

## **VILLAGE OF RAYMOND SPECIAL MEETING MINUTES**

### **February 6, 2024**

The Village Board of the Village of Raymond held a Special Meeting on Tuesday, February 6, at 6:00 PM, at the Village Hall, 2255-76<sup>th</sup> Street, Franksville, WI 53126.

The meeting was called to order at 6:00 p.m.

On roll call, President Morgan, Mike Thelen and Keith Kastenson. Doug Schwartz and Bill Wilson were excused. Also present were Zoning Administrator Orrin Sumwalt and Village Attorney Luke Martell.

1. Discussion/Decision regarding the status of the application according to Village Zoning Ordinance sec. 20-20(a) of Joseph Altenhoff (Arc Design Resources, Inc.), 5291 Zenith Parkway, Loves Park, IL 61111: Consideration of a request for an amendment to the Village of Raymond 2035 Comprehensive Plan to change the Future Land Use Map designation from industrial/business park use to commercial use for a Road Ranger travel center on property located at 2058 27th Street (Property owner: 7 Mile Fair, Inc.). Tax Parcel No 168-04-21-13-001-000. Subject to Village Zoning Ordinance sec. 20-20(a), the Village must determine that this application is not substantially the same as the applicant's application that was denied on May 22, 2023.

Village Attorney Martell explained the process for the decision-making hearing of the narrow question of substantial difference as a quasi-judicial process with evidence to be provided by the Zoning Administrator and Road Ranger. The board would then have the opportunity to ask questions regarding the evidence, and then the hearing would be closed, and the Board would deliberate and make a decision based solely on what was said at the hearing, and the written records provided. He stated that with a quorum of three present, a majority of the quorum (two votes) was required for the decision.

Zoning Administrator Sumwalt related the sequence of events to date, including the prior submittal and denial, and the subsequent submittal in January with the ordinance in question. He briefly went over the memo and chart provided by Foth comparing the original submittal in 2023 to the one submitted in January of 2024. He described differences in landscaping and berms, as well as fewer truck parking spaces representing a decrease of approximately 11%. He also stated that new hydrogeologic and sound studies were provided.

The Attorney for Road Ranger, Jeffrey Liotta, then spoke. He advised the board that there were two components to the decision, a legal one and one based on the changes and updates to the submittal. He would speak to the legal component and the Road Ranger representatives would then provide the information on the proposed changes.

Mr. Liotta stated that Road Ranger had listened to the Board and the residents and expended \$70,000 to address the prior design deficiencies. He stated that code 20-20(a)

should not apply due to lack of appropriate metrics for determining what constitutes a substantial difference.

Steve Vanden Noven from Road Ranger then began a power point presentation describing the changes that had been made from the prior submission, including extensive hydrogeologic and sound studies and adding mitigating factors to the design. He also described a decrease in the number of truck parking spaces, changes to the landscaping and a 100' conservation easement on the west side of the property. He also presented a printed copy of the power point presentation to the Board members and Village staff.

The Board then asked questions. Keith Kastenson asked if the choices were only to hear the matter in February or June, because not all of the Board members were available for the February meeting. Village Attorney Martell stated that Road Ranger had requested the February date, and so if it was decided that the application was not substantially the same the Public Hearing should proceed in February, and that if it was decided it was substantially the same, the earliest application could be made would be after May 22<sup>nd</sup>, and so June was the earliest possible meeting. If the application was to go forward, the issue of the February meeting could be addressed, but at this time the question of substantial changes should be the focus.

Mike Thelen stated that some of the items that were called a substantial change would have needed to be done anyway on the initial submission and were not substantial changes. President Morgan asked to clarify that there were no changes to the building or what is inside it and no changes to the essential layout, and Steve Vanden Noven said that is correct. Mike Thelen said the papers show a proposed 160' conservation easement for both 2023 and 2024, and wondered why that was considered a change. Jeffrey Linkenheld from ARC Design responded that the easement was 100 feet, and the change was that it would be codified and added into the plat before the February meeting. President Morgan asked if there was a reduction of 8 or 10 parking spaces, and Steve stated it would be 10, which was confirmed by Orrin to be a 11% reduction. The hearing was then closed.

The Board then deliberated on the decision. President Morgan stated that many of the changes were not actually changes, and that it looks like exactly the same plan with more studies and an additional berm and easement, and that she did not see a substantial change. Mike Thelen stated that a change of square footage would be substantial and that moving trees and bushes and a berm would not be substantial changes. Substantial changes would include architectural building and total plan change, although the reduction in parking spaces was some cost value. Keith Kastenson stated that substantial is a person's opinion. President Morgan stated that a 11% reduction in parking spaces was not substantial in her opinion, but maybe 25 or 50% would be substantial, and that the whole plan has not substantially changed. Mike Thelen said that access hadn't changed and everything was essentially the same. Keith Kastenson said if you consider the exterior of the building it is a substantial change, but that the building and parking lot were not. President Morgan stated that the biggest part of the project is the building and parking lot. She said she appreciated that they tried to address the concerns, but that it did not constitute a substantial change in her opinion. Mike Thelen said he agreed.

President Morgan made a motion that the application presented is substantially the same as the one denied by the Village Board on May 22, 2023, and therefore, according to Village code, could not be resubmitted until after May 22, 2024. Mike Thelen seconded the motion. Motion carried 3/0.

2. Discussion/Decision regarding 2024 Paving Program Recommendations

The recommendation was based on a memo from Mike Yeager of 108<sup>th</sup> Street from 2 Mile Road north to 3 Mile Road as the base bid, with an alternate bid from 3 Mile Rd to Cth K. Motion to approve on a Kastenson/Thelen motion. Motion carried 3/0.

The meeting was adjourned on a Thelen/Kastenson motion at 6:51 pm.

Minutes respectfully submitted,

Barbara Hill  
Village Clerk/Administrator