

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES**  
**MONDAY JULY 17, 2023**  
**6:30 PM**  
**BOARD ROOM**  
**MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

Present: Jeff Pfannerstill, Jeff Bierman, Ann Wallschlager, David de Courcy Bower, Tim Hallquist, Dino Xykis, and Chip Schneeberger.

Others Present: John Ford, Craig Donze, Bob Cigale, Ben Nelson, Scott Hussinger, Ryan Amtmann and Deputy Clerk Bushey.

Call to Order- 6:30 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.

Paul Raddatz 520 Windstone Dr. #109 – expressed his concern with the quarry development, the population density, and the traffic. He stated there are five other apartment/condominium developments in the area.

**1. Consideration of a motion to approve the Architectural Board/Plan Commission minutes from June 19, 2023-**

Motion (Wallschlager/Schneeberger) to approve the minutes for the June 19, 2023, meeting. Carried (7-0).

**2. Architectural Board review and consideration of an application for signage, BMO Harris, 112 E. Capitol Dr.-**

Tina Lewis from Lemburg Electric was present via zoom for BMO Harris. BMO Harris is refreshing their brand and replacing the existing signage with new signs. She said Building Inspector Hussinger informed her that the Village Code does not allow for illuminating letters which is what was proposed and submitted but BMO has agreed to adjust to non-illuminated letters. She said everything in the packet that was presented will be the same size and color, but just will not be illuminated. Pfannerstill asked if the signs would be lit in any way and Ms. Lewis said they would not. Pfannerstill asked Hussinger if he had any reservations. Hussinger said no.

Motion (DeCourcy-Bower/Hallquist) to approve the signage for BMO Harris 112 E. Capitol Drive. Carried (7-0).

**3. Architectural Board review and consideration of an application for signage for Sabine Hill, 866 Rose Drive -**

The petitioner was not present. Hussinger said it is a wall non-illuminated sign in place of a wall cabinet. Hussinger said the size is not a problem and he has no reservations. Wallschlager asked since the sign is different than the other signs on the building, does that fit in with the rules and regulations of the building itself. Wallschlager commented that a property having different signs would not look uniform. Hussinger said this property does not have a specific sign plan and there are no regulations with the ownership. Brief discussion sign uniformity.

Motion (Hallquist/Schneeberger) to approve the sign application for Sabine Hill, 866 Rose Drive. Carried (7-0).

#### **4. Architectural Board review and consideration of an application for signage for CL & D, 510 Cardinal Lane-**

The petitioner was not present. Hussinger said it is pretty straightforward, it is non-illuminated signage, and the size and location are not a problem.

Motion (deCourcy-Bower/Schneeberger) to approve application for signage for CL & D, 510 Cardinal Lane. Carried (7-0).

#### **5. Plan Commission will conduct a review for Hartland Quarry, a proposed PUD development ("Project") whose approval and rezoning is being sought by Three Leaf Partners LLC on Property tax keys HAV0730981, HAV0730985, HAV0730986 and HAV0730987 located at 700, 701 W. Capitol Drive. The Plan Commission will review and consider:**

- a. Proposed preliminary site and building plans for ten Multi-Family Apartments (240 Units) and three townhomes (27 units);**
- b. Proposed plans for the Amenities for the Project;**
- c. Proposed rezoning to RM-2 in conjunction with a PUD Agreement for the Project;**
- d. Proposed petition for a Planned Unit Development.**

John Ford the president of Three Leaf Partners LLC was present and gave a recap on the project. He said over the last month they continue to make good progress for this project, they seek approval tonight subject to detailed conditions. He said the detailed conditions were a collaborative effort between the Village staff, consultants, and council. The detailed conditions are thorough to assure a means of checks as the project proceeds. Mr. Ford gave a highlight summary of some of the progress that has been made over the last month.

- Site plan from Architectural standpoint has not changed.
- 267 units in total which is 240 stacked flat units along 27 townhome units.
- From Civil standpoint continued detailed planning between Payne and Dolan, Three Leaf civil engineer and the Village engineer includes an agreement of an internal private water loop with connections at Palmer and Capitol and not at Hill St like previously discussed a month ago which will significantly reduce from a utility standpoint the risk of this project.
- From a geotechnical standpoint collaboration between Geotest and the village consultant PSI.

- Slope analysis has now been completed and is currently under further review.
- From Environmental standpoint, there is an agreement on an overall phase II environmental plan between Endpoint solution, their environmental consultant, and the Villages consultant PSI. Pending approval this evening they would move forward the phase II environmental assessment including application for exemption to construct on a historic fill site which would release and commence the overall process with the DNR.
- To make this project a reality a TIF would be needed, the formal request was submitted this past month to Ehlers Greg Johnson who is reviewing that currently in conjunction with the Village Assessor and is working to provide a summary of that. TIF request of 9.8 million.
- Landscape, exterior lighting and CSM plans are under review by Village staff.
- The approval process will go until late October/early November.
- No onsite work will commence on any site prior to Village Board and Plan Commission approval. Such approvals for development and TIF are needed among other elements prior to Three Leaf Partners being able to close on the land and commence site work.
- Site work will take approximately 3 months and construction schedule will take approximately 18 months.

Mr. Ford gave a quick overview of everything presented so far:

- 90.7 million development.
- 267 units including 10 2-story stacked flat building of 24 units each along with three 2-story townhomes for a total of 27 units of townhomes.
- 5590 sq. ft. clubhouse includes amenities like large fitness center, community room, grill stations, a playground, dog park area, on-site property management and leasing,
- Green space of approximately 60% of the overall space of the overall site.
- Sidewalks and walking paths totaling approximately two miles in length.
- Site work will take approximately three months in total followed by approximately 18 months of construction with delivery of such project in summer to fall of 2025.
- Unit mix includes 101 one bedrooms which is 38% of project, 121 two bedrooms which is 45%, and 3 bedrooms which is 17% percent of the project.
- Unit sizes will range from 700 ft – 1652 ft.
- The rent range will be from \$1492 for one bedroom to -\$3164 for three bedroom per month.
- Development will have clubhouse, fitness center, sidewalks, and walking path.
- The estimated number of total residents is around 400-500 residents at full capacity.
- Accessed value is at 58.1 million with estimated taxes at \$720,000 per year.
- TIF request was submitted to Ehlers which is being reviewed and totals 9.6 million plus a waiver of impact fees above the Del-Hart fees.
- Parking spaces will be a total of 661.

Mr. Ford said this is a challenging site but feels if done right it will be a tremendously impactful project for the Village of Hartland to meet the continued housing demand while contributing economically.

Brief discussion on approval process with Plan Commission and Village Board.

Bailey said an approval would move this forward to the Village Board with the contingencies and from there it would go until October/November through the Village Board process for approvals because like it was stated until they get all the approvals, and they get the plans, it is quite a process.

deCourcy-Bower asked if this is the end of Plan Commission review of this project or is the intent here to provide some assurance to the developer that this is still on track. He said we have had a conceptual kind of review and said this looks good. He asked is this a formal conceptual review and from the list of agreements here that we are sort of putting a lot of that communication on the Village's consultants and staff to do the back and forth with the developer prior to it coming back to the Plan Commission for a final review of the PUD agreement and the final review of the plans and details. He said he just wants to make sure he understands what it is that the Plan Commission is approving because there is a lot in there that specifies board approval, and he wants to make sure the Plan Commission is intended to be involved in this process.

Discussion regarding if this would come back to the Plan Commission. Pfannerstill commented that they could have a joint meeting. Bailey said that some of these contingencies will live on through the full approval by the Village Board if it goes that road because there's certain items that cannot or will not be done on site until approval and ownership has taken place. Village engineer Ryan Amtmann commented that this is the approval of the general development plan and a future step that is where the precise plans are developed and approved. He said beyond that the PUD agreement is approved so it is multiple steps. Amtmann stated items in the general development plan are the general layout, the alignment of the roads, the building locations, connections to Capitol Drive and the utilities which he thinks have been provided in sufficient detail.

DeCourcy-Bower addressed the comment made during public comments on the Village of Hartland process, how decisions are made about pieces of land, how they are developed, what is allowable and what the density is. He said the Village spends a lot of time developing the Comprehensive Development Plan and it is a document that goes through numerous reviews, public involvement, public comment. He said there are multiple meetings, community outreach and there are a lot of requirements that go into developing that comprehensive development plan. He said once it is ready it then goes through Plan Commission review, then Village Board approval. He said that is our guide to what the future of the Village is going to look like. He said as it relates to this specific piece of property, the Comprehensive Development Plan shows that it is intended to be developed as high-density residential development with a portion of green space. He went on to say when the Plan Commission looks at this project, they look at it through that lens and does it meet that requirement and all the studies that have gone into it, such as does the sewer have capacity, can the roads handle it. He said that is all initially looked at a comprehensive development plan level and then in detail it is looked at during the application process. Schneeberger asked about the turning lanes incorporated into this project and said the traffic is going to be a problem. Mr. Ford replied that TADI did a complete traffic study and what they have designed is in full compliance with what they are recommending for the turn lanes that are necessary. He said it was a joint traffic study between themselves and potential future Kwik Trip development. Schneeberger asked why campus Drive has a lot more turning lanes and less traffic and down here we do not. Pfannerstill said Campus Drive is a different story because there was a road that was supposed to come through from a major subdivision and the turn lanes were put in because of how large the school was going to be, not because of the apartments that were put in. Brief discussion on turning lanes on Campus Drive. Xykis commented that after looking through the slope analysis, he read there is one section that already has sloped stability failure and liquefaction which are serious due to geomechanics issues but not unsolvable. He said they do not have any specifics on how they are going to do this work, this is just an analysis.

Xykis commented that he is in favor of the project but wants to make sure we do not give the go ahead, the developers build a retaining wall, and it does not do the job, so the project does not get approved. Wallschlager asked what the exemption would be for from the DNR and Bob Cigale from endpoint solutions said it is an exemption to construct on a historic fill site which will be submitted to the DNR waste program, but it is reviewed by both waste and the remediation redevelopment program, so it is not bypassing anything. He said it is actually the process that should be taken in this case, and it brings both programs together to make sure the soils are being addressed the way both programs would like to see it addressed. Wallschlager asked if the DNR will come out and do their own testing and he said no, the DNR does not do their own testing. Wallschlager asked about handicap parking and if it counts in the total number of parking spots or is that on top of the minimum amount. It was stated the amount needed is 2% of the total population.

Hallquist commented on the need for a crosswalk to cross the street for the Kwik Trip, Mr. Ford said an exact location has not been decided as of yet. Hallquist asked if they had any results back on the leaking tank. Bob said nothing more than what was done but part of moving forward that phase II work would be authorized. Hallquist also asked about the possibility of lowering the highest retaining wall and if that was due to the terraces and the hills. Mr. Donze from Payne and Dolan replied the height of the walls are really on the south half of the site and the height is really a product of where the building finished lower elevations end up and they have worked to refined some utilities and some of the grading reduce the magnitude of grading that site that come and so that's what's reducing the top of the bottoms are coming up the tops aren't coming down.

Bierman commented on the traffic study and said he thinks Kwik Trip may draw quite a few people from town. He said otherwise he thinks it looks good and fits what we envisioned. He said he does not think the slope analysis should stop the process as long as everyone has voiced their thoughts on it, he said at least it has been noted what our concerns are.

Ryan Amtmann the Village engineer commented on the water supply. He said the water main is located on Palmer and Capitol Drive and the water within this development will be a private water main that will connect in two locations to the Villages public system and there will not be issues impacting the water supply. He said there would not be any issues impacting the water supply and no one in surrounding neighborhoods would be affected pressure-wise.

Pfannerstill commented on the traffic, the traffic study and they will be installing a medium at Vettleson Rd, so drivers will have to stop to take the 90 degree turn onto Vettleson, which will slow down speeds there. Mr. Donze gave a brief explanation of the site drainage and said it is extremely well drained.

Village engineer Amtmann gave a brief explanation of the road design and said the traffic study predicts that those areas will function at an acceptable level of service. He said as things move forward, they will look at that. In regard to the Storm water, he said the development team is working on a final stormwater plan.

Bailey said this is part of the reason the Village hired a geotechnical firm is as they are doing site work if this gets approved, we will have a Geotech company talking to their Geotech company coming up with what are the best options, solutions should this go through and be approved.

Pfannerstill commented that staff has come up with a list of 26 contingencies that have to be met.

Pfannerstill feels this is a good thing for the Village.

Bailey pointed out that the list of contingencies was drafted by the Developer with the Village attorney and engineer, so they are familiar with it.

DeCourcy-Bower asked Amtmann if the site has been evaluated as it related to the underground storage tank and evaluated in the context of known contamination. Amtmann said PSI was hired by the Village as well to review the environmental work and report. He said they are supportive of the approach that the development team has laid out to move forward with phase II and the application for exemption.

DeCourcy-Bower asked if it is possible that the locations of utility buildings structures may need to change depending on the results of further investigations. Mr. Cigale from Endpoint said there is always the potential of a redevelopment site but what they have seen so far with the work they have done; he does not see that being the case. He said they are looking at one of the areas that the footprint encroaches over the area that was previously mapped out as being residually contaminated from 20 years ago and that is one of the areas they are looking at as part of phase II to see what is there and the concentration and how that might impact the development. He explained how they would oversee that. He also said what they have seen so far is low concentrations, nothing that would raise red flags from his standpoint.

deCourcy-Bower said he wanted to clarify his concern, that it is not with the fill material, he thinks the approach that is laid out is fine, the approach for evaluation of the materials is fine and the exemption is fine. He said his main concern is that between the time that the leaking underground storage tank was closed and now environmentally, regulations and rules have changed. He said we are changing the property use to residential, and he is concerned you are asking for approval of building footprint layouts and utilities without the information or knowledge of what is in the ground today. He wanted to caution that he thinks it can be managed and worked around and it can be done but there is the potential it could change where buildings and utilities go, things like that unless they are willing to excavate a pretty significant amount of soil out of the site and haul it off. Brief discussion on the handling of the area and the storage tank.

Motion (Hallquist/Xykis) to move forward the project for Three Leaf Partners on property HAV0730981, HAV 0730985, HAV 073986, and HAV 0730987 located at 700,701 W. Capitol Drive, sending forward to the Village Board the proposed preliminary site and building plans for the 10 multi-family apartments 240, 240 units, and three townhomes, 27 units and proposed plans for amenities for the project and proposed rezoning and conduction with a conjunction with a PUD agreement for the project and proposed petition for a Planned Unit Development under the stipulation that the printed and noted list of contingencies that was come up by Village Staff totaling 26 handed out at the Plan Commission meeting that each one of those contingencies does get met as listed on the sheet of contingencies. on to the Village Board for further discussion and the acknowledgement of the contingencies.

Roll Call vote – All ayes. Carried.

## **6. Announcements-**

None at this time.

## **7. Adjourn**

Motion (Schneeberger/Wallschlager) to adjourn. Carried (7-0).  
Adjourned at 8:04 pm.

Respectfully submitted by

Recording Secretary,  
Deidre Bush y, Deputy Clerk