

CITY OF CEDARBURG  
PLAN COMMISSION

PLN20170626-1  
UNAPPROVED MINUTES

June 26, 2017

A special meeting of the Plan Commission of the City of Cedarburg was held on Monday, June 26, 2017 at Cedarburg City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. The meeting was called to order at 6:00 p.m. by Mayor Kinzel.

Roll Call: Present - Mayor Kip Kinzel, Council Member John Czarnecki, Mark Burgoyne, Mark Poellot, Greg Zimmerschied, Heather Cain, Daniel von Barga

Also Present - Council Members Jack Arnett, Dick Dieffenbach, Rick Verhaalen, Mitch Regenfuss, Patricia Thome, and Mike O'Keefe; City Administrator Christy Mertes; City Planner Jon Censky; City Attorney Mike Herbrand; 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.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Mayor Kinzel advised that comments from the public would be accepted at this time, or would be accepted at the time an issue is being discussed. No comments were offered at this time.

**REQUEST FOR APPROVAL OF ARCHITECTURAL CHANGES TO APPROVED PLANS FOR THE PROPOSED BUILDING AT W79 N619 WAUWATOSA ROAD; HAMILTON HOUSE SENIOR LIVING/TOM PIENKA**

Planner Censky reported that over the past several weeks, the City Engineering Department, the City Inspector and Cedarburg Light & Water have been working with the developers of the Hamilton House Senior Living facility on the final details of the project. The building plans are now nearing completion and will be sent to the State for review before Mr. Pientka can secure a building permit. However, the owner of the project has re-examined the architectural look of the project and has decided to make certain exterior design changes to have the building better reflect the image of Cedarburg.

Bob Feller, the architect, explained that there is a new operator for Hamilton House Senior Living which desires to create its brand with this development. The building layout has not changed but the materials and colors are a little more subdued to better

blend with Cedarburg's character. The entry is a lower design, the balconies incorporate more stone, and the rustic red color was chosen to match the country setting.

**Action:**

A motion was made by Commissioner Poellot, seconded by Vice Chairperson Burgoyne, to accept the proposed architectural changes.

**Continued Discussion:**

Mayor Kinzel informed the developer that the Cedarburg Fire Department has pointed out that there is already a "Hamilton House" in Cedarburg. It is not a major concern because of the current technology, but the common name could cause some confusion.

Mr. Feller advised that the developer has had a similar discussion with the Fire Department and they agreed to eliminate any confusion through proper communication.

**Final Action:**

The motion carried without a negative vote.

**REQUEST FOR APPROVAL OF DETAILED ARCHITECTURAL PLANS FOR THE ARRABELLE PROJECT LOCATED AT N44 W6035 – N43 W6005 HAMILTON ROAD AND THE PARKING LOT PROPERTY ACROSS THE STREET – HSI PROPERTIES, LLC**

Planner Censky noted that because of questions raised about the seemingly cumbersome approval process regarding the final detailed plans for Arrabelle, Commissioners asked staff and the City Attorney to review the Planned Unit Development (PUD) Ordinance to clarify the process for this project going forward and for future PUD projects in general. It was determined that it would be very helpful to reduce the number of repetitive meetings for the City and presentations by the developer. While Plan Commission review/recommendation and Common Council approval is required for the rezoning and overall concept plan, the Code establishes that action on the final details for a PUD project is deferred to the Plan Commission.

More specifically, **Section 13-1-69 (o) (1) General Approval** states: **After the public hearing and due consideration, the Common Council shall approve the petition as submitted or approve the petition with modifications by additional conditions and restrictions or deny the rezoning petition of a PUD District. The approved preliminary plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings. The approval of the petition shall be based upon the building, site and operational plans for the development and shall be conditioned upon the subsequent submittal and approval of more specific and detailed as each stage of the development progresses. Zoning permits may only be issued upon obtaining general approval or the petition for the rezoning for a PUD District. Site and architectural plans submitted shall meet the requirements of Article F of this Chapter.**

Furthermore, **Section 13-1-69 (o) 2. Detailed Approval** states: **Plans submitted for detailed approval shall be precise and contain all items as may be required by the Plan Commission. A letter of credit for all improvements shall be submitted before such approval is granted. Detailed approval of the plans for each stage of the development shall be required before building permits will be issued for the construction of the structures which are included in the plans for the stage of development.**

Planner Censky noted that the architectural plans are based on the concept plans approved by the Common Council at their March 13, 2017 meeting. The purpose of the concept plan is to indicate in general the form of the structures and Plan Commissioners are now charged with review and approval of the specific details (i.e. building materials, color, windows, roof material etc.).

The detailed site, landscaping, storm-water management, and exterior lighting will be scheduled for approval, and the development agreement for a recommendation to the Common Council at a future regularly-scheduled Plan Commission meeting.

Eric Harrmann of AG Architects reviewed the plans with Commissioners, noting the stepped down ends and the choice of lighter color buildings to have them better blend into the background and assure the dominance of the St. Francis Borgia Church. The buildings would have the roofs designed to hide the heating, ventilation and air conditioning equipment.

Commissioner Zimmerschied asked what design elements existing in the City of Cedarburg led to the verticality of the windows in the proposed buildings. Mr. Harrmann responded that it seemed the nature of many of the doors and windows in the commercial and residential buildings have less width than height.

Commissioner Cain noted that the railings in some of the renderings were whiter than the gray railing material sample. Mr. Harrmann pointed out that the gray railings would only be used on Building A.

Commissioner Poellot advised that the number one goal of the Plan Commission is to assure that new construction fits with the neighborhood. Although the design is really nice, he was not sure the proposed buildings met that requirement. He pointed out that common neighborhood features were front doors facing the street, punched-in divided light windows with muttons on the outside three-quarters of an inch thick, natural brick, clapping of four inches and roofline pitches are at 9/12. He also suggested that red brick might be a component of the development. The major changes that he would like to see are the punched in divided windows with a mutton projecting a minimum three-quarters inch from the face of the glass and the change in roof pitch to 9/12. Those are significant enough changes that the revised plans should be reviewed by the Plan Commission.

Mr. Harrmann noted that increasing the pitch to 9/12 would add approximately one and one-half feet to the height of Building B.

Planner Censky advised that the Code allows the Plan Commission to make changes to the approved concept plan if, in their opinion, the change does not constitute a substantial alteration to the original plan.

Commissioner Poellot explained that the effort is to have the project blend as best as can be done and to echo the existing features in the neighborhood. Commissioner Zimmerschied agreed that making it more authentic would be best for the project. He concurred that the interior design is important for natural light being brought in, but Commissioner Zimmerschied advised that the feedback he has received is that generally in the City homes are all clapboard or all stone. Rarely are there different colors vertically, as proposed for the townhomes.

Mr. Harrmann noted his choice of different shades and types of clapboard are intended to imitate the gap between houses, typical of the neighborhood.

Vice Chairperson Burgoyne opined that breaking the building up and providing a variety is a plus; and agrees that the large vertical windows on the townhouses seem out of place, but feels the design is very positive. He suggested that it be determined if there is a consensus of the Commissioners on the three items identified for direction to the developer. Council Member Czarnecki confirmed they were providing a color sample of the white railing, the windows be revised and that the roof pitches be increased to 9/12 pitch. Mayor Kinzel noted that there also be consensus that the increase of building height due to increased gable/roof pitch is insignificant.

Commissioners agreed on the three items to be addressed by the developer:

1. The large windows be replaced with punched 6' x 6' windows with 8" of trim between them and with muttons on the outside that stand out at least 3/4" from the face of the glass.
2. The gable roof pitches be changed to 9/12, which would increase the height of Building B by approximately one foot.
3. A material/color sample be provided of the proposed white railing.

Commissioner von Barga asked what precedence would be set by approving the height increase. Planner Censky responded that the PUD Ordinance provides that flexibility if there is a determination the change is not significant.

Council Member Czarnecki pointed out that the height increase is due to the Commission's requirement that the roof pitch be changed to 9/12 and, therefore, is not a substantial alteration.

Commissioner Poellot stated he appreciated the fact that the colors of the project were chosen to provide a backdrop to St. Francis Borgia Church, but he is not comfortable with the white brick. There are several homes in the area that have red brick and would like the developer to reconsider the use of the white brick to echo what already exists in the neighborhood.

Vice Chairperson Burgoyne and Council Member Czarnecki expressed their opinion that the brick, which is not white but more beige, is popular and appropriate. Council Member Czarnecki would prefer that the buildings appear as a backdrop and be more muted.

Mr. Harrmann had considered the red brick which would work with a cream and brown pallet of colors, but did not seem as appropriate as the grays and white-tones in this context. His opinion was that the red brick was more of an anomaly in that neighborhood.

Commissioner Cain did not believe the proposed buildings should compete with the homes in the area.

Commissioner Poellot suggested that the public sidewalk be at least three feet from the road on Hamilton Road, as it is constructed in the majority of the City. He mentions it at this time because he is not sure that would affect the building. Mr. Harrmann responded that Building B as proposed uses the grade of the site to provide ADA accessibility and provide more room for the stairs and landscaping. Commissioner Poellot would simply like the sidewalk to be no more than five-feet in width and have a separation from the street.

Commissioner Zimmerschied directed everyone's attention to the building along Washington Avenue, where he asked for an explanation of the west elevation. Mr. Harrmann responded that to lessen the impact on Washington Avenue, one full unit was relocated to accommodate the step-down on the ends. The roof form is articulated to minimize impact on Washington Avenue.

Commissioner Zimmerschied advised that, in his mind, of all the elevations, Building A along Washington Avenue is most critical because it fronts on Washington Avenue. The proposed building is not like any of the neighboring houses, and with the input he is receiving from others, this building concerns him the most. Even though the windows will change the elevation somewhat, the feel of that elevation compared to the rest of the project is of concern in general.

Council Member Czarnecki thought that the focus on the building would be the north and south elevations traveling on Washington Avenue. No one would be focusing on the west elevation. Vice Chairperson Burgoyne stated that he felt it was a good entryway into Cedarburg. Mayor same height as the other buildings with more roof, but Council Member Czarnecki felt the dark color of the roof would make it disappear.

Patricia Thome, Sixth District Council Member, advised she has been telling people that efforts will be made to minimize the impact of Building A on Washington Avenue and has been struggling with a three-story building. Even after explanations from the architect, she is still struggling with the idea that the proposed building is the best for that location.

Commissioner Poellot questioned Mr. Harrmann on how he arrived at the location and design of Building A and noted that he himself could not think of another solution. He agreed with Council Member Czarnecki that drivers tend to neither look left or right, and the ends of the building will be their view.

Paul Rushing of W62 N799 Sheboygan Road asked if the Plan Commission would be reviewing the architectural plans again. Mayor Kinzel advised that they would and it would be another open meeting.

Jack Arnett, District 2 Council Member, reminded Plan Commissioners that the height of the buildings have been a major concern of the public throughout the process and cautioned that a lot of thought be put into the decision.

A member of the audience expressed concern about locating a stormwater pond near her home. Mr. Harrmann advised that the civil engineering of the site would be addressed at a future meeting, but it would be unlikely that the pond would contain standing water. It would operate as a retention pond. He also pointed out that there will be equal or less hard surface with the new development than what exists today, as per State requirements.

Commissioner Zimmerschied questioned why the gables had different numbers of brackets. Mr. Harrmann noted that the number of gables depended on the size of the gable. Commissioner Zimmerschied also questioned the vertical recess in the masonry columns; noting that it is not an architectural detail he sees in Cedarburg. Mr. Harrmann responded that he does not see large expanses of open face brick without any articulation in the City, so this is done to break up the overall impression of the masonry to come across as three individual vertical elements.

**Action:**

Vice Chairperson Burgoyne moved to approve the architectural plans subject to the following; noting that although the City is not getting everything it wanted, the developer has done a great job to create a very attractive project:

1. The large windows be replaced with punched 6' x 6' windows with 8" of trim between them and with muttons on the outside that stand out at least 3/4" from the face of the glass.
2. The gable roof pitches be changed to 9/12, which would increase the height of Building B by approximately one foot. The Commissioners concur that a raised

height of fourteen inches is not a substantial alteration to require a public hearing.

3. A material/color sample be provided of the proposed white railing.

The revised plans would be reviewed and approved by the City Planner to make sure the changes have been made and would not be required to return to the Plan Commission for additional review.

The motion was seconded by Commissioner Cain.

**Continued Discussion:**

Vice Chairperson Burgoyne reiterated that the Planned Unit Development (PUD) zoning allows discretion to make changes to the architectural plans to create a better project as long as the change to the PUD is considered insignificant. Mayor Kinzel noted that in this case, the change to the gable pitch to match the existing neighborhood would make a positive impact on the development.

Commissioner Poellot noted that because of the number of changes requested, it would be appropriate to review how that changes the look of the buildings.

Commissioner Zimmerschied advised that he had no intention of holding up the process, recognizing that the Council has been unanimous in its support of the development, and now the Plan Commission's job is to make sure it is becomes best project as possible for Cedarburg. He appreciated the work HSI has done to design a project with so much input and advocated another meeting to review the changes.

Vice Chairperson Burgoyne pointed out that the plans have been reviewed several times. He felt that an alternate option for incorporating red brick is not appropriate because it is not popular and should not hold up the project. Vice Chairperson Burgoyne could agree with the architect on the Commission to change the pitch on the gables and replacing the windows with punched out windows with three-quarter inch extending muttons, but these are not huge issues. The Plan Commission has the responsibility to move ahead on a very attractive project, which that will also have continuing reviews on the site, landscaping, lighting and stormwater plans for the next couple of months.

**Action to Call the Question:**

A motion was made by Vice Chairperson Burgoyne to call the question.

**Continued Discussion:**

Commissioner Cain agreed that HSI has proven their integrity and responsiveness, and they have clear direction on what is required to receive approval. She agreed that a red brick option was not necessary.

Commissioner Zimmerschied received confirmation that other meetings for site, landscaping, lighting and stormwater plans approval are still yet necessary, so this is not the last approval needed before construction can start. He stated that bringing the plans back so that the Plan Commission can review the changes would not be holding the project back. The Plan Commission has a responsibility to the citizens.

Vice Chairperson Burgoyne reminded Commissioners that he had called the question.

**Final Action to Call the Question:**

Commissioner Cain seconded the motion to call the question. The motion to call the question carried with Mayor Kinzel, Council Member Czarnecki, Vice Chairperson Burgoyne and Commissioner Cain voting in favor; and Commissioners Poellot, Zimmerschied and von Bargaen voting against.

**Final Action on Motion to Approve Plans:**

The motion to approve the plans without referring back to the Plan Commission failed with Council Member Czarnecki, Vice Chairperson Burgoyne and Commissioner Cain voting in favor; and Mayor Kinzel and Commissioners Poellot, Zimmerschied and von Bargaen voting against.

The developer, Tony DeRosa, requested to be placed on the July 13, 2017 meeting agenda. The request was granted and the submittal of the electronic plans would be due on Friday, July 7, 2017. Those plans would then be emailed to all Plan Commission recipients.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

No comments or suggestions were offered.

**MAYOR'S ANNOUNCEMENTS**

There were no announcements.

**ADJOURNMENT**

Mayor Kinzel moved to adjourn the meeting at 8:00 p.m. The motion was seconded by Commissioner von Bargaen and carried without a negative vote.

Darla Drumel,  
Administrative Secretary