

September 5, 2018 (Plan Commission Meeting)

**PLAN COMMISSION MEETING
WEDNESDAY, SEPTEMBER 5, 2018
4:30 P.M., DENMARK VILLAGE HALL**

CALL TO ORDER

Chairperson Mleziva called the meeting to order at 4:30 p.m.

ROLL CALL

Present: Leah Goral, Mary Lax, Stephanie Wright, Melissa Konop, Gregory Mleziva

Other Staff Present: Clerk Sherri Konkol, Treasurer Kim Coogle, Director of Public Works Erika Sisel, Building Inspector Ralph Witte, DEO's Dan Delebrea and Nick Olmsted

Chairperson Mleziva welcomed new Plan Commission members Stephanie Wright and Melissa Konop, and explained the procedures of a Plan Commission meeting.

APPROVAL OF MINUTES FROM APRIL 16, 2018

Goral/Lax moved to approve the minutes from April 16, 2018 as presented. Motion carried.

ACTION RE: REVIEW AN AMENDMENT OF ORDINANCE NUMBER 315 ZONING, ADDING TO ARTICLE II SECTION 315-23, SUB LETTER N, LOCK BOX SYSTEM REQUIRED, FOR RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE, APPROVE WITH CHANGES OR NOT APPROVE

Mleziva turned the floor over to Witte.

Witte explained the Knox Box is a Rapid Access System for Fire Departments and EMS providing a non-destructive emergency access to commercial and industrial properties in order to eliminate forced entries into structures. Witte stated the Knox Box is a heavy, steel box that is placed inside the structure of the building which holds a key that will permit access to the structure for life safety issues.

A question was asked by a Plan Commission member if this was just for new commercial construction and is the owner responsible for the cost.

Witte stated yes, it will be the responsibility of the owner and required for all new commercial construction. Existing commercial buildings can elect to put one in, but are not required.

Lax/Goral moved to recommend approving the amendment of Ordinance Number 315 Zoning, adding to Article II, Section 315-23 sub letter N Lock Box System Required. Motion carried.

ACTION RE: REVIEW AMENDMENT TO ORDINANCE NUMBER 224, PROPERTY MAINTENANCE, ADDING SECTION 224-9 WEEDS AND OTHER VEGETATION TO THE CURRENT ORDINANCE AND RE-NUMBERING THE REMAINING SECTIONS OF THE CHAPTER ACCORDINGLY, FOR RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE, APPROVE WITH CHANGES OR NOT APPROVE

Witte explained when you go through the recodification process, things are omitted that shouldn't be, after several staff and board members reviewed the code and it was approved, it was discovered that there is no height requirement for weeds in our current code. Witte stated there will likely be more ordinances found that are omitted and come to the Plan Commission.

Lax/Wright moved to recommend approving and adoption of the amendment to Ordinance Number 224, Property Maintenance, adding Section 224-9 Weeds and Other Vegetation to the current ordinance and re-numbering the remaining sections of the chapter accordingly. Motion carried.

ACTION RE: REQUEST FROM THE DENMARK SCHOOL DISTRICT TO REZONE PARCEL NUMBERS VD-2 LOCATED AT NORTH AVENUE, LEGALLY DESCRIBED AS: THAT PART OF S1/2 NE1/4 NW1/4 SEC 27 T22N R22E LYG WITHIN THE VILLAGE OF DENMARK EX J18886-20; AND PART OF PARCEL VD-21 LOCATED AT 480 HIGHRIDGE AVENUE, LEGALLY DESCRIBED AS: THAT PRT OF SE1/4 NW1/4 SEC 27 T22N R22E LYG WITHIN THE VILLAGE OF DENMARK EX COM INT W/L & C/L HIGHRIDGE AVE E 58.5 FT SWLY TO SW COR N TO BEG & EX J18886-20 & EX 33 CSM 287 & EX 41 CSM 191 & EX 1832183 FROM RD-1 RURAL RESIDENTIAL TO IN INSTITUTIONAL OWNER: CHARLES KRAMER FOR RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE, APPROVE WITH CHANGES OR NOT APPROVE

Mleziva explained at School Board Annual Meeting in July, there was an approval to purchase land from the Kramer family. Mleziva stated it was shared at the annual meeting that the School District was concerned about being landlocked and at this time it is unknown what the use will be for the land. Mleziva stated a notice was sent out to any residents that might be impacted by the rezoning of the property. Mleziva shared the Village is currently working with Brown County on updating our Comprehensive Plan to give more of a road map of the Village's future plan. The update to the Comprehensive Plan has a 2019-2020 completion date. The updating of the Comprehensive Plan is a long process which includes public input and final approval by the Village Board. Mleziva turned the floor over to Witte.

Witte stated the location of the land purchase is parcels right off of Highridge Avenue. He shared the 2017 Comprehensive Plan identified the parcels as use for the schools and also road development. The Village engineers did a wetland delineation study, due to the wetlands the initial future road plan may have to change. Witte also stated there is only one place to connect to the sanitary sewer on Highridge Avenue.

Luke Goral, Denmark School District Administrator, here representing the school district, stated at the School District Annual Meeting electors of the Denmark School District approved the purchase of 14 acres of land that butts up to the east end of the school's property. An offer to purchase has been accepted by the Kramer family (owners of the land). The school district is petitioning for the land to be zoned Institutional to

provide the highest level of education, by utilizing the land for a number of possible reasons being school facilities, athletic facilities and parking. The district has a fear of being landlocked. As far as the use for the land, things are up in the air as to what will happen with the land.

Chairperson Mleziva:

- Highridge is a high hazard area and needs to be considered and addressed along with this decision
- Would like to see a road connecting to North Avenue for bus traffic if possible in the future for safety reasons
- Comprehensive Plan does state the parcels are designated for institutional use, however, much has changed since the adoption of the Comprehensive Plan and that is why it needs to be updated before a decision as significant as this is approved
- Would like to work in partnership with the school and maintain a good relationship so it can be a win-win for both parties involved. A decision of this magnitude should not be made without considering the impact to all the parties involved
- The Village along with Brown County need to take a look at the Comprehensive Plan, to see what the viable options are for the Village and School

Rebecca Roeker, a representative for the school district:

- Has experience in planning, as she sat on a planning board
- When submitting a petition to rezone, a development plan is not needed
- What is being proposed is consistent with the Comprehensive Plan, although it is outdated, it does not expire. The plan that is in place remains in place until an updated plan is approved by the Village Board
- Anything described in the legal description of the zoning classification cannot be stopped
- All developments need to be recommended to the Village Board by the Plan Commission and approved by the Village Board
- This is rezone only

Chairperson Mleziva:

- Unfortunately the Village has learned from past experience that once you rezone something to a zoning classification that allows a variety of uses, there is no going back, and the owner can develop anything on that property as long as it is an allowed use in the new zoning classification

Lax, there are a lot of questions, a lot of unknown variables. We can work with the school district within limitations

Goral/Wright moved to suspend the rules of the meeting and allow the audience to participate in the discussion. Motion carried.

Ron Umentum, 4625 Game Lane

- Owns 16 acres on North Avenue, purchased this land to develop it in the future
- There is a layout of roads for Highridge or Diamond Ridge to connect to North Avenue in the current Comprehensive Plan

- Talked with the Village 3-4 months ago regarding developing the property, and the Village said sewer and water could possibly be stubbed in from the Kramer property
- Was never notified when the school purchased the property for the soccer fields
- At the time the soccer fields were put there, they did conform to the zoning classification
- Feels if the school purchases the Kramer property, it will hamper the development of his property
- Feels the cost of the property is an issue, the school is putting \$500,000 on the taxpayers for the purchase of the land with no planned use
- The purchase of the land should be a need not a want
- Is against the rezoning
- There should be an area development plan in place for public sewer and future public roads.

Chairperson Mleziva stated the Village reached out to the Kramer family not knowing the school was going to purchase the land to see what their future plan was for the land, and asked if they consider selling the property to the Village for a residential development aiming for a 2019-2020 project. Mleziva feels it would be a win-win for everyone if we working with each other. Daybreak Estates is almost full, and the Village is looking for future development. Based on the wetland delineation on the Kramer property, it would be a challenging area for the Village to develop.

Umentum feels planning should be done with Village and school staff and homeowners.

Ron Kramer, 540 Diamond Ridge, asked if there are any plans of annexing the property east of the Kramer property. Kramer stated there are no wetlands that interfere with Highridge at all, and asked to see the wetland delineation. Kramer shared Diamond Ridge can hold 7-8 more homes at the end of it, but it would not support a road.

Sisel feels in there should be more of a plan in place prior to rezoning the property

Alan Schilke, 18840 Deerfield Drive

- Past Board and Plan Commission member
- Feels the school really should have a good plan to move forward on the rezoning
- It is a hindrance to the Village of Denmark without a proper plan in place
- While on the Board the Village was told the school had no money in their budget for a School Resource Officer, and now they have a half million dollars to purchase land
- Should have a concrete plan as to how it will affect roads and sewer

Roeker

- The reason for the petition is because the school is concerned about being landlocked
- It is very expensive to come up with a plan
- Not knowing if the petition to rezone will be approved, the school is challenged to move forward without underlying designation for discussion of a plan
- A plan is already in place with the current Comprehensive Plan
- Funding is a school issue, and finances were discussed at length with the School Board

Wright/Lax moved to return to the rules of the regular meeting. Motion carried.

Chairperson Mleziva explained the Comprehensive Plan is a very important tool; however the Village had no funds to update the plan prior to now. The Village is dealing with a plan that is outdated, and is worried how the rezoning would complement the Village without an updated plan in place. Communication with the Village never took place with the school regarding the purchase of this land, and thus we did not have time to properly address all of the concerns we had regarding safety, cost the Village would incur for infrastructure updates, etc. prior to the School buying the property. The Village found out by reading it in the paper, which is extremely disappointing.

Witte stated safety is a concern, does it protect the public and how do we service a new school with our roads? Witte also stated the rezoning does fall within the Comprehensive Plan, but feels the school should come back with plans for approval

Discussion

- The decision to rezone is really hard to do without a plan
- When was the Comprehensive Plan last updated? **2006-2007**
- What impact will the rezoning have on the Village?
- All for Education, is an educator, resident and citizen of the Village
- If land will be used for education, would be all for the rezone, but not an athletic complex

Lax/Konop moved to recommend to the Village Board to not approve the petition to rezone: PARCEL NUMBERS VD-2 LOCATED AT NORTH AVENUE, LEGALLY DESCRIBED AS: THAT PART OF S1/2 NE1/4 NW1/4 SEC 27 T22N R22E LYG WITHIN THE VILLAGE OF DENMARK EX J18886-20; AND PART OF PARCEL VD-21 LOCATED AT 480 HIGHRIDGE AVENUE, LEGALLY DESCRIBED AS: THAT PRT OF SE1/4 NW1/4 SEC 27 T22N R22E LYG WITHIN THE VILLAGE OF DENMARK EX COM INT W/L & C/L HIGHRIDGE AVE E 58.5 FT SWLY TO SW COR N TO BEG & EX J18886-20 & EX 33 CSM 287 & EX 41 CSM 191 & EX 1832183 FROM RD-1 RURAL RESIDENTIAL TO IN INSTITUTIONAL OWNER: CHARLES KRAMER. Motion carried 5-0.

ADJOURN

Goral/Lax moved to adjourn at 5:44 p.m. Motion carried.