

PLAN COMMISSION MEETING MINUTES
AUGUST 24, 2005
TWIN LAKES VILLAGE HALL
(IMMEDIATELY FOLLOWING THE SPECIAL DESIGN REVIEW
COMMISSION @ 7:00 PM

tape available for one year
transcribed from tape and notes by Lorna B Ryan

*Notice of this meeting was distributed to all property owners within 200 feet.

CALL TO ORDER - 7:53PM. In attendance: Conner, Destree, Diedrich, Karow, Saul, Skinner, present. Graeber absent. Also in attendance: Dave Cox, Village Administrator; Kathleen Richardson, Village Clerk/Treasurer.

CSM #202 - CLIFF CANTWELL - NORTH SIDE OF LEGION DRIVE - PARCEL #221-3001*

REQUEST TO REZONE FROM RECREATION TO RESIDENTIAL - CLIFF CANTWELL - NORTH SIDE OF LEGION DRIVE

Cantwell stated plans were revised to meet previous meeting requirements, but expressed confusion regarding the re-zoning. Cox explained that the area proposed to be re-zoned from Recreation to Residential is in a area designated as Recreation use on the Land Use Plan. After discussion with the Village's Comprehensive Planning Consultant, it is recommended an amendment to the Land Use Plan be done. This could involve only the two lots in the CSM, if Cantwell wanted. The zoning change and the change to the Land Use Plan could occur concurrently, but due to posting requirements this would not be until October.

Letter received from Baxter & Woodman stated the revised map addressed the items of their June 16, 2005 letter (road right-of-way and the sanitary sewer easement).

MOTION BY SAUL, SKINNER, TO RECOMMEND APPROVAL TO THE VILLAGE BOARD OF CSM #202 PARCEL NO: 221-

3001 AND FURTHER RECOMMEND THAT THE COMPREHENSIVE PLAN BE CHANGED FROM RECREATIONAL TO RESIDENTIAL AS WELL AS THE ZONING CHANGED ACCORDINGLY. Amendment to the motion to include only parcels involved in CSM #202 (not entire parcel as motioned before) by Saul, Skinner, carried.

FINAL PLAT-SECOND ADDITION TO BLUEBERRY HILL-RICHARD STOUGHTENGER-LGF CONSTRUCTION, LLC.-
PARCEL #314-2421 & 314-1502-HICKORY LANE/400TH AVENUE & SWALLOW ROAD*

Karow stated the Preliminary Plat had been approved with the following conditions: Recommendation from the Park Commission regarding fees or land; Storm sewer retention added to out lot #2; and a viable solution for stormwater release from the site between the homeowners and the Village. Cox continued that a meeting with the homeowners has occurred to resolve the storm water issue. The Developer and the Village engineer have been working on those issues, in addition, contact has been made with the property owners to the south to discuss means by which storm water could be released to the south. The intent is to run all of the storm water from the subdivision as well as the previous portions of the subdivision to the south and across their property directly to the wetlands.

The newly created pond on the north side of Swallow Road would then go away. In the motion presented the Commission should acknowledge conditions that if there were changes to the plat this subject would have to return for an amendment to the Plan. The reason that it may change is because the Village might have the ability then to move water more quickly out of the subdivision and out of the area into the wetlands without having to retain it. The pond on the north side out lot #2 may not completely go away. The other changes are to make the ponds so that they would not infiltrate but dry ponds that would drain over time through a pipe. If an agreement can not be worked out with the property owner to the south the Village would be willing to put the stormwater system through a pipe in Swallow Road rather than through the back yards. It is hopeful that by September it will be worked out with the property owner to the south with regard to moving the water in that direction or moving forward with a design that moves the water down the street to a location east and then south.

Mark Kolczaski, Baxter & Woodman (Village Engineer), stated the detention areas will remain with the same design but a small pipe going out to the south will be in place. The issue of water quality remains so the water is clean enough to flow to the wetlands. Cost to the Village was discussed with regard to stormwater management to correct a situation that was allowed prior to this project. Skinner stated when the subdivision was put in all of the stormwater from Sunset Road was diverted to Swallow Road, and that's where the problem started. Cox stated if out lot #2 no longer is used as a retention area, the Village will need to re-grade to pull the water that is currently running over lot 6 immediately to the east so it will travel over out lot #2. Skinner stated in the last big rain fall, the water did not come from Blueberry Hill, it came from Sunset Road and that problem needs to be fixed. Cox stated all of the design for the stormwater aspects of the second addition are taking into consideration the entire Blueberry Hill Subdivision. Kolczaski stated the Village has to consider the whole subdivision and keep the flow of water continuing to the south. Cox stated the map presented to the Commission is merely a Land Division Map and there are major engineering issues to address. The biggest hurdle is to finalize the route of the water flow to the south so the water does not go into the back yards.

Steve Kramer, Attorney representing the property owners, discussed their concerns and was told by Attorney Smith (LGF Construction) that those concerns would be taken into consideration and presented in early September. Kramer asked to be notified of future discussions. Attorney Smith stated no final decision would be made until the Village Board came up with resolutions. This topic has been before the Village Board for over one year.

Bruce Goodnough, 1625 Swallow Road - stated he didn't feel Village is out for the property owner's best interest and felt intimidated by Attorney David Smith. Cox stated the resolution of water flow to the south has to be approved by the Town of Randall as well. Skinner stated the Village has an agreement with Randall on other similar flowage issues. Goodnough stated he and the property owners deserve to know what's going on.

Swiderski, 1713 Swallow Road - asked why they are in a hurry to push this along when no one has enough knowledge to know if this will even work - why not wait until all solutions finalized.

Karow asked Kolczaski about solutions. Kolczaski stated he has not seen the final plat. Discussion with regard to the out lots being changed. Saul questioned if the developer would be able to start building if the final plat was approved tonight. Cox stated the Plan Commission would recommend approval to the Village Board and if the Village Board approves the final plat, then the engineering plans need to be presented and finalized. A Developer's Agreement needs to be signed before any ground is moved. Upside for the Developer, if approved it would mean that they can move on selling lots.

Skinner asked Attorney Smith and Stoughtenger if they would be willing to put off final plat agreement to the next meeting in order to resolve the drainage issue. Smith stated this stage is not the final step in the approval process. The Village can use the next month to work on a resolution to the drainage issue before the Village Board approves the final plat, but would prefer not to lose this next month. Stoughtenger disagreed with putting off another month for approval. Goodnough asked Karow to abstain as the company he works for put in the original retention pond, and Skinner questioned the relation to that.

Cox discussed the time line: Plan Commission to recommend approval to the Village Board on the final plat; submittal of a spec plan by September 14th for approval at the September 19, 2005 Regular Board meeting. Destree questioned if the Village needed approval from just one property owner to go ahead with routing the water to the south. Cox agreed.

Perone, 1714 Swallow Road - stated if the water is not routed to the south, his property value could be affected if the retention pond is put next to him.

Saul expressed concern as the Commission owes the developer a timely response, but the property owners were told by predecessors that the water situation would be resolved and it wasn't. Now, they're being told that again and he understands their concerns. How much is the pipe going to cost if placed down Swallow Road and who pays? Kolczaski stated the cost could be up to tens of thousand of dollars, and the developer is responsible for costs. Stoughtenger disagreed with that statement.

MOTION BY SAUL, DIETRICH, CARRIED, TO DEFER THIS TOPIC TO SEPTEMBER 14TH, 2005.

Destree asked what would happen if the water situation was not resolved to which Skinner stated the project doesn't go. Discussion followed with regard to the Park Commission accepting money rather than land. Stoughtenger stated he would rather contribute funds for a park than lose more lots. The preliminary plat had 43 lots, but with the required increase in square footage to 10,000, he lost four lots. Stoughtenger stated he has made several concessions already, and would prefer to pay the \$1,500.00 per lot in lieu of a park. Smith stated this topic has been on the table for five (5) years now. Saul brought up the impact statement for local schools.

MOTION BY SKINNER, DESTREE, CARRIED, TO ACCEPT \$1,500.00 PER LOT IN LIEU OF A PARK AND PUT TOWARD PARK LANE AND WILLOW ROAD PARK DEVELOPMENT.

Barb Goodnough, 1625 Swallow Road - questioned a letter received regarding a proposed tot lot. Cox stated the property was donated by a resident and asked to be used as a park for small children. Goodnough asked the Commission to keep in mind that there are not many tots, mostly adolescents in that area.

Sharon Bower, 1608 Swallow Road - stated the proposed tot lot floods and is off a busy street - there is no reason to create a tot lot.

Motion by Karow, Conner, carried, to adjourn at 9:26pm.

SIGNED COPY AVAILABLE AT VILLAGE HALL

Kathleen Richardson, CMC
Village Clerk/Treasurer

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