

CITY OF CEDARBURG  
PLAN COMMISSION

PLN20170403-1  
UNAPPROVED MINUTES

April 3, 2017

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, April 3, 2017 at Cedarburg City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. The meeting was called to order at 7:00 p.m. by Mayor Kinzel.

Roll Call: Present - Mayor Kip Kinzel, Council Member John Czarnecki, Mark Burgoyne, Greg Zimmerschied, Heather Cain, Daniel von Bargaen

Excused - Mark Poellot

Also Present - Council Member Patricia Thome, City Planner Jon Censky, Administrative Secretary Darla Drumel

**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 Commissioner Cain seconded by Council Member Czarnecki to approve the minutes of March 6, 2017 as presented. The motion carried without a negative vote, with Commissioner Poellot excused.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Mayor Kinzel advised that comments from the public would be accepted at this time, or would be accepted at the time an issue is being discussed. No comments were offered at this time.

**TEMPORARY USE REQUEST TO PARK A POPCORN CART AT W64 N707 WASHINGTON AVENUE FROM MAY 1, 2017 TO DECEMBER 31, 2017 – JAMES FORTUNATO**

Planner Censky reported that the applicant is requesting temporary use approval to park an old fashioned popcorn cart on the grassy area adjacent to the public sidewalk along the Bridge Street frontage at the northwest corner of Washington Avenue and Bridge Road. He proposes to sell popcorn from this site from May 1, 2017 to December 31, 2017, including weekends and Festivals, from 10:00 a.m. to 7:00 p.m.

Commissioners were reminded that this is the same location that Mr. Fortunato was approved to park his antique popcorn wagon back in 2011 and prior to that

Mr. Klapproth received approval for the same operation in 2008. He added that there have been no complaints when the popcorn sales were operating in the past.

Commissioners were also reminded that the Amish Craftsmen Guild II was granted permission to have two patios on this site for the seasonal outdoor display of their merchandise. One display will occupy the two parking stalls at the southeast corner of the parking lot and the other is located between the parking lot and their front sidewalk leading to the building east building entrance.

This request was reviewed by the Landmarks Commission on March 9, 2017 and was recommended by unanimous vote.

According to **Sec. 13-1-22(f) Temporary Use Restrictions**, temporary uses that exceed 14 days may be permitted with conditions and/or restrictions established by the City Plan Commission after review and approval. Staff recommends the following stipulations be considered:

- Any substantiated problems with this use shall be corrected immediately upon notification and, if not corrected, the use may be required to be discontinued.
- The popcorn cart shall be parked no closer to the public sidewalk than two (2) feet.
- No unattended merchandise stands or unattended merchandise displays or materials may be allowed.
- The applicant shall, on a daily basis, pickup and properly containerize all litter resulting from this use.
- Use of the on-street waste barrels is not permitted.

Commissioners received correspondence from the president of the Amish Craftsmen Guild II requesting that a more appropriate location be chosen for the popcorn cart. She stated that although she very much liked Mr. Fortunato's presence in Cedarburg and wished him luck and fortune, the site does not feel like an ideal location or is even a win win proposition:

*There has been great consideration and thought put into my response.*

1. *This corner is ideal with the current signage and the seasonal pergola La Rosa constructs for us. The Pergola has already been approved for this year. It seems that anything more would be a distraction from the ideal setting we have created and perhaps edging on cluttered. After 17 years of doing shows and having dealt with numerous awkward situations regarding people that are not interested in our furniture eating in our booth it seems it potentially sets ACG2 up for awkward and unsettling situations with those that aren't interested in our furniture and those that are.*
2. *Recently we have battled a situation relating to perceptions of oils in our furniture. While we disagree there has been ANY such issue it seems it would be counterproductive and perhaps ironic that people would be sitting on our furniture*

*with those very oils on their fingers touching our furniture potentially creating an issue for us.*

*Jimmy, I wish you well and look forward to seeing your presence in Cedarburg and enjoying your popcorn, just not so close by on this corner.*

*Have you considered addressing the city about a more ideal location?*

The property owner, Duey Stroebel, was present and expressed support for Mr. Fortunato's request to operate his popcorn cart at this location. In response to concerns about the impact on The Amish Craftsmen Guild II, Mr. Stroebel advised that he would work to address those concerns with both parties.

**Action:**

Commissioner von Barga moved to approve Mr. Fortunato's Temporary Use request to park a popcorn cart on the grass at W64 N707 Washington Avenue from May 1, 2017 to December 31, 2017. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote, with Commissioner Poellot excused.

**CONCEPT REVIEW OF APARTMENT COMPLEX ON 18.70-ACRE PARCEL ON THE EAST SIDE OF SHEBOYGAN ROAD DIRECTLY NORTH OF THE GLEN AT CEDAR CREEK – S. DUANE STROEBEL, JR.**

Planner Censky advised that the applicant is seeking consultation regarding his proposed multi-family project on the vacant 18.7-acre parcel of land located directly north of The Glen at Cedar Creek subdivision on the east side of Sheboygan Road. This project will consist of 12, sixteen-unit apartment buildings, served by a private driveway/parking system resulting in a total of 192 units and a density of 10.3 units/gross acres or 14.9 units/net acre (Net acreage = gross acreage minus right-of-way dedication and conservancy area). The plans propose 383 parking stalls, 192 of which will be enclosed and the remaining 191 will be surface stalls, resulting in a count of 2 parking stalls per unit. City Code requires 1.5 stalls per unit.

Planner Censky noted that this project will require an amendment to the Comprehensive Land Use Plan as the current classification for this property is for High Density Residential (Elderly Housing not to exceed 20 units/acre). Accordingly, since this project will not be age restricted, the Comprehensive Land Use Plan must be amended from the High Density Residential Elderly Housing classification to High Density Residential at a density of up to 16.1 units/acre. This project will also require a zoning change from the Temporary Rs-1 District that was applied when this property was annexed into the City in 2005 to the RM-2(PUD) Districts.

Procedurally, if Commissioners support this concept, the applicant will then need to file a petition and application fee with the City Clerk for an amendment to the 2025 Comprehensive Land Use Map and the City's Zoning District map. The petition will be presented to the Common Council for referral to this Commission for review and recommendation.

Planner Censky reported that the impact fee for the proposed project would be \$998,849.28 due at the time of building permit application.

Since the location of this high-density residential site is far removed from our downtown business and service area and even further from the south business district, the Land Use Plan was designed to address that by classifying the property directly to the north as commercial. The intent was to encourage future neighborhood commercial development that would support the everyday needs of residents in this area.

Mr. Stroebel's project will be served by sewer and water facilities extended from The Glen at Cedar Creek subdivision through his site to the north property line and then will be available to serve the future commercial development of the adjoining parcel north thereof. However, for the sewer extension to work, a couple of the buildings within Mr. Stroebel's project will need to be shifted to provide a path for that sewer system. Planner Censky reminded Commissioners that the City's goal is to try and achieve the look and feel of Cedarburg in terms of architectural style and site layout, and encouraged further attention be given to design.

It was noted that this site is downstream from several large tracks of undeveloped parcels and therefore the applicant will need to work closely with our City Engineer to insure proper grading and storm water management. Furthermore, since the applicant does propose work in the conservancy area at the east end of this site, DNR approval and wetland delineation will be required.

Planner Censky noted that the applicant is simply seeking feedback on the site design, architectural elevations, density, traffic patterns, etc. Based on your feedback, the applicant will then adjust his plans accordingly and petition for Land use Plan and Zoning Map amendment.

Duey Stroebel, the property owner and developer, advised that when the property was annexed to the City ten years ago, the expectation was for a senior housing development with three-story buildings. With the changing demographics, he is seeking to change the Land Use map and the zoning to allow for apartments at 10.3 units per acre as compared to twice as much with the current Land Use Plan. His plan would target "Renters by Choice" for the high-end units with high-end amenities. The density is required to support the costs associated with the high-end development similar to his Cedar Place condominiums located on McKinley Boulevard in Cedarburg. The buildings would be craftsmen-style with different materials, colors, and textures (stone, wood, hardie board). He pointed out that he would return with more detailed architectural plans and material samples that would show a connection with the City of Cedarburg. The development would include a clubhouse along the entryway to the development, with screening from the activities across Sheboygan Road. The clubhouse would include their rental office, a swimming pool, workout facility, parcel post delivery facility and patio. The apartments would have separate entrances with a spacious open space floor plan. Each unit would have a patio or deck, nine-foot ceilings, garage and surface parking spot. Most of the garages would be attached. The rental fees would be between \$1,200 to \$2,000 per month.

Traffic from the development could choose to go north to Highway 60 if their destination is not the City of Cedarburg. Also, vehicular traffic to the south could have less impact as the City is within walking distance. This property is a blank slate that will complement the current development by providing a transition for single-family homes to the potential commercial development along Highway 60. This project would be a \$20,000,000 asset with zero public infrastructure and private utilities. Mr. Stroebel's plan is to privately hold the development a long time so the project would be one he and the community could be proud of. No Tax Incremental Financing would be involved and would provide a housing option that is not available in the City of Cedarburg at this time.

Commissioner Zimmerschied suggested that the four buildings on the south of the development be reconsidered as townhomes to better transition from the single-family development adjacent.

Council Member Czarnecki advocated moving buildings to soften the impact on the south border of the project.

Mr. Stroebel countered that the buildings would not be taller than two stories, and acknowledged that he had the responsibility of providing municipal services through his parcel to the property to the north. He added that the services were always depicted along the edge of the environmental corridor where the sewer would not have to be constructed so deep.

Council Member Czarnecki also believed that the speed limit on Sheboygan Road be adjusted with the construction of deceleration and acceleration lanes.

In response to a question from Vice Chairperson Burgoyne regarding the phasing of the project, Mr. Stroebel advised that he would plan on building those structures closest to Sheboygan Road and within a few years build toward the back of the parcel. He has several developments and therefore has a good idea of what type of housing the market will support. Not much multi-family has been developed in many years and there is an unmet demand for rental by choice.

Commissioner Cain questioned whether the homes in The Glen at Cedar Creek were mostly ranch-style single-story construction and was advised that they were. She asked if the proposed two-story buildings would tower over them. Mr. Stroebel responded that he did not believe they would as they would be no taller than some of the homes in the Cedar Pointe Subdivision.

Mayor Kinzel stated he understands the need for density and replicating the buildings as cost containment measures, but advocated softening the south line of the proposed development as single-family homes will sit right next to four multi-family apartment buildings. He proposed possibly moving the density north and/or providing heavy landscape buffering between the two developments. Mr. Stroebel pointed out that only four lots would be affected and the buildings would be more than twenty feet away from the lot line, which is twenty-five feet from the north boundary of The Glen at Cedar Creek.

Planner Censky pointed out that there is a twenty-five foot strip of land in the Town of Cedarburg that is between the lot lines of both developments.

Jeff Custer of 5531 State Highway 60, directly east of the proposed development, pointed out that there is a swamp (not wetlands) on the parcel and has concerns about his property flooding

when Mr. Stroebel's project is built. Mr. Stroebel assured him that his development will not be permitted to any stormwater runoff that exceeds what already is experienced.

Mayor Kinzel noted that this is the type of development needed to provide a buffer between the single-family development and the proposed commercial use to the north. He appreciated the time that Mr. Stroebel took to receive feedback from the Plan Commission.

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

No comments or announcements were offered.

### **MAYOR'S ANNOUNCEMENTS**

There were no announcements.

### **ADJOURNMENT**

Vice Chairperson Burgoyne moved to adjourn the meeting at 7:38 p.m. The motion was seconded by Commissioner Czarnecki and carried without a negative vote, with Commissioner Poellot excused.

Darla Drumel,  
Administrative Secretary