

MINUTES FOR THE VILLAGE OF SHOREWOOD HILLS
PLAN COMMISSION

The Tuesday, February 23, 2016 meeting of the Plan Commission was called to order at 7:00 p.m. by Mark Sundquist. On call of the roll members present were: David Benforado, Earl Munson, Karl Wellensiek, Jim Etmanczyk and Brauna Hartzell. Also present was Karl Frantz, Village Administrator. Excused from the meeting was Debra Remington.

Review and recommendation on conditional use permit application to allow construction of an attached garage at property located at 3210 Lake Mendota Drive

Mr. Sundquist gave an overview of the proposed project.

Mr. Frantz explained that there have been three projects that impacted views substantially along Lake Mendota Drive since the conditional use permit requirement went into effect.

Mr. Munson gave the example of his west side windows at his home on Lake Mendota Drive, that when the neighbor builds on that lot, he will lose his view from those windows.

Mr. Frantz stated that more than 50% of the view across the lot is still maintained.

Dean Corbae, owner of 3210 Lake Mendota Drive, stated that only one tree, a birch tree next to the existing garage, will be affected by the construction of the garage.

Mr. Munson stated that the safety issue with the Corbae's daughter's car has made him change his mind on this project. He stated that anyone including children and friends of their children visiting the house will all be subject to this safety concern. Mr. Munson stated that if the Corbae's would build a flat roof, he would vote in favor of the project. This might not satisfy the Corbae's desire to have a roof that compliments the current house architecture but it will satisfy the neighbors that would be adversely affected by the views of the lake diminishing.

Scott Friedman, 3209 Lake Mendota Drive, stated that he objected to the Corbae's building the garage where it's being proposed and would still like to see it pushed back off the street more closely in front of where the current garage stands.

John Icke, 3214 Lake Mendota Drive, suggested Mr. Corbae install heating coils in the driveway to take away the safety concerns during the winter months as in the summer there are no safety concerns with vehicles sliding down the driveway.

Margaret Corbae, owner of 3210 Lake Mendota Drive, stated that the safety concern is year round with the grade of the current driveway. One has to accelerate to get out of the driveway and hope that there are no little children walking or anyone coming from Eagle Heights as you don't have the opportunity to slowly creep up the driveway.

Mrs. Hartzell stated there is a safety concern with the third parties like EMS, Fire and Police having potential of being injured or difficulty gaining access.

Mr. Munson moved and Jim Etmanczyk seconded a motion to approve the conditional use permit at 3210 Lake Mendota Drive to allow construction of an attached garage as shown on the revised plans in the packet.

Mr. Wellensiek's hope was that this matter could be resolved by the neighbors and not brought back to the Plan Commission.

The Plan Commission went through the findings. See attached findings.

Applicant will discuss the tree trimming and foliage as ways to improve the views to the Lake for adjacent neighbors.

Mr. Frantz stated that in 2007 the Plan Commission revised requirements on the conditional use permit eliminating some of the requirements such as noise, construction vehicles, bonds, surety, etc.

Voted: 6-0

Passed unanimously

Approve previous meeting minutes

Mr. Benforado moved and Mr. Etmanczyk seconded a motion to approve minutes from January 12, 2016 with changes noted.

Voted: 6-0

Passed unanimously

The meeting was then adjourned at 8:35 pm.

Respectfully submitted,

Karla Endres
Deputy Clerk

Plan Commission Conditional Use Permit Review Lake Mendota Drive Projects

The Plan Commission shall forward its written advisory recommendation to the Village Board within thirty (30) days after receipt of the application from the Zoning Administrator. The Plan Commission shall recommend approval, approval subject to specified conditions, or denial. A recommendation for denial shall include the reasons, including which standards contained in the Plan Commission review are found not to be met.

A conditional use shall be approved under this paragraph only if the applicant demonstrates by clear and convincing evidence the following:

1. Views of Lake Mendota from points off the lot on which the development or excavation proposed will not be adversely affected. *Will not be adversely effected in any significant way.*
2. Erosion will not be increased. *Erosion will not be increased. The project will likely mitigate existing erosion.*
3. The flow of surface water will not be changed so as to adversely affect other lots, the lake and other aspects of the natural environment. *Erosion will not be increased. The project will likely mitigate existing erosion.*
4. Infiltration of surface water into the ground will not be adversely affected. *Infiltration will be improved as stormwater requirements are imposed.*
5. Access to properties and structures by firefighters and other emergency personnel will not be adversely effected: *The project will greatly improve the ability for emergency personnel to access the property and home and the ability to stage a response on the driveway.*

The Plan Commission shall review the application according to the standards below. No application shall be recommended for approval by the Plan Commission unless it finds that the following conditions are met:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Finding: *The project will improve existing safety issues on the property and improve the comfort and general welfare of the property owner and access to others on the property.*

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

Finding: *The proposed project conforms to Village zoning regulations in the R-3 district and is compatible with adjacent properties. Impacts do not substantially impair or diminish uses and enjoyment of other property.*

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, and will not be contrary to an adopted comprehensive plan of the Village.

Finding: *Yes.*

4. That adequate utilities, access roads, drainage and other necessary site improvements have been, are being or will be provided.

Finding: *Yes.*

5. That the establishment, maintenance or operation of the conditional use is unlikely to increase the level of traffic congestion or reduce the level of safety at any point on the public streets.

Finding: *The ability to access the garage and driveway may increase safety on the street by reducing the need to park on the street, and generally improving the ingress and egress.*

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Finding: *Yes.*

7. That the conditional use does not violate flood plain regulations governing the site.

Finding: *Yes.*

8. That, when applying the above standards to any new construction of a building, or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objectives of the zoning district.

Finding: *Yes.*

The Plan Commission shall also evaluate the effect of the proposed conditional use upon:

- The maintenance of safe and healthful conditions.

Finding: *The project will improve upon safe and healthful conditions through improvements to the ability to access and use the property.*

The prevention and control of water pollution including sedimentation.

Finding: *Stormwater and erosion control requirements triggered by this project will prevent and control pollution and sedimentation.*

- Existing topographic and drainage features and vegetative cover on the site.

Finding: *No detrimental effect.*

- The location of the site with respect to floodplains and floodways of rivers and streams.

Finding: *There are no floodways or plains in the area.*

- The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

Finding: *The project will decrease erosion potential as it will trigger compliance with the village stormwater management regulations.*

- The location of the site with respect to existing or future access roads.

Finding: *n/a*

- The need of the proposed use for a shoreland location.

Finding: *n/a*

- Its compatibility with uses on adjacent land.

Finding: *The project will improve safety issues. Impacts do not substantially impair or diminish uses and enjoyment of other property.*

- Any other requirements necessary to fulfill the purpose and intent of the Zoning Code of the Village of Shorewood Hills conditions required: