

CITY OF ELKHORN  
ARCHITECTURAL REVIEW BOARD/  
CITY PLAN COMMISSION MEETING  
APRIL 4, 2013

The Architectural Review Board/City Plan Commission Meeting was called to order at 7:00 p.m. in the Council Chambers at City Hall by Chairman Reynolds.

The following members were present:

J. Taylor  
T. Shiroda  
M. Roberts  
K. DeHaan  
H. Reynolds

The following members were absent:

R. Baur  
T. Stotko

Also present:

Sam Tapson, City Administrator  
Gary Welsh, City Engineer  
Ward Phillips, City Attorney  
Bonnie Schaeffer, Zoning Adm.

Visitors:

Zoe Ma  
David O'Brien  
Tom Windler  
Lee Brown  
Brian Olson

APPROVAL OF MINUTES

Member DeHaan moved to approve the minutes of the March 21, 2013 meeting with noted correction. Motion seconded by Member Shiroda. Motion carried unanimously.

CONCEPTUAL PLAN/WI-IL SENIOR HOUSING/COMMUNITY LIVING SOLUTIONS

First appearance regarding the conceptual plan to convert the former Lakeland School located at 504 West Court Street (Tax Key No. YUNW-00131) into a Senior Living and Wellness Center presented by Zoe Ma and David O'Brien on behalf of Dr. Ming Wang. David O'Brien addressed the rezone application and Zoe Ma addressed the planning request. He said that the current zoning is I-1 Institutional and that the applicant would like R-4 zoning which is needed in order to apply for a Conditional Use Permit. The applicant had previously applied for a Conditional Use Permit back in 2008 but it has expired. Some discussion on how the original plan and CUP application submitted in 2008 differs from the current plan. After further discussion it was noted that on the rezone application that the current and requested zoning were incorrect. The current zoning should be listed as I-1 Institutional, not I-2 and the requested zoning district should be listed as either Rm-1 or Rm-2, not Rm-4. Zoe Ma asked if the CUP could be just be renewed instead of having to submit a new application. The Zoning Administrator responded that the previous CUP has expired and new application must be submitted. Plan Commission members expressed concerns regarding there not being a Developer's Agreement or Cost Recovery Agreement. It was noted at this time that the City Attorney advised that the Plan Commission should only speak to the concept because that is what has been presented at this time.

The Zoning Administrator presented the March 28, 2013 Staff Report recommending that the project should be submitted as a Planned Unit Development (PUD) which will allow for the Senior Wellness Center, senior housing, and assisted living CBRF. Staff will continue to investigate whether an underlying zoning change is in the City's best interest or if the PUD would be sufficient to address the uses. All outstanding discussions regarding specific site issues will be addressed during the PUD process which includes closing the Northeast entrance into the parking area, removing parallel parking to the south of the building for emergency access, and a buffer area for existing single-family homes to the west. Staff believes the primary endorsement should only be given upon finding that the standards have been met such as the PUD is or can be developed in a manner that is consistent with the City's Comprehensive Plan, development must create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community. The total net residential density within the PUD must be compatible with the City's Comprehensive Plan and the density of the neighborhood wherein located. Structure types must be generally compatible with other structural types permitted in the neighborhood. Provision must be made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if

privately owned. Provision must be made for adequate continuing fire and police protection. The population density of the PUD will have an adverse effect upon the community's capacity to provide needed school or municipal service facilities. Adequate guarantee must be provided for permanent preservation of open space areas as shown on the general development plan either by private reservation and maintenance or by dedication to the public.

Chairman Reynolds said although there is not a public hearing being conducted at this time he would allow any brief comments on the proposed concept plan. Their comments were directed to the project representatives and included potential flooding problems as well as traffic issues. These residents expressed concerns regarding the City allowing the senior living and wellness center in a residential setting and that the concept plan presented was inconsistent with the original plan that had been submitted back in 2008 for the old Lakeland School site. Mr. O'Brien mentioned that he had sent a representative (Tom Windler) to the neighborhood with a petition in favor of the senior living and wellness center and many of the area residents had signed it. One of the residents reported that although she had signed the petition there has been information presented that has caused her to change her views and she does not want to be held to the statements outlined in the petition due to not having full disclosure.

Plan Commission member consensus was that the applicant needs to determine and identify an exact plan and submit the proper and complete applications prior to returning to the Plan Commission. David O'Brien asked if they could piggy back their request for a rezone with a request for a Conditional Use Permit at the same time. The City Attorney provided an affirmative response. The City Administrator said the applicant should submit any missing information. No action taken.

#### ZONING CODE REVIEW/TESKA

Lee Brown, Teska Associates, the City's planner was present to discuss with the Plan Commission any issues they may have with the current zoning code. He noted that previous to this meeting, there was a meeting with staff to discuss any corrections to the current zoning code. The main issues that Plan Commission members asked to be addressed in reviewing the zoning code included the fact that the current code is not always clear cut, the development of policy, compliance and enforcement. Also there were issues with Planned Unit Developments, Conditional Use Permits, rezones and making amendments to the Comprehensive Plan. Other more specific issues that need to be addressed included definitions of zoning districts, minimum standards and more flexibility with standards, commercial construction requirements, minimum and maximum square footage for accessory structures, parking issues, temporary and permanent signage, and permitting process for commercial and industrial properties. Discussion.

CITY OF ELKHORN  
ARCHITECTURAL REVIEW BOARD/  
CITY PLAN COMMISSION MEETING  
APRIL 4, 2013  
PAGE 4

Additional discussion regarding the function and relationship between the Plan Commission and other City boards/commissions such as the Historic Preservation Commission. It was also mentioned that additional work needs to be done regarding the Architectural Review Board which is also part of the Plan Commission's function.

Lee Brown, Teska Associates, said he would be accepting any further comments from the Plan Commission regarding the zoning code review. No action taken.

MEETING DATES

The next Plan Commission meeting is scheduled for Thursday, April 18, 2013.

ADJOURNMENT

Member Taylor moved to adjourn. Seconded by Member Roberts. Motion carried unanimously. Meeting adjourned at 9:00 p.m.

Shari McKinney  
Plan Commission Secretary