

JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES
MONDAY, DECEMBER 20, 2021
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.

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

Others Present: Interim-Administrator Bailey, Scott Hussinger, Shawn Hoppe, Ryan Amtmann Kate Bucci, Mr. Cope, Logan Wehmeyer and Deputy Clerk Bushey.

Call to Order- 7:00 pm

Roll Call taken.

Public Comments: Please be advised the Joint Architectural Board/Plan Commission will receive comments from the public related to any item(s) on the agenda for a three-minute time period per person, with time extensions per the Chairman's discretion.

1. Consideration of a motion to approve the Architectural Board/Plan Commission minutes from November 15, 2021.

Motion (Wallschlager/Schneeberger) to approve the minutes for the Architectural Board/Plan Commission meeting on November 15, 2021. Carried (7-0).

2. Architectural Board review and consideration of an application for signage for KC-K9 Academy Dog Training, 675 Industrial Court-

Kate Bucci from KC-K9 Academy Dog Training was present to explain the signage. She said there is no signage there now. She was asked if the sign will be lite, and she said no but there is a lite outside. Hussinger said he had no issues with the signage.

Motion (deCourcy-Bower/Bierman) to approve the application for the signage for KC-K9 Academy Dog Training, 675 Industrial Court. Carried (7-0).

3. Architectural Board and Plan Commission review and consideration for signage for Evolve Studio Space, 139 E. Capitol Drive.

Mr. Cope was present to explain the proposed signage. He said Evolve Studio is taking over the space that was previously occupied by Coda Yoga. He said the signage will be in the same location. Interim-Administrator Bailey asked Building Inspector Hussinger if there were any issues. Hussinger asked if the signage had been approved by the BID and he said yes.

Motion (Hallquist/deCourcy-Bower) to approve the signage for Evolve Studio Space, 139 E. Capitol Drive. Carried (7-0).

4. Architectural Board review and consideration of a request for a Conditional Use for the operation of an arcade for Sweet Dreams/Guppies Game Room, 540 Hartbrook Drive.

a. Preliminary consideration of plans for the proposed Conditional Use-

Logan Wehmeyer from Sweet Dreams was present and explained the proposed Conditional Use. He said they are looking to expand the space next to Sweet Dreams and will have a hallway to connect the 2 areas. He said the renovation has been done minus the hallway. Wallschlager asked if he was going to have 15 arcade games and he said yes. He said they own some of the arcade games & are adding additional ones.

Wallschlager asked if he will be adding a public bathroom and he said there is an existing bathroom from the former Chiropractor, and it will be turned into a unisex bathroom.

Wallschlager also asked if the door was a fire door and what if he planned to change the change the front windows at all. Logan said it is a fire door and they had put some thought into darkening the front windows. Bierman asked Hussinger if it was a fire wall and he said no.

Hussinger reminded everyone that this needs a Conditional Use and if moved forward the Public Hearing date would be January 17, 2022.

b. Motion to set a Public Hearing to be held during the regular Plan Commission meeting January 17, 2022.

c.

Motion (Hallquist/Schneeberger) to set the Public Hearing date for the Conditional Use for January 17, 2022. Carried (7-0).

5. Plan Commission review and consideration of a conceptual site plan for the proposed development of property located north of 1112 Lisbon Avenue-

Shawn Hoppe was present and explained the concept plan. He would like to build 2 houses on the property with a shared driveway. He said they have been working on this plan for a while, so it works for the Village as well and proper drainage. He said he is looking for feedback on how to move forward.

Xykis asked what the size of the shared driveway would be. Hussinger said the Village of Hartland has minimum driveway standards, but this is just a concept plan and they would expect engineered plans to come before the plan commission at a later date.

Interim-Administrator Bailey said the Cul de sac that is on the drawing, that was drawn to the specifications for our plows, so he said it would be 60 ft. so it would match our plows. He said he spoke to the Fire and Police Dept about getting emergency vehicles in and out of there. Pfannerstill asked if there would be an easement for the shared driveway. Hussinger said that this layout could only occur under a PUD, he said those details the easement and all of that would be on the site plan and on the document.

deCourcy-Bower said this property has come before the plan commission before with this being the fourth time. He said the major stumbling blocks that have been encountered are that this property adjoins properties to the west.

He said when he looks at the plans here, it is the same stumbling block, does it support continued and future development of adjacent properties as currently shown in the Comp Plan. He said from his perspective this plan as shown doesn't fit that need. He said we should allow for the guidance from our Village code that says that we make sure that as properties develop they continue to provide access to future possibilities of those properties to the west. He said it has been a stumbling block for every plan that has come before the Plan Commission for this property. He said as a village the question becomes from the Comp Plan perspective are those going to continue to show development of this area. He said that would have to be something that is addressed by engagement of all of those property owners to the west. He said if we allow this development to go forward, we stop the ability of those properties to develop. He said then essentially, we are devaluing their properties to not allow them the potential to develop as they should in our plan. He said that's why this plan doesn't meet that need. He said to try to get these properties to develop the density was increased to the west. deCourcy-Bower went on to say it is his understanding that one house could be built on this property and Hussinger said yes, one house could be built. deCourcy-Bower said that is the right the current owner has and that is to build a house on this property. He said if he wants to divide it or subdivide it, he needs to look at what the implications of doing that are for the rest of the developments.

Bierman said he agrees that it would land lock those properties.

Wallschlager said if we don't let them develop this then we are telling them they can't really sell it because we have had everything from many homes to 3 homes now to 2 homes and we are telling them you aren't going to be able to sell it because we won't approve it. She asked what more do we want. Bierman responded that they can build a home on this property and Wallschlager said that would still landlock those properties. Bierman said not if that home was in the middle of Badger drive. deCourcy-Bower said right now if they want to build a home on this property and landlock the properties to the west that is currently in their right, that is something they can do. He said as soon as we start subdividing properties down into something further than what they already are, then we need to do what we do for everybody in regard to a subdivision, we look at it and say whether this makes sense and this is what the subdivision zoning code says and what we have to look at. deCourcy-Bower commented that if we want to look at the Comp Plan, we should have a discussion and involve the neighbors to the west to say someone wants to develop something behind this lot because that is a bigger issue. He said once it is out there, he thinks the Village could be liable for landlocking properties that the plan shows developable.

There was discussion on what properties would be landlocked. Hussinger said there was a site plan that went before the Village Board not that long ago. He said it included a property off Merton Ave and the Hammer property, and it was his understanding that the owner of that landlocked piece did not want to participate in the development. Interim-Administrator Bailey said that was a conceptual plan that went before the board that had 8-10 units and that was rejected and this one was conceptually approved by the village board.

deCourcy-Bower commented that he falls back on what does the Comp Plan show, what type of entities does it show on the properties to the west, and how does it tell us that these properties should be developed. He said that is what is reviewed and goes through Plan Commission approval, and ultimately has to have Village Board approval too so that is what he looks at on what kind of a decision do they want to make and does it align with what it says in the Comp plan. He said he doesn't think it is consistent. Bailey said that in the history of the Village of Hartland the Comp Plan has been amended before so it is amendable. Wallschlager said she was told that the Comp Plan is just a guide and not something written in stone. Bailey said that is correct, he said the Comp Plan, the future of what everyone involved in Hartland saw something with more density lead to the other properties, so this is a difficult property. Pfannerstill said he had to take in consider the people to the west and east and the property owners because there is a long history, he has to take into consideration the people in Lake Country Meadows. deCourcy-Bower asked the Village engineer if the roads Eagle Pass and Badger drive been completed to the Village standards. Village Engineer Amtmann said he spoke to the Village Public Works director about those two intersections. He said the concept plan before you with Eagle Pass would show an extension of the roadway with a Cul de sac for turn around movements. He said Badger Drive currently is just a dead end, so the plow plows to the end and then backs up. He said the director said on those two roads that is fine. He said the Fire chief from the standpoint of access for this proposed layout, from Eagle Pass the fire hydrant would be able to reach Badger Drive as well as Eagle Pass. He also said the ability to fight fires on what is proposed here is met and ok with the Fire Chief. He said that long term plan does show for the sewer and water to extend through for the Village to loop around. He said he has the last 3 site plans and the higher density option that wasn't approved by the board. He said the other thing for consideration is the cost to extend the Village standard road through that parcel with relatively limited area to actually develop along with sewer and water is expensive and it could possibly be prohibitive to develop those lots.

deCourcy-Bower said what he is saying is it would be prudent and fair to the property owners the west, that if we are going to revise the Comp plan then we need to be transparent about that process and engage them and make it very clear so the Village isn't held liable. He said he thinks a comp plan amendment would need to be in place if a development like this were going to take place.

Pfannerstill asked for clarification if he meant to go through the comp plan first and deCourcy-Bower said yes. Pfannerstill said typically in other developments that we have done that.

deCourcy-Bower said the difference between those 2 is the change in the Comp Plan has impacted the property that has been brought before us where the change in the comp plan would be for properties not owned by the applicant coming before us. deCourcy-Bower said he wants to make they have a voice and understand the implications of that change. Wallschlager asked if they were notified on this, and deCourcy-Bower said they were notified of this development, but they were not notified of the change in the Comp Plan. Wallschlager asked if they were notified of this meeting. Bailey said this is a conceptual to see if this is even an option. He said if this is voted down by the Plan Commission, it wouldn't go any further. He said if this is something that is desired to move forward, at that point we would have that communication. Bailey said if the Plan Commission decides they like it, then we will need to reach out to these people and move forward.

deCourcy-Bower asked Amtmann per the Comp Plan how many houses could be developed on these properties? Amtmann responded 10-20. deCourcy-Bower said that is the decision we are making here, are we blocking the future development of 20 homes for the sake of 2. He went on to say that is the consideration we need to make from a Village perspective and the housing aspect. He said we hear all the time that there needs to be more affordable housing, that the prices are too high in the Village and these pieces of land have the potential to provide something more affordable in the Village. He said these are the things that go into the Comp Plan.

Wallschlager said having only 2 homes on that big piece of property would be better than 10 or 15 homes. She said like the engineer said the cost of the roads would almost make it cost prohibitive.

Hallquist commented he thinks it is a 2-fold issue. He said the Comp Plan needs to be changed if that is what we are going to do, and second looking at the turn out tonight it seems like the 2 houses is better than the last couple that have come here in regard to density goes. He said he thinks the residents would appreciate the 2 houses versus the 15 or 20.

deCourcy-Bower said that is why he thinks we need to engage with the property owners to the west to make them understand that if we change the Comp Plan, we need to be transparent in the process and make sure everyone agrees on it. Pfannerstill responded he agrees we should be transparent but not everyone is going to agree. deCourcy-Bower said they should be part of the process though. Bailey asked with the Cul de sac being a public road, does that landlock those properties? Amtmann said what's on the concept plan it doesn't show the Cul de sac extending to the west so it would have to be extended further.

Bierman commented that he thinks that 2 homes could still be built on it there was an easement on Badger Drive. He said if he came in with a single home on the property, how would the Plan Commission feel on that, would they feel like it was blocking this road, where with a double lot would it work if the access for these two homes came off Badger and Eagle Pass would be a dead end the way it is now.

Bailey commented on how originally, they had a road coming off Badger and a road coming off Eagle pass and staff worked with them where they got to the joint driveway for better retention and all the water from Badger was going to flow down the street because there is no sanitary sewer there. There was more discussion on access from Badger. Amtmann commented on the water flow in that area and said it drains from north to south so where Badger Drive touches the land it jumps up about 6 or 7 ft, and it would be a significant amount of work to construct the cul de sac in that location. He said the Eagle Pass roadway with a cul de sac in that location allows the water to drain in that area in a long swale and the water would probably be held up near Eagle Pass.

Pfannerstill asked if anyone else had comments and said that moving it forward doesn't necessarily mean it is approved. He said if it were to move forward, it should be a transparent fashion.

Xykis said he agrees with Wallschlager that the gentleman work with the engineer and Hussinger to come up with a proposal that would be a compromise and then we can re-examine. He said we should also make it easy for the owner to take advantage of this property too.

deCourcy-Bower asked would it be on the plan commission to make amendments for changes to adjacent properties and Pfannerstill said that would be the Plan Commission. deCourcy-Bower said at some point we need to bring the Comp Plan in line with what we want to do as a Village.

Hussinger said if we amend the Comp Plan, we are going to have to identify the two other landlocked parcels owned by properties that have road access. And an amended Comp Plan would

have to confirm access to those land locked parcels most likely through other parcels owned by the same individual because where else would it come from. deCourcy-Bower said, or the Comp Plan would have to be revised that those remain as undeveloped land. Bailey asked if the owners of those landlocked properties had ever come forward with a plan to develop them. It was stated we could reach out to them to see their intention.

Pfannerstill said he would like staff to bring forth a notice to let property owners to let them know so they do have a chance to come and give us their feedback. He said he would also like to see it come back next month to see if we change or solidify the Comp Plan.

Hussinger said there is no action item here, this is a concept plan. deCourcy-Bower asked how long to get this through to change the Comp Plan and Hussinger said at least 90 days it could be 120. Discussion on moving this forward. deCourcy-Bower said he has made himself clear that he doesn't think this should move forward without a change in the Comp Plan and it isn't consistent with what the plan shows currently. He said at this point I would have to say it is not consistent with what our plan is and he would move to deny it.

Motion (Wallschlager/Hallquist) for the Conceptual plan to move forward. Carried (6-1). deCourcy-Bower voted no.

Bailey said staff will work with the building inspector and reach out to the property owners.

6. Announcements-

None.

7. Adjourn

Motion (Schneeberger/Wallschlager) to adjourn. Adjourned at 7:53 pm.

Respectfully submitted by
Recording Secretary,
Deidre Bush y, Deputy Clerk