

**CITY OF CEDARBURG
PLAN COMMISSION**

October 7, 2024

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, October 7, 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, Sherry
Bublitz via Zoom, and Jon Scholz,

Excused - Sig Strautmanis, Council Member James Fitzpatrick

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 Scholz, seconded by Commissioner Voltz, to approve the minutes from September 4, 2024 and September 19, 2024. Motion carried without a negative vote. Commissioner Strautmanis and Council Member Fitzpatrick excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

REGULAR BUSINESS

**REVIEW, DISCUSSION, AND POSSIBLE ACTION/RECOMMENDATION TO THE
COMMON COUNCIL TO AMEND THE CITY CODE BY ADDING OUTDOOR SEATING
AS A USE THAT CAN BE CONSIDERED FOR APPROVAL IN THE B-2 COMMUNITY
BUSINESS DISTRICT. THE APPLICANT IS SIERZANT LLC IN C/O SETH DEHNE.
THIS PROPERTY IS LOCATED IN THE ZONED B-2 COMMUNITY BUSINESS
DISTRICT.**

The use “Outdoor dining and non-alcohol beverage service.”, is listed as an accessory use that may be allowed in the B-3 Central Business District with the following “(Note: Outdoor alcohol

beverage services require a premises license approved by the common council)”. The use “Outdoor dining and non-alcohol beverage service.” is not listed as a permitted, accessory or conditional use in any other business zoning district in the City.

The applicant requests that this use be added to the B-2 Community Business District. As a use that may be considered to have potential adverse impacts upon its surrounding neighborhood, particularly if the property owner or business operator follows up to request Common Council approval for outdoor alcohol beverage service and/or amplified music within the outdoor dining area, the City Planner has taken the approach of suggesting a very limited option for addition of this use as a conditional use in the B-2 District.

Planner Censky explains alternate language solutions can be considered depending on the Plan Commissions preference. Ideas might include allowing the use on residential abutting properties but prohibiting the seating area within ‘X’ number of feet of any residential use lot line, for instance.

If the Plan Commission feels it can provide a clear version of language to recommend to the Common Council at this time, Planner Censky explains she will place it into Ordinance format and the matter can be moved on to the Council for ratification or, if the Plan Commission prefers, an alternate draft of language could be brought back at a future meeting for further Plan Commission review, discussion, and possible recommendation to the Common Council.

The applicant, Sierzant LLC in c/o Seth Dehne reiterated to the Plan Commission and residents that Sierzant is looking for the amendment to the City Code for added outdoor seating and be able to apply for a conditional use plan. Currently, Sierzant is grandfathered with 1085 sq. ft. of outdoor space as was previously approved for Ernie’s Wine Bar.

Commissioners discussed other B-2 zoned locations that may potentially request outdoor seating. City Administrator Hilvo confirmed there is interest south of Lincoln Boulevard. Plan Commissioners would like to make a Conditional Use Permit a requirement with restrictions allowed regarding the size of space, amplified music, seating, and screening. Commissioners would also like to remove this as an option for all of the B-2 Community Business District if the property adjoins a 1 or two family residential zoned or used property. Commissioner Voltz is open to the amendment to allow the process of amending the City Code and let the businesses that don’t a-but 1 or 2 family residential to ask for outdoor seating.

The following public comments were made expressing concerns about adding outdoor seating to the B-2 District.:

- Michael Kashou and Jacqueline Janz – N47W5450 Spring Ct
- John Nelson – W55N470 Spring Ct
- Jesse Scott – N49W5237 Portland Rd

A motion was made by Commissioner Arnett, seconded by Commissioner Bublitz, to recommend to the Common Council to approve amending the City Code using the language “adjacent to single or two family”. Motion carried without a negative vote. Commissioner Strautmanis and Council Member Fitzpatrick excused.

THE APPLICANT KATIE DUNFEE D/B/A THE K9 CLUB REQUESTS FAVORABLE RECOMMENDATION TO THE COMMON COUNCIL TO AMEND THE CITY CODE BY ADDING INDOOR DOG PARK (INCLUDING SWIMMING, DOCK DIVING, TRAINING, ENRICHMENTS AND SOCIALIZATION) AS A USE THAT CAN BE CONSIDERED FOR APPROVAL IN THE M-2 GENERAL MANUFACTURING DISTRICT.

Veterinary Clinics are listed as a conditional use in the M-2 General Manufacturing District. Animal hospitals, pet daycare facilities and kennels, provided all principal structures and uses are not less than 100 feet from a residential use if kennels are provided, is listed as a conditional use in the B-2 Community Commercial District. Kennels (Commercial) is listed as a conditional use in the B-4 Office and Service District.

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

The applicant Katie Dunfee was not in attendance. Commissioners discussed whether there would be an outdoor area for the dogs to go to the bathroom and what the hours of operation would be. Planner Censky explained this is not yet a business as the City Code first needs to be updated and approved before she can apply for the use.

A motion was made by Commissioner Scholz, seconded by Commissioner Voltz, to approve the recommendation to the Common Council to amend the City Code by adding indoor dog park as a use that can be considered for approval with a conditional use permit. Motion carried without a negative vote. Mayor Thome opposed. Commissioner Strautmanis and Council Member Fitzpatrick excused.

THE APPLICANT, PAUL RUSHING, AS A MEMBER AND ON BEHALF OF THE ADVENT LUTHERAN CHURCH PROPERTY COMMITTEE, REQUESTS APPROVAL OF CERTIFICATE OF APPROPRIATENESS FOR THEIR PLANS TO ENCLOSE THE EXISTING ENTRYWAY STRUCTURE ON THE SOUTH WALL OF THEIR CHURCH BUILDING/SITE, AND TO ADD AN ELEVATOR SHAFT BEHIND THIS ENTRYWAY.

The applicant requests approval to place window glass in the west/street facing arch and the easternmost of the two south facing arches in the existing open-air, portico entryway to the church.

The westernmost arch of the south facing arches would be enclosed using a double-door glass entry door unit. The east facing arch would be closed by virtue of a new elevator shaft proposed

to be constructed on the east side of this main entryway. The purpose of enclosing this entryway is to make it an enclosed space within which a proposed new Limited Use Limited Application (LULA) elevator may be loaded/unloaded. The LULA will provide accessibility to all floors/levels of the church. The proposed new window/door glass will be clear view.

The elevator shaft is proposed to be located behind the enclosed entryway. It appears that this shaft will extend to nearly the same height as the peak of the gabled roof of the existing entryway and the tops of the windows on the south wall of the church. The architectural materials and design of this shaft appear to emulate the style and characteristics of the existing building.

The Landmarks Commission has reviewed, and on September 26, 2024, recommended in favor of the applicant's request as presented. If the Plan Commission is inclined toward an approval in this matter, Planner Censky recommends, issuance of a building permit prior to the start of construction on this project as a condition to be considered.

Based on the site plans, Commissioner Voltz finds the accessibility improvement will allow for full access and will be attractive and complimentary to the existing building.

A motion was made by Commissioner Voltz, seconded by Commissioner Arnett, to approve the Certificate of Appropriateness for the plans to enclose the existing entryway structure and add an elevator shaft. Motion carried without a negative vote. Commissioner Scholz is recusing himself. Commissioner Strautmanis and Council Member Fitzpatrick excused.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON ARCHITECTURAL PLANS FOR NEW CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON AN INFILL LOT LOCATED AT N50 W7106 WESTERN ROAD.

Planner Censky has reviewed this plan and raises no specific objections to the site or building plans as presented. It does comply with the basic bulk and spatial standards of the Rs-3 Single-Family Residential Zoning District. The consensus remarks of the Plan Commissioners, architect members in particular, should form the basis of any changes they may want to attach as conditions of approval to a final action in this matter.

Commissioner Voltz described the house features which are similar to others in the neighborhood and feels it is an attractive proposal and describes it as broken down, not just one large blank structure. The materials used will be complimentary to the neighbors with wood siding and real stone veneer. Commissioner Voltz described Western Avenue as not having homes with a single dominant character and thinks this home will fit in nicely. An example of a similar house with the same feel is located at N49 W7035 Western Avenue.

A motion was made by Commissioner Voltz seconded by Commissioner Arnett to approve the single-family dwelling on an infill lot located at N50 W7106 Western Road. Motion carried without a negative vote. Commissioner Strautmanis and Council Member Fitzpatrick excused.

APPLICANTS REQUEST CONCEPT REVIEW, CONSIDERATION, AND FEEDBACK ABOUT THEIR COMPILATION OF EXISTING USES, SITE PLAN, AND THE PROSPECTIVE ADDITION OF A NEW FLEX-TYPE SPACE/USE THEY'D LIKE TO ADD WITHIN THEIR EXISTING PRINCIPAL BUILDING.

The applicant requests consultative feedback regarding their plans for use of space within the principal building on this site. There is a secondary/subordinate building on this site as well. It is presently leased to others for cold storage use only.

Current tenancies in the principal building include two residential dwelling units leased to others, and 4,878 square feet of finished business tenant space currently configured for three separate business tenant occupancies. These existing uses, by Code, should be supported by 37 parking stalls. The proposed new space use in Structure A would create a Code-based requirement for 20 additional spaces. Based on a new site plan prepared for this proposal, it appears that 53 stalls could be laid-out on site. Further, based on the applicant's analysis, it appears that this site has approximately 34 on-street parking stalls located within 250 feet of the site although Planner Censky would note that the Washington Avenue spaces (15 total) may not actually be viable, despite the apparent lack of no parking signs.

The applicant requests Plan Commission feedback as to willingness to accept the proposed 53 on-site stalls plus the available on-street stalls within 250 feet of the site as sufficient to service this compilation of uses on the site

Section 13-1-82(f)(4) of the Code provides that parking areas subject to these requirements shall be surfaced with bituminous or Portland cement concrete pavement or concrete pavers in accordance with the City of Cedarburg standards and specifications, and that concrete curbing shall be installed as a border along all pavement edges (Note: there is a provision in this section of the Code that allows for curb stops as a possible option to curbing). The applicant also requests feedback about leaving the current unpaved areas of the parking lot as gravel instead of paving and marking the entire area properly.

As far as the new space goes, the applicant requests feedback from Commissioners about certain uses within their list of ideas – whether these uses fall under existing uses listed in the B-1 Neighborhood Business District, and if not, would the Commission be inclined toward adding them to the B-1 Neighborhood Business District.

Requested uses for Tenant Space #4 could include; Calisthenics, Group fitness classes, spin classes, personal training, therapy classes including swim/bike/run with focus on biomechanical performance coaching, therapeutic classes, health and wellness training/coaching. Dance lessons, vocal/piano/art lessons. Juice bar, refreshment beverage area (nonalcoholic, indoor/outdoor).

Planner Censky suggests changing existing listed B-1 permitted use “Coffee/espresso bars” to include nonalcoholic juice/smoothie bars. Other requested uses the applicant may look at would be continuing education space, meeting space, charitable events, event space for the community to rent, additional uses that align with the applicants’ vision and mission.

The Commission did not raise specific objections to the applicants’ ideas for use of the space and site plan solution, but they want the proposed Code language modifications to come back for detailed review of how they can ensure no adverse impacts of the various uses discussed since there are residences in the surrounding area.

Action: None

REVIEW AND DISCUSSION ON MATTERS RELATED TO THE COMPREHENSIVE PLAN UPDATE

Planner Censky reviewed the outline and updated the tentative schedule with Plan Commission. Plan Commission reviewed and discussed the Smart Growth Area maps.

Developments should be in accordance with the Housing and Residential Development Goals, Objectives and Policies set forth in Chapter 2 of this Comprehensive Plan (i.e., Housing).

Smart Growth Area 3

The existing classification Land Use Category is ‘Mixed Use Office and/or High-Medium Density Residential’ to be ‘Mixed Use Office, Neighborhood Commercial, and/or High-Medium Density Residential’.

Plan Commission agrees this location should remain Mixed Use Office and/or High-Medium Density Residential. It’s zoned B-1 with a PUD overlay right now. Plan Commission would be willing to consider new categories such as mixed use, office, neighborhood business, and/or High- Medium Density Residential and doesn’t need to continue being listed as an SGA.

Smart Growth Area 6

Plan Commission agreed this location should remain Medium Density Residential classification and doesn’t need to remain listed as an SGA.

Smart Growth Area 10

Plan Commission agreed to leave the land use classification as Medium-Density Residential and doesn’t need to remain listed as an SGA.

Smart Growth Area 12

Plan Commission agreed with the recommendation to make this site I-1, Institutional and Public Service District.

Smart Growth Area 14

Plan Commission agreed that this location should be classified as Medium-Low Density Residential which would be consistent with neighboring developments.

Smart Growth Area 15

Plan Commission would like to see the Housing and Residential Development Goals, Objectives and Policies from the Housing Study before deciding on the classification. Medium Density classification might be a possibility.

Smart Growth Area 18

Plan Commission agreed this doesn't need to become a Smart Growth Area but classify it as a Low-Medium Density Residential land use classification to be consistent with neighboring City development.

Smart Growth Area 20

Plan Commission considered changing this SGA to Commercial land use classification and expanding its limits. Staff to follow-up.

Action – This was a Discussion and Feedback item only. No action was taken.

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 9:06 p.m. The motion carried without a negative vote.

Theresa Hanaman
Administrative Assistant