

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES  
MONDAY, MAY 21, 2018  
7:00 PM  
BOARD ROOM  
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

Present: Jeff Pfannerstill, Ann Wallschlager, Jack Wenstrom, Tim Fenner, David deCourcy-Bower, James Schneeberger and Tim Hallquist

Others Present: Administrator Cox, Building Inspector Hussinger and Deputy Clerk Bush y

Call to Order-

**1. Consideration of a motion to approve the Jt. Architectural Board/Plan Commission Minutes of April 16, 2018.**

Motion (Hallquist /Swenson) to approve the Jt. Architectural Board/Plan Commission minutes of April 16, meeting. Carried (6-1) Wallschlager abstained.

**2. Architectural Board review and consideration of a sign for CJ Nails & Spa, 523 Cottonwood Ave.**

Hussinger said the sign has been approved by the BID and there are no zoning concerns. A question was asked regarding the shutoff time of the sign, Hussinger said they could put in 10pm requirement.

Motion (deCourcy-Bower/Swenson) to approve the sign for CJ Nails & Spa with the lighting shut off requirement of 10pm. Carried (7-0).

**3. Architectural Board review and consideration of a partial replacement sign (electronic message board) for First Bank Financial Center, 800 Cardinal Lane.**

The partial replacement sign is mainly a color change with no dimensional changes. There was discussion on time duration & no crawling messages for the sign message board.

Motion (deCourcy-Bower/Wallschlager) to approve the partial replacement sign with the condition of no crawling (rolling) messages. Carried (7-0).

**4. Plan Commission and Architectural Board review and consideration of modifications and expansion of the veteran's memorial site for Flanagan-Dorn Post 294, 231 Goodwin Ave.**

Financial officer Mike Steger was present to explain the modifications and expansion. The original veteran's memorial site was put up in 1953 and the red cedar from the original site is falling down. Following are the proposed changes:

1. Keep the towers, remove the red cedar and replace with a sandstone backdrop with a patriotic message
2. Install pedestal base for mounting a bronze soldiers cross.
3. Replace flag pole with 25 ft. flag pole.
4. Pour concrete base on north end of building and top with pavers.
5. Put up 2 ft. fieldstone wall at North end of building, embedded with granite military plaques. Locate plaques on front of wall directly in front of 5 20' high flags.
6. Put in a fire pit for retiring flags.
7. LED lighting on flagpoles and soldiers cross.
8. Maintain a 4' wide area the length of the north wall to be used for shrubs/plantings.
9. Install 2 granite benches for resting or mediation.

There was discussion on alternate spot for snow storage location as new memorial is location for snow storage from parking lot during the winter.

Motion (Fenner/Wenstrom) to approve modification and expansion of Veteran's memorial site for Flanagan-Dorn Post 294. Pfannerstill brought up the subject of a fire pit cover.

Pfannerstill asked to make an amendment to the motion for a fire pit cover.

Motion (Fenner/Wenstrom) to accept amendment to motion. Carried (7-0).

Motion to approve modification and expansion of veteran's memorial site of Flanagan-Dorn Post 294 with amendment of fire pit cover requirement. Carried (7-0).

##### **5. Plan Commission and Architectural Board review and consideration of construction of a building addition for Lake Country Caring, 603 Progress Dr.**

Carrie Glapinski from Lake Country Caring was present to explain the addition. Lake Country Caring purchased the building in 2005 and an addition with a flat roof was added in 2014. The proposed addition would have a pitched roof and would be replacing the old addition. The exterior and color would be the same and the parking lot would be expanded. The new addition would be for storage only as they are now accepting furniture and appliances. There was brief discussion on stormwater management and parking.

Motion (Hallquist/Wallschlager) to approve the building addition for Lake Country Caring, 603 Progress Dr. Carried (7-0).

##### **6. Plan Commission review and consideration of a land division options for the vacant property west of the end Badger Drive and Eagle Pass (Hammer property).**

Dan Hammer was present and there to explain the Hammer property and that he won't subsidize the roads to develop the property. Leon Clark owned the property in the 30's & 40's, the property then was a chicken farm, and it was sold to Mr. Hammer's parents in 1972. 20 yrs. ago when the subdivision moved in about 30 lots were developed. The developers wanted to buy the property from his mother to continue the movement of the lots west but she was adamant not to sell it. The concept that the subdivision put in 20 yrs. ago by the developer is the same that the village and this board are using to now develop properties to the west. The concept was to build roads across Lisbon Ave east and west and then join them north and south.

Hammer stated several different concepts have been brought before the board but have been rejected.

He went on to say as a trustee of the property he hired an attorney and a developer that went before the board, presented a proposal for 8 lots that would make a pie shape lots instead of continuing the road east and west, but that would connect simply as a cul de sac which was a money saving decision but the board said no. The board said the concept that was originally done, by the Plan Commission that approved the subdivisions concept, had to go thru, however that developer went bankrupt. The first plan that was presented with 8 lots was rejected with roads that moved east to west and at that time it was stated they needed to have more easements, they couldn't use the subdivision ponds and would have to use more land, so the developer backed out. Several months' back another developer came before the board again with a 4 lot concept, however it rejected again saying Mr. Hammer and the developer had to run those roads. Mr. Hammer briefly went over the cost of what it would take to develop those properties equaling \$900,000. Mr. Hammer said nothing can be done with that lot, it is a dead lot right now and no developer will ever want to develop it with the constraints that are placed on it. He said he will not sink any more money into it, they have it listed for sale but his realtor doesn't think it will sell.

Fenner commented on the property under the current comprehensive plan. He also said development should take place in a very controlled manner with maximum use of stormwater management, transportation and so on. He went on to say it doesn't make sense to develop these 4 parcels in the manner proposed when we know there is pressure to develop the properties to the west, they should be developed as a unit.

deCourcy-Bower commented value of property, access to the east and properties to the west. Pfannerstill commented on the property currently in the situation it is because of the historical decisions not because of this board. Mr. Hammer said he was not there to make a decision but to let them know he and his children would not put any more money into the property.

**7. Plan Commission review and consideration of a concept site plan for a condominium property on the property located at and adjacent to N56 W28628 CTH K (Lisbon Road).**

Matt Neumann was present to explain the conceptual plan for the condominium property. The current plan is just for the 40 acres also known as the north 40, where previously there was an 80 acre master plan that included the 40 acres to the north and 40 acres to the east plus it also

included a density change. The density change was going to help fund the road improvement however they removed that plan and tabled the density conversation due to a lot objections from residents in Hartland as well as Merton. The sale of the property been completed with Mr. Jungbluth and they still believe it should be in annexed to Hartland to have sewer and water. Hartland's comprehensive plan would allow 50-51 units and their plan is for 50 units of housing. The concept plan is for condominium homes and is called that because they are single family condominiums that will look and feel like a single family neighborhood. The lawns and common areas will be maintained by a condominium association. The reason the density looks denser than it really is, is because they are preserving more land on the site with a buffer along Hwy K and then northwest corner of property they are preserving 13-14 acres of wooded area that is considered natural isolated resource. There will also be walking trails thru the woods with a plan to connect to the Mary Hill walking trail. The 1<sup>st</sup> access point will be at the top of the hill on K as it meets site distance requirement code and you can see a long ways in both directions. The 2<sup>nd</sup> connection point is S. Oak Drive which they had previously talked about making it emergency access road. One of the reasons for changing that is they feel it's important to have that connection point if the County restricts the 1<sup>st</sup> access point when they develop Cty Road K, until another access point be developed after Cty Road K is developed. Mr. Neumann said they don't believe a lot of traffic will be going in out of thru Mary Hill because it is not the quickest access point to Hwy K. He also said the connection point with S. Oak has always been part of the comprehensive plan. The condominiums will range from 1600 -2200 sq. ft., all ranch style condos and larger common space. Neumann said there is a strong demand in Hartland for \$450,000-\$600,000 housing. Ann Wallschlager commented that she believes the S. Oak connection will be used more than what Mr. Neumann is saying. There was discussion on density, land development, and environmental corridor. Also if there would be a need for a change in comp plan regarding density with this plan.

Residents that commented:

1. Constantine Xykis 605 S. Oak Dr. - is opposed to the connection, is concerned about increase in cars on road, sewer capacity and concerned about safety.
2. Steve Newton 614 S. Oak Dr. - read a portions of minutes from the March 20<sup>th</sup>, 2017 Meeting regarding what Mr. Neumann said during that meeting.
3. Scott Wade 607 S. Oak Dr. – expressed concern about kids, property values and if it is really necessary to have road go thru to develop the property.
4. Susan Dryer 606 S. Oak Dr. – opposed and concerned about density, access and property values.
5. Michael Logelin 603 S. Oak Dr. - concerned with traffic
6. Peter Jungbluth Hwy K- commented how he has watched the different developments go in. Said the small percentage of people present that are against it don't represent the people of Hartland or Merton, Hartland's intent and plan has all along been to continue the road thru, said the board members are leaders for safety and welfare of Hartland and shouldn't be swayed by a few people.

Pfannerstill asked the residents present from S. Oak Dr. if they would be opposed to the development if it doesn't go thru S. Oak Dr.? The answer was no.

Matt Neumann addressed some of the questions and commented on the following things -

1. In regards to the sewer capacity- he said yes it will handle it and will not be an issue.
2. Traffic Study- He said according to industry standards is if it is over 100 homes a traffic study has to be done, and under a 100 units typically that is not the case.
3. Regarding meeting with the residents, if he said he would meet with them, he is more than willing to meet with them.
4. Substantial difference in what he was proposing before and what he is proposing now.
5. A connection to S. Oak Drive has always been in the Comprehensive Plan.
6. He believes most residents of the new development will primarily go out the 1<sup>st</sup> entrance/access.

Fenner asked what type of approvals or permits they needed to get.

Neumann said they met with the County and asked them to take a look at the access point which they did. The County said preliminary that would be the safest access point and said they would need to get a county highway permit to put an intersection in. Fenner asked about sewer capacity and Administrator Cox stated that planning accounts for development, also the costs are covered by connection fees.

Pfannerstill asked about the type of entrance for the proposed development it will be standard.

Mr. Neumann said it will be narrow which helps keep traffic speed down. deCourcy-Bower mentioned the roads Shadow Ridge Drive and Stone Ridge Drive that were also intended to connect to the east and to the west. He went on to say the roads were put in to facilitate orderly development of this area and this has been the plan for many years. There was brief discussion on private roads vs public roads.

Motion (Fenner/Swenson) to approve the concept site plan as presented for a condominium property located at and adjacent to N56 W28628 CTH K only, with the following comments- it is not to be construed as an approval of a continuation of the connection of streets, anything with those not be construed as an approval of an access immediately to Hwy K, motion is to approve in general of the density of the project as presented because it seems to be consistent with the comprehensive plan. Carried (7-0). (Conceptually to the density and the layout)

#### **8. Plan Commission review and consideration of a Planned Unit Development amendment for Riverwalk to allow full commercial use in the mixed use building.**

Ryne Hodgson from J.D. McCormick was present to explain the PUD amendment for Riverwalk. He went over the wording change. A tenant is looking to take over the entire building with minor changes to the 2<sup>nd</sup> floor. 3 of the 5 units will stay as is. There will still be apartments on 2<sup>nd</sup> floor but will be utilized as commercial space offices. The space still has kitchen and baths so the space is reversible.

Charlie Seller of Keller Williams said the plan was to keep the 3 residential units as written in the PUD and would take those units over as commercial office space but will still be framed out as apartments and still maintain the kitchens and bathrooms, so they would be reversible. They are looking at a 7 year triple net lease working with the developer on the plans.

There will be 6 full time employees, 50 agents for the total office space but not all will be at the same location at once. The 2<sup>nd</sup> floor will be for training and the space is similar in size to their office in Whitefish Bay. Hallquist asked about the allotted parking, Ann Wallschlager said she went out and counted the parking spots and the allotted parking.

Wallschlager stated the parking in the area is currently bad and there is no way to house that many people. Seller said for perspective there are 160 agents in Whitefish Bay which pretty much houses downtown Milwaukee to Mequon west to Tosa/Brookfield with 7 full time employees and has not had any issues.

deCourcy-Bower stated development was brought to Village as mixed used development to redefine and help create a vibrant downtown Hartland. The downtown revitalization plan was looked at what was wanted downtown, which was primarily retail trade with professional businesses. Village was originally told it would be residential on top, retail on the bottom and now it will be 7 people most of the time with some people coming and going, not bringing much vibrancy to the village. deCourcy-Bower stated he feels amending the PUD to allow commercial space doesn't fit with the goals of what this whole development was. Seller responded that they become very active within the community, visiting local establishments with clients and like to be part of the community.

Hussinger said the code does say for residential 2 parking spaces for every dwelling 1 must be in a garage or indoors, and there is a certain amount needed for guest parking. The village has the ability to amend that which they did; they reduced that overall parking to 1.4/1.5 parking spaces per dwelling because the applicant asked for it. They demonstrated that with other projects it was sufficient, the plan Commission approved it, the Village Board approved it and that is where we are at today. They are switching from residential units to pure commercial space with peak parking needs.

Pfannerstill said the training events should probably looked at as an event such as an event at Nixon Park, it is not needed all of the time. Brief discussion on agents not being there consistently, agents come and go, and there are 2 training events a week.

Fenner asked about the mixed use. Hussinger said originally what was approved and built were 5 residential units on the second floor and 1 residential unit on the 1<sup>st</sup> floor with the balance of the 1<sup>st</sup> floor being commercial space. He went on to say that the 1<sup>st</sup> floor residential unit must remain if there is any residential in the building at all. Fenner said in reading the original agreement it says the developer shall construct a 4000 sq. ft. building 2 story mixed use with commercial units on the ground floor and 3 residential units on the 2<sup>nd</sup> floor, and Hussinger said that is not what is there. Administrator Cox said some time ago, when the matter came up of the issue of the 1<sup>st</sup> floor

residential, which is allowed by the village code, the conversation came up about amending and changing the plan for the building to allow not only on the 1<sup>st</sup> floor but additional units on the 2<sup>nd</sup> floor as well due to the market. The concept was to go from 2 bedroom units originally designed to 1 bedroom units. The Plan Commission and he thought village board as well indicated that was acceptable to them, but they never went thru the process of amending the PUD, it was allowed to proceed based on the conversation with the Plan Commission. It was clarified that the original plan called for 3 units on 2<sup>nd</sup> floor with 1<sup>st</sup> floor being commercial, and then it changed and was approved for 5 units on the 2<sup>nd</sup> floor with 1 on the 1st floor but for some reason the change was never officially made the on the PUD.

Fenner asked if 3000 sq. ft. allowed on bottom is accepted in PUD, Cox said yes it goes according to what is allowed in the zoning.

There was discussion on amending PUD to correspond with what is there. Keller Williams was asked about their current space at the Hartland station building and they said that is just a temporary space.

Owner of Birch & Banyan commented that they not against the plan is concerned about the parking for their building.

Discussion on how to create more parking in the Riverwalk area. Fenner commented he would like to see parking spaces marked on a public street.

Motion (deCourcy-Bower/Wenstrom) to approve conceptual changes set forth for Planned Unit Development agreement to work with staff to get appropriate language and subject to Village Attorney review. Carried (6-1) Wallschlager opposed.

#### **9. Plan Commission review and consideration of a revised site plan for MWS Warehouse on the vacant parcel east of 440 Cardinal Lane.**

Robert Buchta from Oliver Construction was present with the revised site plan. MWS Warehouse previously received approval for the project but needed to revise the plan due to easement being smaller than they thought which won't allow enough space for truck access. In the revised plan a new access has been created over a new easement.

Motion (Pfannerstill/Wallschlager) to approve revised site plan for MWS Warehouse on the vacant parcel east of 440 Cardinal Lane, subject to staff recommendation on easement. Carried (7-0).

#### **10. Adjourn**

Motion (deCourcy Bower/Wallschlager) to adjourn. Carried (7-0). Meeting adjourned at 10:43 PM.

Respectfully submitted by  
Recording Secretary,

Deidre Bush y, Deputy Clerk