

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES**  
**MONDAY, FEBRUARY 21, 2022**  
**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, Jane Maahs, Ryan Amtmann, Kristin Sanden, David Malz and Deputy Clerk Bushey.

Call to Order- 7:11 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.

No comments.

**1. Consideration of a motion to approve the Architectural Board/Plan Commission minutes from January 17, 2022.**

Motion (deCourcy-Bower/Xykis) to table the minutes to the March meeting for staff to review. Carried (7-0).

**2. Items related to a request for a Conditional Use for the operation of a secured self-storage facility for FreeUp Storage of Hartland, LLC, 840 Rose Drive.**

**a. Public Hearing for the consideration of a Conditional Use request.**

Pfannerstill opened the public hearing at 7:12pm for comments. There were no comments, so the Public Hearing was closed at 7:12 pm.

**b. Consideration of a motion to recommend approval of the Conditional Use Permit.**

Pfannerstill asked Hussinger if he had comments on this and he said no, he said this is just a review of their Plan of Operations.

Motion (Hallquist/Schneeberger) to recommend approval of the Conditional Use Permit. Carried (7-0).

**3. Architectural Board review and consideration of site and building plans for construction of a garage addition on the Horn-Matz property, 176 E. Park Ave-**

David Matz said they are looking for a little extra storage space on the garage. Hallquist asked Hussinger if there are any issues with anything. Hussinger said the proposed addition meets the

Village zoning requirements so he would support approving this project for up to a total of 800 sq ft, which he said he thinks is being proposed. He said it meets the setback requirements and the height requirements. Mr. Matz said if you scroll down to the next page, you can see an odd shape in the garage. He said the current wall of the garage is close to the property line it is like 3.5 ft off the property line and the new addition on the garage is the required 5 ft. that is why there is the goofy shape. deCourcy-Bower asked about the materials and Mr. Matz said it is going to be a block construction with a stone exterior. He said the construction will remain the block construction and stone siding and cedar plank siding along with a couple windows.

Motion (deCourcy-Bower/Xykis) to approve a garage addition of less than 800 feet on the Horn-Matz property, 176 E. Park Ave. Carried (7-0).

**4. Plan Commission review and consideration to begin the process to amend the Village Comprehensive Plan's "2045 Land Use Plan" for the properties located on and east of Merton and North of Lisbon Avenue and west of Lake Country Meadows.**

Interim Administrator Bailey said there had been some desire if the hammer property got developed as is, possibly changing the comp plan for the property to the west of there. He said that parcel is owned by someone on Merton Ave. There are a couple of things pc can choose to keep the comp plan as it is which shows a higher density or move to change it to a density, they feel might fit in that 2045 Plan. He said an owner at Merton Ave from our discussion with them, seems like they may want to join the lots, they don't have a desire to develop currently. Bailey said it actually seemed like they don't have a desire to develop it all. Bailey said we brought this forward because there was some desire to possibly go thru a comp plan change or leave it as it. deCourcy-Bower said it might be helpful to talk through the 2 plans that have come before and show that images of what they currently show and then maybe take it from there as far as discussion goes. deCourcy-Bower showed the image of the previous comp plan and on that plan pointed out the properties that are in question, the ones located to the west of the subdivision and the ones north of Lisbon. He said back in this version of the comp plan there were some proposed road layouts of a concept of how that could be developed at some point, and it is the precursor of the current comp plan. He said when the current comp plan was developed, He showed the image of the current comp plan and said the hammer property was discussed and was supposed to be somewhat similar density as the properties in the subdivision to the east. He pointed to the properties to the west and said the density was supposed to be a little higher than the properties to the east. He said the intent of doing that was to support and enable the development of these properties of slightly higher density but yet maintaining the buffer between the existing subdivision and the slightly higher density. He said this is what the comp plan currently shows, and this is the approved version of the comp plan that went through public comments, development, Plan Commission review and Village board review and approval. He said the intent was similar density in the subdivision to the east and higher density to the west. He went on to say what is being considered here is what kind of changes if any, do we want to make to this comp plan. He said the property owner of the former hammer property has come to Plan Commission with a

proposed development and the question is, that is what has triggered the discussion here, as far as what is the best use of these properties back here (in the slightly higher density area) and how should the comp plan work to reflect what is desired by the Village and what is desired by the property owner.

Wallschlager asked if the proposed development is only going to be 2 houses, why can't it be left as is. Pfannerstill said technically we could, but it has been requested that we look into this.

Wallschlager responded but why and Pfannerstill said because of the discussion that went on from deCourcy-Bower that the comp plan reflect the most accurate rendering of what we may be hoping adds up. deCourcy-Bower said from his perspective what has triggered the discussion on the comp plan is the applicant has come forward to sub-divide this property into 2 properties to enable the building of 2 houses. He said the comp plan and the text of the comp plan says you essentially need to enable the orderly development of properties in accordance with the plan. He said the intent here as you can see from the former plan as well as the intent of the applicant's discussion of the improved comp plan, is that the access would be provided from the east to the west into these properties. He said he feels it is unfair to (inaudible) on the west to preclude them from the ability to develop their properties unless we make it clear in the comp plan, he said that is his opinion. (Wallschlager's comment inaudible). deCourcy-Bower said he wants to make sure its transparent for the property owners that if we are going to approve a development of an adjacent property that precludes them from developing their property that it is clear and transparent and done in accordance with the plan. He said because ultimately our responsibility as a Plan Commission is to approve developments that allow implementation of the plan. Wallschlager commented that she thinks it is great with only 2 homes on the property and asked if Bailey had talked to one of the property owners and he replied he did talk to 1 of the property owners but not all of the property owners. Xykis asked Pfannerstill to have the Plan Commission stick to the rules of speaking one at a time.

Jane Maahs 338 Merton Ave – said she and her husband own the property to the west of the two properties that he was talking about. She said the whole intent they understood when they bought was that, at some point in the future that this would be eventually built up. She said she understands the need for a Comp plan change, in fact she would like to compliment the layout on the hammer property which is more than generous however because of the layout of the land, because of the fact that their water is not brought in from the same well as their neighbors. She said their water comes from Hilger farms. She said we would have 3 different wells now that would be dealing with this and in order to not have 8 pumps stations way in the back in order to develop that if we go off of Merton Ave, we would need at minimum an easement for water and sewer from Lake Country Meadows so that could be developed in the future. We need to see if they are going to do those 2 houses, maybe reduce on this comp plan to only one easement that could and would service all of that area. She said the long skinny strip of her property doesn't look like a lot to the Plan Commission, but it is a buffer and they do enjoy walking on it, she said however at some point in the future those other properties may want to add on. She said the problem that she sees is that not all of the property owners are being taken into consideration and the Plan Commission is not looking at where the water sources are coming from. She commented

do we add more on to one well that couldn't handle it and she said like I said before we have 3 different wells being tasked here, for those properties in back and on Merton Ave. She said between her neighbor and herself, they have 2 different wells systems. She commented more on the well. She commented that somewhere down the road you don't take that ability away for that to be developed properly and not just hodgepodged which she said she has told the board numerous times.

She wanted to commend who has the property now but also look at the fact there should be some easement that goes thru for sewer and water.

Inaudible from 36:00-37:40.

Amtmann commented regarding the sewer and water. He said the question that he has is how those properties are individually serviced with sewer and water. He said there is a sewer and water main to the west of those properties in the roadway. He said he heard the resident comment that there are private wells back on those properties and he said Hussinger may know how those properties are serviced but he thinks following the meeting here in terms of where a sewer and water easement would be, it would be worthwhile to at least do a preliminary layout of how that would be serviced. Hussinger said he doesn't know that any of those properties are serviced by private wells. He said it could be, but he said he just doesn't know. He said he thinks the idea of having an easement through the Hammer property is not a bad idea. For future utilities. Pfannerstill said we could look into that.

(Inaudible).

Pfannerstill said it is good to look at things when they come up. He said we usually leave it until a developer comes. He said there are properties on the other side of the street of Merton as well. Pfannerstill said while it may get developed someday, he said two things: he said number one he thinks would great an upload in the neighborhood if a large development or even if only one property was developing. He said he knows it is on our comp plan, even if someone came forward and even if they found a way to get access by putting a driveway in for an apartment building or something he said it would be very tough to get it across the line. He said at the same time, he doesn't foresee all these properties are going to be developed in the near future, say the next 15 years he doesn't see them getting developed into a big development. He went on to say speaking only for himself, he would like to see the properties just the way they are, and he is in agreement that the comp plan should show what we want it to be, and he said he is speaking for himself. He did ask if anyone knew who owns the property next to the hammer property. There was discussion on who owns property next to the Hammer property. Pfannerstill said technically those lots are not landlocked because they are owned by people who have a property right next to those properties, he said he wanted to say that for clarity.

Bierman commented on how the current comp plan doesn't even show the road going through anymore.

Pfannerstill talking about density in the comp plan in that area. He said we are basically deciding if we need to change the comp plan. Biermann commented what are we changing it to, there are only 2 homes proposed on that property. Pfannerstill said we were asked to look at it because the proposals that keep coming forward and decided not to be allowed by either the Village Board or the Plan Commission even though the comp plan shows that they would meet what the comp plan shows. Bierman said the Village engineer should look into do we need a utility easement off of

Badger or Eagle Pass for the future because of the lay of the land and the sewer layout if someone were to buy all those properties.

deCourcy- Bower said to him the purpose of the comp plan is to facilitate the orderly development of the village. He said in other words we are going to say the land uses of this particular part of the village and the lower density on the east side and med-low density on the west side, he said to him it is the job of the Plan Commission to look at that, and to then evaluate developments as they come up and make sure they provide the amenities & facilities so that we can develop the properties to meet the intent of the comp plan in an orderly way. He went on to say from his perspective if we don't provide access from the east, we have 2 dead end roads from Lake Country Meadows that head into the Hammer property, the historical intent of the old comp plan was to connect these properties from the east. He said he wants to be transparent so if one of the properties owners off Merton Ave comes to the Plan Commission and says I want to put a driveway to the back of my property and build 6 houses back there, this comp plan says that is ok and it would be allowable. He said he doesn't think that is an orderly way to do this. He showed a previous development that was proposed for this property that came before the Village Board but didn't come to the Plan Commission. He said it essential laid out the roads in this manner, where the roads would have been extended to the west, the density would have been met according to the comp plan. He said the eastern portion and western portion it would have finished the roads to the Villages design standards which he said which they don't currently meet the design standards because there is no turn around. He said it would have provided easement and access further to the west. He said when he looks at that plan it is better organized and meets the intent of the comp plan, but he doesn't know why it was denied. He said the reason he thinks we should consider what the comp plan shows is, if this is getting denied by the Village Board and it fits the comp plan, the comp plan needs to change. He said he doesn't think it is reasonable for the properties owners to be shown higher density on the west and properties to be developed at these densities if it is going to be denied. He said he thinks it is unfair to property owners and he wants to make sure we are being transparent. He said he doesn't want to keep the comp plan the same if we as a Village have no intention of allowing the densities shown to go forward. He said that is why he brought it up and wants to be transparent. If the Village isn't going to allow properties to be developed at the densities, then don't show it in the comp plan, that is his perspective on it. He said if we are comfortable with treating the properties isolated and separately, he thinks it is poor design and it doesn't meet our design standards as well as something like this, that is why he has issue with keeping the densities shown as they are on the comp plan. He if the property owner doesn't want the property developed and they explicitly tell us they don't want it developed, then my recommendation is to change the comp plan to show it is not going to be developed.

Pfannerstill said he would agree with that. He said he knows it is a lot of work but in his opinion, he would like to have it show that it is low density. He said one thing that is much more important to him than the comp plan itself is the people in Lake Country Meadows who moved into the subdivision thinking it would just stay a subdivision. He said they come to the meetings when this is going saying they don't want it to turn into an access way into some other subdivision.

deCourcy-bower said he wanted to respond to 2 things. He said for the people that own property in Lake Country Meadows, the comp plan has always shown those properties were going to be developed. He said it even showed that road would be connected, so he doesn't think it isn't fair

to say they didn't know. He said the second thing, when Sanctuary of Hartland was developed there was a question if there should be a connection to Tenny, if it should be a road or a walking trail. And what the village did as a compromise was, he said we retained a full road right of way access from Tenny to the Sanctuary, that is a road right away size easement. He said the reason we did that was in case we needed to extend that road because of having connectivity issues but there is an easement there. He said he just wanted to point out those points. He said if the previous plan was rejected because we worried about connectivity of properties to the North, not having access, he said right now we are saying they are going to come off Merton Ave anyways. He said they can still do that with a plan like this. deCourcy-Bower said he just wants to be transparent telling them accurately what they can or can't do with their property. He said he doesn't want to keep a comp plan in place, that's going to get shot down again and again. Hallquist asked if we could continue to adjust the comp plan to the west of the property and with the sewer and water and not delay what they want to do. He said he thinks everyone is in agreement with the 2-house property. He said the house to the west of there is the one in question, and why should we delay what they are building when this apparently what we are discussing can go on for 2-3 year. Bailey said there won't be a delay. Wallschlager asked if we would be putting it back to what it was, and Bailey said he doesn't know what it was, but we would just be making it low density. Jane Maahs commented on the restrictions of her property from the state and on the density. She said the reason the other plan didn't go thru was what it was doing to their property, and they couldn't put a second driveway in. Pfannerstill requested that the next plan commission it should be shown what the changes would be.

Motion (Pfannerstill/Hallquist) to take steps to show corrections in the Comp plan and will allow to look at the sewer system East of Merton, south of 16 and West of Lake Country Meadows and prepare to possibly amend the comp plan. Carried (7-0).

#### **5. Announcements-**

Pfannerstill said there is no Village Board meeting on the 28<sup>th</sup> as well as the Joint Plan Commission meeting.

#### **6. Adjourn**

Motion (Hallquist/Wallschlager) to adjourn. Adjourned at 8:12 pm.  
Respectfully submitted by

Recording Secretary,  
Deidre Bush y, Deputy Clerk