

Meeting called to order by Chairperson Kathy Poirier at 4:30 p.m.

Members present: \*Kathy Poirier, Denny Aubin, Kellie Flaherty, Caroline Rediske.

Members absent: Jamey Flaherty

**Motion by Caroline Rediske to open public hearing. Second by Denny Aubin. All in Favor. Carried.**

Public Hearing regarding CUP Application #79: Jeffery Cooper, 900 Park Drive, Balsam Lake request to construct a pole type structure. Zoning District 300-8 Rural Development B. Conditional Use (17) Wood-frame, pole-type accessory building.

Mr. Jeffery Cooper noted he is seeking approval to change the dimensions of his approved building permit to construct a wood-framed, pole-type accessory building from 32X36 to 36X42. The building location would still be in the back lot. (No other public comments were made)

Public Hearing regarding CUP Application #80: Keith Duffee, 264 County Road I request to construct a 4 story, 20 units Condominium building in conjunction with the existing Sunsets at Paradise facility.

Paul Gydesen: Noted the Committee should deny CUP application #80. Mr. Gydesen commented on the Zoning Administrators staff report and findings. Being zoned as waterfront development and additional construction would further reduce the amount of green space on the property and not meet the density requirement under village ordinance 300-7. Also, the application does not meet the village code under 300-25 Planned Unit Developments (PUD). He stated the application must meet all the PUD performance standards and the application only meets two out of the fifteen listed.

Carl Anderson: Noted the Committee should not allow any condo units to be built on the property at 264 County Road I and stated the committee should deny CUP application #80. Adding condos or additional structures on this property is unfair to other landowners of Balsam Lake. For a PUD you need more than 5 acres of land, and the property is significantly less than the requirement. Furthermore, by adding a PUD to the property, the 20 units would not meet the minimum requirement for 100 feet of shoreline per property. Through reviewing the property documentation before the sale of Paradise, he noted that there are not to be any more variances for this property. Mr. Anderson noted that the Village was kind enough to grant a CUP for the addition of hotel rooms to the property even after the owners decided to start construction before the CUP was approved. Also, in the plans there was not specific specifications for water runoff systems due to the height of the building and lack of green space on the property. In addition, the docks at their property were first given to the owners for restaurant traffic and would not be allowed for condo owners. Mr. Anderson also expressed concern regarding road traffic and the reduction in parking space would not meet the requirements for a 20-unit condo development. Finally, he noted all proposals for further changes to this property need to stop.

Keith Stanze: Currently owns the property immediately west of the property at 264 County Road I. The property the Stanze family owns, has an easement with the owners of Sunsets at Paradise for use of driveway only. Mr. Stanze noted that there has been significant usage since the Hotel opened and if the

Village allows a PUD to be built, he is requesting the owners pay for a privacy fence and put in their own drive as the use would become more excessive. Also, the engineering drawings have the property lines identified incorrectly over 57 feet off and with the size of the already existing building there would not be adequate space for construction equipment to complete the project without crossing property lines.

Brian Wertish: Mr. Wertish owns the property immediately east of the property at 264 County Road I which is a hotel and restaurant. Mr. Wertish noted that the application to construct a condominium building is an application for a planned unit development (PUD). Under 300-7 and 300-25 of the Village Code and because there are provisions in the Village Code which are mandatory and must be met, the application may not be granted as a matter of law. First Mr. Wertish noted PUD's must meet the density requirements of 300-7 of the Village Code regarding condominiums in the waterfront development districts where Paradise is located; To reflect the existing pattern for waterfront development on Balsam Lake a maximum density of 1.5 dwelling units per acre is required. Also, PUD for a CUP in the Waterfront Development District must meet the green space and impervious surface requirements (70%/30%). The Paradise property is only 3.26 acres and is only 49.88% green space (rather than the 70% required by the Village Code). The Village has explicitly stated in the past that "no further variances (would be) to be granted) to paradise on the question of greenspace (Variance #66 from May 2008). Mr. Wertish also commented the fact that this application is for a PUD also means that the application must meet the requirements for conditional use permits for PUDs in general, which are found in 300-25(B). The tract of land is less than the 5 acres requirement, the proposed 4-story building is more than 35 feet tall, the proposal exceeds the density requirements and it has been noted there has been no provisions or discussion of the provisions of water and sewer, of the drainage of the site, of the traffic impact of the project, of the ability of emergency service to assess the proposed construction, of exterior lighting, of the landscaping and the planting of vegetation or the creation, maintenance and ownership of the common areas all of which must be addressed according to the ordinance. Finally building such a structure is likely to have a negative impact on nearby property values. Mr. Wertish stated the application cannot and should not be granted. Mr. Wertish also read a letter that was signed by over 35 property owners on Balsam Lake stating their many oppositions to CUP #80. No other preferential rights should be given to any owners of this property.

Chris Nelson: County Board Supervisor, Chris Nelson urged the Planning Commission and the Village board to work with the County to create new ordinances for property zoned waterfront development. There is a growing need county wide to revisit the ordinances and is an issue that will not be going away. He urged the committee to listen to the community to make the appropriate decision.

**Motion by Kellie Flaherty to close public hearing. Second by Denny Aubin. On roll call: Denny Aubin, yes; Kellie Flaherty, yes; Kathy Poirier, yes and Caroline Rediske, yes. Carried 4:56 p.m.**

Final Comments from Jeffery Cooper, CUP Application #79: The prior application had been approved however, he is seeking approval to change the dimensions to construct a wood-framed, pole-type accessory building from 32X36 to 36X42.

**Motion by Denny Aubin to recommend to the Village Board approving CUP Application # 79 Jeffery Cooper, 900 Park Drive, Balsam Lake request to construct a 36'X42' pole type structure. Zoning District 300-8 Rural Development B. Conditional Use (17) Wood-frame, pole-type accessory building. Second by Kellie Flaherty. On roll call: Denny Aubin, yes; Kellie Flaherty, yes; Kathy Poirier, yes and Caroline Rediske, yes. Carried**

Final Comments from Keith Duffy, CUP Application #80: 264 County Road I request to construct a 4 story, 20 units Condominium building in conjunction with the existing Sunsets at Paradise facility. Mr. Duffy commented on the failing history of the property and others who were interested in purchasing the property were going to turn it into their home. Mr. Duffy and the other investors fought to keep it as a restaurant. Currently, they wish to keep the restaurant there and fully functioning along with the hotel rooms as they have been very successful thus far. In the construction design, some of the existing building would be coming down along with some of the parking lot to help add more green space back to the property. Mr. Duffy grew up in Frederic Wisconsin and understands the importance of the Balsam Lake Community and the small-town feeling people get when they travel to the area. He owns three other businesses in the area and stated he and the other investors are not trying to take advantage of anything as there is an identified need for additional housing for Balsam Lake and surrounding communities in Polk County, WI. Mr. Duffy has worked with specialists to conduct multiple studies that illustrate the need for the housing as well. Looking to bring year-round support to the growing businesses is vital to many business operations within the community. Mr. Duffy noted his appreciation to those who came to speak at the public hearing and for their continued support as he sees many of them at the bar and restaurant. Mr. Duffy noted there are just as many pros to approving CUP #80 as there are cons.

**Motion by Kellie Flaherty to recommend to the Village Board to deny CUP Application #80, Keith Duffee, 264 County Road I request to construct a 4 story, 20 units Condominium building in conjunction with the existing Sunsets at Paradise facility and no future variance be granted. Second by Caroline Rediske. On roll call: Denny Aubin, yes; Kellie Flaherty, yes; Kathy Poirier, yes and Caroline Rediske, yes. Carried**

**Motion by Kellie Flaherty to adjourn. Seconded by Caroline Rediske. Carried.**

Lori Duncan, Village Clerk-Treasurer

Amy VanDeBrake, Deputy Clerk-Treasurer