

CITY OF CEDARBURG  
PLAN COMMISSION

PLN20211004-1  
UNAPPROVED MINUTES

October 4, 2021

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, October 4, 2021 at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers and via the [zoom](#) app. The meeting was called to order at 7:01 p.m. by Mayor Michael J. O'Keefe.

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

Excused -        Kip Kinzel

Also Present -    City Planner Jon Censky, Council Member Robert Simpson,  
Administrative Secretary Victoria Guthrie

**STATEMENT OF PUBLIC NOTICE**

Administrative Secretary Guthrie 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 Thome, seconded by Commissioner Strautmanis, to approve the minutes of September 8, 2021. The motion carried without a negative vote with Commissioner Kinzel 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.

**REQUEST SIXTH EXTENSION TO CONDITIONAL USE REQUEST AND SITE, ARCHITECTURAL, LANDSCAPING, AND LIGHTING APPROVALS FOR A MULTI-TENANT BUILDING PROPOSED FOR VACANT LOT LOCATED SOUTH OF W62N186 WASHINGTON AVENUE – CONCORD DEVELOPMENT/ANDREW PETZOLD**

Planner Censky reported that Concord Development is requesting a sixth extension to their approved site, architectural, landscaping, and lighting plan, and conditional use permit (CUP) for the northernmost tenant space of their proposed 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 by the Plan Commission on August 3, 2015, and additional one-year extensions were granted on June 6, 2016, August 7, 2017, August 6, 2018, August 5, 2019, and August 3, 2020.

The Petitioner is requesting this extension in accordance with **Section 13-1-126, Finding Lapse of Approval**, under **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.*

Since there has been no change to zoning in the area or to the Zoning Code that would affect this project, City Staff has no objection to this request and recommends extending the approval and all conditions thereof to August 2022. Petitioner Andrew Petzold was in attendance and advised that no changes to the original plan have been made, and he remains hopeful and optimistic that a market increase will allow this development to proceed.

**Action:**

A motion was made by Council Member Thome for approval of the sixth extension to the CUP and Site, Architectural, Landscaping, and Lighting Plan through to August 3, 2022. This motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote with Commissioner Kinzel excused.

**REQUEST APPROVAL TO REASSIGN THE EXISTING CONDITIONAL USE PERMIT ISSUED FOR FITNESS FACILITY LOCATED AT N69W5289 COLUMBIA ROAD – LOZEN FITNESS DBA CROSSFIT LOZEN/LEXI MACHUGA**

Planner Censky explained that the Petitioner has taken over ownership of the fitness center formerly known as CrossFit Connect. This former business was owned by Marshall Patrick Manner, who was issued a Conditional Use Permit (CUP) at the June 1, 2015 Plan Commission meeting.

Petitioner Lexi Machuga was in attendance and confirmed her plans to follow the same use and operation as the previous business owner, indicating that she would agree to the same conditions listed on the CUP.

Since there will be no change to the formerly approved use, the CUP can be reassigned from Marshall Patrick Manner to Lexi Machuga by action of the Plan Commission.

**Action:**

A motion was made by Vice Chairperson Burgoyne to approve the reassignment of the CUP to Lexi Machuga, with the same conditions in place. This motion was seconded by Council Member Thome and passed without a negative vote with Commissioner Kinzel excused.

**REQUEST CERTIFICATE OF APPROPRIATENESS FOR REPLACEMENT WINDOWS  
ON THE BUILDING LOCATED AT W61N508-10 WASHINGTON AVENUE -  
CEDARBURG MERCANTILE/MIKE & CINDI PURNELL**

Planner Censky explained that the Petitioners are requesting to replace the windows on their building with new wooden windows. The Petitioners initially approached the Landmarks Commission regarding this change to their historically contributing building during their January 14, 2021 meeting. Since the Petitioners did not have a sample of the proposed replacement windows at that time, the Landmarks Commission accepted their proposal on the condition that a sample of the replacement windows be submitted to the City for review by Staff and Landmarks Commissioner Tom Kubala prior to installation. After receiving the sample window, the Petitioners subsequently submitted it to the Landmarks Commission for review during their September 9, 2021 meeting.

Prior to the September meeting, Landmarks Commissioner Kubala visited the building to inspect the existing windows to determine if they were eligible for replacement. After determining that the front windows on the west were not original to the building, he recommended replacing those windows with the sample material. During this inspection he ascertained that the windows on the north, east, and south sides of the building were original to the building and eligible for repair according to the National Park Service's Standards for Rehabilitation. The Landmarks Commission concurred with Commissioner Kubala's assessment, and approved replacement windows for the west side, and repair to the remaining windows instead of replacement. While the Petitioners expressed their respect for the ensuing discussion and action of the Landmarks Commission, they have requested to appeal to the Plan Commission based on their pressing timeline for completion. They stated that for repair, all windows would need to be removed at the same time, taken off site for restoration, and then reinstalled. This would result in them having to board up the windows over the winter, which they feel would have a negative impact on both their new mercantile business and any guests they are hosting in their upstairs Airbnb.

Petitioners Mike and Cindi Purnell attended the meeting and explained that their upstairs Airbnb is already in operation and they are now getting ready to open their mercantile business in the main level of the building. They brought in a sample of the Kolbe windows they are proposing as replacements, pointing out that these windows are from the manufacturer's historic collection, are made of wood, and are aesthetically the same as the original windows, adding that their goal is not to change the look of the windows or the building. Petitioner Mike Purnell stated that he attempted to get in touch with a couple of contractors who specialize in historic rehabilitation; however, the only company that returned his call was the Thoughtful Craftsman in Milwaukee, who estimated a start date of three to five months out. Since the project involves time and materials, the contractor was unable to provide an estimate for the cost or the time to complete the work. Petitioner Purnell said a representative from this business will come out to look at the windows later this month, which was the soonest they could schedule.

As a homeowner in Cedarburg and an architect with extensive experience in historic rehabilitation, Commissioner Voltz explained that he has encountered window restoration on both a personal and professional level. After the September Landmarks Commission meeting, he consulted with Petitioner Purnell on this issue, informing him that he also

considers the windows to be in good condition and eligible for restoration. He explained the process as taking the windows off site to be stripped, primed, glazed, and painted, and added that the timing could be arranged for the work to be done all at once or over a period of time. He observed that some of the window openings had intact storm windows, meaning they would be able to remove the interior sash, repair and replace that window once it has been properly restored. He also suggested using a temporary interior storm panel to provide an additional buffer from the winter elements as opposed to OSB or plywood walls. He expressed his support for the Landmarks Commission's decision for restoration on these windows, reiterating that he does not believe they are beyond repair.

Vice Chairperson Burgoyne reflected on the importance of consistency in the decision process of the Plan Commission when it comes to appealing denials by the Landmarks Commission. He recapped a similar situation a couple of months ago where a different downtown building owner appealed a Landmarks Commission denial to replace building material in a non like-for-like situation, a proposal that was based on cost and efficiency. In that case, the Plan Commission upheld the decision, stating reliance on the expertise and experience of the Landmarks Commission. He stated that although there are occasional disagreements with the Landmarks Commission on other aspects of the downtown area, there is a longtime pattern of siding with them when it comes to matters of restoration.

Mayor O'Keefe stated that he walked around the building and looked at the windows, acknowledging that, from a homeowner's perspective, they appear to be in pretty poor shape, and he would lean towards replacing them. He understands that no one wants to turn the downtown Historic District into a place full of vinyl and plastic materials masquerading as wood; however, he feels the proposed replacement windows are nearly identical. He considers the Landmarks Commission as an advisory committee and their role is to take the extreme approach to protect everything they can, much like other Commissions, such as Public Works and Parks and Recreation. He described them as advocates who focus specifically on historic preservation.

Commissioner Strautmanis stated that he is empathetic when it comes to building owners in these types of situations. Although he does not necessarily agree that they should not be replaced, he considers the Landmarks Commission as the trusted keepers of the historic details of the District. As such, he finds himself leaning towards upholding their decision, adding that once something is gone, it is gone for good and it is no longer authentic. It is their job to maintain historic details to the extent possible.

Commissioner Cain concurred with Vice Chairperson Burgoyne, reasoning that a strong and important precedent was set as the result of their previous decision regarding replacement materials on a different historic building. She empathizes with building owners as to the cost of maintaining an old building; however, when comparing the reasoning used to make the previous decision, she struggles with the idea of making a different decision in this case. She explained that looking at this from a 40,000-foot viewpoint, both of these situations were about the same things: updating a building with new materials that are less expensive and easier to maintain, that have the same look and feel from a distance but not the same look and feel up close. She asserts that the Plan Commission relies on the Landmarks Commission to be consistent in the materials

approved in order to maintain the history of the District, and she would not vote contrary to that.

Council Member Thome expounded on Mayor O'Keefe's statement about the Landmarks Committee being considered an advisory board, and the reason behind creating boards and commissions is to utilize the expertise of their members. She feels that the City is fortunate to have experienced and knowledgeable members in this specialized area. Having served on the Landmarks Commission several years ago, she remembers their claim that some of the older wood on these buildings is much more durable than modern products, and if restored, has a longer lifespan. Council Member Thome stated that she believes that the Petitioner's business will be amazing, and they will do great work; however, she will not bypass the decision of the Landmarks Commission.

Petitioner Mike Purnell opined that he felt misdirected by the Landmarks Commission during their January meeting, as Commissioners failed to inform them that the windows would need to be repaired.

Petitioner Cindi Purnell wanted to express her feelings that this issue goes beyond windows, explaining that this has become a road block to achieving their goal of successfully launching their business. Since they have purchased the building, they have worked tirelessly towards getting the Cedarburg Mercantile open, and have received many compliments from the community. She explained that they are parents of a special needs child and have been advocates for their daughter since her diagnosis at age two. Petitioner Purnell does not like the term "disabled" because she now considers their daughter to be very capable and in need of little help from her parents. With this business, the Petitioners' ultimate goal is to advocate for their daughter and other young individuals diagnosed with Intellectual and Development Disabilities (IDD) who need support in their community, by creating the Cedarburg Mercantile shop, which will work in tandem with the non-profit organization Bloom IDD. This shop will serve as a hub for local artisans with unique talents and various disabilities to show, share and sell their artwork, thus encouraging them to grow and thrive in their community. Petitioner Purnell stated that their concern is not about opening up a store to sell merchandise for a profit right now: their concern is about seeing their goal come to fruition. She understands that this is an historic issue; however, the proposed window material is made of wood, not vinyl, and made to be an exact match to the existing windows. She believes that the Commission needs to ask themselves if their goal is to force the community or help the community, and wonders if there is a way to come to a reasonable compromise. She brought along a laminated copy of a news article about their business from the Grafton Gazette, which they received in the mail from State Representative Robert Brooks, congratulating them for opening Cedarburg Mercantile and thanking them for all of the non-profit work they are doing in their local communities. Petitioner Purnell reiterated that they are there to advocate for people with IDD when many people are not, and if the City is more interested in keeping the original wood in a window than having a heart for this community of individuals, then they may have to find another community.

Mayor O'Keefe clarified that the decision to support the Landmarks Commission's recommendation has nothing to do with the Petitioners' cause. He maintained that the City of Cedarburg takes their historic preservation very seriously, as that is what separates Cedarburg from every other community in this area. The downtown area is the gem of the

City, and without it, Cedarburg would be just like everyone else. Mayor O'Keefe believes that the historic area also contributes to the support of local foundations such as Mel's Charities and Mr. Bob's Under the Bridge. He feels the community has pride in the historic district as well as a charitable nature. He attended a Greater Cedarburg Foundation celebration over the weekend and believes that the community really does support causes such as the Petitioner's, and will hopefully include theirs in the future. He strongly believes that part of the reason they can offer this type of support is because they have strived to protect these historic areas. He emphasized that he hopes the Petitioners do not think for a second that this means that the Commission does not support their cause because they certainly appreciate the work they are doing.

Council Member Thome echoed Mayor O'Keefe's comments and stated that she has a daughter who helped create a successful autism program in the Green Bay school district, and sees her dedication to the kids. Although Council Member Thome does not share the Petitioners' experience as parents to a special needs child, she has witnessed this type of commitment firsthand through her daughter. She stressed to the Petitioners that she appreciates the work they are doing. She reiterated the importance of the Plan Commission being consistent with their decisions. Not that their heart is not there, but they have a responsibility to uphold.

**Action:**

In support of the Landmarks Commission's recommendation, a motion was made by Vice Chairperson Burgoyne to approve the replacement of the three second-story windows on the west elevation with wood, double-hung, two over two pane windows as proposed, and the north, east and south elevation windows to be rehabilitated as opposed to replaced, unless the contractor finds a window too damaged for repair. If this is the case, any replacement material needs to be verified with Landmarks Commissioner Kubala prior to installation. This motion was seconded by Council Member Thome and passed without a negative vote with Commissioner Kinzel excused.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

No comments or announcements were made.

**MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe had no announcements.

**ADJOURNMENT**

A motion was made by Commissioner Strautmanis, seconded by Commissioner Cain, to adjourn the meeting at 7:43 p.m. The motion carried without a negative vote with Commissioner Kinzel excused.

Victoria Guthrie  
Administrative Assistant