

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20220307-1
UNAPPROVED MINUTES**

March 7, 2022

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, March 7, 2022 at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers and via the [zoom](#) app. The meeting was called to order at 7:02 p.m. by Mayor Michael J. O'Keefe.

Roll Call Present - Mayor Michael J. O'Keefe, Council Member Patricia Thome,
Sig Strautmanis, Adam Voltz, Heather Cain, Tom Wiza

Excused - Vice Chairperson Kip Kinzel

Also Present - City Planner Jon Censky, Council Member Rick Verhaalen,
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 Strautmanis, to approve the minutes of the February 7, 2022 meeting. The motion carried without a negative vote with Vice Chairperson Kinzel 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.

CONSIDER RESOLUTION 2022-01PC HONORING PLAN COMMISSIONER MARK BURGOWNE

Motion made by Council Member Thome, seconded by Commissioner Voltz, to adopt Resolution No. 2022-01PC recognizing former Plan Commissioner Mark Burgoyne for his years of service to the City. Motion carried without a negative vote with Vice Chairperson Kinzel excused.

Mr. Burgoyne was in attendance and described his time serving as Commissioner for the City as a rewarding and positive experience, and encouraged Commissioners to keep up the good work. Mayor O'Keefe thanked Mr. Burgoyne for his many years of wisdom, expertise and dedication to the City.

RECOMMENDATION FOR ANNEXATION OF THREE PARCELS TOTALING 41.03-ACRES LOCATED AT 6660 SUSAN LANE, TOWN OF CEDARBURG – STONE LAKE DEVELOPMENT INC.

Over the course of 2021, Petitioner Caliendo appeared before the Plan Commission and Common Council with his concept plan to build a residential development on the former Tillman quarry property. Due to protected plant species located on that land, he worked with Commissioners to modify his design in order to minimize any impact on the wooded area of the parcel.

Petitioner Caliendo is now before the Plan Commission in order to complete the next step of the development, which is requesting annexation of the land from the Town of Cedarburg into the City of Cedarburg. Using the recommendation of the Commission at this meeting, the Common Council will hold a public hearing during one of their future meetings and issue their annexation decision at that time.

To summarize the project, Petitioner Caliendo is proposing a total of 35 side-by-side ranch style buildings, totaling 70 dwelling units, at a density of 1.75 units per gross acre, and 2.0 units per net acre, exclusive of the quarry. Petitioner Caliendo addressed the evolution of his plans, adding that his firm may be able to move one of the buildings from the northwest area of the parcel to the east side. He stated that the City Engineering department recommends a 25-foot setback for the roads, and pointed out that, although most of the proposed development meets this criteria, his hope is that the City might consider some flexibility by allowing a 20-foot setback on the private road in order to accommodate this building move. Since Petitioner Caliendo is only seeking recommendation for annexation at this time, more detailed site plans will be discussed with Commissioners in the future.

Action:

A motion was made by Commissioner Strautmanis, seconded by Council Member Thome, to recommend approval for annexation of the three requested parcels to the City of Cedarburg. Motion passed without a negative vote with Vice Chairperson Kinzel excused.

REQUEST APPROVAL OF CERTIFICATE OF APPROPRIATENESS FOR PROPOSED REPLACEMENT OF UPPER FLOOR WINDOWS AND WOODEN RAIL SYSTEM ON THE BUILDINGS LOCATED AT W61N480-486 WASHINGTON AVENUE – RHIANNON WILSON

This site consists of two buildings that were originally constructed as residences, and have since been converted to commercial use and connected by an addition. Since this addition was added after the buildings were there, and, due to the many changes to them over the years, they are listed in the National Register of Historic Places as *non-contributing* buildings in the Washington Avenue Historic District. However, Commissioners are reminded that, due to this location, any changes made to these buildings need to be sensitive to the historic nature of the District.

Petitioner Rhiannon Wilson, owner of the buildings, attended this meeting and advised Commissioners that she is considering adding a small private event dining space in the upper portion of the addition as an extension of their existing Brandywine restaurant. As part of that change, she is seeking to replace the three upper-level windows on the west elevation of the addition with French doors, providing access to the existing balcony. She stated that the wooden railing system on this side of her buildings is rotting and becoming costly to maintain. Having observed that other buildings in the District feature metal railings facing Washington Avenue, she would like to replace the wood with black metal rails, while maintaining the existing wooden posts. She presented her proposal to the Landmarks Commission during their February 10, 2022 meeting and obtained their approval on the condition that a forthcoming review and approval of the materials by architect and Landmarks Commissioner Tom Kubala, who was not in attendance.

Commissioner Voltz informed Petitioner Wilson that although it is difficult to discern her plans without a view of the west elevation, he considers the requests to be perfectly acceptable. When seeking clarification on which railings were being replaced, Petitioner Wilson explained that she is seeking to replace all of the railings on the west side of the building. Commissioner Voltz commented that the aluminum railings as depicted in the proposal appear to be less substantial than the existing wood railings, and suggested that adding some sort of heavier cap rail on top of them would better match the historic profiles of downtown.

Commissioner Strautmanis expressed his concern about the materials being proposed for the doors. From the photo, he recognizes this door set as more of a “factory mall” unit as opposed to something that is historical, such as individual or French-style doors. He agreed with Commissioner Voltz that, without seeing the west elevation of the proposal, Commissioners, when issuing their approval, might not realize what the door is really going to look like.

Planner Censky confirmed that the proposal is still waiting for review from Landmarks Commissioner Kubala, and suggested that any approval from Plan Commissioners hinge on his feedback.

Action:

A motion was made by Commissioner Voltz, seconded by Commissioner Strautmanis, to approve the Certificate of Appropriateness as proposed for replacing the three upper windows on the west side of the addition with French doors, and replacing the wooden railing on the west side of the buildings with black metal railing, on the condition that Landmarks Commissioner Kubala work with Petitioner Wilson and her architect to approve the design and materials. Motion carried without a negative vote with Vice Chairperson Kinzel excused.

RECOMMENDATION OF ZONING TEXT AMENDMENT FOR B-1, B-2 AND B-3 BUSINESS DISTRICTS TO INCLUDE TATTOO AND BODY PIERCING AS A PERMITTED OR CONDITIONAL USE – INK WORX EMPORIUM/TESSA LANG

Planner Censky advised Commissioners that Petitioner Tessa Lang submitted an application to add *Tattoo and Body Piercing* to the list of uses in the B-1 Neighborhood Business District, B-2 Community Business District, and the B-3 Central Business District. Planner Censky noted that this use is currently not listed in any of the districts in the City, and wanted to clarify the intent of each of these districts, as follows:

The B-1 Neighborhood Business District is detailed in the City Zoning Code, and per **Section 13-1-53(a)**, *is established to provide for individual or small groups of retail and service establishments serving the day-to-day needs of the general public located in areas near residential neighborhoods.*

The B-2 Community Business District is located along Washington Avenue from Evergreen Boulevard south to Pioneer Road, a small area along the east side of north Washington Avenue and north of Cambridge Avenue, and at the intersection of Bridge Street and Columbia Road. This District, per City Zoning Code **Section 13-1-54(a)**, *is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices, and service establishments serving the daily needs of the surrounding local community area. The size and location of such districts shall be based upon evidence of justifiable community need, of adequate customer potential, of satisfactory relationship to the traffic circulation system, and other related facilities and of potential contribution to the economic welfare of the community.*

The B-3 Central Business District covers the entire downtown area, and, according to the City Zoning Code **Section 13-1-55(a)**, *is intended to provide for the preservation of Cedarburg's historic downtown and the orderly appropriate regulations to ensure the compatibility of the diverse uses typical of the downtown area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the heart of the City. This area contains a mix of retail shops, offices, restaurants, cultural, entertainment, and residential uses.*

After review of the proposal by City Staff, Planner Censky ascertained that this type of use serves the needs of the general community, rather than the historic or nearby neighborhoods, and is therefore more compatible with uses in the B-2 District. He reminded Commissioners that by listing it as a conditional use, conditions can be put in place to reduce the impact of the use on this District. Recommendations from the Plan Commission at this meeting will be forwarded to the Common Council for public hearing and final decision.

Petitioner Lang was in attendance and advised Commissioners that, although her amendment request was for all three of the aforementioned business districts, she is specifically looking to set up her business in the former dining area of the building at

W63N540 Hanover Avenue, located in the B-3 District. She explained that even though this site is off the main drag, she found it appealing because it is centrally located in an area that features high walkability with festivals and visitors. She feels that since this site is not highly visible from Washington Avenue, it would be considered less “in your face” to those that might not want to see it. In response to questions from Commissioners, Petitioner Lang assured them that minor children are not allowed inside without a parent or guardian, and a counter will be placed in the reception area of the business to restrict entry. She described her business as being strait-laced and completely anti-drug, assuring Commissioners that the artists are family-oriented Cedarburg people, and their goal is to put out good work.

The majority of Commissioners agreed that the use was better suited to the B-2 District, as opposed to downtown, and felt that, although the more sequestered location off of Hanover Avenue seemed ideal, these types of spaces in the downtown area are limited, reasoning that if other requests for tattoo shops come in for that District, they might not be able to deny them if they are in a more visible location. They also agreed with Planner Censky that adding tattoos as a conditional use allows the most amount of guidance for these establishments.

As part of her request, Petitioner Lang would like the opportunity to purchase the only license to operate a tattoo shop in the City. Commissioners were unsure of the legality of that request, and concluded they would need to consult with the City Attorney.

Since Petitioner Lang confirmed that she has no immediate plans of adding body piercing to her offerings, Commissioners agreed that only tattoo businesses are being recommended at this time.

Action:

A motion was made by Council Member Thome, seconded by Commissioner Voltz, to add tattoo businesses as a Conditional Use in the B-2 Community Business District. Motion carried without a negative vote with Vice Chairperson Kinzel excused.

**REQUEST SITE/ARCHITECTURAL CHANGES TO THE APPROVED PLAN FOR
COMMERCIAL PROPERTY LOCATED AT W62N535 WASHINGTON AVENUE –
CEDARBURG LAND & CATTLE LLC**

During their June 7, 2021 meeting, Plan Commissioners approved Petitioner Greg Zimmerschied’s request to downsize his original plans for the commercial building proposed for the northwest corner of Washington Avenue and Mill Street. This request was approved on the condition that only footing and foundation permits would be issued until the Petitioner submits and receives approval of his detailed exterior lighting, landscaping and site grading plans.

Petitioner Zimmerschied has once again made changes to the plan; specifically, moving the open stairwell to the roof-top deck from the south elevation to the west elevation, and adding a second set of stairs to the inside of the restaurant via a small penthouse addition.

The penthouse will extend up from the rooftop deck, and be constructed of 4-inch exposure cement siding with cement siding trim, with the shed style standing seam metal roof sloping to the west. On the east elevation, the plan shows a series of Marvin Clad windows facing downtown.

The revised plans also show a freezer/cooler located off the west wall that will be covered with 4-inch exposure cement siding with cement siding trim. A black rail system is proposed around both the outdoor seating areas located at-grade and the rooftop. In terms of exterior lighting, the plan shows a string of post mounted LED lights along the upper front façade, a decorative wall mounted gooseneck fixture at the southeast corner of the building, and one over the rear access door. Elevations on the east and south sides of the building show garage doors that can be used to provide open air dining. Petitioner Zimmerschied clarified that this feature will be determined by the future tenant.

Planner Censky explained that this item was on the agenda for Landmarks Commission review at their last scheduled meeting in February; however, that meeting was canceled for lack of quorum. The topic is rescheduled for their Thursday, March 10, 2022 meeting, which will be held later this week. Due to the timing, Planner Censky suggested that any decision from the Plan Commission should be based on recommendation from the Landmarks Commission as a result of that upcoming review.

The review by City Staff indicates compliance with the PUD Ordinance and approval is recommended subject to the same conditions that were included in the June 7, 2021 Plan Commission Staff Report, as follows:

- Review and approval by Landmarks Commission.
- Verification of adequate turning radius in the parking lot by the Fire Department.
- Determination of fire protection as the project progresses.
- Payment of impact fees prior to issuance of building permit.
- Design of basements for high groundwater and potential petroleum contamination.

Architect Don Stauss was at the meeting and described the changes being proposed to the original plan. In order to prevent further delay of construction, he presented Commissioners with two samples of red brick being considered, in hopes that, depending on material availability, he would have their approval on either one. Petitioner Zimmerschied estimated the completion date of the building to be in the July, August, or September timeframe this year.

Action:

A motion was made by Council Member Thome, seconded by Mayor O'Keefe, to approve changes to the site and architectural plan as proposed, based on the recommendation for approval from the Landmarks Commission during their meeting later this week, and include the option to use either of the two red brick samples presented, based on material availability. Motion carried without a negative vote with Vice Chairperson Kinzel excused.

BEGIN REVIEW OF THE RECODIFICATION OF TITLE 13 ZONING CODE

As noted during the meeting last month, Commissioners began their review of the Title 13 Zoning Code. Planner Censky asked Commissioners to review the Code beginning at the B-1 Neighborhood Business District up to the M-1 Limited Manufacturing District, to discuss at the next meeting.

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 Council Member Thome, seconded by Commissioner Wiza, to adjourn the meeting at 9:11 p.m. The motion carried without a negative vote with Vice Chairperson Kinzel excused.

Victoria Guthrie
Administrative Assistant