

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20240805-1
UNAPPROVED MINUTES**

August 5, 2024

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, August 5, 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 Present - Mayor Patricia Thome, Council Member Jim Fitzpatrick, Adam Voltz, Jack Arnett, Sherry Bublitz, Sig Strautmanis, Jon Scholz

Also Present - City Planner Mary Censky, City Administrator Mikko Hilvo, Administrative Secretary Theresa Hanaman, Joe Nowak, Seth Dehne, Residents

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 Scholz to approve the Planning Commission minutes from July 1, 2024. Motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Cathy Czech – N119 W5835 James Circle, Cedarburg, WI 53012

Ms. Czech asked Plan Commission to change the meeting minutes from the June 3, 2024 Plan Commission meeting as she believes they did not accurately represent what she meant to say. It was noted that while the Plan Commission does not typically add word for word what a speaker says during a meeting, we do try to include a short, accurate synopsis.

Ms. Czech made remarks to the Commission regarding the total number of homes proposed in this north development area of the City (and beyond our boundaries) and expressed her concerns about how this might impact the Cedarburg School District.

Ms. Czech expressed concern whether there are enough amenities for families in this north area of the City. Ms. Czech hopes the City is not rushing these developments and not waiting for the updated Smart Plan. She shared her ideas about how the traffic and access solutions should be handled in the north area. She expressed opposition to more multi-family dwellings. Ms. Czech is in support of single-family homes and a limited number of 2-family dwellings and would like to see some single-family ranch style homes included in the developments.

Ms. Czech mentioned there is more land up for sale in this area now.

FIX INVESTMENTS, LLC IS REQUESTING THE REVIEW AND APPROVAL OF A CERTIFICATE OF APPROPRIATENESS FOR THE SITE SURVEY, FLOOR PLANS, EXTERIOR ELEVATIONS, AND MATERIAL SAMPLES FOR THE PROPERTY REHABILITATION PROJECT LOCATED AT W62 N596 WASHINGTON AVENUE.

Architect Voltz from Kubala Waskato Architects spoke on behalf of Fix Investments and explained the building is considered “contributing” within the Washington Avenue Historic District which was a surprise due to all the remodeling done over the years. The existing use of this building/site is not changing. The owner applicants wish to rehabilitate the building to more closely reflect its historic appearance and materials. With respect to architecture, materials, and exterior lighting, the Landmarks Commission has reviewed and recommends approval of a certificate of appropriateness as to the plan set.

The site plan reflects compliance with the spatial and bulk requirements of the B-3 District in terms of setbacks and offsets. The building is preexisting so the Floor Area Ratio is not changing. The rear deck and deck roof will be removed and replaced with a more spacious outdoor deck and second floor deck. Architect Voltz noted that the property is in the flood fringe. An accessible ramp and landing are also being added at the southeast corner of the building. The access and parking to serve this site remains unchanged under the revised plans. Architect Adam Voltz presented Plan Commission with the sample of roofing material and paint colors. The site plan was favorably recommended by Wisconsin Historic Preservation Office to the Department of Interior and is pending final approval at that level.

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

- 1) Applicant to comply with [Section 13-1-78\(4.3\) \(Standards for Development in the Flood fringe\)](#) of the Code as to the new improvements proposed to be placed on the east side of the building including the expanded deck and accessibility features.
- 2) Applicant to secure all required construction and building permits prior to the start of work on this project.

Action: Motion made by Commissioner Scholtz to accept the modifications to the Eric and Jackie Fix property as presented by Architect Adam Voltz, such approval being subject to the Planners recommendations above, seconded by Commissioner Strautmanis. The motion was carried without a negative vote. Commissioner Voltz is recused.

DISCUSSION, CONSIDERATION AND FEEDBACK REGARDING THE USE OF STEEL SHIPPING CONTAINERS AS PERMANENT PRINCIPAL OR ACCESSORY STRUCTURES ON PROPERTIES IN THE CITY.

Planner Censky brought to the attention of Plan Commission a recent inquiry about placing a 20-foot-long steel shipping container, modified to include operable awning windows, pedestrian doors to serve as a permanent outdoor structure/appurtenance at a B-2 Community Business District zoned property. In this case, the Applicant would propose to use it as an outdoor bar in support of their outdoor dining and consumption area. A shipping container does appear to meet the definition of structure that the City has in its Code (i.e., Structure. Any constructed, erected or placed material or combination of matter in or upon the ground, including buildings, towers, sheds, signs, poles, decorations, and carports but not including driveways or at-grade patios).

Planner Censky presumes this would be considered an accessory structure. Section 13-1-22 of the Code states that “Architectural review and standards are required for all new principal buildings proposed for construction on all new lots created by a subdivision plat, by Certified Survey Map and on all infill lots. Architectural style is not restricted; however, structures must be compatible with the surrounding area. To provide criteria for the implementation of the purposes set forth in section 13-1-120, the following architectural review principles, criteria, and procedures are established ...”. In the proposed new Code update language (which has been recommended but not adopted), the preceding language would be modified to include all buildings, not just principal buildings.

Before setting any precedent as to allowing these containers, the Planner would appreciate the Commissions feedback on the topic – whether to allow, and if so, with/under what conditions.

Commissioners discussed their thoughts on this type of structure being used in the City. There was some concern on the precedent that might be set if there’s no regulation on them. Concerns were brought up about aesthetics and whether these would be appropriate in all locations?

Council member Fitzpatrick feels that aesthetics and design elements or where a container would be located could be determined, on a case-by-case basis and these decisions could be approved or denied by the Commission. Council member Fitzpatrick suggests, if this is a legal issue/concern that we should have Attorney Herbrand involved.

Commissioner Voltz would be reluctant to make a wholesale denial of container structures. But thinks if Commission could evaluate a property based on location and context, a container structure could be appropriate and discreet. Commission Voltz also supports looking at these on a case-by-case basis.

Commissioner Bublitz concern is the City being involved in a lawsuit if we deny this structure type one site and approve another.

Planner Censky affirmed that the Commission does not always approve the initially proposed architectural plans-she noted, for example, the recent expansion plan of the clinic. Because,

architecturally, it did not fit in the context of the buildings, it was not approved, and applicant made changes until the Commission was satisfied. This is an example how this could evolve if Commission feels we don't need any special limitations on use of container structures. Commission has the ability to say no but Commission must take great care to articulate an explanation why something would be denied.

Planner Censky asked the Commission if they're comfortable with shipping containers in all districts or only certain districts.

Commissioner Strautmanis questioned what is different from a shipping container to a wood structure. It is simply a way to reuse an object. It could be made from wood or bricks to still look like a shipping container.

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

REVIEW AND DISCUSSION ON MATTERS RELATED TO THE COMPREHENSIVE PLAN UPDATE INCLUDING

Planner Censky provided a detailed outline of what will be discussed regarding the Comprehensive Smart Growth Plan at each Plan Commission meeting from now until October of 2025. This outline and tentative schedule will consist of reviewing and discussion each chapter starting with Chapter 2, The Housing element and the Housing Report Proposal and Chapter 8, The Land Use Element and Traffic Planning and Access Study Proposal. As the material is developed for review and consideration by the Plan Commission, it will also be included on the City of Cedarburg's website under the Smart Growth Land Use Plan Amendment tab so the public can look over the same materials.

ACTION - This was a Discussion and Feedback item only. No action was taken.

PUBLIC COMMENT

Cathy Czech – N119 W5835 James Circle, Cedarburg, WI 53012 stated that she wanted the minutes of a previous Plan Commission meeting to be amended.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

None

MAYOR'S ANNOUNCEMENTS

Mayor Thome had no comments or announcements.

ADJOURNMENT

A motion was made by Commissioner Scholz, seconded by Commissioner Fitzpatrick to adjourn the meeting at 9:36 p.m. The motion was carried without a negative vote.

Theresa Hanaman
Administrative Secretary