

**DISCLAIMER – THE FOLLOWING ARE DRAFT MINUTES FROM THE PLAN COMMISSION AND ARE SUBJECT TO CHANGE UPON APPROVAL FROM THE PLAN COMMISSION**

**PLAN COMMISSION  
MEETING MINUTES  
Thursday, September 9, 2021**

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Meeting was called to order at 6:00 p.m. by President Palmer

**1. Roll Call.**

Present: President Palmer, Mr. Michalski, Mr. Cashin, Mr. Long (via video conference)

Absent: Mr. Kujawa, Mr. Reineke

Also: Thomas Harrigan - Zoning and Planning Administrator/Assistant to the Village Manager, David De Angelis – Village Manager and Hector de la Mora – Village Attorney and applicants

**2. Review and act on meeting minutes dated 7/28/21 and 8/5/21.**

Mr. Michalski motioned to approve the minutes as amended. Mr. Cashin seconded. Motion carried 4-0.

**3. Public hearing, review and act on a request for a special exception at 1325 Longwood Avenue pursuant to §335-51B(2) to allow an addition to an existing legal nonconforming structure within the rear yard setback.**

President Palmer opened the Public Hearing. Seeing no one in attendance to comment, the Public Hearing was closed.

President Palmer noted that the proposed Special Exception does not increase the degree of nonconformity on the property.

Mr. Cashin noted that the neighbor to the north has voiced support for the proposed deck and Special Exception. Based on this support, Mr. Cashin stated that he has no objection to the request.

Mr. Michalski motioned to approve the Special Exception pursuant to §335-51B(2). Mr. Long seconded. Motion carried 4-0.

**4. Continued review and discussion on the request for approval of a Certified Survey Map, Comprehensive Plan Amendment, Rezoning and Redevelopment Plan for the School Sister of Notre Dame Campus, pursuant to §305-7, §335-92.1 and §335-30. More specifically, review and discussion and possible action the required PDO review criteria found within §335-30.**

President Palmer clarified that no final action will be taken by the Plan Commission on this item until a Public Hearing is held by the Board of Trustees. This will require a two week Public Hearing Notice, and it will not be scheduled until the Development Agreement and financial feasibility analysis has been completed. This way, the public will have an opportunity to comment on the entire redevelopment proposal and all its components as a whole.

President Palmer stated that pursuant to §335-30 *Review Criteria*, the Plan Commission has 18 areas of criteria that need to be addressed.

Referencing the §335-30 Planned Development Overlay District Review Criteria tracking document, the commission began to review each of the 18 review criteria items. (This tracking document can be referenced at the end of this document and is submitted as part of the record.)

*1. §335-30H(1) The Village Plan Commission, in making its preliminary and final recommendation on the petition, and the Village Board, in making its determination, shall consider whether each of the following criteria are satisfied:*

*(a) Whether the petitioner(s) for the proposed Planned Development Overlay District has demonstrated:*

*[1] An intent and ability to begin the physical development of the PDO District within 18 months following the approval of the petition; and*

*[2] That the necessary financial resources to carry out the project in strict conformity with the development agreement have been obtained and committed.*

It was referenced by the Plan Commission that on page 6 of the Mandel Group's final submittal, the applicant describes the history of 30 years of development and the ability to raise the money necessary to complete those projects. Attorney de la Mora recommended the Commission enter, "to be provided, sub 1 and 2" into the recommendation section of the tracking document.

*(b) Whether the proposed Planned Development Overlay District is consistent in all respects with:*

*[1] The purpose of this section and the spirit and intent of this chapter; and*

*[2] The adopted Master Plan or any adopted component thereof.*

President Palmer noted the application is consistent with the PDO ordinance that we have by the fact that everything within the application complies with the ordinance. Mr. Michalski agreed with that statement. Mr. Cashin noted for context, the PDO is meant to encourage redevelopment within the downtown area. Mr. Long confirmed that he is in agreement with all of those statements.

*2. The Village Plan Commission, in making its preliminary and final recommendations, and the Village Board, in making its decision on any proposed PDO District, shall consider the following criteria:*

*(a) The development will not be contrary to the general welfare and economic prosperity of the community.*

President Palmer commented there are perhaps some people within the community who would disagree with that statement. President Palmer stated he would argue the proposed redevelopment is in the general welfare of the community. Taking an untaxed property and adding value to it, providing water, and providing other housing options. Mr. Michalski stated the proposed redevelopment would be a definite benefit to the community for all of those reasons stated. Mr. Long confirmed from an economic standpoint, the redevelopment would be very beneficial for the Village moving forward. Mr. Cashin noted there will be impacts to the community, but overall there will be positive benefits. Specifically, municipal water and preservation of the historic castle building

(Notre Dame Hall) which is iconic for the Village. President Palmer agreed those historic facilities are an important part of the “picture” of Elm Grove.

*(b) The proposed site is being provided with adequate drainage facilities for surface and storm waters.*

President Palmer commented that we have seen the drainage and stormwater plans which have been reviewed and approved the Public Works and Utilities Committee (PWUC) and the Village Engineer. Mr. Michalski stated that he will defer to the recommendation of the PWUC on this issue. President Palmer also noted the proposed stormwater facilities will improve the stormwater management significantly for the properties that are existing to the southeast on Green meadow Place.

*(c) The proposed site is accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.*

President Palmer commented that there have been two traffic studies and a third party independent traffic study review of the original two studies completed by the applicants Traffic Consultant. They all express the traffic impacts will be minimal. People do not utilize the roadways all at the same time during the day.

*(d) No undue constraint or burden will be imposed on public services and facilities (such as fire, EMT and police protection), street maintenance, maintenance of public areas near the proposed development and/or educational facilities.*

President Palmer commented that one of the areas there has been public discussion of is the issue of public safety, notable EMS services. There is a potential for greater ambulance calls. A survey was conducted using other Mandel facilities within Southeastern Wisconsin. The study shows a spread as few of 8 or as many of 43 call per year. On this one area, the issue for Elm Grove is that the EMS department is facing great difficulties as it is becoming harder to obtain employees. As the current employees are aging out. One to four additional calls a month would not be overly burdensome for the EMS department. Fire Chief Kastenholz signed off on the fire review. There are large sized elevators to handle cots, and the new development will have fully sprinkled buildings. Street maintenance, the PWUC has signed off on these issues. Educational facilities, report from Elmbrook and report from trustee Domaszek which indicated there may potentially be a small number of new children which the School District responded would not cause any problems with absorption into the system. President Palmer stated that he feels the intent of the ordinance has been addressed and fulfilled in a positive way. Mr. Michalski noted the EMS Director suspects the development would increase the call volume by 1.5 on average, and that is within the parameters of acceptance. Also, the state of the art sprinkler system would be a massive benefit. Mr. Cashin stated this section of review criteria touches on some of the questions/concerns related to density within the Village. When I look back to census data to the 1970's, the population was over 7,000 people within the Village. Mr. Cashin has not heard from anyone who grew up back then that Elm Grove was a bad

place to be. Mr. Long stated that believes the Police, Fire and EMS reports were well done, and he is in agreement with the findings. Also, Mr. Long noted the EMS staffing challenges will happen in the future weather the development happens or not.

*(e) The private roads and driveways on the site of the proposed development are adequate to serve the users of the proposed development.*

President Palmer stated this review went through the PWUC and was recommended for approval. All were found to be acceptable and adequate to handle the anticipated car load. There is an emergency access to the east of the historic building as well.

*(f) Public sanitary sewerage facilities are adequately provided.*

President Palmer confirmed that the Village and the Milwaukee Metropolitan Sewerage District have significant defined criteria as to what the requirements are for sewer capacity. As proposed, the sanitary sewer system is shown to be capable of having capacity to service the development.

*(g) The entire tract or lots to be included in a Planned Development Overlay District is subject to the terms and conditions of the development agreement, and the legal description encompasses said PDO District as a single area, shows all of its component lots and has been prepared to be recorded with the Register of Deeds for Waukesha County.*

President Palmer stated these specific materials have been in the Previous Plan Commission meeting materials for review and consideration, we do have the legal description for the entire Planned Development Overlay, and it will be part of the Development Agreement once it is in final form. This will require the filing of the Development Agreement and the Certified Survey Map to be recorded at the Register of deeds. The Commission agreed to insert "To be provided" in the recommendation section of the tracking document

*(h) The proposed project will be adequately served by appropriate off-street parking.*

President Palmer noted there is adequate public parking for visitors to the site including inside the site. All the internal roads have public parking on all the sides. That was an expansion from earlier drafts, more parking has been added.

*(i) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious project compatible without unreasonably affecting the property values of the surrounding neighborhood.*

President Palmer indicated that principally this matter is handled by the Village Building Board. The Building Board held multiple review meetings and assisted in evolving the architectural and landscaping plans. The Building Board unanimously recommended approval of the plans to the Plan Commission with a series of punch list items which are included in the final submittal. President Palmer commented that the "punch list" items can be incorporated as an actual requirement of the Planned Development Overlay zoning approval. Mr. Michalski asked Mr. Aiello, of the Mandel Group,

if this would present a problem. Mr. Aiello stated confirmation of the “punch list” items being completed will not be a problem. Mr. Cashin stated that he agrees with the changes that have been made from the original proposal such as the abandonment of townhomes and moving toward single-family homes. This provides a valuable buffer which the existing single-family home owners were asking for. It is more of a matter of how compatible are the new homes with the surrounding areas and the highest possible quality we can get. President Palmer commended the Village Building Board for all the effort they committed to their review and action.

*(j) The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create an unreasonable adverse effect upon the general traffic pattern of the surrounding neighborhood.*

President Palmer again stated there have been two separate Traffic Impact Analysis studies and a 3rd independent review of these studies and they have all indicated there will be minimal impact to the flow of traffic within the Village. Mr. Michalski commented that he accepts the traffic study reports and the findings within them. Mr. Cashin highlighted that the independent review confirmed the findings. Mr. Long stated that he will defer to the traffic engineers expertise on this topic.

*(k) Provision has been made for the adequate and continuing operation and maintenance of all aspects of the project.*

President Palmer stated that when the final draft of the Development Agreement is written, all these topics will be addressed. As per the Village’s normal practice, the Village engineer inspects all the issues related to the construction aspect so there are no major issues.

*(l) The proposed project has, where applicable, been examined with respect to its compatibility with the nonmandatory Downtown Overlay District Site Design Guidelines set forth in § 335-12G.*

President Palmer commented that the Village has a set of design guidelines for the downtown overlay district. This site is not part of the overlay district. In this case you cannot say the project is in compliance, but the developer has not done anything to diminish those standards. It certainly meets the intent of the ord.

3. *In the case of a proposed PDO District with residential uses, the Village Plan Commission, in making its preliminary and final recommendations, and the Village Board, in making its decision on any proposed PDO District, shall also consider the following:*

*(a) Such development will provide an attractive residential environment of sustained desirability and economic stability.*

President Palmer noted the proposed development is to be of the highest quality materials which proves it will be an attractive environment for the multi-family and single-family homes on a site that did not previously provide any value to the village.

*(b) The impact of the population composition of the project upon the school district's capacity to provide needed educational services.*

President Palmer noted this is a redundant item, yet the Elmbrook School District stated they do not foresee any difficulty in absorption of any students the development would bring in. Mr. Michalski, Mr. Cashin and Mr. Long all agreed with this projection.

*(c) Permanent preservation of open space areas as shown on the approved site plan is ensured by the creation of appropriate easements and recorded deed restrictions.*

President Palmer stated the site plan as proposed contains significant green space. If this were to stay institutional, up to 80% of the land on the site could be covered by the impervious surfacing. A significant portion of the redevelopment provides a naturalized areas that is not simply turf grass, which will enhance habitat as well. Mr. Michalski inquired with the Commission if something should be done to ensure the creation of the easements? Mr. De Angelis noted the fact is that all the open space is within some form of storm water management, which will have easements. Attorney de la Mora stated the contemplated rezoning is to be applied to the entire site. Conceivably, this development does not come close to the density that is allowed, do not see any issues with engaging with the developer about including a deed restriction on the property to preclude any future development to what is already being proposed. President Palmer stated that he is not opposed to looking at something like this. Attorney de la Mora stated he feels it would be beneficial for the Village to express its expectations with regards to the open space. Due to the density that is being allowed, would not be allowed but for the balancing of the open space which should be preserved going forward.

*(d) The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which, as a total development entity, is compatible with the surrounding neighborhood.*

President Palmer commented that this is important when you are changing uses, once an institutional use to be changed to a multi-family and single-family use. The continued I-1 could be very incompatible with the adjoining neighborhoods. If the Plan Commission cannot say yes to this review criteria, then what has been the point of this review for the last 18 months? Mr. Cashin stated there would certainly be compatibility with of the surrounding neighborhood, the single-family homes across the street from the proposed single-family homes is an excellent compatibility. A lot has been done to address this. Mr. Michalski stated that he is very happy with the results.

## **5. Other Business**

President Palmer commented that the Plan Commission will take final action on this matter after the Board of Trustees hold a Public Hearing regarding the proposed redevelopment. At which point, the Commission may take action to forward the redevelopment proposal to the Board of Trustees for final action.

**6. Adjournment**

Mr. Michalski motioned to adjourn, seconded by Mr. Cashin, Motion carried 4-0.  
Meeting adjourned at 6:49 P.M.

Respectfully Submitted,

Thomas Harrigan  
Zoning and Planning Administrator/Assistant to the Village Manager

DRAFT

**§335-30 Planned Development Overlay District Review Criteria - Discussed at the September 9, 2021 Plan Commission Meeting**

*The Village Plan Commission, in making its preliminary final recommendation on the petition, and the Village Board, in making its determination, shall consider whether each of the following criteria are satisfied. In the case of a proposed PDO District with Residential uses, the Plan Commission and the Village Board, in making its decision on any proposed PDO District, shall also consider items 15, 16, 17 & 18.*

#	CRITERIA FOR REVIEW	INTENT OF ORDINANCE FULLFILLED Y/N	RECOMMENDATION / ACTION
1	Whether the petitioner(s) for the proposed Planned Development Overlay District has demonstrated: 1) An intent and ability to begin the physical development of the PDO District within 18 months following the approval of the petition; and 2) That the necessary financial resources to carry out the project in strict conformity with the development agreement have been obtained and committed.	YES	TO BE PROVIDED - SUB 1. AND 2.
2	Whether the proposed Planned Development Overlay District is consistent in all respects with: 1) The purpose of this section and the spirit and intent of this chapter; and 2) The adopted State Mandated Comprehensive Master Plan or any adopted component thereof.	YES	
3	The development will not be contrary to the general welfare and economic prosperity of the community.	YES	
4	The proposed site is being provided with adequate drainage facilities for surface and storm waters.	YES	
5	The proposed site is accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.	YES	
6	No undue constraint or burden will be imposed on public services and facilities (such as fire, EMT and police protection), street maintenance, maintenance of public areas near the proposed development and/or educational facilities.	YES	
7	The private roads and driveways on the site of the proposed development are adequate to serve the users of the proposed development.	YES	
8	Public sanitary sewerage facilities are adequately provided.	YES	
9	The entire tract or lots to be included in a Planned Development Overlay District is subject to the terms and conditions of the development agreement, and the legal description encompasses said PDO District as a single area, shows all of its component lots and has been prepared to be recorded with the Register of Deeds for Waukesha County.	YES	TO BE PROVIDED
10	The proposed project will be adequately served by appropriate off-street parking.	YES	
11	The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious project compatible without unreasonably affecting the property values of the surrounding neighborhood.	YES	
12	The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create an unreasonable adverse effect upon the general traffic pattern of the surrounding neighborhood.	YES	
13	Provision has been made for the adequate and continuing operation and maintenance of all aspects of the project.	YES	PER REVIEW OF THE DEVELOPMENT AGREEMENT
14	The proposed project has, where applicable, been examined with respect to its compatibility with the nonmandatory Downtown Overlay District Site Design Guidelines set forth in § 335-12G.	YES	
15	Such development will provide an attractive residential environment of sustained desirability and economic stability.	YES	
16	The impact of the population composition of the project upon the school district's capacity to provide needed educational services.	YES	
17	Permanent preservation of open space areas as shown on the approved site plan is ensured by the creation of appropriate easements and recorded deed restrictions.	YES	DISCUSS OPENSOURCE PRESERVATION LANGUAGE WITHIN THE DEVELOPMENT AGREEMENT
18	The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which, as a total development entity, is compatible with the surrounding neighborhood.	YES	