

Town of Saukville
Plan Commission Meeting
3762 Lakeland Rd., Saukville, WI
Minutes
Tuesday December 13, 2022 at 7:00 P.M.

PLEASE TAKE NOTICE that a meeting of the Town of Saukville Plan Commission will be held at the Town Hall, 3762 Lakeland Road, Saukville, Wisconsin, This meeting will take place the above noted time and date at which the following items of business will be discussed and possibly acted upon.

Kevin Kimmes, Chairman
Todd Korb, Member
Jeff Walczyk, Member, abs

Mike Denzien, Supervisor
Tom Ravn, Member
Rich Klein, alt

Marcia Nosko, Member
Don Hamm, Member
Raquel Engelke, Clerk

- 1. Call to order.**
- 2. Pledge of Allegiance.**
- 3. Public Notice: This meeting has been given public notice in accordance with Section 19.83 and 19.84 of the Wisconsin Statutes to apprise the public and news media of the subject matters intended for discussion, consideration and action.**
- 4. Review & Approve Minutes from Previous Meeting.**

Tom Ravn made a motion to approve the minutes with changes, Marcia Nosko seconded. Motion passed, Kevin Kimmes, Mike Denzien, Don Hamm abstained. **Persons wishing to be heard.**

None.

- 5. Discussion/possible action: Charter Solar Facility CUP & Site Plan.**

Josh Miller summarized the Charter Solar Facility's Conditional Use Permit and Site Plan. He stated that if the site plan changes from what has been submitted for tonight's meeting, it will need to come back before the Plan Commission for review and approval.

Kevin Kimmes reviewed the process for approving the CUP and referred to an article on solar regulation by municipalities published in *The Municipality* magazine which discussed the limitations on municipality's ability to regulate solar facilities. He also stated that a denial of the permit would likely result in expensive litigation which could total the roads budget for the next five to fifteen years. Kevin Kimmes stated Charter Steel is a vital part of the community and he is surprised they aren't a better neighbor to Town residents. He also thanked the Town residents for their input which resulted in a number of additional requirements in the CUP.

Marcia Nosko expressed disappointment that Charter Steel is not compensating property owners adjacent to the solar sites for reduction in property values. Marcia noted that significant financial advantage goes to Charter. She said there are multiple university studies showing property value loss along the immediate perimeter of a solar field installation, and that it would have been better if Charter would have averaged their single reference with other legitimate studies to come up with and pay fair compensation to the immediate neighbors.

Tom Ravn stated he wished the state statute addressed property values and he would like to see the CUP further address warning signage.

Mike Denzien concurs with Marcia Nosko but believes that Charter Steel's compliance with the requirements of the CUP will help minimize the impact on neighboring properties.

Todd Korb stated he understands residents' concerns but the state statute does not give municipalities much latitude for regulating solar installations.

Don Hamm concurs with Mike Denzien and Marcia Nosko and stated the siting of solar projects is a big issue for farmers as well when it takes up valuable agriculture land.

Rich Klein had no comment.

Todd Korb made a motion to recommend to the Town Board approval of the Conditional Use Permit as outlined in the December 2022 Planner Memo along with the condition that all current and future fees be paid in full, Mike Denzien seconded. Tom Ravn called for a roll call vote, which was as follows: Rich Klien-aye; Don Hamm-aye; Todd Korb-aye; Kevin Kimmes-aye; Mike Denzien-aye; Marcia Nosko-aye; Tom Ravn-abstain. Motion passed.

6. Public Hearing: Pool Ordinance 2022-06.

Josh Miller summarized the changes for the pool ordinance, which clarifies that a CUP is not necessary for a pool and to allow appropriate pool covers in lieu of fencing. The Public Hearing opened at 8:01pm and closed at 8:01pm with no comments.

7. Discussion/possible action: Pool Ordinance 2022-06.

Sara MacCarthy clarified compliance with the pool cover requirements will be by the Building Inspector. Mike Denzien would like to include the title of the appropriate ASTM standard and he would like to see “residential” removed from the ordinance as the requirements apply to pools in all zoning districts.

Mike Denzien made a motion to recommend approval by the Town Board of the code amendment for swimming pools, Ordinance 2022-06, Todd Korb seconded. Motion passed unanimously.

8. Discussion/possible action: Non-binding review PUD Ordinance.

Kevin Kimmes and Josh Miller summarized the use of PUD Ordinances and the potential for use in B-1 and M-1 zoning districts in the Town.

Todd Korb stated any agriculture zoned property could be rezoned into B-1 and then a PUD could be used to allow unexpected uses in the area. Todd Korb stated the Town spent a lot of time and money rewriting the Zoning Chapter and giving an avenue to allow people to engage in other activities not normally permitted runs the risk that more ag properties turn into B-1. He further stated that the Town has been making changes to the code to allow people to do things in the Town that weren't previously allowed and he would like to see open spaces as a priority in the Town versus dense business development that turns a profit for the developer and which is better situated for business parks like those in the Village. He would like to see the results of the survey to gauge the Town residents' appetite for this type of development before proceeding and he believes zoning is to protect the long-term public interest not short-term profit. He also stated the Town could have legal issues if a PUD is denied for one project when it was allowed for another similar project and it opens a “Pandora's Box” of issues for the Town.

Don Hamm stated that while he was the Town Chairman, he believed everyone had a right to come before the Plan Commission and make a request for a particular use for their property even if it wasn't specifically allowed by the Town's zoning.

Tom Ravn stated he believes a PUD Ordinance is premature because 1) there are issues with the floodplain and Comprehensive Plan; 2) the Plan Commission and Town Board don't know what the public wants through the survey results; and 3) the Town is in the midst of reviewing and revising the Comprehensive Plan which should be completed before considering the PUD Ordinance and the type of development it will allow.

Kevin Kimmes asked for the Plan Commissioners to individually state whether they would like to take up the PUD Ordinance at this time. All Commissioners stated they do not want to take up the PUD Ordinance at this time, except Rich Klein who abstained.

Nick Suddendorf stated he applied for consideration of the PUD Ordinance because it allows the flexibility to regulate the development and it was suggested as a viable means to go forward with the business barn project. He stated he believes other commercial development could be worse than the proposed business barns and he thinks the Town will utilize the PUD zoning tool in the future. He also stated he would look into have the property annexed into the Village.

Kevin Kimmes stated the Town never gave a guarantee for the business barn development and that development of the PUD could take up to one to one and a half years.

Tom Ravn stated there are only two reasons to do a PUD for this property: taxes and annexation and the Town should identify corridors where PUDs are acceptable.

Marcia Nosko stated she is in favor of the project but they have had to educate themselves quickly on PUD Ordinances which could lead to regrets.

Mike Denzien stated the PUD Ordinance needs a lot of analysis and he would like to hear from the residents and finish the Comprehensive Plan review first.

Don Hamm stated there are some unique properties which may benefit from PUDs and can get the tax dollars but residents want open land and that will need to be worked through.

Kevin Kimmes stated the survey report will be available in January. He also stated that the Comprehensive Plan has been on the agenda for a number of months, but the Plan Commission has been unable to get to it due to other agenda items. He stated that review of the PUD Ordinance should be paused for two to three months.

Tom Ravn made a motion to table the PUD until February Plan Commission meeting at the earliest, Todd Korb seconded. Motion passed unanimously.

9. Discussion/possible action: Non-binding review N. Suddendorf Business Barn rezone Tax Key 08-036-01-005.00.

Josh Miller summarized the rezone application for the parcel and that the Comprehensive Plan was amended to allow the B-1 zoning due to the parcel's location.

Mike Denzien stated a rezone is possible; however, it will only apply to the area outside the floodplain.

Todd Korb stated he would like to address the PUD Ordinance before rezoning the property.

Nick Suddendorf stated he believes the property has to be zoned B-1 due to the change in the Comprehensive Plan.

Kevin Kimmes stated the property is currently zoned A-2 and can do anything the zoning code allows for that zoning district. He also stated Nick Suddendorf can request a rezone to B-1 but the Plan Commission can deny the request until there is an approved site plan.

Todd Korb made a motion to table the B-1 rezone application until there is clarification on the PUD Ordinance, Mike Denzien seconded. Motion passed unanimously.

10. Discussion/possible action: Comprehensive Plan Update.

Item tabled.

11. Other general business brought before the committee.

Kevin Kimmes stated Tom Ravn is stepping down from the Plan Commission and Rich Klein will be the new Plan Commission member.

12. Adjournment.

Todd Korb made a motion to adjourn, Marcia Nosko seconded. Meeting adjourned at 9:15pm.