

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES
MONDAY, SEPTEMBER 16, 2019
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

Present: Jeff Pfannerstill, David deCourcy-Bower, James Schneeberger, Jeff Bierman, Tim Hallquist and Tim Fenner.

Excused: Wallschlagler.

Others Present: Interim Administrator Bailey, Building Inspector Hussinger, Bryan Lindgren, Matt Neumann, and Deputy Clerk Bushey.

Call to Order-

1. Consideration of a motion to approve the Jt. Architectural Board/Plan Commission Minutes of August 19, 2019.

Motion (deCourcy-Bower/Schneeberger) to approve the Jt. Architectural Board/Plan Commission minutes for August 19, 2019. Carried (6-0).

2. Architectural Board review and consideration of an application for façade improvements for GD Holding, LLC, 107 E. Capitol Drive.

No one from GD Holding LLC was present.

Motion (Fenner/deCourcy-Bower) to table this to the next meeting with staff contacting the applicant and advise of the tabling with the reason why. Carried (-0).

3. Architectural Board and review and consideration of construction of a new single family residence at 335 Merton Avenue.

Eric Trapp from ET Endeavors LLC was present and explained that they would like to construct a single family residence on the corner lot on Merton Avenue. He said there is a driveway easement with the neighbor. There was brief discussion on water connection which is located across Merton Avenue. Mr. Trapp said they plan on sending a camera down into the sewer on Wednesday to see what is there. Building Inspector Hussinger said there are 3 different ways to connect is at the main, a manhole or lateral.

Motion (deCourcy-Bower/Hallquist) to approve the construction of a single family residence at 335 Merton Avenue. Carried (6-0).

4. Architectural review and consideration of plans for a sign for Lakeside Academy, 651 E. Imperial Drive.

Steve Hogan from Lakeside Academy was present and explained the daycare that was approved previously is going good. He said they would like to put a sign on Imperial Drive which would be 10 ft. off the sidewalk. Hussinger asked if they planned on doing any landscaping around the sign and Mr. Hogan said no but they could. Mr. Hogan said they could do something like arborvitae or Spirea.

Motion (deCourcy-Bower/Hallquist) to approve a sign for Lakeside Academy contingent on petitioner working with staff on landscaping. Carried (6-0).

5. Architectural Board review and consideration for signage for Colburn's Car Wash, 700 Hartbrook Drive.

Brian Colburn said he is remodeling and improving the car wash. He would like to put new signs over the existing signs. He said it is a permanent sign but he would like to replace it in a year with something more modern. He was asked if the pricing would be on the signs and he said the car wash prices will be on the pumps. Fenner said he felt it was too many signs however they are only replacing the existing ones.

Motion (deCourcy-Bower/Schneeberger) to approve the signage for Colburn's Car Wash, 700 Hartbrook Drive. Carried (6-0).

6. Architectural Board review and consideration of a banner for Lake Country Lutheran High School, 401 Campus Drive-

The applicant withdrew the request for a banner. No action needed.

7. Plan Commission review and consideration of a concept site plan and plans for an addition to Sendiks Food Market, 600 Hartbrook Drive-

Ryan Thomas was present for Sendiks along with Mark Birmingham. Mr. Thomas explained they brought in the preliminary last month regarding the addition. The addition is the length at the back of the building and with storage being moved in the back of the store for a remodel of the interior. He said they have talked about abandoning the existing storm water and extending the existing into the street, going to the west and connecting down the street. He went on to say there will be landscaping at the back of the building, the transformer will be relocated to west of the addition. He said the plans for relocating the transformer are in for review and they expect them back in October. They would like to start the work as soon as possible and they hope to start in the 1st week of November but Pfannerstill commented that the PUD has to be finalized and said the village attorney was present to help explain the PUD. Fenner asked if the action would be

recommendation to the Village Board and then they would set the Public Hearing date. Pfannerstill said yes to both questions. Attorney Hector de la Mora explained the underlying zoning won't change. He said there is a Planned Unit Development ordinance which can be applied to a particular site as an overlay. He said as an overlay you have along with the developer or redeveloper the flexibility to modify the dimensional requirements in this particular incidence the primary goal of the project is to create more interior capacity within the store itself which he said he believes is a primary lead tenant there for the whole complex. He said the whole complex is owned by one owner, an LLC. He went on to say the relaxation or modification of the setback requirements will come into play only in regards to the grocery store itself and that would be on the northern end basically the northeast corner of the complex. He said that by advancing this they are not granting any modification or permission to modify any other portion of the complex. He said while he has not seen all of the plans it has been represented that number one- there is sufficient capacity for all the parking that would be the function or result of the expansion of the store itself.

Attorney De la Mora said our parking ordinance is a formula type of ordinance of so many square feet there has to be so many spots. He went on to say the PUD also says that there will be some public improvement. He said the improvement has been alluded to by Mr. Thomas as to the storm water capacity, they were using the back of the store for that and now they are contemplating or the actual thought of extending the sewer line 600 ft. and adding some man holes, catch basins and improving the curbing in that area. He said so in a sense if someone were to ask what the public benefit here is, it can be identified as number one, an improved business location that it is successful and that will also increase the valuation in the village. And secondly with this extension better management of the storm water and finally from the aesthetic standpoint to the extent that, changes are made in regards to relocating transformers, modifying and upgrading the landscaping. He said that is the logic behind a PUD. In other words, you have a specific plan and you are allowed to exercise discretion to relax it on the condition that a specific project is implemented.

Fenner asked Hussinger if all of the technical requirements had been satisfied and he said they are in the process of applying for them.

Motion (Fenner/Hallquist) to recommend to the Village Board approval of the proposed concept plan and addition subject to the standards of a PUD. Carried (6-0).

deCourcy-Bower asked there is anything that would prevent them from coming back in the future and adding on to the front for example. Hussinger said this PUD refers to a specific site plan and any modification to the PUD would require an amendment to the PUD.

This will now go to the Village Board on September 23 at which they will set a date for a Public Hearing.

8. Plan Commission review and consideration of a concept site plan for development of lands on Campus Drive east of Lake Country Lutheran-

Bryan Lindgren and Matt Neumann were present from Neumann Developments. Mr. Lindgren said this a continuation from last month and they received a letter back from SEWRPC regarding developable lands. He reminded everyone that the Plan Commission voted last month to send a

letter to SEWRPC last month regarding the INRA. Mr. Lindgren read the letter and Mr. Neumann said the boundary they have on file is the boundary they expected.

Fenner asked for clarification on the status of the area in the existing comp plan. Pfannerstill said it shows 1/3 or ¼ of the eastern portion of that land to be INRA. He said the rest of the property was institutional because the school owns the land. deCourcy-Bower said it is currently zoned institutional and the existing plan has it as institutional. There was brief discussion on the draft comp plan and this piece of property.

There was brief discussion on open space and the INRA. deCourcy-Bower said a draft is a draft and one draft showed it as open space and another draft showed it as equivalent to the proposed development. He said he assumed that staff has worked with the consultants that came up with that draft comp plan, it certainly wasn't working out of the committee. He wanted to make that clear. Bailey commented that he talked to the previous administrator and he said that the meaning as open space was purposeful. Kick the can down the road was the exact word for that. And there was no intention for that to be open space. There was brief discussion on why it was designated as open space.

He said his ultimate sense is that the intent of the property is it could be developed. He said he thinks it makes good sense for it to be developed. He went on to say he thinks transitioning it from institutional to actual productive uses is good, its right off of hwy 16, its right off an intersection, it has all the access and amenities it should. He said he would have a few detailed comments on the specifics on what their plan looks like. He asked that the developers consider the best way to preserve the best features of the property. He also commented that currently there are 2 stub roads and it would be nice to finish them off as intended as something like a cul de sac that way they don't have to work so far into it. Pfannerstill asked Mr. Neumann to give a brief overview of what they are proposing to the audience for those that have not been present before. Mr. Neumann said they are proposing 47 single family condos, 150 multi-family units, some commercial space, Isolated Natural Resource Area, Lake Country Lutheran School office/ outreach, gas station and some space will be kept as open space.

Pfannerstill said the Plan Commission meeting will take a 5 minute recess to give those in the audience time to look at the Master Site Plan. Recess at 8:42pm. Reconvened at 8:49 pm.

Pfannerstill offered time for audience members to comment. The following residents commented:

1. Nicole Kulas 282 Hickory Ct – said the road can't handle traffic from Arrowhead High School and the on/off ramps for Hwy 16 are hard to get access to now.
2. Scott Hoseid 294 Hickory Ct – asked if anyone has talked to the state about an impact study.
3. Dennis Sisko 296 Hickory Ct – said water runs freely at the bottom of one of the paths, water pools and the soil gets saturated now. He feels adding apartments & homes will increase the water flow.
4. Joann Nelson 225 Willow Drive- asked if an environmental study is being done for the water that is being displaced.

5. Allen Weiss 273 Willow Drive- asked if the road would be going through. Pfannerstill said no position has been taken yet on whether it will go through.
6. Petri 286 Hickory Ct- commented that more police and fire will be needed.
7. Chris Meier 214 Linden Ct- asked wasn't it thought it about when they put the plan in place. Feels it will jeopardize everyone and more people will be racing through the neighborhood.
8. Dennis Sisko- Asked how many gas stations does Hartland need.

Matt Neumann responded to the audience comments and questions. He said if a traffic impact study is required they will do it. He said he feels the TIA will tell them most of the traffic goes south, but will do it if requested. In regards to the water, he has not talked to a civil engineer yet. He said they will look at things like topography, soil borings and how porous the soil is. He went on to say that the DNR requires post development to be equal to or less than the existing amount of water. With the road connection, he said if it went to the west and you wanted to go to downtown Hartland, it would be a lot quicker.

Pfannerstill asked if there were any other audience comments or questions and there were none. He said then the Plan Commission needs to decide if they want to move forward.

Fenner said he heard concern from the residents regarding density, surface water, traffic impacts, population impact to police and fire. He said at this point and time focusing on those issues is like putting the cart before the horse. He went on to say the issue they have to address is the one of Land Use generally. He said if they approve of a land use other than whatever it is right now, that doesn't mean there's going to be single family at this location, it doesn't mean there will be multi-family at that location, it doesn't mean there is going to be a convenience store; it simply says there is going to be single family, multi-family and commercial uses of the property. He went on to say that specifics of the property have to be addressed later on when the developer comes in with a zoning request, with a surface water drainage plan approval, with a plat that shows the configuration of the roads. He said we don't have any of that before us tonight and we shouldn't because we aren't being asked to the details. He said the question before the plan commission is Land Use and from what he understands of the history of this particular area, it's been included in the corporate limits of the Village and a use of than open space has been allowed, it currently institutional, and it presumably was going to some sort of educational facility with all the impacts that entails. He said if it's not going to institutional because it certainly sounds like it because the school wants to unload it, then the question becomes what is an alternative use. Fenner said it's not in environmental corridor, it's not in conservancy, there is no uniqueness other than the 16 acres that was talked, there is nothing uniquely environmental about this particular area. He said the plans in the past have recognized a development and the task before the plan commission is to say what kind of development. He went on to say what he is seeing from the proposed Land Use is the classic planning approach. He said you have commercial buffered by multi-family bounded by single family and then you have an environmental area separating this development from the existing. He said it is pretty consistent with accepted Land Use planning standards as far as he can see. He said the question becomes, is this the kind of development that we would like to see here

assuming it is going to be developed and the village in the past said it should be developed in some way or another. Fenner said the proposed Land Use plan that the plan commission will be talking about later on shows development and he doesn't think the task before the Plan Commission is to decide whether it should be developed or not, he thinks that decision has been made and is being made by others. He said as he looks at this, it makes good planning sense. He said he is not buying into the connectivity, surface water, density or anything else, he is simply saying these are as Land Use make sense from what he knows.

deCourcy-Bower said he slight caveat is can you approve a concept plan that differs from what your comp plan does. Fenner said he thinks you can conditionally approve it. deCourcy-Bower went on to say if we were to approve a concept plan that differs from our Growth Plan says, and that's an inconsistent approval and he just wants to make sure procedurally it is done in the right order. Fenner said he thinks they can. He said the statutes of Smart Growth indicate the approval of the final plat, the approval of the zoning, those are ordinance things, have to be consistent with the duly adopted plan. He went on to say that when they get to that stage if the plan isn't going to work they can't approve it. Fenner said right now we have a comprehensive plan in a state of flux that is on the agenda that they will be looking at. He said he suspects that will finalize the plan before they finalize the details on this particular project.

Fenner said he doesn't think approving this plan conceptually even though it may not reflective of the existing plan is improper and is prohibited. Fenner said they are simply approving a concept plan, it doesn't give them approval of a plat, of a zoning ordinance or anything else. When they bring that in, then they hold their feet to the fire as to what the ordinances in effect at that time provide. Pfannerstill said currently it is zoned institutional and if we did anything there, there would have to be a comp plan amendment.

Motion (Fenner/Schneeberger) to approve the concept site plan for development of lands on Campus Drive east of Lake Country Lutheran as presented, subject to the caveats being that they are not approving surface water, roads, density; just the Land Use, single family, multi-family, and commercial. Pfannerstill asked Fenner if he wanted to include the density and he said no, he wanted his motion to only be for the Land Use Plan. Carried. (6-0).

9. Architectural Board and Plan Commission review and consideration of electric infrastructure for the Glen at Overlook Trails.

Bryan Lindgren said WE Energies is looking for approval of the transformers in the front yards for the Glen at Overlook Trails. He said it revolves around there being constraints of the development. They are trying to stay away from the INRA, also the slope is steep, water runs and the grade doesn't support this. They also can't go in the side yard because of safety clearance and this is why WE Energies suggests it.

Pfannerstill asked how this was missed and Mr. Lindgren said it was discussed at a previous staff meeting. Hussinger commented that it was missed in the Sanctuary development. He said in condo developments you often find them in the front but it's usually ones that have private roads. Fenner said he didn't like WE Energies response. Pfannerstill asked how far off are they? Mr. Neumann said 3 ft. off the right of way line and the right of way is 14 ft., so it would be 17 feet. There was

discussion on the placement of the transformers. Hussinger said plants used as screening can be helpful.

Motion (Fenner/Hallquist) to approve the location of the transformers as presented subject to working with staff and the building inspector on the use of significant screening. Carried. (6-0).

10. Plan Commission review and consideration of the Final Condominium Plat for Overlook Trails.

Bryan Lindgren explained the final plat with future expansion rights. He also went over the final with the common elements. Matt Neumann commented that it allows us to be more flexible if for example a customer wants a 2.5 car garage, etc. Pfannerstill asked if the Village won't ever have an official copy of the final plat. Hussinger said the Village will have the piece meal through the building process. There was discussion on a final plat.

Motion (Fenner/Schneeberger) to approve the Final Condominium Plat for Overlook Trails as presented. Carried. (6-0).

11. Draft Comprehensive Plan – Future Land Use Plan Review-

The Steering committee identified 7 areas for the Plan Commission to review in the Draft Comprehensive Plan-Future Land Use Plan Review.

1. Foxwood
2. Sunburst Apparel
3. Merton Ave & Lisbon Ave
4. Downtown area
5. Quarry redevelopment
6. Lake Country Lutheran- Plan Commission asked that the INRA be shown
7. County K/County KE

12. Announcements-

Schneeberger said he would like to see the Plan Commission meeting time changed to 6pm or 6:30pm. It was decided to change the meeting time to 6:30 p.m.

13. Adjourn-

Motion (Bierman/Fenner) to adjourn. Carried (6-0).

Meeting adjourned at 10:13 pm.

Respectfully submitted by
Recording Secretary,

Deidre Bush  y, Deputy Clerk