

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20210908-1
UNAPPROVED MINUTES**

September 8, 2021

A regular meeting of the Plan Commission of the City of Cedarburg was held on Wednesday, September 8, 2021 at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers and 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, Council Member Patricia Thome, Kip Kinzel, Sig Strautmanis, Adam Voltz, Heather Cain

Excused - Vice Chairperson Mark Burgoyne

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

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 Kinzel, to approve the minutes of August 2, 2021. The motion carried without a negative vote with Vice Chairperson Burgoyne 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.

PUBLIC HEARING REGARDING CONDITIONAL USE PERMIT TO OPERATE A ONE-ON-ONE HEALTH AND WELLNESS ASSESSMENT CENTER LOCATED IN THEIR GARAGE AT N96W6767 ASPEN STREET – OSCAR & JULIE CHARLES, JR

PUBLIC HEARING CANCELED.

REQUEST APPROVAL TO REASSIGN THE EXISTING CONDITIONAL USE PERMIT ISSUED FOR PET GROOMING AND DAYCARE BUSINESS LOCATED AT W63N149 WASHINGTON AVENUE – KIM JOHNSON

Planner Censky explained that the Petitioner is in the process of acquiring the pet grooming and daycare business located just south of the George Webb restaurant. This business was owned by Michelle Hintz, who was issued a Conditional Use Permit (CUP) at the November 4, 2019 Plan Commission meeting.

Planner Censky previously discussed the existing CUP with Petitioner Johnson, who plans to follow the same use and operation as the previous business owner, indicating that she would agree to the same conditions listed on the CUP. Since there will be no change to the formerly approved use, the CUP can be reassigned from Michelle Hintz to Kim Johnson by action of the Plan Commission.

Action:

A motion was made by Mayor O’Keefe to approve the reassignment of the CUP to Kim Johnson, with the same conditions in place. This motion was seconded by Commissioner Cain and passed without a negative vote with Vice Chairperson Burgoyne excused.

REQUEST APPROVAL OF WAIVER TO SECTION 13-1-101(g) OF THE ZONING CODE AS REGARDS TO THE SIZE OF ACCESSORY STRUCTURES TO ADD A GARAGE/SHED TO THE PARCEL LOCATED AT N70W6904 BRIDGE ROAD – BRIAN MCMULLEN

Planner Censky stated that the Petitioner is seeking a waiver to the size limit for accessory structures to construct a garage/shed that, combined with his existing garage, will exceed the 720 square foot limit by 131 square feet. This structure will be located at the northeast corner of the rear yard, and have two overhead doors on the south elevation, a pedestrian door on the west elevation, and windows on the west and east elevations. Building material will consist of LP Smartside siding with 6 7/8” exposure and a black asphalt shingled roof. Planner Censky has established that this request complies with the Rs-4 restrictions for everything but the size limit.

Action:

A motion was made by Commissioner Kinzel to approve the waiver to Zoning Code Section 13-1-101(g) for the proposed accessory structure. This motion was seconded by Commissioner Voltz and passed without a negative vote with Vice Chairperson Burgoyne excused.

REQUEST APPROVAL OF ARCHITECTURAL THEME FOR THE VILLAS AND TOWNHOMES IN THE SUBDIVISION LOCATED AT W73N1122 WASHINGTON AVENUE – FAIRWAY VILLAGE/HALEN HOMES/HARBOR HOMES

Petitioner Censky reminded Commissioners of previous design discussions held with representatives from Neumann Developments for the Fairway Village subdivision. During these discussions, Commissioners expressed an interest of developing a more eclectic theme with distinction in design, rather than a cookie-cutter approach that varies only in color schemes. Avoiding a garage-dominant design in the smaller townhome parcels was also discussed. Once the overall architectural theme is established, individual building plans will be submitted directly to the City Building Inspector in order to obtain building permit approval.

Erica Marty, Petitioner and VP of Operations at Halen Homes, was in attendance and explained that the designs took into consideration the overall feel of Cedarburg by pulling in different materials such as shake siding, vertical trim and exterior stone masonry. Council Member Thome stated that the materials are what she envisioned, and feels these are a good fit; however, there appears to be too much conformity in the buildings represented in the renderings submitted by the Petitioner. Several Commission members agreed with this statement, with Commissioner Strautmanis pointing out that the designs should include four-sided architecture, since the façade materials should be integral to the whole building. Commissioner Cain observed that the view of the subdivision from Washington Avenue will showcase the rear elevations of the buildings, which consist of walls largely featuring plain siding, with no differentiation between the structures. Commissioner Kinzel advised that there are not many townhomes in Cedarburg and he would like to avoid them looking too monolithic in their appearance. Council Member Thome reminded the Petitioner that this subdivision will serve as a showpiece on a property that is much beloved to Cedarburg.

Commissioners would like to see the following suggestions taken into consideration on future designs:

- Varying architectural elements and materials (such as planes, gables, chimneys, mullions, etc.) to differentiate building designs.
- Alter the design and size of dormers by incorporating gable and shed elements.
- Create front porches as welcoming, functional outdoor spaces.
- De-emphasize garages by stepping them back in order to prevent them from being the first element to greet pedestrians.
- Wrap design elements from the front elevation around the building to promote the feel of quality and customization.

Planner Censky will summarize Commissioner comments and provide them to the Petitioner, who will present revised designs during a future Plan Commission meeting.

**REQUEST CONSULTATION FOR REVISED DEVELOPMENT PLAN FOR THE
FORMER QUARRY SITE LOCATED AT 6660 SUSAN LANE, TOWN OF CEDARBURG
– WYNDAL INVESTMENTS LLC**

Planner Censky summarized this request by stating that the Petitioner, who made their original proposal for a two-family subdivision on this parcel in May of 2021, has incorporated recommendations from Commissioners by scaling back the design in order to reduce the impact of the existing woods and endangered plant species as identified by the Southeastern Wisconsin Regional Plan Commission (SEWRPC) in their Report No. 42, *“A Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin.”* The Petitioner hired Stantec Consulting Services, Inc, an architectural, engineering and design firm to conduct an updated study of the woods and locate the endangered plants on the parcel.

This revised plan shows a shift in the location of the road to an area east of the woods, following the existing drive that served the quarrying operation. Buildings shown located

within the wooded area have been removed and relocated to the edge of the woods. Also, the width of the private road was reduced. City Staff has reviewed these plans and made the following comments:

- Fire hydrants shall be placed according to City Ordinances.
- Road construction shall be adequate to support the weight of Fire Department apparatus.
- Roadway turning radius shall be adequate to allow for easy access for fire apparatus.
- Fencing should be considered around the pond.
- Each side of the entrance boulevard shall be 24-feet face-to-curb.
- Included in the private covenants shall be an alert to all future owners in this development that the quarry exceeds the depth for which our emergency dive team is rated.

If Commissioners offer support for the proposed project, the Petitioner will need to submit an annexation request and proceed through the approval process. After establishing approvals, the Petitioner will then need to submit a Land Use Plan amendment request in order to establish the appropriate classification for the project, and the site will need to be rezoned accordingly. Once this has been established, the Petitioner may proceed through the subdivision approval process.

Petitioner Craig Caliendo, President of Kings Way Homes, was in attendance and stated that developing this parcel has proven to be challenging since the water feature takes up so much space. He explained that this revised proposal shows the road moved closer to the water to ensure the homes are kept away from the wooded areas.

Planner Censky questioned Commissioners on what part(s) of the plan they would consider acceptable. Commissioners provided the following comments:

- Following the recommendations of SEWRPC in keeping the disturbance to the forest at a minimum, it is best to remove buildings from the northwest and southwest quadrants of the parcel.
- Redesign the roadway by pulling it back from the northwest quadrant to prevent encroachment of the woods.
- Extend roadway from the boulevard entrance to the south of the quarry to a point in the east property line in anticipation of plans to extend a public street to Sheboygan Road.
- Consider an emergency path or access through the woods instead of the paved roadway.

Planner Censky will summarize the comments from Commissioners and provide them to the Petitioner for consideration. The residents of several neighboring properties were in attendance and provided the following feedback.

Rob Vanden Noven, W68N1068 Kensington Avenue, owns a parcel that is adjacent to the quarry site. As the City Engineer and Director of Public Works for the City of Port

Washington, he deals with a lot of these issues in their community and has supported the preservation of many environmentally sensitive sites, most notably the 131 acres of the Cedar Gorge development on the bluffs along the lake. His office is next to the Great Lakes Bird and Bat Observatory and he has talked to them about his concerns, since there are a lot of bats, owls, hummingbirds, and other migratory birds in the quarry woods. He believes this woods is an asset to the neighborhood.

Mr. Vanden Noven provided Commissioners with a copy of his letter that was included in the meeting packet, along with more copies of the SEWRPC letter, a letter from Ozaukee County Parks and Planning that was emailed to Commissioners earlier, and three maps from the City of Cedarburg's Smart Growth Comprehensive Plan. He pointed out that this woods is the only environmental site in the City that is located on two maps: one being the woodlands, and one being wildlife habitats. He stated that this area is the only critical species identified in the City of Cedarburg and one of only seven areas identified in Ozaukee County. He referenced the finger of woods to the north of the parcel which connects to the Baehmann parcel, which is being preserved.

Mr. Vanden Noven stated that he believes that during the May 3, 2021 Plan Commission meeting, Commissioners recommended to preserve the woods in its entirety. During that meeting, the Developer agreed to get an opinion from SEWRPC. This letter from SEWRPC, included in the meeting packet, concludes that it requires full preservation of the site, not partial. He believes that SEWRPC has a wealth of knowledge on their staff and feels their letter speaks for itself.

Mike Mullen, W68N1056 Kensington Avenue, lives on property that is also adjacent to the quarry parcel. Mr. Mullen is an environmental educator at the Riveredge School in Saukville. He observed that the evaluation of the property identifies critical species; however, it does not refer to migratory animals, raptors, deer, turkeys, and so forth, that are seen in the woods. It does not mention the rest of the landscape, such as the 150-year-old maple trees, mature beech trees, and a rare stand of trees that forms a closed canopy with a clear understory. To cut the corners off and isolate the wooded areas would have the same effect as taking it all out. Migratory animals that flock from that property to the Baehmann parcel, to Cedar Creek, and to the north is a system that is all connected. Building the houses where they are shown on the proposed site plan would be disruptive to the woods, and result in the loss of sensitive species that thrive in that covered canopy. The property should be considered as a whole. Mr. Mullen expressed his approval that Commissioners are discussing ways to maintain the connection of the woods between the properties. He believes that buildings 1, 2, 3, 4, and 5 in particular would prove disruptive of the woods.

Leo Ehrlich, N102W6742 Susan Lane, lives next to the pond and park, and would like to reiterate that the woods remain connected and intact. Looking at the map makes the woods appear larger than it is, and a road cannot be added without the removal of trees. The wooded area is not deep, and you can see cars driving on the old road through the trees. If the woods is shaved down it would not allow the space to retain its natural state.

Eric Kittel, W68N1046 Kensington Avenue, lives adjacent to the corner property. He considers himself pro-development, but also pro-preservation where appropriate. Stating that he feels that the comments tonight from other residents resonate with him, Mr. Kittel believes that keeping the woods connected is the path forward. He moved here seven years ago and knew that Susan Lane would be connected at one point, acknowledging that this is necessary and appropriate. However, some things you cannot change and expect to get them back, such as 150 years of untouched forest.

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 Kinzel, seconded by Commissioner Cain, to adjourn the meeting at 8:55 p.m. The motion carried without a negative vote with Vice Chairperson Burgoyne excused.

Victoria Guthrie
Administrative Assistant