

## MINUTES

### **PUBLIC HEARING & SPECIAL BOARD MEETING**

**Thursday, November 16, 2006**

Public present: George & Kathleen Gocht, Cara & Jean Behrendt

- 1) **Call to Order:** Pres. Deschane called the meeting to order at 7:05pm.
- 2) **Roll Call:** Members present:   President John Deschane           Trustee Duane Swanson  
  Trustee Jo Di Volk                Trustee Janis Porfilio  
  Trustee Dick Kaminski  
  
  Members absent:   Trustee Rich Porfilio  
  Trustee Kurt Kostuch  
  
  Staff present:       Clerk/Treasurer Marilyn Padgett

Pres. Deschane declared a quorum present.

- 3) **Adoption of Agenda:** Motion by Trustee Swanson, seconded by Trustee Kaminski, to adopt the agenda as presented. Vote: Ayes: 4. Motion carried.

Pres. Deschane reminded those present of his voting rights as Village President and stated that he would be exercising those rights during the meeting.

- 4) **Public Input on Ordinance No. 2006-07: An Ordinance Amending the Provisions of the Zoning Ordinance of the Village of Crivitz Relating to the Rezoning of Property (Parcel #121-01577.000):** The Clerk read the ordinance into the record and verified that notice and publication requirements were met. Also read into the record was a letter from Ronald Middleton, owner of Westwood Meadows Mobile Home Park, who stated he is not opposed to the re-zoning.

Cara Behrendt, a property owner in the area, expressed concern about potential future uses if the property is re-zoned from R1 to R2. She said she was not necessarily opposed to Mr. Gocht's proposed project, but that if he should ever sell the property, the new R2 zoning would allow other uses. George Gocht explained that his long-range plan is for 4 CBRF facilities, but that this request is for only one of the lots and one facility, the same type of building that was submitted at the first hearing. He also explained that the CBRF must go by state regulations and have state inspections. Cara Behrendt expressed concern that the original re-zoning request included 3 lots, and that only one lot is included in the new request to avoid having to directly notify neighbors. She felt it seems like sneaking it in and is afraid that once the one lot is re-zoned, it may snowball. Jean Behrendt added that in the future the property could be sold at a profit and the future use could be drug rehabilitation or some other use that would reduce surrounding property values. She also stated she is not worried about Mr. Gocht's proposed project, but about future potential uses of the property that would be allowed under the new zoning.

Board members discussed the issue at length, and several noted that the specific project is not being considered; rather, it is the re-zoning of the property. Members agreed that in the absence of a conditional use permit option for a CBRF, the only way to facilitate Mr. Gocht's project would be to consider re-zoning the property, which was confirmed by a memo from

Attorney Calvert. Trustee Janis Porfilio stated that she is against re-zoning residential properties and feels that when a person buys property in a residential neighborhood, they have a right to expect that the village will protect that zoning. Pres. Deschane stated that the proposed re-zoning is also for residential use, and not commercial or industrial. Several board members discussed the possibility of putting restrictions on the property, such as limiting use to a CBRF facility, however, it was noted that this could not be done via re-zoning. Once the property were to be zoned R2, the owner must be allowed to use the property in any way allowed by the zoning classification, with no additional restrictions. Pres. Deschane stated the village is presented with an opportunity to have a CBRF, similar to those in Coleman and other municipalities, and that there would never be a home built on the subject parcel. The owner wants to make an investment on this parcel, from which he would benefit, but the village would also benefit. He compared the concern about the number of people to be housed in the proposed CBRF with the 13 members of his family that were raised in one home, which is allowed under the R1 zoning classification. He also pointed out that the subject property is already surrounded by duplexes. Trustee Kaminski noted that this request is not for spot zoning, it is extending the R2 district from across the block. Trustee Volk stated she spoke with staff members at work who told her that CBRF's are often misunderstood facilities. There are not a bunch of loonies or druggies in these facilities. Pres. Deschane stated that he agrees there is a degree of risk in re-zoning, but in his opinion it's worth the risk to give the opportunity to Mr. Gocht to do the project. Trustee Gocht thanked those members of the board who took the time to visit the property and speak with him about the proposed project.

- 5) **Ordinance No. 2006-07:** Motion by Trustee Swanson, seconded by Trustee Kaminski, to adopt Ordinance No. 2006-07: An Ordinance Amending the Provisions of the Zoning Ordinance of the Village of Crivitz Relating to the Rezoning of Property. Roll call vote: Kaminski: Yes, Volk: Yes, Swanson: Yes, Janis Porfilio: No, Deschane: Yes. Motion carried.
  
- 6) **Adjournment:** Motion by Trustee Kaminski, seconded by Trustee Volk, to adjourn the meeting at 7:47pm. Vote: Ayes: 4. Motion carried.

Respectfully submitted,

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John J. Deschane  
President

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Marilyn L. Padgett  
Clerk/Treasurer