

CITY OF CEDARBURG  
PLAN COMMISSION

PLN20190107-1  
UNAPPROVED MINUTES

January 7, 2019

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, January 7, 2019 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 - 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 December 3, 2018. Vice Chairperson Burgoyne suggested that the following sentence be added at the end of the eighth paragraph on page PLN20181203-6: "A copy of the December 3, 2018 minutes be added to the Pocket Neighborhood packet to clarify why no action was taken on a separate Pocket Neighborhood ordinance." The motion, with the suggested added language, was seconded by Vice Chairperson Burgoyne 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 LAND USE PLAN AMENDMENT AND REZONING TO ALLOW A 24-UNIT DUPLEX CONDOMINIUM ON A 5.520-ACRE PARCEL**

Planner Censky noted that Greg James sought Plan Commission consultation in early 2018 regarding his proposed condominium project. Because this project will require a change to the Comprehensive Land Use Plan, it was also referred to and reviewed by the Community Development Authority (CDA) for their thoughts and recommendation.

Based on the positive recommendation from the CDA, the Plan Commission indicated support for this project at its meeting of March 5, 2018.

The property owner, James Dornek, has since been working to secure the required signatures from all property owners within the Cedarburg Business Park indicating they have no objection to removing this site from the restrictions of the Business Park private covenants. Having now acquired all needed signatures, Mr. James is moving forward with his request to amend the Comprehensive Land Use Plan from the Industrial and Manufacturing classification to the High-Medium Density Residential Classification and to rezone the site from M-3 Business Park District to Rd-1(PUD) Two-Family Residential District/Planned Unit Development.

In order to maximize the density of this project, Mr. James needed to acquire a portion of the adjacent City-owned Outlot to meet the rear-yard requirements for the easterly two buildings along the north side of the cul-de-sac. The offer to purchase that land has been approved by the Common Council. Therefore, if this project is approved, that land will be incorporated into the condominium plat when recorded.

The Cedarburg Trail Condominium will consist of 14 two-family structures (total of 28 units) located along a private cul-de-sac extending from Evergreen Boulevard to the Interurban Trail. Because of the narrow and long shape of the parcel, Mr. James is limited in how creative he can be with his street layout and site design. He is, therefore, proposing to line the duplex structures along the cul-de-sac with each unit offset from the adjoining unit by five feet. As proposed, the intersection with Evergreen Boulevard is slightly offset from the Pheasant Court intersection to the west, which is not advisable for safety reasons. It is recommended that this proposed intersection be shifted slightly to the north to better line up with Pheasant Court.

According to the PUD Ordinance, the Plan Commission and the Common Council must acknowledge any departure from the standards of development as set forth in the City's Zoning Code, land division ordinance and other City regulations. Staff's review of these plans indicates the following departures from the standards:

1. GENERAL STREET DESIGN STANDARDS

**Code Requirement** – SEC 14-1-70(p) Cul-de-Sacs

Cul-de-sacs shall not exceed seven hundred fifty (750) feet in length.

**Departure** – **Proposed cul-de-sac length = 1,020 feet.**

2. RD-1 TWO-FAMILY RESIDENTIAL DISTRICT

**Code Requirement** – SEC 13-1-50(g) Setback and Yards

There shall be a minimum building setback of twenty-five (25) feet from the right-of-way of all streets.

**Departure** – **The proposed setback is to be measured for the edge of street pavement 20 feet back to the buildings.**

3. TECHNICAL REQUIREMENTS FOR CERTIFIED SURVEY MAP LAND DIVISION; REVIEW AND APPROVAL

**Code Requirement** – SEC 14-1-42(e) Street Dedication

Dedication of streets and other public areas shall require, in addition, the owner's certification and the mortgagee's certificate in substantially the same form as required by Section 236.21 (2)(a) of the Wisconsin Statutes.

**Departure** – The proposed cul-de-sac will be private and therefore there will be no dedication.

Planner Censky reminded Commissioners that at one of the previous meetings on this proposal, Mr. James was asked to provide more variety in building design to be more reflective of the existing two-family structures along the west side of Evergreen Boulevard at Pheasant Court and Partridge Court and to provide quality landscaping along with attractive low-intensity residential lighting. While the landscape and exterior lighting plans will be forthcoming as we go through the approval process, Mr. James submitted concept architectural plans for consideration at this meeting. Since the design has not significantly changed from his previous submittal, Planner Censky encouraged Commissioners to provide further direction on design.

If a Land Use Plan Amendment from Industrial and Manufacturing to High-Medium Density Residential (5.2 to 10.8 units/acre) and rezoning from M-3 Business Park to Rd-1(PUD) Two-family Residential/Planned Unit Development are recommended, a public hearing will be scheduled at a future Common Council meeting. If approved by the Council, Mr. James will then submit his fully-detailed site, architectural, landscaping and lighting plans; and his condominium plat along with condominium documents for your review and approval. The following are staff's comments for Plan Commission consideration:

1. While the applicant proposes a 1,020-foot-long private cul-de-sac which exceeds the maximum length of 750 feet allowed by Code, the Police Chief prefers the cul-de-sac as proposed for crime prevention.
2. The applicant will be required to pay all impact fees at the time of building permit acquisition.
3. For informational purposes, there is an existing siren located at the east end of this property.
4. As part of his future plan submittal, the applicant will be required to submit sanitary sewer, watermain, storm sewer, site grading, storm water management and lighting plans.
5. The sanitary sewer and watermain will be dedicated to the public and all other utilities and the streets will be private.
6. Each unit shall have its own sanitary sewer and water laterals. A common storm lateral for sump pump discharge will be allowed.
7. The applicant shall provide coach light street lighting with wire in conduit.
8. All water distribution construction shall comply with Cedarburg Light and Water specifications.

9. Single water service from the main shall be split at property line with individual lines going into each unit.
10. The intersection with Evergreen Boulevard should be shifted to the north to better line up with Pheasant Court.
11. More attention should be given to architectural style.

Plan Commissioners discussed recommending the LUP amendment to grant the developer the High-Medium Density residential use, but due to concerns with the details of the development plan felt they could not make a recommendation for rezoning. The property owner, James Dornek, requested that both the LUP amendment and rezoning be acted upon at the same time.

The Commissioners took no action on the requests so that Mr. James' proposal could be modified to address the following concerns:

1. Sidewalks be constructed along the parcels entire Evergreen Boulevard frontage.
2. The intersection be moved to match the access to Pheasant Court.
3. The entry to the development be enhanced to make it more interesting.
4. The private roadway be widened by eight (8) feet to allow for parking on one side of the street.
5. Emergency access the width of a driveway be provided from the cul-de-sac south to Pioneer Road. This access must be maintained and clear for emergency equipment only.
6. Consideration of a hammerhead design instead of the circular cul-de-sac at the east end this roadway.
7. Exceptional and diverse architecture and materials be proposed to mitigate concerns about the density of the project.
8. Garages be set back, and front entryways be emphasized.

#### **CONSIDER MODIFICATION OF REGULATION OF SIGNS - TITLE 15, CHAPTER 5**

Planner Censky noted that at a recent meeting, when considering an interior lit sign for a business along Pioneer Road, Commissioners questioned whether the City had standards regarding internal illumination and design. When advised that the only standard for internal illumination is vague in that it just states that "light shall only illuminate the immediate area of the sign" and did not address color, style or intensity, and that there were no standards regarding design, Commissioners asked staff to draft standards that would address illumination and provide for a more attractive sign that better fits Cedarburg.

Commissioners reviewed a draft ordinance that, from this point forward, will require that internally illuminated signs be constructed with an opaque and/or dark background where light shines only through the lettering and logos. It also encourages dark colored backgrounds on the sign face and discourages bright colors such as red, oranges and yellows. With respect to design, new signs will be designed to reflect the look and use of

material of the principal structure on the site.

If recommended, the ordinance will be scheduled for action at an upcoming Common Council meeting.

Commissioners discussed whether the ordinance would preclude businesses from using their usual logos. It was noted that white backgrounds would still be allowed, but with an opaque shield to reduce the intensity of the light.

**Action:**

A motion was made by Commissioner Strautmanis, seconded by Commissioner Voltz, to recommend the proposed ordinance modifying Title 15, Chapter 5 Regulation of Signs, with the deletion of the word “incandescent” in Section 15-5-7(k)(4) and adding the phrase “-like” after the word “neon” in Section 15-5-7(5) where it appears. The motion carried without a negative vote.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Commissioner Cain pointed out how fabulous the new Kettle Moraine Appliance building at the northwest corner of Pioneer Road and Cardinal Avenue looks. Commissioners concurred with her assessment.

**MAYOR’S ANNOUNCEMENTS**

Mayor O’Keefe had no announcements.

**ADJOURNMENT**

Council Member Thome moved to adjourn the meeting at 8:26 p.m. The motion was seconded by Commissioner Cain and carried without a negative vote.

Darla Drumel,  
Administrative Secretary