

PLAN COMMISSION
MEETING MINUTES – OCTOBER 18 2016

- 1) Call to Order: The meeting was called to order in the Harrison Municipal Building by Chair Darlene Bartlein at 7pm following the Comprehensive Plan Update & Village Center Plan Public Meeting.
- 2) Pledge of Allegiance: The Pledge was recited.
- 3) Roll Call: Members present were: Jim Fochs, Jim Lincoln, Kevin Hietpas, Jerry Bartlein, Dennis Reed, Darlene Bartlein.

Staff Present: Planner Mark Mommaerts, AICP; Deputy Clerk-Treasurer Carie Krause

- 4) Public Participation: None
- 5) Approve Minutes: Motion (Fochs/Hietpas) to approve the minutes of July 19 2016. Motion carried 6-0.
- 6) Convene Meeting and Enter Public Hearing 7:03pm

- a. Conditional Use Permit – Peter & Patricia Besser – W5622 Firelane 12:
Planner Mommaerts introduced the item and stated that the applicant, Peter & Patricia Besser, are requesting a Conditional Use Permit (CUP) in order to construct an accessory building with a water closet (toilet facility). The property is located at W5622 Firelane 12 and is currently zoned General Agricultural [AG]. There is a house and accessory building currently on the property. The Zoning Ordinance allows up to two (2) accessory buildings, not to exceed 3,000-sq. ft. in total area, in the AG zoning district. The Zoning Ordinance, Sec. 117-54 (7) also states, “Any detached accessory use, building and/or structure with a water closet (toilet facility) shall require a conditional use permit, pursuant to article XI, Conditional Use Permits.”

The applicant proposed to use the accessory building as an all season work and storage area. The applicant anticipates the building would be used for maintenance of automobiles, motorcycles and lawn/ag equipment. A water line to the building would allow for an area to wash and clean the equipment as well as have a bathroom so that they would not have to use the house bathroom.

The structure itself meets all the physical zoning requirements (e.g. setbacks, size, number of buildings), but would require approval for a toilet facility. Staff has a few concerns about the accessory building being converted into another dwelling. If the applicant were to agree to not rent, lease, sell, or otherwise use the accessory building as dwelling unit, then staff would not have any issues.

Mr. Besser spoke regarding his property; he stated that he has owned the property for 30 years and built the home 20 years ago. The home is a retreat from their Chicago living that is visited by he and his wife about once a week. Mr. Besser has always wanted to build a garage for vehicles, motorcycles, etc. He stated that they rarely entertain guests and this building would primarily be a storage unit and garage. It will not be a residence or be rented.

Mr. Besser also stated that there would be no leasing or selling and he has no reason to ever divide the property. Planner Mommaerts stated that the issue with the CUP is the toilet (any other water sources would not be a problem). Commissioner Fochs asked if the CUP would follow the sale of the home and Planner Mommaerts stated that a condition could be added to the property deed. Mr. Besser commented that we would be willing to sign anything.

Staff recommends approval of the Conditional Use Permit request with the following conditions:

1. The accessory building shall not be rented, leased, sold, or otherwise used as a separate dwelling unit from the house on the property.
2. The accessory building shall only be used or occupied as long as the principal structure is used or occupied. If the house is vacant then the accessory building shall also be vacated.
3. The accessory building shall only be used by the owners of the property or their immediate family.
4. The owner shall obtain a sanitary permit from Calumet County prior to installation of the toilet facility.

7) Close Public Hearing and Reconvene Regular Meeting 7:15pm

8) Items for Discussion and Possible Action

- a. Conditional Use Permit – Peter & Patricial Besser – W5622 Firelane 12: Motion (Lincoln/Fochs) to approve the CUP with permit drafted by staff and also following staff recommendations as outlined, including adding information to the deed. Motion carried 6-0.
- b. Certified Survey Map – Jacqueline Burr – Harrison Road: Planner Mommaerts introduced the item and stated that the applicant, Jacqueline Burr, is proposed a one lot Certified Survey Map (CSM) in order to combine two (2) existing parcels into one (1) parcel. The parcels are currently vacant/undeveloped and are located along Harrison Road on the lake side (IDs 38534 & 38552). The parcels are currently zoned Single-Family Residential (Suburban) [RS-1] and Shoreland Overlay [SHO]. The combined parcel will meet the Zoning Ordinance requirements for lot area and lot width. The purpose of the CSM is to remove the lot line for future building purposes.
Motion (Fochs/J.Bartlein) to approve the CSM as submitted. Motion carried 6-0.
- c. Final Plat – Parker Farms 3 – County N & Jochmann Drive: Planner Mommaerts introduced the item and stated that the developers, Dercks DeWitt LLC, have submitted a final plat, called Parker Farms 3, for phase three of the subdivision. This subdivision is located along County N. Phase 3 is located north of Jochmann Drive. Parker Farms 3 is a thirteen lot subdivision, however, two lots being created have existing homes located on the lot. There is a duplex located along County N that is proposed to be removed from the property. The Final Plat for Parker Farms 3 substantially conforms to the Preliminary Plat. Staff recommends approval of the Final Plat of Parker Farms 3 with the following conditions:

1. A zoning map amendment (rezoning) shall be submitted to rezone a portion of Parker Farms 3 from Two-Family Residential [RT] to Single-Family Residential (Suburban) [RS-1] to match the rest of the subdivision.
2. The "12' Utility Easement" shall be revised to include the Darboy Sanitary District as a Grantee for the purposes of maintenance, repair, and/or replacement of sanitary or water infrastructure and access thereto.
3. Erosion Control Silt Fence shall be installed, in accordance with State Specifications, along the right-of-way line of Parker Court prior to issuance of building permits and zoning permits.
4. All lots shall have a storm sewer lateral provided for sump pump discharge.
5. All drainageways, drainage easement, and associated infrastructure shall be installed, graded and seeded prior to issuance of building permits and zoning permits.
6. All utilities, including but not limited to, sanitary sewer, water, storm sewer, gas, electric, cable, phone, shall be installed prior to issuance of building permits and zoning permits.
7. The Village Board shall accept the roadway in a graveled state prior to issuance of building permits and zoning permits.
8. All other improvements, including but not limited to, curb & gutter, asphalt paving, sidewalks, shall be installed prior to issuance of building permits or zoning permits, unless the Village Board approves a Subdivision Development Agreement to allow for improvements to be installed at a later date.

Scott Dewitt stated that the existing duplex should be gone by the end October. The foundation will be torn out and filled in. Planner Mommaerts stated that the Developer will need to come back in to rezone this property because the existing duplex is zoned 2 family. Planner Mommaerts stated that, if approved the Developers agreement will move to the Village Board meeting. Commissioner Fochs asked if the Developers Agreement would extend phase to phase, Planner Mommaerts answered that each phase is a separate and final plat and would have a separate agreement. Motion (Hietpas/Fochs) to approve with staff recommendations. Motion carried 6-0.

- d. Purchase of Lots 57&58 in Oakwood Estates for small park – N8952 & N8944
Blackoak Street: Planner Mommaerts introduced the item and stated that The Village Board is seeking a recommendation from the Plan Commission about the purchase of 2-lots in the Oakwood Estates subdivision for use as a small park. Planner Mommaerts stated that if the Village purchases the Lots, staff believes there is sufficient space for equipment, potentially a small pavilion as well. Commissioner Lincoln asked about the potential for flooding. Village Manager, Travis Parish answered that the flooding potential would not be near the playground because the playground would be on the one lot that is buildable. Commissioner Fochs stated that he saw the low area and has concerns because the lots have sat for some time. He also stated that due to private property even though they are right next door, there won't be access from Harrisville Ct and with this layout, we limit the lateral movement for people to access this location. Commissioner Fochs stated that this is an interesting choice because the lots have

sat for so long but his main concern is access. After suggestions to move it, Planner Mommaerts stated that just because we approve this one it doesn't mean we can't have one on the next subdivision over. Commissioner Hietpas stated that he took a walk there last weekend and it looks like it really grew up. He spoke with the neighbors, the one to the north does not want it to be a park, the one to the south is okay with it if he doesn't have to pay anything. Commissioner Hietpas also stated that he is reluctant based on the size of the wetland and thinks it may be a less than ideal location. Chair Bartlein stated that it won't be serving a lot of houses. Commissioner Fochs suggested something north of Dogwood because it could service many more homes. Motion (Fochs/Hietpas) to not purchase lots 57 & 58 for the purpose of a small park. Motion carried 6-0.

9) Items for Discussion

- a. Report: Zoning Permits: Planner Mommaerts stated that as of the end of September we already matched what we had in all of 2015 for single family homes (64). He is expecting to be around 70 by the end of the year.

10) Next Meeting Date: November 22 2016 at 6pm

11) Adjourn: Motion (J. Bartlein/Lincoln) to adjourn the meeting at 7:48pm.

- a. Motion carried 6-0.

Prepared by: Carie Krause, Deputy Clerk – Treasurer

Dated: October 27, 2016