

PLAN COMMISSION

PLN20060206-1
UNAPPROVED MINUTES

February 6, 2006

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, February 6, 2006 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 Sandra Beck, Mark Burgoyne, Brook Brown, Keith Kaiman

Excused - Park & Forestry Chairperson James Schara, Joe Emmerich

Also Present - Council Members Haly Besaw and Kip Kinzel; 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 Council Member Beck, seconded by Commissioner Brown, to approve the minutes of January 5, 2006 as presented. The motion carried without a negative vote, with Commissioners Schara and Emmerich excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Michael Stofferahn, W61 N320 Hilbert Avenue, asked if he could speak after the presentation was made for redevelopment of the former Clark Station at the northeast corner of Washington Avenue and Lincoln Avenue. Mayor Myers agreed to solicit comments from the audience after the presentation.

CONSULTATION REGARDING PROPOSED CHANGES TO APPROVED SITE AND ARCHITECTURAL PLANS FOR THE FORMER CLARK STATION AT W61 N306 WASHINGTON AVENUE – STEVE WALCZAK/ROBERT OLLMAN, INC.

Planner Censky noted that in August of 2005, Commissioners reviewed and recommended approval of plans for the redevelopment of the former Clark Gas Station site. The recommendation was for a residential/retail mixed-use Planned Unit Development (PUD) project which consisted of retail on the lower and first floor and residential units on the second floor. Those plans were subsequently reviewed by the Council and, following a public hearing, approved with the condition that the final details regarding landscaping, lighting, stormwater management, and building material come back to the Plan Commission for approval. Since that meeting, the site was sold to a different developer who was scheduled on the agenda for consultation regarding changes they propose. Since this site is zoned PUD, any significant change to the approved plans does require that the rezoning process be repeated. In this instance, the proposed changes are significant and will require the site to be rezoned again.

Planner Censky explained that while the architectural design remains consistent with the plans that were approved last year, the new proposal reduces the lower-level usable space substantially, expands the building on the first-level to the north resulting in greater building exposure along Washington Avenue, and changes the residential use on the second floor to offices.

Planner Censky pointed out that the most significant change, from a site design standpoint, is the change in the use of the second floor. This change results in a use that demands more parking and because of that, the project is 14 parking stalls short of what is required as compared to 8 stalls short for the former plans. He reminded Commissioners that Section 13-1-83(b)(3) of the Zoning Code does permit the use of on-street parking for visitors. This is only permitted when such on-street parking spaces are located within 250 feet of the entrance to the building they intend to serve. He added that some green space has been eliminated in the new plans. The change in use of the second floor also requires that the Plan Commission and Common Council will need to approve this as an Office/Retail Mixed-Use PUD.

Planner Censky advised that because of the poor condition of the sanitary sewer pipe out front, it is likely that this building will be required to connect to the City's system at the northeast corner of the site. For stormwater management design, the plans will need to comply with Section 14-2 of the City's Code of Ordinances.

Planner Censky noted that the developer understands the changes will require a rezoning process.

Robert Ollman, of Robert Ollman, Inc., advised that his company has been successfully involved in similar projects in Ozaukee County and in Milwaukee. His company purchased the site because of its favorable location, and he felt that the 62 parking stalls being proposed were adequate for his project. Mr. Ollman noted that four additional parking spaces could be added to the site plan, but that would eliminate additional green space. In his experience, the residential condominium market is saturated; and with the location near a busy intersection, office is a better use for the upper floor. He pointed out that the former gas station building had already been demolished and they were anxious to begin the project as soon as possible.

Council Member Beck asked if the prior plan approval was of the plans or to the owner. Planner Censky responded the approval was for the plans.

Architect Mark Helminiak, with Robert Ollman, Inc., stated that 6 additional stalls could be added to the site plan, again with the additional loss of green space. The building is proposed to be extended 40 feet to the north from the original plans, but would still be 80 feet away from the residential use to the north.

Mr. Ollman explained that the overall usable building square footage was reduced but the building footprint out front was increased to take advantage of the Washington Avenue frontage, which was more appropriate for that location.

Commissioner Kaiman advised that he had reservations concerning the residential use with the original proposal, and felt that the office use of the 2nd floor was more appropriate.

Vice Chairperson Burgoyne received confirmation from Planner Censky that although the proposal does not meet the City's Code for vision triangles, it is located at a controlled intersection and does not create a hazard.

Commissioner Brown opined that the residential/commercial mixed uses were more attractive than the proposed office/commercial use because of the close proximity to the residential neighborhood. He also expressed concern with the larger footprint.

Mr. Ollman thought that commercial use may have less impact on nearby residential properties because condominium residents would be on the site every day and added that condominiums would limit the market for both the condominium sales and retail tenants.

In response to questions concerning the limitation of right-turn only into the site from Lincoln Boulevard, Planner Censky advised that the Police Chief and Director of Engineering & Public Works reviewed this and have agreed that it makes more sense to have both ingress and egress at that point, with a wider median cut.

Council Member Beck expressed concern with the 40-foot addition to the north, making the building look larger, and she felt that would be a poor transition to the existing adjacent residential development. She also expressed concern with the traffic impact the project would have on the intersection.

Steve Walczak, of Robert Ollman, Inc., advised that he had spoken to the neighbors who expect less traffic with offices, generally closed evenings.

Mayor Myers stated that the City's parking code was not based on science, noting that he has not witnessed the Walgreens' parking lot ever being full, and he considered the proposed parking adequate. He emphasized that landscaped green space was a priority on the site. Commissioner Brown agreed that landscaping was essential to make the project attractive to neighbors. He expressed concern, however, that people would illegally park in the lot across Lincoln Boulevard or park on Hilbert Avenue, so it was important to keep parking an issue.

Planner Censky advised that PUD Ordinance allows the Plan Commission to consider specifying what uses would be allowed in the development.

Mike Stofferahn, W61 N320 Washington Avenue, argued that the Plan Commission had expressed a commitment to transition and the residential use would be less intensive. In addition, residential tenants would ensure that noise, traffic, litter, and other issues would be enforced. He continued that if the residential use would have a negative impact on the value of the project, the project would also have a negative impact on the value of the neighboring single-family homes. Mr. Stofferahn advocated green space, noting that just before the Super Bowl, when the Piggly Wiggly grocery store was extremely busy, there were still 12 of the 65 parking spaces available. He also expressed concern that the proposed driveway would be too close to his and that 5 feet of green space screening between the bumpers of parked cars and his property would not be adequate.

Planner Censky noted that the proposed driveway would be 23 feet from Mr. Stofferahn's property line and that his driveway is north of that.

Heidi Stofferahn, W61 N320 Washington Avenue, expressed a preference for a view of a building versus parked cars.

Noel Jepson, W61 N358 Washington Avenue, objected to the proposed plans as being considerably larger than the previously approved plans. He described the project as a strip mall

invading the neighborhood, with concerns regarding the setbacks. Four recent requests for commercial use in his neighborhood had been denied and he advised that he would put a stop to this one.

Council Member Besaw, representing the 2nd District, reported that the neighbors were very happy the old gas station building was gone. She relayed that green space was their primary concern, and were also anxious that the intensity of use would negatively impact the neighborhood. This building is big and she urged that the scale be kept down.

INSTALLATION OF SATELLITE DISH AT THE SOUTHWEST CORNER OF BUILDING LOCATED AT W64 N717/719 WASHINGTON AVENUE – DUEY STROEBEL

Planner Censky explained that Duey Stroebel was requesting approval to install a satellite dish on property located within the downtown business district at W64 N717-719 Washington Avenue. Mr. Stroebel was in the process of leasing to Edward Jones Financial Consultants and the satellite dish is critical for their day-to-day business. Without the satellite dish, there would be no lease.

Planner Censky advised that the satellite dish would be 6 feet in diameter and mounted on a pedestal in the rear yard off the southwest corner of the building. This dish will be in an inconspicuous location between the existing dumpster and the building and will not be visible to the Washington Avenue frontage. It will also be screened from adjacent property to the rear by the dumpster enclosure.

Planner Censky noted that the request was reviewed by the Landmarks Commission on Tuesday, January 31, 2006 and was approved by unanimous vote.

Action:

Council Member Beck moved to approve the installation of a 6-foot satellite dish at the southwest corner of the building at W64 N719 Washington Avenue as proposed. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote, with Commissioners Schara and Emmerich excused.

REQUEST FOR ARCHITECTURAL PLAN AMENDMENT FOR THE OUT & OUT CUSTARD AND SANDWICH STAND AT W61 N305 WASHINGTON AVENUE – ERIC FIX

Planner Censky advised that Eric Fix was seeking approval of some minor architectural changes to his approved custard stand that he did not foresee when he was going through the approval process last year. The first change is proposed to relieve congestion out front and to provide a more efficient, safer pedestrian traffic flow by having customers place their orders at the front window and then move them to a side window for pick-up. To accomplish this, the applicant proposes to convert one of the approved doors on the north elevation to a pick-up window. Mr. Fix also proposes to relocate the dumpster gate from the east side of the dumpster enclosure to the south side so that it does not interfere with on-site traffic circulation.

Planner Censky added, due to concerns of Dairy Queen corporate headquarters regarding their identity and logo, the applicant must eliminate the canopy that was approved and change the roof design slightly. Mr. Fix and his architect decided to carry the same green shingles used on the mansard roof to the top of the open A-frame projection out front. Within this A-frame area, the applicant will have his signage that has received approval from the DRB.

Planner Censky suggested that approval of the revised plans should be with the condition that the side window is for pedestrian traffic only and drive-through traffic is prohibited.

Action:

A motion was made by Council Member Beck, seconded by Vice Chairperson Burgoyne, to approve an architectural plan amendment to approved plans for Out & Out Custard and Sandwiches at W61 N305 Washington Avenue as proposed with the condition that the side window is for pedestrian traffic only and drive-through traffic is prohibited. The motion carried without a negative vote, with Commissioners Schara and Emmerich excused.

CONSIDER REQUEST FOR APPROVAL OF A TWO-LOT LAND DIVISION AT N43 W5726 MAPLE STREET – PAULA CURTIS

Planner Censky advised that Paula Curtis was requesting approval to divide her 20,530 square foot parcel located at N43 W5726 Maple Street into two separate parcels. Her parcel was originally platted as two separate parcels in 1883 but was combined into one by a former owner, presumably for tax purposes. Accordingly, she requested to return it back to its original two-lot layout.

Planner Censky noted that the proposed division would be in full compliance with the dimensional requirements of the RS-6 Zoning District in terms of lot size and width, and the existing home is situated on the lot where it will continue to maintain compliance with the required setback and offset standards. However, the existing driveway crosses the proposed common lot line and the existing frame shed at the northwest corner of the site would not be allowed with this division, as it will result in an accessory use preceding a principal use.

Planner Censky advised that he discussed those issues with Ms. Curtis and she proposed to move the driveway from its current location and relocate it to the other side of the house. This may be necessary anyway to construct a garage behind the existing house. She would, however, consider the option to keep the existing driveway and use it as a shared drive with her new neighbors. Planner Censky advised that a crossover easement would be needed to create a shared driveway. The frame shed would simply be removed as required by Code.

Planner Censky confirmed that the new lot would be considered an infill lot and any building plans would have to be approved by the Plan Commission.

Commissioners inquired whether they could allow the frame shed to remain, and Planner Censky responded that since this is a technicality, the structure would be classified as a non-conforming accessory structure, only until a principal structure is constructed, if the Plan Commission so desired.

Commissioner Brown asked if there would be room for plowed snow at the end of Maple Street if a driveway were constructed on the other side of the house. Ms. Curtis assured him that there would be adequate space for piling up snow.

Action:

Commissioner Brown moved to approve the proposed two-lot Certified Survey Map (CSM) for N43 W5726 Maple Street with the following conditions:

- The driveway be relocated to the other side of the house or proper cross-easements created to allow its use as a shared driveway.

- The frame accessory structure shall be allowed to remain.
- The applicant submitting an official CSM for staff review and approval.
- Payment of all impact fees prior to the recording of the CSM.
- The new lot would be considered an infill lot and building plans would require review and approval from the Plan Commission.

The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote, with Commissioners Schara and Emmerich excused.

CONSIDER REQUEST FOR APPROVAL OF A TWO-LOT LAND DIVISION AT W51 N848 KEUP ROAD – LEE ALLEN CONSTRUCTION, LLC

Planner Censky advised that the applicant was requesting approval to split the existing 57,064 square foot lot located at W51 N484 Keup Road into two parcels of 25,174 square feet each. As part of this request, dedication of the ultimate road right-of-way along Keup Road and along the north property line, where a road reservation has previously been established, will be required.

Planner Censky noted that his review of the request indicated full compliance with the dimensional requirements of the RS-4 Zoning District and the setback/offset requirements for the existing home. Because the north parcel of the proposed division will possibly become a corner lot, with Keup Road to the west and a future road to the north, he recommended that the access driveway be directed to the north property line and then extend to Keup Road to eliminate direct access onto Keup Road when a road to the north is constructed.

Planner Censky noted that since this involves dedication of public right-of-way, the Common Council must approve the land division.

Commissioner Brown questioned whether the street reservation at the site's north property line was the best location. Vice Chairperson Burgoyne responded that it was a logical access and the City would be acting cautiously by obtaining right-of-way. Planner Censky added that if the roadway is not constructed, the property owners can request vacation of the road right-of-way.

In response to the questions of driveway location, Planner Censky advised that the City preferred to limit access points on major roadways. In light of the uncertainty of the construction of a roadway to the north of this site, the Commissioners considered a direct access onto Keup Road to be appropriate.

Action:

A motion was made by Vice Chairperson Burgoyne to approve the proposed two-lot Certified Survey Map (CSM) as requested for W51 N848 Keup Road with the following conditions:

- Dedication of the Keup Road right-of-way and the right-of-way along the north property line.
- Submittal and staff approval of an official CSM.
- Payment of all impact fees prior to the recording of the CSM.
- The newly-created lot is classified as an infill lot and approval of building plans by the Plan Commission is required.

The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote, with Commissioners Schara and Emmerich excused.

**CONSIDER PROPOSAL TO REPLACE SUBSTATION AT W61 N617A MEQUON AVENUE
(JUST SOUTH OF FIRE STATION #3) – CEDARBURG LIGHT & WATER**

Mayor Myers announced that City Attorney Vance had determined that the Plan Commission had no jurisdiction over this project. Therefore, it was withdrawn from the agenda.

**REVIEW AND POSSIBLE RECOMMENDATION TO APPROVE PROPOSED NONMETALLIC
MINING RECLAMATION ORDINANCE**

Planner Censky advised that since the City of Cedarburg has recently annexed lands that are adjacent to existing nonmetallic mining operations, it was important to have proper oversight over the restoration of these sites once the mining operations cease. Since the City's adopted Comprehensive Land Use Plan for the existing quarry sites calls for adjacent high-quality residential development, the Nonmetallic Mining Reclamation Ordinance was drafted to provide the City with the authority to properly control the reclamation process.

City Attorney Vance noted that the proposed ordinance was based on State Statutes and would allow the City to control the redevelopment of the quarry sites after mining operations have ceased, if annexed. She confirmed that the City Zoning Code does not allow mining within the City's limits. She added that the ordinance would also have to be approved by the DNR.

Action:

Council Member Brown moved to recommend adoption of the proposed Nonmetallic Mining Reclamation Ordinance as proposed. The motion was seconded by Vice Chairperson Burgoyne.

Continued Discussion:

City Attorney Vance stated that the proposed ordinance did not put the City at risk. Without the ordinance, the County, by default, would have control of the reclamation after mining operations cease.

Additional Action:

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

**REVIEW CHAPTER 4 (UTILITIES AND PUBLIC FACILITIES) AND CHAPTER 5 (AGRICULTURE,
NATURAL AND CULTURAL RESOURCES) OF COMPREHENSIVE LAND USE PLAN**

Planner Censky reported that planning staff completed a good portion of Chapters 4 and 5; the Utilities and Community Facilities Element and the Agricultural, Natural and Cultural Resources Element. The maps will be inserted as they are available.

Planner Censky explained that the Utilities and Community Facilities Element provides an inventory of existing utilities and community facilities and identifies goals and objectives to guide the future development of these facilities. The intent is to provide an analysis of the facilities and to establish a timetable that forecasts future expansion and rehabilitation needs. The Natural Resources Element provides an inventory of natural resources such as groundwater, forests, environmentally sensitive areas, floodplains, wildlife habitat, among others and recommends policies, goals and objectives to guide future development in an environmentally sensitive manner.

The intent is to provide Commissioners with this information as it is generated for feedback and direction throughout the process. The information will also be placed on the City's Website to solicit public comments.

Commissioners agreed to review this information and forward their comments on to staff.

MAYOR'S ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

A motion was made by Commissioner Brown, seconded by Council Member Beck, to adjourn the meeting at 8:45 p.m. The motion carried without a negative vote, with Commissioner Schara excused.

Darla Drumel,
Administrative Secretary