

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20220104-1
UNAPPROVED MINUTES**

January 4, 2022

A regular meeting of the Plan Commission of the City of Cedarburg was held on Tuesday, January 4, 2022 at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers and via the [zoom](#) app. The meeting was called to order at 7:00 p.m. by Council Member Patricia Thome.

Roll Call Present - Council Member Patricia Thome, Sig Strautmanis, Adam Voltz, Kip Kinzel, Heather Cain

Excused - Mayor Michael J. O'Keefe

Also Present - City Planner Jon Censky, Council Members Jack Arnett and Kristin Burkart, Administrative Secretary Victoria Guthrie

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 Commissioner Kinzel, seconded by Council Member Thome, to approve the minutes of December 6, 2021 as corrected in the following sentence:

- A motion was made by Mayor O'Keefe to keep maintain the current Code status quo as related to the pandemic in place until March 1, 2022, so further discussion can take place for a draft ordinance created for Common Council approval (Page 6, sixth paragraph, first sentence).

The motion carried without a negative vote with Mayor O'Keefe excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Council Member Thome offered the opportunity for the public to speak on any issue unrelated to the agenda items. She 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 RESOLUTION 2022-01PC HONORING PLAN COMMISSIONER MARK BURGUYNE

Council Member Thome expressed her thanks to Mark Burgoyne for thirty-three years of dedicated service as a Landmarks Commissioner and Plan Commissioner for the City of Cedarburg.

Action:

A motion was made by Commissioner Kinzel, seconded by Commissioner Cain, to approve Resolution 2022-01PC honoring Commissioner Mark Burgoyne. The motion carried without a negative vote with Mayor O'Keefe excused.

REQUEST SIGN PLAN APPROVAL FOR SUBDIVISION IDENTIFICATION SIGN FOR DEVELOPMENT LOCATED AT W73N1122 WASHINGTON AVENUE – FAIRWAY VILLAGE/NEUMANN DEVELOPMENTS

Planner Censky explained that the Petitioner is seeking approval of the identification sign for the developing Fairway Village Subdivision. The proposed ground-mounted sign will be located just outside the vision triangle at the southeast corner of the main entrance to this subdivision. The sign consists of five attached block pillars of varied heights, each attached with a limestone cap. The outmost pillars will be 2-feet wide and 5-feet high, wrapped with a Lannon grey stone; the middle outside pillars will measure 3-feet wide and 6-feet high, wrapped with a Lannon buff stone; and the center pillar will be 3-feet wide and 7-feet high, wrapped with a Lannon full color stone. The subdivision name and logo will measure 23-square feet in size and will be mounted to the face of the three center pillars facing Washington Avenue. The lettering will consist of raised black stainless-steel letters with the Neumann Developments green leaf emblem as a backdrop. Planner Censky advised that City Staff review of the plan indicates full compliance with the Sign Code.

Petitioner Ryan Fritsch of Neumann Developments was in attendance and confirmed that the sign will have exterior lighting similar to the example that was included in the meeting packet. Petitioner Fritsch reported that, due to challenges presented by existing berms, utility boxes and the vision triangle, the proposed location of the sign is shown at an angle that faces southbound traffic on Washington Avenue. When Commissioner Voltz questioned their decision to use a hard to see script-type font, Petitioner Fritsch indicated that the lettering shown on the plan was chosen to represent their logo font, and is in line with their other developments.

Action:

A motion was made by Commissioner Strautmanis to accept the proposed sign plan with the following conditions:

- In order to maximize visibility of the sign, it should be rotated parallel to Washington Avenue as close as possible, keeping in compliance with the vision triangle.
- To increase legibility of the development name, the three center pillars should be redesigned at equal height, and all be wrapped in Lannon buff stone.

This motion was seconded by Commissioner Kinzel, and passed without a negative vote with Mayor O'Keefe excused.

**REQUEST LAND USE AMENDMENT AND REZONING OF PARCEL LOCATED AT
N49W6337 WESTERN ROAD – FOX RUN/P2 DEVELOPMENT COMPANY**

During the December 6, 2021 meeting, Plan Commissioners reviewed the concept plans provided by the Petitioner, and indicated their support for the mixed residential project, providing suggestions for minor changes to the site layout. The Petitioner has since submitted his Rezoning and Land Use Plan amendment petition along with his updated site plan for this project, and is seeking approval recommendation from Commissioners to the Common Council.

Project Plan

The plans include three different forms of residential uses, as described below:

1. Single-family pocket-style neighborhood homes
 - Twenty-six homes total
 - Four of these buildings will have common garage walls
 - Range in size from 1,928-square feet to 1,962-square feet
 - Feature front porches that face a central common green space area
 - Garages back up to neighboring back yard garages
 - Driveway access is shared by homes
 - Located at the south side of the parcel
2. Row/Townhome style
 - Twenty-six 3-story, 3-bedroom units
 - Eighteen 2-story, 2-bedroom units
 - Located at the west and northwest side of the parcel, with Western Road frontage
3. Apartment buildings
 - One 3-story building with 110 units
 - One 2-story building with 50 units
 - Underground parking for residents, with shared access ramp
 - Located on the east and northeast side of the parcel

This project will result in the public road extension of Hanover Avenue from Western Road heading south through to Jackson Street at its connection with Hanover Avenue. Along this roadway, public street parking will be provided.

Traffic Study

The Petitioner has completed a traffic study to analyze the impact of the development on adjacent public roadways. This study concluded that *“The redevelopment of the Wilo Machine Company site into residential housing, as proposed, is not expected to significantly impact traffic operations at the study intersections. Delays and queue increases are minimal and therefore no intersection modifications are recommended for this project.”*

Land Use Plan Amendment

As previously discussed, this site was targeted for redevelopment when drafting the City of Cedarburg Smart Growth Comprehensive Land Use Plan, where it was identified as Smart Growth Area No. 2. Specifically, the recommendation of the Land Use Plan states: *“This site is currently classified as Industrial/Manufacturing development and supports an old industrial building that is only partially used. Redevelopment of this site should include the extension of Hillcrest Avenue and/or Hanover Avenue (south) north to Western Road to provide an alternate route to/from the downtown area. This site is classified on the Land Use Map as Medium-High density Urban residential development (5.2 to 10.8 units/acre). These densities will provide a good customer base within easy walking distance to downtown shops.”*

Since there are proposed departures from the densities permitted in the Medium Density Residential Classification, this project will require an amendment to the plan to reflect the mix of residential uses proposed; specifically, while the south portion of the site will remain at the Medium Density Residential classification at 3.6 to 5.2 units/acre, the remainder of the site would need to be reclassified to the High Density Residential Classification at 25 units/acre. City Staff notes that the overall project density proposed is at 18.2 units/acre.

Project Zoning

This 12.65-acre parcel will require two base Zoning Districts and one Overlay District. These proposed Districts are:

- Rs-6 Single-Family/Two-Family District: 4.5-acre pocket neighborhood element.
- Rm-2 Multiple-Family Residential District: 8.15-acre townhome and apartment building elements.
- Planned Unit Development (PUD) Overlay District, applied over the entire project to tie it together as one unified development.

Commission members are reminded that the PUD Overlay District provides authority to the Plan Commission and Common Council to modify the base Zoning District requirements on a case-by-case basis to unify the project as one planned development. The above Zoning Districts will replace the existing M-2 General Manufacturing District.

Nonconformity to Base District Requirements

In accordance with the PUD Ordinance, the Plan Commission via review and the Common Council via approval, must acknowledge any departure from the standards of the base underlying Zoning District. Review by City Staff indicates the following departures from the standards.

Rm-2 Multiple-Family Residential District, Sec. 13-1-52

Code Sec	City Code Requirement	Petitioner Requested Departure
(d)(4)	Multiple-family dwellings exceeding eight (8) dwelling units per structure, with a maximum of thirty-six (36) dwelling units per structure.	Apartment buildings are proposed at 50 units and 110 units .
(e)(1)	Lot area requirement. Min Total Area Per Dwelling Unit: One Bed Dwelling 2,700sf/unit Two Bed Dwelling 3,300sf/unit Total requirement as proposed: 14.5 acres (71 one bed, 133 two and three bed)	Lot area proposes 204 units on 8.15 acres .
(a)	Densities not to exceed 16.1 dwelling units per net acres.	Density proposed at 25 dwelling units per net acre .
(f)(1)	No principal building or parts of a principal building shall exceed thirty-five (35) feet in height.	Proposed building heights: Building D 48.5 feet Building E (south half) 48.5 feet
(g)(1) (g)(3)	Minimum building setback of twenty-five (25) feet from the right-of-way of all streets. Rear yard of not less than twenty-five (25) feet.	Proposed building setback and rear yard: Building A 5 feet and 12 feet Building B 10 feet Building D ranging from 7 feet to 15 feet Building E ranging from 10 feet to 2 feet
(g)(2)	Minimum side yard on each side of all principal buildings not less than twenty (20) feet in width.	Proposed side yard: Building A 15 feet Building D 12 feet
(f)(3)	Sum total of floor area of the principal building and all accessory buildings shall not exceed seventy-five percent (75%) of the lot area.	Floor area ratio is 85.5%

Rs-6 Single-Family/Two-Family Residential District, Sec. 13-1-47

Code Sec	City Code Requirement	Petitioner Requested Departure
(g)(1) (g)(3)	Minimum building setback of twenty-five (25) feet from the right-of-way of all streets. Rear yard of not less than twenty-five (25) feet.	Proposed building setback and rear yard: Building C1 10 feet Building C2 10 feet

Impact Fees due when building permit is issued (2021 rate):

- Single-family units – 26 units @ \$8,384.52/unit = \$ 217,997.52
- Multi-family units – 204 units @ \$5,744.80/unit = \$1,171,939.20
- Total **\$1,389,936.72**

Planner Censky concluded that if Commissioners feel comfortable with the departures listed above, approval should be recommended to the Common Council for an upcoming public hearing.

Action:

Land Use Map Amendment

A motion was made by Commissioner Strautmanis to recommend approval of the Land Use Plan amending the Medium Density Residential classification (3.6 to 5.2 units/acre) to the south portion of the site only, and High Density Residential classification (25 units/acre) for the remainder of the site, with a total project density of 18 units/acre. This motion was seconded by Commissioner Kinzel, and carried without a negative vote with

Mayor O'Keefe excused.

Rezone

A motion was made by Commissioner Strautmanis to recommend approval to Rezone the parcel from M-2 General Manufacturing District to Rs-6 Single-Family/Two-Family Residential, and Rm-2 Multiple-Family Residential along with a PUD overlay, subject to the conditions that Hanover Avenue is constructed to City standards including parking (this includes no perpendicular parking), and architectural design changes are made to Buildings D and E to closely reflect the character shown on Buildings A, B and C, and subject to modifications listed above in the base Zoning Districts. This motion was seconded by Commissioner Kinzel, and carried without a negative vote with Mayor O'Keefe excused.

DISCUSSION AND RECOMMENDATION FOR UPDATES TO THE ZONING CODE SECTION 13-1-22(f), GENERAL PROVISIONS, USE RESTRICTIONS, TEMPORARY USES

This ordinance was discussed during the November 1, 2021 and December 6, 2021 Plan Commission meetings, with no consensus for a draft ordinance to present to the Common Council. During the December meeting, it was decided to extend the approvals of existing tents as per status quo until March 1, 2022, to allow the Commission more time to come up with a recommendation.

Commissioner Cain worked on the ordinance to address the concerns brought forth last month and provided copies of a step-by-step assessment plan and draft ordinance for review.

A motion was made by Commissioner Cain to deny the installation of tents in the historic downtown District. Motion died for lack of second.

Discussion ensued regarding whether there was a need to define the purpose of setting up a tent. It was decided that this aspect should not be a determining factor to allow set up. Regarding the length of time that tents should be in use during a shoulder season, the majority of Commissioners agreed that they would support restricting the use of tents for a period of ninety (90) days or less. It was discussed whether to allow a longer period by establishing a more thorough review; however, no consensus on this was reached. There was a suggestion to add the caveat that *"in certain circumstances, additional time may be requested."*

The location of tents was discussed as well, with the majority stating that the tent should not be visible from Washington Avenue, or at the very least, be unobtrusive to the downtown structures. Since the suggestion was made that reviews should be performed on a case-by-case basis, this would address that concern.

It was largely agreed that tent type and material be taken into consideration prior to approval.

Michelle Tietz, owner of the Lime Cantina, W62N550 Washington Avenue, attended the meeting in order to voice her concerns as a business owner. She noted that many of her customers are indeed residents of Cedarburg. She emphasized that their business has donated to local charities as well as parks and recreation projects, and wanted to make sure Commissioners were aware that there would be more involved than just taking down their tent. They have invested in a sturdy, high quality tent, and keeping it up for a very limited period of time does not make business sense for them. She opined that many of their employees have been with them since they opened, and there is a possibility that some may end up losing their jobs without the added revenue that this outdoor entertainment option brings in. The tent has allowed them to host local school sport team dinners, family dinners, and baby showers. It allows them to provide live music and trivia nights during a time of year when there is not a lot of entertainment options available. Ms. Tietz stressed that they love their location on Washington Avenue, and believes that their business draws more people to the south side of downtown. The placement of their tent is in the rear of their building, and is not visible from the main avenue, concluding that their tent does not ruin the look of the historic downtown.

Gordon Goggins, owner of the Stilt House, W62N630 Washington Avenue, also attended the meeting, stating that he echoes the sentiments of Ms. Tietz. He believes that business breeds business, and that local residents like the variety of being able to dine outside in the colder months. He believes in leveling the playing field, and making one set of rules, expressing his hope that this puts an end to the discussion for years to come.

Dale Georgeff, owner of Rebellion Brewing, N57W6172 Portland Road, submitted a letter to Commissioners and Council Members, stating his business has a patio that is located along Cedar Creek, and appreciates the expanded space to accommodate much needed business in the winter months.

Council Member Arnett was in attendance, and observed that not only are tents business-friendly, but they are also constituent-friendly, providing different entertainment options during the winter.

Council Member Burkart was in attendance, and added that it took a long time and a lot of hard work by the City Landmarks Commission and a lot of other people to ensure that the downtown area looks the way that it does. She stated that she is not against the use of tents; however, she does not believe it should be a staple for the downtown area for six months out of the year.

Commissioner Cain will revise the draft ordinance and send it to Planner Censky for review during the February 7, 2022 meeting.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

Commissioner Cain observed that the awning is no longer on the front of the PJ Piper restaurant building located at W61N514 Washington Avenue. It was determined this was damaged during a wind storm in December of 2021. Planner Censky will follow up with the business owner regarding plans for repair.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe was not present at this meeting; therefore, no announcements were made.

ADJOURNMENT

A motion was made by Commissioner Kinzel, seconded by Commissioner Strautmanis, to adjourn the meeting at 10:16 p.m. The motion carried without a negative vote with Mayor O'Keefe excused.

Victoria Guthrie
Administrative Assistant