

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES - AMENDED
MONDAY, JULY 20, 2020
7:00 PM
BOARD ROOM
MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

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

Others Present: Administrator Rhode, Ryan Amtmann, Attorney De La Mora, Building Inspector Hussinger and Deputy Clerk Bushey.

Call to Order- 7:00 pm

1. Consideration of a motion to approve the Jt. Architectural Board/Plan Commission minutes of two meetings June 15, 2020.

Motion (Hallquist/Schneeberger) to approve the minutes for the two meetings on June 15,2020. Carried (7-0).

2. Architectural Board review and consideration of a modified application for a sports pavilion for Lake Country Lutheran, 401 Campus Drive.

Pete Schneider from Groth Design was present and said this was approved in April however they are over budget on the project, so they have made some modifications. He said the modifications are mainly to the exterior finish. Administrator Rhode said he felt it was best to bring the changes back to the Architectural Board. He said it meets all the standards and is well off the road. DeCourcy-Bower said he doesn't see anything regarding exterior lighting and Mr. Schneider said it is part of the project but he just doesn't have the plans with him.

Motion (deCourcy-Bower/Hallquist) to approve the modified application for a sports pavilion contingent on the exterior lighting being approved by staff. Carried (7-0).

3. Plan Commission review and consideration of an application of a Certified Survey Map to divide the Zion Evangelical Lutheran Church property located at 415 W. Capitol Drive into two parcels and to consider a petition to rezone the property to the RS-5 Single Family Residential Estate District.

Craig Eisenhut who is a trustee board member was present representing Zion Evangelical Lutheran Church. He said they would like to split the property to sell it separately. Administrator Rhode said this came before the Plan Commission about 1 ½ years ago and they had a Public Hearing but for some reason it stalled and didn't move forward. He said he thought it should come before the Plan

Commission again. Hallquist asked if there has been any changes and Rhode said no it is the same. Mr. Eisenhut commented that the 2 parcels have separate sewers now.

Motion (Hallquist/Schneeberger) to recommend approval to the Village Board of the CSM for Zion Evangelical Lutheran Church and to include to consider a petition to rezone the property to RS-5 and including correcting the Comprehensive Plan.

Carried (7-0).

4. Architectural Board/Plan Commission and Village Board review and consideration of items related to development of HAV 0423-981 located on Campus Drive east of Lake Country Lutheran.

a. TWO PART PUBLIC HEARING CONDUCTED BY THE VILLAGE BOARD:

Bryan Lindgren from Neumann Development was present and explained what they are proposing. They are proposing a rezone for a Planned Unit Development to pave the way for single family condominiums on campus drive owned by Lake Country Lutheran, water and sewer currently run thru the property and the area they are developing is north of the water and sewer. They are proposing 47 single family condominiums units for first time home buyers and hoping with their building partner to offer them in the range of \$400,000. In the process of the development they will be permanently preserving the nature trails that run thru the property thru an easement. There is a wooded portion that will remain as well as some natural kettles they will preserve thru the upland conservancy zoning and the remainder the land they would like rezoned for their purpose of the condominiums.

- i) to hear comments about the proposed Planned Unit Development Agreement to allow the construction of 47 single family condominium in an urban cluster community, EXCEPT FOR COMMENTS REGARDING THE CONNECTIVITY OF THE PROPOSED PUBLIC ROAD.

Pfannerstill opened the Public Hearing at 7:20pm to hear comments on the construction of 47 single family condominiums in an urban cluster.

- 1) Melissa Harbon N48 W31172 Hwy 83 – concerned about the amount of traffic and the intersection.
- 2) Rebecca Simandl N52 W30605 Moraine Dr – concerned and opposed in general to the urban cluster. Concerned about wildlife, the land and safety of schools.
- 3) Charles Luedtke N72 W32225 Redlin Rd – more comfortable with residential than commercial. Concerned and commented on the cross-country trail.
- 4) Christine Oldenberg – representing LCL High School association & also a cross country coach.
- 5) Joanne Nelson 225 Willow Drive – asked if there will be any consideration for apartments. Pfannerstill said the Public Hearing is only for the development before us.
- 6) Thomas Petri 286 Hickory Lane – concerned about the wildlife. And feels that area represents a plus for the Village.

There were no other comments so Pfannerstill closed the Public Hearing for the Planned Unit Development at 7:31 pm.

ii. To only hear comments as to whether the proposed public road for this development should be connected to existing Willow Drive to the east of the development.

Pfannerstill opened the Public Hearing at 7:31 pm to hear comments on whether the proposed public road for this development should be connected to existing Willow Drive to the east of the development.

1. Eric Kayla Kutemeier 261 Willow Drive – have young children, concerned about safety, congestion issue, noise and property values.
2. Kayla Kutemeier 261 Willow Drive – works at the high school, congestion is bad and doesn't think adding the road will help the current congestion.
3. Cheryl Maloney 290 Hickory Ct – commented that the road is narrow. Submitted pictures said there is a blind hill. It is a dangerous road and not meant for more traffic.
4. Nicole Kulas 282 Hickory Ct. – created petition with neighbors and said 82% is against the connection. Submitted additional petitions.
5. Luke Numrych 217 Chestnut Ridge – moved to subdivision because it is quiet neighborhood and asked if impact studies have been done.
6. Emil Meindl 228 Willow Ct – Road is not wide enough to handle traffic, connecting is not good.
7. Ruth Meindl 228 Willow Ct – the existing subdivision traffic is terrible, has almost been hit several times. Cannot cross road safely when students are getting out of school.
8. Stephanie Smith 240 Willow Ct – opposed to road going through, road is not wide enough. It will create more traffic, getting out of subdivision is difficult.
9. Dennis Sweda 224 Willow Ct – extra traffic will be a mess.
10. Lisa Kreklow-Weatherbee 266 Willow Dr – opposed to connecting to Willow Drive. Bought house because it is a quiet road and neighborhood.
11. Perry Green 129 Willow Drive – Lived in neighborhood 12 years, is opposed.
12. Jackie Rottler 190 Linden Ct – has lived there 27 years, has a handicapped child who can't think cognitively and look both ways. Said the minute the kids are out school they are on their phones and it is dangerous.
13. Tonya Little 278 Hickory Ct – traffic problem will increase. Works for company that does traffic study and there are more accidents involving left hand turns.
14. Nina Fedak 157 Poplar Ct – moved in neighborhood in 1979, raised kids there. It is hazardous to connect road.
15. Theresa Gallagher 147 Willow Dr. – lived there 40 yrs. There is a hill and curve and kids come down the hill fast. Water doesn't drain well there & it is an ice rink in winter. Kids don't always look when they cross.
8:07 3-minute recess
8:10 called to order
16. Christian Gallagher 147 Willow Ct – not comfortable with connecting road, difficult to get out of subdivision sometimes.

17. Tom Gustavson 234 Willow Dr. – has 2 kids, increased traffic is a concern. Hard to turn right out of subdivision.
18. C. Momsen 153 Willow Dr – understands development, concerned about traffic and speed of traffic. Opposed to opening road.
19. Charles Lubke N72 W32225 Redlin Road – not a benefit to residents.
20. Joanne Nelson 225 Willow Drive – opposed to opening road with all the reasons that have been stated.
21. Melissa Marban N48 W31172 Hwy 83 trustees should look out for Village best interest. Neighbors are essential workers and makes no sense to make things harder.
22. Thomas Petri 286 Hickory Ct moved here for rural atmosphere, road going thru would be safety problem.
23. Craig Eisenhut 201 North Ave – commented on emergency access point
24. Dan Oostenberg 124 Willow Dr – concerned about speed issue. Said 111 out of 134 are against connecting the road.

There were no more comments so Pfannerstill closed the Public Hearing at 8:24pm.

Motion by Xykis 2nd by DeCourcy-Bower to recommend to the Village Board not to connect the proposed public road to Willow Drive. Discussion.

Schneeberger commented on the traffic study. He said from a planning standpoint connectivity would be very good in his opinion.

DeCourcy-Bower said the former plan shows additional development of residential roads and it is consistent with the original plan to connect to Willow Drive and showed what the plan looked like then and now. DeCourcy-Bower is not in favor of the road connection to Willow Drive.

Hallquist commented that the theme seems to be that they watch over their own and protect everyone. He said when school is not in session it is the residents that are speeding.

Xykis said we as members of the pc are appointed to protect and enforce the will of the people and to continue with the vote. Attorney De La Mora recommended Pfannerstill repeat the motion.

Plan Commission:

Motion (Xykis/DeCourcy-Bower) to recommend to the Village Board not to connect the proposed public road to Willow Drive. Carried (6-1). Schneeberger opposed.

Village Board:

Motion (Connor/Anson) to accept recommendation to not connect the proposed public road to Willow Drive. Discussion.

Trustee Dorau asked Interim Fire Chief Jambretz if he had an opinion either way. Interim Fire Chief Jambretz said his only concern is to have access somehow. Trustee Meyers said he thinks the police do a great job and it sounds like a lot of the traffic in the subdivision is from the people who live there

and should be asking the residents there to slow down. Trustee Ludtke commented on proposed additional stop signs if the road went thru.

Motion (Connor/Anson) to accept recommendation to not connect the proposed public road to Willow Drive. Carried (7-0).

Recess taken: 8:43pm

Called order 8:50pm

b. BY THE ARCHITECTURAL BOARD/PLAN COMMISSION:

Review, consideration, and submission of a recommendation to the Village Board regarding the proposed Certified Survey Map to divide property owned by the Lutheran High School Association of Greater Milwaukee east of Campus Drive for future development.

DeCourcy-Bower said it was a strange way of a road layout and he was concerned about a public road with a private cul-de-sac. Amtmann said the whole development is set up with public and private roads. He said the proposed public road is over existing water/sewer. He said the rest that is proposed is private with the water/sewer to be private. He said the cul-de-sac is necessary for emergency vehicles and there are grade changes near the cul-de-sac. Administrator Rhode commented that they worked with Hartland DPW and they felt it was a better solution for snow plowing and parking for those using the trails. DeCourcy-Bower said he feels there are challenging issues with the Cul-de-sac.

Attorney De La Mora said the CSM shows lot 1 & 2, and that lot 2 should be designated as an outlot. Steve Declene from Neumann Development commented he didn't think it is allowed to have an outlot on a condo plat. De La Mora again said lot 2 should be designated as an outlot and everyone in that development would have an interest. Matt Neumann from Neumann Developments commented they are not disagreeing with the intent. There was discussion between Neuman Development and De La Mora on lot 2 being designated as an outlot. DeCourcy-Bower said another concern of his is the trail outlot and would like to see an overall trail plan. There was discussion on easement and stormwater and who would be responsible if water moves towards the condominiums. Amtmann recommended and easement be put on the Certified Survey Map. Matt Neumann said it will be a private stormwater. He said the pond is on Lake Country Lutheran property and it is all being worked out between them and Lake Country Lutheran.

DeCourcy-Bower voiced his opinion on never before approving a CSM with so many things in question, the stormwater management, the trail easement. Xykis asked if a traffic engineer was consulted Lindgren said it was discussed with several different level of engineers. Pfannerstill commented that DPW recommended the change. DeCourcy-Bower said he thinks it will cause issues with planning for the south.

Motion (Hallquist/ Schneeberger) to recommend to the Village Board to approve the CSM as submitted with addressing the engineer concern and approval and Attorney De La Mora concern and approval. Carried (5-2) Wallschlager and DeCourcy-Bower opposed.

c. BY THE ARCHITECTURAL BOARD/PLAN COMMISSION:

Review, consideration and submission of a recommendation to the Village Board regarding the proposed base and overlay zoning requests contained in a Rezoning Petition for property HAV 0423-981 located on Campus Drive east of Lake Country Lutheran, as divided by a proposed Certified Survey Map, for the rezoning of 27.45 acres to RS-5 Single Family Residential with PUD Overlay whose acreage is reduced by (a) an Outlot of 11.0.8 acres to be zoned as an Upland Conservancy Overlay District (UCO); and (b) the dedication of a public road consisting of approximately 1.746 acres without regard to whether it should be connected to existing Willow Drive to the east of the development.

Administrator Rhode said this item is pretty straight forward, this is the rezoning piece. He said hopefully if someone is in favor of the development they should be in favor of the rezoning too.

Motion (Hallquist/ Schneeberger) to send to the Village Board approval of the recommendation of the rezoning for property HAV 0423-981. Carried (5-2). Wallschlager and DeCourcy-Bower opposed.

d. BY THE VILLAGE BOARD OF TRUSTEES

Review, consideration and action on the recommendation of the Architectural Board/Plan Commission regarding the proposed Certified Survey Map to divide property owned by the Lutheran High School Association of Greater Milwaukee east of Campus Drive for future development.

Motion (Luedtke/Dorau) to act on the recommendation by the Plan Commission/Architectural Board to approve the proposed Certified Survey Map to divide the property owned by the Lutheran High School Association of Greater Milwaukee east of Campus Drive for future development. Carried (6-1). Wallschlager opposed.

e. BY THE VILLAGE BOARD OF TRUSTEES

Review, consideration and action on the recommendation of the Architectural Board/Plan Commission Review regarding the proposed base and overlay zoning request contained in a Rezoning Petition for property HAV 0423-981 located on Campus Drive east of Lake Country Lutheran, as divided by a proposed Certified Survey Map, for the rezoning of 27.45 acres to RS-5 Single Family Residential with PUD Overlay whose acreage is reduced by (a) an Outlot of 11.0.8 acres to be zoned as an Upland Conservancy Overlay District (UCO); and (b) the dedication of a public road consisting of approximately 1.746 acres without regard to whether it should be connected to existing Willow Drive to the east of the development.

Motion (Anson/Meyers) to approve the rezone request for property HAV 0423-981. Carried (6-1). Wallschlager opposed.

f. BY THE VILLAGE BOARD OF TRUSTEES

Review, consideration and possible action to approve the Planned Unit Development Agreement between the Village of Hartland and PARADISE TRAILS, LLC and its exhibits and with possible

conditions, including but not limited to the finalization of all exhibits and approval by village staff of same and supplementation of the PUD Agreement to reflect these proceedings .

Rhode said this is the PUD agreement. He said it is not a large document in itself but contains the stormwater management, condominium rules and development rules. He said it is a comprehensive document they have been working on for a couple months. He said there are a couple things that staff is still working on and a couple exhibits that are needed yet but are not relevant whether this development goes thru or not. He said the big picture things are the public and private road parts, what they will commit to doing and what we will receive in exchange. Rhode went on to say we have been very proactive with going thru the Condominium association and the HOA piece of it to make sure it benefits us long term. We have kept a keen eye on trying to focus on what people have been coming to the Village 20 years later, their issues and concerns that they came to us with. We will try to address that in these documentations as best as we can. He said he thinks it is about 95% done and asked De La Mora if he felt that was what was completed so far. De La Mora said he thinks it is about 90% completed. De La Mora said the main change here is to everyone's benefit is that all the changes made here tonight including the rezoning will not kick in and be legally effect until the PUD agreement and all of its exhibits have been recorded. Pfannerstill said with that the Village Board will have to decide if they feel comfortable moving forward with what has been completed so far or waiting until the full PUD is completed. De La Mora said everything is conditioned on final conditions approval by staff. Lindgren said he is comfortable with the document and working with staff. He went on to say they are comfortable with the engineering comments and legal comments that were sent their way and will have the other 5% very soon. Trustee Ludtke asked how long before 10% is finished and Lindgren said 2 weeks. Anson commented that Neumann has been stellar and has gone above and beyond anything that Village of Hartland wants. He thinks

Motion (Ludtke/Anson) to approve the Planned Unit Development agreement between the Village of Hartland and Paradise Trails with its exhibits with its possible conditions including but not limited to its final exhibits and approval by staff. Carried (6-1). Wallschlager opposed.

5. Announcements-

Administrator Rhode thanked Ben Nelson for setting up the recording equipment for tonight's meeting.

6. Adjournment of Architectural Board/Plan Commission -

Motion (Hallquist/Xykis) to adjourn. Carried (7-0).
Adjourned at 9:54pm.

7. Adjournment of Village Board of Trustees-

Motion (Dorau/Connor) to adjourn. Carried (7-0).
Adjourned at 9:54pm.

Respectfully submitted by
Recording Secretary,

Deidre Bush y, Deputy Clerk