

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20080602-1
UNAPPROVED MINUTES**

June 2, 2008

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, June 2, 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 Mayor Gregory Myers.

Roll Call: Present - Council Member Kip Kinzel, Mark Burgoyne, Brook Brown, Keith Kaiman, Joe Emmerich

Excused - Mayor Gregory Myers

Absent - Park & Forestry Chairperson James Schara

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.

ELECTION OF VICE CHAIRPERSON AND SECRETARY

Vice Chairperson Burgoyne noted that action on this item was taken at the May meeting and was on the June agenda in error.

APPROVAL OF MINUTES

Commissioner Brown moved to approve the minutes of May 5, 2008 with the addition of the action taken to elect a Vice Chairperson and Secretary to page PLN20080505-3 before **REVIEW AND CERTIFY CODE OF ETHICS** as follows:

ELECTION OF VICE CHAIRPERSON AND SECRETARY

Commissioner Brown nominated Mark Burgoyne as Vice Chairperson. A motion was made by Commissioner Brown to elect Mark Burgoyne as Vice Chairperson. The motion was seconded by Commissioner Kaiman and carried without a negative vote.

Commissioner Brown nominated Council Member Kip Kinzel as Secretary to the Plan Commission. He then moved to elect Council Member Kip Kinzel as Secretary. The motion was seconded by Commissioner Kaiman and carried without a negative vote.

The motion carried without a negative vote, with Mayor Myers excused and Commissioner Schara absent.

SITE PLAN AMENDMENT REQUEST TO ADD AN EMERGENCY POWER GENERATOR TO THE BASE OF THE WATER TOWER LOCATED AT N49 W6411 WESTERN ROAD—VERIZON WIRELESS

Planner Censky advised that Verizon Wireless is in the process of upgrading its telecommunication equipment by adding an emergency power generator to their leased site at the base of the Cedarburg water tower at N49 W6411 Western Road. This proposed 60kw generator is necessary for Verizon to provide continued power to the facility in the event of a power outage when service is most needed. Verizon's equipment is located in the brick building at the northeast corner of the fenced-in area adjacent to the entrance drive and the proposed generator will be located directly north of that building. To accommodate the generator, Verizon is increasing their leased area to the north, bumping out the fence by 4 feet and installing a reinforced concrete pad. Cedarburg Light & Water has been working with Verizon on this change and has no problem with the location. This generator will be tested for 20 minutes once a week and Cedarburg Light & Water has asked that testing be restricted from 7:00 a.m. to 7:00 p.m. to cause the least amount of nuisance to the neighboring properties. Since the equipment will be within the fenced area and out of view from the general public, staff has no objection subject to the equipment being placed on a concrete pad in accordance with the approved site plan; that noise emanating from the generator complies with the performance standards as set forth in the Zoning Code and/or Nuisance Code, that the exterior lighting or signage not permitted unless specifically approved by the appropriate approving authority and that the existing trees that are in the way shall be relocated to the area outside the proposed fence so as to visually buffer the generator from the adjacent property to the west.

Commissioners discussed whether the generator would be run on diesel or natural gas, with a preference to natural gas because of the noise and odor of diesel engines. It was noted that on page E1 of Verizon's submission, item 16) stated that "GAS METER – WE ENERGIES TO SIZE METER AND NATURAL GAS SERVICES . . .," confirming that the unit would be powered by natural gas.

Action:

A motion was made by Commissioner Brown to approve the requested site plan amendment to add a natural gas emergency power generator at the base of the City water tower located at N49 W6411 Western Road subject to the following:

- The equipment placement shall be on a concrete pad in accordance with the approved site plan.
- Noise emanating from the generator shall comply with the performance standards as set forth in the Zoning Code and/or Nuisance Code.
- Weekly testing shall be limited to weekdays only (i.e., Monday – Friday) between the hours of 9:00 a.m. and 5:00 p.m.
- Exterior lighting or signage not permitted unless specifically approved by the appropriate approving authority.
- Existing trees that are in the way shall be relocated to the area outside the proposed fence so as to visually buffer the generator from the adjacent property to the west.

The motion carried without a negative vote, with Mayor Myers excused and Commissioner Schara absent.

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RECOMMENDATION PERTAINING TO PROPOSED CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT W66 N598 MADISON AVENUE – MERCURY MARINE

Planner Censky explained that Mercury Marine Inc. submitted their Certified Survey Map (CSM) for the St. John Avenue property that will be used as a basis for the preparation of the detailed site plan for the future Cedarburg Public Library. This CSM will also serve to provide the legal description for the site and to dedicate the necessary public right-of-way along St. John Avenue, which was never dedicated in the past. The CSM does not result in a land division but is needed for the right-of-way dedication and because of that dedication both Plan Commission and Common Council approval are necessary. The CSM is in full compliance with the dimensional requirements of the I-1 Institutional and Public Service District. The CSM is scheduled for Common Council action at its June 9, 2008 meeting. It was noted that language would be added that would hold the City harmless for any contaminates that may exist under the dedicated roadway.

Action:

Commissioner Brown moved to recommend approval of the proposed CSM for the property located at W66 N598 Madison Avenue with the understanding that the City will not assume liability for any contamination under the dedicated street right-of-way. The motion was seconded by Commissioner Emmerich and carried without a negative vote, with Mayor Myers excused and Commissioner Schara absent.

REVIEW AND POSSIBLE RECOMMENDATION TO MODIFY SETBACK REQUIREMENTS FOR NON-CONFORMING STRUCTURES

Planner Censky reported that the purpose of this change is to allow for the averaging of the existing front yard setback with the required setback to provide consistency in applying the setback standard for additions to non-conforming homes as is allowed for new home construction abutting non-conforming homes. The required setback for new homes in any residential district is 25' and existing homes that encroach on that setback are classified as non-conforming. Currently, additions to non-conforming structures are allowed but the addition must meet the 25' setback requirement and that can be rather limiting for numerous properties in Cedarburg as many early homes were built close to the front sidewalk within the setback area. This change would allow an aesthetic stepping-back of additions in a manner that would be in tune with original development of Cedarburg. He added that while the Zoning Code currently allows reduced street yard setbacks for new home construction adjacent to non-conforming homes by averaging the setback of the abutting properties, it does not have a similar provision for additions to existing non-conforming homes. This change is viewed as being in keeping with the spirit and intent of the existing Code and reflective of the historic integrity of the City of Cedarburg.

Planner Censky advised that he has been in the process of drafting a revised Code and this revision is already a part of the revisions he would be recommending to the Plan Commission. It is not an uncommon stipulation in community codes. He opined that this would provide for better aesthetics and better use of City resources.

Action:

A motion was made by Commissioner Brown, seconded by Council Member Kinzel, to recommend amending the street yard setback requirement for non-conforming structures by adding the following to Section 13-1-103 AVERAGE STREET YARDS:

- b) Additions to existing residential structures which lack the required street yard setback may be allowed if the addition is set back a distance greater than or equal to the average of the existing building setback and the required setback.

The motion carried without a negative vote, with Mayor Myers excused and Commissioner Schara absent.

The audience was advised that a public hearing on the Code modification would be scheduled for the June 30, 2008 meeting of the Common Council.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered at this time.

MAYOR'S ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Commissioner Brown moved to adjourn the meeting at 7:26 p.m. The motion was seconded by Council Member Kinzel and carried without a negative vote, with Mayor Myer excused and Commissioner Schara absent.

Darla Drumel,
Administrative Secretary