

TOWN OF HULL

PLAN COMMISSION MEETING

January 26, 2010

- 1. CALL THE MEETING TO ORDER:** The Town of Hull Plan Commission Meeting was called to order by Chairperson John Holdridge at 7:05 P.M. at the Town of Hull Municipal Building, 4550 Wojcik Memorial Drive, Stevens Point, WI 54482.

Present: John Holdridge, Dave Way, LaVerne Syens, Bob Bowen, Shelley Binder, Bob Enright, Robert Brilowski and Secretary Patty Amman.

Also present: Chuck Lucht, Associate Planner of Portage County Planning and Zoning and Town Supervisors, Mel Bembenek and Dave Wilz. Citizens: Paul Pringle, Dave & Barb Pozniak, Trudy Pederson, Margaret Check, Tony Butkus, John Butkus, Tim Czysen, Dale Stuble, Jim Witham.

General Announcements:

Holdridge I'd like to introduce our new secretary, Patty Amman, who has replaced Marilynn Kranig on this Commission. She's had a lot of practice on the Building Committee and she'll be as outstanding as Marilynn was.

Bowen John, I think our records should show that we greatly appreciate the diligent and efficient work that Marilynn put in.

Holdridge Would you record in the minutes that, unanimously, the Hull Plan Commission salutes Marilynn for her hard work and very complete minutes.

Holdridge I've got an e-mail from Barb Borski, who has indicated that she is still opposed to any commercial development at the I-39 interchange. There was also a memo from the DOT that they were going to reopen the Hwy. 10 East project from Amherst in that crossroad area. In talking with Mike O'Meara, DOT Project Manager, they are not thinking of changing the route. Our fear was that they might change the route and it would come north through Hull as they had originally proposed some time ago. What they're going to do is look at the Amherst area. They had a public hearing down there and got a lot of feedback that they could redesign some of those on/off ramps. I congratulated Mike and said I'm just glad that he's listening to the citizens. He said, "Well John, it's mandated that we've got to listen to the citizens." So that was good.

Holdridge Thursday night (*January 28th*) in here we've got a meeting with the City and citizens from the Plover Heights area about the City putting in a new deep well in that area. Mayor Halverson will be here and George Kraft and a representative from the DNR office in Wausau and Ray Schmit. We hope to explore that concern because all of us who live in Hull ought to be concerned. We've got 2,020 households and all of those are dependent upon private wells. Hopefully, we can have a dialog. I talked with Bob Konkol about the process of public meetings and the process of developing this plan. He's going to be available because my sense is that when and if we get to the Casimir interchange and the efforts to commercialize that, we're going to have some legal questions and may get into some kind of legal action. I want to make

sure we are proper and clear on our process. We got Bob Konkol involved on a dilapidated barn and we laid out the process. It took us a little longer than we thought, but the result was that the mission was accomplished.

2. CITIZENS WISHING TO ADDRESS THE COMMISSION NON-AGENDA ITEMS. AGENDA ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION:

Holdridge Any citizen wanting to address the Commission in non-agenda items? None. Tonight, we want to have a lot of discussion among this group. When we're done, then we can go back and address any of your questions. We've had public hearings, now it's time for this Commission to make some decisions.

3. APPROVAL OF MINUTES OF November 17, 2009 PUBLIC HEARING AT SPASH:
Motion to approve the minutes of the Public Hearing at SPASH on November 17, 2009 by Bowen, second by Robert Brilowski. Motion carried by voice vote.

4. Discussion by Hull Plan Commission of 2 acre/5 acre lot size in I-39 W area.

Holdridge After our last meeting, LaVerne Syens, Bob Enright and I meet with Chuck Lucht and Bev Schuler up at the County Annex on the 3rd floor in the Planning Dept. We wanted to explore the issue that LaVerne brought up last time with the proposal to merge both the 2 acres and the 5 acres and set a policy that would eventually be part of the plan and part of the zoning. You'd have a 10 acre lot split. Those 10 acres you could then divide into 2 acre lots. If you had 20 acres or above, those would be 5 acre lot splits. We had a pretty good discussion. In the minutes, there's a good discussion about that. Out of that came recognition from the County standpoint that it's pretty complicated and hard to track. As far as we know, it's not been done before. It did reach a compromise position that merged and helped preserve an area plus it gave those people who needed to use their land a way of being less restricted. The upshot of that was that after our discussion, we didn't find a lot of enthusiasm by the County to follow that approach. It's all under County zoning. We operate under County zoning. I reread our minutes from the last meeting today. There was talk about the Town of Hull having its own zoning ordinances. That's always possible to do but that becomes expensive. Any reaction to that Bob or LaVerne?

Enright I think that's an accurate portrait.

Syens You portray it accurately.

Holdridge Chuck, do you have any thoughts on that?

Chuck Lucht No.

Bowen My only question would be, how does the conclusion that you reached, or the information you received, pertain to what we're going to discuss tonight?

Holdridge In terms of the 10 acres; if you had a 40 acre parcel, the first 10 acres could be divided into 2 acre lots and the other 30 acres could be 5 acre lots. As I understand it, that would involve real tracking issues and monitoring issues. That's the sort of thing that I don't think the

County feels comfortable with. Either having the mechanism to do it or the personnel to handle it competently enough.

Lucht Correct. I'll also state that the County feels that applying 2 acre zoning or 5 acres is probably the best. At that meeting, our statement was 2 acre or 5 acre zoning. You didn't need to worry about it being spot zoning as long as you have some sort of logical method you apply to it. You could have a patchwork zoning, but you need to base it on some sort of reason and logic why you did it. So 2 or 5 acre zoning was more than appropriate rather than creating an entirely new system.

Bowen So instead of a choice or option, it's either/or?

Lucht That was how we were leaning.

Holdridge The either/or would be 2 acres and possibly 5 acres. It's not all 2 acres or all 5 acres.

Lucht Correct.

Holdridge I talked with Jeff Schuler today and asked how do you put that stuff on a map? He said it's not a problem because we can identify those lots. If you use 10 acres as a threshold, we can identify those lots of 10 acres and color code them one way and those over 10 acres are coded another way. One would become A4 and the other A3. Those might be right here and right next door, you might have another zone.

Lucht Correct.

Unidentified citizen: I have a question. What's so hard about tracking 2, 5 or 10 acres? Is it because of successive buyers after the fact, or what?

Lucht Correct. That takes being able to attach the tracking to a pin number, deed, project number and mapping systems so that they don't slip by. We already have that partial answer where the County does do those things in its zoning ordinances, in the subdivision ordinance, but that's County wide with lot averaging. It's not the County's direction to want to make one zoning or a town that doesn't apply anywhere else in the County. If you look at the area where we're saying you can apply it by those 20 acres or whatever and 5 acre zoning and those 10 acres or below, it's just that much simpler. It simplifies everything easy enough to just get by with straight zoning to whatever your criteria is. It's the County's opinion that we have zoning ordinances in zoning districts that properly apply to whatever lot size you can provide. You don't need to recreate the wheel to apply zoning.

Holdridge You either have 2 acres, 5 acres or 10 acres. Is that accurate?

Lucht Correct.

Holdridge Those are the zoning acreages. That's part of your zoning ordinance. As I look down the road here, I look at tasks that, as a group, we need to perform to identify an I-39 plan. We have to select appropriate lot splits. Secondly, we've got to deal with the challenges with commercial development at the I-39/Casimir interchange. We have 3 different individuals wanting to change to commercial there. Pete Klismith is the major one. There's also a single lot. There's a person who lives in Point and I think the owner lives in Georgia who would also like to look at commercialism in that area. So we've got to resolve that. Once we've done that, we complete the land zoning map modifications, and then you've got an I-39 plan for that area.

When I was going through some of the background today, in the minutes, on the number of lots of various sizes, some of that may be inaccurate. (*handout of John's with lot size by quantity*) This information was taken off a map that the County had put together (*referring to a map*). It's this map right here. It even has the colors on this map. On the index, this is what they came up with in terms of lot sizes. Less than 1.99 acres there are a total of 26. From 2 – 4.99 acres, there are 72. From 5 – 9.99 acres, there are 24. Those over 10 acres, from 10 – 19.99 acres, there are 39. The lots out there that are 29 acres or more are a total of 38. At the bottom of that sheet, I've summarized that. Less than 10 acres, there are 122 lots. Ten acres or more, there are 77 lots. If you use a threshold of 20 acres instead of 10 acres and you go below 20 acres, you've got 161 lots. Then 20 acres or more totals 38 lots. I think this is accurate. In the proposal in the minutes, there are about 160 for those below 5 or 10 acres, that isn't accurate. At least as I looked at and reviewed this map that is from Portage County. They color coded it, which as we define the lot acreage, this is how you'd work it out with different colors for each lot size. I just want to make sure we have accurate data or at least as accurate as we can get it. This is the raw data that we're looking at. If you assume the way you preserve an area other than personal responsibility, that we're just not going to develop it, or some really heavy handed method, it inevitably goes down to lot sizes and what kind of split you can do from that. One of the suggestions was, if we go back to what LaVerne was saying last time; forget about the sliding scale and say that those under 10 acres are 2 acre lot splits, those over 10 acres could have 5 acre lot splits. Now you could move that threshold up and say those under 20 acres could have 2 acre lot splits and those over 20 acres could have 5 acre lot splits. That is reflected down here when you talk about the lot splits. That assumption is that the larger lots will lead to lower density. We had the discussion before with one member talking about the segregated housing. If we get larger lots, we'll get more money for the lots and you'll have an income split out there. It's clear there are a lot of 2 acre lots out there for people who want to live there. The normal zoning is 2 acre lots. That's where we are at and the decision point that we need to make and go from there.

Bowen What happened to LaVerne's motion?

Holdridge His motion is what we met with the planning people on. The 10 acres with 2 acre minimum and anything over 10 acres would be 5 acre splits. Classically, you'd take the first 30 acres and say the first 10 acres would be 2 acre splits. The other 20 acres would be 5 acre splits. That's the proposal the County feels would be hard to administrate. That is, in short, what happened. We raised questions with the County. What's the difference in administrating that as opposed to administrating lot averaging? Is there any real difference? The lot averaging scheme has never been implemented in Portage County.

Bowen What I was getting at was that his motion was tabled, right? I can't remember.

Holdridge We passed it in order to investigate it.

Bowen Oh, okay. I was just trying to make sure that if we had old business, we dealt with that. But we did vote on it.

Holdridge We were supported to investigate and explore it. I think our exploration was not terribly successful. I've come to appreciate the administrative part of government. You can pass all kinds of laws and have all kinds of schemes, but if you can't administrate them, it doesn't reflect good government. You're just creating a downer for citizens and a potential disaster. If you do things, you need to know how to administrate them so that they are simple and easy to understand. Not only in the Town of Hull, but elsewhere.

Enright One of the things we talked about also, looking at the map that showed the terrain with the lot sizes superimposed on it, many of these lots, as we had previously suspected, are not developable. We were also thinking of a way to accomplish what we set out to do, that we could make a plan that is straight forward and that accomplishes something towards the goals that we would set out for ourselves. That seemed possible within the limitations of using the existing lot sizes. Beyond that, a lot of the larger lots are contiguous so it's not as big of a spot zoning as it might appear at first glance.

Holdridge That's an important point. Overriding all of this are the constraints of that area. I talked with Chuck and asked, "What if we went through and took all 20 acre lots and said what part of that 20 acre lot is actually buildable?" That's a fairly big task. We know, from our mapping, that this is the situation with many of these lots. We have hydric soils, wetlands, shore lands, etc. That is part of the nature of that area out there.

Binder In trying to move this along, is it possible to do a voice thing as to what everybody is leaning towards? Like staying at the status quo, or 2 acres, 5 acres, 10 acres? It just seems like we've been going around on the same wheel for the longest time. I'd like to get some feedback and find out what some feelings are of this group so we could move along.

Holdridge We've had public input. We've had written communication. We did an early survey and at that point, there was this notion of 10 acres. But as things developed and people started looking at what that means, then there was some sliding backward. The last survey we did was all those people over 10 acres. We got a good response. That was divided down the middle. We've had public input. Now it's time for the Plan Commission to make some decisions.

Bowen I think that John, LaVerne and Bob Enright are the most knowledgeable along the technical lines because of your meetings with the County. Therefore, I'd like to suggest that one of you make a motion and then we could have a discussion. That would keep moving things along. I think it's more valid in coming from one of you three. You've had information that the rest of us don't have. You've explained it tonight and I think I understand it, but it's not like being there at the meeting you attended.

5. Action on lot size(s) in the I-39 W area.

Enright I'll make a motion that we zone the lots that are 20 acres or larger with the 5 acre minimum lot split.

Holdridge You are saying that's the cut off?

Enright For 20 acres or larger, with discussion on what we can do with 15 or 20 acres or something like that as a starting point, 20 acres and above are 5 acre minimum, the smaller ones remain as it is right now with 2 acre lot splits.

Brilowski I second that.

Holdridge Discussion?

Bowen Does that mean that everything up to 19.99 acres is eligible for 2 acre splits?

Enright Yes. That what I mean.

Bowen Okay, I just wanted to clarify that. Assuming no amendments or anything.

Enright Right.

Holdridge Other discussion? As you look at those 20 acres or more, there are 38 lots. I was trying to find out how many of those were 40 acres and I couldn't find out. We're dealing with 161 lots out there that would be 2 acre minimum splits. We're dealing with 38 lots that would be 20 acres or more. As an alternative, if you went to 10 acres or more, you'd be dealing with 77 lots that would be 5 acres or more. We're talking about a threshold of 20 acres.

Enright We're talking about trying to understand what it's like under the planning perspective. How do you manage to do something towards this goal without coming into the difficulties we face by the smaller lot owners and the concerns they have of splitting lots for inheritance purposes. We didn't know how many lots were between 10 and 19.99 acres. How many are less than 15 acres. The ones that are just a little over 10 acres. The large lots could be split and passed on by dividing 20 acre lots into 4 parts. The larger lots like that, particularly given that so many of them have a lot of undevelopable land on them, would accomplish the goals or at least move to some degree towards that.

Holdridge It would be important that as we develop this plan, we review it, particularly in this area, maybe in a year, and see what is happening on the ground out there. The plan is always dynamic. You can make adjustments based on that. The other thing that's got to happen, is that we've got to develop a new subdivision ordinance. This seems to be a first step. We've dealt with preservation on the I-39 thing and we're almost coming full circle because if we don't do this, I'm not so sure there will be much interest in doing anything as I talk with people.

Bowen Bob (Brilowski), you live in another part of Hull and you're a land owner. How does this set with you if this were something proposed in your area?

Brilowski Personally, I don't see much of a change out there. It's mostly ag land out there.

Way I think this is a reasonable proposal. Unless someone can convince me that Bob Enright's proposal has some serious flaws, but so far, I haven't heard any. I would have gone with 10 acres, but I think maybe 10 is too restrictive, so I would concede to 20.

Binder I think that there has been a lot of discussion on it and I would like to go with Bob's suggestion. I'd like to see the whole Town of Hull treated the same. But if we implemented it town wide, those people that have large parcels in other parts of Hull would have the same restrictions. I don't like the idea that the Town not be treated all the same. But there aren't many areas in the Town of Hull that have large parcels anymore. A lot are now in subdivisions.

Bowen This is a rather drastic departure from the status quo, is it not?

Holdridge In terms of the scale of the effectiveness.

Bowen Anybody that has 20 acres or more is going to be affected, if there's going to be any development that they do, it would be into 5 acre lots. Those are big lots.

Holdridge Two acre lots are big to me. If you looked across Hull, are 10% of our lots 20 acres or more? I don't have data for that. Maybe Chuck has some idea. What percentage of our lots are 20 acres or more?

Lucht The closest I can give to that answer is that there is very little agriculture land left in the Town of Hull. I can't give you a percentage breakdown without actually doing some research. But there is very little actual agriculture land left in your Town. You are mostly an urban fringe Town without much ag land left.

Holdridge Going back to that area; the reason that area became the way it is on the map is because of the comprehensive plan. We took a look at that area over there and said that area is unique to the Town of Hull. If it's unique to the Town of Hull, how do we try to keep it like it is as long as we can with some kind of public policy? Citizens over there have complained about that. "Why are you selecting us out?" We've heard that. We've heard the argument about a certain amount of elitism over there. These people want to be left alone and that's elitism. Then we heard the argument about 5 acre lots that would bring in the big spenders, big housing. If we say that the area is unique, in the survey early on, people wanted to preserve it. The question is, how do you preserve it? What we're getting around to is doing it by lot sizes. There are other aspects to this. They don't want that interchange to be commercialized. We need to deal with water issues over there. We've got the Pipe and the Red Bridge that needs to be preserved. We've got to support all of the restrictions that are there now that come from the state and federal governments. So there are a number of aspects to this. There was a provision we needed to look at that area. When Larry Fritz was on this Commission, I remember him saying; "If you

didn't do anything, there would still be limited development out there." That's where we got into this thing.

Bowen I just wanted to raise another issue here. We've got 38 lots over there that are 20 acres or more. Just take any one of those property owners that may have an interest in selling some of their 20 acres if we pass this. There would be a potential of reducing their available lots from 10 to 4. If we pass this, they'll have 4. That will cost anybody a lot of money by that. I'm not saying that is why I would vote for or against this. I just want to raise these issues because these are the things we will be questioned on after we pass this. We are going to affect possibly up to 38 landowners. So this is a very powerful decision to make.

Holdridge We're making decisions on somebody else's land.

Bowen Right.

Holdridge Property is a commodity. The reality of those 20 acres is that half of it is unbuildable.

Bowen Right.

Holdridge If this zoning goes into effect and somebody is really upset, whether they have rational reasons, or no reasons, just that we are taking money out of their pocket, isn't that where citizens' recourse is through a variance process? I ask Chuck that.

Chuck It would be case dependent. As the Town of Hull, you have the right to set zoning, logically, how you see fit. The variance process is used for somebody that has had something happen to their property through no fault of their own. A large chunk of property is going to have the ability to fit with all the ordinances and zoning codes. I don't know if that is exactly addressed by the variance process. They can appeal it anytime to change the zoning in the comprehensive planning for that parcel.

Holdridge If we make this decision, it's happening through no fault of theirs. We're the ones that are calling the shots.

Lucht When you talk about the variance process, it is because you changed the zoning or ordinance and the property is too close to the front of the street or the property is oddly shaped or something of that nature. When you're talking large parcels of land, 15, 20 or 30 acres, it's not really depending upon the variance process unless there is something very special or unique that comes up.

Holdridge So that could be directly appealed to the Plan Commission, is what you're saying?

Lucht Right. They can come to you at any time and ask for a rezoning and a comp plan sheet.

Holdridge The decision making that you have is, if it's 90 or 80%, those are easy decisions. But the real tough decisions are when you send out a survey, I think we sent out 50 and we got back 29, they were almost split down the middle. Some people wanted 10 acre splits, some wanted 5. It didn't tell us why. You've got some real divisions over there.

Enright In thinking about the proposal that LaVerne had made at the last meeting, of allowing a spinoff of the different lot sizes, there seemed that there was some support for that approach and that was the reason we met with the County planners to see if it was feasible. So if you took a 40 acre lot and you took 10 of those acres and allowed those to be 2 acre zoning, that's 5 lots. The remaining 30 acres with 5 acre lots would be 6 lots. That means that the proposal would allow 40 acre parcels to be split into 11 lots. Contrasted with this one, that's saying 40 acre parcels could be split into 8 parcels. There is a difference there. I don't know if you call that big or small.

Binder I thought you said it wasn't able to be done, to take 10 acres and put it into 2 acre lots.

Enright It isn't, but the point I'm making is that if we're looking for a way to do that, this was one that the Plan Commission voted to look into to see if it was possible. Not that we liked the idea, but we did look into it.

Brilowski What if you have 40 acres and want 2 acre lots?

Bowen You can't.

Enright The proposal, as I understand it, was basically deductive logic and an assumption that we set in the plan that this area is unique. So far we haven't come up with a unique way to act upon that unless it's just a sentiment. If that's the case, then maybe it's not and we want to treat the whole Town the same way. Just rewrite the plan and say there isn't anything different about that area and treat it the same as everywhere else and we don't even need this. It seems we have those 2 options, really.

Bowen The alternative is that the topography may dictate the degree of development that can take place on these hydric soils, wetlands and floodplains, so we are assuming that if we pass this, that everything is developable. We know that it isn't and we're counting on the fact that these other variables will influence the development.

Enright If I understand you correctly, this looks more restrictive than it is. Some of these lots with a lot of hydric soil are wetlands. You're not going to get many lots out of them anyway.

Bowen Right.

Enright We do understand the whole 5 acres does not have to be buildable. If you could find a way of putting a building on one of those and the rest is wetland, then..... do I understand you correctly?

Lucht Correct.

Holdridge What Bob is proposing is more liberal than having 10 acres.

Bowen Oh yes, I know it is. *(tape ends and a little conversation lost)*

Holdridge Maybe that's the argument – put this out there and see what happens and then you review it in a year and say what's the dynamics of this. This may be a big issue and a lot of gut wrenching and real conflict about something that isn't that big of a deal.

Bowen Has anybody obtained any information from realtors or citizens about how much pressure there is over there for 2 acre lots?

Holdridge The history of that, we went back to 1989 and there was a house built a year. Some years there were no houses. The most in a year was 6 buildings.

Bowen We had a gentleman at one of our hearings that said when he first moved out there, he couldn't see anybody and now he can see somebody in every direction, or at least 3 directions. Maybe it's just that he built in an area that is ideal for building and it's going to develop.

Holdridge The issue is that we're going to have growth and the question is how rapid is that going to be. It's not a no growth thing. We're clearly trying to slow down growth.

Bowen My observations over there has been that during the summer and fall, when you've got foliage, you can't see anybody. You drive around those roads and if they build close to the road, yes. But a lot of them have 100 foot driveways or setbacks.

Holdridge The argument is that you have a new interchange there. They closed X, we never wanted it closed, but they closed it. They built the Casimir interchange. Therefore, that's going to tend to stimulate growth there. People use that to go down to the bottom lands there. Red Bridge, that's more popular than it used to be. That's a fact that happened. The historical data is that it's very moderate growth there. I noticed Ray Schmit, in one of the efforts to develop around the Casimir interchange; they want a water study done to see if there is drinkable water there. He's requiring that of the person who wants to make a zoning change there.

Way I think we've covered it. I don't believe that we're going to stop growth. I don't think we should want to stop growth. I think we should make an honest attempt to set this up in a way where we have a reasonable chance of preventing any disastrous growth out there. I think this proposal addresses this quite well. If it proves to be unworkable, there's no reason we couldn't come back to it. I would call for the question. I think we've been over this road as many times as we need to be.

Holdridge So we'll call the question. All in favor of Bob Enright's motion, indicate by saying aye.

Bowen So you're saying 2 acres now?

Holdridge We're saying 2 acre lots for 20 acres or less, over 20 acres is 5 acre lots.

Motion passed with voice vote with one member abstaining.

Binder Understanding that this goes to the Town Board?

Holdridge We've reached a crucial part of the debate here. Now it goes to the "full senate". Now we put that proposal with the coloring on the map, with correct zoning, that would be part of our recommendation to the Town Board.

Enright Is there another public hearing on that?

Holdridge That's the thing I'm going to talk with Konkol on. Before we send this to the Town Board, we need to resolve the second part of the issue, which is commercialization at the I-39 / Casimir interchange. What I would propose, and I have a calendar for February and March, what is proposed for the I-39 / Casimir interchange is to change that land use to commercial. That requires a 30 day public notice and public hearing. I'm suggesting that we have a public hearing on the Casimir interchange issue. The reason that is not on the agenda tonight is because the request (*from Klismith*) included a parcel of land that the person (*Klismith*) didn't own. You can't be rezoning somebody else's land. So we need to make sure that whole thing is accurate. I propose a public hearing on the 23rd of March.

Binder Is that for commercial use at the Casimir interchange?

Holdridge Yes. That's the issue there. That'll be a public hearing and we may not be able to hold that here (*at the Town Hall*), we may have to hold it up at SPASH because of the number of people that might attend. There may be 3 different requests there. The way it works is you have one and you listen to the public on it. You close it. Then you go to the 2nd one, listen to the public and close it, and then you come back and take each one individually and vote on it.

Bowen I don't know who's proposing that, but when you say the Casimir interchange, what are the boundaries, east, west, north and south?

Holdridge It's virtually right there where the interchange is.

Way If we're going to disuses restricting it, we should have boundaries.

Holdridge We'll have all that. The land use plan says basically no commercial development.

Bowen Right.

Holdridge If somebody comes in with a plan and says in this area it's contiguous, we want commercial development, they have a right to do that. I'm not going to prejudge anybody on this stuff. You may listen to these arguments and say, maybe we ought to have commercial

development out there. You are all free-thinking people and you have that right to make that decision. That will all be laid out. I suspect the one will have his attorney here. I just want to make sure, that we, as a Board, are operating without any snafus from a legal standpoint and we follow the correct process. I wouldn't prejudge the outcome.

Enright Procedurally, if we're in favor of that, is it just granting a variance?

Holdridge We would change the land use, and then we would change the zoning.

Enright Does that mean we have to change the land use plan?

Holdridge Yes. That would be an amendment to the land use plan.

Enright What's involved in that?

Holdridge That involves a public hearing, this group acts on it. Say for example, we approve commercial zoning there. There are two steps. One is the land use plan, the other is the zoning. If we approve that, then it goes to the Town Board. They have to act on that. Then it goes to the Planning and Zoning Committee and ultimately to the County Board. Right Chuck, is that it? It becomes part of your plan.

Lucht Correct.

Holdridge We are right at where the rubber hits the road. Going into this, we have said in our plan that we don't want to have commercial development there.

Lucht I'm going to stress here, that when you make a decision as the Plan Commission, beside just your recommendation, you also put down any relevant details and opinions you have with that decision. This is going to be controversial. You put down your logic as to why you have that opinion. Not only here, but also at the Town Board. It's important that any information and opinions you have be passed forward to the Planning and Zoning Committee. So they can be informed of any issues pro or con. I'm not saying I have any idea of whether you should pass it or not. I'm saying those opinions for and against, whether in an informal note, needs to be passed up to us along with your formal recommendations on what you did. That way, the staff at Portage County can make sure that the Planning and Zoning Committee understands exactly where you came from and how you made your decision. So both pro and con on why you made your decision in that meeting.

Holdridge To some extent, it's a simple fairness issue. People ought to have a hearing, they ought to have right to express their opinion. What you're talking about is a record of the hearing.

Lucht Yes, so I can pass the record on.

Enright So can the Planning and Zoning go against the recommendation that we would pass as an independent judgment?

Lucht It's an independent judgment. Could the Planning and Zoning Committee pass a recommendation contrary to the Town of Hull? Yes. It is technically possible. That's why it's important that you have your logic and whatever decision is made, soundly based upon your logical opinion. That way, the Planning and Zoning Committee more than likely will follow your decision making process. As of right now, your comprehensive plan says we don't want commercial there. If you maintain that, based on your comprehensive plan, or what's in your comp. plan for that area of the Town of Hull, you are on solid ground for making your decision. If you also feel, after the public hearing, that there is a legitimate case to be made for changing your comprehensive plan, your logic for that should also be on paper for the Planning and Zoning Committee to follow.

Holdridge I was on the Planning and Zoning Committee for a number of years. My experience was that they will almost exclusively accept the recommendation of the local government unless it is clearly way off base. So basically they will defer. Are there any other questions you have about that? So we acted upon that. The meeting for the public hearing will be on the 23rd and we'll have to set it out that far because we have to give 30 day's notice and we want to make sure we do that accurately.

6. Chairperson's and Commission Member inquiry, questions, comments and suggestions.

Holdridge Any comments questions, comments or suggestions from the Commission?
Anything you want to discuss?

Bowen In light of what Chuck just said, I think our whole motivation here has been preservation. That's the fundamental idea, to keep it residential. We're trying to preserve that neighborhood as a residential area, attractive to potential homeowners.

Holdridge Anyone else have comments or questions? Then let's go to number 7.

7. Questions and comments from citizens.

Tony Butkus I'd like to congratulate you guys on having come up with what I consider to be a pretty good and reasonable approach.

Holdridge Tony, I want to congratulate you. That's the briefest you've ever been! Any other comments?

Paul Pringle I have a comment on size. I think an even number, instead of a 5 acre, a 6 acre or 12 acre an even number would be better. My reasoning for that would be if I want to break up my 5 acres between 3 kids, how do I break it up between 3 kids? I can't break it up. Two and two and one.

Holdridge That's a good suggestion. But you know what the problem is? There's only 2 acres, 5 acres or 10 acres. That's part of the zoning code in the County. That's why we can't have a 6 acre; we can't have a 3 acre.

Pringle Okay, I didn't know that.

Holdridge That's the requirement we are under, Paul. Any other questions?

8. Date of future meeting. The next Plan Commission Public Hearing meeting will be held on Tuesday, March 23, 2010.

9. Adjournment

Motion made by Dave Way to adjourn meeting, seconded by LaVerne Syens.

Motion carried by voice vote. Meeting closed at 8:15 p.m.

Respectfully submitted,

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