

TOWN OF FULTON  
Planning & Zoning Committee  
2738 W Fulton Center Dr.  
Edgerton, WI 53534

Tuesday, May 8<sup>th</sup>, 2007, 6:00 PM  
Meeting Minutes

1. **Call to Order** by Sayre at 6:00 pm. Present were Sayre, Lichtfuss, Clift, Farrington, Teubert, Sautin, Rebman, and Clerk Zimmerman
2. **Confirmation of Meeting Notice** – Zimmerman advised it was posted at CKSD, Edg. City Hall, Fulton Town Hall, and published in the Edgerton Reporter.
3. **Approval of Agenda** - motion by Lichtfuss. Second by Teubert. Carried 7/0.
4. **Approval of April 19, 2007, Meeting Minutes** - Motion by Teubert. Second by Clift. Carried 7/0.
5. **Public Participation**
  - A. Rebman advised Gene Falendez was in last month and wants to add an addition to his house. Rebman advised he doesn't meet the setback requirements. He advised he and Guisleman went out to look at the property to help answer his questions. Rebman advised the ordinance reads if similar structure, however the similar structures are garages, and therefore they weren't sure if this would be similar. Guisleman advised there are 4 properties within 500 feet however the final thing will be the similar structure issue. Lichtfuss stated it would be the average of the similar properties. Rebman advised he is looking to go 3 feet closer than the setback. Sayre advised this will be on the agenda for next month for Falendez applying for a lesser front yard set back.
  - B. Dave Brown advised he is concerned about removing the Arnold Trust property parcel off of the future development map and CKSD's service area map. He stated he feels an alternative would be for CKSD to purchase the Arnold Property. He said possibly CKSD could be the first in Fulton to develop a program of purchasing property development rights
  - C. Henry Londo a realtor from Janesville, advised as the property stands now, it can be split into two parcels, and they can build on it. He asked if it was removed from the CKSD service area does that mean, then they would have to have septic, and is that something that would be allowed based on the soil types out there. He also stated that if her property rights are taken away for development, then they should compensate her accordingly.
  - D. Harold Schrank advised he had a question about the Sisco property on Ellendale Rd. He stated they want a lesser set back of 25' rather than 50' setback on the sewer lot. Hull advised we passed an ordinance amending a section in the zoning ordinance which explained restoration of certain nonconforming structures. (Sec. 10.1, 10.2, & 10.3). Lichtfuss

advised they would have to apply for a lesser setback/variance through the Board of Adjustment.

6. **Certified Survey Map, lot combination – Patrick McGuire – Second St. Indianford.** – No one appeared on behalf of McGuire. Zimmerman advised CKSD contacted her and advised McGuire paid some of the delinquent bills, but not all of them. Zimmerman also advised Combs contacted her and advised he spoke to McGuire and told him to get the delinquents cleared up. Tuebert made motion to table until McGuire brings this back to us. Second by Sautin. Carried 7/0.
7. **Plat of Survey Map, sale of land to adjoining land owner – Tara Forrer, WI Wine & Cheese Chalet – Goede Rd.** – Tara advised the map has been slightly changed, and explained she would be dividing her land and selling part of it to Carl's Shell. She indicated it would actually be part of lot 2. Motion to recommend to the Town Board to approve the Preliminary Certified Survey map by Sautin. Second Rebman. Carried 7/0.
8. **Discussion re: Arnold Trust Property – consideration of removing property parcel off of the future development map and CKSD's service area map-** Lichtfuss stepped away from the head table and recused herself from the PZ Board for this issue.

Lichtfuss stated this has been something we have dealt with for the past several years. She said they have learned there is a lot of negative impact for the sanitary district if the Arnold Property is developed. She indicated the purpose and the intent of the zoning ordinance is to regulate the use of the water, land, and to regulate the well being of the entire township and the economic development of the township. She stated if the sanitary district isn't allowed to grow or improve, affects not only Fulton but also our sister towns involved in the sanitary district. She said the Arnolds certainly have the right to sell the property. CKSD is saying the town board and zoning has to look at the intent to control the use of land and water, and what is best for the township and adjoining townships. She stated she thinks we need to look at what is compatible with the sanitary district. CKSD is there, an existing use, and to avoid future problems, they are requesting the development be changed. She stated in looking at our ordinances, it isn't clear that there is a set mechanism to take it out of the future service area for the sanitary district.

John Groessl stressed the incompatible uses, indicating that Arnolds could still sell the land, and build 2 or maybe 3 houses. He said in mid March both PZ and TB voted unanimously turn down the zoning based on incompatible uses. He also read a portion of a letter from DNR about a buffer zone, and the incompatible uses.

Farrington said something needs to be done with the property. He indicated developers have spent a lot of money trying to develop it. He stated he feels it was a mistake by the original zoning board when they made the future development map for the township. He advised in today's standards, it just doesn't fit in.

Sayre said if CKSD purchases it, then we take it off the map. He said something has to be done with the property, you cannot leave it in limbo.

Teubert said because it is on the future development map, isn't a guarantee that it will get approved. He stated everything is looked at on a case by case basis.

Sautin advised if the property remains as is, it leaves it as an open door. He feels it should be taken off and possibly has restrictions on future development.

Hull advised he was on the zoning committee back in the early 90's. He said back then they didn't have all these parameters to look at. He said it wasn't looked at closely enough as being too close to the sanitary district.

Farrington made a motion to have legal counsel do research to give us some ideas on how to, or what steps need to be taken to take the Arnold property off the future development map. Second by Sautin. Carried 7/0.

9. **Report from adhoc committee reference review of new ordinance book** – Andy Walton advised the committee met this past Wednesday and decided on a procedure of how to go through the new and old ordinance book. He advised they plan on meeting every Wed. until they get through this.
10. **Correspondence** – Zimmerman advised that as of May 15<sup>th</sup>, Ryan Garcia will no longer be with Rock County, therefore Smart Growth has been put on hold for a little while. She advised that Rock County is in the process of replacing him and will let us know once someone is selected. Zimmerman also advised the WI Dept. of Ag. will be spraying for gypsy moths in Rock Co. on May 10<sup>th</sup>, weather permitting.
11. **Adjournment** - motion to adjourn at 6:50 pm by Teubert. Second by Farrington. Carried 7/0.

Submitted by,

Connie Zimmerman

\*\*Note: These minutes are not official until approved by the Planning and Zoning Committee.