



Town of Fond du Lac Planning Commission Meeting

Date	Tuesday, October 15th, 2024
Location	Town Hall W5990 Pioneer Road
Time	6:00 PM
Meeting Materials	Meeting Materials Link (Google Drive Folder)
Note	Town board members may be in attendance for information-gathering purposes but will not take any action. Interested parties are encouraged to attend. All plan commission decisions are recommendations; the town board makes the final decision based on the recommendation.
Members	Jess Allender, Mike Guilfoile, Scott Roltgen, Herb Keding, Lisa McArthur

Minutes

Last updated 10/15/24

1. Call to order and notice of open hearing.
2. Approval of [minutes](#) from the previous meeting. Herb 2nd by Mike carries, 5-0
3. Review proposal from James and Patti Supple for a CSM, land division, and rezoning from Farmland Preservation (FP) to Residential Medium Density (RM) for two 1¼ acre lots on tax parcel T09-15-17-35-03-004-00 on Martin Road, Town of Fond du Lac.
 - a. D. Supple is purchasing property from P. Supple. They are looking for RM zoning to build two, two-bedroom duplexes. The frontage would be 90 ft frontage, possibly closer to 200 ft wide depending on how the surveyor sets it up. RM would allow duplexes without a special exception and RR would require a special exception to do that. An RM zone would mean that they have sewer available. Need to preserve 20 acres for every acre of non-farmland (up to 5 acres). S. Roltgen: RR more appropriate but frontage needs to be 130ft and parcels around them are RR and because there is no sewer. The future duplexes or condo situation would require a special exception.
 - b. The Planning Commission recommend the Supples rezone to RR, motion by H. Keding and second by L. McArthur, motion carries 5-0. Their next steps are to submit a CSM, documentation of the base farm track, provide a legal description of the two parcels being created, and condo documents.
4. Presentation by Cedar Corp for updates to the Farmland Preservation (FP) ordinance and map.
 - a. Krista and Ken. County updated the farmland preservation plan and now we need to certify the farmland so that people can get the tax credits. Zoning map and zoning text need to be certified by DATCP.
 - b. Light brown is eligible for tax credit if it's in FP if 80 percent needs to be farmland preservation (currently 94%) for anyone to be able to tax credits.

- c. Four properties are zoned farmland preservation but they are in areas of nonagricultural development. The four properties are:

MapID	PIN	Acres	Owner	Site Address	Current Zoning
1	T09-15-17-36-04-005-00	6.73	L CHARLES BURKHOLDER	N5138 COUNTY ROAD K	Farmland Preservation
2	T09-15-17-36-06-005-00	9.51	JEFFREY A BROWN	N5221 COUNTY ROAD V	Farmland Preservation
3	T09-15-17-35-02-002-00	5.72	ROSEMARY HELMER	N5215 MARTIN ROAD	Farmland Preservation
4	T09-15-17-36-16-006-00	19.49	LAWRENCE R MERRILL JT REV TR		Farmland Preservation

- d. These parcels (need zoning changes because they are zoned in farmland preservation but not in a farmland preservation area) need to be resolved by December 2025 or farmers will lose their tax credits. If the four properties can't come to an agreement then we may need to consider updates to the Farmland Preservation map. These first four properties are not eligible to receive credits in farmland preservations.
- i. #1 to get notice to public hearing about getting moved to general agricultural.
 - ii. #2 on hold pending conversation with attorney.
 - iii. #3 is split zoning so would need to rezone the whole property to RR (all the way to the back of the property).
 - iv. #4 could just get transferred to general agricultural.
- e. #20 on the list is 3% of our allowable 6% discrepancies (non-farmland preservation parcels in farmland preservation areas) but not in farmland preservation so it could be turned into farmland preservation in the future (as a split zone parcel).
- f. Sec13-1-5-a-3e is possibly problematic because it limits the number of residences to five from the parent farmland preservation track, which is complicated because once land gets divided, the parcel number changes so it's very difficult to keep track of and do correctly.
- e. Nonfarm residences, or a proposal to convert a farm residence to a nonfarm residence through a change of occupancy, if all of the following apply:
- 1) The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence.
 - 2) There will not be more than 2 dwelling units in nonfarm residences, nor, for a new nonfarm residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.
 - 3) The location and size of the proposal nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:

- g. Another recommended FP ordinance change: Currently non-farm residences are a special exception in FP. If getting rid of the base farm track, if someone wants to build a new non-farm residence, they have to rezone. If there is a house on the lot build before Jan 1 , 2014 it can be separated from the lot and is automatically a permitted use. But, anything new would need to be rezoned to another district (and then also report at the end of the year).
- h. Act 67 made it so special exceptions are more straightforward throughout the state. That language should be in the ordinance to be in compliance. It needs to be measurable and both parties need to understand how they will be met.
- i. Zoning ordinance, page 13-1-10-amendments D (on page 61 titled "final approval by town board" to be revised to only include the first sentence of the following:

- d) **Final Approval by Town Board.** An amendment shall become effective upon a majority vote of the members of the Town Board voting on the proposed change. However, in case of a protest against such amendment, duly signed and acknowledged by the owners of twenty (20%) percent or more of the land included in such proposed amendments or by the owners of twenty (20%) percent or more of the area immediately adjacent extending 100 feet therefrom, or by the owners of twenty (20%) percent or more of the land directly opposite thereto

extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by a unanimous vote of the members of the Board voting on the proposal.

- j. Next steps include 1) reaching out to the three property owners that need to change (CedarCorp to send boilerplate language for these instances for property owners to accept changes [form]), 2) Cedar Corp reaching out to attorney re: list item #2, and 3) decide whether to take that verbiage out of the zoning (PC and board to work with CedarCorp to draft changes). CedarCorp recommends meeting again in November to keep things moving.
5. Discussion and recommendations for changes to the General Agriculture (GA) zoning ordinance to allow for storage units.
- a. Special exception to general agricultural zoning ordinance to allow storage units
- i. Intent: assist in the beneficial and adaptive reuse of abandoned or derelict farm buildings in a manner consistent with the present and future growth area.
- ii. Conditions:
1. Building must no longer be suitable for agricultural purposes.
 2. Not within 1,00 feet of a parcel with residential use
 3. Must demonstrate that the proposed project compiles with each standard of the existing future growth area and have elements of compatibility and offer a cohesive look to fit present and potential development.
 4. No condominium units.
 5. Indoor storage only.
 6. No new structures.
 7. Must recapture property value.
 8. Must not have sewer service.
 9. No industrial or commercial use.
 10. Be of a limited scale. [define better; number of units?]
 11. Improvements to meet building code for storage units must not exceed 50% of its assessed value.
 12. Meet a sunset clause date.
 13. Permit conditions may be imposed as additional standards for approval. Incorporating standards allows applicants to plan for design, location, and construction requirements.
 14. Storage establishments (except when located within 300 feet of a residential district, platted residential subdivision or parcel with a residential use)subject to: contractors storage yard, including landscaping contractors, provided all equipment and materials are effectively screened from view of any residential lot or public highway.
 15. Owner must live on site.
 16. Use of only current buildings, allowing for some growth depending on lot size and location.
 17. Not on frontage of plot, potential setback.

- 18. Structural assessment of building(s) to be used for storage.
 - iii. Jess to send list to Matt to see how specific we should be.
- 6. Future agenda items
 - a. Next meeting date: November 19th at 6 pm
 - i. Supple CSM/rezone from #3 above.
 - ii. Supple special exceptions for storage condos: Planning Commission to review “whether the Town Board should issue a blanket special exception for the Supple condo units to allow business service and contractor facility uses, and if so, what should the terms be?”
- 7. Adjournment at 8:03 pm by Lisa McArthur and second by Mike Guilfoile, carries 5-0.