

VILLAGE OF GRAFTON
PLAN COMMISSION MEETING MINUTES
OCTOBER 27, 2009

The Plan Commission meeting was called to order at 6:00 p.m. by Chair Jim Brunnuquell.

Chair Brunnuquell asked that the audience stand for the Pledge of Allegiance.

Board members present: Jim Brunnuquell, Alfred Schlecht, Mark Paschke, Carl Harms, Richard Rieck, and Amy Plato

Absent: Randy Silasiri

Staff/Officials present: Michael A. Rambousek-Director of Planning and Development, John Safstrom-Director of Parks and Recreation-Tom Johnson/Building Inspector, and Deborah A. Brown-Administrative Secretary II

MINUTES

Motion by Commissioner Harms, seconded by Commissioner Schlecht, to approve the minutes of the September 22, 2009, Plan Commission Meeting as presented. Approved unanimously.

HEAR PERSONS REQUESTING TO BE HEARD

None

CONCEPT REVIEW / SITE PLAN FOR THE PROPOSED SOUTH SIDE PARK ADJACENT TO FALLS CROSSING SUBDIVISION

Director of Planning and Development, Michael A. Rambousek reviewed the concept site plan for the proposed south side park adjacent to Falls Crossing Subdivision. Director Rambousek briefed the members and stated that the Parks and Recreation Board voted favorably to development a new south side park adjacent to the south Falls Crossing Subdivision, west of Port Washington Road. The Board also approved the concept layout of the park.

Director Rambousek stated that the proposed park will be built on 10 acres of a twenty acre parcel southwest of Falls Crossing Subdivision. The proposed concept (labeled "Concept 2") will be bisected on the north by a proposed road connection between Falls Crossing and Blue Stem Subdivision to the west. This was a road that was always envisioned during the review of these subdivisions. The area north of this road will be devoted to parking and a natural area. He mentioned that extra attention must be given to this area so it provides an appropriate visual transition from the neighborhood to the parking lot, which means appropriate landscaping, greenspace and screening must be provided in this area.

Director Rambousek indicated that the concept includes a playground and one air shelter in the northwest corner near the proposed road. South of the shelter, tennis courts and a basketball court will be constructed adjacent to another natural area that will extend to the south boundary of the park. A combined soccer field/football field and a baseball field are planned for the remainder of the ten acres. It is anticipated that the park will be able to serve up to a maximum of 100 persons at one time. He added that the Park and Open Space Plan adopted February, 2008, identifies the surrounding area of this proposed park as "Undeveloped Neighborhood Park Service Area" and labels this proposed park site as the future "Southside Park." This plan also indicates that by 2013, based on current population and park acreage, the Village will need 15 additional acres of neighborhood park land based on a population projection of 13,561 people. By 2025, this amount increases to 36 acres based on a future population projection of 16,439 people.

Director Rambousek stated that Planning and Development Staff has reviewed the concept plan and has several comments at this time. First, if the maximum number of persons that can be accommodated at the park at one time is anticipated to be one hundred (100) persons, the concept parking area may be inadequate. Even though a large number of park users will come from the adjacent neighborhood, the location of this park just west of Port Washington Road may attract more people than a typical neighborhood park. Therefore, some thought should be given to increasing the number of paved parking stalls and a portion of the natural area adjacent to the proposed parking could be shown for future overflow parking. It is possible that the Parks and Recreation Board will be able to provide a rationale for the proposed number of parking spaces shown on the concept plan. Second, a safe pedestrian crossing from the parking lot must be provided as part of the design. Third, is the buffer issue mentioned above that needs to be created at the north end of the park. In addition, the area of land south of this proposed park will most likely develop privately so an appropriate transition will need to be created along with a future pedestrian link.

Director Rambousek stated that if the Plan Commission believes that the concept plan is acceptable, a public hearing can be scheduled for a future Plan Commission meeting. As part of the concept review process, no action is required by the Plan Commission at this time. However, this review provides an opportunity for comments or questions regarding the plan so any required changes can be made as part of the rezoning process.

The Plan Commission briefly discussed the proposed concept plan.

President Brunnuell mentioned that he has some reservations on the multi-use aspects of the park that involve the tennis courts, soccer field, baseball field, and playground area being used all at the same time. This may be too many uses and if the park is a neighborhood park, he is concerned that it will be a much larger draw for the public and there will not be enough parking.

Commissioner Plato stated that because of the current drainage situation on the property, stormwater plans would need to be submitted prior to a public hearing so she is comfortable with this issue.

President Brunquell discussed the changes that he would like to see for the final site plan including the relocation of the road and play area for safety reasons, the multi-use issue be address, making sure a storm water plan is included with the final site plan as part of the rezoning request, review of the parking requirements, and all required plans should be submitted as part of the rezoning. He added that overall he likes the idea of a park in this area, but he wants to make certain that it is done correctly and because a positive for the area.

It was the consensus of the Plan Commission members to have Director Rambousek work with John Safstrom, Director of Parks and Recreation, to address these concerns prior to coming back to the Plan Commission.

DISCUSSION REGARDING PAWN SHOPS AND CHECK CASHING PLACES

Director Rambousek proceeded to review and discuss the appropriate zoning district for pawn shops and check cashing places. He stated that the Plan Commission discussed this issue at the August 25, 2009 meeting and had at least one citizen asking the Village of Grafton to consider whether or not check cashing stores and pawn shops were appropriate uses in the Village of Grafton, specifically in the commercial zoning districts. Planning and Development Staff has reviewed the permitted and conditional uses listed in the C-1 through C-4 Districts to determine the SIC code that includes such uses and developed a suggested method of regulation of check cashing places and pawn shops. The purpose of this update is to gain the Plan Commission's acceptance on the proposed method and allow Staff to move forward to draft a proposed ordinance. He further explained that the proposed method of regulation is a three-pronged approached. First, only one commercial district will be allowed to have these types of uses, but only as conditional uses that requires approval by the Plan Commission. Second, both pawn shops and check cashing places will be pulled out separately in the zoning code table similar to past practice by the Plan Commission with drinking establishments (with drive-thru) in the C-4 Freeway Interchange District. Third, there will be a separate section created in the zoning code that requires specific criteria and regulations regarding these two uses.

Director Rambousek also reviewed a use table which indicates which zoning districts within the Village currently allow pawn shops and check cashing stores as a permitted uses and conditional uses. He then discussed an outline for a potential ordinance.

Commissioner Schlect asked if the current check cashing business would be grandfathered into the Village as long as they were in business.

Director Rambousek indicated that they would be grandfathered under the new code provisions.

Commissioner Harms asked for a summary of the areas for the check cashing business district and the pawn shop district.

Director Rambousek replied that under the proposed regulations, check cashing stores would have to apply for a conditional use permit in the C-2 Community Business District. Pawn shops would need to apply for a conditional use permit in the CBD Central Business District. No other districts would allow these uses.

Commissioner Rieck inquired about the Village regulating bond amounts.

Director Rambousek replied that the Village could regulate the bond amount based on current criteria and most likely within a (60) day period for pawn shops.

Commissioner Rieck mentioned that he liked that idea, but recommended that Director Rambousek work with the Village Attorney on this language. He added that the longer the bond period the better and would like this issue addressed prior to a public hearing.

Commissioner Plato questioned if other communities have such strict regulations on pawn shops and also the issue of weekly updates and whose responsibility that would be.

Director Rambousek replied that he has been in contact with the Village of Grafton Police Chief and that the Police Department would be receiving the updates weekly that would be required to be reported by the operators of the pawn shops. As far as other communities, Director Rambousek indicated that Staff has pulled information from other communities to prepare for his report and outline. He mentioned that some communities do not have regulations and he felt that this was unwise.

It was the consensus of the Plan Commission to have Staff move forward to draft the ordinance for further review after input from the Village Attorney.

Trustee Rieck reminded Staff to work with the Village Attorney on the bond issue.

CONSIDERATION OF PROPOSED RUMMAGE AND GARAGE SALE USE REGULATIONS ORDINANCE.

Director Rambousek reviewed the proposed rummage and garage sale use regulations ordinance. He stated that Planning and Development Staff received several complaints this summer regarding rummage sales. Specifically, these complaints pertained to frequency, untidiness and proximity of merchandise to public right-of-way, which could potentially create a hazardous situation. As a result, Planning and Development Staff brought forward draft language to the Plan Commission on August 25, 2009. The Plan Commission provided input regarding the proposal, and Staff is now returning with a final document for review and consideration. He further stated that the most appropriate place for the addition of

these regulations would be in the Village of Grafton Municipal Code in Chapter 5.30, where other business licenses and similar activities are identified.

Director Rambousek added that the meeting schedule for consideration of a text amendment after tonight's review and possible consideration would include a final meeting at the Village Board for final consideration on November 2, 2009.

Director Rambousek reviewed the revised code language. He focused on a specific list of regulations in the proposed ordinance that included:

1. Frequency and Length – Sales may be conducted in any residential district provided that the rummage sale does not exceed four (4) consecutive days in length and is not conducted more than three (3) times per year;
2. Daily Hours of Operation – Daily hours of operation should be from 7:00 a.m. to 7:00 p.m., with all outdoor items being picked-up by 8:00 p.m. on the final night of the rummage sale. Rummage sales (other than clean-up) will not be permitted between the hours of 7:00 p.m. and 7:00 a.m.;
3. Setbacks – In order to protect public safety and use of public right-of-way a minimum setback of 10 feet is recommended for all merchandise;
4. Property – All tangible personal property proposed to be sold at a residential sale shall be arranged in an orderly manner on the premises, and shall in no way be arranged so as to obstruct the vision of persons using driveways, sidewalks, roadways, or entering and exiting within a neighborhood,
5. Sale Signs – Signs advertising residential sales shall not exceed 9 square feet, shall not be placed on any public property or right-of-way including terrace areas, utility poles or other public or quasi-public infrastructure, and shall be removed within 24 hours after the close of sale.

Director Rambousek added that the definition of garage sale or rummage sales will be described as any display and sale of personal property, conducted on premises located in any residentially zoned district by the occupant and which garage or rummage sale does not require a business license or make taxable sales, leases or services.

He added that in terms of enforcement, these proposed regulations will be strictly applied on a complaint basis. It is expected that most rummage sale operators, as they do now, will abide by these rules. Village staff will not go out looking for violations. However, when a rummage sale begins to dominate the neighborhood, these regulations give other residents assurance that the Planning and Development Staff have the appropriate tools to address a problematic situation.

Commissioner Harms stated that the Institutional District should be included along with the Residential District in the proposed ordinance.

It was the consensus of the Plan Commission to make that modification to the proposed ordinance.

Motion by Commissioner Rieck, seconded by Commissioner Schlect, to recommend Village Board adoption of the proposed ordinance regarding the regulation of garage and rummage sale regulations with the noted change to include Institutional Districts with Residential Districts.
Approved unanimously.

DISCUSSION OF PROPOSED CHANGES TO OTHER ZONING DISTRICTS

Director Rambousek updated the Plan Commission members on the review of zoning ordinance changes. The reasons for the proposed change centered around the desire to attract uses that fit better into the downtown landscape, the current use of outdated SIC codes and the constraints to using a classification system (SIC codes) that has major challenges in classifying uses in a zoning district. The redrafting of the CBD Central Business District zoning ordinance was also a trial run to see if a new format and process for reviewing uses worked better in terms of being clearer to everyone, including the public and land developers, and would be more efficient, effective and provide the flexibility needed to be able to capture quality development in a timely manner. The comments from Plan Commission indicated that the proposed changes to the CBD Central Business District appeared to accomplish these goals.

Director Rambousek also indicated to the Plan Commission members that one area that requires immediate attention is the R-6 Urban Two Family Residential District. There are currently a large number of legal non-conforming single-family residences sprinkled throughout this district that could not be rebuilt if destroyed beyond 50 percent of their assessed valuation. This issue was discovered in 2008 when Holton Brothers came forward for the rezoning of their commercial property, which is surrounded on the south, west and east by the R-6 Urban Two Family Residential District.

Another area that requires immediate change is the C-2 Community Business District that covers the South Commercial District and the PUD Planned Unit Development District. In the PUD, the most pressing issue is that the Plan Commission should have the ability to create lists of allowable uses for a given development at the time of rezoning as part of a development agreement. Currently, the allowable uses for a PUD are already listed in the zoning code which partially defeats the purpose of having a PUD in the first place. Staff recommends that these three districts become the first priority.

Director Rambousek also mentioned that a draft of the proposed CBD Central Business District zoning changes were pulled from the agenda so that the Community Development Authority could review them since they deal with the redevelopment of that area. He further stated their review is more of a courtesy since they have no authority regarding the zoning code.

The Plan Commission members directed Director Rambousek to keep moving forward with drafting the proposed changes to the different zoning districts and report back to the Plan Commission in the following months.

BENCHMARK MEASUREMENTS

The Plan Commission then reviewed the 2009 benchmark report through September 30, 2009.

OLD BUSINESS

None

NEW BUSINESS

Attendance at November 24, 2009 Plan Commission meeting.

Chair Brunnquell asked for a show of hands for attendance at the next Plan Commission meeting scheduled for November 24, 2009. All Commission members will be present for this meeting.

Location of next Plan Commission meeting.

Director Rambousek announced that the location of the November Plan Commission meeting has not yet been determined. The Village Board at the new Village Hall building is still under construction and may not be ready. He indicated he will keep the members updated.

ADJOURN

Motion by Commissioner Harms, seconded by Commissioner Paschke, to adjourn at 6:55 p.m. Approved unanimously.