

June 29, 2022

The Malcolm Planning Commission meeting was called to order at 7:00 p.m. Members present: Adam Benischek, Trevor Cotton, Evan Gunn, Jon Mohr, Jared Ritze, Sandy Streeter, and Lecia Teten.

It was noted that the Open Meetings Law is posted and located on the wall as you enter the Village Hall.

The minutes of the April 27, 2022, meeting were reviewed. Teten moved to approve the minutes, seconded by Benischek. Chairman Mohr called for the vote recorded as follows: AYE: Benischek, Cotton, Gunn, , Ritze, Teten. NAY: None. Abstain: Mohr, Streeter Motion carried 5-0.

Open visitors' period at 7:02:

1. Bob Benes, Aspen Builders & Lizzy Potter, Olsson – Malcolm Heights Subdivision
 - a. Seeking recommendation for approval of the preliminary plat for 68 houses, potential for 30 in 'Phase I Final Plat'
 - b. Would require a future change of zoning from Ag to Residential, annexation, and final plat. Consideration of the preliminary plat would occur at the Village Board meeting in July and would also require a public hearing.
 - c. Size and total number of lots were discussed in detail and were expressed as a concern
 - i. Bob explained that the cost of developing lots and installing infrastructure was the basis for the number of lots
 - d. School class size increasing forcing a potential bond to improve facilities was expressed as a concern
 - i. Bob explained that many interested in the lots were families with students at the school, but living outside the district
 - e. Wastewater treatment facility –
 - i. 2009 report: The current wastewater treatment plan could handle two times current load
 1. Currently 199 hook-ups in the community overall
 - a. Including 26 Apartment hookups
 - f. Water system -
 - i. Miller & Associates review indicated the water system is adequate for the proposed preliminary plat
 - g. Tree line (screening) to the north for private residence was discussed, Bob said he would be willing to offer this.
 - h. Number of houses per year – members of the planning commission expressed concern with the total number of houses versus the desire of the community to sustain slow growth
 - i. Sidewalks
 - i. Homeowner is responsible to provide sidewalk within 12-24 months of purchase
 - j. Second entrance – options were discussed to use the entrance to the south for access to the new development
 - k. Homeowners Association (HOA) – An HOA would be required to maintain open space, including detention ponds.
 - l. A discussion occurred if the Village could limit the number of homes to be built per year as a condition for the development.
 - m. The preliminary plat is available to review at the Village Office

Mohr made a motion to change the order of the agenda to Unfinished Business, seconded by Gunn. Chairman Mohr called for the vote recorded as follows: AYE: Benischek, Cotton, Gunn, Mohr, Ritze, Streeter, Teten. NAY: None. Motion carried 7-0.

Unfinished Business

1. Conditional Use Permit/Use Permit
 - a. Reviewed updated permit application form, no further changes suggested.
2. Review Chapter 11 & Chapter 12 of zoning code
 - a. Tabled for future discussion
3. Malcolm Heights Preliminary Plat – Bob Benes
 - a. Discussion:
 - i. One access point into development:
 1. Is there plans for secondary or emergency access point?
 - ii. Lot sizes seem small compared to perception of desired lot size in Malcolm.
 - iii. Developer's preferred first phase is anticipated at 15 house per year.
 1. The results of the Village Survey had highest respondents' preferring 1-5 houses per year and 5-10 houses per year.
 - iv. Concern for Malcolm Public Schools ability to keep up with rapid growth.
 - v. Discussion was held about options for larger lots, 1-3 acres in size, to limit overall community growth. Discussion included issues with the zoning code that required paved streets, curb, gutter, and sidewalks that would be too costly for that scenario. Less expensive options include open channel drainage, asphalt streets, etc. but not allowed in current code. Suggestion was made to revise and approach the Village Board for a variance or potential code change to accommodate larger lots.
 - b. Cotton made a motion to the Village Board to recommend the approval of Malcolm Heights Preliminary Plat with the consideration of limiting the number of new construction homes to match preference of Village Survey results (five to ten house per year). Seconded by Benischek. Chairman Mohr called for the vote recorded as follows: AYE: Benischek, Cotton, Mohr. NAY: Gunn, Ritze, Streeter, Teten. Motion fails 3-4.

New Business

- (1) Building Permit for removal and replacement of existing deck at 341 Robert Rd. for Richard and Robin Stephens. Streeter made a motion to the Village Board to approve, seconded by Mohr. Chairman Mohr called for the vote recorded as follow: AYE: Benischek, Cotton, Gunn, Mohr, Ritze, Streeter, Teten. NAY: None. Motion carried 7-0.
- (2) Building Permit for construction of new single family residence at address TBD, legal description S28, T11, R5, Acres 6th Principal Meridian, LOT 43 NW for Michael and Cynthia Beach. Mohr made a motion to the Village Board to approve, seconded by Benischek. Chairman Mohr called for the vote recorded as follow: AYE: Benischek, Cotton, Gunn, Mohr, Ritze, Streeter, Teten. NAY: None. Motion carried 7-0.

- (3) Application for Administrative Plat at 8345 NW 105th for Michael and Cynthia Beach. Teten made a motion to the Village Board to approve, seconded by Streeter. Chairman Mohr called for the vote recorded as follow: AYE: Benischek, Cotton, Gunn, Mohr, Ritze, Streeter, Teten. NAY: None. Motion carried 7-0.

*Streeter left meeting at 8:45pm

- (4) Building Permit for increasing existing fence from six feet tall to twelve feet tall at 448 Floyd Dr. for Gerden Wheeler. Mohr made a motion to the Village Board to deny referencing Village of Malcolm Municipal Code Chapter 12-801 subparagraph e-1: *"No accessory building or fence shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation,"* seconded by Benischek. Chairman Mohr called for the vote recorded as follow: AYE: Benischek, Cotton, Gunn, Mohr, Ritze, Teten. NAY: None. Members Absent: Streeter Motion carried 6-0.
- (5) Building Permit for construction of storage units at 9515 NW 112 for Randall Wobig. Benischek made a motion to the Village Board to approve, seconded by Mohr. Chairman Mohr called for the vote recorded as follow: AYE: Benischek, Cotton, Gunn, Mohr, Ritze, Teten. NAY: None. Members Absent: Streeter Motion carried 6-0.
- (6) Building Permit for installing an above ground swimming pool at 280 Hudkins Road for Nathan Stark. Mohr made a motion to the Village Board to approve contingent on providing dimensioned site plan to Village Board for review before approval, seconded by Cotton. Chairman Mohr called for the vote recorded as follow: AYE: Benischek, Cotton, Gunn, Mohr, Ritze, Teten. NAY: None. Members Absent: Streeter Motion carried 6-0.
- (7) Building Permit for construction of shed at 175 S. East Street for Anne Krotz and George Wilson. Benischek made a motion to the Village Board to approve with variance for lot line setback from required 2'-0" to 1'-8" and separation from main structure from required 5'-0" to 4'-10", seconded by Mohr. Chairman Mohr called for the vote recorded as follow: AYE: Benischek, Cotton, Gunn, Mohr, Ritze, Teten. NAY: None. Members Absent: Streeter Motion carried 6-0.
- (8) Change of zone – 1640 LLC (Malcolm Heights) from Ag to Residential: No Action Taken
- (9) Change of zone – Jay Babb from Ag to Residential: No Action Taken.

With no further business, Mohr moved to adjourn at 9:14 p.m. Benischek seconded the motion. Chairman Mohr called for the vote recorded as follow: AYE: Benischek, Cotton, Gunn, Mohr, Ritze, Teten. NAY: None. Members Absent: Streeter Motion carried 5-0.

Evan Gunn, Secretary

Recommendations to the Village Board
June 29, 2022

Recommendation 400 – The Malcolm Planning Commission recommends to the Village Board to deny Malcolm Heights Preliminary Plat for Bob Benes as proposed.

Recommendation 401 – The Malcolm Planning Commission recommends to the Village Board to approve Building Permit for removal and replacement of existing deck at 341 Robert Rd. for Richard and Robin Stephens.

Recommendation 402 – The Malcolm Planning Commission recommends to the Village Board to approve Building Permit for construction of new single family residence at address TBD, legal description S28, T11, R5, Acres 6th Principal Meridian, LOT 43 NW for Michael and Cynthia Beach.

Recommendation 403 – The Malcolm Planning Commission recommends to the Village Board to approve Application for Administrative Plat at 8345 NW 105th for Michael and Cynthia Beach.

Recommendation 404 – The Malcolm Planning Commission recommends to the Village Board to deny Building Permit for increasing existing fence from six feet tall to twelve feet tall at 448 Floyd Dr. for Gerden Wheeler.

Recommendation 405 – The Malcolm Planning Commission recommends to the Village Board to approve Building Permit for construction of storage units at 9515 NW 112 for Randall Wobig.

Recommendation 406 – The Malcolm Planning Commission recommends to the Village Board to approve Building Permit for installing an above ground swimming pool at 280 Hudkins Road for Nathan Stark contingent on being provided dimensioned site plan.

Recommendation 407 – The Malcolm Planning Commission recommends to the Village Board to approve Building Permit with variance for lot line setback from required 2'-0" to 1'-8" and separation from main structure from required 5'-0" to 4'-10" for construction of shed at 175 S. East Street for Anne Krotz and George Wilson.

Evan Gunn, Secretary