PLANNING & ZONING COMMITTEE MINUTES
SEPTEMBER 19, 2012

PRESENT: Harlan Baumgartner, Mary Cupery, James Foley, Fred Teitgen, Mike Weyh

STAFF: John Bluemke – Director, Joseph Ruf-Corporation Counsel


SPECIAL MEETING – Consideration of Preliminary Plat of Nature Crossing Plat.

6:00 PM

1. Call to order

2. Certification of Open Meeting Law

3. Roll Call was taken and a quorum declared present.

4. Preliminary Plat of Nature Crossing

Mr. Bluemke summarized the staff report for the revised preliminary plat. It was noted that the Highway Department had evaluated the potential for driveways for Lots 1, 2, and 3 and felt there were alternatives to provide safe access to those lots so condition 5 of the staff report would not be required. Mr. Bluemke stated that staff was recommending approval of the plat with the following conditions:

1. A petition to change be submitted and approved by the Town of Marcellon and the County to change the areas that encompass Lots 1-9 to the Single Family Residence zoning district, with the rezoning effective upon recording of the Final Plat.

2. A petition to change be submitted and approved by the Town of Marcellon and the County to change the areas that encompass Outlots 1 and 2 be rezoned to Agriculture, with the rezoning effective upon recording of the Final Plat.

3. The County Comprehensive Plan Future Land Use Map must be amended to be consistent with the zoning.

4. Written verification from the Town that provisions are in place for the donation of money for park purposes per Sec. 16-2-3 (c), or that the Town chooses not to require any dedication of lands or donation of funds under this section.

Attorney Jeff Clark asked the Committee to approve the Plat without conditions and let the developer decide if he wants to proceed to file a final plat or develop the condo plat.
Mr. Bluemke referred to the legal issues noted in the staff report, which had been discussed with Corporation Counsel and he feels no zoning permits be issued without the property being rezoned.

Attorney Clark reiterated his opinion that he felt the property could be developed either with the existing condo plat on file or with an approval of a final plat.

Mr. Bluemke stated that a zoning permit could be issued on the 37 acres today with the current zoning; however, no other zoning permit would be issued within the condo plat because there would already be one dwelling on the 37 acre lot which is all the Ordinance allows without the further division of land and a condo plat is not a land division. When the town adopts the new zoning ordinance and it becomes effective the standards within the Recreational District no longer allow residential uses within the District. No zoning permit will be issued for a residence if it is a condo plat, Certified Survey Lot, or platted lot.

After significant discussion of the issues Mr. Baumgartner said that while there may unresolved legal issues, the Committee was being asked to approve a plat that at this point in time had the proper zoning.

**Motion by Mr. Baumgartner to approve the Preliminary Plat of Nature Crossing with no conditions.**
- Seconded by Ms. Cupery.
- Motion carried unanimously.

**Motion by Mr. Foley to amend the motion to include the approval of a variance to Sec. 16-2-4 (c) to allow the creation of Lots 4, 5, 6, and 7 with no frontage on a public road.**
- Seconded by Mr. Weyh.
- Motion carried unanimously.

**Motion by Mr. Tietgen to include the following conditions:**

1. The County Comprehensive Plan Future Land Use Map must be amended to be consistent with the zoning.
2. Written verification from the Town that provisions are in place for the donation of money for park purposes per Sec. 16-2-3 (c), or that the Town chooses not to require any dedication of lands or donation of funds under this section.

- Seconded by Mr. Weyh.
- Motion carried unanimously.

Amended motion to approve the Preliminary Plat of Nature Crossing and a variance to allow creation of Lots 4, 5, 6, and 7 with no frontage on a public road subject to the following conditions:
1. The County Comprehensive Plan Future Land Use Map must be amended to be consistent with the zoning.
2. Written verification from the Town that provisions are in place for the donation of money for park purposes per Sec. 16-2-3 (c), or that the Town chooses not to require any dedication of lands or donation of funds under this section.

Motion carried unanimously

Meeting adjourned at 6:42 PM.

Respectfully submitted,

Mary Cupery
Mary Cupery, Secretary
Planning and Zoning Committee

Recording Secretary
John C. Bluemke, Director of Planning and Zoning

cc: Committee Members
    Andy Ross, County Board Chair
    Vern Gove, County Board Vice Chair