

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES**  
**MONDAY, OCTOBER 19, 2020**  
**7:00 PM**  
**BOARD ROOM**  
**MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

Present: Jeff Pfannerstill, James Schneeberger, Tim Hallquist, Ann Wallschlager. And Jeff Bierman. David de Courcy-Bower and Dino Xykis attended via Zoom.  
Others Present: Administrator Rhode, Ryan Amtmann, Attorney Koehnke, Building Inspector Hussinger and Deputy Clerk Bushey.  
Call to Order- 7:02 pm

Pfannerstill suggested moving item #7 to #1 since it is being postponed.

Motion (Wallschlager/Hallquist) to move item #7 to #1. Carried (7-0).

**1. Discussion and consideration of a Petition for Direct Annexation for Arrowhead Union High School (South Campus, North Campus and the former Vilter Farm).**

Motion (Wallschlager/Hallquist) to postpone this item for 1 month. Carried (7-0). Regarding the postponement Attorney Koehnke said that additional research and discussion needs to take place. He said specific rules need to be followed and additional time spent on this item.

**2. Consideration of a motion to approve the Jt. Architectural Board/Plan Commission minutes of Sept 21, 2020.**

Motion (Hallquist/Wallschlager) to approve the minutes for the meeting on September 21, 2020.  
Carried (7-0).

**3. Architectural Board review and consideration of an application for construction of a detached garage on the Hansen property, 736 Coventry Lane.**

Mr. Hansen was present and said he is proposing to build a detached garage in the backyard with the siding materials matching the house. Building Inspector Hussinger said it meets all the zoning requirements. Wallschlager asked if it was far enough off the lot line and what the distance requirement in the code. Hussinger said the code requirement is 5 ft.

Motion (Hallquist/Schneeberger) to approve the application for construction of a detached garage on the Hansen property. Carried (7-0).

**4. Architectural Board review and consideration of single-family homes for the Paradise Trails development.**

Bryan Lindquist was present via Zoom. The building plans were included in the packet. Lindquist said the developer will maintain the architectural control. Hussinger asked if he could confirm the siding and roofing materials. Lindquist said there will be vinyl siding with hard board corners. Xykis asked what the shingle weight is and Cory Gerth of Harbor Homes commented the shingles are 30 year shingles. Xykis asked Hussinger if there are any requirements on shingles and Hussinger said no. Lindquist said the shingles have the typical time span.

Wallschlager asked how many of the garages are front loading and Lindquist said all of them because of space. Bierman asked if there would be any shutters, and it was stated that some will have loft windows. Bierman asked if the window sizes meet the code and Hussinger said he has not looked at the plans that closely yet. Lindquist commented that the windows do meet the code. Administrator Rhode said they will still have to submit it to Hussinger as long as they stick with one of the plans they submitted.

deCourcy-Bower said he thinks they look nice and he likes the color scheme. Schneeberger asked about the street lighting plan and Hussinger said we do not know that yet. Lindquist commented that there will be a lamp post in front of each condo.

Motion (deCourcy-Bower/Hallquist) to approve the single-family homes for the Paradise Trails development. Carried (7-0).

**5. The Hartland Plan Commission will conduct a review of a proposed Multifamily PUD development ("Project") whose approve and rezoning is being sought by an entity, now known as Lightning Development LLC, to be located north of STH 16, east of Campus Drive and Lake Country Lutheran High School and south of the east-west road to be constructed for the Paradise Trails Condominium development, but not connected to Willow Drive. The Plan Commission will examine:**

**a. Proposed plans for six buildings containing 150 apartments with attached and detached garages;**

Amtmann said at the last meeting the Plan Commission saw the general development plan and the development team has determined they would like to get approval for the full detail plan. He went on to say that over the last 30 days there have been multiple meetings between the development team and the village staff in order for them to advance their general plans. There were a couple of primary issues at the last meeting the first being parking. He said the update with the parking is that the development team is proposing to meet the Village's code and install the 338 stalls upfront as part of the project and not defer any of those. He went on to say they have a very detailed parking plan which illustrates the 6 different sorts of parking that are being proposed.

He said the second update is the phasing plan which directs the construction drawings and how things are sequenced. Amtmann said they will initially focus on buildings 1 & 2. They will then move on to 3 & 4, and 4 & 5 with the entire development being complete by about January of 2022.

He said the architecture of the buildings have not changed and the landscape plan has not changed. The primary change is the detailed site drawings as well as the parking. He said the approval will be for the architectural plans, the site plans and the landscape plans that are in the packet. Wallschlager asked how many handicap spots are being put in and it was stated they have 338 total spaces with 8 being ADA compliant.

**b. Proposed plans for Amenities for the Project;**

Wallschlager asked what the amenity area is. Buck Knitt from Rinka said the amenity area is a clubhouse type building that includes a pool, amenity room, bathrooms, fitness center and small office. Wallschlager asked if additional parking is needed for that building. Hussinger said it is an accessory building and the users of that building will be coming from within the development and typically will not be driving there. Wallschlager asked about the Village codes and the building. Hussinger said regarding the code, it is not used every day and not used all year round. He thinks there should be parking there but not like a bar or restaurant.

Bierman asked about the size of the parking spaces and Amtmann said the dimensions meet the Villages code. Bierman also brought up the footage between buildings 1 & 2 and the lack of space for moving in times. Ryan Rascon from Catalyst Construction said there will be someone on site to schedule and coordinate move in and move out times.

deCourcy-Bower commented on the trail system and wanted to make sure the connectivity is maintained. Amtmann said the CSM has been updated and one of the updates pertains to that trail. That trail will be installed prior to the completion of phase 1 and it will be accessible during construction and throughout. The other update on the CSM was to make the conservancy area an outlot so that has been completed. Another updated item was the easement for the lot to the south to utilize the multi-family drive in and out, in the event in the future there is a higher density on the lot.

Schneeberger asked about a lighting plan and it was stated a lighting plan was previously submitted. Rhode said it has not changed since the last meeting, so it was not included in this packet.

Amtmann suggested when and if there is a motion for items A & B, to make it conditioned on meeting the staff level comments and all the items addressed.

deCourcy-Bower commented on lighting and walkways and wanted to make sure there is enough lighting in between building and when people are walking from their garages etc. in the dark. Lake Country Lutheran commented that all the major roadways and walkways are lite as well as lighting on the side of the buildings that are on a switch. There was brief discussion on the lighting.

Motion (Hallquist/Schneeberger) to approve items A & B with the condition before it is completely final to meet the engineer and the staff's comments and for the engineer to evaluate lighting. Carried (7-0).

**c. Proposed Planned Unit Development (PUD) Agreement for the Project;**

**d. Proposed rezoning to RM-1 in conjunction with a PUD Agreement for the Project;**

**e. Proposed Security to assure the completion of limited public improvements and private utilities of the Project.**

Attorney Koehnke said the current version of the agreement that was in the packet is the most recent version of the agreement. It is redlined and some changes were made. He said at this point his office believes it is substantially complete and the board can move forward. He said Attorney De La Mora had Section 2 C4 deleted from the agreement, it had to do with public water. The most recent addition in the agreement is section H, which addresses if this property were ever to fall out of the hands of the current owner, and into the hands of a non-profit entity there is still the ability for the Village to get the share of taxes. Rhode commented on the letter of credit, and they are just waiting on some final numbers. The letter of credit is in case the development is not finished, the Village would be able to finish off the utilities. Attorney Koehnke said the letter of credit is still being negotiated and that the Village needs to be in the best position to protect itself.

Motion (deCourcy-Bower/Xykis) to approve and move forward with the stipulation, that all the Village engineer, Attorney, Building Inspector and Administrator concerns have been met. Carried (7-0).

8:02 – Recess taken

8:10 – resumed meeting

**If the Plan Commission is satisfied that the level of detail presented meets the requirements of Hartland Village Ordinances sec. 46-808, it may act to refer this Project to the Village Board for the scheduling of a Public Hearing pursuant to Hartland Village Ordinances sec.46-40.**

Motion (Xykis/Schneeberger) to refer items to the Village Board for scheduling of a Public Hearing. Carried (7-0). Attorney Koehnke commented that the Public Hearing is needed because of the rezone.

**6. Discussion and consideration of a conceptual site plan for the Sandhill East Multi-Family development (Siepmann Realty Corporation) located east of CTH KE and north of CTH K.**

Jim Siepmann from Siepmann Realty and Craig Caliendo from Kingsway Homes were present for Sandhill East Multi-Family development. Siepmann said they went before the Village Board several weeks ago and presented the plan for the first viewing and they directed him to get some feedback from the Plan Commission.

He said they own the 60 acres to the east and the 40 acres to the west of Winkleman Road north of Lisbon Road. He said they tried to do some planning on the 40 acres but because of the KE extension through the property in the future, it just became problematic and they deferred that to the 60 acres. He said it is roughly 62 acres, zoned RS-1 single family and he said they would have to determine with the planning staff what the future proposed zoning would be.

They are proposing 33 two-family & 11 four family buildings in the south end of the property in the first cul de sac off Lisbon road. And the 2 family would be north of the first cul de sac to the north of the property. He said roughly 64% of the property or 38 acres would be kept as green space and would be developed over multiple phases. He said they do have amenities planned and one of the main things in the site plan is walking paths like in Windrush subdivision across the street, and it will be paved walking trails throughout the development. The street pattern is the exact street pattern of the single-family

conceptual plan for the Windrush subdivision they did years ago. It is roughly the same amount of buildings, but they are now proposing 2 family and 4 family homes. He said they are proposing private streets and because of the private streets they do not have a connection to Walnut Grove anymore. They do not feel it appropriate to have public traffic going through this development but are proposing an emergency access for emergency needs. They are also proposing public utilities. When they did the Windrush development they have the connection to sanitary sewer and water as well to the north. They will also have natural gas, electric, cable tv and electric put in. The HOA would manage the open spaces and amenities of the project.

Craig said it would be side by side single story ranch style condos ranging from 1500 sq ft to just under 2000 sq ft. Some would have 3 car garages, finished basements with the price range of \$450,000-550,000, averaging at \$500,000. The other buildings would be like putting 2 side by side duplexes together but they would still be single story and they would start at \$400,000 with approx. 2000 sq ft. They will be like mini luxury homes at a more affordable price point. They focused on keeping the outside an upscale maintenance.

Pfannerstill said the staff memo was sent out by the Administrator. Amtmann said he does not see any issues on the sewer side.

The following people had comments:

1. Keith Eineke N57 W27816 Walnut Grove Ct- part of the Walnut Grove HOA, has some concerns regarding traffic. Does not see retention ponds in plans and against road being opened up.
2. Resident W279 N7531 likes what Siepmann did with Windrush, biggest concern is buffer zone.
3. Carol Jungbluth W282 N5938 Winkleman Rd commented on Winkleman Road.

Xykis asked if the density required was over or under. Pfannerstill said it was properly zoned. Hussinger said the current zoning supports 2 units per acre and the density was just reworked in the last year. deCourcy-Bower commented on the NE portion and density. He also expressed concern on how it will connect with the west and would like to see a concept.

Siepmann commented they do not want to box in the development from the west but can show it.

Bierman said the future land development, density, and concern with one of the main sewer lines running through the golf course.

No action taken as this is a conceptual only.

#### **7. Discussion and possible consideration of a proposed land division of the Hammer property, HAV 0428 959 002 into 6 parcels-**

Craig Eisenhut explained what is being proposed. They are looking at dividing the parcel into 4 parcels. The property is zoned RS-1. Hussinger explained originally, they were told to wait for adjacent properties to be developed but Eisenhut reached out and wanted to try one last time.

Eisenhut said he would like to keep it more natural and keep it complimenting the environment.

Someone from Keller Realty was present and said she represents an owner of the property to the east, and that owner is interested in selling.

Karen Buckley 238 Merton Ave – owns 3 acres and not thrilled to see homes on the property along with increased traffic.

Mr. Strombeck 305 Badger Drive – asked what changed since it was denied 2 years ago. Concerned about the water drainage as there currently is a lot of water the comes down through his property and driveway.

Pfannerstill said the question is what happens to the property.

Amtmann commented on the water drain off and said the water drain off from that property would not exceed the current rate. He also said in prior proposals storm water was an issue and advised the Plan Commission to look at that.

1. Resident 1131 Eagle Pass – commented why not have a cul de sac instead of a hammerhead because it would help with the drainage issue.

Hussinger said if it moves forward, he envisions cul de sacs being required in the zoning code in order to support this development. He said currently as it is laid out the lots do not meet our minimum lot width. He said you get a reduction in lot width for lots on a cul de sac with a radius. He said so he thinks a cul de sac or a curve or radius of some sort to support these lots.

2. Jeff Ott – 265 Badger Drive – said all the lots butt up to trees and woods. He hopes the trees and topography would be considered in the development.

deCourcy-Bower said his position on this is similar to what it was in 2018. He said they have gone thru the comprehensive planning process since that time. He said this lot was maintained at a density similar to the east and the properties to the west were also shown in the comp plan to be developed at a potentially slightly higher density.

He does not want to preclude the rights of the property owners to the west by cutting this off and not allowing them the access which has been allowed to this property. He said the property owner previously wanted to sell, they changed their mind and subsequently it is being sold. He thinks the same right to easement of access should be afforded to the properties to the west. Otherwise he thinks the Village essentially approved a plan which they are not abiding by and in fact impacting significantly the value of the properties to the west. He said he would argue that by not providing access, we are diminishing the property value of a private property that we have shown in our comp plan to be developed and there is also a representative of that property here that is saying they are looking to sell and would like to see it developed.

He said 2 things come to mind. 1) is a hammerhead, it was discussed at length the reasons not to do hammerheads and snow removal was the primary issue that were talked about with hammerheads vs cul de sacs. He said in this case similarly cul de sacs would need to be put in. 2) He said he thinks they would need to have some sort of easement access further to the west to make sure there was connectivity to the cul de sacs to the properties to the west, so at some point in the future have a private drive or some way of getting traffic to a small area of property to the west. He said he thinks it should be developed and storm water is one of the biggest issues going forward but feels this plan is far away from that.

- Aaron Kuphall 318 Merton Ave thanked deCourcy-Bower for the statements he made about the properties to the west. He said it made it clear previously at other times when concept plans

came before the Plan Commission, they are interested in being part this eventual this use of this plot of land and development.

Xykis said he can sympathize with everything he heard and sympathize with the current owner. He said as a board member we owe it to the owner to also tell him what we are going to do. He said it is not acceptable to lock someone and not develop the property the way he wants. He said he agrees about access to the west but maybe access from some other lots too, he said we can't make the property owner responsible to have access to everyone.

Pfannerstill asked deCourcy-Bower to clarify if he meant the roads to go all the way thru to Merton Ave or just go far enough along that the properties that touch Merton Ave, that those properties have roads coming in from the back.

deCourcy-Bower said what we do as a village, that is meant to be extended to an adjacent property at some time in the future, we put a temporary end to that road with a hammerhead. So that allows for future development. He said what we don't do is landlock properties because a property owner wants to develop that land cheaply. He said what he is proposing or what he expects is some sort of access provided where either the roads extends straight and stops at the west side of the properties as a hammerhead and eventually this property would get developed and we would allow at some point in the future for the properties to the west to get developed. He said or we could do something creative, make them cul de sacs, but provide access easements for private drives that would then go to the west. He said from his position we should not be stopping development as we show on our comp plan that was reviewed and approved because someone doesn't want to put in the infrastructure to allow for the development of the properties to the west.

There was discussion on the access. Xykis asked where the access would be and deCourcy-Bower showed it on the screen to go the west.

Eisenhut commented that he feels it is unreasonable to tell someone they cannot do something with their land.

Motion (deCourcy-Bower/Schneeberger) to table this item and the petitioner to work with Building Inspector Hussinger. Carried (7-0).

#### **8. Announcements-**

There were none.

#### **9. Adjournment-**

Motion (deCourcy-Bower/Schneeberger) to adjourn. Adjourned at 9:47 pm.

Respectfully submitted by  
Recording Secretary,

Deidre Bushéy, Deputy Clerk