

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20210607-1
UNAPPROVED MINUTES**

June 7, 2021

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, June 7, 2021 via the [zoom](#) app. The meeting was called to order at 7:00 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 Kristin Burkart and Barbara Lythjohan, Director of Parks, Recreation & Forestry Danny Friess, Administrative Secretary Victoria Guthrie, news media

STATEMENT OF PUBLIC NOTICE

Administrative Secretary 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, seconded by Commissioner Strautmanis, to approve the minutes of May 3, 2021. The motion carried without a negative vote.

ELECTION OF VICE CHAIRPERSON; AND ACTION THEREON

Council Member Thome moved to nominate Mark Burgoyne as Vice Chairperson. The nomination was seconded by Commissioner Cain. The nominations were closed. Motion carried to elect Mark Burgoyne as Vice Chairperson without a negative vote.

REVIEW AND CERTIFY CODE OF ETHICS; AND ACTION THEREON

Commissioners confirmed receipt of the Code of Ethics and indicated their intent to comply.

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 EXTRATERRITORIAL CSM LAND DIVISION FOR A 5.835-ACRE PARCEL FROM A 63.96-ACRE PARCEL LOCATED AT 255 WAUWATOSA ROAD IN THE TOWN OF CEDARBURG – PUMPKIN FARM LLC/DON THOMA

Planner Censky explained that since Commissioners withheld action on this request during their May 3, 2021 meeting, it is again before the Commission for consideration.

Planner Censky advised that during a conversation he had with the Surveyor Don Thoma, they determined that the parcel owner could accomplish the same division of land by requesting a lot line adjustment, which would not require City approval; however, they agreed that submitting a CSM provided a more cohesive and cleaner approach to land division. Taking this into consideration along with the compliance with surrounding zoning, Planner Censky recommended approval of this request.

Action:

Council Member Thome made a motion to approve the extraterritorial CSM land division request as proposed, subject to the conditions set forth by the Town of Cedarburg Plan Commission indicated in the minutes of their March 3, 2021 meeting. Commissioner Kinzel seconded the motion. Motion carried without a negative vote.

CONSIDER APPROVAL OF WAIVER TO SEC 13-1-101(G) OF THE ZONING CODE AS REGARDS TO THE SIZE OF ACCESSORY STRUCTURES FOR POLE BUILDING PROPOSED AT W71N1046 WASHINGTON AVENUE – PETER & LAURIE WEGNER

Planner Censky established that the Petitioners are requesting to build a 486 square foot structure, which, combined with their existing garage, will exceed the 720 square foot limit on accessory structures per the City Zoning Code. The Petitioners do not have a basement in their home and are proposing to build this structure as a solution for storage. Planner Censky explained that City Staff review of this request indicates compliance with Rs-4 requirements in everything but the size limit. City Staff recommends approval of the waiver subject to the Petitioners securing a building permit prior to construction.

Petitioner Peter Wegner was in attendance and assured Commissioners that he had approached his neighbors with his proposed plan, and received their approval. He confirmed that this structure will not be readily visible from Washington Avenue; however, it will be visible to the neighboring parcels. Council Member Thome stated that although she does not love metal accessory structures, she will not oppose this request.

Action:

A motion was made by Mayor O'Keefe to approve the waiver to Sec 13-1-101(g) of the Zoning Code for the building as proposed. This motion was seconded by Vice Chairperson Burgoyne and passed without a negative vote.

CONSIDER RECOMMENDATION OF APPROVAL FOR OUTDOOR ALCOHOL BEVERAGE LICENSE FOR THE UNION HOUSE LOCATED AT W62N559 WASHINGTON AVENUE – CHRIS HOMAYOUNI

Planner Censky summarized the request from the Petitioner to install a tent for crowd control for this license to allow them to serve alcohol in their parking lot located on the west side of the tavern. Since this establishment is located in the Historic Preservation District, these plans were initially reviewed by the Landmarks Commission during their May 27, 2021 meeting and were recommended for approval. Police Chief Tom Frank has also reviewed this request and has no objection to their plans.

Petitioner Payman Homayouni was in attendance and explained that the idea of installing a tent is to delineate the area where beverages are served and consumed. Since other establishments are designating outdoor spaces for patrons this summer using fencing, planters, and other means of defining these areas, Commissioners requested the Petitioner use his proposed 4' high black aluminum fencing in place of a tent, with access still being limited through the building. Petitioner Homayouni readily agreed to this request. Planner Censky advised him that any requests to use amplified music in this outdoor area needs to be submitted to the Clerk's office, and any plans to serve alcohol on Washington Avenue during festivals must be taken through the Festival's Committee. The Petitioner was also advised that any recommendations from the Plan Commission for the license will be forwarded to the Common Council for final consideration during their regular meeting scheduled for Monday, June 14, 2021.

Action:

A motion was made by Council Member Thome to recommend approval for the Outdoor Alcohol Beverage License with the conditions that the Petitioner defines the service area by installing 4' black aluminum fencing instead of installing a tent, the fenced in area shall include a Code compliant emergency access gate, and the operation shall be compliant with Licensing & Regulation City Code Section 7-2-17. This motion was seconded by Commissioner Kinzel and passed without a negative vote.

CONSIDER APPROVAL FOR AMENDED SITE/ARCHITECTURAL PLAN FOR COMMERCIAL BUILDING LOCATED AT W62N535 WASHINGTON AVENUE – CEDARBURG LAND & CATTLE LLC/GREG ZIMMERSCHIED

Planner Censky explained that Petitioner Zimmerschied received approval of a commercial/restaurant building plan in 2019. However, construction did not move forward on this building. Petitioner Zimmerschied and Architect Don Stauss have revised this original plan and are once again requesting review and approval. Changes to the plan includes a reduction of building size from 5,310 square feet to 3,200 square feet, shortening the length of the building from 93 feet to 80 feet and replacing a second story dining room with a rooftop open air deck. Since this parcel is located in the Historic Preservation District, the Landmarks Commission reviewed and recommended the issuance of a Certificate of Appropriateness during their May 27, 2021 meeting. City Staff reviewed the updated plans and recommended approval based on the following conditions:

- Assurance to Fire Department that the parking lot turn radius is adequate for their equipment.
- Fire protection will be determined as the project progresses.
- Parking concerns are acknowledged with high traffic generating uses such as restaurants.
- Impact fees will be applied.
- Basements are designed for high groundwater and potential petroleum contamination due to previous parcel use.

Petitioner Zimmerschied explained that he does not have a tenant for this building at this time. Based on his future tenants needs, things may change as far as rooftop table set

up, garage windows on east elevation, etc. At this time, though, he would like to get the footings and foundation built before the end of the year. Planner Censky agreed, stating that he does not see the need to hold up the footings and foundation work at this time, and recommends approval of this portion, with the exterior lighting, site grading and landscaping plans to be presented to the Plan Commission for review at a future meeting.

Action:

A motion was made by Mayor O'Keefe to approve the amended site/architectural plan for the commercial building up to the footings and foundation work, with the above City Staff recommended conditions in place, including future approval of exterior lighting, site grading and landscaping plans by the Plan Commission. The motion was seconded by Council Member Thome and passed without a negative vote.

**CONSIDER RECOMMENDATION OF APPROVAL OF CENTENNIAL PARK
PLAYGROUND RENOVATION – CITY OF CEDARBURG PARKS & RECREATION**

Director of Parks, Recreation and Forestry Friess explained that the current playground in Centennial Park is 30 years old, and the condition of the equipment is declining. Although designed as an all-inclusive playground, it has not been able to serve in this capacity due to breakdown of various features. He is proposing a new playground that will be state-of-the-art and fully all-inclusive for all children. Part of this renovation will include the elimination of wood chips for a cleaner, maintenance free surface. Their goal is to have this project fully fundraised by Cedarburg Friends of Parks & Recreation and in place by the summer of 2022, with no tax dollars spent.

Troy Smith, representing Minnesota Wisconsin Playground, was in attendance and presented Commissioners with an overview of the plan for the new playground, focusing on features that are accessible to children with special needs and allows for multi-generational interaction. Mr. Smith stated that the equipment is durable with a lifespan of approximately 15 to 20 years with proper maintenance.

Action:

A motion was made by Commissioner Voltz to recommend approval of the renovated playground as proposed. This motion was seconded by Council Member Thome and passed without a negative vote.

DETERMINE JULY 2021 MEETING DATE DUE TO HOLIDAY

Commissioners agreed to schedule the July meeting for Wednesday, July 7, 2021 at 7:00 p.m. to be held in-person in the Council Chambers with the option to join online.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

Council Member Thome inquired as to when the Commission will receive the architectural plans for Fairway Village from Neumann Developments. Planner Censky stated he will contact them and send her this information.

Commissioner Cain asked if PJ Piper's Pancake House has submitted plans for repair on their façade to the Landmarks Commission. Planner Censky answered that they have not, and agreed to contact the owner to check on the status.

Commissioner Cain questioned progress on the development of Linmar Property Group at N50W7404 Western Road. Planner Censky reminded Commissioners that they had approved the annexation, land use amendment, rezoning request, land division, and development agreement in 2018 – 2019; however, further work on the development has not progressed. He will contact the developer and provide the status of the project.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe had no announcements.

ADJOURNMENT

A motion was made by Commissioner Kinzel, seconded by Commissioner Cain, to adjourn the meeting at 8:24 p.m. The motion carried without a negative vote.

Victoria Guthrie
Administrative Secretary