



**WINFIELD PLAN COMMISSION**  
**MEETING MINUTES**  
NOVEMBER 12, 2020 @ 6:00PM

The Winfield Plan Commission held a meeting on Thursday, October 13, 2020 at the Winfield Town Hall at approximately 6:00 p.m. Those present: Tim Clayton, Dave Anderson, Gerald Stierer, Jim Hajek, Joe Gacsy and Mark Nelson. Also present: Town Administrator Nick Bellar; Town Attorney, Ryan Deutmeyer; and Mike Duffy, Town Engineer.

**MINUTES: October 8, 2020**

Gerald Stierer made the motion to accept the minutes from October 8, 2020. Joe Gacsy seconded the motion. The motion carried with all in favor 6-0.

**AMENDED AGENDA:**

Before beginning Old Business, Tim Clayton entertained the motion to amend the agenda to reorder the agenda items to accommodate the number of attendees in the room for items number 2 and 3. Gerald Stierer made the motion to reorder the agenda items, moving item 1 to item 3 under Old Business. Dave Anderson seconded the motion, the motion carried with all in favor 6-0.

**OLD BUSINESS:**

- 1. Public Hearing – Docket PC 2020-09 – Zone Change – AG to R-1**  
**Owner:** Michelle and Tracy Thompson  
**Petitioner:** Michelle and Tracy Thompson  
**Vicinity:** 4570 E. 113<sup>th</sup> Ave.  
**Request:** Zone Change – AG to R-1

Nick Bellar reviewed that this is a zone change and primary plat for Thompson Acres. They would like to take one lot and divide into two which takes both lots below the 5 acre limit of being zoned at AG. Lot 1 will be 3.63 acres and lot 2.24, this requires R-1 zoning.

Tim Clayton opened the Public Hearing at 6:08p.m. Nick noted the Public Hearing was properly published and advertised.

Shane Brazeal, 11260 State St., stated he already submitted a formal letter to the Commission, Nick informed him it was distributed. Shane explained his major concern is storm water runoff, there is a County regulated drain and a number of lots around this property. He's worried about the additional water runoff from this development that will either go to the neighbors' property or into Graper Ditch which often floods already. His property is always flooded out by Graper Ditch whenever it rains. He is aware that Lake County will be working on a project for the ditch but it has not happened yet and he and his neighbors are still being flooded out by it. He would like the Town to consider the impact this development will have on those downstream. Mr. Brazeal cited health and safety town ordinances as they relate to storm water drainage from a new development. He has not seen any drainage plans on this development which should be required based on town ordinance. Mr. Brazeal also referenced that Graper ditch also falls under the jurisdiction of the Army Corps of Engineers and he has not seen any approval letters from them for this development either. He would like to ask the town to hold off on approval of this development until a proper drainage plan has been presented, the necessary approvals from outside entities have come in, and until Lake County can complete their project on Graper Ditch.

Cody Fox, 4613 E. 109<sup>th</sup> Ave., stated they already have excessive flooding in their area ever since Wyndance was first developed years ago. He just asks that the Commission wait on approving any zone changes or developments until Lake County has fixed Graper Ditch.

Terry Willie, 11188 State St., stated Graper Ditch runs through his front yard. He has been dealing with it for the past 30 years that he's been there. The ditch itself is over a 100 years old and the clay tile is broken, the ditch is also affected by the flow from Wyndance which was a development approved by the owner who was on the Council at the time. There is also a neighboring commercial soccer field that has removed all the vegetation from the wet land area which has dramatically reduced the absorption of the water allowing more water into Graper Ditch. Mr. Willie stated due to the culvert repair the town made recently, the two culverts now increases the water to the ditch at a faster rate. He said his neighbor Mr. Sapper

who farms the land this occurs on has lost over 20 acres this year to flooded land. He stated he has made his peace with Graper Ditch and how it floods but he is still concerned for his neighbors. He would also like to object to this development until Lake County can complete their project, he is aware the project is close to the bidding process now and will be done next year.

Bill Emerson, Lake County Surveyor, came to address some of the issues tonight brought up by the residents. He stated their project for Graper Ditch will alleviate some of the problem but it will always be a difficult waterway to contend with. He asked that the Commission require the petitioner to hold back the water in some way on their property as a condition of approval. He recommends a small retention pond or swale in this drainage sensitive area.

Amber Welman, 4500 E. 113<sup>th</sup> Ave., stated she will be the direct neighbor to this development. She is concerned about the water all coming directly to her home. She knows all of her neighbors are nervous about this. She also has concerns about how many additional buildings or other things like pools will be added to the property that will also affect the drainage on their land. So far, they have been fortunate in not having as much flooding as her neighbors but this will directly affect her. Her septic field also backs up to their property and she is worried this will negatively affect her septic field.

Kenny Previs, 11280 State St., said over the past 18 years the water has gotten worse and worse every year. His yard is saturated most of the summer, he usually can't cut his grass until mid-July. His septic field stays underwater he's had issues with it and buildings on his property are starting to sag due to the water table. He can't take on any more water on to his property. He has the lowest property on the street and gets all of it and all of the over flow from Graper Ditch that flows right into his yard and Mr. Brazeal's property. He knows there will always be water but he has a lake on his property most of the year.

With no further comments Tim Clayton closed the Public Hearing at 6:27p.m.

Gerald Stierer stated he had a few questions for Mr. Emerson. He asked about the requirement and the approval process needed from the Army Corps of Engineers or if they only need approval from Lake County since it is their jurisdiction. Mr. Emerson said it would be up to the Commission but they should have approvals from the Army Corps of Engineers along with IDEM and DNR since it is a regulated water way. Gerald said he had lived in the area for many years and knows many field tiles are broken including further north that has experienced some wash outs. He hopes Lake County will address these areas as well. This area never flooded much until the tiles broke. He believes once Lake County has completed this project much of this flooding issue the residents spoke of will go away. Mr. Emerson stated they hope it will but does not know if it will completely solve the problem. Gerald also believes the weather has also become more severe over the years. Gerald asked about the possible building areas on the plat and it shows two on lot 1. The petitioner stated that is just so show the buildable areas of the lot including a house and possibly a pole barn. He also explained the town is very strict on drainage plans and they do not allow developments to rely on other properties for their drainage runoff. They have to come up with a drainage plan for each lot. They plan to put in swales and a rain garden to help with the drainage. Gerald also addressed Mr. Willie's comment on the approval of the Wyndance subdivision, that none of the people on this Commission or the current Town Council was involved in that. It is one of the reasons why he ran to be on the Town Council to stop allowing the developers dictate what happens in the town. They have also worked on revising ordinances and making more restrictive requirements for developers to follow to try to undo some of the things that happened in the past. Gerald also noted subdivisions are coming and the town has done a lot of work to get grant funding to take care of traffic issue and storm water improvements that go unnoticed, but they are always working to improve the situation, and next year there will hopefully be more noticeable improvements to 109<sup>th</sup> Avenue that will alleviate some of the traffic issues.

Joe Gacsy asked Mr. Emerson what competent level are they leaving the residents with after addressing Graper Ditch, he wants to be confident that it will work before making his decision. Mr. Emerson stated their goal is to replace the existing pipe with an 18" pipe that will move the water instead of it waiting at a broken drain tile but there might still be some standing water in some areas. This water also flows to Niles Creek that also has an undersized drain that will need to be addressed but for now it should alleviate most of the issues. Joe clarified instead of having standing water for months like the residents do now, they may just have a puddle or two on their property that will go away in a couple of days. Mr. Emerson said that is correct.

Dave Anderson asked what the actual timeline on the project is. Mr. Emerson said the initial permitting process was slowed down due to Covid to get all of their approvals. He anticipates going out to bid by December and getting the bids back in January and hopefully award it in January, from there it would start within 30-60 days. It would be better to do while everything is frozen. Hopefully it should be done by early next year and should only take a few weeks.

Joe Gacsy asked the petitioner when they planned to start building. The petitioner answered at least a year or two from now. Tim Clayton stated the Lake County project should be done by the time the petitioner starts to build. Dave Anderson made a favorable recommendation to the Town Council for Docket PC 2020-09, Zone Change, AG to R-1. Joe Gacsy seconded the motion. Gerald Stierer noted as more developments come in and bring sanitary sewer to this area, they should also look carefully at what they are approving for additional septic fields. Dave Anderson asked if it was mandatory for a residence to tie into a sewer line if it is close enough for them to connect. Attorney Deutmeyer stated he is not familiar with Winfield's stance on it but knows that it is required in other towns. With no further discussion, the motion carried with all in favor 6-0.

**2. Public Hearing – Docket PC 2020-10 – Primary Plat Approval – Thompson Acres – 2 lot subdivision**

**Owner:** Michelle and Tracy Thompson  
**Petitioner:** Michelle and Tracy Thompson  
**Vicinity:** 4570 E. 113<sup>th</sup> Ave.  
**Request:** Primary Plat Approval of 2 lot subdivision with Waiver.

Michelle Thompson explained they are splitting the property to keep their family and grandchildren close to them. The one lot will be for their daughter and the other lot will be for their residence. Dave Anderson said he understands they plan to keep the land amongst their family but they still have to require them to contain the drainage if anything were to ever change. Mrs. Thompson stated she agrees and she also has concerns about drainage. Stuart Allen, the engineer for the project, explained the town does require a strict drainage plan so the water does not affect the neighbors; they would not be able to get a permit without that in place. He stated they also provided more easement for the Graper Ditch that they have included on the plat and defined the ditch on the plans. He has planned a rain garden that is similar to a retention pond which can hold about 17,000 gallons of water. The water would fill up in a rain event and release the drainage at the same elevation that would run down the slope. He doesn't think the rain garden would ever fill up. He also noted that a cultivated field transitioning to grass will be better with absorption allowing 20% less of water run off than the area currently experiences. He stated as for the sanitary sewer, he recommended they put the septic to the side or front of their house and it will help them in the case of tying into a new sewer line. Dave Anderson clarified that they are retaining the water on the property as Mr. Emerson recommended. Mr. Allen said that was correct.

Tim Clayton opened the Public Hearing at 6:48p.m. Nick also noted they are requesting a waiver for frontage. Lot 2 does not have direct access to 113<sup>th</sup> Ave via roadway, but there is platted right-of-way. This Public Hearing was properly published and advertised.

Cody Fox, 4613 E. 109<sup>th</sup> Ave., asked where the rain garden is on the plans. Mr. Allen pointed it out to him and the buildup of the land. Mr. Fox once again asked the Commission to hold off on approval until Graper Ditch can be fixed.

Amber Welman, 4500 E. 113<sup>th</sup> Ave., asked about the rain garden and if it will guarantee that it will stop the water from going on to her property. She just wants to make sure she will not have water issues like her neighbors. She asked if there was any recourse if they end up not getting water after everything is approved and if she was able to see what they plan to build as far as structures and is worried she will now have to look at a pole barn in her back yard. Gerald Stierer said any structures they build on the property requires a permit they will have to come to the town for approval. Nick Bellar further explained there would not be a Public Hearing but it would be reviewed by the town. Dave Anderson said they have to meet certain restrictions when building anything and adhere to setback requirements. Mrs. Welman was also concerned to hear that Graper Ditch is not being addressed on her side of the road. Dave Anderson asked for her to allow the petitioner to respond to her concerns and if she were to ever get water, they can bring their complaints to the town to investigate.

After no further comments, Tim Clayton closed the Public Hearing at 6:58p.m.

Mr. Allen once again stated the town has a very strict drainage requirements and they are not allowed to have water run off on to neighboring properties. He stated currently water does flow on to her property, that cannot happen once they build. They can put in a berm to bring up the elevation of the land of the boundary line so it would not go onto her property or they could also do a rain garden on that side as well. The proposed rain garden on the east side should take care of 80% of the water flow. Gerald Stierer asked about the stone on the plat that looks like an encroachment from the neighbor on the northwest corner of the property. Mr. Allen said that is an existing drainage easement and it has to be removed, they could also run a swale in that area. He stated the neighbor to the north is aware of that. Cody Fox stated he is the neighbor to the north and he was not made aware of that. Gerald asked if they were allowed to make reasonable restrictions, Attorney Deutmeyer said they can as a part of their approval. Gerald asked if they would be willing to agree to hold off on building until Lake County makes their improvements to Graper Ditch. Mrs. Thompson said if it was completed this winter then yes. Dave Anderson said they

would have to come back if it was not done in that time. Gerald said the Lake County Surveyor stated it should be done this year and the petitioner has stated they do not plan to build for a year so it seems reasonable to him. Tim Clayton asked if they are willing to abide by that. Mrs. Thompson said yes but if it's going to take years there would be a problem. Gerald asked Attorney Deutmeyer what would happen in that case. Attorney Deutmeyer stated they would have to go through the primary plat all over again if that stipulation wasn't met or there could be a time frame on it and say no building until a certain date. Dave Anderson asked again about the timeline for the County. Mr. Emerson could not give a certain date but it is their top priority for next year. Dave Anderson wants to make sure that this project does get done for the benefit of all the residents here tonight. Gerald Stiner asked the petitioner if giving Lake County until July 1<sup>st</sup> was reasonable, Mrs. Thompson said that was fair. Joe Gacsy asked Bill Emerson if he was confident the drainage plan presented by Mr. Allen would benefit the neighbors and prevent water flow from running onto their properties. Mr. Emerson stated he is confident the plan would reduce the runoff from what it currently is right now. Nick Bellar stated they have never set up a time frame before and asked how the Building Department is to handle this permit. Dave Anderson stated the petitioner can pull the permit as long as the work by Lake County has been completed by July 1<sup>st</sup>. Nick wanted to know where this language should be documented and if it needs to be included on the plat. Attorney Deutmeyer stated it is a condition of the approval and could be included on the plat. Tim Clayton noted they also received a letter of support for the development from Wendy Fox that will be submitted into the record. Attorney Deutmeyer also recommended their approval motion also be contingent upon approval or comment back of not needing an approval of the separate entities in the area like IDEM, Army Corp. of Engineers, and Lake County Drainage Board. Nick said that would be turned in with the building construction permit, also their motion needs to include the Waiver of frontage. Gerald Stiner made the motion to approve Docket PC 2020-10, Primary Plat approval for Thompson Acres 2 lot subdivide, with the following conditions, no construction can take place until July 1<sup>st</sup> 2021, whatever government body has an interest the Lake County legal drainage easement signs off on it, and there is a drainage plan approved by the town's engineer regarding the storm water retention to ensure water does not runoff on to neighboring properties, and the Waiver for frontage. Jim Hajek seconded the motion, the motion carried with all in favor 6-0. Nick Bellar stated the zone change will be heard at the Town Council meeting on December 8<sup>th</sup>.

**3. Public Hearing and Recommendation to the Town Council:**

- a. Text amendments to the Town Code pertaining to §155.030 Primary Plat Requirements
- b. Text amendments to the Town Code pertaining to §155.301 Engineering Plan Requirements
- c. Text amendments to the Town Code pertaining to §155.032 Secondary Plat Requirements
- d. Text amendments to the Town Code pertaining to §155.036 Height Restrictions
- e. Text amendments to the Town Code pertaining to §155.045 Building Material Construction Standards.
- f. Text amendments to the Town Code pertaining to Chapter 156, Appendix B Design Requirements Table.
- g. Text amendments to the Town Code pertaining to §155.010 Zoning Definitions
- h. Replacement of the Town Zoning Map.

Nick Bellar stated these are updates to the Town Code that were previously reviewed by the Commission. Nick read through the affected sections. Gerald Stiner asked if the language on the anti-monotony clause was changed. Nick stated that he tweaked it to include the word model in the language.

Tim Clayton opened the Public Hearing at 7:14p.m. This Public Hearing was properly published and advertised. After asking three times for comments, none were made, and the Public Hearing was closed.

There was no further discussion from the Commission. Dave Anderson made the motion to send a favorable recommendation to the Town Council for amendments to the Town Code, Dave then proceeded to read each amended section and the replacement of the Town Zoning Map. Jim Hajek seconded the motion, the motion carried with all in favor 6-0.

**NEW BUSINESS:**

1. Request for Public Hearing – Docket PC 2020-11 – Re-Amended Final Detail Plan Lot 105 and Lot 104 Doubletree Lake Estates Phase 12 and 13.  
Owner: Thomas and Sherry Hilliard  
Petitioner: Thomas and Sherry Hilliard  
Vicinity: 9045 Doubletree Dr. N.  
Request: Approval of combining Lots 105 and 104 in Doubletree Lake Estates into one Lot.

Dave Anderson asked if the petitioners have approval from the HOA, Nick said they do. No further discussion was made. Dave Anderson made the motion to approve the Public Hearing request for Docket PC 2020-11, Re-amended Final Detail Plan Lot 105 and Lot 104 Doubletree Lake Estates Phases 12 and 13. Joe Gacsy seconded the motion, the motion carried with all in favor 6-0. Nick Bellar stated the Public Hearing will be scheduled for December 10<sup>th</sup>.

## **2. Discussion Items: New residential developments.**

Gerald Stiener excused himself at 7:18p.m. from this item stating a conflict of interest. Todd Kleven of Lennar Homes presented a development proposal for Aylesworth Farms. This development is spread over 2 parcels of land around 220 acres. It is a mixed-use project of 305 single family homes, 145 cottage homes, 145 townhomes which will also include 63 acres of open space, a community pool and pool house, walking paths, nature preserve and a town-owned park with a parking lot. This property includes the well know silo tree in town that they plan to preserve and incorporate into their public space. They would like to break ground as early as the summer of 2021. This property is in between 109<sup>th</sup> Ave. and 117<sup>th</sup> Ave. with a throughfare connecting the two roads and including two main entrances on each road. Todd explained the type of product Lennar offers which is a high-end craftsman style with “everything included” meaning common upgrades are already included in the base price point. Todd noted this development falls within the Town’s Priority Area #1 of the Master Plan for residential use. Rich Olson, Landscape Architect, went over the layout and featured amenities of the subdivision. This development will connect the subdivision to the east and west as well. Each home type will be in separate zones. Rich went over the areas of each housing area. The cottage homes will have a separate POA that will handle maintenance. Each area is separated by green space and walking paths that connect throughout the whole subdivision. Dave Anderson asked what their plan for 109<sup>th</sup> Ave. is with the addition of 500 homes. Todd stated he will address that towards the end of the presentation. Rich continued his presentation on the preservation areas and common areas. Tim Clayton asked what that length of the development is, Rich stated it is about half a mile and they have created around a two or three mile trail system. Joe Gacsy asked if this is a gated community. Rich said it is an open community. Rich also showed the setbacks on the lots for the different home sizes for the single family homes. The cottage home lots will be a bit smaller and maintained by their POA, the town homes are 4 unit developments with a 10 foot back yard that will also be maintained by a POA. Todd discussed making this a win, win for the town. They are bringing sanitary sewer to the area with their own lift station. The average sale price of the homes will be \$380,000 for single family homes, \$290,000 for the cottage homes, and \$250,000 for the townhomes; along with the amenities, it will be \$200 million development. Todd stated they will be addressing traffic and helping in a way that will not negatively affect traffic. The two entrances on 109<sup>th</sup> will each have two in and out entrances and exits. They are willing to work with the town on their vision for 109<sup>th</sup>. Their northwest connectivity point lines up with the Trees entrance and he has heard from the town of a possibility of a stop light or roundabout for that intersection. They plan to dedicate the right of way for any future roundabout but they would not be able to generate enough revenue to pay for a roundabout but they would offer cash in lieu of improvements to contribute to the improvements of 109<sup>th</sup> Ave. depending on what the town wanted to do. This will be a 3-5 year build out. They will be able to put a regional lift station in that will service the entire southwest area of Winfield. This development will also give Winfield its first community pool and splash pad that will be maintained by the POA and park that will be dedicated to the town. They will also have large retention ponds for storm water drainage. Graper Ditch is also on this property and they are willing to do what they can to hold as much water back from flowing into Graper Ditch. Todd provided images of the various elevations of the products offered by Lennar. Dave Anderson stated the biggest issue is 109<sup>th</sup> Ave. and needs to be solved first. Dave also noted the tax base this will generate is not as high of an amount as Todd believes it will be. It also means the town will have to consider hiring more police officers and its more roads the town will have to take on. Jim Hajek asked about phases for the development. Todd stated they would mass grade the entire site first for storm water requirements and put in the retention ponds. Vice President of Lennar, Scott Guerard, also spoke on taxes and the draw of more commercial to the area from the added population of this development. Dave explained the town does not get any portion of sales tax, it all goes to the county. As far as acquiring more commercial developments they are in direct competition with Crown Point that has a larger draw. Dave also explained this is a small town and the residents want to maintain the modern rural feel of it so it’s likely a big box store will not come in to town. Dave said the town has to figure out if they could take on the impact of this type of development and they are working on some intersection improvements next year but it won’t be enough for this traffic impact. They will also have to address 117<sup>th</sup> which might be easier in terms of right of way. Tim Clayton agrees there is a concern with 109<sup>th</sup> and he is also concerned about the north/south throughfare. Scott asked if they started from the south if it would be better before bringing traffic to 109<sup>th</sup> Ave. Tim said it would be better and allow more time. Further discussion on traffic is had. Tim stated he liked the development overall but he is not happy about the townhomes. Dave Anderson also noted the lots are too small even for the single family, they would be the smallest in town. He has told other developers he does not approve of the smaller lot sizes and wants to maintain the rural feel of the Town’s Master Plan. Todd discussed the market and direction its going. Dave again said the biggest item to consider is the overall impact of this development on the town and traffic to 109<sup>th</sup>. Todd stated there could be some room wiggle room in the amount they can contribute but they need to know what exactly the town wants for the road. Dave said they will need more

time to process this information and get back to them. Dave knows the residents will not be happy if they approve of this development without addressing 109<sup>th</sup> first. Scott asked them to get back to them with their expectations. There was also a brief discussion on drainage when Scott mentioned they have a drainage engineering team to work on this and make sure it is a clean site.

**STAFF REPORT/ATTORNEY REPORT**

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

**ADJOURNMENT:** 8:23 pm

Attest:

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Plan Commission Secretary

\_\_\_\_\_  
Plan Commission President

Transcriber: Kim Wachowski  
Administrative Assistant

DRAFT