

**PLAN COMMISSION
MEETING MINUTES
Monday, July 6, 2020**

Meeting was called to order at 7:00 p.m. by President Palmer

1. Roll Call.

Present in person: President Palmer, Mr. Cashin, Mr. Long, Mr. Reineke, Mr. Jodie, Mr. Kujawa, Trustee Michalski.

Also: David De Angelis, Village Manager, Thomas Harrigan, Zoning and Planning Administrator/Assistant to the Village Manager, Hector de la Mora, Village Attorney, Applicant and members of the public.

Absent: None.

2. Review and act on meeting minutes dated 6/1/20.

Mr. Long motioned and Mr. Cashin seconded to approve the meeting minutes as submitted. Motion carried 7-0.

3. Review and act on a request by Chris Miller, of Miller Marriott Construction Company, for consideration of a residential land division for the property located at 14265 Juneau Boulevard, pursuant to §305-6 and §335-14.

Chris Miller was present before the Commission.

President Palmer provided an overview of §305-6 and §335-14. He noted that at this time, there is no public hearing scheduled as the purpose of the meeting is to provide guidance to the applicant. President Palmer asked Mr. Miller if anything within his application has changed since it was submitted.

Mr. Miller indicated that nothing has changed.

President Palmer noted that the Commission was provided several letters and statements sent by members of the public. The spectrum of tone within these correspondences range from support of the proposal, to opposition, and general interest.

Mr. Miller explained that he is interested in dividing the existing lot into four new lots intended to be utilized for single family residences within the Rs-1 Zoning District. The new lots would be approximately $\frac{3}{4}$ acres in size and would be serviced with a private drive. The private drive would have curb and gutter in order to manage storm water runoff. The submittal demonstrates what could be the buildable footprints within the four lots. The intention is to try and match the scope and “feel” of Juneau Boulevard, to mimic the street scape.

President Palmer noted that a potential buyer of a new lot could then build a custom built home.

Mr. Miller confirmed, Miller Marriott would construct the infrastructure and sell the lots to the buyers.

President Palmer highlighted any future development of the property may potentially require Chapter 30 permitting.

Mr. Miller stated the conceptual layout was done with the intention of accommodating storm water runoff.

Attorney de la Mora noted that at this point, the applicant may engage the Commission for a preliminary consultation which should precede the formal review of a Certified Survey Map (CSM). What the Commission has before it is a conceptual presentation. Attorney de la Mora highlighted that it has been mentioned there are drainage issues on the property, and proposal would require the installation of a private road. §305-15B states that every lot should have access to a private street. This private drive will require an easement. Also, Rs-1 Zoning states that the minimum lot size shall be not less than 25,000 square feet and lots should be 125 feet in width at the front building line. Front building line is a defined term in the Code of Ordinances meaning, *“A line parallel to the street right-of-way line at any story level of the building's primary facade and representing the minimum distance which all or any part of the building is set back from said right-of-way line.”* It was noted there is no limit as to the number of times the Commission may request the applicant return before the Commission. After the preliminary consultation is completed, the next step will be to return to the commission for review of the CSM.

President Palmer stated the principal question is whether the Plan Commission is comfortable with the conceptual proposal such that, it would be willing to suggest the applicant move forward with the CSM.

Mr. Michalski asked what level of responsibility the Village would have in regards to maintenance of the private drive.

Mr. De Angelis commented that the Village would have no responsibility to maintain the roadway as it would be classified as a private drive.

Mr. Miller opined that he feels this proposal meets the intention of the Village Ordinances as it is stated within the Ordinances the larger lots should be configured as to allow for potential subdivision in the future, if necessary.

President Palmer stated there had been multiple attempts to construct a new single family home on this lot over the years, yet all attempts ultimately failed. He would suggest the Commission strongly consider supporting this proposal and move forward with the CSM.

President Palmer addressed several of the concerns residents had submitted via email. Namely, there is very little likelihood that four new properties on Juneau Boulevard would create and adverse impact on traffic. Also, the Village takes storm water management very seriously. Such that, the Village has adopted the Milwaukee Metropolitan Sewerage Districts chapter 13 requirements. It was noted that a concerned resident wrote about the possibility of the aquifer being depleted with the increase of demand. The Village has no regulatory authority on the installation of private wells. The State Department of Natural Resources has jurisdiction over this matter.

Mr. Long asked if the proposed rain gardens would be wet-ponds, or if they would be dry.

Mr. Miller stated these would be dry storage ponds which would only fill with water during significant rain events.

Mr. Cashin stated that Mr. Miller may want to consider the alignment of the private drive entrance onto the property. Instead of a “T” intersection with Juneau, perhaps there would be an improvement to the line of sight if the private drive is aligned with Lakeside Drive.

Mr. Miller indicated he feels there may be some advantages to mitigating storm water with the road alignment as shown in the conceptual plan.

President Palmer asked Mr. Reineke and Mr. Cashin if they have any outstanding questions related to the traffic patterns and alignment of the private drive in relation to Juneau Blvd.

Mr. Reineke stated there may be an opportunity for a trade-off.

Mr. Cashin recommended inquiring for past incidents reports with the Police Department.

President Palmer highlighted that the Commission is discussing a minimal amount of increased traffic and the Commission will need to review alternate driveway configurations to see if it can be improved. Noting that the Village will not be flexible on the storm water management requirements.

Mr. Kujawa noted that if the private drive were to be taken out of the calculation for total lot size, the proposed lots would still be in excess of the minimum lot size within the Rs-1 Zoning District of 25,000 square feet.

Mr. Jodie commented that additional consideration should be given to vegetative screening for neighboring properties.

President Palmer asked if there were any members of the public who would like to comment on the conceptual proposal before the Commission.

Stephan Van Dorn, 14245 Juneau Blvd, was present before the Commission. Mr. Van Dorn stated that he has several concerns related to the proposal. There are concerns related to a potential increase in traffic, and vehicular speed on Juneau Blvd. Car headlights would potentially be casting into the existing home at 14245 Juneau Blvd. There would potentially be an increase in noise due to the new homes being constructed and eventually, outdoor activities in the neighboring backyards. Storm water management is a great concern as 14245 Juneau Blvd currently experiences issues during significant storm events. Expressed displeasure that a courtesy letter regarding the conceptual review at the Plan Commission was received two days prior to the meeting.

Kevin McWey, 1200 Lakeside Dr, was present before the Commission. Mr. McWey expressed great concern for the potential increase in traffic. The new private drive should be in alignment with Lakeside Drive if possible. New development on the vacant parcel will only increase storm water runoff. Concerns regarding the duration of time new construction will take. Overall, the new lot configurations and new homes would not fit the look and feel of the neighborhood.

Valerie Swenson, 705 Sunny Slope Rd, was present before the Commission. Ms. Swenson stated that within the concept plan, there is illustration demonstrating that a footprint of a new potential home would have the side of the home facing Juneau Blvd, this is not in character with the neighborhood. Mr. Swenson stated she grew up in the home located at 14245 Juneau Blvd, and was involved in a vehicular accident while attempting to back out of the driveway when she was seventeen years old.

Tina Prade, 14245 Juneau Blvd, was present before the Commission. Ms. Prade noted that Mr. Miller claims the proposed lot subdivision has been thoughtfully reconfigured, she is in disagreement. The proposed private drive would be twenty-two feet wide, and there would be an increase in traffic. Concerns regarding the rain gardens, as proposed. Does not appreciate the proposed location of the rain gardens adjacent to 14245 Juneau Blvd. The culvert serving 14245 Juneau Blvd is not capable of managing storm water runoff as is. Disappointed with the timing of the courtesy notices the Village sent out, feels there was not enough time to prepare for this meeting.

[Mr. Michalski left the meeting at 7:45 P.M.]

Gina Peter, 14161 Juneau Blvd, was present before the Commission. Stated that she did not receive notice of this meeting. President Palmer asked Village Staff how notices were sent out. Mr. Harrigan explained notices of the meeting were sent out to properties immediately adjacent to 14265 Juneau

Blvd, and were sent as a courtesy of the Village. Village Ordinance does not require notices be provided for the initial CSM consultation pursuant to §305-6. Ms. Peter stated she would prefer to have a single family home located on the property and not to see it divided into four lots. Also, Ms. Peter has had her mailbox knocked over five times while living on Juneau Blvd.

President Palmer explained the charge of the Plan Commission is to determine if the proposal is appropriate, this is a matter of policy.

[Mr. Michalski returned to the meeting at 7:58 P.M.]

Tony Ryan, 1055 Grandview Drive, was present before the Commission. Mr. Ryan provided a brief history of the ownership of 14265 Juneau Blvd. He feels that neighboring residents have been on "borrowed time" regarding the vacancy of the property for the past twenty years (approximately). Opined that the existing homes to the east, the west, and within Indian Hills deserve a single family residence on the property in question, not a sub-division.

President Palmer noted there have been single family homes proposed on the property in the past, some of which have been met with great objection due to the proposed architectural style.

Clement Grum, 14405 Juneau Blvd, was present before the Commission. Mr. Grum provided a brief history of the property in question, and noted that three of the previous owners had new home constructions plan made for the lot. One of the previous owners, Mr. Strong, has multiple offers to purchase presented to him, which he repeatedly declined. Mr. Grum has owned 14405 Juneau Blvd since 1987 and over the years, has experienced problems with storm water on the property. Mr. Grum questioned where ownership will occur when the property is sub-divided, who will maintain the private drive and rain gardens. Questions if the new property owners would take as much care of the properties as the surrounding neighbors do to their homes.

Jan Termuehlen, 1275 Orchard Ln, was present before the Commission. Mr. Termuehlen stated that he is against the proposal as he views Juneau Blvd as the gateway to Elm Grove.

[Mr. Michalski adjourned the meeting at 8:15 P.M.]

Attorney de la Mora asked Mr. Termuehlen where he lives in relation to the property in question. Attorney de la Mora clarified that no construction will take place on the property unless a CSM is created and approved by the Village Board of Trustees. The Village Plan Commission and Board of Trustees will not approve the CSM unless all concerns are addressed and satisfied. Attorney de la Mora explained that deed restrictions and easements would be created in order to guarantee the private drive and proposed rain gardens will retain their locations and continue to be maintained. Furthermore, the statutes do not require the Village to provide notice at this time as there is no public hearing required. There are concerned neighbors who would like some clarity as to what is being conceptually proposed and what the next steps would be if recommended to proceed by the Plan Commission. The owner of the property has specific rights. Neither the Village, nor the residents have the right to block the applicant from submitting the conceptual plan for review.

John Florance, 900 Katherine Drive, was present before the Commission. Mr. Florance stated that he has constructed two new home in the Village with the past five years. He encourages the progress of the Village and strongly recommends the Commission seriously consider the proposal before them.

Karla Florance, 900 Katherine Drive, was present before the Commission. Ms. Florance stated she feels the Village is often viewed as being adverse to change. She would like to see the Downtown become more vibrant. Also, she feels there would be a high demand for new lots which are $\frac{3}{4}$ of an acre, this would be a great opportunity.

Libby Ryan, 1055 Grandview Dr, was present before the Commission. Ms. Ryan disagrees that residents of Elm Grove are adverse to change. Rather, there is a certain pride of living in Elm Grove, a historic pride. The concerned residents are simply attempting to preserve some of the things that drew people to the Village in the first place.

Mr. Kujawa motioned to recommend the applicant move forward with the proposal in accordance with §305-7, Mr. Reineke seconded.

President Palmer stated the driveway issues and storm water concerns will need to be addressed. Also, the applicant should investigate how the landscaping improvements on the lots can be done in order to create a physical barrier between adjacent properties. Perhaps by utilizing berms, or a double row of arborvitae which are off-set to create as much vegetative screening as possible.

President Palmer called the question regarding the motion to recommend the applicant move forward with the proposal in accordance with §305-7. Motion carried 5-1 (Mr. Long voting nay).

Mr. Long opined that he would prefer to see the property divided into two lots, at the most, not four lots as proposed.

4. Other Business

None.

5. Adjournment

Mr. Cashin motioned to adjourn, seconded by Mr. Jodie, Motion carried 6-0.

Meeting adjourned at 8:40 P.M.

Respectfully Submitted,

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