

PLAN COMMISSION

PLN20060306-1
UNAPPROVED MINUTES

March 6, 2006

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, March 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, Joe Emmerich, Keith Kaiman (arrived at 7:10 p.m.), Park & Forestry Chairperson James Schara

Also Present - Council Members Haly Besaw and Paul Radtke; Landmarks Commission Chairperson Judy Jepson; 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 February 6, 2006 as presented. The motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered.

REVIEW SITE PLAN FOR PROPOSED COMMERCIAL DEVELOPMENT LOCATED WITHIN THE TOWN OF CEDARBURG SOUTHWEST OF THE 5 CORNERS INTERSECTION, WITH POSSIBLE RECOMMENDATION TO THE COMMON COUNCIL

Planner Censky advised that the Town Plan Commission recently recommended approval to the Town Board of a Conditional Use Permit and site plan for a 20,000 square foot retail building to be located directly south of Grafton State Bank along Highway 60. Since the retail building is part of a unified planned development, which includes three separate buildings on one parcel, no land division has been pursued to date. If, however, they ever elect to subdivide this site into separate parcels or put in a public roadway, the owner will need to secure approval from the Town as well as the City of Cedarburg.

Mayor Myers expressed concern that the Town of Cedarburg would seek extraterritorial jurisdictional approval of a land division for a public roadway only after the area had been fully developed. He was requesting a recommendation from the Plan Commission that a future Common Council deny that approval because the City should be involved with that approval before the project is built. He is also concerned that a public well to serve the new development is proposed to be within 200 feet of the Prochnow Landfill. City Attorney Vance added that the extent of the contamination from the Prochnow Landfill has not been finally determined and that the DNR must

grant waivers for wells within 1,200 feet of a landfill. City Attorney Vance noted that waivers were granted for the two recently-constructed commercial buildings on this site.

Council Member Beck noted that the portion of the development presented at the meeting was only a little piece of a huge project. The City should care about the proposed development because of the water safety issue; the possibility the City could be forced by the EPA to provide water service; negative impacts on the water table; and that Smart Growth criteria is not met. She suggested that the Council Members, Town officials, and the press receive copies of Planner Censky's staff memo outlining the elements of concern related to town developments.

City Attorney Vance explained that the development is for an area that may some day annex into the City and be served by City utilities. The action taken by the Town appears to be intended to circumvent planning statutes. City Attorney Vance noted that the City could also exercise extraterritorial zoning, which would require a joint Town and City committee to create a plan for the area.

Commissioners discussed the options of communicating the concerns of the City to the Town officials and the developer through correspondence, and through a joint meeting with the Town Plan Commission.

Council Member Besaw questioned whether the driveway to serve the development had been approved by the Department of Transportation (DOT). Mayor Myers noted that the DOT had objections to the total 5 Corners master plan.

Action:

Council Member Beck moved to recommend that through its extraterritorial plat approval authority, the Common Council deny any request pursued for land division of the area at the southwest corner of 5 Corners currently known as "The Commons at 5 Corners" in order to establish a public roadway, based upon concerns about development patterns inconsistent with Smart Growth planning, serious risks to the natural environment, negative impacts on the rural transportation system, potential contamination of private well systems located near the Prochnow Landfill, and detriment to the water table. The motion was seconded by Commissioner Brown.

Staff was directed to communicate the concerns of the Plan Commission to the Town and the developer with the inclusion of the minutes of the meeting.

City Attorney Vance confirmed that a future Common Council cannot be bound to this action, but a resolution adopted by the current Common Council would put their recommendation on record. She noted that she has been placed on a list by the DNR to be notified when the well waiver is formally requested.

The motion carried without a negative vote.

REVIEW AND POSSIBLY RECOMMEND AMENDING THE COMPREHENSIVE LAND USE PLAN TO INTRODUCE AN AGRICULTURAL AND LOW-DENSITY RESIDENTIAL CLASSIFICATION WITH A 35-ACRE MINIMUM LOT SIZE REQUIREMENT FOR LANDS LOCATED WITHIN THE CITY'S EXTRATERRITORIAL PLATTING JURISDICTION

Planner Censky explained that an "Agricultural and Low-Density Residential" Land Use Classification with a minimum lot size of 35 acres is necessary now to provide appropriate guidance for development that may occur within the City's Extraterritorial Plat Approval Jurisdictional Area.

The City voted to establish itself as a 3rd Class City in February, 2005, which served to, among other things, extend its extraterritorial plat approval authority to unincorporated areas located within 3 miles of the City's corporate limits. This extraterritorial plat approval authority is based on the premise that areas in towns near the corporate limits of a city may some day be annexed into the city. This authority also insures that the City's Comprehensive Land Use Plan is being implemented within the extraterritorial area.

Planner Censky noted that of concern is the pace and densities at which development is occurring in town areas that are not served by public sanitary sewers that may some day come into the city. In the past, town development was limited to lands that had suitable soils for onsite soil absorption sewage disposal systems, or mound systems where soils were marginal. Holding tanks were allowed only as a replacement system where existing soil absorption systems were failing. With advancement in technology, the design of onsite sewage disposal systems have become very efficient in treating sewage and these technological advances ultimately led to the State of Wisconsin adopting Comm. 83, which allowed new types of wastewater treatment systems. Because of improved efficiency with the new systems, land development was no longer dictated by whether or not soils were suitable for onsite sewage disposal systems and this opened vast areas of rural lands for development. The result has been development patterns that are inconsistent with Smart Growth planning and consequently have destroyed productive farmlands, pose serious risks to the natural environment and unnecessarily taxes the rural transportation system. In addition, private wells are required for potable water supply to serve rural area development. Because of these impacts, cities are forced to introduce controls over rural area development through land division and zoning ordinances.

Planner Censky continued that the City of Cedarburg adopted a Sanitary Sewer Service Area that extends beyond its corporate limits into the City's extraterritorial plat approval jurisdiction with boundaries that may be extended west to Horns Corners Road and north to a line one-half mile north of Highway 60. To serve this area, the City has paid for and constructed additional capacity in its wastewater treatment plant and sanitary interceptor sewers. Both the Wisconsin Department of Natural Resources and the Southeastern Wisconsin Regional Planning Commission have encouraged such "oversizing" to serve future development. Therefore, it is necessary to establish restrictions that will prevent intense development until such development is served by public sanitary sewers. Moreover, dense development served by sanitary sewers and public water supplies is considered "Smart Growth" (i.e., good community planning consistent with State Statutes). For these reasons, the City should be promoting and encouraging continued agricultural uses, natural resources preservation, and protection of the rural character in these areas of the Town. Planner Censky noted that other cities within the state are wrestling with the same problem. He provided Comprehensive Land Use Plan language suggesting that the City of Cedarburg establish a minimum lot size of 35 acres within that portion of the City's extraterritorial plat approval jurisdictional area which is also within the Sanitary Sewer Service Area. The amendment would require a public hearing and adoption by the Common Council. If adopted, it would be a component of the Implementation Element of the Smart Growth Plan.

Commissioner Brown questioned the basis for the 35-acre minimum lot size. Planner Censky responded that the State uses that size for prime agricultural preservation, which allows existing landowners sufficient land for agricultural uses and limits development to the point where those sizes are easily dividable once sewer becomes available. Five-acre lots are very cost-ineffective for sewer extensions.

Vice Chairperson Burgoyne questioned whether the 35-acre rule would be strictly for the City's Sanitary Sewer Service Area or extend it to the 3-mile extraterritorial jurisdictional area. Planner

Censky responded that his memo pertains to the Sanitary Sewer Service Area. If the Plan Commission decides to recommend extending the 35-acre rule for the entire 3-mile extraterritorial jurisdictional area, it would effectively stop development in the Town altogether.

Council Member Beck asked if other cities are adopting similar codes and Planner Censky responded that other cities are struggling with the same issue. The City of Madison had a case go to the Supreme Court that concludes a city has the authority to conditional plat approval on lot size and land use based on the city's Comprehensive Land Use Plan.

Vice Chairperson Burgoyne advised that he was the Subdivision Administrator for Brown County in 1971 and 1975, when septic tanks were the issue, with the same challenges. He was surprised that the City had not addressed this sooner because it has been discussed on and off for the last 10 to 15 years. He agreed that controlling Town development is an important issue and has significant impact on the City and neighboring communities, which is why he asked whether it would be limited to the Service Area or the full 3 miles.

Mayor Myers concurred that it does have significant implications and it should have been addressed a long time ago. He explained that the proposed development at 5 Corners demonstrated the need for the new Land Use classification. He noted that input would be solicited from the public at a Common Council public hearing before action would be taken.

Commissioner Brown wondered if the issue should be deferred to the April Plan Commission meeting, with City Planner Censky focusing on those points which are most significant. Planner Censky noted that the argument is based on the Service Area; preplanned and prepaid for service. No preplanning has occurred for areas beyond the Sanitary Sewer Service Area.

Mayor Myers believed the decision on the limits of the 35-acre lot size restriction was a philosophical question on how much sprawl can the City allow to develop around Cedarburg.

Commissioner Kaiman agreed with Mayor Myers, with his personal preference to extend the restriction the full 3 miles with any kind of recommendation. Planner Censky responded to Commissioner Kaiman's question, on whether or not the issue was time sensitive, that the intent would be until sewers are available. That is why he was focusing on the Sanitary Sewer Service Area.

Council Member Beck received clarification on the boundaries of the 3-mile extraterritorial jurisdiction area compared to the Sanitary Sewer Service Area.

Action:

A motion was made by Vice Chairperson Burgoyne to recommend going the 3 miles and go to a public hearing. Commissioner Kaiman seconded the motion to amend the Comprehensive Land Use Plan to add the Agricultural/Low-Density Residential classification with a 35-acre minimum lot size that extends to the full extent of the City's extraterritorial jurisdiction area. The motion carried without a negative vote.

REVIEW AND POSSIBLY RECOMMEND AMENDING TITLE 14 OF THE CITY'S LAND DIVISION AND SUBDIVISION REGULATIONS TO ESTABLISH A MINIMUM LOT SIZE OF 35-ACRES FOR LANDS LOCATED WITHIN THE CITY'S EXTRATERRITORIAL PLATTING JURISDICTION

Planner Censky provided a draft ordinance for consideration that would serve to provide consistency between the Comprehensive Land Use Plan and the City's Land Division and

Subdivision Regulations for areas within its 3-mile Extraterritorial Land Division Approval Jurisdiction. The intent is to limit the size of parcels to a 35-acre minimum until such time as sanitary sewers are made available. He did not believe that this action would require a public hearing.

Planner Censky added that the language indicated that any lot that is less than 35 acres would not carry the non-conforming status; it's viewed as conforming based on the Town zoning. The question is whether the City should allow those parcels that are less than 35 acres to be further subdivided in accordance with the Town zoning or stop development altogether. Unless a site is 70 acres or more, there would be no land divisions at all.

Commissioner Brown asked if the City could actually adopt this proposed ordinance. Mayor Myers responded that the City can. Commissioner Brown asked if the Plan Commission wanted to do this. Commissioner Kaiman responded that it would be a Common Council action; the Plan Commission was just making a recommendation.

Vice Chairperson Burgoyne suggested more discussion be held before taking action. Commissioner Kaiman agreed.

Commissioner Brown asked if the current Code had a size limit. Planner Censky responded that the Town controlled the lot size limit currently, and guessed they were allowing 4-acre minimums.

Council Member Beck asked if this would literally stop all development. Planner Censky responded that it would basically stop land divisions.

Commissioner Brown stated he was a little uncomfortable making a decision without at least the Town Plan Commission or someone from the Town to present their plans, though he knows the City and Town are currently arguing a lawsuit.

Commissioner Kaiman stated there was no doubt the Town is operating unilaterally and did not see anything wrong with the Plan Commission exercising its prerogative with the proposed ordinance at this point in time.

Vice Chairperson Burgoyne questioned if it made sense to make a recommendation at this point or would it be smarter to wait for the public hearing that is going to come up. He stated that the Plan Commission set in motion the direction with the recommendation to the Common Council, there will be a public hearing, the Council would be involved and he did not see this as something that should be done in one month's time. This is very significant and there are different bodies that are going to give their input, including the general public, and he added he was not comfortable doing this tonight.

Planner Censky advised that the process is to amend the Comprehensive Land Use Plan and then following up with the zoning amendment. Whether the zoning amendment occurs now is up to the Plan Commission.

Vice Chairperson Burgoyne added that the Plan Commission has set the direction and basically sent the issue to the Council to see if they reconfirm it. Then there would be a public hearing and the City would know in the next 30 days whether the Plan Commission's recommendation is of the same mind as the Council.

Planner Censky advised that the public hearing would be scheduled for March 27, 2006. Mayor Myers noted that Title 14 could then be addressed at the April Plan Commission meeting. Commissioner Brown opined that the Town could read about this issue in the newspaper or read the minutes, but that the Town should be notified. It was noted that it is City policy to forward all agendas to the Town. Commissioner Kaiman agreed, noting it would allow the Town to digest the action just taken. Mayor Myers noted that this is all public discussion and public action. Commissioner Emmerich added that it was an appropriate assertion on the part of the City and that the Plan Commission's actions up to this point will at least generate that dialog. Commissioner Emmerich agreed with deferring action on the zoning.

Action:

It was the consensus of the Plan Commission to defer action on proposed changes to Title 14 of the Land Division and Subdivision Regulations to the April Plan Commission meeting.

PRELIMINARY PLAN APPROVAL AND REZONING RECOMMENDATION FOR THE FORMER CLARK STATION AT W61 N306 WASHINGTON AVENUE – STEVE WALCZAK/ROBERT OLLMAN, INC.

Planner Censky recalled that the Plan Commission reviewed plans at their last meeting and offered the following feedback:

- Consider reducing the length if the Washington Avenue building frontage.
- Appropriate landscape screening will be required along the north and east property lines.
- Consider reducing the size of the building in order to lessen the parking count deficit.
- Consider adding more green space in the parking lot.
- Some felt that the residential use of the upper floor should be retained while others supported office use.
- Consider moving the Washington Avenue driveway further south.

Planner Censky noted that the plans had been modified to address these issues and preliminary plan approval and rezoning recommendation from B-2 to B-2(PUD) is being requested.

Planner Censky pointed out that the site plan proposes a building frontage along Washington Avenue of 98'-10" which is reduced from 104'-3" as previously shown. The Washington Avenue access drive has also been shifted south by 5 feet. The distance from the north property line to the paved parking surface has been increased from 5 feet to 10 feet for the westerly bank of parking stalls and 7 feet for the easterly bank of stalls. The distance along the east property line to the southerly bank of parking stalls from Lincoln Boulevard has been increased from 5 feet to 10 feet. The site will be supported by 62 parking stalls, which is 8 parking stalls short of the City's standard but is the same shortage agreed to with the Conley project. Since this is a mixed-use development, where the peak parking demand for retail uses is different than the peak demand for office, the Plan Commission may make the determination that there is sufficient onsite parking to support the project. He reminded Commissioners that the Code also permits use of street parking within 250 feet of the building entrance to satisfy requirements.

Planner Censky considered the building style unchanged from the plans that were previously approved for this site, which was designed to work with the slope of the land. The Washington Avenue frontage appears to be two stories; and as the grade drops to the east, the building's lower level becomes exposed and a third story is apparent. The first floor entrance is cut at an angle at the Lincoln Boulevard and Washington Avenue intersection to provide a better vision triangle with

the upper level cantilevering over this first floor entrance area. It had been agreed previously that since Lincoln Boulevard and Washington Avenue is a controlled intersection, this would be adequate to meet the City's requirement. The building will be of Hardi Lapped Siding with 5-inch exposure, Hardi-Trim Fascia, Eaves, Rake and Soffit Panels. The roof will be of Heavy-Weight Asphalt Shingles with prefinished Valleys, Trims and K-Style Gutters. The east side lower level and the visible portion of the lower level on the south side will be of stacked stone veneer. Planner Censky suggested requiring stone or brick to the first floor of each elevation to add more interest to this design.

Planner Censky noted that while an official landscape plan has not been submitted, the site plan does show landscape treatment without identification of the plant species and size, which is information that will need to be submitted as part of the final plan approval when this project returns.

Planner Censky continued that the site will be lit with Rudd Luminaires, directing light downward. The plan proposes 8 single and 3 back-to-back shoebox fixtures mounted on a steel pole at a height of 17'. Each fixture will have a 100 watt High Pressure Sodium bulb. The isofootcandle plan provided shows the calculation for intensity across the site and identifies the hot spots directly below each fixture and the distribution beyond. He noted that .5 footcandles is the intensity of full moon light.

Planner Censky advised the Commissioners of finding that would have to be made in order to recommend the B-2(PUD) zoning.

Council Member Beck pointed out that the Washington Avenue frontage was still 36-feet longer than the approved Conley project. Council Member Beck also received confirmation that the roof height would be the same over the entire building. Commissioner Brown stated he was pleased with the approximately 27-foot building height but asked if the 5-foot green space at the east property line could be increased to 7 feet. Vice Chairperson Burgoyne was pleased that the plans reflected the comments made by the Commission and public at the last meeting.

Steve Walczak, representing the owner, responded that with the shrubbery planted by the adjacent homeowner to the east and the required 5-foot perimeter green space, there was sufficient space for plantings.

Robert Ollman responded to a question from Commissioner Kaiman that the basement would be used for common storage and building mechanicals.

Mayor Myers stated that he would also like to commend the petitioners for listening to the concerns of the neighbors and making modifications that would hopefully allay those concerns.

Michael Stofferahn, W61 N320 Washington Avenue, agreed that the developers had been very good at taking some of the neighbors' concerns into consideration but would like to see the trash enclosure at the northeast corner of the site moved away from the neighboring residential properties. He had also recently become aware that, among the permitted uses in the B-2 District, restaurants would be allowed. He asked if there was a way to control odors, hours, etc. consistent with concerns expressed by the neighborhood that prevented other proposed uses nearby. Mr. Stofferahn also questioned whether the uses could be controlled in the future so that the compatibility with the neighborhood did not deteriorate.

Planner Censky responded that the PUD Ordinance allows the City to work with the developer to define what types of uses would be allowed, and would work to eliminate potential restaurants in

that location. Furthermore, the City's Code will be recodified and would make those intensive uses Conditional Uses instead of permitted uses by right. As a Conditional Use, the Plan Commission has better authority to control the impacts of the uses.

Council Member Beck noted that the City has a nuisance ordinance that would protect the neighborhood as well.

Council Member Besaw noted that some concerns relayed to her were regarding future uses and hours of operation on the site.

City Attorney Vance stated that the City did not have the authority to restrict the uses of the building other than those listed as permitted by right or conditional use. The way the Code reads, the City's ability to negotiate uses apply only to accessory uses.

The developers advised that the plans would be modified to locate the trash enclosure closer to the structure.

Commissioner Brown noted that he still found the parking shortage to be of concern and it causes him anxiety to envision parking in front of the nearby houses, where parking limits would probably be posted. He believed the City was setting itself up for a predicament if the plan was approved as presented, especially with the proposal for the southwest corner that is also short of parking.

In response to a question by Vice Chairperson Burgoyne, Planner Censky advised that due to the peak parking demand for offices during the weekday, and peak parking demand for retail evenings and weekends, he did not believe there would be parking deficiency. His calculation used a standard based on a wide range of retail and office uses. If the parking lot was full, it would be likely that drivers would leave and go to another business.

Action:

Vice Chairperson Burgoyne moved to recommend adoption of the plan and rezoning the site from B-2 to B-2(PUD) contingent upon the following findings:

1. The project is adequately supported by 62 parking stalls whereas the Code requires 70 on-site parking stalls, recognizing that Section 13-1-83(b)(3) of the Zoning Code allows street parking within 250 feet of the building entrance and that office and retail uses have different peak parking demands.
2. A building setback modification from the required 40' to 10' for Washington Avenue and to 12' for Lincoln Boulevard is acceptable and will not result in a negative impact on surrounding properties or the City as a whole.
3. A modification to the vision triangle from the required 50' to 37' is acceptable and will not negatively impact the safety of the intersection.
4. Final details regarding landscaping, grading, drainage, stormwater management, erosion control, lighting, and color scheme will be forthcoming following the Public Hearing at the Council level.
5. Relocation of the trash enclosure closer to the structure (tentatively to parking stall numbered 38 on the site plan) and away from the adjacent residential properties.

Council Member Beck seconded the motion.

Continued Discussion:

Commissioner Brown questioned whether the types of uses could be limited as part of the motion and was advised not at this time.

Mayor Myers stated that Council Member Beck made a good point; there are other ordinances on the books that allow control of uses. If there was a restaurant emitting odors, it could be controlled based on other ordinances.

Commissioner Kaiman could not understand delaying changing some of the intensive uses in the B-2 District to conditional uses. He requested that modifications be presented as soon as possible and Planner Censky advised he would have those changes to the Commissioners soon.

Judy Jepson, W61 N358 Washington Avenue, wondered if the motion included requiring the addition of stone or brick material to the first floor of each elevation to add more interest to the design.

Continued Action:

The Commission agreed to add the word "materials" to item 4 in the motion to address Ms. Jepson's concern. The developers were also directed to add an ingress arrow at the Lincoln Boulevard access on the site plan.

Continued Discussion:

A neighbor questioned if the lighting would be as intense as it was with the former Clark Station. The petitioner assured him that the lighting would have physical shield guards that would direct the light into the parking lot and no light would transfer around the periphery of the site. The neighbor then asked if all unnecessary lighting could be turned off when there was no activity on the site. Both the Plan Commission and the developers agreed that putting lights on timers was a good suggestion and would also save on operating costs.

Council Member Beck advised once again that the neighborhood was also protected by the existing nuisance ordinance. If lights shining into a home are bothersome, it can be dealt with and the developers would have to take care of that problem.

Final Action:

The motion as amended carried without a negative vote.

CONSULTATION REGARDING PROPOSED 10,345 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING AT W61 N297 WASHINGTON AVENUE – BLOCH APPLIANCE

Planner Censky described the proposal to redevelop the southwest corner of Washington Avenue and Lincoln Boulevard by combining the immediate corner site where the Bloch Appliance building exists and the adjacent site to the south where Sid Prom has his insurance company for a total site area of 35,425 square feet with a proposed new 10,345 square foot building. Plan Commission input was requested before fully-detailed plans were developed for consideration at the next meeting.

Planner Censky explained the plans were designed to comply with the requirements of the B-2 Zoning District, unlike the proposed redevelopment of the former Clark Gas Station site where the PUD Overlay District is being considered to provide flexibility in design. The project was also designed to achieve consistency with the look of nearby development to the south with the building set back from the corner with parking located in front. He suggested that a good landscape buffer

be installed to screen the cars and that a landscape buffer would also be necessary for the 5-foot green space around the periphery of the site. Planner Censky added that the plans needed to be changed to reflect the required 5-foot driveway offset along the south property line.

Planner Censky continued that the proposed project will be supported by 44 parking stalls, where it was calculated that 49 stalls are required by City Code using the very low parking needs of Bloch Appliance. He noted that the Code does permit use of available nearby stalls where those stalls are within 250 feet of the building entrance and there is available on-street parking along Lincoln Boulevard to the north. However, if the Bloch Appliance tenant space is ever made available to a more intensive use, parking problems could result. The Code simply states that additional parking spaces shall be constructed as necessary and the problem is that there is no room on site for additional parking.

Planner Censky noted that the plans propose a style that appears consistent with the newer commercial development further south on Washington Avenue. While more details are needed to determine building height and use of materials, the colored rendering shows a building with a low sloping roof line, decorative cupolas and functional dormers. The color scheme will be of earth-tone greys and browns.

Planner Censky reviewed proposed landscaping plans that show a broken hedge of goldflame spireas to screen the parking lot from adjacent streets, and foundational plantings will include reed grasses, mini honeysuckle globes, lilac bushes and daylily flowers. It was his understanding that the tree line along the west property line would be protected to some extent, with the necessary removal of some scrub brush. Additional landscaping would be necessary if removal of the scrub brush created holes. According to Code, one tree for each 10 parking stalls is required but none are shown. To comply, he recommended that a skyline locust tree be planted between the broken hedges along the street frontage.

Planner Censky advised that the following would need to be considered for the site:

- A 5 foot side yard offset shall be introduced along the entire length of the south property line.
- Submittal of an official Certified Survey Map showing dedication of the 40' Washington Avenue right-of-way.
- If Commissioner's are uncomfortable with the parking deficiency, the building should be reduced in size to achieve full compliance with all on-site parking.
- The landscape plan should include a series of skyline locust trees between the broken hedge treatment along the street frontage.

Mayor Myers asked if Common Council approval would be required for combining the two lots and Planner Censky advised it was not.

Council Member Beck asked what size building reduction would be necessary for the project to comply with the parking requirements. Planner Censky thought that the elimination of the upper floor would be sufficient; 800 to 1,000 square feet.

Ray Haen, architect for the applicant, advised there were no plans for a showroom at the site. It was being planned as a business location, perhaps a partial parts warehouse. If there were to be a warehouse, it would be no larger than 500 to 600 square feet. The building footprint would be 7,800 square feet at 140 feet by 56 feet.

Council Member Besaw questioned why the Plan Commission would consider a building with the parking in front at the street when the developers of the northeast corner of the same intersection were encouraged to hide the parking in the back. Planner Censky responded that the sites on the north side of the intersection were designed to serve as a transition to the existing historic residential to the north thereof and the sites on the south side of the intersection were designed to reflect existing commercial development to the south.

Council Member Besaw also asked that the Plan Commission consider controlling the more intensive uses that the B-2 District permits by right that may utilize the building at some time in the future.

Mr. Haen advised that the footprint of the building is dictated by the ability to lease the space and make the project economically feasible. He added that several site plans were drafted which attempted to place the parking to the rear of the building, but parking spaces were lost due to the configuration of the lot and the access points.

Mayor Myers pointed out that the adjacent street parking was not in a single-family residential neighborhood. He agreed that if there was inadequate parking, the business would lose customers.

Commissioner Kaiman asked that the left turn into the site from westbound Lincoln Boulevard be confirmed as safe. Commissioner Brown stated that it would be necessary to prohibit left turns out of the property onto Washington Avenue.

Commissioner Brown continued that he was disappointed with the proposal and did not buy the argument that it was consistent with the existing development to the south. He encouraged a plan that would place a taller building close to the corner that would compliment and incorporate the brick and stone materials used in the recently approved design for the northeast corner.

Commissioner Kaiman stated he was impressed with the style of the proposed building (with consideration of stone or brick on the lower 3 feet) and that the proposal fits in with south Washington Avenue. He added that the parking lot would provide excellent sight lines for traffic at this major intersection.

Commissioner Brown noted that the Lincoln Boulevard and Washington Avenue intersection was a controlled intersection and sight lines are not necessary.

Council Member Beck liked the proposed design as well, noting that the entire southeast corner across the street was parking.

Commissioner Emmerich advised that he did not have a negative reaction to the proposal, thought the corner vision was a good idea, but expressed some concern about the possibility of the use intensifying.

Vice Chairperson Burgoyne believed the proposed redevelopment would be a major improvement and agreed with the argument that Lincoln Boulevard and Washington Avenue intersection was a line of demarcation between the commercial south Washington Avenue and the residential to the north. This Colonial-style building would match the development to the south.

Commissioner Schara stated that he was also impressed with the proposal and believed the intersection was transitional.

Mayor Myers summarized that the consensus of the Plan Commission that the concept design is workable and that more detail should be generated for consideration.

REQUEST FOR CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR MODIFICATIONS TO EXISTING BUILDING LOCATED AT W61 N512 WASHINGTON AVENUE – SID PROM

Planner Censky informed Commissioners that Mr. Sid Prom recently purchased the downtown commercial building located at W61 N512 Washington Avenue and was seeking approval for certain exterior changes to update and improve its appearance. At the March 1, 2006 Landmarks Commission meeting, Mr. Prom presented his proposal to:

- Replace damaged and rotting windows on the upper floor.
- Replace first floor storefront window due to BB hole.
- Replace front door.
- Remove existing cedar siding on front addition to expose brick columns and stone base.
- Replace siding (upper west and south elevations) with new 4" exposure siding (vinyl or aluminum).
- Remove door and porch addition on south side and install window in place of door.
- Replace existing wood shingles on west sloping roof with green standing seam metal roof.
- Install new gutters to match gutters on neighboring building.
- Replace rear block windows with awning windows.

Planner Censky advised that the Landmarks Commission recommended approval of the Certificate of Appropriateness subject to:

1. The cedar board material on the west sloping roof remain.
2. The siding material on the upper portion of the west elevation and the entire south elevation shall be of natural cedar board with 4" exposure.
3. The existing wood siding on the lower west addition shall be removed to expose the brick columns and the stone base material.
4. The upper windows on the west elevation shall be double-hung wood Marvin windows with true divided light 6 over 6.
5. Only the glass portion of the large storefront window shall be replaced.
6. Before the front door is replaced, the applicant shall provide specific plans to the Landmarks Commission.
7. Windows on south elevation approved as presented.
8. The roof material over side porch projection shall match the existing asphalt roof material.

Planner Censky explained that since that meeting, Mr. Prom asked to be placed on the Landmarks Commission March agenda to continue his discussions. However, in order to proceed with the restoration of this historic building, he requests that the Plan Commission consider only the following which all received approval recommendation from the Landmarks Commission:

- Remove the existing cedar siding material on the front building extension to expose the existing brick columns and the stone base.
- Remove side door and porch and replace with window.
- Install windows on south elevation in accordance with the plan.

Action:

Vice Chairperson Burgoyne made a motion to approve the three items requested to allow the project to proceed, noting that the Plan Commission will also receive recommendations from the Landmarks Commission on additional modifications. The three items include:

- Remove the existing cedar siding material on the front building extension to expose the existing brick columns and the stone base.
- Remove side door and porch and replace with window.
- Install windows on south elevation in accordance with the plan.

The motion was seconded by Council Member Beck.

Continued Discussion:

Commissioner Emmerich asked if the request for aluminum or vinyl siding and the Landmarks Commission direction for natural cedar board are on the same portion of the building. Planner Censky clarified that the aluminum/vinyl siding was requested by Mr. Prom and the Landmarks Commission approved the natural cedar board instead.

Commissioner Brown advised that he agreed with the removal of the side door and porch and installing a window, or the installation of windows on the south elevation but is concerned that approving the removal of the siding would translate into permanently keeping the stone and brick. He believed the City would like to see the stone removed once it is revealed. Commissioner Brown also noted that he had searched for a picture of the original storefront and hoped that, other than just replacing the glass as approved by the Landmarks Commission, it could be replaced with more historically in keeping with the original building. He added that the building used to have some interesting features, which would be nice to re-incorporate into the restoration.

Planner Censky advised that Mr. Prom did meet with photographer Ed Rappold. Mr. Rappold went through his collection and was unable to find a picture of that particular building either. Planner Censky added that the Landmarks Commission preferred to have the front siding removed and wanted to see the brick columns exposed and although they were not certain about the stone base, they felt it would look better than the siding.

Landmarks Commission Chairperson Judy Jepson explained they were interested in exposing the stone before determining what needs to be done. Planner Censky added that Tom Kubala met with Mr. Prom on the site and one of his recommendations was to get rid of the cedar siding.

Commissioner Brown then located the map of 1875, in which an artist's rendering depicts the building with a type of bay window in front with the door set back.

Planner Censky noted that the Landmarks Commission approved replacement of the glass only because they were not comfortable with replacing the whole window as he proposed.

Council Member Paul Radtke, of the Landmarks Commission, advised that the front part of the building is an addition.

Mr. Prom advised that there was a photo at the Landmarks Commission that showed the stone and the brick that came from the Assessor's Office.

Final Action:

PLAN COMMISSION
March 6, 2006

PLN20060306-14
UNAPPROVED MINUTES

The motion carried with Mayor Myers, Council Member Beck, Vice Chairperson Burgoyne, Commissioners Emmerich, Kaiman and Schara voting in favor and Commissioner Brown voting against.

REQUEST TO AMEND M-2 (GENERAL MANUFACTURING DISTRICT) ZONING TEXT TO ALLOW LANDSCAPE CONTRACTING BUSINESSES AS PERMITTED USES – MIKE LA ROSA

Planner Censky advised that Mr. La Rosa recently purchased the former Cedarburg Lumber Company at N144 W5800 Pioneer Road for his landscape contracting business. The M-2 District does not list landscape contracting as a permitted use, but is intended to provide for manufacturing and industrial type development that includes such uses as, millwork, lumber yards, saw mills, planing mills and other uses that have similar characteristics to those of landscape contracting. Mr. La Rosa's business is not permitted unless the text is amended to include landscape contracting. Since this site is located within an established manufacturing/industrial district along a major roadway and is adjacent to other intensive uses, the applicant's contracting business seems appropriate. He added that if Commissioners agreed that this type of use would be appropriate for the M-2 District, it should be decided whether landscape contracting businesses should be listed as a use by right or as a conditional use.

Action:

Commissioner Kaiman moved to recommend amending the Zoning Code text to include landscape contracting businesses as conditional uses in the M-2 General Manufacturing District. Vice Chairperson Burgoyne seconded the motion and it carried without a negative vote.

CONSIDER TEXT AMENDMENTS TO CERTAIN SECTION OF TITLE 14 OF THE CITY'S CODE OF ORDINANCES TO REFERENCE THE CONDOMINIUM FORM OF OWNERSHIP

Planner Censky explained that the City's Land Division and Subdivision Regulation Ordinance currently does not make any reference to the condominium form of ownership and since the City does have condominium developments, it is important to clarify the Code accordingly. A condominium is a building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a specific building type or style.

In response to a question from Commissioner Brown, Planner Censky advised that he had made the changes with review by City Attorney Kaye Vance. City Attorney Vance advised that statutes require condominium reference.

Action:

Commissioner Brown moved to accept the proposed text amendment to certain sections of Title 14 of the City's Code of Ordinances to reference the condominium form of ownership. Commissioner Kaiman seconded the motion. The motion carried without a negative vote.

REVIEW AND POSSIBLY RECOMMEND AMENDING THE CITY'S MUNICIPAL CODE SECTION 11-7-5(p) REGARDING FAILURE TO MAINTAIN PROPERTY

Planner Censky explained that he was prepared to create a Yard Maintenance Ordinance because he thought it did not exist as part of the Zoning Code. The City Building Inspector, however, informed him that he enforces Section 11-7-5 (p) "Failure to Maintain Property" of the Offences and Nuisances Chapter of the Code of Ordinances. Rather than duplicating this ordinance, Commissioners are asked to review this and provide us with any comments, suggestions or additions as you feel are appropriate.

Action:

The Commissioners' consensus was that the existing Code language was adequate.

MAYOR'S ANNOUNCEMENTS

Mayor Myers stated that he had no announcements. Commissioner Brown questioned why the items concerning the Town were at the beginning of the agenda. Mayor Myers responded that it was felt those issues impacted the entire community and wanted to make sure people interested were able to hear the issues.

Vice Chairperson Burgoyne noted that he liked that the comments from the public are solicited at the beginning of the meeting because people should not have to wait two or three hours to make a comment. He was sure comments were discouraged in the past because of the wait. Mayor Myers advised that is why he had it moved to the beginning of the agenda.

ADJOURNMENT

A motion was made by Commissioner Brown, seconded by Commissioner Emmerich, to adjourn the meeting at 9:10 p.m. The motion carried without a negative vote.

Darla Drumel,
Administrative Secretary