

In attendance:

Mayor S. Bierce, Alderwoman C. Brown, T. Janka, D. Kiser, S. Sullivan, and C. Wunder. D. Linsmeier arrived at 6:13pm.

Also in attendance:

City Planner & Community Development Director N. Fuchs, Administrator S. Klein, Department of Public Works Director M. Wagner, and Deputy Clerk A. Hurd.

1. Call to Order and Pledge of Allegiance

Chairman Bierce called the meeting to order at 6:00pm and requested everyone stand for the Pledge of Allegiance.

2. Discussion and Action Regarding Approval of the November 18, 2021 Meeting Minutes

A motion was made and seconded (D. Kiser, S. Bierce) to approve the November 18, 2021 meeting minutes. Motion Passed: 6-For, 0-Against.

3. Discussion and Action and Public Hearing Regarding a Rezoning Petition for H & F Properties to Rezone Property Located on Duplainville Road from A-1 Agricultural, A-2 Agricultural, UC Upland Conservancy and F-1 Floodplain to Rs-6 Single-Family Residential, UC Upland Conservancy and F-1 Floodplain (PWC 0868994)

Mr. Fuchs stated the rezoning was to allow the creation of two new lots under the Rs-6 zoning, with Lot 1 being 9.6 acres and Lot 2 being 7.46 acres. Staff was recommending that any wetland areas outside of the floodplain areas be rezoned to LC Lowland Conservancy. Mr. Fuchs recommended the wetlands be field delineated prior to the Certified Survey Map to ensure that there is sufficient buildable area on both lots. He also recommended removing an existing access that runs across the creek on the property, and that the note on the CSM be revised to clarify that there will be no access allowed and no further improvements or development on the south side due to not having full access across the railroad tracks.

Mr. Janka questioned how this would be accessed. Mr. Fuchs noted there is a shared driveway that extends through an outlot in the Woodleaf Reserve subdivision on the north side from Planetree Trail.

Chairman Bierce opened the public hearing at 6:04pm.

Dan Brotherton (N42 W22645 Brighton Court) questioned if the homes going up would be on the east or west side of the creek. Mr. Fuchs noted the buildable areas would be north and east of the creek.

Jack Wenstrom, representing H & F Properties, stated the existing path going over the creek has been there over 50 years and he questioned why it needed to be removed.

Ms. Wagner stated it was a farm access, and now that the property is residential, the crossing is no longer allowed unless it is permitted. Mr. Wenstrom noted that in 1980, the City allowed a home to be moved to east of the railroad tracks without an easement to go over the tracks. The homeowner needs an alternate

access to get out of the area if a train is blocking the tracks. Ms. Wagner stated DNR would most likely require the crossing to be removed, especially since the use is changing from agricultural to residential.

Chairman Bierce felt the applicant would need more time beyond this meeting to go to the DNR. Mr. Fuchs noted approval could be conditioned upon removing the access unless otherwise permitted by the DNR.

Chairman Bierce closed the public hearing at 6:15pm.

A motion was made and seconded (D. Kiser, S. Sullivan) to approve the rezoning and Certified Survey Map with the stipulations made by staff and making sure the applicant can get the secondary access as a permanent crossing with a permit from the DNR. Motion Passed: 6-For, 0-Against, 1-Abstain (Linsmeier).

4. Discussion and Action Regarding a Certified Survey Map for H & F Properties for Property Located on Duplainville Road for the Purpose of Creating Two New Lots (PWC 0868994)

Action taken in Item #3.

5. Discussion and Action Regarding a Recommendation to the Common Council for a Conditional Use Permit for Brookfield Center for the Arts for Property Located at N30 W23383 Green Road Unit E & F for the Purpose of Operating a Dance Studio and Prop Storage and Rental Business (PWC 0913998003)

Mr. Fuchs stated the two existing tenant spaces would be combined to operate a dance studio, office and a prop storage and rental business. There will be interior renovations only and no exterior changes to the building or site. Mr. Fuchs recommended approval of the Conditional Use Permit.

A motion was made and seconded (D. Kiser, C. Brown) to recommend approval of the Conditional Use Permit. Motion Passed: 7-For, 0-Against.

6. Continued Discussion and Action Regarding a Rezoning Petition for Ba(en)2 Acres, LLC/Michael Baenen to Rezone Property Located at N8 W27947 Northview Road from Rs-1 Single-Family Residential, Rs-2 Single-Family Residential and A-1 Agricultural to Rs-2 Single-Family Residential, LC Lowland Conservancy and UC Upland Conservancy for the Purpose of Subdividing the Property to Create Five Single-Family Lots (PWC 0982997)

Mr. Fuchs noted the items were tabled at the December 16th Plan Commission meeting. The applicant resubmitted their storm water management plan, but there are only technical issues outstanding and staff believes the plan will work. Mr. Fuchs recommended approval of the rezoning and the two Certified Survey Maps subject to the conditions in the staff report.

Commissioner Brown referred to Lot 2 and stated she did not like it, as it is a two-acre lot but only .4 acres of it is buildable. The .4 acres does not include setbacks from the road and side of the home, and well, septic, and a home also need to go on the lot. Commissioner Brown stated she was not opposed to five lots, but she felt it should be dropped down to four lots and not be so angled. She felt Lot 2 was too tight with the wetland and they were trying to squeeze too much in.

Jeff Hook, representing the applicant, stated the homes will be spaced at 220 feet and there is more space than every other property in the area. He felt .42 acres was buildable and the market will dictate what is

desired. Mr. Hook then referred to the storm water plans and stated the comments they received from the Engineering Department did not make changes to the concept.

Mike Baenen, the applicant and property owner, noted Lots 1, 2, and 3 have no wetland on the property.

Commissioner Sullivan referred to the detention pond and questioned if there would be infiltration or field drains to keep the area dry, or if they were relying on gravity and grading. It was noted that the detention pond will collect the water from the homes, and there will also be a diversion swale. It will be a wet detention pond that is all gravity drained, and it should not spill over.

Mr. Hook noted that perk tests were done on all four proposed septic fields, and all met the necessary requirements.

A motion was made and seconded (S. Bierce, D. Kiser) to approve the rezoning and Certified Survey Maps. Motion Passed: 5-For, 2-Against (Brown, Sullivan).

7. Continued Discussion and Action Regarding a Certified Survey Map for Ba(en)2 Acres, LLC/Michael Baenen for Property Located at N8 W27947 Northview Road for the Purpose of Dividing the Property Into Two Lots and One Outlot (PWC 0982997)

Action taken in Item #6.

8. Continued Discussion and Action Regarding a Certified Survey Map for Ba(en)2 Acres, LLC/Michael Baenen for Property Located at N8 W27947 Northview Road for the Purpose of Creating Four Lots for a Single-Family Home Development (PWC 0982997)

Action taken in Item #6.

9. Adjournment

A motion was made and seconded (D. Kiser, T. Janka) to adjourn the meeting at 6:34pm. Motion Passed: 7-For, 0-Against.

Respectfully Submitted,

Ami Hurd
Deputy Clerk/Community Development Coordinator