

1. Meeting called to order

President Dobbs called the meeting to order at 6:00 p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin.

2. Roll Call/Introductions

Members present: Thomas Knitter, Trustee Wanggaard, President Dobbs, Jonathan Schattner, Joseph Minorik, and Bill Folk

Absent: Duane Michalski

Also Present: Planning Director Peter Wagner, Utility District Director Anthony Bunkelman, Engineer/Zoning Technician Helena Dowd, Racine County Zoning Administrator Jarmen Czuta, Attorney Elaine Ekes and Attorney Chris Geary

3. Approval of Minutes

Motion by Bill Folk to approve the minutes from the July 29, 2019 Plan Commission meeting. Seconded by Joe Minorik. Motion carried unanimously.

4. Citizens' Comments

No citizens' comments were made during the initial announcement.

President Dobbs took the agenda out of order, and started with 6a, with the remainder of the agenda following.

Citizens in the audience missed the announcement and requested they have an opportunity to speak.

Trustee Wanggaard motioned to reopen the Citizen Comment. Jonathan Schattner seconded. Motion carried unanimously.

Gary Miller, 13332 6 ½ Mile Rd, Stated nothing has changed since June of last year and cited six incidents in which they've operated after the normal operation hours. Was surprised his assessment went up with what he considered a junkyard across the street. He is worried about groundwater and property values.

Steve Bulik, 4661 Bluffside Dr., was representing the existing homeowners of Bluffside Drive. He stated 75% of the residences use wells, and that the remaining 25% require water brought in by the Village. He stated that the majority of the people are against bringing municipal water.

Sarah Chadwick, 4637 Bluffside Dr., wanted to understand the path forward in how to go against water being brought to the neighborhood. She expressed that she and others are fine with the wells, and asked for guidance from the Plan Commission.

Jeff Miner, 4727 Park Ridge Dr., spoke about keeping wells on the properties and that they will be circulating petitions for those who are against municipal water being brought to the neighborhood. He stated he does not need nor wants to pay for the proposed water.

5. Public Hearing Items followed by Commission Recommendations

CONDITIONAL USE REVIEW– Request for a conditional use to construct a three-story senior apartment building (Phase I Parkview V) on a vacant parcel directly north of the existing Parkview Campus, Village of Caledonia, Racine County, WI, submitted by Parkview Commons, LLC, Owner; Alf McConnell, Applicant (Parcel No. 104-04-23-20-091-000)

President Dobbs explained that the applicant, Alf McConnell, requested this item be laid over. President Dobbs asked the Commission if they wanted to lay over the topic. Schattner inquired if they could hear testimony, and move this forward without the applicant being present. Attorney Ekes explained the Plan Commission's options. The applicant's attorney, Mike Bannon, was present.

Mike Bannon, representation for McConnell, spoke how this request goes in tandem with the Planned Unit Development (PUD), and would like to make sure that everything is resolved and not piecemealed together. Parkview offered to pay anything to have this re-noticed, and are requesting this be laid over until the September 30th meeting.

Wagner recommended that the public hearing proceed, and felt there was enough information for the Plan Commission to make a recommendation to the Village Board, but to not place it on the Village Board agenda until the applicant has been able to sort out issues associated with the PUD

Bannon felt strongly that they wanted to clean up any issues, and make sure it's in line with the PUD. He thought there was a mix of conditions uses and PUD that makes this confusing. Wagner thought that if what was going to be presented in September wouldn't be substantially different, that they should proceed with the recommendation to the Village Board tonight and continue with the Public Hearing.

Attorney Ekes explained the issues the applicant had with the PUD and explained how each issue would be addressed, The applicant cannot change, and will remain as Alf McConnell. At the Board meeting when approving the PUD, it stated there would be no access to 4 ½ Mile Road, and it was asked if the Fire Chief wanted a fire lane out to 4 ½ Mile Road, it would come up during the Site Plan Review, and if it is a necessity it would probably be built and would not modify the conditions to the PUD. She addressed a question if the PUD should stay the same in the future, and she felt that could be worked through the site plan review process and did not have recommendation for change. There was a clarification for the conditions of parking, and that it is a surface parking condition, and not underground parking. Perimeter landscape screening incorporated a landscape plan that was approved as part of the site plan, and that the buffer be evergreen trees and added clarification language. They clarified the lighting plan, and that it would be a staff review and a site plan review. A code driven provision on expiration states that the substantial amount of the project should be started within twelve-months. The applicant had concerns that would be limiting because of how they obtain financing. This cannot be changed and is necessary per the code. A letter could be written that states what constitutes substantial work for meeting that condition, but the timeframe cannot be changed per the code. She and Wagner felt if there was not going to be a substantial change in what would be presented now versus at the following meeting, it would be best to proceed with the Public Hearing.

President Dobbs had a show of hands from the Commission on who would like to move forward, and the majority wished to move forward.

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Orrin Summolt from Foth has been consulting on this project since last fall. He explained that the proposed development is a result of the acceptance from the Board, with the approval of the PUD rezoning and is now R7 multi-family. The new application addresses issues that had been brought up at previous meetings, such as the height of the buildings. The developer had a sun-study performed to show the shadows that result from the height of the building. The size of the plantings was increased. Setbacks were an issue, and the current proposal is consistent with R7 zoning which requires a facility such as this be fifty-feet from existing lot lines. Traffic issues were raised, and the driveway request was removed. There was a traffic study performed as well. A lighting plan was included that shows the levels will be consistent with Village standards, and that all the windows will have window treatments to provide a screen to the light (if residents use it). He spoke of a storm water pond being included with the submittal. The landscape plan now includes additional landscaping added to the rear-west end, the height of the trees have been increased, however additional evergreens were not added per the recommendation of their landscaper who felt more of the same species of tree trees would be in competition, or if there was an issue with disease they would all be wiped out, they suggested planting additional complimentary foliage. The developer is proposing a three-story building, a reduction to overall parking with the code calling for two-stalls per unit and is requesting a 45% reduction. Staff was okay with this because it promotes more greenspace.

Staff recommends approval subject to the 29 contingencies.

This permit is for the conditional use of the building, and not the entire property. The Board approved a PUD that has a conceptual master plan. There are no specifics in the plan just proposed possibilities. The concept plan removed side-by-side homes and the driveway access points to 4 ½ Mile Road. The applicant has to meet density requirements for R-7 and cannot exceed that per the PUD. Wagner further explained what the Village Board approved, and how that effects evaluations and decisions the Plan Commission makes in regards to this development. The proposal of Parkview V is complies with the PUD and R7 Zoning District.

Bannon did not have any additional input or variances from what has been submitted to the Village.

Public Hearing opened: 7:14 p.m.

5A - Public Comments

President Dobbs asked three times if anyone wanted to speak in favor of this proposal.

Rodney Fields, 3332 E Ryan Road, spoke of Alf McConnell as a businessman and property owner and thought he was a very hands-on and regularly stays near his properties to address any problems that might be occurring. He wondered how the Village Hall was built with all of the back and forth with this development.

President Dobbs asked three times if anyone wanted to speak in favor of this proposal. Being none he moved on to those who are against the proposal.

Richard Goldman, 2625 4 ½ Mile Road, spoke about the length of this process and how they've historically asked for a more in depth view of what was being planned for the future of this development. He spoke of landscaping the whole parcel for the purpose of viewscape, and how he and neighbors met with Alf regarding the landscape plan. He spoke of handing in information to the Clerk in reference to his issues with the development that is being discussed tonight, and requested that the Commission consider the information. He felt that the Green Bay Packaging property had excellent coverage, and stated it was because of the berm, he thought Parkview could mirror this. There was further discussion on his ideas for a park for the area.

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Kim Kasten, 2209 4 ½ Mile Road, continued to voice her opposition to the expansion. She is opposed to the size and height of the buildings. She stated she would not have bought the home had she known what was being proposed. She felt nothing substantial had changed from the last meeting, and what had been modified would be able to be requested in the future. She thought he could go somewhere else, or come up with something more palatable. She was disappointed with how the Village has been handling this.

Cheryl Mueller, 2450 4 ½ Mile Road, is against the proposed building, and quoted a section from minutes which asked if the proposed height would be in-line with a two-story home. She thought this was false. The Conditional Use Permit spoke about the maintenance of the property, and she thought is lack of care is evident that he is not in compliance. She felt no one has held him accountable for his conditions, and questioned if he would he be held accountable in the future.

Dyan Tishuk, 2645 4 ½ Mile Road, in the past has spoken about property values, and echoed that the values would drop fourteen percent. She felt that Wagner's opinion that the values would not be affected is false, and asked him how he came to the conclusion. She questioned what the best use for the parcel is, and who decides what the best use would be. She wondered what McConnell's backyard looks like, and if he would like a development of this magnitude behind where he lives. She thought that McConnell was not considering all things that this development effects.

Dennis Kasten, 2209 4 ½ Mile Road, is against the three-story buildings, and felt McConnell could reduce to a two-story building. He stated he has been going against this since 2015. He spoke of when McConnell sued 4 ½ Mile Road residents in 2015 and stated how he had try to persuade the decision of the neighbors with the threat of not continuing with the lawsuit of those residents did not object to any improvements he would like to make to Parkview. He spoke of wetlands in the area and those surrounding the field (fifty-four residents) and the amount of taxes they pay combined. He further explained the distance of property lines compared to the development, and did not think it was enough. He commented on the work the Plan Commission does.

Arthur Mendez, 5422 N Meadows Drive, is concerned with the height of the building, and commented on the master plan. He didn't feel the landscaping provided enough coverage.

Ron Wasniak, 2445 4 ½ Mile Road, he does not want three-story buildings in his backyard.

Jacqueline Jones, 2551 4 ½ Mile Road, spoke on how bright the lights are and thought McConnell had land to build it somewhere else.

Eric Zoromskis, 2525 4 ½ Mile Road, does not want a three-story building in his backyard. They purchased their home because of the area, and room of the lot, and would not have moved here had he known. He thought the applicant uses words wisely to make himself look good, and does not follow through with what he says.

President Dobbs asked three times if anyone wanted to speak against this proposal. Being none he closed the Public Hearing.

Attorney Ekes stated that there has been some references to tax values. She stated this isn't a land use decision, but thought they should have accurate information in the record. The Parkview Campus paid \$56,771.56; \$56, 911.19; \$26,364.06; and \$55,478.72, in taxes on the four primary parcels that make up the campus. The deed restriction through McConnell's entity sued to lift a deed restriction of single family homes, and approached the Village on how to move forward with that parcel. He filed a lawsuit to lift the deed restriction, which then no longer restricted the property from being developed. That restriction was

legally lifted by the Circuit Court and is the judgement that affected that parcel, and is a matter of record and should not be a factor in their decision today.

Knitter questioned Foth or Wagner if they could comment on the two landscaping proposals, and the one that was proposed by Mr. Goldmann that included a berm and wondered out of the three which would provide the most adequate screening. He felt the setback is greater, and questioned if that would balance out the complaints with the proposed height as he was concerned about the sightline.

Sumwalt stated the landscape buffer as proposed is a good proposal, and stated that they could have a thirty-foot easement for landscaping. He further explained that there are planned berms up to three-feet that was discussed at the previous Public Hearing. Because the setback has been increased, the intent of the setback and additional landscaping would improve the sightline. If the Plan Commission did not feel the landscaping was robust enough, they could ask that there be additional plantings, a larger berm, and a thirty-foot buffer area so that there be more of a visual appeal. Maximum building height in R-7 is thirty-five feet. They plan to diversify the type of species, because if there is an issue with a species, they would not lose all of the buffering. There is a contingency that the landscaping must be kept alive.

Minorik went back to the initial plan submittal, and referenced when McConnell stated he needed this to be acted on immediately because of timing issues for the financing applications. Minorik questioned the site plan, being one-hundred and thirty-eight feet from the development to residential lot lines; if there were duplexes being developed, the three-story building would be further away from the property line than there would be homes. He asked about the minutes from the last meeting that spoke about lot lines from the three-story building.

Schattner asked about the PUD setback requirements. Attorney Ekes stated that the requirements were that they comply with setback, height and density. The PUD cannot have variations applied, the PUD states that they must comply with R-7 requirements, and the Plan Commission cannot change the Ordinance set by the Village Board. She further spoke on Mr. Goldmann's comment about dedicating a park in an easement. She thought if they decided to go forward with that request that that the term "reserved" would be a better use of a word if they were considering that easement to be used as a park. There was further discussion about the height of the building.

Public Hearing Closed: 8:21 p.m.

5A - Recommendation on Public Hearing

Folk questioned if there had been any complaints for the property regarding lighting in the past, Czuta stated there had been none. President Dobbs stated that the access road has been removed, and that the setback line has been increased. Landscaping could be improved, and more options could be discussed but felt that should not be a deciding factor. He was confused with the conflicting drainage statements, but felt they could be addressed if drainage issues remained. He also thought the lighting could be easily rectified. He believed McConnell had compromised from his original plan.

Bannon felt the developer would consider additional landscaping, but was concerned with too high of a berm that might cause standing water. Attorney Ekes clarified the draft conditions, and reviewed the minor changes. The binding effect should add a sentence for compliance with Ord. 2019-10 as may be amended time to time by the Village Board (the zoning PUD ordinance). She recommended adding a sentence to reflect it read each surface parking space to provide distinction from the underground parking. The landscaping plan would be amended to read that Village Staff reviews landscape plans, unless there is a needed condition that would need to be imposed by the Plan Commission, and if they do, they should state

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that request. She recommended addressing the Signage and adds language that states that this would be followed “as per code”. Adding fire lanes, if requested by the Chief, it would be part of the approval subject to the overall PUD if determined necessary by the Fire Chief. It would be a gated fire lane, access point only, with a lockbox access for the Fire Department.

Minorik questioned if there could be a phasing for the proposed developments, where the development must proceed with Parkview Gardens being built prior or at the same time as the proposed Parkview V? Attorney Ekes stated they cannot impose those conditions. Wagner explained this conditional approval is only for Parkview V, and any other developments would need to come before the Commission. There is a proposed walkway in between the buildings that would need to comeback for final approval.

Thomas Knitter motioned subject per the Foth memo recommend that the Village Board approve the conditional use for the construction and utilization of a seventy-three unit, three-story multi-family building, located on the property with the conditions 1-29 outlined in the Foth memo along with the following changes:

- (#3) **Binding Effect.** Add a sentence for compliance with Ordinance 2019-10 as may be amended time-to-time by the Village Board.
- (#5) **Future Approvals Required By the Village.** Correcting the typo “additions” by deleting the “s” to read “addition”.
- (#9) **Fire Department Approval.** Fire lanes out to 4 ½ Mile Road are authorized if deemed necessary by the fire department, with a minor amendment to the land unit development, with a locked gate and a lock box only accessible by the Fire Department.
- (#12) **Parking.** The third sentence after the word “each”, add the words “each surface parking space shall be nine-feet wide and one-hundred and eighty square foot area”.
- (#14) **Landscaping.** Revision to the second sentence to say the Village Zoning administrator must review and approve said Landscape Plans.
- (#16) **Signage.** At the end indicate that the words read “as prohibited as per code”.

Bill Folk seconded.

Thomas Knitter – aye	Bill Folk – aye
Joseph Minorik – nay	Trustee Wanggaard – aye
Johnathan Schattner – nay	President Dobbs – aye

Motion carried, 4/2.

6. Non-Public Hearing Items

A. CONDITIONAL USE AMENDMENT– Consider a request to amend the conditional use to occupy a portion of the existing site with an online vehicle auction platform for used undamaged and damaged vehicles for 7213 US Hwy 41, submitted by Hribar Holdings LLC, Owner; Copart of Connecticut Inc., Applicant (Parcel No. 104-04- 22-07-100-000)

Peter Wagner read from his Staff Report:

“At the July 29th Plan Commission meeting, the Plan Commission held the item so that staff and applicant could address residents and Plan Commissioners concerns regarding the operation of the online vehicle auction platform business with outdoor storage of vehicles. Concerns included; glare from car windshields, property lighting, auto part selling, potential environmental pollution, and

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requested extension length. Staff have drafted additional conditions since the last meeting and have been included as part of the conditions of approval. All modified conditions are highlighted in yellow. Some of the proposed changes to conditions include: (#5) hours of operation, from 7:30AM – 6PM, (#6) annual well report, (#7) slatting in the fencing (a deadline has not be placed on this), environmental assessments need to be submitted annually, (#24) duration of the Conditional Use has been reduced to two years, (#28) tree installation of 20, 8-foot tall trees to mask glare from windshields, (#29) addresses concerns regarding the “parting” of vehicles for car part sales.

The applicant has submitted results of a Phase 1 Environmental Report for the property and a summary is included with this report. Staff has the full report on file and is available for review upon request. Results of the report have concluded that there is no evidence of recognized environmental conditions or environmental issues in connection with the property. As per the conditions of approval, the applicant will be required to submit a Phase 1, Environmental Report and a well water test annually as part of the conditional use.

The Plan Commission has the authority to add, modify, or subtract conditions as part of their deliberation. If the Plan Commission finds the revised conditions of approval acceptable, staff has provided a suggested motion for consideration.”

Trustee Wanggaard asked if the applicant had received a copy of the conditions, and if they understood the conditions. The applicant was present and had received the conditions and confirmed they understood and accepted these conditions. Ben Stephens, 7213 US Hwy 41, property manager of Copart, stated that he feels very confident in being able to address issues and meet all the conditions. They are requesting reconsideration to the CUP for a longer extension than two years, because they feel they’re a model business and plan to continue to meet expectations set by the Village. Trustee Wanggaard questioned if they could complete the slatting of the fence and the planting of the trees within 60 days. Stephens reiterated he was confident the request could be completed. Trustee Wanggaard asked if it were an issue for the cars to be backed in so the cars face north as opposed to south, in order to address the glare issue. Stephens felt they were able to flip the cars to a different angle to address the glare, and could complete that within 30-60 days as well, he will be bringing this issue to Operations.

Bill Folk motioned to recommend approval with conditions set out with the following modifications: #7 slatting of the fences to be completed within 60 days; #24 the duration to go into August 5, 2024; and tree installation to be conducted within 60 days. Jonathan Schattner seconded. Motion carried 5/1.

B. CONDITIONAL USE EXTENSION– Consider a request to extend the conditional use to construct and utilize a +/- 66,508 square foot industrial building with loading docks for 4011 Nicholson Road, submitted by Majestic North Development Inc., Owner; Masuda, Funai, Eifert & Mitchell Ltd., Agent (Parcel No. 104-04-22-27-017- 000)

Peter Wagner read from his Staff Report:

“The applicant is requesting an extension until February 18, 2020 of the Conditional Use Permit to construct and utilize a 66,508 square-foot industrial building located at 4011 Nicholson Road, approved by the Village Board by Resolution No. 2018-68. The Village Board approved a six-month extension once before, extending the conditional use permit until August 18, 2019.

Per the conditions of approval, Condition 18 states that if no substantial work has commenced following Conditional Use Permit approval, 30 days prior to the expiration date the applicant may

submit a written request to extend the conditional use permit. The applicant has submitted a written request within 30 days of the conditional use permit expiring.”

Staff recommended approval.

Jonathan Schattner motioned to approve. Thomas Knitter seconded. Motion carried unanimously.

C. COOPERATIVE BOUNDARY AGREEMENT REVIEW – Consider a request to construct and utilize 14,784 square-foot, precast concrete building for a trade and contractor’s office and landscape yard at 1331 S. 27th Street, Raymond, Wisconsin; Mortle Properties LLC, Owner (Parcel No. 012-04-21-12-038-400)

Orrin Summolt read from his Foth Report:

“The subject property is located on West 6 ½ Mile Road at approximately 1331 27th Street (North of Southport Heating, Plumbing, & Geothermal) and is currently vacant. The proposal is to construct a ± 14,784 square-foot commercial building and occupy with a landscape contractor office and yard for a soil material hauling and snow removal business. The proposed use is allowed by the underlying zoning through the conditional use process. Based on other things going on in the area, the proposed use appears to fit with other uses in the area. The Village of Raymond is expected to review the proposed conditional use at their meeting on August 26th.”

Summolt felt that the color blocking in the siding added an architectural interest to the building. He spoke on the layout of the site, the position of the building and the landscaping that would provide screening.

Staff recommended approval.

Wagner explained that they are attempting to streamline this review process. Raymond is bound by the boundary agreement, and the only way they can move forward if our recommendations were met. If there is an issue, this could be bounced between the municipalities. He recommended that this be forwarded to the Village Board.

The Cooperative Agreement explains if developments don’t connect to sewer and water in that shared boundary they will only be granted use if both of the village boards approve that the development is considered “spectacular use.”

The applicant was present, aware of the conditions and agreed to them.

The access gate would need slats in that area, and an optional fence in the landscape plan be built or additional landscaping to provide screening. The approval is subjected to submitted plans, and the parking area will need to be paved with asphalt.

Jonathan Schattner motioned to approve the request of “spectacular use”, according to the Cooperative Agreement with the Village of Caledonia subject to:

1. Conditions staff has put forward
2. Contingent that the Village of Raymond approves the conditional use permit according to the Cooperative Agreement.

Joe Minorik seconded. Motion carried unanimously.

D. WAIVER MODIFICATION REQUEST – Bluffside Drive Area - Waiver Modification Request – Applicant, Ray Leffler – Owners, Charles Kotas, Leslie Ann Black Trust Dated 10/18/2006 & Warren C. Knuth Trust Dated 10/18/2006

Anthony Bunkelman read from his memorandum dated August 1, 2019:

“The Caledonia Utility District has received waiver modification request for the Bluffside Drive Area. A letter and checklist #5 have submitted to the Caledonia Utility District for this request. The letter and checklist #5 have been attached to this memo. This waiver modification request is for the Bluffside Drive area vacant land owned by the Charles Kotas, Leslie Ann Black Trust Dated 10/18/2006 & the Warren C. Knuth Trust Dated 10/18/2006 to not have municipal water installed within a potential platted subdivision within the Urban Service Area. The waiver modification request is from Ordinance 14-3-4-c-6-b-i which states:

“Sewage and Water Facilities for Subdivisions Located Within the Urban Service Area; Service by Caledonia Sewer Utility District No. 1 and Caledonia Water Utility District No. 1

All Subdivisions located within the Urban Service Area for Caledonia Sewer Utility District No. 1 and Caledonia Water Utility District No. 1 shall be served by municipal sewer and water facilities owned and operated by the District.”
The applicant/owner may request a waiver modification from the Ordinance above through Ordinance 14-3-4-c-6-iii which states:

“Any request for modification or waiver of the above provisions shall be made and considered in accordance with Section 14-3-1(k) of the Village’s Code of Ordinances. In considering a modification or waiver request, the Plan Commission and Village Board shall also consider the criteria set forth by Resolution of the Village Board.”
The applicant has been informed that the procedure for this waiver modification request will go to the Caledonia Utility District, for recommendation, to the Plan Commission, for recommendation, and to the Village Board for a final decision.

The land that is being considered for this waiver modification request, owned by the two Trusts, is located along Bluffside Drive, Orchard Boulevard and Park Ridge Drive. There are currently nine distinct parcels that are being considered of which 5 of the distinct parcels have the same Parcel ID number and the other four distinct parcels have their own unique Parcel ID numbers. Due to the five distinct parcels having the same Parcel ID number, the only way to “clean up” the property and subdivide it is to have the land platted (Final Plat only no CSM’s due to existing number of distinct parcels exceeding the residential limit for CSM’s (4)). An aerial photo of the area with the parcels highlighted is attached to this memo.

In discussion with Mr. Leffler, there is interest in the parcels for development. The current owners (the Trusts) have performed their own site analysis and have indicated that there could be a potential for twenty-one new residential lots on the property. A copy of this site analysis is also attached to this memo.

Due to the potential for development and that Mr. Leffler is listing agent the property, he held a Neighborhood Meeting on July 11th at the Village Hall. At this meeting, nearly all if not all of the existing residents on Bluffside Drive, Orchard Boulevard and Park Ridge Drive attended.

Most of the existing residents expressed their displeasure with the possibility of being special assessed for municipal water if a subdivision was platted and municipal water was installed. One of the residents at the meeting also submitted an unofficial petition that 25 of the 26 existing residents oppose paying for municipal water. (The petition is unofficial due to it not being signed by the property owners) This unofficial petition was included with the letter submitted for the waiver modification.”

Bunkelman answered some questions he heard from the audience. He stated that area residents who already live in the subdivision would not have to connect to water, but that any new developments would be mandatory to connect. He explained that this modification request had been seen by the Utility District, now the Plan Commission, and then will be forwarded to the Village Board.

Bunkelman overviewed questions that need to be considered for a Waiver Modification:

The Utility Director has reviewed the waiver modification request using the considerations found in Ordinance 14-3-1(k). 14-3-1(k)-2-a Whether the request for a waiver or modification, if granted, would be consistent with the general intent of the Chapter.

NO, the intent of the Chapter is that all platted subdivisions within the Urban Service Area be served with municipal water.

14-3-1(k)-2-b Whether the request for a waiver or modification, if granted, would adversely affect property owners in the surrounding area.

YES/NO – The property owners in the surrounding area could potentially be special assessed for receiving the benefit of municipal water. The property owners in the surrounding area would benefit by having municipal water and could elect to connect to have a reliable source of drinking water.

14-3-1(k)-2-c Whether the request for a waiver or modification, if granted, would benefit the Subdivider’s project in a way that is not consistent with the Village’s interests.

YES – If this waiver or modification is granted, the potential subdivider would not need to install municipal water. This is a financial advantage for the subdivider. This is a dangerous precedent to set for future subdivisions within the Urban Service Area that have municipal water readily available.

14-3-1(k)-2-d Whether Subdivider is in full compliance with other applicable ordinances and agreements with the Village.

NO – The Applicant and Owner have informed the Utility Director that they refuse to enter into a Pre Development Agreement at this time. The applicant is the listing agent and may not be the potential subdivider. The owner has claimed they do not have any money for the deposit, hence the property being for sale.

14-3-1(k)-2-e Whether, instead of granting the request for a waiver or modification, the Chapter itself should be changed to accommodate the kind of situation presented by the Subdivider.

NO – The Chapter of the Ordinance should not be changed. If this waiver or modification is granted a dangerous precedent would be set for future subdivisions within the Urban Service Area that have municipal water readily available.

14-3-1(k)-2-f Whether the conditions upon which the request for a modification or waiver is based are unique to the situation or property for which the modification or waiver is sought and are not applicable generally to other situations or property.

NO – The conditions upon which this request for a modification or waiver from municipal water are not unique. While the property configuration may be unique the request from municipal water is not.

14-3-1(k)-2-g Whether the request for modification or waiver, if granted, would be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

UNKNOWN – It is unknown if the waiver or modification if granted would be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located at this time. Without a study to determine what would happen to the water table in the area with up to 21 new residential homes, 47 total homes in the neighborhood. It is also unknown if there would be an issue with fire protection by nearly doubling the number of homes in the neighborhood.

Due to the nature of this waiver modification and dangerous precedent that granting this waiver modification would set, it is not recommended that the Plan Commission recommend a modification waiver for not installing municipal water within a platted subdivision within the Urban Service Area.

Trustee Wanggaard questioned what it would take to get a study to see that impact. Bunkelman stated the developer would need to hire a water table specialist. Leffler has requested the Utility District perform the work, and would then require the residents to have a special assessment. There would be a 10-year right of recovery that could be enacted on the existing lots, and the sub-divider would need to install the water for all of the homes, and would be the responsibility of the developer.

President Dobbs wondered what triggered this request. Attorney Ekes stated that if they want to build a new subdivision, it would require a new plat, and they would need to put in water. There was discussion on whose responsibility it would be to put in water, and in the past in open-field developments it was the developer's responsibility.

Wanggaard asked if this could be petitioned later on, and it could.

President Dobbs allowed additional statements and questions from the audience for Bunkelman.

Leffler, the applicant was present and stated he was present for the waiver because there isn't another situation like this. He would like to put in wells as opposed to running municipal water, and thought that this was the best option for him and the area residents.

The Planning Commission's role is that all modification waivers are reviewed by this Commission.

Thomas Knitter motioned to approve the waiver modification given the uniqueness. Trustee Wanggaard seconded.

Thomas Knitter – aye	Bill Folk – nay
Joseph Minorik – aye	Trustee Wanggaard – aye
Johnathan Schattner – nay	President Dobbs – nay

3/3, motion fails.

E. PC RESOLUTION 2019-04 – Resolution Of The Plan Commission Of The Village Of Caledonia Recommending The Acceptance Of Title To A Parcel Of Land Located At 7209 Douglas Avenue In The Village Of Caledonia From Racine County (Parcel ID No: 104-04-22-12-123-000)

Attorney Ekes explained this is in front of the Planning Commission in an effort to clean up the Village. This property has been on the radar of the CDA as it has been boarded up and essentially blighted. The Village is planning to have the building razed and sell the property for possible development. This is similar to the deal that was made with the Brass Rail property.

Jonathan Schattner motioned to approve the Resolution. Bill Folk seconded. Motion carried unanimously.

F. PC RESOLUTION 2019-05 – Resolution Of The Plan Commission Of The Village Of Caledonia Recommending The Acceptance Of Title And Ownership Through The Offer To Sell Property Received From Armin Clobes On Behalf Of Millennium Trust Company LLC For Approximately 9.3+/- Acres Located Adjacent To The Village Hall/Crawford Park (No Address Assigned/Four Mile Road (Parcel ID No: 104-04-23- 20-132-000)

Attorney Ekes explained that this item needs a recommendation for an acceptance of title and ownership because it is not consistent with Village plans. The owner approached the Village willing to sell because of the betterment of the Village with the proximity to the Hall and Crawford Park. Procedurally this needs to be seen by the Plan Commission for recommendation to the Village Board.

Jonathan Schattner motioned to approve the Resolution. Thomas Knitter seconded. Motion carried unanimously.

7. - Adjournment

Motion by Trustee Wanggaard to adjourn. Seconded by Thomas Knitter. Motion carried unanimously. Meeting adjourned at 9:43 p.m.

Respectfully submitted,
Joslyn Hoeffert
Deputy Clerk