

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20090406-1
UNAPPROVED MINUTES**

April 6, 2009

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, April 6, 2009 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 Myers.

Roll Call: Present - Mayor Gregory Myers, Council Member Kip Kinzel, Brook Brown, Keith Kaiman, Park & Forestry Chairperson James Schara

Excused - Mark Burgoyne, Joe Emmerich

Also Present - City Attorney Kaye Vance; City Planner Jon Censky

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

Commissioner Brown moved to approve the minutes of the March 2, 2009 meeting as presented. The motion was seconded by Council Member Kinzel and passed by unanimous vote, with Vice Chairperson Burgoyne and Commissioner Emmerich excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

None were offered.

CONDITIONAL USE REQUEST INCLUDING SITE, ARCHITECTURAL, LANDSCAPING AND EXTERIOR LIGHTING PLAN APPROVALS FOR A THREE-STORY, SIXTY-UNIT RESIDENTIAL CARE APARTMENT COMPLEX (RCAC) ADDITION OFF THE WEST SIDE OF THE EXISTING LASATA CARE COMPLEX AT W78 N675 WAUWATOSA ROAD – RALPH LUEDTKE

Mayor Myers declared the public hearing open at 7:01 p.m. Administrative Secretary Drumel confirmed that proper legal notice had been given.

Planner Censky noted that the plans for the Residential Care Apartment Complex (RCAC) were presented at the February 2009 meeting for consultation regarding building design and allowable maximum height. Based on comments from that meeting, the architect finalized the detailed plans and was requesting approval of the conditional use permit including approval of the site, architectural, landscaping and exterior lighting plans. Planner Censky reminded Commissioners that the I-1 Institutional District was amended a few years ago to list assisted living facilities as conditional uses, which was necessary to legitimize the existing use and to establish the approval authority over any expansion. As a conditional use, the Plan Commission has authority and the plans do not go to the Council for approval. Lasata Crossings will include a new 60-unit assisted living facility attached to the existing Lasata Heights Apartments by a central common entry. Since the project would be an extension of the Lasata nursing home complex, the entire property would continue under County ownership.

Planner Censky explained that the site plan depicted an internal traffic circulation with an extension off the existing access drive along the south side of the building up to the new front visitor parking lot, which then circles around to the west and north of the proposed complex to the staff parking lot located west of the existing complex. The staff parking lot was redesigned to address, among other things, the Fire Department's turning movement requirements, parking needs of staff, and loading needs for service deliveries. The total number of parking stalls supporting the existing Lasata Heights and the new Lasata Crossings would then be 87 stalls. The site would also be served by a series of walkways providing pedestrian access from one building entrance to another and one parking lot to the other. A sidewalk would extend from the main south building entrance around to the rear entrance and then continue around to the north entryway and parking lot. The existing sidewalk extending from the north parking lot would be reconstructed and installed as a looped wandering path for residents of the housing complex.

Planner Censky added that in order to incorporate the existing staff parking lot into their plans and to provide a greater distance from the north property line, the three-story addition was angled toward the south and west from the existing complex. By angling the building, an offset of 195 feet from the north property line and 83 feet from the west line would be maintained. In comparison, the existing building is offset for the north property line a distance of 21 feet. The new common entryway would connect the proposed addition with the existing complex and will serve both residential facilities with a beauty shop, fitness center and a central office.

Planner Censky noted that in order to achieve three stories and to provide visual balance with the existing structure, the maximum height of the addition was approved at 43.5 feet at February's meeting. The lot area is 1,045,440 sq. ft or 24 acres, with the existing 42-foot high 175,000 square foot building at a floor area ratio of 16.5%. With the addition of the proposed 61,343 square foot building, the floor area ratio on the site would be at 24%. The proposed three-story building would be constructed of reddish-brown face brick on the lower portion and grey cement board siding on the upper. Grey/brown aluminum window frames will be coordinated with slate grey asphalt roof shingles. The drive-through entrance canopy will be constructed over stone piers and the roof will be of asphalt shingles to match. To address the substantial rise in elevation along the west side of the circular drive, a two-tiered retaining wall was being proposed. Above the retaining wall, a line of Dark Green Arborvitae, along with the plants of Austrian and White Pine trees at each end, would be planted. The planting bed over the lower retaining wall would include lower growth Blue Trail Junipers. This retention wall and planting scheme was intended to buffer the visual impact of the Lasata Crossings from the existing residential development to the west in the Town of Cedarburg. To the south of the circular drive, the plans proposed a stormwater retention pond designed to handle the excess runoff from the project in accordance with the City's requirements. The landscape plantings of the building would be concentrated along the front side and at the entryway corridors. This scheme included, among others, low-growth foundational plantings of decorative Dwarf Lilac, Rumba Wiegala and Carpet Spirea bushes and Ornamental Serviceberry trees. Within the open area of the front parking lot and the area adjacent to the rear entrance, scattered plantings of Autumn Blaze Maple trees, Sugar and Red Maples trees, and Honey Locust trees along with Fat Albert Spruce and White Pine trees were proposed.

Planner Censky reported that the site was proposed to be lit by a combination of pole-mounted cutoff fixtures and building-mounted fixtures directing light downward. The plans, however, indicated a slight 15-degree upward tilt to the pole-mounted fixtures in the parking lot and along the

driveway. While this tilt is somewhat minimal, if it does result in offsite glare, the County will be required to adjust those as necessary. The parking and driveway lighting fixtures will include 400-watt metal halide lights mounted at a height of 19.5 feet.

Finally, Planner Censky advised that the plans had been reviewed by the City Engineer for grading, drainage, erosion control and storm water management requirements; the Police and Fire Departments for safety standards; the Cedarburg Light & Water Utility for their needs; and the City Planner for Zoning Code compliance. He then provided suggestions for contingencies if the conditional use request were to be granted.

Kim Hassell of Plunkett Raysich Architects introduced Lasata Administrator Ralph Luedtke and his Assistant Mark Vogel, County Supervisor Kathy Geracie, and the construction manager for the project, Ryan Raskin. Mr. Hassell provided the material and color samples for Commission consideration and advised that the existing building would be re-sided with the new materials to match the addition. Several energy efficient components were included in the new building, such as using daylight where possible for interior lighting, creating rain gardens, installing low-flow plumbing fixtures where appropriate, using high efficiency mechanicals and installing Low-E windows.

Mr. Hassell added that due to the large amounts of fill that would be generated on the site due to the construction, the grading plan was amended. He provided the amended grading plan to Commissioners showing that the stormwater retention ponds would be shifted slightly to the east due to a berm being created at the southwest corner with the extra fill. He advised that the landscaping plan would have to be amended due to the new grading plan. Bids for the new building were hoped to be let in June, with completion in the summer of 2010.

Kristin Summerfield of 7901 Bridge Road identified her property as adjacent to the project's north property line. She stated that this was the first meeting where she was given details of the plan and she would have appreciated the opportunity to provide input much earlier in the process. She requested a tree line buffer at the north property line as her property would be negatively impacted by the addition to Lasata.

Dave Larson at 650 Williams Drive advised that he and his wife chose their home because they were attracted to a rural lot. Now a three-story building would be 82 feet away from their property line, with a road in-between. Lasata has been a good neighbor, but they had heard about the proposal only two and one-half weeks ago when Lasata extended an invitation to review the plans. He felt they should have been contacted a long time ago and that the County should be more sensitive to the residents of Williams Drive. Mr. Larson then provided a drawing that he thought could be worked out as a better plan for the addition.

Mr. Hassell responded that the current tree and brush line at the west would remain and would be supplemented with conifers as a buffer between the Williams Drive properties to the Lasata property.

Pat Moreland of 620 Williams Drive was also displeased that there had been only one Lasata meeting. She noted that no one has seen the amended landscaping plan and wanted to have something to say about it due to the towering building proposed.

Glenn Stumpf received confirmation from the petitioners that an additional row of trees were proposed to shield the properties to the west. He asked if the walking paths, since they would be constructed on County property, would be available to the public. Lasata Administrator Leudtke responded that the paths were designed for the residents of Lasata and hoped would not be utilized by skateboarders and the like.

Ms. Summerfield asked what the purpose of the berm was at the south side of the Lasata site when it is adjacent to vacant land and a church.

Mr. Raskin of Beyers Construction responded that the input provided by the neighbors two and one-half weeks ago was utilized in the proposed plans with the buffering to the west. If the berm were placed at the north property line, it would cause the stormwater to pond in the properties to the north of Lasata instead of flowing through the Lasata site to the stormwater retention ponds. He pointed out that the elevation at the northwest property line was at least 15 feet higher than the building site.

Mr. Larson countered that he had walked the site and it was very level. Jim Schaff of 620 Williams Drive asked why the addition could not be more directly west than as proposed.

Mr. Hassell advised that the addition needs to be level with the existing building and had to be oriented to the south to avoid as much excavation as possible. Administrator Leudtke noted that the orientation proposed by Mr. Larson and Mr. Schaff was one of many considered earlier in the process, but rejected due to costs associated with excavation, construction of retaining walls, and impeding the flow of stormwater.

Mayor Myers suggested that if the design were more neighborhood-friendly, it would be worth the cost. The addition would make a significant difference to the neighborhood.

In response to a question from Mr. Larson, Mr. Hassell advised that a more accurate measure of the grade difference was 20 feet from the north property line to the proposed addition.

Mr. Larson felt he had to question if all options had been exhausted in the design of the addition in that has be 82 feet from a township rural area. However, he believed there would be a way to orientate the development to the south where no residential uses exist.

Mr. Raskin added that bringing the addition closer to the south lot line would not allow for the turnaround radius required by the Fire Department. Also, if the addition were orientated southward, it would present a more massive building façade to the property owners to the west.

Ms. Summerfield added that there is noise during the summer from the mechanicals of the existing building and feared that a new building that would be closer to her home would create even more noise. She suggested that plantings along the north lot line might mitigate some of the noise. Mr. Raskin explained that the HVAC system for the proposed building would be a hot-water high-efficiency boiler located in the basement. The forced air vent would also be in the basement. With no rooftop units, he did not expect there to be any noise impacts from the addition. A standby generator, however, would be used when it is needed and would be exercised once a month.

Mark Burrall of 614 Williams Drive asked if Lasata was asking for approval for the proposed project without a revised landscaping plan. Planner Censky responded that the landscaping plan would be submitted to the Plan Commission for action at a future meeting.

Kathy Brisky of 654 Williams Drive advised that the proposed development would be the closest to her home and they would be the most adversely affected. They did not like it.

Tom Hafele of 680 Williams Drive asked if this was the last opportunity to offer comments on the proposed addition. Mayor Myers responded that this was the last formal public hearing, but all Plan Commission meetings are public meetings where there is an opportunity to speak regarding any issue at the beginning of each meeting.

Mr. Larson thanked the City and the representatives for Lasata for the opportunity to verbalize the neighborhood concerns.

No other comments from the public were offered.

Action to Close Public Hearing:

A motion was made by Commissioner Brown to close the public hearing at 7:51 p.m. The motion was seconded by Council Member Kinzel and carried without a negative vote, with Vice Chairperson Burgoyne and Commissioner Emmerich excused.

Commissioner Brown questioned the petitioners on the amount of time that discussions have occurred on changes to Lasata. Administrator Leudtke responded that different scenarios had been considered for the past eight years. Planner Censky advised that this particular proposal was first reviewed by the Plan Commission in February 2009, but over the years there have been many discussions regarding the concept of an addition to the existing facility. Administrator Leudtke reported that at one time, the land at the corner of Wauwatosa Road and Bridge Road was to be purchased by a private company to construct a facility. Originally, the plan was to put a new building behind the existing one, but that would have meant carving out a piece of land for sale in the center of the site and it was determined that the sale of land at the corner would make more sense. Administrator Leudtke believed that the desire of the County for an affordable RCAC did not provide enough financial incentive for the private developer. Planner Censky recalled that there had also been discussion of a concept that included duplex or independent living around the existing facility.

Commissioner Brown asked for confirmation on the elevation changes from north to south on the parcel. Mr. Hassell determined that it was approximately a 40-foot drop. Mayor Myers asked for the elevation change from the northernmost point on the proposed addition to the southernmost point. This was approximately 12 feet. Mr. Hassell explained that the 15-foot retaining wall at the west elevation was necessary to accommodate the new building. This would reduce the visible western façade to about 32 feet from the properties on Williams Drive.

Discussion continued on orientating the addition to the south but it was noted that there would not be enough room to meet the Fire Department access requirements.

Commissioner Brown suggested to the petitioners that the neighbors be invited to provide input on the revised landscaping plan. With additional plantings and the 15-foot drop from the west property line, it could make a substantial difference to the adjacent property owners.

Action:

Commissioner Brown moved to approve the Conditional Use Permit request including site plan amendment, and the site, architectural and lighting plans for the three-story, 60-unit Residential Care Apartment Complex as presented contingent upon the submission of revised landscaping plans. He encouraged the neighbors to attend the Plan Commission meeting when those plans were to be reviewed. The approval was also contingent upon:

- The applicant submitting the computations supporting the storm water management plans.
- Upon written notice, the applicant will make necessary adjustments to the lighting fixtures to eliminate any resultant glare.
- The existing primary power feed to be relocated around the new addition in accordance with Cedarburg Light & Water requirements.
- The applicant shall supply Cedarburg Light & Water with anticipated power load for this complex.
- The extended watermain shall be installed no closer than 20 feet to the building.
- Payment of the necessary impact fees prior to issuance of a building permit.

The motion was seconded by Commissioner Schara.

Continued Discussion:

Commissioner Kaiman advised that he would vote against the motion because the addition would change the character of the neighborhood. He believed the petitioners were trying to make something fit in a space that cannot accommodate it.

Mayor Myers pointed out that the property had been owned by the County for 42 years, and was zoned as institutional during all those years.

Council Member Kinzel stressed adding screening to lessen the impact on the neighbors. Mayor Myers concurred, suggesting that the plantings be more mature and substantial.

Final Action:

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

REQUEST FOR APPROVAL OF A THREE-LOT CERTIFIED SURVEY MAP AND REVIEW OF THE PRIVATE DECLARATION OF RESTRICTIONS FOR .9 ACRE PARCEL ON THE NORTHEAST CORNER OF EVERGREEN BOULEVARD AND PIONEER ROAD – DUEY STROEBEL

Planner Censky advised that S. Duane Stroebel was requesting approval of a Certified Survey Map (CSM) for his two-family housing project at the northeast corner of Pioneer Road and Evergreen Boulevard. The CSM would serve to divide the existing .9-acre site into three separate parcels of

12,479 square feet, 12,479 square feet and 14,399 square feet in size. To ensure appropriate building design that would harmonize with existing two-family development in the area, Mr. Stroebel developed private deed restrictions and submitted them for Plan Commission assessment. The restrictions are intended to remove the need for future owners to return for specific approval of the individual structures, consistent with the City's past policy. To ensure that development within this project occurs as planned, the restrictions would serve to create an Architectural Control Committee with Duey Stroebel maintaining control initially, and as the project develops the owners of three of the units within the project take over responsibility of enforcing the rules. This Committee would also be responsible for approving the design of all structures to ensure that they reflect the two-family structures in the area with materials being limited to brick, stone, or cedar siding. No vinyl would be allowed. Staff notes that this is the same architectural approval process used for homes in newly approved subdivisions.

Planner Censky noted that in addition to the private restrictions, the future two-family structures will need to meet the following zoning regulations:

- No principal structure shall exceed a maximum height of 35 feet.
- The total minimum floor area of a principal two-family structure shall be 2,100 square feet or 1,050 square feet per dwelling.
- The minimum first floor area of a two story, two-family structure shall be 1,050 square feet. Two-family structures without a basement of at least 200 square feet shall add 100 square feet to each of the aforesaid minimums.
- The sum total of the floor area of the principal two-family structure and all accessory structures shall not exceed 40% of the lot area.

Planner Censky added that to prepare this site for future development, certain improvements would be necessary. The 4-inch pipe leading to a catch basin near the southeast corner of Mr. Stroebel's property is undersized for its tributary area, causing the area upstream to periodically pond during heavy rains. To resolve this problem, a 12-inch pipe will need to be installed to replace the 4-inch pipe. Laterals will need to be extended from the main line sewer, water and storm sewer located down the center of Evergreen Boulevard to the property line for each site. Also, while it is not anticipated that sidewalks will extend north of this site, Mr. Stroebel will need to install a sidewalk in front of these properties from the south edge-of-pavement of the northernmost driveway to the existing public sidewalk along Pioneer Road.

Planner Censky clarified that the Plan Commission would not be approving the proposed Declaration of Restrictions. They were being submitted to demonstrate that the development would be similar to the existing development to the north and west. These three lots would be treated the same as any other subdivision development.

Action:

A motion was made by Mayor Myers, seconded by Council Member Kinzel, to approve the three-lot Certified Survey Map with the following conditions:

- Payment of the necessary per unit impact fees prior to issuance of a building permit.

- Immediate payment of the \$81,118.37 special assessment for sewer and water service.
- Replacement of the 4" pipe from the catch basin in Pioneer Road to a point behind the public sidewalk under the direction of the City Engineer prior to the recording of the CSM.
- Installation of sewer, water, and storm sewer laterals from the utility main lines in Evergreen Boulevard to the from property line of each new parcel under the direction of the City Engineer prior to the recording of the CSM.
- The south 50 feet of the southernmost lot shall include a driveway access restriction.

Continued Discussion:

In response to clarification requested by Commissioner Brown, Planner Censky clarified that the owner would enforce the deed restrictions and that sidewalks would be required along Evergreen Boulevard through the northernmost driveway. The restrictions were provided to support that each building would not have to be submitted for approval by the Plan Commission.

Final Action:

The motion carried without a negative vote, with Vice Chairperson Burgoyne and Commissioner Emmerich excused.

REVIEW AND POSSIBLY RECOMMEND AMENDING SECTION 13-1-53 (B-1 NEIGHBORHOOD BUSINESS DISTRICT) OF THE ZONING CODE

Planner Censky reported that since the March meeting, he met with Commissioners Burgoyne and Brown to go over the proposed new B-1 Neighborhood District language. He explained that the intent was to allow lower impacting uses, in groupings of small stand-alone buildings or larger single multi-tenant buildings, to ensure a neighborhood commercial feel and to reduce the potential impacts on transitional areas. The new code would result in developments similar to Station Square at Lincoln Boulevard and Washington Avenue. There also were changes to the verbiage of the District's description and general requirements to better distinguish it from the B-2 Community Business District.

Planner Censky continued that as part of the "Implementation" Chapter of the newly-adopted Smart Growth Comprehensive Land Use Plan – 2025 (Plan), it was recommended that the Zoning Code be rewritten to address inconsistencies between that Plan and the Code. Since Commissioners had already recommended applying the B-1 District to the area at the northwest corner of Washington Avenue and Lincoln Boulevard, it was decided that the B-1 District would be a good starting point. He noted that Zoning Code changes must obtain Plan Commission review and recommendation, and then is subject to a public hearing before the Common Council. Once the new B-1 District is adopted, it could be applied to the Lincoln/Washington corner and other similar neighborhood commercial areas.

Planner Censky summarized the significant changes to the B-1 District and compared them to the Station Square statistics. Both the current and proposed B-1 Code restricts building area to a 50% Floor Area Ratio, but the new code would add a maximum building size of 20,000 square feet. The size restrictions of the different tenants within a building was proposed to be changed from 1,500 square feet for Retail Stores and Shops, 1,000 square feet for Business Offices and 1,000

square feet for Customer Service to a 5,000 square foot maximum for all of them. The Starbucks tenant space in Station Square is 1,800 square feet, with the total building at 17,819 square feet. Each level in Station Square is approximately 6,000 square feet.

Action:

Commissioner Kaiman moved to recommend the proposed B-1 Neighborhood Business District zoning text change as proposed. The motion was seconded by Council Member Kinzel and carried without a negative vote, with Vice Chairperson Burgoyne and Commissioner Emmerich excused.

MAYOR'S ANNOUNCEMENTS

No announcements.

Planner Censky stated that Beyer's True Value at W61 N278 Washington Avenue would be replacing their roof and putting on vinyl siding. Commissioners concurred that the change would greatly improve the aesthetics of the building.

ADJOURNMENT

Council Member Kinzel moved to adjourn. The motion was seconded by Commissioner Schara and passed by unanimous vote. The time was 8:15 p.m.

Darla Drumel,
Administrative Secretary