

**PLAN COMMISSION MINUTES
FEBRUARY 8, 2016**

CALL TO ORDER: 6:31 pm

ROLL CALL: Chairman Dean Wolter, Trustee Representative David Baum, Commissioners Bill Shadid, Mary Ellen Gray, Peter Nilles and Tony Laszewski were present. Also present were Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: Dan Wing, N116 W16044 Main Street, spoke regarding the Saxony Village proposal on December 14, 2015 and the motion to approve the project. Chairman Wolter clarified the minutes could not be reconsidered at this meeting but could be reconsidered on the next agenda.

MOTION Baum second Laszewski that last weeks minutes the minutes from December 14, 2015 be brought forward for reconsideration at the next meeting.

Chairman Wolter explained Mr. Wing is asking how the 142 came about in the motion. He said his intent was to take the number of units under 150, but he used the old acreage from the original proposal of the PDD when he did the math. He said a reconsideration of the vote of the approval of the minutes could be placed on the March Plan Commission meeting. The motion could be clarified or the minutes could be amended to state the clarification.

MOTION carried (4-2, Gray, Shadid),

PREVIOUS MINUTES: *MOTION Baum second Shadid to Approve the minutes from 1-11-16.*

MOTION carried unanimously.

Gabor Design Build, W156 N11238 Pilgrim Road. Nathan Gabor, property owner, is requesting approval of a new monument and wall signage. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed monument and wall sign for Gabor Design Build located at W156 N11238 Pilgrim Road subject to the following conditions:

- 1. A separate electrical permit shall be obtained from Inspection Services prior to installation for any new or modified exterior lighting.***
- 2. A detailed landscaping and lighting plan meeting the requirements of the Village's sign regulations shall be reviewed and approved by the Village Planner prior to installation.***
- 3. Modifications to the monument sign location (removal of one parking stall) shall be limited as shown on the site plan.***

MOTION carried unanimously.

Steve & Victoria Wirth for Josh & Kate Wirth – N116 W12711 Elm Lane. The property owners of a 14.7 acre parcel located on Elm Lane are requesting approval of a rezoning and

2 lot Certified Survey Map (CSM) in order to create two residential parcels. Josh and Kate Wirth are also seeking approval of a Conditional Use Permit (CUP) to operate a “major” home occupation landscape and hardscape service business. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve rezoning the parcel from A-2: Agricultural to Rs-1: Single-Family Residential.

Commissioner Laszewski asked how home occupations are monitored. Planner Retzlaff explained he does a follow up inspection after any observations in the field or investigates complaints as they come in, or operations self-report like Wirth.

MOTION carried unanimously.

MOTION Baum second Nilles to Approve the proposed 2 lot Certified Survey Map (CSM) as drafted subject to the following conditions:

- 1. All requirements and technical corrections identified in the Village Surveyor's January 8, 2016 memo shall be addressed in a revised CSM prior to Village Board approval.***
- 2. The artificial wetland and 25' setback shown on the preliminary CSM shall be deleted from the final CSM, or, clearly noted as being an artificial wetland not subject to DNR and the Village's Shoreland-Wetland Zoning Code.***

MOTION carried unanimously.

MOTION Baum second Shadid to Approve a Conditional Use Permit (CUP) for the existing landscape services operation to operate as a “major” home-occupation subject to the following conditions:

- 1. The landscape services operation shall meet and continuously comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Office) of the Zoning Code.***

Planner Retzlaff confirmed there had been no complaints on this business. He said this property is surrounded by intense vegetation and should not impact the neighborhood.

MOTION carried unanimously.

Steven Stoffel – N104 W14281 Donges Bay Road. Tim Hiller, agent for Steve Stoffel, property owner of a 7.14 acre parcel located on Donges Bay Road, is requesting approval of a 4-Lot Certified Survey Map application for a 7.14 acre parcel. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed 4-lot certified survey map (CSM) subject to the following conditions:

- 1. All requirements and technical corrections identified in the Village Surveyor's January 8, 2016 memo shall be addressed in a revised CSM prior to Village Board approval;***

- 2. A notation shall be placed on the CSM prohibiting access to Donges Bay Road from Lot 2 and Lot 3 except for the 20' shared driveway ingress/egress easement as shown.**
- 3. A shared driveway installed within the ingress/egress easement proposed to serve Lots 2 & 3 and Lots 1 & 4 must meet the design requirements in Section 18.07 of the Subdivision Code, including the preparation and recording of a shared driveway/access easement agreement. Said access easement agreement shall be submitted to the Village for approval and recording concurrent with recording of the CSM.**
- 4. The developer shall construct a permanent closure at the end of Gatewood Place and dedicate it to the Village as a permanent closure to the public street. The design of said closure shall be approved by the Village Public Works Department. In the event that said closure requires additional right-of-way to accommodate the design, orientation and/or extent, the right-of-way shall be designed and taken from the subject property and dedicated to the Village. At a minimum, said closure shall be adequate in size, geometry and construction materials to adequately and safely accommodate the Village's emergency and public works vehicles. Said closure should be installed concurrent with the installation of other public utilities, and, prior to the issuance of a building permit for the development of Lot 1 or Lot 4.**
- 5. The developer shall be responsible for installing/extending public water main through the property in the easement as shown on the CSM, and, in compliance with the terms and requirements of a Developer's Agreement between the owner/developer and the Village. Said agreement to be prepared and approved in accordance with Village procedures prior to the commencement of any development activities and/or building permits for any of the four (4) residential lots. Sanitary sewer laterals serving the four lots and connecting to the exiting sewer line in Gatewood Place shall be installed within the easement as shown except that the existing lateral in the line located in the Donges Bay Road right-of-way in the vicinity of Lot 3 may be utilized with approval from the Public Works Department.**

Discussion followed. Commissioner Shadid said he didn't feel good about closing Gatewood Place. Planner Retzlaff said a cul de sac bulb was discussed with the Department of Public Works and they will try to stay out of the wetland setback. Chairman Wolter said he had talked to some residents from the area and those that live further away from the end of Gatewood Place always assumed the street would go through while those that live closer do not want the road to go through. Discussion continued. Commissioner Gray was in favor of the road going through and would like to see a fifth lot. Planner Retzlaff explained going from 4 to 5 lots would require subdivision plat approval. Mr. Hiller said a five lot configuration won't happen because it would be a financial constraint for the developer. Planner Retzlaff commented that the CSM would require Village Board approval without a public hearing unless the Plan Commission wants that. Chairman Wolter said a lot of people remember the last plan and noticing the neighbors would inform them of the new plan and how it impacts their property. He understood the expense is limiting the development. Planner Retzlaff said the wetland regulations state wetlands now need to be located on a separate outlot unless the lot is over 2 acres in size and the location of the wetlands on this property are restricting the number of lots that can be developed. Chairman Wolter asked if smaller lots were

considered. Mr. Hiller said smaller lots were considered but the cost versus sales didn't justify the change. Planner Retzlaff explained a Planned Development District could be created to be more flexible but rezoning to a higher density may not be consistent with the Land Use Plan. Chairman Wolter said he understands why the property is being developed this way but is it the best plan for the Village. He indicated he is torn between forcing someone to do something on their property that doesn't give them any value but is a better plan for the Village. Commissioner Laszewski said the plan is not that out of character with the neighborhood and the property may sit for another 20 years if this proposal is not approved. Planner Retzlaff asked how many of these properties do we give up on in exchange for some development. Trustee Baum commented that these remnant infield lots are always a problem and the economics never work. Commissioner Gray said this development doesn't belong in this place. Chairman Wolter said it ties into the larger lot properties on Fond du Lac Avenue.

MOTION to Amend Wolter second Baum to send notice to the people in the area before the Village Board meeting, within 300 feet, so they are aware of any change that is happening.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried (4-2 Nilles, Gray).

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

Minutes approved on 3/14/16 with corrections noted with overstrikes for omission and underscores for additions.