

CITY OF CEDARBURG  
PLAN COMMISSION

PLN20181105-1  
UNAPPROVED MINUTES

November 5, 2018

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, November 5, 2018 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 Michael J. O'Keefe.

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

Excused - Sig Strautmanis

Also Present - Council Members Daniel von Bargen and Kristin Burkart, City Planner Jon Censky, Administrative Secretary Darla Drumel, news media

**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**

Council Member Thome moved to approve the minutes of the meeting held on October 25, 2018. The motion was seconded by Commissioner Voltz and motion carried without a negative vote, with Commissioner Strautmanis 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 FOR CONDITIONAL USE PERMIT REQUEST TO OPERATE A HAIR SALON AT N19 W6733 COMMERCE COURT – ISAAC AND RACHELLE COVERT d/b/a SALON BEATRICE**

Mayor O'Keefe declared the public hearing open at 7:01 p.m.

Planner Censky reminded Commissioners that the zoning text for the M-3 Business Park District was recently amended to allow "*Hair Salons*" as a conditional use. Having the approval process now established, Rachelle Covert is now requesting Conditional Use approval to operate her salon business from within the building at N19 W6733 Commerce Court. According to her information, the salon will be open Monday through

Friday from 10:00 a.m. to 7:00 p.m. and Saturday from 8:00 a.m. to 3:00 p.m. This will be a State-licensed salon with two hair cutting stations.

As previously noted, the M-3 Business Park District allows uses such as indoor athletic facilities, day care facilities medical clinics and veterinary hospitals as conditional and because this use has similar characteristics this request seems appropriate as proposed. Accordingly, staff recommends approval subject to the conditions listed in the Conditional Use Document included in your packet.

**Action to Close Public Hearing:**

A motion was made by Commissioner Zimmerschied, seconded by Vice Chairperson Burgoyne, to close the public hearing at 7:03 p.m. The motion carried without a negative vote, with Commissioner Strautmanis excused.

**Action:**

Council Member Thome moved to approve the Conditional Use Permit for a hair salon with, among others, the following conditions:

1. Exhibit A include the description of the proposed operations, the interior layout, and the location map.
2. The hours of operation are Monday through Friday from 10:00 a.m. to 7:00 p.m.; and Saturdays from 8:00 a.m. to 3:00 p.m.

The motion was seconded by Commissioner Cain and carried without a negative vote, with Commissioner Strautmanis excused.

**CONSIDER APPROVAL OF PLANS FOR AN INFILL HOME ON THE VACANT LOT LOCATED AT W61 N343 WASHINGTON AVENUE – DAVE AND CYNTHIA BISHOP-ASPEN HOMES**

Planner Censky advised that Cynthia and Dave Bishop recently purchased this lot and have begun site preparation to construct a new home. As part of their site preparation they have removed a number of trees and are now pursuing a building permit. Since this lot is located in a predominately built-up area where it is bounded on two or more sides by existing homes, it is classified as an infill lot. According to Section 13-1-122 of the Zoning Code, architectural plans for infill lots shall be submitted to the Plan Commission for review and a determination that the structure is compatible with the surrounding area and either approve, approve conditionally or reject the plans.

This will be a two-story home with an attached front-facing garage on the north half of the east elevation and a covered front porch extending the depth of the garage on the south half of said elevation. The upper level gable is centered over the first-floor front window system and will support matching windows. The home will be sided with Hardie Board siding, Hardie Board shake shingles on the gables and covered with a dimensional shingle roof. These plans are in full compliance with the dimensional requirements of the Rs-5 Zoning District and that sanitary sewer and water laterals have

already been installed to the property line. Dave and Cynthia Bishop will be required to pay impact fees (in the amount of \$7,843.39 for 2018) at the time of permit.

Commissioners questioned whether the home was complementary to the nearby homes with a front-facing garage and with a gable above it that made it more prominent. It was noted that the neighboring lot was the same width and had a side driveway with the garage in the rear yard. The possibility of a detached garage was discussed.

Ms. Bishop responded that designing a home to fit the lot had been challenging and that they definitely want an attached garage. Her efforts have been to assure that the new home would not block the view from the existing neighbors' bay windows.

Lisa Gonzales of W61 N339 Washington Avenue, directly south, stated that she could not believe it would have been feasible to build a house on the vacant lot and questioned why the City had to cram in so many homes so close to each other. That said, Ms. Gonzales noted that Cynthia and Dave Bishop are trying to design a home that is considerate of its neighbors and she would not like to see a driveway abutting hers. She also noted that the lots are not perpendicular to Washington Avenue and she would like the home to be squared to Washington Avenue as are the other homes on the street.

Ms. Bishop responded that her new home would then line up with the street.

Jacob Knox of W61 N347 Washington Avenue pointed out that he and the Gonzales family have taken care of the vacant lot and used it as an extension of their yards. They investigated buying the lot and then splitting it between the two property owners, but the fact that the lot was buildable made it too costly to consider buying. He advised that the new property owners have done everything right and have been very sensitive to the adjacent neighbors. He appreciated the siting of the house because it would not block the view from his windows, the gable matches the gable on his home and he does not want a driveway going into the back yard. Mr. Knox agreed that the home should be square to Washington Avenue, but likes the design and materials. In his opinion, the proposed home fits in the neighborhood just fine.

After a lengthy discussion about various design options Commissioner Voltz agreed to meet at City Hall with Dave and Cynthia Bishop, and the City Planner, to discuss options to make the home compatible with the neighborhood.

**CONSIDER REQUEST FOR SECOND DRIVE APPROACH AT W67 N740  
EVERGREEN BOULEVARD – LEANN FABIAN**

Planner Censky explained that because the existing garage is too close to the property line for expansion purposes, Leann Fabian is proposing to convert the single-car garage space into livable area but will retain the existing driveway for parking and pickup/drop-off purposes. She is also proposing to construct a new two-car garage off the northeast corner of the home with a second driveway onto Walnut Street. **Section 6-3-1(b)(7) of the Code of Ordinances** states: **No more than one (1) driveway entrance and**

**approach shall be constructed for any lot or premises except where deemed necessary and feasible without impairment of safety, convenience and utility of the street by the Plan Commission.** Accordingly, Commissioners must determine that the second driveway approach is feasible and will not impair safety.

Planner Censky pointed out that the grade of this home is substantially higher than the grade of Walnut Street and therefore Ms. Fabian will need to construct a retaining wall as part of the installation of the driveway. He noted that the Plan Commission has in the past permitted two curb cuts on low-traffic local streets where safety is not sacrificed. While it is smart practice to limit conflict points along busy public streets, the location of the proposed drive is east of the intersection where low traffic is normal.

Kurt Thompson, representing Ms. Fabian, advised that the intent is to use the existing driveway for pickup and drop-off of a physically challenged individual where no stair climbing is required.

Commissioners discussed the merits of having two completely separate driveways on the same property, that Evergreen Boulevard is a busier street than Walnut Street and whether a precedent would be set. If the approval were granted, Commissioners suggested that areas of concrete on the Evergreen Boulevard driveway near the home be removed to allow for plantings.

**Action:**

A motion was made by Vice Chairperson Burgoyne, seconded by Council Member Thome, to approve the installation of a second drive approach accessing Walnut Street to serve a new two-car garage, being based on the unusual circumstance which requires retaining the Evergreen Boulevard drive for ADA access. The approval is subject to:

1. The owner to coordinate the street tree replacement with the City Forester.
2. The applicant securing a building permit prior to construction.
3. Concrete of the existing drive nearest the home be removed for plantings.

**Motion Amendment:**

Commissioner Zimmerschied asked that the value of the new street tree be waived similar to the Hepburn request a few years ago. Vice Chairperson Burgoyne and Council Member Thome agreed to amend the motion to grant the same waiver to Ms. Fabian.

The motion as amended carried without a negative vote, with Commissioner Strautmanis excused.

**CLARIFY THE CONDITIONS OF APPROVAL FOR THE USE OF ELECTRONIC READER BOARDS – JOHN KOSTER/CEDARBURG SCHOOL DISTRICT**

Planner Censky advised that the Plan Commission, at their September 9, 2016 meeting, granted approval of new electronic message boards to replace existing changeable

letter signs at Cedarburg High School, the PAC and at the Webster Transitional School. Because of the potential impacts of these signs on the surrounding residential neighborhood, the approval was granted with the condition that the signs have a black background with white letters and the message remain static. The intent was to allow Cedarburg High School staff to change the message on the new signs from within their building but that the new signs would mimic the changeable letter signs they replaced.

When these signs were installed this summer, the use of the signs started with attention getting displays of the American flag flashing across the screen along with fireworks, a smiley face, and other graphics that drew attention to passerby's and a reaction from the neighborhood. When informed of the complaints and reminded of the conditions of approval, the School District adjusted the messaging to a use more consistent with the approval, however the message as of now changes at five-minute intervals. Staff was asked to bring this request back to you for clarification of the stipulations of approval and use of the signs going forward.

John Koster, School District Director of Facilities, explained that it took a great deal of effort to overcome the present settings of the system and it took several weeks to get the programs running as they should. The message boards are now turned on at 5:00 a.m. and turned off at 10:00 p.m., the message is changed only when it is turned on in the morning so there is only one message a day, no graphics are displayed, the font is identical to their original message board, the display is white letters on a black background with the brightness reduced by 40%.

Commissioners discussed the fact that since this could be precedent setting, having electronic signage in a predominantly residential area could be difficult to administrate and monitor for other similar institutions in the City.

The consensus of the Plan Commissioners was that the current use of the electronic boards was acceptable, with the conditions that the font height not exceed six (6) inches and the white letters be changed to a more yellow light.

**CONSIDER SITE, ARCHITECTURAL, EXTERIOR LIGHTING, LANDSCAPING AND STORMWATER PLANS FOR A NEW ORTHODONTIC FACILITY ON THE NORTHEAST CORNER OF PIONEER ROAD AND EVERGREEN BOULEVARD – ALISON MANTEL, DDS, MS**

Planner Censky pointed out that the land use designation and zoning for this property was changed last summer by action of this Commission and the Common. According to the proposed plans, Dr. Mantel is proposing a low single-story 3,702 square-foot clinic supported by 25 onsite parking stalls. The proposed plans are in full compliance with the dimensional requirements of the Code.

The exterior lighting plan consists of two pole-mounted fixtures in the parking lot and three bollard path fixtures along the sidewalk north of the building. The parking lot fixtures will stand 15 feet tall and are to be located along the west side of the lot. These HessAmerica pole lights are directed downward and will contain LED light fixtures. The

bollard path fixtures are to be located along the south edge sidewalk also direct light downward.

The landscape plan retains the four existing spruce trees at the southwest corner of the site, the one spruce tree at the southeast corner and the six spruce trees along the north property line. Between the parking lot and the front public sidewalk, the plan introduces five 3-inch Sugar Maple trees and two Sugar Maples are proposed within the parking lot. The open space along the Evergreen Boulevard frontage will be planted with a mixture of low-grow hard, sheep, chewing, red and creeping fescue grasses. The open space east of the proposed building will support the stormwater retention pond and will be planted with prairie grasses and flowers.

Planner Censky advised that while the plans show a single-story, attractive, contemporary looking building, it is unlike other buildings in the area. In reviewing and approving architectural plans staff notes that Commissioners are guided by **Section 13-1-122 Architectural Review Principles, Standards and Procedures**, which states: **Architectural style is not restricted; however, structures must be compatible with the surrounding area. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained. The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development.** Accordingly, Commissioners will need to establish that while architectural style is not restricted, the design of this building harmonizes and corresponds to the existing character of the neighborhood. Staff notes that across the street to the west is Today's Dentistry with sloping roof line reflective of the adjacent residential neighborhood; however, to the north is the flat roof industrial buildings of the City's Business Park.

Alison Mantel, DDS, MS explained that her goal is to provide a very natural and relaxing environment for her patients by including natural lighting and landscaping. Architect Sebastian Schmaling of Johnsen Schmaling Architects reviewed the plans and materials with Commissioners.

Commissioners discussed the viability of the green wall; concern of maintenance of the prairie grasses, and what light spillover might occur along the east elevation. It was generally concluded that the architecture added to the diversity of the architecture along Pioneer Road and was compatible with the surrounding area.

**Action:**

Vice Chairperson Burgoyne moved to approve the site, architectural, exterior lighting, landscaping and stormwater management plans as proposed by Dr. Mantel, subject to:

1. The three (3) lots are to be combined into one parcel.
2. City Engineering Department approval of the stormwater management plans is secured prior to the issuance of a building permit.
3. Payment of the appropriate impact/development fees prior to the issuance of a building permit.

4. The unused sanitary sewer and water laterals must be abandoned at the main line.
5. If the green wall is not constructed, plans would need to be approved by the Plan Commission for the replacement wall construction, color and materials.

The motion was seconded by Council Member Thome and carried without a negative vote, with Commissioner Strautmanis excused.

**CONSIDER ORDINANCE TO AMEND SUBDIVISION REGULATIONS TO ESTABLISH ULTIMATE RIGHT-OF-WAY WIDTHS AND AN ORDINANCE TO AMEND THE RS-5 AND RS-6 RESIDENTIAL DISTRICTS SETBACK REQUIREMENTS – CITY OF CEDARBURG**

Planner Censky noted the road right-of-way dedication requirement was discussed when considering the Feider infill home request at W61 N839 Sheboygan Road and approved a variance to relieve the property owners of that requirement. It was then questioned whether there is the need for such an expansive right-of-way width in the older areas of Cedarburg. Staff was asked to look into the width requirement and consider making changes as necessary to establish more reasonable road right-of-way widths. In addition, staff was asked to identify other older neighborhoods of Cedarburg where existing homes have similar problems with setbacks as those along the east side of Sheboygan Road, and to then prepare relief for those neighborhoods either through the creation of a new zoning district or an amendment to an existing district.

The Subdivision Code currently establishes the ultimate road right-of-way based on the classification system of the road as follows:

- Local Streets: 60' (i.e. 30' from center line).
- Collector Streets: 80' (40' from center line).
- Major Arterials: 100' (50' from center line).

According to City Code, before any zoning permit can be issued, the ultimate road right-of-way must be dedicated to the City. These widths were set with the adoption of the Subdivision Code in 1989. After consulting with the City Engineering Department, the attached Ordinance proposes adjustments to the ultimate right-of-way widths that better reflect the City's needs for installing roadway surface and public utilities. Through their analysis, the Engineering Department determined that along certain sections of roadway, the ultimate road right-of-way width, established by the Subdivision Code, far exceeds our needs and reductions of certain right-of-way widths are recommended.

With respect to the issue of identifying homes in older neighborhoods in the City that are similarly situated to the Sheboygan Road homes, staff has been working with the City Attorney to address this through a Zoning Code amendment. Our research indicates that the majority of homes classified as legal nonconforming due to inadequate setback are located in either the Rs-5 Single-Family Residential District or the Rs-6 Single-Family/Two-Family Residential District. Instead of creating a new zoning district to render these homes conforming, it is recommended that a simple zoning text change to

those two districts will suffice. In order to preserve and protect the character of these older neighborhoods, an ordinance was drafted to render all existing homes as conforming structures. With this text amendment the setback requirement for those lots that contain an existing home shall be based on the existing building location and if the existing building is ever damaged or destroyed due to a calamity the building will be restored to, or replaced at, the location it had immediately before the destruction occurred. New homes proposed for vacant lots within these districts shall be setback in accordance with Code requirements.

**Action:**

A motion was made by Commissioner Cain, seconded by Council Member Thome, to recommend both proposed ordinances for adoption, with the addition of a bracket after Hamilton Road in Item 7 and Lincoln Boulevard in Item 8 in the Ultimate Road Right-of-Way Width ordinance. The motion carried without a negative vote, with Commissioner Strautmanis excused.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

**Plan Commission Review of Public Park Structures**

Commissioners questioned why public park structures are constructed without Plan Commission approval. In order to preserve the historic character of Cedarburg, as many buildings as possible should require their review and as much citizen input as possible.

**Special Meetings**

Commissioners questioned the merits of scheduling special Plan Commission meetings.

**MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe had no announcements.

**ADJOURNMENT**

A motion was made by Council Member Thome, seconded by Vice Chairperson Burgoyne, to adjourn the meeting at 9:34 p.m. The motion carried without a negative vote, with Commissioner Strautmanis excused.

Darla Drumel,  
Administrative Secretary