

JOINT DR/PLAN COMMISSION MEETING MINUTES
DECEMBER 16, 2020
VILLAGE HALL @ 6:30PM

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CALL TO ORDER – 6:30 PM /PLEDGE OF ALLEGIANCE/ROLL CALL: Diedrich, Karow, Perl, Richter and Smith -present, with Skinner presiding, Destree - absent. Laura Roesslein, Village Administrator, and Julie Harms- Deputy Clerk, also present. Danya Littlefield – Village Planner, present via phone.

MOTION BY SKINNER, SMITH, CARRIED, TO APPROVE PLAN COMMISSION MINUTES FROM AUGUST 19, 2020.

REVIEW AND RECOMMENDATION TO THE VILLAGE BOARD THE SIX-UNIT LUXURY CONDOMINIUM DEVELOPMENT- THE EDGEWATER ON LAKE ELIZABETH; 2631 EAST LAKE SHORE DR; PARCEL #86-4-119-332-3125.

MOTION BY SKINNER, DIEDRICH, CARRIED, TO RECOMMEND TO THE VILLAGE BOARD THAT IT ALLOW THE PROPOSED MULTIFAMILY DEVELOPMENT TO BE PURSUED UNDER THE PARCEL 'S CURRENT COMMERCIAL ZONING, UNDER VILLAGE ORDINANCE 17.32.010(B) (23).

- Rich Bondarowicz- Smart Development Group, 11 W College Dr, Arlington Heights, IL.
- Kim Lewis- 2631 East Lake Shore Dr, Twin Lakes, WI.

Bondarowicz stated their proposal is a six-unit luxury condominium building. When the property came up for sale, he met with Lewis and went over a proposal that was approved by the Plan Commission many years ago. Bondarowicz felt that Lewis' original proposal was too heavy for the property and would not be a good fit. Bondarowicz and a business partner plan to occupy two of the units.

Skinner asked the Commission if they had reviewed and had any questions or concerns about the development. Skinner stated that this was approved many years ago and that Mr. Lewis and the Commission spent a lot of hours listening to all the concerns of this development but this new proposal is such a downsize of what was originally proposed, that he sees no issue with the new proposal. Skinner's main concern with the project, as is with most projects, is that he wants the Village Engineer hands on regarding all engineering and especially drainage engineering.

Karow stated the first decision should be the zoning determination and proceed from there. Skinner felt it should remain commercial zoned with the approval that has been carried in the past that says the Developer may still need one or more variances in order to be able to comply with the requirements of the commercial zoning, and as far as the shoreland zoning overlay, that was not an issue when the first proposal was approved. This is a much less impactful project than the first project. Skinner went on to say it would be his recommendation to approve this.

Littlefield wanted to speak on the Shoreland Protection Ordinance. She felt the ordinance was not considered when designing the site and advised the Commission to look at the requirements very carefully as it has to do with issues of drainage, shoreline and views. She mentioned setbacks on the south side of the building where mechanicals are located would infringe on the ten-foot requirement. She also stated that the height of the building was a concern because the building was over fifty feet tall on the shoreland side. Skinner said as far as the building height he believes it is the average between the street elevation and the tallest elevation. Bondarowicz stated Littlefield might be confused about the highest point assuming the highest point would be to the west but looking at the topography the highest point is actually further east and more towards the front of the building, which is where the overall height came from. Skinner said that was the correct interpretation of the ordinance. Bondarowicz said that the original proposal was approved under that same guideline whereas this new proposal is slightly lower. Littlefield stated per the definition of height in the ordinance that the measurement be taken along the elevation. She said it is the mean elevation of the finished lot grade along the shore yard or street yard whichever is greater. The basement/foundation will be included if fifty percent or more is exposed. Bondarowicz stated that her interpretation as a result of the walk out condition on the westerly elevation is included in the height as opposed to looking at the height from the street. Littlefield stated that was correct. Bondarowicz addressed the issue on the mechanicals in the southerly side yard. He had a conversation with the neighbor, John Wolaver, who wrote a letter in favor of the project, that most likely four of the six, if not all mechanicals would likely be on the roof of the building and if not they would be screened from view. Skinner asked if Bondarowicz had met with the neighbors to the north to which he stated he met with three neighbors and they reviewed the project and had no issues. They even wrote letters in favor, which he had if needed.

Skinner requested of the Commission again if they had any issues with the proposal. Karow felt that a few of the planner's points should be discussed. Lewis stated that they are asking the Commission and Village Board to approve this specifically

under Village Code 17.32.010(B) (23) - Any use not specifically allowed by this Section may be allowed upon application to the Plan Commission and upon simple majority vote of the Village Board. At any time, the Building Inspector or property owner may request approval of a designated permitted use by the Plan Commission, followed by a majority vote of the Village Board. Skinner agreed with that. Diedrich stated that when the original proposal came before the Commission that there were many people in the audience against it and now there is no one against this new proposal.

Littlefield wanted to know if the requirements of the Shoreland Protection District would be enforced. Skinner stated that would be done by engineering. Karow wanted to know what impact the plans had on the Shoreland Protection District. Skinner stated that when this was previously approved that was not part of the picture. Littlefield's main issues were the vegetation and boathouse with regards to the Ordinary High Water Mark measurement. Karow interjected and stated that the boathouse is existing to which Littlefield stated she was unaware of that from the plans and that it would not then apply. Littlefield went on to say not more than 20% of the shore yard can be made up of impervious surface and the plans shown depict 52%. Bondarowicz inquired if Littlefield was including the in-ground pool in the calculation. Littlefield stated it was included, as it does not allow for infiltration. She looked in the Village Code, which does not define impervious surface or give examples. Bondarowicz has been involved in over 20 projects that included pools and they were exempt from those calculations. He stated that the 1"-2" rainfall would be contained by the pool. He went on to state that the decking around the pool is not solid pavement and would allow water to permeate along with the stairs having open treads. Taking that into consideration the impervious calculation would be closer to 30%. Littlefield stated she would like to follow up on materials used and understand a little more on the infiltration rate so that they are hitting the 20% mark. Bondarowicz does not feel the design can be changed to get to the 20% mark. He stated based on Littlefield's review and the way that the code reads it is a little confusing and that the actual yard is all the way, up to where the building starts. If they were to take the building and build it at the 60' mark based on the code, the yard then turns into 112' of shoreline times 60. Therefore, what happens is because they are up on the flat area they are now creating a larger area that is now part of the Shoreland Protection, which it sounds like this code is little bit of an unusual code that had arbitrarily been set. Where did this 20% number come from and it does not seem like it has a one size fits all selection. Skinner responded that if he had to explain where it came from there would not be enough time. Littlefield stated the zone is more suitable for a different type of development than what is being proposed and agrees that the 20% is low for this type of proposal. She stated she would be happy to work with them to get close to that number. Karow felt that would be good and what can we do within that area to try to meet the intent of the ordinance. He stated the landscaping plan is very nice and challenged Bondarowicz to see what more can we do to meet the intent of the ordinance. Bondarowicz stated that preserving the shoreline and water run-off is critical and they are taking it very seriously as they have a personal vested interest in this. Littlefield stated that no more than 30% of the vegetative cover be clear-cut. Bondarowicz stated that can be discussed also, but all the vegetation is weeds and the new cover will be substantially better. Skinner stated that when the Shoreland was being proposed, Mr. Lewis saw what was coming and he clear-cut the whole site, so there was no protection on the site, and as Bondarowicz stated, all that is there are weeds on the site now. Skinner again reiterated that there was a motion and a second.

MOTION BY SKINNER, SMITH CARRIED, TO ADJOURN AT 7:11 PM

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Building Inspector

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