

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20080107-1
UNAPPROVED MINUTES**

January 7, 2008

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, January 7, 2008 at Cedarburg City Hall, W63 N645 Washington Avenue, in the Council Chambers. The meeting was called to order at 7:00 p.m. by Vice Chairperson Mark Burgoyne.

Roll Call: Present - Council Member Sandra Beck, Mark Burgoyne, Brook Brown, Keith Kaiman, Joe Emmerich; Park & Forestry Chairperson James Schara

Excused - Mayor Gregory Myers

Also Present - City Attorney Kaye Vance; City Planner Jon Censky; Administrative Secretary Darla Drumel; interested citizens

STATEMENT OF PUBLIC NOTICE

Administrative Secretary Drumel confirmed that the agenda for the meeting had been posted and distributed in compliance with the Wisconsin Open Meetings Law.

APPROVAL OF MINUTES

A motion was made by Commissioner Brown, seconded by Council Member Beck, to approve the minutes of November 5, 2007 with a correction on page PLN20071105-6, in the motion to approve the Jerschefske land division, so that the square footage of the newly-created lots equal 44,056 square feet. The motion carried without a negative vote, with Mayor Myers excused.

Staff later clarified that the lot sizes were correct, with the remaining footage dedicated as road right-of-way. No changes to the November 5, 2007 minutes were required.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered at this time.

CONSULTATION REGARDING PLANS TO AMEND THE PUD ZONING PLAN AND PRELIMINARY PLAT FOR THE SEVEN GABLES SUBDIVISION TO ADD AN ADDITIONAL LOT, REMOVE SIDEWALKS FROM ONE SIDE OF THE INTERIOR ROADWAY LOOP AND ADJUST THE OUTLOT ALONG CEDAR CREEK - MLG

Planner Censky noted that MLG recently purchased a parcel of land located along the west side of Cedar Creek that they would like add to their Seven Gables Subdivision plat and are asking for another lot. The purchase of this parcel was necessary to have public sewer pipe extended to this subdivision as it is directly across the Creek from the end of the sewer system in Highland Drive and lies between Cedar Creek and Seven Gables.

Planner Censky advised that the Seven Gables site was zoned RS-7(PUD) in April of 2007. The RS-7 District is a low-density single-family zoning with minimum lot sizes of 20,000 square feet and the PUD allows for the reduction in lot sizes while maintaining the prescribed density in order to

preserve open space. The PUD also serves as the master zoning plan for the project and any significant change to the plan must be approved through a process that includes a public hearing at the Plan Commission and final action by the Common Council. While a public hearing will be required before a recommendation is considered, MLG was simply asking for feedback through consultation.

Planner Censky continued that MLG was also requesting a few other changes to the plat. While they originally indicated that this project would have the full complement of improvements, they now believe the needs of the homeowners will be met with sidewalks along one side of the interior road system and are requesting to remove the sidewalk within the inside loop. Because the RS-7 District is intended for low-density residential subdivisions of a semi-rural character, the Code does allow the Plan Commission to designate sidewalks as it feels necessary. MLG was also proposing to relocate part of the bike path along Sheboygan Road from being directly parallel to Sheboygan Road to having a slight meander to the east where it runs adjacent to the interior road within Seven Gables and then back out to Sheboygan Road. Finally, the outlot along Cedar Creek would be changed from including the entire area along the length of the Cedar Creek to being divided by private property. Lots 18, 19 and 20 would then extend down to the bank of the Creek.

Planner Censky responded to a question from Vice Chairperson Burgoyne that the City would have had to obtain an easement from the property owner if MLG had not purchased the lot for the continuance of the sanitary sewer system.

Andy Bruce, Executive Vice President and Principal of MLG, clarified that the Town property would not be included as part of the subdivision plat but would be dedicated as open space within the development and he noted that the residents of Seven Gables would still have access to Cedar Creek along Lots 18, 19, and 20. There would be another pathway that would connect with the cul-de-sac for the public as well as the residents of the subdivision.

Council Member Beck opined that the public path along Cedar Creek should continue through the environmental area to the north limits of the subdivision. Mr. Bruce noted that they could provide a public path easement across Lots 18, 19, and 20. Commissioner Schara expressed concern that the private property owners of Lots 18, 19, and 20 would have privacy issues if the public utilized an easement through their property along the Creek. Vice Chairperson Burgoyne agreed with having public access along the Creek to the north.

With respect to the Sheboygan Road bike path, Mr. Bruce pointed out that it was an improvement to meander the bike path along Sheboygan Road and that the silo would be retained.

Council Member Beck stated that she liked the street names, but asked where "Seven Gables" originated. Mr. Bruce could not recall the exact reasoning for the subdivision name but believed the gables referenced architectural detail that created the image of sheltering homes.

Commissioner Brown and Council Member Beck liked the single sidewalk and the meandering bike path. Commissioner Kaiman opposed the meandering bike path. Brandon Schulta of MLG noted that the meandering path provided more landscaping flexibility.

Commissioner Brown strongly objected to extending Lots 18, 19, and 20 to the Creek. Outlot 4 should continue to the north subdivision limits with a public path.

Planner Censky noted that staff prefers to have the Environmental Corridor located within the Outlot because enforcement of the environmental rules would be easier if the property were owned by a homeowners association rather than private property owners. Planner Censky clarified that Primary Environmental Corridors do not mean that homes cannot be built, but that a conditional use permit must be obtained for their construction.

REQUEST FOR DISCONTINUANCE OF A 7-FOOT BY 167.83-FOOT STRIP OF PUBLIC RIGHT-OF-WAY ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 3598 AT THE SOUTHEAST CORNER OF KEUP ROAD AND COVINGTON SQUARE – JAMES USELDING

Planner Censky explained that in February 2006, Certified Survey Map #3598 was approved dividing an existing 57,064 square foot lot at the southeast corner of Keup Road and Covington Square in half. This approval also resulted in the acceptance of a 40-foot wide by 167.83-foot long predetermined public road reservation, which will be used with the road dedication from the recently approved Keup Trails Subdivision plat for the extension of Covington Square East. The 40-foot wide strip represents the south half of the Covington Square East right-of-way which now exceeds the City's standard width for a local street by 7 feet. The City's standard right-of-way width is 66' (33' on either side of center). Accordingly, Mr. Uselding is requesting that the 7 feet along his frontage be discontinued and transferred back to the property from which it was taken. Procedurally, since a petition with the appropriate signatures has been received, Common Council approval is necessary following Plan Commission recommendation. Planner Censky added that the 40-foot wide dedication was intended for an extension of Falls Road.

Action:

Commissioner Brown moved to recommend granting the request for discontinuance of a 7-foot by 167.83-foot strip of public right-of-way along the north line of Certified Survey Map No. 3598 at the southeast corner of Keup Road and Covington Square north of W51 N848 Keup Road. The motion was seconded by Council Member Beck and carried without a negative vote, with Mayor Myers excused.

CONSIDER PLAN COMMISSION RESOLUTION NO. 2008-01 RECOMMENDING ADOPTION OF THE CITY OF CEDARBURG "SMART GROWTH COMPREHENSIVE LAND USE PLAN – 2025"

Planner Censky advised that the first step in the Comprehensive Plan adoption process is for the Plan Commission to pass a resolution recommending Common Council approval of the Smart Growth Plan. The Plan will then be presented to the Common Council who will hold a public hearing following a Class 1 notice before considering an ordinance to adopt. The following is the specified process as set forth in State Statutes 66.1001:

Comprehensive Planning

(4) **PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS.** A local governmental unit shall comply with all of the following before its comprehensive plan may take effect:

(a) The governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services and public meetings for which advanced notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures shall provide for wide distribution

of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments.

(b) The plan commission or other body of a local governmental unit that is authorized to prepare or amend a comprehensive plan may recommend the adoption or amendment of a comprehensive plan only by adopting a resolution by a majority vote of the entire commission. The vote shall be recorded in the official minutes of the plan commission or other body. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan. One copy of an adopted comprehensive plan, or of an amendment to such a plan, shall be sent to the following:

1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.
2. The clerk of every local governmental unit that is adjacent to the local governmental unit that is the subject of the plan that is adopted or amended as described in par. (b) (intro.).
3. The Wisconsin Land Council.
4. After September 1, 2003, the department of administration.
5. The regional planning commission in which the local governmental unit is located.
6. The public library that serves the area in which the local governmental unit is located.

(c) No comprehensive plan that is recommended for adoption or amendment under par. (b) may take effect until the political subdivision enacts an ordinance or the regional planning commission adopts a resolution that adopts the plan or amendment. The political subdivision may not enact an ordinance or the regional planning commission may not adopt a resolution under this paragraph unless the comprehensive plan contains all of the elements specified in sub. (2). An ordinance may be enacted or a resolution may be adopted under this paragraph only by a majority vote of the members-elect, as defined in s. 59.001 (2m), of the governing body. An ordinance that is enacted or a resolution that is adopted under this paragraph, and the plan to which it relates, shall be filed with at least all of the entities specified under par. (b).

(d) No local governmental unit may enact an ordinance under par. (c) unless the local governmental unit holds at least one public hearing at which the proposed ordinance is discussed. That hearing must be preceded by a class 1 notice under ch 985 that is published at least 30 days before the hearing is held. The local governmental unit may also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:

1. The date, time and place of the hearing.
2. A summary, which may include a map, of the proposed comprehensive plan or amendment to such a plan.

3. The name of the individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.
4. Information relating to where and when the proposed comprehensive plan or amendment to such a plan may be inspected before the hearing, and how a copy of the plan or amendment may be obtained.

Planner Censky noted that the document contained the necessary goals, objectives and policies which will guide the City's growth through the year 2025. This was the result of a strategic planning process that began in 2000 with the creation of the Cedarburg Blue Ribbon Visioning Committee who conducted several focus group sessions and also surveyed the community to determine how the City of Cedarburg should monitor and control its growth over the next 20 years. It continued with the inventory and analysis of background information, which resulted in the establishment of the guiding goals, objectives and policies that the Plan Commission has been working on over the last year and a half. The document contains all nine elements required by the Smart Growth law.

Action:

A motion was made by Commissioner Brown, seconded by Commissioner Kaiman, to recommend adoption of the "Smart Growth Comprehensive Land Use Plan – 2025."

Continued Discussion:

In response to questions from Commissioner Brown, Planner Censky explained that while Primary Environmental Corridors are intended to be protected, development within these areas is not prohibited. Residential encroachments thereof are processed as a conditional use.

Vice Chairperson Burgoyne asked that a breakdown of growth for the past 25 years should be included as it relates to housing demand. The Blue Ribbon Visioning Committee utilized that information to reach its recommendation of 1% to 1.5% growth per year. On page 2-9, the language should be neutral on the type of housing.

Commissioner Brown requested that a statement to foster bicycle paths in all new developments be included on pages 3-14 through 3-16. The Riverwalk should also be encouraged.

Commissioners requested that the legends on the maps be of larger print so that they would be more readable. Commissioner Brown also found the purple numbers difficult to read on page 4-7. Planner Censky advised that he met with School Superintendent Dr. Herrick and his comments are incorporated in the plan.

It was suggested that more in the document highlight the Downtown Historic District. Planner Censky pointed out that "A Development Plan for the City of Cedarburg – 2010" had a great deal of detail regarding the Downtown Historic District and was referenced in the Smart Growth Plan.

Commissioner Kaiman directed that review of the Smart Growth Plan be an annual agenda item in order to make sure the document is being implemented.

Final Action:

The motion to recommend the Common Council adopt the Smart Growth Plan carried without a negative vote, with Mayor Myers excused.

Continued Discussion:

PLAN COMMISSION
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Planner Censky was recognized for the quality of the final document. He reminded Commissioners that they all were involved throughout the project.

Commissioners agreed to a joint meeting with the Common Council for the public hearing on February 25, 2008.

MAYOR'S ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Commissioner Brown moved to adjourn the meeting at 8:15 p.m. The motion was seconded by Commissioner Schara and carried without a negative vote, with Mayor Myers excused.

Darla Drumel,
Administrative Secretary