

**CITY OF PORT WASHINGTON  
PLAN COMMISSION  
MINUTES  
THURSDAY, AUGUST 20, 2009**

Commissioners met at 6:30 p.m. The location was 885 Hales Trail to view the setbacks for this property. They then returned to City Hall to convene the Plan Commission meeting.

1. **ROLL CALL:** Mayor Huebner called a duly convened meeting of the Plan Commission to order at 7:02 p.m. Members present were: Commissioners Kelley, Becker, and Voigt. Also present were: City Planner Randy Tetzlaff, City Engineer Rob Vanden Noven, City Building Inspector Dennis Wiese, and City Administrator Mark Grams. Absent and excused: Commissioners Sova, and Mlada.
2. **APPROVAL OF MINUTES OF JULY 16, 2009. MOTION BY COMMISSIONER KELLEY AND SECONDED COMMISSIONER BECKER to approve the minutes subject to correcting the roll call, City Administrator Mark Grams was not present at the meeting. Motion carried unanimously.**
3. **PUBLIC APPEARANCE & COMMENTS:** Mr. Tom Veale of 905 Hales Trail stated that he was pleased that the Plan Commissioners went to 885 Hales Trail to view the site. He stated that his questions have been answered. He was pleased with the results.
4. **ESTABLISHING A BUILDING SETBACK LINE FOR A VACANT LOT LOCATED AT 885 HALES TRAIL:** City Planner Tetzlaff reviewed this item with the Plan. He stated that at last month's meeting, the Commission approved a 50 foot setback for this lot. If the applicant could not make this setback work on the site, the Commissioner's agreed to again review it. The applicant has staked-out his proposed house and believes that a 40 or 42 foot setback is needed in order to build the new home. The Mayor has agreed to have the commissioners meet at the property, to walk it, and see first hand, where the proposed house is to be located in reference to the ravine. Once the on-site visit is completed, the Commission will return to City Hall and convene our meeting. If the Commission finds that a setback less than 50 feet is appropriate, then a motion must be made to "rescind" the prior action; and then a new motion to approve a new setback distance must be made. It is noteworthy that according to the City Attorney, if the Commission fails to take action on establishing a setback, then the district setback of 30 feet will prevail. Also, if the Commission chooses to stick with the 50 feet or something else that does not work for the applicant; he may choose to proceed filing an appeal with the Board of Zoning Appeals who may side with the applicant and find that the topography warrants a setback of 30 feet or less. Commissioners discussed this item. **MOTION BY COMMISSIONER KELLEY AND SECONDED BY COMMISSIONER VANDEN NOVEN to rescind the 50 foot setback approved last month. Motion carried unanimously. MOTION BY COMMISSIONER KELLEY AND SECONDED BY COMMISSIONER BECKER to approve a setback of 42 feet for 885 Hales Trail. MOTION BY MAYOR HUEBNER AND SECONDED BY COMMISSIONER BECKER to amend the motion to read a minimum of 40 feet for the setback. (3 Ayes, 2 Nays (Voigt & Vanden Noven)) Motion carried. Commissioners discussed this item again. Motion carried on the original motion to establish setback at the 40 foot minimum.**

- 5. CONDOMINIUM PLAT FOR WOODRIDGE I:** City Planner Tetzlaff reviewed this item with the Plan Commissioners. He stated that the condo plat covers the area where the Plan Commission previously approved a site plan for single family detached units. The original owner, Brendan Sullivan sold the land to Cal Akin and now there is a new LLC under his direction called Woodridge I, is proposing to proceed with the development. Within the last two years, a private road, utilities, and street trees were installed as per the approved site plan. Like the original plan, the plat proposes twelve (12) single family units, with units being defined as a lot where each home will be constructed. Each home will be sold as a condominium with the common areas being the private road and the entrance monument sign and landscaping. The LLC is proposing to build 2 units on spec and thereafter, will sell additional completed units or simply sell undeveloped lots allowing owners to construct their own homes. There will be an architectural review of the future units by the Association. Since this involves the construction of a single family unit, each unit will be subject to our 7 point new house design standards. The price point for the proposed units is less than \$200,000. To meet this target price in today's market, the units are smaller and less fancy than originally proposed. There appears to be interest in this concept and proposed price point. A full set of the condominium documents has been submitted and will be made available to our City Attorney to review should he so choose. Staff recommends the approval of the condo plats as submitted. Mr. Joe Goldberg reviewed the condominium plat with the Commissioners and answered several questions. **MOTION BY COMMISSIONER KELLEY AND SECONDED BY COMMISSIONER BECKER to approve the condominium plat for Woodridge I as presented. Motion carried unanimously.**
- 6. SITE APPROVAL OF A LOCATION FOR THE SIMPLICITY FOUNDATION MONUMENT:** City Planner Randy Tetzlaff reviewed this item with the Plan Commissioners. He stated that the Simplicity Foundation had asked the Library Board if the monument could be placed at the Library. The Library Board turned the Foundation down stating that they did not have a location for it. Most of the Aldermen believe that the Library is the best location for the monument. Some members of the Common Council believe the end of East Main Street, next to the Wisconsin Chair Factory monument is a good location, and others believe the small park next to the Filtration Plant on East Jackson Street is another good location. Mr. Kevin Kirst appeared before the Commissioners and explained the reason for the monument and the foundation. **MOTION BY COMMISSIONER BECKER AND SECONDED BY COMMISSIONER KELLEY to place the Simplicity Monument at the end of East Main Street near the southern parking lot. Mr. Jim Vollmar voiced his opinion regarding the monument. MOTION BY COMMISSIONER VOIGT AND SECONDED BY MAYOR HUEBNER to table this item until another meeting. Motion carried unanimously.**
- 7. REVISE SECTION 20.24.030 OF THE ZONING CODE PERTAINING TO DRIVEWAYS:** City Planner Randy Tetzlaff reviewed this item with the Plan Commissioners. He stated that at the last Common Council meeting, 2 aldermen brought forth concerns about our regulations pertaining to driveways in one and two-family districts. One raised questions about the requirement that driveways must be 3 feet from an adjoining lot line. Many homes in older areas have narrow lots and the driveways are on the lot line. When it comes time to replace the driveway, the owner must move it over and consequently, the old apron no longer lines-up with the new driveway. In a few rare cases, some homeowners share a driveway so what happens when it comes time to replace on or both? Another alderman brought forth a current situation where the homeowner on the corner of Second Avenue and Westport recently replaced his driveway on the original footprint. The driveway flares wider near the house to

allow for basketball playing, etc., and is wider than 20 feet at the lot line where it meets the street right-of-way. The inspector flagged the driveway before a contractor poured it yet he went ahead and poured the concrete anyway. Now orders have been issued to remove a portion of the driveway; the owner agrees that the contractor erred but also believes that homeowners like him should be allowed to replace driveways on their original footprint, otherwise we are discouraging the replacement of old and worn driveways. The driveway regulations in question were revised in 2005-2006 and the commission spent over 6 months discussing them. One of the objectives was to discourage or prevent the parking of vehicles in the front yards on non-paved surfaces and well as to discourage other homeowners from excessively paving their front yards to accommodate cars, trucks, boats, RV's, etc. The new regulations allowed the paving of areas alongside a garage for additional parking. The Commission at that time felt that a driveway 20 foot wide driveway for a 16 foot garage door was sufficiently wide enough to allow activities such as basketball because it is unlikely that cars will be parked there (the width may increased for multiple garage doors). At the time these revisions were made, the thought of creating a disincentive to improve a non-conforming was not discussed. However, since the time these regulations were approved, a new ordinance regulating the exterior maintenance was approved and could be used to encourage or enforce upkeep of the driveways. A couple of other points staff would like to clarify about this issue. First, the two cases brought forth by the aldermen involved the same concrete contractor. He is one that the City has had numerous problems with: he does not always take out permits; he does not construct the paved areas as per the plan; he often ignores the regulations including the red-flagging on his work. The aldermen are also led to believe that the rules and regulations are not clear to either the homeowners or the contractors. To the contrary, when inquires are made regarding a driveway installation, either the homeowner or contractor are given clear and concise instructions. Whether either chooses to heed that information is the problem. I consulted with our administrative staff as to whether other contractors or homeowners had problems with the driveway regulations. A few contractors have grumbled because installing less concrete means less money. As for the homeowner, once staff goes over the regulations they are generally satisfied. This is the first time we had a request to revise the regulations. At the request of the aldermen, I did review the regulations of some other communities. Despite the two situations that have come to the attention of the aldermen, for the most part the driveway regulations are working but may need some tweaking. It does not make sense to make wholesale changes because of the work or problems created by one contractor who fails to follow the rules. Commissioners discussed this item. Mr. Jim Vollmar voiced his opinion. Mr. Paul Neumyer also spoke. Mr. Tom Caravella also gave his opinion as the homeowner in question.

**MOTION BY COMMISSIONER VANDEN NOVEN AND SECONDED BY COMMISSIONER BECKER to have the Design Review Board review driveways with recommendations for special exceptions and be brought to the Plan Commission approval.**

- 8. ANNEXATION OF PROPERTY LOCATED ALONG SOUTH DIVISION STREET:** City Planner Randy Tetzlaff reviewed this item with the Plan Commissioners. He stated that WE Energies owns the property immediately east of Modern Equipment (formerly Trak/Omni-Quip/JLG) west of South Division Street, and south of Western Avenue. WE Energies currently has the property on the market and when a survey of the property was completed, it became evident that not all of the property was in the City. WE Energies is now requesting that the parcel be annexed. The parcel is 1.757 acres in size and is adjacent to the Town of Port Washington. This property is within the area that the Town has conceded to the City and will not contest any annexations. The remaining property is zoned I-1, General Industrial and this

parcel will come in as AG, Agricultural. The comprehensive plan recommends that the portion of this property which abuts South Division Street be residential. The area to the west that is under the transmission lines is not developable and may remain industrial. The interest that WE Energies has garnered for the property to date has been for low density residential development. Staff recommends approval of the annexation of this land. **MOTION BY MAYOR HUEBNER AND SECONDED BY COMMISSIONER VOIGT to approve the annexation of property located along South Division Street as presented. Motion carried unanimously.**

9. **CONSERVATION OVERLAY DISTRICT FOR PROPERTY ALONG THE WEST SIDE OF JOHNSON STREET OVERLOOKING THE DOWNTOWN:** City Planner Randy Tetzlaff reviewed this item with the Commissioners. He stated that a couple of years ago, the City created a Conservation Overlay District Zoning. Part of the road reconstruction in the St. Mary's hill neighborhood includes installing sidewalks on the west side of Johnson Street running south from the church. The lots there are actually a hillside and appear to be not developable and the assessor so taxed them. A past owner of one of the lots hired an engineering firm to look at the feasibility of developing them and found it was unreasonably expensive and nearly impossible. The lots are owned by different parties and are zoned CCM, Central City Mixed. When the overlay district was being discussed, this was one of the areas used as an example of where a conservation district was appropriate, steep hillside subject to erosion if altered, a scenic vista (it overlooks the downtown), and is not developable. Since the City is unable to special assess these lots for the sidewalk, then it makes sense to place overlay zoning on them. If the Plan Commission agrees, the owners will be approached and the matter will be discussed with them prior to bringing a rezoning ordinance to the Common Council. **MOTION BY COMMISSIONER BECKER AND SECONDED BY COMMISSIONER VANDEN NOVEN to approve the Conservation Overlay District for property along the west side of Johnson Street as presented. Motion carried unanimously.**

10. **PUBLIC APPEARANCES AND COMMENTS:** Mr. Jim Vollmar discussed various item with the Plan Commissioners.

11. **FORTHCOMING EVENTS:** There was none.

12. **ADJOURNMENT:** **MOVED BY COMMISSIONER VANDEN NOVEN AND SECONDED BY COMMISSIONER BECKER to adjourn the meeting at 9:03 p.m. Motion carried unanimously.**