

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20070917-1
UNAPPROVED MINUTES**

September 17, 2007

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, September 17, 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, Mark Burgoyne, Brook Brown, Keith Kaiman, Park & Forestry Chairperson James Schara

Excused - Council Member Sandra Beck, Joe Emmerich

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.

APPROVAL OF MINUTES

A motion was made by Commissioner Brown, seconded by Commissioner Schara, to approve the minutes of August 6, 2007 as presented. The motion carried without a negative vote, with Council Member Beck and Commissioner Emmerich excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments were offered.

RECOMMENDATION REGARDING AMENDMENT TO ENTIRE PRELIMINARY PLAT AND FINAL PLAT RECOMMENDATION REQUEST FOR 15-LOT FIRST PHASE OF KEUP TRAIL SUBDIVISION LOCATED ALONG THE EAST SIDE OF KEUP ROAD IMMEDIATELY NORTH OF THE INTERURBAN TRAIL – ROBERT TILLMANN

Planner Censky noted that at the August 7, 2007 Plan Commission meeting, no action was taken on the Final Plat for the first phase of the Keup Trail Subdivision because a new lot had been added and a phasing plan had not been approved. The addition of a new lot was determined to be a substantial change to the approved Preliminary Plat. Therefore, an amended Preliminary Plat was required before final plat consideration.

Planner Censky advised that the Common Council has since approved a phasing plan for the Keup Trail Subdivision as delineated on the submitted plat at their August 27, 2007 meeting. This action was pursuant to Section 14-1-32 of the Subdivision Regulations which provides that the Common Council may permit the approved Preliminary Plat to be final platted in phases with each phase being designated as a "phase" of the of the approved Preliminary Plat. The approved plan consists of three separate phases with the first phase consisting of that area north of the Interurban Trail and will result in the extension of Covington Square East ending in a cul-de-sac. The second phase will

be the southern portion of the project extending West Oak Street through to Keup Road and the third phase will be the center area directly south of the Interurban Trail.

Planner Censky explained that the Preliminary Plat was submitted with a new lot located south of Covington Square East. The lot was realized when the engineer shifted Covington Square East slightly northward to provide more area for Lot 13, which was required as a condition of Preliminary Plat approval. This shift and a computer analysis of their lot yield resulted in the additional new Code-compliant lot. Since the phasing plan for the Keup Trail Subdivision was specific to the originally approved Preliminary Plat, that plan will need to be amended, by Council action, with the amended Preliminary Plat. Concurrently with this Preliminary Plat amendment, Mr. Tillmann is again requesting Final Plat recommendation for the first phase. This phase includes 15 single-family lots located north of the Interurban Trail ranging in size from 20,031 square feet to 63,343 square feet. It will result in the extension of Covington Square east from Keup Road, which dead ends in a cul-de-sac at the east end of the site adjacent to the Interurban Trail. While there is no direct access to Falls Road through this phase, there will be indirect access through the connection to West Oak Street as part of the second phase.

Planner Censky continued that as part of the first phase, a small temporary pond will be constructed over Lots 24 and 25 and part of Lot 23 for that phase's stormwater detention needs. The pond will be eliminated and the area returned to developable status as the phasing progresses. Mr. Tillmann is also working to acquire land outside the plat area at the southeast corner of the project for a regional detention pond that will be constructed as part of the second phase. This pond is necessary to resolve some drainage problems identified by the Village of Grafton.

Planner Censky noted that City staff's review of the Final Plat indicated compliance with all minimum standards of the RS-1 District. Each lot complies with the necessary lot size and width and setback/offset requirements. Roadway width and cul-de-sac length comply with Code standards as well. The recording of this plat will result in the dedication to the City of Cedarburg the ultimate right-of-way for the interior streets and along the Keup Road frontage. It will also result in the dedication of a small area at the northeast corner of Lot 9 that would become part of the Bobolink Avenue right-of-way.

Planner Censky then suggested several conditions for consideration as part of the Plan Commissioners' action.

Commissioner Brown questioned the wisdom of approving final plats in phases, even if it has been the policy in the past to do so. He pointed out that the evaluation of the proposal for this project has taken many years, with many public meetings. The 51-lot Preliminary Plat as previously approved was what the public is expecting, not a development with 52 lots. Commissioner Brown suggested that approving final plats in phases would give the developer an opportunity to create even more lots, when density for this subdivision has always been an issue.

Vice Chairperson Burgoyne noted that phasing a development is not an unusual practice and Planner Censky pointed out that no other Code-compliant lots could be created within the rest of the project.

Mayor Myers stated that the zoning had been changed from the 10,000 square foot lots in the RS-4 District to the 20,000 square foot lots in the RS-7 District, which was accepted to address the density question and the proposed amendment Preliminary Plat complies with the RS-1 Zoning District requirements. The Zoning Code assures that all are required to follow the same rules.

Commissioner Brown noted that the same preliminary plat as currently proposed was denied at a public meeting in October of 2006. He believed that this proposal should also be denied. If not, it would appear that the Plan Commission was not doing its job.

Commissioner Kaiman expressed concern about the result if the developer would be unable to complete the following phases, since the only reason phasing would be requested is because the market conditions have changed. He believed that the Common Council made a very poor decision by allowing the project to be phased. The development as proposed may never be built, which would put the area in a very contentious situation again regarding new development proposals.

Planner Censky pointed out that the road pattern for the development is part of the City's Official Map, so any changes to that pattern would require a change to the official map and the developer going through the preliminary plat approval and final plat approval processes again. He added that the reason Mr. Tillmann was requesting the phasing was so that he could keep his employees working on the first phase through the fall and winter.

Commissioner Kaiman felt that the points made by Plan Commission members are important to relay to the Common Council.

Action:

Commissioner Brown moved to reject the request for a Preliminary Plat amendment to include one additional lot and the request for phasing final plat approval. The reasons for denial are that the citizenry has said that density in this development is an issue and the Preliminary Plat was approved with 51 lots, not 52. The motion was seconded by Commissioner Kaiman and failed with Commissioners Brown and Kaiman voting in favor; and Mayor Myers, Vice Chairperson Burgoyne and Commissioner Schara voting against, with Council Member Beck and Commissioner Emmerich excused.

Continued Action:

A motion was made by Vice Chairperson Burgoyne, seconded by Commissioner Schara, to recommend the Common Council approve the Preliminary Plat amendment and Final Plat for the first phase of Keup Trail Subdivision. Vice Chairperson Burgoyne's basis for recommending the approvals were that the density is appropriate and that there have been many successfully phased projects in the past. The approvals were conditioned on the following:

- Sanitary sewer lines and watermains are to be extended to the property lines.
- This project shall be supported by the full compliment of improvements typical of all subdivisions in Cedarburg.
- The developer shall be responsible for constructing the West Oak Street connection to Bobolink Avenue.
- The developer shall be responsible for the complete street construction and street trees installation for that stretch of new roadway along the frontage of Lot 1 of CSM #3598.
- A Lake Maintenance Agreement shall be submitted and approved by Engineering Staff.
- The FAR and Lot Coverage Percentage shall be in accordance with the requirements of the RS-1 District.
- There shall be a walkway connection to support daily pedestrian traffic and vehicles during times of emergency from Covington Square East to the Interurban Trail and the future cul-de-sac directly to the south.
- The applicant shall be required to install public sidewalks along the Keup Road frontage.

- The developer shall pay all user fees prior to the recording of the Final Plat.
- All infrastructure (i.e. sewer, water, storm sewer, roadway, sidewalk, grading, drainage and erosion control) plans shall be reviewed and approved by the Engineering Staff.
- Submittal and City Forester approval of a landscape plan showing initial size, location and species of all street trees.
- The City undertake to attach the 50'-wide strip of land along the north line of the subdivision into the City limits once the Village of Grafton detaches the land.
- A development agreement will need to be prepared prior to Council approval.

Continued Discussion:

Mayor Myers stated that he had taken an oath making him responsible for upholding the City's ordinances. The zoning on this particular piece of property had been changed to reduce the density of development to RS-1 as approved by the Plan Commission and Common Council; the zoning allows for the additional lot; the developer is guaranteed his due process and the Codes are established to guarantee everyone is treated equitably.

Commissioner Burgoyne advised that he had lived in the Georgetown Subdivision adjacent to this site for 20 years and felt that the proposed Keup Trail Subdivision complimented Georgetown.

Continued Action:

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

REVIEW AND DISCUSSION OF SECOND DRAFT OF THE COMPLETE SMART GROWTH COMPREHENSIVE PLAN

Planner Censky advised that staff continues to fine-tune the "Smart Growth Comprehensive Plan – 2025" document. The document is being formatted, a table of context constructed and mapping work has continued. He noted that the "Cedarburg's Community Vision 2001-2020" presented by the Blue Ribbon Visioning Committee in January, 2002 would be added as an appendix at the end of the document. Planner Censky advised that the content of the document had not changed from the previous reviews of each chapter.

Planner Censky presented the latest version of the future 2025 Land Use Map. The major changes on the 2025 map included establishing the appropriate classifications for the extraterritorial area and projecting the future uses for potential redevelopment or "Smart Growth Areas" (SGA) to reflect the direction found in the text. Careful consideration should be given to these sites as they represent opportunities for new development that will have minimal impact on existing public facilities and utilities. The redevelopment of these areas is cost-effective as existing infrastructure is available to serve them. Planner Censky reviewed the areas and recommended land uses.

- SGA-1 The Mercury Marine and Norstar Site Located South Of Cleveland Street, Between Madison And St. John Avenues. This site is classified on the Land Use Map as High-Medium Density Urban Development (5.2 to 10.8 units/acre). The Mercury Marine site has been changed to institutional and, because of its location within easy walking distance to downtown Cedarburg, the current classification of the Norstar site is appropriate as it will provide a good customer base for downtown businesses.

- SGA-2 The Weil Pump Site Located Between Western Avenue And Jackson Street. This site is currently classified as Industrial/Manufacturing development and supports an old industrial building that is only being partially used. Redevelopment of this site should include the extension of Hillcrest Avenue and/or Hanover Avenue north to Western Road to provide an alternate route to and from the downtown area. This site is classified on the proposed Land Use Map as Single-Family Medium-Density (3.67 to 5.2 units/acre) and Medium-High Density Urban Residential development (5.2 to 10.8 units/acre). These densities will provide a good customer base within easy walking distance to downtown shops.
- SGA-3 The Lakeside Development Site At the Southeast and Southwest Corner of Jackson Street and Washington Avenue. These corner sites are classified as Neighborhood Business, but are surrounded by single-family residential development. Since this area is within walking distance to both the downtown and the south Washington Avenue businesses, it would be appropriately classified as Mixed Use Office and/or High-Medium Density Residential Development.
- SGA-4 The Former Amcast Site On Both Sides Of Hamilton Road At The Chicago, Milwaukee, St. Paul, Pacific Railroad. These sites are appropriately classified as Medium-Density Residential for the site along the north side of Hamilton Road and Mixed Use Infill for the site on the south side.
- SGA-5 The Ozaukee Fairgrounds. If the Fair Grounds are ever relocated from this site, residential land uses should be considered at densities consistent with the area.
- SGA-6 Vacant Land behind W61 N378-392 Washington Avenue. This vacant site is appropriately classified as Medium Density Single-Family Residential Development.
- SGA-7 1.1-Acre Vacant Land behind W61 N449 Washington Avenue. This vacant site is classified on the Land Use Map as Medium Density Residential Development but is zoned RM-2 (Multi-Family). Since the site is sandwiched between apartment buildings, the site should be reclassified to High-Density Multi-Family to reflect adjacent uses. The Washington Avenue access issue must first be resolved. (See Plan File)
- SGA-8 Lands between Washington Avenue and Hanover Avenue from Western Road to Cleveland Street. While this area currently supports a scattering of retail and service establishments, the area seems underutilized with large poorly-designed parking lots, unsightly rear yard storage and vast areas of open spaces. With proper design, the intent would be to create a vibrant pedestrian-friendly extension of the Downtown Business District with lighted walkways, landscaped parking, improved storage areas, rear-building facade improvements and where new commercial development could be promoted.
- SGA-9 The Vacant Land Located Between Wauwatosa Road and Poplar Avenue, Northwest of Wauwatosa Road/Sherman Road Intersection. This area is appropriately classified as Medium-Density Detached Urban Development.
- SGA-10 The Vacant Land Behind Properties Located Along Sunnyside Lane, Hilbert Avenue, Portland Road, and Highland Drive. This site is appropriately classified as Medium-Density Detached Urban Residential Development.
- SGA-11 St. Francis Borgia School Site at N44 W6055 Hamilton Avenue. This site is currently classified as Governmental and Institutional Development. Since the parish is proceeding with plans to construct a new elementary school adjacent to the Divine Word site north of 5-Corners, this area should be considered for High-Medium Density Residential.

Planner Censky urged Commissioners to provide their comments before the plan and map goes on to the Common Council for their review and ultimate adoption. The document contains the necessary goals, objectives and policies which will guide the City's growth through the year 2025. This is the result of a strategic planning process that began in 2000 with the creation of the Cedarburg Blue Ribbon Visioning Committee who conducted several focus group sessions and also surveyed the community to determine how the City of Cedarburg should monitor and control its growth over the next 20 years. It continued with the inventory and analysis of background information, which resulted in the establishment of the guiding goals, objectives and policies that this Commission has been working on over the last year and a half. This document contains all nine elements required by the Smart Growth law.

Planner Censky urged Commissioners to provide their comments to him as soon as possible, since a resolution for adoption would be presented for action at the October 1, 2007 Plan Commission meeting. A public hearing would be held at a Common Council meeting.

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

No JETZCO meeting was held this evening.

MAYOR'S ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Commissioner Kaiman moved to adjourn the meeting at 7:55 p.m. The motion was seconded by Commissioner Schara and carried without a negative vote.

Darla Drumel,
Administrative Secretary