



**CITY OF CEDARBURG
Plan Commission
February 2, 2026,
Minutes**

1. CALL TO ORDER

The meeting was called to order by Mayor Thome at 7:00 pm.

2. ROLL CALL

Mayor Patricia Thome, Vice Chairman Jack Arnett, Council Member James Fitzpatrick, Sig Strautmanis, Sherry Bublitz (by Zoom), Jon Scholz, and James Hayes

Also, Present - City Planner Mary Censky and Administrative Assistant Theresa Hanaman

3. 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.

4. APPROVAL OF MINUTES

A. *January 5, 2026*

Commissioner Scholz, seconded by Council member Fitzpatrick, moved to approve the minutes from January 5, 2026. The motion passed unanimously.

5. COMMENTS AND SUGGESTIONS FROM CITIZENS

There were no comments.

6. PUBLIC HEARINGS; AND ACTION THEREON

- A. *Public hearing, discussion, and possible action on the request of applicant/property owner Faith Lutheran Church, in c/o Courtney Schoofs as Church Council President, for Conditional Use Permit approval to develop an 80-niche columbarium use and structure on their 8.29 acre, I-1 Institutional & Public Service District zoned property located at N35 W6621 Wilson Street.*

The public hearing was declared open at 7:02 PM by Mayor Thome.

Planner Censky reported that the applicant is requesting approval of a Conditional Use Permit (CUP) to develop a 640-niche columbarium on the same site as their church and school. This will be a phased project consisting, ultimately, of eight, 80-niche structures to be implemented on a demand basis. The site plan and structure design/colors were discussed.

Commissioner Strautmanis asked the applicant about design consistency for the additional 80 niche structures that will be constructed. They may not always be able to use the specified vendor for the structures in future decades, so the applicant should be prepared to have an alternate provider emulate this design if needed.

Tom Sear of Faith Lutheran Church said he is confident that they can rely on this design being carried forward in all future phases.

A motion was made by Commissioner Strautmanis, seconded by Commissioner Hayes, to close the public hearing at 7:09 pm. The motion passed on a unanimous roll call vote.

ACTION:

Commissioner Strautmanis made a motion, seconded by Commissioner Scholz, to approve the request for a Conditional Use Permit (CUP) and to include the following conditions as recommended by the Planner:

- 1) Full compliance with all the conditions listed in the DRAFT of CUP contained in the Plan Commission packet.
- 2) Applicant shall provide a copy of their plan for perpetual care and maintenance of this columbarium with the Planning Department for incorporation, by exhibit, into the Conditional Use Permit document, prior to its recording.
- 3) Full execution and recording of the Conditional Use Permit documents prior to the start of site work or construction on this columbarium use.
- 4) Applicant must ensure full compliance with ADA-accessibility standards throughout the site plan as it is phased in.

The motion passed unanimously.

- B. *Public hearing, discussion, and possible action on the request of applicant Van Ngyuen, d/b/a Le's Pho LLC, for Conditional Use Permit approval to continue the existing restaurant use in a tenant space at Echo Plaza. This property,*

located at W63 N124-50 Washington Avenue, is zoned B-2 Community Business District. The owner of the property is The Plaza LLC in c/o Doreen Wirth.

The public hearing was declared open at 7:16 PM by Mayor Thome.

Planner Censky reported that the applicant is seeking a Conditional Use Permit (CUP) approval to legitimize the preexisting restaurant/bar use at this location, recognizing the recent change in ownership of the business. Both "Restaurant" and "Bars, cocktail lounges and taverns" are listed as Conditional Uses in the B-2 Community Business District.

No one wishing to speak, a motion was made by Council member Fitzpatrick, seconded by Commissioner Scholz, to close the public hearing at 7:20 pm. The motion passed on a unanimous roll call vote.

ACTION:

Commissioner Scholz made a motion, seconded by Commissioner Hayes to approve the request for a Conditional Use Permit (CUP) and to include the following conditions as recommended by the Planner:

- 1) Full compliance with the conditions set forth in the DRAFT of CUP contained in the Plan Commission packet.
- 2) Full execution and recording of the Conditional Use Permit documents prior to the start of occupancy.

The motion passed unanimously.

- C. Public hearing, discussion, and possible action on the request of applicant DSDH Gerb LLC, in c/o Dave Herbeck of Herbeck Development, for Conditional Use Permit approval to develop a 16,617 sq. ft. motor vehicle collision repair facility on the vacant, 1.84-acre, M-2 General Manufacturing zoned site located at the northwest corner of Sommerset Avenue and Pioneer Road. The property owner is Pioneer Real Estate Development LLC in c/o Mike LaRosa.*

The public hearing was declared open at 7:22 PM by Mayor Thome.

Planner Censky reported that the applicant proposes to construct a 16,617 square foot motor vehicle collision repair facility for Gerber Collision & Glass at this site. The plan also includes a fenced outdoor storage yard of approximately 23,000 square feet, which will be paved and lined to accommodate parking for 34 vehicles in various stages of repair. Additionally, a dumpster enclosure will be situated within this fenced yard area. The facility will provide nine additional parking stalls at the front of the building, bringing the total to 43 parking stalls.

Planner Censky went through her written report on this item. She itemized all of the conditions that were recommended by staff and/or the SARB as a part of their reviews as to the building, site, architecture, landscaping, outdoor lighting, and dumpster enclosure plans.

Applicant Dave Herbeck was present. He expressed a willingness to work with staff to improve the aesthetics of the south building elevation after Commissioner Strautmanis suggested possibly switching the office from the less-visible north/east side of the building to the more-visible south/east side of the building and flipping the location of the estimating bay.

A motion was made by Council member Fitzpatrick, seconded by Commissioner Strautmanis, to close the public hearing at 7:35 pm. The motion carried unanimously on a roll call vote.

ACTION:

Council member Fitzpatrick made a motion, seconded by Commissioner Scholz, to approve the request for a Conditional Use Permit (CUP) and to include the recommended conditions in the Commissioners' Packet and the DRAFT Conditional Use Permit as presented. Commissioner Strautmanis requested to add the condition for the applicant to work with staff to arrive at an aesthetically improved south and southeast elevation. That addition to the motion was accepted. The motion passed unanimously.

Commissioner Arnett requested that this be brought back to the Plan Commission if staff needs assistance with the final review of architectural changes, rather than to the Site and Architectural Review Board.

- D. *Public hearing, discussion, and possible action on the request of the City of Cedarburg for review, discussion, and possible reaffirmation or modification to the terms of the recently approved Conditional Use Permit for the 'Back Space', a 2,800 sq. ft. leasable, flexible use space located in the building at W61 N397c Washington Avenue. The Property Owner and Permittees are Bird House Rentals LLC, and Daniel and Jeanie Crawford, respectively.*

The public hearing was declared open at 7:45 PM by Mayor Thome.

Planner Censky reported the Plan Commission granted Conditional Use Permit approval on April 7, 2025. That approval was subject to many conditions.

Planner Censky recited these conditions as accurately as possible into the terms of the Conditional Use Permit document. The Permittee then unilaterally crossed out and initialed changes to some of these specific conditions. The document, having also been signed (but not initialed as to concur with the changes) by the other party to the permit (the City of Cedarburg), was then sent directly up to the Ozaukee County Register of Deeds for recording without prior review of the completed document by the Planner. The recorded document also did not contain the pertinent exhibit.

Plan Commissioners recalled the April 2025 approval to be as written by the Planner in the Conditional Use Permit document that was sent to the permittee/property owners for their signatures. They were not in support of the changes the applicant made, unilaterally, to that document. To uphold the spirit and terms of the original approval, Staff is directed to consult with the City Attorney for guidance on next steps to replacing the currently recorded version of the CUP with the correct version (and containing the original exhibit) as originally written by the Planner.

Heather Vetter has ongoing water intrusion and driveway damage at the property immediately south of the project site. She reported that even with the gutter in place, because of how the downspouts are directed, excessive water still flows into their yard and driveway.

Jeanie Crawford acknowledged gutters were installed recently and asserted no intent to cause harm to the neighbor's property. Jeanie reported that their small self-contained dumpsters are already in use and that a contractor is working on finishing the enclosure. The permittee also stated she feels her prior submittals and communications with staff are adequate as far as the requirement to provide a parking area landscaping plan for Planner review and approval.

ACTION:

A motion was made by Council member Fitzpatrick, seconded by Commissioner Arnett, to close the public hearing at 8:06 pm. The motion passed unanimously on a roll call vote.

Council member Fitzpatrick made a motion, seconded by Commissioner Strautmanis, to reaffirm the terms of the approved Conditional Use Permit as written by the Planner for the 'Back Space,' and to establish follow-up requirements as follows:

- 1) Dumpster enclosure must be complete, in accordance with the Planner approved plan, within 90 days from February 2, 2026, (i.e., on or before May 3, 2026).
- 2) The required parking area landscaping plan must be submitted to the City Planner for review and approval within 90 days from February 2, 2026, (i.e., on or before May 3, 2026).
- 3) Within 14 days the City Engineer, Planner, and Building Inspector must review the current gutter/downspout conditions on the south side of the south building on this property and devise a solution to guide a more substantial share of that drainage away from the property to the south.

The motion passed unanimously.

7. REGULAR BUSINESS; AND ACTION THEREON

- A. *Review, discussion and possible action on the request of applicant DSDH Gerb LLC for Sign Code waiver to permit a ground/freestanding sign that exceeds the height and size limitations of the Code, and it contains off-premises business identifications. The proposed new sign replaces an existing sign on the property (located at the northwest corner of Pioneer Road and Sommerset Avenue). This M-2 General Manufacturing zoned property is owned by Pioneer Real Estate Development LLC in c/o Mike LaRosa.*

Planner Censky summarized her written report for the Commission.

She noted this sign is proposed to contain identification of two businesses that are not located on this property (i.e., Zuern Building Products and LaRosa Landscaping), along with the name of the new, on-premises business Gerber Collision & Glass. The Code lists off-premises signs (i.e., "signs which advertise goods, products, facilities or services not located on the premises where the sign is installed and maintained.") as prohibited.

The two existing businesses located directly north of this property (i.e., Zuern/LaRosa) do not have any property or building frontage on Pioneer Road yet they both have Pioneer Road addresses. There is an existing ground/freestanding sign on this vacant lot, readily visible from Pioneer Road, that identifies both Zuern and LaRosa to the north. As a part of the new construction, site grading,... this existing sign will be removed.

The proposed design for the new sign is larger than usual to ensure adequate space to include the names of Zuern and LaRosa, as well as Gerber. Changing an existing business address at this point would pose a significant hardship for companies like Zuern and LaRosa. Additionally, providing name visibility for Zuern and LaRosa along Pioneer Road is crucial for safe/effective visual wayfinding since their businesses do not front directly on Pioneer Road.

The City Building Inspector denied the applicants Sign Permit Application because the area of signage exceeds the allowable code-compliant area and the sign height exceeds the maximum allowable height, hence the request for the Sign Code waiver.

ACTION:

Commissioner Scholz made a motion, seconded by Council member Fitzpatrick to approve the request for a Sign Code waiver to permit a ground/freestanding sign that exceeds the height and size limitations of the Code, and contains off-premise business identifications for Zuern and LaRosa to the north, and to require the following conditions as a part of this approval:

- 1) Applicant to secure a Sign Permit prior to installation of the new freestanding sign.
- 2) The proposed ground flood illumination of the sign shall be in full compliance with Section 15-5-7(k) and (p)(2) of the Sign Code.

The motion passed unanimously.

- B. *Review, discussion, and possible action/recommendation to the Common Council, on the request of Paul Hackbarth, d/b/a Camp Bar, for approval of an outdoor alcohol consumption area throughout the fenced-in outdoor areas of the property located at W63 N674 Washington Avenue (formerly Art of Joy). This .24-acre, B-3 Central Business District w/ HPD Historic Preservation District Overlay zoned property is owned by John Roth Building LLC.*

Planner Censky reported on January 22, 2026, that the Landmarks Commission considered and recommended approval of the request as presented, subject to the following conditions:

- 1) Sales/service of alcohol at the outdoor patio bar and outdoor consumption of alcohol in/on the outdoor patio area shall be permitted only during those hours that the principal indoor bar area is also fully open for use and business.

- 2) Sales/service of alcohol at the outdoor patio bar and outdoor consumption of alcohol in/on the outdoor patio area shall be permitted only during those hours that the principal indoor bar area is also fully open for use and business.
- 3) 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 enforced at all times.

Commissioners debated whether outdoor seating areas should be required to be physically blocked and accessed only through the building for monitoring purposes. Some members argued for consistency with prior approvals that require controlled access, while others questioned whether that requirement is still the best practice and suggested the Common Council revisit this policy at a future meeting with input from the Police Chief.

Applicant Paul Hackbarth confirmed they will maintain accessible entry points for strollers and wheelchairs, for instance, and noted that their staff is trained to monitor ingress and egress at other Camp outdoor beer gardens where they are allowed to have access directly to/from the public sidewalk.

ACTION:

Council member Fitzpatrick made a motion, seconded by Commissioner Arnett, to favorably recommend to the Common Council for approval of the Outdoor Alcohol Beverage seating area for Camp Bar, which will allow sales, service, and consumption of alcohol throughout the fenced-in/cordoned off area of their property and to include the two conditions mentioned above. The motion passed unanimously.

- C. *Review, discussion, and possible action/recommendation to the Common Council regarding proposed changes to Section 13-1-122, and creation of Section 13-1-122.5, as recommended by the Site and Architectural Review Board. These changes relate to architectural review principles, standards, and procedures generally, and the architectural guidelines specific to all residential buildings.*

Planner Censky discussed the proposed changes related to the architectural review principles, standards and procedures generally, and the architectural guidelines and regulations applicable to residential buildings specifically. The amendment pertains to existing Section 13-1-122, and creation of Section 13-1-122.5, as recommended by the Site and Architectural Review Board (SARB). This is being proposed in follow-up to adoption of the Comprehensive Plan Update - 2050 Chapter 2 — Housing Goals, objectives, and policies.

The proposed amendments aim to raise the quality and consistency of residential design while preserving flexibility for different architectural styles by using mandatory “shall/must” language for required items and advisory “should/encourage” language for

discretionary guidance.

Commissioners accepted that the new standards will increase review workload for staff and SARB but judged the extra scrutiny worthwhile because it yields stronger architectural outcomes. The SARB will review new infill residential buildings and significant additions, with a proposed trigger that any addition increasing a house's square footage by 25% or more be treated as an infill project routed through the SARB and Planning Commission.

Planner Censky emphasized balancing design improvements with affordability by focusing standards on the most impactful design elements. The SARB and Plan Commission will continue reviewing commercial projects under the existing guidelines. Commissioner Scholz is looking forward to getting a process map for what the various committees and commissions are and how they interact with one another, such as for the Landmarks Commission, Site and Architectural Review Board, Plan Commission, and Common Council.

ACTION:

Commissioner Arnett made a motion, seconded by Commissioner Strautmanis to make a favorable recommendation to the Common Council to adopt the DRAFT changes as presented to existing Section 13-1-122, and creation of Section 13-1-122.5. The motion passed unanimously.

8. COMMENTS AND ANNOUNCEMENTS BY PLANCOMMISSIONERS

NONE

9. MAYOR'S ANNOUNCEMENTS

NONE

10. ADJOURNMENT

Commissioner Arnett made a motion, seconded by Commissioner Strautmanis, to adjourn the meeting at 9:00 pm. The motion passed unanimously.

Theresa Hanaman,
Administrative Assistant