

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20090706-1
UNAPPROVED MINUTES**

July 6, 2009

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, July 6, 2009 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 Myers.

Roll Call: Present - Mayor Gregory Myers, Council Member Chris Reimer, Brook Brown, Joe Emmerich, Keith Kaiman

Excused - Mark Burgoyne

Absent - Park & Forestry Chairperson James Schara

Also Present - Council Member Ronald Reimer, City Attorney Kaye Vance, City Planner Jon Censky, Administrative Secretary Darla Drumel

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 Chris Reimer, to approve the minutes of June 1, 2009 as presented. The motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments were offered.

REQUEST FOR APPROVAL FOR CONSTRUCTION OF A PRESS/CONCESSION STAND WITH BATHROOM FACILITIES DIRECTLY NORTH OF THE SOCCER FIELD AND A STORAGE/CONCESSION STAND BETWEEN THE TWO BASEBALL FIELDS OF THE HIGH SCHOOL SITE AT W68 N611 EVERGREEN BOULEVARD – CEDARBURG SCHOOL DISTRICT

Planner Censky advised that the Cedarburg School District is proposing a new press box and concession stand with bathroom facilities directly north of the soccer field and another concession stand with a storage area between the two baseball fields at the High School to replace existing stands. He noted that in the near future, Cedarburg Light & Water will be proposing a solar panel and wind generator in a joint effort with the School District to have these stands fully run by natural power. The Light & Water request will require a conditional use permit following a public hearing.

Planner Censky explained that the press box/concession stand will have ground-level bathroom facilities and a concession window on the north side of the building with the canopied roof extending out over an open pedestrian area on the east side. The press box is proposed on the upper level with windows overlooking the sports fields and a new public address (P.A.) system that will replace the existing. Access to this box will be via a centrally-located stairway from the concession area. The main level of this building will be constructed of dark grey 8" split face

block and the upper level of dark grey fiber cement siding with white siding at the gable ends. The roof material will be of dimensional shingles.

Planner Censky said that the shed-roof designed concession stand/storage structure near the south baseball fields would include a concrete circular patio and walkway with a roof canopy over the front food service area. It would be constructed of two shades of split face concrete block with the lower level being dark grey and the upper level white, with an orange fascia trim board round the top. The Cedarburg Bulldogs identification logo would be mounted over the canopy area and the bulldog picture logo is proposed for both the east and west elevation. The roof material on this building would also be dimensional shingles.

Planner Censky advised that the stands will replace existing stands at their respective locations, and meet all dimensional requirements of the Code.

John Koster, Director of Facilities for the Cedarburg School District, reported that 90% of the funding for the new buildings is from private donations and the other 10% is from rental activity that has a three year commitment. The new buildings will provide larger concession spaces and much needed restrooms. He pointed out that the attractive buildings will improve the aesthetics of the school grounds.

Action:

Commissioner Brown moved to approve the requested site plan amendment as presented to replace the existing concession stands with a new concession stand/press box at the soccer field and new concession stand/storage facility at the ball diamonds for the Cedarburg High School site at W68 N611 Evergreen Boulevard. The motion was seconded by Commissioner Emmerich.

Continued Discussion:

In response to a question from Commissioner Emmerich, Planner Censky confirmed that this approval does not include the proposed wind generator or solar panel. Those fixtures will have to receive conditional use approval at a separate meeting and such conditional uses require a public hearing with notification provided to all property owners within 300 feet of the site.

Final Action:

The motion carried without a negative vote, with Vice Chairperson Burgoyne excused and Commissioner Schara absent.

REVIEW PREVIOUSLY-APPROVED CONDITIONAL USE GRANT FOR THE EARLY CHILDHOOD PROGRAM FROM THE EXISTING MULTI-TENANT BUILDING LOCATED AT N19 W6717 COMMERCE COURT – CEDARBURG SCHOOL DISTRICT

Planner Censky noted that the Plan Commission, on July 7, 2008, approved the conditional use permit for the Cedarburg School District to lease space within the existing multi-tenant building at N19 W6717 Commerce Court for an Early Childhood Program. This approval was granted with, among other things, the condition that the grant be reviewed in one year to ensure that the use is compatible with surrounding use and that there were no unanticipated problems. He explained that although the Early Childhood Program is technically an educational use, it has similar characteristics to a daycare and therefore was categorized as such a use in order to process it as a conditional use in the M-3 Business Park District.

Planner Censky advised that the Early Childhood program is for students, age three to five, that may have developmental skills, speech/language or other special educational needs. They serve approximately 35 students during the day with 20 in the morning and 15 in the afternoon. They also have an additional 9 students that arrive intermittently during the day for speech therapy. The Early Childhood program runs weekdays from 9:00 a.m. to 3:30 p.m.; with staffing from 7:00 a.m. to 4:30 p.m. Students come and go by small bus or parental vehicle. Staffing for this program includes three teachers, three aides, two speech pathologists, one occupational therapist, a secretary and the administrator. Since the staff travel to other locations within the district, they are not all on site at all times.

Planner Censky reported that the following conditions were applied to this approval:

- The City Building Inspector conducting his occupancy inspection and approving the plans for the replacement glass patio door.
- Hours of operation shall be weekdays 7:00 a.m. to 4:30 p.m.
- The Conditional Use Grant be reviewed in one year.

A review of City records and files revealed no complaints regarding this use, and that no problems resulted.

Commissioner Brown questioned whether any changes to the operation were being considered, such as outdoor activities. John Koster, Director of Facilities for the Cedarburg School District, responded that none were being contemplated and any would be submitted to the Plan Commission for review and approval.

Due to the lack of any complaints during the past year, Commissioners discussed whether annual reviews of the conditional use grant is necessary.

Action:

Commissioner Brown moved to continue to grant the conditional use for the early childhood program from the existing multi-tenant building located at N19 W6717 Commerce Court, with the stipulation for annual review removed from the conditional use document. The motion was seconded by Council Member Chris Reimer and carried without a negative vote, with Vice Chairperson Burgoyne excused and Commissioner Schara absent.

TEMPORARY USE APPROVAL REQUEST FOR ONE-DAY MUSIC FESTIVAL IN THE PARKING LOT BEHIND ANVIL PUB & GRILLE LOCATED AT N70 W6340 BRIDGE ROAD ON EITHER AUGUST 29, 2009 OR SEPTEMBER 12, 2009 – DONNA TAYLOR

Planner Censky advised that Donna Taylor of the Anvil Pub & Grille is requesting a Temporary Use Permit to host a one-day outdoor music event on either Saturday, August 29 or Saturday, September 12 from 6:00 p.m. until 10:00 p.m. Ms. Taylor advised that they preferred August 29, 2009 but one of the band members may have a conflict with that date. Consequently, they are proposing both dates with the understanding that only one will be used. According to their plans, the band will setup immediately behind the Anvil Restaurant building and face out toward the parking lot. There will be two bands; acoustical and pop-rock. Since they are proposing to serve alcohol during this event, the applicant will also need to have the premise description on their liquor license amended by the Common Council at their next meeting.

Planner Censky explained that according to established Plan Commission policy, temporary use permits for a period longer than 14 days must be reviewed by the Plan Commission. He noted that a similar request was before this Commission a few years ago when Trinity Lutheran Church held a one day concert behind their school on Columbia Road and that went on without any problems.

Planner Censky reported that he had spoken with the adjacent neighbor to the north and there were no objections to the proposal.

Commissioner Brown asked if the petitioner had contacted the surrounding properties regarding the proposal and was advised that they had not. Council Member Chris Reimer asked about control of the parking and Ms. Taylor responded that the parking lot would be closed. Commissioner Emmerich questioned as to what security measures would be in place during the event.

Planner Censky advised that the Police Department would be reviewing the proposal when the Common Council addressed the change to the premise license.

Action:

A motion was made by Council Member Chris Reimer, seconded by Commissioner Emmerich, to grant the temporary use permit subject to:

- Outdoor amplification shall only be allowed on Saturday, August 29 or Saturday, September 12 from 6:00 p.m. to 10:00 p.m.
- Any substantiated problems with the outdoor amplified sound shall be corrected immediately upon notification.
- The understanding that the applicant will contact surrounding neighbors.
- Obtaining review from the Police Chief prior to the event.

The motion carried without a negative vote, with Vice Chairperson Burgoyne excused and Commissioner Schara absent.

REQUEST FOR APPROVAL OF AN ADDITION OFF THE SOUTH SIDE OF THEIR EXISTING TIME WARNER HUB STRUCTURE LCOATED AT W59 N196 CARDINAL AVENUE – TIME WARNER CABLE

Planner Censky reported that, in June of 2009, the applicant received approval of an addition to the existing Time Warner HUB building at W59 N196 Cardinal Avenue. The addition will be constructed of split-faced masonry block with evenly spaced horizontal rows of decorative block. The applicant returned to request approval to install glass block windows in this addition to provide interior lighting. Since this is a change to the plans approved in June, Plan Commission approval was necessary again.

In response to a question from Commissioner Brown, Kathryn Skemp of TWP Architecture advised that the operations of the building did not create noise; however, the existing air conditioning units on the top of the building do.

Action:

Commissioner Brown moved to approve the request to install glass block windows in the recently-approved addition to the Time Warner Cable HUB facility located at W59 N196

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Cardinal Avenue. Council Member Chris Reimer seconded the motion and it carried without a negative vote, with Vice Chairperson Burgoyne excused and Commissioner Schara absent.

MAYOR'S ANNOUNCEMENTS

Mayor Myers announced that he knows no more than what was in the press statement released by the Town of Cedarburg regarding the proposed boundary agreement.

Mayor Myers advised that the County may be on the August agenda for the Fairgrounds improvements and he expected a lot of people would be in attendance to address that item.

ADJOURNMENT

Commissioner Emmerich moved to adjourn the meeting at 7:30 p.m. The motion was seconded by Commissioner Brown and carried without a negative vote.

Darla Drumel,
Administrative Secretary