

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20210405-1
UNAPPROVED MINUTES**

April 5, 2021

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, April 5, 2021 via the [zoom](#) app. The meeting was called to order at 7:01 p.m. by Mayor Michael J. O'Keefe.

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

Also Present - City Planner Jon Censky, City Administrator Mikko Hilvo, Council Members Robert Simpson and Barbara Lythjohan, Administrative Secretary Victoria Guthrie, news media

STATEMENT OF PUBLIC NOTICE

Planner Censky 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, seconded by Commissioner Kinzel, to approve the minutes of March 1, 2021. The motion 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.

CONSIDER APPROVAL OF PERGOLA INSTALLATION INSIDE EXISTING FENCED-IN OUTDOOR DINING AREA LOCATED AT W61N480 WASHINGTON AVENUE – BRANDYWINE/RHIANNON WILSON

This item was withdrawn by the Petitioner prior to the meeting.

REAPPROVAL OF UPDATED SITE AND ARCHITECTURAL PLANS FOR ADDITION TO BUILDING LOCATED AT W63N680 WASHINGTON AVENUE – IT'S A GAS LLC/GREG ZIMMERSCHIED

Planner Censky reported that Petitioner Zimmerschied is requesting reapproval of his site and architectural plans for his downtown building. These initial concept plans were met with positive feedback from the Landmarks Commission on August 25, 2011 and were recommended for approval on September 29, 2011. The plans were then presented to the Plan Commission and denied in both their October 3, 2011 and November 7, 2011 meetings, citing differences of opinion regarding the appropriateness of the design for the downtown area.

Petitioner Zimmerschied went on to appeal those denials to the Common Council in their January 30, 2012 meeting, and won approval of his plans by unanimous vote. Plan Commission approval has since lapsed; therefore, the Plan Commission must reapprove the plans as required by Code before a building permit can be issued. The Landmarks Commission approval does not lapse and continues to be in effect.

Petitioner Zimmerschied is proposing a 673 square foot addition extending off the west elevation to a point 5-feet back from the front public sidewalk, resulting in an L-shaped structure. A 22-foot-high tower will serve as the focal point of the main entrance and will join the two buildings together. In terms of material, the proposed addition will be plaster over concrete block, painted white to match the existing building, and the storefront window system will match the existing storefront overhead garage door appearance. The plans include a courtyard in front.

Planner Censky surmised that City Staff has no objection to this request subject to the following conditions:

1. If or when landscaping is planned for the east side of the parcel, a landscape plan must be submitted for approval.
2. Compliance with State Building Code requirements.

Petitioner Zimmerschied and Architect Don Stauss were present at the meeting to provide project details. Petitioner Zimmerschied explained that these building plans have been ten years in the making, facing various hiccups along the way. His current tenant, the retailer Santa Fe Shop, is leaving at the end of their lease in May, providing an opportune time for him to move forward with the changes.

As he will be leasing the space on a first-come first-served basis, Petitioner Zimmerschied stated that he cannot confirm the nature of the businesses that will occupy the space. He intends to split the building into two-tenant spaces. He acknowledged that there are existing parking spaces in the back for use by tenants and their employees. At this time, he is not proposing changes to that side of the building other than to re-introduce the existing basement entrance.

Commissioner Voltz voiced his approval of the design and applauded both Petitioner Zimmerschied and Architect Stauss for using the existing building. He also encouraged them to consider installing a functioning overhead door instead of a window system, stating that this would provide a more fluid use of the space in conjunction with the front patio. Commissioner Strautmanis agreed, pointing out that since the appearance of an overhead door is what is implied by the proposed storefront pattern, changing this to an actual overhead door would make it authentic. Council Member Thome inquired as to whether the Petitioner would have to come back in front of the Plan Commission if they decide to install this type of door. Planner Censky indicated that if the Commissioners agree to be flexible on this, it allows the Petitioner the option to decide whether he wants to change this detail without having to obtain additional approval from the Plan Commission.

Commissioner Strautmanis complimented the design, observing that this addition will bring the building closer to the street; however, he noticed that the height of the proposed

addition was not provided on the submitted plan. Architect Strauss agreed to provide an updated drawing that includes this measurement to Planner Censky.

Action:

A motion was made by Commissioner Voltz to reapprove the proposed site plan under the condition that if or when landscaping is planned for the east side of the parcel, a landscape plan must be submitted for approval, and that all construction work will comply with State Building Code requirements. This motion was seconded by Commissioner Cain and passed without a negative vote.

RECOMMEND APPROVALS FOR PHASE 1 OF THE PROPOSED SUBDIVISION TO BE LOCATED AT W73N1122 WASHINGTON AVENUE – FAIRWAY VILLAGE/ NEUMANN DEVELOPMENTS INC

The Petitioner is seeking recommendations for approval on the following items:

Final Plat Approval for Phase 1:

Phase 1 of this project covers the development of the southwest corner of the parcel through to the easternmost edge of the parcel. The plan consists of eight (8) lots for two-unit townhomes and fifty-two (52) lots for single-family homes. The Preliminary Plat was approved by the Common Council on December 14, 2020.

Planner Censky advised that City Staff have reviewed the plat and have made the following requests:

1. Need to provide finished building pad elevations for each home.
2. Replace *Wisconsin Electric Power Company* with *Cedarburg Light & Water* on sheet number 5.
3. Show utility easements for electric lines.

Landscaping Plan Approval:

Planner Censky reported that this plan was reviewed by City Forester Kevin Westphal, who made the following requests:

1. Tree spacing shall be 40-feet.
2. All street trees shall be planted by the City's Parks and Forestry Department.
3. The Serviceberry proposed for the median on page L-1 will not do well in full sun. These shall be replaced with Japanese Lilac or Flowering Crab trees.
4. The private landscape buffer strip along Washington Avenue shall be maintained by the Fairway Village homeowner's association.
5. The Autumn Blaze Maple trees shall be replaced with Hackberry, Elm, Oak, or Coffee trees.
6. The White Pine shall be replaced with Norway Spruce, Swiss Stone Pine, Korean Pine, or Balkan Pine.

Development Agreement Recommendation:

The Development Agreement is the contract between the City and the Developer that establishes the Developer's responsibilities regarding the provisions of public and

private facilities, improvements, and any other agreed-upon terms. Mike Wieser, Director of Engineering & Public Works, and Mike Herbrand, City Attorney, have been working with the Petitioner to address the conditions of the preliminary approval and have drafted the Development Agreement provided in the meeting packet. This Agreement includes the following conditions:

1. All impact fees and fee-in-lieu of park land dedication will apply upon building permit acquisition.
2. The Developer shall be required to install public sidewalks and street trees along the Washington Avenue frontage.
3. This subdivision shall include the full complement of improvements as required in the City's Subdivision Ordinance and all infrastructure plans shall be reviewed and approved by Director Wieser, including water, sanitary sewer, storm sewer, road, sidewalk, grading, drainage, and erosion control.

Planner Censky concluded that the Phase 1 Final Plat is consistent with the Smart Growth Comprehensive Plan 2025 and the approved Preliminary Plat; therefore, City Staff recommends approval based on all conditions listed above.

Commissioner Strautmanis expressed his concerns regarding townhouse designs being garage dominant due to the narrow lots. Planner Censky confirmed that the Developer will be submitting architectural designs on houses prior to any building permits being issued, adding that he is relying on the Developers to establish and present these designs in a timely manner. Kevin Anderson of Neumann Developments was in attendance and informed Commissioners that the designers they plan on working with are Halen Homes, Harbor Homes and Tim O'Brien Homes, all partner companies under the Neumann umbrella. He assured Commissioners that their builders are familiar with design reviews and will make sure to account for this in their project timeline.

Action:

A motion was made by Vice Chairperson Burgoyne to approve the Final Plat for Phase 1, the Landscaping Plan and the Development Agreement based on the twelve conditions listed under the Final Plat Phase 1, Landscaping Plan Approval and Development Agreement Recommendation sections above, along with the condition that prior to obtaining building permits, the Developer shall present architectural elevations and themes for 2-unit and single-family homes to the Plan Commission for review and approval. This motion was seconded by Council Member Thome and passed without a negative vote.

APPROVAL OF SIGN PLAN FOR NEW MONUMENT SIGNAGE AT THE NORTH, SOUTH, EAST, AND WEST GATEWAYS INTO THE CITY – CITY OF CEDARBURG/MIKKO HILVO

Administrator Hilvo has been working with TKWA architects to design four monument signs to be placed in the public right-of-way at the following locations:

1. East side of Washington Avenue just north of Pioneer Road.
2. West side of Washington Avenue just north of Poplar Avenue.

3. West side of Sheboygan Road just south of Oxford Drive.
4. North side of Western Road just west of Washington Avenue.

The monument structures stand 3-feet to 4-feet high and will be constructed of stone or mortar consistent with area building material. They will be topped with a flat concrete cap and externally illuminated. Each structure will be fitted with a large black plaque with raised silver letters and a smaller oval plaque stating the year Cedarburg was founded. Administrator Hilvo explained that the idea to replace the entrance signs to the City was part of the Brand Implementation Project in 2019.

The Landmarks Commission will be reviewing the sign plan for the monument at location number 4, which is in the Historic Preservation District. If the Landmarks Commission and Plan Commission both recommend approval, this will be presented for final approval to the Common Council.

Mayor O'Keefe observed that the placement of the signs at locations 2 and 3 are set close to the curb and speculated this may present a safety hazard for drivers. The decision was made to seek input from Director Wieser prior to issuing placement approval for these two locations. Administrator Hilvo stated the placement for location 4 is under discussion and has not been finalized.

The existing sign at location 1 will be replaced by the proposed monument. Staff from Parks, Recreation & Forestry will continue to maintain the flowerbed at the base.

Action:

A motion was made by Mayor O'Keefe to approve the monument sign for location 1 as proposed. This motion was seconded by Vice Chairperson Burgoyne and passed without a negative vote.

CONSIDER RECOMMENDATION OF PUBLIC SIDEWALK STENCILS PROMOTING THE "WALK YOUR WHEELS" SAFETY CAMPAIGN ALONG WASHINGTON AVENUE – CITY OF CEDARBURG/MIKKO HILVO

Administrator Hilvo explained the reason for this safety campaign is to educate riders that bicycles, skateboards, scooters, and skates present a danger to themselves and pedestrians in the crowded downtown area. He would also like to use this opportunity to raise awareness of the existing City Ordinances in place that prohibit these activities on sidewalks along Washington Avenue. Administrator Hilvo has posted the information on the City's social media and website, and is seeking approval to stencil these symbols in the following crosswalk entrances downtown:

1. Bridge Road and Washington Avenue.
2. Interurban Trail and Washington Avenue.
3. Western Road and Washington Avenue.
4. Portland Road and Columbia Road.

If both Landmarks Commission and Plan Commission recommend approval, this will be presented for final approval to the Common Council.

Discussion ensued regarding the overall appearance of the symbols. Commissioners voiced their approval of this campaign; however, they would like to see it rendered in a different color than what is shown in the example, and suggested using the shade of blue from the Cedarburg logo. They also expressed interest in using decals placed on the sidewalks instead of stencils for a crisper, more professional look. Commissioners would like to see these symbols placed on other sidewalks with high pedestrian traffic that feed onto Washington Avenue.

Action:

A motion was made by Council Member Thome to approve the concept of the campaign logo being added to the sidewalks, deferring to Administrator Hilvo's choice of the final color and material. This motion was seconded by Mayor O'Keefe and passed without a negative vote.

**REQUEST WAIVER TO SEC 93-1-101(g) OF THE ZONING CODE IN REGARDS TO
THE SIZE OF ACCESSORY STRUCTURES FOR A GARAGE LOCATED AT
W74N1204 WASHINGTON AVENUE – DR. JOHN HAEBERLIN**

Planner Censky explained that the Petitioner is requesting a waiver to the size limit placed on accessory structures for residentially zoned lots to allow a structure that will exceed the maximum size limit. He described the proposed accessory structure as 2,240 square feet in size, featuring three parking stalls, a workshop, and a screened-in Florida room. The total size of the Petitioner's lot is 64,810 square feet, and while the size of the structure is appropriate compared with the current development patterns in the area, it is adjacent to the future Fairway Village subdivision. Planner Censky advised that the site currently supports a ranch style home with an attached garage, and added that the Petitioner also owns the adjoining parcel along the north border.

Regarding the zoning of the parcel, Planner Censky conveyed that this parcel was split off from the driving range site in January 2020 in order to pave the way for the pending Fairway Village subdivision. Since the site has not been rezoned, it remains as P-1 Park (temp) until public sewer and water service become available through the Fairway Village subdivision. At that time, the site will be rezoned to the Rs-5 single-family district. Therefore, this request is being processed under the regulations of that future zoning.

Review from City Staff of the location of the garage on the site indicates compliance with Rs-5 restrictions for everything but the size limit, and recommends that any action should be subject to the applicant securing a building permit prior to construction commencement.

Dr. Haeberlin and his contractor Laurance Chmielewski were both in attendance to provide details of this project. Contractor Chmielewski had provided building specifications of the proposed structure after the initial meeting packets were distributed to Commission members. These drawings were emailed to Commissioners on April 2, 2021, prior to this meeting; however, they did not arrive in time for full City Staff review.

Dr. Haeberlin explained that although his house originally had an attached garage, he converted the space into a guest suite, necessitating his decision to build a new garage.

The proposed garage has three car stalls, the largest being constructed to accommodate his truck. The screened-in Florida room is proposed to extend behind his former garage and will be accessible via outside doors and a ramp between the two buildings. Dr. Haeberlin explained that he has a daughter who uses a wheelchair, and this layout would make the short distance easier for her to navigate while also providing her with shelter from inclement weather. He described the workshop as space that will double as an entertainment room for his family.

Contractor Chmielewski provided information on the proposed materials for the structure, stating that LP SmartSide is being considered for siding, and the proposed windows are Sierra Pacific. Dr. Haeberlin confirmed that the colors will be selected to match the existing house.

Action:

A motion was made by Mayor O'Keefe to approve the waiver for the accessory structure as proposed, with the condition that Dr. Haeberlin obtain the required permits prior to construction commencement. This motion was seconded by Commissioner Kinzel and passed without a negative vote.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

No comments or announcements were made.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe had no announcements.

ADJOURNMENT

A motion was made by Commissioner Strautmanis, seconded by Commissioner Kinzel, to adjourn the meeting at 8:31 p.m. The motion carried without a negative vote.

Victoria Guthrie
Administrative Secretary