

CITY OF CEDARBURG
PLAN COMMISSION

PLN20200903-1
UNAPPROVED MINUTES

September 3, 2020

A regular meeting of the Plan Commission of the City of Cedarburg was held on Thursday, September 3, 2020 via the [zoom](#) app. The meeting was called to order at 7:00 p.m. by Mayor Michael J. O'Keefe.

Roll Call: Present - Mayor Michael J. O'Keefe, Vice Chairperson Mark Burgoyne, Council Member Patricia Thome, Adam Voltz, Heather Cain

Excused - Sig Strautmanis, Kip Kinzel

Also Present - City Planner Jon Censky, Administrative Secretary Victoria Guthrie, Council Members Barbara Lythjohan and Robert Simpson, news media

STATEMENT OF PUBLIC NOTICE

Administrative Secretary Guthrie 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 Thome, seconded by Commissioner Voltz, to approve the minutes of August 3, 2020. The motion carried without a negative vote with Commissioners Strautmanis and Kinzel excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Mayor O'Keefe offered the opportunity for the public to speak on any issue unrelated to the agenda items. He advised that the Plan Commissioners would not be able to respond to any comments since they were not noticed on the agenda. No comments from the audience were offered.

REQUEST ANNEXATION RECOMMENDATION OF PARCEL LOCATED AT 6620 SUSAN LANE IN THE TOWN OF CEDARBURG – THE HAHM GROUP LLC/MATTHEW AND MINAL HAHM

Planner Censky reminded Commissioners that during their September 10, 2019 meeting, the Petitioners brought forward their concept design of their seven-lot, single-family parcels, asking for feedback and support before requesting to annex the property into the City. Having received positive feedback from the Plan Commission, the Petitioners have submitted their petition for direct annexation of their 3.8-acre parcel from the Town of Cedarburg into the City.

In accordance with State Law, this annexation petition was accepted by the Common Council at their February 24, 2020 meeting and was referred to the Plan Commission for review and recommendation.

Section 13-1-40(f) requires that annexed areas ***shall be placed in the Rs-1 Single-Family Residential District*** until an ordinance is created for permanent zoning. Ultimately, the Petitioners will pursue rezoning the property to the Rs-4 Single-Family District to match adjacent zoning. Planner Censky stated that City Staff recommends approval subject to the site being zoned Rs-1 Single-Family Residential District.

Planner Censky reiterated to Commissioners and meeting attendees that the matter for discussion during this meeting is restricted to the recommendation for annexation only. He explained that any rezoning request that may be submitted in the future would need to be decided via public hearing and would be noticed as such.

Action:

A motion was made by Council Member Thome to recommend annexation of this parcel into the City subject to the site being zoned as Rs-1 Single-Family Residential. This motion was seconded by Commissioner Cain and carried without a negative vote with Commissioners Strautmanis and Kinzel excused.

REQUEST WAIVER TO SECTION 93-1-101(g) OF THE ZONING CODE FOR REPLACEMENT OF EXISTING SHED ON PARCEL LOCATED AT W62N793 SHEBOYGAN ROAD – CHRISTOPHER DUECKER

Planner Censky reminded Commissioners that during their July 6, 2020 meeting, a waiver for Section 93-1-101(g) of the Zoning Code was approved for a replacement garage on this parcel. The Petitioner is now requesting to replace the existing shed on the property with a new Menards style shed. The replacement shed will measure 10 feet x 16 feet, stand 8 feet high and will be located to the rear of the new garage just off the south property line.

Planner Censky advised that detached accessory sheds are permitted in the rear yard only, shall not exceed 20 feet in height, and shall not be closer than three feet to any property line. His review indicates compliance with the Rd-1 restrictions for everything but the size limit, as this proposed shed combined with his previously approved 936 square foot garage, exceeds the recently established 720 square foot size limit. Since this shed will be replacing an existing one, the City has no objection to the request subject to the Petitioner removing the existing shed and securing a building permit prior to construction of the new shed.

Action:

A motion was made by Vice Chairperson Burgoyne for approval to waive Section 93-1-101(g) of the Zoning Code to allow the replacement shed to exceed the accessory structure size limit as proposed. This motion was seconded by Mayor O'Keefe and passed without a negative vote with Commissioners Strautmanis and Kinzel excused.

REQUEST PLAN APPROVAL TO REPLACE EXISTING FENCE AND ADD AN OVERHEAD SHED ROOF FOR HIS BUSINESS LOCATED AT W61N278 WASHINGTON AVENUE – BEYER’S TRUE VALUE/HANK BEYER

The Petitioner is proposing to replace the existing chain-link fence around their outside storage area located off the southwest corner of their hardware store with a new decorative fence. They are also proposing to install an overhead shed-roof structure above. The roof structure will extend 20 feet out from the building and 80 feet down the side of the building. The roof structure will be supported by nine 2 x 8 columns, 10 feet in center and will be covered with a steel roof and siding panels. The existing chain-link fence will be replaced with decorative, 6 feet high aluminum pre-assembled black fencing.

Planner Censky believes this is a positive change to the existing outside storage screening, both in terms of function and design. His review indicates full compliance with the dimensional requirements of the Code and, therefore, approval is recommended.

Action:

A motion was made by Council Member Thome to approve the replacement of the existing fence and the addition of the overhead shed roof as proposed. This motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote with Commissioners Strautmanis and Kinzel excused.

REQUEST RECOMMENDATION FOR LAND USE MAP AMENDMENT AND REZONING FOR PARCEL LOCATED AT W73N1122 WASHINGTON AVENUE – FAIRWAY VILLAGE/NEUMANN DEVELOPMENT INC.

Commissioners are reminded that at their June 1, 2020 meeting, the Petitioner presented several concept options for the development of this property and asked for feedback to help guide their final design. Based on that feedback, the Petitioner has reduced their options down to one and with that plan as the basis, they are now requesting a Land Use Plan amendment. Specifically, the Petitioner is requesting to amend the use classification for this site, as shown on the City of Cedarburg 2025 Comprehensive Land Use Plan, from the Commercial, Industrial/Manufacturing, Medium-Density Residential (3.6 to 5.2 units/acre) and High-Density (10.9 to 16.1 units/acre) classifications to the Medium-Density Residential (3.6 to 5.2 units/acre) and High-Density Two-Family (5.2 to 10.8 units/acre) as shown on their concept plan.

If Commissioners recommend the changes to the Land Use plan as noted above, the Petitioner is requesting to have the property rezoned in accordance with those changes and their proposed concept plan. More specifically, the Petitioner is requesting to rezone the property from P-1 (temporary) to Rs-4 Residential Single-Family at the south end of the project which matches the zoning of the lands directly to the south and Rs-5 Residential Single-Family District north thereof. The Rd-1 Two-Family Zoning District will be applied along the Washington Avenue frontage at the northwest area of the site. Finally, the PUD Overlay District will be applied across the entire project area to tie this together as one unified 113-unit residential project. The project will consist of 15 townhouse buildings (30

units), 36 single-family lots ranging in size from 10,400 to 26,500 square feet and 47 single-family lots ranging in size from 8,400 to 18,900 square feet.

This project will include all standard public road improvements with sidewalks, a future road at the northeast corner of the project connecting the City's business park roadway to Hilltop Drive in the Town of Cedarburg, parkland dedication shown on the plan as the Baehmann Park and the Wooded Wetland Preservation Area at the southeast corner. The road rights-of-way and public parks will be dedicated to the City through the platting process.

Nonconformity to Standards

In accordance with the PUD Ordinance, the Plan Commission through its review and the Common Council through its approval, must acknowledge any departure from the standards of the base underlying Zoning District. Review by City Staff indicates the following list of departures from the standards:

Rs-4 Single-Family Residential District, Sec. 13-1-45

Code Sec	City Code Requirement	Petitioner Requested Departure
(e)	<i>Lots shall be not less than ninety (90) feet in width at the setback line.</i>	Lots to be less than eighty (80) feet in width at the setback line.
(f)(5)	<i>The sum total of the floor area of the principal building and all accessory buildings shall not exceed thirty-six percent (36%) of the lot area; and the lot coverage for the principal buildings and accessory buildings shall not exceed thirty percent (30%) of the lot area.</i>	The sum total of the floor area of the principal building and all accessory buildings shall not exceed forty percent (40%) of the lot area; and the lot coverage for the principal buildings and accessory buildings shall not exceed thirty-five percent (35%) of the lot area.
(g)(1)	<i>There shall be a minimum setback of twenty-five (25) feet from the ROW of all streets.</i>	For corner lots there shall be a minimum fifteen (15) feet from the side street ROW.
(g)(2)	<i>There shall be a side yard on each side of the principal buildings of not less than eight (8) feet in width.</i>	Side yards on each side of all principal buildings shall not be less than seven and one half (7.5) feet .

Rs-5 Single-Family Residential District, Sec. 13-1-46

Code Sec	City Code Requirement	Petitioner Requested Departure
(e)	<i>Lots shall be a minimum of 8,400 square feet in size.</i>	Lots to be a minimum of 8,000 square feet in size.
(f)(5)	<i>The sum total of the floor area of the principal building and all accessory buildings shall not exceed thirty-six percent (36%) of the lot area; and the lot coverage for the principal buildings and accessory buildings shall not exceed thirty percent (30%) of the lot area.</i>	The sum total of the floor area of the principal building and all accessory buildings shall not exceed forty percent (40%) of the lot area; and the lot coverage for the principal buildings and accessory buildings shall not exceed thirty-five percent (35%) of the lot area.
(g)(1)	<i>There shall be a minimum setback of twenty-five (25) feet from the ROW of all streets.</i>	For corner lots there shall be a minimum fifteen (15) feet from the side street ROW.

Rd-1 Two-Family Residential District, Sec. 13-1-50

Zero lot line development (*Conditional Use Required*), Sec 13-1-50(d)

Code Sec	City Code Requirement	Petitioner Requested Departure
(d)(2)(a)	<i>Lots shall be a minimum of 6,000 square feet in size.</i>	Lots to be a minimum of 4,000 square feet in size.
(d)(2)(a)	<i>Lots shall be not less than fifty (50) feet in width at the setback line.</i>	Lots to be not less than thirty-three and one half (33.5) feet in width at the setback line.
(d)(2)(b)	<i>There shall be a minimum setback of thirty (30) feet from the ROW of all streets.</i>	For corner lots there shall be a minimum twenty-five (25) feet from the side street ROW.
(d)(2)(b)	<i>There shall be a side yard on one side of the principal buildings of not less than ten (10) feet.</i>	Side yards on one side of all principal buildings shall not be less than seven and one half (7.5) feet .
(f)(4)	<i>The sum of the floor area of the principal two (2) family building and all accessory buildings shall not exceed forty percent (40%) of the lot area.</i>	The sum of the floor area of the principal two (2) family building and all accessory buildings shall not exceed sixty percent (60%) of the lot area

If the Petitioner is successful with this rezoning, the next step in the approval process will be preliminary/final plat approval and development agreement approval. City Staff feels the street pattern and lot layout, with the transition in density from that which matches existing development to the south and increases to the north and west, is respectful of development in the area and results in smaller single-family lot sizes that the City has been encouraging. If Commissioners feel comfortable with these departures from the standards as listed above, their recommendation should include the following stipulations:

- Storm water management permit required.
- All lots will require a storm sewer lateral for sump pump connection.
- The elevation of the sanitary sewer shall be raised at the east connection about 1-foot subject to City Engineer review and approval.
- City Engineer review and approval of all utility plans.
- Engineering Department review and approval of the site grading, erosion control and storm water management plans.
- Typical per lot impact fees shall be applied.
- The Petitioner providing a public sidewalk between lots 29 and 30 extending from the cul-de-sac north to the future road right-of-way and then east to the business park.
- Installation of sewer and water facilities shall not commence in this project until after those facilities have been installed and certified complete in the business park.

Action:

A motion was made by Council Member Thome to recommend approval for the Land Use Map Amendment as proposed, with the condition that Baehmann Park remain zoned as P-1. This motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote with Commissioners Strautmanis and Kinzel excused.

A motion was made by Council Member Thome to recommend approval for the rezoning of this parcel as proposed, with the condition that Baehmann Park remain zoned as P-1,

and the conditions listed above are met. This motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote with Commissioners Strautmanis and Kinzel excused.

**PRESENTATION OF CONCEPT DEVELOPMENT PLAN FOR CORPORATE OFFICES,
PRODUCT TESTING AND WAREHOUSE SPACE IN THE HIGHWAY 60 BUSINESS
PARK – WILO USA/JEFF SCHOPP**

Petitioner Jeff Schopp, Project Manager at WILO USA was at the meeting, along with Chris Wenzler, Director of Design at Briohn Design Group presented their plans for their anchor facility to be built in the Highway 60 business park. Plan Commissioners voiced their support for the proposed WILO site and both parties indicated anticipation for the project.

Petitioner Schopp stated that they will be filing an application for site/architectural review during the October 5, 2020 Plan Commission meeting.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

No comments or announcements were made.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe had no announcements.

ADJOURNMENT

A motion was made by Commissioner Voltz, seconded by Council Member Thome, to adjourn the meeting at 8:29 p.m. The motion carried without a negative vote with Commissioners Strautmanis and Kinzel excused.

Victoria Guthrie
Administrative Assistant