

JANUARY 28, 2013 Plan Commission Meeting

The Plan Commission met at 7:32 p.m. on Monday, January 28, 2013 at the Town Hall in New Munster to hold a public hearing prior to the Plan Commission Meeting.

PUBLIC HEARING on a PROPOSED AMENDMENT TO THE LAND USE PLAN MAP AND TEXT AMENDMENT OF THE COMPREHENSIVE PLAN FOR THE TOWN OF WHEATLAND

1. **Applicant:** County of Kenosha, 1010 56th Street, Kenosha, WI 53140 (owner), Planning, Development & Extension Education Committee (agent), P.O. Box 520, Bristol, WI 53104.

Request: Amend the Land Use Plan Map adopted as part of the Town Comprehensive Plan and change the land use designation of Tax Parcel 95-4-119-094-0500 located east of 368th Ave. and approximately ½ mile north of the intersection with 87th St. (CTH "F") in the SE ¼ of Section 9, from "Suburban-Density Residential" and "Extractive" to "Park and "Recreational."

2. **Applicant:** Town of Wheatland (sponsor)

Request: Text amendment to Part 2 of Chapter XII – Implementation Element of the Comprehensive Plan for the Town of Wheatland: 2035 to add an exception for an amendment to the plan for rezoning property back to the original zoning developments that were not constructed.

Present for the Plan Commission: Chairman William Glembocki, Paul DeLuisa, Mary Ochoa-Petersen, Clayton Wagner, Randy Schulz, Dennis Robers, Vince Mosca and Susan Riley. Also present: Town Clerk Sheila Siegler, Bill Heeg, Jeff Butler, Jack Bobula, Kelly Wilson, Lynda McHugh, Tom McHugh, Andy Buehler and Andy Lois.

Clerk stated a Notice of Public Hearing was published in the *Kenosha News* on December 27, 2012. In addition all property owners within 300 ft. of Tax Parcels #95-4-119-094-0500 were notified of the public hearing and the plan commission meeting by First Class Mail.

Andy Buehler, Director of the Division of Planning Operation spoke on behalf of Kenosha County. This land was acquired with money from the Stewardship Plan. It is the site of the former Powers Lake Construction Company business. The county closed on the property in December. In order to use it as a park, the comprehensive plan needed to be changed and the property rezoned from extractive and residential use for recreational.

The county plans to use it for a park and open space area. It is a part of the adopted Park and Open Space Recreational Plan. This change was made in March 2012. With this purchase and development, the county will be compliant with the plan. It is an expansion of KD Park. They plan to create additional trails like the trails in the adjoining KD Park. The county plans on restoring the areas where gravel was extracted at a future date. Powers Lake Construction (Mark Karow) did have a reclamation plan to slope at a 3:1 grade, flat bottom and cover with topsoil.

It will be the same type of plan as KD Park but there is no plan in place yet. Plan for KD Park was approved just last year.

Commissioner Paul DeLuisa asked, "Will there be a hill for sledding?" Andy Buehler said that was a possibility.

Commissioners asked about the piles of blacktop. Buehler said all the material will be used for road projects and park trails. The recycled blacktop is a real asset for the county. When that is depleted, the county would look at restoring that area.

Jack Bobula, 8402 368th Ave., asked if there would be a bike trail connection from Hwy "KD" to Hwy "O." Buehler said there could be a connection eventually but there are a lot of wetlands and it would be a difficult connection.

Andy Lois said there are five miles of hiking trails in KD Park with 10 ft. wide mowed trails. Really nice!

Chairman asked for any other questions and for any public comments. No one else present asked to speak. Town Clerk said there have been no written comments submitted to the town office for inclusion in the public hearing record.

Chairman declared the public hearing closed at 7:44 p.m.

Chairman Glembocki opened the Plan Commission meeting with the Pledge of Allegiance. Roll call of the Plan Commission: William Glembocki, Clayton Wagner, Jr., Susan Riley, Randy Schulz, Vince Mosca, Paul DeLuisa, Dennis Robers, and Mary Ochoa Petersen were present.

Meeting notices were posted and newspapers notified. In addition, a notice was placed on the town website and all property owners within 300 ft. of Parcel #95-4-119-094-0500 and Parcel #95-4-119-031-0902 (MA LAZ FARM IV LLC) were sent notice of the meeting by First Class Mail.

Minutes of the December 3, 2012 Planning Commission were moved for approval by Clayton Wagner. Mary Ochoa Petersen seconded. Motion carried.

- **Resolution No. 2013-PC-001 - Comprehensive Plan Map Amendment:**

Applicant: County of Kenosha, 1010 56th St., Kenosha, WI 53140 (owner), Planning, Development & Extension Education Committee, P.O. Box 520, Bristol, WI 53104 (agent)

Request: Amend the Land Use Plan Map adopted as part of the Town of Wheatland Comprehensive Plan: 2035 and change the land use designation of Tax Parcel 95-4-119-094-0500 located on the east side of 368th Ave. approximately ½ mile north of the intersection with 87th St. (CTH "F") from "Suburban-Density Residential" and "Extractive" to "Park and "Recreational."

Applicant: Town of Wheatland (sponsor)

Request: Text amendment to Part 2 of Chapter XII – Implementation Element of the Comprehensive Plan for the Town of Wheatland: 2035 to add an exception for an amendment to the plan for rezoning property back to the original zoning for developments that were not constructed.

Resolution No. 2013-PC-001 was read by the Town Clerk. William Glembocki moved to approve. Randy Schulz seconded. Motion carried on an 8 – 0 roll call vote.

- **Rezone Application:**

Applicant: County of Kenosha, 1010 56th St., Kenosha, WI 53140 (owner), Planning, Development & Extension Education Committee, P.O. Box 520, Bristol, WI 53104 (agent)

Request: Rezone from A-2 General Agricultural District, M-3 Mineral Extraction District & C-1 Lowland Resource Conservancy District to PR-1 Park-Recreational District and C-1 Lowland Resource Conservancy District – Tax Parcel 95-4-119-094-0500

Paul DeLuisa moved a motion to rezone Parcel #95-4-119-094-0500 from A-2, M-3, C-1 to PR-1 and C-1. Susan Riley seconded. On a roll call vote, the motion was approved with 8 in favor and 0 against.

- MA LAZ FARM IV, LLC, Michael Lazarus, PO Box 649, Deerfield, IL 60015 (owner) represented by Keith Kindred, Yaggy Colby Associates – requesting approval of a **Preliminary Plat for Fox River Trails Subdivision**, Tax Parcel #95-4-119-031-0902, located between C.T.H. :W" and the Fox River, south of Hwy "50." This would be a reinstatement of a preliminary plat first approved in 2008 and given a one year extension in 2009.

Chairman Glembocki read an e-mail from Keith Kindred requesting withdrawal of the Preliminary Plat because the town now requires a Developer's Agreement and Letter of Credit at the time of Preliminary Plat. They are not ready to proceed at this time.

Chairman said Town Attorney Jeff Davison has recommended this procedure. Andy Buehler said the Planning and Development Office is full agreement with this. It will work better with everything upfront. Past procedure and failed developments have proven this.

William Glembocki moved to accept the withdrawal. Paul DeLuisa seconded the motion. Motion carried unanimously.

- **Reports –**

Clerk reported a Tri-County Meeting in February. A plan commission meeting is projected for February or March regarding the vacation of the Hidden Meadow Estates and rezoning. It is moving forward slowly.

Vince Mosca reported receiving internet service with Hier Comm, the county internet initiative to provide service to people who were not able to obtain service thru Time Warner or TDS Telecom. It is working great and the cost is comparable. The speed is fantastic.

- **Adjournment -**

Meeting adjourned at 8:05 p.m. on a motion by Paul DeLuisa and second by Mary Ochoa-Petersen.

Respectfully submitted,

Sheila M. Siegler, Clerk

RESOLUTION NO. 2013-PC-001

**RESOLUTION APPROVING AN AMENDMENT TO THE
COMPREHENSIVE PLAN FOR THE TOWN OF WHEATLAND**

WHEREAS, the Town of Wheatland, pursuant to Sections 62.23, 61.35, and 60.22(3) of the *Wisconsin Statutes*, has adopted Village powers and created a Town Plan Commission; and

WHEREAS, the Town Board adopted a Comprehensive Plan on March 16, 2010 following extensive public participation; and

WHEREAS,

1. Whereas the County of Kenosha (owner), 1010 56th St., Kenosha, WI 53140 has submitted a request to change the land use designation of a parcel of land located east of 368th Ave., approximately ½ mile north of the intersection with 87th St. (CTH "F"), Tax Parcel #95-4-119-094-0500 from "Suburban-Density Residential" and "Extractive" to "Park & Recreation" with the current Conservancy area to remain Conservancy, on the land use plan map adopted by the Town Board as part of the comprehensive plan;

2. Town of Wheatland (sponsor) for a text amendment to Part 2 of Chapter XII – Implementation Element of the *Comprehensive Plan for the Town of Wheatland: 2035* to add an exception for amendments to the plan for rezoning property back to the original zoning for developments that were not constructed. Language to include, "The following actions are not considered amendments to the *Comprehensive Plan for the Town of Wheatland: 2035* and will not require review and approval by the Wheatland Plan Commission and the Wheatland Town Board: rezoning actions that move the zoning classification of a property to the zoning classification that existed prior to the failed development proposal, provided no land division action (e.g. certified survey map, subdivision plat or condominium plat) is taking place."; and

WHEREAS, the Plan Commission finds that the comprehensive plan, with the proposed amendment, contains all of the required elements specified in Section 66.1001(2) of the *Wisconsin Statutes* and that the comprehensive plan, with the proposed amendment, is internally consistent; and

WHEREAS, the Town has duly noticed and held a public hearing on the proposed amendment, following the procedures in Section 66.1001(4)(d) of the *Wisconsin Statutes* and the public participation procedures for comprehensive plan amendments adopted by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 66.1001(4) (b) of the *Wisconsin Statutes*, the Town of Wheatland Plan Commission hereby approves the attached Amendment No. 2013-001 to the *Comprehensive Plan for the Town of Wheatland: 2035*.

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BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Town Board enact an Ordinance adopting the Comprehensive Plan amendment.

Adopted this 28th day of January, 2013.

Ayes 8 Noes 0 Absent 0



Chair, Town Plan Commission

ATTEST:



Clerk, Town of Wheatland