

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20220502-1
UNAPPROVED MINUTES**

May 2, 2022

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, May 2, 2022 at Cedarburg City Hall, W63N645 Washington Avenue, Upper Level, 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, Vice Chairperson Kip Kinzel,
Council Member Patricia Thome, Sig Strautmanis, Adam
Voltz, Heather Cain, Tom Wiza

Also Present - City Planner Jon Censky, 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 Vice Chairperson Kinzel, to approve the minutes of the April 4, 2022 meeting. The motion 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.

**REQUEST APPROVAL OF AMENDMENT TO FINAL PLAT AND COVENANTS FOR
ADJUSTMENT TO LANDSCAPE EASEMENTS – SANDHILL TRAILS HOMEOWNERS
ASSOCIATION**

Planner Censky explained that the Petitioners are requesting approval to relinquish the 25-foot landscape easement located across the Keup Road frontage of Lots 1 and 43 of the Sandhill Trails subdivision, and sign it over to those two lot owners. This easement was added to the final plat and protective covenants by the developer in order to address the City's street tree planting requirement. Prior to submitting this request, the Petitioners obtained agreement from the affected property owners for this transfer. Staff review included consent from City Forester Kevin Westphal; therefore, Planner Censky concluded that approval is recommended.

Action:

A motion was made by Council Member Thome, seconded by Commissioner Strautmanis, to recommend approval for the amendment to the final plat and covenants for an adjustment to the landscape easements on Lots 1 and 43 in the Sandhill Trails subdivision. Motion carried without a negative vote.

RECOMMEND APPROVAL FOR AN OUTDOOR ALCOHOL BEVERAGE LICENSE AND INSTALLATION OF AN ADA ACCESS RAMP FOR THE BUILDING LOCATED AT W63N664 WASHINGTON AVENUE – ART OF JOY/STEPHANIE HAYES & MARY CRETEN

Planner Censky explained that, although the submitted plans from the Petitioners included the temporary use of a trailer and portable toilets, this part of the request was approved at City Staff level as a temporary use. The requests being presented for Plan Commission consideration are a recommendation for approval of an Outdoor Alcohol Beverage License and the installation of an ADA access ramp. While most of this site is already surrounded by a decorative wood fence, the Petitioners are proposing to install a series of wood planters connected by rope barriers to limit access to the serving patio at the northwest corner of the site along Washington Avenue.

Due to a paperwork backlog at the State level, the Petitioners have not received their occupancy permit for their building. Since their commercial kitchen and washrooms are located inside the building, this is something that could delay their business from opening by several more weeks. Given that their goal is to open their patio beginning June 1, 2022 and run through October 31, 2022, they are proposing to park a temporary beverage trailer just outside of the fenced in area on the north end of their parcel, and set up temporary portable toilets towards the northeast corner of their parcel, allowing them use of their outdoor space until they can occupy their building. Once they have received their occupancy permit from the State, they intend to complete their work on the interior so that the temporary trailer and toilets can be removed. Although they plan on keeping this trailer for Summer Sounds and other special events, they will be storing it in an offsite warehouse.

Included in this proposal is the installation of a concrete access ramp that will extend from the sidewalk on Washington Avenue to the pedestrian door on the north side of their building. They are working with a local architect for this part of the project in order to ensure that their plans are fully in compliance with ADA standards. Planner Censky stated that the Petitioners presented their proposals to the Landmarks Commission during their April 28, 2022 meeting, where they received approval subject to the removal of the temporary trailer and toilets within a reasonable time frame once the Petitioners receive their occupancy permit.

Brook and Liz Brown, W62N667 Riveredge Drive, live along Cedar Creek directly across from the subject parcel. They were both in attendance, and Mr. Brown submitted a letter to Commissioners that was also signed by their neighbors, addressing their concerns about noise, late operating hours and light spilling over into their yards. He emphasized the importance of restricting operating hours in the approval, explaining that he feels theirs is a special situation, with their homes being so close to the business. He suggested establishing a capacity level in the outdoor space, as well as providing some sort of barrier to prevent patrons from entering the Creek.

Rebecca Zuba, W63N670-72 Washington Avenue, owns this abutting parcel to the north, and was in attendance to voice her apprehension about her and her tenants view consisting of the backside of a trailer and portable toilets, and asked if there could be some temporary landscaping to make it look nicer. She also had questions regarding the lot line between the two properties.

Both Petitioners addressed questions raised by their neighbors, informing them that their permanent business hours will be Wednesday through Friday from 11:00 a.m. to 8:00 p.m., Saturday from 10:00 a.m. to 8:00 p.m., and Sundays from 10:00 a.m. to 3:00 p.m. Since they will be open during the summer and closed by 8:00 p.m., they do not anticipate needing a significant increase in outdoor lighting. They are keeping the existing lighting from the previous owner, and assured Commissioners that any additional lighting would be contained on their property, without spilling over onto the creek. Planner Censky reasoned that since the lighting plan for the outdoor space is minimal, it can go through Staff review, rather than make Petitioners come back in front of the Plan Commission.

The Petitioners stated that they have not obtained an Outdoor Amplified Music Permit, and are undecided on whether they will need one, since the decibel restrictions are set fairly low. They may have small ensembles of up to two musicians playing outdoors occasionally; if they end up pursuing an Amplified Music Permit, they will require performers to plug in to the Art of Joy's amplifiers in order to monitor and restrict sound levels.

Having recognized the potential hazard of their patrons wandering too close to the edge of the creek, the Petitioners made sure to include landscaping barriers of 36-inches or taller along the east side of their parcel in their original plans.

In the process of Mayor O'Keefe making a motion that included the closing time of 8:00 p.m., Petitioner Hayes interjected that there may be an occasion where they are hosting a private shower or wedding where they would need to stay open later. She pointed out that other establishments near residences are not restricted to shorter hours than what is allowed by City Ordinance, and questioned the fairness of including that limitation only for their business, and not others in the District. Planner Censky concurred, stating that Outdoor Alcohol Beverage Licenses and Amplified Music Permits are issued by the Common Council, and must comply with City Codes. Commissioner Strautmanis advised that if there are a pattern of complaints received for a business for Code violations, the operators of that business may be required to appear for another review by the Plan Commission and/or Common Council, possibly resulting in the revocation of their license or permit.

Action:

A motion was made by Mayor O'Keefe, seconded by Commissioner Wiza, to approve the installation of the ADA access ramp and to recommend approval for the Outdoor Alcohol Beverage License subject to compliance with City Ordinance. Motion carried without a negative vote.

REQUEST APPEAL OF DENIAL BY LANDMARKS COMMISSION TO REPLACE WOOD OVERHEAD DOORS WITH METAL OVERHEAD DOORS ON THE FIRE DEPARTMENT STATION NO. 3 BUILDING LOCATED AT W61N619-21 MEQUON AVENUE – CEDARBURG FIRE DEPARTMENT/CHIEF JEFFREY VAHSOLTZ

Planner Censky stated that the Fire Department presented their request to replace three existing wood overhead doors on their building with metal doors to the Landmarks Commission during their April 28, 2022 meeting, and was denied due to this building

being listed in the National Register of Historic Places as *pivotal* to the Washington Avenue Historic District. He explained that the status of a building as *pivotal* is the highest designation given to historical buildings, and warned that changes to the building's original materials may result in this status being downgraded per the National Park Services (NPS) Standards. Planner Censky informed Commissioners that this same request was made by the Fire Department in 1988, and denied by both the Landmarks and Plan Commission at that time for the same reason.

Chief Vahsholtz was in attendance to present his appeal, advising Commissioners that his department has been making changes to turn this building from a parking garage into a museum for the public, and will showcase their historic fire-fighting equipment on a timeline to educate them on the changes that have been made over the years. Since these overhead doors are showing signs of deterioration due to age and exposure to the elements, the department has been working with a local overhead door company to get a quote to switch them out with new, energy efficient metal doors. This quote came back at \$24,661, and the Chief included that expense in his capital budget proposal for 2022.

Chief Vahsholtz acknowledged that, although the building is listed in the Washington Avenue Historic District, it is not located along the more visible buildings on Washington Avenue, and does not believe that the metal doors would appear inappropriate since they are designed to replicate wood. After the Landmarks Commission denied this request, Chief Vahsholtz went back to the same contractor to obtain a quote to replace the current 1.5-inch thick wood doors with 3-inch wood doors. This was quoted as \$71,771, and does not include the replacement of hardware or other necessary adjustments to accommodate the size of the doors. Additionally, they advised the Chief to get a review by a structural engineer to ensure that the ceiling could support the significant combined weight of the doors.

Commissioner Voltz emphasized the beauty of this building that he walks by every day, stating that it is obviously a *pivotal* building regardless of whether it sits on Washington Avenue or a block off of it. He observed that this request means a material change on the primary front elevation, which is the main view of what the public experiences. Since the NPS Standards center on the condition of the building and its features, he has not heard or seen anything indicating to him that the doors are deteriorated beyond repair. He offered to evaluate the condition of the doors and make recommendations to the Chief for contractors who specialize in repair to historical buildings.

Vice Chairperson Kinzel questioned why the wood doors quoted were twice as thick as the existing doors. He pointed out that this in itself would be considered a change, not a like-for-like replacement. Commissioner Strautmanis agreed, adding that a 3-inch door would not be classified as an historical replacement, since the profile would be changed. He also pointed out that, per the NPS Standards, repair to original materials is to be considered first, with replacement of these materials being a last resort.

Chief Vahsholtz explained that, from a budget standpoint, he tries to be frugal and prudent with taxpayer money, and that the difference in price between the two materials would require him to come back to the Common Council and ask for more money. Keeping in mind that he is short-staffed and in budget negotiations to hire more employees, the money saved by purchasing metal doors rather than wood makes more sense to him, especially taking into consideration the frequent maintenance and increased energy costs

associated with wood doors.

Council Member Thome noted that since she is on the Common Council as well as the Plan Commission, she looks at this request from both a budget and an historic preservation perspective. She understands that there is a considerable price difference in this proposal; however, other historic building owners have consistently been required to take on extra expenses in order to preserve the status of their buildings in the District, and it would not be right to require anything different for a historical building that is owned by the City.

From an engineering standpoint, Commissioner Wiza would recommend the use of the metal doors as shown. However, he considers the building to be a great asset to the City, and would not want to risk a downgrade to its historic status over the cost of this replacement. He agrees with Council Member Thome that waiving any requirements for a City owned building would not be a good thing to do. He added that he does not recommend installing a 3-inch thick wood door, as it would not only require a structural evaluation, but could present a significant danger if one of the doors failed to remain open.

Chief Vahsholtz thanked the Plan Commission for their consideration, adding that he learned a lot about the preservation of historic buildings from the Landmarks Commission. He understands the need for the Commissioners to be consistent and fair in their decisions, but emphasized how important it is to him to be a good steward on issues that involve taxpayer money.

Action:

A motion was made by Commissioner Voltz, seconded by Vice Chairperson Kinzel, to deny the appeal to replace the wood overhead doors on Fire Station No. 3 with metal doors. Motion carried without a negative vote.

RECODIFICATION OF TITLE 13 ZONING CODE

Planner Censky asked Commissioners to review the Code beginning at the B-1 Neighborhood Business District up to the M-1 Limited Manufacturing District, to discuss at the next meeting.

ADJOURNMENT

A motion was made by Vice Chairperson Kinzel, seconded by Commissioner Cain, to adjourn the meeting at 8:45 p.m. The motion carried without a negative vote.

Victoria Guthrie
Administrative Assistant