

PLAN COMMISSION

May 26, 2016

Members present: O'Connor, Morrissette, Potter, Rhoades and Casanova

Others present: Barbara Sutherland, Russell Nicolet, Nick Hackworthy, Sandy Schletz, Lea Isakson, C. R. Hackworthy, Judie Hawk, Todd Erickson, Ed Hendricks, Doug Rohde, Angela Popenhagen, Mark Paschke, Debbie Delander, Jamie Johnson, Nick Ouellette, Brian Zeller, Randy Hanson, Denny Darnold and others

The meeting was called to order by Chairman O'Connor at 7:00 p.m.

A motion was made by Casanova, seconded by Morrissette to approve the May 5, 2016 meeting minutes. **Motion carried.**

Public hearing and consideration of a request by Oevering Homes, LLC to amend the conditional use permit for the Heritage Greens planned residential development to change areas designated as limited residential to one- and two-family residential, Outlots 4 and 6, Heritage Market. Chairman O'Connor called the public hearing to order and asked that anyone wishing to comment to please identify themselves and their address.

Barbara Sutherland, 26 Heritage Green, commented that she felt it would be better to have one- and two-family dwellings rather than a large apartment building.

Russell Nicolet noted that he is on the Heritage Green architectural review committee (ARC) and is a resident of the Heritage Greens residential development. Nicolet commented that he is in favor of one- and two-family residential and that the Heritage Greens development has evolved over the years with hard work from the developers and residents. His concern is that this particular development proposed does not fit well with the existing development. Oevering Homes has constructed one-family units in the Heritage Greens development and have not demonstrated a willingness to work with the ARC on issues and development standards / restrictive covenants, Nicolet added. Now Oevering Homes proposes to develop approximately 32 dwellings and Nicolet opined that the same issues will continue. When the development standards are not met; the buyer is left with having to deal with the issues, such as sod, mailboxes, light posts, etc. The end result is that there is much more time spent and the expense of legal fees to address the issues. The architectural style constructed to date by Oevering Homes does not fit the general character of the neighborhood. Summarizing, Nicolet commented that Oevering Homes has shown total disregard for the covenants and the ARC in the past and that the general fit and feel of the neighborhood will be compromised if this development is built out. The Heritage Greens ARC is not in favor of the proposed development, Nicolet commented. As a home owner, 14 Friendship Green, and land owner Nicolet wants to see the Heritage Greens development continue with the craftsman style of homes that have been developed in the past and not a general cookie cutter type development.

Leah Isakson, 103 Tribute Avenue, has been a resident of Heritage Greens for the past four (4) years and serves on the Heritage Greens architectural review committee (ARC) and the Heritage Greens single family and master homeowners associations (HOA). Isakson expressed concern that the ARC and HOAs have had concerns with Oevering Homes in the past. Past concerns have been directly with Oevering Homes and with some of the homeowners because Oevering Homes was not compliant with covenants, such as mailboxes, lamp posts and landscaping. Concern was also expressed with the access from one-family homes to private drives; as nowhere else does this exist in the Heritage Greens development. There are private streets, but twin homes and town homes are serviced by those private streets. Concern is for the maintenance of the private streets and related costs to the HOA(s) which would result in requiring the HOA dues to be raised to address this maintenance issue or possibly forego planned improvement projects to parks / common areas. Isakson reiterated Nicolet's comments that the cost to enforce the covenants becomes a burden when developers do not cooperate with the ARC or comply with the covenants. She commented that she is opposed to the plan, but is in favor of one- and two-family residential development.

Nick Hackworthy, Creative Homes commented that he has been involved in the Heritage Greens development since 2008. In the past three (3) years Creative Homes has constructed approximately 70 homes in Heritage Greens. The neighborhood has changed over the years, Hackworthy added; and he is proud of the neighborhood which provides housing opportunities for all walks of life and ages. Hackworthy commented that one- and two-family is a reasonable use of the area. He expressed concern with the past experiences with Oevering Homes and non-compliance with the covenants. He provided photos of the existing homes that Oevering has constructed in the neighborhood. Hackworthy commented that this is a project that he cannot support and asked that the city deny the amendment to the conditional use permit request.

Sandy Schletz, 37 Founders Green, noted that she has been a resident in Heritage Greens for five (5) years and is a board member of the Heritage Greens HOA. She expressed concern about what this developer has done to the neighborhood. Schletz strongly urged the plan commission to deny the application of Oevering Homes.

C. R. Hackworthy noted that he was the original developer of Heritage Greens 18 years ago and added that a lot has gone into the design and architecture of the neighborhood. Hackworthy explained that the current use noted in the general master plan is for the area to be developed multiple family residential and if built would be in the character of the neighborhood and compliant with the PUD (planned residential development) and covenants of the neighborhood. Hackworthy commented that he is not opposed to the use of the area as one- and two-family homes, but is concerned about the overall quality of the Oevering development as it may have a significant impact on the neighborhood.

Past experience of Oevering Homes has been a challenge, Hackworthy continued, and has not been within the integrity of the neighborhood. Hackworthy stated he cannot support the change of use with this type of design and lot layout with 50 foot wide lots, and the typical lot width in Heritage Greens is 55 feet and changing now does not make sense.

Todd Erickson, project engineer for the proposed Oevering development commented that the proposed development works well with the existing conditions because disturbance to existing streets will be minimized, and the existing on-street parking near the senior housing and park / common areas will be maintained. The amended plan, 26 one-family dwellings, provides for access from the dwellings to the existing public streets. The private access to the rear of the dwelling units, Erickson opined, is in keeping with the character of the subdivision. This design is the same as exists at Friendskeep and the homes where 50 foot wide lots exist, and some of those homes were developed by Creative Homes. The development provides a buffer from existing one-family dwellings on the east side of Heritage Boulevard. Erickson showed photos of the proposed dwellings and commented that Oevering Homes intends to fully comply with the covenants of the development and HOA requirements. Erickson added that with this type of dwelling the front will face the sidewalks (public street frontage and garages will be on the back of the home with access from the private drive (alleyway)). He added the lots provide opportunities for change within the dwellings, and the overall development will be able to provide a variety of home styles. Other one- or two-family developments would likely require streets to be disrupted to gain access to utilities, Erickson added. The total units, 26 proposed, will provide a substantial revenue source to the HOA(s). Erickson added that people have commented that they are not opposed to the change of the conditional use permit and designated uses from multiple family residential and commercial to one- and two-family residential. Oevering Homes will right their past wrongs and is committed to building a quality project.

Ed Hendricks, Hudson resident commented that he recently joined Oevering Homes as president and COO (chief operation officer). Hendricks added that he hears and understands the concerns that have been expressed by those in attendance at the hearing tonight in regard to concerns expressed about Oevering Homes; and going forward, the similar concerns will not occur. He commented that his number one goal is to be a friend of the community, and any concerns will be addressed. Hendricks opined that three of the people that did speak have a conflict of interest in this matter.

Potter asked what role Hendricks has with Oevering Homes. Hendricks commented president and COO and oversees all construction.

Jodie Hawk, resident of Heritage Greens commented that she has been a resident in the neighborhood for ten years, is on the board of directors for the HOA and has been a member of the ARC. She

reiterated that working with Oevering Homes in the past has at times been extremely difficult. Hawk added that they learned about the development through the city and that Oevering Homes had not contacted the HOA about their proposal.

Mike Murphy, 75 Tribute Ave. noted that he recently moved to Hudson from Ellsworth; and in the past with some developments in Ellsworth, covenants were not always enforced due to the economy. He questioned if Oevering may be trusted to cooperate based on past experiences.

Motion by Potter, seconded by Casanova to close the public hearing. **Motion carried.** 7:32 p.m.

Darnold commented that when he first discussed the possibility of an amendment to the Heritage Greens planned residential development /conditional use permit (CUP) that he had expressed concern that this is the last area in the city with land designated as multiple family residential. He added that he is not opposed to the use as one- and two-family residential; but the plan commission and Common Council must know that this a change in the CUP, and there will not be multiple family residential property available for development. Darnold noted that he had received about 17 e-mails from residents of Heritage Greens neighborhood opposing the city's approval of the proposed development.

Darnold suggested the possibility of two paths for review of this proposed development:

- Denial of the amendment because the designations of the multiple family residential development is of value to the city.
- Allow the developer to meet with the neighborhood to discuss their concerns and to bring back the issue once those discussions have taken place.

Morrisette complimented the residents of the Heritage Greens neighborhood for being interested in what is going on in the community. He commented that he felt development as proposed was like trying to put a square peg in a round hole when reviewing the photos of the homes constructed to date in the Heritage Greens development. Also, with the limited amount of multiple family residential property he voiced opposition to the proposed CUP amendment as proposed by Oevering Homes.

Casanova expressed concern about the use of private drives for access to multiple lots and the proposed development would not carry well with the rest of the neighborhood.

A motion was made by Morrisette, seconded by Potter to recommend that the Common Council deny the request to amend the conditional use permit for Heritage Greens as proposed by Oevering Homes.
Motion carried.

Darnold commented the issue will be reviewed by the Common Council on June 6.

Request to rezone (zoning map amendment) properties at 916 12th Street / Jon and Breann Cook and 1000 12th Street / William and Sally Friedlander from R-1, One-Family Residential District to PUB, Public or Quasi Public District and to amend the 2009 city of Hudson comprehensive land use designation from Single and Two-Family Residential to Institutional. Nick Ouellette, school district superintendent commented that he is present to answer any questions in regard to the rezoning requests and that it is the school district's intent to purchase the Cook and Friedlander properties; the purchase had gone before the electorate and purchases approved; and the rezoning is being requested to add the properties to the high school facilities.

Rhoades asked about the intended use of the property. Ouellette noted this property was to be purchased by the school district whether the referendum was or was not approved. He noted the general use is for green space and "breathing room" on the site, and there is no intent to construct a building on the lots. Rhoades asked if the use proposed is only for open space. Ouellette commented it may be used for storm water mitigation or practice fields; but at this time, the plan has not been established. Rhoades asked when change in use(s) may occur. Ouellette commented at least one (1) year. Rhoades asked if the property will come off the tax rolls if purchased by the school district. Darnold commented yes, probably effective January 1, 2017.

Motion by Morrissette, seconded by Casanova to recommend approval of the rezoning of the properties at 916 12th Street (Jon and Breann Cook) and 1000 12th Street (William and Sally Friedlander) from R-1, One-Family Residential District to PUB, Public or Quasi Public District and to amend the 2009 city of Hudson comprehensive plan land use designation from Single and Two-Family Residential to Institutional. **Motion carried.**

Ouellette asked about the next steps. Darnold noted the public hearing is scheduled for Monday, June 20 and that the Common Council may consider the ordinance approving the rezoning or have first reading and follow-up with final consideration at the first meeting in July (July 5), or suspend the rules and adopt or deny on June 20th.

Certified survey map, two (2) commercial lots and dedication of street right of way – Hanson Bros. XII. Darnold explained that this two lot minor subdivision is to reconfigure two commercial lots and dedicate public right of way for the area of the former golf course clubhouse and development site for the proposed 100 unit hotel. Darnold noted that Lot 1 is the former clubhouse site, and Lot 2 is the proposed Holiday Inn Express site. Darnold recommended approval of the proposed two (2) lot certified survey map (CSM) with the condition that the developer provide a surety of 120% of estimated construction cost of improvements and cost of city inspections before the CSM may be recorded.

A motion was made by Casanova, seconded by Rhoades to recommend approval of the two lot certified survey map (CSM) with the condition that a surety of 120% of the estimated construction costs be provided to assure the construction of public street, curb and gutter, utilities, boulevard areas, and city inspection costs before the CSM may be recorded. **Motion carried.**

Final development plans, 100 unit Holiday Inn Express and Suites, 181 Carmichael Road and 320 seat banquet center, 201 Carmichael Road, west of Carmichael Road – LHR Hospitality, LLC / Doug Rohde.

Angela Popenhagen, project engineer presented the existing conditions and proposed site plans and improvements including the conversion of the former clubhouse facility into a 320 seat banquet / hospitality center and immediately to the south the construction of a 100 unit Holiday Inn Express and Suites hotel facility. The existing parking on the eastern half of the site will be utilized, and parking will be added to the south and west of the hotel and west of the banquet / hospitality center. The banquet / hospitality center will retain the existing patio. The existing trunk sanitary sewer main will be relocated to the south and east within the proposed street right of way. Access to the site will be the existing right in / right out only access from / to Carmichael Road at the northeast corner of the banquet center; a proposed right-in only access along the south property line of the hotel parcel; and an access to the west property line of the development at the common lot line between the hotel and banquet center parcel.

Darnold noted city staff's concerns of the proposed right-in only access along the south property line of the hotel parcel that there is not an ideal location along the south property line for an access because when the signalized Carmichael Road intersection is constructed two northbound left turn lanes from Carmichael Road are proposed which may create a situation where cars are weaving across or crossing traffic lanes to get into the hotel, thus a safety consideration. Also, the street on the south side of the hotel will neck down to one lane at the roundabout which will only add one more concern within the relatively short distance from the interchange to the roundabout. Darnold commented that he had discussed the possibility of the city and development having an agreement that if an access is allowed on the south side of the site that the city will retain the right to review and possibly remove the access when the signalized intersection is constructed due to the reconstruction of I-94 Exit 2 Interchange or development occurs on the east side of Carmichael Road which warrants the signalized intersection to be constructed. Darnold reiterated that city staff is opposed to the access location on the south property line of the hotel parcel.

Morrisette asked about the term weaving. Darnold noted that when vehicles are turning in the same direction and one vehicle needs to change lanes within a short distance to get into an adjacent lane; Darnold gave the south access to McDonald's as such an example. Morrisette asked if the proposed access may be moved further to the west. Darnold noted no and that this site was difficult to design due to the change in topography west of the buildings. The roadway on the west side of the site will be constructed on fill to raise the road elevation and reduce the difference in elevation from the

development parcel to the proposed roadway. The proposed driveway from the parking lot to the street on the west side of the development will be over 6% grade, and the city engineer's concern is that the driveway has a limited landing area before the vehicles enter into the public street. Darnold commented that the south access is the more significant of the two issues.

Morrisette commented that the hotel wants the most immediate access possible.

Darnold suggested that the developer retain a traffic engineer to look at and discuss the access issues with the staff.

Casanova asked if the right-in / right-out access at the northeast corner of the banquet center site may be improved or increased in capacity. Darnold noted that access was limited to right-in / right-out only because of the sight distance being that the intersection was at the top of the hill and that the city plan commission has recommended that intersections be separated by approximately 1,320 feet (1/4 mile) to reduce the number of driveways which will have direct access to Carmichael Road.

Popenhagen expressed concern that the patrons going to the hotel or banquet center should have a convenient access from the road to the south to the main entrance to the hotel without having to take a circuitous route. She opined that without the access road to the south some patrons trying to get to the hotel will go further north on Carmichael Road and then cross traffic to enter the site at the access at the northeast corner of the banquet center site. She continued noting that the right-in only access on the south property line will allow traffic going to the hotel or banquet center to avoid the roundabout as it will be a single lane roundabout. She suggested that the access may be reevaluated if traffic becomes an issue.

Darnold commented that city staff believes the development of an access on the south property line is inviting trouble from a traffic perspective.

Popenhagen noted the west access is set at 6.7% grade, but could be increased to 8% with additional landing area.

Rhoades asked where the existing parking is located. Popenhagen noted that the parking generally extends the full length of the combined parcels adjacent to Carmichael Road with some existing parking that extends further to the south in the area which will become the public street.

Mark Paschke, project architect reviewed the hotel plans noting the building will be a five story structure with hardy board, stone veneer and culture stone siding materials. The facility will include a pool, spa and fitness center, but there will not be a restaurant or food service.

Potter asked about changes to the former clubhouse now proposed to be the banquet center. Doug Rohde responded that the façade may be modified to complement the design of the hotel. Rhoades asked if the parking will stay as it presently exists on the east side of the building. Rohde answered yes.

Paschke noted that he felt the access to the south was needed; the access will be a benefit to the development and agreed that if the roadway on the south is changed to two lanes and traffic becomes an issue that it would be reevaluated at that time.

Rhoades asked if they desire driver side access to the main lobby. Paschke denoted a drive pattern that would require the car to turn around to allow passenger side access to the main entrance.

Casanova asked if there have been many accidents at the McDonald's south access from Crest View Drive. Darnold commented that he was not aware of how many accidents have occurred at that location.

Morrisette asked how the area between the buildings will be utilized. Paschke noted the existing patio is proposed to be retained and that there will be an access from the hotel from the bottom floor at the elevation of the patio area. Casanova asked if the stairwell from the parking lot to the patio area will remain. Paschke answered yes.

Morrisette asked if Darnold was looking for consideration of the development plans. Darnold noted that he would like to keep the project moving ahead within reason; but there are other site related utility issues that need to be addressed. Darnold commented that city staff recommendation today would be development plan approval with final review of site and utility issues without the south access.

Rohde commented that he would be okay with the city placing a condition on approval that the south access be reviewed by the city if it is deemed to be a traffic concern, which they too do not want to create a traffic concern. He asked that the access be allowed at this time as it will be a significant benefit to the hotel / banquet center. Rohde commented that having to go to the west side to enter the site would be confusing and may result in northbound traffic trying to enter at the limited access at the northeast corner which will require traffic to cross Carmichael Road.

Rhoades asked if a traffic study should be conducted on this particular site. Popenhagen expressed concern about the circuitous route that will be proposed. Popenhagen noted that potentially the two lanes, if the intersection is signalized, would be entering the single lane roundabout.

Casanova expressed concern of two westbound lanes that may be constructed south of the hotel.

Morrisette asked about a dedicated turn lane into the site. Darnold noted that is something that may be reviewed with city staff by their consultant.

Rhoades asked about the traffic to the banquet center. Rohde noted that traffic will likely be split 50% southbound and 50% northbound and that traffic may be more spread out in regard to the hotel traffic. Rohde reiterated that it would be unfortunate for the development not to have access from the south based on potential changes in the interchange and Carmichael Road in the future that may not happen for some time. O'Connor questioned Rohde's comments that traffic would be split and that O'Connor felt the majority of traffic would be coming off the interstate for events.

O'Connor asked if there was a specific date established for the interchange reconstruction. Darnold stated WisDOT felt it was not likely to happen until 2025, unless the project is expedited. As of now there is no set date.

Casanova noted that, if the access is to be allowed, it would be the city's best protection to have an agreement between the developer and city that the city retains the right to review and remove the access if traffic becomes a problem.

O'Connor asked why there could not be another access along Carmichael Road. Darnold commented that the plan commission previously discussed limiting access along Carmichael Road to avoid an access every 150 to 200 feet.

Casanova moved and was seconded by Morrisette to allow the access with the condition that the developer / city enter into an agreement that the city may remove the access upon reevaluation and determination that the access has become a traffic concern. **Motion failed**, 3-2, O'Connor, Potter and Rhoades voting no.

Darnold commented that he is not looking for a full traffic analysis but for a traffic expert to review the south access issue and discuss with the city staff the traffic issues that the city staff has expressed.

Rhoades commented that he would like to see a traffic study conducted to try to resolve or minimize any concerns. Casanova commented that the concerns being expressed are speculative. Popenhagen expressed concern on trying to evaluate a potential traffic issue based on limited information.

Casanova asked about the concept of the reconstructed interchange. Darnold commented that the conceptual interchange agreed to between the city and WisDOT and the suggested configuration of this intersection at this development site has shown two northbound left turns.

A motion was made by Potter, seconded by Rhoades to require a traffic analysis. **Motion carried**.

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A motion was made by Morrissette, seconded by Casanova to approve the final development plans for the proposed Holiday Inn Express and Suites and hospitality / banquet center with the conditional approval that the plans be approved by city staff; that the developer retain a traffic engineer to review and discuss the proposed access on the south property line; and that if the access is determined to be allowed that the developer agree, in writing, that when the signalized intersection is constructed the city will retain the right to review the traffic conditions and potentially remove the south access.

Motion carried.

Other business for discussion purposes only or placement on future agendas. Darnold noted that the dates of the plan commission meetings in June need to be established. Darnold added that Tuesday is the best day for the plan commission members to meet. June 7 and June 21 were set with plan commission meetings to be set for the Tuesday after the Common Council meeting. Darnold noted that date in early July will not be available as the Council meeting will be moved from July 4 to July 5 (Tuesday).

A motion was made by Morrissette, seconded by Potter to adjourn. **Motion carried.** 8:30 p.m.

Respectfully submitted,
Dennis Darnold, Secretary