

MINUTES
PLAN COMMISSION
OF THE TOWN OF POLK

POLK TOWN HALL 3680 Hwy 60, Slinger, WI. 53086

7:30 PM Tuesday, March 1, 2016 Immediately Following Public Hearing

APPROVED

- I. **Call meeting to Order.** The meeting was called to order by Chairman Albert Schulteis at 7:51PM Immediately following the Public Hearing for the Conditional Use Permit for Douglass Marquardt and Linda Larson. The Pledge of Allegiance was recited.
- A. Official Meeting Notification. Chairman Schulteis reported that the notice of the meeting was sent to the West Bend Daily News, the Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel, and posted at the Town Hall, Roskopf RV Center, and Cedar Lake Hills bulletin boards.
- B. Roll Call. Present: Chairman Albert Schulteis, Supervisor Theodore Merten. Members Jeffrey Fehring, Karen Reiter, William Whitney, Mark Peters. Zoning Secretary, Tracy Groth. Visiting Supervisor, Robert Roecker. Excused absence, Dennis Sang.
- C. Moment of Silent Prayer. Chairman Schulteis asked for a Moment of Silent Prayer.
- D. Approval of the Joint Minutes of the Town Board and Plan Commission January 5, 2016. Karen Reiter moved to approve the Minutes as printed. Jeffrey Fehring seconded the motion. All voted in favor and the motion carried. Approval of the Plan Commission Minutes January 5, 2016: A minor spelling error was noted. Karen Reiter moved to approve the Minutes as corrected. Jeffrey Fehring seconded the motion. All voted in favor and the motion carried.

II. Unfinished Business – NONE

III. New Business

- A. **Informational Presentation by Washington County Fair Park (WCPF) and Agricultural and Industrial Society (AIS) for the addition of a permanent amphitheater structure located at 3000 Pleasant Valley Road, Polk, Section One, Washington County, Wisconsin. 133+ acres. Zoned P-1 Park District.** David Stroik of Zimmerman Architectural Studios presented the design of the amphitheater facility which will replace the current stage facility at Washington County Fair Park. The funding for the facility is has been provided by West Bend Mutual Insurance. A copy of the rendering is attached to the Minutes. With this new amphitheater, the volume will be louder, however, the building will not be facing toward the hospital. Ambient lighting provided by WCFP and other lighting is typically provided by the talent. The WCFP hopes to attract better talent with this improved venue. The project will be done in time for the 2016 County Fair. No action required by the Plan Commission.
- B. **Certified Survey Map to create (2) Lots from a 21.77 acre parcel in accordance with Town of Polk Title X Land Division Ordinance Section 3.06 Minor Land Divisions. Property located at 3758 Lily Road, Polk, Washington County, Wisconsin, Section 14. Zoned A-1 General Agricultural. Tax Key# T9-053600Y. Puestow Living Trust, Property Owner.**
Chairman Schulteis invited the applicant to present to the Commission. The applicant, Gene Puestow commented that their land division application is to create two lots from their current parcel. The parcel is divided by Lily Road. Lot 1 would be located on the east side of Lily Road and Lot 2 would be located on the west side of Lily Road. Each lot is an area in excess of 10 acres. Building setbacks for Lot 2 are indicated in print. Karen Reiter moved to recommend approval of the land division for Puestow Living Trust into two (2) Lots. Jeffrey Fehring seconded the motion. All voted in favor and the motion carried.
- C. **Certified Survey Maps to create five (5) lots via two Certified Survey Maps from three existing agricultural parcels in accordance with Title XI Land Division Ordinance. Properties located in Section 10, T10, R19E, Town of Polk, Washington County Wisconsin. Tax Keys# T9-0423, T9-0429, T9-0430-00H. Zoned A-1 General Agricultural District. Steven Kearns, Property Owner.**
The preliminary land division map was presented to the Plan Commission on January 5, 2016. Chairman Schulteis invited the applicant to present to the Commission. The applicant had no comments to add to the application. Zoning Secretary Groth commented that the document needed corrections to the signature page. The applicant doesn't anticipate any further changes. William Whitney moved to recommend approval of the land division for Steven Kearns as presented. Motion seconded by Jeffrey Fehring. All voted in favor and the motion carried.

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- D. **Conditional Use Permit in accordance with Section 4.0 of Town's Title X Zoning Ordinance to utilize a barn on the property to operate a special occasion venue for weddings, parties, and other similar private gatherings. Business to be located at 4214 Pioneer Road, Town of Polk, Washington County, Wisconsin. Section 33. Tax Key T9-0987-00C. 9.66 Acres Zoned A-1 General Agricultural District.** Property Owners Douglass Marquardt and Linda Larson.

Karen Reiter asked if there were reports from the Building, Electrical, and Fire Inspectors. Secretary Groth commented that walk through evaluations have been conducted by the Building Inspector, Electrical Inspector and a structural engineer. A plan for code corrections and occupancy loads is being developed. Permits and inspections would be required before issuing an occupancy permit. The issuance of an occupancy permit would be the effective date of the Condition Use Permit. Chairman Schulteis commented that the Town could only issue a temporary, 180 day use permit. For the use to continue beyond 180 days, the applicant would be required to obtain State of Wisconsin approved plans. The applicant, Douglass Marquardt, commented that his architect advised him that the Town could issue a temporary permit each year. Secretary Groth will research the same with the Building Inspector. Chairman Schulteis stated that what is before us [Plan Commission] today is a onetime temporary situation and that is how we will proceed this evening. Jeffrey Fehring asked if there had ever been any noise, nuisance or traffic issues raised by the neighbors. Linda Larson answered "No". She has invited the neighbors to events and to comment on any concerns they may have with the events hosted at the barn. Larson commented smoking is not allowed in or near the barn. Candles are not allowed either. The Richfield Fire Inspector will dictate the number, size, and location of fire extinguishers. There was discussion as to hours of operation. Chairman Schulteis asked the Secretary to read recommendations for Special Conditions. *Conditions are attached to the Minutes.*

Karen Reiter recommended, along with the Conditions as read, approval of the Conditional Use Permit for Douglass Marquardt and Linda Larson to operate a special occasion venue as presented. The motion was seconded by Theodore Merten. All voted in favor and the motion carried.

- E. **Proposed Road Closure and Reconstruction of portion of Fond du Lac Drive. Wissota Sand and Gravel, applicant.** Albert Schulteis recused himself from the business item. Jeffrey Fehring was nominated by William Whitney and seconded by Karen Reiter. Jeffrey Fehring indicated that he would Chair the business item for Wissota Sand and Gravel.

- i. Presentation by applicant. Chris Larson presented the plan to close and reconstruct a portion of Fond du Lac from the railroad tracks to Hillside Road. They will be taking a 40 feet off the road's hill, and dig an 8 foot by 8 foot tunnel under the road for a conveyor. He has engaged Graef Engineering to design the road profile. Julie Olson of Graef Engineering was in attendance to answer questions. The Town has suggested a 12 foot road with a five shoulder- 3 feet paved for bikes and 2 feet gravel. Wissota will be taking 40 feet off the hill on Fond du Lac. Wissota will take the material from the hill and create a berm on the south side of Fond du Lac. On the north side of Fond du Lac, Wissota will take the berm down and reclaim the area. It will be sloped and finished. Trees and grass will grow in the reclaimed area. Larson presented the diagrams of the road profiles. Copies are attached to the Minutes. Larson commented that they do need a permit from the DNR to show where the water will be going. Larson noted on the profile that there is a slight rise to the road to keep the water moving off the road into the swales.

Julie Olson commented that with the new roadway, you are getting a better quality roadway and road surface. The hill is about a 7% slope which is pretty high for Wisconsin given its snowy conditions. With the change in slope, Wissota will bring it down to a 2-3% incline. Olson is not sure at this stage what other permits will be required beyond the DNR. She noted that Wissota owns the land on both sides of the road where the hill will be shaved off and the tunnel created, so permits

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could be limited. The tunnel will be permanent. It will be blocked off at both ends once Wissota is done with the conveyor. They will need to use the conveyor for up to five years. There will be about 2.5 feet of gravel base course above the tunnel. The construction of the tunnel will be a culvert. There was discussion as to the stability of the culvert and whether it would eventually crush under the weight of the road and traffic. Larson commented there will be A frames built all along the inside of the tunnel. There is similar tunnel at the Wissota pit. They run trucks and pit traffic over the culvert without issues of collapse. They run 10 thousand trucks a year over the culvert. Olson supported Larson's assertion that the culvert can withstand long term traffic without collapse.

Wissota will repave Fond du Lac from Hillside to the railroad tracks. They will lay a base course in the fall (2016) and let it sit. Then apply a second course next year (2017). Larson stated that they would close the road once school recesses for the summer. While Larson stated with the proposal the road would reopen the by the time school starts in the fall, those dates were based on the bus company not being cooperative in regard to school route pickup and scheduling. The bus company will give him until November 1, 2016 to reopen the road to the normal bus route. There are two homes on Fond du Lac where school children need to be picked up for school. Larson would like to take the extra time and "do the job right, finish the berms, and clean things up".

- ii. Public Comment: Fehring invited Public Comment on the Project. There were no Public Comments.
- iii. Consideration by Plan Commission: Fehring invited the Plan Commission to ask further questions of the applicant. Larson commented that Wissota would like to do this project now before construction on HWY 175 begins; and get the material out of the area now based on his business' need for material.

Larson clarified why the conveyor was needed. Material will be extracted from the north side of Fond du Lac, crushed and then conveyed to the south side production plant. Otherwise, the material would have to be trucked. There was discussion as to possible liability for the Town. It was noted that the Town attorney would be reviewing the plans and creating a construction agreement to address liability and performance issues. The discussion went back to the long term viability of the culvert. Larson commented that the culvert could be filled with gravel, or the culvert removed and that section of the road repaved. Karen Reiter moved to recommend approval of the Proposed Road Closure and Reconstruction of portion of Fond du Lac Drive by Wissota Sand and Gravel. Mark Peters seconded the motion. All voted in favor and the motion carried.

Schulteis resumed as Chair to the meeting.

F. Concept Plan by Patriot Homes, LLC for a Mixed Use Commercial And Multi-Family Development. Parcel located at 2933 Pleasant Valley Road, Polk, Washington County, Wisconsin, Section 12, Tax Keys T9-0470, T9-0471, and T9-0472. 80 +/- acres. Francis and Rita Peters, Property Owners.

Chairman Schulteis invited applicant, Tom Timblin of Patriot Homes to present to the Commission.

The vision of Patriot Homes is to divide the 80 acres into 18 similar sized lots of approximately 3 acres each. Seven lots will be commercial lots; two lots for single family development; nine lots for multi-family development and a five acre detention pond. A private road will run north and south with the entrance to the development parallel to the Washington County Fair Grounds entrance. There will also be a private east-west road. They envision a gas station/convenience store, a sit down restaurant, a grocery store and fast food store on the commercial lots. These options are subject to change. The key to the success of the project are the multi-family units being proposed on the south side of the property. The units will be upscale, healthy living apartments targeting young professionals at a competitive rate. These will be one and two bedroom units with no three bedrooms units. There will also be separate

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age 50 and over units. All will have granite and stainless steel and other upgrades that are not typical of other apartment buildings. There will be a bike/walking trail that surrounds the entire acreage; a large community center and offices will house a fitness center, a large multipurpose room, and indoor swimming pool. This concept of healthy living communities is enjoying great success across the country. To have these amenities within walking distance is appealing to multiple age renters. This ambitious project will take about two years to develop. The commercial development will enhance offerings of the Washington County Fair Park and serve local residents in the future. The tax revenues will benefit the tax base of the Town of Polk, the Village of Jackson, and Washington County. This project is designed to be an asset to the local community and the County. Our family would own and manage the development. Timblin stated he has over 20 years of experience with apartment developments in the area. There is not enough traffic to entice a hotel at this point. We will have more commercial interest once the multifamily units are built and rented. He will probably sell the commercial lots for others to develop.

Schulteis commented that the biggest question for the Commission at this point is whether or not the Town wants to have multifamily zoning. There is much to be determined. The Town has talked to a planner and with SEWRPC to determine issues with extending the sewer district into the southern portion of the parcel. There needs to be discussion with our neighboring village about accessing the sewer district. To approve the concept presented at this time would be premature – we don't have the zoning to do so. So the question before the Commission is: "Do we want to consider multi-family zoning and do more research. Or, do we want to tell Tom thank you, but no thank you?".

There was discussion as to the potential population density given the number of units being presented. Timblin estimates 500-750 renters in the development as presented. Each building will be about 48 units per lot. The buildings will be 2- 3 story with underground parking and an elevator. Based on having one and two bedroom units, Timblin estimates that at capacity there will be approximately 500-750 people occupying the multi-family units – 50 to 75 people per building. Timblin stated that there is a market for this capacity based on the healthy lifestyle concept, the proximity of the hospital, and the easy access to Interstate 45. Commuters from beyond Kewaskum would find this an attractive location. Rents would be comparable to other rental communities. Timblin stated that developing duplexes or quadplexes would not be the best use of that land and would be less likely to bring the population density necessary to attract commercial development. Timblin would consider setting aside the seven acre woods on the parcel as a park area. The bike and walking trail will run through the woods.

There was discussion as to what type of decisions and processes would be required on the part of the Town to move forward. Of special concern was density, road infrastructure, impact on the school district, the availability of sewer service to the southern 25% of the parcel, and agreements for sewer service with the Village of Jackson.

Timblin stated his understanding of complexities involved in this development. Some decisions on the part of the Town would need to be made this summer in order for Timblin to move forward on the purchase of the property. Timblin estimates a \$50-60 million dollar investment in the development of the project. Jeffrey Fehring moved to consider the concept of multifamily zoning and conduct more research. Mark Peters seconded the motion. All voted in favor and the motion carried.

G. Zoning Violations. None.

IV. Other Business

- A. Correspondence. Chairman Schulteis attended various meetings with regard to improvements on Interstate 41 including the sandblasting of the overpass girders in 2023 or 2024. The concept of a northern reliever route has been resurrected. SEWRPC is studying a route including Arthur Road through St. Lawrence. Other potential routes are being considered.

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B. Informational Items. NONE

C. Zoning Board of Appeals Report. NONE. The Zoning Board of Appeals did not convene in February 2016.

V. Adjourn. Mark Peters moved to adjourn the meeting. William Whitney seconded the motion. The meeting adjourned at 9:06 PM..

Respectfully submitted:

**Tracy Groth
Zoning Secretary**

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Plan Commission makes the following recommendations as conditions of approval for Marquardt/Larson.

- Host private events only
- Permittee is responsible for obtaining all locally required permits, inspections, and licenses particular to the use.
- Hours of operation are limited to Noon to Midnight Friday and Saturday. 9:00AM to 10:00PM Sundays and weekdays.
- Guest capacity limited to the engineer's calculations for maximum load.
- Parking is limited to 150 vehicles.
- Temporary permit issued for no longer than 180 days. After 180 days, the applicant may return to the Town for a renewal of the Conditional Use Permit if all State and Local Building plans and requirements have been approved.
- The sale of food and beverage is prohibited.
- Other than what is allowed in the zoning district without permit, all other signage must be approved by the Town.
- Permittee shall submit a Certificate of Insurance identifying the Town and its elected officials, employees and agents as additional insureds with the following minimum coverage limits: Comprehensive general public liability insurance against claims for bodily injury, death or property damage occurring on, in or about the permitted premises or arising out of the operation of the permitted premises. Such insurance shall afford protection of not less than \$1 million combined aggregate.
- The Permittee shall promptly reimburse the Town for its expenses relating to the review, issuance, administration and enforcement of this conditional use permit, including, without limitation, the Town's reasonable attorneys' fees.
- The CUP would include the Town's typical **General Conditions**.
- The Conditional Use Permit would commence with the issuance of the occupancy permit.

Respectfully submitted,

Tracy Groth
Zoning Secretary