



WINFIELD PLAN COMMISSION MEETING MINUTES MAY 9, 2019 @ 6:00PM

The Winfield Plan Commission held a meeting on Thursday, April 10th, 2019 at the Winfield Town Hall at approximately 6:00 p.m. Those present: Tim Clayton, Gerald Stiener, Joe Gacsy, Mark Nelson, and Jon Derwinski. Josh Malher and Dave Anderson were absent. Also present: Town Administrator Nick Bellar; Town Attorney David Austgen, Austgen Kuiper Jasaitis P.C.; and Mike Duffy, Town Engineer.

MINUTES: April 10, 2019

Jon Derwinski made the motion to accept the minutes from April 10, 2019. Mark Nelson seconded the motion, the motion carried with all in favor 5-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Public Hearing – Docket PC 2019-04 – Zone Change – AG to PDR – Latitude

Owner: Diamond Peak Group, LLC.

Petitioner: Diamond Peak Group, LLC.

Vicinity: 7500 E. 117th Ave.

Request: Zone Change – AG to PDR for 143 lot subdivision

Todd Kleven, Vice-President of Diamond Peak Group, stated this is a 60 acre development on 117th Avenue west of Randolph. He introduced Attorney Richard Anderson of Anderson and Anderson PC and Doug Rettig with DVG present with him. The subdivision Latitude will consist of 143 homes, 89 are single family and 53 are cottage homes. Diamond Peak is a local developer out of Crown Point. They plan to break ground next month, if approved, with ground work and erosion control, pipe work will begin in July. This will work in conjunction with the water line extension and sanitary sewer extension; they plan on working with Crown Point Christian Village and the town on easements needed for the project. They are seeking a zone change to PDR. Richard Anderson stated the Plan Commission is to consider five things on this zone change, the comprehensive plan in regards to the proposed single family housing, general conditions in the character of current structure used in each district in the surrounding area, the multi-use of the land in the surrounding district regarding R-1 single family housing, conservation of property values throughout the jurisdiction, and responsible property development and growth. They have prepared the covenants for the HOA that has been reviewed already by the town's attorney and engineer. The HOA will take care of all common areas of the subdivision including the monument sign and entrance street lights. Doug Rettig spoke on the homes and lot sizes. They are asking for smaller lot sizes, the lots for the 54 cottage homes will be 55 feet wide and the lots for the 89 single family lots will be 65 feet wide. The reason for the smaller lot is due to the amount of open space totaling about 15 acres and a very large retention pond. Doug spoke about the water line extension that DVG is also working on with Crown Point Christian Village. He went over the drainage layout for the subdivision that has been reviewed by the town's engineer. Todd stated that the amenities reflect the need of the smaller lots and they are exceeding the park requirements of the town. The entrance will have 10-15 foot berms with the monument sign that will be maintained by the HOA and natural walking paths around the subdivision, which additionally will be maintained by the HOA.

Tim Clayton opened the Public Hearing at 6:13pm. Nick Bellar stated that both of the Public Hearings for tonight have been properly advertised and published.

Dan Babic, 11560 Randolph St., sent a remonstrance petition to Nick Bellar with the signatures of 8 of the 10 surrounding property owners. Nick distributed this petition to the Commission. Mr. Babic read the items mentioned in the petition including concerns over water drainage from the subdivision flooding their properties, the conservation of wildlife in the area, the addition of noise and light pollution the density of the subdivision would bring, and the traffic and road conditions on 117th Avenue and Randolph Street. He and the other property owners would like the town to maintain its rural feel and not squeeze out the people that have lived there for 40 or more years. There are other areas in town that can be developed or expanded without negatively affective their rural lifestyle.

Mike Schreiber, 7577 E. 117th Ave., asked if the out lots are retention ponds. Todd Kleven went over the out lots on the drawings of the subdivision. Out lot C is a dry retention area and out lot A is the pond and will be the only out lot holding water with a 10 foot depth. The HOA will maintain the out lots and retention pond. Mr. Schreiber asked what is the difference between a PDR and PUD. Todd Kleven said PDR is the term the town uses meaning Planned Development Residential usually called PUD by other towns which stands for Planned Unit Development. Mr. Schreiber asked if multifamily can be allowed in a PDR. Nick Bellar explained a PDR is a complete custom zoning district and could include multifamily, if that type of development is proposed. Mr. Schreiber asked if multifamily could go into this subdivision in the future. Gerald Stiener said no, once the zoning is approved it becomes an ordinance. The zoning could be changed in the future but they would have to go through the approval process all over again. Mr. Schreiber asked for the square footage on the homes. Todd stated the cottage homes can range from 1,500 square feet to 2,000 square feet; there will be 54 cottages and 89 larger single family homes. Mr. Schreiber asked if the sewer line was running down 117th like the water line. Todd stated he does not know the exact location but the town has asked them to dedicate an easement in the back corner of the subdivision. Mr. Schreiber asked about road right of way. Todd stated they are giving the town a 50 foot right of way on the north side. There is no passing blister on the south side proposed right now. They do not own that side of the road and the traffic study did not indicate that they needed one, only improvements will be needed for the intersection at 117th and Randolph. They have agreed to assist the town with the earth work needed for that improvement. Doug Rettig also stated there will be sidewalks in front of the subdivision. Todd went in to further detail on the berm and landscaping around the entrances. Mike Schreiber explained he has lived on his property for the past 32 years and has had pain and suffering ever since the wastewater treatment plant was built by Tom Simstad. He agrees with the other property owners that are against this subdivision and implored the town keep its rural feel. He knows he won't be able to stop this development or any progress but would like there to be less density and less cottage homes allowed in the subdivision.

Judith and John Chandler, 7012 E. 117th Ave., live on the west side of the proposed subdivision. Mrs. Chandler explained they have already had issues with work that has been done by the previous property owner when the land was farmed. Water flows on to their property and erodes their land. Water from a broken field tile and the alterations around it have changed the topography of the land and the flow of water. Now the gully they have on their property is constantly wet. Mrs. Chandler provide photos of the flooding on her property to the Commission. She too wants the land to stay rural or at the very least for the retention pond to be made deeper or make the easement or lots on the west side larger "country" lots. The pathway they used to move their farm equipment to the back of their land has been washed away. The original owners of the neighboring property would let her use a route on their land to move her equipment. If this subdivision goes in, she will not be able to access the back portion of her lot for farming. Mr. Chandler said their retention pond will dump into their property. Mrs. Chandler asked the Commission to consider approving the subdivision with the provision that the developers grant her permission to use their easement and keep it 30 feet wide for a tractor path in the southwest corner of the property. She expects more erosion to happen on her side of the property. She went on to explain continual erosion of the land is affecting her property and pushing animals to burrow under the land on her property. Mrs. Chandler also noted the drainage problems along 117th, the current ditch there has not been able to handle the water as it is and she believes the berms for the subdivision will make it worse. 117th is falling apart and should be addressed before any development goes in and the stormwater inlets need to be adjusted.

Todd Kleven responded to the remonstrators. He was familiar with Mrs. Chandler's property as he grew up in this area and grew up with her son. His parents also live down 117th and his own father asked him to fix the roads. Todd explained the way you fix roads is with progress. Speaking to Mr. Schreiber's statement on not being able to stop progress, he stated the people wanting to move to Winfield are no different than him when he moved in 32 years ago. Todd stated they should take comfort in the fact the town is doing their due diligence make sure developers meet their strict requirements. He stated he was surprised to hear Mrs. Chandler wanted the land to remain rural because her son has spoken with him before about selling her land to develop it. Mrs. Chandler agrees that progress can't be stopped but she would like the rural feel to be maintained. Todd stated they intend to keep these comments in mind and he promises this development will not flood out her property and will go into detail on that. Todd questioned if the subdivision is truly landlocking Mrs. Chandler's property for her equipment or if the issue is that it would require land clearing on her part on her property to access the back area of her land. Mrs. Chandler said that was not the case, her property was dry enough to drive on before and was allowed to use the neighbor's property when adjustments they made flooded her property. Mr. Schreiber said there is limited access for that area without a culvert. Todd understood her hardship and stated he would look at the property for them. He can not make any promises but he will do what he can to be a good neighbor. He asked that the record reflect that if Mrs. Chandler petitioned the town to install culverts and clear vegetation, she could access her own property. Todd stated he would not be able to commit to giving Mrs. Chandler a 30 foot easement but he can look at the property and see what can be done, he does have to be careful though with what is permitted by the DNR. Todd stated they are also governed by State and Federal requirements to not release anymore water drainage that is already flowing on the property. He pointed out the drainage flow patterns and stated the 10 foot deep, 10 acre pond they are putting in for a 60 acre property is the largest pond he has ever had to put in. Doug Rettig stated the release rate will be 7.5 cubic flow per second, this will make the flow better than what it currently is. They have to make sure it properly drains to meet the town's regulation. Mrs. Chandler asked about the road side ditch on 117th Avenue. Todd stated the stormwater from the road will be collected into their system, it will be diverted into their pond by the curbs and catch basin which should improve the flow of water on the southeast corner of her property.

Kristine Babic, 11560 Randolph St., stated she is from the Philippines and spoke on the small roadways there. When that area was developed the roads were not improved and caused traffic issues. She sees the same thing happening now in Winfield and does not think the town is ready to handle the progress. When she first moved out here three years ago, she did not have any problem getting out of her driveway. Now it takes her up to three minutes to turn onto the road and traffic is always backed up at the intersection especially when school gets out in the afternoon. Stonegate brought in more traffic and still is not completely built out and she believes this subdivision will do the same. She believes it is too late to improve or widen the roads now with all of the development.

With no further comments Tim Clayton closed the Public Hearing at 6:52p.m.

Todd stated in closing they are a local developer looking to raise the property values. The only way to have progress and make future road improvements is to have the revenue from the tax dollars that would be brought in by new development. They are running the petition for the rezone parallel with the Primary Plat Approval and look forward to developing this community in the town.

Attorney Austgen recommended any motion be made with the following conditions subject to all town requirements, all Federal, State, and County local rules, in conjunction of the plat approval. Todd agreed with all of those conditions.

Joe Gacsy asked Mike Duffy if the town was aware of the drainage issues between the two properties or why the previous owner filled in the land upsetting the drainage flow. Mike stated this is the first time he is hearing of this issue but is aware there is off site water that comes in through this property from the south and the east and have worked with DVG to make sure that water is accommodated in the basin for the subdivision. He said Todd is correct, the town has a very strict release rate they allow. They cannot just let the water run off the site. The release will now be maintained in a controlled way instead of coming from six difference points and cutting more ruts into the land. Joe asked if the former property owner got any permitting from the town to add fill to the land. Gerald Stiener stated he believes it was just a broken field tile that caused erosion. They repaired the tile which they are allowed to do and filled in where the erosion took place. Gerald is familiar with the farmer Wayne Nelson who farms that property and he has worked with before. He uses a no till process to limit erosion and is highly regarded in his trade. Joe said it sounds like Todd is doing his due diligence to make sure the property will drain properly and hopefully by the end of this it will limit the drainage issues on Mrs. Chandler's property. Attorney Austgen stated the drainage concerns are related to the plat approval and any motion for approval should include DLZ to provide a written report of the presented storm drainage engineering from the petitioner assuring the concerns of the residents are met and the town has record that the storm water matters have been handled. They need to make sure it is correct before 143 homes are in. Joe Gacsy made a favorable recommendation, certification to the Town Council subject to compliance with all town regulations and requirement by the developer, all Federal, State, County, and local rules, regulations and permitting requirements, and subject to primary plat approval and secondary plat approval being granted. Gerald Stiener seconded the motion. The motion carried with all in favor 5-0.

- 2. Public Hearing – Primary Plat Approval – Latitude**
Owner: Diamond Peak Group, LLC.
Petitioner: Diamond Peak Group, LLC.
Vicinity: 7500 E. 117th Ave.
Request: Primary Plat Approval for 143 lot subdivision

Todd Kleven with Diamond Peak Group LLC., once again gave a brief review of the proposed 143 lot subdivision on single family homes located on 117th Avenue. He would like the record to show he accepts the remonstrance made in relation to the primary plat approval during the previous Public Hearing for the zone change. Attorney Richard Anderson went over the HOA covenants. The HOA will maintain the upscale design of the subdivision with architectural approval and maintenance of the common areas and entrances. There is also a playground towards the back corner that will be maintained by the HOA, they have upgraded the equipment since the last presentation. Engineer Doug Rettig reviewed the drainage plan again. 55 acres of the 60 acres of the subdivision's water will be taken in by the 10 foot deep pond. It will hold 18 acre feet of water and will slow down and control the water, directing the water down to one point. They are following the very restrictive ordinance set by the town.

Tim Clayton opened the Public Hearing at 7:10p.m. The record reflects and accepts the previous Public Hearing statements made by Dan and Kristine Babic, Judith and John Chandler, and Mike Schreiber on water drainage concerns in regards to current flooding, maintaining the rural feel and preservation of wildlife in the area, concerns over traffic build up and road conditions affected by the subdivision along with the density and size of lots.

Dan Babic, 11560 Randolph St., stated this subdivision is not well fitted for the surrounding area. The lot sizes are too small, under an acre when other homes in the area have at least an acre and a half or more. He stated it would work better if there were only 100 homes. The properties on the east side only have a 20 foot easement and believes a large 200 foot easement with a tree line should be added to block the view from each side of the property.

Mike Schreiber, 7577 E. 117th Ave., asked if the proposed drain way falls under the rules of Waters of the U.S. Doug stated the wetlands are delineated; the swale is not delineated. Mr. Schreiber was concerned of the 100 year rains that occur more frequently. Doug answered it is designed for that, if the pond was to overflow there is a weir for over flow. They have to account for that and its size is also calculated in the drainage design. Mr. Schreiber stated the subdivision further down on 117th Avenue [Prairie Crossings] had significant flooding during the heavy rains over the past week and that subdivision only has an earthen ditch/weir. Doug said Latitude will also have an earthen weir but it runs along the whole western side of the subdivision. It was engineered to accommodate for overflow and has been reviewed by the town's engineers. Mr. Schreiber stated he again opposes the primary plat approval and urges the Plan Commission to defer the vote to get the amount of units down at least 10 or 15 percent and cautions that the pond should be reviewed and expanded.

Terry Dalkos, 6709 E. 125th Ave., spoke on behalf of Judith Chandler on land filling of the property neighboring her property. They believe that in order for the land to be sold the farmer had to fill the land and should be held accountable for the damage that was done to Mrs. Chandler's property. Now that it has been brought to the town's attention something should be done about it and they should work to fix her washed out property and the front ditch along 117th Avenue. Mrs. Chandler does not want her land to get washed out any further. Mr. Dalkos stated she should be allowed to use the easement and there should be less homes in the subdivision.

After no further comments the Public Hearing was closed at 7:18 p.m.

Todd Kleven addressed the comments beginning with Mr. Dalkos. He is unsure of what exactly they want him to fix and since they never came to the town before about their issue, he was not aware of prior to his petition. As he stated before he does not believe Mrs. Chandler is landlocked, or can't petition the town to make the access needed to get to the back of her property without trespassing on the neighboring property. He stated he will walk her property and see what he could possibly do to assist her. In regards to the land that was filled, it is his understanding that this property was owned by a previous developer that they may have started hauling dirt into the area. When he heard about that, he made sure to do soil testing on the property to make sure Diamond Peak was not purchasing a landfill. The areas filled in would cause additional run off but explained the pond would control water run off and slowly release the water flow. They already expanded the pond to meet the drainage requirements of the town and this is the largest pond he has been required to put in any development he has ever done. Winfield has the strictest drainage requirements than any other town in the area. Addressing Mr. Babic's concerns of this development diminishing any surrounding home property values, Latitude is assessed as a \$50 million development. Todd stated that he researched the value of Mr. Babic's home is currently valued at \$250,000 with an expected growth assessed value of \$280,000, the cottage homes in his subdivision will start just below \$300,000 with the single family homes starting at or above \$300,000. He does not see how that will diminish any surrounding property values. In closing Todd stated the town may also do a final review of all drainage engineering to compare with the concerns of the residents. He asked that if the Commission had concerns about approval based the drainage plan, he is willing to work with any in house changes requested by the town's staff after approval. Attorney Austgen stated the Plan Commission has the right to impose reasonable conditions on basis of approval of this plat he recommends that action be based on these four conditions subject to compliance by the developer based on all town rules, regulations, and requirements, subject to all Federal, local State and County rules, regulations and permits, subject to review and report of compliance by the town engineering consultants at DLZ with the storm drainage requirements and regulations in the town and filed report, and subject to adoption of the zone map amendatory ordinance that was the subject of the previous agenda item along with any other conditions they may have.

Gerald Stiener asked Nick Bellar about the paving on 117th avenue that will be done this year. Nick confirmed the town will be paving the remainder of 117th this year picking up where they left off from State Street to Randolph, completing the rest of their portion of the road. Most of this work is being completed with grant funding that was awarded to the town. Gerald also asked about multifamily in this subdivision. Attorney Austgen said the petitioner would have to go through this approval process all over again. Gerald said it would most likely not get approved by this Commission. Gerald stated that since he has been on the Town Council, 8 years ago, they have reviewed and revised many of the town's ordinances in regards to drainage and development to make it stricter and require developers to have to present all new developments before the Plan Commission. It gives the town more control over what a developer can and can't do. They put these provisions in place due to the town's history of developers being able to do whatever they wanted and he knows the trouble it still causes the town now including Mr. Simstad's developments. They are still fixing work that was not done right. They have done their best in the last few years to maintain the quality of life in this area. The roads are a problem and they have recently had meetings with State and County officials to work together on solving the issues on 109th Avenue and the effect on 117th Avenue. Gerald explained maintaining these roads falls on the town's residents that only make up a small portion of the traffic traveling on these roads. Residents in Lakes of the Four Seasons have double the population and pay nothing towards the roads. They are working on doing what they can to make small improvements to these roads but they cannot tackle it all alone. With this development they will be working with the town on adjusting 117th and getting easements granted to the town. The town does all that it can to get the developers to pitch in on the necessary improvements, the developers also need to have the density within their subdivision to collect the funds that allows them to make the improvements. Mr. Schreiber commented that it is his job as an adjacent property owner to look out for the surrounding properties and ask for lower density. When he was on

the town's Plan Commission years ago, he always fought for that. Todd Kleven stated when they first presented their plan to the Commission at a workshop meeting, their density was closed to 200. The town asked them to scale down the lots and they were able to get the number down to 143. Gerald said this amount of density its not that much compared to what is seen in other towns. Mr. Schreiber stated it will drive out all of the wildlife. A question was asked about the status of County Line Road by another audience member. Gerald stated the town is repaving that portion of the road this year included with the grant that was awarded to the town.

Nick Bellar asked Mike Duffy if the extra lane on 117th was reflected on the plans. Mike said it is not, Todd stated it is more of a road widening. Mike stated the accel and decel lanes are missing. Todd stated they have no problem adding that at each entrance if they are approved tonight with in-house approval. Mike stated to the Commission that the substantial engineering has been approved, they are only finishing up their review now on the minor details. Even if they were approved tonight, they would still not be able to start until DLZ has checked off on every detail. Todd asked what the few outstanding details were. Mike stated numbers on gutter spread calculations, owner name added to operation maintenance manual on erosion control were a few of the comments, only minor notes, no major changes. Nick asked about the improvements to the 117th intersection. Mike stated that it was identified improvements would be needed once this subdivision went it. He has spoken with the developer and they have committed to doing the earthwork and stone for the town, then the town will be able to integrate the paving of those lanes with their road project. The funding will be tracked separately for those portions of the road. In regard to a comment made by Mrs. Babic on traffic backing up from the school, this will alleviate that with the additional turn lines being put in. It will still remain a stop sign, the town has considered a round about in the future but no plan is set in stone and all intersections have to be reviewed as population grows.

Nick has a few more comments to bring to the Commission's attention. He noted the park equipment has been enhanced from what was last presented and coincidently reflects the theming of the current equipment at the town's community park. He asked which phase would the park would be built with. Todd stated the west side will be built first which includes some of the best lots and the park. There will be a total of four phases, the majority of the cottage homes will go in on the second phase. Nick stated the trail system is still natural. Todd stated that is correct it will be around out lots A and C. In his research on ADA compliance they are not required to also make the path paved because there is accessibility throughout the subdivision with ADA sidewalks. This will also be a more granule natural path following the topography of the land and fitting with the dune feel. It will use high quality sand so vegetation does not pop through coordinating with the landscaping. Mike also wanted to note the town implemented a best practice on sediment control with the pond, so they have tweaked the pond to accommodate that. Nick asked about allowing pools on the cottage homes. Todd stated to avoid residents coming in for variances they would have to gain a two-thirds vote from the POA before they could be allowed to apply for a variance. Nick noted there are no easements in the backyards of the cottages homes which makes him more comfortable with that. Nick stated the Latitude sign will not be any taller than the Wyndance sign. Gerald asked about the easement on the west side accommodated the force main, Mike said that was correct. Todd said it does go to their north property line, there will be no spite strips or sewer treatment issues. Jon Derwinski asked if there was only one monument sign at the main entrance. Todd said that was correct there will be some other signs in the subdivision like at the park and he would still like to work in the latitude/longitude theme within the roads.

After no further comments, Gerald Stiener made the motion to approve Docket PC 2019-05, Primary Plat approval for Latitude with the following conditions, subject to compliance by the developer based on all town rules, regulations, and requirements, subject to all Federal, local State and County rules, regulations and permits, subject to review and report of compliance by the town engineering consultants at DLZ with the storm drainage requirements and regulations in the town and filed report, and subject to adoption of the zone map amendatory ordinance of the PDR zone change for Latitude, all engineer and comments by Nick Bellar including the accel/decel lanes added at the entrances, approval of the turn lanes at the 117th and Randolph intersection by town staff and DLZ, and Nick Bellar's approval on material used for the walking trail. Mark Nelson seconded the motion. The motion carried with all in favor 5-0.

STAFF REPORT/ATTORNEY REPORT

No report.

With no further business before the Commission, Mark Nelson made a motion to adjourn, seconded by Tim Clayton, passed by voice vote 5-0.

ADJOURNMENT: 7:52 pm

Attest:

Plan Commission Secretary

Plan Commission President

Transcriber: Kim Wachowski
Administrative Assistant