

VILLAGE OF GRAFTON

PLAN COMMISSION MEETING MINUTES

MARCH 24, 2009

The Plan Commission meeting was called to order at 6:00 p.m. by Chair Jim Brunnquell. The Pledge of Allegiance followed.

Board members present: Jim Brunnquell, Richard Rieck, Alfred Schlecht, Amy Plato, Mark Paschke, Randy Silasiri, and Carl Harms.

Staff/Officials present: Michael Rambousek/Director of Planning & Development, Mary Kay Buratto/Planner I, David Murphy/Director of Public Works/Engineer, Tom Johnson/Building Inspector, and Deborah Brown/Administrative Secretary II.

MINUTES

Motion by Commissioner Rieck, seconded by Commissioner Harms, to approve the minutes of the February 24, 2009 Plan Commission meeting, as presented. Approved unanimously.

HEAR PERSONS REQUESTING TO BE HEARD

None.

COMMENCE PUBLIC HEARING

Statement of Public Notice

Director of Planning & Development, Michael A. Rambousek stated the purpose of the public hearing is for review of a petition to rezone the property located at 1300 14th Avenue, known as the Grafton Woolen Mill, from M-1 Manufacturing to PUD Planned Unit Development.

Director Rambousek stated that the applicant, Mr. Bill Mabry and his daughter, Sheri Bestor are requesting consideration of a rezoning to accommodate the appropriate mix of uses at this special and historic location and to also create a regulatory environment that will allow future improvements that would be difficult under any other commercial ordinance. Mr. Mabry would like the ability to offer his space to uses that are more service and retail oriented and to eliminate the permitted manufacturing uses for which the site and the building are ill-suited.

Director Rambousek also indicated that this particular site is in the TID No. 3 area and is a perfect candidate for redevelopment. He hopes that the rezoning from M-1 to PUD will help promote the owner to upgrade the site. He also stated that funds could be available to help the owners with any upgrades and facades to the building.

Planner Mary Kay Buratto added that this particular building is in the floodplain and is also on the National Register of Historic Places. It is estimated at over 100 years old and has basically remained in its original state. She also informed the Plan Commission members that by virtue of designation, the building is possibly exempt

from certain floodplain regulations that would hamper a non-historical building from making extensive changes to the building and/or the site.

Director Rambousek indicated that this issue continues to be investigated because of the sensitivity of the floodplain issue, but Staff has been in contact with the State of Wisconsin and this appears to be the case.

He further stated the Mr. Mabry and Ms. Bestor are interested in making improvements to both site and the building that would make sense if the rezoning petition is approved by the Village. They would work closely with Planning and Development Staff as well as the State of Wisconsin Historical Society regarding the historic status of the building as it relates to site and building improvements and the floodplain.

Planner Buratto then explained that the PUD, Planned Unit Development District, was created for situations like these where uses and sites approved many years in the past continue to be commercially viable but don't meet the current bulk, area, use, or other requirements of the previous zoning district. The location of the Grafton Mill site along the Milwaukee River is one of the Village's more beautiful destinations and has the potential for being a destination with the appropriate mix of uses and building improvement that the requested zoning would allow. A statement of intent prepared by Ms. Bestor describing the premises and proposed uses was reviewed by the members.

Ms. Bestor stated that the building is home to four existing businesses, Bodymindspiritworks, Ann's Yarn Shop, the Art Oasis, and Silverthorne Construction (offices only). Neither the Art Oasis nor the Yarn Store is a permitted or conditional use in the M-1 District, and exist as legal non-conforming uses. The Planning and Development Staff have notified Mr. Mabry that these two uses are currently neither permitted or conditional uses in the M-1 Manufacturing District and that pending this rezoning the uses will be brought into conformance. Both uses would be permitted uses in the PUD zoning district. Bodymindspiritworks is and will continue to be a conditional use that has been approved by the Plan Commission. Silverthorne Construction (a contractor's office) is a conditional use in the M-1 Manufacturing District and could remain as such as long as certain conditions are met; these conditions basically require the contractor's office to operate similar to an office and not a construction shop.

It is expected that if the rezoning petition is recommended for approval by the Plan Commission and, subsequently, approved by the Village Board, Mr. Mabry will bring forward a proposal to the Plan Commission and the Architectural Review Board in the near future to update and refurbish the building. This future proposal will entail site and landscaping improvements on the property, a wall signage plan for individual tenants, and a master tenant identification monument sign at the main vehicular entry of the property located on Bridge Street.

Chair Brunnquell asked the applicants if there was any additional information to present to the Commission.

Ms. Bestor stated that she thinks Director Rambousek and Planner Buratto covered the request very well and it was their intent to keep the building site as close to the historical look as possible.

Chair Brunnquell then opened the discussion to the audience and Commission members.

Dr. David Engstrom-258 W. Birch Street, asked if the owners had any intent to expand the building.

Ms. Bestor explained that with the historical status that she did not think that it would be possible.

Director Rambousek also stated that with the desired location of the site, parking will need to be preserved for that area in the downtown district. He stated that in the coming months, Planning and Development Staff will be working with Mr. Mabry and Ms. Bestor to prepare these plans for full submittal so they met all the regulations and the design standards of the Village and the Downtown Master Plan.

With no more further comments, Chair Brunnquell closed the discussion on this item.

COMMENCE PUBLIC HEARING
STATEMENT OF PUBLIC NOTICE

Planner Mary Kay Buratto stated the purpose of the public hearing is for review of a petition to amend Section 19.03.0301 Institutional District to allow accessory buildings taller than the maximum allowed building height, upon review and approval of the Plan Commission.

Planner Mary Kay Buratto briefed the Plan Commission members on the text amendment change. She explained that the Department of Public Works is working through the approval process for a building expansion and site modifications to their existing site at 1300 Hickory Street. One of the additions proposed for the site is a salt storage facility which is anticipated to be up to thirty-two (32) feet in height. The maximum height for accessory structures in the I-Institutional District is currently one story or fifteen (15) feet. The need for the salt storage facility has been well documented by the Department of Public Works and the physics of the facility require a certain height to make the storage and removal workable.

She stated that the Planning and Development Staff has reviewed the request and understand the need for greater height allowances for DPW accessory buildings. Staff has structured the amendment so that the extended maximum height is only available for Public Works accessory buildings. Ms. Buratto provided examples of other community's maximum height of buildings. She further stated that considering these finding, Staff is comfortable with the proposed changes to amend Section 19.03.03101.

Chair Brunnquell opened the discussion on this item.

Meg Canepa, Chair of the Community Activities Commission and Director of Community Activities John Safstrom were present.

Ms. Canepa expressed concern with the location of the salt dome in relationship to the Family Aquatic Center. She also had questioned if the Community Activities Commission should have reviewed the site plan prior to this meeting.

Chair Brunnquell explained that the Plan Commission would be the Village committee that has to oversee, review, and approve the site plans for any planning project in the Village.

Commissioner Rieck asked if the base was made wider as previously discussed at the last meeting to keep the height lower.

Director of Department of Public Work/Engineer, David Murphy responded by stating that the current design reduced the original height by six feet.

Commissioner Silasiri had a concern about the definition of “accessory uses”.

Planner Buratto addressed Commissioner Silasiri’s concern that the ordinance change would be relative to only the Department of Public Works site located on the Hickory Street site.

There being no additional comments or questions the discussion on this matter was closed.

Chair Brunnquell stated that the consideration of this item would be discussed in tandem with the DPW salt storage building site plan consideration later on the agenda.

COMMENCE PUBLIC HEARING
STATEMENT OF PUBLIC NOTICE

Planner Mary Kay Buratto stated the purpose of the public hearing is for review of a petition for a Conditional Use Permit to allow a copy center use, (SIC# 7334) a conditional use in the CBD Central Business District at the property located at 1316 12th Avenue.

Planner Buratto explained that Norbert and Christine Klemp, owners of the property in question, are seeking approval of a Conditional Use Permit to allow a retail copy center on their property. The copy center will be operated by Digital Edge Copy Centers, which has copy centers in Richfield, Downtown Milwaukee and Brookfield, Wisconsin. They will be offering black and white and color copying and printing services to the public and to local businesses. The site will have the capacity to print large blueprints as well as standard copying formats. The business will occupy approximately 900 square feet in the building. Retail copying is a conditional use in the Central Business District under SIC #7334 Photocopying and Duplicating Services.

The maximum number of employees anticipated is five; with hours of operation Monday thru Friday from 7:00 a.m. to 9:00 p.m. Digital Edge anticipates opening the copy center April 1, 2009. The center will receive approximately three UPS normal route truck deliveries per week and paper delivery in a short box truck. Digital Edge will be submitting for sign approval upon receiving their conditional use permit.

The proposed floor plan of the building indicates placement of one wide format copier, two standard format copiers, a counter and a work table.

Although not a requirement of this conditional use approval, the Staff recommends that the Plan Commission suggest/remind the building owner that this building is eligible to receive a matching grant of up to \$20,000 as part of the Downtown Façade Improvement Program. This building is an ideal candidate due to its historic nature, architectural detail, and need for some repair and/or architectural enhancement.

Planner Buratto also stated that Staff has reviewed this request and supports the proposed use at this location.

Cindy Schneider, representing the Digital Edge Copy Center, was present. She stated that she was very eager to move forward and anticipates opening on April 1, 2009.

At this time, Chair Brunnquell asked for any public comments or concerns.

Carl Stier-1411 13th Avenue

Mr. Stier informed the Commission that he is in favor of the proposed use at this location. He was extremely happy that the building is not vacate anymore and will bring in more business to the downtown area. However, Mr. Stier had some concern about the truck traffic as far as UPS deliveries and pickups.

Cindy Schneider responded by stating that normal business hours would be 7:00 a.m. - 9:00 p.m. It would be only once or twice a week that the UPS trucks would be present with drop offs or deliveries.

Stig Haagensen-1404 12th Avenue

Mr. Haagensen, owner of the properties currently known as the Bloomin' Olive and the hair salon, had concerns regarding the parking availability. He stated that there are approximately six public parking spaces available in the front street area. He also mentioned that the Mr. Klemp had leased out some of his parking lot to the Attorney's office located to the south of Mr. Klemp's building.

Director Rambousek responded by stating that Mr. Klemp has unfortunately passed away, but prior to his death he had leased only three spaces to the adjacent building to the south. Staff will follow up with the owner on the terms of the lease in the near future. At this time, Director Rambousek said he felt very comfortable with the use and the available parking lot provided by Mr. Klemp's property.

There were no comments from the Plan Commission members on this item.

With no other comments, Chair Brunnquell then closed the discussion on the public hearing issue.

At this time, Chair Brunnquell asked that the agenda be slightly changed. He asked if anyone of the members had an objection to moving agenda items #15 and #17 to the end of the agenda. The Commission members had no objection to changing the order of the agenda.

Consideration of a recommendation to the Village Board to rezone the Grafton Woolen Mill, located at 1300 14th Avenue from M-1 Manufacturing to PUD Planned Unit Development

Chair Brunnquell asked if there were any further comments or concerns regarding the recommendation to the Village Board on the rezoning of The Grafton Woolen Mill.

Commissioner Harms questioned if the PUD amendment would allow a bed and breakfast use. He thought that this would be a great use for that location.

Planner Buratto responded that the use as a bed and breakfast use would need to be added to this PUD.

Ms. Bestor indicated that they would look at that use, but at this time had no current tenants interested in that use.

Motion by Commissioner Harms, seconded by Commissioner Silasiri, to recommend to the Village Board the approval an Ordinance to rezone the property at 1300 14th Avenue, from M-1 Manufacturing to PUD Planned Unit Development. Approved unanimously.

Consideration of a conditional use permit for a copy center at the property located at 1316 12th Avenue.

Planner Buratto indicated that Norbert and Christine Klemp, owners of the property located at 1316 12th Avenue in downtown Grafton, are seeking approval of a Conditional Use Permit to allow a retail copy center on their property. The copy center will be operated by Digital Edge Copy Centers, which has copy centers in Richfield, Downtown Milwaukee, and Brookfield, Wisconsin.

Planner Buratto also that Staff has reviewed this request and finds that it fits into the type of retail and service commercial uses anticipated in the CBD.

With no further comments or discussion, the Plan Commission members moved forward with the approval of the Conditional Use Permit.

Motion by Commissioner Schlect, seconded by Commissioner Harms, to approve a conditional use for a copy center per SIC 7334 at the property located at 1316 12th Avenue with the following conditions: 1) Hours of operation limited to Monday -Friday 7:00 a.m. to 9:00 p.m., 2) Use limited to 900 square feet of floor area, 3) Signage to be reviewed and approved by Planning and Development Staff, 4) Meeting all building code and other Village and State codes pertaining to occupancy of the building. Approved unanimously

Chair Brunnquell then asked that Director of Planning & Development Michael Rambousek to update the Plan Commission members on item #18-Little League Complex Site plan review.

Concept review of Little League complex site plan (including the Department of Public Works residential drop-off site) located at the northwest corner of Lakefield Road and Riverbend Road

Director Rambousek provided background information to the Plan Commission members on this project. He stated that on January 25, 2009, after review and recommendation by the Plan Commission, the Village Board approved a petition for annexation for 40 acres of land owned by the Village and located in the Town of Grafton.

He stated that the Grafton Little League is requesting to lease the property for a future Little League complex. All improvements to the site will be leasehold improvements and at this point in time the Little League would like to bring forward a concept plan to the Plan Commission for initial review.

Mr. Rambousek informed the members that currently, the property is zoned A-3 Agricultural Holding District by default as part of the approved annexation. It is expected that in the very near future the Little League will submit a petition for rezoning to I-Institutional District and full development plans as required by the Village of Grafton Zoning Code. This process will require full Plan Commission review and a public hearing before a recommendation to rezone can be made. Staff will continue to review these requests when formally submitted and work with the applicant to ensure all issues and requirements are met. One of the major challenges with this site are the existing natural resources and not only the preservation, but the protection and enhancement of them.

Mr. Rambousek states that only the Commission is being asked to review a concept at this time. The future meeting schedule for concept review at this time is non-date specific schedule for the rezoning and development plan review.

Director Rambousek explained that the Little League is proposing to construct six main fields, a playground area, a small maintenance shed, a concession stand/restroom building/general purpose building (for tasks such as player/team registration with an outdoor common area), indoor batting cage facility, and a 297 space vehicle parking lot.

He indicated that the indoor batting cage facility will not be part of the first phase of construction and will be constructed at a future date that has yet to be identified.

The proposed construction schedule is to break ground on the field construction and the parking area in the summer of 2009. This schedule will allow enough time for proper coverage of grass by winter this year, which is an important aspect of the project and critical point in the scheduling process in establishing the fields.

At this point only the site details and the Little League use itself are prepared to be discussed conceptually. Director Rambousek informed the Commission members that this particular project is very specific and needs to be looked at very carefully. He further indicates that the signage, natural resource protection, architectural details and other issues will be submitted and discussed at subsequent meetings before the Plan Commission, Architectural Review Board, and the Village Board.

Mr. Rambousek stated that the natural resource protection requirements on this site are a major concern. There are a significant amount of natural resources on the site, that include wetlands and navigable waterways, the latter of which will require a shoreland buffer of 75 feet along the east side of the property. The grading, stabilization, and

possible mitigation will be looked at very closely by Staff. It is important to note that minor construction such as fencing and foul poles will possibly be built within this buffer area by 10 feet, but again only after careful examination by the Planning and Development Department in conjunction with the Wisconsin Department of Natural Resources.

The primary use of the Grafton Little League Complex, as it is to be called, will be for teams and players to practice and play sanctioned and regulation Little League baseball including girl's fastpitch softball. The fields would be used for practices and games during the normal season (April 1 to July 31). During the weekdays and Saturdays, the fields for games or practice would be used no earlier than 8:00 a.m. to approximately 10:00 p.m. in the evening. On Sundays, the fields for practices and games will also be used no earlier than 8:00 a.m. to approximately 8:00 p.m. in the evening

Director Rambousek also stated that the Complex could also be used to host Little League tournaments. These could include district, state, and regional tournaments. Tournaments are typically area played in July and August during the week and/or on weekends. Regarding timing, international tournament rules are followed which mandates that no inning can be started after 11:00 p.m.

The concession stand would be operational during games, tournaments, and some practices. There would also be a meeting room in this concession stand that would be used for on-site registration (for tournaments), board meetings, and other Grafton Little League functions.

When the batting cage facility is built, it is expected that it would be used year round with hours of operation from 8:00 a.m. to 10:00 p.m.

Director Rambousek stated that there are two major components of the Complex that will require extensive discussion at the Planning and Development Staff level and before the Plan Commission. The first issue is that of signage, which will go beyond the normal monument (complex sign), wall signage, and directional signs that are typically proposed. Little League sign needs will include the digital scoreboards for each field that are required to meet specific Little League International standards and in addition to those there is also a need for concession stand signage, fan protection signage, and advertising sponsor signage (usually posted against the outfield walls). As a result of these unique needs, Staff will be preparing a master sign plan document that will outline all of the requirements, expectations, and design standards regarding signage.

The second major issue is that of lighting. At this point, limited discussion has been held on lighting and again the Grafton Little League Complex will have unique needs beyond the typical parking lot lighting, building lighting, security lighting, and wayfinding/ pedestrian lighting. The fields will have lighting so night games can be played. Again, there has been almost no discussion on this issue. However, based upon tournament rules and scheduling needs field lighting will probably be added, whether it is in the immediate or distant future. Keep in mind field lighting can be 50 to 100 feet tall and has the ability to impact the environmental/cultural landscape in the evening in this more remote area of the Village. Therefore, short-term and long-term plans will need to be discussed regarding lighting and appropriate standards regarding the reduction of glare illumination levels, spillage, and intrinsic brightness will need to be established and followed.

Staff would like additional information regarding enrollment data, tournament information and schedules, and traffic/parking levels anticipated.

Mr. Rambousek indicated that additional aspects associated with the project will be required on the site plan. A stormwater management plan will be required and the construction of ponds will occur on the site. The details on this plan will be subject to the review and approval of the Village Engineer, but the Plan Commission will be made aware of the plan and its requirements as part of the review process.

Mr. Rambousek explained that the Department of Public Works, as mentioned at the last Plan Commission meeting will have a drop-off and storage site at the north end of the property. This site will be utilized for citizen yard waste drop-off and accessory storage of minor equipment. In concept, Staff is comfortable with this site and it will fit in with the planned I-Institutional District zoning of the site.

Staff is concerned with the screening for the planned compost pile. Mr. Rambousek indicated that they will work with the Grafton Little League and the Department of Public Works on an effective strategy for screening that will be brought forward to the Plan Commission as part of the Little League's full development plans. As indicated, the Planning and Development Staff has no issues (other than screening) with the proposed Department of Public Works use and recommends that the Plan Commission indicate the same so the Little League and Department of Public Works can continue to move forward with their respective project planning.

Director Rambousek also commented that because the Little League is not ready to go forward with the rezoning in April, Staff will initiate rezoning and hold the public hearing at the April 2009 Plan Commission meeting. This will allow the bidding of the Department of Public Works project to go forward on April 9, 2009. This would then allow for approval of building and construction of buildings and drop off site.

Dave Murphy, Director of Public Works/Engineer commented that the importance of this review will be the necessity to know that the Plan Commission is comfortable with the drop off site portion of this site plan so that he can keep both the schedule for the new DPW/CAD site on Hickory Street and the drop off site on Lakefield and Riverbend Road on schedule with the bidding process for construction. Both sites would be affected if the drop off site was not accepted by the Plan Commission. He stated that he would like to keep the schedule of bid on tract with the bids going out on April 9, 2009. He also would like to be sure that the Architectural Review Board has a comfort level with the project, as well. The Architectural Review Board is scheduled to meet on April 9, 2009. He also stated that the front far west side of the drop off site would be considered at some point as a possible nursery for the Village.

Mark Koehler, representing Grafton Little League, Marty Warden, representing R.A. Smith National, and Greg Smith, representing Musco Lighting Company were present.

Mr. Warden spoke to the Plan Commission members on the design of the park. He also stated that the complex was a nice addition to the Village and a good fit. It was a true green use with just small buildings on the site. He informed the Commission members that the Village is working on the lease with the Little League and the improvements on the property would be paid by the developer.

Commissioner Schlecht had questions on the maintenance of the property in general as well as the lighting of the field.

Mr. Koehler responded by stating that the Little League would be fully responsible for the upkeep and maintenance of the fields and the lighting.

Mr. Greg Smith, Musco Lighting Company, informed the Plan Commission that they have had some contact with the neighbors in the surrounding area and was greeted with positive responds on the complex in general. He added that the lighting for the fields would be on auto control at all times. This would eliminate the possibility of lights being left on overnight hours.

Commissioner Schlecht also had concerns on the National League guidelines, rules and regulations. He would like to know if the Village had any knowledge of these guidelines, rules and regulations and that they would fit in with the Village's guidelines in regards to public area park.

Director Rambousek assured Plan Commissioner Schlecht that he and his staff would be working very closely with the Little League staff on not only the use of the park, and the rules and regulations that the National League has in regards to signage, banners and advertising, but also the lighting on this particular project. He stated that special lighting plan would be developed because of the unique type of project this will be.

Commissioner Harms questioned the amount of lighting on all the fields and how it would impact the residents close by or the general area. He would like to see the lighting plan looked at very closely by the Planning and Development Staff. He suggested that landscaping and some sort of screening or berm be placed to the east property line for screening purposes for the new subdivision area being developed directly to the east.

Commissioner Plato also had several comments and concerns. One being that the complex is for "public use". She wanted the definition as far as the public being able to use the park freely if in fact the Little League has scheduled the park use for most of the season. She would like the definition to be spelled out for the public use.

She also had concerns regarding the steep slopes and grades of some of the areas throughout the park. She would like to see a 3 to 1 slope throughout the park. She was also opposed to the wall that was shown on the site plan on the southeast side nearest to Field C. She would like to see more grading in that area than a wall. She also had concerns with the area to the north near Field E and Field F as well as the Playground area. Again she stated that the slope appeared to be too steep. She also questioned if curb and gutter would be included in the parking lot area.

Mr. Warden of R.A. Smith National responded by stated that the parking lot would indeed have the curb and gutter.

Chair Brunnquell responded that the Village is working with the Little League on the lease which will spell out the public use and availability of the complex for the general public.

Commissioner Paschke had questions regarding the type of surfaces for the parking areas, paths, and the concession areas. He also questioned the balance of fill for the site.

Mr. Koehler explained that, at this time, the parking lot surface was planned for asphalt. The other areas such as the concession and paths would possibly a mixture of asphalt

and decorative stone or cement. He stated that for the first year the parking lot may just be gravel until the ground level settles before the asphalt is poured.

Commissioner Silasiri commented that the Complex was a great and positive addition to the community. He had some concerns about the Department of Public Works area for the brush drop off site along with the north driveway access to the site from Lakefield Road.

The Plan Commission members had a short discussion on the drop off site area and the slope and grade. It was the consensus of Plan Commission members that the drop off area should be looked at closer so not to have any run-off debris channel into the northern pond area and a catch basin be added.

Commissioner Plato added that a need for a swale in this drop off area would be an option. She also mentioned that the catch basin in the middle of the yard area would be a great suggestion. She again would like to see the slope to be 3 to 1, if at all possible.

Building Inspector, Tom Johnson reminded the Planning and Development Staff, as well as the Little League representatives that two separate Chapter 30 permits would have to be obtained from the DNR. One for the Little League portion of the site plan and one for the DPW drop offsite.

Commissioner Rieck had some concerns on the parking spaces and having adequate parking for tournaments. He was also opposed to having the wall near the outfield in site plan named as Field C.

After discussion, it was the general consensus by the Plan Commission members to have the Director of Public Works/Engineer move forward with the bidding process on the drop-off site located on Lakefield and Riverbend Road property site.

Review and consideration of valet parking for the Black Swan, located at 1212 – 1218 13 Avenue

Director Rambousek updated the Commission members on the events that have taken place at the Black Swan, since the February 24, 2009 meeting.

He stated that, at the February meeting, the Plan Commission issued a written warning to the Black Swan requiring that they meet all requirements/conditions of approval for the venue by March 2, 2009. That warning also stated that valet parking must be provided for all events and any violation or lack of compliance with all conditions and regulations from this point forward could jeopardize the original approval and occupancy of the Black Swan.

Director Rambousek stated that the Attorney for the Black Swan, Charles Cousland has requested to speak before the Plan Commission to address two specific issues. First, he would like to discuss the idea of creating a threshold for valet parking. This would mean that the size of the event would trigger the valet parking requirement. As mentioned at the previous Plan Commission meeting, Staff may be open to such a provision; however, Staff support would be dependent upon the established threshold point for the valet parking requirement. Mr. Rambousek stated that an appropriate starting point for sake of discussion might be 40 attendees.

The second issue Mr. Cousland would like to discuss is the easement requirement for the valet staging area on the Bridgewater Condominium site and instead proposes it become part of a licensing agreement that is also referenced in the condominium documents. The original approval by the Plan Commission required that an easement be created that is also referenced in the condominium documents. Obviously, Mr. Cousland would like to modify that requirement as mentioned above. Staff does not have an issue with this request; however, keep in mind that it would require annual Plan Commission or Staff review to ensure the licensing agreement is accepted every year by the Bridgewater Condominium Association. If the agreement is not approved by the Association, then the applicant would need to find an alternative staging area that satisfies the Plan Commission. It is also possible that, with the acquisition of private property by the Village for additional public parking in the area, the need for valet parking will become less of an issue. Nonetheless, these are things the Plan Commission will need to consider as part of this requested modification.

Mr. Rambousek further reviewed background information for the Plan Commission members. He stated that at the November 25, 2008 Plan Commission meeting, the banquet facility, known as the Black Swan was approved as a use in the Brew Pub/Office Building Planned Unit Development - PUD located at approximately 1218 13th Avenue. The Black Swan is owned and operated by Grafton River Partners, LLC. As part of the review of their Plan of Operation, two employees are on site during the use of the facility. In addition, 5-10 employees are used as valet parkers dependent upon the size of the venue. There is no full hospitality staff so renters of the space need to provide their own means of food and beverage for their events. The facility in total is about 3,500 square feet with 2,400 square feet (40 feet x 60 feet) utilized at the main banquet floor. In addition to the elevator, there are two access points to the upper level via separate stairways. There is also a full kitchen (that can be utilized by the facility renters), bathrooms, and a coatroom. The banquet facility will accommodate a maximum of 200 people. Peak hours for the facility, based upon rentals, are on Fridays and Saturdays, 6:00 p.m. to 10:00 p.m. and also Sunday afternoons.

Director Rambousek informed the members that Staff was very comfortable with the use of the second floor as a banquet facility as long as the conditions of approval were/are followed. Specifically, those conditions as part of the November 25, 2008, Plan Commission approval include the following: 1) valet parking will be required to be provided for all events; 2) any issues or problems associated with the Black Swan related to parking will require further review by the Planning and Development Staff; 3) the agreement with St. Joseph Church for parking must be provided to the Planning and Development Staff; 4) the use of the internal drive must be identified in the condominium association documents; 5) a safe valet route must be reviewed with the Planning and Development; Police Department; and Village Engineer; 7) all tenants from Water Terrace must be notified, and signed and recorded copy of the Association agreement as easement for the use of the private driveway must be submitted to the Planning and Development Staff, 8) the Plan of Operation must be submitted along with recorded easement to the Planning and Development Department and, 9) signage is not part of this approval.

Mr. Rambousek indicated that Staff and the Village Board have received a number of complaints from local area businesses that valet parking (a condition of approval) was not provided as required or was terminated prior to the event starting. Therefore, Staff brought this item forward to the Plan Commission to re-examine and possibly

reconsider its approval on February 24, 2009. At that meeting, the Plan Commission issued the warning mentioned above as a result of the recent lack of adherence to the valet parking condition/requirement and several other conditions.

Mr. Rambousek stated that he has given waivers for four Chamber of Commerce events that will occur in the mornings. As he mentioned at last month's Plan Commission, he is uncomfortable doing this in the future and would like the Plan Commission to review valet waiver requests from now on unless specific criteria is provided to him. He stated that one morning event by Chamber has already been held and as of the date of this Plan Commission meeting there will be three more events. These events are expected to be done by 9:30 a.m. so any conflict would be limited, if at all.

Black Swan representative/owner Peter Sheperd and his attorney, Mr. Charles Cousland, requested to speak before the Plan Commission.

Attorney Cousland, Godfrey & Kahn, reviewed in detail the discussions that he had with his client, Peter Sheperd and Director Rambousek on the original conditions that had been set up for the Black Swan.

Mr. Cousland stated that he would like to have the Plan Commission consider some common sense revisions in the parking rules.

He stated that he and his client had recently met with Mr. Rambousek and think that they had made progress on the matter.

He further stated that events which are anticipate to have less than 40 attendees could use all allotted street parking on Bridge Street and 14th Avenue and would not need valet parking for those events. He also was asking that the condominium documents be amended to include the necessary language, but a licensing agreement with the associated should be signed instead of an easement.

There was considerable discussion on this matter by Plan Commission members, Village staff and local business owners.

Stephanie Metz –Vino 100 -1239 Washington Street, expressed her concern that the guidelines or conditions originally implemented should be enforced by the Village regarding the valet parking requirement for the Black Swan.

William Pence-Grafton Ski and Cyclery-1275 Washington Street, expressed his feelings on all the businesses in the downtown area needing to work together regarding the parking issue and everyone needs to know all the guidelines in this transitional period.

Commissioner Schlecht stated that he would like to see simple guidelines for this matter. The more complicated the requirements, the more likely it will be difficult to enforce.

Commissioner Harms questioned how many events could be held in a day and wanted to know how the Village could enforce any of the new changes in valet parking.

Commissioner Plato thought that a threshold must be set for the number of attendees for all times of the day that an event was being held. All events that would require valet

parking, the Black Swan must provide to the Village the designation for this valet parking before the event.

Commissioner Paschke had no problem with changing the condominium agreement to a lease agreement. He was on board with anything that Director Rambousek suggests. He would also like to see all valet parking events require that an agreement be signed or correspondence with whoever allows the valet parking to the Black Swan events.

Commissioner Silasiri had concerns on obtaining an accurate number of attendees per event and the enforcement of any change in the original conditions or amendments that maybe changed. He also was concerned about the number of events per day that the Black Swan would be allowed.

Commissioner Rieck reminded the Plan Commission that Mr. Sheperd was the one who brought up valet parking with the Plan Commission. Now, Mr. Sheperd is telling us that he doesn't care for the requirements. He would like to see the requirements be spelled out in a simple fashion.

Chair Brunnquell added that the Plan Commission would like to have common sense solutions to these issues. He asked if there were any more concerns or questions.

Attorney Cousland asked if the Plan Commission members would consider tabling this agenda item until he could further discuss the issue with Mr. Sheperd, in private.

Chair Brunnquell asked the Commission members for a motion to table said item, for a short time, to allow Attorney Cousland to convene with his client in private. Chair Brunnquell stated that the Plan Commission could bring this matter back later in the meeting when Attorney Cousland is finished meeting with his client.

Motion by Commissioner Harms, seconded by Commissioner Plato, to table the valet parking for the Black Swan venue to allow the owner and his attorney to discuss the matter. Approved unanimously.

Consideration of site plan approval for Department of Public Works site for proposed salt dome located at 1300 Hickory Street and a petition to amend Section 19.03.0301 Institutional District to increase the allowable height of accessory structures in the I district

Director Rambousek briefly reviewed the site plan for the DPW/CAC facility expansion, with the addition of a proposed salt dome, at 1300 Hickory Street. Director Rambousek stated that the Public Works/Community Activities facility (DPW/CAD) received final approval before the Plan Commission last month. The Department of Public Works will remain at the existing location with a facility that is expected to meet the needs of the Department for the next 25 years.

The DPW site is zoned I-Institutional and the approved DPW/CAD building and its use is considered a permitted use within that district. Earlier this evening, the Plan Commission was asked to consider an amendment to the zoning code to increase the allowable height of an accessory structure in the I district to accommodate a structure over the current allowance of fifteen (15) feet in height. The proposed addition to the site plan for the salt storage facility shows that it is anticipated to be approximately 32 feet in height. The need for the on-site salt storage facility has been well documented by

the Department of Public Works and the physics of the facility require a certain height to make the storage and removal workable.

Director Rambousek stated that the existing DPW property has two single story buildings; one serving as the primary building for offices, fleet, equipment, and storage and the other serving as a secondary garage for storage, equipment, and minor fleet. The area of each building is scaled to be approximately 13,000 square feet and 8,000 square feet, respectively. In front of the existing buildings, there is a parking lot for 22 vehicles for employees and citizens and to the east of that is a stormwater management pond.

He further stated that the project will be divided into two phases. First, the stormwater pond and front parking lot will be removed and construction will start on the new building in this location. The two existing buildings will remain operational during this phase. Upon completion of the first portion of the new building, the DPW/CAD will move in and demolition will start on the two existing buildings to be immediately followed with the remaining construction of the new building.

Director Rambousek reviewed the two possible locations for the proposed salt storage facility. The first location is in the southwest corner of the property, adjacent to Hickory Street. The second location is at the north end at the rear yard of the property.

Staff prefers the second location near the pool site for several reasons including: security, containment, a more appropriate setback, and it allows the space in the rear yard to be maximized. In addition, because the structure is so tall, if located along Hickory Street, it would dominate the architecture of that series of elevations and every attempt should be made through design to create a hierarchy that makes it appear secondary or accessory.

The Plan Commission members reviewed the site plan showing the two options for placement for the salt storage facility.

Jon Wallencamp, Kueny Architects, LLC, was present to answer questions on the two options for the proposed salt storage facility.

Director of Public Works/Engineer, Dave Murphy expressed his preference for locating the salt storage facility at the north end of the rear yard of the site.

The Plan Commission members overall were in favor of locating the salt storage facility at the north elevation option. There was limited discussion on the landscaping around the proposed salt storage facility and the shingle color for the facility.

Commissioner Mark Paschke was not in favor of the salt storage facility being located at the north end of the site. His concern was with the environmental impact for the public when visiting the Family Aquatic center.

Director Rambousek closed by stating that it was important that the salt building is located on site and as a result the Planning and Development Staff is supporting this proposal.

Chair Brunnquell requested two motions on this issued. One for the site plan for the addition of a salt storage facility and one for a recommendation to the Village Board on the text amendment change to Table 19.03.0301.

Motion by Commissioner Harms, seconded by Commissioner Silasiri, to recommend to the Village Board approve an Ordinance amending Table 19.03.0301 I-Institutional District Development Standards of the Village of Grafton zoning ordinance to append the maximum building height of accessory buildings allowing thirty-two (32) feet high Public Works accessory structures. Approved unanimously.

Motion by Commissioner Rieck, seconded by Commissioner Harms, to approve the site and architectural plans for the DPW/CAD building to be located at 1300 Hickory Street, with the salt storage accessory structure to be located at the north end of the site, subject to the following conditions: 1) Architectural Review Board approval with conditions from the February 12, 2009, meeting; 2) final landscaping details to be reviewed and approved by the Planning and Development Department; and, 3) all signage will be required to return to the Plan Commission at a future date for review and consideration. Approved 6-1 (M. Paschke-nay).

Chair Brunnquell requested that the Plan Commission members make motion to bring the Black Swan item back for

Motion by Commissioner Silasiri, seconded by Commissioner Harms, to bring back agenda item # 19 Black Swan PUD amendment compliance discussion. Approved unanimously.

Consideration of valet parking for the Black Swan, located at 1212 – 1218 13th Avenue

Attorney Cousland reviewed with the Staff and Plan Commission members the modifications to the original PUD on valet parking for the Black Swan and stated that his client has agreed that valet parking would be provided for events with 40 or more attendees.

Mr. Rambousek reminded the Plan Commission that the basis for 40 attendees came from the fact that Mr. Rambousek determined that, if the Black Swan space was used as office, there would be room for about 20 employees, which means 20 vehicles. He added that he thinks 40 attendees at an event would mean 20 automobiles as well, therefore, anything beyond that would require valet parking.

Director Rambousek reviewed the modifications with the Plan Commission members: 1) to make valet parking available at any event attended by more than 40 attendees, including employees; 2) the Black Swan must notify the Village by e-mail of all events at the Black Swan at least one week in advance of booking date (unless event is an emergency than the requirement will be 48 hours) of any event that will be attended by more than 40 people; 3) the Black Swan must also notify the Village by e-mail all events at the Black Swan for the next three months so officials can make spot checks and ensure the new rules are being followed; 4) easement with condominium agreement to change to a (two-year) lease agreement where mentioned in the previous conditions; and, 5) when a remote parking site is

used, a letter of agreement shall be provided to the Planning and Development staff prior to the event (a threshold amount for this item will be determined at a future Plan Commission meeting but for right now this requirement is base upon if all on-site, Bridge Street, and 14th Avenue parking stalls plan to be used then a remote option must be found.

It was agreed that any additional information need/required from these modifications would be given to the Planning and Development Staff within 15 days of this meeting.

Planning Commissioner Plato commented that her only concern was that if modifications are to be made and approved by the Plan Commission, then it is important to find a solution that was in the best interest of all the merchants in that area. She stated that she is willing to work with the Black Swan; however, everyone must be on the same page in regards to any of the guidelines that are set and approved along with all deadlines that must be met.

Director Rambousek suggested that this item be reviewed again in 3 months as a status report.

Motion by Commissioner Silasiri, seconded by Commissioner Harms, to create a threshold requirement for the valet parking based on the following: 1) When holding an event that has more than 40 attendees the Black Swan is required to provide valet parking; 2) the Black Swan must notify by e-mail of all events at the Black Swan at least one week in advance of booking date (unless event is an emergency) of any event that will be attended by more than 40 people; 3) if there would be an emergency booking, the Black Swan would need to inform the Planning and Development Staff by e-mail 48 hours prior to the emergency booking. Approved unanimously.

Motion by Commissioner Paschke, seconded by Commissioner Plato, to amend original conditions 7 and 8 from the November 25, 2008, approval and allow a (2) year licensing agreement that is renewable annually after the first two years as a substitute for the easement requirements with the understanding that the licensing agreement will be received by the Planning and Development Staff from the applicant no later than 15 days from this Plan Commission meeting held on March 24, 2009. Approved unanimously.

Motion by Commissioner Paschke, seconded by Commissioner Plato, to amend original condition 3 from the November 25, 2008, approval to allow any given location to be utilized for remote parking site as long as permission is granted to the Black Swan and provided to the Planning and Development Staff as a substitute of the original approval which only allowed remote parking for St. Joseph parking lot. Approved unanimously.

Chair Brunnquell indicated that other issues such as a specific parking count threshold for when the remote parking requirement kicks in and a waiver process for valet parking will need to be discussed in detail at a future meeting.

Chair Brunnquell also stated that he agreed with Director Rambousek's comment that this item will be reviewed again in three months by the Plan Commission to see how things are going with the Black Swan.

BENCHMARK MEASUREMENTS

Director Rambousek reviewed the 2009 benchmark report with the Plan Commission.

OLD BUSINESS

Commissioner Schlect inquired about the Highland Ridge residential portion and when would the Village see construction on this phase of the project.

Director Rambousek stated that by early this summer construction should be started in the residential portion of Highland Ridge.

NEW BUSINESS

None.

ADJOURN

Motion by Commissioner Paschke, seconded by Commissioner Harms, to adjourn at 9:00 p.m. Approved unanimously.