

**CITY OF CEDARBURG  
PLAN COMMISSION**

**PLN20220907-1  
UNAPPROVED MINUTES**

**September 7, 2022**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Wednesday, September 7, 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 Vice Chairperson Kip Kinzel.

Roll Call	Present -	Council Member Patricia Thome, Vice Chairperson Kip Kinzel, Adam Voltz, Tom Wiza
	Excused -	Mayor Michael O'Keefe, Sig Strautmanis, Heather Cain
	Also Present -	City Planner Jon Censky, 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 Wiza, to approve the minutes of the August 1, 2022 meeting. The motion carried without a negative vote, with Mayor O'Keefe and Commissioners Cain and Strautmanis excused.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Vice Chairperson Kinzel 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 TEMPORARY USE PERMIT TO INSTALL A TENT FOR OUTDOOR SEATING FOR THE RESTAURANT LOCATED AT W62N630 WASHINGTON AVENUE – STILT HOUSE/GORDON GOGGIN**

Planner Censky explained that, since 2018, Petitioner Goggin has received approval from the Plan Commission for the use of a tent for his restaurant during the months of November and December, and is once again requesting the use of that tent in the outdoor seating area beginning November 3, 2022 to January 2, 2023. As in the past, the tent will measure 20' by 40', stand approximately 10' tall, and will be placed on the paved area directly north of the restaurant, with daily hours of operation from 11:00 a.m. to 10:00 p.m.

As per **Ordinance No. 2022-07**, amending the standards for temporary uses, *a tent or other temporary structure that is in place for a period exceeding fourteen (14) days is permitted annually only from October 1 through April 30, and only after the request is reviewed and approved by the Plan Commission, and if the property is located in the Historic Preservation District, the Landmarks Commission.* The Ordinance goes on to

state that *tents and other temporary structures shall be located in the rear or side yard*, and requires the use to comply with State Building and Fire Code safety requirements.

Planner Censky explained that since this request remains unchanged from previous years, Landmarks Commission Chairperson Judy Jepson felt that another review by Landmarks was unnecessary; accordingly, their initial recommendation is offered to the Plan Commission.

**Action:**

A motion was made by Commissioner Voltz to approve the requested Temporary Use permit on the condition of compliance with Ordinance No. 2022-07, as stated above. This request was seconded by Council Member Thome and passed without a negative vote, with Mayor O'Keefe and Commissioners Cain and Strautmanis excused.

**REQUEST APPROVAL OF ARCHITECTURAL PLANS FOR INFILL HOME TO BE CONSTRUCTED ON THE VACANT LOT LOCATED AT N59W5674 PORTLAND ROAD – MIKKELSON BUILDERS/CRAIG AND ALLIE MAGILL**

Planner Censky noted that Petitioners Magill have been working with Mikkelson Builders to design the proposed home on their recently purchased lot. While this lot does not have frontage on public roads, it is served by a private 10' wide access/utility easement located along the east line of the property at N50W5616 Portland Road. Accordingly, this site will be accessed by a shared driveway, and sewer and water service will be extended through this easement to serve the proposed single-family home.

Planner Censky identified this area as predominately built-up and bounded on two or more sides by existing homes, which classifies this parcel as an infill lot. According to the City of Cedarburg Zoning Code **Section 13-1-122**, *architectural plans for infill lots shall be submitted to the Plan Commission and this Commission shall determine that the structure is compatible with the surrounding area and either approve, approve conditionally or reject the plans*. Planner Censky assured that City Staff review of the plan indicates full compliance with the dimensional requirements of the Rs-5 Zoning District, and find the design to be complementary to other homes in the area. As such, approval is recommended subject to:

1. Builder shall verify the sanitary sewer elevation in Portland Road, as it is likely that a through-wall sanitary sewer connection will be required.
2. Submittal and Engineering Department approval of a stormwater management plan designed to ensure there will be no impact on downstream properties.
3. The driveway extension shall meet the 3' offset requirement.
4. The existing 8" PVC watermain on the south side of Portland Road shall be tapped with a new 1.25" water service to serve home. A curb stop shall be placed 12" to 18" inside the sidewalk.
5. The builder shall work with the Fire Department to ensure the driveway will support the department's apparatus needs.
6. The easement shall be able to support all wet and dry utilities.
7. Securing a building permit prior to construction commencement.

Several residents attended the meeting to voice the following concerns regarding this proposal.

Bob Dreblow, N44W5496 Spring Street, established that he was in attendance on behalf of Ron and Nola Sella, who reside at W55N503 Highland Drive, located two parcels east of the subject property. Mr. Dreblow stated that over the years there has been severe flooding on the Sella's property, affecting their garage and driveway, and that the City has come to pump the water out of their yard and into the storm sewer. As such, the Sellas are worried about increased drainage to their property. Mr. Dreblow met with Planner Censky and City Engineer Mike Wieser earlier today and discovered that they are aware of these problems. In fact, Mr. Dreblow learned that during the current Highland Road street and utility project, the City took steps to install an interim overflow storm sewer to take care of some of the severe flooding. This is not considered to be the end solution to the problem, as it will be addressed if and when development occurs across the street from the Sellas. In the meantime, Mr. Dreblow pointed out that this proposed infill home will add hard surface to the lot, increasing the amount of runoff, and that the Sellas would like assurance that post-construction runoff does not exceed the current pre-construction conditions. Mr. Dreblow surmised that, as a condition of approval, the stormwater plan submitted to Engineer Wieser will likely contain stormwater ponds and dry or wet basins be engineered to handle 2-year, 10-year and 100-year storm events, all of which he believes is a fair requirement for property owners to be seeking. Mr. Dreblow believes that the flow will be allowed to continue towards the southeast as it currently does, and is much less likely to be a reoccurring situation that the Sellas experience now. He expressed his understanding that new home construction in the City requires not only sanitary and water laterals, but also requires the install of a storm sewer lateral to which the homeowner is required to connect their sump pump. He opined that in the situation with the subject property, there is no available storm sewer on Portland, which will probably result in a waiver issued to the homeowners to discharge their sump pump at grade; hopefully, this plan will divert water into a retention pond.

Ron Sella, W55N503 Highland Drive, was also in attendance at the meeting and thanked Mr. Dreblow for presenting an accurate account of his concerns. Mr. Sella brought photos of his flooded property to distribute to Commissioners in order to give them a visual representation of how his property is affected by runoff. He claimed that the previous owner of the subject parcel had a retention pond; however, upon listing the property for sale last year, this owner filled in that pond to create a driveway, resulting in increased runoff to Mr. Sella's property. As a result, he described having to pull out one of his vehicles that was completely flooded, and his other vehicle had water over the floor boards. Mr. Sella stated that when the water starts to get near his house, he calls the City to pump out his yard.

Jack Friess, W57N534 Hilbert Avenue, was in attendance and advised Commissioners that his property abuts the subject property on the west, and his biggest worry is exactly what is being discussed. He understands that the majority of the runoff flows southeast, and wants to make sure that any water does not get diverted to the west, adding that he and his neighbors do not want flooded basements.

Architect Cam Mikkelson was in attendance at the meeting, and responded that the stormwater plan, which will be submitted to Engineer Wieser shortly, addresses the neighbors' apprehension regarding runoff, and includes the addition of two retention ponds to the property.

Addressing Architect Mikkelson, Commissioner Wiza stressed the importance of not adding more fill than what is needed for the pad of the house to avoid any increase of runoff. Commissioner Wiza stated his belief that the stormwater plan will go a long way to address the issues voiced by neighbors.

Commissioner Voltz acknowledged the neighbors' distress regarding runoff. The way the site is set back as opposed to fronting the street, he believes that, from an architectural standpoint, this provides great flexibility for design. Commissioner Voltz finds the proposed home to be attractive, with good materials and nice massing and scale overall, concluding that he sees every reason to support the plans as proposed.

Vice Chairperson Kinzel summarized an email sent by Commissioner Strautmanis earlier today indicating his support of the architectural plans.

Speaking for himself, Vice Chairperson Kinzel declared that his biggest concern is that the neighbors do not experience any negative water issues. Other than that, he approves of the proposed design.

Once the stormwater plan is received by Engineer Wieser, Planner Censky invited Mr. Dreblow to stop by to review and provide his input.

**Action:**

A motion was made by Council Member Thome to approve the architectural plans for the infill home subject to the seven conditions listed above, with an emphasis on the submission and approval of the stormwater management plan. This motion was seconded by Commissioner Wiza and passed without a negative vote, with Mayor O'Keefe and Commissioners Cain and Strautmanis excused.

**REQUEST TEMPORARY USE PERMIT TO INSTALL A TENT FOR OUTDOOR SEATING FOR THE ESTABLISHMENT LOCATED AT W61N520 WASHINGTON AVENUE – STAGECOACH INN/BILL CONLEY**

Planner Censky advised Commissioners that the Petitioner plans to begin construction on his previously approved entertainment building, to be located on the east side of his parcel. Petitioner Conley was in attendance and explained that he has a private family reunion scheduled at this site in late September, and would like to install a temporary tent for this use. Since the allowed season for temporary tent use starts on October 1, he would like to leave this tent up until December 15 for the use of his patrons. Since construction on their new outbuilding is starting soon, Petitioner Conley is also proposing the placement of his temporary tent on the neighboring property to the south, behind the PJ Piper Pancake House restaurant located at W61N514 Washington Avenue. His temporary use application includes the signature from the owner of that property.

The tent measures 20' by 32' and will be located directly behind the restaurant out of view from Washington Avenue.

**Action:**

A motion was made by Council Member Thome to approve the requested temporary use permit with the conditions of compliance with Ordinance No. 2022-07. This request was seconded by Commissioner Voltz and passed without a negative vote, with Mayor O'Keefe and Commissioners Cain and Strautmanis excused.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Planner Censky announced that this is the last meeting for Administrative Secretary Guthrie, who has resigned from the City, effective September 16, 2022.

**MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe was not in attendance.

**ADJOURNMENT**

A motion was made by Vice Chairperson Kinzel, seconded by Council Member Thome, to adjourn the meeting at 7:24 p.m. The motion carried without a negative vote, with Mayor O'Keefe and Commissioners Cain and Strautmanis excused.

Victoria Guthrie  
Administrative Secretary