

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20110606-1
UNAPPROVED MINUTES**

June 6, 2011

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, June 6, 2011 at Cedarburg City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. The meeting was called to order at 7:00 p.m. by Mayor Myers.

Roll Call: Present - Mayor Gregory Myers, Council Member Chris Reimer (participated via speaker phone), Mark Burgoyne, Brook Brown, Joe Emmerich, Keith Kaiman, Park & Forestry Chairperson Lynne Buehler

Excused - City Attorney Kaye Vance

Also Present - City Planner Marty Marchek, Administrative Secretary Darla Drumel

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.

ELECTION OF VICE CHAIRPERSON AND SECRETARY

Vice Chairperson

Commissioner Brown nominated Mark Burgoyne as Vice Chairperson and the nomination was accepted. A motion was made by Commissioner Brown to close the nominations, which was seconded by Commissioner Kaiman and carried without a negative vote. Commissioner Mark Burgoyne was unanimously elected as Vice Chairperson on a voice vote.

Secretary

Commissioner Brown nominated Council Member Chris Reimer as Secretary and the nomination was accepted. Commissioner Brown moved to close the nominations, which was seconded by Commissioner Kaiman and carried without a negative vote. Council Member Chris Reimer was unanimously elected as Secretary on a voice vote.

APPROVAL OF MINUTES

A motion was made by Commissioner Brown, seconded by Commissioner Kaiman, to approve the minutes of May 2, 2011 as presented. The motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered.

REQUEST TO AMEND YEAR 2025 LAND USE PLAN, TO AMEND THE CITY OF CEDARBURG ZONING MAP, AND REVIEW OF CONCEPTUAL ARCHITECTURAL AND SITE PLANS FOR NEW DENTAL CLINIC – S. DUANE STROEBEL, JR., OWNER; JOE KUNICK, D.D.S, BUYER; MICHAEL QUEOFF, AGENT

Architect Steven Klessig, co-owner of Keller, Inc., introduced Dr. Kunick and Dan Kroeger, consultant to Dr. Kunick. Mr. Klessig reviewed the conceptual plans for the building, noting that

the proposed driveway to the site is away from the intersection of Pioneer Road and Evergreen Boulevard. There is an existing landscape berm on the adjacent residential lot to the north.

The building would be in earth tone colors, with white trim, and made of “no maintenance” materials. Mr. Klessig reviewed the proposed architectural elevations and the floor plan.

Planner Marchek reported that City Engineer Wiza had looked at the proposed plans and among options that may be considered are to connect to the City’s storm sewers and also install a rain garden on the subject lot.

Action:

A motion was made by Vice Chairperson Burgoyne, seconded by Council Member Chris Reimer, to recommend the *Smart Growth Comprehensive Land Use Plan – 2025* be amended to “Office” use for the subject lot.

Continued Discussion:

Vice Chairperson Burgoyne stated that the proposed building would be aesthetically pleasing and such proposals to invest in the City in this current economy are rare.

Commissioner Brown announced he would oppose the Land Use Plan amendment because it would set a precedent for spot zoning. He cited a Community Planning Guide which identifies this proposal as spot zoning and amending the Land Use Plan would be a mistake. He stated that there are examples all over the City where spot zoning has caused problems. Commissioner Brown pointed out that the proposed B-4 zoning district had other permitted uses that could operate on the site in the future. He found the dental office use to be acceptable, but because the parcel is surrounded by residential uses it is not appropriate for the dental clinic. He would, however, reconsider his position if the property owner would agree to rezone the three lots along the east side of Evergreen Boulevard opposite the subject site to the B-4 zoning.

Council Member Chris Reimer noted that the neighborhood has mixed uses and the proposal comes at the right time, is the right plan, and the right building. Local families will patronize the business and it would provide additional tax base to the City.

Mr. Klessig noted that the dental clinic is a unique design that is at least double of any other structure in its construction costs. It would not be easily converted for other uses.

Vice Chairperson Burgoyne did not believe that the amendment would create true spot zoning when it is complementary to an already mixed-use neighborhood.

Council Member Ron Reimer, the Council Member representative for the District in which the project is being proposed, spoke with four nearby residential property owners to the north and they responded positively to the dental clinic as a good use for the corner. He pointed out the existing landscape berm would be effective and noted that it was an opportunity for tax base expansion.

Call the Question:

Vice Chairperson Burgoyne moved to call the question. The motion was seconded by Council Member Chris Reimer.

Continued Discussion:

Commissioner Kaiman requested permission to provide additional comment. He stated that the amendment would clearly be spot zoning, and agreed that a health club or bank could certainly occupy the building, and the responsibility of the Commission is to prohibit spot zoning. However, he would vote in favor of the recommendation to amend the Land Use Plan because it would be unlikely there would be residential development at this relatively busy intersection and that the approved building would have a residential look.

Call the Question:

The motion to call the question carried without a negative vote.

Action on Land Use Plan Amendment:

The motion to recommend the *Smart Growth Comprehensive Land Use Plan – 2025* be amended to recommend “Office” use at the northwest corner of Pioneer Road and Evergreen Boulevard carried with Mayor Myers, Council Member Chris Reimer, Vice Chairperson Mark Burgoyne, and Commissioners Emmerich, Kaiman and Buehler voting in favor and Commissioner Brown voting against.

Action on Rezoning:

A motion was made by Commissioner Emmerich, seconded by Council Member Chris Reimer, to recommend rezoning the parcel at the northwest corner of Pioneer Road and Evergreen Boulevard to the B-4 Office and Service District. The motion carried with Mayor Myers, Council Member Chris Reimer, Vice Chairperson Mark Burgoyne, and Commissioners Emmerich, Kaiman and Buehler voting in favor and Commissioner Brown voting against.

Final detailed site, architectural, lighting and landscaping plans will be presented to the Plan Commission for approval if the Common Council acts to amend the Land Use Plan and rezone the site.

CONSIDER APPROVAL OF ARCHITECTURAL PLANS FOR 1,700 SQUARE FOOT BUILDING BEHIND W61 N513-N515 WASHINGTON AVENUE FOR CRAFT STUDIO OF ART GLASS PRODUCTION - DEBRA CHENEY/WILL SERNOVITZ, POTENTIAL TENANTS; GUS (SANDY) WIRTH, OWNER

Planner Marchek noted that Will Sernovitz and Debra Cheney appeared at the March and May Plan Commission meetings for similar requests at different properties on Center Street and on Washington Avenue. Those proposals were not successful. The applicants are now wishing to establish their craft studio for art glass production in a 1,700 square foot existing garage behind W61 N513-N515 Washington Avenue.

At the March 2011 meeting, the Plan Commission determined that glass art production was a permitted use in the B-3 District. The applicants are now requesting approval of architectural plans to convert the garage to a craft studio at this Washington Avenue site located in the B-3 District. This building is located adjacent to the downtown Historic Preservation District.

The proposed plans call for removing the two outside overhead garage doors and replacing them with French doors within each garage door opening. The center overhead garage door is new and will remain. Transom windows would provide ventilation.

Approval is recommended subject to any requirements of the Cedarburg Fire Department.

Mr. Sernovitz explained that they had hoped to find a location that could be both a residence and their studio, but each scenario sacrificed aspects of either one or the other. This proposal would provide them with more capital and provide a better glass studio because of the space available for display, classes, co-working shop, etc. They also felt that it was a good location. The wall adjoining to the main building on Washington Avenue was a substantial firewall.

Action:

Commissioner Brown moved to approve the architectural plans to convert the rear building to a craft studio at W61 N513-N515 Washington Avenue. The motion was seconded by Commissioner Kaiman and carried without a negative vote.

DISCUSS ALTERNATIVES FOR CITY BUSINESS PARK ENTRY SIGN

Planner Marchek noted that the Business Park entry sign would need to be relocated to accommodate construction of a new dental clinic building on the subject lot. Note that this sign is in poor condition with some serious stress cracking. No construction plans are available. Staff is uncertain if the sign could survive a relocation. The sign is located within a sign easement that was granted to the City when the subject lot was created.

The Plan Commission discussed alternatives such as, but not limited to:

1. Relocation within the same lot to accommodate the dental clinic.
2. Relocation to another site, including within the Evergreen Boulevard median.
3. Whether the sign is needed at all.

The Plan Commission discussed if the sign could be reduced in size and relocated. Planner Marchek was uncertain if the sign had structural integrity to be moved and this would be determined when it was being removed to allow construction of the dental clinic.

Commissioner Buehler asked if the corner vision triangle would be preserved if the new building was constructed. Planner Marchek said that there would have to be a revision to the vision triangle and that would be done in conjunction with the approval of the final site plan.

Action:

A motion was made by Vice Chairperson Burgoyne, seconded by Commissioner Buehler, to recommend removal of the sign. Commissioner Brown's amendment to add "subject to Council action on the dental clinic project" was accepted. The motion, as amended, carried without a negative vote.

DETERMINE JULY MEETING DATE; AND ACTION THEREON

Commissioners concurred with a July meeting date of Thursday, July 7, 2011.

REVIEW AND CERTIFY CODE OF ETHICS; AND ACTION THEREON

Commissioners acknowledged receipt of the Code of Ethics and agree to abide by them.

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MAYOR'S ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Commissioner Brown moved to adjourn the meeting at 8:11 p.m. The motion was seconded by Commissioner Emmerich and carried without a negative vote.

Darla Drumel,
Administrative Secretary