

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20100802
UNAPPROVED MINUTES**

August 2, 2010

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, August 2, 2010 at Cedarburg City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. The meeting was called to order at 7:00 p.m. by Mayor Greg Myers.

Roll Call: Present - Mayor Gregory Myers, Mark Burgoyne, Brook Brown, Keith Kaiman, Park & Forestry Chairperson Lynne Buehler

Excused - Council Member Chris Reimer, Joe Emmerich

Also Present - City Planner Jon Censky, City Attorney Kaye Vance, Administrative Secretary Darla Drumel

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 June 7, 2010. Commissioner Brown pointed out that the word "them" in the first full paragraph on page 2010970607-6 should be replaced with "then." The motion to approve the minutes with the correction carried without a negative vote, with Council Member Chris Reimer and Commissioner Emmerich excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered.

REQUEST FOR CONDITIONAL USE PERMIT TO INSTALL A MEMORIAL PRAYER GARDEN AND COLUMBARIUM AT W63 N642 WASHINGTON AVENUE – ADVENT LUTHERAN CHURCH

Planner Censky advised that Advent Lutheran Church is requesting conditional use approval to construct a memorial prayer garden and columbarium directly south of the Church and adjacent to the recently constructed Cedar Creek walkway. This request is being processed as a conditional use because columbaria are cemeteries for urns, and cemeteries are classified as permitted by conditional use permit in the I-1 Institutional District. Instead of burial sites, cinerary urns holding a deceased's remains are respectfully stored in a columbarium. With this project, the columbarium will consist of a series of low walls divided into individual niches where the urns will be placed. The niches are sized to hold up to three urns each and they propose 558 niches. The curved wall assembly will border a memorial prayer garden that will include benches in the center under a wide-spread shade tree. The Church advises that this garden area will be open to the public, so anyone can come in and sit. There will be three access points; one extending down from the Church sidewalk, another from the recently constructed stairs leading down from the Interurban Trail, and the third from the Creek walkway to the east.

Planner Censky noted that the lower curved wall section will define the southern limits of the prayer garden and a higher wall section is to be placed up against the southern façade of the Church building. The outer side of the walls will consist of limestone to match the stone on the Church and the inner side will consist of identification plaques and will be of deep-red granite material. On top of the wall, the plan shows a limestone cap. To define this as a spiritual area, there will be large cross hanging on the south wall of the Church overlooking the prayer garden. The walk surface will consist of smooth-surface Lannon stone or slate material.

According to the I-1 Institutional District, cemeteries are permitted as a conditional use, which requires a public hearing before action is taken by the Plan Commission. Since this site is also located in the Historic Preservation District, the plans were presented to the Landmarks Commission for their review and recommendation, and because it is in the floodfringe of Cedar Creek, the Department of Natural Resources (DNR) was contacted for their input.

At their July 22, 2010 meeting, the Landmarks Commission discussed this project. Since materials had not been identified at that time, they recommended approval subject to the specific material being reviewed and approved by the Landmarks Commission when made available. Landmarks Commissioners noted that traditionally cemeteries were located on the same site of a church and, therefore, Landmarks Commissioners felt that this proposal would be in keeping with that heritage. Discussions with the DNR centered on preventing downstream impacts during a flood event and, to prevent those impacts, the DNR required the walls to be constructed such that they would be able to withstand upstream forces. It was noted that since this is located in an area that is downstream from the Church/school building, which would deflect the floodwaters, there should not be a problem. Furthermore, they required that the individual urn niches be waterproofed.

Katie Pipkorn of Groth Design Group, and a member of Advent Lutheran Church, provided samples of the building materials: limestone for the sills on top of the columbarium walls, decorative Lannon stone block (matching the Church façade) for the exterior of the columbarium walls, honed red granite for the front of the columbarium niches with engraved names and dates, and blue stone paving for the walkway and the interior floor of the sitting area. She advised that a cross, that was moved when an organ was installed in the Church, would be placed where a doorway now exists on the outside south façade of the Church. A new doorway would then be cut to open to the east. The tree to be planted in the center of the memorial garden would be lightly up-lit.

In response to questions from Commissioner Brown, architect Paul Rushing reported that the elevation of the Washington Avenue sidewalk will be approximately six inches higher than the top of the columbarium wall.

Mayor Myers questioned the size of the tree to be planted and Mr. Rushing stated that the initial size would be an eight-inch caliper, which is the largest that is transportable. The type of tree has not yet been determined by the congregation, but it will be a hardy species native to this area.

Commissioner Kaiman asked how the stormwater would be addressed. Planner Censky advised that the size of the project did not require a Stormwater Management Plan, but the area

would be properly graded so that stormwater drained to Cedar Creek. The City Engineer will be reviewing the plans for proper drainage during the building permit process.

Action to Close Public Hearing:

Commissioner Brown moved to close the public hearing at 7:34 p.m. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote, with Council Member Chris Reimer and Commissioner Emmerich excused.

Action:

A motion was made by Vice Chairperson Burgoyne, seconded by Commissioner Kaiman, to approve the plans as proposed, with the condition that the materials be reviewed by the Landmarks Commission.

Continued Discussion:

Mayor Myers requested clarification on the term of conditional uses, expressing concern that Advent Lutheran Church be protected from revocation of the conditional use permit at some time in the future. Planner Censky explained that conditional uses run with the land and cannot be revoked without due cause. Conditional Uses allow the Plan Commission to place conditions on approvals, and in this case it would be that the Landmarks Commission review and approve the building materials and that the approval is based on the plans presented.

Commissioner Brown received confirmation that the building materials presented at the meeting would be used in the prayer garden and columbarium construction. Mr. Rushing advised that the preliminary rendering was created before the materials were chosen. Commissioner Brown also expressed concern that there was not enough space to accommodate the planned development.

Commissioner Buehler advised that she would vote against the proposal stating that a place storing human remains should not be a focal point of the center of the City and this location is directly across from City Hall, along the Interurban Trail and next to the new Rappold Park.

Final Action:

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

MINOR ARCHITECTURAL CHANGES TO THE FORMER WALGREENS TENANT SPACE AT W61 N286-94 WASHINGTON AVENUE – OLSEN'S PIGGLY WIGGLY

Planner Censky explained that the applicant is requesting approval of minor exterior changes to the front of the Piggly Wiggly grocery store specific to the area previously occupied by the Walgreen's Drugstore. The recent relocation of Walgreen's to their new store has resulted in the opportunity for the grocery store to expand Piggly Wiggly's operation into that vacated space. As part of that expansion, and in order to provide needed security for their use, the applicant advises that they must close off the existing Walgreen's entrance, which they propose to accomplish in a manner that is sensitive to the overall design of the building. According to their plans, the applicant is proposing to continue the look of that side of the shopping center with

decorative block on the lower portion of the former entrance area and extending the window system above to reflect the existing window treatment to the north.

Planner Censky added that the City's Code requires that when a use is expanded, there be sufficient parking to support that expansion; however, the drug store use had similar parking needs and no new parking is required.

In response to Mayor Myers' question, Planner Censky stated that Plan Commission review is required for all proposed exterior changes to commercial buildings or sites, even though they may be considered to be insignificant.

Action:

Commissioner Brown moved to approve the minor architectural changes as presented to the former Walgreen's tenant space at the Piggly Wiggly shopping center located at W61 N286-94 Washington Avenue. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote, with Council Member Chris Reimer and Commissioner Emmerich excused.

LAND DIVISION OF 15.78 ACRES OF LAND LOCATED AT W60 N1067 AND W60 N1085 SHEBOYGAN ROAD INTO A 10-ACRE PARCEL AND A 4.43-ACRE PARCEL ALONG WITH PERMANENT REZONING RECOMMENDATION FOR THE 4.43-ACRE PARCEL TO RS-3 SINGLE-FAMILY RESIDENTIAL – MIKE HALLORAN

Planner Censky reported that Mr. Halloran is requesting approval to divide his family's property into two separate lots of 10 and 4.43 acres in size. His plan is to continue farming the vacant 10-acre parcel and use the existing agricultural buildings located on the 4.43 acre parcel to support that farming operation. While the A-1 Agricultural District was applied as temporary zoning over the entire Halloran property when annexed last month, as part of this land division request Commissioners are also being asked to apply permanent residential zoning to the 4.43 acre site.

Planner Censky noted that since this site is immediately adjacent to property currently zoned Rs-3 Single-Family Residential District and the Rs-3 District is consistent with the land use classification recommended by the Smart Growth Comprehensive Land Use Plan-2025, the consistency rule would be satisfied. He added that by applying the Rs-3 residential zoning district to the 4.43 acre site, the existing agricultural buildings and the continued use of those buildings are rendered non-conforming and will be subject to the non-conforming Code limitations. Nonconforming buildings and the use of such buildings will be allowed to continue but they can neither be expanded nor enlarged, are subject to the 50% rule, and the use cannot be resumed if it is discontinued for a period of one year.

Since the right-of-way for Sheboygan Road is being dedicated to the City as part of this land division request and permanent zoning is being recommended, approval by the Common Council is required following a public hearing that will be scheduled for Monday, September 13, 2010.

Action:

A motion was made by Commissioner Brown, seconded by Vice Chairperson Burgoyne, to recommend the Common Council approve the land division of the newly-annexed 15.78 acres of land located at W60 N1085 Sheboygan Road into a 10-acre parcel and a 4.43-acre parcel and to permanently rezone the newly-created 4.43-acre site at W60 N1085 Sheboygan Road and the newly-annexed parcel at W60 N1067 Sheboygan Road from A-1 Agricultural District to Rs-3 Single-Family District. The motion carried without a negative vote, with Council Member Chris Reimer and Commissioner Emmerich excused.

REQUEST TO APPROVE ADDITIONAL 16 PARKING SPACES TO THE EXISTING PARKING LOT FOR FISCHER TERRACE APARTMENTS AT N47 W6277 WESTERN ROAD – MERIDIAN GROUP

Planner Censky explained that the applicant is requesting approval to expand the Fischer Terrace Apartment parking lot into the open area north of the building that will connect to the main access drive at the north end of the circle, and the north end of the center parking island of the front parking lot will be reconfigured to introduce two additional stalls along the west side of that isle. The introduction of the two stalls to the center island will result in the removal of a large Ash tree and the parking lot expansion into the open area will require the relocation of several smaller pine trees.

Planner Censky noted that a review of City records indicates that similar parking lot expansion plans were reviewed and approved by the Plan Commission in 1994, but that work was never accomplished. City records indicate that the Plan Commission indicated that the apartment complex has had a history of problems resulting from inadequate parking to support their needs from the beginning. In an attempt to resolve some of their problems, the owner has inappropriately striped parking stalls along the curve on the circular drive nearest the main building entrance. And, when the parking lot is full, tenants are forced to park as far away as the municipal parking lot on the other side of Western Road.

Recognizing that this complex clearly has parking deficiency problems, the submittal proposes to address those deficiencies. City staff review of the plans indicates Code compliance and Planner Censky suggested conditions to be considered if approved.

Commissioner Kaiman questioned how stormwater would be prevented from leaving the site with the new impervious pavement. Planner Censky advised that this project would require grading and drainage that is approved by the City's Engineer. Planner Censky noted that staff has identified certain issues regarding drainage that will need to be addressed and the applicant has been made aware of those issues.

Commissioner Brown agreed that stormwater runoff is a concern. He also expressed concern about the elimination of the large Ash tree and suggested the additional two parking spaces could be refigured to retain the tree.

Action:

Commissioner Brown moved to approve the parking lot expansion plans with the following stipulations:

- (1) Engineering Department approval of the grading, drainage and erosion control plans to ensure there will be no adverse impact on surrounding properties.
- (2) The applicant establishing a planting buffer along the north side of the new 14-stall lot subject to Planning and Forester staff approval. This buffer would include Arborvitae.
- (3) The illegal parking stalls along the curved portion of the driveway near the front entrance shall be eliminated.
- (4) Consideration given to avoid the elimination of the large Ash tree in the center island of the main parking lot.

The motion carried without a negative vote, with Council Member Chris Reimer and Commissioner Emmerich excused.

REVIEW AND DISCUSS THE PROPOSED PUD OVERLAY DISTRICT, THE TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT, THE RCD RESIDENTIAL CONSERVATION DISTRICT AND THE HPD HISTORIC PRESERVATION DISTRICT BEING PREPARED AS PART OF THE RECODIFICATION OF THE ENTIRE ZONING CODE

Planner Censky explained that the overlay districts are superimposed over a base use zoning district to prescribe special regulations to a site in combination with those of the underlying district. These include the PUD Planned Unit Development, TND Traditional Neighborhood Development, the RCD Residential Conservation District and the HPD Historic Preservation District.

Planner Censky noted that the PUD and the HPD exist in the City's current Code and only minor changes have been made to them. The TND and RCD are new districts and are based on model ordinances provided by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). He reported that the TND District is required by State law for communities that have reached a population of 12,500 by January 1, 2001 or when a community reaches that population limit. Wisconsin communities have until the first day of the 12th month beginning after the community's population reaches 12,500 to adopt such an ordinance. Since Cedarburg's population is currently 11,440 and is close to that 12,500 population limit, the City should create it now so it is on record for when it is reached. The RCD Residential Conservation District is proposed to replace the current use of a conditional use permit within the Rs-8 District to process this style of development. Currently, the City has only one such development: the Seidler Pond Subdivision, which was approved following a public hearing by the Plan Commission. Conservation-style subdivisions are typically processed as a zoning change where approval is granted following a public hearing by the Common Council, not as a conditional use permit approved by the Plan Commission.

The HPD Historic Preservation District remains much the same as the existing District but it will be supplemented by a new code section, referred to as the Historic Landmark Regulations, which will be provided at a future meeting. Those regulations are based on a model ordinance from the State Department of Historic Preservation. As with past meetings, only feedback to be included in the final draft was being sought.

Mayor Myers opined that, with the City's slow population growth, it will be a long time before the 12,500 population limit is reached and did not see any reason to consider a Traditional

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Neighborhood Development District until it is required. Planner Censky responded that even though it is not mandatory until that population threshold is attained, State Law does encourage communities to adopt the TND regardless.

Commissioner Brown suggested that the reference to complying with the City's adopted Smart Growth Plan be included in the "Purpose and Intent" portion of the PUD District. He also suggested that the acreages in the "Minimum Area Requirement" section 13-1-115(d) be reduced to provide more flexibility to the Plan Commission to allow appropriate developments.

MAYOR'S ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Commissioner Brown moved to adjourn the meeting at 8:06 p.m. The motion was seconded by Mayor Myers and carried without a negative vote, with Council Member Chris Reimer and Commissioner Emmerich excused.

Darla Drumel,
Administrative Secretary