MINUTES OF THE VILLAGE PLANNING COMMISSION MEETING
September 18, 2019

The meeting of the Planning Commission of the Village of Slinger was called to order by Chairman Brandt at 300 Slinger Road, Slinger, WI, at 6:30 pm on Wednesday September 18, 2019 in accordance with the Notice of Meeting delivered to the members on Friday, September 13, 2019.

1. Roll Call & Notice of Meeting:

Plan Commission Members
Present - Russell Brandt, Chairman, Diana Behrend, Elida Erovick, Lee Fredericks, Tom Lehn, Monica Ammerman and Robert Stuettgen

Also Present: Village Administrator Margaret Wilber, Village Planner Marty Marchek, Village Engineer Jim Haggerty and Village Clerk Tammy Tennies

Chairman Brandt informed the members present that the open meeting law had been complied with in connection with the meeting. Notice of the meeting was sent to all that requested same and posted in three public locations.

2. Approval or Correction of Minutes:

A. Planning Commission Minutes from 8-21-2019

Motion Lehn/Behrend to approve the Planning Commission minutes of 8-21-2019 as presented. Motion passed.

3. Public Hearing & Action Thereon:

A. Consider two requests from Jesse Rowell and Maura Becker as joint applicants related to the property at 102 W Commerce Blvd/STH60 (V5-0300) which includes a former residence and two accessory buildings.

1. Public Hearing No. 1 – Request to amend the Land Use Component of the Village’s Comprehensive Plan to reclassify the recommended land use of the subject property from “Office and Professional Service” use to “Single-Family Residential” use and Resolution related thereto.

2. Public Hearing No. 2 – Request to rezone the subject property from the B-2 Commercial District to the R-4 Single-Family District.

Chairman Brandt announced the reason for the public hearing and Clerk Tennies read the notice of public hearing. She stated that all publication requirements had been met and no written comments had been received prior to the meeting.

Mr. Larry Rowell appeared before the Commission to discuss using his son’s property at 102 W Commerce Blvd as a residence.

Planner Marchek stated that the Village Building Inspector recently issued a citation against this B-2 Commercial-zoned property because it was being used for residential purposes which is not
permitted in the B-2 Commercial District. A remedy to this is to amend the Land Use Plan and rezone it to the R-4 Single-Family Residential District which would then permit residential use of the existing home. He noted that the property was approved as a nonconforming use and the previous owner let the use lapse more than 12 months, which is the reason Mr. Jesse Rowell is required to come before the Commission.

Chairman Brandt opened the hearing up for public comment at 6:37pm and there being no comment the hearing was closed.

It was noted that the property at 102 W Commerce Blvd was thought to have always been a residence and Commissioners have no issue with it being a single-family residence.

Chairman Brandt noted that this matter should be referred to the Village Board for review and consideration.

Motion Lehn/Fredericks to forward to the Village Board, the request to amend the Land Use Component of the Village’s Comprehensive Plan to reclassify the recommended land use of the subject property from “Office and Professional Service” use to “Single-Family Residential” use and Resolution related thereto. Motion passed.

Motion Stuettgen/Behrend to forward to the Village Board, the request to rezone the subject property from the B-2 Commercial District to the R-4 Single-Family District. Motion passed.

B. Consider request from Michael Dieckelman to revise certain requirements in Section 550-13J of the Village Code related to the keeping of chickens. The revisions relate to having no minimum lot area, the placement of chicken coops in front yards, the setback of coops from nearby structures and lot lines.

Chairman Brandt announced the reason for the public hearing and Administrator Wilber read the notice of public hearing. She stated that all publication requirements had been met and no written comments had been received prior to the meeting.

Chairman Brandt opened the hearing up for public comment at 6:54pm.

Mr. Jerry Streets, 370 Kettle Moraine Dr. N Slinger, WI appeared before the Commission in support of Mr. Michael Dieckelman’s request related to keeping chickens.

There being no further comments, Chairman Brandt closed the hearing at 6:55pm.

Planner Marchek recommended that Commissioners review the proposed changes that were discussed at the September 2019 Planning Commission meeting.

Commissioner Fredericks expressed his opposition to changing the requirements related to having chickens. He noted that he felt that the Village is more of an urban area than a rural area and he noted that chickens should be kept in rural communities.

Motion Stuettgen/Erovick to forward to the Village Board, the request from Michael Dieckelman to revise certain requirements in Section 550-13J of the Village Code related to the keeping of chickens. The revisions relate to having no minimum lot area, the placement of chicken coops in
front yards, the setback of coops from nearby structures and lot lines. Motion passed. Commissioner Fredericks opposed the motion.

4. Unfinished Business & Action Thereon:

A. Consider three requests from property owner St. John’s United Church of Christ (SJUCC) related to creating a proposed 0.375 acre (16,335 sq. ft.) residential lot located along the north side of Spur Rd.

   1. Request No. 1 – Amend the Village’s Land Use Plan to reclassify the recommended land use of the proposed lot from “Institutional” use to “Single-Family Residential” use and resolution related thereto.

   2. Request No. 2 – Rezone the proposed 0.375-acre lot from the I-1 Institutional District to the R-3 Single-Family District.

   3. Request No. 3 – Approve a Certified Survey map to create the 0.375-acre lot along the north side of Spur Rd.

Planner Marchek stated that as previously described, this request is to create a single-family lot from surplus church-site land and would require a 3-step process:

1. Amend the Land Use Component of the Comprehensive Plan.
2. Rezone the subject area.
3. Approve a CSM to survey and create the lot.

Planner Marchek reiterated that after the Public Hearing on June 19, 2019 the Commission tabled action on this package of requests from the Church, pending the submittal of additional information.

It was noted that the Church provided the Village with a copy of an agreement between the Church and Bielinski Investments, LLC which was executed in October 2004 and amended in September 2008 and again in December 2011. Those documents were reviewed by the Village Attorney and Village Engineer. The agreement allows the Church to discharge stormwater to the pond along the south side of Spur Road opposite the subject lot.

Engineer Haggerty provided the Commission with his memo from June 12, 2019 regarding his comments and concerns regarding the proposed residential parcel along Spur Rd. – St John’s United Church along with an email that he sent to Mr. Al Bensemann on August 28, 2019 which outlined requirements for submitting plans to the Commission. These memos will be included with the minutes.

Chairman Brandt stated that at the public hearing, neighbors expressed concerns that the proposed lot, although not part of the Farmstead Creek subdivision, should have the same deed restrictions as the Farmstead Creek subdivision so it blends in with the subdivision.

Mr. Al Benseman, representing SJUCC, stated that the church will require that this proposed lot follow Farmstead Creek subdivision architectural guidelines and declaration of covenants.
Chairman Brandt stated that a deed restriction will need to go with the sale of the property to assure that the future property owner conforms with the neighboring guidelines.

Planner Marchek noted that should the Commission approve the Land Use Plan and rezoning requests, the Certified Survey Map (CSM) may be approved with the following conditions:

1. Any requirements of the Commission.
2. Requirements of the Village Engineer described in his memos dated June 12, 2019 & August 28, 2019 (copies enclosed).

Motion Fredericks/Ammerman to forward to the Village Board, the request to amend the Village’s Land Use Plan to reclassify the recommended land use of the proposed lot from “Institutional” use to “Single-Family Residential” use and resolution related thereto subject to the 6 requirements in Engineer Haggerty’s memos from June 12, 2019 and add #7. The owner of the proposed lot will record a deed restriction that states that the owner of the proposed lot will follow the architectural guidelines of neighboring properties according to section 6.9 of the Farmstead Creek declaration of covenants. Motion passed.

Motion Behrend/Erovick to approve the request to rezone the proposed 0.375-acre lot from the I-1 Institutional District to the R-3 Single-Family District. Motion passed.

Motion Erovick/Fredericks to forward to the Village Board, the request to approve a certified survey map to create the 0.375-acre lot along the north side of Spur Rd. subject to the requirements from the Village Engineer’s memos dated June 12, 2019 & August 28, 2019. Motion passed.

B. Consider final subdivision plat, Development Agreement, infrastructure plans and Landscaping Plan for the 55 lot/4 outlot Farmstead Creek Highlands subdivision (Developer is Don and Dave Weyer d/b/a Farmstead Creek Development, LLC)

Administrator Wilber informed the Commission that an impact fee study was approved at the Village Board meeting held on September 16, 2019. She stated that the Village Attorney has reviewed the development agreement and has revised section “M” in the agreement which will read as follows: Municipal impact fees shall be paid as required in applicable Village ordinances and State Statutes.

Planner Marchek stated that the approval of the final plat should be subject to the following conditions:

1. Any requirements of the State.
2. Providing a 10 ft. public utility and drainage easements along all front, side and rear lot lines. Note that these easements would be in addition to the easements shown on Sheet 2 of the Final Plat enclosed which is dated September 10, 2019.
3. Any revisions needed for code compliance.
4. Any requirements of the Commission.

Discussion was held on the approval of the draft development agreement and infrastructure plans.
Engineer Haggerty stated that he had concerns about improvements on Arthur Rd. and he has met with the Weyers’ and both parties are working together to resolve any concerns. He stated that soil borings are being completed and both parties will discuss the findings and see what is needed for improvements.

Planner Marchek noted that information on the size and height of trees at the time of planting needs to be added to the landscaping plan for the Arthur Road. He also stated that this drawing is where the proposed turn around should be noted in the NE corner of Lot #37.

Commissioner Fredericks recommended that the developer reduce the number of deciduous trees to (6) and they should be 1 ½-2” in diameter balled and wrapped in burlap and 6-8” in height at planting. He stated that the developer should contact Superintendent Flasch for the type of species.

Motion Lehn/Fredericks to approve the infrastructure and landscaping plans for the 55 lot/4 outlot Farmstead Creek Highlands subdivision and forward to the Village Board the final subdivision plat and development agreement with the following conditions: revising letter M to the development agreement as stated above; reducing the planting to (6) deciduous trees; providing detail on the landscaping plan which indicates that the plantings will be 1 ½-2” balled and wrapped in burlap and 6-8” in height at the time of planting and having the Village Engineer review the plan to confirm the turnaround is added to the plan and is adequate. Motion passed.

5. New Business & Action Thereon:
   A. Request from Dittmar Realty, Inc to amend the landscaping plan for Phase I of the American Eagle Self-Storage Development at 2010 American Eagle Drive.

Ms. Carla Dunn, representing Dittmar Realty, Inc. presented the proposed amendments to the Phase I landscaping plan.

Planner Marchek stated that this request to amend the previously-approved Landscaping Plan for Phase 1 of the American Eagle Storage Project is due to constructability issues related to final grading of the area along the south side of Buildings A and B. He stated that these buildings are located approximately 25ft. north of the south property line common with the Shumway Dental Clinic. He stated that the final grading conditions caused difficulty in planting the materials called for in the previously-approved plan which proposed 3 Redmond Linden Trees, 3 Black Hills Spruce, and 8 Burkii Junipers along the south lot line. Planner Marchek stated that the revised landscape plan eliminates the above plantings and proposes constructing a 100 ft. long retaining wall along the south lot line and planting 1 Armstrong Maple Tree and 7 Feather Reed Grass clusters along Building A only and no plantings along the south edge of Building B. He stated that the revised plan also reduced the number of plantings along the east edge of the Phase 1 area which is along Hillside Road/CTH C and eliminates some plantings along the west side of Building C.

Commissioner Fredericks recommended changes to the newest proposed landscaping plan. He stated that feather reed grass should be removed from the plan and the landscaping plan should be as consistent to the original landscaping plan the Commissioners’ received at the February 2018 Planning Commission meeting, with a few adjustments. Chairman Fredericks recommended that the 3 conifers, the black hills spruce, remain on the east side of building B &
D but shift all the plantings around so the entrance is not hidden. He stated that the number of plantings should remain the same as the original plan which is 11 plantings, but shift them around.

Discussion was held on the notation of a retaining wall on the plans.

Ms. Dunn stated that a retaining wall was not going to be put up and the rip rap that is currently there will remain there and will take the place of constructing a retaining wall.

The Commission asked that the developer to revise the landscaping plan as recommended by the Commissioners’ and bring it to the Village staff for final approval.

Motion Fredericks/Ammerman to approve the request from Dittmar Realty, Inc to amend the landscaping plan for Phase I of the American Eagle Self-Storage Development at 2010 American Eagle Drive subject to the following conditions, clarifications on a retaining wall; be as consistent as possible to the landscaping plan from February 2018, keeping the plantings on the east side of building B & D at 11 plantings but shift the plantings and keep the plantings on the east side consistent in Phase I and Phase II. Motion passed.

6. Adjourn Meeting:

Motion Stuettgen/Fredericks to adjourn at 7:57pm. Motion passed.

Approved By:

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Russell Brandt, Chairperson

Drafted by: Tammy Tennies, Village Clerk