

**PLAN COMMISSION
and JETZCO
August 7, 2006**

**PLN20060807-1
UNAPPROVED MINUTES**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, August 7, 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, Park & Forestry Chairperson James Schara (arrived at 7:30 p.m.)

JETZCO

City Members:

Mark Burgoyne, Brook Brown, Keith Kaiman

Absent - JETZCO

Town Members:

William Henke, Donald Levy, Michael Groth

Also Present - 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 to approve the minutes of July 10, 2006. The motion was seconded by Commissioner Schara.

Commissioner Emmerich requested that the language in the first paragraph on page 19 be revised to clarify its meaning by replacing the word "difference" with the word "distinction" and adding the phrase "and the City has approved the completion" to the end of the paragraph. Also, the word "correctly" was to be deleted in the ninth paragraph on page 7.

The motion to approve the minutes as amended carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered at this time.

JOINT EXTRATERRITORIAL ZONING COMMITTEE (JETZCO) REVIEW AND CERTIFY CODE OF ETHICS

A quorum of the JETZCO was not present, so no action was taken on this item.

PLAN COMMISSION AND JOINT EXTRATERRITORIAL ZONING COMMITTEE (JETZCO) INFORMATION REVIEW, DISCUSSION REGARDING PROCEDURES AND POSSIBLE ACTIONS CONCERNING PROCESS, PLAN, ZONING AND REGULATIONS FOR THE EXTRATERRITORIAL AREA ALONG HWY. 60 FROM SHEBOYGAN ROAD TO HORNS CORNERS ROAD

Planner Censky's memo noted that staff provided JETZCO Members with the map identifying the extraterritorial area, the City Land Use Map for the City's Sanitary Sewer Service Area, the Town zoning map, the zoning ordinance recently adopted by the Town Board and the adopted Town Center Development Standards. Also, Commissioners and JETZCO Members received a report by John R. Jansen, P.G., Ph.D., Senior Geoscientist, Aquifer Science and Technology a division of Ruekert/Mielke, which discusses the risks of contamination created by future development near the Prochnow Landfill.

Planner Censky's memo added that the purpose of JETZCO was to work cooperatively on a land use plan for the area. According to State Stat. 62.23(7a)(c), the entire Plan Commission shall participate with the joint Committee in the preparation of the plan and regulations, however, only the members of the joint Committee shall vote on matters relating to the plan and regulations. This Committee shall formulate tentative recommendations for the district plan and regulations, and shall then hold a public hearing. Opportunities shall be provided to representatives of the Town Board and to any other persons wishing to be heard. The Common Council may adopt, by ordinance, the proposed district plan and regulations recommended by the JETZCO following a separate public hearing. The Common Council, however, can only adopt the land use plan and zoning regulations if it receives a favorable vote of the majority of the 6 members of the joint Committee.

Mayor Myers announced that he was advised the Town JETZCO Members would not be in attendance because of the same concerns identified in the Town's e-mail prior to the July meeting. He emphasized that JETZCO is supposed to prepare the land use plan and zoning; not the Plan Commission.

It was noted that the individual Town JETZCO Members were each sent a copy of the August 7, 2006 Plan Commission agenda and Planner Censky's memo. Commissioner Brown questioned whether the newspapers should be contacted and Commissioner Emmerich asked if the Common Council was taking any action. Mayor Myers advised that the Common Council was aware of the situation and is taking appropriate action.

CONDOMINIUM PLAT APPROVAL REQUEST FOR INDUSTRIALLY ZONED PROPERTY LOCATED AT N144 W6466/6460 PIONEER ROAD – DAVID AND VICKI BERGSTRESSER

Planner Censky advised that David and Vicki Bergstresser notified him that they were unable to attend the meeting but hoped the Plan Commission would take action on their request to establish a condominium form of ownership for their industrially zoned property located at N144 W6460/6466 Pioneer Road. The condominium form of ownership would allow them to sell the two existing buildings separately, with the rest of the site owned in common, without dividing the property into two separate parcels. Approval of this request does not result in any change to the use or change to the buildings. While requests of this nature were previously processed administratively, the recent change to Title 14, Land Division and Subdivision Regulations requires Plan Commission approval of such a request.

Planner Censky continued that each building on the site was legal non-conforming due to failure to comply with side yard offset and that status will continue with the condominium. The back building

is located 16.29 feet from the east property line and 9.13 feet from the west line. The front building is located 12.07 feet from the west property line, where the Code requires at least 25 feet. These buildings predate our Code and are grandfathered.

In response to a question from Commissioner Kaiman, Planner Censky stated that the condominium form of ownership would eliminate the need to create a land division. Mayor Myers advised that State law protects condominium development and prevents the City from legally denying the request.

Planner Censky added that although the Code allows multiple buildings on the Bergstresser site, the buildings could not be sold separately unless under condominium ownership. Commissioner Brown pointed out that the "Declaration of Condominium of N144 W6460 and 6466 Pioneer Road Condominium" (Declaration) stated that that building could be replaced in kind if destroyed and urged that the property owners be apprised that if a building was damaged beyond 50% of its value, the new building must conform to the Zoning Code.

Planner Censky pointed out that new construction would require Plan Commission review as a site plan amendment, which would also amend the Declaration. He added that the City Assessor informed him that creating the condominium development would increase the value of the site.

Vice Chairperson Burgoyne supported clarification that the buildings would remain non-conforming and would remain subject to the City's Code.

Action:

Commissioner Kaiman moved to approve the request to establish a condominium form of ownership for the industrially-zoned property located at N144 W6460/6466 Pioneer Road subject to revision of the Declaration to include reference to the continued non-conforming status of the buildings and review of the document by the City Attorney. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote.

CONSULTATION REGARDING PROPOSED SINGLE-FAMILY DEVELOPMENT LOCATED ON THE VACANT PARCEL OF LAND LOCATED BEHIND W61 N378-N392 WASHINGTON AVENUE – ROBERT ZELLMER/TIM GESCHKE

Planner Censky advised that the developer narrowed their concepts down to two for the vacant 2.5-acre parcel behind W61 N378 through W61 N392 Washington Avenue, incorporating suggestions made by Plan Commissioners at the July 10, 2006 meeting. The proposals submitted prior to the meeting would result in 6 or 7 new home sites located along a private access road from either Washington Avenue or from Hilbert Avenue. At the July meeting, some Commissioners felt that access should be directed to Hilbert Avenue or that both Washington Avenue and Hilbert Avenue be used, while others were not sold on having access to Hilbert because an existing home would need to be razed for a private drive or settle for an emergency access only. According to the City Assessor's records, this building at W59 N367 Hilbert Avenue was constructed in 1895 and is assessed at \$177,600.

Planner Censky continued that since the project would then be supported by a private drive between two existing homes on Washington Avenue and an existing home on Hilbert Avenue, a modification to the required 25' building setback would be required. He noted that a similar modification was approved through the PUD Zoning for the Bridge Commons Condominium development where setbacks within that project range between 16' and 25'. Similar setbacks are being proposed for the Zellmer project and if a modification to the 25' setback is not permitted, the

concepts showing access to Washington Avenue between two existing structures are not approvable because it would render those structures nonconforming.

Tim Geschke, the developer, introduced Landscape Architect Caren Connolly. Ms. Connolly reported that the proposed concepts were developed after consultation with Planner Censky and the Cedarburg Fire Chief. He pointed out new proposals showing access from both Washington Avenue and Hilbert Avenue, which retain the Hilbert Avenue home. One proposal depicted 7 units and the other 8, and when superimposed on an aerial photo, they visually show no increase in density.

Council Member Beck stated that if no buildings would be torn down, the development should be limited to seven units. A total of seven units were discussed at the July meeting and even one more unit would negatively impact the already serious problematic traffic situation.

Planner Censky noted that the applicant needs to submit a yield plan to determine the allowable density, and that plan has not yet been submitted.

Mr. Geschke advised that they preferred the scheme with the traditional road with houses on both sides to reduce the amount of hard surface. He is comfortable that there is adequate space to provide the private drive access to both streets, although no surveys have been done, and is anxious to get the engineers involved. He continued that the designs of the 2,200 square foot to 2,500 square foot homes would include 1.5- and 2-story structures, preferably with attached garages. The footprint of the buildings would be around 1,500 square feet and the upper story around 750 square feet. A garage was not included in the calculated square footage. Mr. Geschke and Louis Wasserman, the architect, both stated that they could work with a 7 unit project and preferred smaller homes.

Commissioner Emmerich responded that 2,500 square foot homes were unacceptable and preferred building sizes between 1,800 square feet and 2,200 square feet. Mayor Myers added that the new homes should be comparable to the neighboring homes and after construction, look like they have always been there. Vice Chairperson Burgoyne suggested that the proposed square footage of the homes was much lower when discussed at the time Frank Richardson presented a proposal to the Plan Commission and recalled that the Plan Commission did not agree to Mr. Richardson's numbers. He noted that the homes in the successful Bridge Commons Condominium project range from 1,500 to 1,800 square feet.

Commissioner Brown expressed his desire to allow only 6 or 7 new homes on the site and suggested that the neighbors would also be expecting a development with 6 units. He also suggested that one of the structures be a duplex, which could be done by changing the zoning. Other Commissioners expressed doubt that a duplex structure would be accepted by the neighbors.

Commissioner Kaiman stated he preferred a Hilbert Avenue access only and his second choice would be to have access both on Washington and Hilbert Avenues. In his opinion, the 1895 house on Hilbert Avenue does not seem to have much significant historical value and should be removed if required to provide equal access to Hilbert Avenue. Under those circumstances, 7 homes, and maybe up to 8, would be acceptable.

Louis Wasserman, the project's architect, explained that they were committed to creating access to both streets.

Vice Chairperson Burgoyne agreed that, without a cul-de-sac, 6 or 7 units would seem to be appropriate, or even possibly 8 if the concept drawings were proportionate. He liked the concepts but was still debating whether or not two entrances were needed.

Mayor Myers reminded Commissioners that he expressed reservations at the July meeting about removing the existing home based on the lost tax revenue and the fact that Cedarburg is based on preservation. He agreed that the proper density for the development should be 6 or 7 units, and believed it would not have much impact on traffic.

Commissioner Brown emphasized that density was the major concern and agreed the Hilbert house should remain as part of the established neighborhood.

Vice Chairperson Burgoyne noted that the house was proposed to remain and was under the control of the developer as a rental, so the access drive would not suddenly exist next to a home unrelated to the project. The access drive would also be along an existing driveway to the south, somewhat creating a buffer to that home.

Ms. Connolly described the rain gardens depicted on the plan as collectors of stormwater that would filter contaminants out of the water before reaching the water table. She added that there is seldom standing water in a rain garden.

Mr. Geschke advised that he would like to present a schematic for duplexes to demonstrate the benefits for presentation to the neighbors.

Commissioner Brown suggested that the garage sizes be limited to 2 car garages and thought be given to restrict the use of the Washington Avenue access, such as limited hours or limited turning movements.

REVIEW AND DISCUSS THE TRANSPORTATION ELEMENT OF THE SMART GROWTH PLAN

Planner Censky advised that a good portion of Chapter 3 "The Transportation Element" was completed and was submitted for Commission review and comment. The Transportation Element is a compilation of the City's goals, objectives and policies regarding the future development of various modes of transportation. The intent of this chapter is to provide an analysis of existing facilities which will help to formulate the policies, goals and objectives for the City's future transportation system. He noted that the maps for these elements would be inserted at a later date. He added that the information would be placed on the City Website to solicit public comments.

Commissioner Brown had several comments:

- Check the numbers for the volumes of traffic on the primary arterials, as 11,200 to 17,400 appears to be too broad a range.
- Clarify the location of the Portland Road bridge.
- Consider focusing solely on the City's portion of the Interurban Trail.
- Consider eliminating the Rail and Bus Service section because they do not exist in the City.
- Add Highway 60 to the list of identified issues on Page 13. It was noted that Bicycle Paths are addressed in the Park and Open Space Plan.
- Add minimization of driveway and road cuts on Washington Avenue and Columbia Road to the recommendation.

Commissioner Kaiman suggested inserting clearer name identification of the City Park/Cedar Creek Park and the ball diamond at Behling's Field. He also noted that the anticipated additional roadway mileage as a result of the recently-annexed lands.

Commissioner Emmerich disagreed with the future vision of STH 181, which is in his backyard. He felt it was over-engineered and should be two traveling lanes with a bypass lane in the center, such as Highway 32 in Fox Pointe and Bayside. Four lanes with a bypass, in his opinion, would just create a raceway.

DETERMINE SEPTEMBER MEETING DATE

The Commissioners agreed to schedule the next regular meeting for Monday, September 18, 2006.

MAYOR'S ANNOUNCEMENTS

Mayor Myers announced that the next JETZCO meeting will be scheduled at the September 18, 2006 Plan Commission meeting.

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