

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES - amended**  
**MONDAY MAY 19, 2025**  
**6:30 PM**  
**BOARD ROOM**  
**MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

Present: Jeff Pfannerstill, Tim Hallquist, Jeff Bierman, Chip Schneeberger (via zoom), David DeCourcy-Bower, and Ann Wallschlager.

Excused: Bailey

Others Present: Scott Hussinger, Deputy Clerk Bushey, Ryan Amtmann, John Ford, Steve & Cindy Gardner, Ken Servi.

Call to Order- 6:30 pm

Roll Call taken. All present with one vacancy.

Public Comments: Please be advised the Joint Architectural Board/Plan Commission will receive comments from the public related to any item(s) on the agenda for a three-minute time period per person, with time extensions per the Chairman's discretion.

- No Comments

**1. Consideration of a motion to approve the Jt. Architectural Board/Plan Commission minutes of April 21, 2025 –**

Motion (Hallquist/Schneeberger) to approve the Jt. Architectural Board/Plan Commission minutes of April 21, 2025 with the correction of Pfannerstill being present. Carried. (6-0).

**2. Architectural Board review and consideration of an application for demolition of existing structure and plans for a new residence at 226 Warren Ave-**

Cindy Gardner was present and explained they would like to tear down their existing home and build a new one. She said it is very old and needs a lot of work. Pfannerstill asked Hussinger if he had anything and he said no, it is a house on a big lot. Pfannerstill asked if there is a time limit on how long they have to build the residence. Hussinger said no, the building permit shall be issued within 12 months of today.

Motion (DeCourcy- Bower/Hallquist) to approve the application for demolition of existing structures and construction of a new residence at 226 Warren Ave. (6-0).

**3. Architectural Board review and consideration of plans for a residence at 1014 E. Capitol Drive -**

Anthony Ferro explained he bought a lot and came to the Architectural Board in 2021 and got approved. He said due to the financial climate at the time, the project was put on hold. He said he is coming back for preapproval and looking to start in the summer. Hussinger said it meets the zoning code. Wallschlager asked if it is exactly the same and he said the shell is the same. He said inside there were some small configurations of rooms but essentially the same that was approved back in 2021.

Motion (deCourcy- Bower/Wallschlager) to approve the plans for a residence at 1014 E. Capitol Drive. (6-0).

**4. Conceptual review and consideration of seven single family development at Badger Court and Eagle Pass Court –**

Kalvin Klimeck was present for Ken Servi and stated they are seeking approval for a concept plan. He said upon approval then they will supply a preliminary plat and Storm Water Management Plan. He said he spoke to Ryan Amtmann this afternoon and is working in tandem on the particular issues on the site. Pfannerstill said one of the issues that came up when it was brought before the Village Board for the concept was you enter the roadway to come into this property, one of the things that was discussed or alluded to was that there was an appetite for this to become part of the current subdivision because they were sharing a monument sign.

Discussion becoming part of the existing subdivision. Mr. Klimeck said in order to add land to the subdivision and become part of the subdivision, it would take a vote of the majority of the landowners, their signature, and lenders, which is a monumental task, so they need to come up with some other agreement. He said they may need to change the name from Eagle Pass to something else. Hallquist asked Amtmann if there are any issues with this. Amtmann said there have been numerous alternatives in developing this land in the past. He said they have looked at the 2 sewer lateral and main extensions into these cul-de-sacs. He said stormwater is a sensitive topic, but they should be able to handle it with their concept layout. He said they have to see those details yet, but it looks pretty straightforward. Hallquist said he likes the concept.

Klimeck said if they get the approval tonight, by Wednesday or Thursday he can deliver to the village a copy of the preliminary plat, grading plan, and schematic utility plan so that we know that everything drains.

DeCourcy-Bower asked if there is a rule or regulation in our code that says they have to follow the adjacent subdivision. He said he can think of plenty of subdivisions that we got, that have a road that goes off into a new subdivision. He said from his perspective, holding a property owner responsible to try to negotiate with an adjacent subdivision is a bad precedence for the Village to set. He went on to say he thinks it gives adjacent property owners undo influence on property owners that are adjacent to them. He said he thinks the Village would be treading in dangerous territory if there is nothing in our code that says they have to join an HOA, to force someone to do that. He said he likes the concept and thinks it finishes off these two roads nicely. Pfannerstill agreed with DeCourcy-Bower that it sets a bad precedence and there is nothing specifically that states that. DeCourcy-Bower said the style and level aesthetic that goes into the houses should be held to a similar expectations of what is there currently. He said the requirement to have to be part of the HOA is the problem. Klimeck said the houses will be very highly done with full architectural control. Bierman said he agrees with DeCourcy-Bower about not being forced to join an HOA. He said but one of things we have to keep in mind as a board when we get the plans for the homes, sometimes an HOA will distinguish between can a garage door face the street. He went on to say not joining an HOA gives them more options. There was brief discussion on joining the HOA and getting all the signatures and Klimeck said they have no problem looking into getting all the signatures needed.

Motion (deCourcy- Bower/Wallschlager) to approve the concept plan for seven family home development at Eagle Pass and Badger Court to move forward. (6-0).

**5. Review of proposed PUD development amendment (“Project”) whose approval is being sought by Three Leaf Development on property tax key HAV 0423981056 located on Campus Drive. The Plan Commission will review:**

- a. Proposed amendment of preliminary site and building plans for senior living development (124 units from previous 120);**
- b. Request by the developer to amend the PUD to waive all impact, sewer connection and Regional Sewer Availability Charge fees totaling approximately \$382,874.**

President Pfannerstill said at the last meeting, there were no concerns with the additional units and in part b. of the agenda there was a lot. He said he agreed with not having the waiving of the fees at this level since the budgeting is at Village level. He asked that they look at the proposal because that is what is in front of them again with the addition of the units which people have looked at and thought was ok. He said the waiving of the impact fees just not be touched and go back to the Village Board.

John Ford was present for Three Leaf Development with a brief recap of the project. He said there are really just two modifications they are requesting with this, a reduction in the overall masonry and the addition of the additional units. He recapped the impact senior living will have here in the next five years. He said they want to look at all things over the last 6 months or so, to try to not come back and have this financial discussion. He said they looked at everything and came up with a few items to reduce cost but not reduce quality. He said they were able to reduce the cost per unit by \$25,000. He said there is a financial gap of about \$800,000. Mr. Ford went over the building site plan again and explained the six challenges of the property which are:

1. Additional grading due to existing topography.
2. Inefficient parking & road circulation on site due to property shape.
3. Loof fire lane behind building.
4. Retaining wall on site required due to adjacent site topography.
5. Additional Stormwater infrastructure work.
6. Additional building façade costs due to topography requirements.

He said they worked with Scott Hussinger to come up with a chart that summarizes the impact fees. He said they are not asking for a waiver but to charge them for what they are going to be using. He said the total impact and sewer connection fees come to about 1.2 million. Mr. Ford said they broke down the fees into impact fees and Sewer Connection fees. He said the Impact fees include law, fire, dpw, library and parks. Sewer Connection fees include Del-Hart, Village and Regional fees. Mr. Ford said they are proposing to make this financially feasible, to pay all the impact fees except library and parks fees, because assisted living will not be going to the library or parks. He said they have those amenities in the development. He said they would pay the Del-Hart fees, and they would pay the Village and Regional fees for what they use. He introduced Matt Baily from Trio engineering who went through the sanitary use statistics at assisted living & memory care facilities similar to this. He went over the industry standard for estimated total gallons of water/sanitary usage comparing single family homes, this

development would use approximately 37% of the water a single-family home would use. Wallschlager asked about the chart with the water flow 1.2 per unit, she asked where the water used for laundry, dishes and & cleaning fall that is not used in a single-family home. He said the number used through code for a fixed account is the average. Pfannerstill said he can agree that is the water usage would be less but and that will be higher usage of the Villages paramedic services. He said he also agrees with the board that people up until now have had to pay for it. Schneeberger asked Hussinger if the Merton Ave facility had a fee reduction and he responded no. Schneeberger asked if their usage was per room, and Hussinger said it is per the fee schedule that has not changed. deCourcy-Bower said the fee schedule lists different categories and asked if per the fee schedule are these being considered as one bedroom - is that how the numbers are being crunched. Hussinger said there are different types of units so he did the best he could. Hallquist asked Mr. Ford about the total number of units. He asked if we could get some kind of village fiscal return or how it would affect the village financially if the Plan Commission were to waive this. He said the biased issue still weighs on him on if they waive this one, but they did not others. He said that is something they should think about. Pfannerstill said based on what they at the last meeting they all agreed that it should be at Village Board level on the deciding of the waiving of the fees and asked Hussinger and Bushey to pass on the message regarding Hallquist request of how it would affect the Village if they waived the fees. Hussinger said if the applicant thinks they will use less services get it in the code on how those fees apply to senior living, not across the board. He said if they do not use the library or parks then maybe there should be another category vs waiving all fees.

Amtmann added a couple thoughts, he said there is a lot of merit in this that compares a single-family residential development and as far as evaluation per acre, the infrastructure that's going to be owned and managed in the future by the village is zero, so it's a plug and play into the infrastructure that has already been extended to the site. He said he likes that it is not a complete waiver, there is still a portion speaking to the sewer connection fee because there is a downstream sewer system upgrade that is being planned for in the future and this does flow through that. And he also suggested that in the future there is going to be more of a sense of redevelopment and more units in small spaces so there will be a precedent that will be set by doing this. He said he likes what Hussinger suggested tying this to the specific use of the senior center use because it is likely that the flow generated is less than an apartment development. Hallquist asked Mr. Ford what his investors look for in the rate of return. Mr. Ford said in a senior development like this, probably looking at the mid-teens from an IRR perspective and yield on cost for a development like this needs to be around 8% to be financeable. He said that is where in the slides he showed show the 800,000 gap, which is what they are trying to solve.

Hallquist asked if we close this gap, would that meet your requirements to a certain extent. Mr. Fords said a month ago they asked for a full waiver, they went back and looked at what they are really using, and he went through the specific numbers. The amount of tax that would be collected was briefly discussed which would be approx. \$250,000. The number of services that would not be used for the senior development were discussed. Schneeberger asked Ford why they come back now and ask for a waiver, and Ford said it was based on Construction cost and continued high interest rates but at the end of the day they are trying to find a solution.

DeCourcy-Bower commented that there is a mechanism in the code under impact fees that says you can appeal. He said you can make a case that the impact fees are not appropriate for your development. He

said we envisioned as a village that there could be a situation where a developer comes in and makes the kind of case you have.

He said in looking at the impact fees schedules there are two buckets, there are residential and non-residential. He said what is unique about a senior living facility is kind of between the two in reality of how it operates. He said if it were a hospital there would be no library or park fee. He said thinking about it through that lens it is a hybrid, and our code does not have a place for that. He said the case Mr. Ford has made of what the actual uses are and the type of uses the facility is going to need, going down the line fits well with the case you have made. He said being a member of the plan Commissioner he is trying to evaluate does a developer and a development make sense given the context of what is in our code, and does it make sense of what is in a PUD. He said there are all sorts of other financial benefits but straight up looking at the fees and where they are supposed to be implemented and how they are to be implemented and the case Mr. Ford has made, he said it makes sense to him. He said that is his position on it. Discussion on an appeal in the code.

Wallschlager asked Pfannerstill if we are getting to an area where we only have people only pay for what they use. Discussion on reduction of fees and what is in the code. DeCourcy-Bower said he does not think it is appropriate to view it solely as a residential unit type development because he thinks it is somewhere between the two and there is a gray area there. He went on to say an appeal in the code is a process and it is intended to be used in these unique situations. He said if they came in with a residential home or apartment building, he would say because it is very clear in the code which is residential and which is not and how it applies. DeCourcy-Bower said he thinks the case they have made is pretty compelling, paying for what they are using. He said he highly recommends the board looks at the appeals process and how the fees are assessed and make a decision based on that. DeCourcy-Bower told the developer you may want to go through the appeal process, so it is official this is the reason of why you formally appealing, and that is the mechanism. Hussinger said we could amend the code and approve the standards here and at the Village Board level several meetings which could take months and months or the appeal process. He said either way we have to develop standards, either codify them or hang your hat on it at the village board, and say yes, we approve on this, this, and this. Pfannerstill said they did show proof, by taking away some of the construction material, they have added some units, but they did their work to change this by three million dollars. Hussinger said we are here tonight because it is in the PUD and they want to amend the PUD, he thinks the board needs to weigh in on the willingness to weigh the fees and then it goes on to the board. Village Manager Bailey joined by zoom briefly and said he talked to Pfannerstill today and he disagrees and if the plan commission says yes or no and both board votes otherwise it is a bad situation. Hussinger said the PC is a recommending body and the Village board approves or denies.

Hussinger said PC needs to weigh in, that is why we are here, one of which is for making architectural changes. Pfannerstill asked if anyone is against Three Leaf adding additional units, and if not let's get that vote done.

Motion (DeCourcy-Bower/Hallquist) to approve the addition of the six additional units for the Three Leaf development on Campus Drive. Carried (6-0).

Hallquist asked if Bailey was still on the Zoom, if he could explain what the 382,000 would affect the Village. Bailey said the impact fees go towards improvements and their portion of their impact on the village. Bailey said when you talk about water and sewer he said there was data that shows historically what it does, we could go down the rabbit hole; he said he is curious is there a way to say impact fees aren't due for 3 years, and look at their water and sewer to make sure it is 30% and not 100%. He said what if there is no difference, they will be using commercial kitchens, commercial washrooms, sprinkler system, there will be other uses besides senior citizens using facilities. Hussinger said for checks and balances we should look at other properties. Hussinger asked Bailey what is the process and how should we arrive at the right number. Bailey said if the Board has an appetite would not we call the neighbors and on average if they use 40% of the average user would not we say .4 due if that is what the Board wants to do. Hussinger said staff can help but we need direction. Bailey said at the Board meeting it seemed mixed, some did not want to waive it, but some could see where Three Leaf was coming from. He said he does not want the Plan Commission to approve it and put the Board in a bad spot: and the Board says they had zero interest in doing that. He said why don't we just pass it on to the Board and let them decide.

Discussion on the appeal process and impact fees.

Hussinger commented on the idea of possibly postponing the impact fees for 3 years and said that it is problematic due to ownership changes over three years. He suggested checking other facilities to see what they use.

Discussion on variability in numbers of usage and the impact fees. Discussion on passing this on to the Village Board to decide and staff calling around to get usage numbers from other facilities. Hussinger said it in front of the PC because it is in the PUD, not just about fees and if they want to amend the PUD, to do a couple of different things density, architectural and fees. Bailey said if the Plan Commission wants to discuss it, a joint meeting could be scheduled with the Village Board.

Bierman commented on the fees the facility would not be charged, and he can only go by what is in the code. He said per the code it says it can be appealed or go by the code. He commented on different types of facilities that may happen in the future and there should be a desire to change the code too, so we have these things in our town and not force them to increase their cost per unit. He said there should be something done at the Village Board level. Bailey responded to Bierman's comment that he cannot change it because it is not in the code; he said that the point of a PUD, this does not meet the density, our code does not allow the density, but the PUD will allow the density. He said so you guys are voting to go against the code via PUD.

Discussion on the type of license the facility will have.

Mr. Ford said Bailey mentioned potentially waiving fees for 3 years and then charge on actual usage; he said while yes it could be done, it's challenging from a developer standpoint, and there could be added questions from a financing standpoint, so he suggested we don't want to go down that rabbit hole. He said he understands. Pfannerstill asked if anyone had more to say. deCourcy-Bower commented on the agenda item, how it was listed, and can the PC even vote on this. Discussion on whether the PC should be making a decision on this. Bailey said before the meeting, item 1 should have been voted on and item #2 should be forwarded to the Village Board. Bailey said you are not voting on the item, you are voting on referring it to the Village Board to approve or deny. He said if Three Leaf wants to appeal it they can do it at that point.

deCourcy- Bower made a motion to deny the request to amend the PUD & waive all impact sewer connection, regional sewer availability fees totaling &382,000 and Wallschlager seconded it.

Then deCourcy-Bower said he does not think this is the right mechanism to appeal the impact fees. He said he does not think they followed the right procedure. Bailey said there are municipalities, all S.E. Wisconsin & Waukesha, that as part of a PUD development, waive or decrease fees through that whole process, that is not through an appeal process. Bailey said the Plan Commission sent it to the Village Board for their opinion and the Plan Commission did not vote on it. He said now you are going to deny and not give the Village Board a chance to vote on it. He said if it gets denied it cannot go to the Village Board, and then the only thing they would have is an appeal. Pfannerstill said Bailey is right, it already went to the Board once and the Board sent it back here for further review. Hallquist said Bailey said that if the Plan Commission approved it, that it would put the Village Board in a bad situation. Bailey said if it were him personally, he would have said we are not going to take this up and send it to the Village Board instead of denying it because now the Village Board has no say. Pfannerstill explained the reason on the wording on the agenda. Discussion on deCourcy-Bower amending his motion. DeCourcy-Bower asked how he can strike the word 'all' from the agenda item.

deCourcy-Bower asked if he could amend his original motion, and Pfannerstill said yes.

deCourcy-Bower amended his original motion to approve request by the developer to amend the PUD to waive all impact, sewer connection and Regional Sewer Availability Charge fees totaling approximately \$382,874, seconded by Hallquist.

Roll call taken:

deCourcy-Bower – yea

Schneeberger – nay

Pfannerstill - yea

Wallschlager – nay

Hallquist - yea

Bierman - nay

Motion tied, motion fails.

More discussion.

Motion (Pfannerstill/DeCourcy-Bower) to refer to the Village Board for approval or denial the request by the developer.

Roll call taken:

deCourcy-Bower – yea

Schneeberger – nay

Pfannerstill - yea

Wallschlager – nay

Hallquist - yea

Bierman - yea

Carried (4-2)

#### **Announcements-**

Lake Country Beer Garden opens for the season this week.

**6. Adjourn**

Motion (deCourcy-Bower/Schneeberger) to adjourn. Carried (6-0).

Adjourned at 8:10 pm.

Respectfully submitted by

Recording Secretary,

Deidre Bush y, Deputy Clerk