

July 28, 2008 Plan Commission Meeting

The Plan Commission met at 7:55 p.m. on Monday, July 28, 2008 at the Town Hall in New Munster. (Note: meeting was delayed by a 7 p.m. Town Meeting of Electors.)

Chairman opened the meeting with the Pledge of Allegiance.

Plan Commission members present for roll call were: Chairman Jeffrey Butler, Randy Schulz, Vince Mosca, Dennis Robers, Paul DeLuisa, Sue Riley and Clayton Wagner. Also present: Supervisor Andrew Lois, Clerk Sheila Siegler, Town Planner Patrick Meehan, Town Engineer Len Roecker, Town Attorney John Hotvedt, Rick von der Sitt, Joe Greenspan, Igor Vaynberg, David Smith, Jim Mirek, Ken Koch, Tim Goodman, Ed Wastag and Roger Aguero

Meeting notices were posted, newspapers notified and property owners within 300 ft. of Tax Parcel #95-4-119-013-0901 were notified by First Class Mail.

- **Review of Concept Plan - Fox River Trails - an 11 lot, single-family residential development proposed for Tax Parcel #95-4-119-013-0901 owned by Fox River Road LLC, 1701 E. Lake Ave., STE 280, Glenview, IL 60025.**

For information purposes: this property is located on the west side of the Fox River, south of Hwy "50," between the river and Fox River Road (Hwy "W")

Chairman Butler said there have been three or four meetings with Kenosha Co. Planning and Development. Lot number started in the 60's and the concept map under review tonight is down to 11 buildable lots.

David Smith, attorney for the developers, said this is the old airstrip and has been farmed. There are floodplain and soil issues. There are whole areas that will remain wild. There was a lot of evolution in the project from very dense to low density development. This is a new group developing the subdivision and they want to make it a high end subdivision.

They are anticipating the requirements of the county and town have been followed. This subdivision will retain a lot of rural character with large lots. 2/3 of the parcel will remain green space – at most 11 families in schools – not a lot of roadway to maintain.

Vayenberg said property presented challenges. It will be an asset to the town. Quite certain all the lots are buildable but all lots will require mound systems. All lots are 1.5 acre minimum with no driveway access to Hwy "W." The subdivision will have two entrances. There will be no driveway access to Hwy "W."

Town Planner Pat Meehan comments:

1. Need soil borings & proof of borings for each lot.
2. Lot 4 – strange shape, unusable areas, needs to be reconfigured or eliminated
Following refers to "notes on the face of the concept map"
3. #2 – references insurance rate map – **add** panel number and date of map
4. #3 – "proposed" parcel – **eliminate** "proposed"
5. #4 – nice to put a date that zoning was taken from Ken Co. website
6. #7 – indicate the fractional number of outlots owned by lot owners
7. #8 – doesn't state the storm water facilities will be located outside floodplain or wetland areas. Assuming it will be, but should be stated.
8. Wetland Preservation Environmental Corridor and the 100 Floodplain Restrictions – 1st sentence doesn't say restrictions are applicable to the primary environmental corridor and floodplain. It should be so stated.
9. Arrows shown on the plan are going in various directions. They are not listed in the legend to tell what they mean.
10. Along Hwy "W" the "no access" restriction needs to be shown for all the lots. There will be no access from Hwy "W."
11. Also a 30 ft. buffer along "W" is required.
12. The northern leg of Lot #11 awkward – suggest that it be squared off and the remnant of Lot #11 be added to the outlot.
13. Need a statement of proposed uses for Outlot #1 shown on the plat. The reason this is being brought up is that stormwater detention must be on separate outlots because the county typically requires this. This brings up another issue. The town needs blanket easements over all the outlots for emergencies & maintenance purposes.

Town Engineer Len Roecker Comments –

One of the concerns is that things may change when you get into storm water review – there are lots of challenges with site. Those details may cause some things to be rearranged.

One concern the floodplain is right up against the east edge of Road “B” – very little cushion between floodplain and the road. If road be can be moved higher or away from floodplain, it would be beneficial.

We’ll need site distances looked at for the intersection on “W” & Road “B.”

The west edge of Lot #7 & 8 – it would be reasonable to require the dedication of additional easement to the county for Hwy “W” so that Hwy “W” could be straightened in the future. That has been recommended before up in similar discussions.

Vince Mosca questioned:

1. who did the wetland delineation? Igor said it will be placed on the Preliminary Plat.
2. building envelopes in the environmental corridor? Meehan said that would be a county issue. Can build in the shoreland area.
3. Get storm water from Lot 3 to Lot 1. Igor said they have engineered this.
4. Basements? Vayenberg believes there will be no basements because of high groundwater.

(Meehan said the plan commission could place deed restrictions on the lots that would not allow basements.)

5. Mosca warned there could be existing farm tiles in the parcel. Vayenberg said they would be watchful of them when digging. If found they will be addressed and taken care of.

Clayton Wagner asked who owns the outlots and the open space? Vayenberg replied the Homeowners Association would own all the open area.

John Hotvedt said he and Attorney David Smith would work together on the covenants and work out any problems.

Dennis Robers – Lot 4 and Lot 11 - felt they didn’t need changing; they are unique. Rick von der Sitt said Lot 4 is a unique lot and probably has one of the best views of the river.

Ed Wastag owns property on the east side of the Fox River and asked if trees along the river would come down. Chairman said they would not be able to clear-cut and the shoreland restrictions don’t allow clear-cutting.

Wastag asked if his taxes would go up if these expensive homes are built. David Smith said his value would need to go up. Chairman said Wastag property unlikely to increase in value because his property is in the floodplain.

Roger Aguero owns property on the west side of “W” across from the proposed subdivision. He warned of site distance problems with the two dips on “W” that could cause problems with Road “B.” He asked if a person buying a lot would have to build a home on it. Chairman said you can hold property without building a house on it.

Chairman said the vision distance will be addressed. It has been discussed at our meetings.

Clayton Wagner – you stated \$500,000 house. Is that the lot and the house? Is that a restriction in the covenants? David Smith said the \$500,000 is the lot and the house and there would be square footage restrictions and architectural restrictions, not a dollar amount. Lots would be about \$150,000.

Chairman told the developers that they’ve come a long way. Plan Commission members had no additional comments. He advised developers to address the comments of the town planner, engineer, attorney and plan commission members.

Discussion finished at 8:30 p.m.

- **Review of Chapter XI - “Transportation Element” of the Multi-Jurisdictional Comprehensive Plan for Kenosha County**

Pat Meehan read his memorandum. He said #4 does not pertain to Wheatland.

He suggested a change in the wording to say “consider” light rail, not “potential” light rail.

Vince Mosca moved to accept and approve the comments of Planner Pat Meehan dated June 13, 2008 (copy attached) with the change to “consider”. Sue Riley seconded. Motion carried unanimously.

- Tabled from March 24, 2008 Plan Commission Meeting:

Minimum 1 A. (43,560 sq. ft.) requirement for any new residential land division in

the Town of Wheatland with soils permitting a conventional septic system. 40,000 sq. ft. is the current minimum. (Note: 1.5 A. lot requirement will remain for residential land divisions requiring above-ground (mound) septic systems.)

Clayton Wagner said he felt the minimum should be 1 A.

Ken Koch said he was against it but if you are going to gain something, require the lots to be wider instead of 1 A.

John Hotvedt said he worries about usurping zoning. Land use plan can establish zoning. It is 40,000 sq. ft. minimum under Kenosha County zoning. Statutes do allow a land division ordinance to require 1 A. Wheatland does not currently have that type of ordinance. You would need a public hearing, Class 2 Notice, recommendation to the Town Board before it could be approved.

Vince Mosca said he has no real issue with the additional 3,560 sq. ft. (40,000 vs 43,560) but he doesn't want to hamstring future town boards. He questioned whether it would interfere with multi-family housing.

Ken Koch said zoning doesn't allow a PUD. He was forced to have less density on the "KD" Hidden Commons "condo" plan. He was forced to abandon the project.

Plan Commissioners indicated:

Clayton Wagner – in favor.

Sue Riley – not in favor of requiring 1 A.

Randy Schulz – use 1 A.

Vince Mosca – not against it but doesn't want to be boxed in.

Dennis Robers – not in favor.

Paul – not in favor.

Ken Koch said that requiring 1 A. could knock out a development.

John Hotvedt said a public hearing would be required for a proposed ordinance.

Clayton Wagner moved to have John Hotvedt prepare a proposed ordinance with 1 A. minimum lots and Paul DeLuisa seconded the motion. Motion carried. Commission would review before deciding to proceed to public hearing.

- **Tabled from March 24, 2008 Plan Commission Meeting:
Wheatland Population & Employment Projections to use for Chapter VI - "Issues & Opportunities Element" of the *Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035***

Randy Schulz moved to use XIII – 21 – Trend based for the Population & Employment Projections. Sue Riley seconded the motion. Motion carried.

- Public comments - none
- Reports and correspondence - none

Meeting adjourned at 9:05 p.m. on a motion by Dennis Robers and second by Paul DeLuisa.

Respectfully submitted,