

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES
MONDAY, JUNE 18, 2018
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

Present: Jeff Pfannerstill, Ann Wallschlager, David deCourcy-Bower, James Schneeberger and Tim Hallquist

Absent: Jack Wenstrom and Tim Fenner

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 May 21, 2018 and May 29, 2018.

Motion (Hallquist /Swenson) to approve the Jt. Architectural Board/Plan Commission minutes of May 21, 2018 and May 29,2018 with amendments to be made to the May 21, 2018 minutes regarding there were some things that didn't match with what was on file for the Riverwalk project and what was built. Carried (5-0).

2. Architectural Board review and consideration of signs for the Chamber of Commerce, 300 Cottonwood Avenue.

Hartland Chamber of Commerce leases office space and is looking to add two 24 x 19 mounted signs, one would be located adjacent to the door on Cottonwood and the other would located adjacent to the door by the parking lot behind the building. Wallschlager said the lettering on the multi-tenant sign tends to get lost and that people should know they are in that building. Hussinger said the multi-tenant sign is not in the best spot and if the new sign is allowed it could open it up for other signs. Hussinger said it would be ok to approve a smaller sign, and Pfannerstill said he is open to allow the bottom one even if they are still working on the west one. It was suggested that the Hartland Chamber of Commerce talk to the BID.

Motion (Wallschlager /Hallquist) to approve the exterior lower (eastern) sign with the west sign being turned over to the owner for a sign plan. Carried (5-0).

3. Architectural Board review and consideration of a detached garage on the John Lange property located at 757-759 Penbrook Way.

The detached garage will be 22 x 22 ft with a 24 x 24 overhang in the southwest corner. It will have a gable roof line, and the colors of the exterior will match the existing structure. They are

not planning on putting in a driveway this year because of cost consideration but plan to do it next year. Pfannerstill asked if they plan on putting in the driveway within a year and they said yes. Driveway will be an extension and come off of the existing driveway. The garage will be used for storage for tenants, and Hussinger pointed out that the garage must be used for storage for someone that occupies the building. Administrator Cox said he received a call from a neighbor, Mr. Hubert who wanted it conveyed to the Plan Commission that he said would rather see it as an attached garage vs a detached garage. Pfannerstill said the side yard should not be used as a driveway. Hussinger agreed and said it needs to be solid surface. Brief discussion on how the Plan Commission can ensure the driveway is installed within 12 months. deCourcy-Bower asked about the HOA, Hussinger said the petitioner would have to check with his HOA and it was pointed out that the Village Code does not supersede the HOA. Brief discussion on the HOA. Pfannerstill said it should be put in the minutes that the owner needs to check with the HOA and the Village standpoint is only to match our ordinances and that the owner should get a letter of approval from the HOA. Hussinger said the Plan Commission could approve it if the HOA acknowledges it, because everything appears to be in order. There was brief discussion on whether the HOA is still active. Hussinger said he would like to see a date put in for the driveway to be finished.

Motion (deCourcy-Bower /Hallquist) to approve the detached garage with the following conditions- the driveway being finished by August 1, 2019, it is verified by the Building Inspector and contingent on HOA approving the garage. Carried (5-0).

4. Architectural Board and Plan Commission review and consideration of site improvements for Bravo Company, 340 Maple Avenue including authorization for a wider drive opening.

Bravo Company is proposing to add gates across the entrances to prevent unauthorized vehicles from accessing the property and to widen the existing south entrance to the loading dock area to accommodate truck turning movements because currently trucks have difficulty making the turn. Hallquist said he received a call from a neighbor that said trucks are going from the North to the South on Maple in order to make the turn. The distance required to be away from the Railroad tracks was briefly discussed. deCourcy-Bower asked when they plan on installing the gate and it was stated that it is on the plan but won't be doing it this year that it would come next year. There was brief discussion on fencing. Hussinger reminded him the Plan Commission approval expires in 12 months.

Motion (deCourcy-Bower/Schneeberger) to approve the widening of the driveway and the concrete work but not the gates at this time. Carried (5-0).

5. Architectural Board review and Plan Commission consideration of a request for a Conditional Use for concrete crushing and other operations for Lafarge Aggregates/Meyer Material Co., 700 W. Capitol Drive.

Randy Willey explained that Lafarge Aggregate/Meyer Material Co acquired the property in the early 2000's when a previous company left the site. There are approx. 45 acres of formally mined out property there and over the years historically as a concrete batch company, there has been a stockpile of leftover concrete. They are requesting a Conditional Use permit to recycle the concrete on a temporary basis. They would do the crushing all in one shot and then look at distributing it out and then they would be done. He said it is a benefit to the site because that site will be a great redevelopment project. Mr. Willey was asked how long it would take from start to finish and he said maybe 6 months depending on the hours of operation. The hours they would like to work are M-F, from 7am-4pm and they will not be trucking in anymore concrete to crush. It will be mostly watered down and will be using a nomadic hammer to chop it up with the decibels being 68-70. There is also an approximate 50 ft. high wall and the hammer would be sitting on the floor. There was brief discussion about if it would be possible to change the time of operation to 8am-5pm.

Mr. Willey was asked about dust and he said there is a dust suppression system. There was brief discussion on noise and Hussinger said they can go with a 7 a.m. start time but if they receive complaints then he would enforce an 8am start time. Wallschlager asked what the elevation of the floor is and Mr. Willey stated 18 ft. and the wall is twice that. Administrator Cox pointed out that the Village Code has performance standards and depending on the frequency of the sound there are standards they can't exceed and the number they gave seem to be below that. Administrator Cox said there is a Conditional Use permit there but no conditions were set because no one knows where that permit is. Administrator Cox said he gave them a list of conditions to look at and think about which include legitimize Ozinga's and Inter-con's presence there.

Motion (deCourcy-Bower/Schneeberger) to set a Public Hearing to be held at the regular Plan Commission meeting on July 16, 2018. Carried (5-0)

6. Plan Commission review and consideration of a request for a Planned Unit Development amendment for Riverwalk to allow not less than 3,000 square feet commercial space and six residential units or up to full commercial use in the mixed use building.

This is the Plan Commissions second review of the proposed amendment to the PUD. Administrator Cox handed out a last minute document from the Village Attorney and said the petitioner had some concerns over some of the language. He went on to say that what the attorney has suggested is the addition of some change drawings be attached to the PUD that would show basically what the 2 configurations of what the building will look like. He also said the one of concern is the additional suggested requirement in addition to periodic attendees of large events, that all employees be required to park over in the Village parking lot, and that was the piece that was of some concern.

Mr. Hodgson said it wasn't really an issue when they were talking the 1st floor having commercial space and the parking spots being used by the tenant and the commercial tenant. He said he isn't sure where that change came from, and it was the first they saw of it today and was hoping the

Plan Commission could answer that for him today. Administrator Cox said it came out of discussions with the Village attorney and Village Board over however many weeks in effort to try to address the underlying parking concern in the area. Mr. Hodgson then asked how does the Village decide who parks where on private property and Pfannerstill said there is a long history and obviously for all intent and purposes it is private property but also a big project with several players and the Village being one of them. He said there are a lot of moving parts here, one of them the way it was listed has a certain amount of parking and if it is all commercial it has a different amount of parking compared to if we went up to the 6 like it was built, that is a different amount of parking; at least based what is written on paper so that is where some of that is coming from. He went to say he didn't know how many units of the original PUD, not the way it was built but the original PUD, he thought it was 1.4 spaces per unit and he thinks that were that is coming from, and it is definitely a concern. Wallschlager asked what the square footage for office space on the 1st floor was, and was told 3000 sq. ft. is. She said with all the space added together the minimum needed would be 23.5 spaces and it already doesn't have enough parking.

Administrator Cox pointed out that the PUD agreement changes all of those standards and that the PUD agreement is a negotiated zoning for this property so you can't look at that and say it is already under the zoning code because the zoning code doesn't apply anymore. Wallschlager asked if they didn't need to follow the rules the village has in place. Administrator Cox said no because there is special zoning on the property and the Plan Commission would have to use its judgement in determining what should change here. He went on to say certainly if there were a change in the density of the parking, the Plan Commission would have to decide how to address that. He said but overall the parking has been granted a variation or variance on the site.

deCourcy-Bower said specifically in the B3 zoning it references the intent is to have the Plan Commission use that kind of zoning as using the guidance of the downtown revitalization plan and in that plan it talks about a parking strategy and it talks how the village should implement that parking strategy. It specifically says there is more than enough parking for on and off street parking to meet the needs of current and additional uses of the Village center. He went on to say that it also talks about how some proposed uses of the property have been denied because there was insufficient off-street parking & onsite to meet the requirements of the zoning code for off-street parking. He said the whole intent of the parking strategy of this plan was to leverage the concept of shared parking to fulfill the needs of not only of whatever the redevelopment of the village is going to occur but to also best leverage the municipal parking lot that is available. And the reason they recommended putting in the bridge was to make sure people could get from the municipal parking lot that was underutilized to the property. deCourcy-Bower then said to address Mr. Hodgson's question about it being private property he said, yeah it is private property but it is also designed to be part of a broader concept of shared parking that has been designed and laid out within the village so it's not just these spaces, we are ultimately trying to get to a point where there is a continuous shared parking lot behind those buildings.

deCourcy-Bower went on to say the language that was inserted that required all employees and attendees to park in the municipal lot was a little stricter and wondered if it couldn't be capped at a certain number.

Rick Stallé of Keller Williams was present and asked to speak for a few minutes. He passed out a document to the Plan Commission. He said on pg. 1 of the document is what is logged in the PUD and said they didn't get involved until April of this year. On pg. 2 he said are the plans that were originally approved along with the parking agreement.

He said pg. 3 contains the approval for the 2nd floor and what was approved for the first floor. He said lease able space on the first floor was approx. 3400 sq. ft. and approx. the same on the 2nd floor. He said they got involved in early April.

Mr. Stallé said they want to come into Hartland, help grow the downtown and bring a lot of people in from all over the country. They want to do here what they have done in Whitefish Bay and New Berlin. He went on to say no one knew in 2015 and maybe the Plan Commission in 2015 didn't know that Keller Williams was the fastest growing real estate company in the country was going to come knocking on the door. He said conceptually to have the 2nd floor use as commercial or residential is a benefit to Hartland. He said why restrict the use is point number 1, they are asking for full commercial use of the building. He then commented on the sentence that was changed and that the sentence won't allow them to park on the parking spaces in the PUD original plan because it says they would have to park in the village's municipal lot. He went on to say with the way it is written they would probably back out of the project, because what that sentence says is they will not be allowed any parking on the private party that they are trying to negotiate a lease for and that all of their parking would have to take place in the municipal lot. He said he didn't know if there was a Plan Commission meeting this weekend where this changed, but he would like to see memo's between Village board members and village attorney, between when the packet that came out on Friday and this sentence was changed at 11 this morning. Mr. Stallé said the sentence is burdensome and restrictive, more restrictive as it is currently written than the original PUD had on pg. 1 when there was zero parking.

Brief recess taken from 8:10-8:14.

Mr. Stallé commented again on the sentence regarding the parking and how he really takes issue with it, and then turned it over to Bruce Gallagher from Keller Williams. Wallschlager asked who changed the sentence and Administrator Cox said it's a comment that came from the attorney's office and he passed it on.

Bruce Gallagher said they are really excited to bring this into Hartland, after looking at several different areas this is where they want to be and parking appears to be a hang-up. He said as Mr. Stallé stated they can't operate and expect people in all kinds of weather and everything to always park far from the building. He said he has driven thru several times in the last month during the day and the parking lot seemed to have a lot of spaces open. Wallschlager commented how she has seen no parking spaces before. He commented on the coming and going of the agents and how they don't need a large number of spaces but to have absolutely none they can't operate like that.

deCourcy-Bower said the concept has always been a continuous parking lot, a shared parking lot but doesn't want to see one company impacted by another regarding the parking. He went to say

from his perspective he feels there is plenty of parking and thinks the way it is written right now doesn't make sense.

Pfannerstill spoke a few minutes on the bridge being built and how a lot has changed since 2014. He pointed out that since the beginning people have worried where they are going to park. He said with what the attorney sent over there was no meeting he was involved other than a meeting on conception of parking behind all the areas on E. capitol, but when it comes to board discussion he himself was not in any discussion to take it away from Keller Williams or anything of that matter. He went on to say there are other issues even based on the codes that were adjusted, when there were 3 units upstairs and full commercial downstairs that was the proper amount of parking spaces. He said it was then changed to 1 unit downstairs and 5 upstairs and to increase it by 3, it short some spaces. However it never came before the Plan Commission and approved, and that is how it was built with 5 units upstairs.

deCourcy-Bower wanted to clarify he said it was discussed at the Plan Commission as a concept plan. He said they did see a plan that showed the change to from the 3 units upstairs because there was an ADA requirement, that required 1 unit to be downstairs, and then the developer at the time said there was more of a market of smaller units in that kind of building so they showed the Plan Commission the plan for the 5 or 6 upstairs. He said so they did see it and there were a whole bunch of other discussions going on at that time, and said he doesn't think they took formal action on it now that he is thinking about it. But he said the point is the general agreement during that concept review that the concept was ok from the Plan Commission perspective. Wallschlager asked, but it wasn't voted on? And deCourcy-Bower said correct.

Pfannerstill said we have that going on and there are some inside that Village that aren't a big deal and there are others that say it has to be voted on by the Plan Commission and go before the Plan Commission and Village Board several times. Pfannerstill said mistakes do happen but they need to be addressed. He said at the last meeting was the first he had heard that there was a problem with the PUD and is doing the best he can to address it with the village board. He said with the attorney sending over the letter, he is not sure about that but can only speculate. He said if the letter came when it came, he is guessing it was included to provide as much information could be put forth to everyone as possible.

Wallschlager asked if it came through as a result of a conversation with the Administrator or did he call. Administrator Cox said it was recommended based on conversations the Village attorney had individually with one or more trustees, the requirement of specifically as it relates to employees, he said that is where it came from. He said it can go away, it doesn't need to be there, and the Plan Commission has heard some support of taking it out. It a fairly onerous requirement and it wasn't by any accident it was sent to you at time it went out.

Stallé brought up that the agenda item made no mention to the word parking it just stated commercial use, and felt that may be the majority of what is discussed tonight.

He said procedurally the village has this situation to clean up how the PUD language went from where it was to where it is now, he then asked if that had a direct impact on Keller Williams getting approval for what they are looking for and what they need, he said that sounds like that has a life of its own. Pfannerstill said he will be requesting from the board that it be separated and said he wanted to look into. He said mistakes happen, it does so happen when they came before the

board they increased the unit, McCormick came before the Plan Commission and it was only for discussion so it was not voted on. He said some may say that is enough to hold it legally binding some may say it is not, Pfannerstill said he is more for the procedures it should go through and voted on. Pfannerstill said also that what was in that discussion that is not being talked about is when McCormick came forward or whoever the person was, what spurred it on was the fact that they realized their attorney's made the mistake which is in the minutes from that meeting that realized that they needed an elevator if they didn't change it and that is what spurred it on. He said it wasn't about the market, or for example after a CMA is done, the real truth is that an elevator needed to be put in and it was cost prohibited.

deCourcy-Bower said his recollection of that was that they had Scott Hussinger the building inspector reach out to the state to see whether the need for a ground ADA unit was necessary unless it could be covered by the fact that right next door within the same 2 buildings in the same development you have plenty of ADA accessible units, and Hussinger said it came back no, and deCourcy-Bower said so you have to have that lower unit. Stallé pointed out the diagram that on the last page of their submission if the plan commission choses to keep with the original PUD with 3 units. He said if you look at the 3 highlighted units, their intentions subject to state and municipal approval is to preserve in its entirety 3 residential units that they will convert for commercial office suites. So even if they were to leave 7 years from now, there will be 3 units there. There are currently 5 units there and their plan is to go in and take walls down and it will remain with 3 units. Pfannerstill it would be part of the agreement that the units be put back together. There was discussion on the 3 units, ADA requirements and if uses could be restricted. Discussion on the deadline dates in the original PUD.

deCourcy-Bower pointed out the issues:

1. Parking
2. Commercial on 2nd floor changing it from residential to commercial
3. Is the Plan Commission supposed to rely on the zoning code permitted uses or the guidance provided in the downtown revitalization plan?

On issue number 3 Administrator Cox said there is no absolute there, it can go either way, and rely on one or the other. Stallé asked what they can do to move this along so they can find a home.

There was more discussion on the parking and the original 24 spots on the plan.

Stallé said let it be on record that they would be willing to share the parking spots.

deCourcy-Bower read a section from the plan from 2007 regarding parking and discussion continued on parking and shared parking.

Discussion also occurred on letting attendees of events know there is municipal parking across the bridge.

There was discussion on scraping what came from the attorney's office today and keeping the original language.

Motion (deCourcy-Bower/Hallquist) to recommend approval of the changes to the PUD agreement as presented in version sent by the Attorney with modifications to revert back to the

original language for the parking with exception of and including the location of the parking lot at 142 North Ave and the drawings to be included. Carried (4-1). Wallschlager opposed.

7. Select Plan Commission member representative to the Comprehensive Planning/CORP Updated Steering Committee.

Pfannerstill nominated David deCourcy-Bower.

Motion (Wallschlager/Pfannerstill) to approve David deCourcy-Bower as Plan Commission representative to the Comprehensive Planning/CORP Updated Steering Committee. Carried (5-0)

8. Adjourn

Motion (Hallquist/Schneeberger) to adjourn. Carried (5-0). Meeting adjourned at 9:07 PM.

Respectfully submitted by
Recording Secretary,

Deidre Bush y, Deputy Clerk