

PLAN COMMISSION MINUTES

January 23, 2012

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:32 p.m.

ROLL CALL: Chairman Wolter, Commissioners Warren, Jex, Stauffacher, Peck and Trustee Representative David Baum. Commissioner Mazurek was absent and excused. Staff members in attendance included Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

PREVIOUS MINUTES: *MOTION Baum second Peck to Approve the Minutes from December 12, 2011.*

MOTION carried unanimously.

The Glen at Blackstone Creek – River Lane. Jim Sedgwick is proposing a series of amendments to the Blackstone Creek Planned Development District (PDD) General Development Plan and Conditions and Restrictions Resolution and is seeking approval of a 77 lot preliminary subdivision plat for single-family residential development of a portion of the Glen at Blackstone Creek. Planner Retzlaff said the developer is proposing another set of amendments to the Blackstone Creek PDD that will affect development of The Glen at Blackstone Creek residential area. Since the original PDD was approved in 2006 there have been 5 amendments to the PDD. He summarized the 3 amendments currently proposed:

1. Reduce the total number of units from 158 to 141 and convert all the single-family site condos (32) and (62) of the other traditional condo units into single family platted lots.
2. Request for additional real estate signage
3. Delete the requirement for additional landscaping along River Lane.

Staffs recommendations and concerns are:

- Revise the Building Regulations in Condition No. 12 to include minimum lot area, lot width, and setback requirements that are different than the minimums required in the Rd-2 Zoning District.
- Add language to the PDD resolution that grants a variance from certain requirements in the Village's Subdivision Code regarding private streets and reduces right-of-way width.
- Plan Commission needs to decide if the amendments proposed are major and warrant a public hearing.
- The reduction in total units to single family platted lots is a significant change and present a number of challenges. Change from condo ownership to fee simple ownership. Potential conflict between the different life styles. Some areas that were common would no longer be common areas and may be potential for conflict.
- The walking trails proposed around the pond are only 30-40' away from the nearest building pad and within the common areas of the pond.
- There needs to be more separation or buffering between the rear lot lines of the platted lots and the nearby condo units to avoid potential conflicts.

- The proposed single-family lots would only have to meet a minimum 1,600 sqft dwelling size and no longer be required to be any of the pre-approved models
- The density for the proposed single-family area is comparable to the Rs-6 or Rs-7 Single-family districts.
- The PDD amendments have had the effect of reducing the development from an upscale community with rigid architectural controls to a more typical high-density single-family subdivision. What are the higher amenities associated with the development that were granted under the original PDD approval.
- Staff supports the condo-to-platted lot conversion proposal, but with minimum dwelling size requirements of at least 2,000 sqft (1,500 sqft on the first floor for a 2 story) and minimum lot size increased to 15,000 sqft with minimum lot width of 100 feet.

Jim Sedgwick explained that after the site condo's were approved and marketed, the feedback from home builders and buyers was that they did not like the site condo concept. Sedgwick met with Matt Neumann, who is affiliated with Tim O'Brien Homes, after Blackstone Creek was not chosen as a site for the 2012 Parade of Homes. Neumann said he would be interested in joining the development after single-family lots were platted and approved.

Matt Neumann said his company has been in business for 30 years and has developed thousands of lots throughout southeastern Wisconsin. He said he was interested in single-family platted lots with a fee simple title. They agreed to purchase the single family component and VJS would control the condominium portion. A separate homeowners association would be created for the single family home sites, but the condominium and homeowner associations would ultimately work together.

Trustee Baum said he understood the roads and infrastructure was already in and that moving the property lines would be limited. Sedgwick said he was not opposed to a public hearing commenting that current residents are aware of what is happening and support the plan.

MOTION Stauffacher second Baum to separate the PDD Amendment recommendation from the other Amendments.

MOTION carried unanimously.

MOTION Stauffacher second Baum to Approve Staff's recommendation that the proposed PDD Amendments are "significant" changes that require a public hearing prior to (or concurrent with) the Village Board's review and consideration.

MOTION carried unanimously.

Stauffacher said he didn't like the last changes to the PDD that were recently approved, and these changes were worse. He said the development started out as a high scale PDD that allowed for some changes to the original zoning restrictions in order to improve the development. He commented how this development is slowly turning into a subdivision and not a Planned Development commenting that the Village hasn't allowed a development

to go in with lot sizes this small and houses this small in the last 20 years and the whole idea combining single family with a condominium association is convoluted. He said the Village does not need to bail out developers and lower their standards to enable the developer to sell lots because of changes in the market. He is opposed the proposal.

Neumann compared the restrictions for Blackstone Creek to lots he is currently building on in Hillside View. He commented that Hillside View has substantially lower building restrictions than what is being required for Blackstone Creek. He emphasized the homes would be very architecturally controlled and said that because of the surrounding zoning, Blackstone Creek is not a typical location for a single family residential development. He said requiring a 15,000 sqft minimum lot size would be a huge burden and knock out about 1/3 of the home sites. He reasoned if the volume of the development increases it will generate tax revenues a lot faster than if we watch this project develop over the next 20 years and reduce what's going in there because of the market.

Commissioner Peck said the Village has high standards for lots and the proposed changes are cheapening the development. Sedgwick said he has not changed the architectural standards for the development. Neumann mentioned other surrounding communities with the same type of condo/single-family development.

Trustee Baum asked if other amenities would be added to the project. He said the original concept of the development had the appearance of a high quality, large 3000 sqft home, and now the proposal is for small homes. Neumann said he would provide pictures of what he is proposing for better clarification. Baum said that would be a good idea.

Planner Retzlaff said it was difficult to understand some of the discussion. He commented that on one hand the discussion argues the duplex market is non-existent and there's a need to go to single family lots but yet retain the duplex component because there is a duplex market. He also didn't agree that Blackstone Creek is not in a prime area especially when Neumann compared it to the Tree Tops subdivision that is located across from a landfill and industrial area. Retzlaff said he can't buy into the notion that this area is not worthy of a development with minimum lot sizes and dwelling sizes that are comparable to those that were required and approved in other parts of the Village in the past.

Neumann said there is a good market for single family homes especially when combined with the mixed use element. He said the home requirements are higher, sizes are bigger and exterior amenities are better and have higher restrictions than the condos. He commented that if the Village requires a minimum lot size of 15,000 sqft and minimum frontage at 100 feet, the economics won't work because the number of lots would decrease from 77 to 50-54. The project would end up going back to the site condos which have lower restrictions and would have to be built with lower amenities. Retzlaff asked if he meant the project would not be profitable for the developer and Neumann agreed. Retzlaff was offended at the threat of the project reverting to the site condos concept with minimum requirements when a few months ago that concept was presented as what the Village needs.

Neumann referenced a similar development in Oconomowoc that was also a mix of condo and single family homes. Chairman Wolter said language needs to be very specific in the

condo covenants when pertaining to common areas and should also be overall encompassing to both sides. He asked Sedgwick how he can defend that this is still a PDD development given the proposed density of the project. Sedgwick said he needs the flexibility of the PDD to address the design constraints. Wolter said that by changing the square footage and lot sizes, the Village is setting a new precedent for the area. He told Sedgwick it will be a difficult approval process. He commented that the Village has been very flexible with the past changes adding that the Village has a shared investment with the project.

Trustee Baum suggested changing the proposed layout by creating duplex units all along River Lane and everything east of Blackstone Circle single family lots. He thought the design could create larger lots.

Sedgwick said the 15,000 sqft minimum is still a stumbling block. Baum said he is not against single family lots, based on a different layout. Neumann again mentioned Goldenview Estates as a similar development.

Stauffacher did not like that the rear of the duplex condos would be visible from River Lane. He said he would prefer single family lots along River Lane and will not support the proposal. He said he liked the original proposal.

Neumann said it would be hard for builders to comply with a 2000 sqft minimum and 1500 sqft first floor. Baum said he would favor any size house as long as the quality of the development remains.

MOTION Baum second Stauffacher to Approve the amendment to allow additional temporary real estate signage (two “V-shaped” entrance signs along River Lane @ 48 sqft each for a total of 96 sqft) above the maximum 32 sqft allowed under the sign regulations.

MOTION to Amend Stauffacher second Peck to allow an additional 32 sqft in addition to the 96 sqft already there for a total of 128 sqft of temporary signage.

MOTION to Approve the Amendment carried unanimously.

MOTION to Approve as Amended carried unanimously.

MOTION Baum second Peck to Approve the amendment to delete the requirement in PDD Condition No. 9 that requires “...significantly more landscaping to be installed along River Lane to create a better visual buffer” as it affects the proposed Platted Lots north of North Blackstone Drive (Lot Nos. 1 to 9).

MOTION to Amend Stauffacher that Plan Commission is opposed to any changes in the landscaping requirement.

MOTION rescinded (Applicant withdrew request)

Discussion followed regarding minimum dwelling size and lot size. Plan Commission

discussed a first floor minimum of 1500 sqft with a minimum 2000 sqft total for a two story and 1700 sqft minimum for a ranch. Mr. Neumann asked for an average lot size of 14,520 sqft making the average lot size 1/3 acre. Plan Commission disagreed and requested the minimum lot size be 15,000 sqft.

Commissioner Stauffacher requested the addresses to the developments Mr. Neumann made comparisons to.

MOTION Stauffacher second Baum to Postpone action on Amendment #1 until the 2-13-12 Plan Commission Meeting when the developer brings forth another design.

MOTION carried unanimously.

Ink My Body Tattoo – N136 W21933 Bonniwell Road. Jeffery Moon is seeking approval of a conditional use permit to operate a tattoo and body piercing establishment from the east portion of the existing commercial building adjacent to After House Lingerie & Gifts. Planner Retzlaff summarized the proposal.

MOTION Baum second Jex to Approve a Conditional Use Permit for the “Ink My Body” tattoo and body piercing establishment from the commercial building located at N136 W21933 Bonniwell Road subject to the following conditions:

- 1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 14, 2011 and in the supporting documents and plans made part of the application, i.e. tattoo, body piercing, and the sale of tattoo and body piercing accessories only. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.***
- 2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
- 3. Copies of all required licenses, including the establishment license and licenses for all practitioners operating from this location shall be submitted to the Planning Department.***
- 4. This establishment and all practitioners shall meet and continuously comply with DHS 173 and other applicable state, county and local regulations. In order to insure ongoing compliance, copies of all inspection records and compliance reports issued by the WI DHS and/or its agent, Washington County Health Department, shall be provided to the Planning Department.***

5. ***All exterior building modifications (including exterior lighting) and/or site improvements require review/approval by the Village. All exterior signage, including temporary signs, require a permit from the Village.***
6. ***This conditional use permit shall be non-transferable. In the event there is a change in the owner/operator of the tattoo and body piercing establishment receiving this CUP, this CUP shall become null and void. A new CUP shall be required in order for a new owner/operator to commence operation of a tattoo and/or body piercing establishment from this property.***
7. ***The owner/operator shall contact the Fire Department for an occupancy inspection prior to commencing business operations.***

Jeffery Moon said the business would be closed on Monday's but inquired if they could accommodate a client on that day if needed. Planner Retzlaff said they could modify the hours of operation to include Monday's and eliminate any cause for concern. Chairman Wolter commented that the neighbors had concerns when the After Hours business went in and said this business may open old wounds. Commissioner Stauffacher also remembered the neighbors concern with the After Hours business, but said he had not heard any complaints since it was approved. Commissioner Peck said the parking lot should be adequately lit because of the remote location.

MOTION carried unanimously.

Planning Department-Zoning Code Amendment to Section 17.61(6) Home Occupations. Section 17.61(6) specifically prohibits home occupations that involve repetitive buying and selling of firearms. Planner Retzlaff explained, that based on advice from the Village Attorney, the code as currently written is legally unenforceable. The amendment retains the prohibition on home based businesses that involve the sale, purchase, production, refinement, packaging, handling, etc. of hazardous materials and similar substances but does not conflict with Section 66.0409(2) of the Wisconsin Statutes.

MOTION Baum second Stauffacher to Approve the Amendment to Section 17.61 as recommended by the Village Attorney.

The following text amendment to Section 17.61(6) of the Zoning Code is proposed where words stricken are to be deleted and words underlined are to be added:

- (6) ***HOME OCCUPATIONS PROHIBITED.***
 - (a) ***Any occupation involving the repetitive purchase and resale, exchange, production, refinement, packaging or handling of ~~firearms~~, explosives, ~~or any other dangerous weapons~~ or hazardous materials or substances, as defined pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 USC §960, as amended by the Superfund Amendments and Reauthorization Act (SARA), and including any judicial interpretation thereof by any person who devotes time or attention to such items as a regular or part-time course of trade or business with the objective of livelihood or principle means of profit is prohibited. This prohibition shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the***

enhancement of a personal collection or for a hobby, or who sells all or part of a personal collection.

- (b) Any home occupation involving the on-site sale, resale, repair of automobiles, trucks, boats, trailers, or other motorized vehicles is prohibited.***

MOTION carried unanimously.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant