

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20081201-1
UNAPPROVED MINUTES**

December 1, 2008

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, December 1, 2008 at Cedarburg City Hall, W63 N645 Washington Avenue, in the Council Chambers. The meeting was called to order at 7:10 p.m. by Vice Chairperson Mark Burgoyne.

Roll Call: Present - Mayor Gregory Myers, Council Member Kip Kinzel, Mark Burgoyne, Brook Brown, Joe Emmerich

Excused - Keith Kaiman, 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.

APPROVAL OF MINUTES

A motion was made by Commissioner Brown, seconded by Commissioner Emmerich, to approve the minutes of November 3, 2008 as presented. The motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

None were offered.

REQUEST TO REPLACE EXISTING FLAT ROOF AT W63 N527 HANOVER AVENUE WITH A SLOPED ROOF; AND ACTION THEREON – MUELLER FUNERAL HOME

Planner Censky explained that because the existing flat roof over Mueller Funeral Home portion of the residential/commercial complex at W63 N527 Hanover Avenue is leaking, and to better visually tie this part of the building with the residential portion, the property owner was proposing to replace the flat roof with a sloping roof. The new roof would match the slope and use of materials of the existing roof over the residential portion of the complex. He advised that City staff viewed the proposal as an architectural enhancement to the existing building and their review confirmed that the proposed roof height at 26 feet complies with the 35-foot maximum height standard of the B-3 District.

Dave Strachota of New Horizon Ventures, L.L.C., the architect, noted that there would be no increase in the square footage of the building.

Action:

Commissioner Brown moved to approve the request to replace the existing flat roof on the Mueller Funeral Home, located at W63 N527 Hanover Avenue, with a sloped roof as shown on plans received by the City on November 7, 2008. The motion was seconded by Commissioner Emmerich.

Continued Discussion:

In response to a question from Commissioner Brown, Planner Censky advised that the petitioner has one year to obtain a building permit or the approval would automatically lapse. Mr. Strachota advised that if approval is granted, he would seek a building permit the following day and commence construction as soon as it is obtained.

Final Action:

The motion carried without a negative vote, with Commissioners Schara and Kaiman excused.

PUBLIC HEARING REGARDING CONDITIONAL USE REQUEST FOR A DRIVE-THROUGH PHARMACY WINDOW INCLUDING SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING PLANS AND CERTIFIED SURVY MAP APPROVAL FOR A NEW WALGREEN'S DRUG STORE TO BE LOCATED AT THE SOUTHEAST CORNER OF WASHINGTON AVENUE AND ZEUNERT STREET; AND ACTION THEREON – MRED-CUMMINGS COMMERCIAL DEVELOPMENT CORP.

Vice Chairperson Burgoyne declared the public hearing open at 7:17 p.m. Administrative Secretary Drumel confirmed that proper legal notice had been given.

Planner Censky recalled that MRED-Cummings Commercial Development Corporation consulted the Plan Commission in October 2008 regarding their request to redevelop the former Russ Darrow site into a Walgreen's pharmacy/retail store. Having received positive feedback then, the request for conditional use approval coupled with approval of the final details of the site, landscaping, lighting and architecture is being made.

Planner Censky summarized the details of the site plans showing a 14,550 square foot stand-alone Walgreen's drug and variety store situated approximately 132 feet back from the Washington Avenue right-of-way supported by a 75-stall onsite parking lot, which the applicant advises is more than adequate to meet their needs. Since the Code does not include parking standards specific to drug store uses, Planner Censky advised that the new code will include such a standard. He further reported that his recent survey of other communities' standards reveal that the proposed 75-stall parking lot is consistent for such a use. The Code, however, does provide flexibility in applying that parking count. Two ingress/egress drives are shown; one from Washington Avenue that will be shared with the site to the south and a second from Zeunert Street at the east end of the site. The plan also shows a drive-through window on the south elevation of the building with one-way traffic directed around the back of the building to the Zeunert Street driveway. It is the drive-through element of the use that defines this as a conditional use as drug stores without a drive-through are listed as permitted uses by right in the B-2 District.

Planner Censky continued that the architectural design that was favored by the Commission at the October meeting was submitted for approval. These plans show an attractive all brick building with accenting decorative block courses and columns typical of a Walgreen's design. At the northwest corner, the plan shows an elevated entrance tower with a flat roof with parapet wall design. The height of the building steps down in elevation south and east from the entrance tower. The lower windows will be glazed tinted blue and the upper windows spandrel. The Walgreen's wall sign is integrated into the façade design of the west and north elevations with red brick behind and the applicant understands that the signage plan must be reviewed and approved by the Design Review Board. Dumpsters are proposed to be located off the west elevation and screened from view by a

brick wall with wood fence enclosure.

Planner Censky noted that the proposed landscape scheme would serve to enhance the look of the site while buffering and screening the parked cars from off-site. The plan proposes a low-growth hedge of intermittent plantings of Potentilla and globe spruce shrubs along the outer edge of the parking lot to screen the cars. Skyline Honey Locust trees would be spaced 60 feet apart along the Washington Avenue and Zeunert Street frontage and Spring Snow Crabapple trees would provide shade and springtime color in the front parking lot. The plans comply with the City's landscape requirements.

Planner Censky pointed out that the lighting plan indicates that two styles of fixtures will be used to illuminate the building and site. To emulate the design of the building, decorative wall-mounted cutoff fixtures will be located on the north and west elevations directing light downward. The parking lot will be illuminated with cut-off fixtures but they will be of the shoe box style mounted on poles at a height of 20 feet. These poles are proposed to be located on the island within the front parking lot and along the outer edge of the parking lot.

Planner Censky noted that with this request, the five existing legal non-conforming lots will be combined into two buildable lots; one conforming and the other non-conforming (due to width). Since the CSM serves to dedicate the south 30' of the Zeunert Street public right-of-way, the Common Council will need to take action following Plan Commission approval.

Planner Censky then provided some conditions for Plan Commission consideration if it is decided to grant approvals.

Mark Lake of MRED-Cummings, the developer, advised that his company has constructed 157 buildings for Walgreens at about 4 to 6 buildings each year. He noted that the parking lot is designed with the Holiday business in mind, which is the busiest time for Walgreens. Mr. Lake also noted that an agreement would be made with the buyer of the newly created Parcel 2 that cross-parking would be prohibited, however cross access would be encouraged for safe ingress and egress for both properties. Construction is proposed to begin in June or July of 2009.

Mr. Lake reported that the request included 24 hours a day/seven days a week operation of the store. The manager of the store, however, would determine whether business would support a 24-hour operation. Walgreens would seek a developer for a restaurant or a bank as the purchaser of the newly-created Parcel 2 in order to compliment their family-oriented business. The site would be fully improved, the existing pavement removed and planted with groundcover. Mr. Lake added that the stormwater plan would address the needs of both the Walgreens Parcel 1 and the buildable vacant property Parcel 2.

Planner Censky added that impact fees would be applied to the development of Parcel 2.

Mayor Myers had joined the meeting at 7:28 p.m. after officiating the Tree Lighting Ceremony in front of City Hall. He solicited comments from the public on the Walgreens' proposal, however, none were offered.

Action to Close Public Hearing:

A motion was made by Commissioner Brown, seconded by Commissioner Emmerich, to close the public hearing at 7:40 p.m. The motion to close the public hearing carried without a negative vote,

with Commissioners Schara and Kaiman excused.

Action:

Commissioner Brown moved to approve the conditional use request for the drive-through pharmacy along with the proposed certified survey map and the site, architectural, landscaping and lighting plans for the new Walgreens site. The approval was contingent upon the following conditions:

- Subject to Engineering Department review and approval of the grading, drainage, stormwater management and erosion control plans.
- Approval to accept a 75 space parking lot.
- The signage plan is subject to review and approval by the Design Review Board.
- The applicant securing a building permit prior to commencement of construction.
- While impact fees cannot be charged for the new Walgreen's Store because it is replacing a pre-existing use, the developer is on notice that when the newly-created vacant lot to the south is developed, the non-residential impact fees will be charged.
- The vacant lot to the south shall be prepared for future development in conjunction with the development of Walgreens by removing the existing asphalt surface, providing stormwater retention and establishing a vegetative cover.

Council Member Kinzel seconded the motion and it carried without a negative vote, with Commissioners Kaiman and Schara excused.

REQUEST TO CONSTRUCT A 7,464 SQUARE FOOT ADDITION OFF THE NORTH ELEVATION OF THE CITY OF CEDARBURG LIGHT & WATER UTILITY BUILDING LOCATED AT N30 W5926 LINCOLN BOULEVARD WITH EXTENSION OF FENCING NORTH 30 FEET AND ADDITIONAL PAVING IN EXTENDED FENCED AREA

Planner Censky reported that Cedarburg Light & Water was requesting approval of an addition off the north side of the City facility at the northwest corner of Johnson Avenue and Lincoln Boulevard. Plans also included replacing the roof over the existing garage, extending the storage/staging yard to the north by thirty feet and introducing a second driveway to the alley at the northeast end of the site. The addition is needed to provide inside storage of equipment, trucks and certain material sensitive to ultraviolet light. The original garage was constructed in the 1970s, and because of its age, the roof has begun to leak. Plans showed that the addition and replacement roof were designed to match the style and use of material of the existing. That material includes beige steel wall panels and a stacked block wainscot to match existing. Three 18' x 14' overhead doors are proposed on the east elevation and two overhead doors of 10' x 14' and 10' x 10' in size along with a pedestrian door are proposed for the north elevation.

Planner Censky noted that the north fence was proposed to be extended 30 feet to the north and the area is proposed to be paved. For better onsite traffic circulation, a new driveway would be introduced at the northeast corner of the site onto the alley at its intersection with Johnson Street. This drive is necessary to allow semi-trucks and other large trucks a straight drive out onto Johnson Street as opposed to negotiating an onsite turn-around to exit.

Planner Censky reported that the plans were in full compliance with the dimensional requirements of the I-1 District and recommended that a condition of approval would be that a catch basin be constructed to receive drainage from the new asphalt area.

Commissioner Brown asked if the semi tractors would be driving down the alley. Light & Water Utility Manager Dale Lythjohan advised that they would not, but would exit to directly access Johnson Avenue through a sliding security gate and that deliveries occurred twice a week. The trees buffering the site from the residential neighbors would remain and construction would begin in the spring of 2009.

Action:

A motion was made by Commissioner Brown, seconded by Commissioner Emmerich to approve the plans for a 7,464 square foot addition, extended paved area and new driveway for the City of Cedarburg Light & Water building located at N30 W5926 Lincoln Boulevard, with the condition that a catch basin be constructed to receive the drainage from the new asphalt area. The motion carried without a negative vote, with Commissioners Kaiman and Schara excused.

CONSULTATION REGARDING PROPOSAL TO REZONE PROPERTY AT W62 N215 WASHINGTON AVENUE FROM RS-6 SINGLE-FAMILY/TWO-FAMILY RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT – M SQUARED ENGINEERING, LLC

Planner Censky explained that Minal and Matthew Hahm of M Squared Engineering, LLC were requesting consultation regarding plans to convert the existing single-family home at W62 N215 Washington Avenue into a professional office building for their engineering consulting firm. To accomplish that goal, the site would need to be rezoned from RS-6 Single-Family/Two-Family Residential to B-2 Community Business, and the Land Use Plan reclassified from mixed Single-Family/Two-Family Residential to commercial. They were asking for input to aid them in deciding to pursue a rezoning and Land Use Plan amendment. The site is on the edge of a land use and zoning change where it is immediately adjacent to B-2 zoned property to the east and south and residentially-zoned property to the north and west; the narrow leg of the site that supports the access driveway to Washington Avenue is within the B-2 District. A change of this nature could legally be considered as it would result in a simple shift of a district boundary line. As it exists, the driveway to this residential property is shared with the existing businesses to the east and anyone residing in the home must cross a business environment to gain access to and from Washington Avenue.

Mr. Hahm advised that the business would be open from 8:00 a.m. to 5:00 p.m. with five employees and they normally meet with clients away from the office. He pointed out that the pet grooming facility to the east of this property changed zoning from residential in order to operate the business. In response to a question from Mayor Myers, Mr. Hahm advised that no major changes would be made to the exterior of the building.

Mayor Myers questioned whether the discussion on this issue should occur with the lack of representation for the Aldermanic District.

Commissioner Burgoyne stated that he felt that the proposal had merit. Opportunities to support existing businesses in the community on sites that could work should be considered. Commissioner Emmerich agreed.

Commissioner Brown concurred that the M Squared business would fit in nicely, but other permitted uses in the B-2 Community Business District would not be appropriate for the site.

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Planner Censky noted that the B-1 Neighborhood Business District or the B-4 Office and Service District might offer a better transition from commercial to residential in this area. He suggested that he meet with Mr. Hahm and select a zoning district change for consideration at a future meeting.

MAYOR'S ANNOUNCEMENTS

Mayor Myers wished all those present Happy Holidays.

ADJOURNMENT

Commissioner Emmerich moved to adjourn the meeting at 8:10 p.m. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote, with Commissioners Kaiman and Schara excused.

Darla Drumel,
Administrative Secretary