

CITY OF CEDARBURG
PLAN COMMISSION

PLN20171204-1
UNAPPROVED MINUTES

December 4, 2017

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, December 4, 2017 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 Kinzel.

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

Excused - Mark Poellot

Also Present - Council Members Patricia Thome and Michael O'Keefe, City Planner Jon Censky, 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.

APPROVAL OF MINUTES

Commissioner Cain moved to approve the minutes of November 6, 2017 as presented. The motion was seconded by Mayor Kinzel and carried without a negative vote, with Commissioner Poellot excused.

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 A MOBILE FOOD ESTABLISHMENT LICENSE – THAT TACO GUY, LLC/ELI AND ANDREA ACOSTA

Planner Censky noted that at the November 6, 2017 meeting he had mistakenly advised that the Planning Commission's only responsibility when processing a Mobile Food Venders License was to review the site plan and offer a recommendation for Council consideration when issuing the license. He has since learned that the newly-adopted language actually charges the Plan Commission with the responsibility of issuing the License. Because of that misunderstanding, he had advised the neighbor who spoke of her concerns at last month's meeting to instead submit them to the Council for their consideration when approving the license. That advice resulted in the neighbor being unable to express her concerns to the appropriate decision making body. Therefore, this item has been rescheduled for neighborhood input to consider when issuing the license.

Planner Censky reminded Commissioners that the applicant is requesting a Mobile Food Vendors License to be able to park his mobile food truck on the site of the North 48 Tavern at W62 N599 Washington Avenue in the rear yard adjacent to the outdoor beer garden, on the driveway of Chris Smith's downtown property (Former Classic Traditions) at W63 N671 Washington Avenue and within the parking lot of North Shore Gymnastics at W59 N270 Cardinal Avenue. Commission members may recall that The Mobile Vendors License Ordinance was adopted earlier this year and serves to restrict where mobile food trucks can be parked. Specifically, **Section 7-18-2 License Required** states: **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.**

As noted above, Eli and Andrea Acosta have chosen the three sites listed above for now and if services are requested elsewhere, they understand they must first receive Plan Commission approval. Upon receipt of this request, the information was submitted to the City Police Department for the required background check. Since this request is valid for one calendar year beginning the first of January and since we are in the last month of this year, staff recommends that approval be for this month and all of 2018.

Ann Denk of W62 N598 Washington Avenue expressed concern that Mobile Food Vendors are buildings on wheels that are not subject to the strict requirements that have created the character of Cedarburg. It appears that there are no limits on the number of times the licensed vendor can be on a property, the hours of operation, the odors generated, lighting, distance from similar brick and mortar businesses, and sounds (such as music). Also, contrary to the brick and mortar businesses, architectural standards are not applied and no Landmarks Commission approval is required. Also, the carts would interfere with the brick and mortar businesses that have established the customer base that the food truck would draw from.

Planner Censky advised that the License limits the hours of operation from 10:00 a.m. to 10:00 p.m. and are restricted to no more than twelve days on any given site. Amplified music and extreme lighting is not allowed, and no Mobile Food Vendors may operate during Festivals. In response to Commissioner questions, Planner Censky responded that enforcement would be based on complaints and monitored by the Building Inspector and Planner during office hours and the Police Department after hours. If any of the conditions of the License are violated, the License can be revoked.

Commissioner Zimmerschied noted that the location of the truck at each site was critical in preventing a nuisance or interfering with the brick and mortar businesses. He noted, however, if the use of food truck is better for the business where it is located, it is better for the City. He was not concerned with the location at Northshore Gymnastics at Lincoln Avenue and Cardinal Avenue. Behind the building at North 48 was also acceptable. At the Cedarburg Wealth Management location at W63 N671 Washington Avenue he would like to

see the vendor no closer to the street than the front façade of the building. He suggested that at some future date it might be wise to add a space requirement.

Council Member Czarnecki noted that is an entirely new Ordinance and it will take time to determine its ramifications. Commissioner Cain opined that the Ordinance needs to be refined properly by the Common Council. Vice Chairperson Burgoyne suggested that changes to the Ordinance be postponed until it has been tested for a year and make all required changes at one time.

Commissioner von Bargen agreed that the food vendor truck does not match the aesthetics of the Historic District. Council Member Czarnecki noted that the Common Council understood that Mobile Vendors would not match the aesthetics.

Andrea Acosta stated that their vehicle and operations would not block traffic. Eli Acosta added that he has a background in construction and safety is always first. He will not attempt to move the vehicle during high pedestrian and vehicular traffic.

Action:

A motion was made by Vice Chairperson Burgoyne, seconded by Council Member Czarnecki, to approve the Mobile Vendor or Mobile Food Establishment License to That Taco Guy, LLC for December of 2017 and all of Year 2018 as proposed contingent on all License regulations, but with the condition that the truck be set back at least to the front façade of the building located at W63 N671 Washington Avenue. The motion carried without a negative vote, with Commissioner Poellot excused.

DETERMINE JANUARY 2018 MEETING DATE

The next Plan Commission meeting date was set for 7:00 p.m. on Thursday, January 4, 2018.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

No comments or announcements were made by Plan Commissioners.

MAYOR'S ANNOUNCEMENTS

Mayor Kinzel offered no announcements.

ADJOURNMENT

Commissioner Cain moved to adjourn the meeting at 7:33 p.m. The motion was seconded by Commissioner von Bargen and carried without a negative vote, with Commissioner Poellot excused.

Darla Drumel,
Administrative Secretary