

TOWN OF LODI
PLAN COMMISSION MEETING MINUTES
TUESDAY, MAY 12, 2020
6:00 PM
Via ZOOM

1. Call to order & roll call: Meeting called to order by Chairman Krause @ 6:00 p.m. via Zoom. Plan Commission members present: Kris Krause, Bob Robbins, Jack Pfister, Jayne Zavoral; Brian Henry joined at 6:15 p.m. Absent: James Layne. Staff present: Attorney Lawrence Bechler, Engineer Ben Peotter, Clerk-Treasurer April Goeske. Audience: Neil McIntyre, Roberta Arnold,

2. Clay Investments LLC (Neil McIntyre) - Certified Survey Map with variance to minimum lot size or vacating of small portion of road right-of-way to divide 6.65-acre Parcel 11022-471.A into 4 parcels, 1 including home @ W11066 Thistledown Drive. Located in Section 21: Krause – we’ve had a couple of meetings regarding this, and have received concerns from neighbors in the area of this property. We asked McIntyre to visit his property with Peotter to address concerns of driveways, vision corners, etc..., McIntyre did meet with Matt Barr of Ayres Associates on 05/10/20.

Peotter - It was determined at that meeting that traffic impact would be minimal, and as long as other development in this area is carefully reviewed there should be no sight vision concerns created by this development of 4 parcels. One topic was the vacating of a tiny piece of town-owned property near the intersection of Thistledown/Ryan Roads.

Krause – there has been quite a lot of email traffic on this CSM the past couple of days between Bechler, Peotter and myself. (1) ; (2) another question was whether there are any utility easements on these properties. If there are, they will have to be properly maintained. After spending a lot of time on this and many discussions with Bechler, what we have before us meets the technical requirements in town ordinances. A matter of the town board will have to decide is whether the town should sell that tiny piece of town-owned property to the developer (McIntyre) to make all 4 of these parcels meet the 1.5-acre minimum lot size (in non-sanitary district area).

Robbins – based on my review I’m happy to see we’re at the 1.5-acre minimum lot size, that traffic sign vision will not be affected. I’m in favor of this CSM.

Pfister – is it clear that the traffic is going to be done at that Thistledown/Ryan intersection with STH 113. This meeting between Ayres and McIntyre was done when traffic is way down due to Covid-19. Peotter – I’m quite familiar with this intersection. It is not a well-designed intersection. It has a church near it on Ryan, and several homes on Ryan and 40+ homes that come off Thistledown. But our experts don’t feel these 3 additional lots will affect the traffic pattern. Krause – this was not a long-term technical traffic study and not done at the busiest possible time at this intersection. Pfister – there was also discussion as to whether this tiny piece of property is actually in the town or in State road right-of-way. Peotter – it’s in town roads right-of-way. Krause – I don’t believe it’s ever been referred to as possibly being a State or County issue. Pfister – in a 3/5 email from Bechler he questioned that. Goeske – Bill or Nancy Mitchell provided documentation that showed that the town owned that tiny piece of property (ROD Doc. 417208. This document is not included in the packet of information for this meeting as members received it in their packet for the previous meeting. McIntyre – when I called the county about that piece of property they did tell me that it is owned by the town.

Robbins – since the town board has to approve anything being done with that little piece of property, are you looking for the PC to make a motion to approve the CSM with a deferred effective date? Krause – yes, I discussed this with Bechler and gave wording to go into that motion.

Zavoral – I have a question regarding any utility access, does it have to be included? Peotter – we don't know of any utility easements, other than what is automatically provided in road right-of-ways. Krause – I talked to Bechler, he said that by statute, or if that town-owned property is vacated or sold there be include wording that any utility easement be preserved.

Henry – can McIntyre divide this into 3 parcels instead of 4 if the 4-parcel CSM is not approved. Krause – he's asking for 4, but he has plenty of acreage to divide into 3 with no issues. Henry – my concern is any precedent the town could be setting by allowing either lot(s) less than the 1.5-acre minimum, or by vacating or selling land to a developer so that he can meet the 1.5-acre minimum. Krause – at the beginning of this meeting I stated that those decisions are strictly a town board matter, the PC isn't responsible for policy issues. Henry – if the town vacates or sells that town-owned parcel, which is for traffic sight lines, will that affect the traffic sight line there? Peotter – the attorney has stated that as part of vacating or selling that town-owned parcels there'd be a deed restriction allowing no building, fences, trees, bushes, etc... on that piece. The idea of a variance to allow these lot(s) to be just under the 1.5-acre minimum was discussed at previous meetings and the feeling was that this could set a negative precedent and not a favorable idea. Robbins (to McIntyre) – when you bought this property weren't you led to believe it was > 6 acres? McIntyre – yes, the county records still show the property is 6.65-acres, because the county didn't change their records when a piece was given at the corner for Thistledown Road.

Robbins – I prefer to maintain the minimum 1.5-acre lot size. Considering that McIntyre bought property that he was told was > 6 acres and thus easily divided into 4 lots of 1.5-acres each I'm in favor of approve this CSM conditioned on whether to town board vacates or sells its. 06-acre parcel.

Robbins motion to recommend that the town board approve this CSM provided that the minimum acreage required... wording from Bechler email received today. Arnold – there were 2 conditions; one was maintaining sight line and the other was maintaining any utility easements. Krause – excellent comment Roberta. Plus Peotter wording relating to maintaining site lines. Krause – plus easements and sight line maintaining added.

Robbins/Zavoral motion to recommend that the town board approve this CSM provided that the minimum acres necessary is satisfied by the developer no later than 6 months from this date and if such approval is not obtained by then the approval of the CSM is void; in addition any utility easements should preserved, and must maintain site lines keeping the area clear of vegetation or other obstructions that might block drivers' views as they approach the intersection of Ryan Road and Thistledown Drive. Roll call vote: Robbins - yes, Pfister – no, Zavoral – yes, Henry – yes; Krause – yes; MC 4-1.

McIntyre – so my next meeting is the Town Board on May 26th? Krause – yes, at that time the Town Board will look over the PC's reviews and recommendations for the CSM, and decide whether it will vacate or sell that .06-acre parcel to McIntyre.

Arnold – so will there be a public hearing on the vacation or sale at that May 26? Goeske – I am going to have to talk with Atty. Bechler regarding specifics, esp. relating to the vacating or sale of property to determine deadlines, postings, etc...

3. Adjourn: *Pfister/Robbins motion to adjourn at 6:57 p.m.; MC*

April D. Goeske
Clerk-Treasurer