

PLANNING COMMISSION MINUTES
Mayville City Hall, 15 S. School Street, Mayville, WI
May 26, 2010

1.) Call to Order and Roll Call.

Meeting called to order at 7:00PM

Members Present: Scott Mastalish, Ron Henkel, Merlin Kahlhamer, Jerry Moede, Gary Benter, Bob Smith, Phil Luce

Members Absent: None

Others Present: James Kupfer, Sal Okon, Gary Freund, Annie Mosser, Dan Koepsell, Richard Quandt, Ellen Kolpack, Kathy Sertich

2.) Approve Agenda.

Motion by Smith, second by Mastalish to approve the agenda.

Unanimously Carried

Following Roll Call & Approval of Agenda, Mayor Moede opened the floor up to citizen comments, prior to moving forward on the rest of the agenda.

-Richard Quandt spoke on behalf of Ellen Kolpack who lives at the Fairview Terrace Subdivision. Mr. Quandt stated that there are existing construction issues with the current condominiums that the residents would like resolved prior to the Plan Commission taking action on the proposed single family development. Mr. Quandt also made mention that the minutes of the April Plan Commission Meeting were inaccurate, as the residents were not notified of the proposed planning for the remainder of this subdivision, as James Kupfer stated that he would.

-Mayor Moede asked Mr. Quandt what the issues are with the existing condominiums. Mr. Quandt stated that the siding was installed incorrectly and is falling off, as well as leaking basements. The owners of the condominiums fear that the leaking may lead to mold.

-Dan Koepsell stated that he feels it's a "quality issue" with the construction of the existing condominiums, but he does want to see continued development in the City of Mayville.

-Scott Mastalish asked Mr. Koepsell if he has any concerns with the remainder of this development being single family in lieu of the original condominium plan. Mr. Koepsell stated that he did not really see a problem with this.

-Phil Luce stated that he doesn't see this as a building code issue, but rather a building material and craftsmanship issue. Bob Smith agreed with Mr. Luce, and stated that the City can't get involved with building material and craftsmanship issues. Mr. Smith went on to state that he can see why the current residents in this subdivision could be against the proposed plan, based on the original development agreement. Mr. Smith stated the

planning commission has listened to the concerns of these residents, as they are neighbors to this development and do have some legal rights regarding this matter.

-There was still some concern that the residents of this subdivision were not notified of proposed changes to the original development agreement for the Fairview Terrace Subdivision. It was mentioned that Ellen Kolpack had to find out from the City Representative for her district. Jim Kupfer from American Design and Build, stated that they did not notify any of the residents as of yet, because this was not the public hearing for this matter. This is true that this isn't the actual public hearing for this, but all felt that it would be best to keep these residents informed on this matter leading up to the actual public hearing. Mr. Kupfer stated that he would do this and Don Neitzel stated that he would make sure that this is done.

-Kathy Sertich asked if this would be the time for her address the plan commission on issues and concerns that some of her constituents have with this matter. Mr. Luce stated that this is not the time for the Plan Commission to hear these issues and that the public hearing would be the appropriate place to hear these.

3.) Approve the Minutes of the April 28, 2010, meeting.

Motion by Henkel, second by Kahlhamer to approve the April 28, 2010 minutes.

Aye: Mastalish, Henkel, Kahlhamer, Moede, Smith

Nay: None

Abstain: Benter

4.) Consider / recommend approval of a land division request by Gary Freund, tax parcel 048-1216-2813-001. The request would split the subject parcel into two lots. Review authority is the City of Mayville Extraterritorial Plat Approval Jurisdiction in Section 425-20 of the City of Mayville Subdivision Ordinance. The property is located east of Schwarze Road in the Town of Williamstown.

Don Neitzel stated that all plan commission members should have information in their packets regarding this matter. Mr. Neitzel stated that this split was originally brought to the plan commission back in 2008 as a split that would have created four parcels. This split was denied based on the sliding-scale density chart in section 425-20 of the City of Mayville's Subdivision Ordinance, which only allows 2 parcels to be created from a parent parcel that is 40 to 80 acres in size. With this information, Gary Freund (property owner) is now submitting to split the same subject parcel into two lots, thereby complying with Section 425-20.

Sal Okon, was present to address the plan commission on behalf of Mr. Freund. Mr. Okon confirmed that the intention is to split the parcel into 2 lots.

Mr. Henkel stated that the plan commission did approve the concept of splitting this parcel into two lots back in 2009.

Motion made by Henkel, second by Luce to approve splitting this parcel into 2 lots.
Unanimously Carried.

5.) Update on the Extraterritorial Sanitary Sewer Service Area mapping study.

Mr. Neitzel stated that a meeting was held on May 26, 2009 at 2:00 p.m. to once again review the Sewer Study with Ron Wellner, Vern Hilker, Don Neitzel, Don Hilgendorf (Williamstown) and John St. Peter (Williamstown). Mr. Neitzel ran through the sewer

study report and the map with all members present at this meeting. It was determined that the limits of the City water system should also be shown on this map to show how the existing water system and the gravity sewer system limits coincide with each other, in order to accurately discuss future areas of development. Mr. Neitzel stated that these revisions would be made, with hard copies being mailed out to all members present at the meeting, prior to another meeting date being set up.

This item will be on the June Plan Commission Agenda next month, so Mr. Neitzel can update the commission on the status of the study and discussion with the Town of Williamstown.

6.) Fairway Terrace Subdivision, 500 S. German Street, Mayville

A.) Review procedural guidance as provided by the City Attorney with respect to the requests pertaining to the Fairway Terrace Subdivision.

Mr. Neitzel stated that Plan Commission members should all have information in their packet regarding this matter, as well as correspondence between Vern Hilker and City Attorney Eckert. Attorney Eckert mapped out the steps that would be required of the developer and the Plan Commission, based on the preliminary proposal from American Design to the City. Mr. Neitzel provided a copy of these steps to Mr. Kupfer at the Plan Commission meeting.

Mr. Kupfer stated that duplexes just do not work here and that they need to get the property off their books. He stated that it is in everyone's best interest in trying to get this subdivision finished, otherwise the current owners of the condominiums in this subdivision will have problems selling them based on the condominium project not being 70% complete. Changing the remainder of this development to single family would then help the existing condominium owners with resale should they ever choose to sell.

Mr. Luce asked Mr. Kupfer if having this development on the books is hurting American Design, to which Mr. Kupfer stated that it's not, but they would like to get something going here.

Mr. Smith stated that he would like to see some type of a "sunset clause" in the agreement on how long the developer has to make the improvements to the lots in order to sell them as single family. Mr. Kupfer stated that he didn't see a problem with this.

Mr. Smith also asked who is responsible for the street in the Planned Unit Development, to which Mr. Kupfer stated that the condo association is.

Mr. Benter agreed with everything that has been said regarding this matter and feels that single family is a good idea in order to try and spur some new construction. He did ask how the City can make sure that the single family homes that would get built are constructed of quality materials and craftsmanship. Mr. Smith stated that the current property owners in the subdivision would have some input in the new development agreement and the architectural standards of the new single family homes, should this ultimately go through.

Mr. Neitzel reminded the commission that the proposed lots are 60' wide in lieu of the minimum 90' width that is called out in the City Subdivision Ordinance. Mr. Neitzel also stated that no further action needs to be taken on this issue at this

time and that the developer would now have to submit a replat of the subdivision to reflect the single family layout in lieu of the original condominium plat. Mr. Kupfer stated that they would get on this right away and submit to Mr. Neitzel for his review.

Mr. Kupfer did address the audience and stated that American Design is looking into the siding defects and will correct them, but it will take them a little bit of time to coordinate this work.

The replatting of the Fairway Terrace Subdivision will be on the June Plan Commission Agenda.

There was no discussion required or taken on the remaining agenda items, (6B-6E).

7.) Adjournment.

Motion by Henkel, second by Benter to adjourn. Meeting was adjourned at 8:07 p.m.