

AUGUST 10, 2015 Plan Commission Meeting

The Plan Commission met Monday, July 27, 2015 at the Town Hall in New Munster. Chairman William Glembocki opened with the *Pledge of Allegiance* at 7:05 p.m.

Present for the Plan Commission: Clayton Wagner Randy Schulz, Dennis Robers, Paul DeLuisa, Vince Mosca and Mary Ochoa Petersen. Susan Riley was excused. Also present: Town Supervisor Kelly Wilson, Town Clerk Sheila Siegler, Town Attorney Jeff Davison, Town Engineer Len Roecker, Alan Kaddatz, Dean Kaddatz, Wayne H. Kaddatz, Grant Kaddatz, Mark Merkling, Tracy Stardy, Julie Palmer, Heather Applebee, Glen Applebee, Mike Herda, Jeff Butler, Diane Grenus, George Grenus, Paul VanHeckelum, Warren Hansen, and Mark Robers.

Minutes of the July 27, 2015 Plan Commission were moved for approval by Clayton Wagner and seconded by Dennis Robers. Motion carried.

Public comments -

Wayne H. Kaddatz, 39405 60th St., used a display to demonstrate the high water table and flooding in Slades Corners and how the Mark Merkling (Action 50 LLC) agenda item relates to the flooding. He said a 6 in. ponded elevation is not much if you need 6 ft. He said he had suggested to Mark Merkling that he look for and build on different property. Wayne Kaddatz handed out information and photos to the commission members and explained the photos.

Warren Hansen, Farris Hansen & Associates, Elkhorn stated he had asked for a detailed storm water plan report at the last meeting that he could review and report to Wayne Kaddatz and wanted to make it known that he has not received the promised report.

Chairman Glembocki asked for any other public comments. He said once the public comments portion is closed, the meeting will be between the commissioners and the applicant and his agents unless a commission member asks a question of someone in the audience. There being no other public comments, the Chairman declared the public comments portion of the meeting closed.

Tabled from 7/27/2015 meeting -- Rezoning Request - Action 50 LLC, 420 W. Westleigh Rd., Lake Forest, IL 60045, Mark Merkling, 5675 392nd Ave., Burlington, WI 53105 (Agent) to rezone Tax Parcel 95-4-219-314-0640 from A-2 General Agricultural District to B-3 Highway Business District & C-1 Lowland Resource Conservancy District. Chairman asked the Clerk to read the rezoning request.

Vince Mosca said he had no issue with the rezoning. There is other commercial in the area and the site is appropriate for commercial. The storm water is part of the Conditional Use Permit and he is more interested in that. He asked how everyone else felt. Paul DeLuisa said he is in favor of the business but we need to get the water problem fixed. It is not fair to Slades Corners.

Commissioner Vince Mosca moved to approve a favorable recommendation to the Wheatland Town Board for the rezoning of Tax Parcel 95-4-219-314-0640 from A-2 General Agricultural District to B-3 Highway Business District & C-1 Lowland Resource Conservancy District. Commissioner Paul DeLuisa seconded the motion. Discussion on the motion:

1. Can county override Wheatland's recommendation? Attorney Davidson said possible but unlikely.
2. Attorney Davison said a developer can't discharge water on to neighboring property where it hasn't gone previously.

Chairman said Wayne Kaddatz wants to "make it better." He has no doubt there are wet basements in Slades Corners. He all about helping Slades Corners get dry. He's talked to DNR for information about another project than what we have in front of us. We can't fix all wet basements but don't want to make it worse. Wayne Kaddatz has a great plan but this is not the meeting for that discussion.

Chairman asked the Clerk to read the motion and called for a roll call vote on the motion: Glembocki - yes, Wagner - yes, DeLuisa - yes, Schulz - yes, Mosca - yes, Robers- yes, Ochoa Petersen - yes. Riley is absent. Chairman stated the motion passes on a vote of 7 in favor; 0 opposed and 1 absent.

Conditional Use Permit Application - Action 50 LLC, 420 W. Westleigh Rd., Lake Forest, IL 60045, James M. Bissing (Owner); Mark Merkling, 5675 392nd Ave., Burlington, WI 53105 (Agent) requesting a Conditional Use Permit for Recreational Vehicle (RV) sales, service and outdoor display & storage in the B-3 Highway Business Dist. on Tax Parcel #95-4-219-314-0640. Chairman asked the Clerk to read the conditional use permit application.

Mark Merkling does agree Slades Corners has an issue and he hopes they can find relief.

He feels it is his responsibility to not make the issue worse for Slades Corners. He cares about the community and believes he will be making the situation better.

Last meeting - punch list - Robers was concerned about the land and the springs, Riley the same, Mosca the missing storm water and wetland reports, Wagner wanted 1" contour maps, Ochoa Petersen wants detail of where the water is going, and DeLuisa.

Chairman asked Town Engineer Len Roecker for his comments. Roecker referred to his 13 item review letter dated August 5, 2015. Last Monday was the first time he had looked at the development. The town, county, and DNR all review and have concerns. There are three levels of engineering oversight and it sounds as if, in this case, another independent engineer is also reviewing.

There is lots of information he doesn't have yet from the development team to review. No wetland report. No soil report. Soils are critical here. Lots is assumed in the modeling. Feels they are headed in the right direction but he doesn't have enough information to say at this point.

Regulating surface water - how we collect, how we manage the storm water, back to back storm events are not modeled.

Vince Mosca - quite a few things in Len Roecker's review that haven't been met. In good faith, we can't really approve conditionally because we're assuming the infiltration will work. It needs to be proven that is the case. If the soils report doesn't say soils will work fast enough, this won't go anywhere. There is no gravity outlet available because they are in a basin.

Paul VanHeckelum, Kapur disagreed the Plan Commission can't approve conditionally. There is much review by other levels of government and they expect to meet them. They have not finished the reports but normally they are conditioned on approval.

They want to make the site either the same or better. Modeling the groundwater is a BIG job. Will it change the groundwater in that area? Might but doesn't feel it would be much. It would allow the developer to move forward and invest further in developing the engineering reports. We're already further along than we would normally be.

Attorney Davison said the Plan Commission can approve conditioned on Len Roecker's approval or table until the developer meets Len Roecker's concerns but questioned Merkling on what he expects. You are requesting a CUP approval from the Plan Commission, Town Board, Land Use Committee, County Board all further conditioned on favorable reviews with none of these reviews completed. Mark Merkling said that is what he was told by the county. If the information is not completed by the last hearing, they would approve but hold the CUP until he meets the approval. Davison disagreed the county board could approve without the conditions being known; they wouldn't even know the conditions at that point.

Merkling said it is highly unusual to have a developer spend all this money without any approval. He has done so. He wants to move forward and meet your requirements. He objected to being held up for something he intends to furnish.

There was much discussion on both sides but the Plan Commission was not comfortable with going forward without more information. All assured Mark Merkling they want him to stay in the community with his business but he needs to take the time to furnish the requested reports.

Commissioner Mary Ochoa Petersen moved to table the Conditional Use Permit request until the requested information is furnished, Town Engineer Len Roecker's concerns are addressed and they have the facts to make an educated decision. Commissioner Clayton Wagner seconded the motion. Vote was 7 - 0 in favor of tabling the application. Motion carried.

Meeting was moved for adjournment at 8:35 p.m. by Clayton Wagner. Mary Ochoa Petersen seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk