

CITY OF CEDARBURG
PLAN COMMISSION

PLN20180806-1
UNAPPROVED MINUTES

August 6, 2018

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, August 6, 2018 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 O'Keefe.

Roll Call: Present - Mayor Michael J. O'Keefe, Greg Zimmerschied, Adam Voltz, Sig Strautmanis

Excused - Council Member Patricia Thome, Mark Burgoyne, Heather Cain

Also Present - 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.

APPROVAL OF MINUTES

Commissioner Zimmerschied moved to approve the minutes of the meeting held on July 2, 2018 as presented. The motion was seconded by Mayor O'Keefe and carried without a negative vote, with Council Member Thome, Vice Chairperson Burgoyne, and Commissioner Cain excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Mayor O'Keefe offered the opportunity for the public to speak on any issue unrelated to the agenda items. He advised that the Plan Commissioners would not be able to respond to any comments since they were not noticed on the agenda. No comments from the audience were offered.

CONSIDER ONE-YEAR EXTENSION TO APPROVED SITE, ARCHITECTURAL, LANDSCAPE AND EXTERIOR LIGHTING PLANS FOR A 7,030 SQUARE FOOT MULTI-TENANT BUILDING TO BE LOCATED AT W62 N180-186 WASHINGTON AVENUE – ANDREW PETZOLD/CONCORD DEVELOPMENT

Planner Censky advised that Concord Development is requesting a third extension of approved site, architectural, landscaping, and exterior lighting plans for a 7,030 square foot multi-tenant building to be located south of the Walgreens Drug Store on south Washington Avenue. City records indicate that these plans were originally approved on August 3, 2015 and that a one-year extension was approved on June 6, 2016 and another extension was granted on August 8, 2017 .

The applicant is requesting this extension in accordance with **Section 13-1-126 Lapse of Site Plan Approval** which states: ***If a developer of a project which has been granted site and /or architectural plan approval has not obtained and complied with the provisions of a building permit consistent with said plan approval within one year of the date of the initial approval, the plan approval shall lapse. Upon application, the Plan Commission may renew its approval of the site and/or architectural plan as initially granted or may require changes as deemed appropriate.***

There have been no changes to the zoning in the area or to the Zoning Code which would affect this project.

Action:

A motion was made by Commissioner Zimmerschied, seconded by Commissioner Strautmanis, to grant an extension of approvals of the site, architectural, landscaping and exterior lighting plans along with a Conditional Use Permit for a restaurant with a drive-up window to August 3, 2019. The motion carried without a negative vote, with Council Member Thome, Vice Chairperson Burgoyne, and Commissioner Cain excused.

CONSIDER APPROVAL OF THE ARCHITECTURAL PLANS FOR THE NEW KETTLE MORAINÉ APPLIANCE STORE AT N144 W6050 PIONEER ROAD – JAMES OTTEN

Planner Censky reminded Commissioner Members that they recommended rezoning and land use plan amendment at the May 7, 2018 meeting for the conversion of this building and site into the Kettle Moraine Appliance store, and those changes were approved by the Common Council on June 25th. Because the applicant must first secure DNR approval of his storm water management and associated wetland restorations plans before he finalizes his site plan, he is only requesting approval of his architectural plans now. The intent is to allow him to continue his ongoing physical interior work converting the building into the Kettle Moraine retail/office/warehousing use, while he works to secure the necessary DNR approval of his site details. Upon securing DNR approval, the Plan Commission will process the site, landscaping and exterior lighting plans.

Architecturally, the applicant has designed this building to be reflective of the look of his existing appliance center on south Washington Avenue. He proposes adding storefront windows on the south elevation, introducing glass entryways and covering the old concrete block walls with new veneer on the east elevation, and using metal panel siding to cover the existing block wall material on the north and west elevations. Specifically, the plan shows the use of Clear Anodized Aluminum Storefront Framing with Clear Insulated Glazing windows dominating the south façade and that system is repeated for the individual tenant entrances on the east façade. The window treatment on the south and east façades is then framed by stone veneer of the Alpine Sable Blend and upper portion of the south façade will be finished in an Exterior Insulation Finish System (EFIS). The architectural indentations on the east façade will also be finished with EFIS and the upper portion will retain the existing metal roof system. Metal Panel

Siding will be used on the north half of the east elevation and will be used extensively on the west. The existing CMU block on the remainder of the building will be painted in an SW 7019 Gauntlet Gray color.

Commissioners opined that EFIS was not appealing and was not durable; and that corrugated metal materials are preferred.

Mayor O'Keefe really liked the proposed architectural plans, especially compared to the current building.

Action:

Commissioner Zimmerschied moved to conditionally approve the architectural plans with the following stipulations:

1. The applicant return with alternative exterior materials to the EFIS for Plan Commission consideration.
2. The applicant will need to modify the plans as necessary to comply with Wisconsin DNR regulations.
3. A 5-foot public sidewalk will be required along Pioneer Road extending around and up Cardinal Avenue.
4. Submittal of a Certified Survey Map showing a 30-foot public road right-of-way dedication along Cardinal Avenue and necessary utility easements.
5. The building will need to be equipped with a sprinkler system approved by the Fire Department.
6. The applicant will need to meet with the Fire Department to discuss location of fire protection equipment and to verify that the driveway has sufficient turning radius for fire trucks.

The motion was seconded by Commissioner Voltz and carried without a negative vote, with Council Member Thome, Vice Chairperson Burgoyne and Commissioner Cain excused.

CONSIDER APPROVAL TO INSTALL A 50,000 GALLON STORAGE TANK AND TO CHANGE TWO EXISTING TANKS FROM THE HORIZONTAL TO THE VERTICAL POSITION AT W55 N155 MCKINLEY BOULEVARD – KEMPS DAIRY

Planner Censky explained that the applicant is requesting site plan amendment to install an additional above-ground RAW material storage tank located at the west end of a line of six existing storage tanks immediately adjacent to and south of the semi-truck loading garage south of McKinley Blvd. This will be a 50,000-gallon tank that stands 62' tall in the line of tanks that range in height from 24' to 74'. They are also requesting to change two existing pasteurized tanks located in the line of four tanks off the northeast corner of their building from the horizontal position to vertical. These tanks will stand 40' tall and will be separated from McKinley Boulevard by the existing parking lot. To the extent possible the existing trees along McKinley Boulevard will provide screening. City staff's review indicates full compliance with the setback requirements. Planner Censky added that the storage tanks are not subject to the City's height regulations.

Action:

A motion was made by Commissioner Zimmerschied to approve the proposed site plan amendments as proposed. The motion was seconded by Mayor O'Keefe and carried without a negative vote, with Council Member Thome, Vice Chairperson Burgoyne and Commissioner Cain excused.

CONSIDER REQUEST TO AMEND THE M-3 BUSINESS PARK DISTRICT TEXT TO ADD "HAIR SALONS" AS A PERMITTED USE – ISAAC AND RACHELLE COVERT

Planner Censky reported that Isaac and Rachelle Covert are requesting a zoning text amendment to add "*Hair Salons*" to the list of uses in the M-3 Business Park District to establish an approval process to operate her salon business from within the building at N19 W6733 Commerce Court. It is staff's understanding that Mrs. Covert has recently been given notice by her landlord that the doors of her current building will be closing and she is searching for a new location to establish her business. The owners of the Commerce Court building encouraged her to pursue City approval, but since the use is not listed in the M-3 District, it is not permitted. Mrs. Covert is now requesting to list the use in the District.

Planner Censky noted that the M-3 District currently allows such uses as indoor athletic facilities, day care facilities, medical clinics and veterinary hospitals as conditional uses; which seem to have similar characteristics and/or impacts of hair salons. If Commissioners feel comfortable with the hair salon use, it is recommended that it be listed as a Conditional Use to ensure that conditions can be applied to the operation as necessary.

The Commissioners discussed the merits to having nearby services such as day care, fitness facilities, and such close to places of work.

Commissioner Zimmerschied advised that new State laws have been adopted that restrict a community's ability to deny a Conditional Use Permit request. Planner Censky advised that Cedarburg has never abused the use of Conditional Use Permits and has had conversations with the City Attorney on the new law.

Commissioner Strautmanis expressed some concern of diverting retail from the City's commercial districts but was comfortable with this use.

Action:

Commissioner Strautmanis moved to recommend the Common Council amend the M-3 Business Park District text to allow "Hair Salons" as a permitted conditional use. The motion was seconded by Mayor O'Keefe. The motion carried without a negative vote, with Council Member Thome, Vice Chairperson Burgoyne and Commissioner Cain excused.

CONSIDER RECOMMENDING REZONING W68 N926-30 WASHINGTON AVENUE FROM THE B-2 DISTRICT TO THE B-2/PUD DISTRICT AND SITE,

**ARCHITECTURAL, LANDSCAPING, EXTERIOR LIGHTING AND CERTIFIED
SURVEY MAP APPROVALS - BELL INVESTMENT PROPERTIES, LLC**

Planner Censky advised that Bell Investment Properties, LLC is proposing to raze the existing multi-tenant building at W68 N926-30 Washington Avenue and then build a new updated Orthodontic facility on the same site in the same location as the existing building. To accomplish this project however, they need the use of the PUD Overlay District for the flexibility it offers in applying the regulations of that base B-2 Community Business District. This flexibility is needed because the existing structure does not currently meet the setback requirements and is classified as legal non-conforming. Moreover, because this site has public road frontage on three of the four sides and the B-2 District setback requirements are substantial at 40 feet from the road right-of-way, redevelopment is extremely difficult if not impossible. Compounding this situation is the requirement that the applicant dedicate the full width right-of-way of forty (40) feet for Washington Avenue.

The only way to accomplish their plan is to introduce the PUD Overlay District to allow this Commission, and ultimately, the Common Council to set the regulations based on the plan proposed. Because the applicant was caught off guard by the need to pursue the PUD Zoning District, they have submitted fully detailed plans now in the hopes of receiving your positive recommendation to the Common Council so that these plans would be ready for building permit issuance shortly after the Council's decision on the rezoning.

Site Plan:

The applicant is proposing a 6,913 square foot building dedicated to the orthodontic practice only. For the most part, the plan is to utilize the site, traffic pattern and parking layouts as currently exists but with a slightly expanded paved area to better define the parking stalls and traffic circulation. The site will be supported by thirty-five (35) stalls, which is an increase from the 28 stalls that exist currently. The site plan shows the continued use of the 10' drive along the north side of the building but because this does not have sufficient width to meet two-way traffic requirements, it will need to be indicated as one-way traffic only. In addition, rather than paving this drive up to the building, staff recommends that a stone separation from the building of at least 1 ½ feet be provided. Off the northeast corner of the parking lot they propose to locate the 12' X 16'7" dumpster. The dumpster enclosure will be constructed of CMU (concrete) walls that stand 6' tall accessed from the west through a 6' high chain link fence with privacy slates on heavy duty hinges.

Architecture:

Architecturally, the plans propose an attractive building defined by quality building materials, and an inviting design with a color scheme that compliments other buildings in the area. Specifically, they propose a building that stands 32' tall at the peak with material consisting of attractive natural split stone with decorative EIFS crown molding at the top, aluminum clad windows and an expansive standing seam charcoal color metal roof. In the gable over the main entrance on the west elevation, the plan shows their corporate symbol and in the gable on the east elevation is the other corporate symbol and the identification name.

Landscaping:

According to the landscape plan, the main entrance off Washington Avenue and extending out from the base of the existing monument sign will be enhanced with plantings of Goldstrum Black-eyed Susan, A.W. Spirea and Dwarf Fountain Grasses under a single Red Oak. This planting scheme is repeated on the north side of the entrance and along the Cambridge Avenue frontage adjacent to the parking lot as well. Foundational plantings include Miss Kim Lilacs at the southeast corner of the building accented by groupings of Sunrise Forsythia, Taunton Yew, Snowmound spirea and Karl Foerster's Feather Reed Grass.

Exterior Light:

The building will be lit with decorative wall sconces that measure 22" high and 7' wide located on all sides. These will be Kichler lights of either the Manhattan Collection or the Camden Collection (see attached cut-sheets) of either Anvil Iron or textured black color to complement the colors of the building. Either choice is appropriate for this building. The site lighting will be limited to replacing the existing pole lights with new poles at the same location and of the same height but with new light fixtures. (see enclosed cut-sheets).

Signage:

The existing monument sign along Washington Avenue will remain in its current location will be untouched. Staff notes, however, that since the sign is located partially within the public right-of-way, the applicant will need to sign an agreement permitting it to remain but with the understanding that if the City ever needs it relocated or remove, that work will be completed at the expense of the owner.

Certified Survey Map:

As part of this project, the applicant has submitted a Certified Survey Map which will serve to dedicate the 40' ultimate road right-of-way along the Washington Avenue because the existing property line is defined to the center of the street.

Nonconformity to Standards:

Due to the fact that this is a corner site with public road frontage on three sides, coupled with the fact that the B-2 District setback requirement is extensive at 40', development of the site as proposed is severely hindered. Accordingly, as part of the PUD request, the applicant is seeking your recommendation to adjust the following standards of the underlying B-2 District:

1. **Code Requirement – Sec. 13-1-54 h. B-2 District. Setback and Yards. There shall be a minimum building setback of forty (40) feet from the right-of-way of all existing or planned streets.**

Nonconformity – *The proposed setback from Washington Avenue is 39.1' and from Cambridge Avenue the proposed setback is 15.4'*

2. **Code Requirement** – **Sec. 13-1-82(f) (3) Parking Requirements (Landscaping)** States: **A perimeter greenbelt of at least five (5) feet in width shall be installed along the street frontage and along all interior lot lines.**
Nonconformity – *Parking is proposed at a point up to the Washington Avenue right-of-way line and from Cambridge Avenue at a point 0.5' from the right-of-way line. From the north property line parking is proposed up to the property line (Note: the existing asphalt is located up to this property line as well).*
3. **Code Requirement** – **Sec.13-1-82 (c) Parking Stall Size** States: **Each parking space shall not be less than one hundred and eighty (180) square feet, exclusive of the space required for ingress and egress.**
Nonconformity – 2 parking stalls measure 150 square feet.

Architect Ian Wilson of Nolan Carter noted that the building as it currently exists is not Code-compliant as regards to setback requirements. Architect Wilson also indicated that they are planning to keep the existing identification sign but with the dedication of the right-of-way that sign may encroach into the right-of-way. Planner Censky advised when he worked for Mequon they created a hold harmless agreement to protect the City from liability for damage that may occur to a structure allowed to remain in the public right-of-way.

Commissioners discussed whether it would be appropriate to allow two parking spaces to encroach the Cambridge Avenue road right-of-way as requested by Dr. Bell to reduce the need for street parking.

Commissioners also felt that the public sidewalk should be extended along the Washington Avenue frontage. It was argued that it would be only fair for Dr. Bell to install the sidewalk knowing that a sidewalk was required to be installed by Kettle Moraine Appliance on Cardinal Avenue.

In response to Commissioner Strautmanis' query, Architect Wilson argued that EIFS would be an appropriate exterior finish material for the upper level of buildings. The majority of the exterior is stone. A standing seam metal roof would be installed and there would be a smooth transition between the roof hips.

Action:

A motion was made by Commissioner Zimmerschied, seconded by Commissioner Voltz, to approve the site, architectural, landscape and exterior lighting plans; with the recommendation to the Common Council to approve the Planned Unit Development Overlay District zoning and Certified Survey Map with the following conditions:

1. Standard public sidewalk is installed along Washington Avenue from Cambridge Avenue to the north property line.
2. Cedarburg Light and Water approval of the water service to building.
3. If the water use increase, the applicant will be responsible for impact fees to cover that increase.

4. The applicant shall be limited to land disturbance activity of less than 0.5 acres and if the disturbance exceeds that limit a storm water management plans shall be required and approved by the City Engineer.
5. Fire protection features shall be approved by the Cedarburg Fire Department.
6. The applicant signing a waiver to maintain the monument sign at his expense in its current location in the Washington Avenue right-of-way.
7. The north drive to be set off from the building by 1 to 1-1/2 feet.

Continued Discussion:

Planner Censky advised that he would check the history of the site as it pertains to the sidewalk installation to make sure there are no extenuating circumstances.

Commissioners Zimmerschied, Voltz and Strautmanis opined that the existing walk to the building did not provide a service to the public and the Plan Commission has a responsibility to act on behalf of Cedarburg citizens.

Final Action:

The motion carried without a negative vote, with Council Member Thome, Vice Chairperson Burgoyne and Commissioner Cain excused.

SET DATE FOR SEPTEMBER 2018 PLAN COMMISSION MEETING

Commissioners determined that Wednesday, September 5, 2018 would be the next meeting date.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

No comments were offered by the Plan Commissioners.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe had no announcements.

ADJOURNMENT

A motion was made by Commissioner Strautmanis, seconded by Commissioner Zimmerschied, to adjourn the meeting at 8:29 p.m. The motion carried without a negative vote, with Council Member Thome, Vice Chairperson Burgoyne, and Commissioner Cain excused.

Darla Drumel,
Administrative Secretary