

## VILLAGE OF GRAFTON

### PLAN COMMISSION MEETING MINUTES

**JULY 26, 2011**

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: Jim Brunnquell, Alfred Schlecht, Mark Paschke, Richard Rieck, Amy Plato, Carl Harms, and Randy Silasiri

Staff Present: Director of Planning and Development, Michael Rambousek, Building Inspector, Tom Johnson, Director of Public Works/Village Engineer, David Murphy, and Administrative Secretary, Deborah A. Brown.

#### **MINUTES**

Motion by Commissioner Rieck, seconded by Commissioner Silasiri, to approve the May 24, 2011, Plan Commission meeting minutes. Approved unanimously.

After the approval of minutes, Sharyn Kalies of Ozaukee Ace Hardware requested to be heard.

Ms. Kalies indicated that she disagrees with the minutes of May 24, 2011. Specifically, she expressed that on page 2 of the May 24, 2011 Plan Commission minutes, third paragraph from the bottom page, it was her opinion that Director Rambousek did not make the statement, "Product pallets are not allowed as part of an outdoor display".

She stated repeatedly that Director Rambousek did not make that statement.

Chair Brunnquell asked if Plan Commissioners Rieck and Silasiri wanted to rescind their motion and second, respectively.

Motion made by Commission Rieck, seconded by Commission Silasiri to rescind the motion approval of the minutes of May 24, 2011.

A vote was not taken and further discussion took place on this issue.

Chair Brunnquell asked that Director Rambousek state his belief regarding the statement that he made as it was presented in the minutes.

Director Rambousek responded by stating he did, in fact, make the statement as the minutes indicate.

Chair Brunnquell asked the Plan Commission members if they recalled the statement.

Two Plan Commission members recalled Director Rambousek making the statement as presented in the minutes, two of the Plan Commission members did not remember him making that statement, and the other two Plan Commission members were not sure.

Commissioner Rieck and Commissioner Silasiri believed that the discussion was to have the three pallets of products or 180 cubic feet of total volume and would be included in the ordinance. Further discussion then took place on the comments made during the May 24, 2011 Plan Commission meeting, regarding the pallets of products being discussed and remarks made to allow for at least three pallets of products or 180 cubic feet of total volume was going to be allowed and would be a part of the ordinance.

Chair Brunnquell then again asked Director Rambousek to state his belief regarding the statement on pallets.

Director Rambousek responded by stating he did make the statement as presented in the minutes.

Chair Brunnquell and the Plan Commission members stated that this issue should be a future agenda item, but the minutes issue needs to be decided first.

Chair Brunnquell stated to the Plan Commission that we have a staff member, Director Rambousek, who has indicated that what he said was reflected in the minutes correctly and those Plan Commission members that are unsure of the discussion that occurred at the last meeting or do not remember the discussion need to honor Director Rambousek statement then and his statement now.

Chair Brunnquell then asked Director Rambousek to again state his belief regarding his statement on pallets as presented in the minutes so the Plan Commission is clear on his position.

Director Rambousek stated that he takes this matter very seriously and his statement about pallets is correct as presented in the meeting minutes. He added that the truth cannot be influenced.

Chair Brunnquell thanked Director Rambousek for his honesty and stated to the Plan Commission that regardless of what action the Plan Commission takes on this matter, the statements in the minutes by Director Rambousek cannot be amended because he has indicated that they are correct.

Motion by Commission Rieck, seconded by Commission Silasiri, to rescind the motion approval of the minutes of May 24, 2011. Approved unanimously.

The Plan Commission held additional discussion on the minutes regarding the pallet issue. The members determined the language in the last paragraph on page 2 should read as follows:

*The Plan Commission members did not have any objection to having vending machines and up to three pallets displayed outside the businesses but would like to have them in working and presentable condition. It was decided that this issue and others could be reviewed again in one year.*

Motion by Commissioner Rieck, seconded by Commissioner Harms, to amend the May 24, 2011 minutes to reflect the discussion of the three pallet limit to be permitted and be reviewed again in one year. Approved unanimously.

Motion by Commissioner Rieck, seconded by Commissioner Silasiri, to have the Plan Commission revisit the Outdoor Display and Sale of Merchandise ordinance at the next Plan Commission meeting scheduled for August 23, 2011. Approved unanimously.

#### **HEAR PERSONS REQUESTING TO BE HEARD**

Pete and Sharyn Kalies, owners of Ozaukee Ace Hardware Store, 1818 Wisconsin Avenue, spoke on the recent ordinance amending Section 19.03.0303 (D) of the C-2 Community Business District to include Outdoor Display and Sale of Merchandise.

Chair Brunnquell explained to the Kalies that there was a difference in disagreeing with a statement made in the minutes and the actual language in the ordinance that was approved. He told the Kalies that the Plan Commission would revisit the matter next month.

Also present wishing to be heard was Laurie Ziegler of Sass Accounting, 1208 Bridge Street. Mrs. Ziegler expressed her concern regarding an ongoing problem that involves the Bridge Inn owners and/or staff using Sass Accounting's garbage disposal bins to empty their trash.

Chair Brunnquell requested that Mrs. Ziegler take her concerns to the Public Safety Committee or the Police Department and they would handle this issue.

There were no other persons wishing to be heard.

## **COMMENCE PUBLIC HEARING**

### **Statement of Public Notice:**

Administrative Secretary Deborah A. Brown stated the purpose of the public hearing is to review a conditional use permit requested by Jumping Country Grafton, LLC, owned and operated by Robert D. Lindner, for the property located at 1235 Dakota Drive. The proposal is for a 10,202 square foot facility featuring a family entertainment center focused on children and is classified as SIC 7999 Amusement and Recreational Services. The building is zoned PID Planned Industrial District and the proposed use is allowed as a conditional use in this district.

Director Rambousek identified that Jumping Country is a family entertainment center that focuses on providing recreation for children. He noted that the plan of operation provided by Jumping Country indicates that the facilities peak traffic generation is expected to occur on the weekends and on weekdays after 5:00 p.m. Eighty percent of the customer-related traffic will occur on the weekends. The tenants in the Cygnet Meadows building primarily consist of light assembly, wholesale sales, and office-type uses. As a result the peak demand for automobile parking for these tenants, which occurs during weekdays from 7:00 a.m. to 5:00 p.m., should not conflict with Jumping Country's need for on-site parking.

Director Rambousek added that the total floor area of the Cygnet Meadows building is 40,156 square feet and the site provides 117 parking spaces, which is approximately 3 spaces per 1000 square feet of floor area and meets the typical on-site office parking requirement. However, Jumping Country is more of a recreational use, but has peak traffic generation hours that do not conflict with the existing users. Therefore, at its peak times most of the 117 parking spaces should be available for Jumping Country customers. He stated that this situation will be closely monitored by Planning and Development Staff and if there are any issues this matter will need to be discussed in further detail by the Plan Commission. He stated that he is recommending Plan Commission approval of this Conditional Use Permit request subject to review after a year of operation.

Director Rambousek introduced Robert D. Lindner, 1070 Summit Drive Deerfield, IL 60015, who is the owner and operator of Jumping Country Grafton, LLC.

Mr. Lindner stated that his business will be a great fit for this community and would offer an alternative form of recreational activities for the children in the surrounding areas. He also stated that the recreational area will consist of inflatable infrastructure, obstacle courses, slides, and other play equipment. Jumping Country will be accessible to the general public (children with supervising parents or guardians) for an admission fee.

Chair Brunnquell asked if there were any persons wishing to be heard on this public hearing item.

There were no persons wishing to be heard.

Chair Brunnquell requested comments or questions from the Plan Commission.

Commissioner Harms stated that his concern was related to parking. He questioned of all the parties will be on the weekends and if there are parties during the week, how that impact the parking situation with the other tenants in the building.

Mr. Lindner responded by stating that most of the birthday parties on average consist of 10-15 children with multiple parents attending. The car usage would be approximately 3 to 4 vehicles which would not create a large parking demand on the site. He also indicated that these events almost always occur when the parents are not working, so most of events will take place at night or on the weekends.

Commissioner Schlecht asked if the children would be allowed to leave the facility at any time. He also questioned the average age of the children and if you adults in attendance would be able to leave at any time.

Mr. Lindner responded that it would be unlikely that young adults 13 years and up would frequent this type of facility unless they were with younger siblings. He further noted that when children arrive with their parent/guardian, they would be required to sign in, obtain a colored bracelet, and parents would have to sign a lien waiver which is then put in file for future use. In the event that a parent would lose their portion of their bracelet the facility would then take a photograph of the child with the adult.

Mr. Linder added that if an adult tries to leave with a child that does not have a matching bracelet or photograph, they have a policy to lock-down the building and contact the Police Department immediately. He added that there was only one entrance for public use.

Commissioner Harms had one more concern regarding general liability with injuries and safety of the equipment.

Mr. Lindner responded by stating that all his staff are trained and between the adult supervision by parent/guardian, it is a pretty safe environment. If you compare it to a park or outside facility, this would probably be safer. He also added that he does do background checks on all his staff members.

There were no additional comments or concerns on this issue. The Plan Commission consensus was to take action on this item later in the meeting.

Chair Brunnquell closed the public hearing and discussion on this item.

### **COMMENCE PUBLIC HEARING**

#### **Statement of Public Notice:**

Administrative Secretary Deborah A. Brown stated the purpose of the public hearing is to review a conditional use permit amendment requested by Michael and Stacy Gauthier, for property located at 2221 Washington Street to accommodate a revised

plan for a 65,000 square foot office and manufacturing facility. The business designs and manufactures orthopedic surgical instruments and is classified as SIC 3821 Medical Equipment Instruments.

Director Rambousek presented background on the Gauthier Project. He stated that the applicant is returning to the Plan Commission with revised site and architectural plans. He stated that the size of the original building was a total of 58,000 square feet. This project was previously approved by the Plan Commission and was initially reviewed by the Architectural Review Board, but the applicants decided to re-examine the building design. The new building is now centered on the development site.

Director Rambousek stated that the limited access to the site was one of the major reasons why the building and site were redesigned. The applicant now proposes to have two median breaks on WIS 60, to provide ingress/egress on each side of the building. A traffic study has been completed and is expected to be submitted by the applicant to the Village Engineer. This should provide additional information regarding improvements and upgrades that will be required as part of the additional median break. Director Rambousek added that any modifications or upgrades made to public right-of-way and infrastructure as a result of this development will be required to be paid for by the applicant.

Director Rambousek commented that this project is a great fit to the Village of Grafton and he applauds the owners and the architects. He then introduced the project team.

Present were: Michael and Stacy Gauthier 928 Lamplighter Lane, Grafton, WI 53024 and Architects Peter Kucha and Greg Uhen of Eppstein Uhen Architects located at 333 East Chicago Street Milwaukee, WI 53202

(Note: At this meeting the applicant submitted an updated revised plan for a 77,580 square foot building). Mr. Uhen stated the biggest change in the plans was that the building went from the 65,000 square foot building to a 77,580 square foot building. He stated that they have incorporated most of the requested conditions of the Village Planner. Mr. Uhen added that the Director Rambousek was not aware that the building was going to be modified to a larger building and this is the first time he is showing it to Staff.

Chair Brunnquell asked Director Rambousek if he was comfortable with the Plan Commission reviewing a revised plan that he has not had the ability to review.

Director Rambousek reviewed the revised plans with the new 77,580 square foot building and indicated that he did not have a problem with the Plan Commission reviewing this plan this evening because the basis of the plan is similar to the one he reviewed prior to this meeting. However, he would like both project managers to state for the record and the purposes of the public hearing that the Planning and Development Staff was not aware of this modification prior to the meeting tonight.

Both Mr. Uhen and Mr. Kucha stated that Mr. Rambousek or any other Planning and Development Staff member have not seen these revised plans prior to this meeting.

Chair Brunnquell asked if there were any persons wishing to be heard on this public hearing item.

Rick Hende, United Financial, 2230 Dakota Drive, Grafton, WI 53024, stated that he was the neighbor adjacent to the south and welcomed the Gauthier's to this location. He stated that he has a few concerns regarding site surface water run-off and screening of the loading docks. He also asked if there are any odors or noise associated with the daily operation of Gauthier Biomedical.

Village Engineer Dave Murphy responded that the surface water run-off will drain to the northeast corner of the property.

Mr. Michael Gauthier responded to the other concerns. He stated that the manufacturing process does not produce any odors or fumes of any kind and that the operations have always been quiet and clean. Mr. Gauthier stated that he believes there have never been any complaints associated with his business. He then asked Director Rambousek if that statement was correct.

Director Rambousek indicated that he has not received any complaints regarding the current operation of Gauthier Biomedical under the current conditional use permit.

Village Engineer Murphy asked if the Commission wanted him to review his comments and concerns regarding his review of the new infrastructure plans he received late yesterday.

Village Engineer Murphy summarized his comments of the review of the latest infrastructure plans he received yesterday: 1) there is a tree shown in the median on these plans and he is requesting a tree grate or the removal of this tree from the plan; 2) a small change would be made on the grading plan on the southwest corner of the site and he will share the details with the project managers; 3) two planting beds should be removed; 4) the two existing driveways be closed up and replaced bike lanes; 5) detail needs to be added for the water service at the planting beds and planters; 6) two new signs need to be added for the median opening and the third sign will need to be relocated; 7) the storm sewer needs will need to be reconnected in WIS 60 when relocated; 8) the storm sewer casting needs to be changed at the new driveway opening; 9) the concrete in median needs to be red stamped concrete to match other WIS 60 median; 10) the detail for the new pavement for WIS 60 showing reinforcement will need be added on the plans; 11) there will need to be pavement marking for the two new lanes; 12) the abandon planter water service-main is shown in wrong location and will need to be fixed on the plans; 13) the hydrant detail will need to be corrected on the plans; 14) the master site plan should show curb and gutter on the future parking areas and driveway, and 15) the traffic control plan will need to be revised pursuant to his review.

Village Engineer Murphy stated that he has supplied the Project Manager with a copy of his review.

The Plan Commission stated by consensus that they would take action on this project later in the meeting; however, any approval would be subject to the final review of the Director of Planning and Development Staff and the Village Engineer..

Chair Brunnquell then thanked the Gauthier's for submitting such a great project.

Chair Brunnquell closed the public hearing and discussion on this item.

### **COMMENCE PUBLIC HEARING**

#### **Statement of Public Notice:**

Administrative Secretary Deborah A. Brown stated the purpose of the public hearing is to review a petition to rezone property located at the northwest corner of Falls Road and 16<sup>th</sup> Avenue, requested by Innovate LLC, from R-E (Rural Estate Single-Family Residential) to R-2 (Single-Family Residential).

Director Rambousek stated that in addition to the rezoning request, a preliminary plat for five single family residential lots called Tree House Subdivision has been submitted for review and consideration. These lots will be located between the east bank of the Milwaukee River and 16th Avenue north of Falls Road.

This vacant property consists of vacant 3.37 acres that includes natural resources such as steep slopes, heavy woodlands, shoreland, and floodplain. The Village of Grafton Smart Growth Master Plan 2035 identifies this property for future medium-density residential development and the proposed minimum lot size shown on this preliminary plat is 21,700 square feet, which is indicative of the medium density range. The average lot size is 29,580 square feet and is larger than the typical 10,000 to 15,000 square feet lot in the surrounding area.

Director Rambousek indicated that approximately 10 years ago, a previous subdivision plan for this property was submitted for review that included a total of 13 residential lots for a density ratio of 3.85 units per acre. The current preliminary plat reduces the density to a more acceptable medium density ratio of 1.48 units per acre (5 lots on this 3.37 acre site). This proposed density compares much more favorably with the surrounding neighborhood. The five total lots now proposed for the development create the ideal balance between density and preservation of natural resources that consist of shoreland, wetlands, woodlands, river frontage, and steep slopes. Allowing any more than five lots would severely compromise the required natural resource protection standards. Director Rambousek indicated that he is comfortable with five residential lots on this site.

Director Rambousek informed the he is recommending as part of the submittal of a final plat, the applicant submit a natural resource protection plan that illustrates all on-site natural resources preserved at the appropriate standards.

Director Rambousek indicated that the storm water management plan will need to be submitted for review by the Village Engineer. Additional requirements will include a street tree plan, street lighting plan, details of each type of sanitary and water lateral connection, details of the installation of the laterals and the repair to the road, and an erosion control plan. He stated that currently public sidewalk does not exist on this side of 16<sup>th</sup> Avenue. Due to the intense natural resources in the area, a public sidewalk should not be required. The project will be subject to all applicable Village of Grafton impact fees and all sanitary laterals are to be private and the home owner will be responsible for the cost of the lateral to the sanitary main.

Peter Renner, Innovate LLC, owner of the property was present.

Mr. Renner stated that Director Rambousek outlined his project very well. He stated that this is a beautiful unique site that will accommodate high end housing units with no lawns. This project will preserve the property and offer a unique style of living. He also noted that each house would average around 4,500 square feet, excluding the garage. He also indicated that he would like to start construction on the first house in late summer/fall of this year.

Chair Brunnuell asked if there were any persons wishing to be heard on this public hearing item.

Greg Kuehn-1756 12<sup>th</sup> Avenue-Grafton, WI 53024

Mr. Kuehn stated that he was a landscape architect, as well as a long time resident of Grafton. He is opposing the rezoning of this parcel from (3) lots to (5) lots. He believes that the current zoning of R-E should remain on the parcel because of the steep slopes. He also stated that he thinks most of the slopes are 45 to 48 percent which is a concern to create (5) buildable lots.

Nora Green-1686 South Willow Court-Grafton, WI 53024

Ms. Green agreed with Mr. Kuehn that the parcel should remain with the current zoning. She is opposed to the recommendation to the Village Board for rezoning to R-2.

Commissioner Harms commented about having no sidewalk on this parcel and wondered if that was consistent with the other properties along 16<sup>th</sup> Avenue on the west side of the street.

Director Rambousek responded that no sidewalk was consistent with the west side of 16<sup>th</sup> Avenue

Commissioner Schlecht was pleased to see the (5) lots and was concern with the preliminary plat being tied to this rezoning petition. He also was interested in the package value o of the lot and building.

Mr. Renner responded that the value on the package of lot and building will be approximately \$500,000 or higher. He added that with the recent hospital opening in Grafton, he thinks there is a need for this type of housing. He indicated that most of the lots will be cleaned of old brush and unwanted trees that occupied the site.

Commissioner Paschke thought that the basic concept works well with the property and the surrounding neighborhood.

Commissioner Plato had questions regarding Lot 2 and Lot 3 in relationship to the easement for the water and sewer lateral. She questioned if laterals were to be open cut in the street to the proposed housing units.

Village Engineer Murphy stated that the easement for the benefit of Lot 2 for access and maintenance of water and sewer connections is shown on Lot 3 on the plat. He also stated that when you have two laterals coming together a main line is created. The property owner would need to maintain the main line. To preserve the wooded area, he would recommend that the water and sewer services coming into the properties follow the driveways. He would recommend that the plat also show the locations of all water laterals and show all details of both water and sewer mains and laterals as well.

Commissioner Rieck believes Mr. Renner has done a nice job with the new five lot design compared to the old concept plan.

Commissioner Silasiri stated that compared to 10 years ago, this preliminary plat is a great improvement. He stated that the terrain is steep and the driveways should try to line-up with the terrain. He suggested that perhaps contour walls could be built for Lot 1 and Lot 3.

Chair Brunnquell asked the Plan Commission if they felt comfortable moving forward with the rezoning item later on the agenda.

Chair Brunnquell then questioned Director Rambousek if the preliminary plat and rezoning needed to be approved together at the Village Board.

Director Rambousek responded by stating that the Plan Commission could recommend to the Village Board the rezoning without having to approve the preliminary subdivision plat tonight, but obviously not the other way around.

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

## **COMMENCE PUBLIC HEARING**

### **Statement of Public Notice:**

Administrative Secretary Deborah A. Brown stated the purpose of the public hearing is to review a request for an amendment to a previously approved conditional use permit by Michael Bieniek-agent for T-Mobile to allow for new wireless telecommunications antennas for water tower located at 285 Cedar Creek Road, Village of Grafton.

Director Rambousek provided background on the T-Mobile project. He stated that T-Mobile (wireless communications) has petitioned for an amendment to the conditional use permit approved by the Plan Commission on November 28, 2006. That approval allowed the applicant to attach antennas to the Village of Grafton water tower located at 285 Cedar Creek Road. Under that conditional use approval, T-Mobile was allowed to place up to six directional antennas on the support rail of the water tower. In addition, they also received approval to construct an equipment building on the site.

Mr. Rambousek stated that the amendment is to upgrade the existing antennas to a maximum of 12 total antennas and construct a small addition to the equipment building to house new coax cables. These modifications will help T-Mobile continue to meet the demand for coverage in the Grafton area. He added that T-Mobile is currently working with the Utility Director to determine if a revised lease agreement is necessary to reflect the upgrade in the amount and type of equipment.

There were no persons wishing to be heard on this public hearing item and there were no comments or concerns by the Plan Commission.

With no further comments or concerns, Chair Brunnuell then closed the public hearing item and further discussion.

## **CONSIDERATION OF CONDITIONAL USE PERMIT REQUESTED BY JUMPING COUNTRY GRAFTON, LLC OWNED AND OPERATED BY ROBERT D. LINDNER, FOR PROPERTY LOCATED AT 1235 DAKOTA DRIVE TO ACCOMMODATE A 10,202 SQUARE FEET BUILDING FEATURING A FAMILY ENTERTAINMENT CENTER FOCUSED ON CHILDREN AND IS CLASSIFIED AS SIC 7999- AMUSEMENT AND RECREATIONAL SERVICES**

Building Inspector Johnson added that the applicant will need state approved plans.

Motion by Commissioner Rieck seconded by Commissioner Plato, to approve a conditional use for Jumping Country, LLC, a family entertainment center for children classified as SIC 7999 Amusement and Recreational Services, located at 1235 Dakota Drive within 10,202 square feet in the Cygnet Meadows building subject to staff review after one year of operation and the applicant submitting State of Wisconsin approved plans to the Inspection Department. Approved unanimously.

**CONSIDERATION OF A CONDITIONAL USE PERMIT AMENDMENT REQUESTED BY MICHAEL AND STACY GAUTHIER, FOR PROPERTY AT 2221 WASHINGTON STREET TO ACCOMMODATE A NEW SUBMITTAL OF A BUILDING 65,000 SQUARE FEET OF OFFICE AND MANUFACTURING SPACE WHICH DESIGNS AND MANUFACTURES ORTHOPEDIC SURGICAL INSTRUMENTS AND IS CLASSIFIED AS SIC 3821-MEDICAL EQUIPMENT INSTRUMENTS**

Chair Brunnuell asked the Plan Commission members if they were comfortable moving forward with the approval of this conditional use permit due to the change in the size of the building from 65,000 square feet to 77,580 square feet and the changes in the site layout.

The Plan Commission indicated a consensus to move forward to approve the project.

Motion by Commissioner Silasiri, seconded by Commissioner Paschke, to approve a conditional use permit amendment for SIC 3821 Medical Equipment Instruments for the property located at 2221 Washington Street to accommodate a 77,580 square foot building that consists of office and manufacturing space subject to the following conditions: 1) approval of the architectural plans by the Architectural Review Board; 2) review and approval of the landscaping plan by the Director of Planning and Development; 3) additional landscaping being added to the parking lot and landscaping and screening planted along the southern lot line to screen the loading docks; 4) grading the property at the southeast corner to fix the existing flooding that occurs in that area; 5) approval of the stormwater management plan by the Village Engineer; 6) all improvements within public right-of-way must be approved by the Village Engineer including both median locations and modifications; 7) the extension of a water main from WIS 60 south into the property must be approved by the Village Engineer; 8) a monitoring manhole must be installed as part of the sanitary sewer system subject to the approval of the Utility Director; 9) final signage to be approved by the Director of Planning and Development, 10) all applicable impact fees must be paid within the allotted timeframe as part of the permitting process, and 11) subject to the review and approval of the new submittal of plans by the Village Engineer, and the Director of Planning and Development. Approved unanimously.

**CONSIDERATION OF A RECOMMENDATION FOR A PETITION TO REZONE PROPERTY LOCATED AT THE NORTHWEST CORNER OF FALLS ROAD AND 16<sup>TH</sup> AVENUE, REQUESTED BY INNOVATE LLC, TO REZONE PROPERTY FROM R-E (RURAL ESTATE SINGLE-FAMILY RESIDENTIAL) TO R-2 (SINGLE-FAMILY RESIDENTIAL)**

Chair Brunnuell asked the Plan Commission if they were comfortable moving forward on the rezoning petition if the preliminary plat was not approved tonight.

The Plan Commission indicated a consensus to take action on the rezoning portion of the project.

Motion by Commissioner Rieck, seconded by Commissioner Paschke, to recommend to the Village Board to approve an ordinance rezoning the properties located at the northwest corner of Falls Road and 16<sup>th</sup> Avenue as petitioned by Innovate LLC, to rezone property from R-E Rural Estate Single-Family Residential to R-2 Single-Family Residential. Approved unanimously.

**CONSIDERATION OF A CONDITIONAL USE PERMIT REQUESTED BY MICHAEL BIENIEK-AGENT FOR T-MOBILE TO ALLOW FOR NEW WIRELESS TELECOMMUNICATIONS ANTENNAS FOR WATER TOWER LOCATED AT 285 CEDAR CREEK ROAD, VILLAGE OF GRAFTON**

Motion by Commissioner Paschke, seconded by Commissioner Silasiri, to approve a conditional use permit for T-Mobile to allow up to 12 wireless telecommunications antennas and a minor addition to the equipment building for water tower located at 285 Cedar Creek Road subject to an engineering report being submitted to the Planning and Development Department that concludes structural integrity of the water tower will not be compromised and all required landscaping from the original conditional use approval be installed or replaced, if necessary. Approved unanimously.

**REVIEW AND CONSIDERATION OF PRELIMINARY SUBDIVISION PLAT REQUESTED BY PETER RENNER OF INNOVATE LLC LOCATED AT THE NORTHWEST CORNER OF FALLS ROAD AND 16<sup>TH</sup> AVENUE TO BE NAMED TREE HOUSE SUBDIVISION**

Village Engineer Murphy suggested that the preliminary subdivision plat be tabled until Innovate LLC submits plans for stormwater management, erosion control, protection of natural resources, street trees and lighting, sewer and water mains and road repairs.

Director Rambousek agreed.

Motion by Commissioner Plato, seconded by Commissioner Schlecht, to table this agenda item #20-Consideration of Preliminary Subdivision Plat to be named Tree House Subdivision until a stormwater management plan, erosion control plan, final plan showing protection of natural resources, street trees and lighting, sewer and water mains and road repairs is reviewed by the Village Engineer and Director of Planning and Development. Approved unanimously.

**REVIEW AND CONSIDERATION OF A SIGN VARIANCE REQUESTED BY DERMATOLOGY AND ASSOCIATES LOCATED AT 1245 CHEYENNE AVENUE, OWNED BY 1245 BUILDING, LLC.**

Director Rambousek reviewed with the requested sign variance. He stated that the applicant, Dermatology and Associates, located at 1245 Cheyenne Avenue, is

requesting a sign variance from Section 20.04.077 of the Village of Grafton Sign Code regarding signage requirements in the PID, O and BP districts to allow additional wall signage on the west building elevation beyond the maximum amount of a total of 150 square feet. Currently, the maximum amount of signage area on the building has been already been significantly exceeded.

Director Rambousek stated that the proposed wall sign for this single tenant is an additional 73.5 square feet in area and consists of white acrylic individual channel-mounted lettering. The applicant has indicated that a majority of the clientele comes from the west and this proposed sign would provide safe and efficient access to their offices. This tenant already has a wall sign located as part of a multi-tenant panel on the east sign of the building and a sign panel within the monument sign at the front of the building. He expressed is concerned about setting precedence by allowing multiple wall signs for a single tenant on a multi-tenant building. In addition, signage for each building tenant already exists on the buildings east elevation. Both the Frantz Group and Shorewest Realtors currently have multiple wall signs on the building.

As an alternative, Director Rambousek stated that that the tenants could collectively pursue a height variance and/or a setback variance so the monument sign could be located closer to WIS 60 so it is more visible. In addition, any variance that is granted should include the provision that all tenant signs on the east building elevation match in primary color and style.

Chair Brunnquell then asked if representatives were present to comment on the request for this sign variance.

Present were Bob Flynn of Wisconsin Sign Builders, 743 S. Main Street, Saukville, WI 53080 and Dr. Giacomo Maggiolino of Dermatology and Associates of Wisconsin.

Dr. Maggiolino spoke to the Plan Commission and stated that his practice is committed to serving this community by offering free skin cancer screenings and volunteering education at the local high schools and senior centers. As a new business in this area, he stated that he is asking the Plan Commission to strongly consider his request this evening for additional signage to help his practice grow and allow him and his staff to care for the needs of this community.

Dr. Maggiolino indicated that his customers are having difficulty locating his practice, resulting in frustration and a perception of poor customer service. He stated that he has received multiple complaints from patients and is concerned that the lack of signage on the west side of the building is impacting his success. He commented that as a newcomer to Grafton, visibility and signage are important to growing his practice. It is good marketing to have good signage.

Commissioner Harms expressed concern with the need for the additional signage. He is not in favor of the sign variance. The commented that the building already has too many signs.

Commissioner Schlecht expressed mixed emotions on this issue. With the amount of office space available in this Village, there is a need to find some way to solve the signage issue.

Commissioner Paschke stated that the property owner should be present tonight and should be working with his tenants before items like this one comes forward to the Plan Commission

Bob Flynn, Wisconsin Sign Builders, responded that the property owner resides in Colorado and was not able to be reached.

Commissioner Plato is in agreement with the need for west side visibility but believes that the proposed sign is too big.

Commissioner Rieck stated that he approves of the sign variance and believe that the applicant should be treated fairly as it relates to the other tenants in this building.

Commissioner Silasiri agreed that this applicant should get together with the other tenants in the building and modify the monument sign that exists on the north side of building. He thinks that the monument sign should be the first option before putting additional signage on the building.

Mr. Flynn responded that the owner is not willing to move forward with the monument sign revision because of the costs involved with the renovation of the sign.

Chair Brunnquell asked Director Rambousek to meet with this applicant to discuss possible temporary signage to help him with this situation.

It was the consensus of the Plan Commission that the applicant would still need to work with the property owner and the other tenants in this location to come up with a reasonable plan for any additional signage.

Motion by Commissioner Paschke, seconded by Commissioner Silasiri, to deny the sign variance request from Section 20.04.077 of the Village of Grafton Sign Code as requested by Dermatology and Associates located at 1245 Cheyenne Avenue. Approved 6-1. (R. Rieck-nay).

**REVIEW OF A CONCEPT PLAN FOR THE VILLAGE CENTER (SECOND FLOOR) LOCATED AT 1219-1287 WASHINGTON STREET, REQUESTED BY JEFF PROCHNOW AND MARCUS TEBON.**

Director Rambousek reviewed a concept plan for the second floor of the WIS 60 building of Village Center. He stated that the applicant, Jeff Prochnow, is returning to the Plan Commission for conceptual review of his plan to utilize the second floor of this Village Center building (soon to be renamed Mill Square) as both residential and commercial office space. The review process will involve a public hearing to amend the PUD Planned Unit Development District for Village Center to allow the residential space on the second

floor. The applicant is seeking comments back from the Plan Commission one final time before moving forward with a formal presentation.

Director Rambousek informed the Plan Commission that this proposal only involves the second floor of both Village Center buildings as these are the portions of the buildings that are owned by the applicant, Mr. Prochnow. Under the original PUD Planned Unit Development approval for this building the second floor space was approved only for commercial office type space.

This residential space will be approximately 4,720 square feet in floor area, a guest suite of 846 square feet and approximately 3,475 square of new and existing office space. In addition, the residential unit will include the addition of a small penthouse type structure that will provide access to a deck and garden area on the roof of the building or what he called a four season area. Slight modifications will also be made to the east elevation of the building to include second floor porches with views of the Milwaukee River. He stated that if the Plan Commission receives the residential proposal positively, the applicant will move forward with the public hearing and action request at the next Plan Commission meeting.

Applicant, Jeff Prochnow, GS Design 6665 North Sidney Place Milwaukee, WI 53209, was present to answer any questions or concerns.

Commissioner Plato had only one question regarding how much modification to the roof would be needed. She also commented that she did like the fact of letting in natural light.

Mr. Prochnow explained that most of the roof modifications would be re-framing the roof rafters.

Commissioner Paschke commented that he would like to see the applicant work on the architectural features of the addition, but other than that he likes the concept.

The Plan Commission indicated that the concept plan is viewed favorably.

### **REVIEW AND CONSIDERATION OF A PRELIMINARY PLAT OF SUBDIVISION KNOWN TO BE BLUE STEM SUBDIVISION LOCATED SOUTH OF FALLS ROAD AND CHEYENNE AVENUE**

Director Rambousek provided information on the preliminary subdivision plat subdivision for Blue Stem. He stated that North Shore Bank FSB, the applicant and owner of the property, is seeking approval of a preliminary plat for Blue Stem subdivision that consists of 124 single family residential lots.

The previous applicant, Heartland Development, received preliminary plat approval by the Plan Commission for a 124 lot subdivision in June, 2006. They submitted a final plat for Phase I for approval in January, 2007 and again in April of 2007, at which time the final plat was found to be in "substantial compliance" with the preliminary plat pursuant

to Wisconsin Statutes 236.11(1)(b). The Plan Commission recommended final plat approval to the Village Board on April 24, 2007, and the Village Board granted final plat approval for Phase I on June 4, 2007. The Final Plat for Phase I of Blue Stem subdivision was never recorded at the Ozaukee County Register of Deeds Office due to the developer's failure to sign a development agreement and provide the Village with a Letter of Credit for required infrastructure. At that time, under Wis. Stats. 236.25(2)(b) required recording of the Final Plat within 6 months after the date of the last approval and within 24 months after the preliminary plat approval. In addition, the preliminary plat was never submitted for re-approval by the Plan Commission. Therefore, the Blue Stem preliminary plat and the Blue Stem Phase I Final Plat are both null and void and no longer substantiate any vested rights or legal lots of record.

Director Rambousek added that a Home Owners Association document and a stormwater management agreement for this subdivision were both actually recorded at the Ozaukee County Register of Deeds Office. However, considering that the original plats no longer has any legal bearing, these documents need to be updated and resubmitted to the Village Engineer for review and approval. As part of the stormwater management document, public easements will be required on the plat to allow the Village access to the stormwater ponds, in the event the Home Owners Association fails to maintain them. In addition, a Developer's Agreement will be required to be completed subject to the review of the Village Engineer prior to the construction of any infrastructure on the site.

Director Rambousek stated that the Plan Commission must treat the Blue Stem Preliminary Plat as a new preliminary plat .

Director Rambousek stated that the Village of Grafton *Comprehensive Master (Smart Growth) Plan 2035* designates the property for future Medium Density Single Family Residential and the Official Zoning Map of the Village of Grafton indicates that the property is zoned R-2 Single Family Residential. The proposed subdivision fits well with the adjacent residential area.

Director Rambousek stated that as part of the construction of this subdivision, a bike trail will need to be constructed on Outlot 1 to connect to the existing bike trail on Falls Road. Entry to the bike trail from the Blue Stem subdivision will also need to be provided via an access trail adjacent to Outlot 1. A pedestrian trail will be required to be constructed on or adjacent to Outlot 1. Entry to the east side bike trail will also need to be provided from the southeast corner of the subdivision. Both of these trails will need to be constructed and paid for by the developer.

Director Rambousek informed the Plan Commission that no one was present to represent the preliminary plat this evening. He was informed this afternoon that the applicant could not attend the meeting.

Chair Brunnquell inquired if anything had changed from the original plat.

Director Rambousek noted that only some minor Village requirements that are being added as conditions based on changes to the surrounding area since the last time this preliminary plat was approved.

There were no concerns or comments from the Plan Commission regarding the preliminary plat.

Motion by Commissioner Rieck, seconded by Commissioner Silasiri, to approve the preliminary plat as submitted, subject to the following conditions: 1) All storm water ponds will require an easement that allows the Village of Grafton to maintain the ponds if the Home Owners Association fails to do so and a deed restriction that allows the Village to assess the HOA the cost of maintaining the pond if they fail to do so; 2) A deed restriction needs to be provided requiring conformance to the "Master Grading Plan", which can be enforced with by the Home Owners Association; 3) All required impact and connection fees will need to be paid by the developer; 4) The developer will enter into a development agreement with the Village of Grafton that lists all expectations of construction subject to the approval of the Village Engineer 5) any documents that have been recorded as part of the previous preliminary plat cannot be applied to this approval, and 6) construction of all bike trails and walk paths by the developer. Approved unanimously.

#### **DISCUSSION REGARDING PARKING REGULATIONS ON THE NORTH SIDE OF BRIDGE STREET FROM 12<sup>TH</sup> AVENUE TO 13<sup>TH</sup> AVENUE**

Director Rambousek explained that the Planning and Development Department received a request from several local businesses such as Sass Accounting and Heim Shoe Store on Bridge Street between 12<sup>th</sup> Avenue and 13<sup>th</sup> Avenue to have limited parking on the north side of Bridge Street, similar to the parking regulation that currently exists on the south side. This south side of the street currently has a 2 hour parking limitation from 8:00 a.m. to 5:00 p.m. during the weekdays.

The review and approval process for this request would involve the Public Safety Committee and the Village Board..

Director Rambousek indicated that he supports this restriction because it would require downtown employees, who at times utilize parking spaces for multiple hours, to park their automobiles away from the businesses on Bridge Street. As a result, more street parking would be available for the general public to use in 2 hour increments.

Director Rambousek reviewed the Section of the Village of Grafton Municipal Code relating to this matter. He identified that Section 10.36.060(B) of the Village of Grafton Municipal Code states that:

*No vehicle shall be parked for more than two hours in any of the following areas at the times specified: B. On the south side of Bridge Street from the west*

*curbline of 13th Avenue to one hundred thirty-nine feet west of the west curbline of 13th Avenue, between eight a.m. and five p.m., Monday through Saturday, except holidays.*

With the addition of the north side of Bridge Street being added, this particular language could be amended as follows:

*No vehicle shall be parked for more than two hours in any of the following areas at the times specified: B. On the south side of Bridge Street from the west curbline of 13th Avenue to one hundred thirty-nine feet west of the west curbline of 13th Avenue, and on the north side of Bridge Street from the west curbline of 13th Avenue to forty-five feet east of the east curbline of 12<sup>th</sup> Avenue between eight a.m. and five p.m., Monday through Friday, except holidays.*

There were no comments or concerns from the Plan Commission on this item.

Motion by Commissioner Paschke, seconded by Commissioner Harms, to recommend the Public Safety Committee recommend to the Village Board the approval of an Ordinance to amend Section 10.36.060(B) to include the north and south side of Bridge Street from 12<sup>th</sup> Avenue to 13<sup>th</sup> Avenue in the current 2 hour parking regulations between 8 a.m. and 5 p.m. Monday through Friday, except holidays. Approved unanimously.

## **REVIEW OF PLANNING AND DEVELOPMENT DEPARTMENT FEE STRUCTURE MODIFICATIONS AND BUDGET POLICY CHANGES FOR 2012**

Director Rambousek reviewed recommended changes to the Planning and Development Department fee structures. He informed the Commission that as a part of the 2012 budget discussions during the last few months, there are several items that involve the Plan Commission or Planning and Development Department. He noted that the purpose of this report is to inform the Plan Commission about possible changes and address any questions. He then summarized all of the recommended changes.

Director Rambousek stated that the first item that has been discussed is the elimination of the Plan Commission, Board of Zoning Appeals, Architectural Review Board stipends which will save the Planning and Development Budget \$2700 in 2012. He also stated that this cut could be implemented as early as this year.

The second item is a reduction of contractual services for miscellaneous planning services to supplement Planning and Development Department staff from a 2011 budgeted amount of \$9,000 to \$3,000 in 2012. This would result in a savings of \$6,000 for 2012. Director Rambousek and the Plan Commission expressed concern over this issue if the Plan Commission meeting agendas continue to be a full as it was this evening. In this case, additional funds may be needed for a planning consultant.

Director Rambousek identified the third item is a proposed an increase in site plan, concept plan and Architectural Review Board commercial plan review fees from \$100, \$150 and \$35 to \$200, \$200 and \$100 respectively. These changes are expected to increase revenue in 2012 by a combined approximation of \$3,000.

Director Rambousek stated the final item is the 2012 implementation of a charge for the initial review of a development project. Currently, the Planning and Development Staff charges the amount of time it spends reviewing all projects directly to the given project developer or manager, but the initial meeting and/or review of the project is free. The inclusion of the initial meeting and/or initial review charges for all projects would result in approximately \$5,000 of additional revenue.

Director Rambousek informed the members that, the Village Board has shown its tentative endorsement of these 2012 Planning and Development Department budget policy changes. It is possible that some, if not all, of these budget changes could be implemented for the 2011 budget as well.

Chair Brunnquell added that for clarification the initial planning review meeting is representative of staff time and preparation of a project that will ultimately be on a Plan Commission meeting agenda.

## **PLANNING AND DEVELOPMENT DEPARTMENT PERFORMANCE MEASUREMENTS**

The performance measurements were reviewed by the Plan Commission. There were no comments.

## **EXTRATERRITORIAL REVIEW**

- A. Kristi Slattery-1770 Pleasant Valley Road-CUP (Conditional Use Permit)-Town of Grafton
- B. Tim and Susan Kaul-1625 Ulao Pkwy-CUP(Conditional Use Permit)-Town of Grafton
- C. Ozaukee County-1062 Pioneer Road-CUP (Conditional Use Permit)-Town of Grafton
- D. Total Auto Body-1635 North Port Washington Road-Building Addition-Town of Grafton

Director Rambousek had no issues with the extraterritorial items except for item A. He commented that he would be appearing at the Town of Grafton meeting regarding the extraterritorial review item for Kristi Slattery conditional use permit amendment request for property located at 1770 Pleasant Valley Road in the Town of Grafton.

Director Rambousek expressed concern with the height, location, architecture, and size of the building because it is located near existing and future residential neighborhoods.

The Plan Commission, by consensus, agreed with these concerns and asked Director Rambousek to present these concerns before the Town Plan Commission. They further

indicated that they did not want Director Rambousek to object to the conditional use permit request; only state the concerns discussed this evening.

**OLD BUSINESS/NEW BUSINESS**

None.

**ADJOURN**

Motion by Commissioner Schlecht, seconded by Commissioner Harms, to adjourn the meeting at 8:38 p.m. Approved unanimously.