

**CITY OF CEDARBURG  
PLAN COMMISSION**

**PLN20080204-1  
UNAPPROVED MINUTES**

**February 4, 2008**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, February 4, 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, Council Member Sandra Beck, Brook Brown, Keith Kaiman, Joe Emmerich; Park & Forestry Chairperson James Schara

Excused - Vice Chairperson Mark Burgoyne

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 Council Member Beck, seconded by Commissioner Schara, to approve the minutes of January 7, 2008 as presented. The motion carried without a negative vote, with Vice Chairperson Burgoyne excused.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

No comments or suggestions were offered at this time.

**PUBLIC HEARING REGARDING REQUESTS FOR PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD) ZONING PLAN AMENDMENT AND PRELIMINARY PLAT AMENDMENT FOR THE SEVEN GABLES SUBDIVISION TO ADD AN ADDITIONAL LOT, REMOVE SIDEWALKS FROM THE INTERIOR ROADWAY LOOP, RELOCATE PART OF THE BIKE PATH ALONG SHEBOYGAN ROAD AND ADJUST THE OUTLOT ALONG CEDAR CREEK - MLG**

Mayor Myers declared the public hearing open at 7:04 p.m. Administrative Secretary Drumel confirmed that proper legal notice had been given.

Planner Censky noted that MLG incorporated the changes directed by the Plan Commission at its January 4<sup>th</sup> meeting in its current submittal of the Seven Gables Subdivision. These included:

- The outlot along Cedar Creek be increased to include the entire environmental area along the Creek.
- The public path within the outlot be extended along the entire length of the Cedar Creek.
- Lots 18, 19 and 20 should not be extended to the Creek.

- Supported the sidewalk plan with sidewalks on one side of the interior street.
- Supported the meander to the bike path along Sheboygan Road.
- Supported the addition of one more single family lot.

Planner Censky explained that MLG recently purchased a parcel of land located along the west side of Cedar Creek, which ownership will be transferred to the Seven Gables Subdivision homeowners' association when the plat is recorded. The purchase of the parcel was necessary to have public sewer pipe extended to this subdivision, as it is directly across the Creek from the end of the sewer system in Highland Drive and lies between Cedar Creek and Seven Gables. The Seven Gables site was zoned RS-7(PUD) in April, 2007, which is a low-density single-family zoning with minimum lot sizes of 20,000 square feet. The PUD allows for the reduction in lot sizes while maintaining the prescribed density in order to preserve open space. The PUD also serves as the master zoning plan for the project and any significant change to the plan must be approved through a process defined in the Zoning Code, which includes a public hearing before the Plan Commission with a final decision by the Common Council.

Andy Bruce of MLG introduced himself and advised that he was available for any questions.

Joe Messinger of W51 N1013 Keup Road asked how private property owners along the Creek would be prevented from clearing a path through the primary environmental corridor from their property to Cedar Creek. Planner Censky responded that the City would be responsible for enforcement of the primary environmental corridor regulations and that a conditional use would have to be obtained in order to build on the lots within the corridor. Mayor Myers suggested that the covenants of the homeowners' association include language that made it clear that no one would be permitted to disturb the primary environmental corridor, including corridor that lies within private property.

No other public comment was offered.

#### **Action to Close Public Hearing**

Commissioner Brown moved to close the public hearing at 7:10 p.m. The motion was seconded by Commissioner Emmerich and carried without a negative vote, with Vice Chairperson Burgoyne excused.

#### **Continued Discussion**

In response to a question from Commissioner Brown, Mr. Bruce pointed out that the verified wetlands were delineated on the plat and were located along at the northeast subdivision limits. Commissioner Kaiman wanted potential purchasers to be aware of the lift station in Outlot 3 and the fact that it would be expanded in the future. Mr. Bruce advised that the lift station building would be built of nearby residential materials.

#### **Action**

A motion was made by Commissioner Brown, seconded by Commissioner Emmerich, to recommend granting the PUD Zoning Plan amendment and preliminary plat amendment for the Seven Gables Subdivision to add an additional lot, remove the sidewalk from the interior of Seven Gables Circle, relocate part of the bike path along Sheboygan Road to meander into the subdivision and adjusting Outlot 4 along Cedar Creek, subject to the following conditions:

1. Outlot 4 should extend to the north limits of the subdivision, with an extension of the public path along its entire length.
2. The developer's agreement shall clearly state that private property owners are prohibited from destroying any of the primary environmental corridor located on their private lots or within the outlots. The buildable lots containing environmental corridor shall be identified in the document.
3. The homeowners' association covenants shall clearly state that private property owners are prohibited from destroying any of the primary environmental corridor located on their private property or within the outlots. The buildable lots containing environmental corridor shall be identified in the document.

**Continued Discussion**

Commissioner Kaiman advised that although the subdivision was nicely planned, he would vote no because he believed that the bike path should continue alongside Sheboygan Road. Combining the bike path with the interior sidewalk in the Seven Gables Subdivision would be potentially hazardous.

**Final Action**

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

**PUBLIC HEARING ON CONDITIONAL USE REQUEST TO OPERATE THE FAMILY TREE LEARNING CENTER CHILD DAYCARE FACILITY OUT OF THE EXISTING BUILDING AT W63 N131 WASHINGTON AVENUE – KIM BERENS AND LISA BECKMANN**

Mayor Myers declared the public hearing open at 7:25 p.m. Administrative Secretary Drumel confirmed that proper legal notice had been given.

Planner Censky advised that the applicants were requesting conditional use approval for a State-licensed child daycare to operate out of the existing building at W63 N131 Washington Avenue behind the Wittenberg Floor Covering building. The building had been used for light manufacturing/warehousing purposes until now and will be renovated as part of this project to support the daycare use. The renovation activity will be limited to the addition of interior dividing walls, appropriate flooring and lighting. To ensure this building meets all state and local building standards for a daycare facility, the applicants have been working with the City Building Inspector and the State Inspector to oversee the project and have received assurance that if the request is approved they will not run into technical problems from them.

Planner Censky noted that the Family Tree Learning Center has operated under the terms of a Plan Commission approved Conditional Use Grant at N70 W5362 Bridge Road. The operation there has been underway for the last 5 years but now they have decided to relocate their operation to the Washington Avenue site. They will be licensed for up to 45 children for daytime and evening care. Other than the change in location, the applicants advise that this childcare operation will remain the same as the previous operation as outlined in the manual submitted with the request.

In response to a question from Council Member Beck, Kim Berens of Family Tree Learning Center advised that they operate until 12:30 a.m. at their current Bridge Road location.

No comments were referred from the public.

**Action to Close Public Hearing:**

Commissioner Brown moved to close the public hearing at 7:27 p.m. The motion was seconded by Commissioner Kaiman and carried without a negative vote, with Vice Chairperson Burgoyne excused.

**Continued Discussion**

Council Member Beck complimented the applicants on the thoroughness of their application materials.

**Action:**

A motion was made by Commissioner Brown, seconded by Council Member Beck, to grant a conditional use permit to Kim Berens and Lisa Beckmann for the operation of a child daycare facility out of the existing building at W63 N131 Washington Avenue. The motion was seconded by Council Member Beck.

**Continued Discussion**

In response to a question from Commissioner Kaiman regarding the location of the Interurban Trail with respect to the outdoor play area, John Wittenberg, the property owner, advised that it was about 15 to 20 feet away and that there was no cleared path to the trail. There would be a fence around the play area as a security measure.

Mayor Myers stated that the petitioners provide a valuable service and have a good plan for the facility.

**Final Action:**

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

**CONDITIONAL USE APPROVAL; SITE, LANDSCAPING, ARCHITECTURAL AND EXTERIOR LIGHTING PLAN APPROVALS; AND PARTIAL ROAD RIGHT-OF-WAY VACATION RECOMMENDATION FOR 20-UNIT SENIOR HOUSING PROJECT AT THE NORTHEAST CORNER OF MCKINLEY BOULEVARD AND GARFIELD STREET – DUEY STROEBEL**

Planner Censky advised that the Common Council considered the Plan Commission's recommendation to deny Mr. Stroebel's request at their November 26, 2007 meeting, but felt that the project was in keeping with the recommendations of the Visioning Committee and the results of their public opinion survey to provide more elderly housing. Consequently, they approved the PUD amendment request. Since the public hearing on both the PUD amendment and the Conditional Use request was held at the November 5, 2007 Plan Commission meeting, no further hearings are necessary. Mr. Stroebel was consequently seeking approval of the final site, architectural and landscaping details along with approval of the Conditional Use for elderly housing. In addition, Mr. Stroebel asked that the right-of-way for McKinley Boulevard be corrected by vacating the irregular shape in front of his project.

Planner Censky noted that the Council approved these plans with the following conditions:

- The access drive onto McKinley Boulevard should be studied and either redesigned to provide a safer layout or relocated to Garfield Street.
- The applicant shall pay all impact and user fees prior to the issuance of a building permit.
- Engineering department review and approval of the grading, drainage, stormwater management and erosion control plans prior to building permit.
- The building shall be with a proper fire/smoke detection and sprinkler system.
- The applicant petitioning and the City vacating the adjacent McKinley Boulevard right-of-way.

Planner Censky explained that since the neighbors expressed concern about shifting the access drive from McKinley Boulevard to Garfield Street and the Common Council left that decision open for consideration, Mr. Stroebel decided to keep his driveway access to McKinley Boulevard. In order to address some of the safety concerns identified by City staff, he redesigned the front parking lot to eliminate the southern drive so that on-site traffic will not be directed to the intersection. With respect to parking, the Code requires one-half stall per unit for elderly housing. The plans before you far exceed that requirement but better reflect the anticipated demand for independent living elderly housing with 41 underground stalls and 8 surface stalls. The parking lot will be lit by three pole-mounted single-throw lighting fixtures; one at the entrance off McKinley Boulevard and the other two at either end of the parking lot. These fixtures will be mounted at a height of 12 feet and light will be directed downward to prevent light trespass onto adjacent properties.

Planner Censky reviewed the architectural details proposed for the two-story, 20-unit structure that will measure 28 feet high, which is under the 48-foot height maximum allowed for senior housing with underground parking. An earth-tone color scheme was selected with a combination of Aurora Brown and Roycroft Brass dominating, and Amazing Gray accenting. City staff technical review revealed that while the building meets all setback requirements, the proposed pergola over the front entrance encroaches on the 25-foot Garfield Street setback. He advised that since the site is a PUD, the Code provides flexibility in design if it benefits the City and developer. Commissioners need to decide whether the pergola is beneficial from a design standpoint or whether it should be removed. Mr. Stroebel indicated he would accept the Plan Commission's decision.

Planner Censky reviewed the landscaping plan with a planting scheme of higher growth trees and low growth shrubs, flowers and grasses. However, the trees proposed for within the public utility easement west of the structure need to be relocated to avoid potentially interfering with the maintenance of our sewer and water pipe. It appeared that there was sufficient room on either side of the parking lot for the trees. Low growth Sea Green Junipers and Endless Summer Hydrangeas shrubs along with various perennial flowers and grasses would enhance the south building elevation and Anthony Waterer Spirea will buffer the east and west elevations. Along the north and west property lines the applicant proposed a regimental row of Techny Arborvitae to buffer this site from adjacent properties.

Planner Censky advised that a petition was submitted requesting the vacation of the irregular shaped right-of-way along McKinley Boulevard and Plan Commission recommendation is needed for Council action. The discontinuation of this odd shaped right-of-way would be accomplished by the approval and subsequent recording of a certified survey map. Staff review indicated that the certified survey map submitted in support of the vacation includes the necessary public utility easements for the City's existing sewer and water pipe.

Planner Censky explained that since the proposal was part of an existing PUD project, it is viewed as an integral part of that project even though it is separated by a property line. While the proposal meets the density requirements for elderly housing (i.e. 24 units/acre max.) as a stand-alone site within the RM-2 District, the maximum number of units within this project (i.e. 187 units possible), FAR and open space standards apply across the entire project.

Paul Rushing of Kubala Washatko Architects, the architect for the project, added the pergolas to make the design more like the neighborhood.

In response to a question from Commissioner Brown, Mr. Rushing advised that a guard rail would be installed at the top of the retaining wall leading down to the garage. Mr. Rushing continued that the siding would be of cement fiberboard lapped siding with a 4.5-inch exposure. The siding would be vertical on some of the dormers.

Commissioner Brown thought that the design looked very nice and he looked forward to seeing the project go forward. Mayor Myers agreed that it is a quality and attractive building.

**Action:**

Commissioner Brown moved to recommend the Council accept the partial right-of-way vacation along McKinley Boulevard; approve the conditional use permit for a 20-unit elderly housing project located at the northeast corner of McKinley Boulevard and Garfield Street; approve the site, landscaping, architectural and exterior lighting plans allowing the encroachment of the pergolas into the Garfield Street setback and with the installation of a guard rail on top of the retaining wall at the east entrance to the project. The motion was seconded by Commissioner Emmerich.

**Continued Discussion**

In response to a question from Commissioner Kaiman, Mr. Rushing advised that no blasting would be required for the underground parking and the solid rock creates a very good foundation for the building. Commissioner Kaiman suggested that the developers consider a community room or an exercise room as an amenity to the project and believed the Plan Commission would be amenable to allowing another encroachment on the setbacks to accommodate the addition. Mr. Stroebel advised that he would consider adding it and if he decides to, he would return with plans.

**Continued Action:**

Commissioner Brown amended the motion to include the following contingencies:

- The applicant shall pay all impact and user fees prior to the issuance of a building permit.
- Engineering department review and approval of the grading, drainage, stormwater management and erosion control plans prior to building permit.
- The building shall be with a proper fire/smoke detection and sprinkler system.
- All trees along the west side of the building shall be located where they will not impact existing sewer and water pipe.
- Approval shall be subject to Council vacating the irregular shaped right-of-way.

Commissioner Emmerich seconded the amended motion and it carried without a negative vote, with Vice Chairperson Burgoyne excused.

**PLAN COMMISSION**  
**February 4, 2008**

**PLN20080204-7**  
**UNAPPROVED MINUTES**

**REQUEST TO SPLIT A 18.31-ACRE PARCEL LOCATED AT 11103 HIGHWAY 60 INTO THREE SEPARATE PARCELS OF 5.06 ACRES, 3.25 ACRES, AND 10 ACRES – BRIAN WENTLANDT**

Planner Censky advised that Mr. Wentlandt was requesting land division approval for a parcel of land located in the Town of Cedarburg along the south side of State Highway 60 west of Granville Road. The parcel is 18.31 acres in size and is proposed to be split into three separate parcels of 10.0 acres, 5.06 acres and 3.25 acres. The parcel is located outside of the City's sanitary sewer service area and will be served by private onsite soil absorption systems and wells.

Planner Censky noted that the Certified Survey Map (CSM) received approval recommendation by the Town Plan Commission on January 16, 2008. The request complies with Town zoning regulations and since it is for lands located outside of the City's Sanitary Sewer service Area, City staff had no objection.

**Action:**

A motion was made by Council Member Beck, seconded by Commissioner Brown, to approve the extraterritorial land division of the 18.31-acre parcel located at 11103 Highway 60 into three separate parcels of 5.06 acres, 3.25 acres, and 10 acres. The motion carried without a negative vote, with Vice Chairperson Burgoyne excused.

**MAYOR'S ANNOUNCEMENTS**

**Smart Growth Plan**

The public hearing at the Common Council on the Smart Growth Comprehensive Land Use Plan – 2025 is scheduled for Monday, February 25, 2008.

**ADJOURNMENT**

Commissioner Brown moved to adjourn the meeting at 8:15 p.m. The motion was seconded by Commissioner Emmerich and carried without a negative vote, with Vice Chairperson Burgoyne excused.

Darla Drumel,  
Administrative Secretary