

**TOWN OF CEDARBURG  
PLAN COMMISSION MEETING MINUTES  
January 18, 2012**

Present: Chairman David Valentine, Ralph Luedtke, Mark Brunner, Joe Rintelman, Paul Waldo, Edward Downey

Excused: William Henke

Also Present: Jim Culotta, Town Administrator, Brad Hoeft, Town Attorney, Eric Ryer, Director of Recreation & Planning

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Chairman Valentine called the regular meeting to order at 7:00 pm. The meeting began with the Pledge of Allegiance.

**2. MINUTES OF PREVIOUS MEETINGS:**

Ralph Luedtke moved and Joe Rintelman seconded a motion to approve the minutes of the regular meeting on December 21, 2011. The motion carried unanimously.

**3. PUBLIC HEARING**

- a. **Public hearing to take comment on an application by ATACO Steel Products Corporation located at 6809 STH 60 to amend their conditional use permit to construct an addition of 35,103 to 44,838 square feet to accommodate expanding metal stamping and fabrication services [NW ¼ of Section 22, 9.7 acres, zoned M-2 Planned Industrial & Mixed Use District]**

Chairman Valentine explained that ATACO Steel Products indicated they wished to pull this item from the January agenda and revise their plans for future consideration.

**4. OLD BUSINESS**

- a. None

**5. NEW BUSINESS**

- a. **Discussion and possible recommendation on an application by ATACO Steel Products Corporation located at 6809 STH 60 to amend their conditional use permit to construct an addition of 35,103 to 44,838 square feet to accommodate expanding metal stamping and fabrication services [NW ¼ of Section 22, 9.7 acres, zoned M-2 Planned Industrial & Mixed Use District]\***

Chairman Valentine reiterated that ATACO Steel Products indicated they wished to pull this item from the January agenda and revise their plans for future consideration.

- b. **Discussion and possible recommendation on a proposed ordinance to rezone approximately 7 acres of property owned by Bruce Stevens with Tax Key #03-014-02-002.00 located adjacent to 5205 Cedar Creek Road from A-2 Prime Agricultural District to A-1 Agricultural District and to amend the Zoning Map [Petitioner: Bruce Stevens, NE ¼ of Sec.14]\***

Commissioner Rintelman recused himself from the discussion.

Bruce Stevens (and Joe Rintelman) have submitted an application to rezone a 6.8907 acre portion of Mr. Steven's property currently zoned A-2 located to the southeast of 5205 Cedar Creek Road. Mr. Steven's intent is to sell the lot to his daughter and son-in-law so they can construct a new home on the lot. The Steven's own three parcels in the area, a 1.42 acre lot zoned R-3 single-family residential located at 5205 Cedar Creek Road, a 45.98 acre lot zoned A-2 located at 5221 Cedar Creek Road just

to the west (where the Stevens reside), and an 11.408 acre parcel zoned A-2 just to the east that has storage building (6.8907 acre portion of this 11.408 acre parcel is under consideration for rezoning).

Paul Waldo asked if soil test results had come in; Director of Recreation and Planning Ryer confirmed the soil test results were received from Mr. Rintelman and that the area under consideration for a rezone would support a mound system. Chairman Valentine then noted that Section 320-130 of the Town Code explains:

(2) No change in the A-2 Prime Agricultural District shall be recommended unless the Plan Commission finds that:

(a) Adequate facilities in accordance with all Town requirements and ordinances exist or will be provided within a reasonable time.

(b) The land proposed for rezoning is suitable for development, and development will not result in undue water and air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural resources.

(c) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.

The Commission felt the proposed rezone was compliant with the above Code section. Paul Waldo asked the Rintelmans to confirm there is a buildable homesite on the proposed rezone area. The Rintelmans confirmed there was sufficient area for a homesite, however, the entire area is within shoreland zoning and would require County and DNR permits.

Chairman Valentine then asked Attorney Hoeft to explain if the proposed shared driveway would meet Town requirements. Attorney Hoeft explained that Town Code does not require a specific length and width for turnouts. So long as there are turnouts at least every 250 and the driveway is at least 12 feet wide it would meet shared driveway requirements. Attorney Hoeft and Chairman Valentine also noted that Town Code requires special fire numbers showing the length of the driveway so the Fire Department is aware of the driveway length as stated in Section 108-16 of the Town Code. The applicant also stated the current driveway is roughly 14 feet wide. Staff will verify the proposed shared driveway route meets Code before the Town Board meeting.

The applicant then explained there is a possibility of purchasing land to the northeast of the 11 acre parcel that would allow for a different driveway route that would not be a shared driveway, but conversations with that property owner have yet to take place. The applicant is not asking for the Commission to consider that access at this point, but simply wanted to make the Commission aware of a potential development.

Paul Waldo then moved the Plan Commission recommend the Town Board approve the proposed rezone for approximately 7 acres of property owned by Bruce Stevens with Tax Key #03-014-02-002.00 located adjacent to 5205 Cedar Creek Road from A-2 Prime Agricultural District to A-1 Agricultural District and to amend the Zoning Map, also recommending the Board approve the proposed shared driveway so long as it meets Town Code. Ed Downey seconded, and the motion passed unanimously.

**c. Discussion and possible recommendation on a proposed ordinance to amend Chapter 320: Zoning, regarding establishing a 25 foot side yard setback for principal structures in the TR Transitional Residential district\***

At a December 27<sup>th</sup> Zoning Board of Appeals meeting two (2) zoning variances for a lot zoned TR adjacent to Horns Corners Road were considered. The application was for one variance from the **seventy-five (75) foot minimum side yard setback** on the west side of the lot, and a second variance from the one-hundred foot (100) foot minimum section line road side yard setback on the east side of the lot, allowing for the construction of a new home on the lot with reduced side yard setbacks (both side yard setbacks would normally be 75', but the Horns Corners setback on the east side of the lot is increased to 100' since it is adjacent to a section line road).

Chairman Valentine explained during the Zoning Board review process, staff determined the side yard setback for the TR Transitional district had previously been 25 feet based on the location of homes in the surrounding neighborhood and after reviewing old books that showed the side yard setback at 25 feet. Staff believes a likely possibility was General Code inadvertently changed the TR side yard setback from 25 feet to 75 during the recodification that was approved on October 4, 2006. Attorney Hoefl explained he believes this to be the case as the Code is void of any notation showing that an ordinance was passed that amended the side yard setback for the TR district. Staff suggests the error be corrected.

Joe Rintelman then moved the Plan Commission recommend the Town Board approve the proposed ordinance to amend Chapter 320: Zoning, regarding establishing a 25 foot side yard setback for principal structures in the TR Transitional Residential district. Ralph Luedtke seconded, and the motion passed unanimously.

**6. ADJOURNMENT**

Paul Waldo then moved to adjourn the regular meeting. Joe Rintelman seconded, the motion carried unanimously and the meeting was adjourned at 7:17 p.m.

Respectfully Submitted,

Eric Ryer  
Director of Recreation & Planning