

CITY OF CEDARBURG
PLAN COMMISSION

PLN20191007-1
UNAPPROVED MINUTES

October 7, 2019

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, October 7, 2019 at Cedarburg City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. The meeting was called to order at 7:02PM by Mayor Michael J. O'Keefe.

Roll Call: Present - Mayor Michael J. O'Keefe, Council Member Patricia Thome, Adam Voltz, Kip Kinzel, Heather Cain

Excused - Sig Strautmanis, Mark Burgoyne

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 Council Member Thome and seconded by Commissioner Kinzel to approve the minutes of September 10, 2019 as presented. The following changes were requested:

Commissioner Voltz requested the fourth paragraph on page PLN20190910-6 be changed from "Matt Wendorf" to "Sebastian Schmaling". Also, on the fifth paragraph of this page, references to "Architect Wendorf" should be changed to "Architect Schmaling".

Commissioner Voltz requested the first and second paragraphs on page PLN20190910-7 be changed from "Architect Wendorf" to "Architect Schmaling".

Commissioner Cain would like to strike the first sentence of paragraph four on page PLN20190910-5.

Commissioner Cain requested clarification on page PLN20190910-10, paragraph four, regarding conceptual plan approval for the Mill Street project. Planner Censky agreed to clarify the statement to reflect that plans presented were regarding the number of units and location only.

The amended motions were carried without a negative vote, with Commissioner Strautmanis and Burgoyne 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.

APPROVAL ON FOOTBALL FIELD SURFACE REPLACEMENT, ASSOCIATED STORMWATER MANAGEMENT AND CERTIFIED SURVEY MAP LOCATED AT W68 N611 EVERGREEN BOULEVARD– CEDARBURG HIGH SCHOOL

With funds raised by the Cedarburg Athletic Booster Club, the School District has proposed to replace the existing natural grass football field with artificial turf. As part of that project they will be re-grading the area downstream from the field and constructing a new overflow pond for storm water management purposes. This pond will be located west of the existing retention pond. The plans were reviewed by City Engineer/Director of Public Works Tom Wiza, who found them to be properly designed and recommends Plan Commission approval.

Director of Buildings and Grounds John Koster represented the Cedarburg School District and stated that the football field is experiencing increased use by other activities in addition to football, such as band practice and performance, physical education classes, and lacrosse, resulting in additional demands on the natural surface. The decision was made to change this surface to artificial turf, which is more durable and requires less overall maintenance.

The School District also submitted their Certified Survey Map which serves to dedicate the ultimate road right-of-way for their frontage along portions of Evergreen Boulevard, Cleveland Street and Juniper Lane. Submittal of this CSM was a condition of original approval for the construction currently underway at the high school. Since this CSM will serve to dedicate public road right-of-way, it will also need approval from the Common Council.

The review by City staff determined full compliance with the dimensional requirements of the Code and therefore is recommended for approval.

Action:

A motion was made by Commissioner Cain to approve the football field surface replacement and associated stormwater management, and the CSM as presented. The motion was seconded by Council Member Thome and carried without a negative vote, with Commissioners Strautmanis and Burgoyne excused.

**APPROVAL FOR OUTDOOR ALCOHOL BEVERAGE LICENSE FOR PATIO
LOCATED AT W62 N546 WASHINGTON AVENUE – CEDARBURG CULTURAL
CENTER**

The Cultural Center has requested an Outdoor Alcohol Beverage License to serve drinks on their recently approved/constructed patio adjacent to their east doors. This patio was constructed to serve as overflow space for events and for other Cultural Center activities. According to their information, raised seats surround the entire patio area and Cultural Center staff will be responsible for monitoring for compliance by ensuring that alcoholic beverages stay within the permitted area.

Section 7-2-17 Outdoor Alcohol Beverage License states: The applicant for an Outdoor Alcohol Beverage License shall accurately describe the outdoor seating area and shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor seating area. The Plan Commission shall review all proposed Outdoor Alcohol Beverage Licenses to determine if they are harmful, offensive or otherwise adverse to the surrounding neighborhood and shall recommend that the license be granted as requested, modified or denied.

Executive Director Stephanie Hayes represented the Cedarburg Cultural Center and stated that the Cultural Center staff is aware of the responsibility and oversight necessary when operating this type of space, and the repercussions if it is not properly managed. Commissioner Cain suggested the use of signage and barrier rope in order to limit entry and exit from the area.

The Police Chief has reviewed the request and feels no additional control over the outdoor operation is needed and recommends approval.

Action:

A motion was made by Commissioner Cain to approve the outdoor alcohol beverage license with the condition that the Cultural Center places appropriate signage at various access points and ensures that patrons dispose of all beverage waste before they leave the area. The motion was seconded by Commissioner Kinzel and carried without a negative vote, with Commissioners Strautmanis and Burgoyne excused.

**APPROVAL OF LANDSCAPE PLAN FOR OUTDOOR GARDEN/PLAZA LOCATED AT
N35 W6621 WILSON STREET – FAITH LUTHERAN CHURCH**

Faith Lutheran Church has requested approval to create an outdoor educational/meditation area. They would like to transform the open mowed lawn area along their west property line into a prairie lawn with mowed grass paths that weaves through a prairie setting and connects with four circle crushed granite seating areas. The purpose of their "Faith Community Pathways" project is to create a learning environment for children and a resting/meditation/interactive environment for adults. The prairie will consist of native grasses and wildflowers along with plantings of oak, elm, maple, white

pine, and spruce trees, along with viburnum and dogwood bushes. The circular gathering areas will consist of crushed granite material with benches and logs for seating. This plan was reviewed by City Forester Kevin Westphal who recommended approval; however, he advised that the Natural Prairie Grass area will need to be compliant with Cedarburg Ordinance No. 8-1-6, Regulation of Natural Lawns.

Dena Baule from the Faith Lutheran Church Land Use Committee was in attendance and stated that this area will also serve to benefit pollinators, birds and other small native animals. In addition, the church has been in contact with Westlawn School and has offered this space to be used for an outdoor ecosystem education area for the students.

Ms. Baule stated that the church has been in close contact with their neighbors to make sure they are informed of the project. The church plans to have a tree line planted on the west side of this space to provide privacy, as will make sure the prairie area will end six feet before their west property line. The lawn in this area will be mowed and provide a smooth transition between the church property and the neighboring lots.

Ms. Baule assured the Commission that a maintenance plan for the area is in place and will be followed since the first couple of years are critical for establishing growth. They will make sure any weeds are pulled to allow the native plantings to grow to their full height, which is generally around three feet. They plan on using controlled burns in the future in order to encourage prairie growth. Any burns will be performed by the Fire Department or other professional organization, and the neighbors will be informed in advance.

Action:

A motion was made by Commissioner Kinzel to approve the landscape plan for the outdoor garden/plaza. The motion was seconded by Commissioner Voltz and carried without a negative vote, with Commissioners Strautmanis and Burgoyne excused.

APPROVAL FOR MODIFICATION TO PUD PLAN AMENDMENT FOR CEDAR PLACE APARTMENTS LOCATED AT SHEBOYGAN ROAD – DUEY STROEBEL

Developer Duey Stroebel has requested a change to the original PUD plan for the Cedar Place Apartment complex. This change will not impact the outward appearance of the development but will increase the total unit count. The plan that was originally approved by the Plan Commission consisted of twelve 16-unit apartment buildings for a total of 192 units at a density of 10.3 units/gross acres or 14.35 units/net acre (net acreage = gross acreage minus right-of-way dedication and conservancy area). Mr. Stroebel is asking to replace three 2-bedroom apartments with three 1-bedroom apartments and one studio apartment in the last five buildings in this development for a net increase of five apartment units total. There will be no change to the building footprint and indiscernible change to the exterior elevation with just the addition of a doorway.

Since this is a PUD project, Commissioners must decide whether this change is significant enough to require a rezoning. Specifically, Section 13-1-69 (o) (3) Changes or Additions of the Zoning Code states: Any subsequent change or addition to the plans or uses shall first be submitted to the City Plan Commission and if in the opinion of the Plan Commission such change or addition constitutes a substantial alteration of the original plan, a public hearing before the City Common Council shall be required and notice thereof be given pursuant to the provisions of Section 13-1-229 of the Zoning Code.

Mr. Stroebel presented his request by stating that in the process of renting out the current units, he found the demand for one-bedroom and studio apartments to be greater than the demand for two-bedroom units. Since the original building plans were weighted more heavily with two-bedroom units, he would like to make changes to ensure he is developing rentable space. In the remaining five units, he would like to replace three of the two-bedroom apartments with three one-bedroom and one studio apartment in each building. This changes the total units from 192 to 197, therefore increasing the density of 14.35 units/net acre to 14.69 units/net acre. This density remains within the allowable 16.9 units/net acre of the Rm-2 District.

Building Code requires one and a half parking spaces per unit. Mr. Stroebel stated that parking was previously approved and planned for two spaces per unit, not including guest parking, which exceeds the requirements for parking spaces.

Mr. Stroebel pointed out that the Federal Fair Housing Act generally allows two tenants per bedroom, meaning that although the number of units will increase, the number of tenants will decrease, along with vehicles. Planner Censky assured the Commission that the proposed changes meet both density and parking code requirements.

If the Commissioners determine the increase in unit count is a significant change to the original PUD plans, City staff will schedule this request for a public hearing before the Common Council. However, if the Commissioners feel the change is not significant, they can make the decision to approve, approve with conditions, or deny the request for modification.

Several members of the neighboring community were present at the meeting and had the following comments regarding this amendment.

Cathy Czech, residing at N119 W5835 James Circle, stated she was speaking for herself and on behalf of several other homeowners in The Glen at Cedar Creek. She said they would like to see an end to the construction, so it will be wonderful when that stops. Since the Cedar Place project already has 192 units, she questioned the need for five more. She has observed that the apartments are advertised with a garage for every unit and wants to know if there will be five more garages added to the plan. She stated this type of change would increase impervious surfaces, resulting in more stormwater run-off. There is also a concern about increased traffic density in the area. She stated that some residents did not realize the density of the project and would like to ward off any future

surprises. Many of the homeowners were under the impression that these apartments were going to be used as senior housing. She added that many of the homeowners in The Glen are from areas like Madison, Whitefish Bay, California, and Virginia, and they love living in Cedarburg. They consider it their forever home and are very interested in what goes on and appreciate being kept informed of what is happening in their vicinity. She expressed gratitude to Mr. Stroebel for his availability and willingness to hear their concerns.

Dick Rosenbalm, residing at N114 W5766 James Circle, stated he is relatively new to the community. He would like to see the developer use landscaping as an opportunity to develop a more robust shield from the neighbors.

Mr. Stroebel addressed the above questions from homeowners. He stated he has no plans to add any more garages to the project and is willing to put that in writing. He also stated that even though his original landscaping plan for the south portion of the property was already approved by the Plan Commission in the original plan, he intends to plant several more trees to act as a buffer to the shared property lines. Council Member Thome questioned if he plans to continue his ownership of the property, and he stated that he does. He also does not currently allow dogs in his units.

Planner Censky suggested that homeowners with any other concerns regarding this project submit them in writing to City Administrator Christy Mertes, and he and Engineer Wiza will address them. Mr. Stroebel also expressed his own availability and willingness to address any questions or issues.

Council Member Thome addressed the audience, stating that it was amazing to see the number of residents in attendance. She assured them that the Commission and Council Members do listen to input from citizens and welcome any questions or concerns.

Action:

A motion was made by Commissioner Kinzel to approve the proposed modification to the PUD Plan Amendment. The motion was seconded by Council Member Thome and carried without a negative vote, with Commissioners Strautmanis and Burgoyne excused.

CONSIDER ZONING TEXT AMENDMENT TO ESTABLISH MAXIMUM SIZE LIMITS FOR ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS, SEC 13-1-101(g)

After discussion with City Building Inspector Mike Baier and consulting other municipal zoning codes, City staff recommends that a maximum square footage be introduced on accessory structures so that all such structures combined shall not exceed 720 square feet and that there be no more than two accessory structures permitted per lot.

The City's Zoning Code currently restricts accessory detached structures by location and height but relies on the Floor Area Ratio (FAR) to restrict size. While the FAR requirement has provided enough control over the size of detached accessory structures on smaller

lots there is little control over the size of a structure on larger lots. A few requests for accessory structures of excessive size have been received and approved in the past where the larger size fit the area. However, there are a scattering of larger lots that are surrounded by smaller lots where staff would be unable to refuse issuance of a permit for a large accessory structure that may be out of character with the neighborhood.

Planner Censky stated he has researched other communities, and standard practice seems to be a restriction of 720 square feet. He will write up a proposed amendment to include that anyone requesting to build an accessory structure in excess of this restriction will need Plan Commission approval. Planner Censky will work on drafting this ordinance and present it to the Common Council.

Action:

A motion was made by Council Member Thome to approve the Zoning Text Amendment to establish maximum size limits for accessory structures in residential districts. The motion was seconded by Mayor O'Keefe and carried without a negative vote, with Commissioners Strautmanis and Burgoyne excused.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

None.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe had no announcements.

ADJOURNMENT

A motion was made by Commissioner Cain, seconded by Commissioner Voltz, to adjourn the meeting at 8:07 p.m. The motion carried without a negative vote, with Commissioners Strautmanis and Burgoyne excused.

Victoria Guthrie
Administrative Assistant