

CITY OF CEDARBURG  
PLAN COMMISSION

PLN20190401-1  
UNAPPROVED MINUTES

April 1, 2019

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, April 1, 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, Adam Voltz, Sig Strautmanis

Excused - Heather Cain

Also Present - Council Members Jack Arnett and Kristin Burkart, 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 March 4, 2019 as presented. The motion was seconded by Commissioner Zimmerschied and carried without a negative vote, with 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 SITE, ARCHITECTURAL, LIGHTING AND LANDSCAPING PLANS FOR ADDITION AT W67 N662 EVERGREEN BOULEVARD - FIRST IMMANUEL LUTHERAN SCHOOL**

Planner Censky advised that in response to comments made at the last meeting, First Immanuel Lutheran Church and School (First Immanuel) modified their plans to now show the split face CMU block extended higher on the west wall than the former plans showed. The CMU on the north and south elevation now match the height of that on the

west elevation and the composite siding on the east end of the north and south wall has been replaced with red brick to match the brick of the existing building.

***Site Plan:***

As reported at the March 4, 2019 Plan Commission meeting, First Immanuel 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 educational purposes for their students. The new 31,000 square foot classroom addition will be constructed off the west side of the existing school, will stand 34'10" to the top of their HVAC screening and will be setback 25' from the Evergreen Boulevard right-of-way. This addition, coupled with the removal of the existing classroom area, will bring the Floor Area Ratio to 39%; just under the 40% maximum allowed by Code. Therefore, no further future building expansion can be considered. Since this addition will serve elementary school age children only, they do not anticipate needing additional parking.

***Landscaping:***

This project will result in the removal of a few existing trees along the Evergreen Boulevard frontage, the relocation of others and the addition of more trees to visually enhance the proposed addition. A row of flowering crab trees is proposed along, and 14' back from, the front public sidewalk. Along the west foundation wall the plan proposes a repeating planting scheme consisting Korean Spice Viburnum plants separated by plantings of Bowling Ball Arborvitae complemented by Daylily perennial flowers. Along the south building foundation they propose plantings of Tara Prairie Dropseed and Purple Silver perennial grasses. The courtyard is designed for educational purposes with a meandering 6' wide compacted gravel path that extends from each access door and serves educational stations. Within this area they propose a stage with an adjacent shaded amphitheater, a greenhouse and raised gardens, a children's play area, a pond and bog and a Tall Prairie. As designed this area will be completely screened from off-site.

***Exterior Lighting:***

The exterior lighting plan shows that two types of light fixtures will be used: LED wall pack fixtures above the access doors and soffit fixtures illuminating the exterior walls. There will be one wall pack fixture located over each of the eight pedestrian doors and five down-lighting fixtures within the soffit of the west wall. The wall packs will be the XSP series and the soffit fixtures the CPY Series.

Although this request does not require a public hearing, we did notify the immediate adjacent neighbors. A review of the plans indicates full compliance with the I-1 Institutional Zoning District regulations.

Commissioners concurred with the changes proposed from the plans reviewed in March.

**Action:**

A motion was made by Commissioner Voltz to approve the site, architectural, lighting and landscaping plans subject to the following:

1. City staff approval of architectural changes to bring the wood element down to the top of the windows on the north, south and west elevations as shown on the set of plans reviewed at the March 4, 2019 Plan Commission meeting.
2. The applicant securing City Engineering department approval of a stormwater management plan and permit prior to issuance of a building permit.
3. The existing 2" copper water service at the southwest corner of the existing building shall be properly abandoned at the water main in Victoria Court.
4. Fire protection equipment locations shall be determined as the project progresses.
5. Carbon monoxide alarms shall be required in classrooms per IBC (2015) 915.2.3.
6. Egress/ingress from the courtyard shall be Code-compliant.

The motion was seconded by Commissioner Strautmanis and carried without a negative vote with Commissioner Cain excused.

**CONSIDER REQUEST FOR OUTDOOR ALCOHOL BEVERAGE LICENSE AT W57 N481 HILBERT AVENUE – AMERICAN LEGION POST 288**

Planner Censky advised that the American Legion Post 288 is requesting an Outdoor Alcohol Beverage License to serve alcohol on their recently approved and constructed patio off the south and west corner of the American Legion Post. He noted that the Legion Post was before the Plan Commission on June 5, 2017 with plans to expand/update their facility by bringing their existing bathrooms into ADA compliance, expanding the indoor seating area, adding outdoor seating, and improving the site parking and traffic circulation. Now that the renovation is complete, they need an Outdoor Alcohol Beverage License before they can serve alcohol beverages with their food on the patio. As noted in their plans, the deck has the wall of the building on two sides and a steel rail on the opposing sides. The Police Chief has reviewed this request and has no objection.

**Action:**

Council Member Thome moved to recommend that the requested Outdoor Alcohol Beverage License be granted to American Legion Post 288. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote, with Commissioner Cain excused.

Council Member Thome noted that the improvements to the Post are significant and encouraged Commissioners to stop in.

**CONSIDER REQUEST FOR MOBILE FOOD VENDOR LICENSE AT W63 N671 WASHINGTON AVENUE – THAT TACO GUY**

Planner Censky noted that the Mobile Vendors License Ordinance was adopted in early 2017 and serves to restrict where mobile food trucks can operate. According to **Section 7-18-2 License Required: It shall be unlawful for a person to operate as a Mobile Vendor or Mobile Food Establishment, serve, sell or distribute food from a Mobile Food Establishment or cook, wrap, package, process, serve or portion food in a Mobile Food Establishment in the City of Cedarburg without first having obtained a valid Mobile Vendor or Mobile Food Establishment license from the City of Cedarburg Plan Commission.**

Commissioners may recall that Eli and Andrea Acosta received approval on December 4, 2017 to park the “That Taco Guy” truck at a number of locations in the City for the entire 2018 season. These sites included in the rear parking lot of the North 48 Tavern, on the driveway at W63 N671 Washington Avenue and in the parking lot at North Shore Gymnastics on Cardinal Avenue. Eli and Andrea Acosta are now requesting approval to park the food truck only on the driveway at W63 N671 Washington Avenue consistent with last year’s approval, where it will be set back to the front plain of the building.

Eli and Andrea Acosta have chosen only this site for now and understands that if services are requested elsewhere, they must first secure Plan Commission approval. Upon receipt of this request, the information was submitted to the City Police Department for the required background check. That Taco Guy operated last year without complaint.

**Action:**

A motion was made by Vice Chairperson Burgoyne to grant the Mobile Food Vendor License to Eli and Andrea Acosta d/b/a That Taco Guy for the year 2019 subject to:

1. The only approved location at this time is at W63 N671 Washington Avenue.
2. All other locations need separate approvals.
3. Any substantiated problems be corrected immediately. If not corrected as directed by staff, the applicants lose their license to operate from the site of complaint.

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

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**CONSIDER REQUEST FOR OUTDOOR ALCOHOL BEVERAGE LICENSE FOR W61 N480-86 WASHINGTON AVENUE – RHIANNON AND ANDREW WILSON**

Planner Censky advised that at the June 4, 2018 meeting Commissioners granted approval for the Brandywine Restaurant to serve alcohol beverages outside within a seating area along the south and west side of their building. While that outdoor use proved to be an attractive asset to the restaurant during nice comfortable weather, it became uncomfortable when the weather turned hot. To address that issue, Rhiannon and Andrew Wilson are now proposing to install an outdoor patio in the rear of the building for six tables and chairs and will then discontinue the seating along the south side. They wish to retain three of the six tables and chairs on the west side.

Access to the patio will be directly from the dining room through new French patio doors that will be installed along the entire length of the north wall of that room. While they have provided pictures of the proposed doors/window style they will need to follow-up with detailed drawings of the north elevation showing the French door and window installation for building permit acquisition. The outside seating area will be enclosed by a 6-foot high Western Red Cedar Lattice Top Fence.

These plans were recommended by the Landmarks Commission on March 28, 2019 and the Police Chief who has no problem with the proposal.

**Action:**

A motion was made by Council Member Thome to recommend approval of the Outdoor Alcohol Beverage License to Andrew and Rhiannon Wilson for the Brandywine restaurant at W61 N480-86 Washington Avenue contingent upon submittal of the detailed drawing of the north elevation showing installation of the French doors for building permit acquisition. The motion carried without a negative vote, with Commissioner Cain excused.

**CONSIDER SITE AND ARCHITECTURAL PLANS FOR NEW HOME ON INFILL LOT LOCATED DIRECTLY NORTH OF W61 N368 WASHINGTON AVENUE – BILL CONLEY**

Planner Censky advised that Bill and Ann Conley recently purchased this vacant site along with the adjacent parcel to the south (W61 N38 Washington Avenue) and are proposing to construct a small single-family home on the vacant lot for their personal use. Since this lot is located in a predominately built-up area where it is bounded on two or more sides by existing homes, it is classified as an infill lot. According to Section 13-1-122 of the Zoning Code, architectural plans for infill lots shall be submitted to the Plan Commission and this Commission shall determine that the structure is compatible with the surrounding area and either approve, approve conditionally or reject the plans.

Because the grade of this lot slopes to the east draining toward adjacent properties, Mr. Conley was encouraged by City Engineer/Director of Public Works Tom Wiza to capture that water and redirect it to the storm sewer system in Wurthmann Street. Based on that advice, Mr. Conley's plans show a catch basin at the southeast corner of the property. This catch basin will capture the storm water and pipe it across his adjacent property to the storm sewer system in Wurthmann Street. However, he will need to submit plans showing the location of the piping and an easement across his adjoining property.

Mr. Conley intends to raze the existing garage at the northeast corner of the vacant site and build the new home with a new rear yard garage.

Planner Censky continued that after meeting with Mr. Conley several times, and requesting the information and plans needed for Plan Commission review and approval, Mr. Conley responded with plans that have very limited details and insisted on being placed on the March 4, 2019 Plan Commission agenda. While the plans show a nice-looking home that appears to fit the area, they are insufficiently detailed for staff to complete our normal review for such things determining the Floor Area Ratio, identifying building material, establishing a color scheme, etc.

Planner Censky noted that neighbors to the proposed new home have contacted him and would like the garage to be relocated where the current one exists and that it faces Washington Avenue.

Bill Conley entered the meeting at 7:31 p.m. declaring that he had everything he needed for approval. He passed out a packet that included a picture of the proposed home, a list of materials and colors, a Plat of Survey, floor plans, and elevations reflecting the grade of the site. He also provided a siding sample.

Planner Censky noted that staff has not had the opportunity to review this new information to confirm compliance with City Codes.

Commissioners provided the following comments:

1. Pleased to see an underutilized area developed.
2. The new home would add to the City's tax base.
3. The proposed architecture appears to be a great fit to the surrounding area.
4. It would be helpful to see the neighboring structures depicted on the Plat of Survey.
5. Would like to see a brick or stone chimney if possible.
6. Locating the garage in rear yard is consistent with the neighborhood.
7. Options for the garage location be investigated as the proposed garage location would be 6' from the neighbors bedroom window.
8. Caution that a shared driveway may be problematic if each lot would have different owners.

Sandra Schlicht of N37 W6098 Wurthmann Street pointed out that the proposed plans show the new garage only three feet from their lot line and requested that the new garage be built where the old garage currently stands. She advocated a Washington Avenue access to the garage, maintaining there would be no difficulty backing out into traffic. Ms. Schlicht stated that there already is a great deal of traffic on Wurthmann Street.

Mr. Conley agreed to installing a catch basin to address the stormwater drainage issue and the possibility of taking advantage of ownership of both lots to drain to Wurthmann Street with an easement through W61 N368 Washington Avenue. He originally was considering placing the new garage at the southeast corner of the vacant parcel and providing access through an easement to Wurthmann Street but would explore access to Washington Avenue and placing the garage further north to try to mitigate the neighbors' concerns.

**Action:**

Vice Chairperson Burgoyne moved to conceptually approve the architectural plans subject to:

1. Color rendering depicting the use of materials and color of the proposed new home and garage. The color picture provided at the April 1<sup>st</sup> meeting does not reveal the details.
2. Material and color samples. Although a list of color and materials were presented at the April 1<sup>st</sup> meeting, the other material and color samples for the windows, doors, trim, shingles, etc. for the home and garage will be needed.
3. Location, orientation and access to proposed new garage along with a list of the pros and cons for an access drive to Wurthmann Street.
4. Detailed grading plan.

The motion was seconded by Commissioner Strautmanis and carried without a negative vote, with Commissioner Cain excused.

**FOR YOUR INFORMATION: HOUSING AFFORDABILITY AND DEVELOPMENT FEE REPORTS REQUIRED BY JANUARY 1, 2020**

Planner Censky reviewed the State law regarding two reports that need to be drafted by January 1, 2020 analyzing the City's fee schedules and processing procedures to reduce the cost and time required for approvals. It was suggested by Council Member Arnett that this would just be a project and would not require implementation.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Commissioners confirmed that staff should not be placing items on an agenda until all required information is submitted and reviewed.

**MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe had no announcements.

**ADJOURNMENT**

Council Member Thome moved to adjourn the meeting at 8:19 p.m. The motion was seconded by Commissioner Strautmanis and carried without a negative vote, with Commissioner Cain excused.

Darla Drumel,  
Administrative Secretary