

CITY OF CEDARBURG  
PLAN COMMISSION

PLN20200406-1  
UNAPPROVED MINUTES

April 6, 2020

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, April 6, 2020 via the [zoom](#) app. The meeting was called to order at 7:02 p.m. by Mayor Michael J. O'Keefe.

Roll Call: Present - Mayor Michael J. O'Keefe, Council Member Patricia Thome, Vice Chairperson Mark Burgoyne, Kip Kinzel, Adam Voltz, Heather Cain, Sig Strautmanis

Also Present - City Planner Jon Censky, Council Members Rick Verhaalen and Kristin Burkart, City Administrator Mikko Hilvo, Fire Inspector Blake Karnitz, Administrative Assistant Victoria Guthrie

**STATEMENT OF PUBLIC NOTICE**

Administrative Assistant 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 to approve the minutes of March 2, 2020. The motion was seconded by Commissioner Strautmanis and carried without a negative vote.

**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.

**REQUEST FOR TEMPORARY USE APPROVAL FOR AN EVENT TENT LOCATED AT N49W5471 PORTLAND ROAD – ERNIE'S WINE BAR/BENJAMIN GRADE**

Petitioner Grade is requesting approval of the temporary use of a tent for a wedding hosted by Ernie's Wine Bar on August 8, 2020. The proposed tent measures 30' by 50' with side walls, stands approximately 10' tall and will be placed on the grassy area west of the parking lot. The tent will be installed one day prior to the wedding and will be in use from 12:00 p.m. until 10:00 p.m. on August 8, 2020. During the Common Council meeting on February 24, 2020, the Council approved to amend the premise description of Ernie's Wine Bar site for a Class B Liquor License to include the parking lot area, the event tent and DJ services for this wedding, with the requirement that all outside activity end by 10:00 p.m. Subject to the Common Council action to approve the premise description amendment of Ernie's Wine Bar liquor license for August 8, 2020, City Staff had no objections to this proposal.

Fire Inspector Blake Karnitz reviewed the application for the event tent, and provided the following requirements for the Petitioner to comply with the National Fire Code (NFPA 1, 2012 edition), which has been adopted into law by the State of Wisconsin and the City of Cedarburg:

1. Occupant load: The total number of occupants for the tent shall not exceed 100 persons, calculated in accordance with Table 14.8.1.2
2. No smoking will be allowed in the tent, and no smoking signs shall be posted and plainly visible – Section 25.2.4.2
3. Open flames are prohibited, candles may be allowed at the discretion of the Fire Department – Section 25.1.5.4
4. There shall be a minimum of two exits from the tent – Section 14.9.1.1
5. The exits shall be marked with appropriate signage, non-illuminated exit signs will be allowed at the discretion of the Fire Department – Section 14.11.3.2
6. A minimum of one fire extinguisher shall be present and accessible in the tent – Section 25.2.5
7. Proof of flame propagation performance shall be provided – Section 25.2.2.2

Commissioner Cain expressed concern regarding event traffic and parking in the area. She believes that if attendees park along Portland Road, this might pose a hazard to traffic and pedestrians, since this road does not have streetlights. Council Member Thome agreed.

Vice Chairperson Burgoyne stated that Highland Drive might be a viable parking option, and he believes that there should be the same sort of flexibility given to other events that are hosted in the City. Planner Censky pointed out that as the tent is being set up in the lawn, this should free up the bar's parking lot for attendees, although the number of people invited was not provided with the application. He also stated that he will discuss this further with Petitioner Grade, along with making a recommendation for him to speak with neighboring businesses to see if they would agree to allow his patrons use of their parking lots for overflow parking.

**Action:**

A motion was made by Council Member Thome to approve the temporary use of a tent subject to the seven conditions listed above from Fire Inspector Karnitz and the following conditions from the Plan Commission are met. The Petitioner must ensure:

1. All outdoor activity shall end no later than 10:00 p.m.
2. Full compliance with the Common Council approved Liquor License
3. Monitoring of event traffic/parking to make sure no unsafe parking along Portland Road
4. Discussion with local businesses in the area to request use of their parking lots for overflow parking

This motion was seconded by Commissioner Kinzel and carried without a negative vote.

**REQUEST A WAIVER TO SECTION 93-1-101(g) OF THE ZONING CODE IN REGARD TO THE SIZE OF ACCESSORY STRUCTURES FOR BUILDINGS PROPOSED AT W66N585 MADISON AVENUE – MARK AND ANNE SCHOENENBERGER**

The Petitioners are requesting a waiver to the size limit recently placed on accessory structures for residentially zoned lots to allow two structures that combined will exceed the new 720 square foot maximum. Currently, the Petitioners have a 650 square foot detached garage. That garage combined with the proposed outbuilding will bring the total size of the accessory structures to 1,300 square feet. Plan Commissioners will recall having recommended the new size limit last December to establish the maximum size of accessory structures to be based on something other than the Floor Area Ratio calculation. While the Common Council supported this recommendation, the Council expressed that future appeals to this limit should be made to the Plan Commission, rather than the Board of Appeals.

The proposed new structure is unique in design as it will serve as a storage facility, gazebo and sauna. Specifically, the structure will provide storage for the Petitioner's tools and equipment, as well as provide space for a family entertainment room with a gazebo and sauna. The exterior walls will be comprised of 5/8" thick Cedar Channel Siding and the roof will consist of Certain Teed "Chestnut" Presidential Shake Shingles. The sauna room on the south side will be accessible through Marvin sliding patio doors and the north side garage doors accessing the storage area will be a Haas Overhead Door.

The Petitioner's lot is 48,412 square feet in size surrounded by lots that average approximately 8,400 square feet. The proposed structure is to be located in a secluded area of the site where it is mostly out of view from neighbors. Specifically, the proposal is to locate the structure in the far northwest corner of the site in an area bounded by the rear yards of adjacent lots. Taking this into consideration, the City Staff believes that this structure appears to fit in with the neighborhood and indicates compliance with the Rs-5 restrictions for everything but the size limit. Therefore, City Staff has no objection to the request subject to:

- The applicant securing a building permit prior to construction commencement.
- The structure being located outside the existing utility easement.

Planner Censky added that he has received an email from Richard Dieffenbach at W67N586 Evergreen Boulevard, owner of the adjacent parcel to the west, and he has no problem with the proposed structure.

Commissioner Voltz pointed out that the Petitioner's lot is approximately six times larger than the surrounding lots, the structure material being proposed is of good quality, the plans provided are detailed, and it appears that this would be considered a site improvement. He questioned Petitioner Schoenenberger about access to the structure, to which the Petitioner stated there is a gravel driveway located on the north side of the property that leads to this area.

Mayor O'Keefe agreed that the lot is substantially larger than the surrounding lots and does not believe the structure will be a problem, due to the mostly hidden spot on the property. Council Member Thome expressed her approval of the design and believes

that with Commissioner Voltz reviewing the design from an architectural standpoint, she feels comfortable with approving this structure.

**Action:**

A motion was made by Commissioner Voltz to approve the waiver to Section 93-1-101(g) of the Zoning Code for the proposed structure. This motion was seconded by Council Member Thome. The motion carried without a negative vote.

**ANNEXATION RECOMMENDATION OF A 3.8-ACRE PARCEL LOCATED AT 6620 SUSAN LANE IN THE TOWN OF CEDARBURG TO THE CITY OF CEDARBURG – THE HAHM GROUP/MATTHEW HAHM**

Planner Censky advised that this item was withdrawn by Petitioner Hahm prior to the meeting due to the uncertainty of the current economic climate. This item may be resubmitted for consideration at a future Plan Commission meeting.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

No comments or announcements were offered by Commissioners.

Planner Censky informed the Commissioners that there is a special meeting of the Plan Commission in order to hold a Public Hearing scheduled for Monday, April 20, 2020 at 7:00 p.m. This will be the only item on the agenda, which will be sent out in the middle of next week.

**MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe reminded the Plan Commission of Election day being held tomorrow on Tuesday, April 7. He stated that anyone wishing to volunteer to help should plan on being at the Community Center Gym between 6:30 a.m. and 8:00 p.m. Face masks and gloves will be provided to all volunteers, and surfaces will be disinfected throughout the day.

**ADJOURNMENT**

A motion was made by Commissioner Kinzel, seconded by Council Member Thome, to adjourn the meeting at 7:29 p.m. The motion carried without a negative vote.

Victoria Guthrie  
Administrative Assistant