

TOWN OF HULL
PLAN COMMISSION
MEETING

Wednesday, April 13, 2016

TIME: 5:30 p.m.

- 1. CALL THE MEETING TO ORDER:** The Town of Hull Plan Commission Meeting was called to order on Wednesday, April 13, 2016 by Chairperson John Holdridge at 5:30 p.m. at the Town of Hull Municipal Building, 4550 Wojcik Memorial Dr., Stevens Point, WI 54482.

Present: John Holdridge, Jan Way, Bob Bowen, Dennis Ferriter, and Plan Commission Secretary Patty Amman.

Excused: Bob Enright, Shelley Binder, Jocelyn Reid

Also present: Chris Mrdutt from Portage County Planning & Zoning Dept., Kristen Johnson from Portage County P&Z (Associate Planner).

Citizens: Barb Brilowski, Lance Trzebiatowski, Gayle Stewart, Kyle Kluck, Jim Mendyke, Dennis Feltz, Mark Pionkowski, Joe Montgomery, Brad Cisewski, Martha Tepp, Rob Kieliszewski, Ernie Kurszewski, Anastasia Schneider, Pauline Wisinski (Firkus), J. Marshall, Mike Fuge, Jason Harris, Jim Elberg, Randy Ramczk (Emily), Chris Firkus, Lance Trzebiatowski, Richard Metz, Joe Mayer, Dale Schroeder, Eugene Kluck

- 2. APPROVAL OF MINUTES OF January 19, 2016 Hull Plan Commission meeting:**
Motion to approve the minutes of the meeting of January 19, 2016 was made by Bob Bowen, seconded by Dennis Ferriter. Motion carried by voice vote.

- 3. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS. AGENDA ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION.** *None.*

- 4. ANNOUNCEMENTS; CHAIRPERSON AND PLAN COMMISSION MEMBERS.**

Holdridge The annual meeting for the Town of Hull is Tuesday, April 19th at 5:30 p.m. That goes back to colonial New England where they got together once a year to discuss the affairs of state so it's an important meeting where people can bring up issue.

A couple of other announcements. We have some issues with cell towers. There's one up on Jordan where the neighbors are not enthusiastic about the cell tower going up. It's going through the Board of Adjustment. There's also a proposed tower in our right-of-way along Larry's Drive. It's some kind of state-wide group that is promoting this. So cell towers are an issue and they're typically controlled by the federal government but we have concerns when they start putting them close to our houses.

On Monday, the Town of Hull will be meeting with the City of Stevens Point on Well #11. This will be our 4th meeting. We'll meet over here. It's a negotiation session. There are 2 attorneys involved. We'll have an executive session at 1:00. Are any of you affected, lost water?

Citizen: I am not, but my question is, for the people affected, what is there well depth?

Holdridge: They tend to be shallow point wells. Gary Dreier, a local attorney, is representing that group that lost water and he'll be at the negotiation session and also at the executive session. We're anxious to get this moving and it's a very interesting process when you've got 2 lawyers that are very well versed in water law.

As you travel around Hull, you're going to see an 'X' sign in or alongside the road. These are put out by an aerial survey team under contract with the DOT. They are taking photographs and will have a report in early May to send to the DOT. It's related to future highway construction.

Today Bob Bowen and I went to a funeral for George Hanson. Many of you probably know him. He was raised in Stevens Point. He and his family were involved in a lot of things in this community. He was very active and so was his wife. There are some outstanding citizens that we don't always recognize enough.

Does anyone on the Commission have anything?

Kyle had suggested we have an on-site for the property and what I'm going to suggest is that we, as a Commission, meet jointly with the Hull Town Board because everything we do is a recommendation to the Hull Town Board who has to make the ultimate decision. This is a big issue. We seldom have re-zoning and have very few requests for revisions to the comp. plan. That would be something we'd schedule within the next 2 weeks. You had suggested that but I think we need to do that as a group. I want to get the Town Board involved because we'll come back here and they'll have all the information to make a decision, so we have them all in the tent at the same time.

5. Call to order Public Hearing regarding request of Kyle Kluck to amend the Town of Hull Comprehensive Plan to change the land use designation on Future Lane Use Map 8.4 for parcel number 020-24-0812-10.11 & 020-24-0812-11.15 from Rural Residential to Commercial and a request of rezoning of the same parcel from Single Family Residence (R2) and General Agricultural District (A4), to C4 Highway Commercial District.

A motion was made by Jan Way to open the Public Hearing regarding the request of Kyle Kluck to amend the Town of Hull Comprehensive Plan to change the land use designation, to hear comments from the citizens. Motion seconded by Bob Bowen. Motion passed.

Holdridge: We discussed this last time when we met in January. There was an issue that the mailing didn't get out soon enough. There were a few people here that spoke up. So we tabled it at that time and we want to go back to it tonight and let everybody who wants to comment on that to comment. If you want to comment, please stand up or come up here (to the podium) give us your name and address. Does anybody have a question about that? Who would like to start by making comments?

Richard Metz 1663 South Ponderosa This is probably for the planning guy: How come the property has to go all the way to C-4 Commercial, jumping up 3 or 4 steps from residential, agricultural? How come it can't be C-1 Commercial or C-2? It has to go to C-4 which is highway which he has a driveway off the highway?

Holdridge: Let me comment. Chris Mrdutt is the assistant zoning administrator for Portage County Planning & Zoning. Two of you deal with zoning and you're one.

Mrdutt Yes. I'm the Assistant Zoning Administrator and On-Site Waste Management Specialist. There are 2 in our office and Tracy Pelky is the other one. To answer your question, when you look at the C-4 district, don't let the numbers fool you. The numbers don't really mean anything. C-1 is neighborhood commercial, C-2 is marina, C-3 is your regular commercial and C-4 is highway commercial. Those numbers are just kind of how they came about and how back in the day we started with neighborhood commercial.

Metz Does that have different restrictions than

Mrdutt They do have different uses, yes. Size requirements are a little different in some of them and also setbacks. C-4 was picked for this particular instance because of the nature and the existing land use for what is happening on the property right now being a contractor storage yard. That is a use that is permitted in the C-4 zoning district. So when we look at a re-zoning, when they come in, case by case, we look at what uses are on the existing property and we look at what district it would be most appropriate in. A contractor yard, the most appropriate zoning district for that is C-4. The other ones, like neighborhood commercial, generally those are like hair salons, bars, businesses with residences attached to it, that isn't the case out here. The marina district, unless Kyle has sailboats, I don't think we need to worry about that. Just the nature of the business itself there, C-4 would be the appropriate zoning district. I know the Town of Hull, like other towns in the area, they look at zoning on a case by case basis. You are correct, even though it doesn't adjoin next to it, this property does have access to a state road, Hwy. 66, and that's one of the things you look at with the different districts. With C-4 is a state highway or a country trunk road. That's where those are preferred to be used instead of town roads.

Metz So it's a county thing, basically.

Mrdutt Yes. When we look at the land use, it being a contractor storage yard, when it's broken up to what is permissible in other zoning districts, contractor storage yards are routinely used in the C-4 highway commercial zoning district.

Metz So basically with C-4, you could put anything in there, right?

Mrdutt No. You are still limited to what is listed in that district. However, any change in use, like right now it's a contractor storage yard, if that use would change to something like an automobile wrecking yard, that would require going through a Board of Adjustment because of the change of use and that would require town meetings and Board of Adjustment. I'm sure if that would happen, we would have a lot of listening sessions at the Town of Hull. I know the Town of Hull would have multiple ones. And also Board of Adjustment would have them.

Being commercial, everything is looked at case by case because everything is always so different. But any change of use, outside of a contractor storage yard, would require a lot of approvals.

Holdridge: One point of clarification, the Town of Hull does not have its own zoning. There are 17 towns in Portage County, one does have its own zoning and one doesn't have any zoning. The other 15 are all under Portage County zoning so it's an intergovernmental operation. What the county comes up with in zoning, that is what we are under. The Village of Plover, the City of Stevens Point has its own zoning, but we do not. It's partly because of fiscal reasons, if we had our own zoning, we'd have to have our own zoning administrator at whatever Chris is paid or thereabouts. Last time Eugene talked about how he started his business back in 1964. The Town of Hull came under Portage County zoning in September 1967, 3 years after Eugene located over there. Who else would like to comment?

Jason Harris, 1636 S. Ponderosa Drive We received 2 different maps. There are quite a few people who live on South Ponderosa Drive.

Holdridge: That's in Patrician Pines.

Harris Correct. At the end of that road, there is a turn-a-round cul-de-sac, it's a dead-end. When we look at this new map, that road is shown as if it would extend to Jordan Road. That is an extremely major concern and the people living in that neighborhood don't want anything to do with that because there are a lot of young children that live in that neighborhood. I understand what Kyle is trying to do but we didn't want to see that part where South Ponderosa Drive gets extended to Jordan Road because people are going to cut through there all the time and it needs to stay a dead end.

Mrdutt That was brought to my attention today as well. It shows that because the Town of Hull does own that strip, it would be up to the Town if they would ever want to develop that, and connect that through road. If the community out there has that concern that would happen, address that to your township and it's ultimately up to them. When those plats were originally laid out, there were and are regulations on how far up a road you can create a dead-end and that's 1,000 feet. Whenever these are developed, once you get past that, you need to have a through road. In this scenario, when that was developed, that access was given to Jordan to meet the requirement. Now if that is ever developed, that's up to the Town. I'm positive the Town would notify you if they would ever want to do that. In this fiscal age, building more roads is something every town shrivels at.

Holdridge: Let me comment on that. We have no interest in running more traffic through subdivisions.

Harris Excellent.

Holdridge: The classic case was the Parkdale area when you go out Highway 10 East. When the City developed that, they wanted to run roads north into our subdivisions then come out on Brilowski. We opposed that. We would be opposed to this.

Harris When was that map developed? Has that been out there for awhile?

Mrdutt To my knowledge, ever since Patrician Pines was developed. Because they would need to meet that requirement in that subdivision. You see that every once in awhile. It's not unique to this circumstance. There are other subdivisions that, let's say a developer will only develop a certain amount, they need to show that the town has that dedication to meet those requirements. Sometimes lots don't develop and they stay with that dead-end cul-de-sac but 20-30 years from now, development increases, people subdivide, other things happen. That area is already dedicated for a road in case it ever does need to get developed.

Holdridge I'm glad you pointed that out. The group we sometimes get heat from on that is the fire department and emergency people. They see quicker access there but for a long time, our Board's position has been, we're going to protect subdivisions.

Brad Cisweski, 1612 South Ponderosa Drive I have the same concern Jason has. Who owns the strip? You're saying the strip is actually dedicated?

Mrdutt The Town owns it. Our County ordinance, for any lot that is created, has to have an approved access to a right-of-way. There is no language on how that right-of-way has to be developed. So if you have driveways that go out to that space, the way we look at it is, you've gotten to the right-of-way. I know that's a glorified driveway in a sense, the houses that Jordan have access to. If there would ever be a push forcing the town to develop it, it would come from the people who live out there and it sounds like everyone out there is opposed to that. So the development on that meets our standards but everything else would be a town decision and that's how that would develop.

Rob Kieliszewski, 5581 Jordan Road I just wanted to help you out in that we own all that land surrounding that road (cul-de-sac) and our intention is to keep it quiet. John, we had an agreement with you to keep that drive private as long as Kieliszewski's owned that. That's pretty much the way we're going to keep it because we don't want a road going through there either.

Ferriter Could you show us on that map where you are talking about?

Harris His property is just north of our residential area which on here is shown in yellow. When we looked at the new map which shows rural residential, you're going from agricultural, which whether he farms or not, that's his choice, but with his land, considered agriculture, if they went to residential and they sold, our concern is if all of a sudden people start building houses and instead of having a dead-end road, it's right on the end of his property line and South Ponderosa Drive. The concern was that road would extend to Jordan Road and then you'd have a lot more traffic coming through there.

Mrdutt The other thing I want people to understand is what you're looking at on those 2 maps is one is the current zoning map and the other is the future land use map. A future land use map and a zoning map are 2 separate things. A future land use map is a map that depicts the comprehensive plan. Towns make those maps then re-evaluate them every 5 to 10 years.

Generally the zoning map is a tool that takes a look at the comprehensive plan and future land use and says lets zone the property this way to see where we want to be. So they've identified that area. In the Town of Hull there isn't that heavy agricultural type center pivot, lower Plover, Buena Vista type atmosphere. For rural residential, I don't want you guys to be afraid that's not all just massive subdivisions necessarily when it's zoned A-4. Rural residential, depending upon how the town chooses to use their land use, an R-1 like a 2 acre type residential zoning district or even it could be agricultural. Ultimately it's up to them. But, yes, that's why you have 2 different maps that depict 2 different things. I always caution people. Don't let the colors scare you or mislead you. They are 2 different things. The current zoning is what's in place, what is enforced, what is regulated. The future land use is, hey, where do we want the town to be. If you look at the end of today's agenda, the town is in the process of updating their comprehensive plan with the help of Kristen. The end of that will be updating the future land use and ultimately updating their zoning map. The goal of that process down the road is to make zoning like what we're talking about here tonight; those are evaluated beforehand so when maps are updated, we look at what our existing land use is. This is a scenario where this occurred before the town was even under zoning. The contractor storage yard was already out there. This is a process where the county will be working with the town and will be evaluating the whole township. That's the differences between the 2 maps.

Holdridge: There are really 2 processes. One is the comprehensive plan update with the future land use and the other one is the zoning. Most people understand zoning but there is often confusion about this other map which is the future land use. I found it confusing and I know others have too. Other comments that people have?

Jim Mendyke, 5538 Claret Court I'm the president of the Patrician Pines Homeowner's Association and we had an open meeting last night with 15 out of the 20 land owners.

Holdridge: That's great attendance.

Mendyke It was. It was a very nice meeting. We got to discuss the issue. We invited Kyle over to tell us more about it. Obviously we had concerns about it. We had a really nice discussion. Worked out some good-neighbor things. It was very productive. Knowing there is the change of use requirement, if Kyle was ever to sell it, we don't want a rock crushing operation but we realize that would take a lot of work to get that through so we would have our say in that. Based on that, all 15 of the landowners are in favor of Kyle putting up another building with the change amendment to the comprehensive plan.

Holdridge: I think that issue is repeated in here in terms of discussion last time. What happens if you re-zone it and if Kyle would decide to sell it? There was some discussion about whatever is in that zoning code could happen. You could put a hotel in there; you can put a number of things in there including a sexually oriented business. If you read about what could go in there. I'm sure that wouldn't happen but a lot of things happen that we think won't happen. There's a whole list of possibilities if once you get re-zoned and say Kyle or maybe people want to do something else there, you have a whole list of options. If that should happen, what's the process from a neighborhood standpoint?

Mrdutt What would happen is, let's say rock crushing would want to start up an operation or an old vehicle salvage yard. Hopefully, the person would contact our office first and ask, hey, I want to do this use, what are the steps. That's always more beneficial than someone starting it then having you guys calling me. Let's say, pick for example Kyle starting crushing cars and parting out cars. He would contact me and I would look up the zoning district C-4 and those uses. But it's a change of use and it's also in the Groundwater Protection Zone which would dictate it would have to go through the Board of Adjustment to get approval. There are also certain zones in there and certain uses that are not allowed. One would be is it a potential good use to have crushing cars with the potential groundwater impacts in that area. That would probably be the first red flag that would be pointed out. The Board of Adjustment always solicits the town for input. We'll be addressing that on one of the addendum to the agenda items tonight. Our Board looks for input and citizen input as well. Everyone within 300 feet of that property would be notified by the county for the county meeting. So places adjacent like Patrician Pines and those along Highway 66 and on the north side would get a notice of the meeting. The Board of Adjustment, conduct an on-site inspection, and also a public hearing. During the public hearing, the Board of Adjustment takes all the input, weighs everything. If conditions can be added to a request to alleviate citizen or town concerns, the Board weighs those. The Board does have the right to put on conditions such as screening, setbacks, hours of operation, there's a full gamut of conditions they could look at. Or flat out denial if it doesn't make sense or the community doesn't want it. Those are all things they weigh. Board of Adjustment meetings, if we have the request in time, we meet once a month.

Holdridge: Here are some of the activities that could go on there (in C-4) if Kyle would sell it or want to change it, we've got bowling alleys and dance halls, bus terminals, drive in theaters, hotels and motels, restaurants and taverns. If that should happen, that decision is ultimately made by the Board of Adjustment?

Mrdutt Correct. Some of those, however, are limited based on the Groundwater Protection Ordinance which is another ordinance. A lot of the ones where there are potential groundwater contamination concerns, like gas stations, truck terminals, bus terminals, any industrial use where that concern comes up, a bowling alley probably wouldn't be a concern. But any more industrial heavy use, it may not be allowed when we address it through that ordinance.

Holdridge: That area is in the Stevens Point Wellhead Protection area so there are some requirements that limit what could go there.

Mrdutt That is currently zoned B but with Well #11, when that ordinance gets updated, that whole area will probably be considered an A which has tighter restrictions.

Mendyke We're fine with the current use and him putting up another building. For another use, with them having to jump through a lot of hoops, we're pretty confident that it's not going to be something detrimental to our area.

Ferriter Jim, it's nice to see the civility with which you were able to come to a compromise with the homes out in that area. At one of the meetings there were some issues that

came up about this with the dump trucks slamming their buckets, gas spills and all that stuff. Was all that addressed at the meeting the other night?

Mendyke Yes. We talked about all that. Some things, you can't fix until you know about them. That's why we told Kyle about some things.

Ferriter I'm pleased that people can be civil and compromise without having to go to the highest levels. Good job guys.

Mendyke Thank you. We're much more concerned about the road going through than we are about the re-zoning.

Mrdutt It's great to hear that you guys met. That's a rarity for me to hear because I know in a lot of subdivisions it's a requirement when they're made by the developer for set up of an association but I seldom hear about much happening with them after-the-fact. So I commend you.

Metz What we talked about was the barriers and stuff, then the stove stuff.

Mendyke The wood stove, Kyle wasn't aware it was pumping out a lot of smoke so he'll either put something on it to help disburse that or take it down with the new garage which he'll probably want to talk about, it's going to be natural gas which isn't a big concern. He bought the property and there were some suggestions with tree planting for sound barriers.

Holdridge: Dennis' comments are all in here in the minutes. The other thing is, the county will notify households within 300 feet?

Mrdutt For Board of Adjustment requests, yes. For zoning, there's a notification as well. 300 feet is our standard for notifying.

Holdridge: We go beyond that. I think everybody in Patrician Pines probably got a notice because we will notify everybody we think who could be potentially impacted by them and let them express their opinion. The other thing this ordinance has is sign requirements and restrictions so that is sometimes another issue citizens have a concern about. Thanks for your comments Jim. Other folks who want to comment?

Ernie Kurszewski, 5695 Jordan Road Just wondering if this all goes through, will there be any change in our property taxes and property value?

Mrdutt That would be a question for the Town Assessor.

Holdridge: There was some comment in the minutes that it might devalue your property. That really is tough because we're running into that with Well #11 with people who have lost water. We've talked to the Department of Revenue out of Wausau and you almost have to see it over time to see what happens to the value of the property. It's tough to answer and we've asked that question of our assessor and he has a tough time with that.

Mrdutt There might be more of a change of that if the use was changing but since this use has been occurring for so long, I'm sure every time your property has been assessed, it's been the same. Not your assessment, but the use on this property.

Holdridge: I think that's probably right. As long as that property is acceptable to the neighborhood, it wouldn't change. Other issues you'd like to comment on? Anything the Commission wants to add before we close the public hearing.

Way I spent a couple of hours reading through all this and at the end I thought, boy, it would be nice if all these neighbors got together and figured this out and you did and I'm very pleased.

6. Adjournment of Public Hearing on Kyle Kluck land use change request and rezoning request. *A motion was made by Bob Bowen to close the Public Hearing regarding request of Kyle Kluck to amend the Town of Hull Comprehensive Plan to change the land use designation. The motion was seconded by Dennis Ferriter. Motion passed unanimously.*

7. Plan Commission action on Kyle Kluck land use change request.

Holdridge: You could give a qualified approval tonight. I still think we should take the Plan Commission and the Hull Board out to look at the site because what we do goes to the Town Board anyway. To do this before the decision of the Hull Town Board. This is the second night/meeting we have heard this. We have a bigger crowd here tonight than last time.

Ferriter If we walk the property together, we can all see the area you and everyone else is concerned about.

Bowen The report from Jim Mendyke and the homeowners validates this request. This was what I was waiting for because I wanted to know what the neighbors felt. We got all the restrictions information from the zoning department and they are looking at all the use aspects.

A motion was made by Jan Way to approve the land use change request and pass it along to the Hull Board contingent upon the on-site walk through by the Hull Plan Commission and Hull Board members. Motion was seconded by Bob Bowen. Motion passed unanimously.

Ferriter We had gotten a memo from Kyle and I think that was what he was suggesting.

Holdridge: I think that it would be good that we go as a group.

Mrdutt When would the Town Board meeting be for that or is that pre-mature to ask?

Holdridge: I think it is because we meet the first Monday of the month which would be May 2nd but we may have a special meeting to get the people together and that would be the topic.

Mrdutt From our planning standpoint, we need to know when we can get than on an agenda because we're still in limbo with committee assignments.

Holdridge: That would be the plan. I would think in terms in changing the zoning, that would wait until we get the land use straightened out. We'll have the inspection/review then we'll come back and deal with the zoning. I think that would be appropriate.

Johnson What was the vote? What is it you're going to vote on tonight?

Holdridge: We just voted that we qualified our approval subject to an on-site visit by the Hull Plan Commission and the Hull Board of Supervisors. Conditional approval.

Johnson Of just the Comprehensive Plan Land Use Amendment, not the re-zoning?

Holdridge: Not the re-zoning.

Mrdutt You're approving the land-use change from.....

Holdridge: We have conditionally approved it subject to an on-site inspection of the Plan Commission and Town Board. Then we will come back here and make a decision to confirm the land use and confirm the zoning.

Johnson So you would have an extra Plan Commission meeting?

Holdridge: Yes.

Johnson You have to vote on the re-zoning first before the Town Board can vote on it.

Holdridge: We'll sort that out. We want to do the procedure so it withstands the test of time but we also want to have a process in which we get the elected Board....

Mrdutt I think what Kristen is trying to make everyone aware of is, the process of bringing the re-zoning to the Board. I think it's great you guys want to have a meeting but tonight's goal is to forward that to the Board, then the Board has to take formal action the change of land use and the zoning change. It's currently zoned R-2 Single Family. The request is to change it to Highway Commercial and in able to do that, the bottom map, that is the future land use, that is orange, that has to get amended by this board to red which is commercial. Because the zoning map has to be consistent with the land use map.

Holdridge: Aren't there 2 zoning categories there?

Mrdutt Yes. There is also the A-4 on the portion to the north. Those 2 things have to get changed. If you look at the top zoning map, part of it is yellow, part of it is brown. So the board tonight, if you're in favor of it and it sounds like you are, contingent on the on-site visit, move this to the Board with that on-site, you'll need to take a formal action to amend the future land use to commercial and recommend approval of the zoning change to C-4. I just want to make

sure you're clear on that. Because if you have another meeting, its 2 separate things but it's the same request. It's the formality of having to change one map to change the other.

Holdridge: I would prefer we do an on-site visit and come back and sort this thing out. We want to do it right and we want people on board.

Ferriter Kyle, if all goes well and it's all okay, when would you want to start this construction?

Kluck Sometime this summer I guess.

Holdridge: In the minutes you had the spring but you can slide that a little bit.

Kluck Spring is getting away from us.

Bowen My question is more along the line of literal definition of land use. He's not really changing the way he's going to run his operation.

Mrdutt When I said land use, I referred to the map. The specific request.

Holdridge: The ultimate decision is made by the Town Board. There are 2 of us here and it's a 5-member board.

Mrdutt For our understanding and Kristen's understanding, an on-site visit will be conducted. There will be another Plan Commission meeting and then the Town Board.

Holdridge: What I would do is have a Plan Commission meeting because there will be a quorum here, we may have the other 3 here, then we'd meet that same night with the Town Board because they're going to be here.

Mrdutt I don't want to have anything lost in translation. This board (Plan Commission) has to formally act upon this before the Town Board can. So doing the on-site doesn't count as that.

Holdridge: We would call the Plan Commission to order, we'd come back and we'd act on it. The Town Board would be here then they act on it.

Mrdutt So you'd have them both on the same night. Okay. Just wanted to make sure.

Holdridge: The one thing I was concerned about was this 30-day notice.

Mrdutt That 30 days has been met.

Holdridge: That's been met. But this will all be an open meeting. We'd be happy to send notices out when we do that inspection just as we've done in case you folks want to come. We'll talk with Kyle and Eugene. So it'll all be transparent. Is that clear?

Mrdutt Yes.

8. Plan Commission action on Kyle Kluck rezoning request.

A motion was made by Dennis Ferriter to table agenda item #8 at this time, the action on Kyle Kluck's rezoning request. Motion was seconded by Bob Bowen. Motion passed.

Holdridge: We'll set up a date then notify you folks. My intent is following that on-site, we'll come back here and act as a Plan Commission and act as a Town Board. I appreciate your coming. This is an interesting process but if you're going to involve people, it takes time to do that. I'm glad, Jim, you got your folks together in that subdivision. Any other comments anybody has?

9. Continuation of Hull Comprehensive Plan Review process – Chapter 7-Finance & Budget— Kristen Johnson – Portage County Associate Planner.

Johnson This is Chapter 7 which used to be Chapter 9. I just want to make sure I have the correct date on the bottom.

Holdridge: You want to comment on it, then I'll comment.

Johnson There was a lot of stuff we have yet to incorporate into this chapter so it's very hard for me to know how we want to work through the chapter. Did you have something in mind, John? Certain points you want me to talk about?

Holdridge: On this first page, you have a chart called Property Tax Distribution. That is up-to-date. That's based on our pie chart.

On the next page you have a chart called the Town of Hull Debt Service Schedule. We will update that. I need to talk to our treasurer, Jim Kruziki. He will bring that up-to-date so we'll know our debt as we go forward. This is an old one from the current comp. plan and we just want to update that. That's an important one but in a nut shell, we have very low debt in the Town of Hull which is a good thing.

On the next page is State Shared Revenue Payments in the Town of Hull. We have 2 major State Revenue payments. One is State Road Aid which is based on the number of road miles we've got. Do you know how much that is Patty?

Amman It's 82 miles.

Holdridge: But what does the state give us per mile? But that is one. The other one is called General Purpose Aid. So those are the 2 we get from the state and this one tracks that up to 2016.

Johnson We get \$2,167 per mile is what the state gives us.

Holdridge: Okay. I think both of those are under \$200,000 per year. Roads are enormously expensive.

The next one is Mill Rate for Portage County Towns. We like to put the Town of Hull in perspective with the other 17 towns in Portage County.

Those are the major charts. There's a little graph at the bottom of that page that says Town of Hull's Rank Compared to other Portage County Taxing Districts. Did you do that Kristen?

Johnson Yes, I updated that from the last one.

Holdridge: So we did the little visual which often tell you more than just reading it in the narrative.

Ferriter I have a question. In that first column we're number 13.

Johnson That means you're 13th highest or the 5th lowest. If you look at the chart right above it, you count down however many you see it on the chart.

Holdridge: You often don't advertise this but its crucial financial data that we and the Board ought to have. Do you have anything else?

Johnson Did you want to mention you wanted to include the Hull 5-year budget plan? We don't know what we're going to have in there yet.

Holdridge: We've got a pretty good idea but we've had, for the past couple of years, taken our finances out to 5 years. What are we going to have for the year 2022 for example? That doesn't need to be sophisticated because it's the out years. I haven't talked with Dave Wilz about this but you can have computer programs that you plug in key indicators that change and for us the key indicators might be the state aid. If the state aid goes up, we can spend more money. So we want to have some kind of model that does that. The way we've done it in the past is more of a hand kind of punch in the numbers. But I think it is useful to have this 5-year plan and that's the part we don't have. It's good to look out to the future.

Bowen On the 1st page down in the second paragraph, I think you want "at" instead of "as" where it says is determined.... at. Third line in the 2nd paragraph. Then down in the last paragraph in that area, second line, is it "prospective" or "perspective"?

Amman This word right here, it should be perspective.

Bowen Then in the next page where it says debt service fully repaid by 2010, is that will be or was?

Amman We have to change that whole table because it's out-dated. That's why it's highlighted in yellow because it's all going to change/be updated.

Bowen So will Hull be debt free in 2016?

Amman No, it won't be.

Holdridge: The one we had until we recently did some more refinancing will be paid up in 2017 but these things are sort of rolling.

Amman Some things drop off then new things come on.

Bowen On page 88, the last page, under long-term goals, I saw private donations in there. "Review various ways to increase revenue to Hull's budget besides the property tax and state aid, including private donations targeted for special purposes."

Holdridge: I wouldn't dismiss those because who knows. People who have lived here, get an attachment to the town, they might give you \$50,000. If you're making out your will, we're perfectly willing to accept it. So if you think of anybody with extra money, I intend to pursue this more or at least get it out there. You never know.

Bowen In the next sentence, #3, there's a typo, it shows "and be" twice. Under long-term goals. John and I used to be teachers so when you read this stuff, it jumps out at you.

Johnson Anything else Bob?

Bowen That's it. Good job.

Holdridge: We couldn't do this without Kristen. We meet about every 2 or 3 weeks and plow our way through it. We have another meeting next Wednesday (for Comp. Plan Review).

A motion was made by Bob Bowen to accept the revisions on Chapter 7, Finance & Budget for the Hull Comprehensive Plan. Motion was seconded by Jan Way. Motion passed.

ADDENDUM TO THE AGENDA ITEM: Lance & Wendy Trzebiatowski, Board of Adjustment variance request for unattached, secondary garage partially located in the building set-back—property abutting Ben's Lane.

Holdridge: I've got a folder on you. There's a Board of Adjustment hearing on April 18th at 4:00 p.m. Do you need action from the Town Board? What's your policy?

Mrdutt For the Board of Adjustment, information from the Town is advisory to the Board of Adjustment. We prefer, from the Plan Commission and the Town Board, however it doesn't sound like the Town Board is going to be meeting prior to the 18th when that is scheduled. So this committee tonight, the Board of Adjustment will happily accept this discussion and what you think about it. Either the minutes, the recommendation from you guys.

Bowen I have a question. What is the purpose of the set-back? I don't know how much he is encroaching here.

Mrdutt I'm handing out a map so hopefully that visual aid will spark some discussion. I would ask first that you guys ask Lance, before we get into the nuts and bolts, what you would like to do.

Holdridge: Is this where the garage is?

Mrdutt That is the proposed garage that Lance is requesting the variance for. Yes. I met Lance out there and established the right-of-way with staking.

Bowen This says he's not in the right-of-way.

Mrdutt Correct, he is not. There are 2 set-backs that are important and one that is very important, or I would hope so for the town. That is encroachment inside that right-of-way. This proposed building is outside that right-of-way. There is a building set-back on a town road of 63 feet from the center of right-of-way or 30 feet from the right-of-way, whichever is greater. We use those 2 terms because the most accurate is usually the 30 feet from the right-of-way if the right-of-way can be established.

Holdridge: That's not a 66' road?

Mrdutt No. Sections of that road are not centered to the center of the right-of-way which happens a lot especially when you're coming up to a curve. It's hard to put it on a curve exactly. So what we're looking at there is a set-back inside that 30 feet. This is set-back one foot, maybe a little more as it angles. That's what is being presented. Lance can get into the variance criteria and the uniqueness of this property. Any construction within that 30 feet of right-of-way would require a variance and that's what he's asking for from the Board of Adjustment.

Bowen What about utilities? Do they stay within that?

Mrdutt They are within the right-of-way. It has been seldom that the variance request has gone through where it encroached in the town right-of-way. That would be trespassing in this scenario, because that is a dedicated road.

Holdridge: Let's clarify. This building is not in Hull's right-of-way.

Mrdutt Correct.

Holdridge: Lance, you've got a 30 x 50 that you're building.

Lance T. That's what we're proposing. It's a matter of, I needed to have Chris come out and put that 30' x 50' on paper because I need to have the application completed in time to get on the agenda for various meetings. Chris came on site and we found one of the corner stakes with a metal detector. We ran a string on it.

Holdridge: How far is it from the right-of-way?

Lance T. We're looking at a foot on one corner and about 6 feet on the other corner.

Bowen 24' into that 30 foot zone you were talking about.

Mrdutt On one corner it would be 29 feet.

Lance T. Technically the owner owns the set-back. You just can't build within it.

Ferriter Whose property is this right here?

Lance T. Mine.

Ferriter That's your home.

Lance T. Yes.

Holdridge: The building itself will match your house?

Lance T. It will match the house. My wife will not let me build this if it does not match the house.

Holdridge: You sent notices to the neighbors?

Mrdutt Correct. We've had 6 responses back and they've all been positive.

Holdridge: No opposition?

Mrdutt Not as of today.

Holdridge: So you took 300 feet from Lance's house.

Mrdutt All the way around. So everyone you can see on this map got a notice.

Bowen Is there something to the east of the building that prevents you from moving it over?

Mrdutt Yes, the septic system drain field. There's a 10' set-back from the drain field.

Ferriter You plan to have access to this building off your driveway?

Lance T. Yes, off the driveway. That was something Chris and I talked about. Something that would be better for plowing for the town. If you look here and see where my current driveway is, where that vehicle is, there's actually a new concrete driveway. This short end is where the main garage door will be so there will be no further adjustment to any roadway. Egress and ingress will be from my current existing driveway.

Mrdutt From the county's standpoint when a circumstance like this comes up, the first thing staff works with is, we tell people variances aren't handed out like candy. There's a reason why they are called variances. The first thing we look at and they have to meet and present to the board is, because our board will do a fantastic job of saying look at other alternative locations, and what are the other set-backs and concerns. On a property like this where 3 sides are surrounded by the road, the first thing I don't want to see is another driveway. I would hope that would be a town concern as well because every time you have another access point, it increases safety concerns. Another thing we try to do as well is we try to get driveways located on a lesser traveled road. In this scenario, Ben's Lane is a lesser traveled road than Maple Bluff. There is also a unique aspect to this property in that Stevens Point Water Department has a utility water line between Lance's property and Maple Bluff. This property does not have physical access to Maple Bluff. The other thing would be if you looked at this from a plain and simple standpoint would be why wouldn't you put the garage off of Maple Bluff? Staff's opinion is it wouldn't be a good idea to have a driveway off of there.

Lance T. Even if that were plausible, like I approached the city for my fence, if I do have it on that side and my kids leave the garage door open one night, I can't see that from the house. I could wake up with all my stuff gone. It's more secure on the lesser traveled side.

Holdridge: Why can't the town board make this decision? Why does the Board of Adjustment get involved in this?

Mrdutt Because it's a variance to our set-backs. An ordinance is set up and Portage County is the one who maintains the ordinance and enforces it. So whenever a set-back cannot be met, it's not a simple issue such as a zoning permit. There's above and beyond circumstances. The town board doesn't issue zoning permits.

Holdridge: What's the variance here?

Mrdutt 29 feet.

Holdridge: How does that come into it? It's on the right-of-way?

Mrdutt Correct. There's a building setback.

Holdridge: Because it's in the building setback zone....

Mrdutt It requires a variance.

Ferriter Part of this building is in this yellow line that is shown.

Mrdutt I exaggerated the building. You've heard of font sizes, that same thing applies to this and on my computer screen it matched up but when I went to print it, and the way our program is set to save, it's in a different folder, it would have been more time consuming than I wanted.

Ferriter I know that's the right-of-way here.

Lance T. That's Chris's graphic representation.

Mrdutt It is staked and our board will see it. The septic concerns are always a big one. There's a 10 foot set-back from the drain field, 5 feet from the tank and 2 feet from a well. All that was taken into consideration, not wanting to put more driveways in, the landowner thought this was the best location to utilize the existing driveway. The other thing that came into play from our end was we want to make sure in residential districts the building that is being built matches the residential characteristic.

Holdridge: Let me give you an example, where Bob Engelhart lives right before you cross the bridge at I-39, you come to a stop sign then you go across, Bob is on the right side. Then we have Rick Stautz, our new board member, then the building between them and Engelhart, a guy built a garage right between Bob's property and the corner property. It's not the same size, it's right up to the line. I don't think you could get away with that in Hull. It's terrible looking. So this is much better Lance.

Mrdutt Generally what the board looks for is what considerations the Plan Commission wants to make and those conditions, opinions, recommendations, give to the board and the board utilizes those in their decision making.

Holdridge: I would be concerned if you have 8 or 9 neighbors and 5 of them said we don't want this thing.

Mrdutt And that doesn't seem to be the case in this scenario.

Ferriter Just this comment by Ron Klein.

Lance T. He would have preferred it be closer to my drain field and I explained to him it can't go there. He's the neighbor to my south.

Mrdutt The copies of the neighbor's letters are in the packet. Other ones that come in later will get read at the meeting. The board hears all testimony from the neighbors.

Bowen So the Board of Adjustment is really going to scrutinize this for the variance.

Mrdutt That is their job. There are variance criteria that we look at what you have. Unique property characteristics. The hardship test. How does this affect the public interest. The Board has to weigh all this. There is a quasi-judicial nature to the board. They take a look at our zoning ordinance that includes specific tasks they have to meet and represent in the meeting.

Bowen Is their authority primary or secondary to what we are doing here?

Mrdutt In the Board of Adjustment case, it would be primary. What we did earlier today, Town Board when it comes to zoning and amending your comprehensive plan, that is primary

and what the Planning and Zoning Committee does is secondary and then ultimately, the County Board. The Board of Adjustment is the primary hub for the administration of variances.

Bowen What we do would be advisory to them.

Mrdutt Our board encourages towns to act. They really like information, yes.

Holdridge: But you know, Bob, we've had some real issues on the cell tower with the Board of Adjustment. That isn't over. The appeal would be to the circuit court where you have 30 days from the time that decision is filed to file an action. Okay, I think we've exhausted this topic.

A motion was made by Dennis Ferriter to support the variance request of Lance and Wendy Trzebiatowski. Motion was seconded by Bob Bowen. Motion passed.

Holdridge: I'll have Janet send you a letter, Chris.

Mrdutt Perfect. I appreciate that.

10. DATE OF NEXT MEETING: *The next Plan Commission meeting will be held on Tuesday, May 17, 2016.*

11. ADJOURNMENT: *Meeting closed at 7:05 p.m.*

Respectfully submitted,

Patty Amman, Plan Commission Secretary
Town of Hull, Portage County