

**TOWN OF CEDARBURG
PLAN COMMISSION MEETING MINUTES
December 21, 2011**

Present: Chairman David Valentine, Ralph Luedtke, Mark Brunner, Joe Rintelman, Paul Waldo

Excused: Edward Downey, William Henke

Also Present: Jim Culotta, Town Administrator, Brad Hoeft, Town Attorney, Eric Ryer, Director of Recreation & Planning

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

2. MINUTES OF PREVIOUS MEETINGS:

Joe Rintelman moved and Paul Waldo seconded a motion to approve the minutes of the regular meeting on November 16, 2011. The motion carried unanimously.

3. PUBLIC HEARING

a. None

4. OLD BUSINESS

a. Discussion and possible recommendation on an ordinance updating Chapter 320: Zoning, regarding conservation subdivision design*

The Plan Commission previously discussed conservation subdivision design (CSD) ordinances and their applicability to the Town at their September and October meetings, directing staff to draft a CSD ordinance for the Commission to review at the November meeting. The Commission reviewed and discussed a draft ordinance at their November meeting, ultimately deciding against a new CSD zoning district, and instead was in favor of referencing CSD guidelines for new major land divisions. The Commission directed staff to update the CR-A and CR-B districts to reference the most current SEWRPC guidance documents as a tool to aid developers in the design of conservation subdivisions.

Paul Waldo asked for clarification on ordinance language pertaining to lot size for the CR-A and CR-B districts. Director of Recreation and Planning Ryer explained the lot size requirements for these districts. Following discussion, Joe Rintelman moved that the Plan Commission recommend the Town Board approved the proposed ordinance that would update Chapter 320: Zoning regarding conservation subdivision design. Paul Waldo seconded, and the motion passed unanimously.

b. Discussion and possible recommendation on an ordinance requiring grading and seeding of the disturbed area surrounding home construction/renovation activities*

The Plan Commission pervisouly discussed this item at their November meeting at the request of Supervisor Rintelman. Town staff received a complaint from a resident whose neighbor constructed a new home and was issued occupancy on 4/30/2010 but has yet to perform the final grading and seeding of the lawn surrounding the home; erosion control measures are in place. Town Code does not currently require grading and seeding of the lawn before occupancy is issued so long as erosion control measures are in place (1 acre of disturbed area triggers the storm water ordinance). This is not a common problem with new construction or large renovation projects as the vast majority of homeowners seed the lawn within the first year after construction is complete.

Paul Waldo asked what the associated penalties would be for an infraction of the proposed ordinance. Attorney Hoeft explained the enforcement provisions related to the ordinance, noting there are monetary penalties the Town could seek, as well as other options such as injunctions.

Ralph Luedtke agreed that regulating runoff is important, but did not agree that the Town should be telling a property owner how to landscape their property, which he feels this ordinance works to accomplish. Chairman Valentine pointed out that ensuring disturbed area is vegetated is important to neighbors to maintain property values in the area. Joe Rintelman noted the proposed ordinance would not tell a property owner how to specifically landscape their property, but would simply require grading and seeding to establish vegetative cover over the disturbed area. Chairman Valentine also explained the overwhelming majority of property owners voluntarily landscape their properties and this ordinance will rarely need to be enforced.

Paul Waldo then moved the Plan Commission recommend the Town Board approve the proposed ordinance that would add section 108-20 requiring grading and seeding of the disturbed area surrounding home construction/renovation activities. Joe Rintelman seconded, and the motion passed unanimously.

5. NEW BUSINESS

a. **Discussion and possible recommendation regarding an ordinance to amend § 320-137 Definitions and word usage, particularly with respect to allowing dog day care and in-home boarding centers operated as a home occupation in residential districts with a kennel conditional use permit, and § 95-3 Dog and kennel licenses, regarding licensing and rabies vaccinations for dogs at dog daycare***

Debra and Carl Ward of 1558 Fielding Road have been operating a dog daycare business out of their home, which was brought to the attention of Town staff by a neighbor via a barking complaint. Staff researched the matter and determined this type of home occupation was not Code compliant for three separate reasons, and explained to Mrs. Ward that she would need to address these issues to be allowed to operate her business out of her home. First, she would need to apply for and successfully have the Town Board approve an ordinance that would amend the Town Code as needed to allow for the operation of a dog daycare and in-home boarding as a home occupation in residential districts. Secondly, she would need to obtain two conditional use permits: one to operate a kennel, and a second to operate the home occupation out of her residence.

The Town Board discussed this issue at their December meeting and was favorable to such a text amendment, as the Town can place conditions upon a kennel CUP that would protect neighbors. Mrs. Ward then decided to move forward with the text amendment application, being considered at this Plan Commission meeting; forthcoming conditional use permit applications will be contingent upon the text amendment being approved by the Town Board.

Paul Waldo inquired as to how many noise complaints were received by staff; Administrator Culotta confirmed staff received one complaint. Ralph Luedtke asked what the license fee is for a kennel license. Director of Recreation and Planning Ryer explained the cost for a conditional use permit is \$300 per application. Mr. Luedtke also asked how many dogs would be allowed under such a permit; Paul Waldo noted this number would be set as a condition of the CUP.

Mark Brunner asked how many dogs the Wards typically watch; Debra Ward answered they typically have seven or eight dogs, but may go up to ten at times. She explained that bickering amongst dogs is minimized as the Wards interview the customers before accepting a dog to make sure they will get along with the other dogs. The dogs are let outside to relieve themselves and are walked down the street if a "dog walk" is purchased. Ralph Luedtke noted there are roughly 34 homes in the direct neighborhood, but he counted 19 that signed a petition of support. Debra Ward noted some

neighbors were not home when she walked around, and she did not attempt to reach the neighbors furthest away from her home to this point. She also noted the dogs are inside the home and in crates between 8-9pm each night.

Paul Waldo expressed concern about allowing dog daycare and in-home boarding in residential neighborhoods, as barking and related activity could lead to problems. Debra Ward explained the yard is fenced and dogs are let out in small groups to minimize barking. Chairman Valentine felt dog daycare and in-home boarding is a service that is in demand in the Town and is therefore worth giving a chance under reasonable circumstances and controls of a conditional use permit. Joe Rintelman recommended using examples from other communities to help fashion a CUP for the Wards. Attorney Hoeft would work with staff on ordinance language.

Joe Rintelman then moved the Plan Commission recommend the Town Board approve the proposed ordinance that would amend § 320-137 Definitions and word usage, particularly with respect to allowing dog day care and in-home boarding centers operated as a home occupation in residential districts with a kennel conditional use permit, and § 95-3 Dog and kennel licenses, regarding licensing and rabies vaccinations for dogs at dog daycare. Paul Waldo seconded, and the motion passed unanimously.

6. ADJOURNMENT

Joe Rintelman then moved to adjourn the regular meeting. Ralph Luedtke seconded, the motion carried unanimously and the meeting was adjourned at 7:33 p.m.

Respectfully Submitted,

Eric Ryer
Director of Recreation & Planning