

Minutes
Plan Commission
Meeting

July 15, 2019

Members Present: Tom Rogers, Brad Czebotar, Dan Kolk, Bruce Fischer, Eric Green

Members Absent: Jeff Sorenson, Peter Bloechl-Anderson

Staff Present: Karen Knoll, Matt Schuenke, Dan Evans

1. CALL TO ORDER

Czebotar called the meeting to order at 7:00 p.m.

2. PUBLIC APPEARANCES.

None

3. APPROVAL OF MINUTES.

a. Review and possible approval of draft minutes from the June 17, 2019 Plan Commission meeting.

Czebotar called the minutes approved by unanimous consent.

4. PUBLIC HEARING.

a. On proposed Ordinance #2019-13 from Lakestone Properties for the property located on 4719 Farwell Street in order to rezone the property from C-G (General Commercial) to PDI (Planned Development Infill) for the development of a mixed-use (Phase 1) and commercial (Phase 2) building.

Czebotar opened the public hearing at 7:00 p.m.

Brian Spanos of Lakestone Properties reviewed the proposal for 4719 Farwell Street –Phase 1 will be a multi-use project with two buildings consisting of forty five residential units (15 efficiencies, 16 one bedroom and 14 two bedroom units) and two commercial units. The commercial aspect will have approximately 2,200 sq.ft. There will be 41 underground parking spaces and 29 surface spaces dedicated for Phase 1 of the project. Spanos reviewed the interior and exterior design.

Phase 2, which they are seeking approval of the General Plan, will be a 12,800 sq.ft. commercial building.

Schuenke summarized the staff review, and approval process for the proposed project as provided in packets. The project meets requirements per staff review, and has already been approved through a TIF application. This property was purchased by the Village in partnership with the Community Development Authority with the desire to influence redevelopment of the site. At its last meeting, the CDA approved the project.

Vickie Kampier – 3633 Sky Top Road - inquired about traffic and noise.

Czebotar closed the public hearing at 7:16 p.m.

b. On proposed Ordinance 2019-14 and Certified Survey Map from Bouffiou Properties for the property located at 5431 Bremer Road in order to subdivide and rezone the property from R-1 (Single Family) to R-2 (Single and Two Family).

Czebotar opened the public hearing at 7:17 p.m.

Tom Bouffiou – property owner, wishes to rezone the property so a family member can build a duplex on the southernmost lot.

Schuenke summarized the differences between R-1 and R-2 zoning. The applicant is looking to do two things; rezone the property and a CSM to split the property. It meets the minimum setbacks and complies with what the code requires. Schuenke reviewed the current land use map in the area with Commissioners, and pointed out the dedication of the right of way.

Maureen Gaffney – 5438 Bremer Road – Spoke in opposition to the proposal, and brought up the need for an ordinance to protect historic trees.

Lars Barber 5434 Bremer Road – Spoke in opposition to the proposal.

Mike Klune 5508 Bremer Road - Spoke in opposition to the proposal.

Christine Shan – 5413 Bremer Road – Spoke in opposition to the proposal – and voiced concerns over size and division of lot.

Lawrence Lehman – 5417 Bremer Road – Concerns over future planning of the neighborhood.

Dorice Hughes – 5508 Bremer Road- did not wish to speak but registered opposition to proposal.

Timothy Gill – 5410 Bremer Road – did not wish to speak but registered opposition to proposal.

Egon Shulze – 5414 Bremer Road – did not wish to speak but registered opposition to proposal.

Wayne Charles – 5504 Bremer Road – did not wish to speak but registered opposition to proposal.

Sue Smith- 5435 Bremer Road- did not wish to speak but registered opposition to proposal.

Deanne Durnford – 5504 Bremer Road – did not wish to speak but registered opposition to proposal.

Czebotar closed the public hearing at 7:35 p.m.

5. BUSINESS.

a. Discussion and action to make a recommendation to the Village Board regarding the application for a General Plan from Ezra Properties LLC for the property located at 4703 Terminal Drive in order to develop apartment (Phases 1 & 4) and office buildings (Phases 2 & 3).

Schuenke summarized the rezoning for this property, the General Plan and Detailed Plan for Phase 1 were already approved. Ryan Quam is requesting to make changes, which is why this is being looked at tonight. There are four items, a storage building, an addition to the current house on the site, the building orientation for Phases 2 & 3, and the footprints for Phases 2 & 3.

Quam advised he was not in attendance at the previous month's meeting. He is looking to start construction as soon as possible, possibly pouring concrete next week. He looks at this as two parts of one project. The first being the storage building, addition to the current house and start of the apartments. He is working to get the storage building up so the vehicles on site can be moved inside, and apartment construction can start. He understands there were some questions on the phases II & III. Quam is working with a commercial broker for advice as he moves forward with that portion. He is trying to use his best guess and best use for the area. He shifted the commercial buildings closer to the frontage so they can be seen from the road; originally, they would be much less visible. There is also an oak tree, which may be a bicentennial oak, he is wishing to preserve, the new layout would allow for that. Quam is hoping to use this latest layout, until he has someone to collaborate with on this project, or, a tenant for one of the buildings. Quam stated he could save more trees with this design, and get more square footage for the building. His goal has always been to maximize the site, putting as much up there as possible.

Czebotar asked why was Quam is adding a fourth floor to a building that he originally questioned if he would be able to even fill as a three-story building. Quam replied he originally was looking at two 10,000 sq.ft. buildings, and now will have 1 with 7,000 sq.ft. he agreed there is a good chance he may not find a tenant, and would come back to the Plan Commission to request it to be only three stories. He feels this is just his General Plan. He will be back for a Detailed Plan review, and, likely for TIF funding for these buildings. Commissioners discussed the motion from the previous meeting. Czebotar asked for clarification, Quam is proposing a four-story building, but may come back if conditions exist and request a three-story building. Quam replied yes, now he just is looking for approval of the storage building. He wants the flexibility to figure the rest of the project out later. Once the apartment is built, he will have a better idea of what he can and would like to do with the property. His goal is to have the Detailed Plans submitted this fall.

Czebotar asked of Evans, can they accomplish this by approving the General Plan with the condition that no commercial building can be larger than a certain amount of square feet, or, taller than three stories, unless the Village Board or Plan Commission determines as part of its approval of the Detailed Plan for the district that such a building will not cause any significant negative aesthetic effects and that the increased size is warranted by the then existing market conditions. Will that accomplish what they are looking for? Evans stated he believes so, and concurs with the opinion from his partner, approved with proper verbiage and conditions, or any other conditions you want to add, you would be able to accomplish this, approving the General Plan with conditions including square footage and stories.

Czebotar asked Quam about the significant amount of square footage being added to the home currently on the property. Quam replied he did not submit the details as well as he should have in the original application. The sellers have a life estate for the property as part of the purchase agreement. They are going to stay in the home, and add a 4,000-sq.ft addition of a garage with living space above it. It will be removed at some point, the estate allows them to stay as long as they wish, and it could be as long as 15 years. When they move the house and addition will be removed as part of Phase IV. Fischer asked if the proposed warehouse would be torn down at that time. Quam responded he intends to keep the warehouse to store lawn equipment, motor homes, etc. Commissioners discussed with Quam what is the highest location on the site, the oak tree, and the location and height of other trees on the site. Kolk asked is it Quam's intention that under no circumstance will the office building in Phase II be four stories. Quam replied, if a tenant came in it possibly could be four stories, it would depend on the interest. Kolk asked for verification, is Quam stating he could build either building first. Quam replied yes, phases II and III are interchangeable; the second apartment building is Phase IV. Schuenke asked for clarification, as far as Phase II referring to the buildings as the north building and the south building it is not his intention for the south building ever being taller than three stories, as this would create issues with parking etc. Quam replied no that is not his intention for the south building.

Czebotar moved to recommend to the Village Board the application for a General Plan from Ezra Properties LLC for the property located at 4703 Terminal Drive in order to develop apartments (Phases 1 & 4) and office buildings (Phases 2 & 3). Conditioned on no commercial building shall be larger than 10,000 square feet or taller than three stories unless the Village Board or Plan Commission determines as part of its approval of the Detailed Plan for the district that such a building will not cause any significant negative aesthetic effects and that the increased size is warranted by the then existing market conditions. Seconded by Kolk. Evans clarified; if you set it at 7,000, you can always approve something larger, if you set it at 10,000 sq.ft. you cannot go down in size. You can say no greater than 7,050 sq.ft. or greater than three floors, subject to the conditions. When the Detailed Plan is considered for either phase, you can adjust it accordingly, by taking the minimums from each phase. Schuenke pointed out they are trying to not have to rewrite the General Plan. Without objections, Czebotar amended his motion to replace "10,000 square feet" with "7,050 square feet" referring to the footprint. Kolk accepted the amendment. Motion carried 5-0.

b. Discussion and action regarding the application for a Detailed Plan from Ezra Properties LLC for the property located at 4703 Terminal Drive in order to develop an apartment building (Phase 1).

Schuenke summarized the General Plan needs to go to the Village Board, we are looking at the specifics for the first phase, the Detailed Plans. The general idea has not changed much; it is just the key aspects. You are looking at the apartment, the storage building and the home addition. The home addition was not part of the General Plan. Schuenke reviewed what the code requires, and what has been submitted is adequate, along with reviewing the storage building information and the home addition details.

Czebotar moved to approve the application for a Detailed Plan from Ezra Properties LLC for the property located at 4703 Terminal Drive in order to develop an apartment building (Phase 1) conditioned on:

1. Village Staff approval of the final landscaping plan.
 2. Developer shall comply fully with the conditions outlined by the Village Engineer within a June 4, 2019 letter.
 3. Village Engineer approval of the final street, utility, stormwater, and erosion control plans as is necessary and appropriate.
 4. Detailed Plan approval is contingent upon General Plan approval by the Village Board.
- Kolk seconded the motion. Motion carried 5-0.

c. Discussion and action regarding consideration of a Conditional Use Permit from Transit Solutions, Inc. to permit the use of Transit and Ground Passenger Transportation for the property located at 5315 Paulson Road.

Czebotar summarized this was postponed from the last meeting to provide the company an opportunity to provide additional information. Czebotar outlined the conditional use application process.

Jennifer Hardesty of Transit Solutions went over their application as provided answering questions from last month's meeting. Commissioners reviewed the parking plan as submitted, showing 32 parking spaces. Kolk inquired if they intend to blacktop and restripe the lot. Hardesty stated there is blacktop in the areas where they will be parking; they will be striping the lot. She agrees it is an odd shaped lot, but feels all the measurements are there, and all vehicles will be able to pull in safely.

Czebotar asked for clarification on how the exhaust will be handled from the vehicles kept inside of the property, and any exhaust, which possibly would be diverted towards neighboring properties. Hardesty advised they would install an air makeup unit, which is designed to keep the air inside safe and breathable, and air which vents out of the building will be the same. Hardesty acknowledged they would need to get proper permits for installation. Hardesty reviewed questions from the previous month. A contracted company will be keeping a 250-gallon container on site to handle oil from oil changes. If possible, it is their intention to have the first shifts of the day handled by the drivers who keep company vehicles at home. Only 1/3 of the vehicles have back up alarms, those will be backed up into stalls at night so they only need to pull out in the morning, alleviating concerns over early morning noise at 6:30 a.m. There is a summarized work schedule in packets. As they are only going to be tenants, not the property owners, they are not currently aware of plans at this time to remove any of the trees, which currently buffer the properties; Commissioners discussed while it is a challenging parking lot to park in, it does meet the standards.

Czebotar moved to approve a Conditional Use Permit from Transit Solutions, Inc. to permit the use of Transit and Ground Passenger Transportation for the property located at 5315 Paulson Road. Kolk seconded the motion. Motion carried 5-0.

d. Discussion and action to make a recommendation to the Village Board regarding Ordinance #2019-13, an ordinance rezoning the property at 4719 Farwell Street from C-G (General Commercial) to PDI (Planned Development Infill) including the General Plan to develop a mixed use (Phase 1) and commercial building (Phase 2) as requested by Lakestone Properties.

Brian Spanos – Lakestone Properties answered questions received from the Public Hearing portion of the meeting. Commissioners and Spanos discussed rents, holding pond locations, bike racks, and dumpster locations.

Kolk moved to make a recommendation to the Village Board for approval of Ordinance #2019-13, an ordinance rezoning the property at 4719 Farwell Street from C-G (General Commercial) to PDI (Planned Development Infill) including the General Plan to develop a mixed use (Phase 1) and commercial building (Phase 2) as requested by Lakestone Properties. Fischer seconded the motion. Motion carried 5-0.

e. Discussion and action regarding consideration of a Detailed Plan from Lakestone Properties for the property located at 4719 Farwell Street in order to develop a mixed use building (Phase 1).

Spanos reviewed the details of the plans as submitted, including potential colors.

Kolk moved to approve the Detailed Plan from Lakestone Properties for the property located at 4719 Farwell Street in order to develop a mixed use building (Phase 1) contingent upon Village Board approval of the Rezoning and General Plan. Fischer seconded the motion. Motion carried 5-0.

f. Discussion and action regarding the application for Site/Design Review from the McFarland House Cafe for the property located at 5923 Exchange Street in order to construct a secondary building and outdoor patio.

Shaun O'Hearn – O'Hearn Ventures - 5205 Linden Parkway – summarized the licensing for his outdoor patio is contingent upon site review and approval from the Plan Commission. O'Hearn advised they have moved in a different direction from what was discussed at a previous Plan Commission meeting. O'Hearn reviewed the site plan showing where he is looking to tear down the current green house, and build a depot style building. He is holding off on any commercial remodeling on the Café at this time. They have scaled back on their original proposal. The interior building capacity will be 99 people; they have no desire to go larger as it would have to be sprinkled. Capacity will be 30 people in the front area and 60+people in the back. The exterior will hold approximately 60 – 70 people along with planters and a fireplace. Kolk inquired if the intention is to not use the backyard for any service. O'Hearn replied the backyard does have the capability of people walking out of the McFarland House proper with ice cream or beverage. There will be fencing to meet the drinking code. They anticipate people still wanting to sit in the back area. He is planning to clean up the overgrown area in the rear of the property. They have been able to save most of the trees on the site. In response to Kolk's question for parking employees park on Long, Bashford and Exchange Streets. They currently have no real parking layout in the rear of the property; most people do not know it is available. They will striping for eight stalls.

O'Hearn is proposing opening at 4:00 p.m. with the patio closing by 9:00 p.m. and the inside area closing by 10:00 p.m.

Czebotar moved to approve the Site/Design Review from the McFarland House Cafe for the property located at 5923 Exchange Street in order to construct a secondary building and outdoor patio. Kolk seconded the motion. Motion carried 5-0.

g. Discussion and action to make a recommendation to the Village Board regarding Ordinance #2019-14: an ordinance rezoning the property located at 5431 Bremer Road from R-1 (Single Family Residential) to R-2 (Single and Two Family Residential) as requested by Bouffiou Properties.

Sue Smith – 5434 Bremer Road –Spoke out against the rezoning of the property.

Schuenke summarized the rezoning process and the additional action of the CSM. The parcels are consistent with the bulk standards for the duplex the owner is proposing. The rezoning is consistent with the future land use map. Schuenke reviewed the history of the land use map for this area. The lots are large enough to accommodate single-family homes.

Kolk asked for clarification, it is not clear what is being proposed. Are they proposing one duplex on each of the lots? Drew Bouffiou advised he does not have legal rights to the property at this time, the owner, his father Tom Bouffiou is going to be giving him Lot 1 and he will be building a duplex on that lot. They will not be doing anything with Lot 2 for the foreseeable future. Lot 2 will remain in his father's name. He does not want to remove the trees, and wants to keep the density down in that area. Schuenke pointed out single family or two family is permitted in that zoning use.

Christine Shan – 5413 Bremer Road – spoke in opposition of the proposal, feels more research is needed at this time. There are utility issues in the area, and, has concerns about it possibly affecting her property, along with the setbacks and location of driveway.

Dorice Hughes – 5508 Bremer Road – questions why rezone Lot 2 if they are not planning to do anything with that lot.

Bouffiou replied it was due to a meeting he had with administration, and this is consistent with the future land use map, and what is in the area. Commissioners discussed utility issues and challenges in the area.

Kolk summarized he does not feel this would be a large change, going from a one to two family residence on the property. He feels having looked at the proposed plans; it would be consistent with homes in the area. This is a specific request for this property. He does not have a problem with the proposal, but questions rezoning both parcels as there will be two different owners and no plans for the second parcel at this time. Kolk pointed out the location of driveway, setbacks and the likes will be handled per code when the building permit is applied for. Schuenke stated, it is consistent with the future land use map, and rezoning would probably happen in the future. It is simpler to do both at the same time, and on the second lot, a single family home can still be built.

Commissioners discussed the density concerns, meeting future zoning, current zoning of area lots, the comprehensive plan, what current standards require and the ability to review the proposal based on those current standards.

Kolk moved to recommend to the Village Board approval regarding Ordinance #2019-14: an ordinance rezoning the property located at 5431 Bremer Road from R-1 (Single Family

Residential) to R-2 (Single and Two Family Residential) as requested by Bouffiou Properties. Rogers seconded the motion. Motion carried 5-0.

h. Discussion and action to make a recommendation to the Village Board regarding the application for a Certified Survey Map review from Bouffiou Properties for the property located at 5431 Bremer Road.

Schuenke advised the two lots to be created are compliant with the standards for the R-2 district.

Czebotar moved to recommend approval to the Village Board regarding the application for a Certified Survey Map review from Bouffiou Properties for the property located at 5431 Bremer Road. Kolk seconded the motion. Motion carried 5-0.

i. Discussion regarding a possible zoning code amendment regarding the application of setback requirements within the R-1B (Single Family Residence District).

Schuenke summarized per information in packets the Village is trying to address an issue with corner lots in the R-1B zoning district. It is specific only to corner lots and the limitations this district provides. R-1B is to stabilize and protect existing low density areas located near, or on Lake Waubesa. Schuenke went over setbacks and lot sizes in these areas, along with what a true corner lot is, and its setbacks. The Village has had questions on one particular lot that is currently vacant. The lots have enough length, but not enough width at the front. To try to address this situation he would like to bring forward a more formal code change at the next Plan Commission meeting that would provide some flexibility only in this district.

Commissioners concurred they would like to see this at a future meeting.

6. STAFF REPORTS

a. Property Maintenance Report – Kolk inquired why there were no citations for trailers in streets listed on this report. Knoll responded if a complaint is in response to something in the street, the Police Department handles. The Code Enforcement Officer handles complaints regarding anything on the actual property, or generally from the curb in.

b. Community Development Highlights – no comments

7. SCHEDULE NEXT MEETING DATE.

a. Monday, August 19, 2019 at 7:00 pm.

8. ADJOURNMENT.

Kolk moved to adjourn. Fischer seconded the motion, motion carried. Meeting adjourned at 9:48 p.m.