

LEGISLATIVE/LICENSING COMMITTEE MEETING
CALEDONIA VILLAGE HALL
5043 CHESTER LANE, RACINE, WI 53402
Monday, March 12, 2018

Trustee Wanggaard called the meeting to order at 4:24 p.m. In attendance were:

Committee Members: Trustee Kevin Wanggaard and Trustee Dave Prott

Department Managers: Village Administrator Tom Christensen, Utility District Director Anthony Bunkelman, Public Works Director Tom Lazcano, and Attorney Elaine Ekes

1. Approval of minutes

Trustee Prott moved to approve the minutes as printed from February 12, 2018. Seconded by Trustee Wanggaard. Motion carried unanimously.

2. Discussion on Review of Administrative, Application and Processing Fees Imposed By the Village

Attorney Ekes stated that we are looking at the fees imposed by the Village periodically. She included the Statute that governs the fees, and explained that they're to cover the costs from the service provided. Department Heads have proposed doing a whole scale fee review; a few have been adjusted but nothing has been changed across the board. Trustee Wanggaard brought up Trustee Benkowski's request (from a prior Board meeting) to review the Fireworks application. Trustee Benkowski felt a portion of the sales should come back in the form of a permit. This request can't be done by State Statute because fees are imposed to only cover costs.

Currently, fees are set time-to-time by Ordinance and the Village is seeking to have them set as time-to-time by Resolution instead. Some Statutes dictate that it must be by Ordinance, but the majority will be set time-to-time by Resolution. As Ordinances are reviewed, the Village will get rid of the Ordinances that have since become irrelevant, and address those that may need to be changed. The zoning fees under the Zoning Ordinance haven't been reviewed since 2015 to do so with the moving of zoning code rewrite and the implementation of zoning services in 2019.

Attorney Ekes stated that a Fireworks Vendor Ordinance will be brought forward to discuss the fee. Clerk Torkilsen thought the fee should be reviewed and raised; currently the fee is set at \$10. The Fire Department does an inventory check, and also does an initial check to see if the conditions are being implemented from what they've agreed to; the Fire Department also stops periodically to make sure it's being upheld. The Ordinance would need to be changed to Vendor Sales for the temporary stands that seek approval. Chief Roeder, Clerk Torkilsen and Attorney Ekes will be meeting to discuss this Ordinance in the near future.

3. Title 14 Chapter 1 Review

Attorney Ekes prepared proposed revisions to the Village's CSM ordinance, Title 14 Chapter 3. The proposed revisions included:

1. Allowing CSM's to create up to 10 new parcels for industrial, commercial, or mixed use.
2. Making deposit amounts for the predevelopment agreement and land division fee set by resolution from time to time.
3. Bringing definitions and other specifications from Title 14 Ch. 3 into this ordinance for ease of understanding and less cross referencing, especially if there is a relatively standard CSM.
4. Reworked the process for initial application, preliminary CSM and final CSM for ease of understanding by developers and Village administration.
5. Allows options to jump right to final CSM review if the CSM is straight-forward.
6. Clarified the public notices to surrounding property owners so that there is one notice per CSM.

She also discussed a proposed timeline for adoption of the revisions in preparation for commercial, industrial or a mixed use land divisions along I94. A potential schedule was reviewed for the subdivision ordinance under Title 14, Chapter 3, which will include policy decisions making the review and adoption process a little longer than usual.

Attorney Ekes stated they have streamlined some of the provisions so there isn't as much cross referencing which provides an ease of understanding. The general purposes and intents are pretty standard, and the definitions have been revised with additional language for clarity purposes. There was a lot of discussion around the definition of "flag lot", and it was revised (specifically "insufficient frontage" was removed) to be better understood. The definition is a culmination of different surrounding areas definition of "flag lot".

The next major change under the definitions was the minor land division. This allows some flexibility by Statute to allow an increased number of parcels to be created by CSM for commercial, industrial and mixed use. Residential parcels may not be more than 4 parcels; commercial, industrial, and mixed use parcels cannot exceed 10. This gets us out of platting provisions. Other changes to definitions clarify what they mean, and generally clean up some of the definitions.

The application and procedure process has been changed and revamped for clarity to be more streamlined. This will help staff and shorten time restraints for an easier CSM process. There would be a standard pre application conference to review the proposal, submittal of the initial application, submittal of a Predevelopment Agreement and the background information (ownership, report of title). In this process, the Public Works Director could waive the preliminary certified survey map and require the submission of the final certified survey map for a simple land revision and follow a combined process. If there is a development for commercial, industrial land mixed use, a full development process would be required.

Predevelopment provisions were pulled and the language used was cleaned up and the deposits will be set time to time by Resolution of the Board. This is a pretty standard Predevelopment Agreement. Attorney Ekes has a Resolution coming to the next Village Board meeting that gives the Public Works Director the authority to approve the standard Predevelopment Agreements as long as they're standard.

Attorney Ekes explained the shift in language for "mail list" – The applicant is to prepare the list of parcels within 300ft of the proposed minor land division. The envelopes (including postage), and copies of necessary information would be determined by the Public Works Director. Staff would be responsible for mailing the documents out at least 7 days prior to the meeting. She also clarified that if the preliminary certified survey map is waived, than the final certified survey map will be considered by the Plan Commission. The intent is, for a certified survey map, public notices would only need to go out once opposed to the multiple times.

The Plan Commission will review the preliminary certified survey map, unless waived by the Public Works Director, and in that case the Plan Commission would review the final certified survey map. After review of the preliminary certified survey map, the Plan Commission can determine that the final map could go straight to the Board without have to go to the Plan Commission again for review. Trustee Prott asked if this process would put the Public Works Director in a "why did you do that for them, and not me?" situation, and what would guide the Public Works Director's decision? Lazcano thought he could give the simple versus complicated defense; they still might view it as "favoritism". As long as there is consistency in how it's handled to fall back on (there should be something in order of defense). In the instance of a CSM, it might be straightforward and obvious to be approved by the Plan Commission then it would be streamlined by the Public Works Director; whereas multiple waiver requests would have to go the extra steps. If the Plan Commission or Board doesn't agree with how this is being administered, we can go back and set parameters. Christensen thought this was us making an effort in trying to be more developer friendly, and remove steps while keeping regulation where we can.

Christensen asked what department oversees these processes, it used to be the Engineering Department but would it be considered Public Works Department since they're under the direction of Lazcano? Bunkelman thought it could be left alone, but with the chance to clarify might be easier in the future. There was discussion if we should go by the organization chart, and if so it would fall under the Public Works department. Attorney Ekes thought it would be good to double check this for clarity.

There was further discussion about minor changes and Attorney Ekes briefly read through some of the changes. Attorney Ekes pointed out a provision in regards to a "minor change" –in the event that the plans in the public improvements result in minor revisions for the final certified survey map (for example a boundary line shifts slightly), the Director of Public Works would have the authority to approve such minor revisions. From an Administration standpoint, it holds to The Village's past practices.

The most important changes streamline some provisions to make the administration of the ordinance more straightforward and then the changes on the number of CSM divisions that commercial and industrial developments can do.

Trustee Prott asked about streamlining, and brought up a case that came before the Village Board recently. The subdivision Homestead Acres was approved initially 5-6 years prior to it being brought back to the Board. The subdivision was already approved and needed to make changes to adhere to today's requirements. At Plan Commission it was proposed as a brand new development opposed to something being brought back. Trustee Prott felt that something that had already been approved should receive a simpler process. Lazcano agreed and said Homestead only changed lot sizes, but that these situations will still need to be handled on a case-by-case basis. Christensen agreed and mentioned Jerry Franke heard we were doing a Zoning Code Rewrite and reached out to offer his help. Christensen thought with his experience, Franky could look at our CSM. Attorney Ekes thought his input would be valuable. Trustee Wanggaard also agreed, and thought Franky's work in Municipalities is a good source of knowledge. Christensen will reach out to him for guidance, and bring this back if he has any suggestions for revisions.

Motion by Trustee Prott to recommend the Ordinance be forwarded to the Plan Commission. Seconded by Trustee Wanggaard. Motion carried unanimously.

4. Adjournment

There being no further business, Trustee Prott moved to adjourn the meeting at 5:17 p.m. Trustee Wanggaard seconded. Motion carried unanimously.

Respectfully submitted,

Joslyn Hoeffert
Deputy Village Clerk