

**TOWN OF CEDARBURG
PLAN COMMISSION MEETING MINUTES
May 19, 2010**

Present: Chairman David Valentine, David Flowers, Ralph Luedtke, Mark Brunner, William Henke, Edward Downey

Excused: Paul Waldo

Also Present: Jim Culotta, Town Administrator, Brad Hoeft, Town Attorney, Bob Eichner, Director of Public Works

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

2. MINUTES OF PREVIOUS MEETINGS:

Ralph Luedtke moved and William Henke seconded a motion to approve the minutes of the regular meeting on April 21, 2010. The motion carried unanimously.

3. PUBLIC HEARING

a. Public hearing to take comment on a conditional use permit application by Dale Moeller to construct a 7,800 square foot indoor riding arena on his property located at 7783 Sherman Court (custom built pole building) [5.41 acres, zoned E-1 Estate, NE ¼ of Sec.28]

Mr. Moeller would like to construct a 27' foot tall, 7,800 sq.ft. indoor horse arena on his property at 7783 Sherman Court. Stables and grazing are principal uses in the E-1 Estate district; however, since the location of the building is in the street yard, this requires a conditional use permit.

With no comment from the public, William Henke moved to close the public hearing. Ralph Luedtke seconded, and the motion passed unanimously.

b. Public hearing to take comment on a conditional use permit application by Michael Wolf to construct a berm at 1603 Washington Avenue [4.88 acres, zoned E-1 Estate, NW ¼ of Sec.16]

Michael Wolf has submitted a conditional use permit application to construct a berm on his property located at 1603 Washington Avenue, just north of the White Oaks subdivision. The berm would be located on the northeast corner of the property, just north of the existing driveway. He would be relocating soil from existing mounds that currently sit in piles along the north property line.

With no comment from the public, William Henke moved to close the public hearing. Ralph Luedtke seconded, and the motion passed unanimously.

c. Public hearing to take comment on an application by R&R Excavating & Bulldozing, Inc. for a Specific Limited Conditional Use Permit to allow quarrying operations at and adjacent to 1116 CTH I on two properties (Tax Key #03-022-04-000.00 & #03-022-01-008.00) [66.69 total acres, zoned A-1 Agricultural, NE ¼ of Sec.22]

R&R Excavating and Bulldozing, Inc. has submitted a specific limited conditional use permit application to operate a quarry at and adjacent to 1116 CTH I. Their current CUP expires on June 7, 2010. This permit was approved by the Town Board at their June 7, 2006 meeting. The application will not greatly alter the conditions outlined in the current permit (aside from the fact that no more mineral extraction will take place on the northern portion of the quarry and other "house keeping" items).

With no comment from the public, William Henke moved to close the public hearing. Ralph Luedtke seconded, and the motion passed unanimously. The Plan Commission now moved to item 5b.

4. OLD BUSINESS

a. None

5. NEW BUSINESS

a. Discussion and possible recommendation on a conditional use permit application by Dale Moeller to construct a 7,800 square foot indoor riding arena on his property located at 7783 Sherman Court (custom built pole building) [Petitioner: 5.41 acres, zoned E-1 Estate, NE ¼ of Sec.28]*

This item is related to items 3a and 5b. Chairman Valentine summarized the draft conditional use permit and confirmed that Mr. Moeller was aware of the conditions; Mr. Moeller answered that he was aware of the conditions in the permit. When discussing item 5b, the Plan Commission agreed the findings seen below were present:

- (1) Welfare. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) Compatible with adjacent land. The uses, values and enjoyment of other Town property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- (3) Not impede surrounding property development and improvement. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding Town property for uses permitted in the district.
- (4) Adequate infrastructure. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (5) Ingress and egress. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) Conform to zoning district regulations. The conditional use application shall conform to all applicable regulations of the district in which it is located.

With no other comment from the Plan Commissioners, William Henke moved that the Plan Commission recommend the Town Board approve on a conditional use permit application by Dale Moeller to construct a 7,800 square foot indoor riding arena on his property located at 7783 Sherman Court (custom built pole building). Ralph Luedtke seconded, and the motion passed unanimously. The Plan Commission then moved to item 5c.

b. Discussion and possible recommendation on a site plan and architectural review for a 7,800 square foot indoor riding arena located at 7783 Sherman Court (custom built pole building) [Petitioner: Dale Moeller, 5.41 acres, zoned E-1 Estate, NE ¼ of Sec.28]*

Mr. Moeller would like to construct a nearly 8,000 square foot building made of sheet metal with burgundy doors and accent strip along the foundation, with the remainder of the building in taupe. The roof would be asphalt shingles. Ralph Luedtke noted that he had the opportunity to visit the

Moeller property and commented on the pleasant appearance of the property; Mr. Luedtke had no issues with the application. Ed Downey noted that he also looked at the property and said the application was well done.

With no other comment from the Plan Commissioners, Chairman Valentine noted the Plan Commission must consider the findings as noted in Section 320-51 of the Town Zoning Code when addressing conditional use permit applications; he then briefly went through these findings and asked if the Plan Commissioners had any concerns regarding these findings (this applies to item 5a, but was discussed at this time, as the discussion for both the conditional use permit application and architectural and site plan review were addressed simultaneously. The findings are listed in item 5a).

At this point, Ralph Luedtke moved that the Plan Commission recommend the Town Board approve the site plan and architectural review for a 7,800 square foot indoor riding arena located at 7783 Sherman Court (custom built pole building). Ed Downey seconded, and the motion passed unanimously.

The Plan Commission then moved to item 5a.

c. Discussion and possible recommendation on a conditional use permit application by Michael Wolf to construct a berm at 1603 Washington Avenue [4.88 acres, zoned E-1 Estate, NW ¼ of Sec.16]*

This item continues from item 3b. Chairman Valentine asked the applicant why he would prefer to construct a berm at his property. Mr. Wolf answered that he already had a berm along the north property line resulting from soil that was left over from the time of the construction of his home. He would like to add the new berm along Washington Avenue for privacy reasons, and to block off some of the traffic noise. Mr. Wolf noted his neighbors are in favor of the berm. As required, there will be landscaping on the berm. Chairman Valentine stated that the berm must be outside of the right-of-way; Mr. Wolf said that he will work with Bob Eichner to ensure this happens. Mr. Wolf commented that he will also be working to stay outside of the WE Energies right-of-way. Chairman Valentine asked if Mr. Wolf had reviewed the conditional use permit; the applicant answered that he had reviewed it.

Ralph Luedtke asked if there was enough top soil there for the tree plantings. Mr. Wolf said there would be sufficient top soil for the project. With no further comment from the Plan Commission, Chairman Valentine noted the Plan Commission must consider the findings as noted in Section 320-51 of the Town Zoning Code when addressing conditional use permit applications:

- (1) Welfare. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) Compatible with adjacent land. The uses, values and enjoyment of other Town property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- (3) Not impede surrounding property development and improvement. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding Town property for uses permitted in the district.
- (4) Adequate infrastructure. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

(5) Ingress and egress. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(6) Conform to zoning district regulations. The conditional use application shall conform to all applicable regulations of the district in which it is located.

Mark Brunner asked if the berm would run parallel with the property line. Mr. Wolf demonstrated the proposed layout of the berm for the Plan Commission, answering Mr. Brunner's question. Ed Downey then moved that the Plan Commission recommend the Town Board approve a conditional use permit application by Michael Wolf to construct a berm at 1603 Washington Avenue, finding present the conditions cited above. Mark Brunner seconded, and the motion passed unanimously.

d. Discussion and possible recommendation on an application by R&R Excavating & Bulldozing, Inc. for a Specific Limited Conditional Use Permit to allow quarrying operations at and adjacent to 1116 CTH I on two properties (Tax Key #03-022-04-000.00 & #03-022-01-008.00) [66.69 total acres, zoned A-1 Agricultural, NE ¼ of Sec.22]*

This item continues from item 3c. Administrator Culotta noted that he did receive one comment today for consideration by the Plan Commission: Duane Stroebel said that when R&R uses a pump to remove water from the quarry, the water flows into a ditch that crosses CTH I in a culvert and flows in a ditch across the Charmoli property (in the City of Cedarburg) to the Cedar Creek. Occasionally, when there is pumping taking place, the ditch can flood, with water going onto the Stroebel property. Mr. Stroebel asked if there was anything the Town could do as a part of the conditional use permit to address this issue. Administrator Culotta was unsure if this could be addressed since the area in question is not in the Town of Cedarburg, and noted that the Town Attorney was not available for comment today. There would, however, be time for Attorney input before the Town Board consideration of this item. Chairman Valentine said he was not comfortable putting conditions on properties that are in the City of Cedarburg, and would rather leave that business to City officials. Mr. Valentine asked Administrator Culotta to pass along this comment to Mr. Stroebel, and gather input on the matter from the Town Attorney for the Town Board consideration of this item.

Dave Flowers asked where exactly the flooding was occurring. Administrator Culotta explained the ditch runs east to west across the Charmoli property, and floodwater seems to flow north to the Stroebel property.

William Henke asked staff if there had been any complaints filed at Town Hall regarding the R&R quarry operations. Both Administrator Culotta and Bob Eichner were not aware of any complaints for the R&R Quarry. Ralph Luedtke asked how water is handled at the quarry. Chairman Valentine explained that the R&R Quarry does not have that much water to handle (in comparison to Cedarburg Quarry). David Flowers and Chairman Valentine noted there is relatively little blasting that takes place at R&R Quarry, as it is essentially a gravel pit.

Chairman Valentine noted that although this application is for a new specific limited conditional use permit, the conditions have, for the most part, not changed from the previous specific limited conditional use permit for R&R Quarry. Mr. Valentine also commented that, with no complaints on file, the current permit has regulated the quarry in an effective manner. With no further comment from the Plan Commission, Chairman Valentine noted the Plan Commission must consider the findings as noted in Section 320-51 of the Town Zoning Code when addressing conditional use permit applications:

- (1) Welfare. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) Compatible with adjacent land. The uses, values and enjoyment of other Town property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- (3) Not impede surrounding property development and improvement. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding Town property for uses permitted in the district.
- (4) Adequate infrastructure. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (5) Ingress and egress. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) Conform to zoning district regulations. The conditional use application shall conform to all applicable regulations of the district in which it is located.

Finding the above present, William Henke moved that the Plan Commission recommend the Town Board approve an application by R&R Excavating & Bulldozing, Inc. for a Specific Limited Conditional Use Permit to allow quarrying operations at and adjacent to 1116 CTH I on two properties (Tax Key #03-022-04-000.00 & #03-022-01-008.00). Ralph Luedtke seconded, and the motion passed unanimously.

e. Discussion and possible recommendation on a “sign holiday” policy for Town businesses

Administrator Culotta summarized that staff is requesting the Plan Commission consider “loosening” the Town Code limitations on temporary signage for Town businesses. Several Town businesses are required by their corporate offices or manufacturers to display certain types and quantities of promotional materials throughout the year for special sale events. These requirements often put these businesses at odds with the Town Code. In order to assist local businesses and address this conflict, the sign code could be amended to allow businesses to use some of the restricted activities for a limited period of time – in essence take a holiday from certain elements of the sign code. The Town could set a certain number of holidays for each year and the business can determine when to use their holiday. Staff is soliciting feedback from several businesses on this concept and they were also invited to supply supporting information and attend the meeting. Initial feedback has been very positive thus far.

Chairman Valentine noted that this concept would be beneficial to local businesses, but to also keep the signs aesthetically pleasing. Ed Downey asked how the signs would be regulated. Administrator Culotta suggested having an application for the signage. He explained that businesses could possibly select from a menu of sign holiday options and follow guidelines. Ralph Luedtke cautioned against signage that goes too far. Mark Brunner asked how this would affect business signage vs. Town signage. Administrator Culotta clarified Town signage is exempt from Code requirements in most instances, as they serve a public purpose. Ed Downey asked if these signs would need to conform to current size regulations, or if new size regulations would be drafted. Administrator Culotta answered that it could go either way, depending on Plan Commission and Board approval.

Ralph Luedtke then moved that staff draft a sign holiday policy and bring the proposal back to the Plan Commission to consider. Dave Flowers seconded. Chairman Valentine then suggested staff

contact some local businesses to see about their needs to help draft the policy. William Henke also suggested contacting surrounding communities. The motion then passed unanimously.

6. ADJOURNMENT

Ralph Luedtke then moved to adjourn the meeting. William Henke seconded, the motion carried unanimously and the meeting was adjourned at 7:36 p.m.

Respectfully Submitted,

Eric Ryer
Management Assistant for Parks & Planning