

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES
MONDAY, NOVEMBER 19, 2018
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

Present: Jeff Pfannerstill, Ann Wallschlager, David deCourcy-Bower, James Schneeberger, Tim Fenner, Jack Wenstrom, deCourcy-Bowe and Tim Hallquist.

Others Present: Administrator Cox, Building Inspector Hussinger and Deputy Clerk Bush y.

Call to Order-

1. Consideration of a motion to approve the Jt. Architectural Board/Plan Commission Minutes of October 15, 2018.

Correction to made in 1st paragraph on page 10 regarding vote totals on emergency access to be added at future date once the County provides more input. It should be 5-1 not 4-2.

Motion (Hallquist/Fenner) to approve the Jt. Architectural Board/Plan Commission minutes of October 15, 2018. Carried (6-0). With 1 abstention, deCourcy-Bower.

2. Architectural Board review and consideration of an application for an addition to the Seufert residence, 1197 Four Winds Way.

Jeff Seufert explained they would like to add a sunroom. He said it will be a partial excavation not a full excavation. He said it will add approximately 400 sq. ft. and has been approved by the HOA. The siding will be smart siding and the material will be consistent to the existing siding. Building Inspector Hussinger stated it meets all the zoning requirements.

Motion (deCourcy-Bower/Wenstrom) to approve the application for an addition to the Seufert residence, 1197 Four Winds Way. Carried (7-0).

3. Plan Commission review and consideration of actions and items related to The Glen at Overlook Trails, a condominium development on the property located at and adjacent to N56 W28628 CTH K (Lisbon Road). Actions and items include annexation, zoning of the property, Planned Unit Development and Upland Conservancy Overlays and Preliminary Plat.

Administrator Cox said at the last Village Board meeting they took some incremental steps to move the project ahead and give direction to the Plan Commission & developer as it relates to a variety of items which:

- Concurred with the Plan Commission to eliminate vehicle & pedestrian to Southern Oak Drive.
- Took action to agree that the emergency access will be off of CTH K.
- Agreed with Plan Commission that will include public roads with connectivity to the NE.
- Village Board is willing to use Eminent Domain if good faith efforts fail between the developer and property owner to acquire underground utility access easement.
- Village Board gave 1st two readings of the ordinances to be adopted for annexation and zoning.

Administrator Cox told the Plan Commission they were given a draft copy of the Planned Unit Development agreement for their consideration along with a copy of a document titled Meeting Considerations 11-19-18. He said they will need to make recommendations on the bolded items in the Meeting considerations 11-19-18 document which include:

- **Make a final recommendation that the property as described in the annexation petition should be annexed from the Town of Merton subject to any comments received from the Department of Administration.**
- **Make a final recommendation that the property should be zoned as RS-1 Single Family Residential District with a PUD overlay on the entire site and Upland Conservancy Overlay (UCO) on the northwestern INRA portion as shown in the zoning exhibit.**
 - Related to the PUD Overlay, **the Plan Commission should also make the following findings and conditions** related to the Project, based on the proposed plan as delineated in the PUD Agreement draft previously distributed.
 - Further related to the PUD, **the Commission should determine that in order to protect the INRA and allow development at acceptable densities, the Commission recommends, as it relates to this development, that Village Code section 46-235 regarding lot area and width be waived and the area devoted to residential units shall be as defined on the Condominium Plat and that section 46-237 regarding yards be waived except that residential units may not be constructed closer than fifteen (15) feet from the Right of Way nor closer than twenty (20) feet from each other.**
- **Recommend approval of Site plan.**
- **Recommend approval of a proposed Condominium Plat conditioned on the updating of the preliminary Condominium Plat to match the approved site plan and expected Rights of Way**

He said he also included 2 paragraphs at the end of the document that talk about the future. He went on to say there are some steps that will occur on this development both beyond Village Board approval in November and December that relate to the final steps of this design which all hinge on the final engineering. He said traditionally they have at this level approved a preliminary plat and then ultimately a final plat would get approved. He said in between those 2 steps is the

engineering that gets completed and the possibility exists that something might get moved a little bit between the prelim review and the final review based on the engineering. He said in this situation we will have a substitution for a final plat, a csm that would accomplish taking what is now 2 lots and turn it into some number of lots that would include the dedication of rights of way, which can be done by CSM and can't be done by final plat and would carve out 3-5 individual parcels that would constitute them the condominium. He said that CSM would serve in place of a final plat in this case. Then there will be final condominium plat that will get approved at that same time which then brings us to the last step, and the Village Board could at that point approve the Planned Unit Development because all of the pieces would be in place including the engineering. He said he wanted the Plan Commission to get a sense of what would be tonight and would be in the future. You will see this come back once engineering is done for final approval.

Pfannerstill read the first two items in bold and said they should take care of those first as they have already gone over and voted on them previously:

- **Make a final recommendation that the property as described in the annexation petition should be annexed from the Town of Merton subject to any comments received from the Department of Administration.**
- **Make a final recommendation that the property should be zoned as RS-1 Single Family Residential District with a PUD overlay on the entire site and Upland Conservancy Overlay (UCO) on the northwestern INRA portion as shown in the zoning exhibit.**

Administrator Cox asked for clarification on the INRA boundary and said they should make a final determination on the boundary line and suggested that the developers put the Upland Conservancy Overlay in its own lot. There was brief discussion on the common element. deCourcy-Bower said the bottom line is that it seems like the majority of the INRA is being preserved. Pfannerstill asked if there were any more discussion on the annexation and zoning and there were none.

Motion (Wenstrom/Fenner) recommend approval on both items of annexation and RS-1 zoning as read originally. Carried (7-0).

Pfannerstill read the next item to be addressed:

- Further related to the PUD, **the Commission should determine that in order to protect the INRA and allow development at acceptable densities, the Commission recommends, as it relates to this development, that Village Code section 46-235 regarding lot area and width be waived and the area devoted to residential units shall be as defined on the Condominium Plat and that section 46-237 regarding yards be waived except that residential units may**

not be constructed closer than fifteen (15) feet from the Right of Way nor closer than twenty (20) feet from each other.

Motion (Pfannerstill/Hallquist) as read to move forward with the determination to change to Village Code section 46-235 regarding the lot area and the widths that would be waived, so that it is possible for the lots to exist, with the standard right of ways being as wide as they are and the 20 ft. distance from each other.

deCourcy-Bower asked if they are changing the zoning code, to allow the PUD lot size.

Pfannerstill said they are making it RS-1 Zoning but they are waiving the standard setbacks because the right of way is going to be 60 ft. wide. Carried (7-0).

Pfannerstill said the next 2 items to be addressed are to recommend approval of Site Plan and recommend approval of a proposed Condominium Plat conditioned on updating of the preliminary Plat to match the approved site plan and expected rights of way.

Hussinger asked Administrator Cox why the Site Plan has a common element boundary, and why would the Village care about that if this is a condo plat. And he also asked if he is looking for strict enforcement from him, which could be problematic. Administrator Cox said no, the Site Plan is the basic plan for the site and it outlines the understanding between the parties. He said the final condo plat that will show all those details, and this particular one just happens to show the common element boundary.

Wallschlager asked about the walking paths. Cox said the one by the street is a newer addition to the plan reacts to the Villages goal to have a continuous pathway. The topic of paved paths was brought up and Administrator Cox said the Plan Commission should talk about that and come to an agreement. He said in Windrush for example every path is paved but the environmental areas are not paved. Fenner asked what is used for paths in the environmental areas, and Administrator Cox said either chipping or nothing.

The subject of who will take care of snow removal for the paths was brought up and discussed. The developers said they are happy to comply with whatever the policy is, they just would like it to be a consistent one. However they felt the area that is utilized by the public should be maintained by the Village. Matt Neumann said if they have to maintain both paved paths that they were thinking of putting in, he said he would rather remove the path at the most southern most part and just keep the path that is closer to the homes. He said it makes more sense to keep the integrated trail rather than the Hwy K one.

It was also brought up that there is no need for a sidewalk at the entrance. Schneeberger asked how wide the paths would be and Mr. Neumann said they typically do 6 ft.

Pfannerstill asked the Plan Commission if would throw things off with the last 2 items if they gave the engineer time to give input. Administrator Cox said it is a general site plan knowing that

will be an exhibit attached to the PUD that has detailed engineering. Fenner said the approval could be done with subject to the conditions that the walkways be redone to satisfy engineering concerns.

Mr. Neumann said getting a conditional approval is meaningful to them whereas tabling it a month would have an impact on them and hurt the timeline.

Motion (Fenner/deCourcy-Bower) to approve the Site Plan as submitted conditioned on elimination of dual paths on southern portion and location of 1 path site and conditions to be determined subject to engineering input. Carried (7-0).

deCourcy-Bower asked how they as an entity handle the stub road off to the Northeast. His said his point is that he doesn't want another road that doesn't connect to a subdivision. He said he disagrees that the road doesn't go through (Southern Oak) but would like something saying the stub road in the Northeast corner would go thru. Pfannerstill said a sign, saying the road will go through at some point would let people know it will go through. Neumann said a practical suggestion after his talk with the county is to not put a stub there but Wallschlager said it should be kept there. There was discussion on what to do with the stub road, it was brought up not to have the 2 driveways there and Hussinger said they like to have the hammer head there for the trucks to plow it. Neumann said they can work with engineering to move the 2 driveways.

Next item addressed was to recommend approval of a proposed Condominium Plat conditioned on the updating of the preliminary Condominium Plat to match the approve site plan and expected Rights of Way.

Motion (Fenner/Schneeberger) to recommend approval as conditioned on the updating on the preliminary Condominium Plat and adding the condition that on the CSM they divide the site and they dedicate the right of way. Carried (7-0).

Mr. Neumann said he had a few things he wanted to talk about that weren't bolded items.

He said under H, he would like the second word stricken, and Administrator Cox said that is in the Village Code and they explained what it meant in that sentence. The other one that was briefly talked about was the overlay. He said they have storm water facilities in the INRA because that is a low point on the site and they are trying to make sure they control the water so it doesn't go to the west. They want to make sure those storm water facilities are going to be built and since they are going to have to remove some trees, he wanted to make sure it doesn't come back and say they can't be built. Pfannerstill said it is imperative that they are built.

Motion (Fenner/Wenstrom) recommend approval as presented items A-R. Carried (7-0).

8:25 a 3 minute recess was taken.

8:28 – meeting reconvened.

Wallschlager asked about item N, she feels there is a need for another full time fire person. Fenner explained item N and said the Village can currently handle providing municipal services with this addition.

Open-space along with the care & maintenance was briefly discussed. Mr. Neumann said mowing etc. will be done by the Condo association.

4. Adjourn

Motion (Wenstrom/deCourcy-Bower) to adjourn. Carried (7-0). Meeting adjourned at 8:32 PM.

Respectfully submitted by
Recording Secretary,

Deidre Bush y, Deputy Clerk