

PLAN COMMISSION

PLN20061002-1
UNAPPROVED MINUTES

October 2, 2006

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, October 2, 2006 at Cedarburg City Hall, W63 N645 Washington Avenue, in the Council Chambers. The meeting was called to order at 7:05 p.m. by Mayor Gregory Myers.

Roll Call: Present - Mayor Gregory Myers, Council Member Sandra Beck, Mark Burgoyne, Brook Brown, Keith Kaiman, Park & Forestry Chairperson James Schara

Excused - 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 Kaiman, to approve the minutes of September 18, 2006. The motion carried without a negative vote, with Commissioner Emmerich excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered at this time.

FINAL PLAT AND REZONING RECOMMENDATION REQUEST AND LANDSCAPE PLAN APPROVAL REQUEST FOR 80-LOT SINGLE-FAMILY PRAIRIE VIEW SUBDIVISION LOCATED AT THE SOUTHWEST CORNER OF WAUWATOSA AND WESTERN ROADS – JIM DOERING

Planner Censky reminded Commissioners that a recommendation to approve the preliminary plat for the Prairie View Subdivision was made in November, 2005, which was then approved by Common Council action December 15, 2005. That approval established, among other things, the FAR maximum of 36% and Lot Coverage maximum of 25%, which is consistent with the ratios approved for the TopView Subdivision. It also established a future 5-acre Community Park as recommended by the Comprehensive Park and Open Space Plan to be dedicated as part of this final plat. In addition, the developer will be responsible for constructing a pedestrian/bike path along the frontages of Wauwatosa Road and Western Road from the intersection to the interior roads of this project. This project will have the full compliment of improvements typical of Cedarburg subdivisions. Planner Censky advised that review of the final plat indicates consistency with the approved preliminary plat and that it complies with our dimensional standards of the RS-7(PUD) District. It was also reviewed by City planning staff, engineering staff, the City Forester, and the State Department of Administration.

Planner Censky continued that a landscape/open space and stormwater retention pond plan was submitted for review and approval. Coupled with this plan, consideration of the Open Space Management and Storm Water Ponds Management Agreement was necessary to define ownership and maintenance responsibilities. He advised that the landscaping plan was reviewed by the City Forester and the stormwater management plan was reviewed by the City Engineer and they suggested that any approval be contingent upon:

- The Hedge Maple trees shown on the median shall be replaced with Pacific Sunset or Tatarian Maples.
- All street tree species shall be determined by the City Forester.
- Street trees shall be installed under the City's guidance with the developer providing a letter of credit in the amount of \$54,750 (219 trees @ \$259/tree).
- A sewer and water utility easement be added through Outlot 4 from Wauwatosa Road to Prairie View Road.

Planner Censky added that, since the wetlands have been staked and shown on the face of the plat and the parkland will be dedicated to the City when the plat is recorded, the area on the plat identified as Outlot 3 to be dedicated to the City for park purposes should be rezoned to P-1 and the wetlands should be rezoned to C-2 Non Shoreland Conservancy District.

Park & Forestry Board Chairperson Schara reported that the Comprehensive Park and Open Space Plan shows a 5-acre park located within this subdivision. The Board reviewed the Prairie View Subdivision Final Plat last October and intended this park to be used for an open play area, children's play area, a passive use picnic area, and possibly a trail system. Park & Recreation Supervisor Mikko Hilvo will be proposing to keep the area more open for activities such as soccer and football, rather than installing a playground.

Jim Doering of Towne Realty pointed out the 5-acre site proposed for the park (Outlot 3) and that there would not be a problem adjusting the boundary. By City Code, his development is required to provide 2.67 acres of parkland in lieu of fees, and the Developer's Agreement arranges for the City to purchase the additional acreage at cost. Outlot 4 included a stormwater retention pond at the south end and the rest would be planted with a prairie seed mix. There are no plans to create a pedestrian/ bicycle path through the open space because that would take the public onto privately-held lands.

City Attorney Vance believed that the proposal was of a benefit to the City, with Towne Realty proposing to pay all impact and facilities fees when the final plat is recorded in accordance with City requirements at the time the preliminary plat was approved. City Engineer Wiza had advised her that this would probably be the only time the land could be acquired.

Commissioner Kaiman advocated purchasing additional acreage from Outlot 4 to create a larger park and maximize its use, so that children would not have the desire to cross Wauwatosa Road to access a more desirable park.

Mr. Doering reported that they have been coordinating with the Wisconsin Department of Transportation because of the State's plans to reconstruct the Wauwatosa and Western Roads intersection.

Mr. Doering responded that they were willing to work under the regulations in effect at the time of preliminary plat approval despite the changes in law since that time, which they feel is very

appropriate. Mayor Myers added that the common areas are technically being purchased by the property owners.

Commissioner Kaiman questioned whether use restrictions would be imposed on the open areas. Mr. Doering answered that the homeowners association would determine the uses of the property and would definitely not be open to public use. The City's park would not be owned by the homeowners association and the uses allowed in the park would be controlled and maintained by the City.

In response to a question from Vice Chairperson Burgoyne, Mr. Doering advised that the requirements will be a minimum 1,900 square feet for a ranch-style home, 2,300 square foot minimum for a two-story home, all natural exteriors, and an 8/12 pitched roof. Phase 1 of construction would occur on the east side of the subdivision because of the prevalence of bedrock so that the blasting would be done at the beginning of the project.

Action:

Vice Chairperson Burgoyne moved to recommend approval of the Final Plat for the proposed 80-lot Prairie View Subdivision located at the southwest corner of Wauwatosa Road and Western Road, recommend rezoning of the area on the plat identified as Outlot 3 to be dedicated to the City for park purposes to P-1, recommend rezoning the delineated wetlands to C-2 Non Shoreland Conservancy District, and approve the landscaping plan subject to:

- The Hedge Maple trees shown on the median shall be replaced with Pacific Sunset or Tatarian as recommended by the City Forester.
- All street tree species shall be determined by the City Forester.
- Street trees shall be installed under the City's guidance with the developer providing a letter of credit in the amount of \$54,750 (219 trees @ \$259/tree).
- A sewer and water utility easement being added through Outlot 4 from Wauwatosa Road to Prairie View Road.

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

REQUEST APPROVAL OF AMENDED SITE PLAN TO ELIMINATE THE USE OF GEO-BLOCK IN THE PARKING LOT FOR NORTH SHORE ACADEMY OF GYMNASTICS LOCATED AT W59 N270 CARDINAL AVENUE – GEORGE GRAINGER

Planner Censky advised that the applicant received the Plan Commission's conditional use grant approval on July 10, 2006 to construct a 7,224 square foot addition of the south elevation of the North Shore Academy of Gymnastics located at W59 N270 Cardinal Avenue. This approval included a provision that a portion of his parking lot be constructed with the use of "Geo-Block," which is a permeable concrete mesh system where storm water is captured and allowed to perk through and the area maintains a look of open space. The result would be a maintained lawn appearance that would support the over-flow parking needs of this use. The asphalt surface would support 39 general parking stalls and 1 handicap stall and the area of geo-block would have supported 35 additional stalls for over-flow customers.

Planner Censky explained that, having completed the bid process, George Grainger found that the

cost for the geo-block parking surface is so high that to install that type of surface would prohibit the building expansion altogether. He is, therefore, requesting Plan Commission approval of an alternative plan eliminating the use of geo-block, leaving that area as open space to be paved at a later date if the need for additional parking is ever warranted. He added that Mr. Grainger believes the 40 parking stalls which will result from the expansion is sufficient at this time as it will add 5 more parking stalls per class more than what is available now.

Planner Censky noted that the City's Code does not specifically establish parking standards for a gymnastics use. The Plan Commission would have to interpolate the Code by comparing this use to other similar uses to establish appropriate parking standards and rely on the experience of the owner as a guide. If the standard for Personal Service uses is applied, 85 stalls would be required to support the North Shore Gymnastic Academy's total building size. Planner Censky reported that Mr. Grainger felt 85 stalls would be extremely excessive for his use since most parents simply drop off the students, leave and return for pick-up. The Code does allow some flexibility for commercial uses to reduce the number of parking stalls provided sufficient open space is available to accommodate the additional parking needed to meet the standards required by the Ordinance.

Planner Censky suggested that if the requested modification to the site plan is approved, it should be conditioned on the applicant agreeing to pave this area in the future if parking ever becomes a problem.

Action:

A motion was made by Commissioner Brown, seconded by Vice Chairperson Burgoyne, to grant the amendment to the site plan conditioned upon agreement that if a parking problem is documented in the future, the area would be paved to support additional parking stalls.

Discussion:

Commissioner Kaiman expressed concern that there has been a problem with congestion in the past and that the addition would create more problems. He asked Mr. Grainger to stress to the children and parents to avoid situations that could threaten their safety.

Mr. Grainger advised that the open space has been used for parking in the past and would likely continue to be used for that purpose.

Continued Action:

The motion carried without a negative vote, with Commissioner Emmerich excused.

REVIEW AND POSSIBLE RECOMMENDATION PERTAINING TO LAND USE AMENDMENT FOR CERTAIN LANDS LOCATED NORTH AND SOUTH OF HIGHWAY 60 BETWEEN CEDAR CREEK AND WASHINGTON AVENUE

In his staff memo, Planner Censky noted that at the last meeting the Commissioners asked that Planning Consultant Marty Marchek provide a review of the proposed land use plan changes as they related to the creation of Mixed-Use Tax Incremental District (TID) and to summarize staff's meeting with the affected property owners of the proposed TID #2.

Planner Censky advised that, at their September 25, 2006 meeting, the Common Council again discussed TID #2 to provide further direction to the Commission and staff regarding the 60-acre Rettmann Trust parcel located at the northwest corner of Highway 60 and Sheboygan Road. The outcome of that meeting was the endorsement by the Council of Scenario C predicated on the northern two-thirds of the Rettmann property generating \$37 million in valuation. This scenario

includes the entire 60-acre site to be in the TID with the northern two-thirds classified as Single-Family Residential Use at Least 3 Units/Acre or a Conservation Subdivision and the southern one-third to be classified as Office/Service uses.

Planning Consultant Marchek reported that he had meet with the Baehmanns and they agreed to the Land Use Plan with the removal of the east-west collector street and added "Community Business" to the area adjacent to the Town to increase the range of options for future zoning of the property.

Planning Consultant Marchek noted that the Statutes do not allow inclusion of wetlands for the purpose of determining the TID taxable valuation. The logic is that all land appreciates and although nothing could be built on wetlands, the land value still could appreciate.

Commissioner Kaiman opposed the land use classification of 3 units per acre that could provide for 120 units on the 40-acre Rettmann property. In his opinion, it would be too dense in a rural area and is being done to insure the TID would be financially feasible. TIDs are created to provide a boost to development, but the City of Cedarburg does not need a boost in residential development.

Planning Consultant Marchek explained that the intent of the Mixed-Use TID criteria is to not subsidize low-density subdivisions for expensive homes.

Vice Chairperson Burgoyne suggested that a condominium configuration might satisfy the Mixed-Use TID criteria and be acceptable to the Plan Commissioners. Planning Consultant Marchek pointed out that the tax valuation on the 10-acre Highland Crossings duplex condominium development was approximately \$1 million per acre, despite the fact that it is located next to operating railroad tracks and industrial uses. Council Member Beck added that the duplex condominiums were large.

Planning Consultant Marchek added that the financial assumptions on the proposed TID are very conservative—3% inflation, 20-year buildout, borrowing in three steps—and with tax-based rich land uses to prevent payment of the bonds by taxpayers.

Mayor Myers reported that the development of the TID #2 has been a long process, spanning many years, adjusting to changing factors such as State laws regarding annexation, Statutes on creating TIF Districts, interests of the landowners, and the Visioning Committee project, complicating the creation of an acceptable plan. While the plan may not be perfect, it is a good plan that fits the financial model dictated by the Common Council. Mayor Myers believed the Common Council and community are committed to make the TID #2 work.

Council Member Beck noted that she attends both the Common Council and Plan Commission meetings, and she did not believe the Common Council had any conversations regarding planning issues. Initially, the Rettmann property was to be classified entirely as business and now a large portion of the site is slated for residential use, along with a lot of residential on the Stroebel site, while considerable residential areas are developing west of Wauwatosa Road. She questioned whether it was worth building all the residential within the TID simply to support the creation of the business park.

Planning Consultant Marchek explained that the only item locked-in with a Mixed-Use TID was the maximum of 35% residential. The types of uses can be moved around, but the TID allows a maximum of 35% residential. These are monitored by requiring the City Clerk to certify each year that the 35% residential has not been exceeded. The 3 units per acre was stated in the Statutes

and is the required density for the TID residential elements, unless a conservation subdivision is approved.

In response to a question from Mrs. Dippmann, Trustee for the Rettmann property, Commissioner Kaiman and Council Member Beck advised that they would support business for the Rettmann site. Commissioner Brown felt that the land should remain undeveloped until sewer and water was available and a proposal was being submitted. Mrs. Dippmann's logic was that if the business element did not develop, a tax base would be created in the interim with residential development.

Commissioner Kaiman suggested that the area not even be included in the TID. Therefore, it would develop in a natural way as opposed to it being forced to develop either as business or residential.

Mayor Myers pointed out that the Common Council chose the plan that included the residential element of the Rettmann property over the proposed plan that did not include that site.

Planning Consultant Marchek suggested that if 3 units per acre is unacceptable, the land use classification of the residential element of the Rettmann parcel simply be "Conservation Subdivision." Vice Chairperson Burgoyne concurred, noting that the density would naturally be tighter within a conservation subdivision, rather than a typical residential subdivision. Planning Consultant Marchek noted that the conservation subdivision would provide the desired open space with the denser development.

City Attorney Vance reminded Commissioners that a conservation subdivision functions as an overlay with underlying zoning.

Mrs. Dippmann advised that a developer she spoke to was first interested in condominium development. Mayor Myers agreed that a demand for condominiums did exist and it was likely to satisfy the Common Council's requirement that the Rettmann property generate \$37 million in tax valuation.

Commissioner Kaiman stated that most of the land use classifications were acceptable in the proposed TID. If Commissioners agreed that a conservation subdivision or duplex development, similar to Highland Crossings, would be less dense, maximize green space, and generate the \$37 million in tax valuation, he would agree to advance the conservation subdivision classification for the Rettmann site to the Common Council.

Action:

A motion was made by Commissioner Kaiman, seconded by Vice Chairperson Burgoyne, to recommend to the Common Council that the plan as presented be modified so that the Rettmann parcel that was labeled "SINGLE-FAMILY RESIDENTIAL USE AT LEAST 3 UNITS PER ACRE OR A CONSERVATION SUBDIVISION" be modified to state "A CONSERVATION SUBDIVISION."

Continued Discussion:

Commissioner Brown relayed that the Statute says that conservation subdivisions may be created by platting methods using certified survey maps, subdivision plats, or condominium plats. Planner Censky responded that condominium is just a form of ownership and the classification is just for land use.

Commissioner Brown advised that he would be voting against the motion because, as Council Member Beck stated, the Common Council was making decisions based on financial issues, and as

a planner, off and on for 17 years, he was unable to support the plan. He applauded the hard work of the Common Council but was concerned the burden would fall on the taxpayers.

Council Member Beck admitted that she agreed with Commissioner Brown that the proposal was bad planning. She would, however, be voting "yes" only because no other option appeared viable and it was what the Council endorsed. She emphasized that she did not like all the residential elements.

Mayor Myers advised that he would be voting in favor of the motion. He noted that the goal of both the City and the property owners was to maximize the value of the property and he felt that goal was being achieved with this plan.

Continued Action:

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

Continued Discussion:

Planning Consultant Marchek advised that the Common Council would be considering the Plan Commission's recommendation at their October 9, 2006 meeting after a public hearing on the issue. The Plan Commission would receive the entire draft project plan for review and comment at its November 6, 2006 meeting.

REPORT FROM JETZCO MEMBERS

The Plan Commission discussed the JETZCO meeting.

MAYOR'S ANNOUNCEMENTS

Mayor Myers had no announcements.

ADJOURNMENT

Commissioner Brown moved to adjourn the meeting at 8:34 p.m. The motion was seconded by Commissioner Schara and carried without a negative vote, with Commissioner Emmerich excused.

Darla Drumel,
Administrative Secretary