

JOINT ARCHITECTURAL BOARD/PLAN COMMISSION AGENDA
MONDAY, OCTOBER 16, 2017
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.

Roll Call

1. Consideration of a motion to approve the Jt. Architectural Board/Plan Commission Minutes of September 18, 2017.
2. Architectural Board review and consideration of revised building plans for construction of a secured self-storage facility located at 840 Rose Drive for Benchmark Secured Storage of Hartland LLC.
3. Plan Commission review of amendments to the Zoning Code relating to the size of accessory structures and other updates and discussion of amendments related to temporary occupancy of residential structures.
4. Adjourn

David E. Cox, Village Administrator

A complete packet of meeting materials is normally available by 5:00pm on the Friday before the meeting on the Village website: www.villageofhartland.com (Government/Agendas and Minutes).

Notice: Please note that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Darlene Igl, WCPC/CMC, Village Clerk, at 262/367-2714. The Municipal Building is handicap accessible.

MEMORANDUM

TO: Plan Commission
FROM: David E. Cox, Village Administrator 
DATE: October 13, 2017
SUBJECT: Various Zoning Code Updates

At the meeting on Monday, staff wishes to discuss some updates to the Zoning Code. These will include some minor corrections and updates as well as the more significant questions related to the issue of short term rental of residential dwellings. This memo will discuss all of the proposed changes, which staff requests the Commission discuss. At a future meeting (likely November), we will present an ordinance that will deal with the updates for your approval based on Monday's discussion.

Short Term Rental

Staff would like the Commission to consider the following questions and concepts and provide feedback and direction for modification to the Zoning Code. As the Commission will recall, the State recently updated Statutes to prevent municipalities from prohibiting short term rental of properties where said rental is for seven (7) or more days. Under the new regulations, we are specifically authorized to place limitations on the number of days in a year a dwelling may be rented when each rental period is "more than 6 but fewer than 29 consecutive days." However, we must allow at least 180 days each year for such activity. With this change and the discussion around the recent Bed and Breakfast decision as context, the following are some items to consider.

1. Is the Plan Commission interested in regulating short term rentals of less than 29 days but greater than six (6) (7 to 28 day rentals)?
 - a. If so, this should be defined. The State Statute definition for "Short Term Rental" is "a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days."
 - b. If so, do we want to limit the number of days per year this activity may be undertaken?
 - c. Are there other limitations we wish to place on these uses, such as:
 - i. Number of sleeping rooms?
 - ii. Number of persons?
 - iii. Presence of owner?
 - iv. Parking?
 - v. Other?

2. Is the Plan Commission interested in modifying the Village regulations related to rentals of less than seven (7) days?
 - a. This could include modifications to the definition of Bed and Breakfast and or Lodging House by, perhaps including a reference to stays of less than seven (7) days.
 - b. Additionally or alternatively, it could mean the creation of new definitions such as “Tourist House,” which could mirror the Bed and Breakfast language but not require meals or owner occupancy. That definition may look like this: “A residential dwelling that provides lodging, with or without meals and with or without owner occupancy and that does not meet the definition of another type of use, for a fee to tourists or other transients for fewer than seven (7) consecutive days.”
3. Should all or some of these be Conditional Uses like Bed and Breakfast is now?
4. Should there be other changes to accommodate practices that may go on now such as long term boarding/housing of a guest.
 - a. This could be accomplished in a manner similar to Delafield where “Boarding” is a permitted accessory use in its residential districts.
 - b. “Boarding” could be defined as “use of a residential dwelling for meals and or lodging on a regular or extended basis by prearrangement for not more than two (2) persons not members of the family and not open to tourists or other transient customers.”

The Commission may have additional items or matters to consider as part of this overall discussion. Those matters should be included in this discussion in an effort to arrive at a definitive direction for staff in terms of Zoning Code changes.

Other Specific Zoning Code Changes

1. Modify section 46-926 (b)(5) pertaining to Modifications by adding the underlined information as follows: “*Accessory uses. Accessory uses and detached accessory structures are permitted in the rear yard only in residential districts, provided that they shall be no closer than ten feet to any structure with the exception of accessory structures in the RS-5 single-family residential district which shall be allowed to reduce their distance to that property's principal structure to five feet if all accessible areas within the accessory structure be constructed with one-hour fire rated construction, and no closer than five feet from side or rear lot line and any side or rear lot line, nor occupy more than the lesser of 20 percent of the rear yard area or 800 square feet. Accessory uses and detached accessory structures are permitted in the side and rear yards in business, industrial, quarrying/extractive, institutional and park districts, provided that they shall*”

be no closer than ten feet to the principal structure, shall not occupy more than 50 percent of a side yard nor 75 percent of a rear yard area, and shall be no closer than three feet to a rear yard area, and shall be no closer than three feet to any side or rear lot line, nor five feet to any alley line.” The intent is to prevent very large structures in residential rear yards.

2. Correct 46-1 Definitions for Temporary Swimming Pool item (4) to read: “Subject to all conditions as stated under section ~~46-11(8)(e)~~ 46-14(8)(e) of this Code.”
3. Correct 46-14 Use Regulations under (2) for Accessory Uses and Structures to correct the Code references from 46-925(b)(5) and 46-925(a) to 46-926(b)(5) and 46-926(a), respectively.
4. Correct 46-14 Use Regulations under (9) for Ground-mounted and Building-mounted Earth Station Dish Antennas to correct the references from 46-925(a) and 46-925(b) to 46-926(a) and 46-926(b), respectively.
5. Correct 46-497 Yards (in the B-3 District) under (1) for Rear Yards to refer to subsection 46-15(e) instead of the incorrect 46-12(e).
6. Correct 46-554(5) regarding Landscaping (landscape lighting) to reference 46-556, which refers to Signs and Lighting, instead of 46-555, which refers to driveways, parking and loading.
7. Correct 46-923(7) regarding Parking Requirements and, specifically, parking lot lighting to reference 46-556, which refers to Signs and Lighting, instead of 46-555, which refers to driveways, parking and loading.
8. Correct 46-955(h) regarding Sign Lighting to reference 46-984, which refers to Lighting and Color, instead of 46-983, which refers to Prohibited Signs.

DCPC Zoning Changes

cc: President and Village Board

JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES
MONDAY, SEPTEMBER 18, 2017
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.

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

Others Present: Administrator Cox, Building Inspector/Zoning Administrator Hussinger and Clerk Igl

Roll Call

1. Motion (deCourcy-Bower/Swenson) to approve the Jt. Architectural Board/Plan Commission Minutes of August 21, 2017. Carried (7-0).
2. Items related to a request for a Conditional Use for operation of a Bed & Breakfast for Steven & Elisa Filipp, 450 Park Ct.
 - a. **PUBLIC HEARING** for the consideration of a Conditional Use Permit request.

The Public Hearing was opened at 7:05 p.m. President Pfannerstill explained the Public Hearing process stating that the public may make statements to the Board regarding the matter regarding the request.

The applicants provided a summary of the request stating that they offer occasional use of their spare bedroom through AirBNB. Mrs. Filipp stated that they never rent when they will not be present overnight. She stated that they only book with guests that have verified identities and background checks conducted by AirBNB. She stated that they feel they operate responsibly, practice good judgment, they are contributing value to the community and that this use of their property does not impact the neighborhood or property values. Mr. Filipp stated that an email sent by Mr. King stated that the Filipp's home was designed specifically for this type of business including a private entrance. Mr. Filipp stated for the record that these statements are not true.

Commissioner Fenner explained to the residents present that this is their opportunity to speak on this matter. He stated that once the public hearing is closed, there is no further opportunity for public comment. At that point, the discussion takes place at table with the board considering all relevant information.

Tim Opalewski, 402 Park Ct., asked how much experience the Filipp's have in running a business. Mr. Filipp stated that there are new to this type of business but have run a business previously.

Chris Tump, 446 Park Ct., stated concerns about safety for children with guests coming into the neighborhood. He stated that he believes this business will have a significant impact on their home and the community. He stated that he believes there is a difference in the clientele of guests staying at a bed and breakfast versus those staying at an AirBNB. He stated that a bed and breakfast often has a professional innkeeper. He stated that AirBNB guests are transient individuals coming into a neighborhood and stay in a spare bedroom. He suggested that if the village wants to fill a gap in lodging, the board should appropriately zone a space for such activity.

It was stated that attorneys for the homeowners association (HOA) have reviewed this issue and based on their review have stated that any ruling of the Village related to this use would trump the HOA. At the time the HOA was set up, AirBNB was not a consideration.

Mr. Tump commented that the regulations for a bed and breakfast in the Village's code requires a parking area and fencing, and asked whether there are circumstances in which those requirements could be waived.

Mr. Opalewski asked whether the Plan Commission members understand what AirBNB is and whether there are any other bed and breakfasts operating in Hartland. President Pfannerstill responded that the group is aware of AirBNB and that there are no bed and breakfasts operating in the Village.

Andrew Shoaf, 406 Park Ct., asked if the Village's parking code will apply including requirements for a specific number of spaces and delineation of spaces. Administrator Cox stated that a total of four compliant off-street parking spaces will be required and that standard pavement regulations related to the residential code will apply. Mrs. Filipp stated that they limit guests to one car.

Mr. Tump stated that he believes that granting this Conditional Use Permit request will set a precedence in the Village and will impact all residents. He raised concerns that individuals will purchase properties throughout the Village with this use in mind.

Julie Radtke, representative of Miller-Marriott, stated that the homeowner's association will no longer be managed by the developer after 12/31/17.

Gordon King, 457 Park Ct., stated that the development was not designed for this purpose; it was intended to be single family residential.

Mr. Shoaf raised concerns for the safety of small children if the conditional use permit is granted.

Mrs. Filipp stated that this use of their property is only occasional with 12 or 13 guests throughout the summer. She stated that they did not expect to have difficulty doing what they think is right for them on their private property.

Jayne King, 457 Park Ct., stated that AirBNB was not an issue when the development was created as it was a new concept. She stated that the state is starting to consider legislation

to regulate this activity including registering and paying taxes, and she commented that perhaps the activity could cease until the state has rules in place.

The Public Hearing was closed at 7:39 p.m.

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

Administrator Cox confirmed that action is not required at this meeting on this issue. He provided information from the Village Attorney related to the State contemplating enacting regulations for rentals for periods of time between 7 and 29 days. It provides that the Village would have the authority to institute a hotel/motel tax on a rental of between 7 and 29 days. The proposal does not seem to address rentals of less than 6 days.

Commissioner Fenner stated that throughout the discussion residents in the development have commented that they did not have notice. He commented that the restrictive covenants for the development did not expressly prohibit this activity. Had they done that, the covenants would trump the zoning code. Commissioner Fenner also stated that buyers should have looked at the Village's zoning code which specifically allows a bed and breakfast as a conditional use in the RS-4 single family residential district. In addition, he stated that he has not found any statistical analysis that indicates that this type of activity would have a negative impact on property values in the neighborhood. Commissioner Fenner suggested that perhaps this activity is more accurately defined as a tourist room which should be regulated if the Village is going to allow it.

Commissioner deCourcy-Bower commented that the Village has nothing in the code prohibiting this activity or regulating other rental uses such as long term rentals or rentals for specific events. Commissioner deCourcy-Bower clarified that the State does not plan to regulate any rentals for less than 7 days. He further stated that a bed and breakfast is typically in a neighborhood such as a historic district and that the Village's comprehensive plan includes opportunities for the Village to have bed and breakfasts. He stated that as there is currently no lodging available, visitors are sent outside the Village. He feels it is beneficial to instead draw visitors to the Village. It was stated that a bigger concern is that there is nothing in the code to regulate renting of a house or condo for longer periods of time.

Mrs. Filipp confirmed that continental breakfast items and coffee are made available to guests.

Commissioner Fenner recommended that the CUP include a provision that the permit would terminate if the Filipp's fail to have a state issued license for a bed and breakfast.

Motion (Fenner/deCourcy-Bower) to recommend to the Village Board issuance of the conditional use permit requested with the addition of the termination provisions discussed. Carried (7-0).

Administrator Cox provided a review of all conditions listed in the conditional use permit as well as termination clauses.

3. Adjourn

Motion (deCourcy-Bower/Wenstrom) to adjourn at 8:03 p.m.

Respectfully submitted,

Darlene Igl
Village Clerk

**DEPARTMENT OF BUILDING INSPECTION
APPLICATION FOR ARCHITECTURAL BOARD**

Job Address 840 Rose Dr. (Benchmark Secured Storage of Hartland)			
Lot	Block	Subdivision	Key No. HAV
Owner Benchmark Secured Storage		EMAIL aaron.kahle@kahlebuilders.com	Phone (414) 324-4953
Address "		City "	State " Zip "
Contractor Kahle Builders		Phone (414) 324-4953	FAX
Address 15171 W. National Ave.		City New Berlin	State WI Zip 53151

The Architectural Board meets on the THIRD MONDAY of the Month at 7:00 p.m. in the Board Room of the Hartland Municipal Building located at 210 Cottonwood Avenue in the Village of Hartland.

The DEADLINE for filing is on the SECOND MONDAY of the month at 4:30 p.m. All of the following information must be received prior to the deadline in order to be placed on the agenda.

Commercial/Industrial/Multifamily:

- Three bound sets of plans (one of the sets must be reduced to a maximum size of 11" x 17"). Plans must show all sides of building, materials and colors, exterior HVAC locations, appearance, and dumpster location.
- Three site plans. Plans must be dimensioned.
- Three landscape plans.
- Three exterior lighting plans. Include type, location, number and wattage of fixtures.

Signs:

- Three renderings (one of the renderings must be reduced to a maximum size of 11" x 17"). Include colors and material type. Renderings are to be dimensioned and must show placement on building and height.
- Details (color picture) of all existing wall signs on the same building elevation. A photograph of the building with sign location shown is recommended.
- Three site plans. Not required for wall signs. Plans must be dimensioned.
- Three sets of lighting details. Include type, location, number, and wattage of fixtures.
- Submit Sign Permit Application

NOTE: Approval by the Architectural Board is not permission to begin construction; a building permit must first be obtained.

Date Applied: _____ Date of Meeting: _____ Item No. _____

AAL LIMITED LIABILITY COMPANY
19535 SUMMERHILL CT
BROOKFIELD WI 53045

ATB OF HARTLAND LLC
1208 HWY 83
HARTLAND WI 53029

BELVINA INVESTMENT CORPORATION
12650 W LISBON RD
BROOKFIELD WI 53005

CROSSROAD INVESTMENTS LLC
131 E WISCONSIN AVE
PEWAUKEE WI 53072-3471

GEASON COMMERCE CENTER
OWNERS ASSOCIATION INC
W227N752 WESTMOUND DR STE L3
WAUKESHA WI 53186-0407

LAKE COUNTRY LAND LLC
C/O JIM SIEPMANN/SIEPMANN
INVESTMENT
W240N1221 PEWAUKEE RD
WAUKESHA WI 53188

MEDLINE INDUSTRIES INC
1 MEDLINE PL
MUNDELEIN IL 60060-4485

NAGAWICKA VIEW DAIRY FARM INC
1604 HIGHWAY 83
HARTLAND WI 53029-8840

NETNEL LLC
602 INDUSTRIAL CT
HARTLAND WI 53029

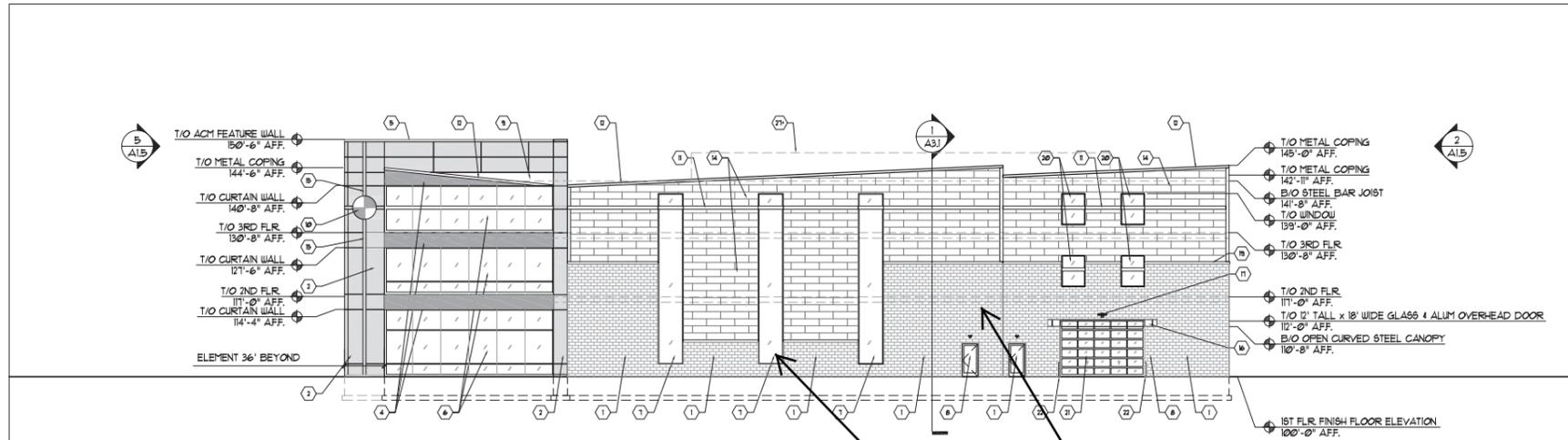
OAKWOOD CHURCH
3041 OAKWOOD RD
HARTLAND WI 53029

REVERE ELECTRIC SUPPLY CO
8807 187TH ST
MOKENA IL 60448-7706

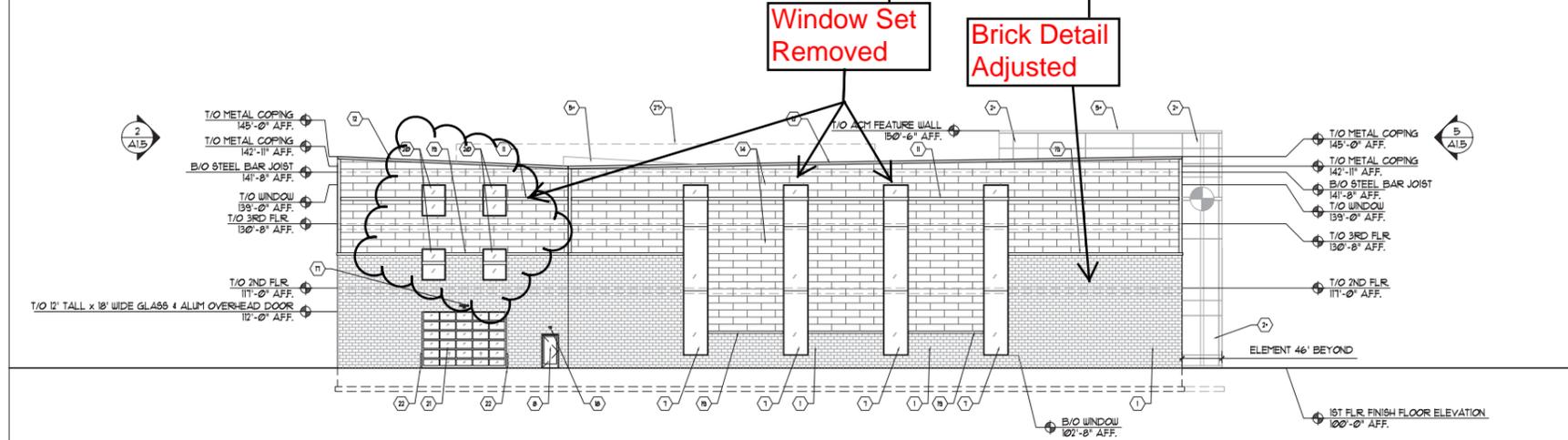
TIMOTHY P KARBLE TRUST
C/O TIMOTHY KARBLE
W307N6919 BETTY ANN DR
HARTLAND WI 53029

TOWN BANK
10 W MIFFLIN ST
MADISON WI 53703

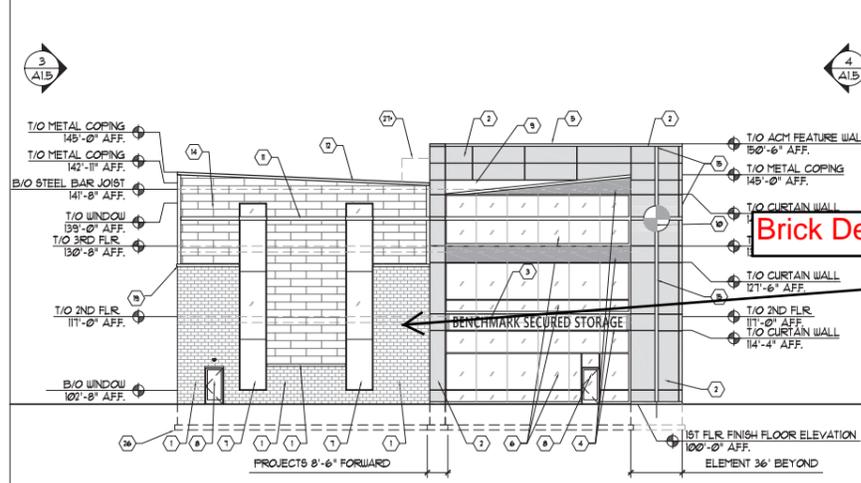
SECURED SELF STORAGE
1256 MARY HILL CIRCLE
HARTLAND WI 53029



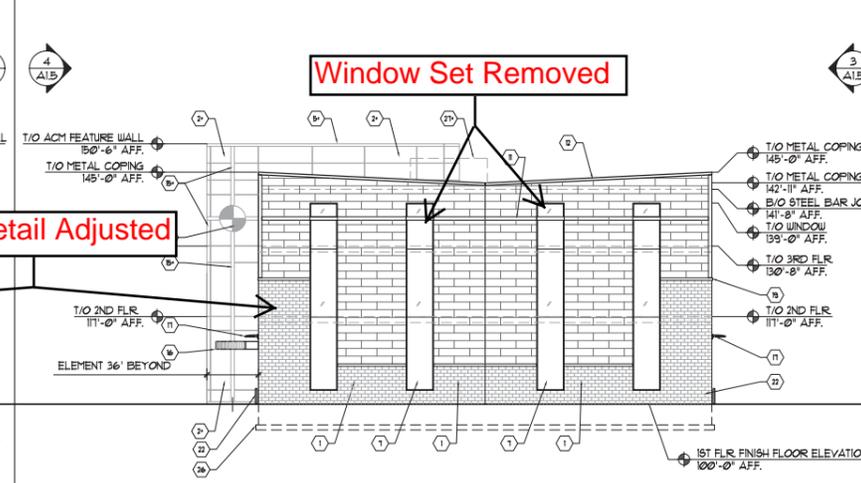
SOUTH BUILDING ELEVATION BLDG 1
SCALE: 1/16" = 1'-0" 4



NORTH BUILDING ELEVATION BLDG 1
SCALE: 1/16" = 1'-0" 3



WEST BUILDING ELEVATION BLDG 1
SCALE: 1/16" = 1'-0" 5



EAST BUILDING ELEVATION BLDG 1
SCALE: 1/16" = 1'-0" 2

- BUILDING MATERIAL KEY LEGEND GENERAL NOTES:**
(*) MATERIAL - BEYOND
- ACM PANEL SHALL HAVE A 6" MIN TALL EXPOSED KICK PLATE / WALL FLASHING AT GRADE. MATCH TO PANEL (TYP.)
 - ROOF TOP UNITS WILL BE ENTIRELY SCREENED FROM HEIGHT OF PARAPET WALLS.
 - INSULTECH CMU BY OLD CASTLE WITH ((15"x15"x15") DEEP x 8" TALL x 16" WIDE) FILLED & POLISHED FACE 8x16 MASONRY UNIT.
MANUFACTURER: TRENUITH INDUSTRIES / OLD CASTLE - (TREADSTONE - PLUS)
JOINT PATTERN: RUNNING BOND
COLOR: QUICK TRIP BLACK
MORTAR COLOR: MATCH TO CMU
 - PREFINISHED ALUMINUM COMPOSITE METAL (ACM) PANEL:
MANUFACTURER: ALPOLIC MATERIALS
SYSTEM TYPE: DRY JOINT SYSTEM
COLOR: RVU WHITE
 - SELF ILLUMINATED CHANNEL LETTER SIGN MOUNTED TO EXTERIOR OF BUILDING FACE. BELOW 2ND FLOOR SILL.
(2'-1" TALL x 33'-10" WIDE = 70.5 SQ. FT. (CODE ALLOWS FOR 88-99 SQ. FT.))
 - PREFINISHED ALUMINUM COMPOSITE METAL (ACM) PANEL:
MANUFACTURER: ALPOLIC MATERIALS
SYSTEM TYPE: DRY JOINT SYSTEM
GRAIN DIRECTION: VERTICAL
COLOR: HAIRLINE ALUMINUM (4M14HLZ) / SILVER
 - PREFINISHED METAL COPING:
COLOR: TO MATCH MATERIAL BELOW
 - ALUMINUM FRAME CURTAIN WALL GLAZING SYSTEM
MANUFACTURER: KAUNEER
SYSTEM: 1600 SS CURTAIN WALL SYSTEM
FRAME COLOR: CLEAR ANODIZED ALUMINUM
FRAME SIZE: 2'x4'-1/2"
GLAZING TYPE: 1" LOW-E THERMAL PANE
GLAZING COLOR: CLEAR
GLAZING SET: FORWARD
 - ALUMINUM FRAME STOREFRONT GLAZING SYSTEM
MANUFACTURER: KAUNEER
SYSTEM: STOREFRONT SYSTEM
FRAME COLOR: CLEAR ANODIZED ALUMINUM
FRAME SIZE: 2'x4'-1/2"
GLAZING TYPE: 1" LOW-E THERMAL PANE WITH (HORIZONTAL) BUTT JOINT PANELS
GLAZING COLOR: CLEAR
GLAZING SET: FORWARD
WIDTH: 5'-0"
HEIGHT: 36'-4"
THE FLOOR STRUCTURAL AT THESE WINDOWS WILL BE CUT BACK & PAINTED TO ALLOW LIGHT TO FLOW FROM TOP TO BOTTOM.
 - ALUMINUM FRAME STOREFRONT ENTRY SYSTEM
MANUFACTURER: KAUNEER
SYSTEM: STOREFRONT SYSTEM
FRAME COLOR: CLEAR ANODIZED ALUMINUM
FRAME SIZE: 2'x4'-1/2"
GLAZING TYPE: 1" LOW-E THERMAL PANE
GLAZING COLOR: CLEAR
GLAZING SET: FORWARD
DOOR TYPE: 500 SERIES
 - OPEN TO BEYOND
 - SELF ILLUMINATED LOGO, MOUNTED TO ACM WALL PANEL
 - 8" WHITE METAL BAND ON TOP OF WALL PANEL
 - PREFINISHED METAL COPING:
COLOR: STAINLESS STEEL (#4 FINISH)
 - STRUCTURE - BEYOND
 - FIBER CEMENT PANEL (18" HIGH x 12" LONG)
NCH-HMA - DESIGNER SERIES - ILLUMINATION
SIMILAR TO MGA 1125 GREY(4M14HLZ) ALPOLIC MATERIALS
NOTE RUNNING BOND
12" INSULTECH BLOCK BEHIND
 - PREFINISHED ALUMINUM COMPOSITE METAL (ACM) FILLER / BACK PANEL:
MANUFACTURER: ALPOLIC MATERIALS
SYSTEM TYPE: DRY JOINT SYSTEM
COLOR: TBL BLACK
 - GALVANIZED STEEL CURVED OPEN CANOPY
 - WALL MOUNTED LIGHT FIXTURE ABOVE VEHICLE ENTRY AND EXIT. SIMILAR TO MCGRAW-EDISON GLEON GALLEON LED.
 - WALL MOUNTED LIGHT FIXTURE ABOVE ENTRY AND EXIT DOOR
 - 6" PRECAST CONCRETE SILL
 - ALUMINUM FRAME STOREFRONT GLAZING SYSTEM
MANUFACTURER: KAUNEER
SYSTEM: STOREFRONT SYSTEM
FRAME COLOR: CLEAR ANODIZED ALUMINUM
FRAME SIZE: 2'x4'-1/2"
GLAZING TYPE: 1" LOW-E THERMAL PANE
GLAZING COLOR: CLEAR
GLAZING SET: FORWARD
WIDTH: 5'-4"
HEIGHT: 6'-8"
 - ALUMINUM FRAME GLASS OVERHEAD DOOR
FRAME COLOR: CLEAR ANODIZED ALUMINUM
GLAZING TYPE: 1" LOW-E THERMAL PANE
GLAZING COLOR: CLEAR
WIDTH: 18'-0"
HEIGHT: 12'-0"
 - CONCRETE FILLED BOLLARDS WITH PVC COVER SLEEVE. TYPICAL AT BOTH SIDES (INTERIOR & EXTERIOR) OF OVERHEAD DOORS
 - PAINTED STEEL COILING OVERHEAD DOOR
 - PAINTED METAL WALL PANEL
 - PREFINISHED GUTTER AND DOWNSPOUT SYSTEM
 - FOUNDATION LINE - SEE STRUCTURAL DRAWINGS
 - ROOF SCREEN TO CONCEAL ROOF TOP MOUNTED EQUIPMENT

MATERIAL LEGEND
SCALE: 1/16" = 1'-0" 1

DO NOT SCALE THESE DRAWINGS

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Benchmark Secured Storage
800 Rose Drive
Hartland, WI 53029

PERSPECTIVE DESIGN, INC.
11525 W. North Avenue
Wauwatosa, WI 53226
Tel: (414) 302-1780 Fax: (414) 302-1781

Drawing Title:
EXTERIOR BUILDING ELEVATIONS (BLDG 1)

Date: 02/27/17
Scale: A.N.
Drawn: WHC
Job: 16-112
Sheet: A1.5

THIS BOX IS 1/2" x 1/2"

NOT FOR CONSTRUCTION

PRELIMINARY - FOR ESTIMATING AND REVIEW ONLY

