

**January 3, 2023**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, January 3, 2023, at Cedarburg City Hall, W63N645 Washington Avenue, Upper Level, Council Chambers and online 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, Vice Chairperson Kip Kinzel, Adam Voltz, Heather Cain, Tom Wiza, Sig Strautmanis

Also Present -      City Planner Jon Censky, Administrative Secretary Diana Salapata

**STATEMENT OF PUBLIC NOTICE**

Administrative Secretary Salapata 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 the December 5, 2022, meeting. The motion carried without a negative vote.

**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 THE PROPOSED CONDITIONAL USE PERMIT  
APPROVAL FOR A DOG GROOMING/ TRAINING/ BOARDING BUSINESS ON W70  
N5336 BRIDGE ROAD**

Mayor O'Keefe declared the Public Hearing open at 7:01 p.m.

Planner Censky reported that dog care facilities are permitted in the B-2 district and that the petitioners have submitted an operational plan regarding waste removal, training, and general plans that will hereafter be referred to as Exhibit A in the draft Conditional Use document with the Site Plan being referred to as Exhibit B.

Petitioner Ryan pointed out that a correction to the address be made, stating that it is not N70 W5266 Columbia Road but W70 N5336 Bridge Road that the dog care facility will be located at. He then proceeded to give a background on his wife and himself.

Petitioner Tierra Ryan took over the presentation and discussed the operational plan of the proposed business as was written in Exhibit A.

- Grooming would operate from 8:00 a.m.- 5:30 p.m. Monday-Friday and 9:00 a.m.- 2:00 p.m. on Saturdays. It would not be open on Sundays and holidays.
- Boarding would operate 24/7 but pick up and drop off for boarding would be in the morning and afternoon.
- Dog training will take place on weekdays from 5:30 p.m. to 6:30 p.m.
- The max capacity of boarding will be eight dogs and six cats
- The max capacity of grooming for cats and dogs in a day will be eight, with four being the capacity at a given time.
- Waste will be disposed of in real time and will be placed into a pet waste specific can where a third party will dispose of it off premises.

Petitioner Ryan emphasized that odor and noise management were important, and that a cleaning plan was in place and that a noise reducing fencing, as well as being the required distance away from residents, was fully addressed in the plan.

Mayor O'Keefe opened discussion to the Commissioners.

Council Member Thome asked whether any weight restrictions on the dogs would be placed. Petitioner Ryan stated that any restrictions placed would be individual dog behavior based. Following this line of questioning, Commissioner Cain asked, based on the different services provided, what the max number of animals allowed in a day was. Petitioner Ryan responded that approximately 42 total animals within a day would be on premises.

Commissioner Cain stated that rather than providing information on what services would be provided at the pet resort, Exhibit A should be strictly limited to concepts pertaining to advising the Commission on setting conditions, like number of employees, number of dogs, hours, parking, building ideas, and anything pertaining to the use of the property, rather than the highly detailed nature of what types of packages are offered in the services provided.

Mayor O'Keefe asked what would happen if multiple noise complaints were received in a day and whether that would affect the operation. Planner Censky responded that per Exhibit A, they would bring in any noisy dogs inside and if dogs persisted barking, they would not be allowed back to the facility. Furthermore, if noise complaints continued, the request would be brought back to the Commission.

Commissioner Cain asked if the boarding area was 100' ft away from the residential dwellings, too which discourse ensued on whether this measurement was to be from the use or from the structure.

Mayor O'Keefe opened discussion to the public.

The first person to raise a point was Cathy Czech who asked how people who work would take advantage of the 8 a.m. drop off time. Petitioner Ryan stated that since it was not a huge operation, the main goal was to not affect neighbors and to stick to strict work hours. Ms. Czech proceeded to state that it was a good presentation. She also stated that increasing the number of pets should be considered to keep business in Cedarburg because, currently, many citizens in Cedarburg have been taking their animals to Grafton or Saukville to get them groomed.

Justin Johnson, a neighbor of petitioner Ryan, raised a concern over noise level. He stated that when one dog went off, more would follow, and as a result, it was not a smart location to have a dog boarding/ daycare business. He also pointed out that a Conditional Use Permit allowed a business to operate unless they posed an adverse effect to the neighboring parcels. Mr. Johnson also asked about what the parking situation would be since it did not seem to be addressed. He went on to say that there were a lot of unanswered questions regarding this permit application.

Matt Lusk stated that even in his neighborhood, when dogs barked inside his neighbor's house, he could hear the barking in his own home. He stated that with this in mind, he could only assume that a lot of noise complaints would be made regarding the business.

The discussion turned back to the Commission and Council Member Thome followed up with a parking question. She asked about how traffic would be affected with the 8 a.m. pick up and 5 p.m. drop off. Petitioner Ryan responded that it would be staggered across the span of an hour depending on how many were coming through so traffic should not be affected.

The Commission decided to table the motion due to many missing components and lack of clarity regarding important details. Due to the address being wrong as well, the Conditional Use Permit request would need to be resubmitted, and thus no action could be taken.

### **ACTION TO CLOSE PUBLIC HEARING**

A motion was made by Council Member Thome, and seconded by Commissioner Strautmanis, to close the public hearing at 8:15 p.m. A roll call vote passed unanimously.

### **REQUEST THE APPROVAL OF AN EXTRATERRITORIAL LAND DIVISION TO SPLIT THE 27.84 ACRE PARCEL AT 1219 COUNTY I INTO TWO PARCELS OF 3 ACRES AND 24.84 ACRES**

Planner Censky presented the request for the approval of an extraterritorial land division to split the 27.84-acre parcel at 1219 County I into two parcels: one being three acres and

the other being 24.84 acres. He reported that no city sewer or water would be provided until annexation of the parcel into the City.

**Action:** A motion was made by Vice Chairperson Kinzel to approve the land division at 1219 County I into two parcels with the stipulation that no sewer/water from the city be made available. The motion was seconded by Council Member Thome and the motion carried unanimously.

**REQUEST APPROVAL FOR ENCROACHMENT OF THE VISION SETBACK TRIANGLE FOR DECK LOCATED AT N56 W6093 PORTLAND AVENUE**

Planner Censky presented a site plan that showed a slight encroachment of the vision triangle at N56 W6093 Portland Avenue. He stated that at previous meetings, it was established by the Plan Commission that a case-by-case basis was permissible regarding vision triangle encroachments. Commissioner Wiza stated that he had no problem with the encroachment from an engineer perspective, and from an architectural perspective, Commissioner Voltz also stated that he felt the slight encroachment should be allowed in this case.

**Action:** Motion made by Mayor O'Keefe to allow slight encroachment of the vision-triangle located at N56 W6093 Portland Avenue and seconded by Commissioner Voltz. Motion carried without a negative vote.

**REQUEST APPROVAL TO STORE CAMPER TRAILER WITHIN FENCED-IN PORTION OF PROPERTY YEAR-ROUND**

Planner Censky reintroduced the topic of the camper located at Art of Joy, where the Commission decided at the previous meeting to postpone a decision until the actual definition of the camper be addressed. Whether it be considered a mobile vendor/ food truck or just an accessory structure was the main issue due to the different regulations regarding both definitions.

Petitioner Mary Creten stated that she had done further research and that at the County and State level, it would not be classified as a food truck. Commissioner Cain recommended that this be discussed with the City Attorney in order to decide on making it either an accessory structure, thus requiring inspections to be done, or having it be a mobile food vendor, and thus only needing to go through the City Clerk.

**Action:** Action regarding on-site storage of the trailer was tabled until further decisions are made about what this trailer is to be defined as.

**DISCUSS THE LAND USE PLAN CLASSIFICATIONS FOR PROPERTIES AT/ NEAR THE HIGHWAY 60/ SHEBOYGAN ROAD AREA**

Michael Wirth, one of the potential developers of the site, gave a presentation on market viability for the property located off Sheboygan Road and State Highway 60. He presented

evidence that there would be low market success with retail and that it is cheaper to build residential homes instead due to current construction costs. He also stated that market timing is important to take into consideration when thinking about retail and commercial versus residential success.

Commissioner Wiza emphasized that there is a community consensus that saturation has been reached and that must be considered as well. He also stated that with the Business Park nearby, it might be wise to consider where they go out to eat, especially once it gets developed more. Council Member Thome reiterated this idea of keeping the Business Park in mind and stated that the property can be a mixed use as well, having commercial and residential use. Specifically, some commercial, and possibly, some senior housing as is labeled on the 2025 Land Use Plan.

The idea of a TIF was briefly brought up by a citizen, Tom Czech, but the challenge with a TIF was acknowledged and disapproved due to problems with cost and success rate.

Cathy Czech asked about why single-family housing wasn't being considered when it was highly needed, particularly affordable single-family housing. She stated that many people could not afford to live in Cedarburg due to the high cost of homes. She also stated that multifamily was not a good idea due to current oversaturation of the schools in Cedarburg.

The Commission decided that per the discussion, they might address the land use plan in the future, but that no changes would be taking place to the land use plan due to the difficulty of predicting market forces.

### **RECODIFICATION OF TITLE 13 ZONING CODE**

Further Code review will be postponed and then continue until review is complete.

### **COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Per the last meeting, Commissioner Cain had some comments regarding the Architectural plan discussion regarding the Quarry development from the last meeting pertaining to the details of the plans.

### **MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe had no announcements.

### **ADJOURNMENT**

A motion was made by Mayor O'Keefe, seconded by Commissioner Kinzel, to adjourn the meeting at 10:26 p.m. The motion carried without a negative vote.

Diana Salapata  
Administrative Secretary