



WINFIELD PLAN COMMISSION
MEETING MINUTES
AUGUST 13, 2020 @ 6:00PM

The Winfield Plan Commission held a meeting on Thursday, August 13, 2020 at the Winfield Town Hall at approximately 6:56 p.m. Those present: Tim Clayton, Dave Anderson, Gerald Stiener, Jim Hajek, and Mark Nelson. Joe Gacsy was absent. Also present: Town Administrator Nick Bellar; Town Attorney, Ryan Deutmeyer; and Mike Duffy, Town Engineer.

MINUTES: March 12, 2020 and July 9, 2020

Dave Anderson made the motion to accept the minutes from March 12, 2020 and July 9, 2020. Mark Nelson seconded the motion. The motion carried with all in favor 5-0.

OLD BUSINESS:

- 1. Public Hearing – Docket PC 2020-04 – Primary Plat Approval – 2 lots – Project One Addition**
Owner: Andrew and Susan James
Petitioner: Andrew James, Susan James, Ken York
Vicinity: 10200 Grand Blvd.
Request: Primary Plat Approval – 2 lot subdivision

Nick Bellar stated this is a two-lot subdivision. The property is a 100 acre parcel, they want to subdivide off 5 acres to make its own parcel; it meets all requirements. Nick confirmed this Public Hearing was properly published and advertised.

Tim Clayton opened the Public Hearing at 6:58p.m.

Attorney Chris Fox, 516 E. 86th Ave., representative for the project noted for the Commission that a tree conversation easement was included on the plat.

After no further comments Tim Clayton closed the Public Hearing at 6:59p.m.

Mark Nelson made the motion to approve Docket PC 2020-04, Primary Plat approval of the two lot subdivide for Project One Addition. Dave Anderson seconded the motion, the motion carried with all in favor 5-0.

- 2. Public Hearing – Docket PC 2020-05 – Zone Change AG to AG-B -Project One Addition**
Owner: Andrew and Susan James
Petitioner: Andrew James, Susan James, Ken York
Vicinity: 10200 Grand Blvd.
Request: Zone Change Agricultural (AG) to Agricultural Business (AG-B)

Nick stated this is a recommendation to the Town Council for the proposed use for the 5 acre parcel which requires an AG-B zoning. Tim Clayton asked if Nick could go into more detail on AG-B zoning. Nick explained he provided a zoning chart for uses for AG-B in the Commission packets. Some uses are allowed under the zoning, others are permitted with a special exception like the proposed project here currently going through the special exception process. Nick reviewed the various types allowed and special exception provisions for the zoning listed for AG-B zoning. Nick noted it is mostly farm related and very limited exceptions that also trigger review by the BZA and Town Council for the approval process. Nick stated at the previous BZA meeting the BZA sent a favorable recommendation to the Town Council for a special exception.

Tim Clayton opened the Public Hearing at 7:02p.m.

Kathy Walsh, 5809 E. 105th Pl., asked if the petitioner can now just put a bed and breakfast on this property as soon as its given approval. Tim Clayton said that would be another special exception. Kathy Walsh asked if the zoning opens up to cover a bunch of businesses now. Tim explained it is very restrictive for what is allowed, any changes or addition would require coming back to the Commission for approval and another Public Hearing. Kathy Walsh stated some of her next-door neighbors did not receive notification. They are within range of being able to hear the dogs barking so they should have been notified regardless of the 300 feet requirement for the notifications. The nature of this business should have been taken under

consideration when sending out notification and a much larger area of residents should have been notified. Mrs. Walsh asked what else could be allowed here. She also stated the favorable option of the farmer across the street is biased because the property owner pays him to take care of his land. Property owner Andrew James said that is untrue. Tim stated legally the notice is required for only 300 feet, it is not required to go out any further than that. Attorney Deutmeyer stated the problem going beyond the 300 feet is because then you start creating arbitrary boundaries. Gerald Stienen stated this was also advertised in the newspaper. Gerald stated in his experience on the Town Council most of the people do not bother to read about what is happening in town or pay attention. Mrs. Walsh said it seems like most people just do whatever they want in town a like large garage built in her subdivision that found a loop hole by connecting it to his house with a breeze way. Tim Clayton stated that has nothing to do with this Public Hearing, only comments on this zone change can be brought up. Mrs. Walsh stated this is a special exemption and wants to know exactly what can be put on this property. Gerald read the listed uses of AG-B zoning. He explained it is not zoned commercial nothing like a McDonald's will go there, AG-B zoning is mostly farm related and businesses that would work in an agricultural setting. Special exceptions are allowed with approval like a bed and breakfast but would require another entire approval process and public hearing they would receive notice for. Mrs. Walsh still did not understand why she was notified and her neighbor was not. Mrs. Walsh stated there should've been more consideration because of the business for the town to protect the residents. Gerald Stienen stated the best way the residents can do that is by staying informed and going online to check the agendas that are posted for all the meetings.

Marek Siczek, 5728 E. 105th Pl., stated there is no benefit to the town to grant this exception, it will definitely impact the property values of the surrounding residents and property values in the Doubletree West subdivision. Property values and taxes will decrease. He does not believe this development will offset those loses. He said he does enjoy having Andrew James as a property owner, he never sees him and has never seen dogs running around on the property before. He does not think it is right to grant this exception to a person who is not even a resident in the Town of Winfield. He does not want to have their property values and peace and quiet compromised. He stated the petitioners did not take the effort to do any noise impact studies on this development. In the short time they were given they were able to research and generate real scientific evidence on the noise the dogs will produce. He stated when he first spoke to Nick Bellar, he was told that it would only be around 12 dogs and now tonight they were told it could be 20, 30, or 60 dogs if there's an overlap. He does not feel reassured by the recourse the town has to control the population of this facility without an animal control officer. He feels his livelihood and home value is being threatened. He wants facts and data to be considered, he is the only one that brought facts and data. He thinks this will negatively affect the development of this town and discourage people from wanting to move to this area. He believes this will lead to more development exceptions in this area and have a negative impact on the peace and quiet.

After no further comments Tim Clayton closed the Public Hearing at 7:17p.m.

Gerald Stienen stated the property owner currently pays taxes and the building once built will pay taxes even more that what the property alone is generating right now. He knows people are concerned about their property values going down. In his experience with property realty, he does not think that will be the case. This facility will be so far away from the residents that it will not have an impact. When the Coyne Vet Clinic was built in Crown Point, they originally had to move their first location from 113th and Broadway to be further away from the residences which they did. The closest house to the clinic is about 1,200 feet away. He checked with the City of Crown Point to ask if they received any complaints about noise from the residents. Crown Point stated they have not received any complaints from residents, only from the businesses right next door. The closest house to this in the Trees subdivision is 3,000 feet away, much further than the residents 1,200 feet from Coyne. There will also be a tree line to absorb sound. Gerald asked legal if they are allowed to put on restrictions for use of this property. Attorney Deutmeyer stated they can and have done so in the past. Gerald said they can then put a restriction on this that only allows this business, a private kennel, that is the only business that is allowed. Attorney Deutmeyer stated that is correct and if that business stops operating it will revert back to AG zoning. Gerald asked the petitioners if they were okay with that. They answered they did not have a problem with that. Gerald stated he is proud that they chose Winfield, he had a son that was in the military and he thinks this is a great cause. Tim Clayton also stated he has given thought on this project and thinks it is good for the town. Many police officers have moved into the community as well and it helps make the community feel secure, this is along the same lines. Mark Nelson made the motion for a favorable recommendation to the Town Council for Docket PC 2020-05, zone change from AG to AG-B, Project One Addition, with the stipulation that if this business ceases to exist the property will revert back to AG zoning per legal counsel review. Jim Hajek seconded the motion, the motion carried with all in favor 5-0.

3. Deferred – Docket PC 2020-06 – Commercial Development Plan – Project One Retrievers

Owner: Andrew and Susan James
Petitioner: Andrew James, Susan James, Ken York
Vicinity: 10200 Grand Blvd.
Request: Commercial Development Plan Approval for dog kennel for private dog training company with Waiver.

Nick Bellar stated this is for the actual review of the kennel facility. Nick also noted they are pursuing a waiver for architectural compatibility with the agricultural uses in the general area. Tim asked Mike Duffy if he had any comments. Mike answered no all requirements were met. The engineer for the project submitted a drainage analysis, all of the runoff water will go to the pond on the property and it will not exceed the banks in the event of a 100 year rain. Nick reminded the Commission this facility is not open to the public. The colors shown in the packet are the general colors being used for the materials; blue and gray. No signage will be on the property. Mark Nelson asked about pole lighting. Nick stated all light will be mounted on the building. Nick reviewed notes from the TAC meeting, it was discussed with the Fire Department the need for a Knox box and they will work on a plan with the Fire Department for rescuing the dogs in the event of a fire. The Fire Department was okay with the access and layout. They will be using a well for water. Mike also added that with the discussion of something ever happening on lot two they asked the engineer to put in a drainage easement so that way if lot two was ever developed they would not be able to cut off drainage access to the site. Gerald asked about the conservation easement. Jim Hajek responded they did submit an updated plat with the conservation easement on it. Jim Hajek made the motion to approve Docket PC 2020-06, commercial development plan on Project One Retrievers. Dave Anderson seconded the motion; the motion carries with all in favor 5-0.

NEW BUSINESS:

1. Recommendation to the Town Council: Performance Bond release and Maintenance Bond amount for Providence at Stonegate Phase 4.

Mike Duffy stated Providence Phase 4 included some offsite work that needed utility relocations to complete the work that has since slowed down due to the current pandemic. They have separated out the offsite work into its own bond which will be its own agenda item. They have satisfied all the punch list requirements after doing a walkthrough of the subdivision, Phase 4 is now ready to be turned over to maintenance. Gerald Stierer made the motion for a favorable recommendation to the Town Council for the Maintenance Bond in the amount of \$141,350.03 and the release of the current Performance Bond. Mark Nelson seconded the motion, the motion carried with all in favor 5-0.

2. Recommendation to the Town Council: Performance Bond for Randolph Street passing blister at E. 120th Ave.

Gerald Stierer made the motion for a favorable recommendation to the Town Council for the Performance Bond for the Randolph Street passing blister at E. 120th Ave. offsite improvements in the amount of \$166,399.25. Dave Anderson seconded the motion, the motion carried with all in favor 5-0.

3. Discussion Item: Wyndance Springs.

Ken Thieneman was present to discuss Phase 3 of Wyndance. So far Phase 3 is selling well and they are getting ready to move on to the next phase. There was an outstanding item on a park in Phase 3 that is being ready to turn over to the residents being handled by legal and management of the HOA. They will let them work out that issue and then bring it to the town. Ken explained they originally wanted good engineering and an impressive entrance for the subdivision. In keeping with that they wanted to review and redesign the plans for the Wyndance Springs area. They have changed the entrance road to this phase to avoid having car lights shining into the back of the single family houses. They want to include a berm along 109th for safety and noise. They are also going to change the water retention ponds for better flow and limit the amount of maintenance. They would like to include a walking path around the pond and do not want people to walk into other people's backyards. Originally this development entrance road was supposed to be curved and private but they will now change it to conform to town standards to make it more efficient. Dave Anderson asked if the Fire Department will have an issue with the location of the entrance. Ken stated he does not have drawings of the previous plan but the entrance location is the same. Dave was just wondering if it was okay to have only one way in and out. Ken stated this new design will give it more of a buffer from the gas line utility easement. They would like to break ground next year. Tim Clayton asked how many units. Ken answered it is 12 buildings with 52 units, same as in the previous design. Ken stated some of the buildings may move; he did not go into full detail on the design as this is just a discussion for this meeting. Gerald recommended adding more water features as discussed in the original plan that was described before, something similar to Greenwood Springs in Crown Point. Ken stated one of the problems with that is that it requires a lot of maintenance which means

high HOA fees. Gerald also said he wants the berm to look nice with landscaping. Ken stated they have a surplus of dirt to make a taller berm; they cannot put a berm on all sides because of water flow and available room. Gerald also noted for the design of the units to think about adding variety like more of what they are currently seeing in the new phase of Wyndance. The Plan Commission has become more vocal on design standards for the homes and they want to make sure they look nice. Ken stated they plan to match what they currently have. Gerald said in his experience townhomes are not selling as well, more people are moving towards single family or duplexes. Ken stated he was unsure how duplexes would be received but that would allow them more flexibility with the ponds and water feature access to all the units. Dave Anderson asked him to just bring in different designs and options for them to consider. Ken asked if they had any issues with the fourplexes. Dave said no but as long as he comes back with something equal or greater than that, they still want to review all the details.

STAFF REPORT/ATTORNEY REPORT

Nick Bellar did not have anything further to report.

With no further business before the Commission, Dave Anderson made a motion to adjourn, seconded by Gerald Stiener, passed by voice vote 5-0.

ADJOURNMENT: 7:59 pm

Attest:

Plan Commission President

Plan Commission Secretary

Transcriber: Kim Wachowski
Administrative Assistant

