

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20080505-1
UNAPPROVED MINUTES**

May 5, 2008

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, May 5, 2008 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, Joe Emmerich, Park & Forestry Chairperson James Schara

Excused - Council Member Kip Kinzel

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 Vice Chairperson Burgoyne, to approve the minutes of April 7, 2008 meeting as presented. The motion carried without a negative vote, with Council Member Kinzel excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered at this time.

REQUEST FOR OUTDOOR ALCOHOL BEVERAGE LICENSE FOR THE AUGUST WEBER HAUS AT W63 N678 WASHINGTON AVENUE – STEVE BANAS

Planner Censky advised that the City Clerk's Office is in receipt of an application from the owner of the August Weber Haus at W63 N678 Washington Avenue for an Outdoor Alcohol Beverage License to serve food and alcoholic beverages on a proposed outside seating area in front of the restaurant/deli. According to the plans, the existing wood fence in front of the August Weber Haus will be replaced with a decorative wrought iron fence and the grassed surface will be paved over with stamped concrete. They anticipate the area will support 5 or 6 tables.

Planner Censky explained that Alcohol Beverage Licenses in the Downtown Historic District are granted by the Common Council following review and recommendation by the Landmarks Commission and the Plan Commission. This request was reviewed by the Landmarks Commission and unanimously recommended at their April 24, 2008 meeting subject to:

- The fence shall be of solid decorative wrought Iron.
- The surface area shall be of paver bricks approved by the Landmarks Commission.

Planner Censky continued that this request is consistent with the recommendations and goals of both the Downtown Plan Committee and the recently-approved Smart Growth Comprehensive Plan.

Steve Banas, the property owner, noted that the design on the fence might change slightly from the presentation and, if substantially different, would be submitted to Planner Censky.

Action:

Commissioner Brown moved to recommend the Common Council approve the solid wrought iron fence and brick paver patio for the Outdoor Alcohol Beverage License for the August Weber Haus located at W63 N678 Washington Avenue.

In response to Commissioners' questions, the petitioners responded that the fence would be installed a short distance away from the public sidewalk, but the pavers would go all the way to the sidewalk. It was noted that in addition to the five or six tables in the fenced area, two tables would be placed on the open porch. The wrought iron fence would be 36" to 38" high.

Final Action:

The motion carried without a negative vote, with Council Member Kinzel excused.

REQUEST TO APPROVE EXTRATERRITORIAL LAND DIVISION SPLITTING A 5.133-ACRE PARCEL LOCATED AT 198 AND 210 GREEN BAY ROAD – BUD BEVERUNG, JR.

Planner Censky noted that Mr. Beverung, Jr. is requesting land division approval for a parcel in the Town of Cedarburg within the City's extraterritorial plat approval jurisdiction at 198 and 210 Green Bay Road. The parent parcel is 5.133 acres in size and supports both homes on the one lot. This division will split the two homes onto two individual lots so they can be sold separately. Lot 1 of the Certified Survey Map (CSM) will support the home at 198 Green Bay Road and will be 40,014 square feet in size and Lot 2 will be 3.98 acres in size and support the home at 210 Green Bay Road. Staff notes that this parent parcel is within the City's Sanitary Sewer Service Area, but since the proposal serves to separate two existing homes onto individual lots and not create a new developable site, this request does not violate the intent of the Smart Growth Plan. The homes will continue to be served by private onsite soil absorption systems and private wells. This CSM received approval by the Town Board on March 2, 2008 and complies with Town zoning regulations. Since the CSM includes dedication of road right-of-way, it requires approval by the Common Council.

In response to Commissioner queries, Mr. Beverung, Jr. advised that the home to the front had its own well and a holding tank. The home to the back of the lot had its own well and a traditional septic system. Planner Censky confirmed that the 40,014 square foot lot met the Town's lot size requirement.

Action:

A motion was made by Commissioner Brown, seconded by Commissioner Emmerich, to recommend approval of the extraterritorial land division of 198 and 210 Green Bay Road into two separate lots as presented. The motion carried without a negative vote, with Council Member Kinzel excused.

REVIEW AND RECOMMENDATION PERTAINING TO SIGN CODE CHANGES – DESIGN REVIEW BOARD

Commissioners reviewed the memo received from Building Inspector Baier summarizing the requested changes. They had questions concerning who was liable with problems associated with the public service banner over the street that is controlled by the Chamber of Commerce, and who installs and removes those banners; and requested clarification on the regulations for sandwich board signs.

The consensus of the Plan Commission was to postpone discussion and action on the Sign Code changes until a representative of the Design Review Board was present to answer questions.

REVIEW AND POSSIBLE RECOMMENDATION REGARDING CHANGES TO SECTION 13-1-63(g)(2) (Institutional District building area regulations), SECTION 13-1-63(f) AND SECTION 13-1-74(f)(3) (Institutional District street yard and rear yard setback regulations) and SECTION 13-1-82(h)(6)b (parking regulations for library uses) – CITY OF CEDARBURG

Mayor Myers suggested that discussion on these issues be deferred until the Council Member for the District, Kip Kinzel, is present to offer his comments. Commissioners agreed.

REVIEW AND POSSIBLY RECOMMEND APPROVAL OF A CERTIFIED SURVEY MAP (CSM) FOR THE MERCURY MARINE SITE AT W66 N598 MADISON AVENUE – MERCURY MARINE

Mayor Myers suggested that discussion on this issue also be deferred until the Council Member for the District, Kip Kinzel, is present to offer his comments. Commissioners agreed.

REVIEW AND CERTIFY CODE OF ETHICS

Commissioners confirmed receipt of the Code of Ethics and agreed to abide by those rules.

MAYOR'S ANNOUNCEMENTS

Mayor Myers advised that he would not be able to attend the June 2, 2008 meeting.

ADJOURNMENT

Commissioner Brown moved to adjourn the meeting at 7:35 p.m. The motion was seconded by Commissioner Emmerich and carried without a negative vote, with Council Member Kinzel excused.

Darla Drumel,
Administrative Secretary