

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20090202-1
UNAPPROVED MINUTES**

February 2, 2009

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, February 9, 2009 at Cedarburg City Hall, W63 N645 Washington Avenue, in the Council Chambers. The meeting was called to order at 7:10 p.m. by Mayor Myers.

Roll Call: Present - Mayor Gregory Myers, Council Member Kip Kinzel, Mark Burgoyne, Brook Brown, Joe Emmerich, Park & Forestry Chairperson James Schara

Excused - Keith Kaiman

Also Present - Common Council Member Michael Maher; Ozaukee County Superintendent Kathy Geracie; Lasata Care Center Administrator Ralph Luedtke; 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 Vice Chairperson Burgoyne, to approve the minutes of December 1, 2008 with a correction to the second paragraph on page PLN20081201-2 to add a sentence at the end to read "Mayor Myers was not yet present." The motion carried without a negative vote, with Commissioner Kaiman excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

None were offered.

CERTIFICATE OF APPROPRIATENESS REQUEST FOR RENOVATION OF EXISTING BARN, INCLUDING ADDITION OFF NORTH ELEVATION AND SUPPORTING PARKING LOT AT N50 W5050 PORTLAND ROAD – WISCONSIN QUILT HISTORY PROJECT, INC.

Planner Censky noted that the applicant was requesting Certificate of Appropriateness approval to convert the existing barn on the Quilt and Textile Museum site into usable space and to construct an addition off its north elevation. The proposal is to use the entire barn with the lower level being converted to office and classroom space and the upper level to a gallery. The addition would include bathroom facilities, a kitchen and gift shop. New access drives, a drop off drive and a parking lot are proposed in front of the museum and an outdoor patio would wrap around the addition from the north side to the front. Planner Censky noted that since the front of the building faces west, the rear yard is the east property line, which is located 6 feet from the existing building. A 25-foot setback is required, so the building is classified as a non-conforming structure. Planner Censky advised that normally any addition would be required to meet the front, side and rear yard setback requirements; however, Section 13-1-142 of the Zoning Code exempts "Preservation

Structures” from these setback requirements in order to allow for sensitivity in design. Consequently, the setbacks for preservation structures are established on a case-by-case by action of the Plan Commission following recommendation of the Landmarks Commission, which in this instance was rendered on December 11, 2008. The Quilt Museum plans for the addition propose an 11-foot rear yard (east property line) setback in order to incorporate the existing silo into the design. Their future plans include adding another vintage barn to the site that will be located to the northwest of the addition and will extend to a point 8 feet from the north property line, which exceeds the Code requirement.

Planner Censky continued that vehicular access to this site would be changed from Portland Road to Struck Lane, with parking to be directly in front of the building renovation/expansion. Due to a change in topography, the plans propose a 17-stall upper level parking lot and 20-stall lower level lot. While the surface of the lower level lot is shown as compacted aggregate to be paved over in the future, the Code requires all new parking areas to be paved at the time of development. Furthermore, the Code requires a 25-foot street yard setback when the parking lot abuts a residential area and since the southern parking lot is across from homes on the west side of Struck Lane, the 25-foot setback is required for that lot. The applicant amended the plans accordingly. While the proposed parking is sufficient to handle their day-to-day operations, they may need to work with adjacent businesses for overflow parking during special events.

Planner Censky reported that representatives of the Quilt Museum have been working with the Landmarks Commission over the past several months to achieve a design that compliments the historic barn. To render the barn usable for their intended purpose, the plans propose an exterior insulated wall system which will be covered with authentic barn board siding while allowing for exposed barn board on the inside of the structure. The entrance and main addition were designed with simple lines and material to reflect an agricultural look. The main entrance would include 8-inch wide vertical siding to be weathered-red in color to compliment the 12-inch wide vintage vertical siding of the barn. The main addition would be sided with vintage corrugated metal material with 2-1/2 inch spacing and the dormers would have tighter spacing. Laminated asphalt shingles are proposed for the roof of the existing barn and addition, and lighting rods with glass globes would be installed across the ridge of the existing barn.

Planner Censky explained that the proposed plans were revised several times based on feedback from the Landmarks Commission. At their meeting of December 11, 2008, the Landmarks Commission unanimously approved the Certificate of Appropriateness subject to the entrance/lobby addition siding be of subdued red 8-inch vertical board siding; the existing barn siding be of 12-inch weathered vintage board material; and the corrugated metal siding material to be of 2½ -inch spacing, tighter on dormers, to look weathered; and use vintage material, if possible.

With regards to the landscape, Planner Censky noted that the plan included plantings to fit the historical nature of the site. Three Skyline Honey Locust trees would be installed along the Struck Lane frontage adjacent to the parking lot, decorative Little Bluestem grasses and Staghorn Sumac shrubs along north side of the parking and a mix of ornamental trees and colorful shrubs along the face of the museum. Staff review indicated compliance with the City's landscape requirements.

Todd Ovard of The Groth Design Group, Inc. presented the updated plans, and the color and material samples, to the Commissioners. The City is requiring storm sewer in the street to address an existing runoff problem in Struck Lane and to accommodate onsite conditions. A retention pond

would be constructed onsite as well to contain runoff, but would be designed to hold stormwater a maximum of 24 hours. The City is also requiring the sewer and water be extended in Struck Lane along the entire frontage of the site; however, the Museum representatives may ask the Common Council to allow them to phase that extension over time.

Commissioner Emmerich questioned the use of corrugated metal siding on the addition. Planner Censky responded by noting that the Landmarks Commission was trying to achieve an agricultural look and felt that the use of the corrugated metal material was appropriate here.

Dennis Buettner of Buettner & Associates, Inc. reviewed the landscaping plans, noting that in the future the apple orchard that once existed on the site might be continued at some point. The existing trees along the road and the lot line would be preserved. He also indicated that the plan was designed to reflect a farmstead setting with the use of such plantings as lilac bushes, decorative grasses, fruit trees and flowers.

Action:

Vice Chairperson Burgoyne moved to grant the Certificate of Appropriateness subject to:

- The south parking lot being paved as part of the first phase of this project.
- Engineering Department approval of the grading, drainage and storm water management plans.
- In accordance with Section 14-1-68 of the Code, the applicant extending the sewer and water system located in Struck Lane to the north property line of their site as part of this project, unless the extension requirement is modified by action of the Common Council.
- The conditions as set forth by the Landmarks Commission on December 11, 2008.

The motion was seconded by Commissioner Brown and carried without a negative vote, with Commissioner Kaiman excused.

Further Discussion:

In response to a question from Commissioner Emmerich, Planner Censky advised that the Common Council would be the approving agency for any modification to the sewer extension requirement.

Final Action:

The motion carried without a negative vote, with Commissioner Kaiman excused.

REQUEST FOR LAND UP PLAN AMENDMENT FROM UNSEWERED LOW-DENSITY DETACHED RESIDENTIAL CLASSIFICATION TO HIGH-MEDIUM DENSITY RESIDENTIAL AND REZONING RECOMMENDATION FROM TEMPORARY RS-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO RD-1 TWO-FAMILY RESIDENTIAL DISTRICT FOR PARCEL LOCATED AT THE NORTHEAST CORNER OF PIONEER ROAD AND EVERGREEN BOULEVARD – DUEY STROEBEL

Planner Censky advised that, at its January 12, 2009 meeting, the Common Council voted to annex the parcel located at the northeast corner of Pioneer Road and Evergreen Boulevard from the Town of Cedarburg into the City. Pursuant to City Code, it was zoned as RS-1 Single-Family Residential District temporarily until permanent zoning was established. He reminded the Plan Commission that

they provided unanimous support for Mr. Stroebel's two-family housing concept for this site last October 6th, which subsequently was also supported by the Common Council. Mr. Stroebel is now taking the next step in the approval process by requesting Land Use Plan amendment and rezoning recommendation in support of this project. If successful, Mr. Stroebel will then need to return here one more time for approval of his proposed land division to separate this single lot into three separate two-family parcels.

Planner Censky explained that because the site was located in the Town of Cedarburg, where sewer service was not available, it was classified as Unsewered Low-Density Residential on the Smart Growth Comprehensive Land Use Plan. Now that the site is in the City and sanitary sewer service is available, and Mr. Stroebel has received support for his two-family project, the classification needs to be changed to High-Medium Density Residential. This classification is consistent with that of the existing two-family development across Evergreen Boulevard from this site. To match the zoning across the street and to provide consistency between the zoning and the Land Use Plan, the RD-1 District should be applied as the permanent zoning to the site.

Planner Censky noted that if the Land Use Plan amendment and rezoning were recommended, a public hearing would be held at the Common Council before final action is taken.

Land Use Amendment Action:

A motion was made by Commissioner Brown, seconded by Commissioner Schara, to amend the Land Use Plan to classify the parcel of land at the northeast corner of Pioneer Road and Evergreen Boulevard from Unsewered Low-Density Detached Residential classification to High-Medium Density Residential. The motion carried without a negative vote, with Commissioner Kaiman excused.

Rezoning Recommendation:

Commissioner Brown moved to recommend rezoning the parcel located in the northeast corner of Pioneer Road and Evergreen Boulevard from the Temporary Rs-1 Single-Family Residential District to the Rd-1 Two-Family Residential District. The motion was seconded by Commissioner Schara and carried without a negative vote, with Commissioner Kaiman excused.

REQUEST FOR LAND USE PLAN AMENDMENT FROM THE MIXED SINGLE-FAMILY/TWO-FAMILY RESIDENTIAL CLASSIFICATION TO THE OFFICE CLASSIFICATION AND REZONING RECOMMENDATION FROM THE RS-6 SINGLE-FAMILY/TWO FAMILY DISTRICT TO THE B-4 OFFICE AND SERVICE DISTRICT FOR PROPERTY LOCATED AT W62 N215 WASHINGTON AVENUE – M SQUARED ENGINEERING, LLC/KAY WILEY HICKEY

Planner Censky noted that at the December 1, 2008 meeting, Minal and Matthew Hahm consulted with the Plan Commission regarding plans to convert the existing single-family home at W62 N215 Washington Avenue into a professional office building for their engineering consulting firm. While Commissioners felt the office use at this location was appropriate as it would provide a good transition between existing commercial uses to the east and the residential development to the west, the question of zoning was left open. It was felt that the B-2 Community Commercial District, which matches adjacent zoning, was inappropriate because it allows for certain uses that may be too intense for the site and could lead to problems in the future. Instead, Commissioners felt that either the new B-1 Neighborhood Commercial District or the B-4 Office and Service District would provide better transitional zoning.

Planner Censky advised that because this site is set back from Washington Avenue, it does not provide the exposure needed for many of the uses in the B-1 Neighborhood Commercial District. Moreover, many of the other uses in the B-1 District that could survive are seemingly too intense for the area and therefore are arguably inappropriate as well. The B-4 Office and Service District option, on the other hand, which includes uses that are not as dependant on exposure, seems the better choice in this situation as it matches the proposed use and provides a better transition between commercial and residential uses. While it does include certain conditional uses that would be questionable for the site, the City has better control over those uses and would be able to establish valid arguments against many of them should they ever be requested.

Planner Censky explained that to accommodate this rezoning, Commissioners must first amend the Comprehensive Land Use Map from the Mixed Single-Family and Two-Family Residential classification to the Office classification for the B-4 District.

Land Use Plan Amendment Action:

A motion was made by Vice Chairperson Burgoyne, seconded by Commissioner Emmerich, to grant the request for Land Use Plan Amendment for property located at W62 N215 Washington Avenue from Mixed Single-Family/Two-Family classification to the Office classification. The motion carried without a negative vote, with Commissioner Kaiman excused.

Further Discussion:

Commissioner Brown expressed concern whether more intense uses could operate on the site. Planner Censky noted that there are more intense uses with the B-4 Zoning, but they are controlled as Conditional Uses. The building size is around 1,700 square feet, which also limits its uses. Also, it does not meet the rear yard setback requirement of 25 feet, which would be an obstacle to construction of an addition to increase the building size. As is, the existing building is non-conforming and that status would continue with this rezoning.

Final Land Use Plan Amendment Action:

The motion carried without a negative vote, with Commissioner Kaiman excused.

Rezoning Action:

Vice Chairperson Burgoyne moved to recommend rezoning the parcel located at W62 N215 Washington Avenue from Rs-6 Single-Family/Two-Family Residential District to the B-4 Office and Service District. The motion carried without a negative vote, with Commissioner Kaiman excused.

CONSULTATION REGARDING PROPOSED 3-STORY, 60-UNIT RESIDENTIAL CARE APARTMENT COMPLEX (RCAC) ADDITION OFF THE WEST ELEVATION OF THE LASATA CARE FACILITY LOCATED AT W78 N675 WAUWATOSA ROAD – OZAUKEE COUNTY/RALPH LUEDTKE

Planner Censky reported that Ozaukee County is proposing a three-story, 60-unit Residential Care Apartment Complex (RCAC) off the west elevation of the existing three-story assisted living portion of the Lasata Care Complex. Before proceeding further with their design, the architect was requesting feedback to resolve some questions they have regarding building height and to incorporate the Plan Commission's input into the final detailed plans as they materialize.

Planner Censky explained that the plans show a commons area off the back entrance of the existing assisted living apartment building, which with this addition, will serve as the main entrance to both the existing apartment complex and the new RCAC. The architectural design has not been defined yet because they need to resolve the height and mass issues before addressing design details. They are seeking assurance that they can exceed the standard height of 35 feet as shown in the I-1 District so that they can match the height and number of floors of the existing building. This height modification is critical to having a three-story building and is necessary for aesthetically balancing this addition with the existing structure. The existing building is 42 feet high and they propose a height of 43.5 feet for the new building.

Planner Censky advised that while the I-1 District stipulates a 35-foot maximum height limit, Section 13-1-100 (Height Modifications) provides the Plan Commission with the authority to modify the height requirements for public or semi-public facilities of this nature and is the only justification for the height of the existing Lasata building at 42 feet. Section 13-1-100 states: *Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices, and stations, may be erected to a height of sixty feet (60), provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.* The proposed building does meet the required setbacks for the height proposed. Upon incorporating Plan Commission comments and securing County approval, the Lasata will return for conditional use consideration for this addition at a future Plan Commission meeting.

Kim Hassell of Plunkett Raysich Architects introduced Ozaukee County Supervisor Kathy Geracie, Lasata Care Center Administrator Ralph Luedtke and Project Architect Eric Schoedel. Mr. Hassell then reviewed the overall plan and answered questions. He noted that no underground parking would be provided in the new building.

Action:

A motion was made by Vice Chairperson Burgoyne, seconded by Commissioner Brown, to approve a modification to the height requirement of the I-1 Institutional and Public Service District for the proposed Residential Care Apartment Complex at W78 N675 Wauwatosa Road from 35 feet to a height of 43.5 feet.

Continued Discussion:

In response to Commissioner questions, Mr. Hassell advised that the rear parking lot would be used by staff, for delivery trucks and moving vans. Lasata Administrator Luedtke noted that the drive circled the entire building to accommodate fire and rescue vehicles at the request of the Fire Department.

Final Action:

The motion carried without a negative vote, with Commissioner Kaiman excused.

REQUEST TO CONSTRUCT A PAVILION IN ZEUNERT PARK TO BE LOCATED ALONG THE NORTH SIDE OF LINCOLN BOULEVARD EAST OF THE CANADIAN NATIONAL RAILROAD TRACKS AT N28 W5600 LINCOLN BOULEVARD – CEDARBURG PARKS, RECREATION AND FORESTRY DEPARTMENT

Planner Censky explained that according to Section 13-1-62 P-1 Park and Recreation District, by referencing to Article F Site Plan and Architectural Review, the Plan Commission has approval authority over the site and architectural plans for all new non-residential structures in the City. As part of the 2009 Capital Improvement Project program, the Park and Recreation Department proposes to build a park shelter to be located within Zeunert Park in the open area directly north of the main parking lot off Lincoln Boulevard. The proposed structure measures 34 feet by 44 feet and will be constructed of pressure-treated, glued-laminated arches. The roofing material will be of kiln-dried Southern Yellow Pine decking covered by Class "A" laminated architectural shingles. This project will cost about \$60,000 and the Park and Recreation Department will be sending it out for bid in February. They are hopeful that the project completed by next July.

Planner Censky continued that, according to the P-1 Zoning District, the setback requirement for any park structure is 40 feet for all yards. While a survey of Zeunert Park has not been provided, the Park and Recreation Department assures that this location will far exceed that requirement. Commissioner and Park Board Chairperson Schara advised that the Park Board recommends this structure as they feel it is needed for various events and will serve to generate revenue because it will be used on a rental basis.

Action:

Commissioner Brown moved to approve the Cedarburg Park and Recreation Department plans for a new pavilion at Zeunert Park located along the north side of Lincoln Boulevard east of the Canadian National Railroad tracks at N28 W5600 Lincoln Boulevard. The motion was seconded by Commissioner Emmerich and carried without a negative vote, with Commissioner Kaiman excused.

REVIEW AND POSSIBLY RECOMMEND AMENDING SECTION 13-1-53 (B-1 NEIGHBORHOOD BUSINESS DISTRICT) OF THE ZONING CODE

The consensus of the Plan Commissioners was to allow themselves a month to carefully review the proposed amendment.

MAYOR'S ANNOUNCEMENTS

No announcements.

ADJOURNMENT

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

Darla Drumel,
Administrative Secretary