VILLAGE OF GRAFTON

PLAN COMMISSION MEETING MINUTES

JANUARY 25, 2011

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

Commission members present: Jim Brunnquell, Al Schlecht, Mark Paschke, Amy Plato and Richard Rieck

Members absent: Carl Harms, Randy Silasiri

Staff present: Director of Planning and Development Michael A. Rambousek and Village Clerk Teri Dylak

MINUTES

Motion by Commissioner Paschke, seconded by Commissioner Schlecht, to approve the minutes from the December 14, 2010 Plan Commission meeting, as presented. Approved unanimously.

HEAR PERSONS REQUESTING TO BE HEARD

None.

CONSIDERATION OF A MINOR AMENDMENT TO THE PUD - PLANNED UNIT DEVELOPMENT FOR AURORA MEDICAL CENTER

Director of Planning and Development Michael Rambousek indicated that Hammes Company, on behalf of the Aurora Health Care, submitted plans for a minor amendment to the previously approved Planned Unit Development for the Aurora Medical Center complex consisting of approximately 75.5 acres. The proposed minor amendment will allow the construction of a 30,000 square foot free-standing cancer center immediately north of the main Aurora Medical Center building. The cancer center will be located on approximately 9.9 acres on the campus site. The single story building will be located on the north side of the north loop (access) road and be constructed of materials that will match the main hospital building. The facility will employ 40 to 50 people and will operate Monday through Friday from 7:00 a.m. to 7:00 p.m. It is expected that the site will generate 100 to 125 patients per day with a maximum number of facility users at one time projected to be 75 persons.

The original site plan approval included the access points to the proposed cancer clinic. In addition, there will be two direct ingress/egress points directly into the site from the access loop road and a driveway will be located on each side of the cancer clinic site. The southeast corner of the site will include a pedestrian sidewalk that will provide a

direct connection to the front door of the cancer clinic. The proposal includes parking for 154 vehicles, including 10 ADA spaces, which is more than required for the clinic.

Mr. Rambousek is recommending that two parking stalls at the front of the parking lot be changed to landscape islands. He stated that the new islands be added on each side of the single island that is currently proposed and balanced appropriately. This single island than can be removed so there would be a net of one space. Site illumination will be provided by single cut-off fixtures mounted on 25 feet high poles. The canopy includes recessed lighting at the building entrance. Floodlights will accent the building at several locations. The dumpster enclosure will be located at the northwest corner of the property and will match the materials of the new building.

Director Rambousek indicated that the project includes extensive landscaping along the front hillside which continues around the base of the building and throughout the parking lot. The landscaping will be used to screen automobile parking and ground mounted equipment.

Site signage will be consistent with signage for the main complex. All signs will require review and approval by the Planning and Development Staff and related issuance of permits prior to construction.

Mr. Rambousek identified that the storm water management plan for the entire medical complex site was approved as part of the original PUD - Planned Unit Development approval. The initial plan included calculations for the impervious area of this development site. Mr. Rambousek identified that Village Engineer Dave Murphy is currently reviewing the plan and site to ensure it still complies with the original plan. He identified that the site will include full curb and gutter except for the front portion of the parking lot which will be allowed for drainage purposes.

Mr. Gary Fischer, Hammes Company, agent for the Aurora Medical Center and cancer center project, gave a brief presentation of the proposed project. He introduced Mr. Paul McIlheran, P.E., R.A. Smith National who was present to answer questions on engineering aspects of the project.

Mr. Fischer reiterated that the cancer clinic will be constructed with exteriors materials similar to the main hospital facility. The clinic will include medical oncology, radiation oncology, lab, exam rooms, physician offices, pharmacy infusion area, and diagnostics. Construction is anticipated to commence this spring with a completion set for the first quarter of 2012.

Chair Brunnquell commented that the proposal is consistent with the original site layout presentation.

> Motion by Commissioner Rieck, seconded by Commissioner Plato, to approve a minor amendment to the PUD - Planned Unit Development for

Aurora Medical Center located at the northwest corner of WIS 60 and Port Washington Road for the construction of a freestanding 30,000 square feet cancer center subject to approval of the architectural plans by the Architectural Review Board, two landscaping islands being added at the front of the parking lot, and approval of the storm water plan refinements by the Village Engineer. Approved unanimously.

Commissioner Paschke commented that it will be important to adequately screen the dumpster enclosure and the mechanicals as part of the Architectural Review Board review. Mr. Fischer responded that they will be well screened just like the hospital building.

CONCEPTUAL REVIEW OF A PROPOSED SUBDIVISION TO BE LOCATED ON 16TH AVENUE NORTH OF FALLS ROAD

Director Rambousek gave a brief overview of a concept plat for a five lot residential development to be located along the west bank of the Milwaukee River on 16th Avenue north of Falls Road. This 3.45 acre vacant parcel includes natural resource issues such as steep sloops, mature and immature woodlands, shoreland, and floodplain.

Director Rambousek identified that the Village of Grafton Comprehensive Plan 2035, shows this area as medium density residential. In addition, the site is located within the Village of Grafton Sanitary Sewer Service area.

Director Rambousek stated that the goal of the project is to create a synergy with the surrounding neighborhood, and to protect a majority of sites natural resources. The minimum lot size shown on the concept plat is 22,151 square feet. The average lot size is 30,140 square feet and is larger than the typical 10,000 to 15,000 square feet lot in the surrounding area. The goal of the residential project is to create the least amount of site disturbance, preserve a large majority of the mature trees, respect the 25 feet shoreland setback, adhere to the 100 year floodplain requirements use take advantage of the natural screening and water frontage to create a quality neighborhood development at a density lower than the surrounding area.

The property is currently zoned R-E Estate Single Family District. The lot size requirement of the R-E Estate Single Family District includes four different development options: 40,000 square feet, 30,000 square feet, 20,000 square feet, and 15,000 square feet. The smaller size options all require conditional use approval in addition to residential plat approval.

Director Rambousek informed the Plan Commission that he has been working with the developer on this concept and is comfortable with the proposed five residential lots on this site. The density of the subdivision would be 1.44 lots per acre. Mr. Rambousek stated that a previous version of this subdivision concept plan included up to 13 lots.

The proposal is in the early concept stages and the property may be considered for rezoning in the future to better accommodate the development. The Architectural Review Board will become involved in the process when the project is approved and homes are brought forward for approval.

Director Rambousek stated that a change in zoning, to R-2 Single Family Residential District, would allow for additional flexibility for the project. If the property were to be rezoned to the R-2 District, the Planning and Development Staff ask the applicant to voluntarily place a deed restriction on the subdivision to limit the number of lots to 5 total lots and prevent the future division of land for the purpose of creating buildable lots.

Director Rambousek mentioned that due to the density calculations based on raw land and the abundance of on-site natural resources, only two lots can be developed. This is because an area of land that includes a natural resource is counted as non-buildable acreage in the calculations. When that same area of land has 2 or more natural resources, the area of land can be counted 2 or more times against the total density.

Director Rambousek stated that he will share a simple example to help explain this issue further with the Plan Commission. In theory, you could have a 1 acre piece of property with three different natural resources located in the exact same corner of the site. The corner of the property with the three different natural resources is a perfect 1/3 acre in area. Pursuant to the calculation requirements, since there are three natural resources in this 1/3 acre corner of property, the land area for each needs to be counted and totaled into one natural resource amount. So in this case you would add the 1/3 acre for each of the three natural resources together for a total of 1 acre of combined natural resources. Using the simplest of descriptions as to how the allowable density calculation works; you need to subtract the 1 acre of combined natural resources on the site from the total acreage of the site, which is 1 acre. This means, the net buildable acreage for the site is 0 acres. Finally, each zoning district has a distinct density ratio that is then multiplied with the established net buildable acreage. In this particular case, regardless of the density ratio used, the allowable density for this 1 acre site example would be 0 lots.

Director Rambousek stated that based on the example he just gave, in reality at least 2/3 of the site (2/3 acre) should be buildable because it is free and clear of any natural resources. However, as demonstrated in the verbal example the requirement to count multiple natural resources, even when they overlap, against the allowable density makes this site unbuildable.

Director Rambousek wanted to state one other point regarding this matter so the Plan Commission has a full understanding of the situation. If the Plan Commission chose to pursue an amendment to that would eliminate the requirement to count multiple natural resources that overlap, this type of amendment would not lower the natural resource protection standards required by the zoning code. He stated that we are only talking about the allowable density calculation. All applicable preservation standards would

remain in force. In other words, these calculations determine the density of the site, not the amount of land to be protected. He added that an amendment of this type would need to occur prior to approval of this subdivision plat.

Director Rambousek, now speaking about the project at-hand, indicated that the location of the footprints of each house, accessory structures and the driveways will need to be situated on the lots to have the least impact on natural resources. He commended the developer on the concept plan layout and indicated that the proposal is off to a good start. He added that a stormwater retention plan will need to be provided to the Village Engineer for review and approval. The project will also be subject to all applicable Village of Grafton impact fees.

Mr. Jeff Natrop, Renner Architects, LLC, was present to review the proposed project. He reiterated that previously 13 lots were proposed on this site to the Village of Grafton and he and his partner have worked closely with the Village Staff to create a plan everyone is comfortable with. He mentioned that Renner Architects has spent a considerable time developing higher end condominium projects in the Milwaukee area and they believe that there is a market in Grafton for the higher end homes they would be proposing on this site.

This project provides great views of the Milwaukee River and the development is designed for the homes to all be built on an even slope to lessen the impact to the environment. Mr. Natrop reviewed several proposed floor plans for the project. All of the plans include an open space concept with considerable amenities. The homes will be masonry outside and have considerable decorative wood features inside. The proposed home designs will be similar to the Nail Factory site located in Cedarburg, WI.

Mr. Natrop commented that this is a great opportunity to provide high level housing along the Milwaukee River.

Commissioner Rieck stated that he thinks this is a great project and five lots is a good choice of density for this area.

Commissioner Paschke stated that conceptually this is a very nice project. He asked if the developer would be looking to use any geothermal technology or LEED certifications for the project.

Mr. Natrop responded that they are not that far into the project; however, they are always looking for ways to conserve energy and utilize new technologies that make economic sense.

Mr. Paschke questioned if the sanitary sewer service for the project will come off of 16th Avenue?

Mr. Natrop responded that the homes will drain by gravity to Falls Road. Mr. Paschke also questioned if the Wisconsin Department of Natural Resources (DNR) has reviewed the project. Mr. Natrop indicated that the DNR requirement for a 25 foot shoreland setback will be met and is based upon when the property was annexed in the Village. Director Rambousek added that the woodland retention requirements are not within the prevue of the DNR; only land disturbance, shoreland and floodplain matters.

Commissioner Plato indicated there will be DNR permits required for any grading on the slope of the riverbank. She added that she thinks this is a good project.

Commissioner Schlecht commented that he is very happy to see the project scope reduced to five lots. He likes the concept and is hoping that the majority of the mature trees on site can be retained. Commissioner Schlecht also indicated that he likes the site layout and the proposed design materials. He commented that the development will be a great enhancement to the surrounding area.

Chair Brunnquell commented that the concept plan is miles ahead of the previous submittal. He agreed with all of the comments made by the Plan Commission members and stated that this is a unique subdivision with unique development challenges and the submitted concept plan uses the site well.

Chair Brunnquell requested that the Village Staff review whether a conflict of interest issue exists because a current member of the Plan Commission lives very close to this project. Village Clerk Dylak indicated that a conflict of issue will only arise if the member has a personal gain from the development.

CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY BRIDGE INN, LLC - 1216 BRIDGE STREET TO ALLOW A WET BAR TO EXISTING DECK THAT WILL BE SERVING BEVERAGES MONDAY THROUGH SUNDAY

Director Rambousek reviewed his recommendation on a request to allow a wet bar on the existing deck at the Bridge Inn, 1216 Bridge Street. This matter has been previously reviewed by the Plan Commission. Director Rambousek is recommending approval of the conditional use permit requested by Bridge Inn, LLC, 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 11:00 p.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 heard more than 15 feet from deck area; 5) the south and east sides of the patio should remain enclosed all year, and 6) thicker clear plastic panels should be utilized to reduce noise that have support frame between each panel.

Dave Schultz, agent for Bridge Inn, LLC, commented that he generally agrees with the conditions of approval. He would, however, like to be allowed to keep the plastic up on the east side all year, but remove it on the south side in the summer.

Chair Brunnquell questioned if Mr. Schultz was comfortable with the proposed hours of operation for the wet bar. Mr. Schultz responded that it would be beneficial to have longer hours of operation since the busiest bar times are from 11:00 p.m. to 1:00 a.m. Mr. Schultz also commented that in the summer they utilize black screen material around the deck which eliminates the “fish bowl” look of the deck. He stated they are willing to adapt the hours, if necessary.

Chair Brunnquell questioned if Mr. Schultz would be amenable to keeping the east and south plastic in place year around with an allowance to keep allow longer hours at the deck bar.

Mr. Schultz indicated that having a bar on the deck will help lessen some of the music noise escaping to the outside because the door will not opening as often. In addition, the outside bartender will assist in keeping conversation noise down on the deck. Mr. Schultz also stated that he is not sure if thicker plastic is available.

Commissioner Rieck agreed that maintaining the plastic around the deck year around is a good idea. Unfortunately, the plastic walls do not make the deck very inviting. Commissioner Rieck is in favor of extending the hours of operation for the outside bar.

Commissioner Paschke indicated his support for the business and commented that noise seems to be the main concern with the outside bar. He stated that he is not sure if a vestibule will assist with noise elimination.

Director Rambousek stated that the noise decibel limits increased with the opening of the entrance door, especially during live music events. Having a two-door entrance would assist in reducing the noise at the front entrance.

The possibility of requiring patrons to enter/exit at the other entrance was briefly discussed. This option may create traffic issues and is not viable. Commissioner Paschke indicated he is in favor of Director Rambousek’s recommended conditions of approval.

Commissioner Paschke also commented that this business has been a viable part of downtown Grafton for a long time and we should work with the proprietors as much as possible to keep the business operational.

Commissioner Plato agreed and stated that Grafton just lost the Paramount Restaurant in the downtown and we do not want to create any unnecessary problems for this business. The business and residents in this area need to work together to be good neighbors and work together to help keep the downtown viable. She added that noise in

a downtown setting is not unusual and this establishment is a gathering point in the downtown.

Commissioner Plato stated that she is not in favor of limiting the hours of operation for this establishment and while she would prefer that only one side of the deck have clear plastic, she will support the proposal for two sides to be covered.

Commissioner Schlecht stated that he likes the reduced hours of operation and commented that people should be getting quiet at that time of night. He questioned if the outside bar will be open all of the time, even when business is slow. Mr. Schultz responded that it is not likely that the outside bar will be open during the week but only on Friday night, Saturday night, and Sunday afternoon and night. Commissioner Schlecht also commented that the bartenders will need to take some responsibility to keep the noise on the deck to a reasonable level by turning down the television and stereo.

Commissioner Schlecht added that it is up to the business to monitor the noise. If there are problems this matter will come back to the Plan Commission for review and action, if necessary.

Director Rambousek distributed a copy of an e-mail received from resident Bill Hass, 1226 Water Terrace, for entry into the official record (copy attached). Mr. Hass has a number of concerns with the proposed outside bar and the affect of the noise on the surrounding area.

Peter Sheperd, developer of the Bridgewater condominium project, commented that he is concerned with the comments being made this evening. He suggested that the Plan Commission members visit the Bridgewater property late at night to witness how the sound resonates thru the buildings from the Bridge Inn. It is very noisy and having two sides covered on the deck will push the noise to the north. He commented that the noise/sound should be made to go up and not out. Mr. Sheperd also commented that he thinks this an expansion of the business and not what was originally proposed as a place for patrons to smoke.

Mr. Sheperd requested data to show if sound will be able to penetrate through the plastic sheeting. He encouraged the Plan Commission members to “hear for themselves” how the noise carries to the Bridgewater development from the tavern. He stated that it is bad in the winter, but worse in the summer and to a point that the residents cannot open their windows. Mr. Sheperd also expressed concern that the noise is limiting his ability to sell additional condominium units.

Sue Hass, 1226 Water Terrace, stated that the enclosure is an important part of this proposal because of noise transmission. Noise transfers through the Bridgewater building from the tavern. Ms. Hass suggested that plexi-glass be places on the three open sides of the deck. If one side is open, the noise escapes. Ms. Hass provided

several analogies of noise being a nuisance. She reiterated that enclosing the deck on three sides would help to keep the noise contained on the deck. She recommended that the outside bar be reviewed after 6 months. Ms. Hass questioned if a parking study was completed with this business expansion. She has witnessed patrons of the Bridge Inn parking the lot for the Bridgewater Condominiums

Bill Hass expressed concern that the enclosure may not meet the new smoking law open air requirements.

Village Clerk Dylak suggested that Mr. Hass contact the Building Inspector and/or Police Chief regarding his concerns. Because of the canvas roof, the enclosure is not considered a structure and, as far as she knows, the smoking area is compliant.

Chair Brunnquell indicated that the possibility of covering the third side of the deck with plastic sheeting was discussed at the public hearing. He asked Mr. Schultz if they were amenable to this option.

Mr. Schultz responded that they are willing to do whatever they can to be good neighbors. They do not want to have to revisit this matter monthly. He indicated they are willing to consider covering the third side. Mr. Schultz expressed concern that temperature inside the enclosure may be a problem if all three sides are covered.

Director Rambousek commented that, if extended hours are approved; a condition of that extension should be that all three sides are enclosed so there is a trade-off with a reduction of noise. He agreed that ventilation and temperature will need to be addressed. He suggested that air conditioning should be considered by the owners, but the room would still need to meet applicable smoking laws and criteria.

Commissioner Paschke questioned which side of the deck seems to be the major area of concern. Director Rambousek stated that the noise readings were higher on the south side. Mr. Paschke suggested that a masonry wall on the south might be an option. Mr. Schultz commented that the Bridge Inn has not received any noise violation citations.

Commissioner Plato questioned if the noise from the Bridge Inn can be heard on the back side of the Bridgewater complex, on the decks along the river. Ms. Hass responded no, just in the front of the building where the bedrooms are located.

Chair Brunnquell commented that this business has been at this location in the Village of Grafton for a considerable amount of time. He recommended that the owners consider covering three walls of the deck in exchange for extended hours of operation of the deck bar. Mr. Schultz agreed to the covering of three sides, extended hours and the use of regular plastic covering.

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. Approved unanimously.

PLANNING AND DEVELOPMENT DEPARTMENT BENCHMARK MEASUREMENTS
Director Rambousek briefly reviewed the Planning and Development Department benchmarks.

OLD BUSINESS
None.

NEW BUSINESS
None.

ADJOURN
Motion by Commissioner Schlecht, seconded by Commissioner Plato, to adjourn at 7:10 p.m. Approved unanimously.