

**CITY OF CEDARBURG
PLAN COMMISSION**

November 04, 2024

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, November 4, 2024, at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers, and online via the Zoom app. The meeting was called to order at 7:00 p.m. by Mayor Patricia Thome.

Roll Call - Mayor Patricia Thome, Adam Voltz, Jack Arnett, Jon Scholz, Sig Strautmanis, Council Member James Fitzpatrick, Sherry Bublitz

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

STATEMENT OF PUBLIC NOTICE

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

APPROVAL OF MINUTES

A motion was made by Commissioner Bublitz, seconded by Commissioner Arnett, to approve the minutes from October 7, 2024 and October 16, 2024. Motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

PUBLIC HEARINGS

A motion was made by Commissioner Strautmanis, seconded by Commissioner Bublitz, to open the Public Hearing at 7:01 p.m.

APPLICANT EMMY HILGENDORE, D/B/A CORNERSTONE CHRISTIAN LEARNING CENTER, IN C/O ARCHITECT MARK HERTZFELDT OF DESIGN 2 CONSTRUCT, REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO DEVELOP A DAYCARE FACILITY ON 2.5 ACRES OF LAND LOCATED IN THE CITY'S HWY. 60 BUSINESS PARK (I.E., A PORTION OF THE WESTERNMOST END OF OZAUKEE COUNTY TAX PARCEL NO. 13-022-03-002.00). THE CURRENT OWNER OF THIS M-3 BUSINESS PARK DISTRICT ZONED PROPERTY IS THE CITY OF CEDARBURG.

The plans have been reviewed against the Declaration of Restrictions and Covenants for the Highway 60 Business Park and found to be compliant in all respects. However, with respect to City Codes, there were a few exceptions from full compliance, including the lack of concrete curbing around the entire perimeter of the parking area and the parking stall count not fully satisfying the standard. Detailed discussion as to certain elements of the proposed architectural plans was had. The Commission generally favored the ideas of its architecture specialists with regard to clear vs spandrel glass in the northwest and southwest corner elements of the plan, and the treatment of the front, first-floor window sections.

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

- 1) Plan Commissions review and approval of Building, Site and Operating Plan Amendment shall be required before any improvements identified as ‘future’ (i.e., the south building expansion) may be implemented at the site.
- 2) The metal expansion wall on the south elevation shall, at the time of completion, have finished materials consistent with the other three building elevations.
- 3) City Engineer review and approval of the grading, stormwater management, erosion control and utility plans prior to issuance of a building permit.
- 4) Applicant acknowledges and agrees that the improvements shown on this plan which encroach upon/into the utility and stormwater easement are placed there at the property owner’s peril. If the City ever damages these improvements or has to remove them from the easement in the course of using or maintaining the easement for utility and stormwater management purposes, the City has no obligation to compensate the property owner or to replace the improvements.
- 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.

There were no comments from the public.

A motion was made by Commissioner Strautmanis, seconded by Commissioner Bublitz to close the Public Hearing at 7:27 PM. Motion carried without a negative vote.

A motion was made by Commissioner Arnett, seconded by Commissioner Scholz to approve the request for the Conditional Use Permit to develop a Daycare Facility on 2.5 acres of land located in the city’s HWY. 60 Business Park subject to the recommendations of the Planner, and subject to the applicant revising the architecture plans per discussion as to the clear vs spandrel glass in the northwest and southwest corner elements of the plan, and the treatment of the front, first-floor window sections. These changes must be followed up by the applicant and receive the approval of the Planner and architecture specialists on the Commission.

REGULAR BUSINESS, AND ACTION THEREON

APPLICANT EMMY HILGENDORF, D/B/A CORNERSTONE CHRISTIAN LEARNING CENTER, IN C/O ARCHITECT MARK HERTZFELDT OF DESIGN 2 CONSTRUCT,

REQUESTS APPROVAL OF A CERTIFIED SURVEY MAP DIVIDING A ~2.5-ACRE LOT OFF FROM THE EXISTING ~10.57-ACRE PARENT PARCEL OF LAND LOCATED IN THE CITY'S HWY. 60 BUSINESS PARK (I.E., OZAUKEE COUNTY TAX PARCEL NO. 13-022-03-002.00. THE CURRENT OWNER OF THIS M-3 BUSINESS PARK DISTRICT ZONED PROPERTY IS THE CITY OF CEDARBURG.

Planner Censky raises no specific objections to the Certified Survey Map as presented but recommends the City Engineer review and approve the map including as to easements (existing, and any new easements as may be required).

A motion made by Commissioner Strautmanis, seconded by Commissioner Arnett to recommend approval of the Certified Survey Map dividing a ~2.5-acre lot off from the existing ~10.57-acre parent parcel, subject to the City Engineers' review and approval of the map including any easements. Motion carried without a negative vote.

APPLICANT STACY BUENING, D/B/A PHILIPP LITHOGRAPHING COMPANY, IN C/O ARCHITECT MARK HERTZFELDT OF DESIGN 2 CONSTRUCT, REQUESTS APPROVAL OF BUILDING, SITE, AND OPERATING PLAN (INCLUDING EXTERIOR LIGHTING AND LANDSCAPING PLANS) IN SUPPORT OF THEIR PLANS TO CONSTRUCT A NEW BUILDING FOR THEIR LITHOGRAPHING BUSINESS (INCLUDING SPACE FOR THEIR PROFESSIONAL OFFICE STAFF NEEDS) ON 4.07-ACRES OF LAND IN THE CITY'S HWY 60 BUSINESS PARK (I.E., THE SOUTHERNMOST PORTION OF OZAUKEE COUNTY TAX PARCEL NO. 13-022-02-005.00). THE CURRENT OWNER OF THIS M-3 BUSINESS PARK DISTRICT ZONED PROPERTY IS THE CITY OF CEDARBURG.

The plans have been reviewed against the Declaration of Restrictions and Covenants for the Highway 60 Business Park and found to be compliant in all respects. However, with respect to City Codes, there is an exception from full compliance with the lack of concrete curbing around the entire perimeter of the parking area.

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

- 1) Plan Commission review and approval of Building, Site and Operating Plan Amendment shall be required before any improvements identified as 'future' (such as north and west building expansions, and south parking area) may be implemented at the site.
- 2) The metal expansion walls on the north and east elevations shall, at the time of completion, have finished materials consistent with the south and west elevations.
- 3) City Engineer review and approval of the grading, stormwater management, erosion control and utility plans prior to issuance of a building permit.
- 4) 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.

A motion was made by Commissioner Arnett, seconded by Commissioner Scholz to approve of the building, site, and operating plan (including exterior lighting and landscaping plans) in support of their plans to construct a new building, subject to the recommendations from Planner Censky. Motion carried without a negative vote.

APPLICANT STACY BUENING, D/B/A PHILIPP LITHOGRAPHING COMPANY, IN C/O ARCHITECT MARK HERTZFELDT OF DESIGN 2 CONSTRUCT, REQUESTS APPROVAL OF A CERTIFIED SURVEY MAP DIVIDING A ~4.07-ACRE LOT OFF FROM THE EXISTING 7.52-ACRE PARENT PARCEL OF LAND LOCATED IN THE CITY'S HWY 60 BUSINESS PARK

The Planner raises no specific objections to the Certified Survey Map as presented but recommends the following condition be considered for attachment to any recommendation for approval which the Plan Commission may consider making to the Common Council:

1) City Engineer review and approval of the map as to easements (existing, and any new easements as may be required).

A motion made by Commissioner Strautmanis, seconded by Commissioner Arnett to recommend approval of the Certified Survey Map dividing a ~4.07-acre lot off from the existing ~7.52-acre parent parcel, subject to the City Engineers' review and approval of the map including any easements. Motion carried without a negative vote.

THE APPLICANTS JEANIE AND DANNY CRAWFORD/BIRDHOUSE RENTALS LLC, REQUEST FAVORABLE RECOMMENDATION TO THE COMMON COUNCIL TO AMEND SECTION 13-1-53 © AND € OF THE CITY CODE BY MODIFYING AND ADDING SPECIFIC USES THAT CAN BE CONSIDERED FOR APPROVAL IN THE B-NEIGHBORHOOD BUSINESS DISTRICT.

Public Comment

Jake Schneider – W59 N412 Hilgen Avenue, Cedarburg, WI

Planner Censky reminded the Plan Commission the applicant had been before them requesting consultative review, discussion, and feedback about various uses (including for instance, fitness, therapy, flexible use space for lease, and outdoor seating) which they hope to deploy in their B-1(PUD) zoned property located at the southwest corner of Jackson Street and Washington Avenue at the October 7th Plan Commission meeting.

Planner Censky noted, Commissioners were generally supportive of their proposed uses, considering them to be compatible with the purpose and intent of the B-1 Neighborhood Business District. Staff were then directed to return with a draft of Code amendments as would be necessary to enable those uses specifically.

If the Plan Commission supports the addition of these uses in the B-1 District as drafted, Planner Censky will put the language in Ordinance format, and it can be considered for ratification by the Common Council at an upcoming meeting.

A motion was made by Commissioner Bublitz, seconded by Commissioner Strautmanis to provide a favorable recommendation to Common Council to move forward as presented. Motion carried without a negative vote.

APPLICANT/PROPERTY OWNER WASHINGSTONE LLC AND IT'S A GAS LLC, IN C/O MEMBER GREG ZIMMERSCHIED, REQUESTS REVIEW, DISCUSSION AND CONSULTATIVE FEEDBACK ON HIS PLANS TO UNIFY, IMPROVE AND EXPAND THE EXISTING DEVELOPMENT OF THE PROPERTIES LOCATED AT W63 N680-686 WASHINGTON AVENUE, FOR RETAIL, DINING/BAR, AND OUTDOOR SEATING PURPOSES. THESE TWO PROPERTIES, TOTALING ~.39-ACRES IN AREA, ARE ZONED B-3 CENTRAL BUSINESS DISTRICT WITH (HPD) HISTORIC PRESERVATION DISTRICT OVERLY.

The applicant requests a consultative review, discussion, and feedback regarding his plans to combine the above-listed lots and:

- Make facade improvements to the existing block building/space located behind (east of) the existing retail building at 684 Washington Avenue (i.e. behind District 6 [which currently contains 2,372 sq. ft. of clothing retail space]) and convert it to 862 sq. ft. of new, usable space.
 - Build an addition (to the existing building/space at 680 Washington Avenue (i.e., The Irish Boutique [which currently contains 1,750 sq. ft. of retail space])). The addition would add 1,558 sq. ft. of space extending toward and reaching the backside of the sidewalk at Washington Avenue. (*Note, the existing buildings to the north and south of this combined site do not reach out to the back of Washington Avenue sidewalk).
 - Build a new 4,700 sq. ft. building on the east side of the combined lots parallel to Cedar Creek.
 - The concept site plan also depicts a substantial outdoor seating area (i.e., approximately 168 chairs) throughout the open area of the combined lots, with a central 'mall' extending from Washington Avenue to Cedar Creek.
 - The proposed changes result in the loss of approximately 4 existing parking stalls on the combined lots which are presently used by the owners/employees of District 6 and The Irish Boutique.
 - No parking is proposed to be included on the site.
- In the B-3 District, clothing retail use, restaurant use, and tavern/cocktail lounge use, are among the permitted uses.

Planner Censky stated that this is a matter for concept review and feedback, there is no Staff recommendation at this time.

The applicant discussed the potential for a new development in this portion of the downtown historic district of Cedarburg, which could include a restaurant or other retail businesses. He highlighted the need for creative solutions to utilize vacant spaces and increase the tax base. He suggested that the proposed development could provide more opportunities for diverse dining options. The applicant also addressed concerns about parking. The Plan Commission was asked to consider whether the benefits of the proposed development would justify the lack of onsite parking.

The applicant suggested that the new building would be best suited for a restaurant, while the other buildings could potentially house a retail store or mixed-use. The applicant also mentioned the need for strong retail in the area, particularly unique stores like the Irish boutique. The typical requirement of a 75-foot setback from the ordinary high watermark was discussed, but it was clarified that the city might have discretionary authority to establish its own setback due to the land's history. Planner Censky proposed to draft a revised ordinance and seek approval from the DNR before bringing a proposed code amendment back to the Plan Commission.

APPLICANT AARON GILLETTE, D/B/A AJ AMUSEMENTS INC., REQUESTS FAVORABLE RECOMMENDATION TO THE COMMON COUNCIL TO AMEND THE CITY CODE BY ADDING “INDOOR FAMILY ENTERTAINMENT AND RECREATION CENTER (INCLUDING THE SUBORDINATE ACCESSORY USE OF BEER AND WINE SALES”) AS A CONDITIONAL USE THAT CAN BE CONSIDERED FOR APPROVAL IN THE M-2 GENERAL MANUFACTURING DISTRICT.

The applicant hopes to become a tenant occupant in an existing, M-2 multi-tenant building, with the use ‘family entertainment center’. The applicant has identified various operational/use characteristics such as:

- 18-hole indoor mini golf course.
- Laser tag arena.
- Pinball and video games.
- (phase 2) indoor bumper cars.
- Snack bar, serving pretzels, pizza, and other snacks.
- The applicant would also like to eventually have a license to sell beer and wine.
- Retail sales of t-shirts and hats.

‘Indoor and outdoor recreation and entertainment’ is listed as a use that can be considered/approved by the Plan Commission in the B-2 and B-3 commercial districts. This use is not listed in any of the M-manufacturing and business park districts. As an adaptive re-use of older industrial buildings that may be struggling to secure more modern industrial operators as tenants, uses such as this may offer an opportunity to maintain vibrant occupancies provided care is taken to ensure that they are executed in a manner that is compatible with the surrounding area and uses.

Planner Censky asked the Plan Commission if they support the addition of this use in the M-2 District, then Planner Censky will put the language in Ordinance format, and it can be considered for ratification by the Common Council at an upcoming meeting.

A motion was made by Commission Arnett, seconded by Commissioner Bublitz to approve the recommendation to the Common Council to add the language “Indoor family entertainment and recreation center (including the subordinate accessory use of beer and wine sales”) and subject to any restriction that the Planner may include. Motion carried without a negative vote.

REVIEW AND DISCUSSION ON MATTERS RELATED TO THE COMPREHENSIVE PLAN UPDATE INCLUDING SETTING THE DATE FOR OPEN HOUSE/CHARETTE (WEEK OF DECEMBER 16TH).

Planner Censky asked the Plan Commission to review the new Housing Data Report and the updated map that shows the final 12 Smart Growth Areas that have been added to the Commissioners’ binder.

Planner Censky sent a survey to schedule an additional Plan Commission meeting to finish the discussion of the Comprehensive Smart Growth Plan Chapter 2 and Chapter 8. The meeting was scheduled for November 13, 2024, at 5:30 pm.

The Plan Commission was asked to schedule a meeting for the Public Hearing/Open House for Comprehensive Plan input. Plan Commission scheduled the Open House/Public Hearing for December 17th, 2024 at 6:00 pm. The location is yet to be determined. Commissioners suggested leaving it up to staff to notify the public regarding the Open House.

COMMENTS FROM RESIDENTS

Terry King, Resident – W63 N762 Sheboygan Road, Cedarburg, WI
Shelly Olson – W66 N389 Kennedy Avenue, Cedarburg, WI

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS - None

MAYOR’S ANNOUNCEMENTS - None

ADJOURNMENT

A motion was made by Commissioner Arnett, seconded by Council Member Fitzpatrick to adjourn the meeting at 9:51 p.m. The motion carried without a negative vote.

Theresa Hanaman
Administrative Assistant