

VILLAGE OF GRAFTON
PLAN COMMISSION MEETING MINUTES
TUESDAY, DECEMBER 18, 2012

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

Plan Commission members present: Jim Brunnuell, Amy Plato, Richard Rieck, Carl Harms, Randy Silasiri, and Mark Paschke

Commission members absent: Alan Kletti.

Staff Present: Director of Planning and Development Michael A. Rambousek and Administrative Assistant Melissa Depies.

Others present: Alan Schupp-Habitat for Humanity Ozaukee Chapter, BJ Cook, Rhonda Fritz, Diane Walsh, and Roger Knepperath.

MINUTES

Motion by Commissioner Harms, seconded by Commissioner Paschke, to approve the November 27, 2012, Plan Commission meeting minutes as presented. Approved unanimously.

HEAR PERSONS REQUESTING TO BE HEARD

None

COMMENCE PUBLIC HEARING

Statement of Public Notice

Administrative Assistant Melissa Depies stated the purpose of the public hearing is to review a proposed ordinance for Transient Street Merchant to be identified in Section 19.03.0803 (J) of the Village of Grafton Zoning Code.

Director of Planning and Development Michael Rambousek stated that the ordinance language is as proposed in prior meetings. However there are language amendments that need to be included, those amendments have been double underlined:

“Transient Street Merchant” registration is not required for events held or sponsored by the Grafton Area Chamber of Commerce, Village of Grafton, or other similar civic institutions, or charitable entities with operations in or related to the Village of Grafton as approved by the Plan Commission. Further exemptions or common situations that do not require registration: 1) Any person or entity involved in typical home deliveries such as, but not limited to, medicinal products, newspapers, fuel products, dairy products or bakery goods to regular customers; 2) Any person selling agricultural products, such as a farmer’s market, which such person(s) has grown and is sold based on restrictions identified in Section 19.03.0803(J) of the Village of Grafton Zoning Code; 3) Any

person(s) holding a sale required by Wisconsin State Statute or by order of any court and any person conducting a bona fide auction sale pursuant to law; 4) any religious organizations for which there is provided proof of tax-exempt status pursuant to Sec. 501(c)(3) of the United States Internal Revenue Code shall be exempt from the requirements of providing an application and registration fee, and 5) any veteran of the United States Armed Forces who holds a special State of Wisconsin license pursuant to Section 440.151, Wis. Stats., shall be exempt from providing an application and registration fee, if such veteran provides the Director of Planning and Development with the following information: a) the veteran's name and permanent address; b) the nature of the proposed transient street business; c) proposed dates and times of transient street operation; and d) copy of State of Wisconsin license pursuant to Sec. 440.151, Wis. Stats. The sponsoring entity as allowed in this ordinance or by the Plan Commission will then have the authority to approve or deny any street merchant operation within 50 feet of the event boundaries.

There were no public questions or comments.

Commissioner Silasiri questioned what types of events or street sales would be exempt from registration. Director Rambousek responded that the exempted events include any event sponsored by Grafton Area Chamber of Commerce or the Village of Grafton, any event or sponsor the Plan Commission reviews and approves for exemption and also any sidewalk sale by a business owner that is located in front or near the building they legally occupy. Even though these events or sponsor would be exempt from the street merchant regulations, other regulations such as a required site plan review may still apply.

Commissioner Silasiri questioned if it would eliminate door to door sales and deliveries such as Schwan's. Director Rambousek indicated that under those ordinances those types of vendors would still be able to operate as allowed by local, state and federal laws.

Chair Brunnquell then closed discussion on this matter.

COMMENCE PUBLIC HEARING

Statement of Public Notice

Administrative Assistant Melissa Depies stated the purpose of the public hearing is to review a proposed amendment to the Comprehensive Plan for 2035's Land Use Map, as requested by Habitat for Humanity Lakeside Ozaukee Chapter property owners as follows: Modifying the land use options for a 1.01 acre parcel located on the north side of Columbia Road just west of the Sendik's Store (2195 First Avenue) from the current Commercial use designation to Medium Density Urban Residential (2.4 to 4.4 dwelling unit/acre) use designation.

Chair Brunnquell stated that this matter has been before the Plan Commission several times over the past few years. This is the public hearing for modification to the Comprehensive Plan's Land Use Map.

Director Rambousek stated that there are three components to allowing the requested project on this property: 1) designation change in the land use map; 2) annexation of the property, and 3) rezoning of the property. He added that rezoning the property will change the designation from Commercial to Medium Density Urban Residential. This will allow the requested use for this property of two buildings with a total of three units.

Director Rambousek indicated that he has spoken to the abutting neighbor to the west and appeared to be satisfied with the initial layout but may have further questions as the project progressive. These issues will most likely involve screening, landscaping preservation of natural areas.

Roger Knepperath, 4622 Columbia Road, Cedarburg, stated that he lives one property down from this parcel and he has not seen the site plan but wanted to make the Plan Commission aware that a storm sewer ran through the property as well as a culvert that is under the road. He stated that with these obstacles the driveway to these homes will be very narrow. Director Rambousek stated that Mr. Knepperath is correct and then further indicated that the Village and the developer are aware of the storm water facilities on this property. He also stated that the driveway will be moved to the most eastern side of the property and it was his opinion that the drainage issues will be enhanced as a result of this project.

Chair Brunnuell stated that the site plan, engineering, and final details of the project have not been finalized, it is all conceptual at this time and input that is received this evening will be taken into account as the final plan is designed.

Diane Walsh, 2135 Pine Ridge Court, objected to this use for this parcel. She stated that the parcel is too narrow for two buildings and three living units. She indicated that the people who would live there will not be happy living there because of the noise coming from Sendik's. She is opposed to that density of housing on that parcel.

B.J. Cook, 2120 Pine Ridge Court, stated that she is in agreement with all comments. She also was concerned that the property values for her condominium complex could be lowered considerably due to this project. She questioned why they were proposing three living units as opposed to just one.

Alan Schupp, President of Habitat for Humanity Lakeside Ozaukee Chapter, explained that Habitat for Humanity's goal is to provide quality affordable housing for families. In speaking with the Village Assessor's Office, it is anticipated that the assessment of land (excluding building improvements) will be approximately \$60,000, so it would not be affordable for one family to live there based upon the anticipated mortgage, insurance, and property taxes. To get this land assessment to a figure that will work financially, it needed to be split amount the \$20,000 property owners.

Mr. Schupp further explained that the trees on the north side of the property will not be removed. The homes will be constructed in the middle of the lot and may even create a

sound barrier for the condominium complex from traffic and other commercial noise. Ms. Cook indicated that she is on the condominium board and the board is opposed to this development, they would like this property to be considered for another use.

Director Rambousek explained that the property is currently designated for commercial use. He also stated that this is a one acre parcel that is proposed to accommodate three total units. The density of the condominium complex to the north is approximately six or seven residential units per acre. This project seems to be a good fit for this parcel based on the surrounding environment, there is commercial on one side, single-family residential on the other and multi-family condominiums adjacent to the north. Three living units is a good transition. The first residential building will be constructed with the same set back as the existing home to the west so the new building will fit right in with the neighborhood.

Ms. Cook questioned the timing of the development. Mr. Schupp indicated that they would like to break ground in late spring or early summer. The project timeline is to begin in 2013 and be completed by 2015.

Chair Brunnquell stated that this process will take several months because the Village needs to annex the property and the zoning of the property needs to be changed.

Rhonda Fritz, 2120 Pine Ridge Court, stated she is opposed to this project. She stated that the property is currently zoned as low density single-family and questioned why it needed to be changed. Director Rambousek responded that the property is currently located in the Town of Cedarburg and currently that is the applicable zoning district. However, if the property is annexed into the Village of Grafton it will need to be rezoned from the Village's default zoning district, A-3 Agricultural Holding, to an applicable multi-family district.

Ms. Walsh stated that she understands that this development will need to cross the corner of the Pine Ridge Condo property for sewer. This would create an easement, which would hinder the way the condos can landscape and it would take away a portion of their property. Director Rambousek indicated that the condominium plat already provides the necessary easement for the sewer extension to this property.

Lisa Harbeck, 907 17th Avenue, stated that this project has been in the works for several years. Adjustments have been made from the developer as well as the Village to make this a quality project. This is a great plan and there is support from the community and the local churches for this project.

Commissioner Paschke questioned if a wetland delineation was reviewed by the Wisconsin Department of Natural Resources (WDNR). Director Rambousek responded yes and that the WDNR indicated that a Chapter 30 permit will not be necessary. Prior to construction, the applicant will need to file a notice of intent with the WDNR.

Commissioner Paschke questioned if the Department of Public Works had an opportunity to look at the storm water issue. Director Rambousek responded that this property due to its size, will not be susceptible to the most stringent standards, however the Village and the applicant will be working together with landscaping, screenings and rain gardens.

Commissioner Silasiri questioned when the engineering study would be complete. Director Rambousek indicated that they will start the engineering meetings in the near future and he hopes to have engineering information at the January Plan Commission meeting. Commissioner Silasiri commented that he believes going from commercial to medium density residential was a good option for this parcel.

Commissioner Harms stated that he understands the concerns of the Pine Ridge Condominium residents, however, he did not believe they would want a commercial zoning either. He hoped that the residents would be pleased once they had an opportunity to review the site plan.

Commissioner Plato indicated she agreed with all of the comments stated.

Chair Brunnquell explained that land use is an opportunity for the community to look at the transition from neighboring areas. This is a parcel that is ripe for a land use map change since it has single family on one side, commercial on the other side, and multi-family condo to the rear. The intent is to transition from residential to commercial. This also addresses a long term issue to fulfill a community need to provide economically priced housing. The original plan that had the home toward the back of the lot has been changed, Habitat for Humanity has shown the willingness to work with the Village to make this a quality project.

Ms. Fritz indicated that there has not been any communication with the residents of Pine Ridge Condos until this meeting. Chair Brunnquell stated that he was out at the property and did talk personally to some of the neighbors while he was on site.

Ms. Cook requested to have Mr. Schupp and Mr. Rambousek come to a meeting with the Pine Ridge Condominium residents so they can get all questions and concerns answered. They both agreed.

Ms. Walsh stated that she talked to Mr. Brunnquell the day he was on site. She stated that Mr. Brunnquell said that no more than 30 percent of the trees can be removed for the project. She asked how that can you put in two homes with the drainage that is necessary, the driveways, and everything else needed. She then asked why the Village needs to change the land use map from commercial to residential.

Chair Brunnquell explained that when a property is annexed into the Village of Grafton, it comes in zoned as A-3 Agricultural Holding and when the appropriate time comes for the Village of Grafton to rezone the property, the land use map provides the basis to rezone the property to residential.

Ms. Walsh indicated her displeasure with the Village of Grafton by allowing these changes. She stated that Village of Grafton is not aesthetic anymore and believes that anything is allowed. She suggested that Habitat for Humanity purchase a duplex and rehab it for the families rather than building new structures.

Mr. Knepperath questioned if this was the best choice of land for Habitat for Humanity or would there be another piece of property that would better meet their needs. Chair Brunnuquell responded that the Village does not solicit the developers to come to the Village. The Village of Grafton takes those requests and acts upon them accordingly. The Village Board and the Plan Commission acts and reacts to the changing environment.

Mr. Schupp stated that the number one problem for Habitat for Humanity has is finding property to build affordable housing. This is not the ideal lot but they will build something that makes the Village proud.

Chair Brunnuquell then closed discussion on this matter.

COMMENCE PUBLIC HEARING

Statement of Public Notice

Administrative Assistant Melissa Depies stated the purpose of the public hearing is to review a petition to rezone a 1.01 acre parcel, owned by Habitat for Humanity Lakeside Ozaukee Chapter located in the Town of Cedarburg (Parcel 03-026-04-011.00) from A-3 Agriculture Holding by default upon annexation to be rezoned to PUD-Planned Unit Development.

Director Rambousek explained that this is the public hearing for the rezoning of the property upon annexation to the Village of Grafton. Actual action on this item will take place after annexation consideration, which will occur at a future meeting.

Chair Brunnuquell stated that PUD-Planned Unit Development is zoning that allows for multi-family housing which is consistent with the current request.

Chair Brunnuquell then closed discussion on this matter.

COMMENCE PUBLIC HEARING

Statement of Public Notice

Administrative Assistant Melissa Depies stated the purpose of the public hearing is to review a proposed amendment to the Comprehensive Plan for 2035's Land Use Map, as requested by Al and June Kohlwey, property owners located at 1127 Keup Road (with the exception of the 15 feet running along the southern border of said parcel) as follows: Modifying the land use from Median Density Urban Residential to Park and Recreational.

Chair Brunnquell stated that this matter has been before the Plan Commission several times. This public hearing is just a formality to designate the land in the Comprehensive Plan's land use map as Park and Recreational. There were no comments or concerns on the matter.

Chair Brunnquell then closed discussion on this matter.

COMMENCE PUBLIC HEARING

Statement of Public Notice

Administrative Assistant Melissa Depies stated the purpose of the public hearing is to review a petition to rezone a 0.409 acre of land, owned by Al and June Kohlwey. The parcel of land is located at 1127 Keup Road. This parcel is currently zoned R-2 Single Family Residential and would be rezoned as PR-Park and Recreation.

Chair Brunnquell stated that this is a petition to rezone the parcel of property from Single Family Residential to Park and Recreation. There were no comments or questions on this matter.

Chair Brunnquell then closed discussion on this matter.

CONSIDERATION OF PROPOSED ORDINANCE FOR TRANSIENT STREET MERCHANT TO BE IDENTIFIED IN SECTION 19.03.0803(J) OF THE VILLAGE OF GRAFTON ZONING CODE.

Director Rambousek indicated that staff is recommending approval of this ordinance with the modifications as discussed earlier.

Motion by Commissioner Paschke, seconded by Commissioner Harms, to recommend the Village Board approve an ordinance, with added language from the public hearing, for Transient Street Merchant to be identified in Section 19.03.0803 (J) of the Village of Grafton Zoning Code. Approved unanimously.

CONSIDERATION OF A PLAN COMMISSION RESOLUTION AND RECOMMENDATION TO THE VILLAGE BOARD FOR THE ADOPTION OF A RESOLUTION AMENDING THE COMPREHENSIVE PLAN FOR 2035'S LAND USE MAP, AS REQUESTED BY HABITAT FOR HUMANITY LAKESIDE OZAUKEE CHAPTER PROPERTY OWNERS AS FOLLOWS: MODIFYING THE LAND USE OPTIONS FOR A 1.01 ACRE PARCEL LOCATED ON THE NORTH SIDE OF COLUMBIA ROAD, WEST OF THE SENDIK'S STORE (2195 FIRST AVENUE) FROM THE CURRENT COMMERCIAL USE DESIGNATION TO MEDIUM DENSITY URBAN RESIDENTIAL (2.4 TO 4.4 DWELLING UNIT/ACRE) USE DESIGNATION

Motion by Commissioner Harms, seconded by Commissioner Silasiri, to adopt a Plan Commission resolution to amend the Comprehensive Plan for 2035's Land Use Map as requested by Habitat for Humanity Lakeside Ozaukee Chapter modifying the land use designation for a 1.01 acre parcel located on the north side of Columbia Road, west of the Sendik's Store (2195 First Avenue) from the

current Commercial use designation to Medium Density Urban Residential (2.4 to 4.4 dwelling unit/acre) use designation. Approved unanimously.

Commissioner Rieck offered up the motion to recommend to the Village Board the adoption of a resolution to amend the Comprehensive Plan for 2035's Land Use Map for a 1.01 acre parcel located on the north side of Columbia Road, west of the Sendik's Store (2195 First Avenue) from the current Commercial use designation to Medium Density Urban Residential (2.4 to 4.4 dwelling unit/acre) use designation.

Motion by Commissioner Rieck, seconded by Commissioner Plato, to recommend the Village Board approve an ordinance to amend the Comprehensive Plan for 2035's Land Use Map for a 1.01 acre parcel located on the north side of Columbia Road, west of the Sendik's Store (2195 First Avenue) from the current Commercial use designation to Medium Density Urban Residential (2.4 to 4.4 dwelling unit/acre) use designation. Approved unanimously.

CONSIDERATION OF PLAN COMMISSION RESOLUTION AND RECOMMENDATION TO THE VILLAGE BOARD FOR THE ADOPTION OF A RESOLUTION AMENDING THE COMPREHENSIVE PLAN FOR 2035'S LAND USE MAP, AS REQUESTED BY AL AND JUNE KOHLWEY, PROPERTY OWNERS LOCATED AT 1127 KEUP ROAD (WITH THE EXCEPTION OF THE 15 FEET RUNNING ALONG THE SOUTHERN BORDER OF SAID PARCEL) FROM MEDIAN DENSITY URBAN RESIDENTIAL USE DESIGNATION TO PARK AND RECREATIONAL USE DESIGNATION. THIS 0.409 ACRE OF LAND IS ADJACENT TO GRAFTON LIONS PARK AND IS DONATED WITH THE SOLE INTENT TO BENEFIT THE PUBLIC'S USE OF THE PARK

Motion by Commissioner Harms, seconded by Commissioner Rieck, to adopt a Plan Commission resolution to amend the Comprehensive Plan for 2035's Land Use Map for a 0.348 acre segment of the 0.409 acre property, owned by Al and June Kohlwey located at 1127 Keup Road modifying the land use designation from Median Density Urban Residential use to Park and Recreational use. Approved unanimously.

Commissioner Silasiri offered the motion to recommend the Village Board adopt a resolution to amend the Comprehensive Plan for 2035's Land Use Map for a 0.348 acre segment of the 0.409 acre property, owned by Al and June Kohlwey located at 1127 Keup Road modifying the land use designation from Median Density Urban Residential use to Park and Recreational use.

Motion by Commissioner Harms, seconded by Commissioner Rieck, to recommend the Village Board approve an ordinance to amend the Comprehensive Plan for 2035's Land Use Map for a 0.348 acre segment of the 0.409 acre property, owned by Al and June Kohlwey located at 1127 Keup Road modifying the land use designation from Median Density Urban Residential use to Park and Recreational use. Approved unanimously.

Motion by Commissioner Rieck, seconded by Commissioner Silasiri, to recommend Village Board approve an ordinance to rezone a 0.348 acre segment of the 0.409 acre property, owned by Al and June Kohlwey, located at 1127 Keup Road from R-2 Single Family Residential District to PR-Park and Recreation District. Approved unanimously.

OLD BUSINESS

Economic Development Report-November 2012: Director Rambousek briefly reviewed the Economic Development Report through November 2012. He stated that this report indicates the number of business contacts his department has made over the course of the year. Each business was mailed the economic development packet to try to get businesses interested in the Village of Grafton.

NEW BUSINESS

None

ADJOURN

Motion made by Commissioner Harms, seconded by Commissioner Plato, to adjourn the Plan Commission meeting at 7:10 p.m. Approved unanimously.