

**VILLAGE OF HARTLAND
JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES
MONDAY, MARCH 16, 2015
7:00 PM
BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

Present: Ryan Amtmann, David deCourcy-Bower, Tim Hallquist, Dave Lamerand, Jim Schneeberger (new member, first meeting), Randy Swenson and Jack Wenstrom.

Others Present: Administrator Cox and Deputy Clerk Meyer. Absent and excused: Building Inspector/Zoning Administrator Scott Hussinger.

Roll Call

Chairperson Lamerand welcomed the new Plan Commission member, Jim (Chip) Schneeberger.

1. Motion (Hallquist/deCourcy-Bower) to approve the Jt. Architectural Board/Plan Commission Minutes of February 16, 2015. Carried (6-0-1). Swenson abstained.
2. Architectural Board consideration of an application for the construction of a 24' x 30' detached garage at 518 E. Capitol Drive.

Applicant: Jane Schutte, 518 E. Capitol Drive, Hartland, WI 53029

Contractor: J. D. Griffiths, 8401 W. Calumet Road, Milwaukee, WI 53223

Mr. & Mrs. Schutte were present.

The proposed structure is located in the rear yard and meets the five foot minimum setback. Scott Hussinger will confirm in the field that the height is not higher than the 15 foot maximum. The proposed building is 720 s.f. The Commission was asked if they would want to require any windows in the structure. The plan shows a human door, along with the garage door, but no windows. The Commission decided that windows would not be required.

Motion (deCourcy-Bower/Swenson) to approve an application for the construction of a 24' x 30' detached garage at 518 E. Capitol Drive. Carried (7-0).

3. Architectural Board consideration of an application for placement of a mural by Marlene Millevolte, Lake Country Fine Arts at 112 W. Capitol Drive

Owner: Behrend Property, LLC., 220 E Capitol Dr., Hartland, WI 53029

The owner of Lake Country Fine Arts currently has a mural on the building at this location. The proposed mural, which is partially underwritten by the Hartland Business Improvement District, is intended to highlight the Village's ice age history and its

connection to the Ice Age Trail. The Hartland BID is leading an effort supported by the Village to get the Village named as a Trail Community by the Ice Age Trail Alliance. If named, Hartland would likely be the second such community in the State. The designation will improve the partnership between the Village and the Alliance and lead to cross marketing of events and activities. The Hartland BID has reviewed and approved the current design with the condition that the proper Trail Community logo be placed adjacent to the mural.

Ms. Millevolte stated that she would like to have the project finished by May 15, at which time she will hold an art show in conjunction with Hartland/Lakeside Schools. The mural will have some 3-D features, namely all the animals, rocks and trees. Originally, plywood was going to be used on the mural, but a plastic product was recommended to Ms. Millevolte and she will be investigating that product this week at Midwest Plastics in New Berlin. She has secured permission to use the Ice Age Alliance logo on the mural, but is investigating to see if it can be a painted logo or if it needs to be a pre-fab sign.

Motion (Hallquist/Swenson) to approve an application for placement of a mural by Marlene Millevolte, Lake Country Fine Arts at 112 W. Capitol Drive. Carried (7-0).

4. Architectural Board and Plan Commission consideration of proposed **façade** modifications, CSM and plan of operation including outdoor dining for a proposed restaurant at 122 Cottonwood Ave.

Applicant/Owner: Cottonwood Investments, d/b/a Beer Snobs, Inc., 724 Winston Way, Hartland, WI 53029

Contractor: Michael Thomas Development, 154 Granville Rd., Cedarburg, WI 53012

- a. Review and consideration of proposed Plan of Operation including outdoor dining and parking.

Steve Berger presented a plan for a restaurant with outside dining. The building was built in 1911. Complete renovation of the exterior and interior will include the addition of garage door (to be used as a passageway to the outdoor dining area); additional exists to go out to the paved patio on Haight Drive and significant windows along both facades.

The CSM frames the concept behind the outdoor dining. Ordinarily when looking at a potential of re-division of property, the Village would clear up some rights of way issues and would ask that the owner dedicate right of way that is currently being used in that fashion. Staff had a number of discussions with the applicants about that and how such a dedication would interplay with outdoor dining. Ultimately, staff decided perhaps in this instance it would be better to leave in the private property as it exists today. The public use of the parking spaces there is essentially a hand shake deal between previous members of Village staff and Mrs. Herrick's father. Current staff is suggesting that it remain

in private property and the parcel simply be divided in two to facilitate the sale of the building. Staff supports the concept of the outdoor dining, with appropriate limitations in their plan of operation. The Village would ask for an easement to be represented, either on the CSM or via separate document, showing a public walkway in the area. Staff also suggests that there be a color variation in the concrete so that it's easy to see where the two spaces are. It leaves 10 vs. 12 parking spaces. To clarify, the walkway would be between the building and the patio. The reason for that is to align it to the pedestrian walkway to the east. Staff did not see a problem with the little bit of cross-traffic that would go on.

The applicant will plant trees in the patio area and string lights on them at certain times of the year.

The plan is to have a sign on the north and west sides of the turret. There will not be an overhanging sign.

Mr. Berger is hoping to be open as soon as possible – June or July. With a building this old, the start of demolition will show what needs to be done.

Right now the door faces Cottonwood Avenue. The applicant looked at doing a cut-out, but the architect recommended that, with the elevation of the property, they will probably just put a canopy or an atrium and not do a cut-out. The door will be on Haight Avenue.

Officially, this restaurant only needs to have 12 parking spaces, including the three on the street and the seven down below that would be dedicated to the restaurant -- that's ten. There are 140 spots for public parking in close proximity of the restaurant that adds to the initial 10 spaces.

Staff's suggestions for the property:

- Allow the property to remain private rather than request a right-of-way dedication.
- An easement to the Village for the benefit of the public should be required to allow public access to a six foot wide sidewalk adjacent to the building, which the restaurant could not block and would be required to keep clear during the winter.
- When the area concrete is reconstructed, the patio area should be a distinctive color separate from the sidewalk and the curb area so that the area of the outdoor dining and the sidewalk is clearly defined.
- Appropriate fencing, railing or other protection should be placed around, at minimum, the street side of the outdoor dining area.

Mr. Berger stated that on the weekends they would be open Friday and Saturday until 1:00 AM. He has received requests to be open for lunch (at least on Fridays), and on week days they would be open from lunch to 10 or 11 PM.

There are not many residential units in the area, so late hours should not be a conflict in that respect.

The Commission will reserve the right to annually review the hours for the outside dining. Mr. Berger stated that the outside dining equipment will be high quality wrought iron tables and chairs. They will be chained and locked together over night – not brought inside for storage. They will be stored inside after the outside season ends.

Motion (Hallquist/Swenson) to approve the plan of operation including outdoor dining and parking for a proposed restaurant at 122 Cottonwood Ave., contingent upon staff/Plan Commission recommendations and a periodic review of the outside dining area. Carried (7-0).

- b. Review and consideration of Certified Survey Map to divide the properties.

The owner of the property and the proposed purchasers of 122 Cottonwood (SE Corner of Cottonwood and Haight) have proposed a CSM to divide the property, which is currently in condominium ownership with the building to the south.

The small bit of space between the buildings will be shared space, with a walkway and an additional exit. The two buildings will continue to share the dumpster area behind both buildings. There is also a cross-easement that allows intrusions into that space for equipment in the buildings (i.e. vent hoods, etc.).

Ryan Amtmann stated that he has not seen the CSM until tonight, so approval should be contingent upon a completed review.

Motion (deCourcy-Bower/Wenstrom) to recommend to the Village Board the Certified Survey Map to divide the properties, contingent upon Ryan Amtmann completing his review. Carried (7-0).

- c. Review and consideration of the proposed façade improvements.

The original thought of installing a projecting sign has been changed to having two wall signs on the turret – one on the north face and one on the west face. There will be lights projecting on the sign -- it will not be backlit. The lighting will be on a timer. The sign will be brought to the Arch Board for approval in the future.

The façade change has been approved by the Business Improvement District. The building color will be Texas Burnt Orange and black or white around the windows with cedar trim. The roof will be a black dimensional shingle.

Motion (Hallquist/Swenson) to approve the proposed façade improvements for 122 Cottonwood Avenue. Carried (7-0).

5. Architectural Board and Plan Commission concept review and consideration of an application for site and building plans and Conditional Use Permit for construction of a car wash expansion/addition for the property located at 400 E. Industrial Drive.

Applicant: Hartland Service, 400 E. Industrial Dr.

Property Owner: Michael & Debra Kusch, N65W30981 Beaver Lake Rd., Hartland, WI 53029

Architect: MSI General, P O Box 7, Oconomowoc, WI 53066

Based on the Plan Commission's comments from the February meeting, the owner has returned a new concept plan that does not include a second building or a retail use.

The new concept proposal includes an expansion of the carwash similar to the original proposal, except the wash bays are oriented east/west instead of north/south.

Staff and the Plan Commission were concerned with the carwash exit on the east side and how headlight and noise impacts will be reduced for properties on Cottonwood. Additionally, traffic flow will be of concern especially as it relates to the existing entrance off of Cottonwood and traffic congestion on the south side of the existing building where the emissions test occurs.

The applicant brought a 3-D rendering of the new concept. It shows an expansion of the existing building, without the additional buildings on the lot. Keeping everything under one roof addresses storm water management, the green space issue and better fitting of the B-2 zoning. The traffic pattern will be clockwise around the building. The parking issue has been addressed by eliminating the retail space. The existing rear building will be removed. The parking stalls on the north side would be used for employee parking.

The emissions station will stay where it is – it needs to be at the front door.

Administrator Cox mentioned that in the area of the emission testing, there is two-way traffic, plus the emission testing lane, which faces the "wrong" way. Mr. Cox asked if the applicant thought they should make the Cottonwood drive an "out only" driveway and Industrial an "in only". Mr. Kusch stated that he didn't think the amount of traffic would warrant that. Both driveways will be widened to 30 feet. There is 36 feet between the parking stalls and the building, which make for 3 lanes of traffic. Proper striping and signage should alleviate any traffic problems.

When people use the carwash for the first time, they will see that next time they will want to enter from Industrial Drive rather than Cottonwood Avenue.

The existing carwash will become shop workspace. There are a dozen spaces inside for cars right now. The new addition will add space for six more cars. The new shop space will be for antique cars, street rods and detailing. Initially, four lifts will be constructed in that space.

Mike Kusch explained that the new carwashes will be quieter than the old one. The blowers will be inside the bay by almost 30 feet – that should minimize the noise. The other bay, similar to the carwash he has now, will have the blowers be inside by ten feet and there will be curtains to help dry the car after the blowers. The present carwash blowers are at the door. Technology has changed and today's blowers are quieter. The information from the manufacturer says that the new blowers will be 15 – 20 decibels quieter than the old ones. The current ones are 75 decibels at the street level; the new ones will be about 55 decibels.

The elevation coming out of the carwash is already two feet below Cottonwood Avenue. The landscape buffer plan has a two foot tall berm with plantings tall enough so that headlights coming out of the carwash won't affect the homes on Cottonwood.

Staff recommends the issuance of a Conditional Use Permit for the carwash as required by the Zoning Code.

Motion (Swenson/Wenstrom) to approve a concept review of an application for site and building plans for construction of a carwash expansion/addition for the property located at 400 E. Industrial Drive. Carried (7-0).

6. Architectural Board and Plan Commission review and consideration of a plan for construction of a 32-bed Memory Care CBRF and related Land Use Plan Amendment, Zoning, Conditional Use and Certified Survey Map for the properties located at 430, 438 and 444 Merton Ave.

Applicant: JPS Limited, LLC, 126 E. Prospect Ave., Hartford, WI 53027

Architect: Trio Engineering, 12660 W. North Ave., Brookfield, WI 53005

- a. Consideration of Site and Building Plans and CSM
- b. Consideration of proposed Conditional Use Permit

This is the second review and this plan contains more details than last month's review.

There were comments from the neighbor to the south who was concerned about the dumpster placement in relation to his property.

The applicant said that the dumpster will be located at the southern part of the property. He was directed to properly screen the dumpster enclosure so that it is attractive from the neighbor's view.

Based on the initial review, staff recommends that any outside mechanical units should be placed away from residential properties and properly screened. Additionally, staff suggests a review of operational activities to ensure that parking and deliveries are accommodated, that refuse storage is properly located and screened from adjacent properties; and that snow removal and similar issues are addressed.

- c. Motion (deCourcy-Bower/Hallquist) to set a Public Hearing to consider the proposed Conditional Use Permit for April 20, 2015. Carried (7-0).

7. Items related to proposed development of the Four Winds West Subdivision:

- a. Consideration of a preliminary plat for Four Winds West

Jim Sileno mentioned that the plat has not changed much since last month's review, except for the street names.

The storm sewer will collect the water off of the streets and from some of the lots, which will carry the storm water primarily to outlet 3 and also to outlet 1. Lots 11 & 12 will drain to the street area. Lots 13 & 14 grading plan shows drainage to outlet 2 recharge basin. If Mr. Haertle grants permission, Mr. Sileno would like to remove or cap off the corrugated pipe under his driveway and raise the grade at the property line to force the storm water to stay on the Four Winds West property. The same thing was done several years ago in the original Four Winds Subdivision with the property to the east of Swallow School. Natural runoff from some of the backyards will go into outlet 2, but not street water.

Mr. Sileno has sent a letter to Arrowhead High School notifying them that they have 15 days to respond if they have any need to share the pond in outlet 3 for their own drainage. The purchase agreement with the Vilters stated that if needed, AHS could use some of Four Winds retention ponds. AHS keeps changing their minds on how they are progressing in lieu of their funding source. Mr. Sileno also asked them if they have a need for a water utility on their site. They also have availability of water off of Highways K & E if they wish. The first phase of the fields will have portable outhouses. It seems they have no plans at this time for sewer or water. Mr. Sileno has asked them to clarify things with their landscaping along their northern property line and if there could possibly be cooperation to utilize their planned access road in the future.

At first Arrowhead was going to go with infiltration turf fields, but now they found that it would be less costly to have the water collect into a pipe system and empty into one of the Four Winds retention basins. There is Town zoning that requires them to buffer their parking lots so their lights do not shine onto residential properties.

David deCourcy-Bower mentioned that in the existing Four Winds Subdivision there are outlots around practically all of the residential lots. This development does not have that, so there is a difference between the two developments. Some outlots could be placed at the rear of the lots on the northwest side to create a buffer in those areas. What kind of pedestrian access will there be in this subdivision? Chairperson Lamerand stated that this subdivision will have sidewalks instead of walking paths. Mr. deCourcy-Bower mentioned that the concept of outlots with walking space has been used in almost every development on the north side of town. That is absent here.

Mr. Lamerand stated that the other subdivisions have no sidewalks. In place of sidewalks they have outlot paths. In this subdivision, where would the trail go to? To the south are the Arrowhead sporting fields. The land to the north is not intended to be developed and is private property; however, there are provisions with the right-of-way to the north. Mr. Sileno added that between lots 15 & 16 we have a 30 foot access into outlot 2 which represents 4 ½ acres of land. We do have a trail in outlot 3, which is another 6 ½ acres, and also the outlot at the entrance area.

Mr. deCourcy-Bower stated that given the concern of the property owners to the west, would we not want to put some kind of buffer between the properties?

Mr. Sileno answered that if we create an open space behind lots 12, 13 and 14, it would give 48 people the rights to access that area, which goes into the woods and eventually to Beaver Lake. It would be better for the Beaver Lake residents to deal with three homeowners than the rights of 48 homeowners and their children to be in that area.

Mr. deCourcy-Bower said that green space with paths is a design concept that we have used in other areas of the Village.

Paul Rabb of Beaver Lake Road asked that a buffer area could be held in an undeveloped state controlled by the developer. That way there won't be a swing set put there. Mr. Sileno said he would not let that happen.

Chairperson Lamerand stated that this plan meets our goals and objectives. He did not see a benefit to adding open space.

- b. Consideration of a request to rezone the property to RS-1 Single-Family Residential.

Applicant: Jim Sileno, SCI Real Estate, 5429 N 118th Court, Milwaukee, WI 53225

Property Owner: Clark/Joy Vilter, N56W30020 Highway K, Hartland, WI 53029

Motion (Lamerand/Swenson) to conditionally approve the preliminary plat for Four Winds West and to rezone the property to RS-1 Single-Family Residential. Carried (6-1). deCourcy-Bower voted No.

8. Plan Commission review and consideration of an extraterritorial Certified Survey Map for properties owned by Force Properties, LLC located in the Town of Delafield at W293 N3080 Poplar Dr.

The owners of a site in the Town of Delafield are requesting approval of a Certified Survey Map being used to combine three properties into one parcel. It is noted that the existing Town road seems to encroach onto the property and that the driveway for the property seems to be encroaching on the neighbor's land. This latter situation was likely created when the Town vacated a platted but undeveloped road in which the driveway was located. Both of these are matters for the Town, but are worth noting.

Motion (Wenstrom/Hallquist) to recommend to the Village Board approval of an extraterritorial Certified Survey Map for properties owned by Force Properties, LLC located in the Town of Delafield at W293 N3080 Poplar Dr., addressing to the Town the two items discussed. Carried (7-0).

9. Discussion of conceptual TIF #4 adjustments and potential creation of TIF #6 including review of projected time line.

Administrator Cox referred the Commission to his January 9, 2015 memo regarding what is going on with TIF District #4. The existing TIF District #4 was created in 2008, (a diagram was handed out) and it was revised in 2011-2012. TIF #4 has been in a negative increment position because of changes in the economy and changes in property values since the 2008 designation of the base value. There are only five parcels that have gained value since the base time and the balance have lost value.

The two parcels associated with the Emanuele and Haut building (130 E. Capitol and 140 E. Capitol) are the ones that have seen development and seen change based on development as opposed to just on inflationary changes. The proposal that we discussed with the Village Board in January is to further reduce the size of TIF #4 to the size you see in the diagram – a site-specific increment district serving only the Emanuele buildings. That's been discussed with the Joint Review Board of TIF #4, who is amenable to that concept. They are continuing to favor more site-specific districts anyway, as opposed to very large districts.

TIF District #4 would be revised to where it would have an increment immediately upon the next tax year of just shy of \$1 million, as opposed to being \$300,000 in the hole.

The most important thing is that it begins to pay off the obligations that exist related to the construction of the parcels – the loans that were made—and begins to honor the deals and the plan that was put in place.

The Village would then propose to create a new TIF #6 that would likely have a January 1, 2015 date and would reflect the site and the project associated with the Riverwalk.

There is some public infrastructure that needs to go in on Lawn Street and into the site to accommodate fire flow and to improve water flow in the area. There is infrastructure on the river walk itself and the bridge over the river. At issue right now is identifying what the developer's support would be in the project and the right number for that. The Joint Review Board is amenable to the creation of a new TIF #6.

The Plan Commission will hold a Public Hearing, hopefully within a few weeks. Staff will undoubtedly ask the Commission to meet on a special night that will be coordinated with you. We are trying to move TIF #6 along so that project can get underway as soon as possible.

The question was raised as to how our ability is affected to fund the areas that are now outside the current TIF Districts?

Mr. Cox stated that there are provisions in the law that allows improvements to take place outside of the district that benefit the district. There are distance requirements and benefit requirements. The pedestrian bridge and the river walk pathways would fit into this category. As we go into some final reviews, we could take a look at some other possible parcels that we might possibly want to include in TIF #6. We do want to have the flexibility to be able to fund some of the properties around this area.

Adjourn

Motion (Hallquist/deCourcy-Bower) to adjourn. Carried (7-0). Meeting adjourned at 8:35 PM.

Respectfully submitted by

Recording Secretary,

Lynn Meyer
Deputy Clerk