

**VILLAGE OF HARTLAND
JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES
MONDAY, AUGUST 21, 2017
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

Present: David deCourcy-Bower, Tim Hallquist, Jeff Pfannerstill, James Schneeberger, Randy Swenson, Jack Wenstrom and Tim Fenner

Others Present: Administrator Cox, Building Inspector/Zoning Administrator Hussinger and Clerk Igl

Roll Call

1. Motion (deCourcy-Bower/Schneeberger) to approve the Jt. Architectural Board/Plan Commission Minutes of July 17, 2017. Wenstrom and Fenner abstained. Carried (5-0).
2. Items related to a request for site and building plans and request for Conditional Use for construction of an additional silo located at 701 W. Capitol Drive, Illinois Cement Company, Applicant, TDI Associates, Inc., Engineer/Architect.
 - a. **PUBLIC HEARING** for the consideration of a Conditional Use Permit request to construct
The public hearing was opened at 7:01 p.m.

Administrator Cox stated that this is for the addition of a second silo on the site at the corner of Vettleson and W. Capitol Drive near Hwy 83. He stated that the second silo will be the same height as the existing silo but is a smaller quantity. The second silo will use the same scale as the first silo and traffic flow will remain the same. The public hearing was closed at 7:02 p.m.

- b. Consideration of site and building plans

It was stated that there are no site changes proposed.

- c. Consideration of a Motion to recommend approval of a Conditional Use Permit

Administrator Cox stated that the draft Conditional Use Permit Includes twelve potential conditions including volume of truck traffic and hours of operation. Ownership has asked that there be a mechanism in place to allow short term variations from those two items in the event they have an emergency at one of their other facilities so that they can divert traffic. Both of those facilities are quite a distance so what they are hoping for is not only the ability to add extra traffic into the site but also to extend their hours to meet that demand. Administrator Cox suggested the permit include language for the ability for the administrator to vary for those two provisions for one week but anything lasting beyond that would require going through an approval process to allow for a longer but temporary extension.

It was asked whether it was possible that staff was unable to locate a conditional use permit for the property as the use predates the zoning code. Administrator Cox stated that that may be possible but also stated that CUPS were handled in a different way at that time; not drafted and recorded like they are now. It was requested that if granting of the CUP is recommended for approval, it also include the existing site so there is a record of the conditions for the entire facility. Administrator Cox stated that the draft includes conditions related to all operations for the entire site but that an exhibit of the existing site plan could be attached. He stated that the legal description on the draft includes both parcels.

Motion (Fenner/deCourcy-Bower) to recommend to the Village Board approval of the site and building plans and Conditional Use for construction of an additional silo for Illinois Cement Company with additional exhibit as discussed. Carried (7-0).

This item will be placed on the August 28, 2017 Village Board agenda.

3. Architectural Board consideration of plans for a sign for Midwest Twisters, 602 Industrial Ct.

Building Inspector Hussinger recommended that landscaping at the base of the sign be required and stated that the sign must be located at least 15 feet from the right-of-way.

Motion (deCourcy-Bower/Swenson) to approve the sign for Midwest Twisters subject to applicant working with staff to include landscaping at base of sign. Carried (7-0).

4. Architectural Board consideration of plans for a sign for Birch & Banyan Coffee, 150 E. Capitol Dr.

It was stated that BID has approved the proposed sign. Building Inspector Hussinger stated that the sign is supposed to provide 10 feet of clearance between bottom of sign and the walkway but that the Architectural Board can reduce the requirement to 8 feet. Due to the layout of the entrance, staff is not concerned with clearance.

Motion (deCourcy-Bower/Hallquist) to approve the sign for Birch & Banyan Coffee. Carried (7-0).

5. Architectural Board review and consideration of site and building plans for construction of an addition for Nick & Katelyn Gomez, 221 W. Park Ave.

The property owner presented the proposed building plans stating that a new entryway will be added. In addition, the back of the house will be extended and a 24' x 24' garage will be constructed. It was stated that the side setbacks will be approximately 15 feet, meeting the requirement. Building Inspector Hussinger stated that the plan does not meet the minimum street setback requirement but that the Board is allowed to approve as it doesn't create a greater degree of non-conformance than currently exists. It was stated that the porch on the front will be covered. It was clarified that the existing asphalt driveway will be removed. It was noted that the house is not on the historic register for the Village. It was stated that the addition will have vinyl siding; existing siding is wood. The existing roofing material is asphalt shingles with the addition to match.

Motion (Hallquist/Swenson) to approve site and building plans for construction of an addition for Nick & Katelyn Gomez. Carried (7-0).

6. Plan Commission review and consideration of a request for Conditional Use for operation of a Bed & Breakfast for Steven & Elisa Filipp, 450 Park Ct.
 - a. Preliminary consideration of the proposed Conditional Use

Administrator Cox stated that the current zoning code provides that a bed & breakfast is a conditional use in all Village single-family residential districts. For one to operate, the owner must apply to the Plan Commission and Village Board for a conditional use permit to establish whether or not it has a negative impact on the neighborhood and to determine the conditions that the body would put on the proposed operation to ensure that is allowed to operate without negatively affecting the neighborhood.

This use came to the attention of Village staff. The owners were invited to make a request to Plan Commission to continue to operate. The owners stated that they had been testing the market for the last few months and were surprised at the high level of demand. They stated that they would like to continue to operate as they feel there is not much risk and little noise associated with the operation. They stated that there are no meals provided.

Neighbors stated that they did not think that people would be running businesses in their homes in The Sanctuary. Concerns about strangers coming into the neighborhood, increased traffic and safety concerns were raised. Comments were made regarding limited background checks conducted by AirBNB. Neighbors commented that they intentionally opted to build in a small subdivision and did not envision this type of activity.

A representative of the developer stated that the HOA for the development is currently managed by the developer and will be transitioning to a homeowner managed HOA in 2018. She stated that there is nothing in the covenants or bylaws of the development that addresses this type of use.

The property owner stated that they only rent when they are at their residence. They stated that as hosts they have complete control over the situation, use sound judgment in who they rent to and have not experienced any issues with noise or damage. The owners stated that guests are allowed only one car at the property.

Administrator Cox stated that certain home businesses are allowed without any specific approval however, this type of home business requires specific approval. It was stated that the Wisconsin Department of Health and Human Services has specific rules applicable to bed & breakfast operations that the owners would need to comply with.

- b. Motion to set a Public Hearing to be held during the regular Plan Commission meeting on September 18, 2017

Motion (Fenner/Hallquist) to set a Public Hearing to be held at the Plan Commission meeting scheduled for September 18, 2017 at 7:00 p.m. Carried (7-0).

The Plan Commission recessed at 7:44 p.m. and reconvened at 7:46 p.m.

Administrator Cox stated that no conditional use permits issued today for a bed & breakfast. Staff has identified maybe one or two others operating in a way that might meet the definition that the Village currently has for a bed & breakfast. He stated that this may lead to a bigger conversation about the way properties are being rented and used in the Village. Aside from the narrowly defined

language related to bed & breakfasts, the Village code is quiet on short term rental of properties. This may be a topic for further discussion at a future date.

7. Plan Commission and Architectural Board review and consideration of site and landscape plans for Hogger's Pub, 375 Cottonwood Ave.

Administrator Cox stated that the owner could not be at the meeting. Site improvements plan related to outdoor seating and landscape improvements were reviewed. No exterior changes are proposed at this time with the exception of paving of the parking lot. Administrator Cox stated that he has discussed with the owner that the Village doesn't want a barrier but a delineation to assist in identifying the premises for alcohol consumption. It was discussed that perhaps the plantings drawn on the plan in front of the building could continue in a line to the north past the horseshoe pits.

It was requested that a document with all conditions for items approved by the Board for the project over the last several months be compiled.

Plans related to plantings were reviewed. Building Inspector Hussinger suggested that plantings along Pawling Ave. be lower growing due to the presence of overhead power lines. There was discussion of what the expectations are for a landscape plan for a redevelopment project. Concerns were raised that the scale of the plan doesn't appear to be correct as shape of property per GIS does not match the plan. It was stated that the submittal for the records should reference features. It was stated that drainage is not a concern for this property. Administrator Cox stated that he didn't believe that the parking lot paving would take place anytime soon and that the Plan Commission could withhold any permission related to paving of the parking lot at this time.

Motion (deCourcy-Bower/Wenstrom) to table the application until a complete landscape plan drawn to scale is provided including outdoor seating area. Carried (7-0). It was requested that Building Inspector Hussinger and one additional staff member meet with the property owner to discuss with him the Plan Commission's need for a specific plan.

8. Plan Commission and Architectural Board review and consideration of revised site and building plans and the related amendment to a PUD to allow construction of a storage building for Hartland Meadows, 357 Cottonwood Ave.

Property owner Byron Didenko stated that there were concerns about grading and drainage with the location previously approved for the storage building. An alternate location was proposed which is flat, requiring less grading, and will not change drainage.

Motion (Swenson/deCourcy-Bower) to recommend to the Village Board approval of the revised site and building plans and the related amendment to a PUD to allow construction of a storage building for Hartland Meadows. Carried (7-0).

Administrator Cox stated that the Village Board has set the Public Hearing for Monday, Sept. 28.

9. Consideration of the proposed rezoning of the Summit Lake Apartment complex north of Hill Street from RM-3 Condominium Multiple Family District to RM-1 Multiple-Family Residential District to correct a potential error.

Administrator Cox stated that the error was discovered when Village staff was asked to certify that the zoning of the Summit Lake apartment complex met the Village's code. When the map and code were reviewed, the error was found. The zoning map that existed prior to the changes that took place in 2012 when the zoning map was updated called this RM-1 multi-family residential zoning. Staff is asking the Plan Commission to put these properties back into a category that is descriptive of the actual use. It was stated that the Plan Commission would review the rezoning request and make a recommendation to Village Board. It was discussed that the apartments on the north side of Hill Street should be added to the listing of properties to be corrected.

Motion (Fenner/Wenstrom) to recommend to the Village Board the rezoning of the Summit Lake Apartment complex north of Hill Street from RM-3 Condominium Multiple Family District to RM-1 Multiple-Family Residential District including the additional parcels identified. Carried (7-0).

10. Adjourn

Motion (Hallquist/Swenson) to adjourn at 8:23 p.m.

Respectfully submitted,

Darlene Igl
Village Clerk