

CITY OF CEDARBURG
PLAN COMMISSION

PLN20181203-1
UNAPPROVED MINUTES

December 3, 2018

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, December 3, 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, Sig Strautmanis

Also Present - Council Members Jack Arnett and Rick Verhaalen, 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 November 5, 2018. The motion was seconded by Commissioner Voltz and 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.

CONSIDER APPROVAL OF NEW HOME PLANS FOR AN INFILL LOT AT W61 N343 WASHINGTON AVENUE – DAVE AND CYNTHIA BISHOP

Planner Censky noted that Dave and Cynthia Bishop's architectural plans were discussed at the November 5, 2018 meeting but action was withheld out of concerns that the design was out of character with the neighborhood. The prominence of the front-facing garage was considered inappropriate for the area and Commissioner/architect Adam Voltz and staff were asked to meet with the Bishops and their architect to find a workable solution to address Commissioner concerns. That meeting was held on November 7, 2018 with a very productive exchange where all

parties realized at the outset that due to the minimal width of the lot, a side entry garage and a driveway along the side of the house to the rear yard was not workable. The group concentrated their efforts on how to diminish the look of the large front garage facing Washington Avenue, which resulted in shifting the main front gable from over the garage to instead be more centrally located on the home over the lower level windows. They also provided a more interesting design to the overhead garage door. The intent of this change is to diminish the concentration of design on the front-facing two-car garage and instead directs one's attention to the front porch/pedestrian entrance.

The home will be sided with Hardie Board siding, Hardie Board shake shingles on the gables and covered with a dimensional shingle roof. Material and color samples were approved at the November 5, 2018 meeting.

Planner Censky confirmed that the plans are in full compliance with the dimensional requirements of the Rs-5 Zoning District. He noted that sanitary sewer and water laterals have already been installed to the property line and that the Bishops will be required to pay the adjusted impact fees (i.e. minus the sewer connection fees for 2018) at the time of permit.

Action:

A motion was made by Council Member Thome, seconded by Vice Chairperson Burgoyne, to approve the site and architectural plans for Cynthia and Dave Bishop subject to:

1. Payment of impact fees
2. The applicants securing a building permit prior to commencement of construction.

The motion carried without a negative vote.

Additional Discussion:

Commissioner Voltz stated that the proposed railing was not a condition of final approval.

CONSIDER APPROVAL OF TWO-LOT CERTIFIED SURVEY MAP TO DIVIDE PROPERTY LOCATED AT W69 N943 WASHINGTON AVENUE – ARLENE GROTH

Planner Censky advised that Arlene Groth is seeking approval of a Certified Survey Map which will serve to divide the existing 4.194-acre parcel located at W69 N949 Washington Avenue into two separate lots of 3.194 acres (139,128sf) and 1 acre (43,560sf) in size. This parcel currently has two homes (one legal non-conforming) on one site and the proposed division will split the parcel into two with one home per parcel; both homes conforming. Since this land division will not result in the dedication of public right-of-way, Common Council approval is unnecessary. These lots are compliant with the Rs-3 District regulations.

Planner Censky noted that there is an existing drainage way along the south property line that must be protected and maintained. He noted that a 10-foot public drainage easement has been added to the proposed CSM.

Action:

Vice Chairperson Burgoyne moved to approve the proposed CSM subject to the introduction of a 10-foot-wide drainage easement along the south property line. The motion was seconded by Commissioner Strautmanis and carried without a negative vote.

CONSIDER A SIGN CODE WAIVER TO ALLOW INTERNAL ILLUMINATION OF THE EXISTING MONUMENT SIGN AT W63 N108 WASHINGTON AVENUE – FIRST CHURCH OF CHRIST, SCIENTIST

Planner Censky reported that the congregation of First Church of Christ, Scientist is requesting a Sign Code waiver to power up their existing internally-illuminated sign on the Pioneer Road frontage of their Church site located at the northeast corner of Washington Avenue and Pioneer Road. They are seeking this waiver to be allowed the same internal illumination that has been allowed for other signs in the area. **Section 15-5-14(d)(7)** of the Sign Code states that **illumination shall be external only**, so the congregation is appealing the denial of City Building Inspector Mike Baier for a waiver in accordance with Section **15-5-3(f)** of the Sign Code which states: **Appeals of the decision of the City Building Inspector under this Chapter shall be made by the Plan Commission. Further appeal of the ruling of any such decision by the City Plan Commission shall be to the Common Council.**

Planner Censky noted that the First Church of Christ, Scientist is in an area of Cedarburg that is more business in character and many of the signs along Pioneer Road are internally lit. Directly across the street to the west is the Speedway Gas Station with an interior lit sign, caddy-corner to the southwest is the recently-approved Scot Pump interior lit sign, and as one travels east from this corner there are numerous similarly lighted signs. This request is consistent with recent approvals in the area.

Commissioners discussed the need to avoid setting precedents that encouraged petitioners to request waivers from the Code. Also discussed was the possibility of modifying the intensity of the light and/or restricting the hours a sign is lit. Suggestions for a revised Sign Code were that future signs include the materials used on the building.

Paul Gutelius, representing First Church of Christ, Scientist, advised that when last meeting with a City board he was told that a stone base was not appropriate and that the vision should not be blocked under the sign.

Action:

Mayor O'Keefe moved to approve the waiver to allow the new sign for First Church of Christ, Scientist to internally light their sign. The motion was seconded by Council Member Thome.

Continued Discussion:

Commissioners suggested that a revised Sign Code be presented at the next meeting for review.

Final Action:

The motion carried without a negative vote.

CONSIDER MODIFICATION OF APPROVED ARCHITECTURAL PLANS FOR GARAGE BUILDING AT W63 N667 WASHINGTON AVENUE – MARTY SCHOENKNECHT

Planner Censky advised that Marty Schoenknecht obtained Plan Commission approval in 2016 for a pitched roof to replace the existing flat roof over the garage of his downtown property at W63 N667 Washington Avenue. Mr. Schoenknecht has just begun the process of installing the pitched roof and has immediately run into structural problems that have brought construction to a halt until the problem is resolved. Specifically, the existing garage was not structurally designed to support the heavy load of the proposed pitched roof and until it is structurally reinforced to address the problem, work cannot continue. This is before the Plan Commission so he can continue and hopefully beat the weather to come.

To properly address the problem, Mr. Schoenknecht needs to tear down the south wall, introduce a header board and then reconstruct that wall. Since he is going to be reconstructing this wall anyway for future renovation plans, he proposes to introduce two smaller overhead doors, a pedestrian door and then cover the remaining area with Hardie Plank siding to match the newer siding on his building. These changes would be considered temporary because Mr. Schoenknecht does have plans to convert the garage area into residential units in the future. Until that happens though, he is hoping for support for these plans so that he can continue with the roof addition. Since immediate action is needed, the project was not presented to the Landmarks Commission.

Since the look of the existing south façade of this garage is highly unattractive and this is temporary until Mr. Schoenknecht pursues his future conversion plans, coupled with the timing of this work, staff recommends approval to allow work to resume immediately.

Commissioners questioned how to define “temporary.” They also asked to have a recommendation from the Landmarks Commission. It was noted that the pitched roof was approved by the Landmarks Commission and Plan Commission, with no changes to the south façade of the building.

Action:

A motion was made by Commissioner Zimmerschied, seconded by Vice Chairperson Burgoyne, to proceed with the structural aspect of the construction to support the approved pitched roof if no changes are made to the south façade. Changes made to the south façade must first be reviewed by the Landmarks Commission and approval obtained from the Plan Commission.

Continued Discussion:

Commissioners discussed the intent of the motion which was that Mr. Schoenknecht can rebuild the supporting structure for the pitched roof without changing the materials or door locations. He could also make his property an obvious construction site. To change any building materials or architectural elements, he will have to go through the established approval process including both Landmarks Commission and Plan Commission review and approval.

Call the Question:

Vice Chairperson Burgoyne moved to call the question. The motion to call the question was seconded by Commissioner Zimmerschied and carried without a negative vote.

Final Action:

The motion carried without a negative vote.

CONSIDER RECOMMENDING PROPOSED AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE FOR THE REGULATION OF POCKET NEIGHBORHOODS – KIT KELLER, PAUL RUSHING, TOM KUBALA

Planner Censky recalled that Commissioners have reviewed a proposed “Pocket Neighborhood” Ordinance over several meetings this past summer and were left with the understanding that work was needed to make sure it did not conflict with other ordinances and that it is workable/enforceable. One of the concerns was that the original draft presented to this Commission did not provide an approval process nor a means to legitimately divide property or ownership. Planner Censky advised that since those meetings he has worked with Commissioner Heather Cain to address some of the concerns expressed during previous discussions.

Commissioner Cain first contacted other communities that have pocket neighborhood ordinances and found it not unusual for communities to simply use their existing PUD ordinance to process such a development request. The PUD Ordinance provides the flexibility to modify the regulations of the underlying basic use district as needed for a pocket neighborhood design and provides an established approval process wherein Plan Commission and Common Council approvals are required following a public hearing.

Accordingly, rather than recreating a means to implement this idea, it would be better to simply amend and use PUD Ordinance. This would then require that future pocket neighborhood requests be processed in accordance with the pre-set rules established under the rules of this ordinance.

Commissioners discussed the modifications to the PUD to reflect the character of a Pocket Neighborhood and whether additional changes need to be made, such as requiring a two-thirds vote for Common Council approval.

Kit Keller, of W62 N799 Sheboygan Road, one of the petitioners for a Pocket Neighborhood Ordinance, advised that the proposed ordinance would take the spirit out

of a Pocket Neighborhood and contained too many requirements and up-front costs, which would effectively eliminate a project by an altruistic developer. She also disagreed with specific elements of the proposed PUD, such as setbacks.

Paul Rushing, of W62 N799 Sheboygan Road, another of the petitioners for a Pocket Neighborhood Ordinance, urged that the essence of a Pocket Neighborhood not be lost. His opinion was that the PUD was a defensive ordinance and would not work in support of a pocket neighborhood. He suggested that it would be appropriate to have a means of advising developers on how to design a Pocket Neighborhood.

Commissioners assured Ms. Keller and Mr. Rushing that they were indeed supportive of a properly designed Pocket Neighborhood and that the existing PUD Ordinance would allow for such a project, with protections against the creation of a high-density but poor-quality development.

Action:

Commissioner Zimmerschied moved to take no action on the proposed PUD amendment. The motion was seconded by Vice Chairperson Burgoyne.

Continued Discussion:

Commissioners discussed the value of creating design guidelines to convey the attributes of a true Pocket Neighborhood.

Mr. Rushing stated that there is no assurance that a Pocket Neighborhood could be developed without a specific ordinance to allow such developments.

Commissioners discussed whether a PUD could be effective in processing a Pocket Neighborhood and if it contained the necessary guidance to the spirit of a Pocket Neighborhood. The creation of guidelines was debated and whether there would be an expectation of approval based on the guidelines. It was noted that there are never guarantees.

Staff was asked to compile information received regarding Pocket Neighborhoods into a packet to provide to potential developers in order for them to get a sense of what the community would be looking for.

Final Action:

The motion carried without a negative vote.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

Commissioner Zimmerschied expressed concern, regarding improvements in the City's parks, that City entities are not required to go through the same public input approval process to which all other development is subject. He opined that the public projects

would then measure up to City standards. Mayor O'Keefe advised that he would bring the issue up for discussion and direction at a future Common Council meeting.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe had no announcements.

ADJOURNMENT

A motion was made by Council Member Thome, seconded by Commissioner Strautmanis, to adjourn the meeting at 9:54 p.m. The motion carried without a negative vote.

Darla Drumel,
Administrative Secretary