

CITY OF CEDARBURG  
PLAN COMMISSION

PLN20190701-1  
UNAPPROVED MINUTES

July 1, 2019

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, July 1, 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, Adam Voltz, Sig Strautmanis, Kip Kinzel

Excused - Heather Cain

Also Present - City Planner Jon Censky, Administrative Assistant Victoria Guthrie

**STATEMENT OF PUBLIC NOTICE**

Administrative Secretary Guthrie 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 Thome to approve the minutes of June 3, 2019 as presented. The motion was seconded by Commissioner Burgoyne and carried without a negative vote with Heather Cain 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.

**CONSIDER LAND USE PLAN AMENDMENT AND REZONING RECOMMENDATION FOR N50 W7404 WESTERN ROAD – SARA DUNSTONE**

The petitioner's one-acre parcel located at the northeast corner of Webster Avenue and Western Road was annexed from the Town of Cedarburg into the City last July. As noted, when this parcel was annexed, State law requires that it be placed into the City's temporary Zoning District until an ordinance is created to amend that zoning. Accordingly, the purpose of this request is to now recommend amending the zoning from the Rs-1 (temporary) Zoning District to the Rs-3 (permanent) Zoning District. The

proposed Zoning District matches the zoning on adjacent City properties.

However, before this zoning change can take place, Commissioners must first address the Land Use Plan to have use classification reflect the proposed zoning change. More specifically, the current land use classification for this site remains as when the site was in the Town of Cedarburg under the Unsewered Low Density Residential classification. Therefore, to reflect the proposed zoning discussed above, this classification must now be changed to the Medium Density Residential (8,400sf to 12,000sf lot sizes) which also matches the classification on surrounding properties. Upon completion of this rezoning and land use plan amendment process, the applicant will be following up with her land division request to split the one-acre site into three separate code compliant parcels as shown in the provided Certified Survey Map.

Discussion took place on the setback of the existing home on Lot 1, which is non-conforming to the Rs-3 code, stating a minimum of 25' from right of way of all streets. The house was built in 1870, and the owner has no plans to raze the home. Due to the age of the home, and the previous classification in the Town of Cedarburg, the existing setback is grandfathered in. If the home were to sustain damage of greater than 50%, any new residence built on this lot would be required to conform to the current codes. Any houses that may be built on Lots 2 and 3 would need to conform to Rs-3.

Commissioner Burgoyne motioned to approve the Land Use Plan Amendment from Unsewered Low Density classification to Medium Density Residential and to rezone this property from the Rs-1 Single-Family District (temporary) to the Rs-3 Single-Family District. The motion was seconded by Commissioner Voltz and was carried without a negative vote with Heather Cain excused.

#### **CONSIDER INFILL LOT REVIEW FOR NEW HOME CONSTRUCTION ON A VACANT LOT ON CEDAR COURT – DON STAUSS**

While the buildable area of this site is located entirely within the Flood Fringe Overlay Zoning District (i.e. 100yr floodplain), State law permits development therein subject to bringing the elevation of the lowest floor up to a point at or above the flood protection elevation, which is two feet above the flood fringe elevation. Also, the fill to accomplish this requirement must be one foot or more above the regional flood elevation and extend at least 15 feet beyond the limits of the structure. Accordingly, the applicant will need to bring in clean fill onto the buildable portion of the lot to make the home code compliant to the Flood Fringe District. While legally compliant with State law, this requirement does elevate the proposed structure to a point somewhat higher than surrounding structures.

Since this lot is 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 and this Commission shall determine that the structure is compatible with the surrounding area, and will either approve, approve conditionally, or reject the plans.

Staff's review of the plan indicates full compliance with the dimensional requirements of the Rs-6 Zoning District, and in our judgement the proposed home will complement the homes in the area. Since this is a new home, the applicant will be required to pay the necessary impact fees at the time of building permit acquisition in the amount of \$8,070.84.

Architect Stauss provided Commissioners with updated drawings and building material samples to reflect changes to original design. These changes were mostly aesthetic, with the purpose of making the structure appear more symmetrical. The building footprint did not change. The Commission voiced their approval of the new design. Petitioner Fitting stated they would like to begin building this year, upon completion of the approval processes. A standing seam galvalume roof was approved, as was a charcoal grey 3-tab asphalt shingle, if needed to substitute for budgetary reasons.

Accordingly, staff recommends approval subject to the following:

**Action:**

A motion was made by Commissioner Kinzel to approve Infill Low Review subject to:

- Engineering Department review and approval of a detailed grading plan.
- Submittal of the necessary construction plans for building permit acquisition.
- Payment of the required impact fees.
- The applicants' securing a building permit prior to commencement of construction.

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

**LANDSCAPE PLAN APPROVAL FOR THE CEDARBURG CULTURAL CENTER  
LOCATED AT W62 N546 WASHINGTON AVENUE**

Plan was withdrawn by the landscaping contractor, Ginkgo Leaf Studio, on July 1, prior to the meeting. They discovered discrepancies in their drawings and will update and resubmit later.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

None were offered.

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**MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe had no announcements.

**ADJOURNMENT**

A motion was made by Council Member Patricia Thome, seconded by Commissioner Burgoyne, to adjourn the meeting at 7:17 p.m. The motion carried without a negative vote with Heather Cain excused.

Victoria Guthrie  
Administrative Assistant