

Plan Commission Meeting

Thursday, February 4, 2021

The Plan Commission Meeting was called to order at 7:00 PM by Willard Moeri.

The meeting was properly noticed in three locations.

Present: Katy Kapaun, Steve Melby, Willard Moeri, Jerry Weiss, Cheryl Johnson (phone)

Absent: Helen Kusilek

Guest: Peter Tharp, Paul Mahler, Jim Smith, Louis Filkins, Angi Goodwin (phone)

Building Inspectors Report:

The building inspectors report is in your packet for review.

Discussion/approval of Extra-territorial for Glenridge Properties, LLC – 2 Lot CSM in the NE1/4 of the NE1/4, SE1/4 of the NE1/4, SW1/4 of the NW1/4 & NW1/4 of the NE1/4 Section 31, Town of Warren by Ed Flanum, Northland Surveying:

Motion to approve the Extra-territorial for Glenridge Properties LLC by Kapaun, seconded by Melby.

Motion carried.

Discussion/approval of Extra-territorial for Daryl Jones and Harvey Jones – 4 Lot CSM located in the NE1/4 of the SE1/4, all in Section 20, T29N, R18W, Town of Warren by Daniel Kugel, Odgen Engineering:

This is a four-lot major CSM in St Croix County off of 80th Avenue. Ag land surrounded by 2 to 3 acre lots. They are looking for a spring construction. Approved at Township Plan Board this week. Motion to approve by Weiss, seconded by Kapaun. Motion carried.

Discussion/approval of Jim Smith's Application for Variance for the lot located at 314 W Pleasant Street. Jim is looking to construct a 24 x 24 shed and is looking for side yard setback from 12 feet to 5 feet and back yard from 35 feet to 6 feet which is less than the ordinance requires.

Jim Smith is looking for approval to move his request to Zoning Board of Appeals for the garage he wants to build. He went thru a lawyer, title company, etc. looking for covenants and there are none. The new garage would have the same side setback as the existing garage. The rear yard is where there is an issue. Weiss asked the square footage of the garage and house. The property behind Jim's lot is a rental property and the garage and parking lot adjoin this property. It is consistent with what is there. Motion to send to Zoning Board of Appeals by Kapaun, seconded by Melby. Motion carried.

Discussion/approval of Oevering Homes Application for Variance for the Rolling Meadows 8th Addition lot size for 22 lots. Looking for a minimum lot area from 9,000 to 8,400 sf and minimum lot width from 70 ft to 60 ft.

Attorney Mahler told the committee that there are three options for this request: first, deny it and make them redesign to meet our zoning requirements; two, change the ordinance and specifically the PUD to not have a minimum lot size but an overall density; or third, push this to Zoning Board of Appeals for this to be heard. This is not the standard item to go to Zoning Board of Appeals. Mahler stated that

asking for a variance at Zoning Board of Appeals requires you to show hardship of the lot such as is there a special characteristic that is specific to this lot to make it unusable. They have a lot of property and are trying to squeeze in one more lot. They are creating this by choice. Mahler has not seen this done before. The PUD is setup to handle these situations and, in many communities, it gives the flexibility to handle this situation. You set your density and then negotiate how to structure the development. Kapaun added that as discussed at the last meeting part of the reason that this is unique property is it is by the entrance to a park. Kapaun is uncomfortable changing the zoning ordinance for any PUD or developments that come about when in fact the intention was to have this as an alternative to the housing available by the park entrance. Normally you come in and see what the zoning is and what you are looking for, then you have to get a conditional use permit to allow the PUD and then you start discussing the PUD requirements. In the end, you have to determine if this is a benefit to the Village or what does the Village want. Moeri asked about the hardship part of this and that there was a lot for Norcutt that was brought in where they wanted a house that did not fit on the lot. How is this hardship handled? What is the hardship? It should not be for benefit of the lot owner. Hardships are defined in our ordinance. It is the burden of the applicant to come before the board for this. It should relate to the characteristic of the lot and there is gray area to this.

Kapaun feels that the way this was left after the last Plan Commission meeting was that the developer thought this was being sent to the Zoning Board of Appeals and her position on this has not changed. Do we send this to the appeals and to take another look at our ordinance and Mahler said we can? Moeri asked what our options are this month since everyone walked away last month thinking this was being sent to the Board of Appeals. Goodwin added the definition on what "hardship" means as per our ordinances. Moeri said that it could be sent to appeals but not locked into the fact that this is a hardship. Mahler stated how the Board of Appeals works. The developer needs to either redraw the plat to comply with the minimum lot size; or they have the right to appeal at Zoning Board of Appeals for a variance if granted then you can approve what he is asking for, or the Village can rewrite the ordinance to make this easier. Weiss asked why we would rewrite the zoning for the benefit of the developer and Mahler said that this is a policy decision and a variance for a subdivision is more of a policy decision and not a variance decision. This should go to the Plan Commission and Village Board. Weiss said that if we allow this are, we obligated to do it for the next person and Mahler said no. If you redo your zoning on PUD you still maintain the density but are able to negotiate what you want for lot sizes, etc. during the negotiation. This is more of a planning tool and does not have to be used in every case. This could mean less roads, utilities to maintain by allowing smaller lots, etc. but keeping the density. Weiss asked why we should allow him to have the financial benefit? Kapaun was looking at the different options for this area. Weiss added that the developers knew the restrictions when he bought the property. Moeri added that what Oevering' are asking for is what is selling now. We have seen this with the twin homes. It is what is selling at the time that attracts the developers. Kapaun still thinks that this should go to the appeals board and look at our zoning. Discussed what they thought happened last month and what the intention was. Kapaun's position has not changed from last month and feels that there is still an interest in this type of housing and it appropriate for this area and the proximity of the park and her motion would have been to send it to the Zoning Board of Appeals. One community's square footage is different than another community as well as lot size but the zoning is probably written differently. Mahler said that if the board wanted to, they can approve it tonight at the 8,400 sq feet or whatever the minimum is in the code and send it on to the board and they would have to change their

plan to show this change or they could to zoning and try to get the variance. Moeri thinks this is our decision on where they go next. Goodwin added that Paul had initially suggested changing the zoning and not having a minimum lot size for a PUD but to use overall density. In the same acreage of land regardless lot size you would have the same number of units and would be a good development approach and would cover this situation. Goodwin asked if there was no interest in changing the zoning and was the concept understood? Moeri said that there would not be additional lots made there would be the same number of lots and this is correct. 3.5 units per acre is how the zoning reads. You might have a minimum lot size but the developer would have to propose how they would do that but would still need to meet the 3.5 units per acre. You would still have the same control for maintain the lots. Melby added that when he came last fall, he was looking to change 6 lots and now it has become 22 lots. Keep the lots the same but put a smaller house on it would be fine but leave the lot size the same. Melby asked if this had been sent to the Village Board for approval and it has not. Melby does not think we should change our ordinance for one developer or one lot. Moeri added that he does not feel that this decision should be made by the Village Board because the Plan Commission is here for a reason. Goodwin added that when she thinks about this the ordinance change that Mahler would support is being driven by this but would not do it not just for these but to modify this to be more consistent with neighboring community and going to the smaller lots with bigger green space is a healthier community and big picture planning concept that this is good planning and Goodwin would be comfortable with this for all new developments. IF they want to set aside a big chunk of green space for smaller lots, there are positive planning and maintenance items that could come from this. Kapaun would like to see this still go to appeals. Melby asked what the status of the park is and if this will be done sometime soon in the future? Goodwin gave an update that this will be on the agenda on Monday. Mahler added that he does not feel that it is best practice to send a whole development to zoning board of appeals. Johnson is stuck between what Kapaun is saying with the prior approval and the discussion that has gone on regarding the hardship.

Motion to send this to the Zoning Board of Appeals by Kapaun, seconded by Moeri. Roll call: Melby – yes, Kapaun – yes, Moeri – yes, Johnson – yes, Weiss – no. Motion carried.

Goodwin clarified that the motion passed to send this to Board of Appeals and asked if the Plan Commission is interested in further discussion to change the PUD ordinance to not have a minimum lot size. Kapaun thinks if it goes back to the minimum of green space superseding lot size, we have been tied to this for a long time. Kapaun does not think that this should be made more confusing, etc. Goodwin explained that this is already there but would give more flexibility. Goodwin is also working to map the PUD for Rolling Meadows so that we know that this is what the lot sizes are. Kapaun is open to looking at the ordinance.

Discussion/approval to modify RT-1 Split Two-Family Residential District, RT-2 Split Two-Family Residential District, RD-1 Two Family Residential District and RD-2 Two Family Residential District zoning to change the front yard setbacks from 40 feet to 30 feet.

this is not in response to anything going on but Matt asked it if makes sense to have a 40-foot setback or should it be 30 feet for twin homes. 40 feet creates more space (see memo from Angi) this is from behind the sidewalk to the front of the house is 40 feet. This would allow two cars front to back (4 total before sidewalk) limits the number of cars in the driveway. Goodwin added that from the planning thoughts – this makes a more urban setting in our urban area. This led into the discussion that the

board might also want to simplify the zoning – we have a lot for a small community. Mahler is surprised at the number of zoning districts that we have. Moeri is not against changing them but the amount of time that it takes to change them. Motion to approve the change the setback from 40 feet to 30 feet by Melby, seconded by Johnson. Motion carried.

Discussion/approval of renewing the Building Inspection Services Agreement with All Croix Inspections Corp.

Discussed the renewal of the Building Inspection Services. This is up for renewal. Melby asked if the fees are in line with other communities. Is there competition out there? Moeri agrees that some of the fees are too high. There is a flat \$25.00 review fee. Moeri asked if we collect this fee on nonpayers and with every permit that is issued there is at least one inspection on each permit. Weiss said that if he is replacing the windows in the house, he needs a permit the same with a roof. If there is something that we don't want permits for, we need to update our ordinances to reflect this. There are permits that are not issued because the homeowner does not get one even though they are required and the only way to get a permit is if someone turns them in. Moeri asked what happens if you don't get a permit, if they are turned in and then what happens if they still don't get a permit. Mahler stated that this would be up to the Village to pursue. Melby asked what we make on a permit and this is 15% of the permit cost. So, if we decrease our number of permits that are required this cut into the revenue that we would make. This is true but could be considered offset with the amount of time that is spent in the Clerk's office trying to collect and communicate between the two parties. Melby asked how long it takes to get a permit and this is technically 10 days from when the permit is submitted completely. If there is missing information this would extend this date. Motion to table this until we can get a comparison from the neighboring communities by Melby, seconded by Johnson. Motion carried.

Other Business:

Melby asked about Sierra Place and who owns the roads. Are we able to make them comply with the width of the road to be Village standard?

Motion to adjourn at 8:45PM by Melby, seconded by Weiss. Motion carried.