

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20070507-1
UNAPPROVED MINUTES**

May 7, 2007

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, May 7, 2007 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 Gregory Myers.

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

Also Present - City Attorney Kaye Vance; City Planner Jon Censky; Administrative Secretary Darla Drumel; interested citizens

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 Council Member Beck, seconded by Commissioner Kaiman, to approve the minutes of April 2, 2007. Commissioner Brown suggested that the motion he made that was recorded on page PLN20070402-3 be revised to delete the phrase "subject to the applicant submitting the cost figures for this addition to staff" and replace it with the phrase "submitting the cost figures for the addition not-to-exceed 50% of current equalized value." The motion was amended to include the change requested by Commissioner Brown and carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

No comments or suggestions were offered at this time.

CONCEPT REVIEW OF PLANS TO RELOCATE THE DRIVE-THROUGH AND TO RENOVATE THE FORMER MARINE BANK LOCATED AT W61 N526 WASHINGTON AVENUE – PORT WASHINGTON STATE BANK/STEVE SCHOWALTER

Planner Censky advised that the Port Washington State Bank recently acquired the former Marine Bank and is pursuing building and site modifications that will change the look of the building to personalize their identity in downtown Cedarburg. The plans propose a change from the current contemporary look with the pergola out front and plate glass windows along the entire north elevation to a traditional look with stone and brick material dominating all four elevations and smaller casement windows replacing the large plate glass windows. The existing ATM and canopy located on the west elevation would be removed and new drive-through lanes with an ATM machine would be installed in the east parking lot. According to the Zoning Code, 20 parking stalls are required, where the plan proposes 22 and queuing for four cars for each drive-through land is required and provided.

Planner Censky noted that applicant has been working with Landmarks Commission on the

appropriateness of the proposed changes and the Commission is comfortable with the design and use of materials. This request will be scheduled for Landmarks Commission consideration of the Certificate of Appropriateness on May 24, 2007; prior to the Conditional Use hearing before the Plan Commission on June 4, 2007. The conceptual plans were being presented for review and feedback so any issues can be resolved before they come back for final action in June.

Steve Schowalter, President of Port Washington State Bank, described the changes to the site and advised that the entire interior of the building is to be remodeled for performance and energy efficiency. A video camera would monitor the queuing of the drive-through lanes.

Vice Chairperson Burgoyne complimented the applicants on an attractive design that would contribute to the Historic Downtown.

The Commissioners discussed the proposed location of the drive-through canopy. Their preference would be to have it moved back to line up closer with the north façade of the building. It was determined that the queuing requirements were excessive.

Planner Censky advised that there is flexibility in the Code to allow the Plan Commission to make exceptions, as long as there is justification for it. Planner Censky was directed to research the Code for the language that would allow the flexibility.

Mayor Myers cautioned the petitioners that the company sign, as presented, will require Design Review Board approval. To his knowledge, backlit signs are not allowed.

REQUEST FOR CERTIFICATE OF APPROPRIATENESS TO RENOVATE THE RIVOLI THEATER LOCATED AT W62 N567 WASHINGTON AVENUE TO ITS 1936 DESIGN AND VARIANCE TO THE SIGN CODE FOR A PROPOSED OVERHANGING SIGN – HISTORIC PRESERVATION SOCIETY

Planner Censky advised that for close to a year the Landmarks Preservation Society had been working on plans for the renovation/ restoration of the Rivoli Theater based on feedback that they received from Cedarburg's Landmarks Commission regarding on the appropriateness of the design for downtown Cedarburg. The Landmarks Commission first needed to determine whether the restoration plans should reflect the original Boerner Brothers General Store building design of the 1800s or whether it would be appropriate that the renovation effort resemble the original Rivoli Theater plans from the mid-1900s. After some discussion, Landmarks Commissioners concluded that the plans should indeed reflect the original theater design since the use represents an important period in downtown Cedarburg.

Planner Censky explained that the intent of the project was to update the front elevation to historically reflect the theater of the past. To accomplish this, ¼" black spandrel glass panels would be secured to the masonry over the entire east façade of the building with accenting bands of white spandrel glass being added over the surface to accentuate the windows and poster cases. The lower portion would be of a much harder ¼" laminated spandrel glass, which is needed to protect against vandalism. The existing second floor windows would be replaced with new aluminum windows with 1" insulated glass and new "SLIMLINE" poster cases would replace the existing. A bent metal cornice will enhance the top of the building and a metal band will wrap around each corner.

Planner Censky noted that to truly reflect the theater look of the 1930's, the Landmark Preservation Society was proposing a marquee sign that extends over the front sidewalk and up the entire height of the building. This sign, however, violates the City's Sign Code in regards to size and placement. Therefore, the Landmark Preservation Society was requesting a Code variance from Section 15-5-7(c) that states that projecting signs shall be no closer than 5 feet to a curb, where this sign is nearly up to the curb, and Section 15-5-7(b) that limits Wall Signs to a maximum of 32 square feet, where this exceeds that limit. The Design Review Board reviewed this signage at their April 24, 2007 meeting and, while they could not approve it due to non-compliance, they recommended that a variance be granted in order to capture the 1930's historic look. To justify this variance, Commissioners established the following findings:

- The Rivoli Theater is located in the Washington Avenue Historic District.
- The Rivoli Theater is a Designated Local Landmark within the Historic District.
- A Sign Code variance is necessary to effectively accomplish the historic restoration of the Rivoli Theater and, without a variance, the historic restoration of the theater is severely hindered.

Don Levy, President of the Historic Preservation Society, introduced Architects Mark Poellot and Mark Morgan. He explained that they would not be using bands of white spandrel glass for accent, but would use a metal band instead.

Council Member Beck expressed her concern that the glass façade may reflect sunlight into oncoming traffic.

Planner Censky explained that the panels would be 3-foot square sections and each would reflect at different angles. Architect Paul Rushing pointed out that there is a great deal of window glass downtown that does not appear to be a problem. President Levy advised it was the same material as the white glass on the Coffee Pot Restaurant downtown. He added that it was shatter-proof.

Mr. Rushing noted that the contractor is the son of the person who built the original 1930's sign and is excited about recreating it. An effort is being made to use 350 lights that look like incandescent bulbs but are not as intense.

Action:

Vice Chairperson Burgoyne moved to grant the Certificate of Appropriateness for the proposed exterior renovations and grant the variance to allow for the sign that reflects the theater of the 1930s. The motion was seconded by Commissioner Kaiman.

Continued Discussion:

Council Member Beck asked if birds were likely to fly into the spandrel glass. She thanked the members of the Historic Preservation Society for keeping the Rivoli alive.

Final Action:

The motion carried without a negative vote.

RECONSIDERATION OF THE APPROVAL STIPULATION RELATED TO THE RELOCATION OF THE LOADING DOCK AT THE SHERWIN WILLIAMS PAINT STORE AT W51 N729 KEUP ROAD – DAVID LARSON

Planner Censky reminded Commissioners that Dave Larson received approval at the April meeting

to relocate the overhead loading door on his paint store located at W51 N729 Keup Road from the south elevation of the building to the west elevation and to construct a raised outdoor concrete loading dock where the dumpsters currently exist. The existing overhead door on the south elevation was to be abandoned and filled in with concrete block painted to match existing block. This approval was granted with, among others, the stipulation that "now and in the future, delivery truck traffic would not be allowed to use the access drive west of the building off Georgetown Drive."

Planner Censky explained that Mr. Larson was concerned about the impacts of that condition on his future plans. He is, therefore, asking the Commissioners to reconsider and remove that stipulation of approval. The stipulation would restrict him from pursuing a future addition off the south elevation because there would be no practical way of servicing the site with delivery trucks. Moreover, Mr. Larson argued that the consequence of this stipulation is to sacrifice safety over the limited impact he will be placing on Georgetown Drive. He pointed out that this stipulation would require all semi-truck turning and backing movements to occur on site in an area closest to the adjacent custard stand where pedestrian traffic is at its highest. Mr. Larson believed that having use of the west access drive for deliveries only, where truck movements are generally forward and more controllable, is far safer than being restricted from use of the drive.

Dave Larson, the property owner, summarized that the one-way access from Georgetown Drive though the existing curb cut was practical, responsible and safe. He added that he recently conversed with Pete Neville, the Georgetown resident who spoke against the proposal at the April meeting. After receiving the information presented at the April meeting and discussion thereafter, Mr. Neville now has no objections to the use of the existing west access to the site.

Erin Honey, the Sherwin Williams representative responsible for the Cedarburg location, advised that deliveries would only occur on weekdays with 1 to 2 deliveries per week and would only be on the site an average of 45 minutes.

Mayor Myers noted that the business had been at that location for many years and should not be penalized for the residential development surrounding it. The semis would only use a short section of Georgetown Drive, which might be more acceptable if store personnel would be at the entryway for enhanced safety.

Commissioner Emmerich agreed with Mr. Larson.

Council Member Beck stated that Pete Neville was very much against allowing use of the western access. She was not in favor and would vote against rescinding the stipulation.

Commissioner Brown suggested that the use of the west access could be prohibited if its use ends up being a problem.

Action:

A motion was made by Mayor Myers, seconded by Vice Chairperson Burgoyne, to remove the stipulation prohibiting use of the westernmost drive approach contingent upon prior notification of arrival of a semi so that Sherwin Williams's personnel can open the gates, which will be closed immediately after the truck has entered the site. Plans for the southern addition will need to receive Plan Commission approval.

Continued Discussion:

Vice Chairperson Burgoyne recommended that the City try to be somewhat flexible and creative to keep businesses in the City and help them to be successful. He believed that having Sherwin Williams' staff out with the truck would enhance safety.

Mr. Larson noted that the access to the dumpsters and smaller vehicles such as UPS trucks would use only the south entrance.

Final Action:

The motion carried with Mayor Myers, Vice Chairperson Burgoyne and Commissioners Brown, Kaiman and Schara voting in favor and Council Member Beck voting against.

PLACEMENT OF A NEW 8' X 8' SHED ON THE WEST SIDE OF THE COMMERCIAL/RESIDENTIAL STRUCTURE AT N56 W6393/95 CENTER STREET – ANDREW HELGESON

Planner Censky reported that Andrew Helgeson purchased the property three years ago and was undertaking to make the outward appearance of the site more presentable. With this request, he hopes to eliminate the outside storage that has accumulated over time along the west side of the building by requiring it be stored inside a shed. Accordingly, Mr. Helgeson was requesting approval to install a Menard's storage building on the west side of his commercial building located at N56 W6393 Center Street. The 8' x 8' shed will be wood frame with "SmartSide" grooved siding and will be covered with a slate-looking fiberglass shingles. Typically, a shed for a commercial site should be located in a less visible area to minimize any adverse impacts on the adjacent neighbors. However, as is evident by the site plan, there is no alternative area to locate the shed because commercial building occupies the entire east half of the site.

Action:

Commissioner Brown moved to approve the proposed site modification to place a new 8' x 8' shed on the west side of the commercial/residential building located at N56 W6393/95 Center Street. The motion carried without a negative vote.

REVIEW AND DISCUSS CHAPTER 8, THE LAND USE ELEMENT, OF THE SMART GROWTH COMPREHENSIVE LAND USE PLAN

Planner Censky requested review and comment on the first draft of Chapter 8 – The Land Use Element. At an earlier meeting Commissioners received the Land Use Map, which is probably the most important visual tool of the Comprehensive Plan and is a component of this Chapter. Work is continuing on that map and a more complete version will be before you soon. The Land Use Element is perhaps the most important tool of the Comprehensive Plan in terms of guiding future growth of the City because it serves to inventory existing land uses, analyzes trends in the supply, demand and price of land, and establishes opportunities for development and redevelopment of land. It also contains the necessary land use projections for the next 20 years, in 5 year increments. It is the one component of the Plan that is reviewed first when determining consistency as new development is considered.

Planner Censky summarized that to date, Commissioners have reviewed Chapters 1 through 6 (Issues and Opportunities, Transportation, Public Utilities and Community Facilities, Environmental, Housing, and Economic Development), which leaves only the Land Use Element, Intergovernmental Cooperation and the Implementation Elements. With the Land Use Element being reviewed this month and the Intergovernmental Cooperation and Implementation in June,

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Commissioners will then begin the final review of the master copy in July and August before sending it on to the Common Council for public hearing.

Planner Censky added that the Blue Ribbon Visioning Report would become an attachment to the Smart Growth final document. The grant deadline is the end of 2007. Commissioners directed that notations be made in the appropriate text that the Blue Ribbon Visioning Report was referenced.

REPORT FROM THE JETZCO MEMBERS AND DISCUSSION OF THE DIRECTION AND STATUS OF ONGOING DISCUSSIONS

The Plan Commission discussed the JETZCO meeting. It was noted that Phil Evenson, Executive Director of the Southeastern Wisconsin Regional Planning Commission (SEWRPC), was a very good speaker.

ADJOURNMENT

Commissioner Brown moved to adjourn the meeting at 8:44 p.m. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote.

Darla Drumel,
Administrative Secretary