. Mark Kirschling was absent.

Chairman Osterholt called the meeting to order and read aloud the notice.

Ann Simon informed Chairman Osterholt that Mr. Nett did submit a letter of request on April 25th, however, our ordinance states all materials must be submitted 15 days prior to the meeting. The map is dated April 30th, so the meeting should be adjourned and rescheduled appropriately. Ann also questioned if one week is enough time to review the materials. The Secretary stated that the letter was submitted on April 23rd, the erosion control plan was submitted and the maps were submitted on April 30th. The deadline is 15 days prior to the Plan Commission hearing.

Ron Cunzenheim stated that he would take the Chairman's word that the deadline was not met. He also commented that the review of a Final Plat is an administrative process and if there have been no changes the Plat should be allowed to go ahead. There have been no changes to the Plat. He doesn't see an issue.

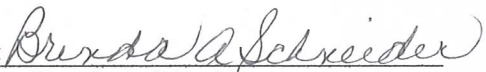
The Chairman was concerned about whether or not the timing dates have been met. He was also concerned about the possibility of a future challenge.

Mike Nett acknowledge that the ordinance does say 15 days and that the plat was submitted 14 days prior and does not meet the ordinance. He also stated that he was not aware that the deadline was not met. Even though the Plat is identical to the Preliminary other than lot number changes required by the state. He respectfully requested that the Plan Commission hearing be rescheduled at the earliest possible date. Mr. Nett apologized for the inconvenience.

Ann Simon again asked if one week was enough time to review the materials. Chairman Osterholt stated he had eight days, which he thought was more than adequate, especially for a Final Plat. He did agree that sometimes more time would be appreciated.

Mike Wirtz motioned to postpone the review of Hawk's Landing Final Plat to the next earliest possible date, seconded by John Wagner. Motion carried. Mike Wirtz restated the motion to postpone the review of the Final Plat of Hawk's Landing to June 10th, 2002. Motion carried.

The Plan Commission did not adjourn. The Pat Mand rezone petition was considered.

Attest 
Brenda A. Schneider
Plan Commission Secretary

The Plan Commission of the Town of Taycheedah conducted a public hearing on Monday, June 10th, 2002, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board in regards to the amending 13-1-140, Accessory Uses and Structures. Members present were Chairman Dennis Osterholt, John Wagner, Mike Wirtz, Ann Simon and Secretary Brenda Schneider.

Chairman Osterholt called the public hearing to order.

Town Chairman Jerry Guelig stated that the Board has been asked to consider increasing the maximum size limit of detached accessory structures and garages.

The proposed amended size limits would not apply to the R-7, Lakeside Single-Family Residential District. Fond du Lac County Shoreland Zoning would continue to enforce the 864 sq. ft. limit.

Chairman Osterholt was concerned about the placement of the larger buildings. He would not want views to be obstructed.

Angie Prull commented that the minimum lot size has been increased in order to keep open space. Larger buildings would eat-up more land. This seems to be defeating the purpose.

Mike Wirtz agreed. He questioned the possibility of larger buildings being used to park semi trucks. The proposed increased sizes may be too large.

Dennis Osterholt motioned to recommend the Town Board increase the accessory building maximum size, but reconsider the sizes for the larger lots. Dennis Osterholt withdrew his motion.

Mike Wirtz motioned to recommend the Town Board increase the accessory building and detached garage maximum size to:

864 sq. ft.	.5 acre lot
1024 sq. ft.	.75 acre lot
1152 sq. ft.	1 acre lot
1280 sq. ft.	1.25 acre lot

Mike Wirtz withdrew his motion.

Mike Wirtz motioned to recommend the Town Board increase the accessory building and detached garage maximum size to:

864 sq. ft.	.5 acre lot
964 sq. ft.	.75 acre lot
1064 sq. ft.	1 acre lot
1164 sq. ft.	1.25 acre lot
1264 sq. ft.	1.5 acre lot or larger.

John Wagner seconded the motion. Motion carried unanimously.

Mike Wirtz motioned to adjourn, seconded by John Wagner. Motion carried.

Attest Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

The Plan Commission of the Town of Taycheedah conducted a public hearing on Monday, June 10th, 2002, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board in regards to the Final Plat of Hawk's Landing submitted by Nett Land & Development. Members present were Chairman Dennis Osterholt, John Wagner, Mike Wirtz, Ann Simon and Secretary Brenda Schneider. Also present was Ron Cunzenheim of Excel Engineering, representing the Nett's. Bud Sabel and Bill Spieker were absent.

Chairman Osterholt called the public hearing to order and read the notice for the hearing.

Ron Cunzenheim, Excel Engineering apologized for the problem last month. Ron stated Excel Engineering made the error.

Ron Cunzenheim made the following statements:

- The road was re-aligned,
- Some of the lots were re-numbered,
- The County Ag Dept. met with the neighbors to explain the drainage plan. The County believes the neighbors are satisfied.
- Initially, Ron thought the land drained to the east. After further evaluation, it was determined the land drains to the west. Adjustments had to be made to the initial drainage plan. The detention area was enlarged due to the additional 21 acres of the Petrie farm draining onto the land. A swale was also added for that additional drainage. The retention area is on an outlot.

Ann Simon stated that at the Preliminary Plat hearing, Mike Nett offered to be financially responsible for any crop drainage incurred by Bud Sabel. Mike Nett disagreed. The minutes of the January 7th, 2002, hearing was reviewed. The minutes state:

Mike Nett made to follow comments:

The larger, lower retention area for the development will have to be constructed prior to the sale of any lots and subsequently, the construction of any homes. Even though Phase 1 will include the platting of only 20-30 lots, the retention area is designed for a much larger area. We will be able to see if the drainage plan works long before the remainder of the development is complete. Mike stated that if it becomes evident that the drainage plan is not sufficient, the Nett's would work with the Town to rectify the problems."

Mike Nett agreed to comply with all state, county and town ordinances.

Ann Simon stated that Joe Thome could not attend the hearing. However, he wanted the water problem discussed. He wants to see a stipulation covering Bud Sabel for any future crop damage.

Mike Wirtz stated that in the event of a 100-year flood, crop damage would occur, regardless of the drainage plan.

Chairman Osterholt stated he was satisfied with the changes made from the Preliminary Plat to the Final Plat.

Ann Simon commented on the ordinance that was violated twice with the same plat. She is concerned about future violations. Ron Cunzenheim informed the Commission that Mike Nett called him twice concerned about meeting the submittal deadline. Excel's surveyors were the responsible to deliver the plats. They were the one's that dropped the ball. Mike Nett was of the opinion that everything would be submitted on time.

Ann Simon commented that this is a large development. It could jeopardize future farm expansions. Ann also commented that the land was zoned Ag, then it went to A-T. Ann believes the plat should not be considered until the Town Board determines how to deal with the rezonings that took place in 1999. Chairman Osterholt stated that the Board should have worked that out before they approve the Preliminary Plat. Ann stated that statutes were not followed in 1999 and that we should solve one problem before we create another. The Nett's land could be Exclusive Ag. Ann stated that proper notice was not given in 1999.

Ron Cunzenheim commented that the Nett's have made the changes to the Preliminary Plat as requested. The notice for the hearing is to consider Hawk's Landing's Final Plat. Chairman Osterholt agreed.

George Walker commented that the Town hired a professional planned to assist with the development of the Town's Comprehensive Plan. The process took 1 1/2 years of monthly meetings. All the meetings were publicly posted. It was an open process for town planning. All landowners are responsible to

June 10th, 2002

Final Plat Review
Hawk's Landing/Nett Land & Development

2.

research if they will be affected.

John Wagner motioned to recommend the Town Board accept the Final Plat of Hawk's Landing as presented, seconded by Mike Wirtz.

Roll call vote:

Mike Wirtz yes

John Wagner yes

Ann Simon no

Dennis Osterholt yes

Motion carried (3-1).

Attest Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

The Town of Taycheedah Plan Commission conducted a public hearing on Friday, August 9th, 2002, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on the behalf of Jim Emerich's request to rezone 3.12 acres in Section 29 from Residential without public sewer (R-2) to Business without public sewer (B-2). The parcel lies on the west side of Hwy. 151. Members present were Chairman Dennis Osterholt, Bud Sabel, Bill Spieker, Mike Wirtz, Joe Thome and Secretary Brenda Schneider. John Wagner and Ann Simon were not in attendance.

Chairman Osterholt called the public hearing to order and read aloud the notice of hearing.

Mr. Emerich requests the zoning change in order to construct a building to be used for the sale and repair of utility trailers. He also plans to add a seasonal storage building in a year or two. The storage building would be fenced. He doesn't want people coming and going all night. The property would have one entrance. Mr. Emerich owns a similar building/business along Hwy. 23 east of Fond du Lac. He may eventually sell the Hwy. 23 property.

Chairman Osterholt commented that Mr. Emerich was turned down for business zoning in the past. Soon after a light was installed, trailers were displayed and a for sale sign was posted. The Chairman asked what his intention was? Mr. Emerich stated that Mr. McLeod he could go ahead and put the trailers there.

Chairman Osterholt asked Town Chairman Jerry Guelig what the status is of the drainage plan. Mr. Guelig commented that the Board would get an update at the next Town Board meeting. It is his understanding is that the Committee will recommend following the County's ordinance. Chairman Osterholt stated that he is concerned about the impact of drainage from Fisherman's Road to the south; including anything along Hwy 151 until the drainage problem is resolved. Mr. Emerich commented that he intends to have a gravel lot, not blacktop.

Bill Spieker asked Mr. Emerich if he spoke with the neighbors to the north and south about the proposal? Mr. Emerich responded that he hasn't in the last five years. However, he did speak to them when he made his first attempt for business zoning of the property.

Bill Spieker asked Mr. Emerich if he spoke with the County Highway Department about access to Hwy. 151? Mr. Emerich responded that he did contact the department when he first purchased the property. He also checked on the culvert requirements.

Lloyd McLeod, Hwy. 151 north of the lot, commented that he might want to sell his property. He feels a business next door to him would not be an asset to his property. It would depreciate his property value. Mr. McLeod further stated that he spoke to several people in the immediate area. They all want it to stay residential.

Dave and Jamie Norenberg, Hwy. 151, stated that the highway is very busy. They are concerned about a hazard being created by vehicles pulling trailers. The school buses also make numerous stops. They have seen the traffic double in the last three years.

Town Chairman Guelig commented that the traffic would get even heavier once the bypass is complete. He also stated that he has received a couple of calls from businesses wanting to locate in the Town. He feels the Town should add businesses.

Chairman Osterholt agreed with Mr. Guelig. However, he feels business locations should be planned, not pock-marked from one end to the other. There is a considerable number of acres zoned A-T along the highway. Some of that land is currently for sale.

Secretary Brenda Schneider distributed copies of objections received from Jeff Knuth and Steve & Ann Schaub. They were unable to attend and submitted their objections via fax.

Joe Thome questioned where would the Town allow business expansion? The highway is high exposure. The Town needs to designate an area.

Mike Emerich commented that a major highway would decrease property values.

Jerry Guelig asked if Mr. Emerich has checked with the Department of Transportation about any excel and decel lane requirements? Mr. Emerich answered not as of yet. He felt he needed the proper zoning first.

Mr. Emerich commented that five years ago, Mr. McLeod worked with him to try to get Industrial zoning on the property.

Mr. Emerich stated that he estimates six cars a day enter his Hwy. 23 business. His business is not a high-traffic type of business.

Joe Thome asked about the soil types. Mr. Emerich responded that Dave Parker performed soil tests at the site. The back corner is peat. The property would require a mound system.

Mr. Klamrowski, Horse Shoe Springs, commented that they have worked hard to control drainage in the back corner. He is not opposed to the business zoning. However, he is worried about careful planning due to drainage concerns.

Jerry Guelig commented that the drainage plan would have to be approved by the County.

Bill Spieker asked about the timeline of the project. Mr. Emerich responded within 1 to 1 1/2 years depending upon the Hwy. 23-improvement project. Mr. McLeod will have time to sell his home.

Mike Emerich asked if the area is intended for business? The response was no. Mike asked what is the Town's long-range plan? The response was to look at drainage control.

Anita added that the area is so isolated that they can't even get sewer service.

Chairman Osterholt questioned Jerry Guelig whether or not it would be appropriate to take a look at the Plan, evaluate the A-T areas and designate some areas for business? He further commented that he is concerned about businesses spotted along the highway. Mr. Guelig responded that the Board could look into adding business areas along the highway.

Jody Spieker enquired if the scenic easement is in the area? The response was no.

Bud Sabel commented that Mr. Emerich's Hwy. 23 business always looks neat.

Mike Wirtz agreed with Joe Thome about the need to look into adding business locations in the Town. The Hwy. 151 area is the most logical area for businesses. Mr. Emerich's business is not a high traffic business. Trailer fabrication is done at the Lakeview Road site.

Chairman Osterholt stated that he is not comfortable with the storage facility. Mr. Emerich responded that it would seasonal and fenced.

Mike Wirtz stated that a lot more noise would come from Spies Painting than will come from Mr. Emerich's business. Chairman Osterholt commented that someone at this hearing has brought up that issue before. Mike Wirtz further commented on the need to designate an area for businesses. Chairman Osterholt added that the Town needs to decide what if any of the Hwy. 151 area should be designated as business. Chairman Osterholt added that he would recommend tabling Mr. Emerich's request until the County can address the drainage issue. He feels it could be a mistake to take any action regardless of the type of zoning change requested.

Secretary Brenda Schneider asked for clarification on what is meant by the drainage plan? The response was about the ordinance the County has been working on to address drainage control. Brenda informed the Plan Commission that the County Board approved the ordinance last June. The ordinance is currently in full force. However, Mr. Emerich's proposal may be exempt due to the fact that he may not exceed 20,000 sq. ft. of impervious surface. Chairman Osterholt commented that we might need to know if the County ordinance applies.

Tim Simon stated that Mr. Emerich should not need a drainage plan for a rezoning request. With respect to subdivisions, the County does not evaluate the drainage plan until after the land was rezoned and a plat was developed. He further added that the County will determine if he could build the storage building based upon the drainage plan.

Bill Spieker asked Mr. Emerich if he plans to add fill. The response was not really. Bill further commented that he has a big concern with high traffic and the impact on the neighbors. He would like to see Mr. Emerich take the time to address the neighbors one-on-one.

Mr. Emerich stated that Hwy. 23 traffic is 7,000 to 8,000 vehicles a day and there has never been a problem with vehicles entering the driveway.

Pat Emerich added that the business would increase the Town's tax base.

Chairman Osterholt stated that he doesn't want to see business ad hoc from Fisherman's Road to the Village of Taycheedah; the Town should designate an area. The future of Hwy. 151 is unknown. The state knows they need to do something; but they don't know what. The Gilgenbach property is the only area identified in the Comprehensive Plan for business. Brenda explained that the reason for the lack of new business locations in the Plan was in direct response to the questionnaire completed by over 80% of the Town's residents. An overwhelming majority of the respondents did not want to see business growth in the Town.

August 9th, 2002

Plan Commission Public Hearing
Jim Emerich rezone R-2 to B-2

3.

Anita stated that they did not receive the mailing until last Saturday. Anita feels more advance notice should be given. Brenda commented that the Zoning Ordinance requires a notice be directly mailed to adjoining property owners within 300 feet at least 7 days before the hearing. The notices were mailed 8 days prior to this hearing.

Mike Wirtz asked Mr. Emerich who petitioned for the rezones in the past? Mr. Emerich responded he did.

Chairman Osterholt added that the professional planner in the past gave a recommendation to not approve a rezoning until the Town had a Plan in place. The Plan is now in place.

Mr. McLeod recommended leaving the property residential.

Joe Thome motioned to recommend the Town Board change the zoning of Mr. Emerich's property from Residential to Business, due to the need to start designating areas along the highway for small business locations, seconded by Bill Spieker.

Roll call vote:

Joe Thome	yes
Bud Sabel	yes
Bill Spieker	yes
Mike Wirtz	yes
Dennis Osterholt	no.

Motion carried (4-1).

Mike Wirtz motioned to adjourn, seconded by Joe Thome. Motion carried (5-0).

Attest: Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

The Town of Taycheedah Plan Commission conducted a public hearing on Monday, September 9th, 2002, at 7:20 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on the behalf of Jason & Ron Meyer's request to rezone 33.24 acres in Section 9 from Exclusive Agriculture (A-1) to Residential without public sewer (R-2). Members present were Chairman Dennis Osterholt, Bud Sabel, Bill Spieker, Mike Wirtz, John Wagner and Secretary Brenda Schneider. Joe Thome and Ann Simon were not in attendance.

Chairman Osterholt called the public hearing to order and read aloud the letter of request submitted by Steve Hamilton.

The property has been in the Meyer family for several generations. Most of the land is currently in the CRP Program for another eight years. Residential lots currently abut the property. Ten acres of the land is in Taycheedah Sanitary District No. 1 and the remainder is in Johnsburg Sanitary District. The land is classified as residential for assessment purposes.

The group viewed a rough plat map. A cul de sac would be needed to gain access to some of the lots. Jason intends to build a house on the property in the near future. Ron also hopes to build a house some day.

Johnsburg Sanitary District is currently planning to serve the property.

Angie Prull, a neighboring property owner, has two concerns regarding the rezone. Angie would like to see Meyer family members build homes on the site but not 10-12 homes. If the Meyer's intend to create a subdivision, it should be planned as a subdivision now and not later. Also, Bud Meyer's home-site, across the highway, is currently zoned residential and he wants it changed back to agriculture. Jason & Ron are requesting the opposite. Jason clarified that the reason Bud wants to change back to Ag is due to tax assessment issues.

Ron Meyer stated his intent is not to create a small lot subdivision. He wants to keep the property in the family. He plans to sell one lot in order to generate the revenue needed to construct the road. He stated he doesn't intend to have horses or livestock at the farm.

Jason Meyer stated that the status of the set-aside program is not affected by zoning. The land is not enrolled in the farmland preservation program.

Angie Prull stated that she is not opposed to the family members building homes on the land. She requested that the Meyer's go on record stating that it will not become a small lot development.

The Chairman commented that a rezone request was denied in the past because the property is outside of the growth area. He also questioned if the development would hinder town services. Town Chairman Jerry Guelig stated that the plow goes by the parcel now and that the cul de sac would need to be constructed to town standards.

Bill Spieker commented that the Town Board reduced the acreage of Ag land for building purposes from 35 acres to 5 acres. The group discussed the family exemption to the 5-acre rule. Ron commented that Bud, his dad, promised a two-acre lot to Dave Rieder. Dave Rieder gave Bud a down payment for a two acre lot 5-7 years ago. Bud Meyer also sold a 2-acre lot to Mr. Kessler several years ago. Mr. Kessler built a home on the lot. The group discussed the history of the lot sale to Mr. Kessler.

Angie Prull suggested rezoning the property to R-8 instead of R-2. R-8 is less restrictive.

Bud Sabel suggested rezoning the property to R-8 for buyers other than family members and 1 1/2 acre lot for family members under the exemption. Bud does not object to the new road. Angie Prull asked that any motion made stipulate 5-acre lots and 1 1/2 acre lot exemptions. The uses of the 1 1/2 acre lots must be consistent with Ag use. Ron commented that a small portion of the land is currently being used for Ag purposes.

Mr. Pauly, a land neighbor, stated that he wants to see the family members be able to build their homes in our community.

The group discussed the cul de sac, the future of sewer service, R-2 vs. R-8 zoning and the number of future lots.

The Chairman stated that he did not have a problem with four family lots and two additional lots for sale to people outside of the family.

Town Chairman, Jerry Guelig, asked Angie Prull why she wants to deny people the right to profit from their land? Chairman Osterholt instructed Angie not to even answer the question.

Ron Meyer stated that all he wants is for the ability for he and his siblings and their family

September 9th, 2002

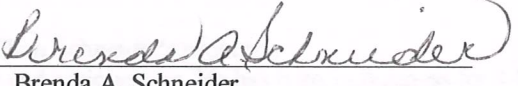
Plan Commission Public Hearing
Jason & Ron Meyer rezone A-1 to R-2

2.

members to be able to build homes on the land.

Mike Wirtz motioned to recommend the Town Board amend Jason & Ron Meyer's rezone request from Exclusive Agriculture to R-2 for the 2.36 +/- acre lot at the corner of Johnsburg Road and the Mengel Hill Road and the 2.089 +/- acre lot to the south of the corner lot and the 66-foot right-of-way needed for a future road to the west of the afore mentioned lots. John Wagner seconded the motion. Motion carried (5-0).

Attest:


Brenda A. Schneider
Plan Commission Secretary

October 7th, 2002

Plan Commission
Glacier Ridge Final Plat Review

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Monday, October 7th, 2002, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the Final Plat of Glacier Ridge, requested by Roger Braun. Members present were Chairman Dennis Osterholt, Mike Wirtz, Bud Sabel, Joe Thome, John Wagner, Bill Spieker and Ann Simon. Also present was Secretary Brenda Schneider.

Chairman Osterholt called the meeting to order and read aloud the notice.

The Preliminary Plat was approved with the following conditions:

- Access to the Hwy. 149 bike path,
- Recommendation that water retention be incorporated on each lot,
- Lot 1, front setback be as close to the minimum setback as possible.

Roger Braun stated that the bike path access is between Lot 11 & 12. It has been moved in order to construct a retention area on Lot 10 & 11. The soil from the retention area will be used for berming. There will be a 15" culvert for overflow into Hwy. 149's 36" culvert. The sizes of the lots have not changed. The restrictive covenants state that the owners of Lot 10 & 11 will be responsible for the maintenance of the retention area. All lots will access onto one of the new roads. Lots 4, 5, & 14 have one-story height restrictions. Braun Drive could be extended if land to south is ever developed.

Mr. Braun presented an irrevocable letter of credit in the amount of \$42,625.00 for the roads.

Bud Sabel motioned to recommend the Town Board approve the Final Plat, seconded by Mike Wirtz. Motion carried (7-0).

John Wagner motioned to adjourn, seconded by Bill Spieker. Motion carried (7-0).

Attest: Brenda A. Schneider
Brenda A. Schneider
Town Clerk

February 10th, 2003

Plan Commission

1.

The Town of Taycheedah Plan Commission met on Monday, February 10th, 2003, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding revisions to the Zoning Ordinance. Members present were Chairman Dennis Osterholt, Mike Wirtz, John Wagner, Joe Thome, and Ann Simon.

The proposed revisions were as follows:

13-1-73(d) Mineral Extraction. Clarify within the entire subchapter that mineral extraction refers to nonmetallic mineral extraction.

13-1-73(d)(4) Clarify that the Board of Appeals may modify a reclamation plan only if it was approved by the Board of Appeals prior to August 1, 2001.

13-1-52(e)(1)(a) Clarify that the minimum lot size to establish an agriculturally-related residence or farm operation is five (5) acres, except as provided in Subsection (e)(1)(b-d) below.

The Chairman called the meeting to order.

The Plan Commission discussed:

13-1-73(d) Mineral Extraction. Clarify within the entire subchapter that mineral extraction refers to nonmetallic mineral extraction.

Mike Wirtz motioned to recommend the Town Board approve the revision, seconded by John Wagner. Motion carried.

The Plan Commission discussed:

13-1-73(d)(4) Clarify that the Board of Appeals may modify a reclamation plan only if it was approved by the Board of Appeals prior to August 1, 2001.

After extensive discussion regarding the reason for the revision, the Board of Appeals' authority pertaining to reclamation plans and concern pertaining to whether or not plans would be made less restrictive, the Plan Commission revised the wording to the following:

13-1-73(d)(4) The permit shall be for a period of time as stated in the application or as modified by the Board of Appeals (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be permitted through appeal or additional conditions may be required. The Board of Appeals has jurisdiction over reclamation plans only if it was approved by the Board of Appeals prior to August 1, 2001. The Board of Appeals shall consider the effect of the proposed operation and the reclamation plan upon existing and future conditions, including street, neighboring land development, land use drainage, water supply, water pollution, soil erosion, natural beauty and land value of the locality.

Bill Spieker motioned to recommend the Town Board approve the revision as revised by the Plan Commission, seconded by Joe Thome. Motion carried.

The Plan Commission discussed:


13-1-52(e)(1)(a) Clarify that the minimum lot size to establish an agriculturally-related residence or farm operation is five (5) acres, except as provided in Subsection (e)(1)(b-d) below.

Ann Simon wants proof from the state that the revision has to be made. She spoke to the Land Preserve Dept. and was told the change is not necessary. On Nov. 6, 2002, Paul Benjamin met with Town Chairman Jerry Guelig and Clerk Brenda Schneider to discuss the changes the Dept. of Ag suggests. The Plan Commission discussed the interpretation of ag use. Ann Simon commented that the reason the Board decreased the acreage from 35 to 5 was so that farmers could subsidize their income in order to stay living on their farms.

Ann Simon motioned to table the revision for more information, seconded by Dennis Osterholt. Motion carried.

Mike Wirtz motioned to adjourn, seconded by Bill Spieker. Motion carried.

Attest


Brenda A. Schneider, Town Clerk

March 10th, 2003

Plan Commission Public Hearing
Ordinance Revision: B-1 Conditional Use to Permitted Use

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on Monday, March 10th, 2003, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding a revision to the Zoning Ordinance. Members present were Chairman Dennis Osterholt, Joe Thome, John Wagner, Mike Wirtz, Bill Spieker and Secretary Brenda Schneider. Ann Simon and Bud Sabel were absent.

Chairman Osterholt called the meeting to order.

Dan Vixmer has asked the Town Board to consider changing *blacksmith shops, machine shops, welding shops, and sheet metal shops* from a conditional use to a permitted use in the Business with public sewer district.

Dan Vixmer lives on Sunset Drive and operates Vixmer Manufacturing on Fulton Street. His business started in his dad's garage. In 1989, he purchased the Bender Plumbing property. At that time, his business was a permitted use. In 1995, he needed to expand his building. At that time it was still a permitted use. Now he needs to expand again and was told he now needs a conditional use permit in order to expand. The change was made in the Code adopted in 1998. He wasn't aware of the change until recently. Mr. Vixmer stated that he couldn't accept needing a conditional use permit. The permit would also need to be renewed from time to time. His business serves the community and local businesses for residential purposes such as wash line poles and piers to business purposes such as snow plow repairs, etc.

Town Chairman Jerry Guelig stated that he would hate to see the Town driving business out of the community. He also doesn't see why Mr. Vixmer should have to have a conditional use permit.

Stan Freund stated that he came before the Board in 1997 requesting a rezone from residential to business. He was told that he would need business zoning for his type of business.

Mr. Vixmer commented that he and Stan Freund attended all the long-range plan meetings and didn't see this change being made.

John Konopka, Hidden Prairie commented that he depends on Vixmer for prefabrication and repairs. He feels Vixmer should be allowed to expand his business without the need for a conditional use permit.

Tim Preston commented that Vixmer helps the Town with needed repairs.

Mark Kolell, Hidden Prairie, also depends on Vixmer for manufacturing and repairs.

The business operates entirely indoors. The building was formerly the Liberty School. Sam Bender petitioned to have the zoning changed to business in the late '70's. Therefore, it has been zoned business for over 25 years.

In 1996, Vixmer had plans drawn for the expansion. There is not a lot of business-zoned property in the Town. The property next door is also zoned business. Mr. Vixmer's business is grandfathered. He can continue to operate as is but cannot expand without the conditional use permit. He has made a significant investment in the property. He believes the property value has been decreased due to the change in the ordinance.

Stan Freund commented that feed mills are a permitted use and that they create more noise.

Member John Wagner commented that if the ordinance were changed, it would apply to all B-1 zoned property.

Mr. Vixmer responded that the Town has a nuisance ordinance to help with compatibility problems with residential property.

Brenda Schneider commented on the B-2 District having very similar permitted and conditional uses. She questioned the changing one but not the other.

Dennis Osterholt motioned to recommend the Town Board approve the change Sec. 13-1-54(c)(11), Conditional Use-Blacksmith shops, machine shops, welding shops, sheet metal shops to Sec. 13-1-54(b)(55), Permitted Use, seconded by Bill Spieker. Motion carried (5-0-2 absent).

The Plan Commission recessed prior to the start of the Preliminary Plat review of Norris subdivision at 7:30 p.m.

Attest


Brenda A. Schneider

Plan Commission Secretary

The Plan Commission of the Town of Taycheedah conducted a public hearing on Monday, March 10th, 2003, at 7:30 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the Preliminary Plat of Norris subdivision. Members present were Chairman Dennis Osterholt, Joe Thome, John Wagner, Mike Wirtz, Bill Spieker and Secretary Brenda Schneider. Ann Simon and Bud Sabel were absent.

Chairman Osterholt called the meeting to order and announced the procedure to be used for the hearing.

Matt Stephan, Excel Engineering, represented Bob Norris, the property owner.

Mr. Norris is proposing to develop 39 acres on Golf Course Drive. The Preliminary Plat creates 8 lots with an 1800-foot cul de sac.

The Fond du Lac County Subdivision Ordinance states cul de sacs should not be longer than 1000-feet. Mr. Stephan stated that it is a common practice to limit the length due to concerns about the number of residential exits using one street. The Preliminary Plat proposes eight lots, which is far less density than what could be allowed on a 1000-foot cul de sac.

The site was rezoned in the past.

The minimum lot size for unsewered was increased to 1.5 acres

There has been concern about water off the Ledge draining to Golf Course Drive. The water would still be directed in the same way. The culverts have been designed for the flow. The County ordinance requires that water be detained for a 24-hour period. The ordinance also requires consideration of all the water coming through the property. There will be little increase to the current flow. The Plat includes two retention ponds. The ponds have been increased in size due to concerns about flooding downstream. Runoff from Niagara Estates is included in the drainage calculations.

The Town's ordinance requires that ditches over a 4% slope have a paved bottom. The Plat doesn't include paved ditches. Mr. Stephan stated that he doesn't like paved ditches because they increase the water runoff and the asphalt tends to deteriorate. Mr. Stephan requests that it not be required. He plans to use an erosion control fabric, which allows vegetation to get established over a long period of time.

Mr. Stephan has met with Lynn Mathias several times. Mr. Mathias went through the whole project in order to assist with the drainage plan due to the difficulty of dealing with all the upstream water.

Carl Ziebert questioned the purpose of ordinances regarding a 1000-foot cul de sac. Mr. Norris has scheduled a variance hearing with the County for the 1800-foot cul de sac. Mr. Stephan's response was that emergency response access could be an issue with a 200-foot cul de sac.

Bob Fishelson commented that Mr. Norris changed all the drainage from the Ledge. He had to construct a dam on his property. Norris had the DNR send him letters telling him to remove the dam. He also stated the subdivision will need real big culverts and it will probably cause major erosion to his property. Mr. Stephan illustrated how the water flow from the Ledge will be diverted through the Norris property.

Mr. Fishelson stated that he has been living on his property for 30 years. Norris has changed the flow of the water, causing erosion to his property. He also stated that one of these years we will get a lot of snow and we will have a lot of flow and nothing will be able to handle it. Mr. Stephan responded that the road has been designed to handle to water with large culverts. There could be a pre-existing condition and there may be a need for a retention area up above. Mr. Fishelson responded that the culverts would need to be real large and to do it right the first time. He also added that Norris should change the flow back around his barn the way it used to be.

Carl Ziebert asked why the ponds are bermed. Mr. Stephan responded that the ponds will be bermed with an overflow valve so that they detain and release at a slow rate. Mr. Ziebert commented that the Ledge rock seeps water and that the runoff calculations need to address this unique situation.

Tim Preston commented that a lot of water runs off the Ledge. The water used to run through his barns. Mr. Norris worked with Lynn Mathias in order to redirect that water to the culvert. Tim has also seen the water run over Norris' ponds. It was a real mess.

Joe Thome questioned the rezoning. Mr. Stephan responded that the Board had approved it. Mr. Thome also questioned the 1000-foot cul de sac limitation. Mr. Stephan responded that Sam Tobias is encouraging the Plan Commission and Town Board approve the Preliminary Plat as submitted. The group discussed the authority of the Plan Commission and Town Board to approve a plat with a cul de sac longer

than 1000-feet. The group questioned the need for a variance from the Board of Appeals.

An individual questioned if there are any other external requirements incumbent upon the Town for this Plat. Chairman Osterholt responded only stormwater management and erosion control. The subdivision will have on-site conventional septic systems. There will be three culverts, side-by-side, 24 x 35 wide.

Tim Preston asked if Excel looked at diverting the water around the barn to the pasture. Mr. Stephan responded no and that he would not want to because it could potentially create problems for the neighbors next door. Tim Preston asked where it went at one time. Mr. Stephan responded he didn't know and added that the elevations indicated the current flow. Fishelson added that the DNR said Norris could do anything he wanted with the water as long as it wasn't navigable.

Mike Wirtz commented that an 1800-foot cul de sac could accommodate 30 lots. He also questioned the elimination of future access to Deerpath. Mr. Stephan responded that there were some concerns about traffic flowing through.

Mike Wirtz also questioned the ordinance requiring all new subdivisions be sewered. Town Chairman Jerry Guelig stated that it is up to the developer. If he wants an unsewered development then he must make the lots at least 1.5 acres. If he wants it sewered then he can make them .5 acres. Mr. Ziebert also questioned the ordinance. It states the District must determine if it is cost-effective and feasible and DNR and East Central is suppose to be involved. The group discussed whether or not the land is the sanitary district. Chairman Osterholt stated the Town Board rezoned the property for unsewered development. Jerry Guelig stated that as long as the lots are at least 1.5 acres, it does not have to be sewered. He added that he would like to see all subdivisions hooked-up to sewer. Carl Ziebert stated that he just wants to see it done correctly.

Jerry Guelig questioned the City's review. Mr. Stephan responded that the County should have forwarded it to the City when it was submitted to them. The surveyor takes care of submittals. He will verify that the City has received it tomorrow.

Carl Ziebert suggested shaping the road like the letter P. Mr. Stephan responded that it would still be considered a cul de sac.

Chairman Osterholt summarized the three issues in question: 1) the City's review, 2) the County's approval of the cul de sac variance, and 3) the Town's process on approving a cul de sac longer than 1000-feet. He also wants to see a clear definition of the sanitary district boundary.

Mike Wirtz questioned soil test results. Mr. Stephan stated that they have been completed and filed with the County.

Mr. Stephan requested the Plan Commission consider giving conditional approval. Chairman Osterholt stated that there are too many unanswerable questions. The group again discussed the ordinance amendment regarding sewered vs. unsewered.

Carl Ziebert informed the Commission that Niagara Estates resurveyed their property. The survey indicated their property lines to be in Norris' meadow. According to the Preliminary Plat, the Norris property line is further east. Ziebert questioned what happens in the event of a discrepancy. Mr. Stephan responded that the survey was done based upon title searches. The Plat must be submitted to the state. If there is an error in their calculations, the state will send it back for re-calculations. Ziebert added that several of the stakes have been removed and that he is confident the boundary will not agree. Chairman Osterholt stated that he is willing to accept Excel's calculations and that we must assume it was surveyed accurately. Mr. Stephan added that an error should be re-locatable by hiring a surveyor who would use both and all markers. Joe Thome responded that the Commission is not here to determine whether the surveyor was right or wrong.

Mr. Stephan stated that the Plat will be checked by the state for complete accuracy. The property was rezoned to R-2. The subdivision will be unsewered, with 1.5-acre lots. That decision was made in the past. He would not want it to hold up approval tonight. He requested approval conditional upon the County approving the cul de sac variance. The Fond du Lac County Parks & Planning Committee will hold a public hearing on March 25th, at 6:00 p.m.

Mike Wirtz questioned the asphalt in the ditches. Mr. Stephan responded that if the Town wants, he would install the asphalt. However, paving increases the runoff. It also loses the filterability of the water. The runoff water quality is better if not paved. Most ditches are 8-10% slope. 4% is not steep at all.

Chairman Osterholt asked about riprap. Mr. Stephan responded that riprap could cause problem areas with vegetation growth. He stated that when sizing the ditches, he calculated the velocity of the runoff to determine what method would be better. He stated his calculations indicated the fabric would be best.

Carl Ziebert commented that Niagara Estates has a nature walk along the east edge of the proposed subdivision. He added that the rear setback for a house is 25 feet. He would like to see a deeper rear yard setback or a 10-foot fence. Chairman Osterholt commented that when a more restrictive setback was proposed for up above, everyone was up in arms. Mr. Ziebert requested a 50-foot buffer path in order to respect the wildlife. Mike Wirtz asked if Norris was considering any restrictive covenants. Mr. Stephan answered that he hasn't seen one. However, he is aware that the maintenance of the retention ponds will have to be addressed.

Carl Ziebert questioned if the Plat meets the green space requirement. Mr. Stephan answered yes, that Outlot #1 is 1.94 acres.

Jim Simon asked if any covenants would have to be in conformity with the nearby areas. Jerry Guelig answered that they must meet the limits of the ordinance.

The Commission discussed the three unanswerable issues.

Matt Stephan stated that if the ordinance required a corridor, they would have put it in. The Plat does provide a 15-foot walking path. Carl Ziebert commented that there should be rules regulating the walking path. When it is in private ownership, each owner determines what to do with it. Mr. Stephan responded that the area is intended to stay natural.

Dennis Osterholt motioned to table the Preliminary Plat review until Thursday, March 27th, at 7:00 p.m., seconded by Joe Thome. Motion carried (5-0-2 absent).

The public hearing was adjourned.

Attest. Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

March 27th, 2003

Plan Commission Public Hearing
Ordinance Revision: *agriculturally-related* residences

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on Thursday, March 27th, 2003, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding a revision to the Zoning Ordinance. Members present were Chairman Dennis Osterholt, Bud Sabel, John Wagner, Bill Spieker, Ann Simon and Secretary Brenda Schneider. Joe Thome and Mike Wirtz were absent.

Chairman Osterholt called the meeting to order.

The Department of Ag, Trade and Consumer Protection (DATCP) has requested the insertion of the words 'agriculturally-related' residences in Sec. 13-1-52(e)(1)(a).

Ann Simon believes the notices have not been properly published for the meeting. She has read Attorney John St. Peter's opinion that the notices are appropriate. However, she doesn't agree with him and she will not comment tonight because she feels the meeting should not take place.

Clarence Kraus asked why the residences have to be ag-related and what will happen if the Town doesn't do it.

Jerry Guelig stated that Paul Benjamin, DATCP, was asked by Brenda to come to the Board meeting without his permission. Ann Simon added that Brenda had Paul come to the meeting to try and persuade the Board from not making the change. Recently, Ann asked Paul to provide documentation as to why the change has to be made. He could not provide any. He just said that the Board has to do it. Ann Simon stated that Paul should not have been allowed to speak because he was not on the agenda. Jerry Guelig added that he should have been informed. Chairman Osterholt disagreed because the item was on the agenda and the meeting was open to the public. Jerry Guelig added that he should have been informed that Paul Benjamin was coming. Angie Prull stated that Paul Benjamin offered to attend in an attempt to protect the Board from getting into trouble.

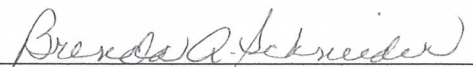
Jerry Guelig stated that all a person has to do is remove the five acres out of ag. Bill Spieker asked if having a couple of chickens on five acres of ag-land qualifies for the tax credits. No, the person must own at least 35 acres in order to qualify for tax credits. Ann Simon added that the Town should leave it at 35 acres and exempt the five acre parcels from the provision.

Chairman Osterholt stated that there must be reason why DATCP is requiring the revision. Ann Simon added that Paul wants it but he couldn't provide documentation.

Angie Prull suggested looking at DATCP's web site. It has a lot of information regarding ag preservation. It includes the rules.

Bill Spieker wondered if the Town does it; would it stop a hassle. Bud Sabel asked if we lose anything by approving the revision. Chairman Osterholt responded that Paul is the expert at DATCP and it is his opinion that the revision be done. John Wagner added that there must have been a reason. Paul wanted the Town to keep the 35 acre limitation. Chairman Osterholt added that he was not initially in favor of reducing it to five acres but now he doesn't have a problem with the five acres.

Dennis Osterholt motioned to recommend the Town Board revise the ordinance to clarify that five acre residences be agriculturally-related, seconded by Bill Spieker. Motion carried (4-1-2 absent). Ann Simon voted no.

Attest. 
Brenda A. Schneider
Plan Commission Secretary

March 27th, 2003

Plan Commission Public Hearing
Ordinance Revision: B-2 Conditional Use to Permitted Use

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on Thursday, March 27th, 2003, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding a revision to the Zoning Ordinance. Members present were Chairman Dennis Osterholt, Bud Sabel, John Wagner, Bill Spieker, Ann Simon and Secretary Brenda Schneider. Joe Thome and Mike Wirtz were absent.

Chairman Osterholt called the meeting to order.

On March 11th, the Town Board approved revising the Zoning Ordinance for the B-1 District changing *blacksmith shops, machine shops, welding shops, and sheet metal shops* from a conditional use to a permitted use in the Business with public sewer district. The Board has asked to Plan Commission to also consider changing it in the B-2 District, Business without public sewer.

John Wagner commented that if it is ok for B-1; it should be ok for B-2.

John Wagner motioned to recommend the Town Board approve the change Sec. 13-1-55(c)(8), Conditional Use-Blacksmith shops, machine shops, welding ships, sheet metal shops to Sec. 13-1-55(b)(34), Permitted Use, seconded by Ann Simon. Motion carried (5-0-2 absent).

Attest. Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

The Plan Commission of the Town of Taycheedah conducted a public hearing on Thursday, March 27th, 2003, at 7:30 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the Preliminary Plat of Norris subdivision. Members present were Chairman Dennis Osterholt, Bud Sabel, John Wagner, Bill Spieker, Ann Simon and Secretary Brenda Schneider. Joe Thome and Mike Wirtz were absent.

Chairman Osterholt called the meeting to order.

The Plan Commission conducted a public hearing on Monday, March 10th, 2003. The Plan Commission tabled the review of the Preliminary Plat due to 1) the City's jurisdictional review, 2) the approval of a variance by the County for a cul de sac longer than 1000-feet and 3) the Town's procedure to approve a cul de sac longer than 1000-feet.

Town Chairman Jerry Guelig met with Attorney John St. Peter. The Plan Commission has advisory review authority. The County has yet to act on the variance. Mr. Guelig sees no reason why the Town shouldn't accept the cul de sac if the County does. The low density will be better for the Town.

Matt Stephan, Excel Engineering, represented Bob Norris.

Mr. Stephan stated that he has corresponded with Sam Tobias several times during the planning stage. Sam gave him the same advice; incorporate low density with a long cul de sac. Sam Tobias now wants an outlot to the north for a future extension to Hidden Prairie or Peebles Lane. Mr. Stephan stated he told Sam the Town wasn't interested in making the extension in the future. Sam's response was that it makes good planning practice. Some of the lot lines have been shifted. A 66-foot outlot has been created to the north of the cul de sac. The southeast outlot will now be deeded with a no-build area for the drainage way. An open space outlot is now located at the northwest corner. Mr. Stephan met with Sam Tobias today. Sam is happy with the revisions.

The County Parks & Planning Committee public hearing scheduled on March 25th, was cancelled due to failure to have a quorum present. Sam Tobias' memo dated 3/27 recommends approval. East Central Regional Planning submitted a letter dated 3/25 addressing concerns about the development not being sewered. Mr. Stephan commented that East Central is an advisory agency. He also stated that in the future, Sam Tobias will review certified surveys and plats for sewer facilities.

Mr. Stephan has spoken to the City. Mr. Stephan stated the City recommends approval. The City sites six deficiencies that need to be incorporated. Excel has made the changes.

Chairman Osterholt informed Mr. Stephan that two weeks ago, water was crossing Golf Course Drive by the Norris property. Mr. Stephan responded that currently there is one large culvert and one small culvert. The subdivision will have three culverts. Chairman Osterholt asked what will be done about water running across Golf Course Drive. Mr. Stephan responded that the subdivision will not increase the volume of water. There will be three 24 x 35 culverts. Mr. Stephan assumed the water was going along the existing driveway and across the road. The culvert in the existing driveway is only 15 inches and is plugged. Tim Preston, the Town Road Supervisor, has spoken to Mr. Norris about the undersized, plugged culvert. Mr. Norris is under the impression that Tim Preston will replace it. Mr. Norris does not have an objection to the current driveway being diverted to the new road. This would eliminate the current problem. Chairman Osterholt commented that the problem will need to be fixed.

Bill Spieker asked Mr. Stephan if he took into consideration the water running off of the other property and any possible damage to the Fishelson property. Mr. Stephan responded that Lynn Mathias worked with Mr. Norris to determine the relocation of the ditch. The elevations indicate that all the water flows to the existing ditch. He does anticipate adding a small amount of additional water due to the new roadway near the ditch.

Chairman Osterholt mentioned the East Central letter. East Central is concerned about unsewered development approved by the Town. The land is in the sewer service area. The sewer is directly north of the property. Future expansion is planned for the land directly west of the property.

Town Chairman Jerry Guelig wanted to know who informed East Central. He stated that there is a lot of crooked stuff going on. Carl Ziebert told Jerry Guelig it could have been a private citizen. Jerry Guelig told Carl Ziebert that he didn't see him for two years and now he's coming around. Ann Simon asked why the person didn't talk to the Board instead. Carl Ziebert commented that the notice assumes the Plan Commission and Town Board will be voting on a specific date.

Ann Simon requested the minutes of the last meeting be given to the Board members. Ann Simon

commented that most people don't get involved until they are affected.

Chairman Osterholt stated that he doesn't know how East Central found out and that he assumes it was part of the approval process.

Ann Simon stated that the property has been rezoned and that it cannot be reversed. Chairman Osterholt commented that East Central is concerned about the approval of B-2 for land that is in the sewer service area. Chairman Osterholt further commented that the Plan Commission tabled the rezone. Then it was brought back up to the Town Board. The Plan Commission discussed the procedures that were followed. The dates were reviewed. The Plan Commission never made a recommendation.

Angie Prull questioned the rule about new subdivisions being sewered. The Town Board approved a revision to the ordinance that states *All new subdivisions, as of September 18th, 2001, located within the boundaries of a sanitary district shall be sewered if cost-effective and feasible, as determined by the sanitary district, and satisfies the Sewer Service Area Plan administered by the Department of Natural Resources and East Central Wisconsin Regional Planning.* The land was rezoned on October 9th, 2001. Ann Simon stated the approval was made due to the fact that that Mr. Norris was working on it. Chairman Osterholt questioned who determined sewer was not feasible. Mr. Stephan answered the Town Board. He added that Mr. Norris contacted Mrs. Mengel regarding an easement. Mrs. Mengel was not interested. Chairman Osterholt questioned condemnation possibilities. Bud Sabel added that the sewer could go through the 66-foot lot in Hidden Prairie. Some of the land is held in private ownership. Carl Ziebert mentioned not being aware of a formal request being made. Taycheedah Sanitary District No. 1 should make the contact. The pipe is only 175-feet away.

Angie Prull asked how the creek will be handled. Mr. Stephan responded that it will depend if it is navigable. If it is, they may need a Chapter 30 permit from the DNR.

Jerry Guelig asked if others will benefit. Mr. Stephan responded yes, there would be other development possibilities.

Jim Simon stated that it doesn't look like the cul de sac could be aligned with Peebles Lane. Mr. Stephan responded that Peebles Lane may need to be re-aligned.

Jim Simon added that the houses along the 66-foot right-of-way in Hidden Prairie are probably built too close to the side lot lines. Jerry Guelig responded that they may need a side lot variance.

Carl Ziebert asked about the East Central letter. Chairman Osterholt stated they express concern about two properties within the Town. One of the properties is the Norris subdivision. East Central is concerned that the Board approved it for unsewered residential development within the sewer service area. Carl Ziebert asked if it was properly approved. Chairman Osterholt answered yes, East Central states it should be sewered. Mr. Stephan added that East Central did not like to see what happened. Jim Simon questioned if East Central approves sewer extension or boundary modifications. Jerry Guelig answered that a plan does not have teeth until 2010. It can be changed. After 2010, the plan becomes law. Two and a half years ago, the Ledge was a big issue. What East Central recommended was turned down 98-1. Now East Central has put us in an MPO. We were forced by East Central. It benefits the City of Fond du Lac. East Central rules us. It's not fair to the people of the Town.

Ann Simon motioned to recommend the Town Board approve the Preliminary Plat. Motion died for lack of a second.

Angie Prull questioned how the Plat can be approved without sewer. Chairman Osterholt responded that the Board approved it. Ann Simon added the Mr. Norris was in favor of sewer but it was not feasible at that time. So the Board approved it without sewer. Angie Prull added that sewer is in Hidden Prairie, 175-feet away and it is in Cheetah Meadows. Ann Simon added that without permission from the landowner, it was not feasible. Angie Prull stated there is no proof of a formal request. Carl Ziebert suggested tabling the Plat review for further information. Ann Simon stated it is already approved for unsewered.

Mr. Stephan stated that the zoning is in place. He has preliminary approval from the reviewing agency. He sees no reason to not approve the plat. He has complied with the issues with the cul de sac's potential for future extension and Sam Tobias is recommending approval. It meets the requirements of stormwater management and erosion control. Chairman Osterholt commented that the County has yet to act on the cul de sac variance.

Bill Spicker stated that Mr. Norris should be able to do with his property what he wants but he is

not convinced that the drainage impact to the neighbors has been properly addressed. Jerry Guelig asked if these neighbors want a 1000-foot cul de sac with 30 houses on sewer. He added that Norris' conceptual plan included 28 lots. Angie Prull wondered if the neighbor denied easement due to the number of lots. Carl Ziebert commented that sewer becomes the developer's expense. The sewer is only 175-feet away. However, there may be a need for a lift station. Jerry Guelig told Carl Ziebert that he doesn't understand costs. Feasible means feasible. The Plan calls for 8 houses. If the neighbors want 28 houses; they will get 28 houses.

Bill Spieker questioned the assurance of the drainage system. If the drainage fails; who will be responsible. He needs to ensure the neighbors will not be impacted. Ann Simon stated the Board adopted a new ordinance to deal with that issue. The developer will probably be responsible. Jerry Guelig questioned if the plat meets the County ordinance. Mr. Stephan responded yes; a recorded maintenance agreement is required on the ponds.

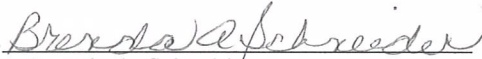
Chairman Osterholt stated that he is not comfortable with the unsewered issue but is with the drainage issue. John Wagner agreed but stated it is probably too late.

Bill Spieker motioned to recommend the Town Board approve the Preliminary Plat of Norris subdivision, seconded by John Wagner. Roll call vote:

Ann Simon	yes
Bud Sabel	yes
John Wagner	yes
Bill Spieker	yes
Dennis Osterholt	no

Motion carried (4-1-2 absent).

Attest.


Brenda A. Schneider
Plan Commission Secretary

March 27th, 2003

Plan Commission Public Hearing
Stan Freund rezone request

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on Thursday, March 27th, 2003, at 8:30 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the rezoning petition submitted by Stan Freund. Members present were Chairman Dennis Osterholt, Bud Sabel, John Wagner, Bill Spieker, Ann Simon and Secretary Brenda Schneider. Joe Thome and Mike Wirtz were absent.

Chairman Osterholt called the meeting to order.

Stan Freund requests a zoning change of five acres north of his original property located at Hwy. 149 and Cty. UU. His original property is zoned B-1. The five acres to the north is zoned industrial. Mr. Freund requests the change in order to make the zoning of all his land compatible. The land is currently vacant. Ann Simon questioned if he planned to join the two parcels. Mr. Freund responded that they are currently two parcels.

John Wagner motioned to recommend the Town Board approve Mr. Freund's rezoning request, seconded by Ann Simon. Motion carried (5-0-2 absent).

The public hearing was adjourned.

Attest. Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

July 9th, 2003

Plan Commission
1999 Comprehensive Rezoning-2003

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, July 9th, 2003, at 7:00 p.m., at the Town Hall, for the purpose of making a recommendation to the Town Board in regards to rezoning several properties that had their zoning changed in 1999 without the owner's knowledge. Members present were Joan Simon, Bud Sabel, Bill Spieker, Joe Thome, Mike Wirtz, John Wagner and Secretary Brenda Schneider. Member Leon Schneider was absent.

The Oath of Office was taken by Joan Simon.

Member John Wagner called the public hearing to order.

Election of a Chairperson. Joe Thome nominated John Wagner. John Wagner nominated Joe Thome. Joe Thome declined. Bill Spieker seconded the nomination of John Wagner. No other nominations were made.

Chairman Wagner opened the public hearing.

Ann Simon stated that none of the property owners were notified directly of this hearing. The Plan Commission members agreed that the property owners were notified during the past several months.

Bill Spieker stated that the intent of the hearing is to correct a wrong by a previous Board. Mike Wirtz commented that he has spoken to legal counsel. He was told that what was done in 1999 was done legally. He can have a brief written at his own expense. He was told that comprehensive rezoning does not require individual notices. Ann Simon commented that two attorneys have stated it was not done legally.

John Wagner commented that 17 to 18 well publicized meetings were held and that people needed to read the notices.

Dan Vixmer and Stan Freund agreed that Jim Huck repeatedly said we are doing planning-not changing zoning. Dan Vixmer added that it may have been legal but questioned if it was the right thing to do. Mike Wirtz responded that the legal contact told him the action was appropriate.

Ann Simon stated that Gary Peterson told her that the rezoning was not part of the plan. Brenda Schneider agreed and explained that after the Plan was adopted and the codification of the ordinances was done, several new zoning classifications needed to be applied to the zoning map. The map also needed to be revised due to Farmland Preservation.

Bill Spieker motioned to approve the rezonings as submitted. Bill Spieker withdrew his motion.

A vacated street currently owned by Dan Vixmer did not have a zoning classification on the map Ann Simon had showed him. However, the August 2002 zoning map indicates B-1 (Business with public sewer).

The Sandy Davis property was rezoned to R-8 since 1999 at her request. Ann Simon claimed that Sandy Davis was forced to rezone the whole parcel to R-8 in order to build a house. The Commission reviewed Sandy Davis' signed form and the consensus was that Sandy Davis' rezone request nullified the 1999 zoning. A few of the Plan Commission members recall the Davis' being quite satisfied with R-8 zoning.

The Jim Emerich rezone area is approximately 800' x 800' located within a 40 acre parcel. Mr. Emerich withdrew his request to change the zoning. He wants to leave it as B-2 (Business without public sewer).

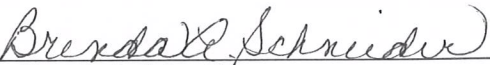
Bud Sabel's address was corrected to W4138 Ledge Road.

Joe Thome motioned to recommend the Town Board approve the rezoning requests with the exception of the following:

- | | | |
|---------------|---------------------|-------------------------------------|
| • Jim Emerich | N8427 Lakeview Road | to stay B-2 with A-T surrounding it |
| • Dan Vixmer | W4770 Fulton Street | map indicates B-1-no action needed |
| • Bud Sabel | W4120 Ledge Road | corrected to W4138 Ledge Road |

Bill Spieker seconded the motion. Motion carried (5-0-1 absent-1 abstention). Bud Sabel abstained from the discussion and voting.

Mike Wirtz motioned to adjourn, seconded by Joe Thome. Motion carried (5-0-1 absent).

Attest 
Brenda A. Schneider
Town Clerk

September 3rd, 2003

Plan Commission Public Hearing
Wayne Schneider rezone R-2 to B-1

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, September 3rd, 2003, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on behalf of Wayne Schneider's request to rezone a portion of his 10.059 acres from R-2 (Residential without public sewer) to B-1 (Business with public sewer). The parcels are located at N8508 Hwy. 151. Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Mike Wirtz, Joan Simon, Leon Schneider, Bill Spieker and Secretary Brenda Schneider.

The Oath of Office was administered to Leon Schneider.

The Chairman called the public hearing to order.

Wayne Schneider requested the rezone because he wants to extend his existing building. The existing building is 48'x50'. He wants to add 36' using one existing wall. The building is non-conforming with residential zoning. Accessory structures in a residentially zoned district cannot exceed 1264 sq. ft. or 10-foot sidewalls. Also, the existing building was not built under the state code. Builders have told Mr. Schneider that if he were rezoned to business, the addition to the building would have to comply with the state code. Builders have recommend he apply for a variance instead of a rezoning.

Several of the Plan Commission members believe the state code would not apply to Mr. Schneider's building or the addition because it is used strictly for storage, not business operations. A Commercial Building Plan Review pamphlet was reviewed. The Plan Commission suggested Mr. Schneider follow-through on his rezone request at the Plan Commission level and further investigate the state code. He can withdraw his rezone request at the Town Board meeting if necessary. The Plan Commission has previously viewed the Hwy. 151 area an area appropriate for business zoning.

Joe Thome motioned to recommend the Town Board change Mr. Schneider's zoning from R-2 to B-1, seconded by Bill Spieker. Motion carried (7-0).

Joe Thome motioned to adjourn at 7:20 p.m., seconded by Joan Simon. Motion carried (7-0).

Attest Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

November 5th, 2003

Plan Commission Public Hearing
Cyril Simon rezone A-1 to R-1

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, November 5th, 2003, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on behalf of Cyril Simon's request to rezone 6.83 acres from A-1 (Exclusive Agricultural) to R-1 (Residential with public sewer). The parcel abuts Cty. QQ and Silica Road. Members present were Chairman John Wagner, Joe Thome (tardy), Bud Sabel, Mike Wirtz, Joan Simon, Leon Schneider, Bill Spieker and Secretary Brenda Schneider.

The Chairman called the public hearing to order.

Mr. Simon's parcel was assessed by the St. Peter Sanitary District. The lateral included with that assessment has been installed along Silica Road. Mr. Simon purchased two additional laterals and had those installed along Cty. QQ. Mr. Simon plans to create three deep lots by certified survey maps. The parcel is located between residential areas. The lots will more than meet the minimum requirements of the Zoning Ordinance.

Bud Sabel motioned to recommend the Town Board change Mr. Simon's zoning from A-1 to R-1, seconded by Bill Spieker. Motion carried (7-0).

Mike Wirtz motioned to adjourn at 7:15 p.m., seconded by Joan Simon. Motion carried (7-0).

Attest Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

The Plan Commission of the Town of Taycheedah conducted a public hearing on Wednesday, February 4th, 2004, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the Preliminary Plat of the Sylvan Bay Outlots. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bill Spieker, Bud Sabel, Joan Simon, Leon Schneider and Secretary Brenda Schneider.

Chairman Wagner called the public hearing to order and announced the procedure to be used for the hearing.

Orville Schmitz, land owner, was upset because the first plat had to be re-drawn due to the fact that not all of the lots met the half-acre minimum lot size requirement. Mr. Schmitz stated that the plat has to be re-surveyed and the stakes re-located; all at additional costs to him. Mr. Schmitz, nor his surveyor, were aware the Town Board had increased the minimum lot size in February, 2002. Mr. Schmitz was advised to speak to the members of the previous Board. Mr. Schmitz was also informed that the Plan Commission had recommended not increasing the minimum lot size.

The plat has a 15 foot road easement for the private road. It also establishes a 66 foot right-of-way for a future town road.

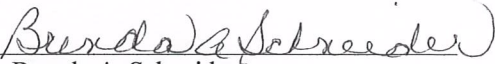
The County will not allow homes to be built on outlots; only storage garages.

Mr. Schmitz did not submit a drainage plan. The parcel has been filled in and the elevations notations indicate drainage toward the south/southeast. Mr. Schmitz stated that Shoreland Zoning has reviewed the drainage of the parcel and has indicated that the existing ditch is sufficient.

Joe Thome motioned to recommend the Town Board approve the Preliminary Plat of the Sylvan Bay Outlots, seconded by Bud Sabel. Motion carried (7-0).

Joe Thome motioned to adjourn, seconded by Bill Spieker. Motion carried (7-0).

Attest:


Brenda A. Schneider

Plan Commission Secretary

May 5th, 2004

Plan Commission Public Hearing
Dan Deuster rezone R-1 to B-1

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, May 5th, 2004, at approximately 8:30 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on behalf of Dan Deuster's request to rezone approximately 3.72 acres from R-1 (Residential with public sewer) and B-1 (Business with public sewer) to B-1 (Business with public sewer). The parcel abuts Hwy. 151. Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Mike Wirtz, Leon Schneider, Bill Spieker and Secretary Brenda Schneider. Joan Simon was absent.

The Chairman called the public hearing to order.

Mr. Deuster was unable to attend due to a last minute conflict. Mrs. Deuster did not attend.

Brenda Schneider, Town Clerk, explained that originally, Mr. Deuster owned an approximate 11 acre parcel. The north half (approximately) was zoned Business and the remainder was zoned Residential. DO IT ALL Sports Arena and Secure Storage were built on the business zoned portion. Eventually, the DO IT ALL was split into a separate parcel and a second row of storage buildings were started. Over time, the remainder of the original parcel was split into two lots in order to separate Secure Storage from the home site. At the time of the survey, it was discovered that only the north 100+/- feet of the Secure Storage area is zoned business. In 2001, the Fond du Lac County Planner recommended rezoning the entire parcel to business. The Town Board approved the survey contingent upon Mr. Deuster cleaning-up the zoning issue. The home site parcel would remain residential.

Bill Spieker motioned to table Mr. Deuster's zoning request until August 4th, 2004, at 7:00 p.m., at the Town Hall, due to Mr. Deuster's lack of attendance at the meeting, seconded by Bud Sabel. Motion carried (6-0-1 absent).

Mike Wirtz motioned to adjourn at 9:00 p.m., seconded by Joe Thome. Motion carried (6-0-1 absent).

Attest Brenda A. Schneider
Brenda A. Schneider
Town Clerk

May 5th, 2004

Plan Commission Public Hearing
Ordinance Amendment-General Ag Zoning District

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, May 5th, 2004, at approximately 8:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding an amendment to the Zoning Ordinance to establish a General Agricultural Zoning District. Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Mike Wirtz, Leon Schneider, Bill Spieker and Secretary Brenda Schneider. Joan Simon was absent.

The Chairman called the public hearing to order.

Chairman Wagner spoke to Paul Benjamin, Wisconsin Department of Agriculture, Trade & Consumer Protection. Chairman Wagner gave an overview of the Town's history regarding the Farmland Preservation Program.

Dan & Linda Calvey questioned their ability to conduct an organic produce operation. The proposed Section (b)(4) references Section 13-1-52(c)(1), Ag Uses. Vegetable raising would be a permitted use.

All General Ag parcels would be subject to a limitation of animal units based upon the size of the parcel.

It was suggested that a definition be composed for 'truck farming'.

Angie Prull questioned the ability to open a gallery for her art/photography work and for Mr. Preisler's stained glass work. The Commission feels the gallery would be a home occupation.

Joe Thome motioned to approve the proposed General Agriculture Zoning District amendment as presented, with the exception of correcting Section 13-1-57(c)(1) from 'approval by the Town Board' to 'approval by the Board of Appeals', seconded by Bill Spieker. Motion carried (5-0-1 absent). Bud Sabel abstained.

The Commission discussed the potential for strong pressures for business and residential growth due to the Hwy. 151 bypass and the concern of possible negative impacts. The Town Board will be asked to address the timing of the Comprehensive Plan review project at their next meeting.

Mike Wirtz motioned to adjourn, seconded by Leon Schneider. Motion carried (6-0-1 absent).

Attest. Brenda A. Schneider
Brenda A. Schneider
Town Clerk

May 5th, 2004

Plan Commission Public Hearing
Charles & Julie Schneider rezone R-1 and MFR to B-1

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, May 5th, 2004, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on behalf of Charles & Julie Schneider's request to rezone approximately 3.47 acres from R-1 (Residential with public sewer) and MFR (Multi-Family Residential) to B-1 (Business with public sewer) with the exception of a 97' x 250' area surrounding their home. The exceptional area is to remain R-1. The parcel abuts Golf Course Drive. Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Mike Wirtz, Leon Schneider, Bill Spieker and Secretary Brenda Schneider. Joan Simon was absent.

The Chairman called the public hearing to order.

Chuck Schneider has been operating a landscaping and excavating business for the past three years. The business activity does not occur on the site.

Mr. Schneider would like to build a shop/storage/office building for his equipment. Building restrictions on residentially zoned property would not allow him to build the size building he would need. The proposed building would be approximately 60' x 70' with 14' doors to accommodate his dump truck and backhoe. The building would be built in the rear portion of the lot. Access would be by Golf Course Drive only.

Some of the neighbors are not concerned about the Schneiders' plan but they are concerned about the possible types of businesses that could operate on the site if it were zoned business and the Schneiders sold the property. Vixmer Mfg. began operations in this manner with no warning. It is a sensitive subject in the neighborhood.

The Plan Commission reviewed the B-1 permitted and conditional uses. There was extensive discussion on the potential future uses in the business zoned district. It appears the type of operation the Schneiders have does not fall into any of the uses in any of the zoning districts. The closest use would be 13-1-54(b)(38) *Trade and contractor's offices (office only)*. A conditional use under Industrial could be a possibility. There was brief discussion regarding placing a deed restriction on the property; however, the enforcement would be highly questionable.

The Plan Commission suggested reducing the business zoned area to approximately 200' x 300' and leaving the remainder of the property in R-1 and MFR. The Schneiders were agreeable to the suggestion and added that they plan to dig a pond in the back corner and add some plantings.

The Commission consensus was that a decision could not be made without clarification from the Board regarding the zoning classification applicable the Schneiders' use. The Town Board will be asked to consider a wording change at their next meeting.

Bill Spieker motioned to table the Schneider's request to rezone to August 4th, 2004 at 7:00 p.m., at the Town Hall, seconded by Bud Sabel. Motion carried (6-0-1 absent).

Mike Wirtz motioned to adjourn, seconded by Bill Spieker. Motion carried (6-0-1 absent).

Attest Brenda A. Schneider
Brenda A. Schneider
Town Clerk

June 2nd, 2004

Plan Commission Public Hearing
Rezoning-General Ag Zoning District

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, June 2nd, 2004, at 6:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding the rezoning of twelve parcels from Agricultural-Transition or Exclusive Ag to General Agricultural. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bill Spieker, Joan Simon and Secretary Brenda Schneider. Bud Sabel and Leon Schneider were absent.

The Chairman called the public hearing to order.

Chairman Wagner gave an overview of the Town's history regarding the Farmland Preservation Program. The Department of Agriculture, Trade & Consumer Protection is requiring the rezonings in order to obtain re-certification for the Program.

The zoning of the following properties are considered:

Pontus Ostman	W4038 Maplewood Lane	T20-16-18-21-07-001-00	A-T to A-2
Dan Calvey	N8410 Abler Road	T20-16-18-20-02-006-00	A-T to A-2
		T20-16-18-20-02-007-00	A-T to A-2
Richard Daleiden	W4202 Silica Road	T20-16-18-20-02-003-00	A-T to A-2
Joe Sabel	W4040 Ledge Road	T20-16-18-33-07-003-00	A-1 to A-2
Jerry & Shelly Schneider	N8488 Abler Road	T20-16-18-20-02-004-00	A-T to A-2
Bud Sabel	W4138 Ledge Road	T20-16-18-32-04-002-00	A-1 to A-2
Guy Preisler	N9218 Hwy. 151	T20-16-18-09-02-004-00	A-T to A-2
Laura & Jerry Thomas	W4202 Ledge Road	T20-16-18-32-03-004-00	A-T to A-2
Ken & Angie Prull	N9254 Hwy. 151	T20-16-18-09-02-002-00	A-1 to A-2
Steve Freund	W3964 Hwy. 149	T20-16-18-28-05-003-00	A-T to A-2
Mrs. Clarence Freund	W3980 Hwy. 149	T20-16-18-28-05-002-00	A-T to A-2

Bill Spieker motioned to recommend the Town Board rezone the twelve parcels to General Agriculture (A-2), seconded by Joe Thome. Motion carried (5-0-2 absent).

Mike Wirtz motioned to adjourn the public hearing, seconded by Joan Simon. Motion carried (5-0-2 absent).

Attest Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

June 2nd, 2004

Plan Commission Public Hearing
Ordinance Amendment-Trade & Contractor Operations

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, June 2nd, 2004, at 6:11 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding an amendment to the Zoning Ordinance regarding trade and contractor operations. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bill Spieker, Joan Simon and Secretary Brenda Schneider. Bud Sabel and Leon Schneider were absent.

The Chairman called the public hearing to order.

Chairman Wagner gave an explanation of the current permitted use as being trade and contractor offices only. The ordinance does not allow for the housing of equipment nor repair shops.

Joe Thome motioned to recommend the Town Board amend Section 13-1-54(b)(38), permitted uses in the B-1 District, to include trade and contractor operations as a permitted use, seconded by Bill Spieker. Motion carried (5-0-2 absent).

Mike Wirtz motioned to adjourn the public hearing, seconded by Joan Simon. Motion carried (5-0-2 absent).

Attest



Brenda A. Schneider
Plan Commission Secretary

June 2nd, 2004

Plan Commission Public Hearing
Ordinance Amendment-Roadbase Thickness

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, June 2nd, 2004, at 6:17 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding an amendment to the Subdivision Ordinance changing the minimum requirements of roadbase thickness. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bill Spieker, Joan Simon, Bud Sabel and Secretary Brenda Schneider. Leon Schneider was absent.

The Chairman called the public hearing to order.

Chairman Wagner explained that when the Code of Ordinances was adopted, the minimum roadbase thickness was changed to state standards. Prior to the Code, the Town required thicker roadbase.

The Plan Commission discussed the following:

- The existing roadbase conditions.
- Inspection and verification standards:
 - Town Board members or their agents inspecting,
 - Engineering firm verifying,
 - Nuclear density testing,
 - Engineer can not guarantee a roadbase will not fail,
 - Proof-rolling the base (tandem truck loaded with gravel) between layers,
 - Warrantee period of one year could be increased if contractor does not want to wait for appropriate conditions for proof-rolling.
- Utility construction disturbs the roadbase causing settling.
- Increasing the blacktop thickness (proposed amendment states 2.5 inches),
 - Section 14-1-71(b)(6) requires 2.5" on residential and rural streets and 3.5" on commercial, arterial or other heavy-use roads.

Joe Thome motioned to recommend the Town Board amend the proposed revision to Section 14-1-71(b)(3)(a)&(b) by requiring a minimum total roadbase thickness of 12 inches, require a minimum thickness of 3.5" of compacted asphalt on all types of roads and require proof rolling certified by a registered engineering firm and witnessed by a Town Board member or its' designated representative, and further recommend the Town Board adopt the proposed amendment as revised, seconded by Bill Spieker. Motion carried (6-0-1 absent).

Mike Wirtz motioned to adjourn the public hearing, seconded by Bud Sabel. Motion carried (6-0-1 absent).

Attest Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

June 2nd, 2004

Plan Commission Public Hearing
Deuster rezone-R-1 to B-1

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, June 2nd, 2004, at 7:08 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding the rezoning petition submitted by Dan Deuster. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bill Spieker, Joan Simon, Bud Sabel and Secretary Brenda Schneider. Leon Schneider was absent.

The Chairman called the public hearing to order.

Mr. Deuster explained that two years ago, the Secure Storage property was split off of the DO IT ALL property. At that time, the County Planning Dept. noted that only a small portion of the Secure Storage parcel is zoned business. The request is to rezone the entire parcel to business.

The Plan Commission noted that the existing buildings are in violation of the ordinance. It was also noted that footings have been set for another storage building. Mr. Deuster was advised to not pour concrete until after the Town Board considers his request.

Bud Sabel motioned to recommend the Town Board approve Mr. Deuster's request to rezone the Secure Storage parcel to Business with public sewer (B-1), seconded by Joan Simon. Motion carried (6-0-1 absent).

Mike Wirtz motioned to adjourn, seconded by Joe Thome. Motion carried (6-0-1 absent).

Attest Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, June 2nd, 2004, at 7:15 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding the Final Plat of the Norris Subdivision. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bill Spieker, Joan Simon, Bud Sabel and Secretary Brenda Schneider. Leon Schneider was absent.

The Chairman called the public hearing to order.

Matt Stephan, Excel Engineering, represented Mr. Bob Norris.

The Plan Commission discussed the following:

- Lot 8 has been removed from the plat by a Certified Survey Map. The ranch was included on the Preliminary Plat.
- The drainage off of the Ledge and across the Norris property severely impacts the Village of Taycheedah.
- Mr. Norris contracted for the digging of a ditch several years ago.
- Bob Fishelson installed a dam on his property after Norris dug the ditch. Mr. Fishelson notified the DNR before he installed the dam.
- Three new culverts are proposed to be installed across the new road by the intersection of Golf Course Drive. The culverts and ditch will be approximately 25 feet from the Fishelson property at the intersection.
- Part of Lot 1 will be restricted to conservancy in order to accommodate the drainage ditch.
- The plat included an area for future road extension.
- The County has approved the length of the cul de sac.
- The cul de sac bulb has been increased.
- The stormwater and erosion control calculations have been applied to a 39 acres plat. The calculations have not been revised for the 17 acre plat.
- The ranch driveway will be abandoned and access will be changed to Raven View Court.
- New detention basins will be constructed. The DNR will not allow use of the existing ponds on the ranch for water retention of the subdivision.
- Restrictions on Lot 1 & 6 reduce the building site to approximately one acre.

Extensive discussion took place regarding the unsewered subdivision issue. Comments and concerns were as follows:

- Section 13-1-23(m) states *All new subdivisions, as of September 18, 2001, located within the boundaries of a sanitary district shall be sewered if cost-effective and feasible, as determined by the sanitary district and satisfies the Sewer Service Area Plan administered the Department of Natural Resources and East Central Wisconsin Regional Planning.*
- The feasibility of sewer was questioned; particularly when the subdivision abuts a sewered subdivision.
- The sanitary district did not make the determination. The ordinance requires the feasibility be evaluated by the sanitary district. No one has provided the determination after repeated requests. The Plan Commission would be violating the ordinance if further action was taken without the district's determination.
- The Fond du Lac County Parks & Development Committee originally denied the plat. After several meetings, Fond du Lac County Corporation Counsel advised the Parks & Development Committee approve the Norris Preliminary Plat based upon the District's claim of lack of jurisdiction and the inability to provide a timeframe for service.
- The County's actions are separate from the Town's. The Town can be more restrictive than the County.
- The property is within the Sewer Service Area; which means it was intended for sewer service if developed. When the property is developed; it would be added to the sanitary district. Mr. Norris requested East Central Regional Planning included the property within the Sewer Service Area, but he has not contacted the District for a feasibility and cost-effectiveness determination.

June 2nd, 2004

Plan Commission Public Hearing
Final Plat-Norris Subdivision

2.

- Correspondence reviewed by the Plan Commission stated that the sanitary district was willing to exercise eminent domain in order to obtain access to the sewer main in Hidden Prairie.
- The subdivision was originally designed to be sewerred with approximately 25 lots.
- Soil tests dictate the use of mound systems.
- Substantive changes have been made since the Preliminary Plat has been approved. Those changes being to deletion of the ranch site and the drainage calculations based upon the Preliminary Plat.

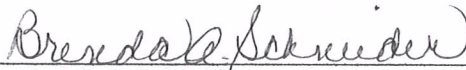
Bill Spieker motioned to accept the Final Plat as submitted. Motion died for lack of a second.

Joe Thome motioned to deny the Final Plat based upon the need for sewer to the development. Motion died for lack of a second.

Bill Spieker motioned to recommend the Town Board conditionally approve the Final Plat, conditional upon the receipt of Taycheedah Sanitary District No. 1's determination of providing sewer service within 45 days, seconded by Mike Wirtz. Motion carried (5-1-1absent). Joe Thome voted no.

Bud Sabel motioned to adjourn, seconded by Joan Simon. Motion carried (6-0-1 absent).

Attest



Brenda A. Schneider

Plan Commission Secretary

June 2nd, 2004

Plan Commission Public Hearing
Final Plat-Sylvan Bay Outlots

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, June 2nd, 2004, at 8:50 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding the Final Plat of the Sylvan Bay Outlots. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bill Spieker, Joan Simon, Bud Sabel and Secretary Brenda Schneider. Leon Schneider was absent.

The Chairman called the public hearing to order.

The County will only allow the construction of accessory buildings on the lots. Residential development will not be allowed.

Residents questioned the stakes located on the site. There seems to be three sets. The Plan Commission was not able to answer their questions.

Joe Thome motioned to recommend the Town Board approve the Final Plat of the Sylvan Bay Outlots, seconded by Bud Sabel. Motion carried (6-0-1 absent).

Bud Sabel motioned to adjourn, seconded by Bill Spieker. Motion carried (6-0-1 absent).

Attest: Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

July 7th, 2004

Plan Commission Public Hearing
Ordinance Amendment-Trade & Contractor Operations (B-2)

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, July 7th, 2004, at 6:10 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding an amendment to the Zoning Ordinance regarding trade and contractor operations in the B-2 Zoning District. Members present were Chairman John Wagner, Mike Wirtz, Joan Simon, Bud Sabel, Leon Schneider and Secretary Brenda Schneider. Joe Thome and Bill Spieker were absent.

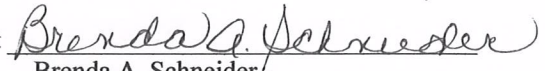
The Chairman called the public hearing to order.

Chairman Wagner gave an explanation of the current permitted use as being trade and contractor offices only. The ordinance does not allow for the housing of equipment nor repair shops.

Joan Simon motioned to recommend the Town Board amend Section 13-1-55(b)(22), permitted uses in the B-2 District, to include trade and contractor operations as a permitted use, seconded by Bud Sabel. Motion carried (5-0-2 absent).

Mike Wirtz motioned to adjourn the public hearing, seconded by Bud Sabel. Motion carried (5-0-2 absent).

Attest



Brenda A. Schneider
Plan Commission Secretary

July 7th, 2004

Plan Commission Public Hearing
Ordinance Amendment-Pavement Thickness

1.


The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, July 7th, 2004, at 6:10 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding an amendment to the Zoning Ordinance regarding pavement thickness. Members present were Chairman John Wagner, Mike Wirtz, Joan Simon, Bud Sabel, Leon Schneider and Secretary Brenda Schneider. Joe Thome and Bill Spieker were absent.

The Chairman called the public hearing to order.

Chairman Wagner gave an explanation of the ordinance amendment adopted by the Town Board at their June meeting requiring that all road types be constructed of 3.5 inches of asphalt.

After brief discussion, Bud Sabel motioned to recommend the Town Board amend Section 114-1-71(b)(6) to require 3.5 inches of asphalt be constructed on all types of roads, seconded by Leon Schneider. Motion carried (5-0-2 absent).

Mike Wirtz motioned to adjourn the public hearing, seconded by Bud Sabel. Motion carried (5-0-2 absent).

Attest 
Brenda A. Schneider
Plan Commission Secretary

August 4th, 2004

Plan Commission Public Hearing
Ordinance Amendment-Utility Structures permitted in the front setback

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, August 4th, 2004, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding an amendment to the Zoning Ordinance to clarify utility structures permitted within the front setback. Members present were Chairman John Wagner, Mike Wirtz, Joan Simon, Bud Sabel, Leon Schneider, Joe Thome, Bill Spieker and Secretary Brenda Schneider.

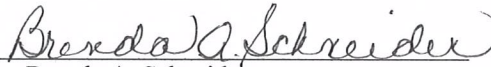
The Chairman called the public hearing to order.

Chairman Wagner gave an explanation of the ordinance amendment to Section 13-1-24(e). The Board of Appeals requested the clarification in order to specify that only utility structures may be constructed, added to or maintained within the front setback.

The Commission discussed further clarifying it as 'public utility structures', height limitations of such structures and the current inclusion of micro radio relay structures. After further discussion, the consensus of the Plan Commission was to not revise the amendment as presented.

Bill Spieker motioned to recommend the Town Board amend Section 13-1-24(e) the ordinance amendment as presented, seconded by Joan Simon. Motion carried (7-0).

Mike Wirtz motioned to adjourn the public hearing, seconded by Bud Sabel. Motion carried (7-0).

Attest 
Brenda A. Schneider
Plan Commission Secretary

August 4th, 2004

Plan Commission Public Hearing
Rezoning request-Chuck & Julie Schneider

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, August 4th, 2004, at 7:25 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding a rezone request submitted by Chuck & Julie Schneider. Members present were Chairman John Wagner, Mike Wirtz, Joan Simon, Bud Sabel, Leon Schneider, Joe Thome, Bill Spieker and Secretary Brenda Schneider.

The Chairman called the public hearing to order.

Joe Thome recused himself.

Chuck Schneider has been operating a landscaping and excavating business for the past three years. The business activity does not occur on the site.

Mr. Schneider would like to build a shop/storage/office building for his equipment. Building restrictions on residentially zoned property would not allow him to build the size building he would need. The proposed building would be approximately 60' x 70' with 14' doors to accommodate his dump truck and backhoe. The building would be built in the rear portion of the lot. Access would be by Golf Course Drive only.

The Plan Commission conducted a public hearing on May 5th. The Plan Commission tabled making a recommendation to the Town Board in order to allow time for the Town Board to consider amending the permitted uses in the business with public sewer district. The Town Board has made such amendments.

A petition in opposition of the rezone was filed with the Town Clerk on August 4th. A copy of the petition was distributed to the Plan Commission members. Also distributed was Section 13-1-182, Protest, from the Zoning Ordinance. The Town Clerk has determined that the petition meets and exceeds the minimum signatures needed to require a 3/4's favorable vote of the Town Board in order to approve the request.

Most of the neighbors contacted through the petition process are not concerned about the Schneiders' plan but they are concerned about the possible types of businesses that could operate on the site if it were zoned business and the Schneiders sold the property. The Vixmer Mfg. building started as a small plumbing shop but is now a large fabrication shop which has caused a noticeable increase in traffic and noise.

One neighbor is also concerned about part of the parcel being a wetland. The County requires a 20 ft. setback from a wetland. However, wetland delineation affects structure location; not zoning.

The neighbors believe the property should remain residential because it is surrounded by residential-type uses. They also commented on the affect business zoning would have on their property values. They also feel business development should follow the Comprehensive Plan and that the Town Board should actively pursue additional business development. The Plan Commission reviewed the current Zoning Map for business zoned parcels.

The neighbors would like to see the Plan Commission and Town Board research the possibility of granting a variance for the larger building due to the proposed size and height. However, the Schneiders would also need a variance for the non-complying use.

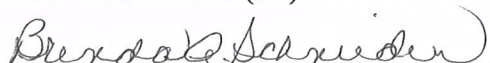
Chuck Schneider discussed reducing the business zoned area, as mentioned at the May 5th hearing, in order to try to eliminate certain large business operations. His original request was for 3.5 acres. He has reduced the area to 1.5 acres. The Plan Commission was no longer receptive to the idea. A number of residentially offensive businesses could be operated on 1.5 acres.

The Plan Commission reviewed information regarding use variances. Legal advice would be needed in order to determine if a use variance would be granted to the current owners only; or if it would stay with the land. The Board of Appeals would need to grant the variances; there would be no guarantees.

Joan Simon motioned to recommend the Town Board table the Schneiders' request to September 8th and to seek legal advice regarding whether or not a use variance could be granted for the owner instead of the land, seconded by Bud Sabel. Motion carried (6-0-1 abstention). Joe Thome abstained.

Bud Sabel motioned to adjourn, seconded by Mike Wirtz. Motion carried (7-0).

Attest



Brenda A. Schneider
Plan Commission Secretary

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, September 8th, 2004, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board regarding a rezone request submitted by Chuck & Julie Schneider. Members present were Chairman John Wagner, Mike Wirtz, Joan Simon, Bud Sabel, Leon Schneider, Bill Spieker and Secretary Brenda Schneider. Joe Thome was absent.

The Chairman called the public hearing to order.

History: Chuck Schneider has been operating a landscaping and excavating business for the past three years. The business activity does not occur on the site. Mr. Schneider would like to build a shop/storage/office building for his equipment. Building restrictions on residentially zoned property would not allow him to build the size building he would need. The proposed building would be approximately 60' x 70' with 14' doors to accommodate his dump truck and backhoe. The building would be built in the rear portion of the lot. Access would be by Golf Course Drive only.

The Plan Commission conducted a public hearing on May 5th. The Plan Commission tabled making a recommendation to the Town Board in order to allow time for the Town Board to consider amending the permitted uses in the business with public sewer district. The Town Board has made such amendments.

A petition in opposition of the rezone was filed with the Town Clerk on August 4th. A copy of the petition was distributed to the Plan Commission members. Also distributed was Section 13-1-182, Protest, from the Zoning Ordinance. The Town Clerk has determined that the petition meets and exceeds the minimum signatures needed to require a 3/4's favorable vote of the Town Board in order to approve the request.

Most of the neighbors contacted through the petition process are not concerned about the Schneiders' plan but they are concerned about the possible types of businesses that could operate on the site if it were zoned business and the Schneiders sold the property. The Vixmer Mfg. building started as a small plumbing shop but is now a large fabrication shop which has caused a noticeable increase in traffic and noise.

The neighbors would like to see the Plan Commission and Town Board research the possibility of granting a variance for the larger building due to the proposed size and height. However, the Schneiders would also need a variance for the non-complying use.

The Plan Commission reviewed information regarding use variances. Legal advice would be needed in order to determine if a use variance would be granted to the current owners only; or if it would stay with the land. The Board of Appeals would need to grant the variances; there would be no guarantees.

The Plan Commission recommended the Town Board table the Schneiders' request to September 8th and to seek legal advice regarding whether or not a use variance could be granted.

Attorney John St. Peter was contacted. He suggested considering rezoning the property to business; not to take effect until a copy of a recorded deed restriction is received by the Town Clerk. The deed restriction would have to be worded to limit the business use to trade and contractor operations and would have to name the Town as an enforcing agent of the deed restriction. The deed restriction would run with the land and would have to be disclosed to potential buyers.

James Parman, W4711 Golf Course Drive, spoke in support of the Schneiders' request.

There were allegations of misinformation being provided to neighbors during the circulation of the petition in opposition of the rezoning request.

Mr. Schneider stated that he plans to keep the operation small and simple. However, if he ever does become too big; he would relocate the business.

Some of the neighboring property owners in attendance were concerned about a large building, four or five large trucks coming and going and 50 ft. high piles of dirt and/or mulch, etc, now or in the future by another owner.

Mr. Schneider recognized the recent determination of an area of wetlands on his property. Mr. Schneider does not feel the wetlands will have a significant impact on the location of his future building.

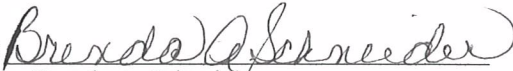
Bill Spieker motioned to recommend the Town Board approve the rezone request from R-1 and Multi-family to B-1 with the exception of the 97'x250' portion describe in the Schneiders' request under the condition that a recorded deed restriction is received, restricting the business use to trade and contractor operations, seconded by Joan Simon. Motion carried (6-0-1 absent).

September 8th, 2004

Plan Commission Public Hearing
Rezoning request-Chuck & Julie Schneider

2.

Bud Sabel motioned to adjourn, seconded by Leon Schneider. Motion carried (6-0-1 absent).

Attest 
Brenda A. Schneider
Plan Commission Secretary

October 6th, 2004

Plan Commission
Sand Hill Ridge Subdivision-Signature Homes

1.

The Plan Commission of the Town of Taycheedah conducted a public hearing on Wednesday, October 6th, 2004, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the Preliminary Plat of the Sand Hill Ridge subdivision. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bud Sabel, Joan Simon, Leon Schneider and Secretary Brenda Schneider. Bill Spieker was absent.

Chairman Wagner called the public hearing to order and announced the procedure to be used for the hearing.

Eric Otte, engineer for J.E. Arthur, represented Signature Homes, the owner. Mr. Otte's presentation and responses to comments and questions presented by the audience and the Plan Commission were as follows:

- The subdivision is planned to have 38 lots ranging in size from .5 acre to .8 acre.
- The subdivision conforms to the minimum standards of the Town's Subdivision Ordinance.
- The subdivision will be sewer.
- The large outlot at the entrance is for stormwater management, landscaping and a buffer between Cty. QQ.
- Lot 16, located at the northwest corner, will need to be used for stormwater management. The size of the lot may change after the stormwater calculations are completed.
- The preliminary stormwater calculations have been preliminarily reviewed by Lynn Mathias, Fond du Lac County Land & Water Conservationist.
- The property is zoned for residential development and has been for several years.
- Swales will be constructed along the west and south boundaries, parallel to the stone fences, in order to divert surface water to the retention areas. The swales will handle surface water from the backyards. The front yards are planned to drain to the street then to be diverted to the main retention area.
- Mr. Otte plans to keep the stone fence lines for erosion control purposes and aesthetics. He will speak to the owners about including the preservation of the stone fences in the restrictive covenants.
- The grade elevations will be changed to divert a majority of the surface water to the large retention area.
- The Fond du Lac County Stormwater Management Ordinance requires that the surface water flow can not be greater than the flow that would have occurred during the pre-settlement stage. The owner and engineer have been sensitive to the run-off issue. The Town, DNR, County and State all have to approve the Plat.
- If complaints are later received, the engineers will have to review their design. The design specifications have been developed by the DNR and the County will review and inspect the stormwater management facilities. The Town and the County would have the authority to require alterations.
- The stormwater calculations were done based up to and including the 100-year storm.
- The large retention area will have a berm on the east side of the lot. The retention lot will have a permanent pool with safety shelves and rip rap. The pool will be approximately four feet deep; deeper after rainfall.
- An audience member commented on the fact that the State has removed the culverts that were across Hwy. 149. The State expects the water to run through an opening in the curb near the stormsewer. Mr. Otte commented that they can not direct water toward existing houses and that there may be a possibility of providing assistance, at cost, with drainage on private property. Lawns will eliminate soil erosion.
- The subdivision will have two entrances off of Cty. QQ and a stub to the north for future development.

It was noted by the Plan Commission that the Preliminary Plat submittal lacked the required proposed restrictive covenants, drainage calculations, street names and the stormwater drainage plan. The Plan Commission also noted that the Plat does not meet the minimum open space requirement.

Further comments and responses from Mr. Otte were as follows:

- Based upon feedback from the Town Board, they wanted to present the Preliminary Plat before completing their plans. Mr. Otte requested conditional approval of the Preliminary Plat.

The Plan Commission of the Town of Taycheedah conducted a public hearing on Wednesday, November 3rd, 2004, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the Preliminary Plat of the Sand Hill Ridge subdivision. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bud Sabel, Joan Simon, Bill Spieker and Secretary Brenda Schneider. Leon Schneider was absent.

Chairman Wagner called the public hearing to order. The public hearing was a continuation of the hearing conducted on October 6th.

Eric Otte, engineer for J.E. Arthur, represented Signature Homes, the owner. Mr. Otte had submitted the drainage plan for the development prior to the hearing. He dispersed the restrictive covenants just prior to the beginning of the hearing.

Mr. Otte's presentation and responses to comments and questions presented by the audience and the Plan Commission were as follows:

- The development will have four detention ponds. Three of the ponds will be wet and one will be dry as required by Fond du Lac County.
- The ponds will not overflow in the event of a 100-year storm.
- All of the ponds are over-designed in capacity and slower in the release rate than what is required.
- The preservation of the tree line and stone fences is included in the restrictive covenants.
- Enforcement by the adjoining neighbors is included in the covenants.
- The property owners are responsible for the maintenance of the ponds. The Town Board also has enforcement authority.
- Fond du Lac County has overseen the design and will routinely inspect the construction of the ponds.
- If damage occurs and is caused due to a problem with the drainage plan; the owner would be responsible.
- The rate of discharge from the entire site must not be greater than pre-development discharge rates.
- Lawns will filter sediment from the surface water and reduced erosion impacts downstream.
- The drainage plan intends to lead surface water to swales and ditches. Mr. Otte believes the owner is willing to work with the neighbors and the Town.
- The retention ponds outflows are planned to be directed to property lines. There is the potential of connecting one of the outflows to the new storm sewer if the neighboring property owner is willing to cooperate with the needed excavation.
- The plan indicates the use of rip rap at the discharge pipes. The neighbors will need to be willing to cooperate with the developer to construct swales.

The plat map was revised due to the drainage plan. However, the revised plat was not submitted to the Town. Mr. Otte apologized for the oversight. He thought the staff had included the revised plat with the drainage plan. Mr. Otte submitted his copy of the revised plat.

There was also some concern amongst the Plan Commission members about not receiving the restrictive covenants prior to the hearing in order to allow time for review and the lack of receipt of the revised plat.

Further comments and responses were as follows:

- The development has been reduced to 37 lots. One lot was lost due to the creation of the two outlots.
- The Fond du Lac County Erosion Control and Stormwater Management Ordinance gives the County the authority to require technical changes and enforcement of drainage plans. The ordinance requires the owner to enter into a recorded agreement with the County regarding the construction and maintenance of the drainage plans. The neighboring property owners will be able to request a copy of the recorded agreement from the Register of Deeds Office.
- Discharge points can be moved in order to protect properties that might be more susceptible to basement flooding.
- The dry pond on the south was not required by the County. The owner decided to design the pond due to concerns of the neighboring property owners.
- Mr. Otte explained the release features of the wet ponds.
- The large retention pond will have a rip rap wave-shelf and a safety-shelf.
- Mr. Otte is willing to meet with the neighbors to determine the best location for the pond release.

November 3rd, 2004

Plan Commission
Sand Hill Ridge Subdivision-Signature Homes

2.

- The neighbors to the south will have a significant decrease in surface water flow due to the planned changes in elevations.
- The owner is proposing shared wells in the development. Mr. Otte does not anticipate well problems in the area. The wet retention ponds will add to the groundwater recharge. Typically, rock formations provide more and better water.
- The house pads to the east of Sunset Drive will be lower than the current elevation.

Bill Speiker motioned to recommend the Town Board approve the Preliminary Plat of Sand Hill Ridge, seconded by Joan Simon. Motion carried (6-0-1 absent).

Joe Thome motioned to adjourn at 8:22 p.m., seconded by Mike Wirtz. Motion carried (6-0-1 absent).

Attest: Brenda A. Schneider
Brenda A. Schneider
Plan Commission Secretary

The Plan Commission of the Town of Taycheedah conducted a public hearing on Wednesday, January 5th, 2005, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the Preliminary Plat of the Fisherman's Estates subdivision. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bud Sabel, Joan Simon, Leon Schneider, Bill Spieker and Secretary Brenda Schneider.

Chairman Wagner called the public hearing to order and announced the procedure to be followed for the hearing.

Eric Otte, engineer for J.E. Arthur, represented the owners, Fisherman's Investments, LLC. Mr. Otte's presentation and responses to comments and questions presented by the audience and the Plan Commission were as follows:

- The subdivision is planned to have 56 lots which will be reduced to 55 due to the Scenic Easement. Mr. Otte explained the Scenic Easement.
- The east half of the development will drain to the existing ponds, be detained and then slowly released to the north.
- Detention ponds will be built at the northwest and southwest corners.
- The capacity of the detention ponds is based upon the 100 year flood.
- The existing ditch at the west end of the development will be used and maintained. The ditch will be dug deeper at the ends and the berm will be raised in the middle.
- The sanitary district will serve the development with sanitary sewer.

Tape recording was started at this point.

- The development totals 63 acres.
- The planned improvements to the ditch at the west end of the development were explained.
- The berm along the ditch will be 2-3 feet wide at the top.

Attorney Leonard Schnabel, representing several of the neighboring property owners, voiced the following concerns:

- The main concern is drainage problems.
- They object to the hearing being held on such short notice.
- They object to the hearing being held during the time of year when most residents are gone.
- Attorney Schnabel presented photographs showing previous drainage problems.
- Attorney Schnabel asked that the Board proceed slowly and have the Town engineer review the project and protect the existing properties.
- Jim Bloomer presented a Preliminary Plat in approximately June 2000. The Town Board asked him to address some concerns. The project has never come back until now.
- Has the Town adopted the drainage ordinance?
- Are the retention ponds intended to be green space?
- Who will own the outlots?
- Who are the current owners?
- The road to the north deadends; there is no cul de sac.
- Attorney Schnabel suggested a 2 rod wide berm along the west ditch that could be used for a pedestrian trail.
- The restrictive covenants do not include a developer's agreement.
- The restrictive covenants are not enforceable by the Town.
- The maintenance of the drainage ditch would be difficult to enforce. The association would be responsible. The association would be required to pay for it. Therefore, maintenance may not be done as often as it should. The appropriate depth of the ditch should be documented.
- Attorney Schnabel claimed the drainage areas can not be used for park land.
- A driveway easement exists along the north boundary of the property. Attorney Schnabel could not find a drainage easement.

Eric Otte and the Plan Commission provided the following responses:

- The project is intended to have an approximate 30 foot wide easement along the west ditch for maintenance.

- Operational maintenance is enforced by the Fond du Lac County Stormwater Management Ordinance. The ordinance requires that a report outlining the maintenance, dredging, slopes, etc. be recorded with the Register of Deeds.
- Mr. Otte reviewed the drainage calculations.
- The home owners association would own the outlots. They would probably be interested in deeding them to the Town. The association will also own the existing ponds and will be liable for them.
- Mike & John Kreitzer, brothers from Waukesha, are the owners.
- Ron Cunzenheim presented a conceptual plan to the Town Board in June of 2004.
- The owners are hoping to construct the sanitary sewers this winter.
- Applications for the DNR permits have been submitted.

Other comments made by neighboring property owners were as follows:

- The Prulls and Preislers are concerned about further disruption to their private wells and the impact to the water table made by multiple wells added near their property. Their wells have been disturbed by last year's sewer construction. Mr. Otte commented that the excavation for the project will not be as deep as the sewer construction.
- Have stormsewers been considered? Mr. Otte responded that stormsewers would have to be sized to accommodate for a 100-year storm. Also, the water flows much faster through stormsewers; causing a greater potential for erosion at the outlets. He said he could look at moving some of the culverts and making alterations to the ditches. He further added that the sheet drainage from the east will be substantially reduced by the two new roads and ditches running north and south. There is an existing ditch on the north and east end of the property located on the easement. The ditch diverts water from the upstream lands to the east. They plan to re-ditch and berm the existing ditch. An additional swale will be made along the back of the north lots; along the easement.
- Mr. Otte plans to ask for approval to add a culvert under Fisherman's Road to the south ditch. The south ditch has a greater capacity. The owners are also willing to improve existing ditches off site in order to improve the drainage.
- The detention ponds are designed to filter sediments. The ditches will be 26-27" deep from the shoulder. The ditches will be open with grass. The ditches will drain to the ponds.
- The property is within Taycheedah Sanitary District No. 1 and is within the sewer service area for the Fond du Lac treatment plant. There is existing sanitary sewer along Fisherman's Road.
- The easement from the highway to Willow Lane Beach is for farm accessibility only. There were no future plans for a road on the easement.
- The Scenic Easement on the Preisler property states that the property is suppose to remain natural and in ag use. A copy of the easement should be given to each lot buyer. There is concern about preserving the natural habitat of the property.
- Each homeowner along the west ditch will be responsible for the maintenance along their property. The Town Board adopted the ordinance regulating the maintenance of ditches and waterways. Attorney Schanbel pointed out that the complainant could be assessed the costs attributable to a complaint. Mr. Otte commented that the developer will be responsible for the ditch until final vegetation is re-established. Mr. Otte added that the DNR and the County will inspect the ditch throughout the project. There will be a 25-foot drainage easement from the north detention pond to the south detention pond; along the west ditch.
- Neighbors inquired about their recourse if the drainage doesn't work. Mr. Otte offered to construct the berm to a specific height they would like. Attorney Schanbel suggested a bond be posted for in perpetuity for the operation and maintenance of the drainage system. Commission member Mike Wirtz has reviewed the drainage calculations. The calculations indicate that the water in the west ditch will be reduced by being directed to the road ditches and retention ponds. Mr. Otte added that the road ditches will be dedicated to the Town and that only the west ditch will need to be maintained by the property owners. The Town will be given the developer's contact information. The Town will also have the authority to maintain the ditch and bill the owners for the costs.
- The neighbors would like to see a wider berm. Some of the neighbors are not confident the drainage plan will work. Mr. Otte commented that his stamp on the plans make him liable for the work;

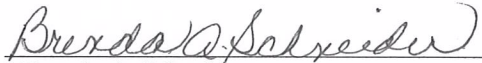
Fisherman's Road Investments is liable as long as they are the owners; the homeowners association will be liable when they become the owners and the public easement gives the Town the right to maintain the ditch. The public drainage easement will be recorded with the Register of Deeds with the Final Plat. Mike Wirtz worked in the area during the period of excessive rains in May and June. The ditch handled the rains. He added that the ditch is currently not protected; a farmer could have rented or purchased the land and filled-in the ditch.

- There is concern about lots on the north easement. The easement was used for access to the lake area before Fisherman's Road was built. The Kreitzers own the land and own the easement, therefore, they can utilize the land within the development.
- Perch Lane deadends at the Town of Calumet line. Mr. Otte responded that a temporary cul de sac will be installed at the end of Perch Lane.
- Attorney Schanbel again commented on the short notice given; that his copy of the plan is dated 12/30/04 and therefore does not meet the deadline. Mr. Otter responded that the attorney's copy was printed later because he wanted additional contours.
- The Scenic Easement was again discussed. The Preisler easement states no trees or scrubs maybe removed and that no plantings can be done that would form a screen. The Scenic Easement on the Kreitzer property does not have the same wording. A copy of the easement was dispersed to the Plan Commission members. The plat complies with the intent of the easement. The restrictive covenant could limit the amount of manicured lawn area on the larger lots at the east end of the development.

Mr. Otte agreed to incorporate changes to the plat and the covenants to address the concerns of the neighbors.

Bill Spieker motioned to recommend the Town Board postpone action of the plat until the owners can address the concerns of the land owners directly impacted by Fisherman's Estate, seconded by Joe Thome. Bill Spieker moved to amend the motion to postpone the Plan Commission recommendation to February 2nd, at 7:00 p.m. and ask that the Kreitzers attend the hearing, amended motion seconded by Joe Thome. The amendment carried (7-0). The motion carried (7-0).

Joe Thome motioned to adjourn at 9:50 p.m., seconded by Bud Sabel. Motion carried (7-0).

Attest: 
Brenda A. Schneider
Plan Commission Secretary

The Plan Commission of the Town of Taycheedah conducted a public hearing on Wednesday, February 2nd, 2005, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the Preliminary Plat of Fisherman's Estates subdivision. Members present were Chairman John Wagner, Joe Thome, Mike Wirtz, Bud Sabel, Joan Simon, Bill Spieker, Leon Schneider and Secretary Brenda Schneider.

Chairman Wagner called the public hearing to order. The public hearing was a continuation of the hearing conducted on January 5th.

Chairman Wagner highlighted a concern that is included in some of the correspondence received by the Plan Commission members since the January 5th meeting. He specifically addressed the concern regarding background checks and financial stability. Chairman Wagner announced that such research is not the responsibility of the Plan Commission. He suggested those concerned citizens address the issue with the Town Board.

Mike Wirtz also addressed correspondence received from Meunier and Hynek suggesting the Plan Commission wait until summertime when more of the residents are in the area. Mr. Wirtz explained that the ordinance requires action within 90 days of submittal. If the Board fails to take action within the 90 days; the plat is deemed approved as submitted. Therefore, the Plan Commission and Town Board do not have the authority to delay action.

Eric Otte, engineer for J.E. Arthur, representing Fisherman's Investments, LLC, the owners. Fisherman's Investments, LLC, consists of brothers John and Mike Kreitzer. John Kreitzer was in attendance and introduced to the Plan Commission and the audience.

Mr. Otte's presentation and responses to comments and questions presented by the audience and the Plan Commission were as follows:

- Summary of changes made:
 - Modified the west ditch by raising the middle of it by 6 inches and incorporated a 50 ft. drainage easement. The berm will be 15-20 ft. wide with a gradual sloping ditch. The slopes will be mowable.
 - Incorporated a public easement on the plat for Town use.
 - Added a culvert under Fisherman's Road to carry water to the south ditch of Fisherman's Road. The south ditch will carry more water.
 - Erosion matting along the west ditch has been added to the erosion control plan.
 - The scenic easement is referenced in the restrictive covenants.
 - The restrictive covenants designate the homeowner association responsible for maintenance of the ponds and swales. The developer will be responsible until the lots are sold. The Town will be responsible for the road ditches.
 - The plat has been reduced to 55 lots per the scenic easement.
- A cross-section of the swale can be done and provided to the Town. Attorney Schnabl called Mr. Otte today to ask for it. Mr. Otte did not have time today.
- The berm will be a clay-based structure. Heavy clay was found at the site just 6" below the topsoil.
- The top of the berm will be 2.5 ft. above the bottom of the swale at its' shallowest point.
- The berm will be further away from the property line than originally proposed.
- The developer had been asked to consider cleaning and installing rip rap along the entire north ditch. The additional project would be costly. The owners are willing to consider the additional work if the Town Board allows them to add one or two more lots or if the County, Town or neighboring properties are willing to cost-share in the additional project. The development project does indicate ditching and rip rap from the northwest retention pond to the property line of the development. A resident mentioned that several years ago, the Army Corps of Engineers were going to assist with the north ditch. They suggested installing rip rap from one end to the other and retention ponds. The force of the runoff from the ledge and down the ditch is able to carry 18-24" rocks to the lake. If only a portion of the ditch were rip rapped, the water's force would carry the rip rap downstream. Mr. Otte was asked about the possibility of installing another retention pond at Perch Lane. Mr. Otte responded that the plat currently meets DNR and County regulations.
- The runoff from within the development will be retained; some of it in the existing ponds. The water

will then be slowly released into the road ditches and directed to the NW corner or SW corner retention ponds for slow release into the existing north and south ditches. Water from the development will not add to the water in the west ditch.

Public and Plan Commission comments and questions were as follows:

- The culvert that crosses back under Fisherman's Road from the south to the north has had problems. Mr. Otte calculated the capacity of the culvert to be able to handle 5-10 year storm.
- The existing culvert across Willow Lane Beach is small and may be on private property. The Town will need to determine if it is privately located or within the right-of-way of Fisherman's Road. Mr. Otte believes they could work with the Town to replace the Willow Lane culvert with a bigger one and therefore, eliminate the new culvert across Fisherman's Road to the south ditch. If the project abandons the plan of installing a new culvert across Fisherman's Road and instead uses a new culvert across Willow Lane Beach Road; the developer's will need to replace the house driveway culvert along Fisherman's Road.
- Mr. Otte will be required to certify and submit "as built" drawings of the stormwater ponds and the drainage plans to the County.
- There were concerns about the density of the development, the protection of the scenic view from the highway and runoff from the highway. Mr. Otte's response was the west detention pond is required to be designed to collect sediments and other contaminants. With the ponds, the runoff from the site will be less than it is today. The DNR has to approve his design. The Town Board can only enforce the ordinance. Under the ordinance, the development is required meet the .5 acre minimum lot size. With .5 acre lots, the development could have a potential 77 lots. However, due to the scenic easement, the development is restricted to no more than 55 lots.
- Mr. Otte was asked about assurances that the drainage plan will work. Mr. Otte responded that the DNR and the County have concurred with his calculations. In the event it does not work the way it is suppose to, he will have to figure out why and correct it. He also added that the Stormwater Developer's Agreement will give the Town the authority to maintain the drainage system in the event the home owners association fails to do so. Member Wirtz has read the agreement. He called the attorney that drafted the agreement. He concurred with the Town's attorney that the wording does authorize the Town to perform the maintenance. The Restrictive Covenants/Stormwater Management, the Articles of Incorporation, the Bylaws and the Stormwater Management Agreement will have to be recorded with the Register of Deeds. Mr. Otte explained that ponds are designed to contain and slowly release a 100-year rain event. A 100-year rain event will raise the ponds about 3 feet. Spillways will be constructed around the ponds for emergency spills. The water will then be directed to the ditches. Sediments will not affect water storage. The ponds are required to have basins to collect sediment. The basins will not impact the ponds' ability to handle the 100 year storm.
- Mr. Otte was asked about dealing with natural springs on the site. Mr. Otte responded that the DNR has jurisdiction over springs if they create a navigable waterway; springs that don't are not regulated.
- A neighboring property owner enquired whether funding was available for a rip rap project on the north ditch. It is believed the property owners will need to pursue funding.
- A neighboring property owner spoke about living in the area for the peace and quiet. The development will add noise from mowers, kids, mini-bikes, four-wheelers, snowmobiles, etc. She was told that certain vehicles are not allowed on the roads.
- There is a concern that 55 additional wells in the area may draw down the water table which could damage the existing wells. The neighbor enquired about possible recourse. Mr. Otte responded that there is no recourse for a private well. Attorney Schnabl added that a developer's agreement could deem the developer responsible if wells go bad. The enforceability of such a stipulation is questionable.

Attorney Schnabl, representing the neighboring property owner, voiced the following concerns:

- He believes the plat does not meet the green space requirement because the ordinance requires the dedicated land be developable. The response was that outlot 3 is 4.3 acres, including the two acres of ponds, meets the road frontage requirement of a developable lot. The outlot will have public access and

be owned by the home owners association. The two corner outlots are also open space.

- The kids will have no place to gather and may trespass on private beachfront property. The response was that the boat launch with its large parking lot and the 4 acre outlot with the two ponds will draw young people.
- He questioned the submittal of a developer's agreement. Mr. Otte responded that they would be willing to provide a developer's agreement in the event the Town Board requests one. Member Mike Wirtz reviewed the sample agreements supplied by Attorney John St. Peter. The samples appear to replicate what would be in the Town's ordinances. Attorney Schnabl distributed a sample agreement.
- He questioned the project financing and a concern that the project could end up partially completed. Mr. Otte responded that they are required to provide the Town with a road bond or letter of credit before the County will approve the plat. They are also required to submit financial surety to the County for the drainage structures.
- He enquired about the project timetable. The response was that the project will be done in one phase and will start as soon as possible. The timetable for asphaltting will be addressed at the Final Plat stage.
- He feels the Plan Commission should have more information before they make a recommendation.
- He questioned to impact to the school district. The property is in the New Holstein School District; they are more than willing to take the kids.

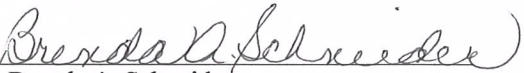
John Kreitzer addressed the audience with the following statements:

- They want to make the drainage work and improve the neighbors' lives.
- They've spent a great deal of money to hire competent professionals.
- The County and the DNR are involved.
- Their goal is to reduce the impact of surface water to the neighboring properties. The neighbors currently have little protection. The ponds and ditches will retain and redirect the current water flow.
- This is his first subdivision. However, his brother has done at least a dozen in Milwaukee area suburbs and West Bend.

Joe Thome motioned to recommend the Town Board accept the Preliminary Plat of Fisherman's Estates as revised, seconded by Bill Spieker. Motion carried (6-1 Joan Simon voted in the minority).

Mike Wirtz motioned to adjourn at 8:45 p.m., seconded by Bud Sabel. Motion carried (7-0).

Attest:



Brenda A. Schneider
Plan Commission Secretary

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, March 2nd, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on the Final Plat of Sand Hill Ridge as requested by Signature Homes. Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Mike Wirtz, Joan Simon, Leon Schneider, Bill Spieker and Secretary Brenda Schneider.

The Chairman called the public hearing to order.

Member Mike Wirtz had spoken to Eric Otte, JE Arthur & Associates. Mr. Otte would not be able to attend the public hearing and was unable to send someone in his place due to illness or previous commitments. Mr. Otte did question Mr. Wirtz on the possibility of beginning to strip topsoil soon. A bond could be posted for such activity.

The Plan Commission discussed the zoning change requirement. It is anticipated that the Town Board will approve the zoning change as a part of the comprehensive revisions to the Zoning Map at their March 14th meeting.

The Plan Commission also discussed the issue of sewer service. The sanitary district has not submitted a written commitment to provide sewer service. The Sanitary District's ordinance currently states that a developer requests a sewer service extension after receiving Final Plat approval. The District is currently discussing revising their ordinance to address the issue. The District's attorney will be submitting a preliminary commitment letter to Sam Tobias, the Fond du Lac County Planning Director, within the next couple of days.

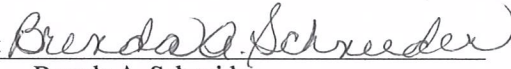
The Plan Commission revisited the issue of Signature Homes assisting Kristine Koenigs' with the removal of her mound system and create a swale in the vicinity of the mound in order to divert the surface water away from her back door. Ms. Koenigs agreed to seed the affected area and assisting Ms. Nelson and Mr. Frye with the drainage across their land. At the previous meetings, it was mentioned that JE Arthur/Signature Homes would move the discharge pipe to the property line and design, excavate a drainage system and restore their property. It is unclear as to what degree of assistance Arthur/Signature Homes is willing to provide. It has also since been determined that installing a storm sewer across the property to the highway is not practicable.

Bill Spieker motioned to recommend the Town Board approve the Final Plat of Sand Hill Ridge conditional upon the following:

- The property be rezoned to R-1(Residential with public sewer),
- Provide assistance to Kristine Koenigs for the removal of her mound system and creation of a swale in the vicinity of the mound system in order to divert the surface water away from her back door,
- The receipt of a written agreement between Signature Homes and Ms. Nelson and Mr. Frye addressing the relocation of the discharge pipe and assistance with drainage across their lands, and
- A recommendation that Signature Homes considers placing a one-story height restriction on Lots 12 & 13.

The motion was seconded by Joan Simon. Motion carried (7-0)

Joe Thome motioned to adjourn at 7:52 p.m., which was at the conclusion of the third public hearing, seconded by Mike Wirtz. Motion carried (7-0).

Attest 
Brenda A. Schneider
Plan Commission Secretary

March 2nd, 2005

Plan Commission Public Hearing
L&H Gyr Rezone Petition
Industrial to R-1(Residential with public sewer)

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, March 2nd, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on behalf of L&H Gyr's request to rezone 39.86 acres from Industrial to R-1(Residential with public sewer). The parcel abuts Silica Road and Hwy. 151. Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Mike Wirtz, Joan Simon, Leon Schneider, Bill Spieker and Secretary Brenda Schneider.

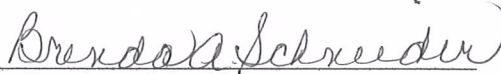
The Chairman called the public hearing to order.

Leonard Gyr was present for the public hearing. Mr. Gyr plans to develop the site in about one year. Mr. Gyr also intends to continue to extract gravel from the pit for the next season or two. Mr. Gyr was informed that upon the rezoning of the land to a residential classification; he would no longer be able to extract minerals at the site. Mr. Gyr withdrew his request.

No further action was needed by the Plan Commission.

Joe Thome motioned to adjourn at 7:52 p.m., which was at the conclusion of the third public hearing, seconded by Mike Wirtz. Motion carried (7-0).

Attest



Brenda A. Schneider
Plan Commission Secretary

March 2nd, 2005

Plan Commission Public Hearing
Comprehensive Rezone of areas recently sewerred or soon to be sewerred.
R-2 to R-1 and B-2 to B-1

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, March 2nd, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on the comprehensive rezone of lands from R-2(Residential without public sewer) to R-1(Residential with public sewer) and B-2(Business without public sewer) to B-1(Business with public sewer) in the areas recently provided with sewer service, or soon to be provided sewer service. The impacted lands are more specifically described as follows:

- Sewer service area of the Taycheedah Sanitary District No. 3-St. Peter Area Sanitary District, as illustrated on the map labeled as such,
- Sewer service area of the Johnsburg area of the Johnsburg Sanitary District, as illustrated on the map labeled as such,
- Sewer service area of the Malone area of the Johnsburg Sanitary District, as illustrated on the map labeled as such,
- Sewer service area of the Mengel Hill Road/Meyer Court area of the Johnsburg Sanitary District, as illustrated on the map labeled as such, and
- A part of Section 9 in T.16N. R.18E., Gov't Lot 1, excluding the following: lake lots, the South 33', CSM #1507-9-7, Lot 1 CSM#1509-9-7 and CSM#4723-28-13 (V977-863 & V987-828), 44.78 acres, the property abuts Fisherman's Road, and
- A part of Section 9, T.18N. R.18E., that part of the NW 1/4 of the NE 1/4 lying north and west of the Hwy, excluding the following: 5 acres as recorded in V390-311, the south 33' recorded in V481-156, CSM#1092-7-52 and V778-262 & V906-873 as recorded in V977-863, 20.29 acres. The property abuts Fisherman's Road and Hwy. 151.

The proposed comprehensive rezonings do not affect land currently zoned A-1 (Exclusive Agriculture), A-T (Agricultural Transitional), A-2 (General Agriculture) or I (Industrial).


Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Mike Wirtz, Joan Simon, Leon Schneider, Bill Spieker and Secretary Brenda Schneider.

The Chairman called the public hearing to order.

A majority of the lands are located within the Johnsburg Sanitary District or the sewer service area of the Taycheedah Sanitary District No. 3-St. Peter Area Sanitary District. The remainder of the lands is known as the Fisherman's Estates subdivision.

Bill Spieker motioned to recommend the Town Board approve the comprehensive rezoning from R-2 to R-1 and B-2 to B-1 of the lands located in the areas impacted by the newly constructed, or soon to be constructed, sanitary sewer collection systems, seconded by Bud Sabel.

Joe Thome motioned to adjourn at 7:52 p.m., which was at the conclusion of the third public hearing, seconded by Mike Wirtz. Motion carried (7-0).

Attest 
Brenda A. Schneider
Plan Commission Secretary

April 6th, 2005

Plan Commission

1.

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, April 6th, 2005, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the following revision to the Zoning Ordinance:

Zoning Ordinance

13-1-48(d)(1) R-7 Lakeside Single-Family Residential District

Reduce the minimum lot size from 21,780 sq. ft. (1/2 acre) to 10,000 sq. ft.

Members present were Acting Chairman Joe Thome, Bud Sabel, Leon Schneider, Bill Spieker, Joan Simon, Mike Wirtz and Clerk Brenda Schneider. Chairman John Wagner was absent.

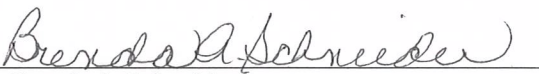
The Acting Chairman called the meeting to order at 7:12 p.m.

Commission discussion and public comments were as follows:

- Dennis & Betty Boehrig, and other lakeside property owners, submitted a petition requesting the Town Board consider reducing the minimum lot size in the R-7 District.
- The minimum lot size was increased from 10,000 sq. ft. to 1/2 acre in February, 2002.
- Fond du Lac County Shoreland Zoning requires a minimum lot size of 10,000 sq. ft.
- The Boehrigs bought two lots 35 years ago. The two lots were combined into one lot by CSM a couple of years ago. Now they want to re-split the lot into two but the Town Board can not approve the CSM due to the increased lot size. They want to build a house. There is an extra lateral to the lot.
- Citizen concern regarding one person wanting to change the ordinance that is applicable to the entire town and concern regarding the need for residents to keep themselves informed.
- The Boehrigs are the first to come forward due to the negative impact and hardship caused by the lot size increase. The issue impacts the entire lakeshore; not the entire Town.
- The history of the change to the lot size was discussed. The Plan Commission, at the February 2002 hearing, with a vote of 4-3, recommended the Town Board leave the minimum lot size as previously established and to research developing a cluster subdivision ordinance. However, the Town Board approved the increase to the lot size.

Bill Spieker motioned to recommend the Town Board maintain consistency with Fond du Lac County Shoreland Zoning lot size requirements and approve the amendment to reduce the minimum lot size to 10,000 sq. ft. for the R-7, Lakeside Single-family Residential District, seconded by Joan Simon. Motion carried (6-0-1 absent).

Leon Schneider motioned to adjourn at 7:37 p.m., seconded by Mile Wirtz. Motion carried (6-0-1 absent).

Attest: 
Brenda A. Schneider
Town Clerk

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, April 6th, 2005, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the following revision to the Zoning Ordinance:

- *Title 13 Zoning Code, incorporate a title page specifying the date of adoption and the dates of subsequent revisions.*
- *Section 13-1-40, insert "A-2 General Agricultural"*
- *Section 13-1-53(d), insert "with the exception of nonmetallic mineral extraction and wireless telecommunication facilities".*
- *Section 13-1-52(d)(1), insert "Nonmetallic Mineral Extraction. See Section 13-1-73(d)".*
- *Section 13-1-57(g), correct the reference to refer to Section 13-1-52(f).*
- *Section 13-1-60, correct the reference to refer to Sections 13-1-52 and 13-1-53.*
- *Section 13-1-76, insert "In the event a facility is exempt from the provisions of Section 13-1-76, the facility will require a conditional use permit under Chapter 91, Wis. Stats.*
- *Section 13-1-73(d), insert "A-1".*
- *Section 13-1-130(e)(1)(b), correct the spelling of "corner lots".*
- *Section 13-1-130(e)(6), correct the spelling of "National Electrical Safety Code".*

The Plan Commission will also be recommending various non-substantive editorial revisions to the Zoning Ordinance.

Members present were Acting Chairman Joe Thome, Bud Sabel, Leon Schneider, Bill Spieker, Joan Simon, Mike Wirtz and Clerk Brenda Schneider. Chairman John Wagner was absent.

The Acting Chairman called the meeting to order at 7:08 p.m.

The following brief history was presented by Clerk Brenda Schneider:

- The Town has been working with the Wisconsin Department of Agriculture, Trade and Consumer Protection to obtain re-certification of the Town's Zoning Ordinance for Farmland Preservation.
- DATCP has required several amendments to the Zoning Ordinance over the years.
- The proposed amendment is the final directive from DATCP before re-certification will be awarded.
- The proposed amendment makes corrections to the text of the ordinance.
- The amendments need to be approved and submitted to DATCP by May 1st.

Public comment and questions were as follows:

- None was given.

Bud Sabel motioned to recommend the Town Board amend the ordinance as required by the Department of Ag, Trade & Consumer Protection in order to be certified for Farmland Preservation purposes, seconded by Leon Schneider. Motion carried (6-0-1 absent).

At 7:12 p.m., the Plan Commission concluded the public hearing and convened into another public hearing addressing another matter.

Attest: Brenda A. Schneider
Brenda A. Schneider
Town Clerk

The Plan Commission of the Town of Taycheedah conducted a public hearing on Thursday, May 5th, 2005, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the Final Plat of the Fisherman's Estates subdivision. Members present were Chairman John Wagner, Bud Sabel, Joan Simon and Leon Schneider. Absent were Mike Wirtz, Bill Spieker and Joe Thome. Also present was Secretary Brenda Schneider.

Chairman Wagner called the public hearing to order at 7:04 p.m.

Eric Otte, engineer for J.E. Arthur, represented the owners, Fisherman's Investments, LLC.

Mr. Otte's presentation was as follows:

- The Preliminary Plat was recommended for approval by the Plan Commission and was approved by the Town Board.
- Final Plat is similar to the Preliminary Plat.
- The number of lots remains at 55.
- The only change was an increase in the size of Outlot 2; which is in the northwest corner. The change was required by Fond du Lac County for additional water retention.
- Accompanying the Final Plat are the following:
 - Stormwater Management Agreement and Bylaws,
 - Articles of Incorporation,
 - Restrictive Covenants,
 - Letter of Credit.
- Mr. Otte is willing to draft a Developers Agreement if the Town Board wants it.
- They intend to complete all construction this year.
- The culvert across Fisherman's Road will be eliminated in lieu of the replacement of the culvert across Willow Lane Beach Road. Rip rap will also be installed.
- They would like to start construction within one month.
- They are hoping for completion by the end of July.
- The first lift of asphalt will be laid this Fall.

Neighboring property owners, voiced the following concerns:

- They feel a Developers Agreement is necessary.
- They question who would be responsible for collateral damage caused by failure of the drainage system.
- They question a Certificate of Insurance for post construction; such as "Completed Operations Insurance".
- They questioned the number of wells and their depths that will be located within the development.
- They inquired about a joint effort to solve the runoff problem of the north ditch.

Eric Otte and the Plan Commission provided the following responses:

- The lot owners will eventually own the ponds.
- The Stormwater Management Agreement authorizes the Town to inspect the systems, order maintenance and contract to have the necessary work done in the event the owners do not respond to the order. The costs would be assessed back to the lot owners.
- The Town and County will have authority to take whatever corrective action is necessary.
- Mr. Otte, nor the Commission, is aware on any provision or law to cover collateral damage.
- Financial surety is in place to ensure that construction will be completed.
- J&E Arthur will perform inspections during each phase of the construction.
- The contractors are required to provide a one year warrantee, per the contract.
- The contractors must carry liability insurance. They must supply a certificate of insurance. The Town is named as an additional insured.
- Town & County is the primary contractor.
- Each lot will have a well. The restrictive covenants do not require shared wells. The lot owners could agree to share a well. The depths of the wells are unknown.
- Mr. Otte spoke to Lynn Mathias at considerable length about the north ditch. Mr. Mathias was going to develop a plan for the ditch at Mr. Otte's request. Mr. Otte has not heard from Mr. Mathias. They do

plan to install large rip rap or breakwater stone by the discharge pipe in the northwest corner. The ponds are designed to not impact the north ditch. Rip rap will be added to the south side of the ditch to stabilize the berm. They offered to do a more extensive stabilization of the entire ditch in exchange for two additional lots within the development. The Town Board did not indicate that they were interested in the offer. The ditch contains numerous trees. The trees help to slow the flow of water but they also prohibit erosion.

- Lynn Mathias is not aware of any grant possibilities for a ditch project.

A neighboring property owner requested to go on record that the insurance issue was brought to the attention of the Commission and was not verified; and noted the lack of a signed Developers Agreement. Chairman ensured that their concerns would be forwarded to the Town Board.

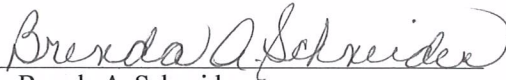
Bud Sabel motioned to recommend the Town Board accept the Final Plat of Fisherman's Estates. Joan Simon was in objection due to the need for additional time to investigate the insurance issue and concerns about water problems. It was unclear as to who would provide such insurance.

Mr. Otte commented that they have gone above and beyond the Town's and County's requirements. He understands the neighbors concerns. All of the documentation relating to the project was compiled with their concerns in mind. The contractor and engineer are required to carry insurance. The lot owners will carry the responsibility. The Town's ordinance does not require insurance.

Leon Schneider seconded Bud's motion with the condition that Attorney John St. Peter is asked for an opinion regarding Completed Operations Insurance prior to the Town Board meeting. Motion carried (3-1-3 absent). Joan Simon was in the minority.

Leon Schneider motioned to adjourn at 7:45 p.m., seconded by Joan Simon. Motion carried (4-0-3 absent).

Attest:



Brenda A. Schneider
Plan Commission Secretary

The Plan Commission of the Town of Taycheedah conducted a public hearing on Thursday, May 5th, 2005, at 7:47 p.m., at the Town Hall. Commission members present were Chairman John Wagner, Joan Simon, Leon Schneider and Bud Sabel. Also present was Secretary Brenda Schneider. Absent were Mike Wirtz, Joe Thome and Bill Spieker.

Chairman Wagner called the public hearing to order.

Craig Keach, Aero Metric and Eric Otte, J.E. Arthur, represented the owner, Ken Sippel. Mr. Keach's and Mr. Otte's presentation was as follows:

- The plat proposes 7 lots.
- All lots are 5 acres or more.
- The plat extends Blackberry Drive to Seven Hills Road.
- The development will not be sewerred.
- The plat contains Outlot 1 for the future extension of a road into the Jack Koenigs property.
- The plat contains two ponds that will be built for stormwater management. The ponds will slowly release into the creek. The stormwater management was designed to DNR and County specifications.
- There will be no construction near the creek.
- It was noted that Lot 5 & 6 are mislabeled on the drainage plan.
- The existing cul de sac is intended to remain as previously platted. It was never paved. However, the Town could vacate a portion of the cul de sac or leave it as additional right-of-way. Mr. Sippel is willing to vacate it.

Neighboring property owners voiced the following concerns:

- A neighboring property owner objected to Outlot 1 for a road extension. Additional development on the Koenigs property will increase traffic on Blackberry Drive.
- A neighboring property owner requested the speed limit be reduced from Blackberry Drive to Golf Course Drive.
- A neighboring property owner questioned the timing of blacktop.
- A neighboring property owner enquired about restrictive covenants.
- A neighboring property owner asked about the possibility of further subdividing the lots.
- A neighboring property owner point out that Outlot 1 does not have a 15' utility easement.
- A neighboring property owner asked about the ponds.
- A neighboring property owner spoke with Mr. Otte about the possibility of altering the ponds or adding more ponds. Some of the neighbors enjoy the wildlife attracted to the existing ponds. Mr. Otte will contact those lot owners individually.

Eric Otte and the Plan Commission provided the following responses:

- Brenda Schneider informed the audience that the Fond du Lac County Parks & Development Committee reviews and approves all plats within the county. The Committee has consistently required outlots for future access points.
- The Town Boards of Taycheedah and Forest would need to authorize a change in the speed limit on Golf Course Drive.
- Mr. Sippel responded that he would want to let the gravel settle before paving. Mr. Otte suggested waiting for at least one winter cycle due to the anticipated low traffic flow.
- Mr. Sippel intends to apply the same restrictive covenants to the plat as what applies to the original area.
- The lots could be further subdivided through the formal rezoning process. The lots would have to be at least 1.5 acres. Mr. Sippel will consider recording a deed restriction to prohibit further dividing the lots.
- Mr. Keach could add the utility easement.
- The ponds will be 5 feet deep in the center for sediment storage. They will then have a 3:1 side slope and a 10:1 safety shelf. The ponds will collect water and release it at a rate slower than the current rate. The ponds could be maintained by all of the lot owners on this plat or by each lot owner where a pond is located. Dredging may be needed every 20 years. Mr. Sippel will need to decide who will be responsible for the maintenance of the ponds. The responsible parties will need to be noted in the

May 5th, 2005

Plan Commission Meeting
Ken Sippel-Preliminary Plat

2.

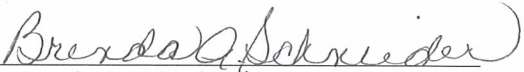
Stormwater Management Agreement.

A neighboring property owner had an informal discussion with Mr. Sippel about the possibility of purchasing all of the property before the platting process proceeds any further. Mr. Sippel said he would be willing to discuss it further with her.

Leon Schneider motioned to recommend the Town Board accept the Preliminary Plat, seconded by Joan Simon. Motion carried (4-0-3 absent).

Bud Sabel motioned to adjourn at 8:35 p.m., seconded by Leon Schneider. Motion carried (4-0-3 absent).

Attest:



Brenda A. Schneider
Plan Commission Secretary

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, July 6th, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on behalf of Ken Sippel's request to rezone 47.201 acres from R-8 (Residential Estate) to R-2 (Residential without public sewer). The parcel abuts Seven Hills Road and Blackberry Drive. Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Mike Wirtz (tardy), Joan Simon, Leon Schneider, Bill Spieker and Secretary Brenda Schneider.

The Chairman called the public hearing to order.

Brenda Schneider made a statement regarding someone inserting copies of the legal notice and other documentation generated by her inside mailboxes along Blackberry Drive. Inserting materials without postage into mailboxes is against the law. The Mt. Calvary Post Office thought Brenda was responsible for the illegal activity. Brenda informed the group of the ordinance requirements regarding direct notification. Brenda also informed the group that she does not appreciate the distribution of materials in a manner that insinuates her responsibility for it regardless if it is legal or illegal.

Mr. Sippel was planning on developing a seven 5 acre minimum lot subdivision under the R-8 zoning. If he develops under the R-2 zoning; he would split it into about fourteen +/- 2.5 lots. A preliminary plat for R-8 development has been approved by the Town and the County. Developing 5 acre lots is not economically feasible. Five acre lots would cost approximately \$30,000.00 each to develop; whereas 2.5 acre lots would cost approximately \$20,000.00 per lot. It was noted that the existing lots along Blackberry Drive are 1.5 acres.

Some of the neighboring property owners are concerned about restrictive covenants. Mr. Sippel commented that the development would have the same covenants as the existing lots. Chairman Wagner explained that as far as the zoning is concerned, R-2 would be more restrictive. R-8 allows a limited number of animals and larger sheds.

The State and County issues sanitary permits for lots with enough square footage to accommodate an alternate site in the event the on-site system fails. The minimum square footage would be considerably less than 2.5 acres.

Some of the neighboring property owners are concerned about a future road to the property owned by Jack Koenigs. Jack was present. He explained that his son wants to build a home; however, the property lacks the minimum road frontage for another home. The County and the Town have a 1000 ft. limitation on the length of cul de sacs. The County Parks & Development Committee required the road extension. Chairman Wagner informed those present that the issue of the public hearing was to address the zoning; not the platting.

Mike Wirtz arrived.

Plan Commission member Joe Thome questioned when the Town will work in agreement with the Long Range Plan. He commented that the Town keeps approving rezone requests. He feels we need to preserve the ag-land.

Some of the neighbors again addressed the restrictive covenants that would apply to the new development. They believe the covenants have not been enforced in the past. He is concerned about a requirement to build comparable housing in the new development. He does not want to see the existing properties de-valued.

Another neighbor is concerned about the protection of the environment. She feels smaller lots will have a greater impact on the environment.

Member Joan Simon concurred with Mr. Thome regarding the need to maintain control over the loss of ag-land. She feels the Town should infill 90-95% of the existing vacant lots before creating more developments.

Mr. Sippel commented that he purchased the land in 1975 and that it has been zoned residential for quite sometime.

Some of the neighbors ask Mr. Sippel for the ability to review the proposed restrictive covenants with him. Mr. Sippel agreed. The owners are thinking about forming an association. They want reassurance that the housing will not reduce their property values.

The neighbors doubt the initially proposed 5 acre lots would have hit the market. He and others would have bought a lot or two.

July 6th, 2005

Plan Commission Public Hearing
Ken Sippel rezone R-8 to R-2

2.

Member Mike Wirtz commented that it is not the Town's responsibility to make a development profitable. They need to follow the guidelines established in the Plan in order to have orderly growth.

A neighbor questioned the timing of the building of the road. Chairman Wagner responded that the base would be built right away and that the blacktop probably wouldn't be done for a year or two.

Chairman Wagner explained the formal platting process.

Joe Thome motioned to recommend the Town Board deny the rezone request due to the need to follow the Long Range Plan.

In response to a question, Brenda Schneider explained that the County changed their subdivision ordinance. The change requires Mr. Sippel to develop a formal plat before he can sell any more lots due to the fact that he has met his limit on the number of lot splits that can be done by certified survey maps. The neighbors could collective purchase the entire parcels and leave it as is without having to develop a formal plat.

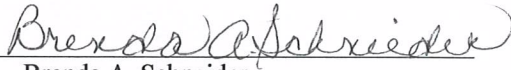
The group discussed the proposed road layout as established in the preliminary plat developed based upon the R-8 zoning. Chairman Wagner informed the group that if the R-2 zoning is approved; Mr. Sippel would be required to re-plat the land. Re-platting would require more public hearings. The 'worst-case scenario' would be 20+/- lots at 1.5 acres if rezoned to R-2.

A neighbor reiterated the need to protect the environment and nature. She commented about owning a 5 acre lot but not lawn cutting the entire 5 acres.

Bill Spieker seconded Joe Thome's motion the recommend the Town Board deny the rezone request due to the need to follow the Long Range Plan. Motion carried (7-0).

Mike Wirtz motioned to adjourn at 7:49 p.m., seconded by Joan Simon. Motion carried (7-0).

Attest



Brenda A. Schneider

Plan Commission Secretary

The Town of Taycheedah Plan Commission conducted a public hearing on Thursday, August 4th, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on behalf of Signature Homes-Adashun Jones, Inc.'s request to rezone Sand Hill Ridge Lots 1 thru 6 from R-1 (Single-Family Residential with public sewer) to R-3 (Two-Family Residential with public sewer). The Sand Hill Ridge development abuts Cty. QQ. Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Mike Wirtz, Joan Simon, Leon Schneider, and Secretary Brenda Schneider. Bill Spieker was absent.

The Chairman called the public hearing to order.

Sand Hill Ridge contains 37 lots at a minimum of 1/2 acre each. Their objective is to build side-by-side duplexes on Lots 1 thru 6.

Sand Hill Ridge was comprehensively rezoned earlier this year from R-2 (Single-Family Residential without public sewer) to R-1 (Single-Family Residential with public sewer).

Some neighboring property owners had the following concerns:

- Additional traffic,
- 1/2 acres may be too small for two families,
- Rental properties tend to bring in riff raff,
- Reduction of property values,
- Additional water removed from the aquifer,
- Signature Homes is trying to make more money,
- Questioned why didn't Signature Homes bring this up during plat approvals?

Glenn Elmer, representing Signature Homes, arrived. Mr. Elmer provided the following details:

- The purpose of the request is to meet a demand.
- He has received a couple of calls from local residents.
- The rezone request is for condominium development for retirees
- The units would be sold as condominiums; not rental property.
- It would provide an option for retirees who don't want to leave the area.
- The units would be approximately 1,200 sq. ft. with 2-car garages.
- The duplexes would not cover any more land than a 2,000 sq. ft. home with a 3-car garage.
- Signature Homes plans to erect a berm along the adjacent lot line to establish a shield.
- The berm will be 2-3 feet high and will include plantings; such as evergreen trees.
- If Lots 1-6 remain R-1, there would not be the requirement of building the berm.
- Signature Homes would form a condominium association for the maintenance of the property.
- Signature Homes will stipulate a prohibition on creating rental properties.
- The duplexes would use a variety of architecture.
- Aesthetics is kept in mind when designing the condominiums.
- Signature Homes is willing to provide sample designs and specs, if desired.
- Signature Homes would build the duplexes.
- The duplexes will have shared wells.
- Signature Homes has not been able to meet the demands for retiree condominium development.
- They have done similar projects in Oshkosh, Appleton and Fond du Lac.
- All of their condominium projects have been owner occupied condos; not rental property.

Some of the Plan Commission Members received calls from residents both supportive and opposed to the rezone. Those opposed were of the opinion that the duplexes would become rental property.

As a condition of the plat approval, Signature Homes contracted with Simon Excavating to address drainage along Rosenthal Court and through Kris Koenigs' property. Jim Rosenthal III objects to the location of the new swale. It was his understanding that the new swale would be constructed where Ms. Koenigs' mound was located and where the drainage was flowing. Mr. Rosenthal believes Ms. Koenigs directed the excavator to move it onto his property. The Town Board will need to address Mr. Rosenthal's issue. It is not a matter for the Plan Commission to consider.

August 4th, 2005

Plan Commission Public Hearing
Sand Hill Ridge-Lots 1-6 rezone R-1 to R-3

2.

Additional comments made by Glenn Elmer were as follows:

- He can submit to the Town Board photos, sample floor plans, and sample condominium declarations.
- Signature Homes would be the architectural Control Committee; not untrained neighbors.

A neighboring property owner was concerned about the impact of the noise from Perl's Country Inn on the elderly that would purchase the condos. The resident also would like to see the condominium property along the woods at the north boundary of Sand Hill Ridge.

The Plan Commission enquired on whether or not Signature Homes would consider relocating the duplexes to another area of the development. Mr. Elmer commented that their second choice was the inner circle. However, the area selected would be the least invasive to the remainder of the development.

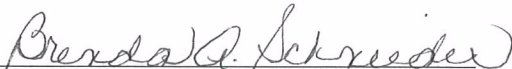
Joe Thome motioned to recommend the Town Board approve the rezone request submitted by Signature Homes for Lots 1 thru 6 of Sand Hill Ridge from R-1 to R-3 under the condition that Signature Homes presents to the Town Board at their August meeting the following documents:

- *Sample floor plans,*
- *Elevations,*
- *Sample condominium declarations,*
- *Stipulation that the duplexes will not be used for rental property, and*
- *Only ranch style homes are built on Lots 1 thru 6.*

The motion was seconded by Bud Sabel. Motion carried (5-0-1 abstention, 1 absent). Mike Wirtz abstained.

Leon Schneider motioned to adjourn at 7:53 p.m., seconded by Joe Thome. Motion carried (6-0-1 absent).

Attest



Brenda A. Schneider
Plan Commission Secretary

The Town of Taycheedah Plan Commission conducted a public hearing on Thursday, October 6th, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on behalf of R.A.M. Investments, LLC's request to rezone 50.1 acres from Agricultural Transitional (A-T) to Business with public sewer (B-1) and 9.6 acres from Agricultural Transitional (A-T) to Residential with public sewer (R-1). The property abuts Hwy. 151, Winnebago Drive and Sandy Beach Road. Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Joan Simon, Leon Schneider, Bill Spieker and Secretary Brenda Schneider. Mike Wirtz was absent.

The Chairman called the public hearing to order at 7:02 p.m.

Brent Schumacher, one of three partners, representing R.A.M. Investments, LLC, addressed the Plan Commission. Mr. Schumacher presented the following overview of the project:

- R.A.M. has an approved offer to purchase the land contingent upon the zoning changes.
- The R-1 area is planned to be 250 ft. deep and 75 ft. wide running parallel to Sandy Beach Road.
- R.A.M. intends to petition Fond du Lac County Shoreland Zoning for a variance to establish the outlots at 60 feet wide in order to be consistent with the existing lake-side lots.
- The east side of the R-1 area will be bermed and have plantings to create a barrier between the R-1 and B-1 areas.
- The R-1 area will be used as outlots for detached garages only.
- R.A.M. has no immediate plans for the B-1 area.
- Kevin Twohig and Michael Korb are the other partners.
- The Dept. of Transportation plans to alter the intersection of Winnebago Drive and Sandy Beach Road to create a 90* intersection. Jeff Volz, DOT, has informed the partners that they won't be able to do anything with the pie-shaped area at the intersection.
- There are no plans to access the business area via Sandy Beach Road. The DOT will determine the access location.
- They do not intend to develop an industrial park; only retail and light industrial.
- Two of the partners live on Sandy Beach Road. They are concerned about controlling the development of the property for the benefit of the neighbors.

Kevin Twohig, a partner, made the following comments:

- Mr. Grebe saw the investment potential of the property.
- He and his partners had heard some rumors about the development of the property.
- The three partners decided to pursue purchasing the property in order to protect the area and the neighbors.
- They are concerned about everyone's best interest.

Public comments and questions were as follows:

- Sandy Beach Road is narrow. There is no ditch on one side. Additional traffic would be hazardous.
- An attendee was upset with the proposal. He made the following comments:
 - He disagrees with the rezoning.
 - He's aggravated with ideas not being followed through.
 - Peebles Plaza is almost empty.
 - The area will be built-up and then the City will annex it.
 - He bought his property 17 years ago for the country feel.
 - He's tired of the country becoming a city.
 - St. Peter could use a gas station.
 - All everybody thinks about is money.
 - The land should be a park for the kids.
 - *After a tense debate with another attendee, the man left the meeting.*
- Paul Lane, neighboring property owner, supports the proposal. It will give him an opportunity to purchase an outlot. The outlots will provide a buffer between the lake lots and the business area. He is concerned about the drainage. He would rather see it developed by people with a vested interest in the development than an out-of-town developer.
- Another individual was concerned about the City of Fond du Lac's water project and annexation potential. The Town's Intergovernmental Boundary Agreement was explained. The Grebe land is not annexable, per the agreement.

Jerry Guelig, Town Chairman, added the following comments:

- The current Intergovernmental Boundary Agreement expires in 10.5 years.
- The agreement establishes a city growth area. The Grebe property is not in the city growth area.
- Land owners in the city growth area would have to petition the city for annexation.
- He would like to see retail and light industry at the Grebe site.
- He is in favor of the development.

- The Town Board has worked to try to keep the open concept in development. The minimum lot size in a sewered area was increased from 15,000 sq. ft. to 1/2 acre.

Plan Commission comment was as follows:

- A member questioned Town Chairman Jerry Guelig as to why the Plan Commission spends their time conducting a public hearing because the Town Chairman indicated to them how he will vote on the proposal.

Brent Schumacher's project overview continued as follows:

- Ron Cunzenheim, REC Engineering, will develop a drainage plan for the project. The berm will direct drainage away from Sandy Beach Road. A retention pond is planned in the back area of the property. The Fond du Lac County Erosion Control and Stormwater Management Ordinance will stipulate the drainage plan.
- *After hearing further comments regarding specific drainage patterns and the existing adverse impacts, Chairman Wagner informed the attendees that details of the drainage plan is not an issue currently under review and that the Town will review it at the Preliminary Plat stage.*
- The partners plan to sell the outlots to Sandy Beach Road property owners only. They also plan to establish restrictive covenants on the outlots restricting private-party sales of the outlots to other Sandy Beach property owners.
- Brent commented that the State will control where, if any, access is allowed onto Winnebago Drive. Brent further commented that if the State won't approve an access; they won't purchase the property.

Additional public comments and questions:

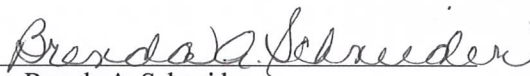
- An attendee questioned the types of business that would be allowed. *Approximately half of the permitted uses contained in the Zoning Ordinance were read aloud.* There was a question regarding gas stations. *Gas stations are classified as a conditional use.* Bonnie Davies, owner of the Corner Pump Plus, commented on the investment she and her husband made in the Town of Taycheedah 2 1/2 years ago. Brent responded that they do not intend to build a gas station; however, a buyer could. Another attendee claimed that Mrs. Grebe was approached a couple of times by an oil company wanting to build a truck stop on the site.
- An attendee commented that the Town does not need another strip mall.
- A neighboring property owner is glad that they are proposing business development. It will protect property values. She added that it was inevitable that the bypass would bring development. She is also glad the investors are concerned about the impact to the area.
- Jim Bertram, Town Board Supervisor, commented that he attended a meeting recently that addressed local transportation. Studies have indicated that only about one-third of the vehicles will use the bypass; the remainder is still using Winnebago Drive.
- John Dobyms commented that he fought for the bypass when he was in the legislature. Fond du Lac was the only large city without a bypass. The real affect of the bypass won't be felt until the Hwy. 45 connection is made. The State will not allow ingress and egress on the bypass.

Bill Spieker motioned to recommend the Town Board approve the rezone request submitted by R.A.M. Investments, LLC, for 50.1 acres from A-T to B-1 acres and for 9.6 acres from A-T to R-1 as requested, seconded by Leon Schneider. Motion carried (5-1-1 absent). Nay-Joan Simon.

Dave Huck voiced concern about glare from lights; they should be shielded.

Member Joe Thome commented that he knew this would happen eventually. He asked that the partners do it right and make drainage a priority concern.

Joe Thome motioned to adjourn at 8:04 p.m., seconded by Bud Sabel. Motion carried (6-0-1 absent).

Attest 
Brenda A. Schneider
Plan Commission Secretary

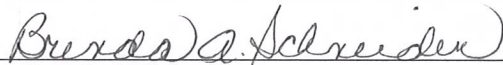
The Town of Taycheedah Plan Commission conducted a public hearing on Thursday, October 6th, 2005, at 7:00 p.m., at the Town Hall for the purpose of making a recommendation to the Town Board regarding the revisions to the Zoning Ordinance. Members present were Chairman John Wagner, Joe Thome, Bud Sabel, Joan Simon, Leon Schneider, Bill Spieker and Secretary Brenda Schneider. Mike Wirtz was absent.

The Chairman called the public hearing to order at 8:12 p.m.

The proposed revisions were as follows:

- **Section 13-1-24(f)(3)(a), front setback.** The Plan Commission discussed concerns regarding higher speed limits and not wanting homes/structures closer to the roads. The revision would apply to the town roads only. The current front setback was established in 1975. Bud Sabel motioned to recommend the Town Board approve a front setback of 30 feet from the right-of-way for all residentially zoned land, seconded by Joan Simon. Motion carried (5-1-1 absent). Nay-John Wagner.
- **Section 13-1-140(b)(3) and (b)(5), detached accessory buildings and detached garages.** Leon Schneider motioned to recommend the Town Board approve the addition of a maximum of 1364 sq. ft. on 1.75 acres, 1464 sq. ft. on 2.0 acres and 1500 sq. ft. on 2.5 acres, seconded by Bud Sabel. Motion carried (6-0-1 absent).
- **Section 13-1-25(b) roofs.** Joe Thome motioned to recommend the Town Board approve allowing standing-seam steel roofs and deleting Subsection (d), seconded by Leon Schneider. Motion carried (6-0-1 absent).
- **Section 13-1-65 Notice of Hearing on Application.** Bill Spieker motioned to recommend the Town Board approve increasing the notification area to 300 feet, seconded by Joan Simon. Motion carried (6-0-1 absent).
- **Section 13-1-73 Conditional Uses in Agricultural and Industrial Districts.** Joan Simon motioned to recommend the Town Board approve extending the permit renewal to every 10 years, seconded by Bill Spieker. Motion carried (6-0-1 absent).
- **Section 13-1-181(b)(1) and (c) Initiation of Changes or Amendments.** Bud Sabel motioned to recommend the Town Board approve increasing the notification area to 300 feet, seconded by Leon Schneider. Motion carried (6-0-1 absent).
- **Section 13-1-191 Hearing on Appeals.** Bud Sabel motioned to recommend the Town Board approve increasing the notification area to 300 feet, seconded by Leon Schneider. Motion carried (6-0-1 absent).
- **Section 14-1-32(b) Board Review; Public Hearing.** Bud Sabel motioned to recommend the Town Board approve increasing the notification area to 300 feet, seconded by Leon Schneider. Motion carried (6-0-1 absent).
- **Section 15-1-13 Regulations for Moving Buildings.** Mike Wirtz arrived during the discussion of this revision. Mr. Wirtz did not vote during the remainder of the public hearing. Joe Thome motioned to recommend the Town Board approve the revisions to the regulations for moving buildings with the recommendation an hourly rate be charged for the Town escort, seconded by Bill Spieker. Motion carried (6-0-1 absent).
 - **(f)(1) The mover shall be required to obtain and submit the \$5000.00 bond.**
 - **(f)(1) The building owner shall be required to submit a \$500.00 bond when applying for the permit.**
 - **(a)(2) The Town shall be notified at least 48 hours before the move commences.**
 - **(a)(2) A representative of the Town shall escort the move.**
 - **(a)(2) A representative of the Town shall perform a pre-move and post-move inspection of the route.**
- **Section 6-3-6(e) Placement of Mailboxes.** John Wagner recommended the Town Board contact the Post Office for more information, seconded by Joe Thome. Motion carried (6-0-1 absent).
- **Section 6-4-2(a)(3), Driveway and Culvert Location, Design and Construction Requirements.** Bud Sabel motioned to recommend the Town Board approve the prohibition of the placement of concrete in the apron of driveways, seconded by Joan Simon. Motion carried (6-0-1 absent).

Leon Schneider motioned to adjourn at 9:04 p.m., seconded by Bill Spieker. Motion carried (6-0-1 absent).

Attest: 
Brenda A. Schneider
Town Clerk

The Town of Taycheedah Plan Commission conducted a public hearing on Wednesday, November 2nd, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of making a recommendation to the Town Board on behalf of Jim Emerich & Jim Roberts, Roberts Homes, request to rezone the SE 1/4 of the NW 1/4 of Section 21 from A-T (Agricultural Transitional) to R-1 (Single-Family Residential with public sewer). The 40 acre parcel abuts Lakeview Road. Members present were Chairman John Wagner, Bill Spieker, Bud Sabel, Mike Wirtz, Joan Simon, Leon Schneider, and Secretary Brenda Schneider. Joe Thome was absent.

The Chairman called the public hearing to order at 7:03 p.m..

Ron Cunzenheim, REC Engineering, representing Jim Emerich and Jim Roberts, gave the following presentation regarding the rezone request:

- Roberts Homes is proposing to develop the property for single-family residential use with public sewer.
- The development would be served by sanitary sewer.
- The rezone request complies with the Town's comprehensive plan.
- The proposed development will have water retention.
- The proposed development is surrounded by residential uses.
- Sanitary sewer is planned for the area.
- Mr. Cunzenheim has asked for a meeting with the sanitary district commission. The commission recommended waiting until the rezone is approved.
- He expects to take the sewer to Silica Road however; Sanitary District No. 3 will decide the location.
- Jim Emerich is not interested in rezoning the 40+/- acres to the north.
- The projection for the business zoned land is unknown.
- The lot sizes in the proposed development meet the 1/2 acre minimum.
- Restrictive covenants are in a preliminary form. They will be submitted at the Preliminary Plat stage.
- The sale of the property is contingent upon the rezoning.

Some neighboring property owners had the following comments and concerns:

- On the east side of the parcel, there is a 75' outlet which abuts Edgewood Lane. There was a suggestion that a road be connected from the new development to Edgewood Lane. The Town's ordinance requires the dedication of open space. An extension of the pedestrian trail could be used to meet a portion of that requirement. The ordinance requires .04 to .2 acres per lot; to be determined during the plat stage.
- A State funded snowmobile trail crosses the property on the south edge. The local club is concerned about continued use for the trail. Ron Cunzenheim will speak to the owner.
- A pedestrian trail could be established along the south boundary of the parcel. A dedicated trail extends from Lakeview Road westward to the Town Park.
- Current and future drainage issues were discussed. The developer will be required, per Fond du Lac County Ordinance, to address the retention of surface water at the Preliminary Plat stage.
- The additional need for fire protection and increased traffic was a concern.

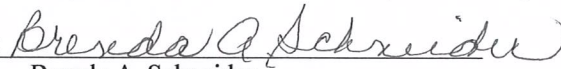
Plan Commission discussion was as follows:

- Member Bud Sabel performed a drive-by tour of the Town. He determined that there are approximately 152 vacant lots in the Sunset Drive area, Fisherman's Estates subdivision, Sand Hill Ridge subdivision and Hawk's Landing subdivision. Approximately 100 of those lots are in the Taycheedah Sanitary District No.3. Some of the members feel the Town should be encouraging infill of the lots before approving rezones for more development.
- The sanitary district would review the timing of sewer extensions to Parkview Court, Stoneridge Drive and Maplewood Lane. Bill Gius, President of Taycheedah Sanitary District No. 3, informed the Plan Commission that the development of the Emerich property was anticipated and incorporated in their plans.

John Wagner motioned to recommend the Town Board approve the rezone request submitted on behalf of Jim Emerich and Jim Roberts from A-T to R-1, seconded by Bill Spieker. Motion carried (4-2-1 abstention, 1 absent). Nay-Joan Simon and Bud Sabel.

Mike Wirtz motioned to adjourn at 7:47 p.m., seconded by Bud Sabel. Motion carried (6-0-1 absent).

Attest



Brenda A. Schneider
Plan Commission Secretary