

FEBRUARY 22, 2010 Plan Commission Meeting

The Plan Commission met at 7:30 p.m. on Monday, February 22, 2010 at the Town Hall in New Munster.

Chairman William Glembocki opened the meeting with the Pledge of Allegiance. Plan Commission members present for roll call: Chairman William Glembocki, Vince Mosca, Clayton Wagner, Mary Ochoa-Petersen, Randy Schulz, Paul DeLuisa and Dennis Robers. Sue Riley was excused.

Also present: Supervisor Andrew Lois, Clerk Sheila Siegler, Town Attorney Jeff Davison, Town Planner Pat Meehan, Jim Mirek, Ken Koch, and Laurie Weis.

Meeting notices were posted in five public places and newspapers were notified. Meeting notice was also placed on the town website.

Minutes of the January 18, and 25, 2010 plan commission meetings were motioned for approval by Clayton Wagner. Randy Schulz seconded. Motion carried.

Public Comments - none

- **Consideration and possible action on recommendation to Town Board to amend Hidden Meadow Subdivision Developer's Agreement**

Town Attorney Jeffrey Davison referred the Plan Commissioners to the proposed Developer's Agreement dated February 17, 2010. Davison noted that Ken Koch had asserted at the August , 2009 meeting to approve the final plat that he had financial backing for the Letter of Credit. The Wheatland Town Board and Kenosha County subsequently approved the Final Plat for Hidden Meadow Subdivision. The Final Plat document has not been signed by the town pending receipt of the Letter of Credit. Mr. Koch has 180 days from county approval on September 17 to record the Final Plat document and that deadline is fast approaching.

The revisions to the Developer's Agreement do not change the dates in the agreement for public improvements of August 1, 2012. The revision solely relates to providing agreement and \$8,000 escrow to vacate the Final Plat and rezone the two parcels to the original zoning classification if a Letter of Credit is not deposited by August 1, 2012.

The agreement prohibits the transfer or sale of any lots or portions of lots, moving of any earth, and Mr. Koch's payment to the town of any outstanding bills by May 15, 2010. If Mr. Koch fails to pay by May 15, the agreement allows the town to pay itself from the escrow.

The \$8,000 is an incentive for Mr. Koch to vacate and rezone himself. In that case the \$8,000 would be returned to him.

An additional provision provides for the signature of the bank because we don't want any problems with the bank with vacating or rezoning issues since they have a financial interest in this property.

There is room in the amount of escrow if county agrees to reduce it. \$8,000 is over and above what should be needed to vacate the parcel. In lieu of an answer from the county we inserted this amount. If corporation counsel undertakes the work and the town fees have been paid, \$1000 likely adequate for the escrow. If that amount changes before the town board meeting it can be modified. That needs to be in the motion to accept the developer's agreement if you see fit to take action.

Davison said all developer's agreements he prepares prohibit the unilateral assigning of developer rights to a third party. If the developer comes in and presents his case and has agreement with town it can happen.

Paul DeLuisa moved to recommend to the Town Board approval of the Developer's Agreement between the Town and Kenneth Koch, as amended, subject to such further modifications as may be agreed upon between the Kenosha County Dept. of Planning and Development, the Developer and the Town Board relative to the amount of the escrow funds to be deposited by the Developer for the purpose of vacating the plat and rezoning in the event that the development does not proceed in a timely fashion under the terms of the Development Agreement. Vince Mosca seconded. Motion carried on a unanimous vote.

- **Review proposed Kenosha County General Zoning & Shoreland/Floodplain Zoning Ordinance amendments:**

1. Creation of zoning district AE-1 – Agricultural Equestrian Cluster Single-Family District
2. Creation of zoning district B-94 – Interstate Highway 94 Special Use Business District
3. Creation of zoning district BP-1 – Business Park District
4. Amendment of zoning district PUD Planned Unit Development Overlay District

5. Creation of overlay district TCO – Town Center Overlay District
Mary Ochoa-Petersen moved a favorable recommendation to the Town Board for items #1 - #5 listed above but striking accessory use #21 in the B-94 district. Paul DeLuisa seconded. Motion to approve was unanimous.

- **Reports and correspondence** – none
- **Announcements** -

March 1, 2010 – Wheatland Comprehensive Land Use Plan Open House @ 6:30 p.m. at the Town Hall, followed by Public Hearing @ 7:30 p.m.

- **Adjournment**

Motion to adjourn at 8 p.m. moved by Clayton Wagner. Second by Mary Ochoa-Petersen. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Clerk