

**CITY OF CEDARBURG  
PLAN COMMISSION**

**PLN20090601-1  
UNAPPROVED MINUTES**

**June 1, 2009**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, June 1, 2009 at Cedarburg City Hall, W63 N645 Washington Avenue, in the Council Chambers. The meeting was called to order at 7:00 p.m. by Mayor Myers.

Roll Call: Present - Mayor Gregory Myers, Council Member Chris Reimer, Brook Brown, Mark Burgoyne, Joe Emmerich, Keith Kaiman, Park & Forestry Chairperson James Schara

Also Present - Council Members Art Filter, Michael Maher and Bob Loomis; County Supervisors Kathy Geracie and John Hazelwood; Ozaukee County Administrative Coordinator Tom Meaux; Ozaukee County Highway Commissioner/Transit Director Bob Dreblow; Lasata Administrator Ralph Luedtke; Lasata Assistant Administrator Mark Vogel; Economic Development Coordinator Linda Skalecki; City Attorney Kaye Vance; City Planner Jon Censky; Administrative Secretary Darla Drumel

**STATEMENT OF PUBLIC NOTICE**

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

**ELECTION OF VICE CHAIRPERSON AND SECRETARY**

Vice Chairperson

Commissioner Brown nominated Mark Burgoyne as Vice Chairperson. No other nominations were offered. The motion made by Commissioner Brown, seconded by Commissioner Kaiman, to close the nominations carried without a negative vote. The Plan Commission then unanimously elected Mark Burgoyne as Vice Chairperson.

Secretary

Commissioner Brown nominated Council Member C. Reimer as Secretary. No other nominations were offered. The motion made by Commissioner Brown, seconded by Commissioner Kaiman, to close the nominations carried without a negative vote. Council Member C. Reimer was then unanimously elected as Secretary.

**APPROVAL OF MINUTES**

A motion was made by Commissioner Brown, seconded by Vice Chairperson Burgoyne, to approve the minutes of May 4, 2009 as presented. The motion carried without a negative vote.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Lasata Crossings

Jim Schaff of 620 Williams Drive advised that the trees that already have been transplanted at the Lasata Crossings construction site have never been watered. If they die, he wanted assurance that they would be replaced.

Frieda Stengel of N66 W6925 Cleveland Street had believed that discussion of the impact fees for Lasata Crossings would occur at the meeting. Mayor Myers informed her that the subject of the impact fees was not on the agenda and that action on the request to reduce the impact fees had already been taken by the Common Council. Ms. Stengel then questioned the wisdom of spending so much money for landscaping to please a handful of citizens. Her home is next to the High School and they have dealt with the construction of the stadium and storage shed without expending taxpayers' funds to screen those structures from their property.

Michelle Larson of 650 Williams Drive thanked the Commissioners who came to view the site. She noted that she had submitted an e-mail to Commissioners for their May meeting, in which she requested that the Plan Commission reconsider its conditional use approval. She was asking again that the approval be revoked because of the project's substantial detrimental effect on the neighborhood. She acknowledged that the Lasata representatives listened to the concerns of the adjacent property owners, but the building was simply too big for the space. Ms. Larson continued that the City's Code requires notification to all property owners within 300 feet of the subject of a public hearing, such as when the height variance was approved, and they received none. She was told by City staff that the Town of Cedarburg was notified and it was their responsibility to inform their property owners, but the Town had no recollection of receiving notice. She thought more consideration should have been given to the neighbors.

**LANDSCAPE PLAN FOR RECENTLY-APPROVED LASATA CROSSINGS RESIDENTIAL CARE APARTMENT COMPLEX OFF THE WEST SIDE OF THE LASATA HEIGHTS RETIREMENT CENTER AT W78 N675 WAUWATOSA ROAD – RALPH LUEDTKE/OZAUKEE COUNTY**

Planner Censky noted that, at the May 4, 2009 Plan Commission meeting, the motion to approve the landscape plan for the Lasata Crossings Residential Care Apartment Complex (RCAC) failed because Commissioners wanted to visit the site one more time to better understand the neighborhood concerns, and the screening being proposed to alleviate those concerns. To prepare for this visit, the County had their consultants stake the corners of the building, identify the location of the berms and show the relative grade difference between the neighbors' yards and the proposed building. They then asked Commissioners to visit Tuesday, May 19, between 4:00 p.m. and 7:00 p.m., when the consultants were available to answer questions. He hoped that everyone took advantage of that opportunity. The County did not change their plans since the May meeting, as they hoped the site visit helped understand the screening proposal.

Kim Hassell of Plunkett-Raysich Architects reiterated the steps taken in the approval process for this proposal as follows:

- February 2, 2009 Consultation with the City of Cedarburg Plan Commission.
- March 10, 2009 Courtesy meeting with neighbors at Lasata Care Center, after which the landscape budget was increased to provide additional perimeter trees and berms.
- April 6, 2009 Public Hearing at Plan Commission. The Conditional Use Permit was approved. The site plan was conditionally approved conditioned upon resubmittal of the landscape plan.
- April 19, 2009 Meeting with neighbors at Lasata Heights. The landscape budget was again increased for more tree screening and relocation some existing mature trees.

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- May 4, 2009 Plan Commission meeting. Action was delayed on the revised landscaping plan to allow Plan Commissioners the opportunity to visit the site with the proposed building and landscape features delineated. Consultants would also be available to answer any questions.
- May 19, 2009 Plan Commission site visit with the proposed building and landscape features staked out and consultants available to answer questions. Three Plan Commissioners took advantage of the opportunity.
- June 1, 2009 Resubmittal of landscaping plan presented at the May 4, 2009 Plan Commission meeting.

Mr. Hassell pointed out that the County had made considerable effort to please the adjoining property owners. He added that there was an urgency to construct the addition as there was a waiting list of 78 for the units. Commissioners received hard copies of a prepared PowerPoint presentation. He pointed out that the pictures taken from adjoining properties, with the Lasata Crossings addition superimposed on them, were taken in February and the new landscaping is not depicted. Mr. Hassell further pointed out that the first floor of the proposed addition would be around seventeen feet lower than the adjacent homes.

Vice Chairperson Burgoyne asked about the warranty for the transplanted trees. Mr. Hassell advised that five to ten gallons of water were being applied to the transplanted trees two to three times per week, as directed by the landscapers. A warranty would be applied to the transplanted trees to assure the screening remains. This would apply to the new plantings as well. Administrator Luedtke stated that trees that failed to survive would be replaced regardless of warranty.

**Action:**

Commissioner Brown moved to approve the revised landscaping plan contingent upon receiving a written two-year warranty on the transplanted and the newly-planted trees. The motion was seconded by Council Member C. Reimer.

**Continued Discussion:**

Commissioner Kaiman advised that he would vote against the motion. He independently walked the site and was not convinced the landscaping plan would provide adequate screening.

**Final Action:**

The motion carried with Mayor Myers, Council Member C. Reimer, Vice Chairperson Burgoyne and Commissioners Brown, Emmerich and Schara voting in favor; and Commissioner Kaiman voting against.

**CONSULTATION REGARDING INTENT TO CONSTRUCT NEW MULTI-PURPOSE BUILDING ON THE OZAUKEE COUNTY FAIRGROUNDS SITE LOCATED AT W67 N866 WASHINGTON AVENUE – OZAUKEE COUNTY**

Planner Censky advised that the Cedarburg Fire Department has agreed to sell 3.8 acres of land within the Fairgrounds complex to Ozaukee County and the County is working on plans to improve the overall operation of the grounds that is intended to show, among other things, their long-term commitment to the Fairgrounds well into the future. They requested consultation regarding certain long-term changes to incorporate Plan Commission feedback into the final plans. The changes would result in year-round activity on the Fairgrounds with a new multi-purpose building that would replace two agricultural buildings, two 4-H buildings and a storage garage; and the construction of a new sheep barn.

Planner Censky reminded Commissioners that, on August 4, 2008, the County requested consultation regarding two conceptual plans with each plan resulting in the razing of six existing buildings and replacing them with either three new buildings or just two, depending on which scenario they chose. Commissioners generally supported those plans and offered some specific suggestions.

Planner Censky said that, to somewhat offset the cost of the project, Ozaukee County will be leasing the new multi-purpose building to the Milwaukee Curling Club for six months out of the year, typically the winter months, and the remainder of time they hope to use the building for other events such as wedding receptions, professional conferences, trade shows, convocations, etc. Since some of the uses are not listed in the CEG District, certain Code changes will be necessary for the project to move ahead. The County will return in July 2009 with detailed plans and at that time staff will have identified all the needed Code changes. Since this is concept in nature, Commissioners should consider the following issues and provide feedback accordingly:

- While the CEG District permits such uses as boat storage and display, circuses, dog shows, vehicle storage and display, etc., it does not list professional conferences, weddings, and trade shows as permitted uses. Therefore, the CEG District text will need to be amended.
- As discussed in the August 4, 2008 meeting, the new sheep barn will be an open-sided structure.
- While the County plans on providing an asphalt parking lot for the typical daily needs of the Curling Club and most other uses, the overflow parking for the more intense uses such as wedding receptions will not be hard-surfaced. In addition, the Code may need to be amended since the Fairground complex consists of separately-owned property by the County and by the Cedarburg Fire Department, and the curb and gutter requirement and landscape requirement for parking lots (i.e. one tree for every ten stalls and a five-foot green space requirement around the lot) are impractical to apply here. With respect to landscaping, the County would rather use the plant material required for the parking lot to screen and embellish the buffering to the neighbors.
- The County will need to submit a storm water management plan taking into account the new building and surface parking.
- This new activity will result in added lighting where none exists now. During the Curling Club activities, this lighting could remain on until late into the night.
- When the detailed plans are submitted, there may be other Code changes necessary to accommodate this project.

In response to a question by Commissioner Brown, Planner Censky advised that the Fairgrounds/Firemen's Park were the only properties in the City currently zoned as CEG (Community Exhibition Grounds).

County Board Supervisor and Fairground Ad Hoc Committee Member John Hazelwood explained that the choices the County had were to maintain the buildings as they currently exist, move the fairgrounds to a new location, join with the Washington County Fairgrounds, or discontinue the annual County Fair. He personally loved the simple and inexpensive County Fair, which to his knowledge is the only free fair in Wisconsin. He assured Commissioners that there was no goal to create a "Disney World" at the site.

Ozaukee County Administrative Coordinator Tom Meaux reported that meetings have been held with potential user groups, the Cedarburg Fire Department, the Curling Club, 4H and Ag Society while developing the plans for the heated year-round facility. The proposal would be a \$3 million investment in the Fairgrounds property.

Superintendent Hazelwood added that the new building and new sheep barn would total 29,000 square feet. The purchase price for the Fire Department parcel would be \$62,500 per acre with a proposed closing date of July 31, 2009; however, the deal still needs the approval of the County Board. It was hoped the groundbreaking would occur in June 2010.

Dan Jones of the Milwaukee Curling Club reported that the Club has been located at the Ozaukee County Country Club in Mequon since 1970. This sport accommodates all age groups and, more so than in many team sports, good sportsmanship is an integral part of curling. For example, players are expected to call their own fouls. The leagues play from October through March virtually every night, along with weekend events. The participants, however, have been and would be respectful of neighboring properties.

Matt Tandler of Kahler Slater, the architect, described the new structure as a dignified agricultural building with large doors to accommodate large display items, such as those used for trade shows. There would be three distinct entrances and the design includes porches for added architectural detail.

Commissioner Brown asked what the anticipated hours were for the Curling Club and Mr. Jones responded that the first group would start around 6:00 p.m. and that the last group would be leaving around 11:00 p.m., with all activities inside the building. Since this development will result in exterior lighting, Planner Censky advised that the lighting source for the site would be shielded. Ozaukee County Administrative Coordinator Tom Meaux added the building will be used exclusively by the Milwaukee Curling Club during the winter months only and that the rest of the year it would be available for others.

Commissioner Kaiman expressed concern with the proposed access and thought it may be better to use the Cambridge Avenue drive instead. The following responses were made to additional questions:

- The City would not have to give up a liquor license.
- The two heating and air conditioning units would be enclosed on the East side of the building. The building would shield them from the west wind and the closest residences to the east would be at least 100 feet away.
- The building would be oriented to the north-south with a meeting room and storage rooms at the south end of the building to use the least amount of energy possible to maintain the ice.

County Highway Commissioner/Transit Director Bob Dreblow advised that the stormwater plan has not yet been detailed for this project, but would likely include a sediment pond to improve the water quality before it was released into the stormwater system.

Commissioner Emmerich urged the County to contact the adjoining property owners with their proposal and emphasized the need for a landscape buffer. Commissioner Brown also advocated bringing the adjacent property owners into the process as soon as possible.

**Action:**

A motion was made by Vice Chairperson Burgoyne, seconded by Commissioner Brown, to recommend the County proceed with their proposal for a year-round facility, which would likely provide many benefits to the City of Cedarburg. The motion carried without a negative vote.

**REQUEST FOR APPROVAL TO REPLACE EXISTING GARAGE DOOR WITH SIDING AND WINDOWS FOR CONVERTED OFFICE BUILDING AT W62 N215 WASHINGTON AVENUE – M SQUARED ENGINEERING, INC.**

Planner Censky noted that on February 2, 2009, the property was successfully rezoned from Rs-6 Single/Two-family to the B-4 Office Service District in order to convert the existing single-family home into a professional office building. M Squared Engineering is now in the physical renovation process. Some of the work affects the exterior of the building and that work requires Plan Commission approval before construction can take place. The interior changes will include the creation of the principal offices, numerous work stations and a number of conference rooms; and those changes result in the replacing of the garage doors with grey vinyl siding and new windows. They are also adding two sets of two windows to the rear elevation to provide natural lighting in the office areas. The new windows will reflect the style of the existing windows on the structure. The applicant advises that no other exterior site changes are being proposed at this time.

**Action:**

Commissioner Brown moved to approve the architectural changes as requested and the motion was seconded by Vice Chairperson Burgoyne.

**Continued Discussion:**

Commissioner Brown stated that he had initially been skeptical about the proposed renovation, but has noticed the site changes made so far have been very nice. Vice Chairperson Burgoyne agreed that the proposed changes would result in an attractive building. Planner Censky received confirmation from Matt Hahm of M Squared Engineering that there would be no new paving on the site.

**Final Action:**

The motion carried without a negative vote.

**TEMPORARY USE APPROVAL FOR POPCORN WAGON ON GRASS DIRECTLY NORTH OF THE PUBLIC SIDEWALK ON THE BRIDGE ROAD FRONTAGE OF THE PRIVATE PROPERTY LOCATED AT THE NORTHWEST CORNER OF WASHINGTON AVENUE AND BRIDGE ROAD (W64 N707 WASHINGTON AVENUE) TO SELL POPCORN ON WEEKENDS AND DURING FESTIVALS – HENRY KLAPPROTH**

Planner Censky explained that Henry Klapproth was requesting temporary use approval to park a popcorn wagon on the grassy area adjacent to the public sidewalk along the Bridge Road frontage of the historic commercial site at the northwest corner of Washington Avenue and Bridge Road. Mr. Klapproth proposes to keep this wagon at this site all summer and, weather depending, will operate it on weekends, during Maxwell Street Days, the Ozaukee County Fair weekend and summer festivals. Mr. Klapproth advised that he conducted a similar operation with a popcorn wagon parked adjacent to Maxwell's in the 1970s and that operation was very well received. When not in use, the wagon would be locked and secured to prevent vandalism. According to established Plan Commission policy, temporary use permits for a period longer than 14 days must be reviewed by the Plan Commission. Since this wagon will be on site all summer long, staff also presented the proposal to the Landmarks Commission, which gave unanimous support at its May 28, 2009 meeting.

Mayor Myers questioned whether the area was controlled by Festivals. Planner Censky explained that the applicant has worked out those details with the property owner. In response to a question from Commissioner Brown, Planner Censky responded that temporary uses are not counted as part of the floor area ratio; however, their proposal complies regardless.

Henry Klapproth advised his hours of operation would be from 1:00 p.m. to 6:00 p.m. He is renovating an early 1900s popcorn wagon, which he expected would be an attraction to bring in more commercial traffic for the downtown businesses.

Commissioner Emmerich expressed concern that the wagon would compete with the Lions Club sales. Mr. Klapproth reported that Duey Stroebel had discussed the issue with the Lions Club and they had no objection.

**Action:**

A motion was made by Council Member C. Reimer, seconded by Commissioner Kaiman, to approve the temporary use request from Henry Klapproth to set up a popcorn wagon for popcorn sales on the northwest corner of Washington Avenue and Bridge Road throughout the summer, contingent upon the following:

- Any substantiated unanticipated problems with this use shall be corrected immediately upon notification and, if not corrected, the use may be required to be discontinued.
- The popcorn wagon shall be placed no closer to the public sidewalk than one (1) foot.
- The applicant shall ensure that, when in use, all litter on the premises is picked up on a daily basis and properly containerized.

The motion carried without a negative vote.

**REQUEST FOR APPROVAL OF AN ADDITION OFF THE SOUTH SIDE OF THEIR EXISTING TIME WARNER HUB STRUCTURE LCOATED AT W59 N196 CARDINAL AVENUE – TIME WARNER CABLE**

Planner Censky advised that Time Warner Cable was requesting architectural approval for an addition off the south side of their existing HUB building at W59 N196 Cardinal Avenue. This addition was shown on the original plans approved by the Commission in 1998 and Time Warner only now has established a need to complete the project. The addition would be constructed of split-faced masonry block with an evenly-space horizontal row of decorative block every fifth course

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to match the existing building. The first phase was approved as a conditional use back in 1998. However, the M-2 District permits utilities as a use by right and a conditional use approval for the addition is not required.

Planner Censky noted that while the original plans showed low-growth spirea shrubs to be planted as part of this expansion, the vegetation behind the existing building has grown to a point where the shrubs may not survive. Rather than planting the shrubs in the rear where they will be of no value, he recommended that the shrubs be installed in front of the building to embellish that area of the site.

Commissioner Brown noted that there are three really nice trees in back and suggested that the addition be put in the front in order to save the trees, although a couple of parking spaces would be lost. Planner Censky advised that the property owner's only concern was that he would not lose parking. Kathryn Skemp of Time Warner Cable noted that they evaluated the trees and did not think they were of any value, but they would see what they could do to save them. She offered to plant a Columnar Maple that was depicted on the original plan somewhere else on the site if the Plan Commission desired.

**Action:**

Commissioner Brown moved to approve the proposed addition to the south side of the Time Warner HUB structure located at W59 N196 Cardinal Avenue, with the contingency that there was an effort to save the trees to the south. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote.

**MAYOR'S ANNOUNCEMENTS**

No announcements.

**ADJOURNMENT**

Commissioner Brown moved to adjourn the meeting at 8:30 p.m. The motion was seconded by Commissioner Emmerich and carried without a negative vote.

Darla Drumel,  
Administrative Secretary