

**CITY OF ELKHORN**  
**ARCHITECTURAL REVIEW BOARD/CITY PLAN COMMISSION MEETING**  
**Council Chambers, 9 S. Broad St., Elkhorn, WI**  
**February 22, 2018**

The Architectural Review Board/City Plan Commission Meeting was called to order at 6:00 p.m. by Chairman Reynolds followed by the Pledge of Allegiance and Roll Call.

**ROLL CALL**

Present: Meinel, Frazer, Myrin, Neumann, Wuttke, Hunter, Reynolds

Absent: None

Also Present: City Adm. Tapson, Zoning Adm. Schaeffer, City Attorney Murphy, City Eng. Calhoun

Visitors: Roger Wolff, Dan Carmody, Warren Hansen, Daryle Wooley, Jeff Erickson, Jon Wallenmap, Matt Lindstrom, DPW Oprs. Mgr. and residents of Hearthstone Subdivision

**APPROVAL OF MINUTES**

Motion (Meinel/Wuttke) to approve the minutes of the Architectural Review Board/City Plan Commission Meeting of February 1, 2018. Motion carried unanimously.

**PUBLIC HEARING-CUP/MARKET ST CONDOS LLC/W. MARKET & N. CHURCH/WOLFF**

Public hearing convened at 6:02 p.m. with respect to the application submitted by the City of Elkhorn to Roger Wolff, Market Street Condominiums, LLC, for Copper Square Apartments to be located on the south side of West Market Street between North Court Street and Voss Road (Tax Key No. YUNW00243). A slide presentation illustrating the scope of the proposed project was presented by Roger Wolff who is working with Dan Carmody, Carmody Homes, to construct Copper Square. The property location consists of approximately 12 acres of vacant land located south of and contiguous to Market Street between Church Street and Voss Road, one block west of Wisconsin Street in the north area of the City. The property represents a natural extension of an apartment development occurring in this general area of Elkhorn. Copper Square residential apartment community will consist of 108 garden-style apartments distributed among 18 two-story buildings (density of 9 units/acre). Due to the name of Copper Square they intend to use copper trim around the windows of each units. Each building is comprised of six single-level residences with six direct-access garages with three different two-bedroom, two-bath designs ranging in size from 1,192 to 1,277 square feet. Affordable rent would be about \$1,299 per month. There is also a proposed clubhouse with fitness center, community room, and leasing office. The proposed tenants would be professionals and couples with few children, predicting about 23 school aged child, which is 2.1 people per unit. Roger Wolff said that in order make the project viable that he and Dan Carmody would have to construct a minimum of 100 apartments and they are proposing 108 units. Adjacent and to the east of the property is Market Street Village, constructed in 2003, consists of 66 units (density of 9.1 units/acre) and currently has zero vacancies (until June 2018). Meadow Blossom apartments, built in 2001, adjacent to the northeast, is 112 units (density of 8.8 units/acre) and currently has one vacancy (until June 2018). Also within the city limits are Stoneridge Apartments constructed in the late 1980's with 172 units located on 12.78 acres (density of 13.5 units/acre) and currently has one vacancy (until June 2018). Meadow View Apartments currently has only one vacancy (until June 2018). Mr. Wolf continued regarding apartment vacancy comparisons to other surrounding communities of Delavan, Lake Geneva and Burlington. An independent market analysis was completed on October 4, 2017, and indicates a very strong need for additional residential apartment units in the City of Elkhorn.

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At this time Chairman Reynolds read portions of six emails that he received from residents who reside within the neighborhood of the proposed Copper Square Apartments who were not able to attend this public hearing. The chairman then entertained comments from the audience asking them to provide their name and address for the record prior to speaking.

Jim Peltier, 980 North Pheasant Way, was concerned about the additional amount of children and how it would affect the school district. He wondered if Mr. Wolff had done any studies in regards to families and kids in any of the apartment complexes in the other communities previously mentioned.

Sarah Hewlett, 203 W. Davenport St., expressed concerns regarding flooding and wondered if the new project would have sidewalks, street lights, fire hydrants, etc. and who is paying for it. She reported that speed limit is 35 but traffic drives faster and felt an additional stop sign should be added for safety. Mrs. Hewlett said she understood from the presentation there would not be many children because the tenants would mainly consist of professionals and couples, and pointed out that couples can have children. She asked if the proposed apartments would have patios for grills and if tenants would be able to have animals which could lead to other issues. It was mentioned that her family owns the Piggly Wiggly and their employees have been unable to find single family housing in Elkhorn.

Rick Geaslen, local realtor, reported that he compiled his own information regarding Single Family Housing Statistics in Elkhorn as well as the Kennedy Subdivision adjacent to the proposed apartments. He distributed same information to the Plan Commission members. He briefly outlined the information stating that as of February 2018 there are 37 homes available for sale throughout Elkhorn and 16 with offers to purchase. He reported that 124 homes were sold in the last 12 months period. Looking back at February 2012, there are well over 100 plus Elkhorn homes and 73 of those homes were sold between 2011 and 2012. Mr. Geaslen continued to provide the history and statistics of homes sold specifically within the Kennedy Home Subdivision since 2009, of which 19 of the 93 homes sold as a foreclosure and 1 short sale. The price range was \$116,000 to \$167,000 which now have a value of \$180,000 to \$215,000. He said it has taken from 2008 to now for the home values to come back. It was his opinion that the proposed project for 100 plus apartments would do no justice for the subdivision but rather decrease the resale value of the properties. He said Elkhorn does not need more apartments but more new homes. In response, Chairman Reynolds announced that there were 31 new homes built in Elkhorn in 2017 and that there has been developers building new homes since 2016 and same developers are continuing to build additional new homes in 2018.

Eric Gibbs, 910 North Hearthstone St., is against the proposed Copper Square apartments and feels that if the project is approved and constructed will lower the value of his property.

Cindy Howard, 1040 North Pheasant Way, is opposed to the proposed development which allows for more impervious surfaces with apartments and will create additional flooding issues that currently exist. Felt that there will be more children which will then create a need for Elkhorn to build another school. Also said it does not meet the requirements of the Land Use Plan.

Barbara Watters, 207 West Davenport St., said family member tried to find a one bedroom apartment in Elkhorn but had to rent a 2 bedroom apartment. Felt traffic is too fast within this residential area.

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Sherri Loveless, N5408 Voss Road, reported that her sump pump runs constantly and there are already existing flooding issues within this area of Elkhorn. Retention pond does nothing to resolve the water issue. Also an issue with speeding traffic within this area.

Sam Brummel said his family's farm is located on Voss Road just south of proposed apartment project. There are issues with water drainage in this area and this project will cause the water to be pushed onto neighboring properties and there are currently issues with detention pond behind the nursing home. He is not in favor or against the proposed Copper Square Apartments. He felt that a good development mix is needed here but thought that would include additional single family homes. If the proposed project is approved, then the developer should comply with all City requirements.

An unidentified resident on North Pheasant Court said he would like to see single family home developments within this residential area. If apartments were constructed it would land lock existing single family homes.

Chad Adamson, 1002 North Pheasant Way, concerned with the amount of additional children that apartments produce and noted that the closest park for children is not within walking distance. Additional police personnel will be needed for safety. He does not want to see neighborhood change.

Lori Serato, 213 West Davenport St., said currently too much traffic. Her son has been looking for a single family home and cannot find one in Elkhorn.

Kurt Spatz, 324 West Hidden Tr., felt if project is approved that additional emergency personnel would be required.

Scott Sinko, N5446 Voss Rd., felt tenants of apartments will have issues that will drain police department. Area needs a crime free association.

Robbie Crum, 1010 Hearthstone St., wondered if Elkhorn was the only community where the developer is proposing this project and what is the real density of the apartment complex. Felt this project would affect the school system and wanted numbers from EASD since the schools are already overcrowded.

Matthew Bongard, 1036 N. Pheasant Way, concerned with the affect the apartments will have on the schools and felt there will be additional problems such as flooding because the retention pond is full and effect on home property values. He said that he had done a background search on the developer, Roger Wolff, and reported his findings and suggested that the City may want to do the same.

Jill Schultz, 205 W. Davenport St., concerned with the safety of the children within the neighborhood.

Cindy Howard, 1040 North Pheasant Way, reiterated that project does not meet the Land Use Plan.

Richard Geaslen asked how many times this proposal has come before the Plan Commission. Chairman Reynolds responded two times, previously as a conceptual plan and tonight as conditional use permit.

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Chairman Reynolds thanked the public for their questions and/or comments. He noted that there is a new law in effect since November titled Act 67 which does have bearing on the current request for a Conditional Use Permit by the applicant. The City Attorney said that Act 67 was adopted by the State of Wisconsin Legislature on November 28, 2017 which changes the law regarding Conditional Use Permits. If the applicant meets City ordinances then the City shall grant the Conditional Use Permit. The State Legislature is limiting the authority and ability of the local government.

Chairman Reynolds announced that the City Plan Commission and City Council will meet in a Closed Session next Monday, March 5, to obtain additional information as to the requirements of Act 67. He felt it would not be fair to either the applicant or the Plan Commission, or City Council to take action on this project at this point in time until all members understand the requirements of the recently passed Act 67 by the State of Wisconsin.

Chairman Reynolds asked if anyone else wished to be heard. No one else wished to be heard. Chairman Reynolds asked three times if anyone else wished to be heard. No one else wished to be heard. The public hearing was closed at 6:50 p.m.

**CONDITIONAL USE PERMIT/MARKET ST CONDOS/W. MARKET & N. CHURCH/WOLFF**

The Zoning Administrator presented the February 15, 2018 Staff Report. The applicant is requesting a Conditional Use Permit for a development, Copper Square Apartments, to be located on the south side of West Market Street between North Church Street and Voss Road (Tax Key No. YUNW00243). The proposal includes 108 garden style apartments consisting of eighteen (18) 6-unit buildings. The buildings are two stories, comprised of six single-level residences with six direct-access garages with three different two bedroom and two bath designs ranging in size from 1,192 to 1,277 square feet. There is also a proposed clubhouse with fitness center, community room, and leasing office. At the January 18, 2018, the applicant submitted a revised site plan with the following changes for concept plan discussion: added access signage to east/west access points, added mailboxes/pick up point, added two dumpsters, moved buildings to accommodate farmed wetland area, and moved buildings close to property boundaries to increase green space in the courtyard area. Staff reviewed this request June 1, 2017 and October 26, 2017. Staff recommended that Plan Commission consider their review comments as noted in the February 15, 2018 Staff Report.

Rober Wolff and Dan Carmody proceeded to present statistics regarding apartments constructed in Elkhorn since 2011. He also presented additional demographic information regarding apartment complexes he has constructed within surrounding areas such as Lake Geneva, Burlington, and Cudahy. Roger Wolff noted that his plans call for all water issues being managed on site in order to avoid any additional future water issues within this residential area of the City of Elkhorn.

Chairman Reynolds felt that action on this matter be delayed at this time due to the passing of Act 67 by the State of Wisconsin Legislature. He noted again that a Closed Session is scheduled for Monday, March 5, with the City Plan Commission and City Council members to receive additional information and understand the requirements of Act 67. He asked the Plan Commission how they wished to proceed.

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The City Administrator suggested that the Plan Commission could consider requesting the applicant to provide a Traffic Impact Study (TIA), storm water management data, public safety data from the police department along with additional statistics regarding school aged children from the Elkhorn Area School District. He noted that when requesting additional information it should consist of anything that is measurable per Act 67 requirements. Plan Commission members agreed that the applicant should return to a future meeting with additional information.

Motion (Myrin/Meinel) to recommend to request the applicant, Roger Wolff, Copper Square Apartments LLC, to submit to the Plan Commission a Traffic Impact Study (TIA), along with storm water management data, public safety data from the police department and additional statistics by the Elkhorn Area School District, prior to further action on this project. Motion carried unanimously.

**SITE PLAN & ARCHITECTURAL REVIEW/LOT 9- FAIRWAYS EDGE BUSINESS PARK**

Warren Hansen, Farris, Hansen & Associates, presented the site plan, architectural review and landscape plan for a new facility for Complete Wall Specialties Inc. to be constructed on Lot 9, Country Club Parkway, Fairways Edge Business Park (Tax Key No. YFE-00009). Mr. Hansen said he is representing Daryle Wooley, applicant, who is also present to answer any questions. The applicant would like a second access so they are requesting two driveways. Mr. Hansen explained that this matter had been previously presented at the February 1, 2018 meeting but no action was taken due to issues with land disturbance, drainage/grading issues, handicap ramp and access points. Mr. Hansen felt that all these issues have now been addressed to the City Engineer's satisfaction.

Greg Calhoun, Kapur & Associates presented his February 19, 2018 Staff Report as the City's Engineer. He said after discussing potential drainage concerns with the developer's engineer, the site has been modified to reduce runoff to the maximum extent practicable. The site's disturbance area has been reduced, green space increased, and existing drainage patterns shown more clearly in a way that demonstrates how runoff will leave the site. The site complying with the storm water ordinance combined with the proposed regrading of the downstream swale as part of the Fairways Edge development to the south eliminates his concern that a storm water pond would be necessary. The plan has been modified to show proposed utility service locations and connections to City sewer and water. It is his recommendation to modify the ADA handicap ramp to align with the aisle next to the handicap parking spot, rather than the curved ramp as shown. The ramp shown is compliant with ADA standards and would be acceptable and detectable warning field should be added to the ramp per ADA standards. Two access points are shown for the development, both off Country Club Parkway, although the City Ordinance allows for one access point, unless deemed necessary by the DPW. It is unknown what is allowed per the CSM. He approves the proposed concept subject to the above listed items and any other staff review items.

Motion (Meinel/Neumann) to approve the site plan, architectural review and landscape plan for Complete Wall Specialties Inc., a new facility to be constructed on Lot 9, Country Club Parkway, Fairways Edge Business Park (Tax Key No. YFE-00009) owned by Daryle Wooley, applicant. Motion carried unanimously.

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**CONCEPT PLAN/801 N. WISCONSIN ST./WISCONSIN VISION ASSOCIATES/MODAD LLC**

The Zoning Administrator presented the Staff Report dated February 15, 2018. The applicant is requesting conceptual discussion for possible rezoning from B-2 Community Business District to B-5 Highway Business District with a Conditional Use Permit for warehousing located at 801 North Wisconsin Street (Tax Key No. YUNE-00009C), the former Sentry Store. It was noted that warehousing is not permitted in the B-2 Community Business District. Lands to the north, west and south are zoned B-2 Community Business District, and to the land to the east is zoned Rs-1 Single Family Residential District. A rezone and conditional use permit will be required.

Jeffery Erickson, Wisconsin Vision Association, agent, presented the conceptual plan to acquire the old Sentry Store property at 801 North Wisconsin Street which would be a secondary site for a warehouse. This main store is currently located in Burlington but they are looking for nearby sites to locate a warehouse in case of a disaster such as a flood or fire. They have chosen this site in Elkhorn due to the proximity of their Burlington store. He explained that Wisconsin Vision expects to make improvements to the existing building such as repair the roof along with any other repairs that become necessary. Discussion regarding building repairs, parking and traffic. A Keefe Real Estate Agent, and representative for the current property owner, explained that he has tried to sell this property to another grocery chain for the past year and a half with no success. The main reason for rejection was the not only the small size of the existing building but also the small parking lot. The original sale price has been reduced substantially to attract a buyer.

After some discussion, Plan Commission consensus was that the applicant should return with a request for rezone and conditional use permit for further discussion and vote if they intend to move forward with this project. It was noted that this matter will also be presented to the City Council for final action.

**CERTIFIED SURVEY MAP/EAST MARKET ST. EXTENSION/EASD**

The Zoning Administrator reported that Certified Survey Map has been submitted by the Elkhorn Area School District (Tax Key Nos. YUNE00001B, YUNE00028A, YUNE00031, YUNE00031A and YUNE00032C) which requires Plan Commission to make a recommendation to the City Council in order to extend East Market Street from the Elkhorn Middle School (East Court St.) to the Elkhorn High School (East Geneva St.). It was noted that this project has already received approval and the certified survey map is a housekeeping matter.

Motion (Reynolds/Wuttke) moved to recommend to City Council to approve the Certified Survey Map as presented on behalf of the Elkhorn Area School District. Motion carried unanimously.

**CONCEPTUAL SITE PLAN/ARCHITECTURAL REVIEW/401 E. CENTRALIA ST.**

Jon Wallenkamp, Kueny Architects LLC, presented a conceptual site plan for a new Department of Public Works facility to be constructed at 401 East Centralia Street (Tax Key No. YVSE000188) on behalf of the City of Elkhorn. He provided a color rendering to the proposed one story building with samples of the building materials. Mr. Wallenkamp continued by providing information regarding the proposed building layout and floor plan. After a brief discussion, Plan Commission had no objections to the conceptual site plan. A site plan will be presented at a future meeting for final approval.

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**MEETING DATES**

Meeting dates: Next meeting is scheduled for next Thursday, March 8, 2018.

**ADJOURNMENT**

Motion (Hunter/Frazer) to adjourn. Motion carried. Meeting adjourned at 7:45 p.m.

Shari McKinney  
Plan Commission Secretary