

**CITY OF CEDARBURG  
PLAN COMMISSION**

**PLN20220801-1  
UNAPPROVED MINUTES**

**August 1, 2022**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, August 1, 2022 at Cedarburg City Hall, W63N645 Washington Avenue, Upper Level, Council Chambers and online 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 Kip Kinzel, Adam Voltz, Heather Cain, Tom Wiza

Excused -            Sig Strautmanis

Also Present -      City Planner Jon Censky, Council Member 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 Vice Chairperson Kinzel, to approve the minutes of the July 5, 2022 meeting as corrected in the following sentences:

- Use of varying paint palettes for townhomes along Western Avenue and within the development (Page 3, fourth paragraph, first bullet point).
- Commissioners agreed that if the Petitioner decides to move forward with this project, they prefer the option that supports a lower density, and request that the developer study the woodlands contained in the parcel for preservation (Page 4, first paragraph, second sentence).

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 CERTIFICATE OF APPROPRIATENESS FOR MATERIALS AND METHOD TO REPAIR DOORS ON FIRE STATION NO. 3 LOCATED AT W61N619-21 MEQUON AVENUE – CEDARBURG FIRE DEPARTMENT/CHIEF JEFFREY VAHSHOLTZ**

Planner Censky reminded Commissioners that during their May 2, 2022 meeting, they considered an appeal from Chief Vahsholtz on the decision by the Landmarks Commission to deny his proposal to replace the wooden overhead doors on their pivotal building, with metal doors. During that meeting, Commissioners supported this denial,

and suggested that Chief Vahsholtz work with Commissioner Voltz to find a contractor that specializes in restoration work for historic buildings to repair the existing doors.

Chief Vahsholtz was in attendance, and explained that he and Chief Van Dinter met with a representative from the Thoughtful Craftsmen, who provided them a proposal detailing two different options to restore the doors. The first option is to scuff sand the doors down so that the new paint can “tooth” into the current. The second option is to strip the doors to near bare wood, which would ensure a smoother, longer lasting finish. Since the Code does not specify which method is preferred, Chief Vahsholtz would like to ask the Plan Commission for advice on which one he should choose. He added that the Thoughtful Craftsmen is not available to perform the work until next year, so it is important to get on their 2023 schedule as soon as they can.

Commissioners questioned if both options were within the Fire Department’s budget parameters, which Chief Vahsholtz confirmed. Commissioner Voltz stated that he believes the best option is to strip the paint, as it allows better adhesion of the new paint, and lasts longer than scuff sanding. Both Mayor O’Keefe and Commissioner Cain suggested that Chief Vahsholtz check into whether these repairs would be eligible for a Façade Improvement Grant or Greater Cedarburg Foundation Grant.

**Action:**

Commissioner Wiza made a motion to approve the request for a Certificate of Appropriateness to have the doors on Fire Station No. 3 repaired as proposed. Commissioner Voltz seconded the motion. Motion carried without a negative vote, with Commissioner Strautmanis excused.

**REQUEST SEVENTH EXTENSION TO CONDITIONAL USE REQUEST AND SITE, ARCHITECTURAL, LANDSCAPING, AND LIGHTING APPROVALS FOR A MULTI-TENANT BUILDING PROPOSED FOR VACANT LOT LOCATED SOUTH OF W62N186 WASHINGTON AVENUE – CONCORD DEVELOPMENT/ANDREW PETZOLD**

Planner Censky reported that Concord Development is requesting a seventh extension to their approved site, architectural, landscaping, and lighting plan, and Conditional Use Permit (CUP) for the northernmost tenant space of their proposed 7,030 square foot multitenant building, to be located south of the Walgreens Drug Store on south Washington Avenue. City records indicate that these plans were originally approved by the Plan Commission on August 3, 2015, and additional one-year extensions were granted on June 6, 2016, August 7, 2017, August 6, 2018, August 5, 2019, August 3, 2020, and October 4, 2021.

Petitioner Petzold is requesting this extension in accordance with **Section 13-1-126, Finding Lapse of Approval**, under **Lapse of Site Plan Approval**, which states *if a developer of a project which has been granted site and/or architectural plan approval has not obtained and complied with the provisions of a building permit consistent with said plan approval within one year of the date of the initial approval, the plan approval shall lapse. Upon application, the Plan Commission may renew its approval of the site and/or architectural plan as initially granted or may require changes as deemed appropriate.*

Planner Censky stated that since there has been no change to zoning in the area or to the Zoning Code that would affect this project, City Staff has no objection to this request and recommends extending the approval and all conditions thereof to August 2023. Petitioner Petzold was in attendance and advised that no changes to the original plan have been made, and he remains hopeful and optimistic that a market increase will allow this development to proceed.

**Action:**

A motion was made by Vice Chairperson Kinzel for approval of the seventh extension to the CUP and Site, Architectural, Landscaping, and Lighting Plan through to August 1, 2023. This motion was seconded by Council Member Thome and passed without a negative vote, with Commissioner Strautmanis excused.

**REQUEST APPROVAL OF MODIFICATION TO THE CONDITIONAL USE PERMIT  
FOR THE MICRO-DISTILLERY LOCATED AT W62N590 WASHINGTON AVENUE –  
JKLM DISTILLING PARTNERS LLC**

Planner Censky advised Commissioners that this CUP was originally approved by the Plan Commission in 2016, specifying John Padberg as the owner/representative for JKLM Distilling Partners LLC. As Mr. Padberg is no longer with the business, this detail in the CUP needs to be modified. Planner Censky added that no other aspect of the business as described in the CUP has changed.

Petitioner Mary Kay Bourboulas was in attendance and explained that since Mr. Padberg was bought out a few years ago, this change should have been requested sooner. She apologized for this oversight.

**Action:**

A motion was made by Commissioner Cain to approve the requested name modification to the existing CUP. This motion was seconded by Council Member Thome and passed without a negative vote, with Commissioner Strautmanis excused.

**REQUEST APPROVAL OF PLANS TO CHANGE USE OF COMMERCIAL PROPERTY  
TO INDOOR AND OUTDOOR STORAGE AT A FORMER OFFICE LOCATED AT  
W57N14280 DOERR WAY – CEDARBURG STORAGE COMPANY/JOE KASSANDER**

Planner Censky explained that the Petitioner has requested to convert the former Marshall Ilsley Corporation Bank building into climate-controlled storage, and the parking lot into outside storage. Specifically, he is proposing to use the building for storage of household and commercial inventory, and the parking lot for the storage of boats, RVs, cars, and trucks. This site is currently zoned as M-2 General Manufacturing District, which lists this type of use as permitted by right. This request is for an amendment to the business, site and operational plans.

Petitioner Kassander was present at the meeting, and stated that he will be securing the parking lot with an 8' high black chain fence that will be installed around the entire periphery. He is also planning to use landscaping to provide privacy for the outdoor

storage. A north access drive from Doerr Way to the parking lot will be closed to traffic. Access to the parking lot from the south drive will be controlled by a sliding gate with a keypad entrance. The climate-controlled storage facility will be accessed from the parking lot to the building entrances on the north and east elevations. A 30' x 50' roof canopy will be installed over both building entrances.

Commissioner Wiza questioned Petitioner Kassander as to whether he has investigated the floor load capacity of the building, since it was designed for office use. The Petitioner stated that he has hired Keller Builders to perform an assessment.

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

- Building shall be fully sprinklered and approved by Fire Department.
- Knox box shall be relocated as per discussion with Fire Department.
- Owner shall ensure clear access on north side of building.
- Parking lot shall be designed to support Fire Department apparatus.
- Petitioner shall secure building permit prior to construction commencement.
- Metering facilities shall be located outside for new electrical service.

Planner Censky advised that the Petitioner is also seeking input for fence location and canopy plan. Commissioners agreed that these plans can be reviewed and approved at Staff level, with input from Commissioner Voltz.

**Action:**

A motion was made by Mayor O'Keefe to approve the requested change subject to the above conditions, and provided that the Petitioner receive approval from Staff and Commissioner Voltz for the fence, canopy and landscaping plans. This motion was seconded by Council Member Thome and passed without a negative vote, with Commissioner Strautmanis excused.

**REVIEW AND APPROVE ORDINANCE FOR VISION TRIANGLE IN B-3 DISTRICT**

Planner Censky reminded Commissioners that during their meeting on June 6, 2022, he offered to work with City Attorney Mike Herbrand, with review by the Fire Department and Police Department, to come up with an update to the Code that maintains the vision triangle, but includes caveats that are up to the discretion of the Plan Commission during design review. He included the proposed update in the meeting packet for approval. Commissioners agreed on the wording of the proposed Ordinance, as long as the criteria of *parking or vegetation* from the first underlined sentence in Section 13-1-80(a) is removed.

**Action:**

A motion was made by Vice Chairperson Kinzel to recommend approval of the proposed Ordinance with the above change. This motion was seconded by Commissioner Wiza and passed without a negative vote, with Commissioner Strautmanis excused.

**ESTABLISH MEETING DATE FOR SEPTEMBER 2022**

Commissioners tentatively chose September 13, 2022 for the meeting date. Planner Censky will check his schedule, and if he is not available, the next choice would be September 6 or 7, 2022. Planner Censky will let Commissioners know this week.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

None.

**MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe expressed his thanks to Commissioner Voltz for taking the time to meet with Petitioners to provide input on various projects.

**ADJOURNMENT**

A motion was made by Mayor O'Keefe, seconded by Commissioner Cain, to adjourn the meeting at 7:43 p.m. The motion carried without a negative vote, with Commissioner Strautmanis excused.

Victoria Guthrie  
Administrative Secretary