

JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES
MONDAY, APRIL 16, 2018
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.

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

Others Present: Administrator Cox, Building Inspector Hussinger and Deputy Clerk Bushéy

Call to Order-

1. Motion (deCourcy-Bower /Swenson) to approve the Jt. Architectural Board/Plan Commission minutes of February 19th, 2018 and March 19th, 2018 meetings. Carried (7-0).

2. Architectural Board review and consideration of an addition on the Blake & Sarah Rigel residence at 1162 Four Winds Way.

Mr. Rigel said the addition will be on the back Northeast corner of the house. He said a survey has been done , the plans were submitted to and approved by the subdivision HOA. He said the siding and roof will match the siding and roof currently on the house and there is no concern regarding encroachment.

Motion (Fenner/Hallquist) to approve the addition. Carried (7-0).

3. Architectural Board review and consideration of construction of a new residence for John Eskau, 513 Memory Lane.

Mr. Eskau said the proposed new residence will be a 1738 sq. ft. ranch with a 3 car garage. Hussinger said there is a drainage concern on this lot and the lot next door which Mr. Eskau also owns. He said the property is the lowest in the area of adjacent lots. When it comes time to issue the building permit he said he will need to review the drainage. He went on to say after having the village engineer look at this, a fix was proposed to be installed by the Village and not the homeowner. The engineer proposed to install a culvert or pipe to run along south property line to an open ditch, then to an existing culvert that goes under the road and then to the golf course. Hussinger said they feel like that is the only solution. Fenner asked if the plan is approved, would the Village go ahead and do that work. Hussinger said yes but they need to work out the details and gain permission from the property owner. Fenner asked if an easement was needed from just Mr. Eskau or other property owners, and Hussinger said just him. Fenner asked if that would drain Mr. Eskau's property or other properties. Hussinger said there is a low spot in the back of

his property that the moisture accumulates from adjoining properties so it would be from 1 or 2 other properties. Hussinger said the drainage is from the West to the East for the most part.

Fenner made a motion to approve the new residence for John Eskau on 513 Memory Lane subject to the grant of an easement for drainage by Mr. Eskau, Jack Wenstrom seconded the motion. After the motion was made, more discussion took place.

Bert Martin- 1223 Marquette Rd. – asked where the access to the property would be and Mr. Eskau said access would be from the cul de sac. She then asked Mr. Eskau if he would be living in the home or if it would be a spec home. Mr. Eskau responded it might be either way.

Mr. Eskau stated the water comes off the Village streets and flows onto the properties because the street is higher than the neighboring property. Mr. Eskau said a neighbor had water flooding his basement, so the Village came and dug a ditch on Mr. Eskau's property which brought the neighbors water on to his own property and that is why there is a water problem. Administrator Cox said we wouldn't disagree there is some water that comes off the road and goes there, however he said the area of the back of his property and the area of the 2 properties to the west is a low spot and water has been going there for at least since the subdivision was developed.

deCourcy-Bower asked if the intent of installing the swale & the pipe system is to resolve the issue that are currently on the properties. And he asked is the intent to design it and have the Village pay for it such that it resolves those issues? Administrator Cox and Hussinger both said yes. Pfannerstill said that the Village will rectify the problem that exists there now. Pfannerstill pointed out that the board was about to take a vote when the hand went up to speak and thought that it was proper to have a little bit of leniency if someone wanted to speak, and reminded everyone there is a motion on the table.

Fenner restated the motion, which was to approve the request subject to Mr. Eskau giving the Village an easement for the drainage so they can fix the drainage. Mr. Eskau stated he would refuse an easement because he doesn't want it on his property. Mr. Fenner responded to Mr. Eskau by saying if the motion passes and he won't grant an easement then he won't have an approval of his plan. Pfannerstill explained to Mr. Eskau there is a motion on the floor to approve his plan contingent on and easement, because there is water gathering in that location and the Village wants to rectify the situation but the Village cannot just go on his property, they need Mr. Eskau to allow an easement, otherwise if the contingency isn't met the Village cannot fix the water problem and therefore he could not do his plan. Mr. Eskau said there is already an easement to his property for the sewer and he does not want 2.

Pete Nejedlo 520 Oakwood Dr. - stated he lives to the west of the property and he is the one with the serious water problem. He said the problem has not been there since the subdivision was built, but only been there since the road was rebuilt. He is for the plan to fix the problem and agreed that the water issue won't be fixed without the easement. Hussinger said if we don't resolve this, there is a certain amount of responsibility that he has, making sure Mr. Eskau submits a grading plan that addresses and provides adequate drainage. He said it is a new house and you can change grade slightly, they are filling in only about 6-8 inches of grade but inches

matter in this case. He said he is worried if he is forced to issue a building permit, Mr. Eskau is going to build a house, spend a ton of money and have a big pond in his backyard and he will want us to fix it after the fact.

Pfannerstill restated that if the easement is refused, the Plan Commission has done everything they can to rectify the problem, and Hussinger said correct. Fenner asked where the easement would go and Hussinger said it would be right along the south property line from West to East. Fenner said the motion he made was to approve it subject to the grant of an easement, which means if he doesn't give the easement, he doesn't build the building. Because a building permit cannot be issued without approval, so it's Mr. Eskau's decision.

Pfannerstill said without fixing the problem the Plan Commission would be granting a situation which would be worse than what is there now, and they need to eliminate and drain that water out of there.

Hussinger suggested that maybe the motion be amended until the drainage can be solved.

Pfannerstill said that the Village can't go on someone's property without a legal right to do so, and that is what an easement is. He went on to say if we are going to bury a pipe at the Village is going to pay the cost for, and put it in so there is no water problem so you can enjoy whatever you build there. Mr. Eskau said his builder was present and if he agreed to it then he would grant the easement. It was pointed out to Mr. Eskau that he would have to sign off on it. Mr. Eskau expressed concern about losing the large oak tree in his yard.

He said the Village needs to make sure there isn't a water problem and it would be a coordinated effort of DPW, the building inspector and the builder.

Charles Martin 1223 Marquette Rd asked how deep the pipe will be and how does the water get off the golf course. Hussinger responded by saying the pipe would be shallow. He went to say he doesn't have the plan in front of him but he said it goes to the golf course where it drops 5 ft. almost instantly and the golf course manages a ton of water already. Hussinger said it isn't an incredible amount of water just accumulation of water they are trying to get rid of. Mr. Martin expressed his concern of what happens to the water. Hussinger explained again the plan to fix the water issue using the culvert and pipe.

Pfannerstill repeated the motion made earlier by Fenner and seconded by Wenstrom which was approval with a contingency that an easement is allowed for a buried pipe to be put in for a movement of water away from his residence towards the golf course where it can be handled and seep into the ground properly. Carried (7-0).

4. Architectural Board review and consideration of construction of a detached garage on the Ed Lentz property at 327 Lawn Street.

Mr. Lentz said the detached garage will be a 2 ½ car garage with no driveway and the roof and siding will match the house. Mr. Lentz said he mainly wants to use it to store and work on an antique car. deCourcy-Bower asked about access to the detached garage. Mr. Lentz said access would be from the street if he needed to.

Motion (Swenson/Hallquist) to approve the detached garage at 327 Lawn St. (7-0).

5. Plan Commission and Architectural Board review and consideration of site and landscape plans for Hoggers Pub, 375 Cottonwood Avenue.

Motion (Fenner/Swenson) to table this until the next meeting. (7-0)

6. Plan Commission review and consideration of a Certified Survey Map to divide the Eisenhut property located east of 1270 E. Capitol Drive into three parcels and to consider a petition to rezone the property to the RSE-2 Single-Family Residential Estate District.

Craig Eisenhut has before the Plan Commission regarding this property. He mentioned the email regarding having the Environmental Corridor on the CSM that Administrator Cox sent him and said he didn't think it was a requirement. Cox said the engineer's office flagged that particular issue and the inclusion of that line is part of the requirements and as long as it is done by the time the Village Board is ready to execute it. Mr. Eisenhut said it is parallel with the north angle line, about 120 ft. off of that line. He said on the site map where you see the septic fields in the back yard it is just beyond the septic fields.

Pfannerstill said the CSM has the location of the properties but the line showing the overlay of the conservancy is being requested. Cox said the Village Code requires showing the boundaries of Environmental Corridors and Eisenhut said he will have R.A. Smith them put it on. Cox also said in addition to action on CSM and the zoning related to the fact that this property will not have utilities, there are the 3 items to be looked at to make sure they are acknowledged as part of the record. There has to be a finding-

1. There are exceptions, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this chapter which require water and sewer will result in a severe hardship. Such hardships should not generally apply to other properties or be of such a recurrent nature as to suggest that this chapter should be changed.
2. Exception and modification are necessary for the preservation and enjoyment of the substantial property rights possessed by other properties in the same area.
3. Exception or modification would not create a substantial detriment to the adjacent properties and would not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

deCourcy-Bower asked if the property to the west is in the Village and not on municipal water or sewer and Cox said that is correct.

Motion (Fenner/deCourcy-Bower) to approve the rezone on the basis that there is no detriment to the public good by granting the exception that would allow development without municipal utilities. Carried (7-0).

Motion (Fenner/Swenson) to approve CSM as presented showing the Conservancy Overlay and pending rezone approval by the Village Board. Carried (7-0).

7. Plan Commission review and consideration of a concept Certified Survey Map for the vacant property west of the end Badger Drive and Eagle Pass (Hammer property).

Keith Kindred from SEH was present to present the Conceptual plan. He said they have the staff comments regarding storm water and they will prepare a storm water management plan. He said they will have it approved by the Village engineer and create appropriate easements wherever that plan tells us to put the basins. They are proposing:

1. 4 lots, 2 of them at 1.7 acres, 1 at 1.3 acres and 1 just underneath an acre.
2. They will have easements put in for future roads
3. The setbacks of the buildings will respect those future roads.
4. They will dedicate the right of way
5. They will construct hammer head turn arounds where the road will go.
6. They will also connect the sewer and water.

He said before spending money on the storm water management and moving forward they wanted approval of the conceptual.

Fenner suggested maybe in drafting the easements have the Village Attorney put in provisions that the Village can require that be converted into a fee.

Keith Kindred said he would put the easements on the CSM. Hussinger asked what the down side is to granting the dedication upfront and Kindred said they could dedicate it as right away but didn't think it would ever be needed. He said he thinks they could make the easement be a right of way until it is needed to be. He went on to say they could put it onto the CSM at no cost to the Village when that becomes dedicated. He said his gut feeling is that road will never go in, and why have the Village have that liability. Hussinger replied so the setbacks are very clear.

There was brief discussion on easements and deed restrictions.

Fenner asked Hussinger given what he saw on the plan of the road going thru on the adjacent property without that piece developing, would making it a dedication be problematic because we don't know how it's going to go back and go the other way. Fenner said engineering wise if a dedication can be accomplished at this time he is for it, but he is skeptical and the easement and dedication area would have to be the same.

deCourcy-Bower asked if the intent is to develop properties to the west of these?

Bert Martins explained the original intent when subdivision went in, was that entire subdivision including the land up to where they have their property, to be developed in that subdivision and in addition there was supposed to be a second outlet to the subdivision. She went on to say that Badger Rd and Eagle Pass were supposed to meet and come back up but for whatever reason it was not followed thru. She asked the Plan Commission board to go back and look at the original plat map of when the development was put in and what originally planned.

deCourcy-Bower explained that the reason he was asking about the properties to the west was because there is the potential ability of the development. He said in looking at Eagle Pass and Badger Drive they don't stop at the end of the driveways and he would like to know who is going to pay for those roads to be developed to the west. He asked is that the responsibilities of the other homeowners to pay for the extra road to go in. He said because then you are doubling the cost

that a property owners who doesn't own this property to incur to be able to develop it sometime in the future. He went on to say he thinks the roads need to be extended to the property boundaries. Secondly he said he would like to see a neighborhood plan to see, are these things in the right place and does this allow for development of the surrounding properties.

Pfannerstill asked, we aren't going to have any conformity between these properties and the properties of the current subdivision even though our plan shows there is supposed to be connectivity and consistency. 1:04

Hussinger said there is a catch 22, when previous developments came to Plan Commission with plans, he thought the lot sizes were too small or at least that was the feedback and therefore not compatible with the existing subdivision; and now these are too big. He said the problem is, to develop this loop 2 things would occur, 1 it would be incredibly expensive and 2 they would scrape every last tree out of there because of the existing grades and where you put the storm water basin. He said that is a reality and doesn't think the neighbors knew that and thinks they would like to preserve as much of the woods as possible. There was more brief discussion on extending the roads.

The following individuals had comments:

Gary Strombeck 305 Badger Dr. - asked for an explanation of a hammerhead turnaround and asked why there is a resistance to be part of Lake Country Meadows. Keith Kindred said the pavement of a hammerhead turnaround is wider so you can turn around wider and it is the Villages preferred way of deading a road other than a cul de sac.

Regarding a resistance to Lake Country Meadows, he said he doesn't think it's about a resistance it's just a problem with higher end houses on the lot sizes. Hussinger commented that expanding the existing HOA would be a logistics nightmare, getting all the mortgage companies to sign off on it isn't as easy as you think. He said developments often go in phases just for that reason, large developments there is a specific line and it gets developed separately. He said if certain things are important to you then set up deed restrictions that address your needs or concerns. Kindred said building requirements could be put in. Strombeck asked if they would be following the building requirements of Lake Country Meadows, and Kindred said he would leave that option up to the developer.

Jeff Ott- 265 Badger Dr. – he said it was mentioned early that a lot of the trees would have to be clear cut, but if we don't extend the roads, what is the plan with the property in lot 2 & 3 and the proposed rain gardens. Kindred said they will meet or exceed the storm water mgmt. plan.

The question was asked if a restriction can be put on to prevent the lots from being split, and Hussinger answered yes.

Paul Lisius 1290 Shelly Lane- expressed concerned about the storm water mgmt. plan for 4 homes. Kindred pointed out their existing storm water mgmt. facility that is not encompassed by easement. So to be able to encumber that out lot w/ an easement would require every member of

subdivision to sign off which isn't going to happen. He said DNR rules didn't exist when it was developed, there is no easement, no storm water mgmt. He said you can't encompass a maintenance Agreement w/out everyone agreeing and that isn't going to happen.

Fenner said there are 2 issues, one the lots should be consistent with the comprehensive plan, which it seems to be and 2 how to develop it. The challenge is how to develop the lots given the uniqueness of them and there is no maintenance agreement to that.

Jim Strombeck said his concern is if nothing is done will it allow for development of other properties.

deCourcy-Bower commented it would be useful to see a neighborhood concept plan, how it ultimately would look and where the roads would go to see how it works. Kindred commented they are willing to adhere to comprehensive plan, could bring it back and the lots could be assessed if the road ever got approved.

Judy Lisius- 1290 Shelly Ln- commented on the possible of additional 3-4 residents, would they be allowed to subdivide, concern of congestion, fire police. Kindred said it could be put in that the lots could not subdivide.

Kindred said they wanted to keep them larger lots and don't see the road being extended in any foreseeable future. He said adding 2 residents per road is not a large impact on the neighbors, there will be 4 nice houses built there but can't afford to do build the roads and do that.

Pfannerstill said he understands its finances but typically it is done in a development.

Fenner said it would be a lot easier to address this if the property to the west was also being developed at the same time because then you could look at transportation issue, drainage issue etc. He believes at some point there will be someone interested in developing that property.

Aaron Kuphall- 318 Merton- said he is interested in developing land.

Brief discussion on the concept plan and development in this area.

Fenner said once the decision is made at the village level it could be that the property is never developed. He said he likes development in this area, thinks it should occur, likes it on a neighborhood basis with all the property being included.

Motion (deCourcy-Bower/Swenson) to approve as presented the concept is appropriate based on the plan, the access and the agreement need to be provided on the properties to the west and to facilitate the correct placement of those it should be incorporated in a neighborhood plan, with utilities and both roads going to the far west of the property line. Carried 6-1) with Pfannerstill opposed.

8. Plan Commission review and consideration of façade renovations to the Cottonwood Plaza, 505-525 Cottonwood Avenue.

Adam Reek was present to present the renovation plans. He said they would like to bring it into modern days. Changes include:

1. Changing the color green to red.
2. Filling in the gables
3. Planter will be replaced

4. Façade refreshed
5. Fix damaged sidewalks.

He said the unit to the right of Kings Wok is too big and possibly looking at dividing it. There was brief discussion on the color and bringing it back for review.

Motion (deCourcy-Bower/Hallquist) to approve the façade renovations to Cottonwood Plaza 505-525 Cottonwood Ave, with the contingency on the BID and the color scheme confirmed.

9. Adjourn

Motion (deCourcy Bower/Swenson) to adjourn. Carried (7-0). Meeting adjourned at 8:52 PM.

Respectfully submitted by
Recording Secretary,

Deidre Bushéy, Deputy Clerk