

JOINT PLAN COMMISSION & VILLAGE BOARD MEETING  
APRIL 4, 2007  
VILLAGE HALL @ 7:00PM

\*tape available indefinitely\*  
\*\*transcribed from notes by Dusti Miller\*\*  
\*\*\*Unapproved Minutes Subject to Board Approval\*\*\*

**CALL TO ORDER – 7:08PM/PLEDGE OF ALLEGIANCE/ROLL CALL:** Village Board: Karow, Bower, Knoll, Moran, Stoen, Skinner; Plan Commission: Beyer, Deeter, Diedrich. Destree was absent. Trustee Connolly and Commissioner Suhre were present in the audience. Also present were Village Administrator, David Cox and Deputy Clerk/Treasurer, Dusti Miller.

**CONTINUED PUBLIC HEARING – PROPOSED CHRISTOM DEVELOPMENT INC. PLANNED UNIT DEVELOPMENT AND ASSOCIATED RE-ZONING.**

*MOTION BY KAROW, STOEN, CARRIED TO OPEN PUBLIC HEARING FOR PROPOSED CHRISTOM DEVELOPMENT INC. PLANNED UNIT DEVELOPMENT AND ASSOCIATED RE-ZONING.*

Tom Connolly, 1130 Cypress, stated that he is proposing a 20 unit owner occupied condo complex on three acres. He also stated that he took all of the previous recommendations and modified his plan accordingly. Connolly used drawing to show separation of buildings to allow water flow between them. He also showed the location of terra tubes. Connolly pointed out the location of trees and bushes. He then indicated that he would come back with a landscape plan at a later date.

Wayne Kimmell, 1973 East Lake Shore Dr, asked if it would be enough.

Jim Gilbertson, 2045 East Lake Shore Dr, stated that the water issue can be taken care of but what about the zoning?

Chester (last name not stated) indicated that there is silt running in the creek and questioned what is being done.

Connolly stated that it's been taken care of to which Chester replied that it has not been taken care.

Deeter stated that the muddy water is from erosion. Karow added that the reason the water is picking up sediment is that the landscape has not become established yet.

Bob Livingston, 215 Burden, stated that the water is clearer but scour is going on because of lack of vegetation. Plants can clear the water as it passes through. Plant maturity will further improve the situation. This is a big improvement and will help address the concerns.

Phil Parisi, 2039 East Lake Shore Dr, commented that the water is going to move even faster towards the lake with this development. Parisi also stated that after the last rain, it was not better and that he thought DNR was going to hold up work on this property.

Cox stated that the DNR has been out to the property a number of times and has met with residents. DNR has not indicated any long term concerns with the pond.

Bev Kendall, 2045 East Lake Shore Dr, wanted to know if DNR was contacted after the plans were submitted because so far they had only seen vacant property.

Cox stated that the pond design considers upstream as well as this lot being developed.

Randy Willms, 2033 Matthew Dr, stated that the first mistake was the 15' of clay in the bottom of the pond. He also stated that this could easily turn into rental units. He feels that the density is too high and that it sets precedence.

Joe Anselmo explained single, two and multi family dwellings. He also explained the use of a PUD and the requirements that must be met indicating that this current proposal did not meet the requirements.

Bev Kendall, 2045 East Lake Shore Drive, stated that the Village is obligated to follow codes and comprehensive plan. Garages should not be located in the front yard.

Chris Knapp, 194 Christie Lane, stated that there has been a lot of discussion of what will work for Connolly.

Jim Gilbertson, 2045 East Lake Shore Drive, stated that what Knapp said is pretty clear. The people that live in this area are here because they aren't happy. This is not the right thing to do and I don't understand why the planning commission has let it get this far.

Bob Livingston, 215 Burden Avenue, stated that if Connolly is willing to look at some alternatives then let's give him those alternatives. If the code says what it is then we should stick to the code. Connolly has a lot of time and money invested in the project. Maybe Connolly needs to look at doing something similar to Tindall's Nest. Maybe fewer units would be more appropriate for this area. You need to come up with something that works for Connolly, works for the Village and works for the residents in that area. Need to step back from the situation, review it and give Connolly some alternatives.

Karow stated that as a planning commission we need to give Connolly some direction. What Connolly is proposing fits under the multi family zoning. We may need to look at multi family zoning to do what Connolly is proposing. Another option is to stay with the residential zoning and have Connolly come back with a different plan for us to take a look at. As the plan commission and the board, what are we in favor of? The scope of the development probably isn't going to change a whole lot. There is still going to be buildings, a road and the pond on this property. There is still going to be a number of units. There is still going to be a lot of the same stuff that you are seeing on this plan on another plan that Connolly brings forward. The question is what do we as a community and we as a board want to see on this. Do we want to see duplexes or do we want to see multi family. There is a question of a few units plus or minus and we haven't spent a whole lot of time on that. It is obvious that Connolly wants to move forward with this and there are provisions in the code that allow him to do that. If the Village Board and the Plan Commission are in favor of single family or two family dwellings and nothing more then Connolly has a clear direction as to which way to go. The other part of it is are the Village Board and Plan Commission willing to consider multi family zoning on that parcel.

Karow asked Cox if he had reviewed the current plan against multi family zoning. Would this plan work in the multi family zoning district?

Cox stated that he believes it would. The multi family zoning is interesting in that it has three dimensional requirements: height, front yard setbacks and side yard setbacks. Beyond that, the zone leaves the site decisions and the building development up to an agreement between the Village Board and a potential developer. That having been said, it's got 20' side yard setbacks and it's required to have 15'. It's got 150' plus for the front setback and it's required to have 25'. As long as the buildings aren't more than 35' tall or 2.5 stories it would meet the requirements of the multi family zone. Notwithstanding the fact that the zone requires that anything developed is to be approved by the Village Board.

Deeter asked if this meets the multi family square footage requirement.

Cox replied that it does. Taking the full size plans and measuring out the parking and the paved areas, the plan would be somewhere in the neighborhood of 5500 square feet of land per unit and it's required to be 5000 square feet.

Linda Smith, 1319 Lance Drive, asked if you change this to put in multiple duplex dwellings, which plan would leave us more land to leave in more plants and more land to absorb more water. Which plan would have less paved and roofed areas?

Cox indicated that it depends on the layout. If the units are spread out all over the place there could be more open land but it would be in smaller pieces. That would be subject to the final review. If that is the direction we give, that he needs to focus on more of a duplex concept, such as Eagle Creek, he might come back with 19 units or he might come back with 21.

Karow added that it could be anything that fits within the residential zoning which is the current zoning of the property. Cox added that he could come back with single family homes. Stoen added that he could come back with a Cobblestone.

Cox explained that in that instance the PUD overlay would probably be something that he would continue to seek because he has this pond that we've allowed to be relocated there but that area is encumbered by the fact that it has to be large enough to serve the subdivision it came from. He would be encumbered by that and would undoubtedly look for PUD relief to deal with that.

*MOTION BY SKINNER, STOEN, CARRIED TO CLOSE PUBLIC HEARING.*

**PLAN COMMISSION CONSIDERATION OF A MOTION TO CONFIRM, AMEND OR RESCIND ITS ACTION TO RECOMMEND APPROVAL OF THE PROPOSED CHRISTOM DEVELOPMENT INC. PLANNED UNIT DEVELOPMENT.**

Karow stated that as a plan commission, we have to decide which direction we want Connolly to go. I would like to hear from some of the other commissioners to see what their feelings are.

Tim Beyer stated that he feels it's appropriate to rescind our previous action where we were going to refer it to the Village Board for approval because it can't be done with the PUD.

*MOTION BY BEYER, SKINNER, TO RESCIND ACTION TO RECOMMEND APPROVAL FOR THE PROPOSED CHRISTOM DEVELOPMENT, INC. PLANNED UNIT DEVELOPMENT.*

Cox stated that if the plan commission is going to rescind its previous action that is fine. As a practical matter we need to move forward with a conversation about what would the plan commission recommend and what would the Village Board recommend because staff is going to need that commentary, the developer is going to need the commentary to get us to a point where when we come back we know what we are going to look for.

Skinner stated that they can now have discussion on recommendations for Connolly and then asked Connolly to share his comments with the Board.

Connolly asked what the Board wants.

Moran replied that he wants to see single family or duplexes.

Connolly asked if that could be a PUD.

Cox stated that Connolly would probably want to do it that way but that it could go either way.

Karow added that the code says it all when it's a residential zone. If you choose to follow the pure residential zone then you follow it. Doesn't know what it's going to look like if you just leave it as the residential zone without a PUD.

Skinner asked about changing the zoning to multi family.

Karow added that we would then be looking at a plan similar to what we see today.

Cox suggested that the Plan Commission clarify that decision now. The comments that were made in Cox's memo regarding this issue focused on the fact that if this proposal is okay you may want to consider moving towards multi family based on the input that we've been getting and additional consideration by staff. If this isn't okay, then multi family is off the table.

Moran added that he feels its single family and duplex that is currently on the table.

Karow added that it is strictly because that is what the zoning allows right now unless the zoning was changed.

Cox stated that if there is still tentativeness on the part of the body you ought to resolve whether or not you would look at anything other than two units per building.

Karow doesn't feel that they would see something too dissimilar in scope than what you see on the board today. You will still have a road coming in, you'll still have buildings scattered amongst the site. And do we want to see that or we want to see three, four, five units like we see now.

Moran feels the code should be followed with a scattered duplex type setting.

Skinner surveyed the Plan Commission and the Village Board to find out what they would recommend or approve.

Deeter, Bower, Stoen, Knoll, Moran, Beyer and Diedrich all agreed that they would prefer to see the zoning remain residential and have single family homes or duplexes on the property. Karow indicated that he's not yet opposed to the idea of multi family.

Skinner stated that they now know the direction that the Village Board and Plan Commission would like to see this move towards and they can now give Connolly the direction that he needs.

Connolly asked if this would require a PUD.

Karow replied that it was up to Connolly.

Cox added that PUD is probably the way Connolly will want to do it.

Connolly stated that he knows what he wants to do but needs to know what the Board wants him to do. He doesn't want to come back with another plan and have the Board tell him that it's not what they wanted to see.

Many Board and Plan Commission members responded that PUD is the way to go. Karow added that by following the PUD it would give Connolly more flexibility to make the structures work on the property and with the lay of the land and then added that there are a whole host of things that go along with the PUD. He then asked if that is what the Board wants to see. If the Board makes the decision that they want to see the PUD is that saying that it can't be the residential status quo?

Skinner stated that since they are having this conversation, he wants the public to understand that Connolly is going to return with a new plan showing duplexes and/or single family residences and that it is going to fit the parameters of the code. There isn't anything the Board can do to change that and he just wants that to be understood. He then asked the Board if they had any other directions that they wanted to give to Connolly.

Knoll added that the public is worried because of the development of the property and because of the retention pond.

Skinner said that the pond also needs to be addressed and if necessary they can contact Pete Wood at the DNR and have them come back out and recheck it.

Karow stated that the other thing this is doing is giving more time. In time it will get better, we will work into the growing season and things will be more established. It will only get better with time. The issues that the neighbors have are understood but it will all get better with time.

Moran commented that we are trying to configure it in a way that will fit within the current zoning.

Rhett Suhre, 2033 East Lake Shore Drive, stated unfortunately, vegetation planted last year did not grow due to the very wet season and then the very dry season. I don't know if that has been planted again but it would help substantially.

Bob Livingston, 215 Burden, stated the biggest thing in the interim is to better enforce the erosion control ordinances. The subdivision that feeds into the pond does not secure exposed soil during construction. Silt fences and check bales need to be used. Vegetation needs to be added at the pond to reduce the scour. It may be more appropriate to construct a few single family homes. It's important to find a balance. Give Connolly clear direction as to what is acceptable. Livingston confirmed that he had visited the property after the last rain and he observed that the water flow down the erosion area was not very big. He said that the water coming out on the other side was a little bit cloudy. He then added that additional vegetation will help. He feels that the overall plan is good but would like to see a landscape plan.

Conversation ensued between the audience and the Board regarding ability to build and placement of duplexes. As well as what the public feels would be the proper thing to construct on Connolly's property.

**VILLAGE BOARD CONSIDERATION OF A MOTION ON THE CHRISTOM DEVELOPMENT, INC., RESIDENTIAL PUD PLAN AND RELATED PUD ZONING CLASSIFICATION, SUBJECT TO THE FINAL APPROVAL PROCESS.**

Skinner stated that there was no action to take on Item #6.

Motion by Skinner, Stoen, carried to adjourn at 9:05 pm.

***SIGNED COPY AVAILABLE AT THE VILLAGE HALL***

Dusti Miller  
Deputy Clerk/Treasurer

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