

**CITY OF CEDARBURG
PLAN COMMISSION
February 3, 2025**

A regular meeting of the Plan Commission, City of Cedarburg, Wisconsin, will be held at 7:00 p.m. on Monday, February 3, 2025. Attendees have the option of joining the meeting in person at City Hall, W63N645 Washington Avenue, upper level, Council Chambers, or online via the following Zoom link: <https://us02web.zoom.us/j/89321669566>

AGENDA

1. CALL TO ORDER - Mayor Patricia Thome
2. ROLL CALL: Present - Mayor Patricia Thome, Jack Arnett, Adam Voltz, Sig Strautmanis, Sherry Bubnitz, Jon Scholz, Common Council Member Jim Fitzpatrick

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman

3. STATEMENT OF PUBLIC NOTICE
4. APPROVAL OF MINUTES – January 6, 2025 and January 28, 2025

5. COMMENTS AND SUGGESTIONS FROM CITIZENS
Comments from citizens on a listed agenda item will be taken when the item is addressed by the Plan Commission. Under this item, individuals can speak on any topic *not* on the agenda for up to 2 minutes, with possible time extensions at the discretion of the Mayor. No action will be taken on items not listed on this agenda except as a possible referral to committees, individuals, or a future Plan Commission agenda item.

6. PUBLIC HEARINGS; AND ACTION THEREON

A.* Applicant/property owner Ryan and Sarah Fitting, d/b/a JH Washington LLC, request Conditional Use Permit (CUP) approval to utilize the dwelling unit, located on the second floor of their building at W62 N556-558 Washington Avenue, for tourist rooming house (i.e. short term rental) purposes. This 5,400+/- sq. ft. lot is zoned B-3 Central Business District with HPD Historic Preservation Overlay District.

Tax Key No: 13-107-02-02-002

Ward/Ald. District: 4

7. REGULAR BUSINESS; AND ACTION THEREON

A.* Applicant Robert Bach, d/b/a P2 Development Company, requests approval of Building, Site, and Use plans to add a fourth/final 5-unit multi-family residential building to the existing site of Concord Apartments located N142 W6196-6212 Concord Street. This 2.25-acre property is zoned Rm-2 Multi-Family Residential District. Current property owner is Concord Apartments LLC.

Tax Key No: 13-003-01-003.00

Ward/Ald. District: 5

B.* Review and discussion on the topic of sidewalk encroachments.

8. COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

9. MAYOR'S ANNOUNCEMENTS**

10. ADJOURNMENT

* *Information attached for Commission Members; available through City Clerk's office.*

** *This topic is to be limited to such items as establishing the next meeting date, items for the next agenda, reminders of scheduled community events, and similar.*

City of Cedarburg is an affirmative action and equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, age, sexual orientation, gender identity, national origin, veteran status, or genetic information. City of Cedarburg is committed to providing access, equal opportunity, and reasonable accommodation for individuals with disabilities in employment, its services, programs, and activities. To request reasonable accommodation, contact the Clerk's Office at (262) 375-7606 or email: cityhall@ci.cedarburg.wi.us.

**MEMBERS – PLEASE NOTIFY CITY CLERK'S
OFFICE IN ADVANCE IF UNABLE TO ATTEND MEETING**

It is possible that a quorum of members of the Common Council may attend Plan Commission meetings held the first Monday of each month at 7:00 p.m. No business will be conducted by the Common Council and no action will be taken. Attendance is for the purpose of information gathering and exchange.

**CITY OF CEDARBURG
PLAN COMMISSION
January 6, 2025**

A regular meeting of the City of Cedarburg Plan Commission was held on Monday, January 6, 2025, at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers, and online via the Zoom app. Mayor Patricia Thome called the meeting to order at 7:00 p.m.

Roll Call -Mayor Patricia Thome, Council Member James Fitzpatrick, Adam Voltz, Jack Arnett, Sig Strautmanis, Sherry Bublit, and Jon Scholz (7:13 arrival)

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman

STATEMENT OF PUBLIC NOTICE

Administrative Assistant Hanaman 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 Commissioner Bublit, seconded by Council Member Fitzpatrick, to approve the minutes from December 2, 2024 and December 17, 2024. The motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

PUBLIC HEARING

APPLICANTS SHARAF AND SHAHRIYOR AKHMEDOV, D/B/A GRAND OZAUKEE AUTOMOTIVE LLC (REGISTERED AGENT SHAHRIYOR AKHMEDOV), REQUEST APPROVAL TO TRANSFER THE EXISTING CONDITIONAL USE PERMIT (CUP) FOR ‘SALES OF USED VEHICLES ALONG WITH AUTOMOTIVE SERVICE GARAGE OPERATION OFFERING MOTOR VEHICLE MAINTENANCE INCLUDING EXHAUST REPAIR, INSTALLING BRAKES AND SHOCKS, FRONT END ALIGNMENT, TIRE, ETC.’, FROM VLADISLAV OSIPYAN D/B/A GRAND MOTORSPORTS AND SERVICE INC., INTO THEIR NAMES/BUSINESS ENTITY. NO CHANGES ARE PROPOSED TO THE EXISTING BUILDINGS, SITE, OR OPERATING PLANS AS SETFORTH IN THE CURRENT CUP. THE OWNER OF THIS 1.24-ACRE PROPERTY(S) IS DANNY’S AUTO DEALS LLC (AN ADMINISTRATIVELY DISSOLVED ENTITY W/ REGISTERED AGENT SHARAF AKHMEDOV).

Planner Censky reported: There have been a couple of complaints received recently concerning the manner of operations at this site. Upon enforcement, it appears the applicant now fully understands and agrees to comply with the terms (permissions and prohibitions) of the existing

CUP which dates back to 2018. As a part of enforcement activity, it was determined that the current property and business ownership have changed since the 2018 approval. It is a requirement of the City Code that the Plan Commission review and consider this transfer from one owner to the next in the same manner as for a new CUP.

Commissioner Strautmanis questioned if the planters in the original CUP were ever installed as a barrier and if there would be any follow-up for future inspections. Planner Censky said that we typically do an automatic return visit at around 12 months post-approval for projects approved by the Plan Commission/Common Council. She said in a case like this, where the CUP has been operating for years already, we'll put that compliance follow-up on a faster track. Commissioner Strautmanis hopes to see timely compliance with all the CUP conditions at this site.

Mayor Thome asked how the City becomes aware of changes in ownership for future follow-up for the entirety of the City. City Administrator Hilvo explained that any occupancy permit or tax bill change should prompt the City to update the Conditional Use Permit.

The Planner recommends the following conditions be attached to any approval the Plan Commission may be inclined toward granting in this matter:

- 1) Review and Approval by the City Building Inspector, Police Department, and Fire Inspector of a new occupancy permit, including detailed review of compliance with the terms of the existing CUP.
- 2) Execution and recording of a new CUP document attaching the existing terms (permissions and prohibitions) and conditions to the new owners.

Public Comment:

Paul Baumgartner, N66 W4830 Cedar Reserve Circle, mentioned a change in a tax bill which could initiate a notification of a potential change in ownership.

There being no others wishing to speak, the motion was made by Commissioner Strautmanis, seconded by Commissioner Bublitz, to close the Public Hearing at 7:11 p.m. Motion carried on a roll call vote with Commissioners Arnett, Voltz, Strautmanis, Bublitz, Council Member Fitzpatrick, and Mayor Thome voting aye. Commissioner Scholz excused.

Action:

The motion was made by Commissioner Bublitz, seconded by Council Member Fitzpatrick, to approve the request to transfer the existing Conditional Use Permit to Ozaukee Grand Automotive subject to staff conditions. The motion carried unanimously.

PUBLIC HEARING

APPLICANT AARON GILLETTE, D/B/A AJ AMUSEMENTS, INC., REQUESTS CONDITIONAL USE PERMIT (CUP) APPROVAL TO DEVELOP AND OPERATE A FAMILY ENTERTAINMENT CENTER (SUCH AS INDOOR MINI-GOLF, LASER TAG, BUMPER CARS, & ARCADE) ALONG WITH A SNACK AND BEVERAGE (INCLUDING BEER AND WINE) BAR USE AS A TENANT OCCUPANT IN

APPROXIMATELY 31,980 SQ. FT. OF SPACE WITHIN THE MULTI-TENANT LIGHT INDUSTRIAL/STORAGE USE BUILDING LOCATED AT W57 N14371 DOERR WAY. THIS 14.46-ACRE PROPERTY IS OWNED BY DOERR WAY, LLC IN C/O JOE KASSANDER.

The motion was made by Commissioner Bublitz, seconded by Commissioner Voltz to open the Public Hearing at 7:14 p.m. The motion carried unanimously.

Planner Censky reported: This particular space is located in the southwest area of the building, generally. Access to the site comes off of Doerr Way. The drive lane to get to this particular tenant space runs directly west along the south wall of the building then opens into a paved parking lot and walkway to the entrance.

Uses listed/depicted on the plans include laser tag, mini-golf, arcade games, and snack + wine/beer bar. Hours of Operation are proposed to be Sunday - Thursday: 11:00 AM - 8:00 PM and Friday - Saturday: 11:00 AM - 12:00 AM (Adults 18+ only 10 pm-12 am). This is proposed to be a year-round operation.

The applicant is proposing no changes to the exterior of the building or site. They did recently resurface and stripe the parking lot that will service this use. It provides 71 stalls as proposed. As far as the quantity of stalls required, the City Code does have a general standard for “Commercial/recreational uses. One space per four patrons based on the maximum capacity of the facility, plus one space per two employees for the work shift with the largest number of employees”. The maximum capacity for this use/space is not known at this time. The applicant states that 71 stalls should be more than adequate to support his planned use.

Planner Censky observed that the area (from the driveway entrance at Doerr Way to the drive lane along the south building wall, through the parking lot, and up to the main entrance to this proposed use) is poorly lit for an active (vs. passive [i.e., storage type]) use. No new lighting or entryway signage is proposed at this time.

It appears that the existing main door and small overhead door at the southwest corner of the building will serve as the ‘storefront’ for this use. Without the addition of any signage or lighting, this entry may be considered difficult or obscure to locate. Planner Censky explained that Section 13-1-121(e) of the Code - Site plan review principles and standards, provides that the proposed on-site buildings, structures, and entryways are to be situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this chapter or any other codes or laws.

The Planner recommends the following conditions be considered for attachment to any approval the Planning Commission may be inclined to grant in this matter:

- 1) Applicant to commission a professional lighting analysis and plan, for review and approval by the Plan Commission prior to occupancy, which plan depicts full compliance with industry standards for lighting the drive entry, interior driving lanes, parking lot, and building/use entry. Any new lighting required under an approved lighting plan must be placed and operational prior to the start of business.

- 2) Applicant to have the parking lot restriped in a manner that vehicles will not travel south along the building wall and turn, blind, into oncoming vehicles entering from the east.
- 3) Applicant to secure an occupancy permit and satisfy the requirements of the Fire and Building Inspections Departments, including for instance, but not necessarily limited to:
 - 1) Ensure existing sprinkler system design/density is adequate for Assembly use
 - a. Alterations to the system are required with the addition of rooms, with plans to be submitted to both WI DSPS and Cedarburg Fire
 - 2) Updates to the fire alarm system are required with plans submitted to both WI DSPS and Cedarburg Fire
 - a. Additional notification devices are required with the addition of rooms
 - b. IBC (2015) 907.2.1.1 requires an emergency voice/alarm communication system to be utilized – existing system is required to be updated to include this.
 - c. NFPA 1 (2024) 20.1.4.4.1.1 requires full detection is required throughout the Assembly occupancy
 - d. Addition of manual fire alarm boxes per NFPA 1 (2024) 20.1.4.4.2.1(1)
 - 3) Fire extinguisher placement should be reviewed for compliance
 - 4) Assembly occupancy is required to be separated by a 1-hr fire separation from other occupancies within the area enclosed by the 3-hr fire rated barrier
 - 5) Additional information is needed regarding the laser tag area – there may be additional code requirements based on responses
 - a. Will this area be enclosed?
 - b. Will the lighting in this area be reduced?
 - c. Will this area be equipped with sound equipment that creates ambient noise?
 - 6) Egress for Laser Tag area needs review – plans indicate a single means of ingress/egress
 - a. Does there need to be an additional emergency exit? (Confirm with Building Inspector)
 - b. Plans indicate exit door by loading dock North of laser tag area is to be cutoff by a fence/gate.

Prior to the start of business:

- 4) An illuminated entry way/wayfinding sign plan for both the driveway and main entrance to the building shall be prepared and submitted for approval by the Plan Commission prior to occupancy, such signs being required as wayfinding devices to avoid adverse impacts of drivers circulating in the neighborhood or elsewhere on the site while trying to locate this use/entrance.
- 5) Full execution and recording of the CUG documents prior to start of business.
- 6) In addition to condition 4) above, all signs are subject to prior review, approval, and permit issuance in accordance with Chapter 5 of the Building Code – Regulation of Signs prior to placement at the site.
- 7) Applicant to secure required licensure for any planned beer or wine sales/consumption at this site prior to start of such sales/consumption.
- 8) No outdoor recreation/entertainment use(s) are proposed or approved as a part of this request.

Commissioner Arnett thanked the applicant for opening the business in Cedarburg.

There being no others wishing to speak, the motion was made by Commissioner Strautmanis, seconded by Council member Fitzpatrick, to close the Public Hearing at 7:29 p.m. Motion carried on a roll call vote with Commissioners Arnett, Voltz, Strautmanis, Bublitz, Scholz, Council Member Fitzpatrick, and Mayor Thome voting aye.

Action:

The motion was made by Commissioner Arnett, seconded by Commissioner Scholz, to approve the Conditional Use Permit as presented for an Indoor Family Entertainment Center subject to the condition in the Planners' report but changing the "Plan Commission" to "staff" approval in conditions 1) and 4) above. The motion carried unanimously.

PUBLIC HEARING

APPLICANT/PROPERTY OWNER OZAUKEE COUNTY LASATA, IN C/O COUNTY ADMINISTRATOR JASON DZWINEL, REQUESTS CONDITIONAL USE PERMIT (CUP) APPROVAL TO ADD A NEW 16,034 SQ. FT./19-UNIT CBRF BUILDING/WING ONTO THEIR EXISTING 22.59-ACRE RCAC BUILDINGS/CAMPUS LOCATED AT W79 N673 N. WAUWATOSA ROAD.

The motion was made by Commissioner Bublitz, seconded by Commissioner Voltz, to open the Public Hearing at 7:31 p.m. The motion carried unanimously.

Planner Censky reported: The applicant's plan calls for a new building that is, at one point physically tied to the existing RCAC wing at the west end of the site. The proposed CBRF use (for 9 or more occupants) is specifically listed among the Conditional Uses that can be considered for approval in the I-1 Governmental and Institutional District.

The applicant's narrative identifies a net increase in parking of 13 stalls. Details of the parking areas are not fully fleshed out in the plans as to stall sizes, curb-stopping, and setbacks from lot lines.

The landscaping plan submitted in support of this project is thorough and thoughtful. While 7 deciduous trees are to be removed, 13 new trees are proposed to be added in their place. The foundation areas are proposed to be filled in with a variety of deciduous and evergreen shrubs and perennials.

The lighting fixture types are detailed in the submittal but a location map for the fixtures, including any new parking areas, is still needed.

No new dumpster/utility space is depicted on the plan. If this is proposed to be added in the future, the location and design details would have to be presented for Plan Commission review and approval in advance.

In terms of architecture, the proposed building is dissimilar in its roof form from the existing buildings in this group. It appears to take some of its design cues from the original building located further east on the site, vs. following, for instance, the gabled style roofs, material patterns, and

fenestration of this group. The architect specialists on the Plan Commission have been in communication with the applicant and a revised architectural design may be in the works at this time. Section 13-1-122 of the Code - Architectural review principles, standards, and procedures, provides detailed guidance as to such things as roof lines/shapes, building material selections, and building color choices, all of which are underscored with favor toward continuity within the surroundings.

During a recent meeting, Planner Censky mentioned that there was a discussion from the applicant about incorporating a living roof on the flat roof section of the proposed new building. If this flat roof remains part of the building plans, detailed information about that plan will be required.

Commissioner Strautmanis expressed a desire to maintain the same building footprint while making some changes to the architectural details and making it look (such as with respect to materials, colors, fenestration, roof line) more consistent with the existing building. Commissioner Scholz commented that the design looks institutional vs. its residential use.

Planner Censky recommends the following conditions be considered for attachment to any approval the Plan Commission may be inclined to grant in this matter:

- 1) Applicant to commission a professional lighting analysis and plan, for review and approval by the Plan Commission prior to occupancy, which plan depicts full compliance with industry standards for safety as to lighting the new building and related drive/parking/entry areas. Any new lighting required under an approved lighting plan must be placed and operational prior to the start of occupancy.
- 2) Applicant to provide survey-based confirmation that the sum total of the floor area of the principal building and all accessory buildings, including with this proposed new addition, will not exceed 40 percent of the lot area.
- 3) Applicant to satisfy the requirements of the Fire, Building Inspections, Engineering, Light & Water, and Public Works Departments as to the new site and building plans.
- 4) Plan Commission review and approval of a revised architectural design for the building taking into account the guidance of the architect specialists to the Plan Commission.
- 5) If a living roof is proposed, the details and proposed timeline should be made a part of the plan submittal.
- 6) Full execution and recording of the CUG documents prior to start of occupancy.
- 7) Any new signs which may be proposed are subject to prior review, approval, and permit issuance in accordance with Chapter 5 of the Building Code – Regulation of Signs prior to placement at the site.
- 7) Applicant to maintain the required licensure for CBRF use in this building at all times. No other occupancy type is permitted without prior review and approval by the Plan Commission.
- 8) Fully detailed plans as to stall sizes, curb-stopping, and setbacks from lot lines, shall be provided by the applicant for review and approval by the Plan Commission.

Commissioner Arnett mentioned as a County Board Member they have been talking about an update to Lasata for some time and will use ARPA funds. Ozaukee County would like to complete the continuum of care at the facility. Some residents' stays are short, where they have to leave the care facility for a different level of care somewhere else. Lasata would like to save them a move out, then back again by offering all levels of care on the one campus. The concept here is to keep

everyone in the facility for as long as needed. There are some financial projections where it would keep this as a profitable facility. Commissioner Arnett voiced that counties all over the state are closing these types of facilities because they are a burden on the taxpayer, but the Lasata Care Facility serves as a model for how care facilities should operate. Commissioner Arnett is in full support of this facility and thinks it's a real amenity to the county for folks to be able to age in place near their families.

There being no others wishing to speak, A motion was made by Council Member Fitzpatrick, seconded by Commissioner Bublitz, to close the Public Hearing at 7:49 p.m. Motion carried on a roll call vote with Commissioners Arnett, Voltz, Strautmanis, Bublitz, Scholz, Council member Fitzpatrick, and Mayor Thome voting aye.

Action:

The motion was made by Commissioner Arnett, seconded by Council Member Fitzpatrick to approve the request for a Conditional Use Permit subject to the Planners' conditions. The motion carried unanimously.

APPLICANT BLIND HORSE WINERY, IN C/O ARCHITECT JASON AHRENS WITH DISTINCTIVE DESIGN STUDIO, REQUESTS USE, SITE PLAN, AND ARCHITECTURAL PLAN AMENDMENT APPROVAL TO ADD THE ACCESSORY USES/STRUCTURES OF PERMANENT FOOD TRUCK/TRAILER, AND OUTDOOR WALK-IN FREEZER, TO THEIR RECENTLY APPROVED TASTING ROOM BUILDING/SITE/USE LOCATED AT W63 N674 WASHINGTON AVENUE. THIS PROPERTY IS OWNED BY ORMSBY ACQUISITIONS LLC.

Planner Censky reported: The applicant has withdrawn their application for the food truck/trailer. The outdoor walk-in freezer was conditionally approved by the Plan Commission on December 2, 2024.

APPLICANT FAITH LUTHERAN CHURCH, IN C/O CHURCH COUNCIL VICE PRESIDENT THOMAS SEAR, REQUESTS THAT THE CITY DISCONTINUE AND VACATE THE SOUTHMOST 130+/- FEET OF GRANT AVENUE AND REVERT TITLE/OWNERSHIP OF SUCH LANDS TO THE ABUTTING PROPERTY OWNER(S). THE CURRENT OWNER OF THE PUBLIC WAY PROPOSED TO BE DISCONTINUED AND VACATED IS THE CITY OF CEDARBURG.

Planner Censky reported: The applicant requests Plan Commission support in their request to have the City vacate this piece of unconstructed public road right-of-way and revert ownership thereof to Faith Lutheran Church as the owners of all the abutting lands.

It appears there are two methods to initiate this process:

- 1) Upon the written petition of the owners of all the frontage of the lots and lands abutting upon the public way sought to be discontinued, and of the owners of more than one-third of the frontage of the lots and lands abutting on that portion of the remainder of the public way which lies within 2,650 feet of the ends of the portion to be

discontinued, or lies within so much of that 2,650 feet as is within the corporate limits of the city, village or town. Or

- 2) Initiation by the Common Council by the introduction of a resolution declaring that since the public interest requires it, a public way or an unpaved alley is vacated and discontinued. No discontinuance of a public way under this subsection may result in a landlocked parcel of property.

Vacating this right-of-way would render two existing platted lots to become landlocked. The applicant is the owner of these two platted lots and expresses a willingness to quit claim those two lots into the larger parcel they own adjacent and south of the lots. There are publicly owned utilities in this area.

The City staff, including the Engineer/Director of Public Works, Wastewater, Public Works, Planner, and Light & Water, has reviewed this request and raises no objections to the proposed vacation of this right-of-way provided adequate easements are given, by survey and written instruments, to ensure permanent public access to these utilities for use and maintenance into the future.

If the Plan Commission is comfortable with the idea of vacating this right-of-way, a determination is needed whether to require the applicant to proceed with a petition as specified above, or whether the City should introduce a resolution declaring that since the public interest requires it, this area is to be vacated. Planner Censky would opine that the former is a more accurate description of the circumstances in this case. The Common Council would have to introduce that Resolution.

Commissioner Arnett asked Vice President Thomas Sear if the church would have any objections to consolidating the parcels. Vice President Thomas Sear replied they have plans for a future use for the parcel as a memorial kiosk and bench. Planner Censky noted that, at a minimum, the platted lots that would become landlocked by the vacation of this right-of-way are required to be consolidated into the existing parcels that *do* have Code-compliant public street frontage.

Action:

The motion was made by Commissioner Strautmanis, seconded by Council Member Fitzpatrick, to recommend to Common Council to discontinue and vacate the southernmost ~130 feet of Grant Avenue and that we do so in the public interest of consolidating all property into one ownership parcel in this area, including the westernmost strip of property (i.e., Outlot 1 Blk 3 Cedar Pointe Subdivision) provided it would not conflict with platting rules or conflict with the neighboring subdivision, also provided that adequate easements are given, by survey and written instruments, to ensure permanent public access to these utilities for use and maintenance into the future. The motion carried unanimously.

APPLICANT GORDON GOGGIN, D/B/A THE STILT HOUSE, REQUESTS APPROVAL TO RETAIN THE VESTIBULE TEMPORARY USE/STRUCTURE HE RECENTLY PLACED IN FRONT OF, AND ENCROACHING UPON THE PUBLIC RIGHT-OF-WAY/ SIDEWALK AT W62 N630 WASHINGTON AVENUE. THE PROPERTY OWNER IS NICK SCHUH TAVERN LLC IN C/O LANCE LICHTER.

Planner Censky reported: A vestibule has been used at this site for several years, ending in 2022. Through that period, the vestibule extended only as far west/toward Washington Avenue as the edge of the existing concrete stairs on the front of the building. The west edge of the steps is also the east edge of the public right-of-way. The previous vestibule did not extend beyond the steps into the public right of way/sidewalk.

On August 24, 2023, the applicant appeared before the Landmarks Commission requesting approval of a new vestibule (agenda, plans, and minutes were attached). At that time the applicant explained that he wanted a side-entry door on the new vestibule, to keep the wind from catching and breaking the door. As presented to the Landmarks Commission, the new vestibule was proposed to extend 38 inches into the public right of way/sidewalk. The Landmarks Commission appears to have ‘approved’ this new plan subject to “police and engineering review for safety regarding sidewalk safety for pedestrians”.

On August 31, 2023, the applicant was notified that the ‘new’ vestibule plans had been reviewed with the City Engineer and Public Works Director who were OK with it subject to the following stipulations:

- 1) Applicant is responsible for snow removal as needed.
- 2) At least 4’ of unobstructed sidewalk width is to be maintained for pedestrian passing.
- 3) Applicant is responsible for immediately correcting any unintended problems that may result from this enclosure.

Having researched the 2023-24 Plan Commission agendas and minutes, Planner Censky stated it does not appear that this ever went from Landmarks Commission to Plan Commission, although the applicant feels that he recalls that having happened.

In December 2024, the new vestibule was installed, and it extends to within ~48 inches of the street-side face of the curb.

Section 13-1-22(f)(2) describes a Temporary Structure as “Any constructed or erected structure, including a tent or other enclosure used for commercial or business purposes and which any person or business intends to place on the same lot with or on any lot adjacent to, any permanent structure used for business or commercial purposes”. This Section goes on to define Tent as “Any collapsible shelter with side walls, of which the roof and/or one-half or more of the walls, are constructed of silk, cotton, canvas, fabric, or other material attached to or draped over a frame of poles”. Requests for a tent or other temporary structure that is going to be in place for a period exceeding 14 days may be permitted annually, from October 1 through April 30, 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 Planner recommends that the Plan Commission first consider the policy implications of allowing encroachments into the public right-of-way. To the extent the Plan Commission favors some level of encroachment, it would be the Planner's recommendation that the policy be affirmed by the Common Council – giving consideration to, among other things such as the public safety and accessibility, whether a hold-harmless and indemnity agreement requirement may also be advisable.

As to the existing vestibule, as placed, Planner Censky would recommend that any permission the Plan Commission is inclined to grant should have a specific end date (applicant requests March 10, 2025) and that the permission be consistent with any policy decisions the Commission may arrive at.

Plan Commissioners discussed adding the topic of encroachments in the public right away to a future Plan Commission agenda.

Mayor Thome and Commissioner Arnett described a similar situation with a downtown business that was required to have a license or lease type of agreement to use the public right of way.

The applicant assured the Commissioners that any snow would be cleared from the area to minimize any potential issues. Additionally, the applicant mentioned that it would be difficult to close the tables situated at the front of the establishment, as this would involve closing 4 out of the 15 tables located near the front door.

Planner Censky suggested an air wall or air curtain solution might be an option in place of the vestibule.

Commissioner Scholz objected to the vestibule staying in place any longer and said it should be removed within the week as it poses a safety issue. He had some ideas he offered to share with the applicant about how to make the old vestibule design work without the door breaking too easily during the season. Further, it was noted that as currently configured, a wheelchair, a stroller, or someone with a dog is unable to pass through except by single file. Commissioner Scholz believes other businesses would also like to have a vestibule put up if we allow this one to continue and feels we need a policy or ordinance about this.

Public comment:

Paul Baumgartner, N66W4830 Cedar Reserve Circle, suggested moving the vestibule to the north side building entrance for the winter.

Action:

The motion was made by Commissioner Bublitz, seconded by Council Member Fitzpatrick to approve the request to retain the Vestibule Temporary Use Structure until February 28, 2025. Commissioners Voltz, Strautmanis, Arnett, Bublitz, Alderman Fitzpatrick, and Mayor Thome voted aye. Commissioner Scholz Objected (Nay).

ELECTION OF A VICE-CHAIRPERSON FOR THE PLAN COMMISSION

Action:

The motion was made by Council Member Fitzpatrick, seconded by Commissioner Bublitz, to nominate Commissioner Jack Arnett as Vice-Chairperson to Plan Commission. The motion carried unanimously.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

Commissioner Bublitz commented about the meeting of December 17, 2024, to thank those people for coming out and sharing their thoughts and feelings with the Plan Commission. Commissioner Bublitz feels that the people in our community have spoken, and she can assure you that this council will take those opinions and thoughts into consideration. Commissioners are going to look at the Smart Growth plan again at the end of the month and the ways the Commission can modify the Smart Growth Areas. Commissions will take into consideration public comment. Commission's job is to do the very best we can at balancing a very critical and difficult job of growing a city and maintaining the best parts of the city and it's not an easy task. Commissioner Bublitz encourages everyone in our community who is concerned about this topic to investigate and learn. Not to go out searching and seeking the information that will adhere to your thoughts but to get ideas and understanding of the bigger picture as we are all doing. Commissioner Bublitz also asks when you are doing your investigation to show kindness and respect to the people you're talking to about this, to your Commissioner, to your Mayor, and City Administrator.

MAYOR'S ANNOUNCEMENTS

The Mayor thanked everyone who showed up at the Open House. She wanted to let residents know it helps to reach out to get full detailed information. Mayor Thome is trying to respond to emails she has received. Any comments regarding the Smart Growth Areas should be in by the January 28, 2025 meeting.

ADJOURNMENT

A motion was made by Commissioner Arnett, seconded by Commissioner Bublitz, to adjourn the meeting at 8:59 p.m. The motion carried without a negative vote.

Theresa Hanaman
Administrative Assistant

CITY OF CEDARBURG
PLAN COMMISSION
January 28, 2025

A regular meeting of the City of Cedarburg Plan Commission was held on Tuesday, January 28, 2025, at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers, and online via the Zoom app. Mayor Patricia Thome called the meeting to order at 5:00 p.m.

Roll Call -Mayor Patricia Thome, Council Member James Fitzpatrick (departed at 7:16 PM), Adam Voltz, Jack Arnett, Sig Strautmanis, Sherry Bublitz, and Jon Scholz (departed at 7:17 PM)

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman

STATEMENT OF PUBLIC NOTICE

Administrative Assistant Hanaman confirmed that the agenda for the meeting had been posted and distributed in compliance with the Wisconsin Open Meetings Law.

APPROVAL OF MINUTES - None

COMMENTS AND SUGGESTIONS FROM CITIZENS

Terry King-W63 N762 Sheboygan Road - Requested meetings to start later than 5:00 PM so working residents can attend.

REGULAR BUSINESS AND POSSIBLE ACTION THEREON

REVIEW, DISCUSSION, AND POSSIBLE ACTION ON MATTERS RELATED TO THE COMPREHENSIVE PLAN UPDATE INCLUDING:

Written comments/questions received as a part of the Smart Growth Comprehensive Land Use Plan (Chapters 2 & 8) Public Input session held on December 17th, 2024.

- **Chapter 8 – The Land Use Element.**
 - o **Smart Growth Areas one, five, and eleven**

Planner Censky referred Commissioners to the pages of material in the packet containing all the comments/questions about the Smart Growth Areas and Plan update received at and since the December 17, 2024, public hearing. These are provided for the Commissioners review and consideration.

Commissioners discussed that having received public input on the recommendations made through mid-December, they will proceed analyzing each Smart Growth Area (SGA). Each SGA will be reconsidered and reevaluated based on the recommendations. The Commission will reach consensus on what the final recommendation to the Common Council should be for each SGA. It was noted that the Commission does not want to make any final recommendations until the City/Town Traffic & Access Study, and School District Enrollment Projections Report, have been received and considered.

Planner Censky will provide additional information on takeaway numbers for different zoning districts for future discussions. The Plan Commission will review the Cedarburg School District study after it is presented to the School Board on February 12th. They will review the transportation study once it becomes available.

Planner Censky reported an update on land use classifications and zoning districts for the City's Smart Growth Plan. She explained the differences between various residential zoning categories, focusing on density, lot size, and urban improvements. The Plan Commission is tasked with reviewing each Smart Growth Area (SGA) to determine suitable zoning districts, considering both technical analysis and public feedback. Planner Censky suggests prioritizing the most consequential SGAs for discussion, while less contentious areas can be addressed later. Council Member Fitzpatrick inquired about creating more specific multifamily zoning categories. Planner Censky explained that this can be done through subdividing land use classifications or by specifying suitable zoning districts for each SGA.

Council Member Fitzpatrick expressed concerns about the lack of necessary data to make informed decisions on the proposed Smart Growth Areas. He highlighted the need for a transportation study and a report from the school district before making any recommendations. Council member Fitzpatrick also discussed the potential/need for developers to carry out the cost of necessary improvements. Planner Censky then presented on Smart Growth Area One, discussing the potential for different land use classifications and the implications of each. She also mentioned the possibility of reducing the density of the area from high-medium to medium-density.

The Plan Commission discussed the challenges of developing a site with environmental limitations. Planner Censky noted that higher densities are often applied to brownfield sites where residential redevelopment is desired. This is done in an effort to balance returns against the high costs of mitigation and site prep. The discussion also touched on the potential for a neighborhood group to take over the Mercury Marine site, despite its environmental issues. Commissioner Bublitz suggested maintaining the status quo for the site, with medium-density residential zoning, and only changing it if a developer comes in with a creative proposal. Commissioner Arnett was in favor and also discussed the potential for a pocket neighborhood with smaller single-family homes with enough density that creates enough value without packing in too many homes. He is in support of zoning this area as medium single-family, RS-5 or RS-6. Commissioner Scholz agreed with this census of medium-density single-family. Mayor Thome concurred with a change in the density of this property to medium density.

The Plan Commission continued to discuss the zoning and land use options for SGA-1 which they agreed to consider medium-density zoning and exclude Rd-1, Two Family Residential, which allows for smaller lots and units. They also discussed the potential for the land to be used as parkland, with some expressing concerns about the impact of development on the neighborhood's character. Commissioner Voltz questioned if it is practical for the City to approve annexation and if the City can limit residential annexation. Commissioner Voltz also suggests the City to be cautious and strategic until there is a long-term plan to present. Planner Censky and the Plan Commission will revisit the annexation policies as part of the Comprehensive Plan update. The final consensus as to the proper future land use classification of this site was that it be consistent with the permissions of the Rs-3, Rs-4, or Rs-5 Districts.

PUBLIC COMMENT

- Council Member Kristin Burkart-W67 N542 Evergreen Boulevard-Spoke in regard to maintaining a historic unique desirable neighborhood close to a historic downtown. She is keenly aware of the challenges the City has, and the guiding principals have to shape decisions. Advocating for this area to remain parkland.
- Chris Borg-N57 W6524 Center Street - Questioned where and why the City is doing this.
- Joe Otto-W56 N6509 Center Street - Would like to see SGA-1 as a park or something for the City.

- Steve Brill - W69 N419 Fox Pointe Avenue - Asked Plan Commission to discuss decisions with residents before moving forward and for the City to consider purchasing the property at SGA-1.
- Ruth Cook - W64 N649 Hanover Avenue-Expressed keeping the property as is.
- Kristin Brogan - N56 W6523 Center Street - Would like the city to consider zoning for governmental and not residential. She would also like to see it used as parkland.
- Dennis Markiewicz - W65 N587 St John Avenue - Concerned about water flooding his property and basement.
- Paul Rushing - W62 N799 Sheboygan Road - Discussed the form-based codes to ensure the desired outcomes. Conveyed zoning reclassification does not address character.
- Lynda Johnson - W62 N780 Sheboygan Road – Encouraged by the conversation, the listening, and the dialog with Plan Commission and hopes the compassion and understanding will extend to the other neighborhoods for have similar outcomes.
- Mark Roller - N56 W6573 Center Street - In favor of green space and asked if Mercury Marine would donate the property to the City of Cedarburg.

Smart Growth Area 11

Planner Censky reported: After accounting for environmental corridors, the net developable area is 14.1 acres. The Planning Commission previously recommended reclassifying the site from commercial to medium or high-medium-density residential (5.2 to 10.8 units per acre). Various zoning options are presented, ranging from single-family to multi-family buildings. There is debate about the most appropriate density and housing type for the site, with some Commissioners favoring townhomes or low-density multi-family options. The discussion highlights the complexities of balancing density, housing types, and site constraints in urban planning.

The Plan Commission expressed concerns about the high density of apartments in the area and suggested a shift towards townhomes or row houses. However, there was a concern about fairness to the landowners as a neighboring property had been granted a higher density designation.

Commissioner Strautmanis expressed concerns about the timing of a development plan for a commercial site, suggesting that it might be better to keep the current zoning in place until the right time for a denser development. Planner Censky pointed out that the site in question was temporarily zoned as residential, but the code requires a permanent zoning classification within 12 months of annexation. Commissioner Strautmanis suggested that the current zoning would have to be commercial if the status quo is maintained, which could perpetuate uncertainty about the site's future use. Planner Censky agreed with concerns about timing and the need for a comprehensive review of the land use plan.

The Plan Commission discussed several topics related to city planning and development. Commissioners decided to postpone making a definitive recommendation on SGA-11 until all Commissioners are present and the traffic/school studies are completed. The Plan Commission agrees to focus on one area at a time in future meetings to allow for more in-depth discussion.

PUBLIC COMMENT

- Michael Wirth - 925 East Lyon Street – The vision of high-density multifamily housing aligns with the city's recent housing study data. The developer could achieve a tasteful project at 14.2 units per acre with a stacked flat townhome design. Mr. Wirth referred to the Vierbicher housing study, which projects the city will need 1,324 new housing units by 2040, including at least 444 rental units. Reducing the density designation will reduce the

development feasibility.

- Brian Randall - 111 E Kilbourne Avenue – Verbalized on behalf of the Wirth Family, the current land designation, the value of land, and vested property rights and focused on the current density designations for the legal principles of downzoning and the regulatory takings aspects.
- Cathy Czech - N119 W58835 James Circle – Suggested the correction of buildable property as stated in a previous meeting of 15 acres for SGA-11. With the lowest zoning of high density at 163 units, she believes that more single-family residences for elderly and young families are needed. It doesn't make sense to move Commercial on Hwy 60 to SGA 10 and there is no reason for a moratorium or a lawsuit.
- Mark King - W62 N775 Sheboygan Road – Wants the landowners to know it's not the citizens of Cedarburg against the landowners. He is concerned about how the traffic will affect the community, specifically on Sheboygan Road.
- Terry King - W63 N762 Sheboygan Road - Discussed the importance of a comprehensive traffic study for the entire city before redesignating any properties with higher density. He emphasized the need for infrastructure studies to account for the long-term aftereffects of new developments.
- Kip Kinzel - W57 N755 Hawthorne Avenue - Provided some historical context. As the previous Commission progressed, they gradually increased density in the areas further out, which ultimately resulted in Cedar Place Development. It aligned with the Smart Growth strategy. The density allowed was intended to spur the development of adjacent commercial properties, envisioning that area to evolve into commercial space. It can be difficult to predict what needs would be in 25 years based on current circumstances.
- Beth Maresh - W62 N787 Sheboygan Road - Expressed concerns about the high-density apartments in the area and the potential for more apartments.
- Paul Rushing - W62 N799 Sheboygan Road - Encouraged the Plan Commission to consider form-based zoning codes as a tool for managing growth.
- Connie Kincaid - N75 W7255 Linden Street - Suggested that the Plan Commission consider the school district's input before making decisions and encouraged Commissioners to attend the February 12th School Board meeting.
- Lynda Johnson - W62 N780 Sheboygan Road - Expressed support for lower-density solutions and encouraged the Plan Commission to prioritize the concerns of residents over developers.
- Richard Paddock - N116 W5575 Lucas Court - Provided context to the verbiage used in the study, suggesting that the City had already exceeded the number of units suggested by the study.

No final consensus was reached about the land use classification for this SGA. At this point in the meeting, there were two Commissioners who had to leave, and the Mayor wants these decisions to be made by the whole Commission if possible.

Smart Growth Area 5

Planner Censky reported: SGA-5 is part commercial and part industrial. The recommendation by the Plan Commission was to carve down the size of this smart growth area to eliminate the portions that are already classified as commercial and reclassify the industrial portion to commercial. There was a potential hotel development for the site on the east side of the street. The west side of Cardinal Avenue is commercial, with the south side across from SGA-5 as a commercial storage building. Plan Commission reached a tentative consensus to realign the boundary and reclassify SGA-5 as commercial.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

Commissioner Voltz suggests creating design guidelines within zoning and clear expectations. He also suggested Form Based Zoning as an option to be considered and starting an Architectural Review Board for new developments.

MAYOR'S ANNOUNCEMENTS

The Mayor addressed concerns about meeting start times and emphasized the importance of having all Commissioners present.

ADJOURNMENT

A motion was made by Commissioner Arnett, seconded by Commissioner Bublitz, to adjourn the meeting at 8:04 p.m. The motion carried without a negative vote.

Theresa Hanaman
Administrative Assistant

PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date: February 3, 2025

General Information:

Agenda Item: 6.A.

Applicant/Property Owner:

Ryan and Sarah Fitting, d/b/a JH Washington LLC

Requested Action:

Review and approval of Conditional Use Permit (CUP) for a 1-unit, second floor, tourist rooming house (i.e., short-term rental) use.

Current Zoning:

B-3 Central Business District with HPD Historic Preservation Overlay District.

Current Master Plan Classification:

Industrial and Manufacturing

Surrounding Zoning/Land Use:

North: B-3 Central Business District with HPD Historic Preservation Overlay District.
South: B-3 Central Business District with HPD Historic Preservation Overlay District.
East: B-3 Central Business District with HPD Historic Preservation Overlay District.
West: B-3 Central Business District

Lot Size:

~ 5,400+/- sq. ft.

Location:

W62 N556-558 Washington Avenue

Discussion:

The applicant is seeking Conditional Use Permit (CUP) approval to use his 1-unit, second-floor dwelling unit for tourist rooming house (i.e., short-term rental) use. The main floor of this building is devoted to commercial/retail type use.

The current Code defines Tourist Rooming Houses as: All lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients as regulated under Wisconsin Chapter DHS 195. In the B-3 Central Business District Tourist Rooming Homes are listed as a use that can be permitted through the Conditional Use process. This use, as proposed, allow rental periods as short as 1-night stay.

Ozaukee County GIS Image



Google Maps Street View



Recommendation:

A DRAFT CUP document is included in your packet. It contains the conditions that are recommended to be attached to any approval you may be inclined to grant in this matter.



LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: W62 N558 Washington Ave
APPLICANT/BUSINESSNAME: JH Washington LLC / Ryan and Sarah Fitting
APPLICANT/BUSINESS ADDRESS: N91 W5200 Alpine Dr, Cedarburg
STATUS OF APPLICANT: ☒ OWNER ☐ AGENT ☐ BUYER ☐ OTHER _____
PHONE: 414-640-8116 EMAIL: ryanfitting@me.com

PROPERTY OWNER (IF DIFFERENT): _____
PROPERTY OWNER MAILING ADDRESS: N91 W5200 Alpine Dr, Cedarburg
PROPERTY OWNER PHONE: 414-640-8116 PROPERTY OWNER EMAIL: ryanfitting@me.com

REQUEST FOR (CHECK ALL THAT APPLY):

- | | |
|---|--|
| ☐ CONCEPT REVIEW | ☒ CONDITIONAL USE ZONING |
| ☐ SITE/ARCHITECTURAL PLAN APPROVAL | ☐ ANNEXATION REQUEST |
| ☐ SUBDIVISION PLAT OR CSM REVIEW | ☐ VARIANCE/BOARD OF APPEALS |
| ☐ ZONING DISTRICT CHANGE | ☐ OTHER _____ |

DESCRIBE REQUEST: Request for short term rental use
of property for a minimum stay of one
night

PLEASE SUBMIT: FIVE (5) COPIES OF WRITTEN DESCRIPTION OF PROPOSAL OR REQUEST FOR CITY STAFF REVIEW
FIVE (5) FULL SETS OF SUPPORTING DRAWINGS, SKETCHES OR SURVEY MAPS FOR CITY STAFF REVIEW
THIRTEEN (13) SETS OF PLANS (11" x 17" MAX) FOR PLAN COMMISSION REVIEW

The undersigned certifies that he/she has familiarized themselves with the State and Local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct. This application shall be signed by the property owner(s).

PROPERTY OWNER(S) SIGNATURE: [Signature] DATE: 12/2/24

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ 300.00 (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: 12-20-24
APPLICATION AND FEE RECEIVED BY: Theresa Harman PLAN COMMISSION MEETING DATE: 12-3-24

ATTACHMENTS (CHECK IF RECEIVED):

- ☐ FIVE DESCRIPTIONS ☐ FIVE FULL-SIZE SETS ☐ THIRTEEN PLAN SETS

PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: 13-107-02-02-002

ZONING: B3/HPD ALDERMANIC DISTRICT: W4/A04 PREVIOUS MEETING: _____

DOCUMENT NUMBER	CONDITIONAL USE PERMIT	
Before the plan Commission of the City of Cedarburg, Ozaukee County, Wisconsin, in regard to the premises at W62 N558 Washington Avenue, located in Section 27 Town 10 North, Range 21 East, Ozaukee County, State of Wisconsin, further described as follows:		
1159013 S 36 FT LOT 2 BLK 2 ORIGINAL PLAT		
		Return to: City Clerk City of Cedarburg W63N645 Washington Avenue PO Box 49 Cedarburg WI 53012-0049

13-107-02-02-002
Parcel Identification No.

Zoning Classification of the Premises is: B-3/HPD Central Business District w/ Historical Preservation Overlay District
Mailing Address of the Premises is: W62 N558 Washington Avenue

WHEREAS, a petition has been filed by JH Washington LLC in c/o Ryan and Sarah Fitting (hereinafter "Permittees" and "Property Owners") for the purpose of operating a 1-Unit, Second Floor, Tourist Rooming House at W62 N558 Washington Avenue; and

WHEREAS, Tourist Rooming House is listed as a conditional use in Section 13-1-55(e)(20) of Zoning Code; and

WHEREAS, upon careful consideration of information received in this matter, including information received at the public hearing, and in consideration of the particular nature, character and circumstances of the proposed use, and of the specific and contemporary conditions, the City of Cedarburg Plan Commission hereby finds that the proposed use will not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community, and will be in accordance with the purpose and intent of the City of Cedarburg Zoning Code and the City of Cedarburg Smart Growth Comprehensive Land Use Plan - 2025, provided the conditional use is operated pursuant to the following conditions and in strict conformance therewith.

NOW, THEREFORE, the Plan Commission of the City of Cedarburg held a Public Hearing on February 3, 2025, and approved the issuance of this conditional use permit (hereinafter "CUP") for the premises for the above-stated purposes.

The CUP is subject to initial and continued compliance with the City of Cedarburg Municipal Zoning Code and with the following conditions:

1. This CUP is being issued to JH Washington LLC in c/o Ryan and Sarah Fitting (hereinafter "Permittees" and "Property Owners"). The CUP shall terminate if and when the Permittees terminate their business or property ownership at the subject property.
2. The CUP shall not be transferrable to another location.
3. All required Federal, State and Local licenses for Tourist Rooming Houses as regulated under Wisconsin Chapter DHS 195 shall be obtained and maintained.
4. The Permittee agrees to secure a room tax permit from the City Treasurer prior to beginning short-term rental (i.e., less than 30 days per stay) of this one unit. Permittee further agrees to abide by the requirement for payment of room tax in accordance with the City Code (ref attachments at Exhibit C).
5. Cedarburg Fire Department will follow the State Licensing Bureau for Rooming Houses, NFPA 1 Section 20.10 and NFPA 101 Life Safety Code.
6. Smoke detectors, carbon monoxide detectors, and fire extinguishers are to be installed and properly maintained.
7. The permittee shall secure an Occupancy Permit prior to beginning short-term rental of this one unit.
8. A Sign Permit is required for any proposed signage. Prior to issuance of a Sign Permit, sign plans must be reviewed and approved by the Landmarks Commission and City Building Inspector.
9. The unit layout shall be as portrayed in Exhibit A which is attached hereto and made a part hereof by reference.

10. All activities will be restricted to the interior of the unit. No picnic tables, grills, fire pits, or comparable outdoor amenities shall be provided.
11. Onsite parking and vehicular access thereto, shall be per Exhibit B which is attached hereto and made a part hereof by reference. Exhibit B suggests that the property at W62 N556-558 Washington Avenue is/may be the beneficiary of an 8-foot wide driveway easement along the north side of the adjacent property located at W62 N550-552 Washington Avenue.
12. No dumpster is proposed to be added to this site in support of the entirety of uses here currently and with the addition of the 1-Unit, second floor, tourist rooming house use. If a dumpster becomes necessary at some future date, it shall be screened/enclosed in accordance with applicable City Codes, such screening/enclosure being subject to pre-approval as to location and design by Landmarks Commission, Plan Commission, and Building Inspector. Trash receptacles must be stored out of the public view.
13. The Property Owner is required to sign below, before a notary, to approve the issuance of this CUP and to indicate their acceptance and agreement to operate within the terms and conditions of this CUP.
14. The Owner shall apply for and obtain a building permit and occupancy permit as required by the City of Cedarburg's Building and Zoning Codes for any physical or use modifications to the unit.
15. Any changes or modifications to the building or use not included in this CUP shall require approval by the City Plan Commission (and possibly the City Landmarks Commission) as an amendment to this CUP.
16. Any substantiated material adverse impacts arising as to, for instance, but not necessarily limited to, noise, health, safety, etc. associated with the 1-Unit, Second Floor, Tourist Rooming House use at W62 N558 Washington Avenue shall be the responsibility of the Permittee and Owner to correct. Failure to correct the problem in a timely manner may result in the partial or complete revocation of this Conditional Use Permit.

SIGNATURES OF PROPERTY OWNER(S) AND PERMITTEE(S):

As **PROPERTY OWNER(S)** of the subject property and 1-Unit Tourist Rooming House use, I/we approve the issuance of the CUP with the above described conditions.

Signature	Date	Signature	Date
JH Washington LLC by Ryan Fitting/ Printed Name/Title		JH Washington LLC by Sarah Fitting/ Printed Name/Title	

STATE OF WISCONSIN }
OZAUKEE COUNTY } SS

Personally, came before me this ____ day of _____, 2025, the above-named _____, to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

Printed Name _____
Notary Public, Ozaukee County, Wisconsin
My Commission Expires: _____

As **PERMITTEE(S)** of the subject property, I/we understand and accept the terms and conditions of the CUP.

Signature	Date	Signature	Date
JH Washington LLC by Ryan Fitting/ Printed Name/Title		JH Washington LLC by Sarah Fitting/ Printed Name/Title	

STATE OF WISCONSIN }
OZAUKEE COUNTY } SS

Personally, came before me this ____ day of _____, 2025, the above-named _____, to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

Printed Name _____
Notary Public, Ozaukee County, Wisconsin
My Commission Expires: _____

SIGNATURES – CITY OF CEDARBURG

Patricia Thome, Mayor

STATE OF WISCONSIN }
OZAUKEE COUNTY } SS

Personally, came before me this _____ day of _____, 2025, the above-named _____
_____, to me known to be the person(s) who executed the foregoing instrument and acknowledge
the same.

Printed Name _____
Notary Public, Ozaukee County, Wisconsin
My Commission Expires: _____

THIS INSTRUMENT WAS DRAFTED BY:
Mary Censky, City Planner

DRAFT





REGISTERED LAND SURVEYORS
MILTON H. SCHMIDT, Pres.
CLARENCE H. PIEPENBURG, Vice-Pres.
JAMES A. EIDE, Sec.-Treas.

BADGER SURVEYING CO., INC.

PHONE 354-9080
7257 N. 51st STREET
MILWAUKEE, WIS. 53223

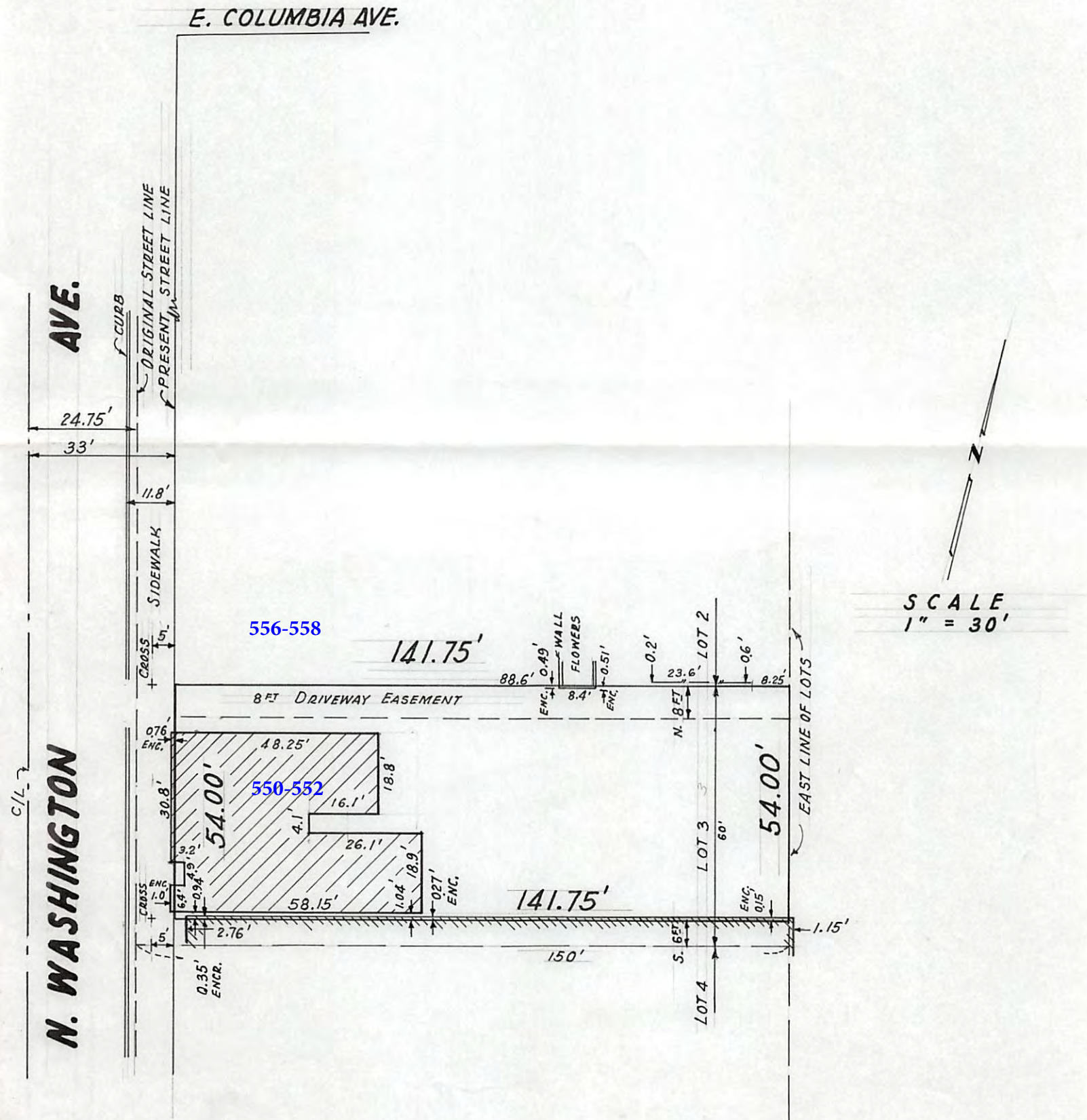
PLAT OF SURVEY

Orig. Plat

Property at
Legal Description: The North 54.00 feet of Lot 3, in Block 2, in Hilgen, Schroeder and Others Addition, in the South East 1/4 of Section 27, Township 10 North, Range 21 East, in the City of Cedarburg, Ozaukee County, Wisconsin; subject to an easement for driveway purposes over the North 8.00 feet of said Lot 3.

Exhibit "B" to Conditional Use Permit Page 2 of 3

SURVEY OF PROPERTY LOCATED AT W62 N550 & 552 WASHINGTON AVENUE



Prepared for USELDING

State of Wisconsin, }
County of Milwaukee } ss.

I hereby certify that on the 29TH day of JULY, 1965, I have accurately surveyed the above described property and that the above plat is a correct representation thereof and shows the exterior boundary lines and location of buildings and other improvements on said property and the correct measurements thereof.

Plat No. 65-560

Signed Clarence H. Piepenburg
Registered Land Surveyor

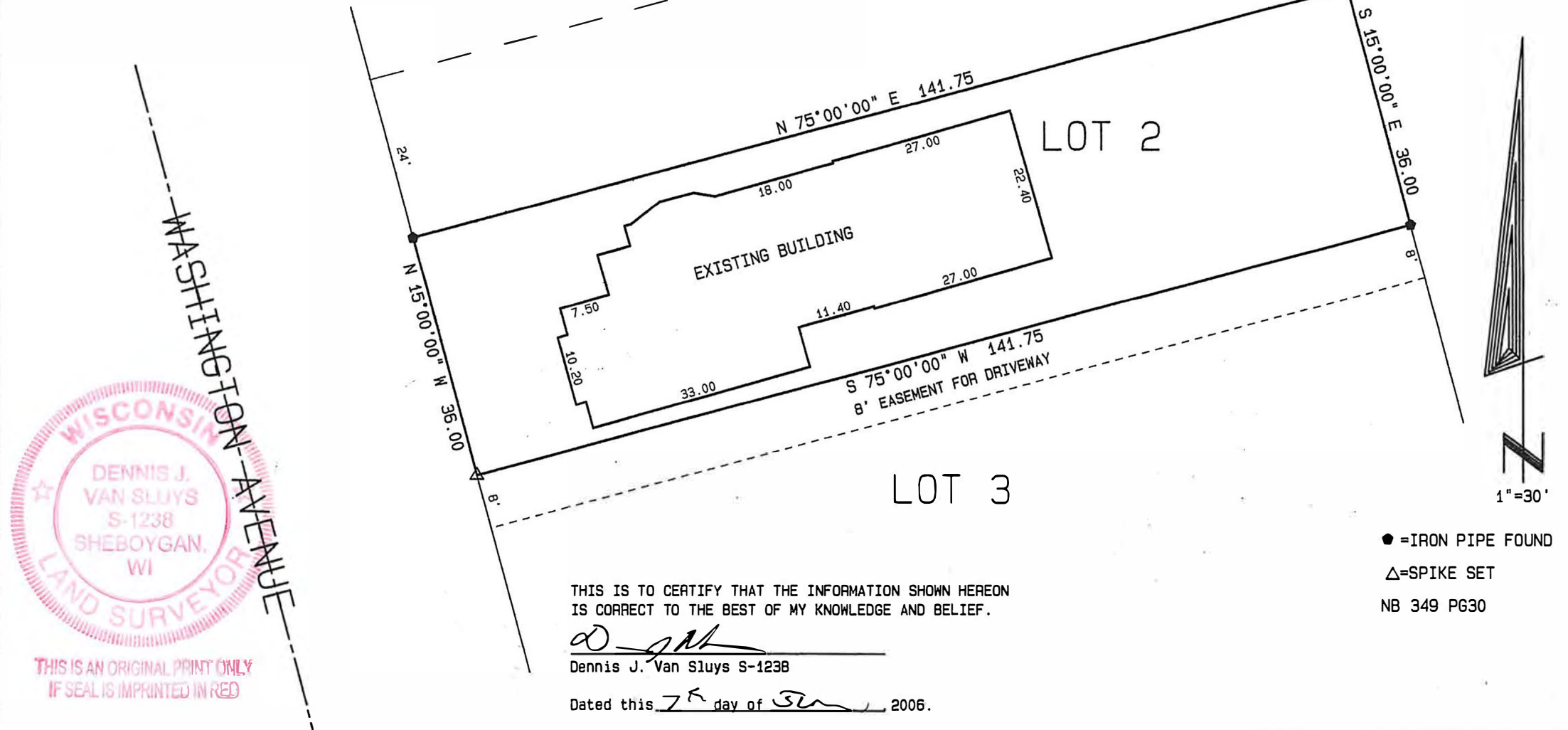
D & H LAND SURVEYS LLC
526 S. 8th STREET
SHEBOYGAN, WISCONSIN

FOR BILL BRASH
THE SOUTH 36 FEET OF LOT 2, BLOCK 2, HILGEN SCHOEDER AND OTHER'S ADDITION (A/K/A
ORIGINAL PLAT), TOGETHER WITH AN EASEMENT FOR DRIVEWAY PURPOSES OVER THE NORTH 8
FEET OF LOT 3, BLOCK 2, HILGEN SCHOEDER AND OTHER'S ADDITION, BEING PART OF THE SE
1/4 OF SECTION 27, T.10 N., R.21 E., CITY OF CEDARBURG, OZAUKEE COUNTY, WISCONSIN,

LOT 1

Exhibit "B" to Conditional Use Permit Page 3 of 3

SURVEY OF PROPERTY LOCATED AT W62 N556 & 558 WASHINGTON AVENUE





HOTEL/MOTEL/BED & BREAKFAST ROOM TAX ORDINANCE REPORTING FORM

YEAR: _____ QUARTER (Circle one): 1st 2nd 3rd 4th

FIRM: _____

ADDRESS: _____

MAILING ADDRESS: (If different from above) _____

CONTACT PERSON: _____ PHONE: _____

SIGNED: _____ DATE: _____

DUE LAST DAY OF MONTH FOLLOWING QUARTER BEING REPORTED. UNPAID TAXES
BEAR INTEREST AT 12% per annum from due date until 1st day of month following month of payment.

COMPLETE ALL SECTIONS:

- | | | |
|---|-------|-------------------|
| 1. Gross Room Receipts | _____ | _____ Airbnb/VRBO |
| 2. Deduct non-transient room receipts | _____ | |
| 3. Deduct tax exempt | _____ | |
| 4. Taxable Room Receipts | _____ | |
| 5. Gross Tax: 5% of Line 4 | _____ | |
| 6. Less Amount Retained by Owner
for administration (2% of Line 5) | _____ | |
| 7. Net Room Tax to be paid | _____ | |
| 8. Delinquent Filing Fee \$10 | _____ | |
| 9. Interest at 1% per month of Line 7 | _____ | |
|
Total Tax Due (Line 7 plus Lines 8 & 9) | _____ | |

CHECKS SHOULD BE MADE PAYABLE TO THE CITY TREASURER AT THE ADDRESS BELOW.
COPY OF YOUR STATE SALES TAX REPORT SHOULD ACCOMPANY REPORTING FORM.

QUESTIONS CONCERNING REPORT SHOULD BE DIRECTED TO THE CITY TREASURER'S
OFFICE AT 375-7607.



**City of Cedarburg
Application for Hotel/Motel Room Tax Permit
City Ordinance #94-39**

Name of Establishment: _____
Address of Establishment: _____
Telephone Number: _____
Fax Number: _____
Mailing Address: _____
E-mail Address: _____

Legal Organization: Sole Proprietorship _____ Wisconsin Seller's Permit Number: _____
Partnership _____ Federal Identification Number: _____
Corporation _____ Date of Opening: _____

Local Manager/Agent Name: _____
Mailing Address: _____
Telephone Number: _____

Number of Rooms in each category		Average Room Rates	
1. One Single Bed:		\$	single occupancy
2. Two Single Beds:		\$	double occupancy
3. One Double, Queen or King Bed:		\$	double occupancy
4. Two Double, Queen or King Beds:		\$	double occupancy

I certify that the information included above is true and correct to the best of my knowledge and belief and that the above-described business is subject to the City of Cedarburg Hotel/Motel Room Tax per City of Cedarburg Ordinance #94-39 Room Tax.

Print or Type Name of Authorized Agent

Title of Authorized Agent

Signature of Authorized Agent

Date Completed

Mail to: City Treasurer's Office
PO Box 49
Cedarburg, WI 53012-0049

PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Original Date: December 2, 2024

UPDATED: February 3, 2025

General Information:

Agenda Item: 7.A.

Applicant:

Robert Bach, d/b/a P2 Development Company

Property Owner:

Concord Apartments LLC.

Requested Action:

Review and approval of Building, Site, and Use plans to add a fourth/final 5-unit multi-family residential building to this site.

Current Zoning:

Rm-2 Multi-Family Residential District

Current Master Plan Classification:

High Density Residential

Surrounding Zoning/Land Use:

North: Rm-2

South: Rm-2

East: M-2 General Manufacturing District

West: Rm-2

Lot Size:

~ 2.25 acres

Location:

N142 W6196-6212 Concord Street

Discussion:

‘Multiple-family dwellings with a maximum of eight dwelling units per structure’ is listed as a permitted use in the Rm-2 Multi-Family Residential District.

The applicant proposes to fill in the remaining buildable area of this site with an 5-unit multi-family residential building. The units proposed are 3-bedroom, 2.5 bath with 2-stall attached garages. To prevent garage doors from being blocked by others, the applicant describes the spaces in front of the garages as driveways. These driveways result in elimination of ~18 existing parking stalls from the site. Overall, based on the total of 29 units on the site, required number of stalls would be 44. Forty-six stalls are provided. The 3 existing buildings (24

units) must be provided with 36 stalls unto themselves, based on Code. Thirty-six stalls accessible to those units are provided.

Architecturally, the proposed new building is dissimilar to the existing buildings on the site and surrounding sites as to style, materials, and colors. By Code, overall height (TBD), may not exceed 35 feet.

Required minimum lot area in the Rm-2 District is 10,800 sq. ft. or 3,300 sq. ft. per 2-bedroom dwelling unit, whichever is greater. In this case, with 29 total units (all being 2-bedroom or larger) the required lot size would be 2.12-acres (i.e., $3,300 \times 29 = 95,700 / 43,560 = 2.12$). This lot is 2.24-acres in size.

Overall floor area ratio on this site is proposed to be ~39%. The maximum permitted by Code is 75%.

Per Code requirement, a new dumpster storage/screening device is proposed on the site. Detailed plans specifying a suitable location and design are provided.

The plans do comply with the required setbacks from lot lines.

A suitable landscaping plan is presented that treats the outer yard areas with a mixture of deciduous trees over lawn, and the foundation with a variety of perennial plants around the north, east and west sides of the building.

A detailed lighting plan for the building and site is provided. It depicts very low footcandles on the ground at the lot lines while also offering reasonable illumination in the parking and building entry areas. The east and west side walkways do not appear to be illuminated.

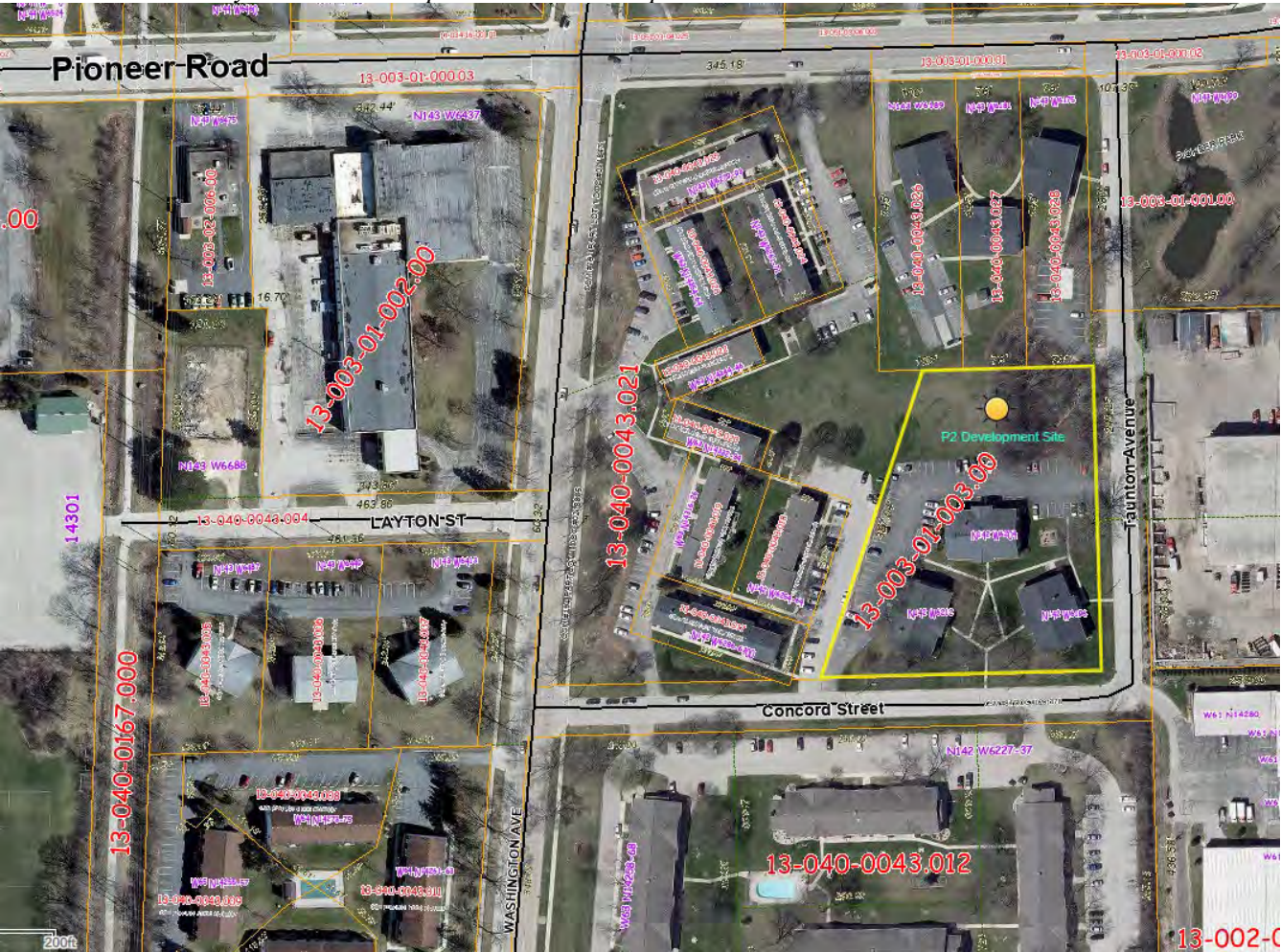
Google Maps Street Views



Google Maps Street Views-continued



2022 Ozaukee County GIS Aerial Map View – P2 Development Site



Recommendation:

The Planner recommends the following conditions be considered for attachment to any approval the Planning Commission may be inclined to grant in this matter:

- 1) Building design, color, and material specifications shall be as listed and depicted on the attached plans.
- 2) Dumpster enclosure/screening shall be located and constructed in accordance with the site and design plans attached - to be completed not later than 1 month following first occupancy.
- 3) Site landscaping shall be installed in accordance with the plans attached, within 12 months of building occupancy.
- 4) Exterior site and building lighting per the attached plans shall be installed/operational prior to first occupancy.
- 5) City Engineer and/or Cedarburg Light & Water review and approval of the grading, drainage, stormwater management, erosion control and utility plans prior to issuance of an early start/footings & foundation permit or a building permit.
- 6) Building height may not exceed 35 feet.
- 7) Applicant to comply fully with the Code requirements of the Fire Department including, for instance, but not necessarily limited to, the following preliminary comments received:
 - Separation construction will need to be inspected prior to enclosure to ensure compliance with SPS requirements.
 - Ensure 150' to closest fire department vehicle access is available. Based on rough measurements with available information, this may be noncompliant.



LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: N142W6196 Concord St.

APPLICANT/BUSINESSNAME: P2 Development Company

APPLICANT/BUSINESS ADDRESS: 524 Technology Way Saukville, WI 53080

STATUS OF APPLICANT: ☒ OWNER ☒ AGENT ☐ BUYER ☐ OTHER _____

PHONE: 414-573-1147 EMAIL: robert3bach@gmail.com

PROPERTY OWNER (IF DIFFERENT): _____

PROPERTY OWNER MAILING ADDRESS: _____

PROPERTY OWNER PHONE: _____ PROPERTY OWNER EMAIL: _____

REQUEST FOR (CHECK ALL THAT APPLY):

- | | |
|--|--|
| ☐ CONCEPT REVIEW | ☐ CONDITIONAL USE ZONING |
| ☒ SITE/ARCHITECTURAL PLAN APPROVAL | ☐ ANNEXATION REQUEST |
| ☐ SUBDIVISION PLAT OR CSM REVIEW | ☐ VARIANCE/BOARD OF APPEALS |
| ☐ ZONING DISTRICT CHANGE | ☐ OTHER _____ |

DESCRIBE REQUEST: building 8 unit, townhouse style apartment

PLEASE SUBMIT: **FIVE (5) COPIES OF WRITTEN DESCRIPTION OF PROPOSAL OR REQUEST FOR CITY STAFF REVIEW -PLUS ELECTRONIC FIVE (5) FULL SETS OF SUPPORTING DRAWINGS, SKETCHES OR SURVEY MAPS FOR CITY STAFF REVIEW PLUS ELECTRONIC TEN (10) SETS OF PLANS (11" x 17" MAX) FOR PLAN COMMISSION REVIEW -PLUS ELECTRONIC**

ELECTRONIC COPIES MAY BE SENT TO THANAMAN@CITYOFCEDARBURG.WI.GOV

The undersigned certifies that he/she has familiarized themselves with the State and Local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct. This application shall be signed by the property owner(s).

PROPERTY OWNER(S) SIGNATURE: Robert Bach DATE: 11/11/2024

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ 350.00 (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: 11/12/2024

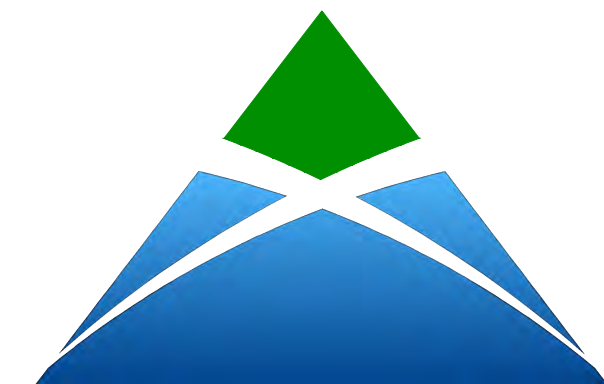
APPLICATION AND FEE RECEIVED BY: Theresa Hanaman PLAN COMMISSION MEETING DATE: 12/02/2024

ATTACHMENTS (CHECK IF RECEIVED):

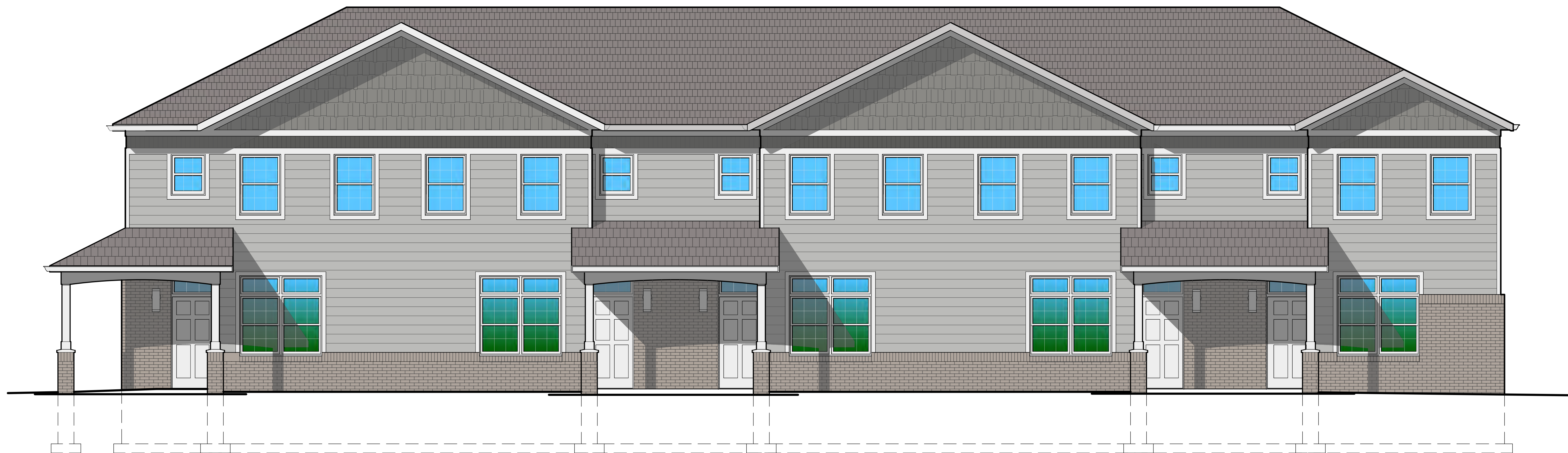
- ☒ FIVE DESCRIPTIONS ☒ FIVE FULL-SIZE SETS ☒ THIRTEEN PLAN SETS

PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: 13-003-01-003-00

ZONING: _____ ALDERMANIC DISTRICT: _____ PREVIOUS MEETING: _____

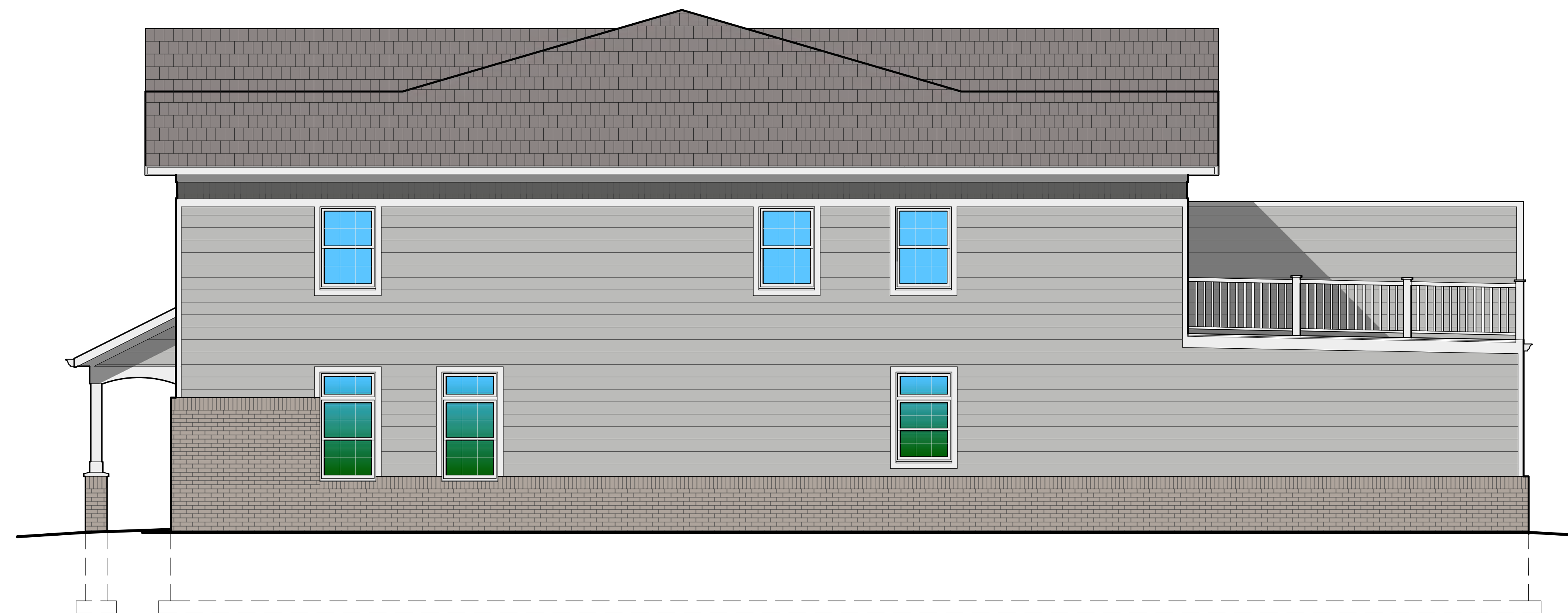


P2 DEVELOPMENT &
PROPERTY MANAGEMENT
524 Technology Way
Saukville, WI 53080-1677
www.p2development.com
(262) 377-7259



NORTH ELEVATION

1/4" = 1'-0"



WEST ELEVATION

1/4" = 1'-0"

PROPOSED RESIDENTIAL DEVELOPMENT
Cedar Plaza Townhomes
CONCORD STREET
CITY OF CEDARBURG, OZAUKEE COUNTY

Issue:

Document Date:
20 January 2025

Project Number:
24P205

Sheet Title:
ELEVATIONS

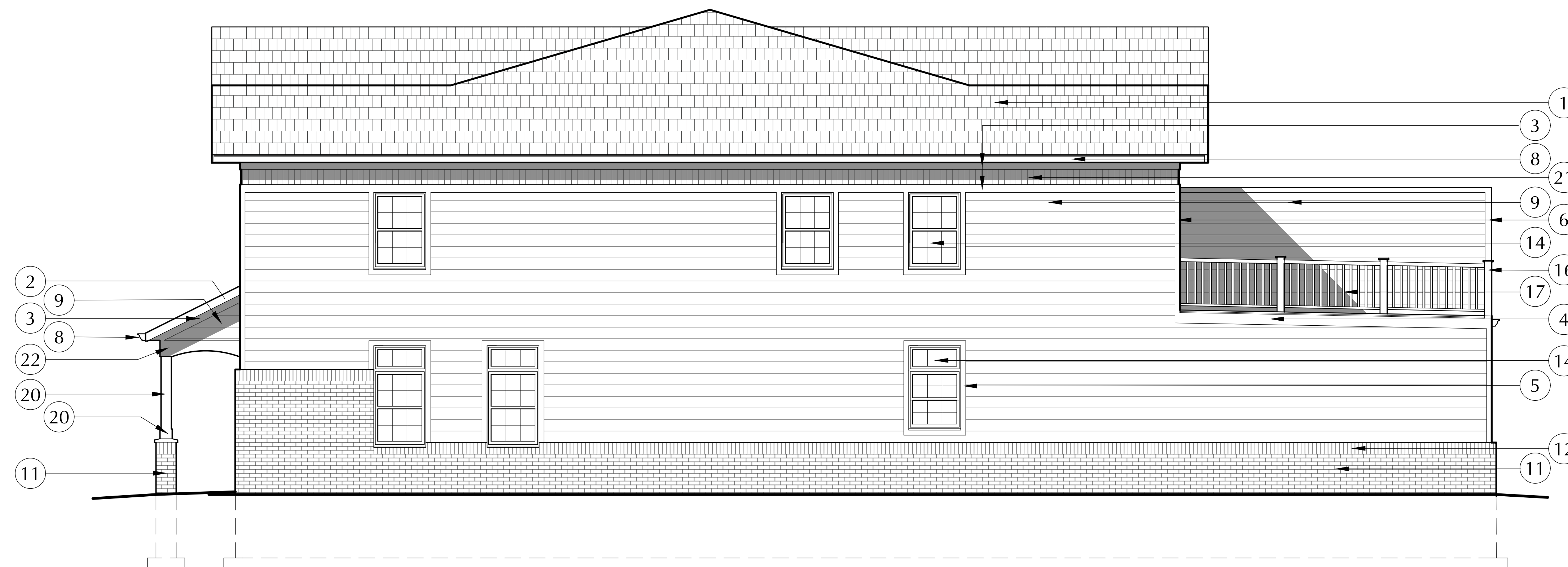
Sheet Number:

A-201



NORTH ELEVATION

1/4" = 1'-0"



WEST ELEVATION

1/4" = 1'-0"

EXTERIOR MATERIALS

1. Dimensional Composition Shingles.
2. 5.50" 440 Series LP SmartSide Trim Rake Fascia. Color: Snowscape White
3. 5.50" 540 Series LP SmartSide Trim Friese Fascia. Color: Snowscape White
4. 7.21" 540 Series LP SmartSide Trim Friese Fascia. Color: Snowscape White
5. 3.50" 540 Series LP SmartSide Trim Casing. Color: Snowscape White
6. 3.625" 540 Series LP SmartSide Trim Outside Corner. Color: Snowscape White
7. 440 Series LP SmartSide Trim on 6x6 post. Color: Snowscape White
8. Pre-finished gutter on 5.50" 440 Series LP SmartSide Trim Eave Fascia. Color: Snowscape White
9. 7.84" 38 Series LP SmartSide Lap Siding. Color: Quarry Gray
10. 38 Series LP SmartSide Cedar Texture Shakes. Color: Tundra Gray
11. Modular Face Brick Veneer.
12. Brick Soldier Course.
13. Brick Sill.
14. Pre-finished Composite Double-Hung Window. Color - White.
15. Pre-finished Composite Sliding Patio Door. Color - White.
16. Pre-finished Aluminum Railing System Post with Cap. Color - Bronze.
17. Pre-finished Aluminum Railing System Rails and Ballusters. Color - Bronze.
18. Pre-finished Insulated Steel Raised Panel Overhead Door.
19. 5.50" 440 Series LP SmartSide Trim Eave Fascia. Color: Snowscape White
20. 540 Series LP SmartSide Trim. Color: Snowscape White
21. 76 Series LP SmartSide Panel Siding 4" OC groove. Color: Midnight Shadow
22. 540 11.21" 540 Series LP Fascia. Snowscape White

PROPOSED RESIDENTIAL DEVELOPMENT

Cedar Plaza Townhomes

N142 W6212 CONCORD STREET
CITY of CEDARBURG, OZAUKEE COUNTY

Issue:

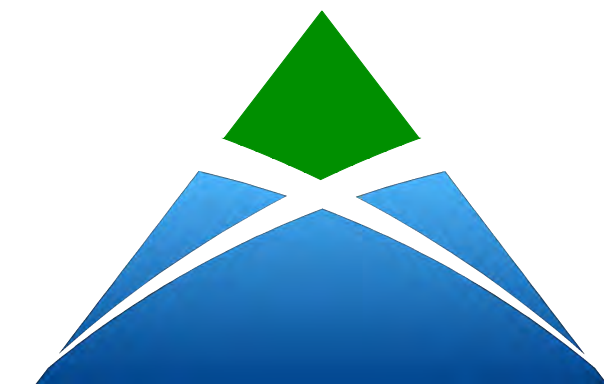
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20 January 2025

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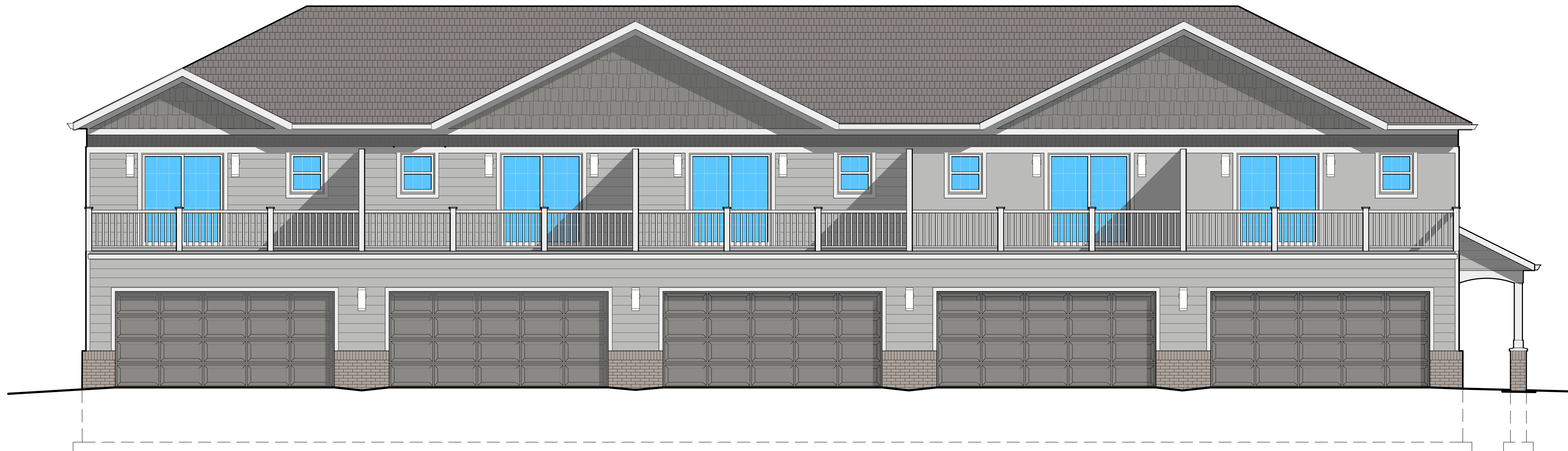
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Sheet Number:

A-201

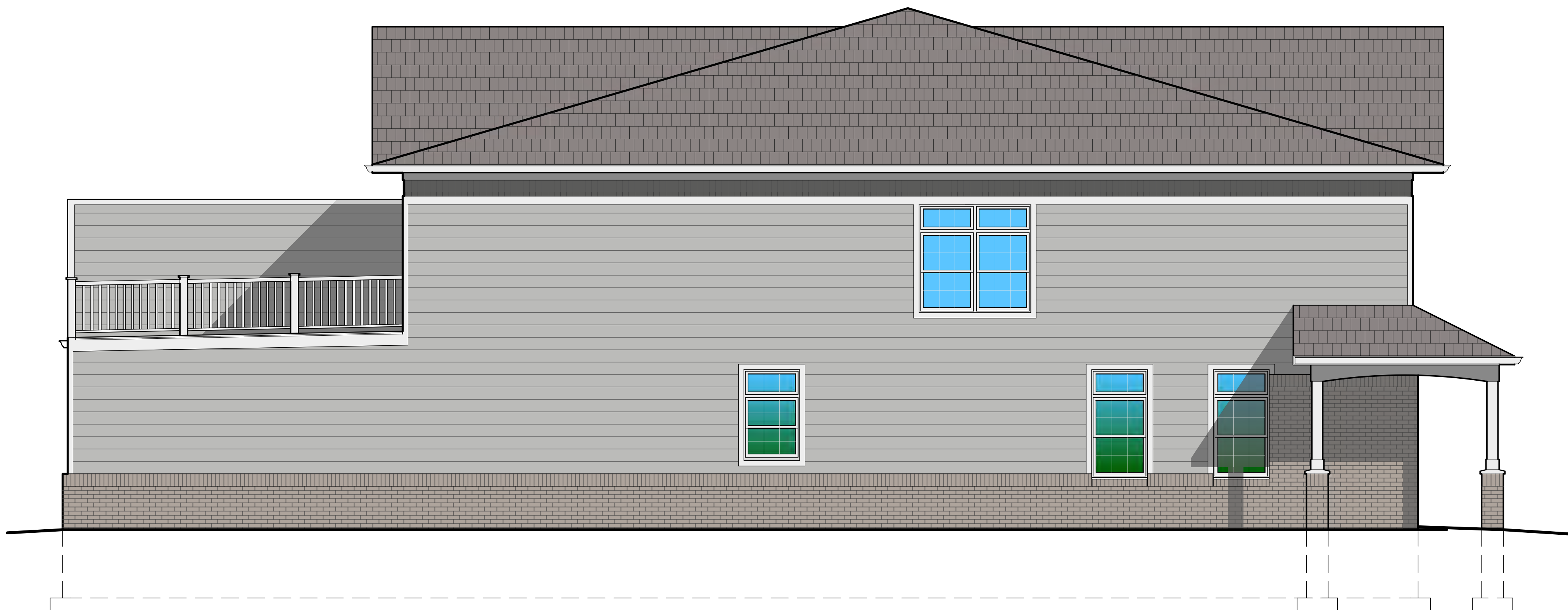


P2 DEVELOPMENT &
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SOUTH ELEVATION

1/4" = 1'-0"



EAST ELEVATION

1/4" = 1'-0"

PROPOSED RESIDENTIAL DEVELOPMENT

Cedar Plaza Townhomes

CONCORD STREET
CITY of CEDARBURG, OZAUKEE COUNTY

Issue:

Document Date:
20 January 2025

Project Number:
24P205

Sheet Title:
ELEVATIONS

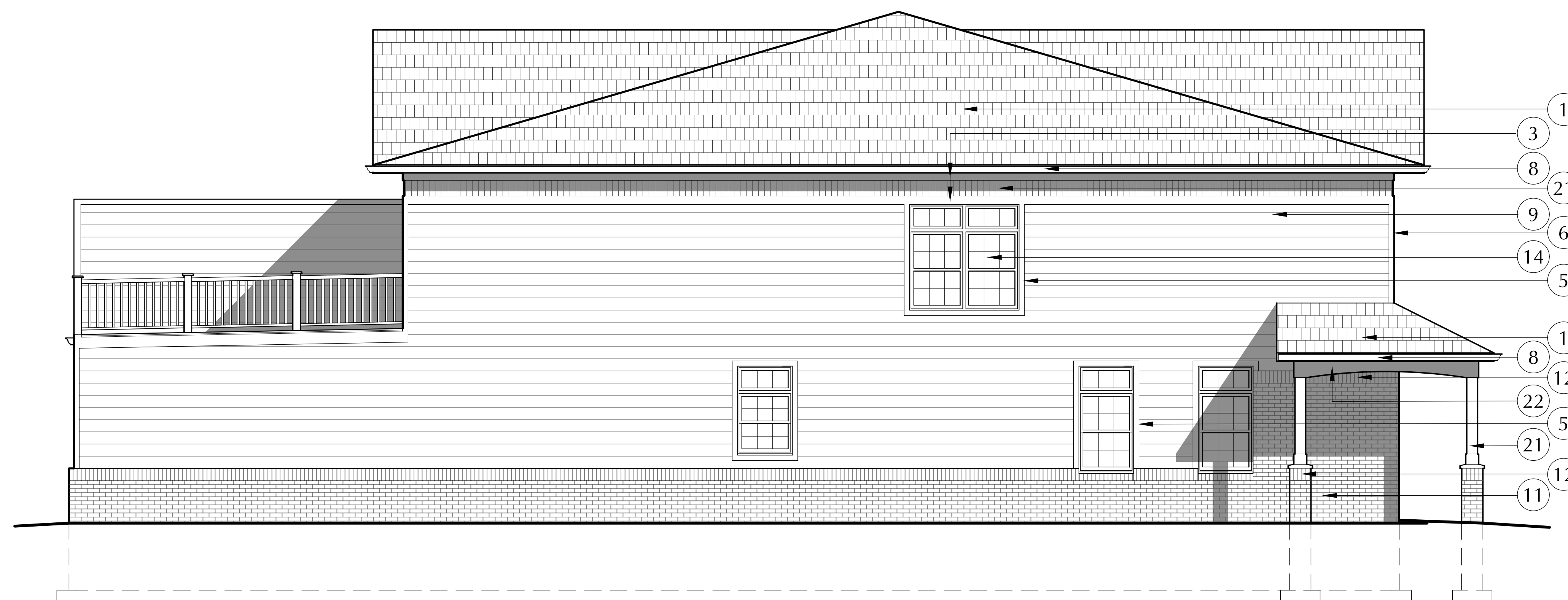
Sheet Number:

A-202



SOUTH ELEVATION

1/4" = 1'-0"



EAST ELEVATION

1/4" = 1'-0"

EXTERIOR MATERIALS

1. Dimensional Composition Shingles.
2. 5.50" 440 Series LP SmartSide Trim Rake Fascia. Color: Snowscape White
3. 5.50" 540 Series LP SmartSide Trim Friese Fascia. Color: Snowscape White
4. 7.21" 540 Series LP SmartSide Trim Friese Fascia. Color: Snowscape White
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PROPOSED RESIDENTIAL DEVELOPMENT

Cedar Plaza Townhomes

N142 W6212 CONCORD STREET
CITY of CEDARBURG, OZAUKEE COUNTY

Issue:

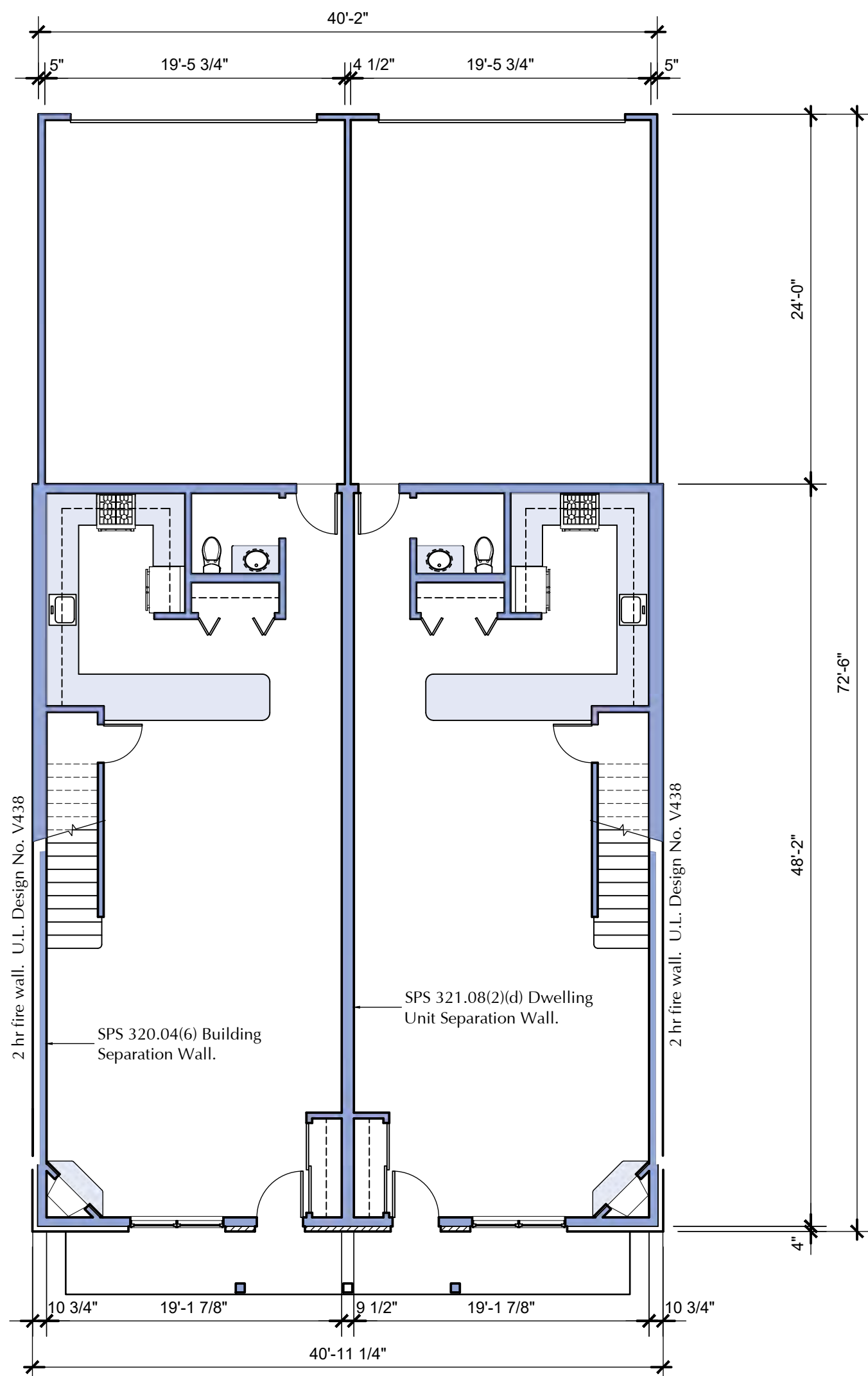
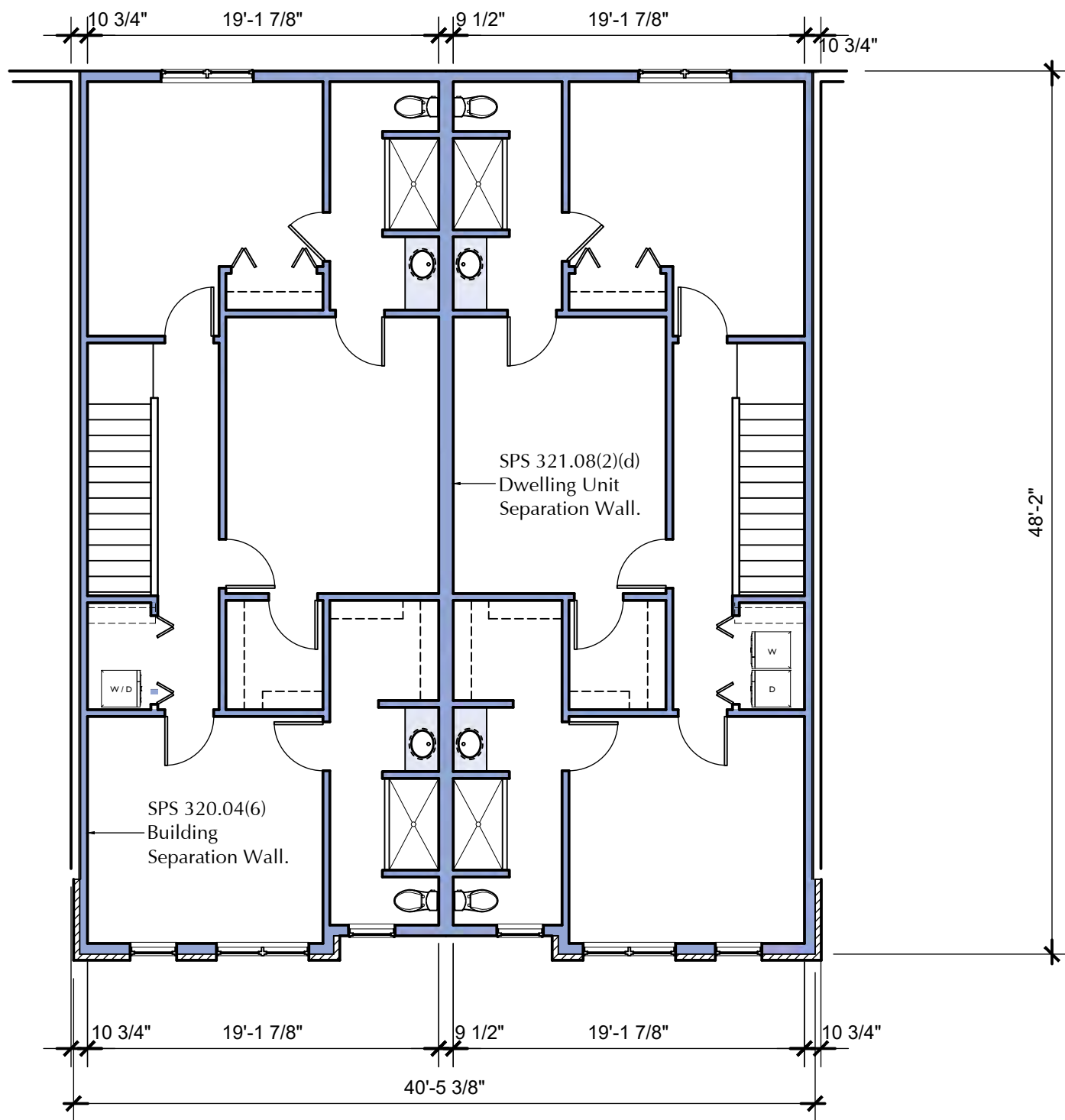
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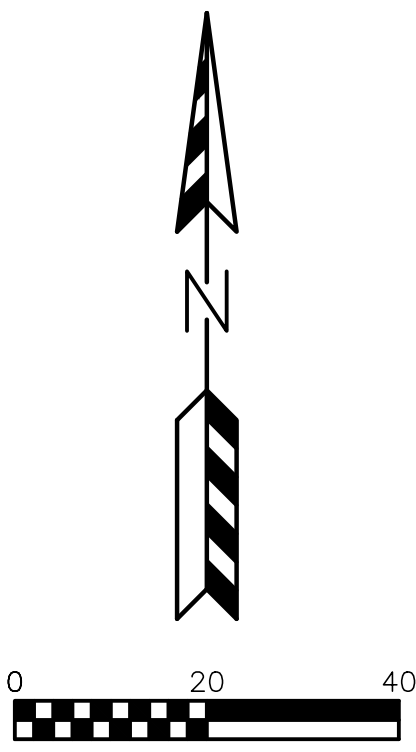
Project Number:
24P205

Sheet Title:
ELEVATIONS

Sheet Number:

A-202





PAVING LEGEND

- ASPHALT PAVEMENT
6" CRUSHED AGGREGATE BASE COURSE
2 1/4" ASPHALTIC BINDER 3 LT 58-28 S
1 3/4" ASPHALTIC SURFACE 4 LT 58-28 S
- CONCRETE SIDEWALK
4" CRUSHED AGGREGATE BASE COURSE
5" CONCRETE
- TRASH ENCLOSURE APRON
6" CRUSHED AGGREGATE BASE COURSE
7" CONCRETE

SITE INFORMATION BLOCK		
Site Address:	N142 W6196-6212 Concord Street	
Legal Description:	Unplatted	
Site Acreage:	2.24 Acres	
Current Zoning:	RM-2	
Building & Paving Setback Requirements		
	Building	Paving
Front	25 feet	5 feet
Side	20 feet	5 feet
Rear	25 feet	5 feet
Parking Stall Requirements		
Multi-Family	1.5 stalls/ dwelling unit	
Number of Units	29	
Stalls Required:	43.5	
Stalls Provided:	53	
Proposed Site Areas		
Description	Area (sf)	% Impervious
Building	19,866	20.29
Asphalt/Concrete	27,730	28.33
Total Impervious	47,596	48.62
Lawn	50,303	51.38
Total	97,899	100.00
Building Information		
Existing (3) Buildings		
Overall Height	26'-10"	
Area per Floor	4,212 s.f.	
Area per Building	8,424 s.f.	
Total Floor Area	25,272 s.f.	
New Building		
Overall Height	27'-10"	
First Floor Area	4,814 s.f.	
Garage Area	2,414 s.f.	
Second Floor Area	5,414 s.f.	
Total Floor Area	12,642 s.f.	
Total Floor Area for all (4) Buildings	37,914 s.f.	
SITE PLAN NOTES:		
1. DIMENSIONS ARE TO FACE OF CURB AND FACE OF BUILDING UNLESS OTHERWISE NOTED.		
2. WHERE CURB ENDS AT CONNECTIONS SMOOTHLY TRANSITION FROM FULL CURB HEIGHT TO ZERO CURB HEIGHT WITHIN A 3' LENGTH.		
3. ALL STRIPING AND SIGNAGE SHALL COMPLY WITH THE WISCONSIN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.		

REVISIONS:		
NO.	DATE	DESCRIPTION

PSE

PARISH SURVEY & ENGINEERING
122 Wisconsin Street, West Bend, WI 53095
262.346.7800
www.parishse.com

PROJECT TITLE:
**CEDAR PLAZA
N142 W6212 CONCORD STREET
CEDARBURG, WI 53012**

PLAN TITLE:
**PROPOSED SITE
PLAN**

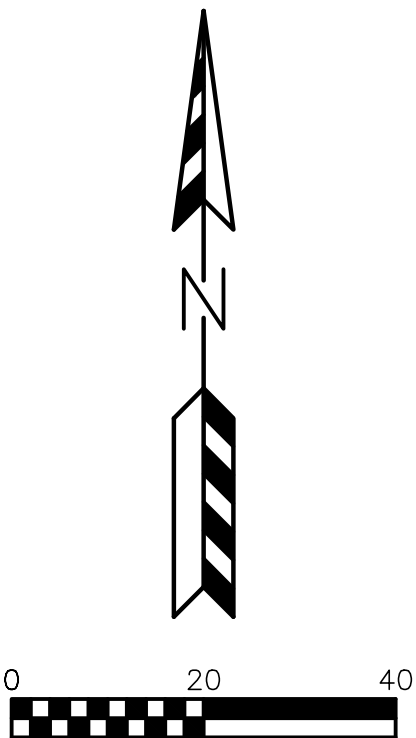
DRAWN BY:
KJP
DESIGNED BY:
KJP
CHECKED BY:
KJP

PLAN DATE:
1/20/2025

PROJECT NO:
\PD-18-24

PRELIMINARY

SHEET NO:
C1.01



LANDSCAPE PLANT LIST						
Key	Qty	Size	Scientific Name	Common Name	Root	Mature Size
13 Canopy Trees						
GB	4	2-1/2"	Ginkgo Biloba 'Princeton Sentry'	Princeton Sentry Ginkgo	BB	25 x45'
GT	4	2-1/2"	Gleditsia Triacanthos 'Imcole'	Imperial Honeylocust	BB	35-40'
TA	3	2-1/2"	Tillia Americana 'Redmond'	Redmond Linden	BB	35-40'
QR	2	2-1/2"	Quercus Robur 'Fastigiata'	Columnar English Oak	BB	45x15'
7 Deciduous Shrubs						
HB	7	2 GAL	Hydranga Paniculata 'Bobo'	Bobo Hydrangea	POT	3x3'
78 Perennials						
NF	10	1 GAL	'Nepeta x faasseni' 'Walker's Low'	Walker's Low Catmint	POT	18"-24"
CA	40	1 GAL	Calamagrostis Acutiflora 'Karl Forester'	Karl Forester Grass	POT	42"-48"
SA	10	1 GAL	Sedum x 'Autumn Joy'	Autumn Joy Sedum	POT	18"-24"
HP	16	1 GAL	Hemerocalis x 'Pardon Me'	Pardon Me Daylily	POT	18"-24"
HS	2	1 GAL	Hemerocalis x 'Stella d'Oro Daylily'	Stella d'Oro Daylily	POT	18"-24"

NOTES:

Designated turf areas to receive a minimum of 4" of topsoil, bluegrass seed mix, starter fertilizer, and straw mat mulch. Individual trees in lawn areas to receive shredded hardwood bark mulch plant rings (4' diameter) spread to a depth of 3" Foundation plantings beds and areas between driveways to be mulched with #2 washed stone spread to a depth of 3" over weed barrier fabric.

Designated planting beds to be separated from lawn areas with 5" black vinyl edging.

Owner will be responsible for landscape maintenance after completion and acceptance of the project.

LANDSCAPE LEGEND:

- FOUNDATION PLANTING BEDS TO BE MULCHED WITH SHREDDED HARDWOOD BARK MULCH SPREAD TO A DEPTH OF 3" OVER WEED BARRIER FABRIC.
- LAWN AREAS TO RECEIVE A MINIMUM OF 6" OF TOPSOIL, STARTER FERTILIZER, BLUEGRASS SEED, AND STRAW MAT MULCH.

REVISIONS:	
NO.	DESCRIPTION

PSE

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122 Wisconsin Street, West Bend, WI 53095
262.346.7800
www.parishse.com

PROJECT TITLE:
**CEDAR PLAZA
N142 W6212 CONCORD STREET
CEDARBURG, WI 53012**

PLAN TITLE:
**LANDSCAPE
PLAN**

DRAWN BY:
KJP

DESIGNED BY:
KJP

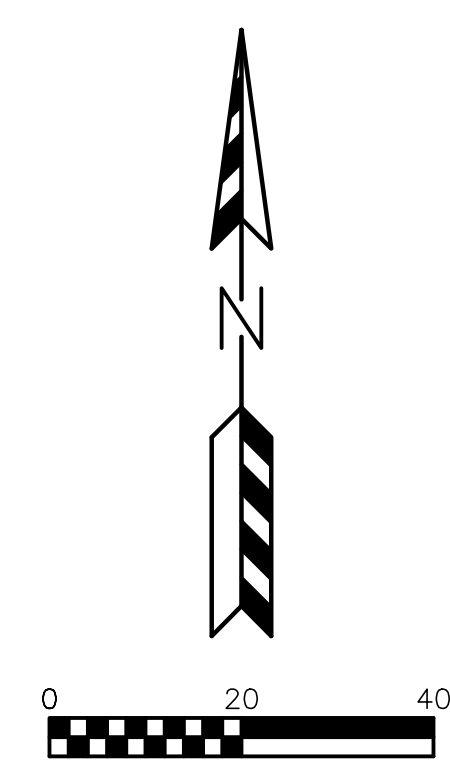
CHECKED BY:
KJP

PLAN DATE:
1/20/2025

PROJECT NO:
VPD-18-24

PRELIMINARY

SHEET NO:
C1.02



Luminaire Schedule								
Symbol	Quantity	Label	Manufacturer	Description	Item Number	Lum Lumens	Lum Watts	LLF
	6	A	Progress Lighting	Antique Bronze Edition 13" Tall Single Light Outdoor Wall Sconce with Water Glass Shade	P6071-31	1484	11.5	0.9
	5	B	Progress Lighting	Antique Bronze Edition 9" Tall Single Light Outdoor Wall Sconce with Water Glass Shade	P6070-31	1484	11.5	0.9

Calculation Summary						
Calc Type	Units	Average	Max	Min	Avg/Min	Max/Min
Illuminance	Fc	0.25	2.58	0	0	0

NOTES:

- 1) STANDARD REFLECTANCE OF 80/50/20 UNLESS NOTED OTHERWISE
- 2) NOT A CONSTRUCTION DOCUMENT, FOR DESIGN PURPOSES ONLY
- 3) STANDARD INDOOR CALC POINTS @ 30 A.F.F. UNLESS NOTED OTHERWISE
- 4) STANDARD OUTDOOR CALC POINTS @ GRADE UNLESS NOTED OTHERWISE
- 5) PSE ASSUMES NO RESPONSIBILITY FOR INSTALLED LIGHT LEVELS DUE TO FIELD CONDITIONS, ETC.

[illegible]

PSE
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122 Wisconsin Street, West Bend, WI 53095
262.346.7800
www.parishse.com

PROJECT TITLE:
**CEDAR PLAZA
N142 W6212 CONCORD STREET
CEDARBURG, WI 53012**

PLAN TITLE:

LIGHTING PLAN

DRAWN BY:
KJP

DESIGNED BY:
KJP

CHECKED BY:
KJP

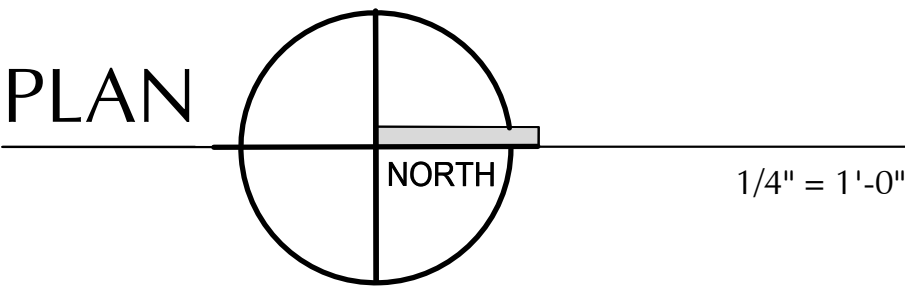
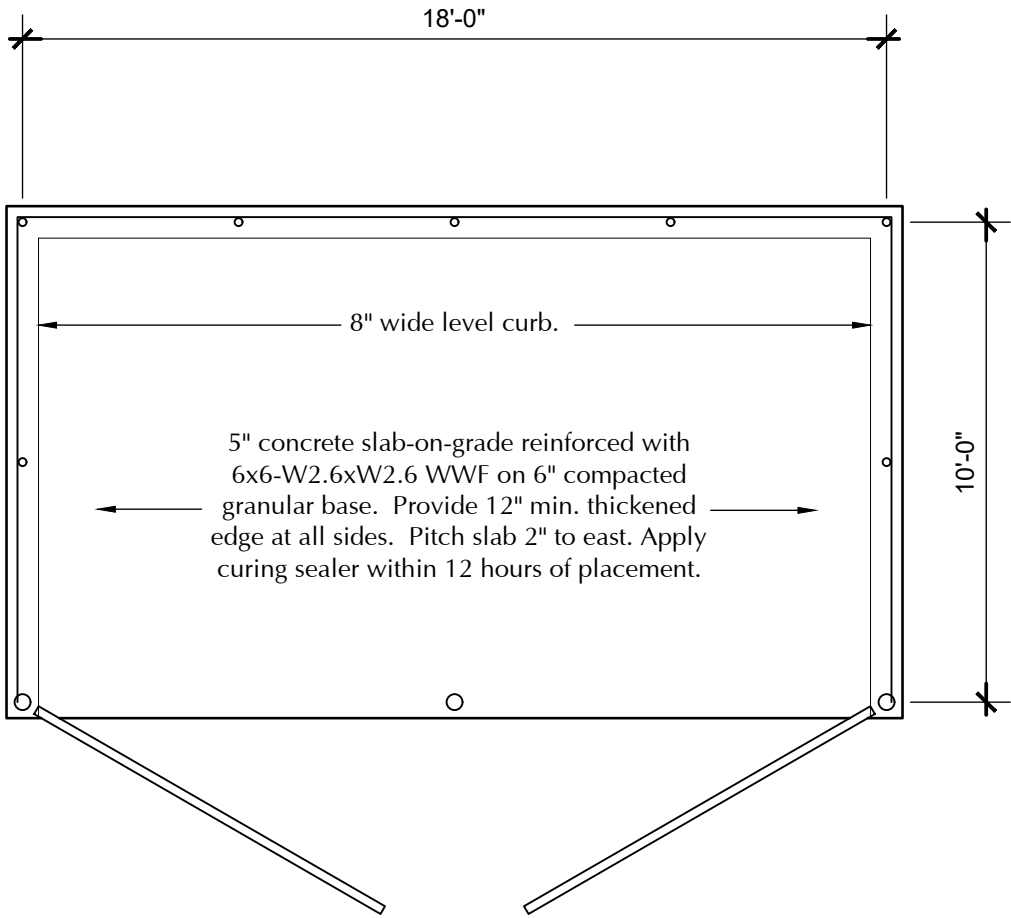
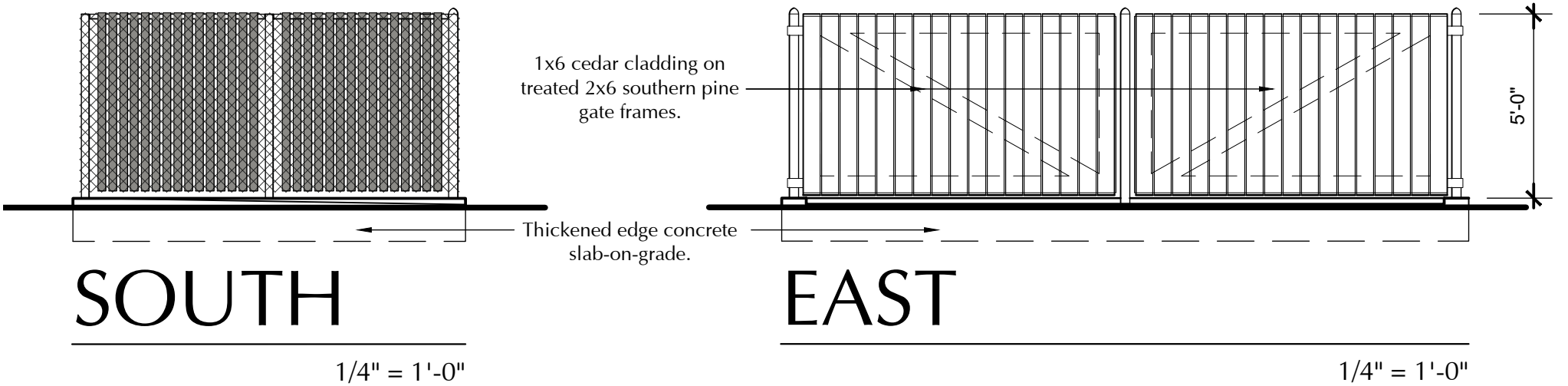
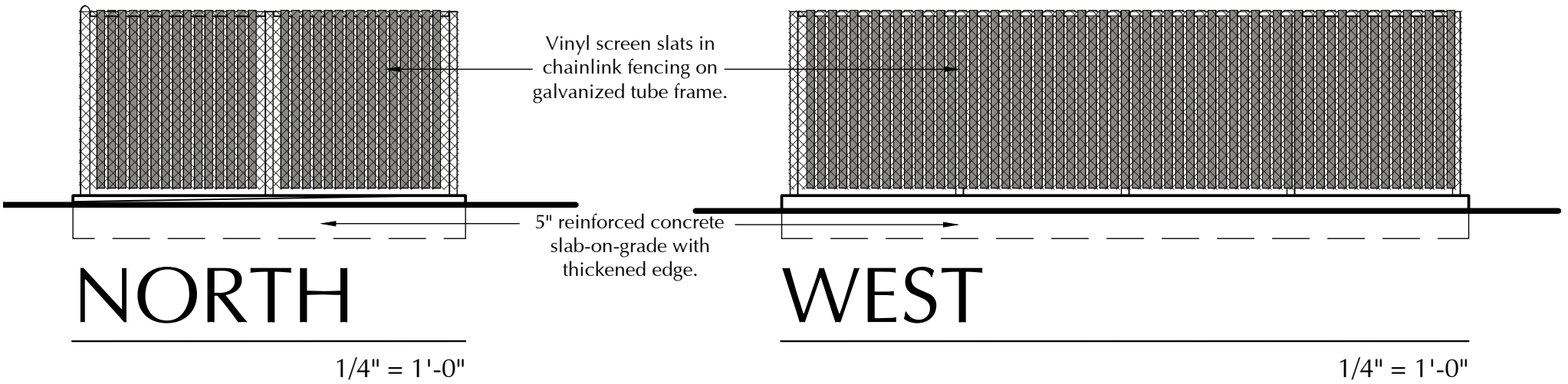
PLAN DATE:
1/20/2025

PROJECT NO:
\PD-18-24

PRELIMINARY

SHEET NO:

C1.03



PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: February 3, 2025

General Information:

Agenda Item: **7.B.**

Applicant/Property Owner:

N.A./This item is City initiated

Requested Action:

Discussion, consideration, and feedback to Staff regarding encroachments on the public way or property.

Discussion:

[Section 6-2-5 of the City Code](#) addresses encroachments, obstructions, and encumbrances upon or in any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof. It provides as follows:

(a) Obstructions and encroachments prohibited. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsections (b) and (c).

(b) Exceptions. The prohibition of subsection (a) shall not apply to the following:

- (1) Public utility encroachments duly authorized by state law or by the common council.
- (2) Goods, wares, merchandise or fixtures being loaded or unloaded which do not obstruct the width of a sidewalk by more than three feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three hours.
- (3) Temporary encroachments or obstructions authorized by permit under [section 6-2-6](#) of this section pursuant to [Wis. Stats. § 66.045](#).
- (4) Building materials for the period authorized by the building inspector and city engineer which shall not obstruct more than one-half of the sidewalk or more than one-third of the traveled portion of the street and which do not interfere with the flow in the gutters.
- (5) Excavations and openings permitted under [sections 6-2-3](#) and [6-2-4](#) of this Code.

(c) Issuance of permit.

- (1) The building inspector is authorized to issue a temporary permit which allows property owners to place certain fixtures on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:
 - a. The property must be located in an area zoned for commercial uses.
 - b. The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.

c. The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than five feet at any point.

d. The property owner shall provide the city with proof of liability insurance coverage. The insurance coverage shall be an amount prescribed by the city's schedule of insurance requirements, and the policy shall specifically state that it includes coverage for the fixtures located on the city sidewalks. In addition, the city shall be identified as a third-party insured.

e. The fixture(s) shall not be for sale nor shall the fixture(s) be used for the sale of merchandise. Specifically excluded are all forms of vending machines, vendors' carts or tables, etc.

f. The property owner whose property adjoins the city sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.

(2) Upon reviewing the permit application if it is determined by the building inspector that all of the above requirements have been met, he shall issue the permit. Said permit may be revoked by the building inspector or any city law enforcement officer ("city enforcement officials") at any time when one or more of the above requirements are not complied with or if he determines that the placement of the fixture(s) endangers the safety of the pedestrians who utilize the sidewalks.

(d) Removal by city for sidewalk obstructions and encroachments. In addition to any other penalty imposed, if any city enforcement official determines that a sidewalk is unlawfully obstructed in violation of this section, he shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within 24 hours.

(e) Removal by city for obstruction and encroachments located in the city streets, alleys, public grounds or lands dedicated for public use. In addition to any other penalty imposed, if any city enforcement official determines that a city street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within 30 days.

(f) Failure to remove obstruction.

(1) If the owner or occupant fails to remove the obstruction within the time period established in section (d) or (e) respectively, any city enforcement official shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the city clerk shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.

(2) The failure of the city clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the city expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this section.

Wis Stats 66.045 provides:

66.045 Privileges in streets.

(1) Privilege for an obstruction or excavation beyond the lot line, or within a highway in any town, village, or city, other than by general ordinance affecting the whole public, shall be granted only as provided in this section.

(2) Application therefor shall be made to the board or council, and the privilege shall be granted only on condition that by its acceptance the applicant shall become primarily liable for damages to person or property by reason of the granting of the privilege, be obligated to remove the same upon 10 days' notice by the state or the municipality and waive right to contest in any manner the validity of this section or the amount of compensation charged and that the applicant file such bond as the board or council require, not exceeding \$10,000 running to the town, village, or city, and such third parties as may be injured, to secure the performance of these conditions. But if there is no established lot line and the application is accompanied by a blue print, the board or council may make such conditions as they deem advisable.

(3) Compensation for the special privilege shall be paid into the general fund and shall be fixed, in towns by the chairperson, in villages by the president, and in cities by a board consisting of the board or commissioner of public works, city attorney and mayor.

(4) The holder of such special privilege shall be entitled to no damages for removal of the obstruction or excavation, and if the holder shall not remove the same upon due notice, it shall be removed at the holder's expense.

(5) Third parties whose rights are interfered with by the granting of such privilege shall have right of action against the holder of the special privilege only.

(6) Subsections (1) to (5) do not apply to telecommunications carriers, as defined in s. 196.01 (8m), telecommunications utilities, as defined in s. 196.01 (10), alternative telecommunications utilities, as defined in s. 196.01 (1d), public service corporations, or to cooperative associations organized under ch. 185 to render or furnish telecommunications service, gas, light, heat or power, but such carriers, utilities, corporations and associations shall secure permit from the proper official for temporary obstructions or excavation in a highway and shall be liable for all injuries to person or property thereby.

(7) This section does not apply to such obstruction or excavation for not longer than 3 months, and for which permit has been granted by the proper official.

(8) Obstruction or excavation by a city, village or town in any street, alley, or public place belonging to any other municipality is included in this section.

66.045(9)(9) Anyone causing any obstruction or excavation to be made contrary to subs. (1) to (8) shall be liable to a fine of not less than \$25 and not more than \$500, or to imprisonment in the county jail for not less than 10 days nor more than 6 months, or to both such fine and imprisonment.

Recommendation:

If changes to these regulations are considered or desired, the Commission may direct Staff to follow-up with additional information or draft modifications.