

VILLAGE OF GRAFTON
PLAN COMMISSION MEETING MINUTES

FEBRUARY 24, 2009

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

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

Board members present: Jim Brunnquell, Richard Rieck, Randy Silasiri, Carl Harms, Mark Paschke, and Amy Plato arriving at 6:05 p.m.

Excused: Alfred Schlect

Staff/Officials present: Michael A. Rambousek, Director of Planning & Development, David M. Murphy, Director of Public Works/Engineer, and Deborah A. Brown, Administrative Secretary II

MINUTES

Motion by Commissioner Harms, seconded by Commissioner Rieck, to approve the minutes of the January 27, 2009, Plan Commission Meeting, as presented. Approved unanimously.

HEAR PERSONS REQUESTING TO BE HEARD

None

Chair Brunnquell then asked Director of Planning and Development, Michael A. Rambousek to review the next agenda item-US Bank Signage plan.

Consideration of signage plan approval for the US Bank Branch to be located on the Northeast corner of Washington Street and Dakota Drive (adjacent to Gall's gas station).

Director of Planning & Development, Michael A. Rambousek updated the Plan Commission members on the US Bank Branch signage plan, a development to be located at the northeast corner of Washington Street and Dakota Drive (adjacent to Gall's Citgo gas station).

Director Rambousek stated at the December 2008 meeting, the Plan Commission reviewed the site plan. US Bank received a Conditional Use Permit to allow a bank branch building with drive-thru at the above location. The Plan Commission reviewed all of the associated plans for the site with the exception of signage, which had not been completed in time for the meeting. The applicant is returning at this meeting with a sign plan for the site for your consideration.

US Bank is proposing two wall signs, one main sign on the south elevation facing Washington Street (STH 60) and a second wall sign on the west elevation. Also being

proposed is a pole (pylon) sign and directional ground signs. Section 20.04.075.C.1. and C.3. of the Sign Ordinance below, governs signage for the C-4 Freeway Interchange Business District for properties of less than two acres.

There was a brief discussion on adding an additional directional sign to read “Do Not Enter” on the north elevation entrance lead by Plan Commissioner Harms. He felt that it would be safer to have the additional sign for traffic that was incoming on the north entrance.

Director of Public Works/Engineer, Dave Murphy indicated that he would review the signage with Director Rambousek and would have no issue with the additional sign if found to be necessary.

There was a brief discussion on the size of the Pole (Pylon) sign. The representative for US Bank was present and addressed the members. Bob Kraus of Bauer Sign Company, W184 S8408 Challenger Drive, Muskego, WI. 53150. Mr. Kraus informed the members that the pole sign met the height requirements and indicated that he would work with staff if any changes had to be made with the style and design of the pole sign.

Chair Brunnquell asked Director Rambousek if he would review with the contractor one more time to decide on the final design of the pole sign. Mr. Rambousek responded that he would have no problem with reviewing one more time with the contractor on both the additional directional sign and the pole (Pylon) sign. He indicated that the primary pole sign should be more of a monument style sign that should be similar to all of the other monument signs in the area. If approved, it would be the first non-monument style sign in the area and he is uncomfortable with that.

It was the consensus of the Plan Commission members to move forward with a motion to approve the signage plan for US Bank-branch to be located on the north side of Washington Street and east of Dakota Drive with final design and review of the proposed pole sign to be in the sole discretion of the Planning and Development Staff and to work on a monument style sign.

Chair Brunnquell asked for a motion on the matter.

Motion by Commissioner Rieck, seconded by Commissioner Silasiri, to approve the signage for US Bank (Washington Street) subject to the following conditions: 1) directional signage will be reviewed one more time with the Planning Director and with the Village Engineer and if justified one more directional sign will be added to the north entrance way; and, 2) the Planning and Development Staff will work with the applicant to adjust the proposed pylon sign to a monument style sign subject to the final review and approval of the Planning and Development Staff. Approved unanimously.

Consideration of site plan approval for building expansion at the Department of Public Works site at 1300 Hickory Street

Director of Planning & Development Rambousek reviewed the submittal changes for the Department of Public Works (DPW) and the Community Activities Department (CAD) request for final review and consideration of proposed plan to construct a new facility at 1300 Hickory Street. He states the Plan Commission initially reviewed this item last month and, in general, was very comfortable with the direction of the project design subject to the review of the architectural details by the Architectural Review Board.

Director Rambousek also informed the Plan Commission members that the DPW also proposes a salt storage facility (accessory structure) that will be at least 25 feet in height (exact measurements are not yet know) and within the I-Institutional District the maximum height for an accessory structure is only 15 feet. As a result, the DPW will need to also apply for an amendment to the Village of Grafton Zoning Code to modify the height restrictions for accessory structures in the I-Institutional District or modify the intent of such a restriction. The Planning and Development Staff supports this modification and will recommend approval of the modification at the next Plan Commission meeting. The site plan and specifications for the structure will be provided at that meeting.

The Plan Commission members had discussion on the option of showing the salt storage facility on the north end of the property as well as the present plan of showing the storage facility on the Hickory Street side of the property. The Plan Commission members had concerns about the landscaping around this storage facility to help screen the facility from the Aquatic Center and/or Hickory Street.

Chair Brunnuell requested that when this comes before the Plan Commission to have both options drawn up and available for the members to review.

Director Rambousek also informed the Plan Commission members that the DPW/CAD, as the applicant, is seeking Plan Commission approval of the project plans at this meeting. He then introduced Jon Wallenkamp of Kuerry Architects LLC, 10505 Corporate Drive Suite #100, Pleasant Prairie, WI., 53158 to update the Plan Commission members on the changes that had been made since the last meeting. Director Rambousek stated that he was very impressed with Mr. Wallenkamp and he has designed a fine looking building taking into account all input that he received from the Planning and Development Staff, the Plan Commission, and the Architectural Review Board. He thanked Mr. Wallenkamp for his willingness to work closely with the Village's Staff on all the modifications that had been made.

Mr. Wallenkamp addressed the members with his updated presentation that covered all the changes that had been made since the last Plan Commission meeting and the Architectural Review Board meeting that took place on February 12, 2009.

A current site plan based upon final comments in the Planner's Report was handed out and entered into official packet showing all the current updated changes.

Mr. Wallenkamp spoke on the relocation of the retention ponds stating that as part of the project, the stormwater management pond will be relocated to Meadowbrook Park (north of the Family Aquatic Center) and worked into the existing stormwater management infrastructure on that site. The Wisconsin Department of Natural Resources and local Village of Grafton stormwater management requirements will apply. In addition, both existing buildings will be demolished to make room for the new building.

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

The proposed building, upon final build-out, will be setback approximately 80 feet from the front (east) property line, 50 feet from the south property line, 65 feet from the west property line, and the north side of the building will be setback about 17 feet from what could be considered the Family Aquatic Center portion of the property. The new front parking lot will have joint vehicular access to CTH O with a share driveway on the north side of the site (existing Family Aquatic Center driveway). Two existing vehicular access points on Hickory Street will be repositioned along Hickory Street; one emergency access to the garage bays (towed vehicles) and the other main driveway access to the rear yard portion of the site. In this rear yard, there will be a fuel station for fleet vehicles, a lean-to bin structure for equipment and/or part storage, and the fore mentioned salt storage facility.

The south side of the building along Hickory Street will feature a side drive lane to access the numerous garage bays on this elevation. The edge of the site along Hickory Street and CTH O will include 15 feet of initial greenspace between the property line and impervious surfaces such as the parking lot or drive.

Director Rambousek informed the Plan Commissioners the building has been reviewed and approved by the Architectural Review Board on February 12, 2009, and that all modifications have been made and now presented at this meeting. The Architectural Review Board has requested that a color sample of this greenish roof be presented at a future meeting. Overall, the building design has taken extremely positive steps during the Architectural Review Board consideration process and the project architect has done a solid job implementing the suggested changes. The result is a building that will be a benefit to the area.

The Plan Commission members reviewed briefly the background information on the drop-off site for brush and similar items which will be located at the River Bend Road property that will also be utilizing the Little League facility. The plan for this site will be on a future agenda, but the Planning and Development Staff felt it should be discussed so the Plan Commission can fully understand the logistics involved with the operation of the new DPW/CAD facility.

Village Engineer, Dave Murphy followed up with an estimated timeline for the “Off site” facility and as well as the expectations of the bidding on the new Public Works/Community Activities project.

Commissioner Paschke stated that he is a member of the Architectural Review Board but did not attend the Architectural Review Board meeting on this matter. However, he had concerns on the overall height of the new DPW/CAC building. He stated also that overall concern he had was the impact of the pool environment with this facility being built.

Director Rambousek respectfully suggested that the Plan Commission honor the Architectural Review Board approval. He indicated in the past that he has also honored approvals by the Architectural Review Board that he did not agree with when they have come forward to the Plan Commission. He stated that the standing seam roof issue is an example of that.

Commissioner Rieck agreed.

With a brief discussion, the Plan Commission consensus was to move forward with a motion to approve subject to the conditions that Director Rambousek had reviewed and presented in the report to the Plan Commission members.

Motion by Commissioner Rieck, seconded by Commissioner Harms, to approve the site and architectural plans for the DPW/CAD building to be located at 1300 Hickory Street subject to the following conditions: 1) Architectural Review Board approval with conditions from the February 12, 2009, meeting; 2) final landscaping details to be reviewed and approved by the Planning and Development Department; and, 3) all signage will be required to return to the Plan Commission at a future date for review and consideration. Approved 4-1 (Paschke-nay)

Consideration of a recommendation for final plat approval for Phase IV, Blackhawk Valley
Director of Planning and Development, Michael A. Rambousek reviewed the final plat for Blackhawk Valley Phase IV. He states that Blackhawk Valley residential subdivision received preliminary plat approval in May, 2002. To date, three phases of this four phase subdivision have received final plat approval. Mr. Bob Tillman, developer, is now seeking final plat approval for Phase IV, which includes Yuma Street and Yuma Court, both on the east side of the development

He also informed the Plan Commission members that the engineer who prepared the final plat discovered that the original survey was incorrect and so another survey was completed. As a result, the lots along River Bend Road, Lots 68, 69, 70, 96, 97 and 98 were reduced in size from what was shown on the preliminary plat. With the exception of Lot 68, all other lots within this Phase of the plat exceeded 11,000 square feet in area. Lot 68 decreased from an approved 11,320 square feet to 10,987 square feet.

Village practice related to lot sizes in the R-2 Single Family Residential District has been to ensure that no lot would be less than 11,000 square feet in area. To maintain this standard, staff asked the developer to increase the size of Lot 68 to a minimum of 11,000 square feet in area. The additional land will be added to the west lot line of Lot 68 and will be taken from the adjacent Outlot 4. The engineer has provided a revised plat (included with this report) showing that Lot 68 has increased in area to 11.101 square feet. In all, the subdivision substantially conforms to the preliminary plat approved in May, 2002.

Motion by Commissioner Harms, seconded by Commissioner Rieck, to recommend Village Board adopt a Resolution approving the Final Plat for Blackhawk Valley Subdivision, Phase IV, subject to showing Lot 68 to be a 11,101 square feet in area. Approved unanimously

Consideration of proposed uses for Retail "S" building located on the north side of Washington Street west of I-43 in the Grafton Commons Planned Unit Development PUD
Director Rambousek briefed the Plan Commission members on the recent correspondence sent to the Planning Department that indicated that Continental Grafton LLC requested that Retail "S" building item be tabled until March 24, 2009 Plan Commission meeting.

A copy of the Continental Grafton LLC correspondence was then offered into the official packet and copies were passed out for the Commission members review.

Motion by Commissioner Silasiri, seconded by Commissioner Rieck, to table Item # 8-Consideration of proposed uses for Retail "S" building located on the north side of Washington Street west of I-43 in the Grafton Commons Planned Unit Development- PUD. Approved unanimously.

Review and Consideration of Valet Parking for the Black Swan, located at 1212-1218 13th Avenue (Bridgewater Development Area)

Director Rambousek updated the Plan Commission members on the current situation with valet parking and other issues for the Black Swan located and operating at 121-1218 13th Avenue. He states that at the November 25, 2008, Plan Commission meeting, a banquet facility called the Black Swan was approved as a use in the Brew Pub/Office Building Planned Unit Development - PUD located at 1218 13th Avenue. As background, the Black Swan is owned and operated by Grafton River Partners, LLC.

Director Rambousek stated that he recommended the approval in November because he felt the use itself made sense from a parking perspective, if valet and other conditions were followed. The primary operation would be week nights and weekends unlike an intense office use, such as a call center or a workout studio.

Mr. Rambousek reviewed the overall approval history of this PUD. On July 26, 2006, the Plan Commission approved a PUD Project for UPAD, LLC, that included a Brew Pub building and an adjacent office building. Users for the first floor of the office building were

identified; however, the specific tenant was not identified for the second floor by UPAD, LLC. Therefore, as required by Section 19.07.0209(e)(18)(c) of the Zoning Code UPAD, LLC, the Plan Commission approved Black Swan as a second floor tenant before the Plan Commission November 25, 2008, based upon a request by Grafton River Partners, LLC. As part of that approval process, the Plan Commission determined that the proposed occupancy of the Black Swan banquet facility was a minor change to the approved PUD of July 26, 2006.

Recently, Director Rambousek, the Planning and Development Staff, and the Village Board have received several complaints from local area businesses that valet parking (a condition of approval) was not provided as required or was terminated too early. Therefore, the Planning and Development Staff is bringing this item forward to the Plan Commission to re-examine and possibly reconsider its approval. Based upon the conditions for approval for this banquet facility, the Planning and Development Staff is required to review any issues or problems associated with parking by the Black Swan, if they occur. As always, the Planning and Development Staff reserves the right to bring items such as these forward to the Plan Commission as it sees fit.

Mr. Rambousek outlined the conditions originally placed on this PUD in November, 2008. He stated that the Planning and Development Staff has always been comfortable with the use of the second floor as a banquet facility as long as the conditions of approval are followed. Specifically, those conditions as part of the November 25, 2008, Plan Commission approval include the following: **1) valet parking will be required to be provided for all events; 2) any issues or problems associated with the Black Swan related to parking will require further review by the Planning and Development Staff; 3) the agreement with St. Joseph Church for parking must be provided to the Planning and Development Staff; 4) the use of the internal drive must be identified in the condominium association documents; 5) a safe valet route must be reviewed with the Planning and Development; Police Department; and Village Engineer; and, 6) signage is not part of this approval.**

Director Rambousek stated that beyond the issue of valet parking relevant to the complaints received, to date, other issues are outstanding: the amended condominium document with the easement has yet to be received and signage has been put up for the Black Swan without a permit (sign permit application was not submitted prior to sign installation). A deadline was established for full compliance of the conditional use permit; these items need to be taken care of no later than Monday, March 2, 2009.

Regarding the valet parking issue, the Black Swan operators must provide valet parking for all events at least until the starting time of that event. The Planning and Development Staff understands that all attendants of a given event may choose not to utilize the valet parking that is provided. However, it must be provided and it is the responsibility of the operators of the Black Swan to work on the logistics of such an operation.

If the Black Swan operators feel a given event may not warrant valet parking, they have the right to request a one-time exemption from valet parking from the Plan Commission that can be granted on a case-by-case basis. The Department of Planning and

Development was recently asked to waive the valet parking requirements for two events involving the Chamber of Commerce at the Black Swan. Although uncomfortable with the request, The Planning and Development Staff waived the requirement due to the fact that the events were imminent and during non-peak business hours. In the future, Director Rambousek stated that any waivers of the valet parking requirements for the Black Swan should be reviewed and approved by the Plan Commission.

Mr. Rambousek stated that 13th Avenue is an area that is over-saturated with automobile parking so when a use like this does not follow its conditions of approval it has a negative effect on the entire district. He was also adamant that this is the only area with concerns about parking in the Downtown. A recent survey done in the summer of 2008, showed an abundance of parking available in the Downtown as a whole.

As a result of the recent lack of adherence to the valet parking condition/requirement, the Planning and Development Staff is recommending that the Black Swan operator(s) receive a warning from the Plan Commission that any lack of future compliance with any conditions or requirements of their original approval granted on November 25, 2008, may jeopardize the original approval of their occupancy and the allowance of a banquet facility as a permitted use in this PUD.

Director Rambousek stated that today he had a productive meeting with the owner/operator of the Black Swan and their attorney. In that meeting, Mr. Rambousek stated that they discussed all the concerns of the Planning and Development Staff and the Plan Commission. The operator(s) and attorney was told he was recommending that they receive a written warning from the Plan Commission and any future lack of compliance would jeopardize the original approval, their occupancy, and the ability to keep their business open.

Mr. Rambousek stated he wanted to be very clear that this would be the same process that the Village would follow for any business in violation. The goal is to give them every opportunity to correct the problem or violations. The owner of Black Swan was informed that if there is another violation, the use will need to come to the Plan Commission for potential revocation of occupancy.

In the meeting with the owner of Black Swan and attorney, they agreed to provide: 1) the Condominium Association document amendment which indicates the need for the drive lane with easement or a alternative method they may propose; 2) the sign permit application (has now been submitted); 3) agreed to follow the Valet Parking requirements, but in the future may request that a threshold be placed on this requirement. Mr. Rambousek indicated that he would be comfortable on a threshold if it involved a requirement that made sense. This matter would need to come to the Plan Commission for review. However, the condition indicates that the Black Swan must provide parking for all events. So unless this is amended the requirement will not change.

Director Rambousek stated that it is the hope of the Planning and Development Department that the Black Swan will be compliant with the conditions of the approval and no further action will be required.

Commissioner Rieck stated that he would not support a modification to the valet parking requirement.

A lengthy discussion took place with the Plan Commission members. It was the consensus of the Plan Commission that a warning should be given to the Black Swan as indicated in the report.

Commissioner Plato stated that if a business is approved with conditions then it is expected that the business follow those requirements.

Business owner, Gene Schmit of Schmit Realty informed the Plan Commission members that he believed the St. Joseph's Church agreement was for only two events.

Director Rambousek indicated that he has a document that showed the St. Joseph's allowed at least (2) events of Valet parking on their property but would check into any additional documents or permission agreements that Black Swan might have that is more current than what the Village has on file. He also indicated that he wanted to check the minutes of the November 2008, meeting because that agreement may only be required if overflow parking is needed beyond the other locations identified on the map that was provided. Although St. Joseph's is specifically mentioned Director Rambousek stated that he believed the valet overflow was approved just for that site and that the Black Swan could park automobiles on other sites as long as they have permission and provide that information to the Planning and Development Staff. However, he mentioned that he wanted to investigate that further.

Village Engineer, Dave Murphy also asked that Director of Planning, Mike Rambousek check into the condominium documentations and make sure the easement is part of the document.

Chair Brunnquell stated that Director Rambousek stated earlier that he was also concerned about that issue.

Director Rambousek reminded the Plan Commission members that he is moving forward on the advice of the Village Attorney and opportunities must be given for correction of any violations that are brought to the attention of the operator.

In the audience, owners of three local businesses requested to be heard.

Vicki Schaefer of Sweet Trio-1225 Washington Street spoke on her disappointment with the fact that Black Swan was not given a written warning prior to this meeting tonight. She expressed her concern about the effects that her business has suffered because of Black Swan not following his conditions. She stated that this business should be closed now and

is extremely disappointed with the process, which she feels is taking too long. The business has been open for three months now.

Chris Steeno of Sweet Trio-1225 Washington Street expressed her gratitude to Director of Planning, Michael Rambousek for staying on top of all issues that have complicated parking in this area. She thanked Mr. Rambousek for all his time and efforts on this matter. She stated that she wants to see all businesses do well, but they need to follow the rules.

Stefanie Metz of Vino 100 presented a hand out memorandum written by Vino 100 and Sweet Trio regarding their ongoing concern with the parking situation in downtown Grafton. Enclosed with the hand out was documentation of events held at the Black Swan and concerns associated with those events. She also verbally outlined her concerns and the need for corrective action. She appreciated the process the Plan Commission was taking and understood it may take some time. She thanked the Plan Commission for taking the time to review this issue.

The documents were passed out to the Plan Commission members and entered into official packet.

It was by the direction of the Plan Commission members to have Director of Planning and Development, Michael A. Rambousek to prepare a written warning as soon as possible to the owner of Black Swan and if no progress is made by March 2, 2009, on compliance with the required conditions, then the Plan Commission should be contacted as soon as possible to set-up a special meeting to continue with the process of handling this matter formally.

No action taken. For Informational purposes only.

EXTRATERRITORIAL REVIEW

Review a four lot Certified Survey Map for Lebon Estates located on Mary Glen Drive, SW ¼ Section 7, T10N, R22E, Town of Grafton

Director Rambousek reviewed with the Commission members the application for a minor Land division and re-zoning of a parcel in the Town of Grafton located in Lebon Estates being part of the northwest ¼, northeast ¼, and southeast ¼ of the southwest ¼ section 7, Town 10 North, Range 22 East.

He further stated that the petitioners, Lester and Bonnie Bartel, are petitioning the Town of Grafton for a Minor Land division which will create (3) new residential lots in what is now A-1 farmland. All the lots front on Maryglade Drive and are wide enough to ensure that driveways will be far enough apart to ensure safe and easy access. They are all at least 3 acres in size.

By consensus, the Plan Commission members approved of the rezoning from A-1 to R-2 and the redivision of Lot 11 of the "Town Plat of Lebon Estates" being a part of the Northwest ¼, Northeast ¼, and Southeast 1/4 of

the Southwest ¼ of Section 7, Town 10 North, Range 22 East, in the Town of Grafton, Ozaukee County, Wisconsin.

Planning and Development Benchmark Measurements

Director Rambousek informed the Plan Commission members that with tonight's approval on the DPW/CAD site project, that the Plan Commission as approved their first building in 2009 and to date has had eighteen agenda items.

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURN

Motion by Commissioner Harms, seconded Commissioner Rieck, to adjourn at 7:45 p.m. Approved unanimously.