

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20221107-1
UNAPPROVED MINUTES**

November 7, 2022

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, November 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 7:03 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, Sig Strautmanis

Also Present - City Planner Jon Censky, Administrative Secretary Diana Salapata

STATEMENT OF PUBLIC NOTICE

Administrative Secretary Salapata 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 the September 7, 2022 meeting. The motion carried without a negative vote, with Commissioner Cain abstaining.

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.

FAMILY PROMISE WORKHOUSE HOUSING PRESENTATION

Joana Hemschemeyer was introduced by Connie Kincaide. Ms. Hemschemeyer works for Family Promise in Ozaukee County, and she explained the difference between affordable housing and workforce housing. She presented statistics on housing and the need for providing housing and rent assistance in Ozaukee County, as well as Cedarburg specifically. Ms. Hemschemeyer emphasized the importance of having proper resources and affordable housing and presented some solutions to the rising workforce housing issues in Cedarburg through land utilization, encouraging development and updating the Code and Zoning.

Commissioner Thome expressed her thanks for all that Family Promise has done.

Action: Due to the nature of the presentation, action was not needed and therefore no motion was made.

REQUEST APPROVAL OF TEMPORARY TENT USE FOR OUTDOOR SEATING AT W62 N550 WASHINGTON AVENUE – LIME CANTINA.

Planner Censky explained that a tent has been installed annually for the past two/three years and, following the approval process, the application for a tent has been made. There was building inspector and fire inspector approval and the tent was approved by the Landmarks Commission in the latest meeting on October 27, 2022. Mayor O’Keefe asked what heating methods were being used to which Commissioner Kinzel responded with propane. Planner Censky also mentioned that it was already up. Commissioner Cain requested that a reminder be sent to the owner that there is a process for temporary tent use.

Action: The motion to approve the tent was made by Commissioner Wiza with a focus on checking what heating methods are used, seconded by Commissioner Kinzel. Motion carried with one negative vote by Commissioner Cain.

REQUEST A LAND USE AMENDMENT TO CHANGE THE CLASSIFICATION OF THE SITE OF THE CORNER OF HIGHWAY 60 AND SHEBOYGAN AND TO REZONE IT BY THE MANDEL GROUP.

Planner Censky announced the Mandel Group, explaining that they have requested a Land Use Plan amendment and rezoning recommendation. They seek to amend the 2025 Land Use Plan from Commercial and High-Density Elderly Housing to High-Density Residential. They also want to change the zoning from RS-1 Single-Family Residential to Rm-2 Multiple Family Residential. Planner Censky also added that because they are not seeking the PUD overlay zoning, if they walked away from this project, the zoning would stay in place for other developers, and that the Commission would have limited control in future projects. He also stressed that if said developers succeeded with the amendment and zoning change, they would need to return to the Commission with extensive plans of the site, exterior architecture, and lighting plans as well as Conditional Use approval which requires a public hearing. He then introduced them to present their information.

Phillip Aielli introduced himself as one of the petitioners from the Mandel Group and started presenting various concepts and design elements they planned on incorporating into the apartments as well as their aim to have 240 units on the 17 acres of land in two story apartment buildings inspired by downtown Cedarburg. He stressed their goal of creating high-quality and highly-amenitized luxury apartments due to market demand. Mr. Aielli also noted that per the last meeting request, they conducted a report on the wetlands and the environmental corridor of the parcel and ensured their compliance of basing the designs around any natural wetlands as well as environmental preservation around the wooded area to the southeast of the parcel.

Petitioner Andrew Stefanich was introduced as one of the brokerage agents hired by the

Mandel group to oversee what the best use of the parcel would be. His data showed that there was little interest in commercial development in the area and that the Grafton area picked up a bigger market base; therefore, the current zoning would not be as successful as it would be if it was changed.

Commissioners Thome and Cain raised concern about not proposing a commercial element in the area since there are so many housing developments in the area but limited places to stop for coffee or other similar examples of retail. The petitioners responded that it would only be residential due to the results of the research they had conducted.

Mayor O'Keefe asked a question regarding the infrastructure of the lift station and its capacity in water pumps, to which Commissioner Wiza responded, stating that it has tremendous capacity. He also stated that upgrades would need to be made as time goes on and that from a utility aspect there would be no issues for the land.

Commissioner Wiza then asked about the median to the north of the parcel and whether it would be filled in or if it was unable to be filled in, due to WISDOT regulations, since it was not incorporated into the design. Petitioner Dan Beaveritz responded to any traffic concerns. It was determined that unless there is a reason for the median, it will be filled in.

Commissioner Wiza also expressed his disappointment at no commercial properties for a quick bite or a drink in the area, even just a small portion of the land. The vacancy of Five Corners was raised and that if the demand was there, it would be better since it is already built. Commissioner Voltz then emphasized that the location of the parcel in question would be a better location than Five Corners due to the number of residential areas surrounding the parcel.

Commissioner Cain expressed the hope for commercial. The potential problems that could arise with the parcel with the zoning change showed there were more negatives than positives, especially with it being one of the main gateways into Cedarburg.

Commissioner Strautmanis asked why there was no pursual of a PUD and how with a PUD, the process would have more control and would have been preferable. He also directed this question towards Planner Censky, to which he expressed his surprise at non pursual since it would have made more sense to have one done and it was recommended that one be done as well.

Commissioner Thome followed up with the PUD by stating that a PUD must be the process that is undertaken. She also expressed concern for the number of apartments.

In response to all the comments made by the Commission, Mr. Aielli responded with a continued belief that the apartments would be successful. He also moved to withdraw the amendment change and zoning request and will submit a PUD proposal instead.

Mayor O'Keefe expressed his concern at development in Cedarburg, asking about when there becomes too much new development and when Cedarburg loses its quaintness.

He also asked Planner Censky if the zoning change is premature and at what point is saturation reached with multi-family homes. (It was also decided, after bringing up the Business Park, that at a future meeting, the use of the parcel will need to be discussed.)

Commissioner Kinzel placed emphasis on keeping the parcel a commercial corridor to which Petitioner Aielli encouraged the Planning Commission to bring in experts for advice. Commissioner Cain responded to the idea positively and stated that such data did indeed need to be presented along with the appropriate usage.

Planner Censky determined that it would be put on the agenda for a future meeting, more specifically, the January 2023 meeting.

Mayor O'Keefe told the petitioners that it was a good effort to draw inspiration from historic Cedarburg and that it was a nice idea; however, it just did not fit well in the area nor with the timing of the other developments currently going on.

Action: Withdrawn by applicant due to feedback from Commission members

**REQUEST FOR A FENCING CONSULTATION AND PLAN REVIEW FOR LAND USE
AT N70 W5266 BRIDGE ROAD**

Planner Censky explained the applicants recently purchased property by Columbia Road and Bridge Road, consisting of three parcels, and that they were requesting a consultation regarding fencing and potential business ideas for the property. Within the concept review, the petitioners wanted advice regarding a fence choice for their future dog boarding and grooming business. Planner Censky also noted that dog boarding and grooming is allowed by Conditional Use under the current zoning, but that a bed and breakfast would only be allowed in the downtown area. However, municipalities cannot prohibit renting for seven consecutive days or longer.

Petitioners Brendan Ryan and Tierra Ryan stressed the importance of maintaining the historic aspect of their properties, emphasizing restoration over remodeling. Petitioner Ryan also ensured they would be Code compliant. They provided a timeline for the next four years regarding what they want to do with the parcels. They intend to primarily modify buildings on the inside while on the outside their focus would be landscaping and fencing. They provided three different types of fencing: White 6' tall vinyl fencing going around the future dog boarding area, with black chain-link fencing within that area, and then to the front of the house, they will have white picket fencing that is also vinyl and matching the balcony fencing on the Fieldstone house. They mentioned the 6' tall fence had sound absorption for protecting the neighbors from overly disruptive dog barking.

Planner Censky suggested that dog waste pick-up and cleaning be incorporated into part of the information submission for a future Conditional Use Permit.

Commissioner Cain raised the issue of the type of fencing and how it will detract from the property. She stated that vinyl does not go with historic properties and that the fence will

shine and detract from the property, and that it is not aesthetically pleasing nor is it befitting of a historical property.

Petitioner Ryan stressed the importance of not being disruptive to neighbors, hence fencing that will absorb some sound, and that only a small portion of the 6' tall fencing is visible from the street.

The Commission offered various suggestions with whitewashed cedar fences or even plain cedar fencing to fit with Cedarburg and the historical nature of the property.

Commissioner Thome stated that she is uncomfortable with the idea of a vinyl fence and that even the currently placed vinyl fence should come down and replaced with something more historically accurate. She also asked about the dog size and number of dogs that will be kept at the property. Commissioner Voltz furthered this point and asked the petitioners about putting the Fieldhouse on the historic registry in order to receive tax credits, but Commissioner Cain notified them of the potential restraints it might create when trying to restore an old home.

A neighbor of the parcel, Justin Johnson, stated that he loved the idea of the bed and breakfast and all the low impact business ideas they presented. However, dog boarding was something he was strongly against due to the highly disruptive nature of multiple dogs barking.

After audience member's comment, the Commission and planner decided to have the petitioners seek out fencing alternatives before coming back to the next meeting.

The Commission offered advice on looking to Architect Washatko for aid, as well as looking at historic photos, and to be careful of placing their land on the historic registry as it might limit the decisions they are able to make.

Action: Proposal is to be discussed further at a future meeting per comments made by Commission regarding fence type. Fence type is to be natural wood material with color being approved at a future meeting. The Commission decided that a dog waste collection and dispensing plan, information on expected number and sizes of dogs permitted in outside area, number of anticipated employees, and proposed hours of operation are to be included when they return for Conditional Use approval.

REQUEST TO REVIEW AND APPROVE THE MONUMENT SIGN TO BE LOCATED AT THE MAIN ENTRANCE OF THE BUSINESS PARK

Planner Censky presented detailed plans on the business park sign. Commissioner Voltz recused himself due to being hired by the City of Cedarburg to design said sign. Planner Censky highlighted the desire to add some landscaping befitting of the sign and to otherwise have its design be approved.

Action: Motion to approve the sign was made by Commissioner Wiza, on the condition that landscaping be added to the plan for the sign. The motion was seconded by Commissioner Thome. Motion carried without a negative vote

RECODIFICATION OF TITLE 13 ZONING CODE

Code review will be postponed until December, then continue until review is complete.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

Commissioner Cain brought to attention some points from a previous meeting that she felt were not represented appropriately in Fairway Village. She also raised the concern about the buildings not having the architectural interest they were supposed to have on the back of the houses rather than just being flat.

Commissioner Cain also raised the question regarding Commissioner enforcement when businesses do not uphold the decisions made by the Commission. She asked the question in response to seeing an outdoor area not following the rules the Plan Commission has laid down regarding outdoor seating and wondered whether any repercussions take place or if it is just continual warnings to owners that they start listening to the rules. Planner Censky responded to this by stating that liquor licenses could be pulled if owners did not listen to warnings.

Lastly, Commissioner Cain brought up the Stagecoach Inn building and questioned whether the owner still planned on building it since it was approved at a past meeting. City Administrator, Mikko Hilvo, responded that there was an easement issue that was in the process of being resolved and that the owner was also struggling to find contractors for the new building and that once these issues were resolved, the building would commence.

Planner Censky announced the appointment of new Administrative Secretary, Diana Salapata.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe had no announcements.

ADJOURNMENT

A motion was made by Mayor O'Keefe, seconded by Commissioner Kinzel, to adjourn the meeting at 9:39 p.m. The motion carried without a negative vote.

Diana Salapata
Administrative Secretary