

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

Tuesday, September 11th, 2007

6:00 PM

MINUTES

1. **Call to Order-** at 6:00 pm by Chairman Sayre. Present were Sayre, Farrington, Clift, Rebman, Teubert, and Zimmerman. Sautin was absent. Lichtfuss arrived late.
2. **Confirmation of Meeting Notice** – Zimmerman confirmed the notice was published in the Edg. Reporter on 9/6/07, and posted at CKSD, Edg. City Hall, Fulton Town Hall and the website on 9/6/07.
3. **Approval of Agenda -Motion** (Farrington, Teubert) to approve agenda. Carried.
4. **Approval of Aug. 14th, 2007, Meeting Minutes – Motion** (Rebman, Clift) to approve minutes of 8/14/07. Carried.
5. **Public Participation** - none
6. **Certified Survey Map – Land division, property owner Nina Finucan, 2939 W Cox Rd.** –Steve Lathrup from Combs & Associates explained they are proposing a 2 lot CSM on Cox Rd. He explained lot 1 contains approximately 10 acres in size, and lot 2 is also approximately 10 acres in size. He advised the property is currently zoned A2. He explained on lot 2 they are proposing to add 50' of frontage on Cox Rd., which will widen out as the stem heads south to a point back where there is an existing building where the property width at that point would be 100' wide, which he stated is Fulton's zoning code minimum width at where the building is. Farrington stated he was concerned that this growth isn't listed on the future development map. Steve Lathrup explained that the zoning will remain the same, A2. Sayre asked if where it connects to the road, if there is ample site view and everything for a driveway. Steve Lathrup explained there is an existing driveway there, which currently serves two residences. Farrington stated he doesn't think this is on our future development map, and this property was just split not too long ago. Clift asked if they could come back 6 months from now, and ask to divide it again in half. Steve Lathrup said they couldn't do that unless they applied for a zoning change. A citizen stated that there are three properties using the same driveway, and now there would be four properties using the gravel driveway. Nina Finucan stated one of the property owner's just uses the driveway, she hasn't been granted an easement. Nina Finucan stated that she has another driveway, and advised when lot 2 would sell, she would use the money and make her driveway in front of her house where her fire number is already, go to her garage. She said she doesn't have the funds to do that right now. Teubert explained they are not changing the zoning on it, and this acreage fits the ordinance. **Motion** (Rebman, Teubert) to recommend to TB to approve the land division. Motion failed 2-3. Lichtfuss said the driveway issue is still isn't clear. Rebman said the easement for the neighbor remains, but the others do not have easements, so they wouldn't be using it. Lichtfuss read a portion of the A2 zoning ordinance that states that one residential dwelling for

- those resident owners engaged in the principal of farming as a substantial part of their income. Teubert added he didn't remember anyone before being asked what % of income they would get off the land. Motion failed. **Motion** (Farrington, Lichtfuss) to recommend to the TB to deny the land division. Teubert explained this request is within the rules of the ordinance, stating the zoning says 10 acres. Citizen Walton stated he didn't believe you could apply the income factor in this day and age. Sayre advised if we enforce that portion of the ordinance, that there are probably 1 or 2 possibilities in the township that would qualify. Sayre stated he didn't think there was any way to make 2/3 of your living on 10 acres. Motion carried, 3-2 (Rebman and Teubert voted against).
7. **Discussion re: amending wording of CUP to maintain the CUP status to new owner if parcel is divided as long as the use remains the same** – Sayre explained we aren't looking for a decision tonight, however stated we could make a decision if we would like to. Teubert explained that if the land was divided, then the new owner would require a new CUP. Sayre explained the letter from the attorney is a clarification of what we now have, and there was discussion previously of if we should change it. **Motion** (Farrington, Clift) to table this until next month. Carried.
8. **Draft ordinance amendment for Outdoor Wood Stoves requiring a Conditional Use Permit**- Zimmerman explained that 400' was the average from the different ordinances she has in the office from other communities. Clift stated he thought 400' might be too far and would like to see it a little lower. Sayre explained this ordinance pertains to all outside furnaces, whether they are wood burning, corn burning, LP burning, or whatever types are out there. Clift asked what kind of a grandfather clause would be on this. Sayre explained we would try to go around and figure out who has these furnaces, and advise them to come to the Town Hall and let us know they have one, because they would be grandfathered in. Sayre advised if the ones that are grandfathered have some problem occur, then we can go after them with the nuisance ordinance. Sayre advised that was brought up to the attorney, and asked if a sentence should be included in the ordinance grandfathering them, and if there were problems that they would be taken care of with the nuisance ordinance. Sayre advised the attorney stated that wording was not necessary. Zimmerman advised that if this ordinance gets passed, she would add something to the tax insert letter advising citizens who currently have them to contact the office to get them on a list so we have a list of the grandfathered furnaces. Lichtfuss asked why the attorney suggested having the grandfather clause in the Lighting Ordinance and not this ordinance. Sayre stated he wasn't exactly sure. **Motion** (Farrington, Teubert) to recommend to TB approval of the draft ordinance, but changing section 425-121(B) to 300 feet instead of 40 feet. Carried.
9. **Proposed Draft Ordinance for Exterior Lighting**- Teubert asked how this would be enforced, and asked if we have the equipment to enforce it. Chief Larson advised we would have to hire someone with a light meter. Sayre said if he recalls he thought it stated that if any lighting that is existing needs to be replaced they have to go to the new standards. Zimmerman advised the board to review the letter from the attorney because he had suggestions for the ordinance. **Motion** (Farrington, Teubert) to table this and try to change it with some of the wording that the attorney suggests. Carried.

10. **Dan Rueth property on Hillside Road – Consideration to add to the development map (Sec. 1, PT SW ¼ NE ¼ & PT NW ¼ SE ¼)** Dan Rueth explained this is about 40 acres on Hillside Rd. He stated they would like to request the board to consider adding this to the development map. Zimmerman explained that the board would have to decide if they want to add it and that motion would be passed by a majority vote. She advised then a Resolution would be drafted and would need to be passed. Clift asked what timeframe Rueth was looking at for the development. Rueth advised it is hard to say until a decision is made about the development map. Sayre suggested that something needs to be looked at with water retention, and how to handle the drainage issues and get water run off to the river. Farrington said he would like see the frontage road in place to see how that will impact the traffic. Rueth said they are dedicating some of their land for a road right of way. He explained there are no lots unloading onto the new road, and there are two out lots that are designated for water drainage. **Motion** (Farrington) to table until 5-10 years until we have a better understanding. Motion failed for lack of a second. Rueth advised 5-10 years is too long. Clift said he doesn't think we have enough information to make the right decision yet. Rebman stated he would like to see how the smart growth plan goes, and also see what the traffic is going to do. **Motion** (Farrington, Teubert) to deny the request, because he would like to see other developments finished out there. Carried.
11. **Preliminary Approval of Plan Preface and the Issues & Opportunities Chapter for the Smart Growth plan** – Zimmerman explained this is a recommendation for preliminary approval to the TB and the final approval won't be completed until the entire plan is completed. **Motion** (Rebman, Lichtfuss) to recommend to TB the preliminary approval of the Preface and the Issues & Opportunities Chapter. Carried.
12. **Information/Discussion re: Rock River Leisure Estates – Declaration of Covenants, rules and additional covenants - full time residency** - Sayre explained it has been brought to our attention that there are a number of full time residents at Rock River Leisure Estates, and there is a question on who has control over the zoning. He explained the PUD was approved before Fulton has zoning ordinances. Sayre stated that the way it is going there could be many permanent residences there, and it was never designed for that. Sayre said it shouldn't be turned into a full time residential area because it wasn't designed for that. Zimmerman read advice that she had received from the Town's Association attorney explaining that the State Statute, Chapter 703 for Condominiums does not apply unless there are condominiums. She advised the attorney stated full time living there doesn't sound like a town issue, that it is the PUD that is affected by non-conformance, and it is probably up to the PUD's board or members to enforce by litigation if necessary. George Schumert the Rock River Leisure Estates provided copies of paperwork showing that the previous board has exhausted all avenues to enforcing the covenant, and they have gotten negative results. He explained for 34 years this has been in the covenant, but this has never been enforced and the park has never been able to enforce it. He explained the past board attempted more vigorously to enforce it and they were unable to do so.
13. **Report from adhoc committee reference review of new ordinance book** – Lichtfuss advised they have completed it. Zimmerman advised she would get in

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touch with General Code to get the clarifications of the questions the committee has.

14. Correspondence

A. Zimmerman announced that CTH M at the intersection of CTH's H & M will be closed beginning 9/10/07 for bridge work and it should be re-opening approximately on Friday, November 16th, 2007.

B. Sayre advised that Kidder Rd. should be paved on Friday, so he assumed that within the next two weeks it'll be completed.

15. Adjournment - Motion (Lichtfuss, Farrington) at 7:20 pm. Carried.

Submitted by,

Connie Zimmerman
Clerk/Treasurer

****Note:** These minutes are not official until approved by the P&Z committee.