

CITY OF CEDARBURG
PLAN COMMISSION

PLN20170807-1
UNAPPROVED MINUTES

August 7, 2017

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, August 8, 2017 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 Kinzel.

Roll Call: Present - Mayor Kip Kinzel, Council Member John Czarnecki, Mark Poellot, Greg Zimmerschied, Heather Cain, and Daniel von Barga

Excused - Mark Burgoyne

Also Present - City Planner Jon Censky; City Attorney Tim Schoonenberg; 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

Commissioner Zimmerschied moved to approve the minutes of June 26, 2017 and July 13, 2017, with a correction to Page PLN20170713-7 to replace "likely" in the second paragraph to the word "lightly." The motion was seconded by Mayor Kinzel and carried without a negative vote, with Vice Chairperson Burgoyne excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Mayor Kinzel advised that comments from the public would be accepted at this time, or would be accepted at the time an issue is being discussed. No comments were offered at this time.

REQUEST TO EXTEND APPROVALS FOR CONDITIONAL USE RESTAURANT PERMIT AND SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING FOR NEW MULTI-TENANT BUILDING ON VACANT LOT SOUTH OF WALGREENS AT W62 N180-N186 WASHINGTON AVENUE – CONCORD DEVELOPMENT/ANDREW PETZOLD

Planner Censky explained that Andrew Petzold of Concord Development is requesting an extension of approved site, architectural, landscaping, and exterior lighting plans for a 7,030 square foot multi-tenant building to be located south of the Walgreens Drug

Store on south Washington Avenue. An extension of the Conditional Use Permit is also being sought. City records indicate that these plans were originally approved on August 3, 2015. In our follow-up letter, Concord Development was informed of the one-year timeline to secure a building permit and to submit the conditional use permit for recording. Our records indicate that the Plan Commission granted a one-year extension at the June 6, 2016 meeting. The application for a time extension as submitted to the City prior to the August 3, 2017 deadline.

Mr. Petzold is requesting this extension in accordance with **Section 13-1-126 Lapse of Site Plan Approval** which states: ***If a developer of a project which has been granted site and /or architectural plan approval has not obtained and complied with the provisions of a building permit consistent with said plan approval within one year of the date of the initial approval, the plan approval shall lapse. Upon application, the Plan Commission may renew its approval of the site and/or architectural plan as initially granted or may require changes as deemed appropriate.***

Commissioner Zimmerschied questioned whether a one-year deadline was common with other communities. Planner Censky responded that it indeed was typical.

Action:

A motion was made by Commissioner Cain, seconded by Council Member Czarnecki, to grant the request for a second time extension on the approvals for the proposed multi-tenant building and restaurant conditional use to the August, 2018 meeting. The motion carried without a negative vote, with Vice Chairperson Burgoyne excused.

REQUEST TO INSTALL AN ABOVE-GROUND 12,000 GALLON DIESEL FUEL TANK AND TO PAVE A PORTION OF THE PARKING LOT AT W55 N155 McKINLEY BOULEVARD – KEMPS DAIRY

Planner Censky noted that Kemps Dairy is requesting site plan amendment to install an above-ground diesel fuel tank and to pave a portion of their back lot. More specifically, the proposal is to install a 12,000 gallon, UL-2085 above-ground fuel tank including two single hose master dispensers, a single hose satellite diesel dispenser, a Pneumercator TMS2000 automatic tank gauge with secondary line leak sensors and automatic/catastrophic supply line shut down, and a Fuel Master card reader. A DEF tote with pump and heating blanket will also be installed at the fuel island. The tank will be anchored to the concrete slab and protective precast concrete highway barriers and concrete filled steel bollards will be placed around the tank. The new tank will be located in the center of their back semi-trailer parking/storage area out of site from surrounding properties.

As part of this project, Kemps Dairy also proposes to pave a 1/2-acre area located in the fenced-in back lot, east of the existing storage tank and directly south of the north property line.

Review indicates full compliance with the setback requirements.

The contractor for Kemps Dairy advised that the State has very stringent requirements for obtaining a permit. He assured Commissioner von Barga that there are periodic inspections once the facility is installed. In response to a question from Commissioner Cain, Steve Mueller of Kemps LLC confirmed that Kemps would carry pollution insurance in case of a leak or spill from the tank. The representative from the fuel company added that they carry \$10 million in insurance in the event there is a spill while making a delivery.

Action:

Commissioner Zimmerschied moved to approve the installation of a 12,000 gallon diesel above-ground tank and the proposed additional paving with the following conditions:

1. Compliance with a State approved spill response plan and onsite spill kit for minor cleanups.
2. State approval of the above ground fuel tank.

The motion was seconded by Council Member Czarnecki and carried without a negative vote, with Vice Chairperson Burgoyne excused.

**REQUEST FOR COMPREHENSIVE LAND USE PLAN AMENDMENT
RECOMMENDATION AND REZONING RECOMMENDATION TO ACCOMMODATE A
PROPOSED 192-UNIT APARTMENT COMPLEX ON THE VACANT 18.70-ACRE
PARCEL LOCATED APPROXIMATELY 506' SOUTH OF HIGHWAY 60 ON THE
EAST SIDE OF SHEBOYGAN ROAD DIRECTLY NORTH OF THE GLEN AT CEDAR
CREEK – DUEY STROEBEL**

Planner Censky noted that at the April 3, 2017 Plan Commission meeting, Mr. Stroebel requested consultation regarding his proposed multi-family project on the vacant 18.7-acre parcel of land located directly north of The Glen at Cedar Creek subdivision. He is now here requesting Land Use Amendment and Rezoning recommendations.

Mr. Stroebel's proposed project will consist of 12 sixteen-unit apartment buildings for a total of 192 units at a density of 10.3 units/gross acres or 14.9 units/net acre (Net acreage = Gross acreage minus right-of-way dedication and conservancy area). The project will be served by a private driveway/parking system including 383 parking stalls, 192 of which will be enclosed and the remaining 191 will be surface stalls, resulting in a count of 2 parking stalls per unit. City Code requires 1.5 stalls per unit.

The Comprehensive Land Use Plan currently classifies this property as High Density Residential Elderly Housing (not to exceed 20 units/acre). Since this multiple-family project will not be age restricted to elderly residents, the Comprehensive Land Use Plan must be amended to reflect the High Density Residential classification at a density of up to 16.1 units/acre classification. This project will also require a zoning change from the

Temporary Rs-1 Single-Family Residential District that was applied when this property was annexed into the City in 2005 to the RM-2(PUD) Multiple-Family Residential and Planned Unit Development Districts.

At the April meeting, Commissioners expressed concern about having so many units along the south property line over-looking the adjacent Glen at Cedar Creek subdivision and it was suggested that either these buildings be reconsidered as townhomes or that they be removed or relocated to provide a better transition across this property from lower density at the south end to higher density at the north. Mr. Stroebel responded that his buildings would not be higher than two-stories and that he would provide a good landscape buffering to soften the impact on the development to the south. Staff notes that the plans remain unchanged in terms of building style, layout and building location and Commissioners need to decide whether these concerns have been adequately addressed.

Nonconformity to Standards:

As part of the PUD request, the applicant is seeking your recommendation to adjust the following standards of the underlying Rm-2 basic use district:

1. **Code Requirement – Maximum 8 Units per Structure**

Nonconformity – all buildings will have 16 units

Procedure:

In keeping with procedure, Mr. Stroebel has filed a petition, concept plans and the fee with the City Clerk for an amendment to the 2025 Comprehensive Land Use Map and the City's Zoning District map. The petition was presented to the Common Council at their June 12th meeting and they referred it to the Plan Commission for review and recommendation. If the petition is recommended for approval, official public hearings for a future Common Council meeting will be scheduled.

Impact fee:

192 units @ \$5,202.34 per unit = \$998,849.28 due at the time of building permit application.

Staff Comments:

Since the location of this high-density residential site is far removed from our downtown business and service area and even further removed from the south business district, it is tough to argue that it is within walking distance to those shopping environments. However, as we are now nearing the planning stage for the Highway 60 Business Park, one can argue that it will serve the residential needs of the employment base for that park. Moreover, the Land Use Plan classifies the property directly to the north as commercial to address the every-day shopping needs and services of this project and other development in the area.

Mr. Stroebel's project will be served by sewer and water facilities extended from The Glen at Cedar Creek subdivision. These facilities will then be extended through this site

to the north property line and made available to serve the future commercial development of those lands. With respect to the sewer system, Mr. Stroebel has addressed the concerns of City Engineer Tom Wiza and based on Director Wiza's review of the plans, it now seems workable.

At the outset, direction to Mr. Stroebel and goal for the City was to try and achieve a look and feel of "Cedarburg" for this project through architecture. The intent is to recognize that this project is located in the City of Cedarburg when driving past on Highway 60 that distinguishes it from another community.

This site is downstream from several large tracks of undeveloped parcels and Mr. Stroebel will need to work closely with the City Engineer to insure proper grading and storm water management. Since Mr. Stroebel's plans now show an extensive pond in the upland conservancy area at the east end of this site, DNR approval will be needed. Since the pond will likely require extensive tree cutting and shrubbery removal, a Tree Cutting and Clearing Permit from the City will also be required. This permit will be reviewed by the City Forester before being submitted to the Plan Commission for review and recommendation. The Common Council will make the final decision. A wetland delineation will also be required.

Duey Stroebel, the developer, noted that the current Land Use Plan classification for this property would allow High Density Elderly Residential at a density of 20 units per acre within three-story buildings. He proposes two-story structures at a maximum density of 10.3 units per acre. Mr. Stroebel stated that he would also be open to permanent creation of 4.5 acres of open space or parkland on the east end of the parcel.

Mr. Stroebel advised that his upscale development is designed to attract the growing "renters by choice" market with private entrances, either attached or detached garages, spacious floor plans, granite countertops, stainless steel appliances, private balconies or patios, in unit washer/dryer, and walk-in closets, etc. Also included would be access to a clubhouse with an outdoor swimming pool, a 24-hour fitness facility, free Wi-Fi, a package drop off/pick up center and a large meeting area. Offices for on-site management will also be located in the clubhouse. The monthly rental rates are estimated to range from approximately \$1,000 to \$2,200. This \$20 million development would bring in approximately \$1 million in development fees to the City. In addition, all infrastructure would be private and will not require maintenance or upkeep by the City. Also, no City funding through a TIF is being requested and that the development would add to the City's commerce.

In response to comments received at the April 3, 2017 Plan Commission meeting about the impact on The Glen at Cedar Creek subdivision to the south, changes have been made by reorienting the two southernmost buildings and he proposes a dense landscape strip along the south property line. There will be approximately 150 feet from

his buildings to the neighbors to the south. Mr. Stroebel also advised that the City Engineer was comfortable with the extension of utilities through the site to the north.

Mr. Stroebel continued that the architecture being proposed is Craftsman style with a variety of materials, textures and colors: wood or HardiePlank for shakes, horizontal siding or board and batten treatments; stone on building exteriors and standing seam roof accents. Mr. Stroebel acknowledged that the architectural detailing and landscaping would be submitted for approval at a future Plan Commission meeting.

Engineer Troy Hartjes of R.A. Smith National pointed out that the east five acres are in the environmental corridor within which a walking path is proposed and that the site plan proposes pond siting throughout the development to detain stormwater before entering the environmental corridor. The larger pond in the environmental corridor will be governed by a Stormwater Management Plan. The road layout meets the criteria for emergency access and trash pickup. He confirmed that the City Engineer has reviewed the proposed installation of sanitary sewer and water services from the south to the north to accommodate future development. A request from Cedarburg Light & Water to provide a second connection to Sheboygan Road will be added.

Mayor Kinzel stated that a sidewalk along Sheboygan Road should be installed as part of the development.

City Attorney Tim Schoonenberg advised that a development agreement will be required as a condition of approval.

Architect Lucas Petrie of M+A Design, Inc. explained that the Craftsman style architecture with two different types of horizontal siding, board and batten, and some shakes to give the buildings different textural elements along with nice accent veneer stone. Architectural elements have been taken from Mr. Stroebel's project on McKinley Boulevard. The same materials used on the apartment buildings would be used on the clubhouse and garages, except there would be no stone on the detached garages. The clubhouse would have a penthouse setup. The intent is to provide cohesiveness throughout the site.

Mr. Stroebel advised that the clubhouse would be built in conjunction with the first buildings and he would like to get a late fall or early spring start. He expects it would take about two years to build out. He emphasized that the density is required in order to support the amenities in the project.

Mayor Kinzel pointed out that the intent is for density to increase south to north from the single-family residential to multi-family and then to the commercial for the property along Sheboygan Road to STH 60.

Council Member Czarnecki advised that he reached out to people he knows on Sheboygan and the consensus was that the apartment project would be considered a

Grafton development. Tenants may go south on Sheboygan Road to go to Cedarburg, but the logic is that they would go north to STH 60 to avoid going through Cedarburg if that is not their destination. He did not believe the development would create a lot more traffic on Sheboygan Road going south.

Commissioner Poellot noted that his perception was also that most of the traffic would gravitate to STH 60.

Commissioner von Barga reported that he lives just south of this proposed development in Cedar Hedge and he has had the opposite experience with his neighbors. The fact is even though the project is well within the density requirements, which is lower than the current Land Use Plan classification; it is the largest new development that will be in Cedarburg. The question is, if the residents choose to come down Sheboygan Road, will it be able to handle the traffic. He questioned whether it is a discussion to be had before a recommendation is made.

Planner Censky pointed out that, due to existing older development towards downtown Cedarburg, Sheboygan Road cannot be reconstructed.

Commissioner Zimmerschied stated that it seems the development was a good fit approaching Highway 60. Architecturally, if the buildings turn out like the senior condominiums on Garfield Street, people seem to find them attractive. His question is what the right number of units should be. The clubhouse, pool and other amenities are great, but he has concern whether there is enough open space/park space proposed for 192 families. The walking path through the wetlands may not be the appropriate place for children to play. Commissioner Zimmerschied wondered if Commissioners would consider modifying the plans by removing a building and allow two other buildings to be three stories to provide appropriate open space for the development.

Mr. Stroebel responded that a change of that nature would significantly alter the attractiveness of his project to tenants by eliminating individual entrances. Also, three-story buildings would not be in keeping with the current development north of the City. He pointed out that there is currently four and one-half acres of open space and the trail would be a connection to the City as it moves along Cedar Creek. The floor area ratio is well under the requirement for the zoning district.

Mr. Hartjes advised that if the environmental corridor were added, the open space throughout the project would total almost nine acres.

Commissioner Zimmerschied responded that not all nine acres would be usable for recreation and emphasized that separate recreation space would be appropriate for the 192 families that would be living there.

Mr. Stroebel noted that he did not expect many families to be tenants. He pointed out that there is a lot of green space in the plan with seating areas, pergolas and other

enhancements. He stated, to support his development, there has to be an inviting environment.

Planner Censky reported that the area at the east end of this project is zoned C-4 Upland Environmental Corridor and to have an active park there would require DNR and SEWRPC approvals. A pond is currently proposed in the Environmental Corridor and in addition to DNR and SEWRPC approvals, a Tree Cutting Plan would have to be approved by the City.

Commissioner Poellot advised that the architecture fits in really well. This area is disconnected from Downtown Cedarburg and all the nearby homes are 1950-1960 era with a ranch look to them. He quoted the staff report: "At the outset, our direction to Mr. Stroebel and goal for the City was to try and achieve a look and feel of "Cedarburg" for this project through architecture." Commissioner Poellot noted that he was not sure that this goal was important or necessary. When he thought of the Cedarburg brand, the homes are 100 years old and have different shapes or features.

Planner Censky explained that Cedarburg architecture is in fact eclectic, but had suggested in the staff report that some elements be included in the design that would differentiate the development from one in any other community.

Commissioner Poellot continued that most of these developments have the look proposed for this project, and is not sure it looks like Cedarburg. If it is important to the Commission, he would support requesting changes, but pointed out that the development is not a gateway to Cedarburg. In this neighborhood, in his opinion, the architecture looks fine.

Council Member Czarnecki stated that if a developer comes in and advises this is the type of development people want and what will sell, landscaping is the key to fitting into the neighborhood. He is more concerned about landscaping.

Commissioner Poellot suggested that the architecture should look nice and not to try to hide it with landscaping.

Commissioner von Barga agreed that to him the architecture works and was not sure that creating more of a Cedarburg feel was important.

Action Regarding Land Use Plan:

A motion was made by Commissioner von Barga, seconded by Mayor Kinzel, to recommend the Land Use Plan amendment for the 18.7 acre parcel proposed for 192 apartments on Sheboygan Road from High Density Residential Elderly Housing (not to exceed 20 units/acre) to High Density Residential (10.9 to 16.1 units per acre) with the following conditions:

1. Constructing a sidewalk along the east side of Sheboygan Road extending along the entire parcel.
2. The applicant will be required to loop the water main around the east side of the development.
3. Water Superintendent Tim Martin advised that a second feed will be required from Sheboygan Road through the proposed Geogrid access.
4. The applicant will be required to sprinkler the buildings with monitoring.
5. The Fire Department will need to confirm radius of driveways is adequate for the large fire trucks.
6. The applicant will need to meet with the Fire Department to determine fire hydrant location.
7. WDNR, City Plan Commission and Common Council approval of a Tree Cutting and Clearing Plan for the removal of trees in preparation for the work within the C-4 District.
8. The applicant having the Floodplain, Wetlands and Upland Conservancy District field verified and staked.
9. Executing and recording a Development Agreement.

The motion carried without a negative vote, with Vice Chairperson Burgoyne excused.

Action Regarding Rezoning:

Commissioner von Bargen moved to recommend rezoning the 18.7 acre parcel proposed for 192 apartments on Sheboygan Road from RS-1 Temporary Single-Family Residential to RM-2(PUD) Multiple-Family Residential and Planned Unit Development Districts with the following conditions:

1. Constructing a sidewalk along the east side of Sheboygan Road extending along the entire parcel.
2. The applicant will be required to loop the water main around the east side of the development.
3. Water Superintendent Tim Martin advised that a second feed will be required from Sheboygan Road through the proposed Geogrid access.
4. The applicant will be required to sprinkler the buildings with monitoring.
5. The Fire Department will need to confirm radius of driveways is adequate for the large fire trucks.
6. The applicant will need to meet with the Fire Department to determine fire hydrant location.
7. WDNR, City Plan Commission and Common Council approval of a Tree Cutting and Clearing Plan for the removal of trees in preparation for the work within the C-4 District.
8. The applicant having the Floodplain, Wetlands and Upland Conservancy District field verified and staked.
9. Executing and recording a Development Agreement.

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

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

No comments or announcements were offered.

MAYOR'S ANNOUNCEMENTS

Due to the Labor Day holiday, the next meeting date was scheduled for Wednesday, September 6, 2017.

ADJOURNMENT

Commissioner Cain moved to adjourn the meeting at 7:52 p.m. The motion was seconded by Mayor Kinzel and carried without a negative vote, with Vice Chairperson Burgoyne excused.

Darla Drumel,
Administrative Secretary