

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20111107-1
UNAPPROVED MINUTES**

November 7, 2011

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, November 7, 2011 at Cedarburg City Hall, W63 N645 Washington Avenue, second floor, 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, Mark Burgoyne, Brook Brown, Joe Emmerich, Keith Kaiman, Park & Forestry Chairperson Lynne Buehler

Also Present - Council Member Paul Radtke, City Attorney Kaye Vance, City Planner Marty Marchek, Economic Development Coordinator Mary Sheffield, Ozaukee County Supervisor Kathlyn Geracie, Ozaukee County Administrator Tom Meaux, County Public Works/Highway Commissioner Bob Dreblow, 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.

APPROVAL OF MINUTES

A motion was made by Commissioner Kaiman, seconded by Commissioner Brown, to approve the minutes of October 3, 2011.

Commissioner Brown noted that "1950" should be replaced with "1930" twice in the last paragraph on page 20111003-5. Commissioner Buehler advised that "outdoor eating area" should be replaced with "seating area" in the fifth paragraph on page 20111003-4.

Commissioners Kaiman and Brown accepted the friendly amendments. The amended motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered.

REQUEST FOR THIRD TIME EXTENSION FOR OCTOBER 6, 2008 APPROVAL OF SUPERSALES GAS STATION EXPANSION CONNECTING THE CAR WASH TO THE CONVENIENCE STORE AT W62 N174 WASHINGTON AVENUE – RON GALL

Planner Marchek advised that Mr. Gall is requesting an extension to the approval of his site and architectural plans for the 750 square foot addition to the Super Sales convenience store connecting to the car wash. This addition was approved along with new gas dispensers and a new canopy on October 6, 2008. The gas dispensers were installed and the canopy was constructed; however, the state of the economy has resulted in delay of the construction of the addition. Mr. Gall is requesting that the approval be extended through December 31, 2012.

Action:

Council Member Chris Reimer moved to approve to extend the approval for the 750 square foot addition to the Supersales convenience store connecting to the car wash to December 31, 2012. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote.

REQUEST TO MAKE FINDING THAT PET GROOMING IS “SIMILAR TO” PET DAYCARE AS AN ALLOWABLE CONDITIONAL USE IN THE B-2 COMMUNITY BUSINESS DISTRICT OR RECOMMEND ZONING CODE TEXT AMENDMENT – LEE OWEN

Planner Marchek informed Commissioners that Lee Owen wishes to lease the Cape Cod building along Washington Avenue in front of Owen’s Office Supply to a dog groomer, who also sells related items. The B-2 Community Business District does not list “dog grooming” as a permitted use. However, Section 13-1-54(d)(2) allows as a conditional use “Animal hospitals, pet daycare facilities and kennels, provided all principal structures and uses are not less than one hundred (100) feet from a residential use if kennels are provided.”

The Zoning Code states in the USE RESTRICTIONS Section 13-1-22(e) that “Uses not specified in this Chapter and which are found by the Plan Commission to be similar in character to conditional uses permitted in the district may be permitted by the Common Council after review, public hearing, and approval in accordance with Section 13-1-226.”

Mr. Owen is requesting that the Plan Commission make a finding that dog grooming is similar to pet daycare facilities so that he can apply for a conditional use permit from the Common Council, or to recommend that a zoning text amendment be done to allow dog grooming in the B-2 District. He wishes to have the conditional use permit granted to the property so that he maintains flexibility to rent or lease the property to others.

Commissioners discussed the fact that there is a dog groomer about a block away from this location and agreed that dog grooming was similar but less intense than dog daycare. It was noted that if problems develop, the Plan Commission has the authority to review the conditional use grant.

Action:

A motion was made by Vice Chairperson Burgoyne, seconded by Commissioner Buehler, to make the finding that pet grooming is similar to pet daycare as an allowable conditional use in the B-2 Community Business District. The motion carried without a negative vote.

CONSIDER APPROVAL OF A CERTIFICATE OF APPROPRIATENESS FOR REVISED SITE AND ARCHITECTURAL PLANS FOR FORMER CAR MAID BUILDING LOCATED AT W63 N680 WASHINGTON AVENUE – GREG ZIMMERSCHIED

Planner Marchek noted that Mr. Zimmerschied is considering purchasing the former Car Maid property located at W63 N680 Washington Avenue (property owner Art Covert) for redevelopment purposes. His proposal was presented at the Plan Commission's October 3, 2011 meeting and was denied. In response, he is submitting revised site and architectural plans that address comments and issues discussed at that meeting.

The revised plans include the same 580-square foot addition to the existing building that complies with all dimensional requirements of the B-3 District. The revised plans include removal of all neon lighting and all signage on the building, addition of an outdoor eating area along the Creekwalk, and constructing a paved walkway from Washington Avenue through the site to the Creekwalk. The revised site plan provides two parking spaces in the back of the building. It also recommends (as Option A) narrowing the Washington Avenue driveway to create one additional on-street parking space. This approach requires the Plan Commission to allow the two on-street spaces to count toward the Zoning Code requirement for four (4) additional parking spaces required for the addition. A user-specific landscaping plan, to indicate in detail how areas in front and back of the building will be improved, would require future approval by the Commission when a specific tenant/user is secured.

Planner Marchek also noted that the Landmarks Commission reviewed the initial submittal at their September 29, 2011 meeting and approved it by a vote of 6 to 1. Their approval did not include any of the signage, as all signage approval is the responsibility of the Design Review Board. Any approval by the Plan Commission should include a condition that a permanent easement is provided for access to the parking spaces behind the building including a turn-around area.

Don Stauss, the architect, advised that the neon was the reason for the sole opposing vote at the Landmarks Commission, and now all neon has been removed from the proposal. The landscaping is dependent on the tenant that may occupy the space. He presented a color board with the material samples.

Mayor Myers opined that site plans brought for Plan Commission approval should be specific.

Council Member Chris Reimer stated that it is unusual in these difficult economic times that someone is willing to expend the funds for new development. He believes the Plan Commission should be welcoming the proposal and thanking the petitioners. He said all concerns of the October meeting have been addressed, the Landmarks Commission gave their approval, and it is great project for the downtown.

Vice Chairperson Burgoyne leaned toward concurrence with Council Member Chris Reimer's comments. If the site had significant historic record, the proposal might not be appropriate. Although not perfect, is a significant improvement. If this proposal is not approved, the site is likely to remain the same or regress.

Action:

Vice Chairperson Burgoyne moved to grant the Certificate of Appropriateness for the proposal as presented by Greg Zimmerschied for property located at W63 N680 Washington Avenue. The motion was seconded by Council Member Chris Reimer.

Continued Discussion:

Commissioner Brown suggested that a tough decision has to be made and the economy should not determine how the Historic District looks. His understanding is that the Landmarks Commission gave their approval only because it would look better than it does currently. Someone will propose a nice building for the site that fits in with the 125-year old buildings on either side. There has never been a 1930's version of a gas station downtown, and cannot be compared to the Pagoda that is 75 to 80 years old.

Council Member Chris Reimer wondered why the Plan Commissioners gave the concept full support and then, after the petitioner expended a great deal of funds, completely reversed their decision. It is not fair to petitioners to encourage them to continue on a path if it is not approvable.

Commissioner Emmerich thought the proposal was a neat adaptation of the current building but is not appropriate for this site. He leaned toward preserving the historic nature of the City.

Commissioner Buehler noted that the approval in September was just to the addition, not the architecture. The proposed building simply does not fit.

Mayor Myers stated that lots of concerns were expressed in September and those concerns have not been addressed. He added that the Plan Commissioners should not have to make a decision in a couple of hours and, after that meeting, the Commissioners had a month to consider the project. There are very minor revisions to the plans and it is the same building that has been rejected. He advised that money was spent for the Creek Walk in the belief that it will revitalize the downtown and all proposals should take advantage of that amenity.

Commissioner Brown stated that he had expected that Landmarks Commission would reject the proposal.

Greg Zimmerschied, the petitioner, opined that since one property owner was not interested in participating in the Creek Walk, it may never be constructed. At this time, there is little foot traffic along Cedar Creek, and it would be wiser to expend his funds to attract those potential customers who are now walking the downtown sidewalks. He would be happy to work with the City regarding the Creek Walk in the future. Mr. Zimmerschied suggested that the City in the interim could modify the zoning text, to address the parking situation downtown so that additional parking is not required, to help improve the back of the downtown properties along the Creek. He added the intent of the Commissioners was not clear and that it is unfair to developers. Mr. Zimmerschied added that the Landmarks Commission had a very clear and intelligent discussion on the proposal.

Call the Question:

Vice Chairperson Burgoyne moved to call the question, which was seconded by Council Member Chris Reimer. The motion carried with Mayor Myers, Council Member Chris Reimer, Vice Chairperson Burgoyne, Commissioners Brown, Emmerich and Buehler voting in favor and Commissioner Kaiman voting against.

Final Action:

The motion to grant the Certificate of Appropriateness failed with Council Member Chris Reimer and Vice Chairperson Burgoyne voting in favor; and Mayor Myers, Commissioners Brown, Emmerich, Kaiman and Buehler voting against.

REQUEST FOR CERTIFICATE OF APPROPRIATENESS AND LANDSCAPE PLAN APPROVAL FOR A PAVED SITTING AREA, INCLUDING A SCULPTURE, AND MAJOR LANDSCAPE RENOVATIONS – ST. FRANCIS BORGIA HISTORIC CHURCH

Planner Marchek advised that the proposed plans are for removal of many overgrown plantings and replacement with new landscape materials. Also included is construction of a small paved sitting area, with a 4-foot high sculpture donated by a church member.

This proposal was presented to the Landmarks Commission at its November 2, 1011 meeting and was determined to be appropriate for the site. The Landmarks Commission unanimously recommended approval.

Jim Drzewiecki, of the landscape firm of Ginkgo Leaf Studio, explained that the statute is bronze, with a brownish undertone.

Action:

Commissioner Brown moved to grant the Certificate of Appropriateness for the landscaping as proposed for St. Francis Borgia Historic Church at N44 W6055 Hamilton Road. The motion was seconded by Commissioner Kaiman and carried without a negative vote.

REQUEST FOR ARCHITECTURAL APPROVAL OF PLANS FOR MULTI-PURPOSE BUILDING TO BE CONSTRUCTED ON THE FAIR GROUNDS LOCATE AT W67 N866 WASHINGTON AVENUE – OZAUKEE COUNTY

Planner Marchek advised that Ozaukee County is requesting approval of the architectural plans for the County's Multi-Use Facility that will be used by the Milwaukee Curling Club during the winter months and be available for other events the rest of the year. The landscaping and lighting plans were approved at the Commission's August 1, 2011 meeting as part of the overall Fairgrounds Master Plan. He suggested several conditions that should be included with any approval.

County Administrator Tom Meaux introduced County Supervisor Kathlyn Geracie and County Public Works/Highway Commissioner Bob Dreblow. Administrator Meaux then reviewed the proposal with Commissioners.

Commissioner Kaiman suggested that the porch canopy and railing along on the south side of the building be moved to the north side, as it is the main entrance to the Fairgrounds and should be a showcase. It was noted that the activities on the grounds occurred to the south and the building's main entrance is oriented toward the south. Supervisor Geracie added that the north façade will be heavily landscaped and the residential neighbors did not want gatherings or food services close to their properties.

Commissioner Buehler was advised that ordinarily there would be about ninety vehicles for curlers activities, which would be less than the expected numbers for an exhibit or a wedding.

Action:

A motion was made by Commissioner Brown, seconded by Vice Chairperson Burgoyne, to approve the architectural plans as presented, with the following conditions:

1. All site improvements and related supporting infrastructure shall be in accord with previously-approved plans prepared by AECOM, and in accord with City standard specifications and Code requirements.
2. Landscaping and lighting shall be in accord with previously-approved plans.
3. The building's grade elevation is not shown and shall be in accord with the approved grading plan.
4. No signage approvals are done by the Plan Commission even if shown on the architectural plans. All signage shall be approved by the City's Design Review Board before the issuance of any sign permits.
5. The color(s) of enclosures around the ice system condensers on the north side of the building, and the HVAC equipment and trash enclosure on the south side of the building need to match the primary color on the main building.
6. Impact fees shall be paid at the time of building permit issuance as follows:

a) Sanitary Sewer Connection Fee	\$1,177.96 x 8 =	\$9,423.68
b) WWTP Reserve Capacity Fee	\$487.45 x 8 =	\$3,899.60
c) Biosolids Facility Fee	\$120.68 x 8 =	\$965.44
d) Water Supply Facilities Fee	\$1,474.50 x 8 =	\$11,796.00
e) Police Station	\$2.29/\$1,000 of building valuation	\$Amount TBD
7. The voltage and size of the electric service for the building shall be coordinated with Cedarburg Light & Water.
8. Easements for water, sanitary sewer and electric facilities shall be prepared and recorded prior to the issuance of any occupancy permit(s).

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

DISCUSS POTENTIAL USES FOR REDEVELOPMENT OF THE WEIL PUMP SITE LOCATED AT N49 W6337 WESTERN ROAD a/k/a SMART GROWTH AREA NO. 2 (PROPERTY OWNER RUSSELL BRATT)

Planner Marchek advised that Council Member Loomis requested that the Commission discuss potential uses for redevelopment of the Weil Pump site located between Western Avenue and Jackson Street, which is identified as "Smart Growth Area No. 2" in the City's Year 2025 Comprehensive Plan (Plan) adopted in January of 2008.

There are no immediate redevelopment proposals for the subject area and the discussion is intended to further refine the generic recommendation for single-family and medium/high-density residential use as described in the Plan report. Potential residential uses requested to be discussed include whether or not single-family use is appropriate, and the type of medium/high-density use(s) that should be considered, such as senior/age-restricted housing.

Planner Marchek understood that Council Member Loomis was asking that uses provide as much tax base in our redevelopment sites as possible, and is looking for the Plan Commission opinion on the Smart Growth designation of single-family/medium-high density residential use for the Weil Pump property. The Smart Growth designation does not specifically state senior housing, which may be an option. It was decided not to discuss this in conjunction with the Mercury Marine Plant No. 2 site because of the uncertainty of the library.

Bill Bratt, representing the Weil Pump property owner, was present.

Commissioner Kaiman pointed out that the land use decision has been made and more detailed discussion should be developer-driven.

Mr. Bratt reported that he has expended \$100,000 moving machinery, invested \$200,000 in the roof, and that Weil Pump is a robust, viable business.

Economic Development Coordinator Sheffield noted that discussion of the use of the Weil Pump site has been placed on the November 8th ad hoc Downtown Master Plan Committee agenda for discussion. She would report their discussion at the next Plan Commission meeting.

MAYOR'S ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

A motion was made by Commissioner Brown to adjourn the meeting at 8:13 p.m. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote.

Darla Drumel,
Administrative Secretary