



**CITY OF CEDARBURG  
A MEETING OF THE PLAN COMMISSION  
MONDAY, JULY 7, 2025 – 7:00 PM**

A meeting of the Plan Commission, City of Cedarburg, Wisconsin, will be held on Monday, July 7, 2025 at 7:00 PM. The meeting will be held online utilizing the zoom app and in-person at City Hall, W63 N645 Washington Avenue, Cedarburg, WI., on the second floor, Council Chambers. The meeting may be accessed by clicking the following link<sup>1</sup>: <https://us02web.zoom.us/j/85158427172>

AGENDA

1. CALL TO ORDER
  - A. Mayor Patricia Thome
2. ROLL CALL
  - A. Mayor Patricia Thome, Jack Arnett, Sig Strautmanis, Sherry Bublitz, Jon Scholz, Common Council Member Jim Fitzpatrick  
Excused: Adam Voltz
3. STATEMENT OF PUBLIC NOTICE
4. APPROVAL OF MINUTES
  - A. May 28, 2025 and June 2, 2025
5. COMMENTS AND SUGGESTIONS FROM CITIZENS
6. PUBLIC HEARINGS; AND ACTION THEREON
  - A. Applicant Center for Jewish Life, Inc., in c/o Rabbi Menachem Rapoport requests approval to have the existing Conditional Use Permit for a 1-unit, second floor 'tourist rooming house' transferred into their name(s) as the prospective new owners of the building and site located at W61 N508-510 Washington Avenue. The applicant does not plan to make any changes to the structures, site or operating plan from what is currently permitted. The current property owner/CUP holder is Burg 63, LLC in c/o Mike and Cindi Purnell.  
Previous Discussion Dates: None  
Zoning District: B-3 Central Business District with HPD Historic Preservation Overlay District  
Tax Key No: 13-107-02-12-002  
Ward/Alder District: W4/AD4
7. REGULAR BUSINESS; AND ACTION THEREON
  - A. Applicant Blind Horse Winery (in c/o Managing Director Chris Varah) seeks favorable recommendation to the Common Council for issuance of an Outdoor

Alcohol Beverage License to permit service and consumption of alcohol throughout their approved outdoor seating area (including an outdoor bar).

This property, owned by Ormsby Acquisitions, is located at W63 N674 Washington Avenue.

Previous Discussion Dates: None

Zoning District: B-3 Central Business District with HPD Historic Preservation Overlay District

Tax Key No: 13-079-02-03-004

Ward/Alder District: W6/AD6

- B. Applicant/property owner Gregory Robl requests Plan Commission review and approval of waiver, per Section 13-1-101(g) of the City Code, to permit more than 720 total square feet of area in accessory structures on his single-family residentially zoned property. This .37-acre property is located at N49 W6815 Western Road.

Previous Discussion Dates: None

Zoning District: Rs-3 Single Family Residential District

Tax Key No: 13-040-0123.001

Ward/Alder District: W3/AD3

- C. Applicant Seth Dehne, on behalf of Sierzant, requests Plan Commission review, discussion and possible approval of the planting plan for the area along the south and east sides of the outdoor patio and bocce screening fence. This 1.34-acre property(s), located at N49 W5471 Portland Road, is owned by MOFRO LLC in c/o Lance Wooten.

Previous Discussion Dates: September 4, 2024, October 7, 2024, May 5, 2025

Zoning District: B-2 Community Business District

Tax Key Nos: 13-051-01-02-000 and 13-035-05-000.02

Ward/Ald District: 4

- D. Review, discussion, and possible action (recommendation to the Common Council) on proposed new regulations applicable to sidewalk right-of-way encroachments throughout the B-3 Central Business District and HPD Historic Preservation Overlay Zoning Districts. This matter is City-initiated.

Previous Discussion Dates: January 6, 2025, and June 2, 2025

Zoning District: B-3 Central Business District and HPD Historic Preservation Overlay District

- E. Confirm September Meeting Date

8. COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

9. MAYOR'S ANNOUNCEMENTS

10. ADJOURNMENT

**CITY OF CEDARBURG**

**MEETING DATE:** July 7, 2025

**ITEM NO:** A.

**TITLE:**

Mayor Patricia Thome

**ISSUE SUMMARY:**

**STAFF RECOMMENDATION:**

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

**BUDGETARY IMPACT:**

**ATTACHMENTS:**

None

**INITIATED/REQUESTED BY:**

**FOR MORE INFORMATION CONTACT:**

**CITY OF CEDARBURG  
PLAN COMMISSION  
May 28, 2025**

A special meeting of the City of Cedarburg Plan Commission was held on Wednesday, May 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 6:30 p.m.

Roll Call -Mayor Patricia Thome, Council Member James Fitzpatrick, Sig Strautmanis, Jack Arnett, Sherry Bublitz, Adam Voltz, Jon Scholz (arrived at 6:43 p.m.)

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman, Michael Wirth, Attorney Brian Randall

**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** - None

**PUBLIC HEARINGS; AND ACTION THEREON** - None

**REGULAR BUSINESS; AND ACTION THEREON**

**A.\* REVIEW, DISCUSSION, AND POSSIBLE ACTION/RECOMMENDATION TO THE COMMON COUNCIL AS TO THE SMART GROWTH COMPREHENSIVE LAND USE PLAN-2025 UPDATE INCLUDING:**

- **CREATION OF NEW PLANNED MIXED LAND USE CLASSIFICATION AND RELATED ZONING DISTRICT**
  - **'DETAILED PLANNED MIXED USE RESIDENTIAL/LOCAL BUSINESS NEIGHBORHOOD' LAND USE CLASSIFICATION**
  - **'PLANNED MIXED USE RESIDENTIAL/LOCAL BUSINESS' ZONING DISTRICT**
- **SMART GROWTH AREAS 11 AND 12**
- **SMART GROWTH AREAS 1-10**
- **CHAPTERS 2-HOUSING, AND 4-UTILITIES AND COMMUNITY FACILITIES.**
- **CHAPTERS 1,3,5,6,7,8,9,10**

Planner Censky presented her draft of the new detailed planned mixed-use residential/local business neighborhood land use classification and the planned mixed-use neighborhood zoning

district. This land use classification is intended to allow for a carefully planned mix of residential, locally oriented neighborhood businesses/services/offices, and public or private outdoor open space/gathering and recreational spaces/uses on a single development site (or grouping of multiple sites in common ownership at the time of application) containing at least 15 gross contiguous acres.

Planner Censky pointed out the differences and changes that were noteworthy since the last meeting/the last draft. Previously, the Commission had talked about a much more rigid and sizable proportion of the development having to be in residential type. Now, there is a residential portion of the development plan, with the primary emphasis on ‘providing a mixed spectrum of unit types’, vs. ‘single-family residential’.

An additional revision was noted, at the fourth bullet point in the Detailed Planned Neighborhood Land Use Classification, should state that at least 10% of the total net buildable acres should be devoted to the development of locally oriented neighborhood business/service/office uses.

- The next bullet point specifies that a minimum of 30% of the total net buildable acres should be reserved for public or private outdoor open space, gathering areas, and recreational facilities. These categories are now separated, providing specific thresholds for non-residential and commercial uses.

Clarifications and additions have been made to the Planned Mixed-Use Neighborhood Zoning District, indicating that any changes or additions to an approved plan within the Mixed-Use Neighborhood Plan will be subject to review. In the case of a significant change, the Common Council will have the final authority for approval, after considering the recommendations of the Plan Commission. For minor changes that occur after a plan is approved, the Plan Commission can review and approve them. However, if the Plan Commission determines that a change is significant, the Common Council will conduct a public hearing to discuss and evaluate that change.

Commissioner Bublitz questioned whether or not Smart Growth Area 11 could be zoned mixed-use or senior housing, and what the rules would be when a developer comes in and sees it as mixed-use but wants senior housing. Planner Censky commented it's not easy to pre-program senior or elderly housing in a land use plan because it is such a narrow niche of development type, but a reference could be put in the narrative that talks about housing for the elderly or senior housing being a prospective part of the development. Commissioner Strautmanis commented that high-density classification currently indicates you can increase the density for elderly housing up to 20 units per acre.

The Plan Commission reviewed Smart Growth Area 11 as it relates to the new Mixed Use Residential/locally oriented business/service/office uses Zoning District for example. SGA 11 is a 17-acre site with approximately 14.1 net buildable acres. It is currently zoned Rs-1 Single-Family Residential, 2.2 dwelling units per acre maximum. Planner Censky presented that the site is currently classified as principally commercial throughout, with a small pocket of elderly housing, high density in the southeast corner.

Planner Censky discussed senior housing as an option at this site. If our local population data skews older and people want to stay in Cedarburg, demand for senior living could be an option,

which has a much lower traffic profile, for instance, than ordinary multifamily residential. Planner Censky pointed out that the Plan Commission is still heading in the direction of mixed use for SGA 11 and asked Commissioners what details, if any, from the earlier discussions the Plan Commission would like to see from the new classification and the new zoning district.

As far as senior housing, Commissioner Bublitz feels that no more than 2-story senior housing might be reasonable at this site. All of this would be at the Plan Commission's recommendation and the Common Council's approval for senior or elderly housing land use classification.

Planner Censky commented that it's very difficult to predetermine locations for senior housing. It's more common to see requests for land use plan amendments to facilitate senior housing.

Commissioner Arnett expressed that he had gathered input from the community and previous discussions that the Plan Commission desires social and gathering place types of commercial use. He described this type of gathering place, noting that certain listed permitted non-residential uses might create a vibe similar to a strip mall, which does not align with the vision of a community social/gathering space. Commissioner Arnett believes many of the listed uses would be inappropriate for that corner as one enters the city.

Council Member Fitzpatrick cautioned that imposing too many restrictions on the types of businesses allowed in the commercial space could increase the likelihood of the space remaining unoccupied. He expressed a desire to consider allowing things such as a community room with a fire pit in front, and social elements and allowing some of those private type amenities to qualify against part of the commercial requirement. Other Commissioners were concerned that when these amenities are private, it's not really as community-wide and interactive as is intended.

On behalf of the property owner, Michael Wirth thanked the Plan Commission for their time. He noted that they have submitted three site plans for concept reviews since April 2022, with consistent support for updating the Comprehensive Plan to high density multi-family residential.

Mr. Wirth addressed concerns about overdevelopment related to the Groth and Wirth parcels. As property owners they have actively participated in the public process and noted that three independent studies on housing, traffic, and school capacity confirmed the negligible impact of high-density housing. However, he argued that the current draft mixed-use zoning ignores this data and deviates from professional planning.

As landowners, they feel that they are facing potential downzoning that could significantly reduce property values by millions. He warned that this could lead to legal risks for the municipality under Wisconsin statute 66.1001, particularly regarding regulatory takings and arbitrary land use decisions.

Attorney Brian Randall, representing the property owners, has raised concerns about the overly prescriptive mixed-use district proposal. While it includes numerous restrictions, essential elements like the definition of "townhomes" are only in the land use plan.

In a potential working session, it would be beneficial to clarify the standards, especially regarding the paragraph on waivers or modifications, which may undermine the proposal. Concepts such as senior housing or percent of commercial space complicate interpretation and dialogue.

Attorney Randall also noted inconsistencies in the standards' numbering and the absence of a mention of the 10% commercial space, leading to confusion about the meaning of "target." He emphasizes the need for clear requirements in zoning codes and questions how a developer would be treated if their proposal didn't meet these targets.

He believes the current land use planning approach is flawed. The city needs to maintain a broad vision while also adhering to legal requirements under statute 66.1001(4)(C), which mandates housing, traffic, and infrastructure studies.

Randall stated he believes the proposed rules do not reflect market realities, as Michael pointed out. The specific site is the only one proposed for this designation. While the city can pursue its vision, public-private partnerships may be necessary for market feasibility. Tax increment financing might support this goal, especially for the 20% single-family homes, which require significant infrastructure investment, he said

Randall said that given current market trends, the strategy may not be ideal for a location near high-density areas like Cedar Place apartments on State Highway 60. The city's vision must align with market expectations, and the landowner seeks to collaborate with quality developers for suitable designs. Attorney Randall thanked the Plan Commissioners for their engagement and continued dialogue.

Commissioners discussed further the new mixed-use land use and zoning district as a proposed development option for SGA 11, focusing on balancing different perspectives and achieving consensus, and questioned whether multifamily developments had been adequately accounted for in the housing projections. The Plan Commission expressed satisfaction with the current compromise proposal, which allows for a mix of housing types while maintaining flexibility for future unique developments. They also discussed the importance of considering long-term community vision rather than solely market perspectives.

The Plan Commission discussed the housing report and its implications for development decisions. Commissioner Bublitz raised questions about whether certain developments were included in the report's numbers, noting that some major developments were not reflected in the data. Mayor Thome and Commissioners examined tables and projections in the Housing report, discussing the need for new housing units and the impact of different types of developments on the housing market. Commissioner Strautmanis also touched on the traffic concerns and school enrollment impacts.

Michael Wirth asked Plan Commissioners to confirm with Vierbicher for planning and accuracy regarding the numbers listed in the housing reports.

Commissioner Scholz reminded the Commissioners about the December meeting and believes SGA 11 should remain classified for commercial use. Mayor Thome stated that the new mixed land use is a great compromise, preventing the area from becoming high-density in its entirety, a land use that has been substantially expanded in the City in recent years.

**Action:**

Commissioner Bublitz made a motion, seconded by Mayor Thome, to recommend in favor of the adoption of the new language as presented in the New Planned Mixed Use Land Use Classification and related Zoning District, the ‘Detailed Planned Mixed Use Residential/Local Business Neighborhood’ land use classifications and the ‘Planned Mixed Use Residential/Local Business’ Zoning District with the changes noted to include the definition and include the minimum commercial space to the ordinance. Also, to approve the Land Use Classification on the Detailed Planned Neighborhood and Zoning District as presented and present it to the Common Council.

**Public Comment:**

**Cathy Czech-N119 W5835 James Circle** – Thanked Plan Commission and Planner Censky for the time spent on the Smart Growth Plan. She raised concerns about the current high-medium density zoning, suggesting medium-density classification instead to accommodate senior housing.

Commissioner Arnett asked if there is any feedback from the Commission on his comments regarding uses listed for commercial part of the new zoning district and regarding the concept of private spaces/uses/gathering in lieu of full and public commercial usage.

Commissioner Bublitz would like to select specific elements for the commercial and retail area but agrees with Council Member Fitzpatrick on the need for flexibility to accommodate developers.

Commissioner Strautmanis explained that these are neighborhood servicing uses that he feels are consistent with the intent, and if a developer came forward with a special clubhouse idea that would activate the space instead of commercial, he would be interested in supporting that possibly.

Commissioner Arnett asked Planner Censky if this language could be reflected in the land use.

**Action:**

Council Member Fitzpatrick made a motion to amend the recommendation to Common Council, seconded by Mayor Thome, to allow staff to incorporate community amenities and facilities that may be substituted in lieu of all or some commercial amenities, and can offset the minimum required commercial in lieu of accessibility to public commercial amenities. The motion carried unanimously.

**Smart Growth Area 11**

Planner Censky presented Smart Growth Area 11 as 17 acres, about 2.9 acres is a primary environmental corridor/wetland, leaving this parcel 14.1 net buildable acres. Under high-density residential classification RM-2, up to 16.1 units per acre would be allowed on 14.1 acres, bringing it to 227 units allowed. The standard is an 8-unit building, but developers can seek more than 8

units per building. The RM-2 district requires a conditional use permit for up to 36 units per building. The density is somewhat self-limited with parking, roads, and open space requirements having to fit into a project design as well. The RM-1 is a slightly less dense multi-family zoning district, high-density residential classification, at 10.9 units per acre, in 4-unit buildings. In the case of RM-1 zoning, there is no provision for more than 4 units per building, even by conditional use permit. High-medium density would be RS-5 single-family detached housing, 73 total units, and RS-6, which is 10.4 units per acre, 146 total two-family attached housing. The next zoning and land use that could be applied to SGA 11 would be the new Planned Mixed land Use Classification and Related Zoning District.

Council Member Fitzpatrick collectively asked the Plan Commission what the best plan is for the zoning of this property after a lengthy discussion. Commissioners agreed that the new Planned Mixed Land Use Residential/Local Business Neighborhood Land Use and Planned Mixed Use Residential/Local Business Zoning District is a good fit after considering all options and all things considered such as, for instance, traffic impacts, school district study, housing report, public input, the quantity of multi-family residential units (as compared to other unit forms) added to the City's housing stock in very recent years, the physical setting of the site in relationship to other land uses (both existing and planned future), and the accessibility to public services,... of the property.

**Action:**

Mayor Thome made a motion, seconded by Commissioner Bublitz, to identify Smart Growth Area 11 as Planned Mixed Land Use Residential/Local Business Neighborhood Land Use and Planned Mixed Use Residential/Local Business Zoning District and recommend to the Common Council. Council Member Fitzpatrick and Commissioner Scholz voted nay.

**Smart Growth Area 12**

Planner Censky presented SGA 12 as a 232.2-acre parcel with approximately 10 acres of wetland, which would bring this to 222 net buildable acres. This is principally classified as agricultural land use at this time and a small portion of office and medium density residential at the southeast corner of the site. In early discussions, it was favored for single-family residential with some portions of 2-family attached dwellings. Under Medium Density, RS 3, which could comprise 3.6 units per totaling 800 units. The concept plan that was proposed over a year ago was in the neighborhood of 422 units with lot sizes averaging 8,400 square feet. Planner Censky noted that the Site and Architectural Review Board (SARB) will be on the Common Council on June 9<sup>th</sup> for an ordinance to be adopted as created. Goals and objectives in chapter 2 will require that the neighborhood design standards go to the SARB before it comes to the Plan Commission.

Commissioner Voltz expressed concerns regarding traffic safety because he feels pedestrian connectivity from this neighborhood to the rest of the City is very important. There is a necessity for a comprehensive bike and pedestrian plan. He would like this connectivity established before changing the land use plan for this SGA.

Mayor Thome recommended that any future development should include a Planned Unit Development (PUD) requirement with medium density, specifically incorporating provisions for pedestrian and bicycle access. Commissioner Strautmanis also highlighted the importance of

avoiding private streets and maintaining a neighborhood design that is consistent with Cedarburg's character.

The Plan Commission deliberated on the potential advantages and limitations of requiring the developer to collaborate with the state on intersection improvements, noting that a planned resurfacing project by the state in 2027 could affect future development. They discussed the possibility of reclassifying a portion of the developable land to medium density, contingent upon meeting pedestrian connectivity requirements, while also acknowledging utility constraints that limit immediate development of the entire site.

Ultimately, they agreed to approve a medium-density residential classification that would feature a variety of home sizes and lot types, with the potential for a PUD that does not include private roads. The plan should mandate a pedestrian and bicycle study, encourage integration with the surrounding area, and sets parameters for development over the next 8 to 10 years, with an anticipated rate of approximately 50 homes per year.

Administrator Hilvo noted that any development in this area will require collaboration between the city and the town, along with the Department of Transportation (DOT). Additionally, the county is planning to extend the bike path in the area within the next couple of years. The city is also working on developing a bike and pedestrian committee to create a comprehensive bike and pedestrian plan for the community, with hopes of including town members in this committee. Administrator Hilvo said the goal is to establish a safe bike and pedestrian path so that the community doesn't feel isolated. The committee is expected to begin its work in July.

Commissioner Voltz is advocating for lower traffic speeds on Highway 60, safer intersections, bike paths, and connectivity to make Cedarburg special, which would then justify residential development into the area.

Planner Censky suggested updating the narrative for SGA 12 to reflect medium-density residential with all the requirements discussed.

**Public Comment**

**Richard Rytman** - 1540 Fox Hollow – Asked the Plan Commission to consider requiring any developer for SGA 12 get an independent traffic and pedestrian study.

**Terry King** - W63 N762 Sheboygan Rd. - Thinks we need to retain the ability to throttle back development for a lot of different reasons, including how it's impacting the city, and to designate these SGAs as low densities.

**Richard Patek** - N116 W5575 Lucas Ct. - expressed concerns about 8,400 square foot lots, advocating larger lots or townhomes limited to 20% of the property.

Commissioner Voltz relayed the potential benefits of requiring the developer to work with the state on improvements to intersections. Administrator Hilvo noted that a planned resurfacing project by the state in 2027 could influence future development. The Plan Commission considered the option of reclassifying part of the developable land to medium density, on the condition that pedestrian

connectivity requirements are met. acknowledging that utility constraints limit the immediate development of the entire site.

Administer Hilvo said the City will continue to engage with the Department of Transportation (DOT) regarding potential improvements to the intersections on Highway 60. Administrator Hilvo and city staff will pursue discussions with the DOT about possible roundabouts and traffic enhancements along Highway 60. Additionally, Administrator Hilvo intends to establish a bike and pedestrian planning committee to develop connectivity plans, including for areas north of Highway 60.

Commissioner Voltz mentioned that the city has already annexed over 100 acres of residential land and expressed his preference to keep SGA 12 designated as agricultural. Commissioner Arnett pointed out that the 2050 plan has identified Five Corners as an area for commercial development. He also noted that there is community interest in residential options, particularly for single-family homes. A school study indicated declining enrollment, even if 300 units were constructed on the Wirth property and 400 units on this property. Commissioner Arnett explained that designating SGA 12 as agricultural serves as a blocking mechanism. Both Commissioner Strautmanis and Council Member Fitzpatrick agreed that classifying SGA 12 as agricultural would not be beneficial for the long-term land use plan.

Mayor Thome believes that now is the right time to designate this parcel, and it's not agricultural. Commissioner Bublitz agrees with Mayor Thome that the Plan Commission cannot use Agricultural as a placeholder for SGA 12.

**Wendy Peterson** – 1549 Fox Hollow Lane – Cedarburg features a variety of housing in the city and low-density options in the Town. South of 60, there's easy access to the city. The Town's spaciousness is valued, as integrating it with the city could pose risks for kids. Maintaining larger lot sizes and variety is important.

**Charlie Kinas** - W61 N764 Riveredge Dr – He questioned how the city plans to connect to Hwy 60. He opposed high-density development that lacks sidewalks for pedestrians and a bike path.

**Cathy Czech** – N119 W5835 James Circle - The majority of growth is on the north side of town, and there are no amenities. She would suggest designating a portion of the SGA 12 municipality as we need another place to vote and recommended a dog park with a walking path for elderly people.

**Travis Keshenberg** - 1219 Sheboygan Road – Encourage the traffic study, as Hwy 60 is a main arterial road and supports agricultural.

**Rick Busch** – 1546 Fox Hollow Lane – Supports leaving SGA 12 zoned agricultural.

**Motion:**

Council Member Fitzpatrick made a motion, seconded by Commissioner Strautmanis to approve Smart Growth Area 12 (SGA 12) to include the narrative to reflect medium-density residential with the requirements such as a variety of home sizes, lot sizes, and home types, to include a Planned Unit Development (PUD), and not to allow any private roads. Also, require the developer to have a pedestrian and bicycle connectivity study from HWY 60 and any plans brought by a

developer should be reviewed by the SARB before the Plan Commission review. Motion approved with Commissioner Voltz voting nay.

**CHAPTERS 2-HOUSING, AND 4-UTILITIES AND COMMUNITY FACILITIES**

Council Member Fitzpatrick made a motion, seconded by Commission Arnett, to approve the changes in Chapters 2, Housing, and Chapter 4, Utilities and Community Facilities, in the Comprehensive Smart Growth Plan. The motion carried unanimously.

Planner Censky to prepare updated chapters 1, 3, 5, 6, 7, 8, 9, and 10 of the comprehensive plans for review at future meetings.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Commissioner Voltz commented on how great the façade restoration looks at the Community Center.

**MAYOR'S ANNOUNCEMENTS** - None

**ADJOURNMENT**

A motion was made by Council Member Fitzpatrick, seconded by Commissioner Bublitz, to adjourn the meeting at 9:02 p.m. The motion carried unanimously.

Theresa Hanaman  
Administrative Assistant

**CITY OF CEDARBURG**  
**PLAN COMMISSION**  
**June 2, 2025**

A regular meeting of the City of Cedarburg Plan Commission was held on Monday, June 2, 2025, at Cedarburg City Hall, W63 N645 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, Sig Strautmanis, Jack Arnett, Sherry Bublitz, Jon Scholz, Adam Voltz

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Assistant Theresa Hanaman, Andrea, and Eli Acosta

**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**

Commissioner Bublitz, seconded by Commissioner Arnett, moved to approve the minutes from May 5, 2025. The motion carried unanimously.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** – NONE

**6A. DISCUSSION AND POSSIBLE ACTION ON CERTIFICATION OF CODE OF ETHICS**

City Administrator Hilvo asked whether all Plan Commissioners had received and reviewed their copies of the City's Code of Ethics. All attendees responded affirmatively, and there were no questions.

**PUBLIC HEARING**

**7A. APPLICANT GREGORY CHAY, D/B/A CHAY'S TAE KWON DO, REQUESTS CONDITIONAL USE PERMIT APPROVAL TO LOCATE HIS HEALTH/FITNESS SERVICE BUSINESS IN THE EXISTING SITE/STRUCTURE LOCATED AT N69 W5289 COLUMBIA ROAD. THIS 0.35-ACRE PROPERTY IS OWNED BY PONTIAC GARAGE LLC IN C/O GREG ZIMMERSCHIED.**

The motion was made by Commissioner Scholz, seconded by Council Member Fitzpatrick, to open the Public Hearing. The motion carried unanimously.

Planner Censky reported: The applicant seeks Conditional Use Permit (CUP) approval to locate

his Tae Kwon Do health/fitness service business in this existing vacant building/site. The B-2 Community Business District lists “Health clubs” among the uses that may be approved through a conditional use permit. The proposed hours of operation for this use are 4 p.m. to 7:30 p.m. Monday–Friday, and 9 a.m. to 11:30 a.m. on Saturdays. The business will be closed on Sundays. No changes are proposed to the exterior of the building or site at this time. No changes are proposed to the exterior site/building lighting, parking/circulation, or landscaping at this time.

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) Issuance of an Occupancy Permit prior to the start of the proposed new use in this building.
- 2) The dumpster screening enclosure shall be maintained in good repair at all times and trash receptacles and/or dumpsters shall be stored inside the enclosure at all times.
- 3) All exterior doors and windows to the building shall remain closed whenever classes/training are in session.
- 4) The building and site shall be in accordance with the site plan attached.
- 5) 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.
- 6) Full execution and recording of the Conditional Use Permit documents prior to the start of occupancy.

**Action:**

The motion was made by Commissioner Arnett, seconded by Council Member Fitzpatrick, to approve the request for Conditional Use Permit approval to locate a Tae Kwon Do health/fitness service business in this existing vacant building/site structure located at N69 W5289 Columbia Road. The proposed hours of operation for this use are 4 p.m. to 7:30 p.m. Monday–Friday, and 9 a.m. to 11:30 a.m. on Saturdays. The business will be closed on Sundays, and to include the Planner's recommended conditions.

Commissioner Strautmanis brought up extending the business hours on Saturday due to events that may run longer and wouldn't want the applicant to be in violation of the Conditional Use Permit. The applicant explained that he does have birthday parties on Saturdays that run an hour and a half after the classes.

Commissioner Arnett amended the motion, seconded by Council Member Fitzpatrick, to allow extended business hours on Saturdays to 1:30 p.m. The motion carried unanimously.

No one wishing to speak, a motion was made by Commissioner Arnett, seconded by Commissioner Bublitz, to close the Public Hearing. Motion carried on a roll call vote with Commissioners Arnett, Scholz, Strautmanis, Bublitz, Voltz, Council Member Fitzpatrick, and Mayor Thome voting aye.

**REGULAR BUSINESS AND POSSIBLE ACTION THEREON**

**8A. APPLICANT ANDREA ACOSTA, D/B/A BLANCA'S COMMERCIAL KITCHEN, REQUESTS TEMPORARY USE APPROVAL TO CONDUCT 8 FOOD TRUCK EVENTS**

**IN THE PARKING LOT BEHIND THE BUSINESS/BUILDING THEY OCCUPY (IN PART) AT W63 N540 HANOVER AVENUE. THIS 0.38-ACRE PROPERTY IS OWNED BY PHOA ENTERPRISES 2 LLC IN C/O JIMMY PHOA.**

Planner Censky reported: The applicant would like to use the parking lot behind/west of the building they currently lease/use for commercial kitchen and bar with outdoor seating/consumption purposes (with outdoor music permit), to conduct 8 food truck events on Wednesday evenings July 9, 16, 23, 30 and August 6, 13, 20, 27 from 4 p.m. to 9 p.m. each time. The plan as presented calls for up to 6 food vendors, all or some of which may be mobile food trucks.

The applicant indicates that there will be outdoor lighting set-up for these events (i.e., food trucks and tents will have LED or rope lighting). The food trucks/vendors will not be supplied with electricity from the site; rather, each vendor must supply their own generator.

Planner Censky advises that there is an easement on this property that must be maintained open/passable from Washington Ave. to Hanover Street at all times. She stated that the City never received any details or a copy of this easement. The applicant indicates they will maintain a 16'-wide open lane between the backs of the food trucks and the north lot line for emergency access and the benefit of the property at W62 N551-53 Washington Avenue. Section 7-18-2 of the City Code requires all mobile food vendors to be licensed by the City. The applicant requests an exemption from this licensing requirement under Section 7-18-3(f) of the Code. The applicant proposes offering the two restrooms located in the Blanca's Commercial Kitchen building as the sanitary waste solution for vendors and visitors.

Commissioner Bublitz raised concerns about the noise from six generators, as well as the amplified music. The applicant clarified that the vendors have quiet models of generators. Commissioner Bublitz also questioned if the decibel level of the generators is below the permitted level for amplified music.

Council Member Fitzpatrick raised the question of why mobile food vendors should be exempt from permit fees for the specified event dates. The applicant explained that these events aim to promote their tenants, who pay rent to use the Blanca's Kitchen on site and seek greater exposure. Therefore, the applicant believes it would be courteous not to impose additional charges on the vendors.

Commissioner Voltz stated that the City should impose permit fees on new outside vendors, but not on current tenant vendors while on that site. Commissioner Strautmanis asked whether we are vetting new food truck vendors when they apply for permits. He noted that if a vendor is from outside the area, we should require them to obtain a food truck license and undergo a vetting process. However, vendors associated with Blanca's Kitchen should be exempt from these requirements.

Commissioner Arnett raised a concern about fairness regarding the presence of brick-and-mortar businesses compared to food trucks that are set up in front of restaurants. Stating this is why the

ordinance was established—to ensure that food trucks operate on private property, creating a level playing field. Additionally, Commissioner Arnett conveyed a message from BJ Homayouni, the owner of Union House. She expressed that her business struggles during these events and has concerns about their viability, especially since they also host music nights on Wednesdays and are located right next to Blanca's Commercial Kitchen.

Commissioner Bublitz likes the idea of events on Wednesday but believes it should be the tenants of Blanca's Kitchen, and not new food trucks. She mentioned that it doesn't matter if it's a food truck or if there are tables and tents, in her opinion.

Planner Censky suggested Plan Commission would not want to consider this an event if it's only Blanca's Kitchen and its tenants, but treating this as a temporary use with the application of the conditions the Plan Commission wants to apply and give the exemption for the tenants for the permit. Also, to require all other mobile food vendors' license and permit fees. Council Member Fitzpatrick requested that this be reassessed after a year.

Mayor Thome gave the pedal tavern as an example, stating the Commission would reassess after the year, and after multiple complaints from people, the pedal tavern was approved. Mayor Thome said once a use is set/approved, it is hard to remove. The same thing happened with outdoor music. Council Member Fitzpatrick asked for confirmation on the definition of a temporary use permit. Planner Censky noted a temporary use allows 14 events per year.

Planner Censky informed Commissioners that no restrictions are preventing any other businesses with available space from making a similar request for multiple food truck vendors or tents on their property. She inquired how the Commission would like the staff to differentiate this request from others going forward.

Commissioner Scholz asked if the city requires Summer Sounds, Country In the Burg, Festivals, and the Fourth of July truck vendors to be permitted. City Administrator Hilvo commented that no, we do not require permits for tents or food trucks at these events. Mayor Thome asked if we are inspecting the food trucks on Friday nights. City Administrator stated that the city does not, but the Health Inspector completes the inspections. The applicant said that all individuals have to be licensed with the county health department, which completes inspections at random.

Commissioner Arnett confirmed that this is not a conditional use that would go on long term, and it is problematic if called an event.

Planner Censky suggested avoiding the term "event" if the Commission does not plan to charge a fee. Instead, there should be an approval and declaration for a specific period, after which the use will conclude. Planner Censky also mentioned that other businesses outside the Historic Preservation District could potentially make similar requests, except for parking lots, which are not part of the historic overlay. These businesses could also fit the same situation, allowing for multiple occurrences each week.

Commissioner Scholz question the applicant about how many tenants they are allowed to rent space to. The applicant stated eight, but possibly up to ten.

Planner Censky is looking for feedback on what the Plan Commission suggests we approve through temporary use at the staff level.

Commissioner Voltz noted that the facility has restrooms available. With a ratio of two restrooms for every 75 people, the facility can support a total of 150 people while meeting building codes. This setup can accommodate 8 to 10 tenants. Blanca's Kitchen has enough restrooms to support 150 customers, as well as ample space and proximity to other B3 zoning areas, without encroaching on a residential neighborhood. Planner Censky mentioned that the facility is adjacent to a public park and open space. Commissioner Voltz also remarked that it is an excellent use of a building situated in the middle of the block.

Commissioner Strautmanis stated that alcohol is not permitted outside the designated consumption premises on the north side of the kitchen building. The Plan Commission requested that the applicant carefully monitor this to ensure alcohol is consumed only within the limited approved portion of the premises.

**Public Comment**

Terry King - W63 N762 Sheboygan Road – Vendors should plug into electricity, so they don't need to run a generator if possible.

Commissioner Scholz commented that Milwaukee makes a battery pack for generators instead of gas.

**Action:**

The motion was made by Council Member Fitzpatrick, seconded by Commissioner Bublitz to approve the applicants request for a temporary use permit for food truck and tent vendors to use the parking lot behind/west of the building located at W63 N540 Hanover Avenue for commercial kitchen and bar use with outdoor seating and consumption purposes vending and seating on Wednesday evenings, July 9, 16, 23, 30, and August 6, 13, 20, 27 from 4 p.m. to 9 p.m. each time, subject to the following conditions;

- 1) Vendor lighting is limited to lighting on the interior of the trucks/tents and lighting necessary to make the menus readable.
- 2) None of the vendors are permitted to supply music or other sound.
- 3) The only mobile food vendors allowed to be a part of this temporary use are those who are tenants of the Blanca's Commercial Kitchen located on this premises. These tenant mobile food vendors are exempt from the requirement to secure a mobile food establishment license from the City of Cedarburg but must be tenants of Blanca's Commercial Kitchen.
- 4) The full set-up for these 8 events, including access, all tents/trucks/trailers, any heating/cooling devices, energy supplies, and similar, is subject to final review and approval by the City of Cedarburg Fire Department prior to the first event.
- 5) Applicant shall submit a plan for the location and manner of enclosure for the dumpster located on this site, such enclosure to be completed prior to the start of the first Food Truck Event at this

site.

6) No signage may be placed in support of this Food Truck Event Temporary use(s) without prior review and approval of a Sign Plan and Sign Permit issuance by the Building Inspector. NOTE that off-premises signs are considered “prohibited” pursuant to Section 15-5-11(f) of the City Code. The applicant may consult with the Building Inspector about whether there is any Temporary Sign solution that could be approved for these events.

The motion carried unanimously.

Commissioner Arnett confirmed that only tenants of Blanca’s Commercial Kitchen are allowed access to this temporary use. Planner Censky wanted to ensure there are no additional clarifications regarding tenants. Commissioner Voltz said it's worth noting that the Plan Commission came to this conclusion because this facility, Blanca’s Commercial Kitchen, has its own commercial kitchen and restroom facilities for the record.

**8 B. REVIEW, DISCUSSION, AND POSSIBLE ACTION (RECOMMENDATION TO THE COMMON COUNCIL) ON PROPOSED NEW REGULATIONS APPLICABLE TO SIDEWALK/RIGHT-OF-WAY ENCROACHMENTS.**

Planner Censky reported: The Plan Commission recently discussed the question of whether to maintain and enforce the existing City Code prohibitions on sidewalk encroachments, considering that the current regulations, as outlined in Sections (s- 6-2-5 and 15-5-14, are essentially prohibitive. Section 6-2-5 of the City Code provides as follows with respect to “Obstructions and encroachments” upon any street, alley, sidewalk, public grounds, or land dedicated to the public.

The Planner requests Plan Commission input before drafting updates/amendments to the existing Code. The City Engineer/Director of Public Works, Assistant City Engineer, and Planner met to go over this map and topic. Consensus recommendations/suggestions to come out of that review include:

1) A minimum 5-foot-deep clear pedestrian throughway shall be maintained throughout all frontages. If less than 5 feet of clear space presently exists due to the presence of fixed public assets (such as trees, trash cans, light posts, street signs, hydrants, utility boxes), and/or existing, permanently fixed building improvements (such as, but not necessarily limited to attached stairs/steps/stoops/railings, and/or existing, legal nonconforming fixed private improvements (such as, but not necessarily limited to clock and awning support posts), then the preexisting depth of clear pedestrian throughway shall be the required minimum. No new encroachments upon the minimum required clear pedestrian throughway shall be permitted.

2) A minimum 3-foot-deep clear terrace shall be maintained between the back of the curb and the minimum required clear pedestrian throughway throughout all frontages. Within this 3-foot-deep terrace area, sandwich board signs that comply with Section 15-5-14(d)(3)a.8. of the City Code may be permitted. If less than 3 feet clear terrace space presently exists due to the presence of fixed public assets (such as trees, trash cans, light posts, street signs, hydrants, utility boxes), and/or existing, permanently fixed building improvements (such as but not necessarily limited to attached stairs/steps/stoops/railings), and/or existing, legal nonconforming fixed private improvements (such as but not necessarily limited to clock and awning support posts), then the preexisting depth

of clear terrace shall be the required minimum. No new encroachments, with the exception of permitted sandwich board signs, shall be permitted within the minimum required clear sidewalk terrace area.

3) All sandwich board signs permitted to be placed on the 3-foot-deep terrace right of way shall be removed from the public sidewalk/right of way during all hours that the business the sign pertains to or supports is closed.

4) Temporary permission may be approved by the Building Inspector and Planner to place tables, chairs, seasonal entryway vestibules, and similar temporary accessories to/in support of an existing business located on the premises, and then only directly along that business's street frontage. Alcoholic beverages may/may not be consumed at approved tables/chairs located in the public sidewalk right of way. When deemed necessary by the Inspector and Planner, such requests may be referred to the Plan Commission for their review, consideration, and possible approval. All the requirements as set forth in Section 6-2-5(c) shall be fully complied with.

Council Member Fitzpatrick believes that the proposal is reasonable. He noted that different measurements in front of buildings vary and that the city should incorporate this variability into its regulations. He supports the idea of being flexible with building codes, as the measurements can differ depending on the establishment.

Mayor Thome stated that the city should implement a hold-harmless indemnity, emphasizing that it is not an unreasonable request if businesses will be placing things/encroachments onto the sidewalk right-of-way. She considers it a necessary safety measure for the city. Administrator Hilvo added that we do require specific insurance requirements for various other similar situations.

Planner Censky would like to keep decisions at the staff level and appealable to the Plan Commission if the staff denies a request. Targeting the 5 ft walking space and the three-foot terrace, the city staff will try to work out what's best with business owners.

Commissioner Strautmanis emphasizes the importance of being flexible and creative in order to support business owners. He encourages finding ways to say "yes" to adding activities on the street and collaborating with the community to create a vibrant environment on Washington Avenue.

Commissioner Bublitz mentioned that every business in the downtown Historic Preservation District is different, and adhering to strict numbers is almost impossible.

Planner Censky gave the example to give staff flexibility ratio of within 10% of five feet. Commissioner Arnett and others concurred. Administrator Hilvo said the city is not deciding tonight, but gathering information to share with business owners, along with the measurements/maps with business owners.

**Public Comment:**

**Ken Gasch** - Java House- Thanked the Plan Commission for the foresight in helping businesses.

**Gordon Goggin** – Stilt House – Stated there is some confusion regarding the variables in use; such a there isn't a single set standard, there are numerous inconsistencies and selective

enforcement. He would like to know how the city can achieve greater standardization.

**No action, Discussion only.**

**8C. STATUS REPORT/UPDATE FROM STAFF, AND POSSIBLE RECOMMENDATION TO THE COMMON COUNCIL REGARDING THE PLAN COMMISSION'S APRIL 7TH, 2025 RECOMMENDATION TO THE COMMON COUNCIL TO MODIFY SECTION 13-1-82(C) OF THE ZONING CODE CHANGING THE CITY'S MINIMUM PARKING STALL SIZE REQUIREMENT FROM 180 SQ. FT., TO 162 SQ. FT. LAID OUT IN 9' W X 18'D CONFIGURATION, AND TO GIVE THE PLAN COMMISSION AUTHORITY TO WAIVE OR MODIFY THIS NEW STANDARD IN CASES WHERE THEY HAVE DETERMINED THAT THE UNIQUE CIRCUMSTANCES OF A PARTICULAR SITE SUGGEST THAT STALLS MAY BE SAFELY AND EFFECTIVELY PROVIDED UNDER ALTERNATIVE SIZE OR CONFIGURATION ARRANGEMENTS.**

Planner Censky presented: On May 12th, 2025, the Common Council held a public hearing and deliberated on the Plan Commissions recommendation from April 7, 2025 to amend Section 13-1-82(c) of the Zoning Code changing the City's minimum parking stall size requirement from 180 sq. ft., to 162 sq. ft. laid out in 9'w x 18'd configuration, and to give the Plan Commission authority to waive or modify this new standard in cases where they have determined that the unique circumstances of a particular site suggest that stalls may be safely and effectively provided under alternative size or configuration arrangements.

The draft Ordinance #2025-21 containing the proposed changes was presented but not approved. The Council agreed that flexibility should be given to the Plan Commission to waive or modify the minimum required stall size and configuration standard where it has been determined that the unique circumstances of a particular site suggest that stalls may be safely and effectively offered under alternative size or configuration arrangements, but they want the minimum stall size design standard to remain at 180 sq. ft. and specify that it be configured as 10'w x 18'd.

Planner Censky reported: If the Plan Commission desires to add any further information or make another recommendation to the Common Council on this matter, now is the time to do so. The revised Ordinance #2025-21 is slated for consideration/possible approval by the Common Council on Monday, June 9th, 2025.

Commissioner Voltz stated 9'x18' is an industry standard and doesn't make sense to change. Commissioner Strautmanis said the size is to minimize impervious areas and add more parking lots that are not needed.

Commissioner Arnett inquired about the existence of industry standards, and Commissioner Voltz informed the Commission that such standards do exist. He will provide this information to the Common Council for the meeting on June 9th.

**Terry King**-W63 N762 Sheboygan Road - Vehicles are 8 feet wide, leaving just 6 inches on each side to exit, which can cause door dings. He notes that industry standards are too small, as cars and people are getting larger.

Commissioner Arnett mentioned that a Ford F150 is approximately 6.7 feet wide.

Consensus was to send this back to the Common Council with the original recommendation of 9'x18' and provide additional information regarding the industry standards and because of less land for parking, impervious surfaces, and the cost of development and parking efficiency.

### **COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Commissioner Bublitz praised the Commission's decisions, noting that the members are attentive to each other.

### **MAYOR'S ANNOUNCEMENTS**

Mayor Thome asked the Plan Commission whether they preferred to receive printed packets for future meetings or to view them electronically. Commissioner Scholz expressed a preference for having a printed packet. However, Commissioners Bublitz, Arnett, Strautmanis, Voltz, Mayor Thome, and a Council Member indicated that while they would like the agenda to be printed, but they preferred to view the rest of the packet electronically.

### **ADJOURNMENT**

A motion was made by Commissioner Arnett, seconded by Commissioner Scholz, to adjourn the meeting at 8:49 p.m. The motion carried unanimously.

Theresa Hanaman  
Administrative Assistant

## PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: July 7, 2025

### General Information:

Agenda Item: **6.A.**

Applicant:

Center for Jewish Life, Inc.

Property Owner:

Burg 63, LLC in c/o Mike and Cindi Purnell

Request:

Approval to transfer the existing tourist rooming house conditional use permit (CUP) at this site/building into their names as the prospective new property owners.

Current Zoning:

B-3 Central Business District w/ HPD Historic Preservation District Overlay

Current Master Plan Classification:

Commercial

Surrounding Zoning/Land Use:

North: B-3/HPD

South: B-3/HPD

East: I-1 Institutional and Public Service District

West: B-3/HPD

Lot Size:

~4,356 sq. ft. (i.e., .1 acres)

Location:

W61 N508-510 Washington Avenue

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### Discussion:

The applicants have an accepted offer to purchase this property. There is an existing conditional use permit, approved on February 1<sup>st</sup>, 2021, for use of the two-bedroom upper

dwelling unit as a 'tourist rooming house' with no minimum length of rental period specified. The current permittee and the prospective new property owners wish to have this existing CUP transferred upon sale and amended to reflect the new owners as permittees.

A copy of the existing CUP is attached.

A DRAFT of the new/amended CUP is attached for the Commissions consideration.

Ozaukee County GIS - Aerial Map View



Google Map Street View



**Recommendation:**

The Planner recommends the following conditions be considered for attachment to any approval the Plan Commission is inclined toward granting in this matter:

- 1) Applicant to receive an Occupancy Permit and Room Tax Permit from the City prior to the start of rentals at this location.
- 2) Applicant commits to payment of their ¼'ly room tax payments to the City Treasurer as required pursuant to City of Cedarburg Ordinance #94-39 Room Tax.



LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: W61 N508-510 Washington Ave, Cedarburg

APPLICANT/BUSINESSNAME: Center For Jewish Life, Inc.

APPLICANT/BUSINESS ADDRESS: 2233 W. Mequon Road, Mequon WI 53092

STATUS OF APPLICANT: [ ] OWNER [ ] AGENT [x] BUYER [ ] OTHER

PHONE: [REDACTED] EMAIL: [REDACTED]

PROPERTY OWNER (IF DIFFERENT): THE BURG 653, LLC (Mike & Cindi Purnell)

PROPERTY OWNER MAILING ADDRESS: W349S3090 Waterville RD

PROPERTY OWNER PHONE: [REDACTED] PROPERTY OWNER EMAIL: [REDACTED]

REQUEST FOR (CHECK ALL THAT APPLY):

- [ ] CONCEPT REVIEW [x] CONDITIONAL USE ZONING
[ ] SITE/ARCHITECTURAL PLAN APPROVAL [ ] ANNEXATION REQUEST
[ ] SUBDIVISION PLAT OR CSM REVIEW [ ] VARIANCE/BOARD OF APPEALS
[ ] ZONING DISTRICT CHANGE [ ] OTHER

DESCRIBE REQUEST: The existing second floor residential apartment with private entrance is used as an air bnb short term rental. In observance of Jewish faith, the Rabbi and family will stay in this apartment on the weekends they are conducting services. For all other times, we are requesting approval to continue the use of the apartment as a tourist rooming short-term rental.

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: Mike Purnell DATE: 05/29/25

Cindi Purnell DATE: 05/29/25

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ 300.00 (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: 5/30/25

APPLICATION AND FEE RECEIVED BY: Theresa Hanaman PLAN COMMISSION MEETING DATE: July 7, 2025

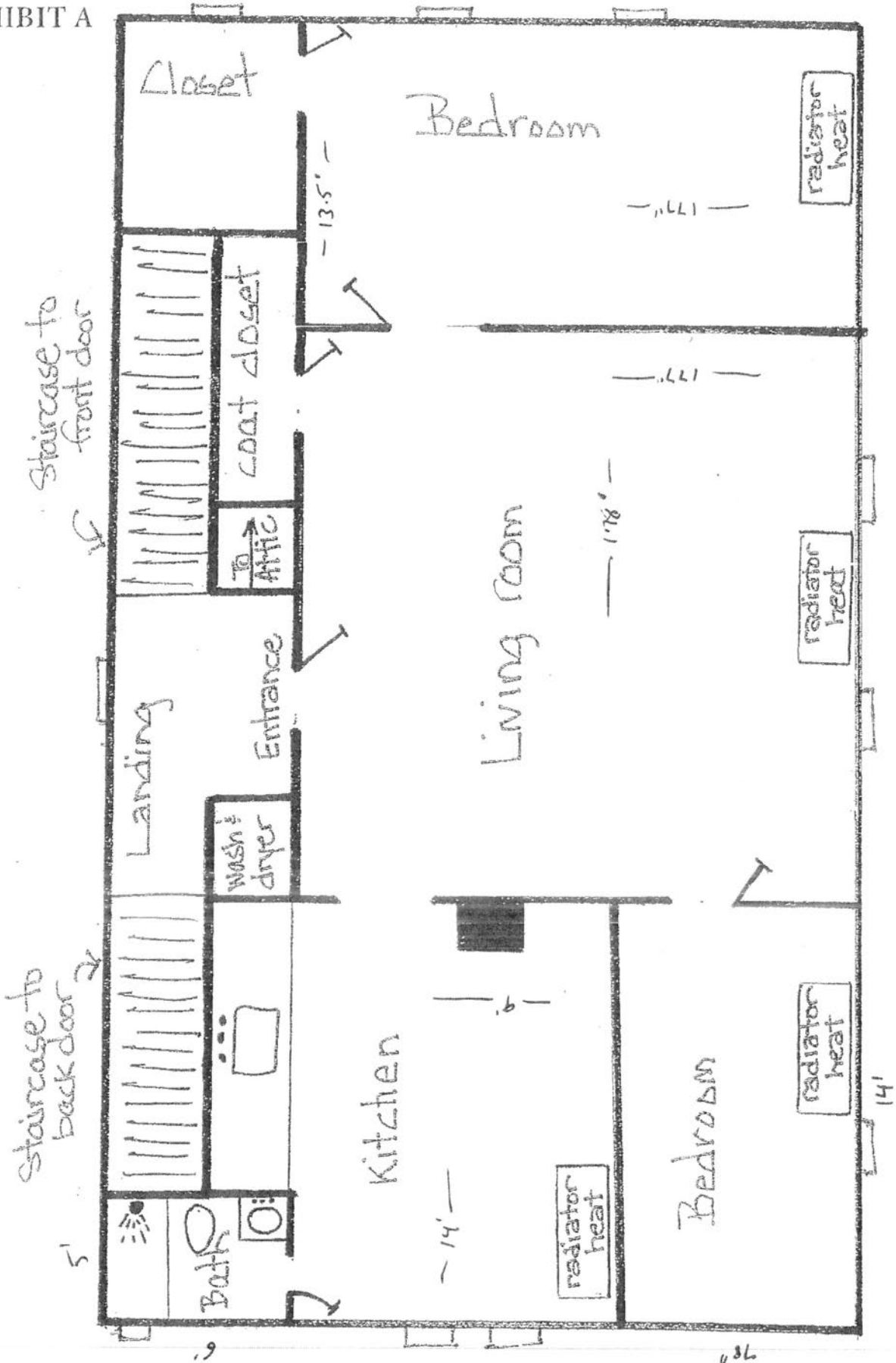
ATTACHMENTS (CHECK IF RECEIVED): [x] FIVE DESCRIPTIONS [ ] FIVE FULL-SIZE SETS [x] THIRTEEN PLAN SETS

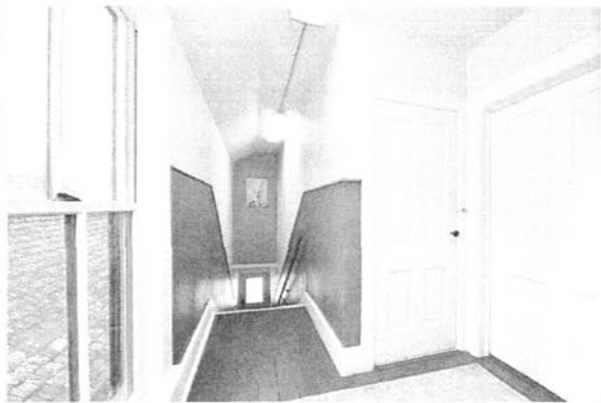
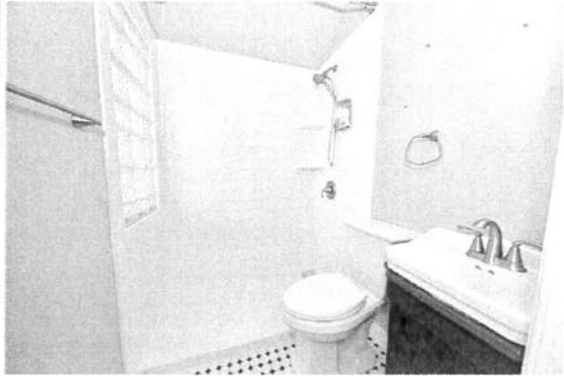
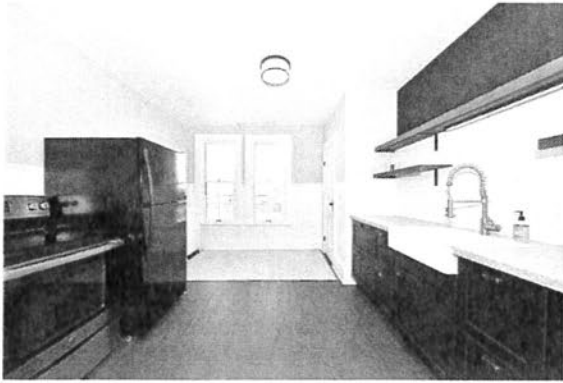
PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: ZONING: ALDERMANIC DISTRICT: PREVIOUS MEETING:

EXHIBIT A

WASHBURG FLAT  
 APPROX 1200' UPPER FLAT  
 1101 N 610 Washington Ave.  
 Cedarburg WI 53012

□ = windows





DOCUMENT NUMBER	CONDITIONAL USE PERMIT Tourist Rooming House	
<p>Before the Plan Commission of the City of Cedarburg, Ozaukee County, Wisconsin, in regard to the premises at W61N510 Washington Avenue, located in Section 27 Town 10 North, Range 21 East, Ozaukee County, State of Wisconsin, further described as follows:</p> <p>0893841 0801648 0798750 LC770/575 S 1/2 OF LOT 12 BLK 2 ORIGINAL PLAT</p>		
		<p>Return to: City Clerk City of Cedarburg W63N645 Washington Avenue PO Box 49 Cedarburg WI 53012-0049</p>

13-107-02-12-002  
Parcel Identification No.

Zoning Classification of the Premises is: B-3/HPD Central Business District/Historic Preservation District  
Mailing Address of the Premises is: W61N510 Washington Avenue

WHEREAS, a petition has been filed by Mike and Cynthia Purnell of The Burg 653 LLC (hereinafter "Owner and Permittee") for the purpose of operating a second floor Tourist Rooming House at W61N510 Washington Avenue, such premises owned by the property Owner identified in the signature lines shown below (hereinafter "Owner and Permittee"); and

WHEREAS, Tourist Rooming Houses are permitted as a conditional use in Section 13-1-55(e)(20) of the 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 1, 2021 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 Mike and Cynthia Purnell of The Burg 653 LLC (Owner and Permittee). This CUP shall terminate when the Owner and Permittee terminates ownership of 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. Cedarburg Fire Department will follow the State Licensing Bureau for Rooming Houses, NFPA 1 Section 20.10 and NFPA 101 Life Safety Code.
5. Smoke detectors and carbon monoxide detectors are to be installed and properly maintained.
6. Signage to be approved by the Landmarks Commission and City Building Inspector.
7. The one (1) upper unit as per Exhibit A at W61N510 Washington Avenue is approved as a Tourist Rooming House.
8. All activities will be restricted to the interior of the unit. No picnic tables, grills, fire pits, or comparable outdoor amenities shall be provided.

9. The Property Owner and Permittee is required to sign below, before a notary, to approve the issuance of this CUP and to indicate their acceptance of the terms and conditions of this CUP.
10. The Owner and Permittee shall apply and obtain a building permit as required by the City of Cedarburg's Building and Zoning Codes for any modifications of the unit.
11. Any changes or expansion not included in the CUP shall require approval by the City as an amendment to this CUP.
12. Any substantiated material problems with noise, health, safety, etc. associated with the Tourist Rooming House unit at W61N510 Washington Avenue shall be the responsibility of the Owner and Permittee to correct. Failure to correct the problem in a timely manner may result in the partial or complete revocation of this Conditional Use Permit.

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

As **OWNER(S)** and **PERMITTEE(S)** of the subject property, I/we approve the issuance of the CUP with the above described conditions.

Signature	Date	Signature	Date
Mike Purnell/The Burg 653 LLC, Owner		Cynthia Purnell/The Burg 653 LLC, Owner	
Printed Name/Title		Printed Name/Title	

STATE OF WISCONSIN )  
 )SS  
 OZAUKEE COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2021, 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**

\_\_\_\_\_  
 Michael O'Keefe, Mayor

STATE OF WISCONSIN )  
 )SS  
 OZAUKEE COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2021, 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:  
 Jonathan P. Censky, City Planner*

EXHIBIT A

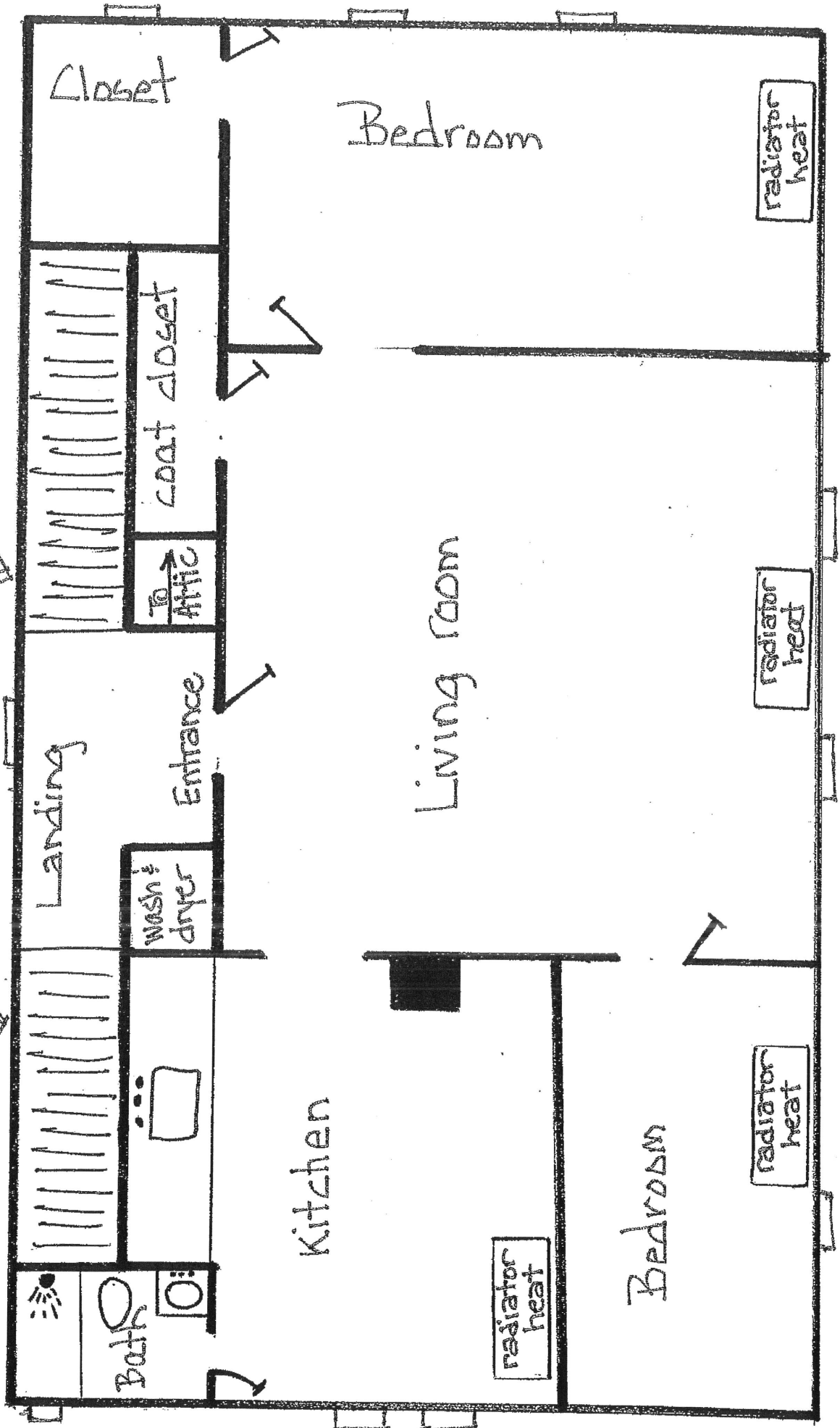
W161N 610 Washington Ave.  
Cedarburg WI 53012

WASHBURG FLAT  
APPROX 1200' UPPER FLAT

□ = windows

Staircase to  
back door

Staircase to  
front door



<b>DOCUMENT NUMBER</b>	<b>CONDITIONAL USE PERMIT</b> Tourist Rooming House	
Before the plan Commission of the City of Cedarburg, Ozaukee County, Wisconsin, in regard to the premises at W61 N510 Washington Avenue, located in Section 27 Town 10 North, Range 21 East, Ozaukee County, State of Wisconsin, further described as follows:		Return to: City Clerk City of Cedarburg W63N645 Washington Avenue PO Box 49 Cedarburg WI 53012-0049
1108966 S 1/2 OF LOT 12 BLK 2 ORIGINAL PLAT		

13-107-02-12-002  
Parcel Identification No.

Zoning Classification of the Premises is: B-3 Central Business District w/ HPD Historic Preservation Overlay District  
Mailing Address of the Premises is: W61 N510 Washington Avenue

WHEREAS, a petition has been filed by Center for Jewish Life, Inc. in c/o Rabbi Menachem Rapoport (hereinafter "Permittee" and "Owner") for the purpose of operating a Tourist Rooming House at W61 N510 Washington Avenue; and

WHEREAS, Tourist Rooming Houses are permitted 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 July 7, 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 Center for Jewish Life, Inc. in c/o Rabbi Menachem Rapoport (Permittee and Property Owner). The CUP shall terminate if/when the named Permittee or Property Owner changes.
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. Cedarburg Fire Department will follow the State Licensing Bureau for Rooming Houses, NFPA 1 Section 20.10 and NFPA 101 Life Safety Code.
5. Smoke detectors and carbon monoxide detectors are to be installed and properly maintained.
6. Any signage proposed to be placed in support of this CUP shall be approved by the Landmarks Commission and Permitted by the Building Inspections Office prior to placement thereof.
7. The one dwelling unit containing up to two bedrooms located on the second story of the building, as per attached Exhibit A and located at W61 N510 Washington Avenue, is approved as a Tourist Rooming House.
8. Outdoor amenities at this site shall not include a fire pit(s).
9. Onsite parking shall be provided as per Exhibit B.
10. The Permittee and Property Owner is required to sign below, before a notary, to approve the issuance of this CUP and to indicate their acceptance of the terms and conditions of this CUP.
11. The Owner shall apply for and obtain a building permit as may be required by the City of Cedarburg's Building and Zoning Codes for any modifications of the unit.

- 12. Any proposed changes or expansion to/of this use not included in this CUP shall require approval by the City as an amendment to this CUP.
- 13. Any substantiated material problems with noise, health, safety, etc. associated with the Tourist Rooming House use at W61 N510 Washington Avenue shall be the responsibility of the Owner to correct timely upon receipt of notice from the City. Failure to correct the problem in a timely manner may result in the partial or complete revocation of this Conditional Use Permit.
- 14. Interior living space layout as per Exhibit "A" attached hereto and made a part hereof by reference.
- 15. Off-street parking as per Exhibit "B" attached hereto and made a part hereof by reference.

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

As **PROPERTY OWNER(S)** and **PERMITTEES** of the subject property, I/we approve and accept the issuance of the CUP with the above described conditions.

\_\_\_\_\_  
Signature Date

Rabbi Menachem Rapoport as authorized signatory and on behalf of Center for Jewish Life, Inc.  
Printed Name/Title

STATE OF WISCONSIN }  
OZAUKEE COUNTY } SS

Personally, came before me this \_\_\_\_ day of \_\_\_\_\_, 2025, the above-named Rabbi Menachem Rapoport as authorized signatory and on behalf of Center for Jewish Life, Inc., 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 Patricia Thome, 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*

EXHIBIT A

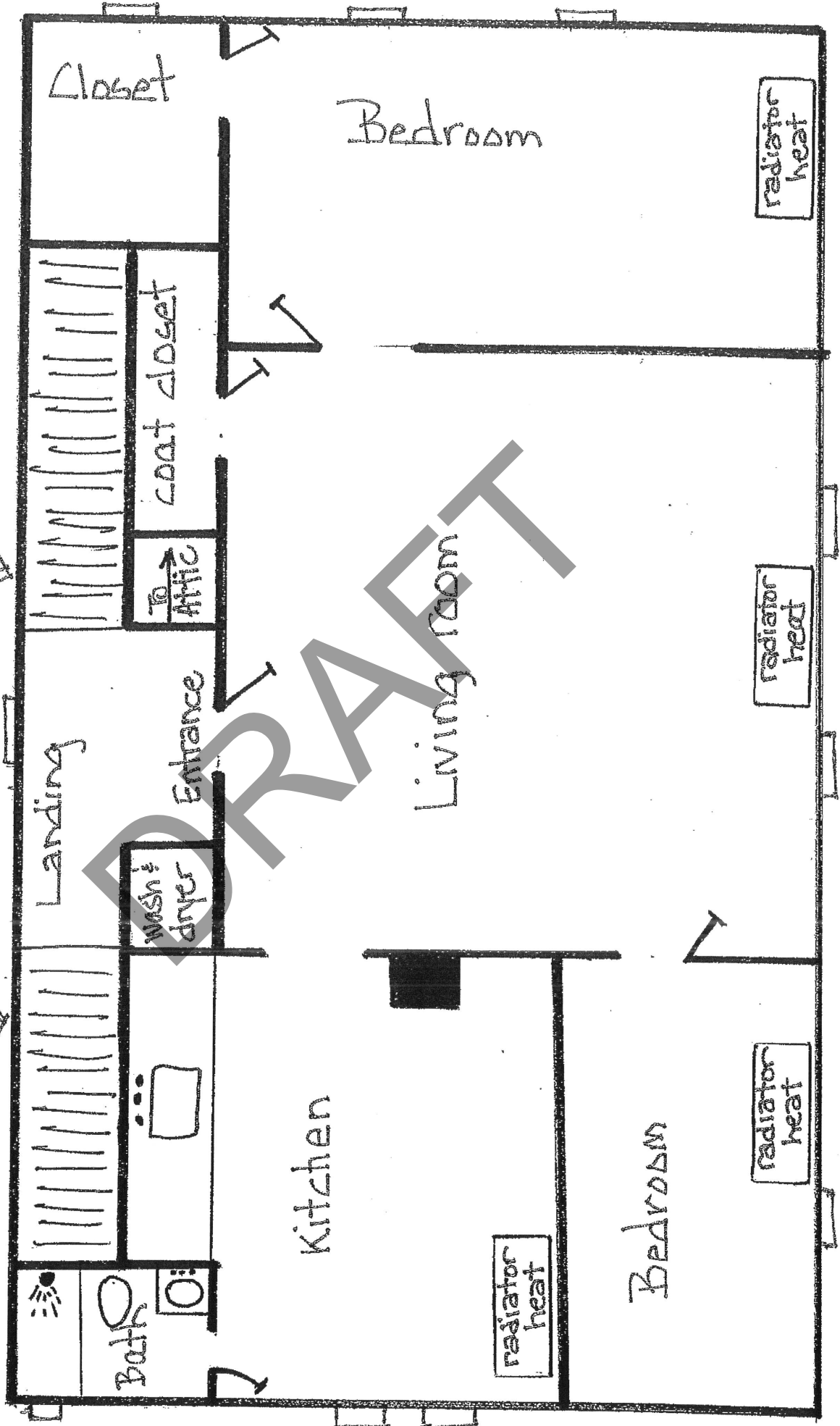
W14N610 Washington Ave.  
Cedarburg WI 53012

APPROX 1200' UPPER FLAT

□ = windows

Staircase to  
back door ↘

Staircase to  
front door ↘  
if





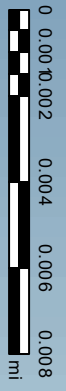
**Legend**

	Tax Parcel		CSM		US Highway		Town/Public Road
	Gap		Cemetery Plat		State Highway		Railroad Centerline
	Overlap		Condominium Plat		County Road		Ramp
	Historical Parcel Lines		Subdivision Plat		Private Road		
	Assessor's Plat		Plat of Survey				

Product of the LAND INFORMATION OFFICE

6/24/2025, 2:09:12 PM

6/24/2025, 2:09:12 PM



DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled.



## PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: July 7, 2025

### General Information:

**Agenda Item: 7.A.**

**Applicant/Property Owner:**

Blind Horse Winery (in c/o  
Managing Director Chris Varah).

**Property Owner:**

Ormsby Acquisitions LLC in c/o  
Bob Moeller

**Request:**

Review, discussion, and possible  
recommendation to the Common  
Council regarding issuance of an  
Outdoor Alcohol Beverage  
License to permit service and  
consumption of alcohol  
throughout their approved  
outdoor seating area (including  
an outdoor bar).

**Current Zoning:**

B-3 Central Business District  
with (HPD) Historic Preservation  
District Overlay

**Current Master Plan Classification:**

Commercial

**Surrounding Zoning/Land Use:**

North: B-3 w/ HPD

South: B-3 w/ HPD

East: Washington Avenue

West: Rs-6 Single-Family/Two  
Family Residential

**Lot Size:**

.18 acres (7,840 sq. ft.)

**Location:**

W63 N674 Washington Avenue

**Discussion:**

The applicant requests favorable recommendation from the Plan Commission to approve the issuance of an Outdoor Alcohol Beverage License to the Blind Horse as will allow sales, service and consumption of alcohol on their approved outdoor seating area (see site plan attached).

Section 7-2-17 of the City Code provides as follows regarding Outdoor alcohol beverage licenses required for outdoor consumption at Class "B" premises:

(b) Limitations on issuance of outdoor alcohol beverage license. In making their determination on whether or not to approve an outdoor alcohol beverage license, the common council shall, on a case-by-case basis, take into consideration the size of the outdoor seating area and its location with respect to adjacent residential uses. Each applicant for an outdoor alcohol beverage license shall accurately describe the outdoor seating area and shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor seating area. The plan commission shall review all proposed outdoor alcohol beverage licenses to determine if they are harmful, offensive or otherwise adverse to the surrounding neighborhood and shall recommend that the license be granted as requested, modified or denied. If the premises is within the Historic District, the plan commission shall take into consideration the recommendation of the landmarks commission. The building inspector shall verify that criteria established the plan commission and the landmarks commission are met prior to issuance of an outdoor alcohol beverage license. No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the outdoor seating area, subject to subsection (e) herein. There shall be a licensed operator with the outdoor seating area at all times while in operation. There shall be a fee of \$50 for an outdoor alcohol beverage license.

**Recommendation:**

If the Plan Commission is inclined toward a recommendation for approval in this matter, the Planner would recommend the following conditions be considered for attachment thereto:

- 1) Sales/service of alcohol at the outdoor patio bar and outdoor consumption of alcohol in/on the outdoor patio area (see site plan attached) shall be permitted only during those hours that the principal indoor bar area is also fully open for use and business.
- 2) Patron ingress/egress to the outdoor patio area must be routed through the principal building vs entering or exiting directly to/from the sidewalk by walking along the north or south side of the building. It shall be the applicant's responsibility to ensure this condition is being enforced at all times.



**LAND DEVELOPMENT APPLICATION**

PROPERTY LOCATION/ADDRESS: W63 N674 WASHINGTON AVE

APPLICANT/BUSINESS NAME: BUND HORSE WINERY LLC

APPLICANT/BUSINESS ADDRESS: W63 N674 Washington Ave

STATUS OF APPLICANT:  OWNER  AGENT  BUYER  OTHER

PHONE: [REDACTED] EMAIL: [REDACTED]

PROPERTY OWNER (IF DIFFERENT): OFMSBY ACQUISITIONS LLC

PROPERTY OWNER MAILING ADDRESS: 6018 SUPERIOR AVE, KOHLER WI 53044

PROPERTY OWNER PHONE: [REDACTED] PROPERTY OWNER EMAIL: [REDACTED]

**REQUEST FOR (CHECK ALL THAT APPLY):**

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

DESCRIBE REQUEST: Outdoor alcohol beverage permit

**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](mailto: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: [Signature] DATE: 5/30/25

**FOR CITY STAFF USE ONLY**

TOTAL FEE: \$ \_\_\_\_\_ (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: \_\_\_\_\_

APPLICATION AND FEE RECEIVED BY: \_\_\_\_\_ PLAN COMMISSION MEETING DATE: \_\_\_\_\_

ATTACHMENTS (CHECK IF RECEIVED):

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

PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: \_\_\_\_\_

ZONING: B-3 (HPD) ALDERMANIC DISTRICT: \_\_\_\_\_ PREVIOUS MEETING: \_\_\_\_\_



## OUTDOOR ALCOHOL BEVERAGE LICENSE APPLICATION

City of Cedarburg  
W63N645 Washington Avenue  
PO Box 49  
Cedarburg WI 53012  
262-375-7600

*Under the provisions of Chapter 125, Wis. Stats, the applicant must be in possession of a current Class "B" license.*

Name of the individual, partnership or corporation with current Class "B" license:

BLIND HORSE WINERY LLC

Premises Address: W63 N674 WASHINGTON AVE Phone: [REDACTED]

Agent (if corporation): CHRIS VARAH Email: [REDACTED]

Describe in detail the outdoor area intended for service of alcoholic beverages; also, include a copy of the site plan indicating the exact placement of the outdoor area in relation to the site as a whole. **Please note, this site plan must be included with this application in order to be considered for approval.**

ATTACHED OUTDOOR PATIO AREA, AREA RUNS ALONGSIDE AND BEHIND PREMESIS. AREA WOULD BE UTILIZED FOR SERVING FOOD AND ALCOHOLIC & NON ALCOHOLIC BEVERAGES.

In the space provided, please indicate the nature of fencing and other measures proposed to ensure proper control over this outdoor serving area.

FULLY ENCLOSED FENCING, ISOLATING OUTDOOR AREA. SOUNDPROOF PANELS SURROUNDING PERIMETER

Total square footage of following areas: Outdoor Service \_\_\_\_\_ Licensed Premise \_\_\_\_\_

Please check to indicate that you have read and understood the following statements:

- No amplified sound or music is permitted outside of the building unless a separate Temporary Amplified Music and Sound Permit has been filed and approved by the Common Council.
- Outdoor serving area must be completely enclosed with a fence or other measures.
- A licensed operator must be in attendance at all times during operation.
- This form is considered to be an application for a license; the license will not be valid until all required approvals have been given.

Signature:  Date: 5/30/25

Print Name/Title: CHRIS VARAH MANAGING DIRECTOR

**\*Please return this completed application with site plan and \$50 fee to the City Clerk's office\***

*Note, once approval is given this license will be valid from July 1 thru June 30 of the following year and become part of the premise description after the first year unless specified otherwise during the approval process.*

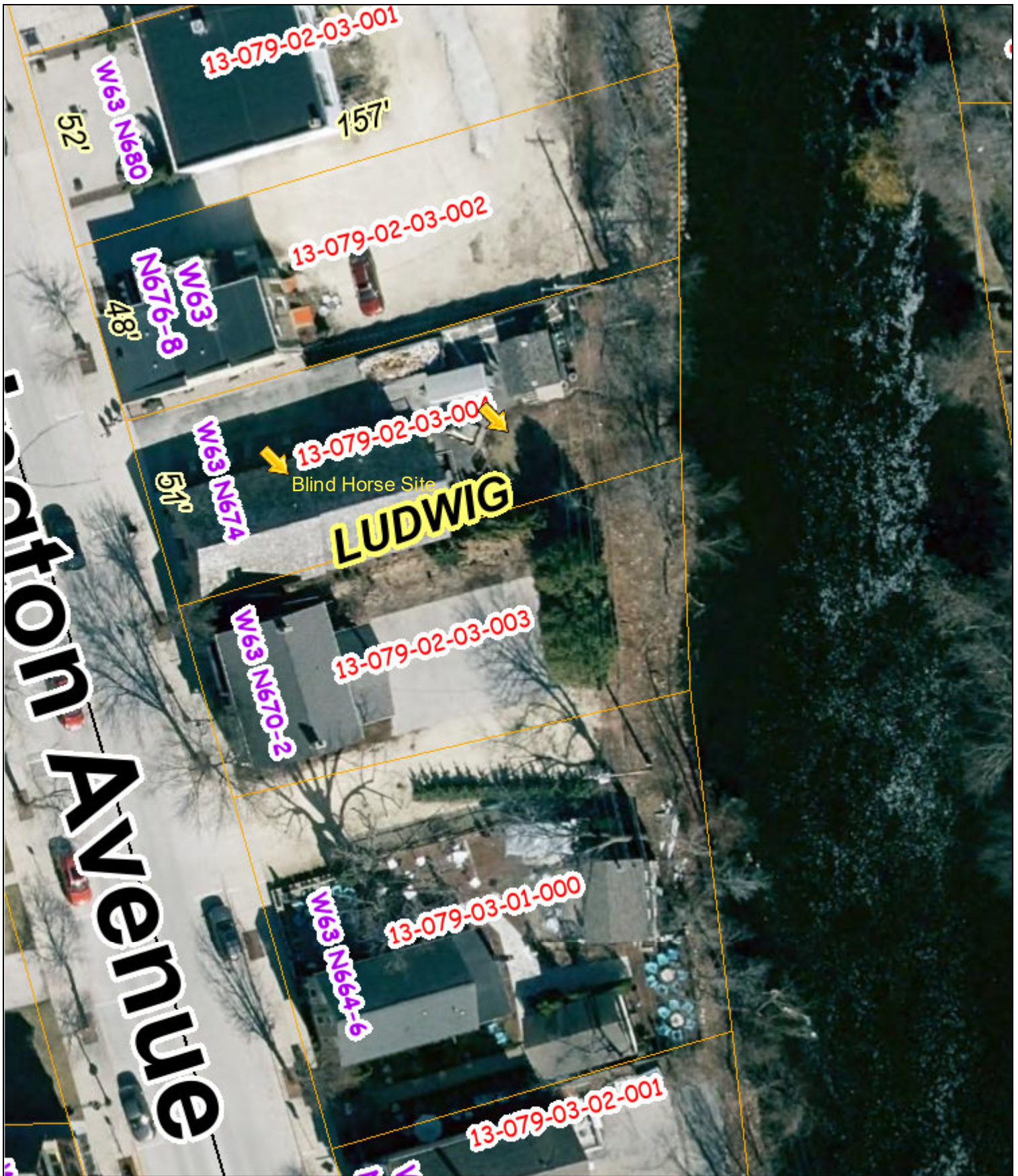
**FOR OFFICE USE ONLY (please forward a copy to the Planning department along with site plan)**

Application Fee: \$50 Date Paid: \_\_\_\_\_

	Date of Review	Granted	License Modified	Denied	Comments
Police Dept	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Landmarks Commission (if HPD)	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Plan Commission	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Common Council	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

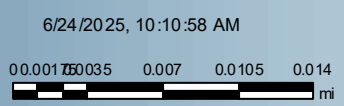
Date of Notice to Property Owners within 150 feet of establishment: \_\_\_\_\_

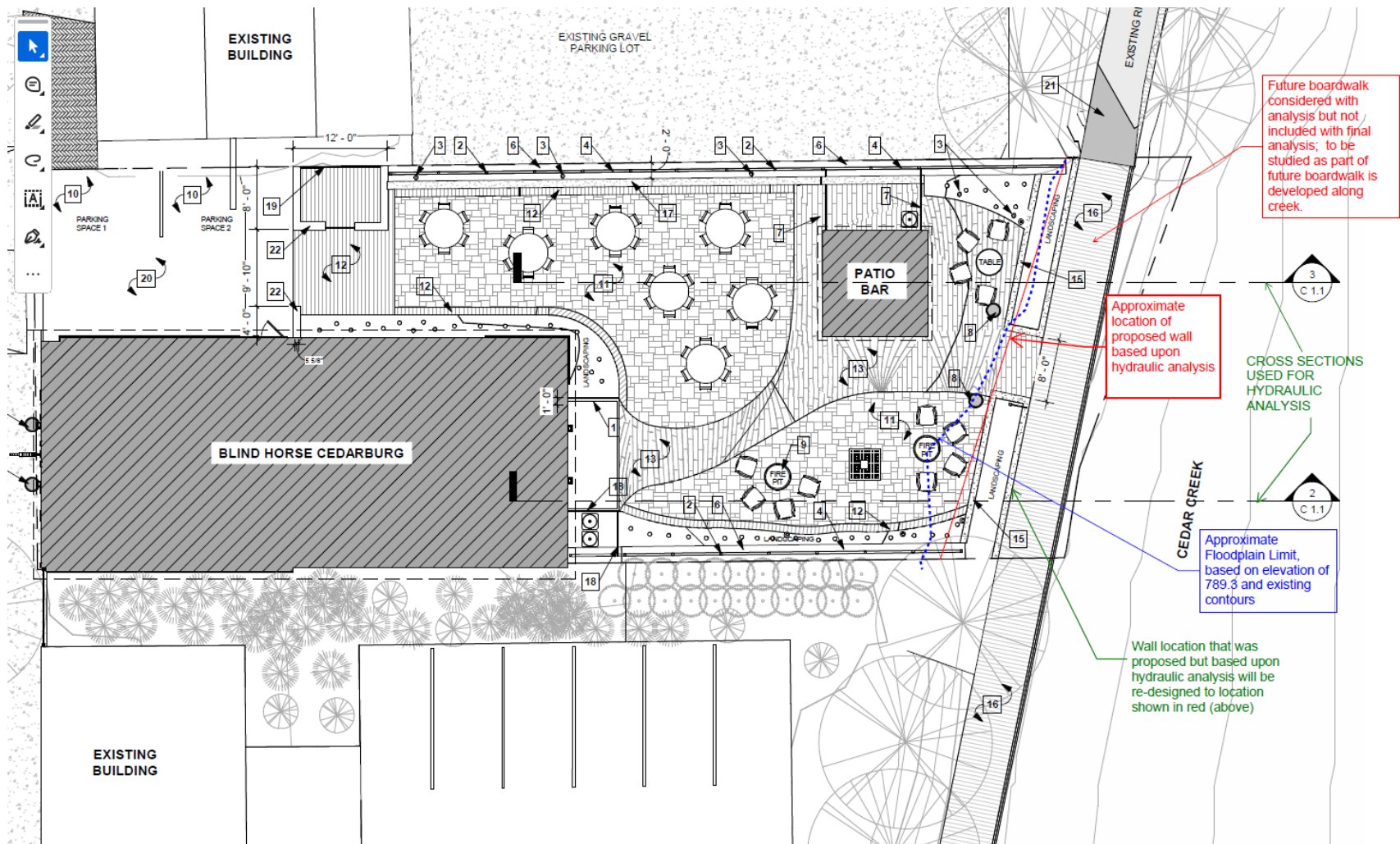
License No: \_\_\_\_\_ Date License Issued: \_\_\_\_\_ Tax Key No: \_\_\_\_\_



Legend			
	Tax Parcel		CSM
	Gap		US Highway
	Overlap		State Highway
	Historical Parcel Lines		County Road
	Assessors Plat		Ramp
	Subdivision Plat		Private Road
	Plat of Survey		Town/Public Road
			Railroad Centerline

Product of the LAND INFORMATION OFFICE  
6/24/2025, 10:10:58 AM





# PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: July 7, 2025

## General Information:

Agenda Item: **7.B.**

Applicant/Property Owner:

Gregory Robl

Requested Action:

Approval of a waiver to permit more than 720 sq. ft. of total/cumulative space in detached accessory structures on one single-family residential zoned property.

Current Zoning:

Rs-3 Single-Family Residential

Current Master Plan Classification:

Medium Density Residential

Surrounding Zoning/Land Use:

North: Rs-3 Single-Family Residential

South: Rs-3 Single-Family Residential

East: Rs-3 Single-Family Residential

West: Rs-3 Single-Family Residential

Lot Size:

~ .37-acres (16,117 sq. ft.)

Location:

N49 W6815 Western Road

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## Discussion:

Section [13-1-101\(g\)](#) of the City Zoning Code provides that “All accessory structures combined, in a single-family and two-family residential district, shall not exceed 720 square feet in area”. This same paragraph goes on to say that “Appeals for a waiver to the restriction on the size of accessory structures shall be made to the Cedarburg Plan Commission”.

The applicant currently has three detached accessory structures on this site. Two detached accessory structures is the maximum allowed by the Code on any lot zoned for single-family residential use. Having been so notified by the City Building Inspector, the applicant is proposing to remove the southmost of these accessory structures (located between the large, detached garage and the south lot line) and retain the other two. The remaining two structures total 1,100 square feet in area so Plan Commission approval of a waiver would be required if he is to retain both the greenhouse structure (200 sq. ft.) and the garage structure (900 sq. ft.).

In the Rs-3 District, the required minimum lot size is 12,000 square feet. The applicant's lot is ~16,117 sq. ft. in area.

Even with the requested 380 square feet of overage in detached accessory storage building space, it appears the site would still be well within the Code specified maximum limits of 30% total lot coverage area, and 36% total floor area.

*Ozaukee County GIS Aerial Map View – Robl property*



*Google Maps – Street Views of Robl site  
From Evergreen Blvd.*



*From Evergreen Blvd.*



*From Western Road*



**Recommendation:**

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

- 1) This approval for maximum total allowed accessory structure square footage of 1,100 square feet in area will become void on July 31<sup>st</sup>, 2025, if the applicant has not, by July 30<sup>th</sup>, 2025, removed the existing shed located between the detached garage and the south lot line, from the premises. This removal will bring the total quantity of accessory structures on this site to a Code compliant quantity of two.
- 2) Applicant to secure the required Building Permit (after-the-fact) for the 200 sq. ft. greenhouse accessory structure. This permit must be secured on or before July 30<sup>th</sup>, 2025, or this approval shall become void, effective on July 31<sup>st</sup>, 2025.



**LAND DEVELOPMENT APPLICATION**

PROPERTY LOCATION/ADDRESS: N49W6815 Western Rd.

APPLICANT/BUSINESS NAME: Gregory K. Robl

APPLICANT/BUSINESS ADDRESS: N49W6815 Western Rd.

STATUS OF APPLICANT:  OWNER  AGENT  BUYER  OTHER

PHONE: [REDACTED] EMAIL: [REDACTED]

PROPERTY OWNER (IF DIFFERENT): \_\_\_\_\_

PROPERTY OWNER MAILING ADDRESS: N49W6815 Western Rd.

PROPERTY OWNER PHONE: [REDACTED] PROPERTY OWNER EMAIL: [REDACTED]

REQUEST FOR (CHECK ALL THAT APPLY):

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

DESCRIBE REQUEST: I am respectfully requesting a waiver for ordinance 13-1-101(9) exceeding the city's 720 square foot maximum combined building size for my greenhouse. The planned structure, totalling 200 square feet, is designed to meet specific functional and aesthetics.

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](mailto: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: *Gregory K. Robl* DATE: 6.10.2025

**FOR CITY STAFF USE ONLY**

TOTAL FEE: \$ 100.00 (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: June 10, 2025

APPLICATION AND FEE RECEIVED BY: Theresa Hanaman PLAN COMMISSION MEETING DATE: July 7, 2025

ATTACHMENTS (CHECK IF RECEIVED):  FIVE DESCRIPTIONS  FIVE FULL-SIZE SETS  THIRTEEN PLAN SETS

PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: 13-040-0123.001

ZONING: RS-3 ALDERMANIC DISTRICT: W3/A03 PREVIOUS MEETING: N/A



## PLANNERS REPORT

To: City of Cedarburg Plan Commission

By: Mary Censky

Date Prepared: July 7, 2025

### General Information:

Agenda Item: **7.C.**

Property Owner/Applicant:

Sierzant in c/o Seth Dehne and  
Joe Nowak

Request:

Approval of planting plan

Current Zoning:

B-2 Community Business  
District

Current Master Plan Classification:

Commercial

Surrounding Zoning/Land Use:

North: Railroad &  
Industrial/Manufacturing  
South: Rs-1 Single-Family  
Residential  
East: Rs-1 Single-Family  
Residential  
West: Railroad &  
Industrial/Manufacturing

Lot Size:

1.34 Acres

Location:

W65 N1170 Forward Way

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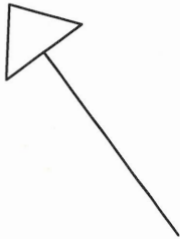
### Background:

On May 5, 2025, the Plan Commission approved a Conditional Use Permit for this site. Neighbors to the site filed an appeal of that approval to the City's Zoning Board of Appeals. On June 23, 2025, the Zoning Board of Appeals, in a de novo hearing/action, also approved the Conditional Use Permit subject to, *essentially*, the same conditions as had originally been applied by the Plan Commission.

*One particular condition* that had been applied by the Plan Commission called for "A detailed landscaping plan to lessen the aesthetic impact of the somewhat harsh, stockade-like appearance of the existing and expanded fence from the south and east, shall be prepared by the applicant and submitted for Planner review and approval".



NORTH



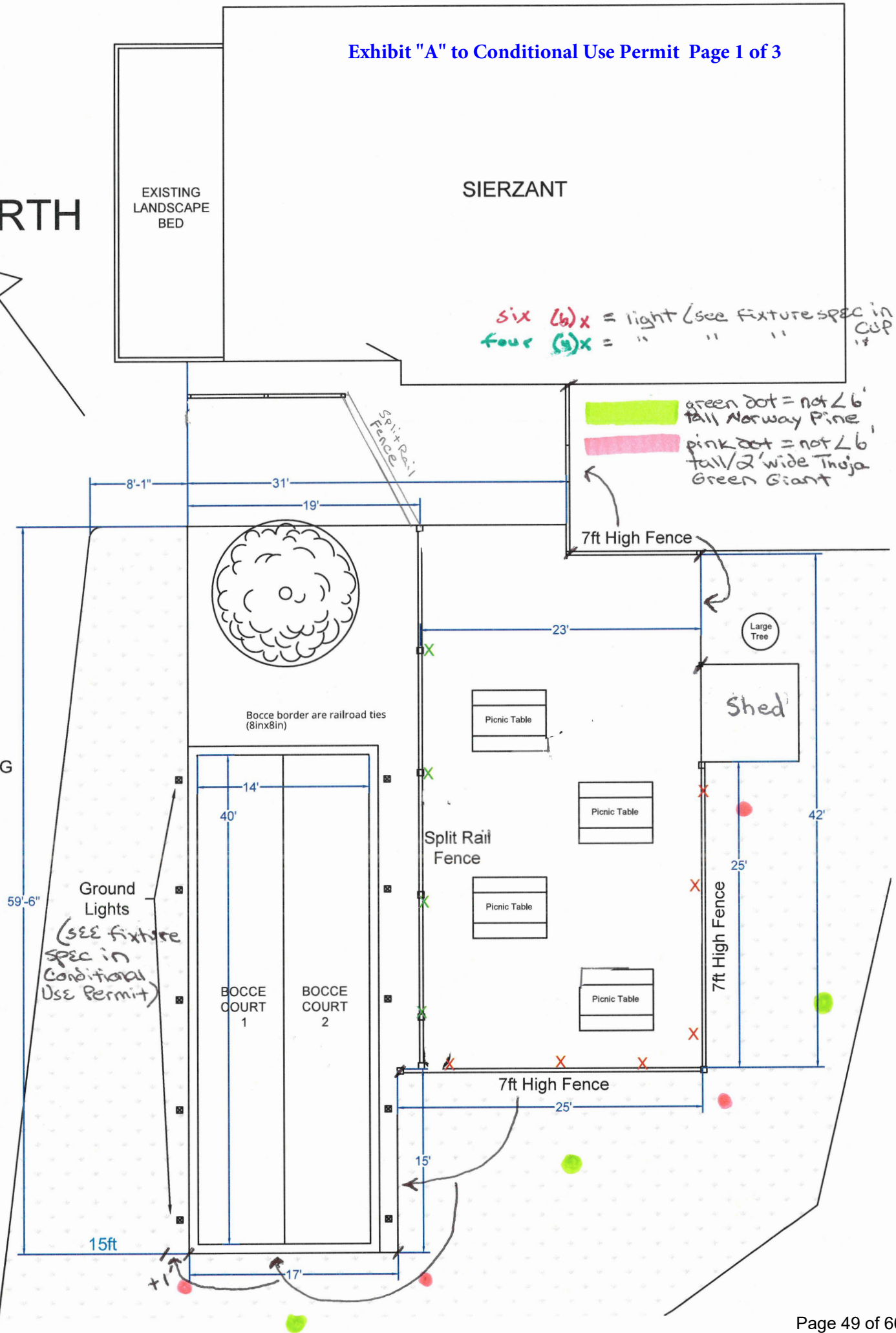
EXISTING LANDSCAPE BED

SIERZANT

Six (6)x = light (see fixture spec in CUP  
four (4)x = " " " "

green dot = not < 6' tall Norway Pine  
pink dot = not < 6' tall / 2' wide Thuja Green Giant

PARKING LOT







# PLANNERS REPORT

**To:** City of Cedarburg Plan Commission

**By:** Mary Censky

**Date Prepared:** July 7, 2025

**General Information:**

**Agenda Item: 7.D.**

**Property Owner/Applicant:**

City Initiated Item

**Request:**

Review, discussion, and possible action (recommendation to the Common Council) on proposed Code Amendments related to permitting Temporary Accessory Use Sidewalk Right of Way Encroachments along Washington Avenue in the B-3 Zoning District.

**Location:**

Throughout the B-3 Central Business District.

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**Discussion:**

Following up on previous discussions with the Plan Commission on this topic, the attached draft of Code amendments and related documents are provided for the Commissions review, consideration and possible recommendation to the Common Council.

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## CHAPTER 2 - STREETS AND SIDEWALKS

### Sec. 6-2-5 Obstructions and encroachments.

- (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.
  - (6) For properties located in the B-3 Zoning District where an approved business use(s) operates on the first floor and has direct, adjacent storefront window and door access to/from the Washington Avenue sidewalk right of way, a Temporary Use Permit may be issued by the Building Inspector and City Planner to place tables, chairs, seasonal entryway vestibules, and similar/related temporary accessories upon the sidewalk in accordance with the provisions set forth in Section 13-1-55(d) of the City 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.

---

## CHAPTER 13 ZONING CODE

### Sec. 13-1-55 B-3 Central Business District.

- (a) *Purpose and intent.* The B-3 Central Business District is intended to provide for the preservation of Cedarburg's historic downtown and the orderly appropriate regulations to ensure the compatibility of the diverse uses typical of the downtown area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the heart of the city. This area contains a mix of retail sales shops, office, restaurants, cultural, entertainment, and residential uses.
- (b) *General requirements.*
- (1) Overall development shall be compatible with the city's community character, urban design, historic preservation principles and shall facilitate the objectives as expressed in the adopted Cedarburg Smart Growth Comprehensive Land Use Plan - 2015, and components thereof.
  - (2) A major portion of the B-3 District is also regulated by the City's Historic Preservation District (HPD). This is an "overlay" district created to protect historic buildings and sites that are listed on the National Register of Historic Places. The design, remodeling, reconstruction, painting, and site improvements within the HPD area require approval and a certificate of appropriateness by both the city's landmarks commission and plan commission.
  - (3) Buildings shall be designed to correspond in height, width, proportion, relationship to street, roof forms, composition, window and door patterns, materials and colors compatible with existing buildings in the downtown area.
  - (4) All buildings in the HPD portion of the B-3 District existing prior to October 28, 2013 are considered to be conforming structures relative to dimensional requirements to maintain the integrity of the Historic District. If such buildings are ever damaged or destroyed, they may be reconstructed exactly in their pre-damaged or pre-destroyed location and dimensional configuration.
  - (5) Single-family and two-family homes existing prior to October 28, 2013 are non-conforming uses and may be continued pursuant to section 13-1-140 titled non-conforming uses.
- (c) *Permitted uses.* (Also see section 13-1-225.)
- (1) Antique and collectors stores.
  - (2) Art stores, studios, galleries.
  - (3) Auto parts stores.
  - (4) Bagel shops, bakeries.
  - (5) Banks, credit unions, savings and loan associations, and other financial institutions (not including drive-in or drive-thru facilities).
  - (6) Barber shops and beauty shops.
  - (7) Bicycle sales, repair and rental.
  - (8) Bookstores.

- 
- (9) Boutiques.
  - (10) Business, professional, medical, and utility offices.
  - (11) Camera, photographic supply stores, and photographic studios.
  - (12) Catering services.
  - (13) Clinics (dental, medical, chiropractic).
  - (14) Clothing stores.
  - (15) Cocktail lounges, bars, and taverns.
  - (16) Coffee shops and espresso bars.
  - (17) Computer sales and services.
  - (18) Cultural centers.
  - (19) Delicatessen.
  - (20) Department stores.
  - (21) Electronics and appliance stores, and repair shops.
  - (22) Farmers markets, including farm products, food, crafts, and food vendors.
  - (23) Fish markets.
  - (24) Florists, yard and garden supplies, and service.
  - (25) Furniture sales.
  - (26) Furriers and fur apparel.
  - (27) Gift stores.
  - (28) Grocery stores.
  - (29) Hardware stores.
  - (30) Health clubs, athletic clubs, and gymnasiums.
  - (31) Hobby and craft stores.
  - (32) Ice cream parlors/soda fountain stores.
  - (33) Insurance offices.
  - (34) Interior decorators.
  - (35) Jewelry stores.
  - (36) Liquor stores.
  - (37) Lodges and clubs.
  - (38) Meat markets.
  - (39) Museums.
  - (40) Music stores.
  - (41) Newspaper and magazine stores.

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- (42) Office supplies and business machine stores
  - (43) Optical stores.
  - (44) Paint, glass, and wallpaper stores.
  - (45) Pet stores and pet grooming (with all operations indoors).
  - (46) Pharmacy (not including drive-thru service).
  - (47) Plumbing and heating supplies.
  - (48) Publishing houses.
  - (49) Real estate offices.
  - (50) Restaurants (without drive-thru facilities).
  - (51) Self-service laundries and dry cleaning establishments.
  - (52) Shoe and leather goods stores.
  - (53) Spas and fitness facilities.
  - (54) Specialty food and beverage product sales.
  - (55) Specialty retail shops for housewares, stationary, home décor, lighting products, and athletic and sporting goods.
  - (56) Tailor shops.
  - (57) Theaters.
  - (58) Tobacco shops.
  - (59) Used merchandise resale shops (excluding pawn shops).
  - (60) Variety stores.
  - (61) Residential use of single-family and two-family structures that existed prior to the adoption of this Ordinance.

(d) *Permitted accessory uses.*

- (1) Residential quarters provided that such quarters are in the principal building, not on a ground-level floor, and the entrances and exits to such quarters are directed to the interior of the building. There shall be a minimum floor area of 420 square feet for an efficiency or one bedroom apartment and 550 square feet for a two bedroom apartment.
- (2) Accessory buildings and uses customarily incidental to the above uses, including garages used in conjunction with the operation of the uses of the premise and dumpster storage facilities.
- (3) Off-street parking and loading areas.
- (4) Essential services as defined herein.
- (5) Ground-mounted and building-mounted satellite dish antennas less than three feet in diameter.
- (6) Outdoor dining and non-alcohol beverage service. (Note: Outdoor alcohol beverage services require a premises license approved by the common council).

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(7) Temporary placement of tables, chairs, benches, a-frame style signs (displayed only during the days/hours that the business they support is open for business and not exceeding 4 sq. ft. per sign face with the faces not more than 2 feet apart from each other at any point), seasonal entryway vestibules, and similar/related temporary accessories upon the sidewalk right of way, subject to full compliance with the following conditions and any additional conditions the City Building Inspector, Planner, Engineer and/or Plan Commission believe are necessary to enhance the public safety, maintain the principal functional purpose of the sidewalk as a pedestrian throughway, and complement/preserve the character of the adjacent and surrounding buildings and the street front ambiance.

a. A minimum 5-foot-deep clear pedestrian throughway shall be maintained throughout all frontages. If less than 5 feet clear presently exists due to the presence of fixed public assets (such as trees, trash cans, light posts, street signs, hydrants, utility boxes), and/or existing, permanently fixed building improvements (such as but not necessarily limited to attached stairs/steps/stoops/railings), and/or existing, legal nonconforming fixed private improvements (such as but not necessarily limited to clock and awning support posts), then the preexisting depth of clear pedestrian throughway shall be the required minimum. No new encroachments upon the minimum required clear pedestrian throughway shall be permitted.

b. A minimum 3-foot-deep clear terrace shall be maintained between the back of curb and the minimum required clear pedestrian throughway throughout all frontages. Within this 3-foot-deep terrace area, a-frame style signs that comply with Section 15-5-14(d)(3)a.8. of the City Code may be permitted. If less than 3 feet clear terrace space presently exists due to the presence of fixed public assets (such as trees, trash cans, light posts, street signs, hydrants, utility boxes), and/or existing, permanently fixed building improvements (such as but not necessarily limited to attached stairs/steps/stoops/railings), and/or existing, legal nonconforming fixed private improvements (such as but not necessarily limited to clock and awning support posts), then the preexisting depth of clear terrace shall be the required minimum. No new encroachments, except for permitted a-frame style signs, shall be permitted within the minimum required clear sidewalk terrace area.

c. Subject to full compliance with a. & b. above, application for Temporary Washington Avenue Sidewalk Right of Way Encroachment Permit may/shall be made on forms provided by the City Planning Department. The following support materials shall be included with the application at the time of submittal:

- i. \$25 application fee payment.
- ii. Purpose statement.
- iii. Scaled and accurately dimensioned site plan.
- iv. Detailed imagery as to colors, materials, size and type of encroachment.
- v. Detailed imagery of the setting/surroundings where the encroachment is proposed to be located.
- vi. Operating plans, including the proposed dates, times, and nature of the encroachment/use of the encroachment.

- vii. Any additional information the City staff deems necessary to aid in their evaluation of the request.
- d. All applications and supporting materials for properties that are located in the Historic Preservation Overlay Zoning District, excluding qualifying a-frame style signs, must be reviewed and approved by the Landmarks Commission prior to issuance of a Permit to ensure that the compilation of all objects proposed to be placed on the sidewalk right of way complement/preserve the character of the adjacent and surrounding buildings and the street front ambiance.
- e. Alcohol sales, service, and/or consumption is not permitted in areas approved for placement of temporary sidewalk right of way encroachment under this section.
- f. Each Permit shall have a maximum term of permission not to exceed six months, except in the case of a-frame style signs for which the term of permission may be indefinite. Shorter terms of permission may be established based upon the seasonal suitability and stated need for certain types of encroachments.
- g. Adequate lighting shall be available within the immediate surroundings to ensure that all encroachment objects are sufficiently visible to pedestrians on the sidewalk at all times of the day.
- h. A Temporary Use Encroachment Permit must be issued to/received by the applicant prior to placement of any sidewalk right of way encroachments. Prior to issuance of the Permit, all applicants are required to have the following assurance documents on file with the City Clerk:
  - i. Evidence of insurance that is fully compliant with the requirements set forth in the City of Cedarburg Insurance Requirements for Temporary Washington Avenue Sidewalk Right of Way Encroachments - Medium Exposure Form. (Note: A-frame style sign encroachments shall provide evidence of insurance that is compliant with the City of Cedarburg Insurance Requirements for Temporary Washington Avenue Sidewalk Right of Way Encroachments - Small Exposure Form.
  - ii. A fully executed City of Cedarburg Hold Harmless and Indemnity Agreement Form.

(e) *Conditional uses.* (Also see section 13-1-226.)

- (1) Automobile service stations.
- (2) Banks, savings and loan associations, credit unions, and other financial institutions with drive-in or drive-through facilities.
- (3) Bed and breakfast establishments providing adequate off-street parking.
- (4) Building supply stores.
- (5) Bus depots, provided all principal structures and uses are not less than 100 feet from any residential district lot line.
- (6) Coffee roasting.
- (7) Day care facilities.
- (8) Feed mills, and feed and seed sales.

- (9) Funeral homes, provided all principal structures and uses are not less than 12 feet from any lot line.
  - (10) Gun shops, subject to police department and plan commission review and approval.
  - (11) Hotels, subject to adequate off-street parking.
  - (12) Indoor and outdoor recreational and entertainment facilities.
  - (13) Microbreweries, soft drink production, and wineries.
  - (14) Night clubs and dance halls.
  - (15) Parking structures.
  - (16) Pharmacies with drive-thru facilities.
  - (17) Printing and reproduction services [not exceeding 3,000 square feet of gross floor area].
  - (18) Renewable energy systems (i.e. wind, solar, geothermal).
  - (19) Telecommunications installations.
  - (20) Tourist Rooming Houses.
  - (21) Vehicle detailing.
  - (22) Wool carding.
  - (23) Micro-Distilleries.
- (f) *Dimensional requirements.* See Table 13-1-55.
  - (g) *Traffic, loading, parking, and access.* (See article D.)
  - (h) *Nonconforming uses, structures, and lots.* (See article G.)
  - (i) *Performance Standards.* (See article H.)
  - (j) *Signs.* (See title 15, chapter 5 of the Code of Ordinances.)
  - (k) *Site plan review.* (See article F.)
  - (l) *Architectural review.* (See article F.)

**TABLE 13-1-55  
B-3 CENTRAL BUSINESS DISTRICT**

<b>DIMENSIONAL REQUIREMENTS (See Note<sup>(a)</sup> for HPD Buildings)</b>	
<b>FLOOR AREA RATIOS</b>	
Floor Area Ratio (FAR)	150%
Minimum Floor Area Per Use/Tenant/Business (sf)	300
<b>LOT DIMENSIONAL REQUIREMENTS</b>	
Minimum Lot Area (sq. ft.)	4,800
Minimum Lot Width at Setback Line (ft.)	40
Minimum Setback (ft.)	None <sup>(b)</sup>
Minimum Offset (side) (ft.)	0 or 5 <sup>(c)</sup>
Minimum Offset (rear) (ft.)	15 <sup>(e)</sup>
<b>MINIMUM FLOOR AREA PER DWELLING UNIT</b>	

Residential uses Non-Ground Level (sq. ft.)	Efficiency = 420 1 Bedroom=420 2 Bedroom=550
<b>MAXIMUM BUILDING HEIGHT</b>	
Principal Structure (ft.)	35
Accessory Structure (ft.)	25 <sup>(d)</sup>

<sup>(a)</sup> All buildings in the HPD portion of the B-3 District existing prior to October 28, 2013 can be considered to be conforming structures relative to dimensional requirements to maintain the integrity of the Historic District. If such buildings are ever damaged or destroyed, they may be reconstructed exactly in their pre-damaged or pre-destroyed location and dimensional configuration.

<sup>(b)</sup> Corner lots are subject to vision clearance requirements per Section 13-1-80.

<sup>(c)</sup> No minimum side yard offset shall be required; however, where a side yard offset is provided, it shall be not less than five feet. Detached accessory structures and decks shall be in accord with Section 13-1-101.

<sup>(d)</sup> The Landmarks and Plan Commissions may modify the height of an accessory structure if it is located in a historic district or is a local landmark.

<sup>(e)</sup> The Landmarks and Plan Commission may, on a case-by-case basis, approve a pergola or similar structure to enclose an outdoor patio in the building setback area.

**CITY OF CEDARBURG HOLD HARMLESS AND INDEMNITY AGREEMENT**

Accessory Use Temporary Washington Avenue Sidewalk Right of Way Encroachment Permit

Location: \_\_\_\_\_

[*Third Party Indemnitor Name Here*] hereby agrees to indemnify, defend and hold harmless the City of Cedarburg, its elected and appointed officials, officers, employees, agents, representatives and volunteers, and each of them, from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, defense costs, attorneys' fees, costs, and expenses of whatsoever kind or nature in any manner directly or indirectly caused, occasioned, or contributed to in whole or in part or claimed or alleged to be caused, occasioned, or contributed to in whole or in part, by reason of any act, omission, fault, or negligence, whether active or passive, of [*Third Party Name Indemnitor Here*] or its agents or anyone acting under its direction or control or on its behalf arising out of, in connection with, or relating to this Agreement. This indemnification, defense and hold harmless obligation shall exist for [*Third Party Indemnitor Name Here*] even if liability is also sought to be imposed or is alleged against City of Cedarburg, its elected and appointed officials, officers, employees, agents, representatives and volunteers for their own acts, omissions, fault or negligence arising out of or in connection with or relating to this Agreement.

[*Third Party Indemnitor Name Here*] shall reimburse the City of Cedarburg, its elected and appointed officials, officers, employees, agent or authorized representatives or volunteers for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided.

In the event that [*Third Party Indemnitor Name Here*] employs other persons, firms, corporations or entities (sub-contractors) as part of the sidewalk right of way encroachment that is the subject of this Agreement, it shall be [*Third Party Indemnitor Name Here*]'s responsibility to require and confirm that each sub-contractor enters into an Indemnity Agreement in favor of the City of Cedarburg, its elected and appointed officials, officers, employees, agents, representatives and volunteers, which contains identical indemnity, defense and hold harmless provisions and obligations as this Indemnity Agreement.

This indemnity provision shall survive the termination or expiration of this Agreement.

# City of Cedarburg INSURANCE REQUIREMENTS

## Temporary Accessory Use Washington Avenue Sidewalk Right of Way Encroachment Permit (Small Exposure)

It is hereby agreed and understood that the insurance required by the City of Cedarburg is primary and non-contributing coverage and that any insurance or self-insurance maintained by the City of Cedarburg, its officers, council members, agents, employees or authorized volunteers will not contribute to coverage of any loss. All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event. Contractor/organizer shall provide proof of insurance to City of Cedarburg in writing before the event commences.

### 1. COMMERCIAL GENERAL LIABILITY COVERAGE

A. Commercial General Liability coverage at least as broad as Insurance Services Office Commercial General Liability Form CG 00 01, including coverage for Products Liability, Completed Operations, Contractual Liability (including joint negligence coverage), and Explosion, Collapse, Underground coverage with the following minimum limits and coverage:

1.	Each Occurrence limit	\$ 1,000,000
2.	Personal and Advertising Injury limit	\$ 1,000,000
3.	General aggregate limit (other than Products–Completed Operations) <b>per event/location</b>	\$ 2,000,000
4.	Products–Completed Operations aggregate	\$ 2,000,000
5.	Fire Damage limit — any one fire	\$50,000
6.	Medical Expense limit — any one person	\$5,000

### 2. APPLICABLE REQUIREMENTS AND PROVISIONS FOR LIABILITY INSURANCE

- A. Primary and Non-contributory requirement – all insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Cedarburg.
- B. Acceptability of Insurance – The insurance coverage required must be provided by an insurance carrier with the "Best" rating of "A-VII" or better. All carriers shall be admitted carriers in the State of Wisconsin.
- C. Additional Insured - On the Commercial General Liability Coverage the City of Cedarburg, and its officers, council members, agents, employees, and authorized volunteers shall be Additional Insureds. On the Commercial General Liability the additional insured coverage must be as be provided on ISO Forms CG 20 10 (ongoing operations) and CG 20 37 (completed operations) or their equivalent.
- D. Waivers of Subrogation - All use liability and property policies, as required herein, must be endorsed with a waiver of subrogation in favor of the City of Cedarburg, its officers, council members, agents, employees, and authorized volunteers.
- E. Deductibles and Self-Insured Retentions - Any deductible or self-insured retention in the permit holder's policy must be declared to the City of Cedarburg and satisfied by the encroachment permit holder.
- F. Evidence of Insurance – A copy of the Certificate of Insurance must be on file with the City of Cedarburg City Clerk prior to the placement of any encroaching objects.

- G. Limits and Coverage- The insurance requirements under this Agreement shall be the greater of the minimum limits and coverage specified herein, or the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the Named Insured. It is agreed that these insurance requirements shall not in any way act to reduce coverage that is broader or that includes higher limits. No representation is made that the minimum insurance requirements stated hereinabove are sufficient to cover the obligations of Permit Holder under this Agreement.
- H. Claims Made Coverage – If any coverage is maintained on a claims-made basis, the following shall apply:
- I. The retroactive date must be shown, and must be before the date that any encroachments are placed.
  - II. Insurance must be maintained and evidence of insurance must be provided for a minimum of three years after the Encroachment Temporary Permit has expired.
  - III. If coverage is cancelled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of the contract, Contractor must purchase an extended reporting period for a minimum of three years after completion of the contracted services.
- I. Cancellation/Non-Renewal – No policy of insurance required to be maintained hereunder shall be cancelled, non-renewed, or voided without 30 days prior written notice to City of Cedarburg, except where cancelation is due to the non-payment of premiums, in which event, 10-days prior written notice shall be provided.

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**City of Cedarburg  
INSURANCE REQUIREMENTS**

**Temporary Accessory Use Washington Avenue Sidewalk Right of Way Encroachment Permit**  
*(Medium Exposure)*

It is hereby agreed and understood that the insurance required by the City of Cedarburg is primary and non-contributing coverage and that any insurance or self-insurance maintained by the City of Cedarburg its officers, council members, agents, employees or authorized volunteers will not contribute to coverage of any loss. All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event. Contractor/organizer shall provide proof of insurance to City of Cedarburg in writing before the event commences.

**1. COMMERCIAL GENERAL LIABILITY COVERAGE**

A. Commercial General Liability coverage at least as broad as Insurance Services Office Commercial General Liability Form CG 00 01, including coverage for Products Liability, Completed Operations, Contractual Liability (including joint negligence coverage), and Explosion, Collapse, Underground coverage with the following minimum limits and coverage:

1.	Each Occurrence limit	\$ 2,000,000
2.	Personal and Advertising Injury limit	\$ 1,000,000
3.	General aggregate limit (other than Products–Completed Operations) <b>per event/location</b>	\$ 4,000,000
4.	Products–Completed Operations aggregate	\$ 4,000,000
5.	Fire Damage limit — any one fire	\$50,000
6.	Medical Expense limit — any one person	\$5,000

**2. APPLICABLE REQUIREMENTS AND PROVISIONS FOR LIABILITY INSURANCE**

- A. Primary and Non-contributory requirement – all insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Cedarburg.
- B. Acceptability of Insurance – The insurance coverage required must be provided by an insurance carrier with the "Best" rating of "A-VII" or better. All carriers shall be admitted carriers in the State of Wisconsin.
- C. Additional Insured - On the Commercial General Liability Coverage, the City of Cedarburg, and its officers, council members, agents, employees, and authorized volunteers shall be Additional Insureds. On the Commercial General Liability, the additional insured coverage must be as be provided on ISO Forms CG 20 10 (ongoing operations) and CG 20 37 (completed operations) or their equivalent.
- D. Waivers of Subrogation All event liability, workers compensation, and property policies, as required herein, must be endorsed with a waiver of subrogation in favor of the City of Cedarburg, its officers, council members, agents, employees, and authorized volunteers.
- E. Deductibles and Self-Insured Retentions - Any deductible or self-insured retention in the organizer's policy must be declared to the City of Cedarburg and satisfied by the organizer.
- F. Evidence of Insurance – A copy of the Certificate of Insurance must be on file with

the City of Cedarburg prior to placement of any objects within the Washington Avenue sidewalk right of way.

- G. Limits and Coverage- The insurance requirements under this Agreement shall be the greater of the minimum limits and coverage specified herein, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the Named Insured. It is agreed that these insurance requirements shall not in any way act to reduce coverage that is broader or that includes higher limits. No representation is made that the minimum insurance requirements stated hereinabove are sufficient to cover the obligations of Permit holder under this Agreement.
- H. Claims Made Coverage – If any coverage is maintained on a claims-made basis, the following shall apply:
- I. The retroactive date must be shown, and must be before the date of the contract or the beginning of the contract services.
  - II. Insurance must be maintained and evidence of insurance must be provided for a minimum of three years after completion of the contract services.
  - III. If coverage is cancelled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of the contract, Contractor must purchase an extended reporting period for a minimum of three years after completion of the contracted services.
- I. Cancellation/Non-Renewal – No policy of insurance required to be maintained hereunder shall be cancelled, non-renewed, or voided without 30 days prior written notice to City of Cedarburg, except where cancelation is due to the non-payment of premiums, in which event, 10-days prior written notice shall be provided.

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