

CITY OF CEDARBURG
PLAN COMMISSION

PLN20190304-1
UNAPPROVED MINUTES

March 4, 2019

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, March 4, 2019 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 Michael J. O'Keefe.

Roll Call: Present - Mayor Michael J. O'Keefe, Council Member Patricia Thome, Mark Burgoyne, Greg Zimmerschied, Heather Cain, Adam Voltz, Sig Strautmanis

Also Present - Council Member Garan Chivinski, City Planner Jon Censky, Administrative Secretary Darla Drumel, news media

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

Council Member Thome moved to approve the minutes of the meeting held on February 4, 2019. Commissioner Zimmerschied pointed out that his name was misspelled. Council Member Thome agreed to amend her motion to change the name "Zimmermann" to "Zimmerschied" in the last paragraph on the last page of the minutes. The motion as amended was seconded by Commissioner Voltz and carried without a negative vote.

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.

PUBLIC HEARING REGARDING CONDITIONAL USE PERMIT TO OPERATE A 24/7 ANYTIME FITNESS FACILITY AT W63 N143-N145 WASHINGTON AVENUE – KARMEN NENHALO

Mayor O'Keefe declared the public hearing open at 7:05 p.m.

Planner Censky advised that the owner of Anytime Fitness recently purchased the commercial site at W63 N143-N145 Washington Avenue and intends to move her health club operation from the current location at W61 N297 Washington Avenue into this building. This is a national health club franchise with over 1,000 facilities in the Midwest that offers 24-hour fitness and tanning services. The unique feature of this facility is that each member will have an access key integrated with a member check-in software and onsite security system, which includes closed-circuit television and tailgate detection for entry doors. Commissioners may recall that Anytime Fitness was originally approved to be located in the Bloch building at W61 N297 Washington Avenue in 2010 and has operated there ever since without problems.

In preparation for this move, Karmen Nenhalo will be remodeling the building interior, the front façade, and will be repainting the north, south and west facades to update the look of the building and better reflect their business outlook. The mansard roof will be removed and replaced with new parapet style roof of metal panels over an accent strip of hardiplank lap siding of autumn tan color. Metal panels will also be introduced at the center of the east facade and at each end. The main front door will be removed, and two new doors will be installed at the north end of the front façade and these will be bordered by Pennsylvania Weathered Ledge Stone material which extends under the store front windows.

While the site plan shows only 11 parking stalls in front of the building, there is additional parking to the rear of the building where Ms. Nenhalo could realize at least 18 additional stalls. Since Ms. Nenhalo owns both the front building and the one to the rear, she does have control of the entire site. If parking becomes an issue, staff feels comfortable that Ms. Nenhalo will work with the City to address unanticipated parking problems.

Commissioners discussed the architectural materials proposed.

No comments were offered from the public.

Action to Close Public Hearing:

A motion was made by Commissioner Zimmerschied, seconded by Vice Chairperson Burgoyne, to close the public hearing at 7:14 p.m. The motion carried without a negative vote.

Action:

Commissioner Zimmerschied moved to approve the conditional use permit subject to:

1. Using a stone with a lighter and more modern appearance (to be approved by City staff).
2. The parking stalls be painted on the asphalt surface in both the front parking lot and the rear parking lot.
3. The conditions identified in the Conditional Use Permit Document.

4. The Conditional Use Permit is issued to Anytime Fitness Health Club at the subject premises and shall not be transferable to others.

The motion was seconded by Council Member Thome and carried without a negative vote.

CONSIDER LAND USE PLAN AMENDMENT AND REZONING REQUEST FOR CONDOMINIUM DEVELOPMENT ON VACANT 5.520-ACRE PARCEL LOCATED EAST OF EVERGREEN BOULEVARD AND NORTH OF PIONEER ROAD – CEDARBURG TRAIL CONDOMINIUM/GREG JAMES

Planner Censky noted that Mr. James took the input he received from the February 2019 meeting and again revised his plans to address Commissioner comments. Since this is his third attempt at trying to secure Plan Commission recommendation, staff asked Commissioners Zimmerschied and Voltz to look at his revised plans when received by City staff. They were asked to determine if any further direction regarding design was necessary. Their input was passed on to Mr. James and the plans were once again revised. The current plans now show all the recommended changes including side entry garages on a few of the buildings to reduce the number of front-facing garages, changes to the roof accents, color changes to the front pedestrian doors, an increase in the depth of his porches to 6 feet and a series of columns across the front of the porch. He has also realigned the intersection with Evergreen Boulevard and has extended the public sidewalk across the full frontage of his property.

Nonconformity to Standard:

According to the PUD Ordinance, the Plan Commission and the Common Council must acknowledge any departure from the standards of development as set forth in the City's Zoning Code, land division ordinance and other City regulations. Staff's review of these plans indicates the following departures from the standards:

1. GENERAL STREET DESIGN STANDARDS
Code Requirement – SEC 14-1-70(p) Cul-de-sacs
Cul-de-sacs shall not exceed seven hundred fifty (750) feet in length.
Departure – **Proposed cul-de-sac length = 1,020 feet.**
2. RD-1 TWO-FAMILY RESIDENTIAL DISTRICT
Code Requirement – SEC 13-1-50(g) Setback and Yards
There shall be a minimum building front yard of twenty-five (25) feet from the right-of-way of all streets and a rear yard of 25.
Departure – **The proposed front yard, which is to be measured from the edge of street pavement, ranges from 14' to 20' back to the buildings.**
Departure – **The proposed rear yard for building 14 is 11 feet.**
3. TECHNICAL REQUIREMENTS FOR CERTIFIED SURVEY MAP LAND DIVISION; REVIEW AND APPROVAL

Code Requirement – SEC 14-1-42(e) Street Dedication

Dedication of streets and other public areas shall require, in addition, the owner's certification and the mortgagee's certificate in substantially the same form as required by Section 236.21 (2)(a) of the Wisconsin Statutes.

Departure – The proposed cul-de-sac will be private and, therefore, there will be no dedication.

Commissioners are reminded that the requests are to recommend amending the Comprehensive Land Use Plan for this site from the Industrial and Manufacturing classification to the High-Medium Density Residential classification, and then to recommend rezoning the site from M-3 Business Park District to Rd-1 (PUD) Two Family Residential and Planned Unit Development Districts. Since Commissioners have indicated support for this project in the past, coupled with the support from the Community Development Authority, Planner Censky encouraged them to recommend the Land Use Plan Amendment and rezoning as indicated above. If recommended, a public hearing will be scheduled at a future Common Council meeting in April. If approved by the Council, Mr. James will then submit his fully-detailed site, architectural, landscaping and lighting plans, and his condominium plat along with condominium documents, for Plan Commission review and approval.

Commissioners comments were as follows:

1. The new architectural plans for Buildings Numbers 1 and 4 are more representative of the style they were looking for.
2. Liked the side garage entries.
3. Suggested that the space between buildings be increased to 44 feet for the side garage entries.
4. The condominium roadway entrance continues to be awkward.
5. Configuration of the road and driveway offsets are awkward.
6. Elimination of Building Number 2 could create a more natural roadway configuration.
7. Fourteen units still were considered too many for the lot size.
8. Extend a sidewalk be added to the south side of the drive to a point where crossing is safer for pedestrian access to Evergreen Boulevard.
9. Consider staggering driveways so there is no conflict when backing out.
10. More attention to architectural details, such as materials that turn corners, will be applied to the future detailed plans.

Action:

A motion was made by Commissioner Voltz to recommend approval of the Land Use Plan Amendment from the Industrial and Manufacturing classification to the High-Medium Density Residential classification and rezoning from M-3 to Rd-1/PUD, subject to staff approval of the following conditions:

1. Eliminate Building Number 2 to allow for a better entryway design.

2. Shift Building Number 1 on the south side of the drive closer to Evergreen Boulevard to allow for greater spacing between buildings.
3. Extend the public sidewalk from Evergreen Boulevard down the cul-de-sac to a point where crossing is safer.
4. While the applicant proposes a 1,020-foot-long private cul-de-sac which exceeds the maximum length of 750 feet allowed by Code, the Police Chief prefers the cul-de-sac as proposed for crime prevention.
5. The applicant will be required to pay all impact fees at the time of building permit acquisition.
6. For informational purposes, there is an existing siren located at the east end of this property.
7. As part of his future plan submittal, the applicant will be required to submit sanitary sewer, watermain, storm sewer, site grading, storm water management and lighting plans.
8. The sanitary sewer and watermain will be dedicated to the public and all other utilities and the streets will be private.
9. Each unit shall have its own sanitary sewer and water laterals. A common storm lateral for sump pump discharge will be allowed.
10. The applicant shall provide private street lighting consisting of L.E.D. coach lights (40 watt) on 12-foot poles spaced every other lot. Use 1½ cable in duct or 2" conduit (No direct buried cable).
11. All water distribution construction shall comply with Cedarburg Light and Water specifications.
12. Single water service from the main shall be split at property line with individual lines going into each unit.
13. Water service curb stops shall be installed in the grass area only, as they will not be allowed in the driveways.
14. Recommend a crowned road cross-section with 24-foot asphalt pavement and 30-inch concrete curb and gutter.
15. City standard for private road is 5-inch asphalt on 9-inch crushed stone base.
16. The 5-foot wide path at the east end of cul-de-sac shall be constructed to connect with the Interurban Trail path.

The motion was seconded by Council Member Thome and carried without a negative vote.

**REQUEST FOR TEMPORARY USE PERMIT FOR TENT AT W62 N630
WASHINGTON AVENUE – GORDON GOGGIN/STILT HOUSE**

Commissioner Greg Zimmerschied recused himself.

Planner Censky recalled that Commissioners approved Gordon Goggin's request in March of 2018 for the temporary use of a tent to be located in his outdoor seating area north of the building. He is back this year with the same request which will include the tent measuring 20' by 40' that stands approximately 10' tall. This tent will be installed to

cover his outdoor seating area directly north of the Stilt House. Mr. Goggin is proposing a similar time period from April 15, 2019 to May 15, 2019 for a total of approximately 4.5 weeks.

A review of the City's file reveals that this tent was originally installed in the fall of 2017 without the owner realizing that there was a required approval process. Last year when he applied for the temporary use of the tent, Mr. Goggin first presented the request to the Landmarks Commission on January 25, 2018 and after discussing concerns about the location of the tent, they agreed on the location and ultimately recommended approval by unanimous vote. It was then brought before the Plan Commission, first on February 5, 2018 where the request was tabled because Mr. Goggin was not present, and then in March. After discussing concerns about the length of time the tent would be allowed and the precedent nature of temporarily expanding a downtown businesses seating, the request was approved by a vote of 5 to 1.

Since this request remains unchanged from last year, Landmarks Commission Chairperson Judy Jepson felt their review was unnecessary and accordingly their recommendation from last year is again offered for your consideration.

Commissioner Cain noted that a white plastic tent is not befitting the downtown area and is contradictory to all other concerns regarding material and uses. She also cautioned that approval would be setting a precedent so that the Commissioners would not be able to deny a similar use to other downtown businesses.

Commissioners debated whether the tent was appropriate for downtown and if future requests could be denied.

Action:

Vice Chairperson Burgoyne moved to approve the temporary use request as requested. The motion was seconded by Mayor O'Keefe.

Continued Discussion:

Commissioner Cain cautioned that from a legal perspective a precedence is waiting. When allowances are made for one, it is difficult to justify denying another.

Commissioners noted that the permit requires annual renewal which could be denied, if deemed appropriate.

Final Action:

The motion carried with Mayor O'Keefe, Council Member Thome, Vice Chairperson Burgoyne and Commissioners Zimmerschied, Voltz and Strautmanis voting in favor and Commissioner Cain voting against.

Commissioner Zimmerschied returned to his position on the Plan Commission.

CONSIDER ARCHITECTURAL CHANGES TO McDONALD'S AT W62 N270 WASHINGTON AVENUE – HAAG MÜLLER, INC./THOMAS E. GOODE

Planner Censky noted that Commissioners approved plans last March for the remodeling of the McDonald's restaurant which were intended to meet their corporate restaurant design standards. Those changes included the removal of the existing mansard style roof and replacing it with a parapet roof, the existing brick material on the lower façade was to remain, but the upper parapet portion of the building was covered with E.I.F.S. (Exterior Insulation Finish System) material and the center portion of the west and south elevation was to be covered with Nichiha Architectural Wall Panels of Iron Mountain Benjamin Moore color. He explained that now that the changes are complete, the restaurant operator is not happy with the look and feels that the building would be improved if the color of the existing brick were stained to match the rest of the building.

Commissioners considered the pictures of the current building and a rendering of the look after the bricks are stained.

Architect Steve Jeske of Haag Müller, Inc. advised that the surface finish of the brick remains the same when stained and the stain would last for the lifetime of the material. Staining is commonly done.

Action:

A motion was made by Commissioner Zimmerschied, seconded by Commissioner Strautmanis, to approve the request to stain the brick at W62 N270 Washington Avenue with Iron Mountain Benjamin Moore color. The motion carried without a negative vote.

CONSULTATION FOR ADDITION TO W67 N662 EVERGREEN BOULEVARD – FIRST IMMANUAL LUTHERAN CHURCH AND SCHOOL

Planner Censky reported that First Immanuel Lutheran Church and School is seeking consultation regarding their plans to replace the old elementary school wing of the complex with a two-story, 31,000 square foot addition. While the plans are fully detailed and comprehensive enough to be processed for approval, due to a misunderstanding of our submittal deadline, staff has not yet been able to conduct our comprehensive review. Accordingly, the intent here is to have a consultation now so that feedback may be incorporated into plans for the April 1, 2019 meeting submittal.

The Church proposes to raze the 65-year-old elementary school portion of their complex and convert that area into an open courtyard to be used for education purposes for their students. The new 31,000 square foot classroom addition will be constructed off the west side from the existing school, will stand 34'10" to the top of their HVAC screening and will be set back 25 feet from the Evergreen Boulevard right-of-way. Since this addition will serve elementary school age children only, they do not anticipate the need for additional parking.

Architect Peter Schneider of Groth Design Group, Inc. pointed out that the proposed architectural plan incorporates elements from both the School and the Church.

Commissioner comments were as follows:

1. Outdoor space is very nice.
2. Overall footprint, mass, height, and scale of the addition fit in well on the site.
3. There are too many different types of materials.
4. West elevation contains too many special features.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

None were offered.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe had no announcements.

ADJOURNMENT

Commissioner Zimmerschied moved to adjourn the meeting at 8:23 p.m. The motion was seconded by Mayor O'Keefe and carried without a negative vote.

Darla Drumel,
Administrative Secretary