

**TOWN OF CEDARBURG
PLAN COMMISSION MEETING MINUTES
May 16, 2018**

Present: David Salvaggio, Dan Wundrock, Ralph Luedtke, Mark Wittenberg, Anne Lewandowski, Wayne Pipkorn, Rick Goeckner

Also Present: Tim Rhode, Administrator, Brad Hoeft, Town Attorney, Eric Ryer, Assistant Administrator/Clerk

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairman Salvaggio called the regular meeting to order at 7:00 pm. The meeting began with the Pledge of Allegiance.

2. MINUTES OF PREVIOUS MEETING:

a. Approval of April 18, 2018 Plan Commission Meeting Minutes*

Commissioner Wundrock moved and Commissioner Pipkorn seconded a motion to approve the minutes from April 18, 2018. The motion passed unanimously.

3. PUBLIC HEARING

a. Public hearing to take comment on a conditional use permit application by Daniel Ebbert and Mackenzie Deppisch to operate a variety of uses out of the existing building located at 9716 Pioneer Road [SE ¼ of Section 32, 2.2 acres, zoned B-3 Business]

Daniel Ebbert and Mackenzie Deppisch of DE Contracting have submitted a conditional use permit application requesting to operate the following uses out of the existing 12,433 square foot building located at 9716 Pioneer Road: general merchandising, general wholesaling, general warehousing or warehousing in connection with any permitted use, trade and contractor's offices and yards, studios, and woodworking shops not requiring outside dust collection equipment. With no comment from the public, Commissioner Pipkorn moved to close the public hearing. Commissioner Wundrock seconded, and the motion passed unanimously.

Commissioner Pipkorn then moved the Plan Commission move item #4a to the end of the agenda following item #5d. Commissioner Wundrock seconded, and the motion passed unanimously. The Commission then moved to item #5a.

4. OLD BUSINESS

a. Discussion and possible recommendation on Ordinance 2018-1, "An Ordinance to Amend Chapter 320: Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, regarding berms"*

This item was discussed at the March and April Plan Commission meetings. Staff was directed to bring back a draft ordinance, which includes changes as directed by the Commission. Following discussion, Commissioner Pipkorn made a motion the Plan Commission recommend the Town Board approve Ordinance 2018-1, An Ordinance to Amend Chapter 320: Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, regarding berms. Commissioner Wundrock seconded, and the motion passed unanimously. The Commission then moved to item #6.

5. **NEW BUSINESS**

- a. **Discussion and possible recommendation on a conditional use permit application by Daniel Ebbert and Mackenzie Deppisch to operate a variety of uses out of the existing building located at 9716 Pioneer Road [SE ¼ of Section 32, 2.2 acres, zoned B-3 Business]***

This item continues from item #3a. Daniel Ebbert noted the primary occupants will be the applicants, doing woodworking and operating an electrical contractor's office. However, they would like to rent/lease some space to others in the future. They would also like to add a bathroom and some hallways and access corridors, add four more large loading doors to the rear of the building, and handicapped accessible features. Their office hours would be by appointment only.

Following discussion, Commissioner Pipkorn moved the Plan Commission recommend the Town Board approve the conditional use permit application by Daniel Ebbert and Mackenzie Deppisch to operate the uses listed out of the existing building located at 9716 Pioneer Road. Commissioner Lewandowski seconded, and the motion passed unanimously.

- b. **Discussion and possible recommendation on an application by Jeff Keller to construct a 16' x 16' shed on a property with an existing conditional use permit located at 2115 Granville Road [SE ¼ of Section 6, 2.5 acres, zoned B-1 Neighborhood Business District & A-1 Agricultural]***

Jeff Keller has submitted a building permit application for a new 16' x 16' shed for his 2.5 acre property located at 2115 Granville Road. This property is unique in that it has a conditional use permit attached to it that was issued back in 2004. The CUP allowed for a residence to be constructed in the B-1 district following the rules for R-3 as outlined in the CUP. It also states that, "any requested additions to this property should have Plan Commission/Town Board review prior to a building permit being issued, due to it being located in a B-1 zoned area and could possibly be used for a business purpose in the future." The proposed outbuilding location falls within the area zoned B-1.

Commissioner Wundrock pointed out the side yard setback should be 25' instead of 20'. Mr. Keller agreed the structure could be shifted 5' to meet the 25' setback. Staff also explained that since the home is a one-story home, the structure is limited to 15' in height; as proposed the height would be 18'. Mr. Keller agreed to lower the height to 15' to meet the requirement. Following discussion, Commissioner Wundrock moved the Plan Commission recommend the Town Board approve the application by Jeff Keller to construct a 16' x 16' shed on a property with an existing conditional use permit located at 2115 Granville Road; lowering the height to 15' maximum and increasing the side yard setback to at least 25'. Commissioner Luedtke seconded, and the motion passed unanimously.

- c. **Discussion and possible recommendation on Ordinance 2018-2, "An Ordinance to Amend Chapter 320: Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, regarding adding massage therapy and personal training as professional office uses" [Petitioner: Holly Gonwa]***

Holly Gonwa of Pulse Personal Training currently located in the City of Cedarburg has submitted a text amendment application that seeks to add "massage therapy" and "personal training" as uses under the term "professional office" as defined by section 320-137 of the Town Code.

Administrator Rhode noted that this addition would allow for "massage therapy" and "personal training" to become principal uses in specified zoning districts. Attorney Hoeft noted that although it cannot be acted upon tonight, the term "recognized trade" could be seen as vague and could be discussed at a future meeting. He noted many trades are licensed, and questioned if licensing makes a trade "recognized."

Following discussion, Commissioner Pipkorn moved the Plan Commission recommend the Town Board approve Ordinance 2018-2, An Ordinance to Amend Chapter 320: Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, regarding adding massage therapy and personal training as professional office uses. Commissioner Goeckner seconded, and the motion passed unanimously.

d. Discussion and possible direction regarding an ordinance addressing property maintenance*

Supervisor Wattson explained he requested the Plan Commission take the opportunity to review and discuss property maintenance ordinances in the Town Code. He noted he has received complaints from residents regarding property maintenance in Town. He explained he was not interested in going as far as an ordinance regulating grass height, but would like to discuss the accumulation of junk creating various issues. The Commission discussed various existing Town ordinances that can be applied to property maintenance issues, including disrepair of homes.

Commissioner Goeckner noted it can be difficult to monitor and enforce these types of ordinances, and suggested using the existing ordinances to enforce violations. No action was taken by the Commission regarding this item. The Commission then moved to item #4a.

6. ADJOURNMENT

Commissioner Wundrock moved to adjourn the meeting. Commissioner Goeckner seconded, the motion carried unanimously and the meeting was adjourned at 7:40p.m.

Respectfully Submitted,

Eric Ryer
Assistant Administrator/Clerk