

Village of Goodfield
Board of Appeals Meeting
July 18, 2022 @ 6:00pm at Goodfield Village Hall

Chairman Jack Kuntz called the meeting to order at 6:00pm. Present were Board of Appeals Committee members: Harv Petty, Andy Bauman, Greg Wagner, Ross Herrmann and Jack Kuntz, Jr. Absent was committee member Ross Hohulin. Also present were: Attorney Mike Gifford, Village President Jim Edwards, Alan Zimmerman, Attorney Jason Jording and Trustees:

There were also approximately 20 visitors.

Start with Tazwood Industrial Park request. They have submitted a revised plat. The 3 lots touching Deer Lakes Drive are listed as Business/Commercial and the lot to the west along housing is changed to Business/Commercial. The only Industrial lot is directly behind Chip Energy. This was submitted by Attorney Justin Stoller. A letter from Mr. Stoller was also read as follows:

Attached please find new drawings with a revision date of July 7, 2022.

Please send these proposed plats to the Board of Appeals and the Planning and Zoning Commission.

The Boards should note that the Developer has agreed to change the proposed zoning on Lots 1 and 4 to be Business/Commercial instead of Industrial. That leaves only one Lot as Industrial, directly south of Chip Energy. All remaining lots along Deer Lakes Drive and adjacent to the subdivision will only be Business/Commercial.

This change is a huge concession on the part of the Developer and will likely reduce the pool of potential business buyers for the lots. Reducing potential industry could also adversely affect the number of employment opportunities available within the Village. Nevertheless, we believe this adjustment should adequately address the concerns voiced by the HOA and Village residents.

The Boards will note that we did not increase the width of the buffer strip for the following reasons:

- 1. Now that all lots are business commercial, 20 feet should be an adequate buffer area for the two rows of offset trees.*
- 2. The landscape company has advised the Developer that more than two rows of trees will be harmful to the trees due to problems with adequate sunlight. If more than two rows of pines exist, the middle row is likely to drop all its lower branches. Near DSI's current location, there are three rows of pine trees and the following observation was made: First, the middle row dropped the bottom limbs. This caused the outer rows to drop limbs on the inside. Then for some unknown reason, the outer limbs on the opposite side of the trees also fell off, leaving all the trees with no lower limbs. These trees can be viewed on the Jack Carr property adjacent to DSI.*
- 3. Since more than 2 rows of trees is not advisable, and all adjoining lots will be Business/Commercial, adding to the buffer would only be wasted space and limit the options to the business owners for parking, storage areas, etc.*

Duane Yockey has confirmed to us that all lots will have storm water detention in accordance with Village Code. Also, he confirmed that the storm water outlet for Lot #3 (North of Anthony Paz) is to the proposed storm sewer, which will take water to the north. Storm drainage onto Deer Lakes property to the south will be significantly decreased when this project is fully developed.

We trust this information will be helpful to the Boards. If they or the HOA have further questions for any of us or believe further discussions would be helpful, please let me know.

Justin J Stoller

This is the amended request in front of the Board of Appeals. Basically it is the committees job to either approve or disapprove and recommend that to the Village Board.

James Stout, HOA President, asked Mr. Dietrich why he needs to rezone those R1 lots. He said because people want to buy them they want to be right there, not north of town. Stout said he means right there do you want a deeper lot. The architect determined that.

Kuntz asked does the HOA still have the same response to the development or are there any different considerations. No different consideration, they would like to see a 40" buffer. A resident asked if the entrances for the businesses will be off Deer Lakes Drive. No, they are off a proposed new road.

Herrmann asked Kuntz to reread Business/Commercial to grasp the scope of Commercial. Kuntz read what is permitted in the Business District. Wittmer said there is nothing set in stone to keep the traffic off Deer Lakes Drive. Bauman asked if an outlot can be built upon. Kuntz said in the future if someone wanted to put an entrance of Deer Lakes Drive it would have to be approved by the Village.

Bauman asked how far apart the trees will be. Dietrich said developer never plants trees. Petty asked what kind of trees will be planted. Bauman suggested Green Giant Arborvitae.

Anthony Paz, a resident not in the HOA, said he wanted to be on the record that he does not want this business park. He bought his house in an R1 residential area to raise his kids.

Vice President of HOA stated just wanted to pass on in all fairness that at least ½ of the subdivision is split, not all are against it.

Terri Kuebler also doesn't want it. Her back yard would touch development. She thinks 20' buffer is a joke.

Herrmann asked Mr. Dietrich if he would sell the ground to the subdivision. Bill said make an offer.

Ross also asked if he would sell ground around the development. Again, he said make an offer.

Bill said the first industrial business on Martin Drive set the tone for more Industrial or Business/Commercial to follow. If you want farm fields move at least 2 miles from any interchange.

Public Input was stopped. Ted Clark asked, do we have to convert Residential to Commercial. Jack said that is not what is in front of the Board.

Motion was made by Bauman, seconded by Herrmann to recommend to the Village Board to approve the rezoning for the revised Plat of Tazwood Industrial Park subject to an agreement to increase the buffer from 20' to 30' on both residential sides (L shape), and that along Deer Lakes Drive there needs to be a double row of trees. It is also recommended to use Green Giant Arborvitae trees. Motion passed with the following roll call vote: Petty – yes, Bauman – yes, Wagner – yes, Herrmann – yes and Kuntz – yes.

Second topic is Legacy Apartments. The BOA needs to first vote to determine whether or not PWA Nohl's denial of a permit was an administrative appeal and should not have been denied. What basis was it denied. Application was incomplete. Motion was made by Wagner, seconded by Bauman to approve Josh's action in denying the Building Permit. Motion passed with the following roll call vote: Petty – yes, Bauman – yes, Wagner – yes, Herrmann – yes and Kuntz – yes. There are 2 requests before the BOA. They are that the Board either approves a variance to allow Legacy to build as proposed or a special use permit to allow what amounts to a nonconforming building within that area. Track is now zoned Business/Commercial which says you can use anything residential within Business Commercial. This brings in residential restrictions. They are outside regulation on density, height and number of stories. These would not be issues if this was Business/Commercial. Can an amount of property be purchased in addition to this to where the density can get a little less than half, I know there were some concerns regarding snow removal. They will be purchasing additional land – 60'. Attorney Gifford asked Legacy counsel if they were seeking approval for a variance or special use for both buildings rather than staging it by getting approval for one and then the second? He answered yes they want approval for both. They will do phase one and then phase two. Alan Zimmerman said they are considering putting in an elevator, that is why they asked for an additional 10% variation authorization for PWA Nohl.

Zimmerman said he plans to retain ownership. Wagner feels that the location for the apartment building is in a reasonable place. Motion was made by Bauman, seconded by Petty to recommend to the Village Board to approve as a Special Use as submitted and to have PWA Nohl have a 10% administration variation authority and to allow a time table of 2 year to build. Motion passed with the following roll call vote: Petty – yes, Bauman – yes, Wagner – yes, Herrmann – yes and Kuntz – yes.

Motion to adjourn was made by Wagner, all approved in voice vote. Meeting adjourned at 6:48pm.

Respectfully submitted,

Jack Kuntz, Jr. Planning Commission Chairman