

**CITY OF CEDARBURG  
PLAN COMMISSION**

**PLN2021206-1  
UNAPPROVED MINUTES**

**December 6, 2021**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, December 6, 2021 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 Mayor Michael J. O'Keefe.

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

                         Excused -        Sig Strautmanis

                         Also Present -    City Planner Jon Censky, Council Members Jack Arnett and  
   Robert Simpson, 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 Council Member Thome, seconded by Commissioner Voltz, to approve the minutes of November 1, 2021. The motion carried without a negative vote with Commissioner Strautmanis excused.

**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 APPROVAL OF LAND DIVISION FOR 32,533-SQUARE FOOT PARCEL  
LOCATED AT N63W5767 COLUMBIA ROAD INTO TWO LOTS – JENNIFER DOERR**

Planner Censky introduced the application from Petitioner Jennifer Doerr, seeking approval of her Certified Survey Map (CSM) to divide her existing 32,533-square foot parcel into two separate lots: Lot 1 measuring 23,724-square feet in size, and Lot 2 measuring 8,809-square feet in size.

Petitioner Doerr was present at the meeting and explained that at the time of purchase, this parcel was sold as two separate lots, with one single-family home; however, the attached garage on that home straddled the two lots. After purchase, she combined these two lots into one parcel in 2014.

Petitioner Doerr is now asking to re-divide the single lot, with an adjustment to the original lot line so that it contains the full house and garage structure on Lot 1. Planner Censky determined that although the back two-thirds of both lots are within the floodplain, there appears to be sufficient upland buildable area to support a single-family home on Lot 2.

City Staff has noted that the future owner of Lot 2 will need to field verify the location of the floodplain limits, and the building plans would need to be designed in accordance with the regulations of **Section 13-1-68, Floodfringe Overlay District** for any encroachment thereof, and also meet with DNR requirements. Otherwise, Planner Censky indicated that these lots are compliant with the Rs-6 District in size and width regulations, and the existing home on Lot 1 is compliant with the side yard setback requirement. City Staff recommends CSM approval subject to:

- The Petitioner informing future owners of Lot 2 that a portion of the lot is within the floodplain and any encroachment thereof will need to be designed to meet the requirements of **Section 13-1-68** of the Zoning Code and DNR requirements.

Planner Censky established that since this land division will not result in the dedication of public right-of-way, Common Council approval is not needed.

**Action:**

A motion was made by Council Member Thome for approval of the Land Division as proposed by the submitted CSM, subject to the Petitioner notifying the future owners of the existence of the floodplain area and that any encroachment would need to be designed to meet the Floodfringe Overlay District Code and DNR requirements. This motion was seconded by Commissioner Kinzel and carried without a negative vote with Commissioner Strautmanis excused.

**REQUEST ARCHITECTURAL REVIEW AND APPROVAL FOR AN ACCESSORY OUTBUILDING TO BE CONSTRUCTED IN THE REAR YARD OF THE STAGECOACH INN AT W61N520 WASHINGTON AVENUE – BILL CONLEY**

Planner Censky indicated that Petitioner Bill Conley is requesting approval to build a permanent accessory structure in place of the temporary tent he has been using as a gathering spot for his patrons during the pandemic. Petitioner Conley is proposing this structure to be located in the rear yard, 20-feet east of his building, and situated on an even plain with the north side of the Inn. Petitioner Conley appeared before the Landmarks Commission during their September 23, 2021 meeting for a consultation on this project. Using the feedback he received, he worked with Architect Joe Galbraith on a design for this building, which he brought to the Landmarks Commission, receiving their recommendation of approval during their November 11, 2021 meeting.

Planner Censky described the building as an historically accurate structure made of vertical wood weathered cedar, with a corrugated metal roof, a workable glass garage door on the west elevation and large barn-type doors on the south elevation, providing

access to the adjacent patio. Planner Censky detailed the indoor space as being approximately 1,646-square feet in total, and includes an open gathering area, restrooms, and kitchen facilities. Seven parking stalls will be introduced along the south side of the new structure that will be accessed across a drive shared with the adjacent PJ Piper restaurant to the south. Since the Inn and the restaurant operate on different schedules, the Petitioner has indicated that he has a verbal shared parking arrangement with the owner of the restaurant and sees no issue putting that arrangement in writing.

Upon review of the proposed plan, City Staff identified a sewer main that runs east from Washington Avenue through this site, and on to areas further east of the parcel. Staff has been working with Architect Galbraith to ensure this main has been properly located and will be undisturbed by the construction process. Further review by Staff indicates compliance with the dimensional requirements to the B-3 Central Business District, and approval is recommended subject to:

1. Submission of shared parking and driveway agreement/easement with the neighboring PJ Piper restaurant.
2. Review of current liquor license and, if necessary, amendment for this site change.
3. Verification of the specific location of the sewer main and ensuring that appropriate steps are taken to protect that main during construction.
4. Return to the Landmarks Commission with a proposed fence design prior to installation.

Petitioner Conley was in attendance at the meeting and explained that his establishment was in dire need of additional space. Although he appreciated the flexibility of having a temporary tent on his site, he believes that this year has been a pivotal year for the business. His guests are asking for larger gathering space, which this building would provide, along with upgraded kitchen facilities. He stated his intent to separate the entertainment activities that he promotes on the site from the bed and breakfast environment. Planner Censky reminded Petitioner Conley to check in with the City Clerk to ensure his liquor license includes this expanded area.

Commissioners voiced their approval with the design and thanked the Petitioner for making this investment in the community and downtown area.

**Action:**

A motion was made by Vice Chairperson Burgoyne to approve architectural plans as proposed, subject to the four conditions listed above. This motion was seconded by Council Member Thome and passed without a negative vote with Commissioner Strautmanis excused.

**REQUEST CONCEPT REVIEW FOR MIXED RESIDENTIAL DEVELOPMENT OF THE FORMER MERCURY MARINE SITE LOCATED AT N49W6337 WESTERN AVENUE – JACKSON WESTERN LLC/P2 DEVELOPMENT COMPANY LLC**

As a reminder for Commissioners, Planner Censky advised that this site was targeted for redevelopment when drafting the City of Cedarburg Smart Growth Comprehensive Land Use Plan 2008, wherein it is 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 single-family Medium Density (3.7 to 5.2 units/acre) and 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.*** As sufficient information is unavailable to conduct density calculations for the individual residential elements of the plan, a tentative calculation of the overall density was made at 17.5 units per acre. Planner Censky advised that because there will be proposed departures from the densities identified in the Comprehensive Land Use Plan for the residential elements, this proposed project will require an amendment to that Plan as it proceeds through the approval process. Also, as part of the rezoning process, certain deviations to the underlying district regulations (i.e. setbacks, building height, number of units per building, among others) specific to this development will need to be considered and identified.

Planner Censky explained that if Commissioners support this proposal, the developer will need to file an official petition to amend the Land Use Plan and a rezoning petition to introduce the appropriate base zoning districts and PUD Overlay District. It will require Plan Commission recommendation and Common Council approval of the amendment and the proposed departures from the regulations of the underlying zoning district which will govern this project through the PUD Zoning ordinance. The intent of this meeting is to review the overall design of the project and provide meaningful feedback that the Petitioner can use to finalize his detailed plans.

Petitioner Robert Bach from P2 Development Company recently offered Commissioners a tour of one of his development properties in Mequon in order to provide them with the physical feel of the project he is proposing in the City. Several amenities are planned for the development, including a community room, indoor pool and hot tub, sauna, golf simulator, shuffleboard, dog washing station and dog park, bicycle parking, grilling stations, fitness center, and fire pits. Planner Censky described this mixed-use development as offering three different residential uses, which include pocket single-family homes, row townhouses and two apartment buildings.

Being located on the 12.93-acre parcel between Western Road to the north and Jackson Street to the south, this project will result in a public road that connects the north and south portions of Hanover Avenue, providing an alternate means of access for the downtown

area as recommended in the Land Use Plan. Petitioner Bach was present at the meeting and verified that he has hired a firm to conduct a traffic study for this area, which will be made available to the City. When questioned about timing of the project, the Petitioner estimated that it would take around 36 months from construction start to end, adding that they have also hired a firm to take soil samples to submit to the DNR. If the DNR determines that further remediation is needed due to soil contamination, the Petitioner may end up seeking TIF funding.

Petitioner Bach stressed the importance of being sensitive to the surrounding neighborhood and has prioritized designing the development to blend in by ensuring thoughtful placement of buildings and driveways in order to minimize any negative impact the increased density in the area may create. Their plan shows the row townhouses along Western Avenue as front-facing, keeping consistent with homes in that area, and the placement of apartment buildings to be situated along the east side of the property, where they will share a lot line with existing apartment structures to the east.

Petitioner Bach specified that parking for all residents will be contained via garages and in the case of apartment dwellers, underground parking will be provided. Other parking areas along the Hanover Avenue extension are intended not only for visitors but to the public as well, hoping to help alleviate parking issues during festivals and other events downtown. They plan on cleaning up the area between the west side of the parcel and the interurban trail, in cooperation with the City and/or WE Energies.

Alex Roth, W63N390 Hillcrest Avenue, was in attendance and stated that she had several questions for the Petitioner, most of which were already answered; specifically, the traffic study, resident parking, and maintenance of area along the trail. She pointed out that the increased traffic in the area will present a street crossing hazard to people using the trail, and hopes the developer takes that into consideration. Ms. Roth thanked the Petitioner for a plan that was thoughtfully done. Petitioner Bach advised that they will be holding a public informational meeting or two and encouraged residents in the area to attend with any questions or concerns they may have.

Jennifer Doerr, N63W5767 Columbia Road, questioned whether any of the proposed units will be more gently priced, pointing out that there are many service jobs in the area, and it would be nice for these workers if more affordable housing was available in the City. Petitioner Bach answered that the current high cost of construction work and materials drives the price of rents, making it economically unfeasible to come up with more of what is considered as bread-and-butter rentals.

Commissioners expressed their approval and support of the overall concept plan. They suggested that consideration for reducing headlight glare be given by lining up the access drive for the apartments with the access drive for the row townhouses, and rethinking the layout of the row townhouse driveways that are adjacent to the interurban trail.

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

In response to the Common Council's directive, the Plan Commission reviewed the first draft of an ordinance intended to establish rules for the use of temporary tents in Cedarburg during their November 1, 2021 meeting. With the exception of special events, this discussion revealed some resistance to encouraging the general use of tents. Moreover, Commissioners indicated that before considering recommendation of the draft ordinance to the Council for action, input was needed from the Landmarks Commission, Fire Department and City Attorney Mike Herbrand.

During their November 11, 2021 meeting, the Landmarks Commission discussed the temporary use of tents and had the following comments:

- Tents should be in the side or rear yards out of obvious site from the front.
- Tents should be kept clean of litter.
- More dining options are desirable for the downtown area.
- Non-white tents would be less intrusive to the area. Grey, tan, green or other muted colors should be considered.
- Tents should not be allowed during the summer months.
- Landmarks Commission recommendation and Plan Commission approval should be required.

The draft ordinance was revised to include the comments from the Plan Commission and Landmarks Commission meetings, the Fire Department and comments from Attorney Herbrand. Discussion ensued regarding the language of the draft ordinance, with concerns that it may be too ambiguous when it comes to criteria for approval. The idea of limiting the number of days that tents could be in place was raised, but no consensus on this was reached.

**Action:**

A motion was made by Mayor O'Keefe to keep the current Code in place until March 1, 2022, so further discussion can take place for a draft ordinance created for Common Council approval. This motion was seconded by Commissioner Kinzel and passed without a negative vote with Commissioner Strautmanis excused.

**SET MEETING DATE FOR JANUARY 2022**

Commissioners agreed that Tuesday, January 4, 2022 would be the next meeting date.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Commissioner Cain questioned the tile repairs taking place on the PJ Piper restaurant building located at W61N514 Washington Avenue, and whether this work was taking place

as it should. Planner Censky stated that he will ask Landmarks Commissioner Tom Kubala to follow up with the building owner.

### **MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe announced that this meeting will be the last meeting for Vice Chairperson Burgoyne, who is stepping down after several years of service on the Plan Commission. Commissioners thanked him for his many years of input and dedication.

### **ADJOURNMENT**

A motion was made by Commissioner Kinzel, seconded by Mayor O'Keefe, to adjourn the meeting at 9:32 p.m. The motion carried without a negative vote with Commissioner Strautmanis excused.

Victoria Guthrie  
Administrative Assistant