

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20070604-1
UNAPPROVED MINUTES**

June 4, 2007

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, June 4, 2007 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, Park & Forestry Chairperson James Schara

Also Present - City Attorney Kaye Vance; City Planner Jon Censky; Administrative Secretary Darla Drumel; interested citizens

STATEMENT OF PUBLIC NOTICE

Administrative Secretary Drumel confirmed that the agenda for the meeting had been posted and distributed in compliance with the Wisconsin Open Meetings Law.

ELECTION OF VICE CHAIRPERSON AND SECRETARY

Vice Chairperson

Council Member Beck nominated Mark Burgoyne as Vice Chairperson to the Plan Commission. Commissioner Brown moved to close the nomination. Commissioner Kaiman seconded the motion to close nominations and the motion carried without a negative vote.

Mark Burgoyne was elected as Vice Chairperson by unanimous vote.

Secretary

Commissioner Brown nominated Sandra Beck as Secretary to the Plan Commission. A motion was made by Vice Chairperson Burgoyne, seconded by Commissioner Brown, to close the nominations. The motion carried without a negative vote.

Sandra Beck was elected as Secretary to the Plan Commission by unanimous vote.

APPROVAL OF MINUTES

A motion was made by Commissioner Brown, and seconded by Vice Chairperson Burgoyne, to approve the minutes of May 7, 2007.

Vice Chairperson Burgoyne noted that he was quoted incorrectly in the third paragraph on page PLN20070507-2.

The motion to approve the minutes carried without a negative vote with the correction to replace "contribute" with "be complimentary" in the third paragraph on page PLN20070507-2.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Betsy Schliesleder, who lives at N27 W6561 Alyce Street, advised that she and her neighbor would like to speak to the issue of Outlot 1 of CSM #2811 on Alyce Street when it comes up during the meeting.

PUBLIC HEARING REGARDING CONDITIONAL USE APPROVAL AND CERTIFICATE OF APPROPRIATENESS TO RELOCATE AND CONSTRUCT A NEW DRIVE-THROUGH BANKING CANOPY AND EXTERIOR ARCHITECTURAL CHANGES TO THE FORMER MARINE BANK LOCATED AT W61 N526 WASHINGTON AVENUE – PORT WASHINGTON STATE BANK/STEVE SCHOWALTER

Mayor Myers declared the public hearing open at 7:10 p.m.

Planner Censky reminded Commissioners that Steve Schowalter, President of Port Washington State Bank, was before them for consultation on May 7, 2007 for exterior architectural changes to his drive-through bank facility. Commissioners were supportive of the architectural changes, but asked that the canopy structures over the drive-through lanes be shifted south one car length to provide better visibility to the east. Staff was also asked to conduct a review of the Zoning Code to verify the stacking requirements for bank drive-through facilities and whether the Plan Commission has the authority to modify those requirements.

Planner Censky reported that Section 13-1-82(h)(2)a of the Zoning Code requires space for 4 waiting vehicles at each drive-through lane for financial institutions and that flexibility is provided through Section 13-1-83, which states that for all commercial and industrial uses, the minimum number of parking spaces may be adjusted by the Plan Commission on a case-by-case basis where the petitioner shows that adequate parking is available to support the use. In this instance, Commissioners agreed that 4 spaces for each drive-through was excessive due to the changing banking technology such as online banking and direct deposit, which has over time resulted in less onsite banking.

Planner Censky advised that based on the flexibility and comments received at the May meeting, the plans were changed with the canopy being moved one car length south. The existing drive onto Mill Street is to be widened by 3 feet over the width of the existing to allow double in and single out movements. The parking along the north side of the building is being switched to face south. Most of the existing vegetation will remain and, where necessary, it will be supplemented to fill voids and/or improve parking lot circulation. Extending from the public sidewalk along Washington Avenue to the existing sidewalk along the north side of the bank will be a new expanded sidewalk and the existing sidewalk leading to the drop box on the west side will be removed and replace with sod.

Planner Censky reported that the architectural plans were reviewed by the Landmarks Commission and, after several changes to the details, were found acceptable. Accordingly, on May 24, 2007, the proposal received Certificate of Appropriateness recommendation from the Landmarks Commission by a vote of 5 to 1.

Steve Schowalter introduced his architect, Lawson Rennie of The Redmond Company, and offered to answer questions from the Commissioners.

Commissioner Brown noted that four very large existing trees were being removed with the renovation and suggested that, where possible, they be saved. Mr. Schowalter noted that the root system of the trees in the interior of the site would be significantly disturbed but that efforts would be made to save the other two trees. Mr. Rennie added that they would plant two 2.5" to 3" caliper trees as replacements.

In response to Commissioner Brown's question, Mr. Rennie advised that the windows would be of the Pella Architecture Series white aluminum clad with gray mullions. Planner Censky reported that the Landmarks Commission discussed the windows at length and determined that although the building was sited in the Historic District, it was not an historic structure and, therefore, they felt comfortable with the windows. The lighting over the night depository would be cutoff fixtures matching the lights in the canopy.

Commissioner Kaiman asked about security at the ATM and was told that the overall bank security plan would be mandated by the bonding company and some type of monitoring system would be included.

No public comments were offered.

Action to Close Public Hearing:

Commissioner Brown moved to close the public hearing at 7:24 p.m. The motion was seconded by Commissioner Kaiman and carried without a negative vote.

Action:

A motion was made by Commissioner Brown, seconded by Vice Chairperson Burgoyne, to approve the Conditional Use Permit for the drive-through facility as presented and grant the Certificate of Appropriateness for the architectural changes as recommended by the Landmarks Commission. The motion carried without a negative vote.

CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR ARCHITECTURAL CHANGES TO THE BOY SCOUT HOUSE AT W62 N715 RIVEREDGE DRIVE – THE CEDARBURG FOUNDATION

Planner Censky explained that The Cedarburg Foundation was requesting Certificate of Appropriateness for exterior architectural changes being proposed to the Boy Scout House. Preliminary plans were presented at the January 8, 2007 meeting for feedback and conceptual approval was granted for the style but with concerns about potential impacts with increased usage. The plans have since been modified as necessary to comply with the Floodplain Ordinance as this structure is located in the Floodfringe District.

Planner Censky noted that because the building is located within the Floodfringe District and does not meet the requirements of that District, it is classified as non-conforming and is subject to the 50% rule. Accordingly, no structural modification or addition, which over the lifetime of the structure would exceed 50% of the present equalized assessed value, is allowed. This restriction is limited to structural changes or additions to the existing building and, in this instance, the new roof system will all be included. Since this structure is City-owned and exempt from taxes, there was no value established to determine the 50% monetary limit and, therefore, an appraisal was completed which established the estimated fair market value at \$116,000; which limits the amount of money that can be spent for structural improvements to \$58,000.

Planner Censky advised that the applicant changed the plans to comply with the 50% rule. The changes result in the elimination of the second floor addition as previously shown and are now limited to remodeling of the first floor, construction of a new roof system over the existing roof, new plaster siding and the introduction of outdoor meeting circle.

Planner Censky pointed out that even though the second floor was eliminated, the outward appearance of the building remains the same as shown on the original plans because the applicant continues to propose a new roof system intended to give a larger gabled appearance. The area between the existing and proposed roof will be unusable and will remain so into the future. The indoor work will consist of adding a movable divider wall in the main hall to allow for break-out meetings and the kitchen will be refurbished. Outside and to the north of the building, a stone meeting area will be installed and landscaped for use by scouts and ice skaters during the winter. Planner Censky suggested that approval be conditioned on the applicant submitting documentation to verify compliance to the 50% rule.

Action:

Vice Chairperson Burgoyne moved to grant the Certificate of Appropriateness for the exterior structural changes proposed for the Boy Scout House contingent upon submission of documents to verify compliance with the 50% rule. The motion was seconded by Commissioner Emmerich.

Continued Discussion:

Commissioner Brown questioned whether the "Meeting Circle" was a fire pit and if it was within the jurisdiction of the Plan Commission to approve its construction and use. Planner Censky responded that the proposed Meeting Circle was scheduled to be reviewed by the Park & Forestry Board at its June 6, 2007 meeting.

In response to a question from Commissioner Schara, Planner Censky advised that the concern about increased parking problems had been eliminated with the new plans because the building size will not change.

Marian Yank, residing at W62 N714 Riveredge Drive, asked what prevented a second story from being used in the remodeled building. Planner Censky responded that the building is not being expanded because the old roof was not being removed. The maximum amount of money that is allowed for structural modifications would essentially be expended.

Mayor Myers emphasized that an independent appraisal was made to establish the building's fair market value because a public building does not have an assessed value.

Final Action:

The motion carried without a negative vote.

CONSIDER CONVERTING OUTLOT TO BUILDABLE STATUS AND REMOVE ACCESS PROHIBITION TO OUTLOT 1 OF CERTIFIED SURVEY MAP #2811 ON ALYCE STREET – DUEY STROEBEL

Planner Censky advised that Mr. Stroebel was requesting that the City consider changing the status of Outlot 1 of Certified Survey Map (CSM) No. 2811 on Alyce Street to a buildable lot and that the

City considers selling it for development purposes. In addition, since the CSM includes a note restricting vehicular access to Alyce Street, that restriction would have to be removed.

Planner Censky noted that the Outlot was created in 1995 by action of the Plan Commission and Common Council out of neighborhood concerns that future business development of the site may have negative impacts on the area. Of particular concern was having business traffic directed to Alyce Street and, to alleviate that fear, a note was placed on the face of the CSM prohibiting such access. To render this site buildable, action by both the Plan Commission and Council is required.

Planner Censky indicated that the site is currently zoned M-3 Business Park District, which is consistent with the zoning to the south and west. Directly north of this Outlot, the property is zoned RM-2 and RM-1 Residential Multi-Family and to the east the zoning is RD-1 Two-Family. If successful with this inquiry/request, Mr. Stroebel has indicated a desire for residential development. Staff notes that the Land Use Map and Zoning will need to be changed if this request goes forth. First, however, the City needs to determine if the site should be rendered developable and sold.

Betsy Schliesleder, who lives at N27 W6561 Alyce Street, advised that when purchasing their homes, they were told that nothing could be built on the Outlot and that status would never change. This influenced their decision to purchase. She also would not like to see additional traffic on Alyce Street. Ms. Schliesleder was surprised that the City would even consider making a change.

Vice Chairperson Burgoyne recalled that it was impractical to connect the Outlot to Commerce Court. Commissioner Kaiman recalled that a decision was made to prohibit the commercial traffic onto a residential street. He added that he would not support a change in the status of Outlot 1.

Commissioner Brown agreed that the status of the Outlot should not change, as the Outlot provides green space; enhances the area and provides a barrier between the residential development and the M-3 Business Park District. He feared that it would lead to re-evaluation of outlots scattered around the City. Planner Censky responded that this Outlot is different than those located elsewhere in the City because it was a building site that was rendered unbuildable to alleviate neighborhood fears of traffic.

Mayor Myers suggested that if the intent was to allow residential development on the site in the future, it should have been rezoned to residential immediately.

Action:

A motion was made by Commissioner Brown, seconded by Commissioner Kaiman, to deny the request to convert Outlot 1 of Certified Survey Map #2811 on Alyce Street to buildable status and to remove the restriction prohibiting access to Alyce Street.

Vice Chairperson Burgoyne advised that he would not be voting on the issue as he recently became a member of the Homeowners Association on Alyce Street.

The motion carried without a negative vote, with Vice Chairperson Burgoyne abstaining.

**REQUEST FOR CIRCULAR DRIVEWAY RESULTING IN TWO ACCESS POINTS AT N62 W5368
EDGEWATER DRIVE – JIM RENTSCHER**

Planner Censky explained that Jim and Mary Rentscher were seeking approval of a second driveway approach to their home located at N62 W5368 Edgewater Drive. Approval of this second driveway cut will enable the applicant to construct a circular drive so that they may have direct vehicular access to the front door.

Planner Censky explained that, according to Section 6-3-1(b)(7) of the Public Works Code, no more than one driveway entrance shall be constructed for any lot or premise except where deemed necessary and feasible without impairment of safety, convenience, and utility of the street by the Plan Commission. For the applicant to construct a circular drive, Commissioners need to approve the second driveway cut.

Planner Censky opined that while it is important to limit the number of driveway cuts along the City's public streets, the size of this parcel and low traffic volume carried by Edgewater Drive provide a level of comfort that safety will not be impacted.

Commissioner Brown drove by the Rentscher home and noted that the property already has a nice driveway. He is not in favor of adding another drive approach that creates another conflict point along Edgewater Drive.

Jim Rentscher, the property owner, advised that the front door to the home is oddly placed at the far right of the building, while the driveway is at the far left. He felt that the circular drive would improve the aesthetics of the property by having a connection to the front door and would not detract from the neighborhood. Mr. Rentscher pointed out that several nearby neighbors already have circular drives and as one of the largest lots on the street, it is large enough to accommodate a circular drive.

Council Member Beck supported the proposal because of the location of the front door, the low volume of traffic on Edgewater Drive and said that it would make the house look better. If other people in the neighborhood have circular drives, there is no reason to deny one at the Rentscher home.

Action:

Council Member Beck moved to approve the request for a circular drive and second access at N62 W5368 Edgewater Drive. The motion was seconded by Commissioner Emmerich.

Continued Discussion:

Commissioner Kaiman cautioned that the look of the property could be diminished if the driveway would become a parking lot.

Mayor Myers noted that if the Council Member for the District was in support of the request, there are others on the same street and the property can accommodate a circular drive, he could not see reason to deny the request.

Final Action:

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

REVIEW AND DISCUSS CHAPTER 7 “INTERGOVERNMENTAL COOPERATION ELEMENT” AND CHAPTER 9, “IMPLEMENTATION,” OF THE SMART GROWTH COMPREHENSIVE LAND USE PLAN

Planner Censky presented the first drafts of the Intergovernmental Cooperation and Implementation Elements for review and comment. He advised that they are the final elements that are required for compliance with the Smart Growth Comprehensive Planning Law. Following this, staff will put the final touches on the Plan, assemble the elements together and then provide the final version at a later date before it goes on to the Common Council for public hearing.

Planner Censky explained that the purpose of Intergovernmental Cooperation Element is to establish a framework to work through conflicts with other local units of government and identify opportunities where sharing services eliminates unnecessary duplication. This element lists and analyses all existing shared service agreements the City of Cedarburg has with other units of government and sets forth goals and objectives to continue a good working relationship with others.

Council Member Beck acknowledged the amount of work that Planner Censky has done to compile the Smart Growth Plan. Vice Chairperson Burgoyne admitted he was surprised by the number of intergovernmental agreements the City currently has.

In response to questions by Commissioner Brown, Planner Censky confirmed that data had been obtained from researching the Census website and the Blue Ribbon Visioning Committee’s “Cedarburg’s Community Vision 2001-2020” report. Changes can be made to the Smart Growth Plan at any time and the extraterritorial jurisdiction issue is State-guided. Commissioner Brown complimented Planner Censky on a job well done.

Mayor Myers requested that the agreements be verified, specifically regarding fire protection.

REVIEW AND CERTIFY CODE OF ETHICS; AND ACTION THEREON

Mayor Myers reminded Commissioners of their obligation to abide by the Code of Ethics. If necessary, he recommended obtaining clarification of any issue with the City Attorney.

REPORT FROM THE JETZCO MEMBERS AND DISCUSSION OF THE DIRECTION AND STATUS OF ONGOING DISCUSSIONS

The Plan Commission discussed the JETZCO meeting.

MAYOR’S ANNOUNCEMENTS

Mayor Myers announced his desire to cancel the July Plan Commission meeting. No objections were made.

ADJOURNMENT

Commissioner Brown moved to adjourn the meeting at 8:30 p.m. The motion was seconded by Commissioner Emmerich and carried without a negative vote.

Darla Drumel,
Administrative Secretary