

# MAYVILLE PLANNING COMMISSION MINUTES

Mayville City Hall, 15 S. School Street, Mayville, WI

November 18, 2009

**1.) Call to Order and Roll Call.**

Meeting called to order by Chairman Heron at 7:00 PM.

Members Present: Smith, Kahlhamer, Heron, Luce, Benter, Engel

Members Absent: Henkel

Others Present: Chris Neu, Frank Winters, Al Voss, Dave Pasbrig, Vern Hilker, Buyer of property at 1, 5 Bridge St. and his realtor Brian Tennies and Bev Ehley respectively.

**2.) Approve Agenda.**

Mike Engel pointed out that the wrong date is shown for the last meeting. It should be October 21, 2009.

Motion by Luce seconded by Kahlhamer to the agenda with the amended date.

Unanimously Carried.

**3.) Approve the Minutes of the October 19, 2009, meeting.**

Motion by Smith seconded by Kahlhamer to approve the minutes noting the date change to October 21, 2009.

Aye: Smith, Kahlhamer, Heron, Benter, Engel

Abstain: Luce

Motion carried.

**4.) Citizens Comments**

No Citizens comments were received with the Mayor indicating that since we had a small group he would allow participation from those present at the time the agenda item was considered.

**5.) Review/Recommend to Council, the Zoning Change Request of Frank Winter (FJ Winter Enterprises LLC) to Change the Zoning of Tax Parcel 251-1216-2314-074, 1 Bridge Street, Mayville from B-1 Central Business District to RM Multiple Family District.**

Hilker reported that the packet of information given to the Commission contained the information submitted on behalf of the owner from Coldwell Banker, a report from our Building and Zoning Inspector, an excerpt from the League of Wisconsin Municipalities related to spot zoning, and a copy of the area zoning map. These items were briefly reviewed.

Chris Neu reviewed her letter with the Commission voicing concern that the lenders make it difficult for buyers if the property is not zoned correctly especially if it is zoned Commercial in that they would then also require larger down payments etc.

There are 3 units in the larger building and 1 in the single family home. Any zoning that this property would have would bring a different set of Zoning Ordinance non-conforming circumstances.

Mayor Heron indicated that he would like to see the property improved and that allowing this would provide the means to do it.

Handicap accessibility would be difficult considering how the structures are built.

The buyer and his realtor indicated that he was also going to occupy the property, was willing to move the garage further off of the property line and was in the building trades, and planned to do exterior improvements.

Bob Smith voiced concern over setting a precedent that other requests would point to if this were done.

Phil Luce indicated that he felt that allowing the zoning change would enhance the property, and the neighborhood and that we should do what it takes to allow the change in zoning to RM.

Gary Benter questioned if RM was the appropriate zoning or if there was another option. It was discussed that the property already had 4 dwelling units in total on it and that no other zoning would allow that either.

Dave Pasbrig said the property was used as multiple family for years noting a history of being unmaintained, with a lack of snow removal. He felt that if there is someone willing to invest in the property he would like to see it happen and it would be a win / win for everyone.

Merle Kahlhamer questioned the zoning on the property next to the service station. Dave Pasbrig responded indicating he has observed that duplex also being renovated.

Mr. Winter indicated that he is selling some of his properties since his wife had a severe car accident and had neck injuries and since he is an absentee landlord it is difficult for him to get here regularly to monitor and maintain the property as he would like to.

Bob Smith indicated we should have a compelling reason for the change – if the buyer still cannot get financing then what.

Chris Neu said this regularly occurs on these types of property and financing is difficult unless large down payments can be made.

Motion by Benter seconded by Luce to recommend to Council, approval of the requested zoning change from B-1 Central Business to RM Multiple Family.

Aye: Benter, Luce, Engel Kahlhamer, Heron

Abstain: Smith (He is on the neighbor list)

**6.) Update on the Twin Oaks Planned Unit Development Overlay District and the associated General Development Plan proposal. Tax Parcel 251-1216-2322-005. (Property owned by CWG Enterprise LLC)**

The Mayor gave a brief report noting that the Council has not yet approved the Zoning change due to discussions at the hearing. No action can be taken by the Commission on the PUD Overlay District and General Development Plan until the underlying zoning change is approved.

Motion by Luce seconded by Kahlhamer to table the matter.

Unanimously Carried.

**7.) Adjournment.**

Motion by Kahlhamer seconded by Luce to adjourn.

Unanimously Carried.

Meeting adjourned 7:39 PM

Vern Hilker, Director of Public Works / Secretary to the Planning Commission