

MINUTES OF REGULAR MEETING - JULY 2, 2008
TOWN OF ST. JOHN PLAN COMMISSION
10955 WEST 93RD AVENUE

PLAN COMMISSION:

Jay Dahlin
Joe Wachowski
John Mainwaring
Dan Morang
Todd Trepton
Mike Ryan
Steve Kil

STAFF:

Tom Redar
Pete Faberbock
Greg Volk, Town Council Liaison
Attorney Tim Kuiper

CALL TO ORDER:

The regular meeting of July 2, 2008 was called to order by Jay Dahlin at 7:07 p.m.

(The Pledge of Allegiance was said.)

ROLL CALL:

Roll call was taken with the following Commissioners present: Jay Dahlin, Joe Wachowski, John Mainwaring, Steve Kil, and Todd Trepton. Dan Morang and Mike Ryan were absent. Also present were Greg Volk, Town Council liaison; Pete Faberbock, Town Engineer; and Tom Redar, Public Improvements Inspector. Attorney Tim Kuiper was also present. Town councilman, Mike Forbes, was present in the audience.

APPROVAL OF MINUTES:

Joe Wachowski made a motion to approve the minutes of June 4, 2008, as circulated; Steve Kil seconded the motion. Jay Dahlin abstained. The motion was unanimously carried by voice vote (4/0).

NEW BUSINESS:

A. REVISED ZONING ORDINANCE - PUBLIC HEARING

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Attorney Tim Kuiper informed the Board that the proofs of publication were in order for the public hearing on the revised zoning ordinance. Steve Kil stated that the ordinances presented were consistent with all of the changes that were made at various plan commission study sessions that followed the initial public hearing. He stated the BIA had responded with a lengthy letter and those suggestions were taken into consideration when revising the ordinances. Steve Kil stated that a copy of the revised ordinances was hand delivered to the BIA over sixty (60) days ago. He stated he nor the Planning and Building Department has not received any written response to any of the changes made to the ordinances from the BIA. Steve Kil stated he personally handed a copy of the revised ordinances to a representative of Olthof Homes. He stated, to his belief, anyone who was interested in obtaining a copy of the revised ordinance had received one.

The Board members had no comments. Chairman Dahlin opened the floor to public comment. He called two times for public comment. There was no public comment. Chairman Dahlin closed the floor to public comment. He brought the matter back before the Board.

Steve Kil asked Attorney Kuiper for his recommendation. Attorney Kuiper advised that Board that they should continue this item for one month. He stated he is still in the process of final review of the revised ordinance.

(General discussion ensued.)

Steve Kil made a motion to defer action on the matter of the revised zoning ordinance and continue the public hearing to the August 6th, 2008, regular meeting. John Mainwaring seconded the motion. The motion was unanimously carried by voice vote (5/0).

B. ZIG-E's FUN LAND - FINAL PLAT APPROVAL - DREW DZIEGIOWICZ

Drew Dziegiowicz appeared before the Board seeking final plat approval for Zig-E's Fun Land. He stated his understanding was that the Board was in favor of granting final plat approval (referring to a letter from Robinson Engineering).

Pete Faberbock explained that the mylars need to be recorded. The Petitioner still has to provide the final engineering, which should be ready within the next week. Pete Faberbock listed the waivers that the Petitioner was requesting. He stated that the list was complete unless there was a substantial change to the engineering which he did not foresee. He stated he believed it was acceptable to grant final plat approval contingent upon the Board's approval of the waivers listed. Pete Faberbock stated a developmental fee of \$2,500 also needed to be submitted.

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Steve Kil stated that he could not issue a building permit until the Petitioner was granted final plat approval. Drew Dziegiowicz did not have the developmental fee with him as he was not aware it had to be paid. He stated he would bring the developmental fee into the Planning and Building Department.

Steve Kil made a motion to grant final plat approval for Zig E's Fun Land, incorporate the findings of fact, and grant the waivers listed in the letter from Robinson Engineering dated July 2, 2008. He also included in his motion that signatures on the mylars be withheld until the Town receives its \$2,500 developmental fee and receive final approval from Pete Faberbock regarding the mylar. John Mainwaring seconded the motion. The motion was unanimously carried by voice vote (5/0).

C. CARDINAL COVE - REQUEST FOR MODIFICATION TO SIDEWALK
MICHAEL MUENICH

Michael Muenich appeared before the Board on behalf of Cardinal Cove seeking modification to the sidewalk. Michael Muenich submitted a drawing to the Board. He stated that the east sides of Lots 11 and 12 and the south side of Lot 12 have no access strips on them, they cannot be crossed. He stated the backs and sides of those lots are green strips approximately 30-40' deep from the edge of the pavement, which is being kept in a natural condition. He stated the Petitioner is prepared to install crossing strips across Primrose at the entrance of the subdivision so that an individual(s) could navigate from one side to the other.

Michael Muenich requested that the Board waive the sidewalk between, roughly 20' south of the north property line down to a point opposite Lots 4 and 5, which is the dividing line between Lots 11 and 12 due to the *no access* and the fact that these are rear and side lots. Mr. Muenich stated the Petitioner would install another crossing strip there so individuals could access from one side to the other.

Mr. Muenich stated that the sidewalk involved in the rear of Lot 11, given today's prices, will cost a little over \$7,000. He stated that the sidewalk on Lot 12, which is 444', would cost over \$11,000. He stated installing these sidewalks would be a cost burden, and due to the *no access* strip there's no way for people to get from the lots to any of the walkways. He stated that any individual who came out of the subdivision to the north can easily use the sidewalk on the east side of the project. He stated the Petitioner does not foresee a lot of use or purpose for the sidewalks and because of the cost and the *no access* strips along the rear and sides of Lot 12, there is really no way to get to that sidewalk. He stated there will be no driveways that will cross there and there are no sidewalks that access on to that point. He stated that the structures on Lots 11 and 12 are restricted to face westerly on to the north/south extension of Cardinal Court.

Chairman Dahlin asked Mr. Muenich if there were sidewalks in front of Lots 11

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(General discussion ensued.)

Jay Dahlin stated he would prefer that the sidewalks stay. Todd Trepton concurred; he stated for the convenience of the individuals who would use the sidewalks, they should remain. Joe Wachowski stated he believed that there would most likely be foot traffic, the sidewalks would be used so they should remain.

(General discussion ensued.)

Joe Wachowski made a motion to deny the request for sidewalk modification in Cardinal Cove. Todd Trepton seconded the motion. The motion was unanimously carried by voice vote (5/0).

OLD BUSINESS:

There was no Old Business.

Steve Kil addressed David Carr, BIA representative, who entered the meeting, informing him that the public hearing on the ordinances had been held and closed. Mr. Kil informed Mr. Carr that the matter had been deferred and the public hearing continued to the August 6, 2008, regular meeting. Steve Kil recommended that if Mr. Carr had any comments on the revised ordinances to submit them before the August 6, 2008, meeting.

PUBLIC COMMENT:

Doug and Patty Boyd, 14193 West 90th Court - Mr. Boyd informed the Board that he lived in the Edgewood subdivision. He stated that his wife had already spoken to several Board members regarding a sports court that was installed by his neighbors located directly behind him. He stated the court measures 60x30, is approximately a foot and a half of concrete, and located approximately a foot from his property line.

Mr. Boyd stated he had two requests of the Board. One, he asked if the Board could explain the approval process for a project of this kind. Doug Boyd informed the Board that he had talked to some landscapers to get an estimate on what a berm would cost so he could have some screen from this vision. He stated that the landscapers informed him there was a 10' easement and they were not allowed to build on it. He

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Mr. Boyd stated the entire matter was completely unacceptable. He stated he wanted the problem solved. He stated believed the minute the sports court was installed his property value dropped approximately \$30,000. He stated his neighbors are upset and it's a mess.

(Mr. Boyd submitted pictures to the Board .)

Mr. Boyd stated that a 10' net is now being installed around the sports court. He asked the Board for advice on how to handle this situation without making it worse. Mr. Boyd stated he had a concern about flooding. He asked the Board if there was an ordinance prohibiting installation of such a large sports court in one's yard.

Steve Kil stated he had talked to Mrs. Boyd and reviewed the ordinance. He stated there are sports courts around Town but nothing of this magnitude.

(General discussion ensued.)

Attorney Kuiper suggested that the Boyds talk to legal counsel and have the restrictive covenants reviewed to see whether the sports court is in violation. He stated they should have private rights underneath the restrictive covenants. Attorney Kuiper stated that as far as the Town is concerned, if the sports court is in the easement they could take care of it, but to date, the Town has no lot coverage requirement. He stated that a lot coverage requirement is included in the new ordinances that are being proposed.

Steve Kil stated he would review the subdivision control ordinance with the Town's engineer. He stated there is nothing in the Town's zoning ordinance at the present time as far as lot coverage requirement. Mr. Kil stated that there is an impervious surface requirement in the subdivision control ordinance related to water run-off.

The Board asked Attorney Kuiper for his advice. Attorney Kuiper stated a *stop work order* could be placed on the project pending further review.

(General discussion ensued.)

The Board informed the Boyds that Mr. Mainwaring would place a *stop work order* on the project in the morning, they would review the Town's ordinances and proceed from there.

Chairman Dahlin asked if there was any further public comment. Councilman Mike Forbes thanked the Board for enforcing the rules and requiring the placement of sidewalks in Cardinal Cove.

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Steve Kil stated that they are leaning towards putting a cross walk at Marquette along with a crossing guard, and this matter would be addressed before school started.

ADJOURNMENT:

Joe Wachowski made a motion to adjourn the meeting. Steve Kil seconded the motion. The motion to adjourn the meeting was unanimously carried by voice vote (5/0).

(The meeting was adjourned at 8:43 p.m.)

A TRUE COPY

SUSAN E. WRIGHT, RECORDING SECRETARY
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