

VILLAGE OF GRAFTON

PLAN COMMISSION MEETING MINUTES

FEBRUARY 25, 2014

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

Plan Commission members present: Village President Jim Brunnquell, Mark Paschke, Alan Kletti, Carl Harms, Randy Silasiri, Trustee David Liss, and Amy Plato (6:08 p.m.)

Officials/Staff Present: Trustee Lisa Harbeck, Director of Planning and Development Jessica Wolff, and Administrative Secretary Deborah A. Brown

Others present: Citizens of the Community

MINUTES

Motion by Commissioner Kletti, seconded by Commissioner Liss to approve the January 28, 2014 and February 3, 2014 Plan Commission meeting minutes as presented. Motion carried.

HEAR PERSONS REQUESTING TO BE HEARD

None

COMMENCE PUBLIC HEARING

Statement of Public Notice

Director of Planning and Development Jessica Wolff stated the purpose of the Public Hearing is for the public review and comment on an amendment to the Village of Grafton Zoning Ordinance to repeal and recreate Section 19.03.0210 to allow emergency and non-emergency medical transportation services (SIC #4119- Local Passenger Transportation) as a conditional use in the M-1 Industrial zoning.

Director Wolff stated that the Village recently learned that an emergency medical service is operating in Grafton in our M-1 Industrial zoning district on Beech Street. The Village's Zoning Ordinance currently does not accommodate this type of transportation use. She further stated that this use is appropriate for the general industrial district and fits well with other conditional uses in the M-1.

There were no public comments. There were no concerns or comments from the Commission members. With no comments or concerns, Chair Brunnquell closed the public hearing item.

Chair Brunnquell asked if the Commission was comfortable moving forward with this item later in the meeting and it was the consensus to move forward with action.

COMMENCE PUBLIC HEARING

Statement of Public Notice

Director Wolff stated the purpose of the Public Hearing is for the public review and comment on an amendment to the Village of Grafton Zoning Ordinance to repeal Section 19.03.0703(F), create

Section 19.03.0704, and amend Table 19.03.0602 Permitted and Conditional Uses in Residential Districts regarding Mobile Service Support Structures and Facilities.

Director Wolff stated that the State adopted preemptive communication (cell) tower regulations as part of the 2013 budget bill. The new law preempts most of the Village's ability to control the location or procedures regulating these types of towers. It includes numerous limitations and provides for mandatory application procedures. The Village will still be able to regulate the siting and construction of new towers and facilities and modifications to some existing towers and facilities. She further noted that this amendment would then coincide with the new State laws.

There were no public comments. Chair Brunnquell then asked for comment or concerns from the Commission members.

Commissioner Silasiri asked if "substantial modification" was defined somewhere. Director Wolff stated that "substantial modification" was defined by the State and that all State definitions are adopted by reference in the proposed Village Zoning Ordinance amendment.

A short discussion took place on the current heights of the Village water towers being approximately 140 feet which would not interfere with the new 200 feet restricted height. Director Wolff also added that the Village does not allow towers in residential districts and the new law, which prohibits restricting the height of a tower up to 200 feet, applies in all the Village's zoning districts.

With no further comments or concerns, Chair Brunnquell closed the public hearing item and asked if the Commission would proceed with action later in the meeting. The Commission was in consensus to proceed with action later in the meeting.

COMMENCE PUBLIC HEARING

Statement of Public Notice

Director Wolff stated the purpose of the Public Hearing is for the public review and comment on an amendment to a conditional use permit (CUP) as requested by William Gruetzmacher to allow music and open the windows on the seasonal patio at the Bridge Inn located at 1216 Bridge Street. Director Wolff stated that William Gruetzmacher, owner of the Bridge Inn, has requested a public hearing and consideration of an amendment to their conditional use permit to allow stereo music (no live music) and open the windows on the seasonal deck at the Bridge Inn located at 1216 Bridge Street (SIC #5813 Drinking Places), per Table 19.03.0301B in the CBD Central Business District. The applicant indicated that opening the windows would make the deck more comfortable for customers in the warmer months.

She then reviewed with the Plan Commission members the previously approved conditions on the January 25, 2011 Plan Commission meeting for conditional use approval of the already-constructed full service wet bar and television on the deck as listed below.

Motion by Commissioner Rieck, seconded by Commissioner Plato, to approve the issuance of a conditional use permit, to Bridge Inn, LLC located at 1216 Bridge Street subject to the following conditions:

- 1) The construction of a vestibule at the main building entrance to help reduce the impact of noise generated when the main door opens and closes in this location (the Planning and Development Department will consider other effective alternatives);

- 2) The hours of operation for the patio's wet bar to serve beverages and the operation of the patio's television/stereo will be allowed between the hours of 11:00 a.m. to 1:00 a.m. Monday thru Sunday;
- 3) No live music on deck area without approval from the Village of Grafton;
- 4) The television or stereo volume will be kept at a level that cannot be effectively heard more than 15 feet from deck area; and
- 5) Three sides of the patio should remain enclosed year around.

Director Wolff asked for clarification on condition #4 in regards to the television and stereo. She further stated that Staff has reviewed this request and does not support the proposed changes and finds them to be incompatible with the site and the surrounding uses.

Chair Brunnuell then ask Mr. Gruetzmacher if he would like to say a few words on his requested amendment. Mr. Gruetzmacher explained that what he is requesting are two minor changes. One is that he would like to install two speakers on the outdoor seasonal patio and number two is that he would like to be able to open a few windows on the deck periodically to air out and cool down the patio. He also indicated that the deck gets very humid in the summer months. He added that the air conditioner does not do anything to cool off this area because it is not insulated. The cost to run the air conditioner is over a \$1,000 a month.

Director Wolff recommended that ventilation of this area be addressed through other means besides opening the windows. Director Wolff also noted that she had received emails and correspondence on this amendment from several residents and businesses surrounding the Bridge Inn and they were not in favor of this amendment going forward.

Chair Brunnuell asked the public for their comments.

Sue Hass, 1226 Water Terrace

Mrs. Hass indicated that she is opposing approval of this amendment of the conditional use permit due to the noise generated on the patio. She stated that she has two bedrooms that face the west side of her condo. With the windows closed, she can hear the bar patrons at certain times. She stated that most of the time it is when there are sporting events on the TV on the patio. She is also concerned that this may have a negative effect on her property values.

Chair Brunnuell then asked the Commission for their comments and concerns.

Commissioner Kletti thought that approving this amendment would have an adverse effect on the surrounding businesses. While operation of the business is generally acceptable, noise control is still a problem.

Commissioner Harms stated that he is opposed to this amendment as well. He questioned why air conditioning could not be looked at closer to cool and ventilate the patio.

Commissioner Paschke had concerns that initially this seasonal patio was built to address the State laws regarding smoking in public places. He further stated that this smoking area is slowly becoming an extension or addition of the bar. He is too is opposed to the request.

Commissioner Silasiri spoke that if the initial CUP condition states that noise should not extend past 15 feet of the premise and there are currently issues with the noise, then opening the windows would exacerbate the problem. He also thought that an open windows policy is too difficult to manage.

Chair Brunnuquell stated he had talked with Police Chief Wenten on the noise in this downtown location. He stated that Chief Wenten indicated that the sound carries quite far in this area and favors a denial of the amendment. Chair Brunnuquell further stated that he thinks that ventilating the patio is an issue of environmental structure of the seasonal patio. The applicant should further investigate his options on a long term solution of cooling this area. The seasonal patio is to accommodate the smoking laws and not to extend the area of the bar.

Chair Brunnuquell asked the Commission if they felt comfortable enough to move forward with taking action on this item later in the meeting. There were no objections to moving forward later in the meeting.

With no further comments or concerns, Chair Brunnuquell closed the public hearing.

COMMENCE PUBLIC HEARING

Statement of Public Notice

Director Wolff stated the purpose of the Public Hearing is for the public review and comment on a conditional use permit (CUP) as requested by 9Round Fitness to allow for a fitness center, (SIC #7991-Physical Fitness Facilities) in the C-4 Freeway Interchange Business District located at 1359 Port Washington Road in the Schmit Pavilion Phase 2 Strip Mall.

Director Wolff stated the facility will be a tenant in the Schmit Pavilion Phase 2 Strip Mall at 1359 Port Washington Road, the former location of Mr. Shoe, which is a total of 1,300 square feet. 9Round is a national franchise affiliated with Snap Fitness. The activity is a standardized circuit-based workout with nine stations (rounds) that members rotate through on each visit. Workout time is 30 minutes with 3 minutes spent at each round and a 30 second "active rest" between rounds. No security measures are proposed at this time and there would be minimal noise generated from music and punching/kicking bags. She further noted that she had a chance to visit one of their existing sites in Whitefish Bay and found it to be a nice facility. Director Wolff expressed that this would be a great use for this space.

Jeffrey Thomson was present to answering any questions or concerns. He informed the Commission that there are nine locations in southeast Wisconsin. He stated that it has taken off very well and has become a very popular alternative to a regular gym workout.

There were no public comments and no concerns.

Commission held a short discussion on maximum number of people this location would hold and the parking availability. It was the consensus that the location would be more than adequate for the concerns of parking and number of people attending at any time of operation.

Commissioner Silasiri questioned the noise level of the music involved with the work outs. Director Wolff noted the noise level in the Whitefish Bay location was minimal.

Chair Brunnuquell closed the public hearing item.

Chair Brunnquell asked if the agenda items 26 and 27 could be moved up so to take action on these items now.

Commission had no objections.

Consideration of an amendment to a conditional use permit (CUP) as requested by William Gruetzmacher to allow music and open the windows on the seasonal patio at the Bridge Inn located at 1216 Bridge Street

Chair Brunnquell asked the Commission if ready to move forward with the motion to approve with the noted change in elimination of “the stereo music” in the motion.

Motion by Commissioner Harms, seconded by Commissioner Silasiri to deny an amendment to the conditional use permit to open the windows on the seasonal deck at the Bridge Inn located at 1216 Bridge Street and confirm the conditions applied to the use at the January 25, 2011 Plan Commission meeting. Motion carried.

Consideration of a conditional use permit (CUP) as requested by Jeff Thomson of 9Round Fitness to allow for a fitness center, (SIC #7991-Physical Fitness Facilities) in the C-4 Freeway Interchange Business District located at 1359 Port Washington Road in the Schmit Pavilion Phase 2 Strip Mall

Commissioner Silasiri suggested that the motion should add language in regard to following the Village noise ordinances.

Motion by Commissioner Kletti, seconded Commissioner Liss to approve a conditional use permit to allow a fitness center (SIC #7991-Physical Fitness Facilities) in the C-4 Freeway Interchange Business District at the property located at 1359 Port Washington Road in the Schmit Pavilion Phase 2 Strip Mall with the following conditions:

- 1) Hours of operation limited to Monday through Friday 6:30 a.m. to 8:00 p.m.; Saturday 8:00 a.m. to noon; closed Sunday.
- 2) Use limited to 1,300 square feet of floor area.
- 3) Submit a plan with a certified architect’s stamp for tenant change of use/alteration review.
- 4) Signage to be reviewed and approved by Planning and Development Staff.
- 5) All building code and other Village and State codes pertaining to occupancy of the building will be met, including those relating to noise.

Motion carried.

COMMENCE PUBLIC HEARING

Statement of Public Notice

Director Wolff stated the purpose of the Public Hearing is for the public review and comment on a conditional use permit (CUP) as requested by the Grafton Water and Wastewater Utility to allow for a replacement lift station (SIC #4952-Sewerage System) in the I Institutional District located at 999 Mole Drive at the Ninth Avenue Lift Station/Grafton Fire Department Training Center.

Director Wolff stated that the site is rather unconventional with a combination of utility uses and the Fire Department training center. She further noted that the proposed lift station building will be

approximately 19 feet by 22 feet; 14 feet 3 inches tall with a 4:12 pitched roof. The Utility intends to construct the building this spring. She stated that Staff has reviewed this request and finds the proposed lift station building to be compatible with the site and the surrounding industrial and public facility uses.

Chair Brunnquell asked the public for their comments.

Trustee Lisa Harbeck, 907 17th Avenue

Trustee Harbeck questioned what additional costs were involved from changing the construction material from concrete block to brick. Mr. Tim Nennig of the Grafton Water and Wastewater Utility was in the audience and responded by stating the costs were increased by approximately \$20,000. He further stated that any changes or time lapse on this project would most likely cost the Utility an increase in the bidding process. He indicated that this project had been in the planning phase for some time now and that the sooner the plans can be approved the better the cost savings for the Utility.

Chair Brunnquell reminded the audience that the Village holds all applicants accountable by the same standards when reviewing projects and that financial matters are not discussed by this government body.

Commission members held a lengthy discussion on the building site for the replacement lift station located at 999 Mole Drive. It was discussed that the site of the proposed building may be changed to shift to the northwest perhaps 5 or 10 feet to allow more room for the fire training center. The concerns by the Commission were on the final location of the building and whether landscaping and stormwater plans were needed for this project. They requested that Village Staff continued to work with applicant's engineer to clarify site plan changes if any were to be made. If significant changes were made, the project would have to return to the Plan Commission for review.

Mr. Nennig expressed his concern regarding changing the building location and suggested that the location had been approved by the Fire Chief and the Village Engineer.

Chair Brunnquell closed the public hearing item and asked if Commission was comfortable with moving forward with action on this item later in the meeting. There were no objections.

COMMENCE PUBLIC HEARING

Statement of Public Notice

Director Wolff stated the purpose of the Public Hearing is for the public review and comment on rezoning 4708 Columbia Avenue (Parcel 03-026-04-011.00) as requested by Habitat for Humanity from A-3-Agricultural Holding District to PUD-Planned Unit Development for the purpose of multi-family housing.

She stated that this particular project has been reviewed by the Plan Commission several times over the years; most recently, annexation of the property was approved on November 26, 2013. Now, the applicant is requesting rezoning from A-3 Agricultural Holding District to PUD Planned Unit Development to accommodate the proposed multi-family housing. She explained that the applicant is proposing to build one single family house and one duplex for a total of three residential units. The arrangement of the units has been changed since the most recent concept plan; the single family unit is now facing south on the south end of the lot closest to Columbia Avenue and the duplex is

positioned facing east toward the north end of the lot. Each unit will be approximately 1,300 square feet and will include a one-car garage.

She further added that the applicant indicated that the organization is concerned that the new proposed building arrangement (i.e., with the single family closest to Columbia Road) would not be acceptable to the Plan Commission, necessitating additional expense in preparing revisions. Therefore, the applicant intends to prepare the remaining PUD submittal requirements listed below following Plan Commission conceptual approval. She also noted that she had received correspondence from residents at Pine Ridge Condominiums on this project.

Present was Bob Meier, 1967 W. Acorn Drive representing the Habitat for Humanity Project. Mr. Meier gave a presentation on the overall layout of the project, the changes that Habitat thinks are necessary because of new information such as the Topographic Survey recently completed, and the feedback it received from the Planning and Development and Engineering Staff. Mr. Meier stated that he was looking for the Plan Commission “go ahead” on Habitat’s new concept plan.

Chair Brunnquell asked the public for their comments.

Sara Lerner, 2120F Pine Ridge Court

Ms. Lerner asked why she was not notified about the public hearing as she is on the Condo Association board. She would like to be put on the list for future notifications. She has concerns about the losing the natural wooded areas on the southern lot line of Pine Ridge.

Director Wolff responded to the request and will make sure the Condo Association will be contacted in the future.

Gail Griepentrog, 2135H Pine Ridge Court

Ms. Griepentrog stated one of the reasons she purchased her condo was the natural wooded environment which has also acted as a sound barrier. She did not want to see that diminish with this proposed project. She too would like to be put on the list for future meetings. She will oppose the project if the natural wooded areas are disrupted.

Craig Kuske, 2140E Pine Ridge Court

Mr. Kuske stated that he is opposed to this project.

Rhonda Fritz, 2120A Pine Ridge Court

Ms. Fritz asked that the natural wooded lot remain untouched and preserved. She believed that the noise level would also increase if this project would move forward.

John Orth, 910 17th Avenue

Mr. Orth stated that the Tillmann family donated this land in 2006 with the intent of developing it for multi-family housing. They wanted to try and preserve the wilderness of this area. He also stated that he has been involved with Habitat for Humanity for many years and would like to see this project go forward. He believed it is a project that Grafton will be proud of once completed.

Paul Linden, 2112D Pine Ridge Court

Mr. Linden stated that he just recently moved into this location because of its natural surroundings. He would not like that to be jeopardized with this project. He would want the wooded lot to be preserved as much as possible.

The Plan Commission held a discussion on entrance way and the driveway width. There was consensus that Habitat for Humanity can move ahead with the new proposed concept plan. Chair Brunnquell thanked Mr. Meier for the nice presentation.

Director Wolff stated that Staff will review the revised PUD submittal and CSM and bring it back to the Plan Commission in a couple months. The project could go to before the Architectural Review Board in May 2014 with final Village Board approval to follow.

With no further comments or concerns, Chair Brunnquell closed the public hearing item.

Chair Brunnquell stated that the action agenda items #30 (rezoning) and #31 (PUD) regarding the Habitat project would be tabled and action taken later in the meeting.

Final review and consideration of a recommendation to the Village Board on the Village of Grafton Park and Open Space Plan Update. The purpose of this document is to guide the preservation, acquisition and development of land for park, outdoor recreation, and related open space uses in the Village of Grafton. This document is an update to the 2008 Plan.

Motion was offered by Commissioner Silasiri.

Motion by Commissioner Liss, seconded by Commissioner Kletti to adopt a resolution adopting the updated 2014 Village of Grafton Park and Open Space Plan. Motion carried.

Consideration of an amendment to the Village of Grafton Zoning Ordinance to add SIC #4119 Local Passenger Transportation as a conditional use in M-1 Industrial zoning district

Motion by Commissioner Kletti, seconded by Commissioner Harms to recommend approval to Village Board to amend the Village of Grafton Zoning Ordinance Table 19.03.0603 Permitted and Conditional Uses in the Nonresidential Zoning Districts to add "Local Passenger Transportation" (SIC 4199) as a conditional use in the M-1 zoning district. Motion carried.

Consideration of an amendment to the Village of Grafton Zoning Ordinance to repeal and recreate Section 19.03.0703(F) regarding Commercial Communication Towers

Motion by Commissioner Silasiri, seconded by Commissioner Liss to recommend approval to Village Board to amend the Village of Grafton Zoning Ordinance to repeal and recreate Section 19.03.0703(F) regarding Commercial Communication Towers. Motion carried.

Consideration of a conditional use permit (CUP) as requested by the Grafton Water and Wastewater Utility to allow for a replacement lift station (SIC #4952-Sewerage System) located at 999 Mole Drive the location of the Ninth Avenue Lift Station/Grafton Fire Department Training Center

Motion by Commissioner Kletti, seconded by Commissioner Liss to approve a conditional use permit for a replacement lift station (SIC #4952-Sewerage System) in the I Institutional District at the property located at 999 Mole Drive at the Ninth Avenue Lift

Station/Grafton Fire Department Training Center as proposed with the following conditions:

1. Any minor changes to the location of the lift station building must be approved by the Village Engineer, the Director of Planning and Development, and the Fire Chief.
2. Any significant changes to the location of the lift station building must be brought back to the Plan Commission.

Motion carried.

Review a concept plan requested by Steve Weston property owner of 1929-31 First Avenue for a proposed Certified Survey Map (CSM) and duplex

Director Wolff gave a brief background on the request for a proposed Certified Survey Map and a review for a duplex to be located on First Avenue. She stated that the property owner Mr. Steve Weston was present to answer any questions.

Mr. Weston spoke briefly on his proposed project. He owns one of the apartment buildings on the southwest corner of Falls Road and First Avenue. He would like create a new lot to the south of the existing building for a duplex lot.

Chair Brunnquell stated that the current zoning and the Village's housing balance policy (per the Comprehensive Plan for 2035) would not allow any further multi-family development on this site.

Director Wolff responded that the applicant would need to rezone the property and be added to the South Commercial District, where multi-family housing is permitted.

Chair Brunnquell wanted Staff to determine the proper steps for amending the South Commercial District boundary, specifically, if the TID #4 boundary would also need to be amended. The Village would also look into the existing PUD and how it would be affected by the proposed CSM. He directed the Director Wolff to have the Village legal staff review this matter first before going further.

For informational purposes only.

Consideration of a recommendation to Village Board on rezoning the property located at 4708 Columbia Avenue (Parcel 03-026-04-011.00) as requested by Habitat for Humanity from A-3-Agricultural Holding District to PUD-Planned Unit Development for the purpose of multi-family housing

Motion by Commissioner Silasiri, seconded by Commissioner Harms to table rezoning of parcels located at 4708 Columbia Avenue (Parcel 03-026-04-011.00) from A-3 Agricultural Holding District to PUD Planned Unit Development as requested by Habitat for Humanity Lakeside Ozaukee County for the purpose of multi-family housing pending submittal of all necessary information. Motion carried.

Review and consideration of site plan and PUD-Planned Unit Development request by Habitat for Humanity for the property located at 4708 Columbia Avenue for the purpose of multi-family housing

Motion by Commissioner Silasiri, seconded by Commissioner Paschke to table the review and consideration of site plan and PUD-Planned Unit Development request by

Habitat of Humanity for the property located at 4708 Columbia Avenue for the purpose of multi-family housing. Motion carried.

New Business

A. Discuss possible Zoning Ordinance amendment regarding tourist rooming houses

Director Wolff gave a short background on the possible Zoning Ordinance amendment for tourist rooming houses. She stated that she was bringing this forward to see if the Commission would like to be proactive in establishing guidelines for this type of use which is becoming popular in some communities, mostly tourism destinations.

The Commission held a short discussion and instructed Director Wolff to move forward with this matter. They would like to see the use as a conditional use with specified criteria related to parking and signage consistent with the Village's current regulations. Director Wolff will prepare a draft for review in April.

B. Discuss draft Town of Grafton Office Zoning District

Director Wolff described recent efforts with the Town of Grafton on an Office Zoning District focused on properties located along the south side of Washington Street between Cheyenne Avenue and 17th Avenue. In general, the Plan Commission supported the Town having additional opportunities for nonresidential development. The dentist office is a great example of a Town project that was held to Village standards; this should continue with new projects. Also, the Plan Commission wanted new signage to meet the Village's stricter sign regulations. The Plan Commission does not support businesses with drive-thrus in this section of WIS 60 but not does object to "Banks without a drive thru component" in the list of permitted uses. The Plan Commission does not support multi-tenant "strip malls" in this area. The Plan Commission instructed Director Wolff to communicate their views with the Town and move forward on this matter.

Old Business

None

ADJOURN

Motion by Commissioner Silasiri, seconded by Commissioner Harms, to adjourn the meeting at 8:27 p.m. Motion carried.