

In attendance:

Mayor S. Bierce, Alderwoman C. Brown, D. Linsmeier (arrived at 6:26pm), A. Schoenemann, S. Sullivan, and C. Wunder.

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 6:02pm and requested everyone stand for the Pledge of Allegiance.

2. Discussion and Action Regarding Approval of the September 21, 2023 and October 19, 2023 Meeting Minutes

A motion was made and seconded (C. Brown, S. Sullivan) to approve the September 21, 2023 and October 19, 2023 meeting minutes. Motion Passed: 4-For, 0-Against, 1-Abstain (Bierce).

Chairman Bierce noted that he would be abstaining from the September 21st vote.

3. Discussion and Action Regarding the Site and Building Plans for Dr. Matt Smith for Property Located at W239 N1690 Busse Road for the Purpose of Developing a Dental Office (PWC 0954998002)

Mr. Fuchs stated this was an existing lot currently zoned B-6 and is a permitted use in the B-6 District. The proposal is for a single-story, 3,920 square foot dental office. Mr. Fuchs recommended approval conditioned on final grading and erosion control being approved by the Engineering Department.

Discussion took place regarding the ADA parking spots. Mark Hertzfeldt with Design 2 Construct stated he would coordinate with his civil engineer regarding the number of ADA spots and their location.

Mr. Hertzfeldt noted that there was not a large parapet on the building currently, and the HVAC has not been designed yet, but they plan to screen the units so they are not visible.

Commissioner Schoenemann referred to the west side and questioned why it seemed like it was all mulch and very little landscaping. Mr. Hertzfeldt stated it was proposed as mulch and plantings because it is so narrow in that area, and it will be difficult to maintain grass. It is not an area that would need screening from cars, as it is adjacent to a commercial building. Commissioner Schoenemann then referred to the right side of the building and felt it would be nice to have landscaping in that area as well. Mr. Hertzfeldt stated they were not against adding more landscaping.

A motion was made and seconded (C. Brown, C. Wunder) to approve the Site and Building Plans for Dr. Matt Smith with the addition of staff going over the landscaping plans. Motion Passed: 5-For, 0-Against.

4. Discussion and Action and Public Hearing for Lawrence Marincic/Carity Land Corporation/Ancient Oaks to Rezone Property Located at N18 W22670 Watertown Road from A-2 Agricultural and LC Lowland Conservancy to Rm-1 Multiple-Family Residential Planned Unit Development, LC Lowland Conservancy, and UC Upland Conservancy for the Purpose of Developing Four-Family and Duplex Owner-Occupied Condominiums (PWC 0958990005 & PWC 0958990006)

Mr. Fuchs stated the proposal was for a condominium development with a total of 96 units within 25 buildings on 32.66 acres. The net density comes out to about 3.77 units per acre, which is within the Rm-1 District standard. The Certified Survey Map is to combine the two existing properties and dedicate the public right-of-way, and in doing so, three separate parcels are being created. The purpose of the Conditional Use Permit is to get a reduction in the front and rear yard setbacks, as the Planned Unit Development option allows for up to a 30 percent reduction. The setbacks are proposed for 24.5 feet. The Site and Building Plans include a proposed access from North Avenue, and a public proposed road will extend north through the development to Elmwood Drive. The development does impact a wetland area, therefore DNR approval will be needed. There are also two smaller wetlands that will be filled on site. Mr. Fuchs noted that lighting and landscape plans were also submitted. There is a condition that adds notes to the CSM and condominium plat that the City is not responsible for the plantings within the cul-de-sacs. Mr. Fuchs recommended approval of all applications.

Chairman Bierce opened the public hearing at 6:21pm.

Mary Rosencrans (W222 N2113 Glenwood Lane) stated she was concerned about the traffic and felt nothing had been done to fix the traffic flow. She liked the look of the development but felt it could not be approved until the traffic flow was corrected.

Maria Tiegs (W224 N2329 Meadowood Lane) felt the development was not in the best interest of the Springdale Estates residents. Ms. Tiegs felt the traffic study from 2021 was not representative of the current traffic patterns. She felt all new developments should be stopped until solutions are made for the traffic issues. Ms. Tiegs requested there be no exit onto Elmwood Drive and felt the proposed entrance on North Avenue was poorly placed.

Commissioner Linsmeier arrived at this point (6:26pm).

Bart Gaffney (W221 N2653 Cherrywood Court) questioned if anyone approached the railroads to put an overpass over North Avenue. He felt there was plenty of room in the area for it.

Theresa Becker (W222 N2147 Glenwood Lane) stated she was concerned about the traffic, and she felt the speed limit was too high on North Avenue with all the curves. Ms. Becker also felt this would tax the school system even further.

Elliana Tiegs (W224 N2329 Meadowood Lane) stated she was concerned about traffic, noise, population, and dangerous intersections. She felt the traffic study was not an accurate representation of the usual traffic in the area. Ms. Tiegs also felt the flooding in the area could increase due to the development being placed on wetlands.

Tasha Spransy (W224 N2326 Elmwood Drive) felt the Plan Commission had a responsibility to weigh the interest of the current residents.

Paul Petterson (W226 N1619 North Avenue) stated traffic was critical and felt nothing had changed. He suggested putting a stoplight at the intersection of Watertown Road and North Avenue. The problems and risks would dramatically increase because of this. Mr. Petterson requested that this go back to square one and be tabled.

Kevin Messerschmidt (W224 N2247 Elmwood Drive) felt the project was gorgeous, but he was concerned about the traffic and the speeding. When the train backs up, the traffic on North Avenue and Elmwood Drive will back up. Mr. Messerschmidt questioned how this could move forward until the traffic issue is fixed.

Sandy Walker (W226 N1509 North Avenue) noted she does not have another road to exit onto besides Watertown Road. She felt it was a dangerous intersection and the traffic needed to be figured out.

Carrie Marincic (W226 N1719 North Avenue) stated she liked the building but felt the amount of people living there would be no different than the apartments that were turned down last time.

Steve Miazga (W224 N2280 Elmwood Drive) felt this was a good project, but it comes down to the traffic issue. He also felt the speed limit needed to be dropped on North Avenue. Mr. Miazga stated there was no safety relief in the area.

Larry Marincic (N30 W22121 Green Road) reminded the Commission that traffic is everywhere, and people need to take responsibility for themselves. He discussed the special assessments on the property. He did not believe he should be held accountable for the traffic flow when it is the County's responsibility. The problems already existing in Springdale Estates are problems caused by Springdale Estates residents, and he again questioned how they could be held responsible for that.

Nick Griswold (N18 W22736 Watertown Road) stated his parents own the farm next to the property in question. He stated he understands the traffic increases in the area, but felt this proposal was a drop in the bucket compared to what has been added in the last 50 years. Mr. Griswold did not see the carnage of what people were saying about the traffic.

Brian Dziwulski (N24 W22637 Meadowood Lane) felt compared to the projects that have previously come for this land, this is nice. The density is almost the same as Springdale Estates. The condos would be owner-occupied, and it is what we have been looking for. Mr. Dziwulski did not believe the current landowner could be held hostage by not approving this. He noted the City has held the rights to the land for the Elmwood Drive exit forever, so it is not something new. The City's Land Use Plan calls for the land to be exactly what is proposed. Mr. Dziwulski noted he has never seen property values lower when something like this goes in. He requested the Conditional Use Permit include a no left turn sign onto Elmwood Drive, and he wanted to make sure the development stayed as owner-occupied. He reiterated that he was for this development.

Caitlin Flood (W226 N2617 Oakwood Lane) stated she was in support of this project and felt it would be a great use of the vacant land and would drive up property values. She felt the traffic problems in Springdale Estates were from drivers who live in Springdale Estates.

Karen Raether (W226 N1455 North Avenue) felt this was all about the traffic, and she did not want that many units on the property.

Nate Leaders (W226 N1685 North Avenue) reiterated the traffic issue and felt it must be addressed.

Steve Walker (W226 N1509 North Avenue) was concerned about the traffic study because it seems old and the conditions in the area have changed. He requested an updated traffic study before this move forward. Chairman Bierce closed the public hearing at 7:11pm.

Commissioner Brown stated she likes the proposal and likes that it is owner occupied. She agreed that the Conditional Use Permit should make sure that it does not go into rentals. Commissioner Brown liked the fact that the whole property was being used for the development. She felt most of the traffic was coming from the Springdale Estates subdivision, and she did not want to pass up on a development like this.

The project petitioner, Bill Carity, stated he has moved the entrance further to the east along North Avenue so that there is more distance from the intersection. He referred to the traffic study and stated no one from his office has relied on that study to determine traffic generation, as it was specifically designed around the previous project for this property. Mr. Carity referred to the previous project and noted his current project has 45 percent less units and is a different type of use.

Commissioner Schoenemann questioned the value of the condos and stated she was impressed with the plans. Mr. Carity noted they have spared no expense and expected them to be about \$600,000 per unit. They are designed for retirement-age people, and he would like them to be owner-occupied.

Chairman Bierce questioned if a covenant could be added to the condo documents that that they cannot be rented like an Airbnb. Mr. Carity stated he would speak to legal counsel about that possibility.

Discussion took place regarding a no left turn sign at Elmwood Drive.

Commissioner Sullivan requested an updated traffic study. He felt the plans were beautiful. He also requested a right-in, right-out on the right-of-way to reduce the number of people turning left to go into Springdale Estates. Chairman Bierce agreed that a new traffic study was needed. He felt more meetings needed to occur with staff and the developer to come up with the best plan for the intersection to get as many people out of Springdale Estates as we can.

A motion was made and seconded (C. Brown, D. Linsmeier) to approve the Preliminary Certified Survey Map, the Rezoning to Rm-1, and the Site and Building Plans with the conditions that the landscape plan not put plantings in the City right-of-way, not requiring an updated traffic study, and discouraging more than just a sign of a left-hand turn coming onto Elmwood Drive, and an addition to the Conditional Use Permit that the condos need to be owner-occupied and no VRBO's allowed. Motion failed on a tie vote: 3-

For,

3-Against (Bierce, Sullivan, Wunder).

Mr. Fuchs referred to the condition on rentals and was unsure if the City could restrict that. Mr. Carity noted he would look into this and get back to the City.

Commissioner Sullivan noted he would be in favor of the motion if an updated traffic study was added as a part of the rezoning.

Mr. Fuchs did not believe a traffic study would give the Plan Commission what they were looking for. The study will go through traffic analysis counts but will not get into any redesigning of the intersection and will not make any recommendations.

A motion was made and seconded (D. Linsmeier, C. Brown) for everything in the first motion, with the requirement to have a traffic analysis done, and an analysis on configuring the intersection.

Discussion took place regarding the motion and what that meant for coming back to the Plan Commission or going to the Council.

Mr. Carity stated he could make a commitment that they will submit an intersection design to Engineering that precludes the ability to turn left onto Elmwood Drive.

Commissioner Linsmeier amended his motion, with Commissioner Brown seconding, for the developer to work with the City to design the exit onto Elmwood Drive to be a right turn only and giving the opportunity for City staff to approve that and taking out the requirement for a traffic study.

Motion failed on a tie vote: 3-For, 3-Against (Bierce, Sullivan, Wunder).

Commissioner Sullivan felt the traffic study was something easy to use when the public is arguing that a traffic study from 2021 was being used. He wanted to use the most recent data.

Mr. Fuchs recommended that the items be tabled if the Plan Commission wants to see the traffic study or any revisions to the intersection.

A motion was made and seconded (C. Wunder, S. Bierce) to table the item. No vote was taken.

Mr. Klein noted that the developer would have to agree to having the items tabled. Mr. Carity stated he would attempt to honor the timeframe before the next Plan Commission meeting on December 21st.

Discussion took place regarding traffic counts in the area.

Commissioner Schoenemann felt this property was being handcuffed because of the traffic. She noted that a development could be put up on the Brookfield side of this intersection that would add to more traffic counts that the City would have no influence over. Commissioner Schoenemann did not believe the new traffic study would pick up any of that. Commissioner Brown agreed and felt this development would be a big value to the City.

A motion was made and seconded (S. Sullivan, D. Linsmeier) to approve the development based on a traffic study being done on this property dated in 2023. Motion passed: 5-For, 1-Against (Wunder).

5. Discussion and Action Regarding a Preliminary Certified Survey Map for Lawrence Marincic/Carity Land Corporation/Ancient Oaks for Property Located at N18 W22670 Watertown Road for the Purpose of Developing Four-Family and Duplex Owner-Occupied Condominiums (PWC 0958990005 & PWC 0958990006)

Action taken in item 4.

6. Discussion and Action and Public Hearing for Lawrence Marincic/Carity Land Corporation/Ancient Oaks for a Conditional Use Permit for Property Located at N18 W22670 Watertown Road for the Purpose of Developing Four-Family and Duplex Owner-Occupied Condominiums (PWC 0958990005 & PWC 0958990006)

Action taken in item 4.

7. Discussion and Action Regarding the Site and Building Plans for Lawrence Marincic/Carity Land Corporation/Ancient Oaks for Property Located at N18 W22670 Watertown Road for the Purpose of Developing Four-Family and Duplex Owner-Occupied Condominiums (PWC 0958990005 & PWC 0958990006)

Action taken in item 4.

8. Adjournment

A motion was made and seconded (D. Linsmeier, C. Brown) to adjourn the meeting at 8:10pm. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Ami Hurd
Deputy Clerk