

## **PUBLIC HEARING AND PLAN COMMISSION MEETING JANUARY 20, 2009**

Notice of the Public Hearing on the Rezoning of existing properties within the Village of Wales from R-1 to R-3; Adoption of the Official Zoning Map for the Village of Wales and on the repeal of the current Zoning Code, Chapter 17 of the Code of Ordinances for the Village of Wales and the Adoption of the new Zoning Code, Chapter 17 of the Code of Ordinances for the Village of Wales, was published in the Kettle Moraine Index and posted in the Village of Wales. The Public Hearing was held at the Wales Community Building located at 216 South Street. The Public Hearing opened 7:00 p.m.

Present: Alan Theis, Jeffery Flaws, Wanda Gosa, Wayne McStrack, John Meyer, Jeff Roth, Larry Rigden and Wilfredo Barreto.

Also Present: Deputy Clerk Wigderson; Village Clerk Gail Powell; Village Building Inspector Scott Hussinger; Rick Kania of Southeastern Wisconsin Regional Planning Commission; David Lang, Village Trustee; Eugene Mayernick, Village Trustee; Lyle Orwig, Village Trustee; Dave Jennings, 422 Gower Bae; Pat Hess, 436 Cregennan Bae; Diane Siedel, 530 Cymric Court; Bob Dugan, 1860 Brandybrook Road; Sherry Egan, 302 Wakefield Downs; and Ann Lang, 605 Bron Derw Drive.

Excused: Ken Mace and Mike Vincent

### **PUBLIC HEARING**

The Plan Commission recreated Chapter 17 of Zoning Code of Ordinance for the Village of Wales, and at the same time the Zoning Map for the Village was also updated. While updating the map, seven parcels in the Village were discovered that need to be rezoned to keep them from becoming "non-conforming." These parcels will be rezoned from R-1 to R-3, which allows for two-family buildings.

Diane Siedel of 530 Cymric Court – Is very concerned about the property being rezoned from R-1 to R-3 because of the possibility that it would cause a tax hike. She and her husband pay the taxes on both of the units at 530/532 Cymric Court and are concerned that a tax hike would force them out of their home. They understand that taxes do increase from time to time, but are worried that the different zoning would put them into a higher tax bracket or cause them to be assessed at a higher rate. Plan Commission member Wanda Gosa stated, "The Village does not have different tax brackets for residential zoning, they are all taxed at the same rate." Mrs. Siedel then asked if the Village would be willing to put that in writing. Plan Commission member and Village President Jeffery Flaws stated that, "He would contact the Village Assessor and Village Attorney and work with them to get a letter explaining the process and reassuring Ms. Siedel that the rezoning does not affect the assessment of a property. Once the letter is completed it will be sent to all the affected property owners."

Robert Dugan of 830 Brandybrook Road – Mr. Dugan has a parcel of about 14 acres north of the condos at the Legend of Brandybrook and is concerned that he would not be able to develop his property into condos at a later date. The adoption of Zoning Code and Zoning Map does not change his right to request a zoning change at a later date. This property is currently zoned R-1 single family. When Mr. Dugan is ready to develop the property, he could request the zoning change at that time. Each property rezoning is addressed when it is requested and consideration is given as to how it would fit into the Village's Master Land Use Plan. The Plan Commission is not saying at this time that they would or would not grant a rezoning request, but that Mr. Dugan's rights are not being taken away to request a change at a later date.

## **PUBLIC HEARING AND PLAN COMMISSION MEETING JANUARY 20, 2009**

The Public Hearing was closed at 7:07 p.m.

The Special Plan Commission Meeting was called to order at 7:07 p.m. by Chairman Jeff Roth. Notice of this meeting was posted in accordance with the open meeting laws of the State of Wisconsin.

Present: Alan Theis, Jeffery Flaws, Wanda Gosa, Wayne McStrack, John Meyer, Jeff Roth, Larry Rigden and Wilfredo Barreto.

Also Present: Deputy Clerk Wigderson; Village Clerk Gail Powell; Village Building Inspector Scott Hussinger; Rick Kania of Southeastern Wisconsin Regional Planning Commission; David Lang, Village Trustee; Eugene Mayernick, Village Trustee; Lyle Orwig, Village Trustee; Dave Jennings, 422 Gower Bae; Pat Hess, 436 Cregennan Bae; Diane Siedel, 530 Cymric Court; Bob Dugan, 1860 Brandybrook Road; Sherry Egan, 302 Wakefield Downs; and Ann Lang, 605 Bron Derw Drive.

Excused: Ken Mace and Mike Vincent

### **REZONING OF EXISTING R-1 RESIDENTIAL PROPERTIES WITHIN THE VILLAGE LIMITS TO R-3 RESIDENTIAL**

#### **DISCUSSION:**

719/721 East Brandybrook Road; 739/741 East Brandybrook Road; 510/512 Cymric Court; 520/522 Cymric Court; 530/532 Cymric Court; 540/542 Cymric Court and 736/738 East Main Street are the properties that are going to be rezoned from R-1 to R-3. This rezoning will keep the properties from becoming "non-conforming" parcels. R-1 Residential District will only allow single family dwellings and these properties are two-family dwellings. They were allowed to be built in a R-1 zoning under the old Zoning Code because it allowed "piggy back" zoning (one zoning district allowed conditions/uses of another zoning district and so on and so on). Rezoning to R-3 prevents them from becoming non-conforming under the new Zoning Code.

#### **MOTION:**

Motion by Wanda Gosa to recommend approval of the rezoning of the seven properties from R-1 to R-3, as submitted, second Jeff Flaws. Motion passed unopposed. Larry Rigden abstained.

### **ADOPT OFFICIAL ZONING MAP FOR THE VILLAGE OF WALES**

#### **DISCUSSION:**

The Zoning Map was prepared for the Village of Wales by Yaggy/Colby & Associates. Plan Commission member Wilfredo Barreto cannot recommend approval of the Official Zoning Map, because it does not address the category of Upland Conservancy.

#### **MOTION:**

Motion by Alan Theis to recommend approval of the Official Zoning Map for the Village of Wales, as submitted, second John Meyer. Motion passed. Wilfredo Barreto opposed.

# **PUBLIC HEARING AND PLAN COMMISSION MEETING JANUARY 20, 2009**

## **CHAPTER 17 OF THE ZONING CODE OF ORDINANCES FOR THE VILLAGE OF WALES**

### **DISCUSSION:**

The sections to be changed are: Statutory Authority and Purpose, General Provisions, Zoning Districts, Reserved, Modifications, Traffic Loading, Parking and Access, Signs, Nonconforming Uses, Structures and Lots, Site Planning and Design Review, Performance Standards, Board of Zoning Appeals, Changes and Amendments, Public Hearings, Administration, Definitions, Adoption and Effective Date, Appendix, Is it 50 percent Yet?, and Illustrations. The definition for "Signs, Pole and Pylon" was omitted and will be returned to the final edition. Rick Kania was given a couple of spelling corrections that will be made as well.

### **MOTION:**

Motion by Alan Theis to recommend the Repeal and Recreate of Chapter 17 Zoning Code of Ordinance for the Village of Wales, with the addition of the definition of Signs, Pole and Pylon, as submitted, second Wayne McStrack. Motion passed. Wilfredo Barreto opposed.

### **ADJOURNMENT**

Motion by Wanda Gosa to adjourn, second by Wilfredo Barreto, motion passed unopposed. The meeting was adjourned at 7:15 p.m.

Submitted by:

Pauline Wigderson  
Deputy Clerk-Treasurer