

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20080804-1
UNAPPROVED MINUTES**

August 4, 2008

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, August 4, 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 - Mayor Gregory Myers, Council Member Kip Kinzel, Mark Burgoyne, Brook Brown, Park & Forestry Chairperson James Schara

Excused - Joe Emmerich, Keith Kaiman

Also Present - City Attorney Kaye Vance; City Planner Jon Censky; Council Member Noel Jepson, County Supervisors James Uselding and Kathy Geracie, County Environment & Land Use Committee Vice Chair John Hazelwood, County Administrative Coordinator Tom Meaux, 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 Kinzel, to approve the minutes of July 7, 2008 as presented. The motion carried without a negative vote, with Commissioners Emmerich and Kaiman excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered.

CONSULTATION REGARDING PROPOSED CHANGES TO FAIRGROUNDS INCLUDING RAZING 6 BUILDINGS AND CONSTRUCTING NEW REPLACEMENT BUILDINGS AT W67 N866 WASHINGTON AVENUE – OZAUKEE COUNTY

Planner Censky explained that Ozaukee County was requesting consultation regarding changes to the Fairgrounds they are considering and are asking for feedback before they go ahead with final plans. These changes suggest that the County is looking at a long term commitment to the continued civic event use of the Fairgrounds.

Planner Censky noted that the County submitted two conceptual plans with each plan resulting in the razing of six existing buildings and replacing them with either three new buildings or just two, depending on which scenario they choose. The six buildings to be razed will be the 4-H food stand, the Quonset – known as Building #1, the Stransteel Building – known as Building #2, the far north exhibit building – known as Building #3, the sheep-goat barn and the Agricultural Society open

class exhibition building. These buildings will be replaced under Scenario #1 with an addition to the north and/or south side of the 4-H Youth Building, a replacement sheep-goat barn south of the hog and cattle barn facing west, and a new exhibit building in the southwest quadrant of the property; or under Scenario #2, just a replacement sheep/goat barn and a new exhibit building in the southwest quadrant of the property.

Planner Censky introduced Tom Meaux, Ozaukee County Administrative Coordinator, and County Superintendent John Hazelwood, who provided a PowerPoint presentation with hope to garner constructive feedback before proceeding ahead with improvement plans. Superintendent Hazelwood noted that only the County property would be affected and the buildings proposed involved less roof area than what currently exists. One of the scenarios proposed a heated building that could be used all year. Stormwater would need to be addressed. The Ag Society and 4-H preferred open-sided buildings for livestock because closed buildings collected the heat and stressed the animals. They are proposing the same type of building as constructed at the Washington County Fairgrounds and pictures of those buildings were distributed to Commissioners. Superintendent Hazelwood noted that four other buildings on the site were not properly anchored and those problems would gradually be corrected.

Mayor Myers was pleased that both proposals would not impose on the surrounding neighborhoods any more than currently exists. Vice Chairperson Burgoyne noted that the proposals would definitely be improvements to the site and that the City requires stormwater improvements on all developments. Council Member Kinzel stated that he has always been a proponent for keeping the fairgrounds and its current location. Commissioner Brown liked the addition of a heated building that could be used year-round and that the County was committed to the site.

Administrative Coordinator Meaux asked if anyone was opposed to the open-sided barns and Commissioners endorsed them noting that they were very attractive. Mayor Myers added that he would provide the information to the Common Council.

Action:

No action was required.

REQUEST FOR CERTIFICATE OF APPROPRIATENESS FOR A REPLACEMENT AWNING OVER THE ORIGINAL BUILDING SECTION (SOUTH END) OF THE CULTURAL CENTER LOCATED AT W62 N540 WASHINGTON AVENUE

Planner Censky reported that the Cedarburg Cultural Center is developing plans to improve the looks of the front façade of their downtown building and the first phase of that project will include replacing the existing awning over the southern (original) portion of the buildings. When they first met with the Landmarks Commission they were told that only the south portion of their building is original to the downtown and is therefore the only portion that has historic significance. Accordingly, the Landmarks Commission instructed them to treat that portion differently than the rest of the building to make it more distinguishable. That direction, coupled with the fact that the existing awning over this portion of the building has deteriorated to a point where immediate repair is necessary, brings this first phase forth now so work can be completed this year before the snow flies. Unlike the existing wood/steel awning that extends several feet over the front public sidewalk, the proposed awning will be of fabric material extending out only about three feet. This canvas awning will be burgundy in color and will replace only that portion of the original structure. It is

staff's understanding that this new awning will be similar in design to the existing awning over the rear door to the Cultural Center.

Planner Censky noted that the Landmarks Commission reviewed this request and unanimously recommended issuance of the Certificate of Appropriateness for this replacement awning at their July 18, 2008 meeting.

In response to a question from Vice Chairperson Burgoyne that the Cultural Center was not yet financially ready to complete the entire façade as proposed, Planner Censky noted that because this portion of the building was going to be treated differently than the remaining portion, the Landmarks Commission had no problem with the phasing.

Action:

Vice Chairperson Burgoyne moved to approve the Certificate of Appropriateness to replace the awning as proposed for the south (historic) portion of the Cultural Center. The motion was seconded by Commissioner Schara and carried without a negative vote, with Commissioners Emmerich and Kaiman excused.

CERTIFIED SURVEY MAP (CSM) AMENDMENT REQUEST TO RELOCATE DRIVEWAY TO HOME LOCATED AT W51 N933 KEUP ROAD – JEFFREY HUBERT

Planner Censky reminded Commissioners that they approved the Hubert land division last October splitting his existing 1.64-acre parcel into two separate parcels of 1.12 acres and .52 acres. Since Mr. Hubert had planned on using the existing driveway to support both lots, his approval was conditioned on, among other things, adding an access easement across Lot 1 over the existing driveway to support the access needs of Lot 2. Because of the toll that the heavy snow from last winter had on his driveway, Mr. Hubert advises that he must now replace that driveway. Since the drive is currently located where it is centered on his front window it adversely affects his view and therefore he is proposing to relocate it off-centered slightly to the south. Accordingly, he is here requesting approval to shift the location of the driveway 30 feet to the south and consequently to amend the CSM to change the easement accordingly. Staff's review indicates compliance with the driveway offset requirements.

Council Member Kinzel reported that the neighbor to the south had contacted him and was opposed to the proposal

Jeffrey Hubert, the property owner, explained that the driveway would be 13 feet from the south property line and that the driveway would never be less than 60 feet from the neighbor's home.

Tom Wolfgram of N91 W5200 Alpine Drive opposed the relocation of the driveway because it would be 30 feet closer to the sun room, family room and dining room of his home; because of the newly-created lot there would be twice as much traffic using the driveway; it would significantly impact his enjoyment of the property; his property value would be reduced; if he decided to remove the trees on his property at the lot line there would be no buffer to the driveway; and his view would be of additional concrete.

Commissioner Brown believed that three issues were of high priority when the CSM was approved—location of drive approaches along Keup Road, the proximity of the drive approach to

the intersection at Thorson Elementary School, and the safety concerns with the school's pedestrian and vehicular traffic.

Mayor Myers agreed that there was significant discussion regarding the location of the driveway.

Mr. Hubert noted that the driveway relocation would not affect safety because it would be approximately 100 feet from the intersection and that if Mr. Wolfgram were to remove trees, he would plant additional trees to buffer the view. He noted that Mr. Wolfgram was selling his home so would not personally be affected by the change and he was not convinced the property would be devalued.

Commissioner Schara found no sufficient reason to make the change.

Action:

Due to the lack of action, the proposal was denied.

APPROVAL REQUEST TO REPLACE AND EXPAND CERTAIN SECTION OF SIDEWALK AT N65 W6503 CLEVELAND STREET – ST. NICHOLAS ORTHODOX CHURCH

Planner Censky explained that due to the deteriorating conditions of their existing sidewalks, St. Nicholas Orthodox Church is undertaking to replace some sections of walk and concrete stairs with new ones and to extend/expand other sections. The upper set of stairs exiting the church will be shifted outward and become one with the main stair case leading down from the main entrance, resulting in the extension of the existing short doorway approach with a Code-compliant longer approach. The sections of walkway at the main landing below those stairs will be removed and a circular landing introduced to provide more space for gatherings. A new sidewalk will be added from this circular gathering landing around and to the rear of the front sign connecting with the existing sidewalk located along the west side of the church. And the existing asphalt sidewalk to the rear on the east side of the church will be replaced with concrete. The existing rails at the stairs will be replaced with like rails. They will also be replacing two sections of the front public sidewalk under separate permit with the City Engineering Department.

Planner Censky noted that while St. Nicholas Orthodox Church does have significant historic value, past efforts to designate it as a local landmark were never completed. Since this project will have no impact on the structural components of the historic Church, it will not impact the potential for future historic designation. Staff viewed this as needed maintenance.

The contractor, Mark Lutynski of Dousman Construction Co., emphasized that the proposed changes were being made to improve the safety and comfort of the older people in the congregation.

Commissioner Brown questioned whether a railing would be installed around the proposed 20 foot oval landing.

A congregational member of St. Nicholas Orthodox Church stated that railings would be installed around the oval landing and along the steps and the lighting would be replaced at the same time.

Vice Chairperson Burgoyne asked if a finalized drawing would be available. Planner Censky advised that the drawing submitted by the contractor is typical for building permit acquisition.

Action:

A motion was made by Vice Chairperson Burgoyne, seconded by Council Member Kinzel, to approve the replacement and expansion of the concrete to the entrance of St. Nicholas Orthodox Church as proposed, with guard rails along the east and west edges of the oval and along the stairs. The motion carried without a negative vote, with Commissioners Emmerich and Kaiman excused.

REVIEW AND POSSIBLY RECOMMEND CHANGING SECTION 13-1-63(c), PERMITTED ACCESSORY USES, TO ALLOW SOLAR PANELS ON PUBLICLY-OWNED SITES EXEMPT FROM THE YARD AND DISTANCE REQUIREMENTS AS ACCESSORY STRUCTURES IN THE I-1 INSTITUTIONAL AND PUBLIC SERVICE DISTRICT

Cedarburg Light & Water has a chance to install cost saving energy producing solar panels on their site at the Johnson Avenue/Lincoln Boulevard intersection and because these are not listed as accessory uses in the Institutional Code, a Code change is needed before they can pursue approval. Accordingly, this Ordinance serves to establish "Solar Panels" as permitted accessory uses on publicly-owned sites in the I-1 Institutional and Public Service District. If this Ordinance is approved, Cedarburg Light & Water will then need to pursue approval of this solar panel as an amended site plan through this Plan Commission.

Cedarburg Light & Water is proposing to install a solar panel in a very visible place on the driveway island in front of their Johnson Avenue facility. They want this visibility to show customers their ongoing cost-saving efforts. Because of the need for visibility, the Ordinance is structured to exempt these structures, on publicly- owned sites only, from the front and rear yard setback requirements.

Light & Water General Manager Dale Lythjohan advised that the unit would be expected to provide one-half to two-thirds the power of a typical home and Light & Water will receive a grant to offset the excessive costs. This technology will be a viable alternative in the future, though the fact that the City is "Tree City USA" will present challenges.

Vice Chairperson Burgoyne noted that this unit would be a special exception, but agreed that the sun will be a future energy source but feared that this exception could open the door for future institutional requests.

Commissioner Brown concurred and suggested that it be listed as a conditional use instead of an accessory use so that the Commission could better consider the merits of such a request.

Mayor Myers suggested that alternative energy sources may be a necessity in the future. Manager Lythjohan advised that the state must have 20% of its power needs provided by renewable energy sources by the year 2020.

Action:

Commissioner Brown recommended to the Common Council to change Section 13-1-63(c) to allow solar panels on publicly-owned sites exempt from the yard and distance requirements as a conditional use in the I-1 Institutional and Public Service District. The motion was seconded by Vice

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Chairperson Burgoyne and carried without a negative vote, with Commissioners Emmerich and Kaiman excused.

Further Discussion:

Commissioner Brown questioned the proposed location. Manager Lythjohan explained that the site was determined by the ability to receive sunlight and the fact that it is meant to demonstrate to the public that Light & Water is making efforts to control costs. Commissioner Brown stated that the proposed location may not be acceptable when they come forth with the actual request in the future.

MAYOR'S ANNOUNCEMENTS

Mayor Myers noted that the next regular meeting date would be Labor Day. He suggested that if no items needed action, the September meeting could be forgone. Commissioner concurred, noting that if a meeting was needed, the best evening would be Thursday, September 4, 2008.

ADJOURNMENT

Commissioner Brown moved to adjourn the meeting at 8:27 p.m. The motion was seconded by Commissioner Schara and carried without a negative vote, with Commissioners Emmerich and Kaiman excused.

Darla Drumel,
Administrative Secretary