

## **Town of Verona Plan Commission Meeting Minutes**

Thursday, November 18, 2021

6:30pm Zoom meeting

Members Present: Doug Maxwell, Haley Saalsaa-Miller, Deb Paul, Tom Mathies

Excused: Sarah Slack

Staff: Sarah Gaskell, Administrator

Other: Rosemary Bodolay, Dale Malner, Susan and Hans Pigorsch, Marilyn Chohaney, Jim Wiederhoeft, Kirsten Witte, Jeff Schleicher, Noa Prieve, Brett Stoffregan, Lee and Becky Stilwell, Mason Swanson, Al Reuter, Mark Geller

1. Call to Order/Approval of Meeting Agenda – Maxwell called the meeting to order at 6:30 pm. Motion to approve the agenda with one change requested by Maxwell by Paul, second by Mathies. Motion carried by voice vote.
2. Public Comment – none
3. Approval of Minutes from October 21<sup>st</sup>, 2021 Plan Commission Meeting; Motion to approve by Mathies, second by Saalsaa-Miller. Motion carried by voice vote.
4. Discussion and Possible Action: Land Use Application 2021-06 submitted by Noa Prieve on behalf of Stilwell Trust, 6411 Sunset Drive, for a 4-unit Preliminary Plat and Declaration of Covenants Approval (parcel number 062/060-364-8990-2 (20.3-acres)).
  - a. Staff summary: Gaskell explained that the 150' setback from the center line of Sunset will be adjusted for Unit 3; Attorney Reuter explained that the Town has no authority to intervene in driveway access agreements and that the original agreement from 1991 as drafted is sufficient for the Town's purposes.
  - b. Public Comments
    - i. Driveway easement needs to be a contingency of final approval of the Plat; property sales could be affected as well as titles; contradicting language between the three documents – Declaration of Covenants, the 1991 Driveway Easement Agreement, and IATA Easement Agreement – Jim Wiederhoeft
    - ii. Legally muddy issues should not be passed onto HOA; request delay of approval until driveway access easement agreement is approved by the involved parties - Marilyn Chohaney
    - iii. Home on Unit 3 should be restricted to a single-story house – Rosemary Bodolay; Mason Swanson
    - iv. Town can only regulate building heights as a condition of the plat approval if included in a Town Ordinance; otherwise, it can be included in the Covenants, (comment from Town's Attorney)
  - c. Commissioner Comments
    - i. Agrees with setback realignment of Unit 3
    - ii. ROW dedication of Sunset should be handled prior to final approval; utility easement depiction for limited common area– not needed on plat because condo declarations reserve the right to grant utility easements as needed. The 1991 Driveway Easement Agreement also contains language related to the utility right of way;
    - iii. Building envelopes on units 1 and 2 could be expanded further east; IATA agreement needs to be consistent with other related documents

- iv. Shared access agreement for shared driveway in the limited common area – Town does not need to be involved. Attorneys for current property owners are working towards an agreement.
  - v. Declaration of Covenants:
    - 3.4 add Town approval required for any changes/mergers to unit boundaries
    - Clarify allowable/disallowable uses of residences such as child-care facilities or home offices
    - Landscape plans - If developer wants it included
    - Lighting plans should comply with Dark Sky Ordinance
    - Restriction to Single Story home on Unit 3 is up to the Developer
    - Define what is to be contained in the Building Envelope
    - Any amendments to the Covenants must be approved by the Town
    - Unit 3 mailbox will be on Sunset Drive
  - d. Motion to recommend approval of Land Use Application 2021-06 submitted by Noa Prieve on behalf of Stilwell Trust, 6411 Sunset Drive, for a 4-unit Preliminary Plat by Saalsaa-Miller, second by Paul subject to the following conditions:
    - i. Sunset Drive ROW be dedicated to the Town prior to final Plat approval
    - ii. Building envelope on Unit 3 be reflective of the 150' setback from the center line of Sunset Drive
    - iii. Building envelopes on Units 1 and 2 can be adjusted further east if desired  
Motion carries 4-0 on a roll call vote.
5. Discussion and Possible Action: Land Use Application 2021-11 submitted by Ron Klaas on behalf of Olsen Trust for a 4-Unit Concept Plat and Rezone Approval (parcel numbers 062/0608-361-9190-9, 062/0608-362-9500-2, 062/0608-361-9100-7 (21 acres in total)).
- a. Public Comments
    - i. Request setback from all outside property lines to preserve existing views (Kirsten Witte)
  - b. Commissioner Comments
    - i. Homes on Units 1 and 2 should have a setback to preserve forested view
    - ii. 30,000 sq. feet maximum clearance of trees
    - iii. Building envelopes should be added to Preliminary Plat
  - c. Motion to recommend approval of Land Use Application 2021-11 submitted by Ron Klaas on behalf of Olsen Trust for a 4-Unit Concept Plat and Rezone to MFR-08 by Maxwell, second by Mathies subject to the following conditions:
    - i. Units be deed restricted to single family homes
    - ii. Building envelopes be added to Preliminary Plat
    - iii. Shared driveway and common area maintenance shall be addressed in the Declaration of Covenants
    - iv. Development Agreement review
    - v. Sunset Drive ROW be dedicated to the Town prior to final plat approval  
Motion carries on 4-0 roll call vote.
6. Discussion and Possible Action: Recommend Approval of Adoption of the Town of Verona Draft Land Division and Development Ordinance upon Completion of the Class 2 Notification Period for Public Comment at Town Board Meeting in January 2022.
- a. Motion to approve adoption of the Town of Verona Draft Land Division and Development Ordinance upon Completion of the Class 2 Notification Period for

Public Comment by Saalsaa-Miller, second by Paul. Motion carries by voice vote.

7. Next Meeting: Thursday December 16<sup>th</sup>, 2021

8. Adjourn – 9:11 pm

Submitted by Sarah Gaskell, Town Planner/Administrator