

PLAN COMMISSION MINUTES

July 11, 2011

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Wolter, Trustee Representative Baum, Commissioners Stauffacher, Warren, Peck, Jex and Mazurek. Staff members in attendance included Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: The following residents commented on the Panda Express proposal:
John Lauderdale, W176 N9733 Rivercrest Drive, had concerns with traffic circulation.
Cheryl Tucker, W178 N9706 Riversbend Circle West, had concerns with traffic, speaker noise, dumpster location and time of pickup.
Lynn Smith, W176 N9728 Riversbend Circle East, said emergency vehicles may have a hard time getting through the parking lot.
Jo Ellen Mulder, W180 N9817 Riversbend Circle West, commented that the Speedway roadway is not maintained.
George Onken, W180 N9817 Riversbend Circle, was concerned with traffic congestion.
Audrey Puhl, N97 W17952 Mulberry Court, said a sidewalk is needed, and said the colors for Panda Express were bad.
Doris Bauer, W98 N17819 Lily Court, said she doesn't mind the restaurant but is concerned with traffic circulation.
Donna Bresler, W176 N9716 Riversbend Circle East, said traffic on Riversbend Lane does not stop at Riversbend Circle West.

PREVIOUS MINUTES: *MOTION Baum second Warren to Approve the Minutes from June 13, 2011.*

MOTION carried unanimously.

Milwaukee Metropolitan Sewerage District (MMSD) – N132 W15031 Rockfield Road.
MMSD, agent for Paul DeAngelis, property owner of a 33.3 acre parcel located on Rockfield Road is seeking approval of a 3 lot Certified Survey Map (CSM) and rezoning in order to create two 5 acre residential parcels and a 23 acre agricultural parcel to be acquired by the Conservation Fund for preservation as part of the Milwaukee Metropolitan Sewerage District's Greenseams Program. Planner Retzlaff summarized the proposal.

MOTION Baum second Stauffacher to Approve rezoning the 10 acres of land comprising Lot 1 and Lot 2 from A-1 to Rs-1 and Approve the 3 lot Certified Survey Map land division for the 33.3 acre DeAngelis property located on Rockfield Road subject to the following conditions:

- 1. All technical corrections identified by the Engineering Department as summarized in their July 6, 2011 memo shall be made prior to recording the CSM by the Village Board.***
- 2. A soil evaluation report indicating that Lot 2 can support an on-site sanitary system shall be required prior to final action on the CSM by the Village Board.***

MOTION carried unanimously.

The Glen at Blackstone Creek – River Lane. Jim Sedgwick, agent for River Lane Holdings, property owner, is proposing a series of amendments to the Blackstone Creek Planned Development District (PDD) General Development Plan and Conditions and Restrictions Resolution for the 62.4 acre residential area known as the "The Glen of

Blackstone Creek" located on River Lane. Planner Retzlaff summarized the proposed changes.

Sedgwick said he was trying to find every opportunity to advance the project and what he is hearing from buyers is an interest in single family detached condominiums. He said the overall intent of the development is not changing and feels the proposed changes are not substantial enough to require a public hearing because the density will be lower and the original design intent remains in tact.

Commissioner Peck was concerned with the 10 foot building separation for units 1 through 17. Sedgwick is in favor of the additional landscaping as recommended along River Lane, but thinks it should be completed at the time of construction and not before issuance of a building permit. He also thinks the minimum 2000 square foot building size is too big and restrictive. He had no objection to the Planning Department reviewing and approving building plans for Units 23 through 31.

MOTION Baum second Jex that the proposed PDD amendments are not significant changes and do not require a public hearing.

Stauffacher said the changes to the PDD were significant and a public hearing should be required. He said the changes proposed are consistent with Rs-5 zoning, which the Village has long rejected.

Retzlaff said the proposed changes are significant compared to what was originally approved. Peck agreed with Retzlaff. Sedgwick feels the changes make a positive impact on the development. Retzlaff said at the time the development was approved, Smurfit Stone had come forward and expressed concerns with how they may have to deal with noise complaints in the future from residential development to the South. They asked for a better setback with buffering and the 100' setback was ultimately approved. He said they should be given the same opportunity they originally had to voice their concerns with the proposed reduced 8' setback. Baum said the changes were not diminishing to the overall development.

MOTION failed (3-4 Wolter, Warren, Stauffacher, Peck)

MOTION Stauffacher second Peck that the proposed PDD amendments are significant changes that require a public hearing prior to (or concurrent with) the Village Board's review and consideration.

MOTION carried (4-3 Baum, Jex, Mazurek)

MOTION Baum second Mazurek to Approve the amendment to allow Unit Nos. 1 through 17 to be detached units subject to the following condition:

- 1. The existing landscape plan for the area along River Lane shall be revised to include significantly more landscaping to be installed along River Lane to create a better visual buffer. Said plan shall be submitted to the Village Plan Commission for review and approval prior to issuance of a building permit for any of the units located along River Lane (Unit Nos. 1 through 17 as shown on the proposed Master Site Plan). Said plan shall be implemented with the installation of the required landscaping items within one (1) year after approval of said revised landscape plan. A financial guarantee (letter of***

credit) in an amount equal to 120 percent of the estimated cost of all landscaping items and installation shall be deposited with the Village to ensure installation of the required landscaping is completed within one (1) year after approval of said revised landscape plan.

Discussion followed regarding the additional landscaping requirement. Baum said the back landscape buffer should be continuous and installed and completed at the same time. Sedgwick said he didn't agree with the Letter of Credit requirement and said he preferred that the additional landscaping be added in conjunction when a home is constructed.

MOTION Failed (3-4)

Warren asked why the Letter of Credit was a needed. Retzlaff said the Letter of Credit requirement is standard procedure that ensures a specific condition of approval is completed.

MOTION Baum second Mazurek to Approve the amendment to allow Unit Nos. 1 through 17 be detached units.

MOTION to Amend Baum second Warren to add the additional landscaping requirement without the Letter of Credit requirement.

- 1. The existing landscape plan for the area along River Lane shall be revised to include significantly more landscaping to be installed along River Lane to create a better visual buffer. Said plan shall be submitted to the Village Plan Commission for review and approval prior to issuance of a building permit for any of the units located along River Lane (Unit Nos. 1 through 17 as shown on the proposed Master Site Plan). Said plan shall be implemented with the installation of the required landscaping items within one (1) year after approval of said revised landscape plan.***

MOTION to Amend carried.

MOTION to Approve as Amended carried. (6-1, Stauffacher)

MOTION Baum second Mazurek to Approve the amendment to reduce the minimum building separation distance for Units 1 through 17 from 20 feet to 10 feet.

Retzlaff said he did not like the appearance of a continuous building wall. He said the original plan was for duplex units that were 3,000 to 4,000 square foot buildings that would appear as though the development was a very large single family, high end residential development. The proposed site condos are 1500 sqft units on lots that are the equivalent of Rs-5, Rs-6 or Rs-7. Stauffacher said he did not like the changes. He said the units are too close together and look the same without much difference.

MOTION carried. (4-3 Stauffacher, Warren, Peck)

MOTION Baum second Mazurek to Approve the amendment to reduce the number of units from (46 to 32) and change the type from (duplex to single family detached site condominiums) for Unit Nos. 18 through 67.

MOTION to Amend Baum second Mazurek to include the following conditions to the Motion:

- 1. The minimum dwelling size requirement for the units shall be 1600 to 1800 square feet.***
- 2. The minimum area of each site shall be at least 10,297 square feet to 15,000 square feet with an average of 14,553 square feet.***
- 3. All building plans for Unit Nos. 23 through 31 as shown on the proposed Master Site Plan shall be reviewed and approved by the Planning Department prior to issuance of a building permit for compliance with the PDD intent that units facing River Lane have additional architectural features to add character and interest and not simply present a backyard view from the public way.***
- 4. The existing landscape plan for the area along River Lane shall be revised to include significantly more landscaping to be installed along River Lane to create a better visual buffer. Said plan shall be submitted to the Village Plan Commission for review and approval prior to issuance of a building permit for any of the units located along River Lane (Unit Nos. 23 through 31 as shown on the proposed Master Site plan). Said plan shall be implemented with the installation of the required landscaping items within one (1) year after approval of said revised landscape plan.***

Sedgwick said the new units would be built with independent builders but they would need to follow the PDD restrictions. Retzlaff said all building plans would need to come to the Planning Department for approval to ensure the original intent of the PDD is being followed. Sedgwick added that the Condo Association has an architectural review committee that would also be reviewing building plans.

Chairman Wolter said the size of the units is dramatically different. The side by side condominiums had a total square footage of 3,000 square feet versus the 1,500 square feet single units proposed today. He said the development was originally presented as a retirement community, but understands times have changed since the initial approval.

MOTION to Amend carried. 4-3 (Warren, Stauffacher, Peck)

MOTION to Approve as Amended carried. (4-3)

MOTION Baum second Jex to Deny the Amendment to reduce the rear yard setback from the north property line from 100 feet to 80 feet.

MOTION carried unanimously.

MOTION Baum second Mazurek to Approve the Amendment to reduce the minimum building separation distance for the site units (shown as Units 23 through 54 in the proposed Master Site Plan) from 20 feet to 15 feet, and the amendment to add the concept of a 5' minimum and 7.5' average side yard setback as measured from the site lot lines shown in the proposed Master Site Plan.

MOTION Denied (5-2)

MOTION Baum second Peck to Approve the Amendment to revise the language regarding exterior building materials to allow other manufacturers and/or suppliers

of fiber cement board siding and trim products and other comparable siding and trim products made from natural materials (e.g. cedar siding) or composite materials approved by the Village Planner. This provision shall be interpreted to prohibit the use of vinyl, aluminum, T-111 plywood, similar and other lower-grade materials.

MOTION carried unanimously.

Pilgrim Plaza – W156 N11042-11072 Pilgrim Road. Sign-A-Rama, agent for Dwayne Ketterer and the Pilgrim Plaza Condominium Association, is requesting approval of a new monument ground sign for the existing multi-tenant shopping center. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the proposed monument sign, alternative #2 with the LED message board positioned in the middle, for Pilgrim Plaza located at W156 N11042 Pilgrim Road subject to the following conditions:

- 1. Electrical permits shall be obtained from the Building Inspection Department prior to installation.***
- 2. All electronic components shall be inspected and labeled by a licensed lab.***
- 3. Address coordinates on the bottom shall be a minimum of 5' in height.***
- 4. The proposed LED display reader board shall be moved from the top to a position in the middle portion of the sign.***
- 5. The LED Reader board display shall: (1) use monochromatic lights/LED's in any one of the three proposed colors, i.e. red, green or amber, but not mix the colors in any given message at any one time; (2) present each message as a static message that does not flash, scroll, move, rotate, flicker, or contain live or taped video or animation; (3) display messages for a minimum 30 second time interval before changing messages.***

MOTION carried unanimously.

Panda Express – N96 W17698 County Line Road. Possible reconsideration and action of Rezoning Application (B-1: Neighborhood Business to B-5: Highway Business) and Site Plan Review (2,258 sqft Restaurant).

MOTION Baum second Stauffacher to Reconsider the Site Plan for the Panda Express Restaurant.

Planner Retzlaff said that following the Plan Commission's approval of the rezoning and site plan for the Panda Express Restaurant, the Rezoning went on to the Village Board in June. At that meeting, action was postponed on the Rezoning given the concerns that were raised by residents at the public hearing. The comments and concerns included traffic circulation, dumpster location, preservation of the existing landscaping at the north property line and speaker noise. These concerns and the recommendations made by Plan Commission were taken into consideration by Panda Express and incorporated into a revised site plan. The revisions include relocating the dumpster, having the south driveway as an entrance only, posting of a "no right turn sign" at the north exit and an "entrance only" sign at the south entrance. He explained the original site plan approval had a condition that required a traffic study be done within 6 months after the project opened. This condition should be discussed as part of the reconsideration. He added that the Panda Express elevations had also been revised by adding more brick and stone as was recommended by

the Plan Commission.

Chris Pope, HSB Architects, discussed the revisions made to the site plan that addressed concerns and recommendations. Warren asked where the traffic study played into this motion. Chairman Wolter said the traffic study would be discussed at the time the site plan is reconsidered.

MOTION to Reconsider Approved unanimously.

Peck suggested abandoning the south entrance entirely and just going with the north entrance.

MOTION Stauffacher second Baum to Approve the new site development and building plans for a 2,250 sqft retail commercial building for a restaurant with drive-through facilities for the .79 acre property located at N96 W17698 County Line Road subject to the following conditions:

- 1. All landscaping and lighting items shown on the plans shall be installed as proposed prior to issuance of an occupancy permit for the building unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs is submitted to the Village as necessary to ensure that the installation of all proposed landscaping features will be completed within one (1) year after issuance of the first building permit.***
- 2. A Knox Box shall be installed as required by the Fire Department.***
- 3. Developer shall obtain final approval of the erosion control plan as part of the Erosion Control Permit issued by the Village Building Inspection Department.***
- 4. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***
- 5. All technical corrections listed in the Engineering Department's June 10, 2011 memo shall be addressed and included in a revised plan set prior to issuance of a building permit.***
- 6. All exterior signage shall comply with the Village sign regulations and be reviewed and approved by the Plan Commission.***
- 7. The trash enclosure shall incorporate exterior materials (e.g. stone, brick or decorative block) and colors complimentary to the principal building on the three wall sides, including a wooden clad gate (vs. the corrugated steel panel proposed). Additional landscaping comprised of evergreen and deciduous trees and shrubs shall be installed around all sides of the trash enclosure and presented in a revised landscape plan for review and approval by the Village Planner prior to issuance of a building permit.***
- 8. Additional landscaping comprised of both deciduous and evergreen trees and shrubs and/or turf grass shall be installed: (a) along the north and east property lines; (b) in the southeast corner of the site and along County Line Road and within the island between the two access driveways; (c) and along the building foundation and/or in front of the north, south and west elevations (similar to that provided at the KFC and Arby's restaurants). A revised landscaping plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit.***
- 9. Revised building elevations reflecting changes made to the exterior materials and/or architectural features shall be submitted to the Village Planner for review and approval. Changes should include: (a) the use of more stone, brick***

or decorative CMU block or panels on main building elevations in place of the EIFS material, particularly on the south, west and east elevations; (2) an additional architectural feature added to the north and east elevations to break up the building mass and plain appearance; (c) other changes as directed by the Plan Commission.

Chairman Wolter thanked the residents that voiced their concerns and the representatives from Panda Express that listened to the comments and incorporated them into a revised site plan. Trustee Baum cited concerns he had received outside the meeting including the traffic issue, installation of a pedestrian sidewalk, plantings within 10 feet of the curb that will be killed, speaker noise, and the purple color not being liked. Residents had the following comments on the revisions:

Pat Walczak – the south entrance is the biggest problem- should have the north entrance only.

John Lauderdale – Ensure safety vehicles can access site efficiently

Garry Kasten – not enough room for traffic, the building looks like a circus building

Lynn Smith – traffic study is needed before approval

Warren asked if there was a comparison of traffic for Panda Express versus the bank. Planner Retzlaff said the Institute of Transportation Engineers has trip generation numbers for just about every general land use. For a drive in bank the average trips per day averages 483 and for a fast food restaurant 1120 trips per day, based on square footage. However, after applying pass by ratio's and time of day the trips per day can vary from 84 trips for the bank versus 76 for the restaurant. Warren said the traffic problem is an existing problem and he would like to see an effort to close the south entrance.

MOTION to Amend Peck second Stauffacher to close the South Entrance.

Retzlaff said the reason to complete the traffic study after the doors were open was to sort out the local driveway movements and determine if the south driveway was creating the problem. He said how can we ask to close the south entrance to address concerns that haven't been determined yet. A lengthy discussion followed regarding the poor traffic circulation on Riversbend Lane. Commissioners questioned if the driveway could be reconfigured after the restaurant was completed and if the traffic study shows the south entrance should be closed, will Panda Express want to pay the extra money to reconfigure the site. Baum said the traffic study should be done now to address concerns before the restaurant is built.

MOTION to Amend Fails (6-2)

Trustee Zabel suggested the Village work with Super America and Holiday Inn Express to reconfigure Riversbend Lane by possibly putting in an island or moving Super America's driveway.

MOTION to Amend Stauffacher second Peck to add a 10th condition that the traffic circulation be reviewed within 6 months to determine if it has become a problem.

Warren said he would recommend the traffic study be done before construction begins. Chairman Wolter said the traffic problem has been created because of what is there already and asked if there is a problem, should it fall to the next business to fix or rectify it

or should the Village fix and rectify it. He said the road belongs to the Village and the traffic pattern was created because of past improvements and it should not be up to one business to fix. Baum said revising Riversbend Lane could be recommended for a future road improvement project.

MOTION to Amend Withdrawn.

MOTION to Approve carried unanimously.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST: None

ADJOURNMENT: There being no further business the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant