

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES  
MONDAY, JANUARY 15, 2018  
7:00 PM  
BOARD ROOM  
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

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

Others Present: Administrator Cox, Building Inspector Hussinger and Deputy Clerk Bushéy

Roll Call

**1. Motion (Hallquist/Wenstrom) to approve the Jt. Architectural Board/Plan Commission Minutes of December 18, 2017 meeting 6-0-1, with deCourcy-Bower abstaining.**

**2. Architectural Board and Plan Commission review and consideration of site, building and lighting plans for construction of an addition to Austin Plumbing, 530 Norton Ave.**

Scott Lausten from Keller Inc. was present to explain the storage warehouse addition for Austin Plumbing.

The existing building is 6753 square feet, the addition will be 5213 square feet for a total of 11,966 sq. feet with the building sitting on 1.41 acres. There will be 47.9 % green space, the building will take up 19.5%, and hard surface will take up 32.6%. Existing asphalt from the entrance at Norton up to the building will stay with new asphalt being installed in the southeast corner for parking and an additional concrete slab added for dumpsters which will be screened off. The grading plan consists of a small storm water pond in the southeast corner for storm water runoff and will be graded according to storm water requirements. Trees will be added to the southeast corner to screen parking on the south side. The new south elevation will have 4 overhead doors, 3 of which will be 14 x14, 1 that will be 10 x 14 and 1 service door that will have half glass. The south elevation will be about 30 ft. north from the existing elevation. The south elevation will not be seen from the road or neighbors so they don't feel it is necessary to put masonry on the facade, especially with the amount of overhead doors and service door there.

The east elevation is very similar to what is seen on the current elevation. North elevation will be neighboring another property and they were asked to soften up the architectural features so they will add some landscaping on north façade but don't feel the need to add masonry because they will be screening the whole area with landscaping as well.

Hussinger asked about the west elevation. Mr. Lausten said they are working on it. It was given to the client as an alternate, the first alternate was a little pricey so they are working on it. There was brief discussion on the windows on the west side.

Mr. Lausten was asked about mechanical equipment and lighting. He said there will no mechanical equipment on the rooftop or on the ground and for lighting there will be building mounted lights at or near the overhead doors as required by code.

Pfannerstill asked Mr. Lausten if he intended to carry on the masonry to the addition. He said no, they didn't see any reason to spend money on masonry that won't be seen and didn't think it was practical. Fenner asked if the landscaping plan had been prepared and Mr. Lausten said no that it hadn't been revised yet. He said the owner of the property is the one responsible for the landscaping and that he could get a plan together for the board. There was more discussion on the landscaping.

Motion (de Courcy Bower/Swenson) made to approve site, building and lighting plans for construction of an addition to Austin Plumbing contingent on Hussinger approving a landscaping plan. Carried (7-0).

**3. Plan Commission review and comment on a concept certified survey map for the property located east of 1270 E. Capitol Drive.**

Craig Eisenhut was present to explain the conceptual Certified Survey Map. He said he would like to divide the parcel into 3 parcels and would like to get building right away in the southwest corner lot. He said he would like the depth to be 115 ft. not the 125 ft. as shown. Administrator Cox said as he stated in his memo the village does not have a zoning category for properties that are not served with water & sewer to accommodate that. He said the village board has indicated a willingness to allow the property to be developed without sewer and water; so there are some changes that need to take place in the village code to accommodate that. One of the changes staff suggests is, to create a zoning category that allows on a restrictive basis, properties to be developed without water and sewer. He said if they did that staff recommends it be done in a manner similar to what the neighboring towns do for the 30000 sq. ft. minimum and the intent there is to allow that there is enough space on the site for impervious surfaces like buildings, as well as septic fields that would be required and separation for wells that would be required. Pfannerstill reminded everyone this is the property Habit of Humanity recently proposed on and further back it came to Hartland in a settlement agreement and to complicate it more, the property to the west of this parcel is on well and septic. Hussinger said the board needs to give staff direction so they can develop the language for the new zoning category, such as lot size, lot width etc. There was brief discussion about the zoning of the property. Hussinger said what is also not shown here is the steep slope, the environmental corridor and the conservancy. He said even though there are 3 acres, buildable area is substantially less. He said the concern for the village should be to make sure there is room for a septic system and a backup field used to be required, even though the County dropped that requirement around 2012. Hussinger said he just wants to make sure these lots can stand on their own because if they fail, it is a real problem. Fenner brought up the subject of bringing sewer and water to the site and a possibly recapture in the future. Hussinger said there has been a number of discussions and when you crunch the numbers it just isn't going to allow development on the site with municipal sewer and water.

Fenner asked if there is enough room for back up septic sites, Mr. Eisenhut said testing has been done already in 3 different places on all 3 lots so all the leg work is done. Mr. Eisenhut said had all the testing done and that qualifies for a septic on any of those 3 areas which covers the area it makes sense to put the system in.

Fenner asked if there are other areas in the village that could be similarly zoned for none sewer and none water and Administrator Cox possibly, but there hasn't been a lot of time spent looking at that. One of the things he said he put in his memo was to try to limit that by putting some restrictions in the code as to distance and number of parcels that could be without water and sewer in the corporate limits; creating a softer hardship test to get into that zone. There was brief discussion on the property and water and sewer. Hussinger said he doesn't have a problem with the well and septic, he is worried about the lot size. He said if you look at zoning maps of adjoining municipalities they are not creating new lots that are less than 30,000 sq. ft. unless they are sewer and water. His concern is the lots are too small. Administrator Cox said that when he came to the village board in August he wanted to split the parcel into 2 lots and keep it well and septic but the lot he is talking about the southwest corner couldn't be as small as he is proposing. Mr. Eisenhut said it could be if circumstances are agreed upon. Administrator Cox told Mr. Eisenhut it doesn't seem like this body is going to allow that parcel to be as small as he wants it to be.

There was discussion regarding access to JJ and the number of driveways Mr. Eisenhut wanted. Mr. Eisenhut explained why he wants the smaller lot sizes.

de Courcy Bower asked what the rationale is behind the requirement of 30,000 sq. ft., and Hussinger said it has to do with making sure someone can build a house, have a hard surface driveway with a patio, along with other improvements other single family homes have such as sheds as well accommodate a well separate from a septic system. de Courcy Bower said so it doesn't come from nowhere, it comes from the practical limitations of being able to squeeze everything on to a property. Hussinger said the other thing that townships have is called a floor area ratio or impervious surface ratio. He said many townships and the County went by floor area ration to limit the size of building as it relates to the size of the lot but the County and several municipalities has gotten away from that in favor of impervious surface. There was brief discussion on floor area ratio.

Fenner asked what type of action are they supposed to be taking tonight and Administrator Cox said direction, is the new district what the Plan Commission wants to do, and should that be what Mr. Eisenhut uses to consider how he wants to divide the parcel.

Fenner said the reason he asked is because the agenda item says review and comment on the concept CSM and the concept doesn't comply with the existing ordinance because its un-sewered and we don't have anything else so it's easy to dispose of the concept plan right now, on a technicality that the zoning code doesn't allow it and not to proceed. He said he thinks in order to implement what the village board has indicted and desired to do, the Plan Commission should direct staff to prepare a zoning ordinance that basically mirrors the existing one but modified to address the fact that certain municipal services will not be provided. He said in looking at elements of new ordinance he doesn't see anything that he has a problem with.

Fenner said he was interested in Hussinger comments regarding land and area. He asked Hussinger if he construed his comments that he would not recommend from an engineering viewpoint an area anything less than 33,000 sq. feet. Hussinger said he would recommend a minimum lot size of 33,000 sq., feet. Pfannerstill asked Mr. Eisenhut if that was feasible to him. Mr. Eisenhut said he would not want that, he would like to keep it where they are at. He said he didn't think it would affect the people in Hartland if he had a big lot or small lot, only the next person that buys it. Mr. Eisenhut mentioned that the lot next door the Village had allowed a brand new septic system and Hussinger pointed out that the Village didn't think it was appropriate to condemn that property, he said sometimes you have to deal with existing conditions, and that the appropriate thing to do. Hussinger said now you are asking us to create new lots and almost create a hardship by approving substandard lots. Hussinger said in his opinion it is reckless, it might be setting a precedence and if these standards get developed with small lots, there are 4-5 other properties in the Village that this might apply to and the Village doesn't want that. There was brief discussion on detachment.

Mr. Eisenhut asked if there is any way to reword it. Hussinger said there are 2 issues here the land division and the zoning. Hussinger said regarding the zoning he could pursue a variance but Fenner said that would have to be hardship granted by the zoning board of appeals. Fenner asked Administrator Cox if instead of making a new zoning provision, would a Conditional Use work within the existing zoning district. Administrator Cox said maybe, however the state has changed some of the rules in respect to Conditional Use Permits and forcing municipalities to enumerate all the standards. Hussinger said the Village would be better protected if a new zoning district was created because to be used somewhere else in the village, the applicant would have to first get it rezoned in that new zoning district. Administrator Cox said it could be more permissive. The topic of a getting a variance was brought up and Administrator Cox said he didn't know if there was enough here to get a variance and he didn't know if there was enough to meet the bar that has been set pretty high on varying from the code. There was brief discussion on a variance and possibility of detaching the property. Hussinger said staff needs direction to draft zoning code language that can support what you want to see on this site.

Swenson said he would like to see the parcel developed but the village has very little septic experience so the village should rely on the entities that do and how they have done theirs.

Motion (Fenner/Hallquist) to direct staff to prepare a draft of a proposed new zoning district that encompasses matters outlined in Administrators memo dated 1-12-18. Carried (6-0-1). deCourcy-Bower opposed.

**4. Plan Commission review and consideration of a request for amendments to the Comprehensive Land Use Plan to facilitate development north of CTH K (Lisbon Road) and west of Winkleman Road.**

Matt Neumann was present to request the amendment to the Comprehensive Land Use Plan and briefly went over the development plan again. Nothing has changed a lot, the plan is for 72 single

condominiums on parcel A and 54 duplex units on parcel B. While developing the plan for parcel A they came across parcel B and it made sense to develop them together.

Mr. Neumann commented on the following items:

- \*The County is looking to lower sections of the road on C.T.H. K.
- \*They would like to have walking trails in the woods and would like to connect to the paved trail system.
- \*In the current comprehensive land use plan would allow around 106 units and what they are proposing is 126 units.
- \* The amendment to the Comprehensive Land Use Plan they are requesting would allow up to 174 units but they are not maximizing that and would keep it at the minimum threshold they think fits well with the development.
- \*There will be substantial setbacks along with landscaping.
- \* The County has told them informally they are looking at a 4-6 yr. Timeframe for the KE road extension.
- \* The development does have sewer and water.
- \* They are proposing a future well site on the northeast corner.
- \* The reason they are proposing condominium development is flexible in terms of property boundaries.

Ann Wallschlager 1148 Mary Hill Circle had comments on the number of units and crossing the private driveway for access to the paved trails.

Mr. Neumann said that if they can't connect to the trails from the private driveway they could connect to the paved trails from the right of way. Ms. Wallschlager expressed concern of the traffic on the private driveway.

Administrator Cox said the issue is, should the comprehensive Land Use Plan be amended to accommodate something like this in this area, which is to allow something slightly denser in this area to accommodate something like this. And should the Village change their planned road to accommodate this and to accommodate the County's design.

There was discussion on low medium density and upper medium density.

Mr. Neumann pointed out there is a large inventory of single family homes in the area and this development will be able to offer condominiums and duplexes.

Pfannerstill asked if anyone had any other public comments.

An attorney representing Mr. & Mrs. Gebhard N56 W28754 C.T.H. K said the Gebhards wanted it to be known they have a general objection to the development and any increased density.

Peter Jungbluth N55 W28945 C.T.H. K- asked how many units they are building and if approved when would they start building. Mr. Neumann said they are proposing 99 buildings with a total of 126 units and if approved they would start late summer.

There was additional discussion on density. Under the current Comprehensive Land Use Plan the property is identified as Low Density Cluster Development and Mr. Neumann is proposing to have it changed to Medium Low Density Cluster development.

de Courcy Bower said the highest density is in the center of Hartland and as you work your way out it gets more rural. He said his concern is developments becoming overly dense. He said it's a change and a different plan for the Village and doesn't want it to be taken lightly. He asked Mr.

Neumann what is the amount of units the change would allow. Mr. Neumann said 150 however Administrator Cox said the Village would never allow that.

Fenner said alternate housing needs to be addressed and he does not have a problem with density outside the core.

There was brief discussion on how the change would affect other communities, emergency roads and if a cap could be put in the zoning amendment of no more than 126 units. Fenner said the issues he sees are changing the density in the Comprehensive Plan and then addressing the issue of highway location. Fenner asked why can't the Plan Commission as part of amending the Comprehensive Plan, redefine or create a new definition for density in this area that would cap it at 126. He said he sees several things the Plan Commission needs to consider tonight, to request a Comprehensive Plan amendment that is going to address the density of Parcels A and B, as well as recognize the road relocation area. Motion to direct staff to prepare the amendments.

Administrator Cox said once they reach a general consensus the Plan Commission will need to adopt a resolution that describes the change, attach a map or 2, describe the change to the comprehensive Plan that it supports and recommends. He said it would then go to the Village Board for consideration and a Public Hearing.

Motion (Fenner/Swenson) to approve all the changes discussed for the Architectural Board and Plan Commission Board which includes amending the Comprehensive Land Use Plan for the area, the entire parcel should be developed as Medium Low Density Cluster and not to exceed 126 units, along with recognizing park space and the road extension shown as relocated. Carried (7-0)

##### **5. Review and comment on placement of benches in the Downtown Business Improvement District.**

Jim Muenzenberger and Tom Brass were present to explain the placement of the benches. The Downtown Business Improvement District are working to improve the benches and the continuity of style. They would like to replace all 17 of the benches plus add 2. They said they are working to improve the benches and the continuity of style since the existing benches have different styles and ages. There was discussion on securing the benches, trash containers and the material of the benches.

Motion (de Courcy Bower/Swenson) to approve placement of the benches in the Downtown Business Improvement District. Carried (7-0).

##### **6. Review and comment on options for water tower painting.**

There was brief discussion on the 3 options which are all white, green pedestal, and green collar.

Motion (Swenson/Hallquist) to approve option #2 for the water tower painting. Carried (7-0).

**7. Selection of a Plan Commission member to serve on the selection committee for the Planning consultant.**

Motion (Fenner/Swenson) to nominate Schneeberger to serve on the selection committee for the Planning consultant. Carried (7-0)

**8. Adjourn**

Motion (de Courcy Bower/Swenson) to adjourn. Carried (7-0). Meeting adjourned at 9:25 PM.

Respectfully submitted by  
Recording Secretary,

Deidre Bush y, Deputy Clerk