

**MAY 17, 2017 PLAN COMMISSION MEETING MINUTES
CITY OF EDGERTON**

Commission member Jim Kapellen called the meeting to order at 8:34 p.m.

Present: Mark Wellnitz, Harlin Kittleson, James Kapellen, and Ron Webb.

Excused: Christopher Lund, Candy Davis, and Julie Hagemann.

Others Present: City Administrator Ramona Flanigan, Public Works Director Tom Hartzell, Utility Director Randy Oren and a few citizens.

Flanigan confirmed the meeting agendas were properly posted on Friday, May 12th at the Post Office, Edgerton Library, and City Hall.

PUBLIC HEARING: The Plan Commission held a public hearing to hear comments regarding a request by Jacqueline Bambenek for a conditional use permit to allow the establishment of a 5th residential unit at 110 W. Rollin St.

Flanigan stated this parcel is located at 110 W. Rollin St. and is zoned R-4. In 2003 the petitioner provided a letter to the city indicating the property was no longer being used as a 5-unit structure. After that point, additional units cannot be established unless the parcel complies with current zoning regulations which include a conditional use permit.

Prior to the Plan Commission meeting, the Board of Zoning Appeals met and granted 5 variances that would allow for a 5-unit residential structure even though the lot size would only allow for a single-family unit due to the area, density, parking, parking setback and landscape surface ratio requirements.

The inability to provide adequate parking can lead to a difficulty in renting units or lower rental income which can lead to the inability of the owner to maintain structure. The existing parking lot on this site is gravel.

Jacqueline Bambenek, owner of the property, stated she has owned the property since 2000 and it has been maintained as a 5-unit the majority of that time. She was unaware that it was downgraded to a 4-unit until they attempted to sell the property. She has asked for the conditional use permit so they do not have to evict one of the tenants.

Bambenek noted the City's assessor, Accurate Appraisal, has been assessing the property as a 5-unit apartment also.

The sale of the property is contingent upon the approval of the variances and permits needed for it to be a 5-unit residents.

Bambenek stated she had written the letter in 2003 asking to have the property changed to a 4

unit but did not understand the implications that this would have.

Evan Redders, potential purchaser of 110 W. Rollin St., also requested the Commission approve the conditional use permit because they would like to purchase it.

Branden Kesler spoke in favor of granting the conditional use.

Hearing no other comments, Kapellen closed the public hearing.

CONSIDER CONDITIONAL USE PERMIT FOR 110 W. ROLLIN ST: Flanigan stated staff recommends the Plan Commission deny the conditional use permit for 110 W. Rollin St. due to the size of the lot compared to the density of the residences.

Mark Wellnitz asked why there was a request to reduce the structure from a 5 unit to a 4 unit. Bambenek stated she had a vacancy for 5 months and made the request at that time. Flanigan added that the City only collects recycling for properties with 4 units or less. The letter prompted the City to then begin pickup at this location.

Bambenek again stated she did not make any structural changes and did not understand the permanence the letter caused.

Mark Wellnitz asked what would cause the conditional use permit to be repealed. Flanigan stated if the property ceases to be used as a 5 unit for one year or longer or if there are continual complaints related to having 5 units such as parking issues.

A Wellnitz/Webb motion to approve a conditional use permit to Jacqueline Bambenek to allow the establishment of a 5th residential unit for the parcel located at 110 W. Rollin St. with the condition that the gravel parking lot be paved for 9 parking stalls within one year after the sale passed on a 4/0 roll call vote.

MINUTES: A Webb/Kittleson motion to approve the April 26, 2017 Plan Commission meeting minutes passed, all voted in favor.

CONSIDER EXTRATERRITORIAL LAND DIVISION ON W EMERALD TERRACE: A Webb/Kittleson motion to approve an extraterritorial one lot land division on W. Emerald Terrace for Robert Houfe, section 9, Town of Fulton passed on a 4/0 roll call vote.

Being no other business before the Commission, a Wellnitz/Kapellen motion to adjourn passed, all voted in favor.

Ramona Flanigan/ch
City Administrator

Approve June 28, 2017