

CITY OF CEDARBURG
PLAN COMMISSION

PLN20170713-1
UNAPPROVED MINUTES

July 13, 2017

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, July 13, 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, Mark Poellot, Greg Zimmerschied, Heather Cain, and Daniel von Bargen via speaker phone

Also Present - Council Members Jack Arnett and Patricia Thome, City Planner Jon Censky; City Attorney Mike Herbrand; 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

Administrative Secretary Drumel advised that the minutes of June 26, 2017 were not yet available.

Mayor Kinzel moved to approve the minutes of May 8, 2017 and June 5, 2017 as presented. The motion was seconded by Commissioner Poellot and carried without a negative vote.

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 TEMPORARY USE OF PORTABLE PRODUCE STAND FROM AUGUST THROUGH OCTOBER AT BAEHMANN'S GOLF CENTER AT W73 N1122 WASHINGTON AVENUE – DAVID POLZIN/POLZIN FARMS

Planner Censky reported that David Polzin of Polzin Farms, located at 5218 Cedar Creek Road, is requesting approval to sell his fresh produce from a temporary stand to be located at the north end of the Baehmann's Golf Center parking lot. The stand will be 12' X 20' in size, red and white in color, with a handrail and porch, and will have roll up garage door in the front from where they will sell their produce. According to their plans,

the stand will be setback thirty-one feet from the Washington Avenue right-of-way. Finally, this use is proposed for this site from August through October with daily hours from 10:00 a.m. to 7:00 p.m.

Planner Censky reminded Commission Members that any temporary use that exceeds 14 days requires Plan Commission approval.

David Polzin explained that the overhead door on the portable stand would provide better ventilation and allow better display of his produce. The building would be made of urethane siding that looks like wood with a thirty-year guarantee. The porch and the floor of the stand would be wood.

Action:

A motion was made by Commissioner Poellot, seconded by Council Member Czarnecki, to approve the temporary use permit with the condition that Mr. Polzin shall be responsible to correct any problem that may result from this use immediately upon notification. Commission Members also agreed that future approvals for this temporary use would be deferred to staff. The motion carried without a negative vote.

REQUEST FOR CERTIFICATE OF APPROPRIATENESS FOR PROPOSED ADDITION TO THE EAST SIDE OF THE BUILDING LOCATED AT W61 N480-86 WASHINGTON AVENUE – RHIANNON WILSON

Planner Censky explained that Andrew and Rhiannon Wilson have purchased the former Cedarburg General Store and propose to convert the first floor into a sit-down restaurant. They will reside in the upstairs unit and the existing salon will remain in place. In order to accommodate the large commercial kitchen, the Wilsons need to expand their space by three feet with an addition off the east side of the building. This addition is designed to match the existing building with respect to style, color and materials. While the plans do show outdoor seating, that will be considered at a future meeting.

Staff noted that the Code does exempt uses occupying buildings in the B-3 District from parking requirements. However, in this case, there is a twelve-car parking lot behind this building that is accessed from Spring Street and sufficient street parking in the area to support this use.

These plans were first reviewed by the Landmarks Commission on June 8, 2017 and were recommended by unanimous vote.

Action:

Mayor Kinzel moved to approve the Certificate of Appropriateness. The motion was seconded by Vice Chairperson Burgoyne and carried without a negative vote.

**APPLICATION FOR OUTDOOR ALCOHOLIC BEVERAGE LICENSE AT W62 N590
WASHINGTON AVENUE – HÄNDEN DISTILLERY**

Commissioner Zimmerschied recused himself from the discussion and took a seat in the audience.

Planner Censky noted that Händen Distillery was requesting an Outdoor Alcohol Beverage License to serve cocktails made from their distilled product on the small patio in front of the soon to open “Händen Distillery.” The patio measures 9’2” X 11’10” and will be accessed from within the distillery through a set of sliding doors. A steel guard rail is proposed to separate the patio from the front sidewalk and a window will be added on the north wall of this outdoor patio area. This request is before you for review and recommendation in accordance with **Section 7-2-17(b)** of the Code of Ordinances which states: **The Plan Commission shall review all proposed Outdoor Alcohol Beverage Licenses to determine if they are harmful, offensive or otherwise adverse to the surrounding neighborhood and shall recommend that the license be granted as requested, modified or denied. If the premise is within the Historic District, the Plan Commission shall take into consideration the recommendation of the Landmarks Commission.** At its June 29th meeting, the Landmarks Commission reviewed this request for the location and type of fence enclosure and then recommended approval by unanimous vote.

Architect Don Stauss was present to review the architectural details. He noted that a bench and two tables would likely fit into the space.

Action:

A motion was made by Commissioner Poellot, seconded by Mayor Kinzel, to recommend approval of the Outdoor Alcohol Beverage License for Händen Distillery with the condition that any unanticipated problems that may occur shall be the responsibility of the applicant to correct immediately upon notification. The motion carried without a negative vote.

Commissioner Zimmerschied returned to his position on the Plan Commission.

**REQUEST TO INSTALL A SEASONAL PATIO WITH A PERGOLA SURROUND IN
THE SETBACK AREA OF THE WEST YARD OF W62 N605 WASHINGTON AVENUE
– FIDDLEHEADS**

Planner Censky reminded Commissioners that Fiddleheads is proposing to install a seasonal patio enclosed by a pergola structure in the rear yard of their coffee shop at W62 N605 Washington Avenue. The intent is to expand their outdoor seating area from the south side of their building to the area directly to the west of their building and adjacent to the neighboring site that fronts Turner Street. Commissioners were further reminded that because there is insufficient room in their rear yard for the proposed pergola enclosure to meet the required 15 foot rear yard setback, the Common Council

amended the Zoning Code to allow such an installation subject to Landmarks Commission and Plan Commission approval on a case-by-case basis. Plans show the general location of the proposed patio, but a site survey will be required with the building permit application identifying the exact location of their west and south property lines. Planner Censky noted that this request is in keeping with the policy of encouraging outdoor activity in the downtown area of Cedarburg

At their April 13, 2017 meeting, the Landmarks Commission voted unanimously to recommend approval.

Jovana Cubric, Vice President of Operations for Fiddleheads Coffee, explained that the pergola surround would be two feet away from the property line, would preserve the existing tree, and be stained "Cedarwood" and be covered with a polycarbonate skylight filter.

Action:

Vice Chairperson Burgoyne made a motion to approve the proposed patio with pergola surround with the following conditions:

1. The pergola surround be a minimum of two-feet from the property line.
2. The applicant verifying the specific location of the west property line of their site prior to securing a building permit.
3. The applicant shall properly containerize all litter resulting from this use on a continuous basis.
4. Any substantiated unanticipated problems that may result from this outdoor use shall be corrected by the applicant upon notification.

The motion was seconded by Council Member Czarnecki and carried without a negative vote.

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

Planner Censky noted that Tony DeRosa of HSI was at the June 26, 2017 meeting with detailed architectural plans. While the plans generally seemed to meet the expectations of the Plan Commission, specific changes were requested as follows:

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.

It was agreed that the revised plans would be electronically submitted and forwarded to the Plan Commissioners on Friday, July 7th, without staff comment, due to the short time frame between the June 26, 2017 meeting and the meeting scheduled for July 13.

Tony DeRosa, Executive Vice President of HSI Properties, LLC, stated that the plans had been revised to incorporate the changes requested at the June meeting, and that after driving through the neighborhood one more time, the colors and materials were modified to tie in with the existing homes.

Mr. DeRosa advised that Eric Harrmann of AG Architects was unable to attend the meeting. He introduced architect John Cronin of AG Architects who would be filling in for the meeting.

Mr. Cronin pointed out that six-inch mullions now separate the three connected windows so the look is not as contemporary. The roof pitches have been changed to 9/12, which added nine inches to Building A along Washington Avenue; sixteen inches to Building B; and seven inches to the Townhomes. The interstitial panel color between the windows has been swapped out with cobblestone to soften the look. A lot of the homes in the neighborhood have the shake look in the gables so that was added to some of the elevations in a midnight gray color. The railings will now be painted sandstone, matching the color pallet of the buildings. Mr. Cronin explained that the windows would have a grid system on the outside that had a profile of seven-eighths of an inch.

Commissioner Poellot stated that a mutton bar of three-quarters to seven-eighths of an inch would cast the right shadow. It is a critical element to the detail and the Plan Commission will need to see a sample of the window.

Commissioner Zimmerschied questioned what methodology was used in deciding which gable to shingle and which to not. It was explained that the intent was to focus on the corner elements of Building B with a pop of color and accent the smaller gables the length of the building. They did not desire a solid gray mass. Building A is on Washington Avenue and the gables were chosen to be shingled to provide the neighbors across the street with more color variation. With Building C, the townhomes, it was decided to construct the ends a lighter color and alternate through the structure.

In response to a question from Commissioner Poellot, Mr. DeRosa confirmed that they would be using modular brick.

Commissioner Zimmerschied thanked Mr. DeRosa and Mr. Cronin for responding to the comments that were made at the June 26, 2017 meeting: taking Plan Commission recommendations to heart, working to improve the design, and including photos of the neighborhood. The goal of the Plan Commission, and a requirement of the Planned Unit

Development (PUD) zoning, is to make the project as homogeneous as much as possible to the neighborhood. In particular he liked that the panels now are of a lighter color to coordinate better with the windows. His concern, however, is that the panel detail is not an element found in the neighborhood. Even the pictures provided with the elevations demonstrate that existing homes have first-floor windows, siding, and then second-floor windows. Commissioner Zimmerschied asked if the panels could easily be replaced with brick or siding. In his opinion, this would be another step in making the entire project more homogeneous to the neighborhood. Mr. DeRosa stated that replacing the panels with siding would not be a problem.

Vice Chairperson Burgoyne thanked local architect Paul Rushing for his suggestions to the Plan Commissioners with regards to colors for the project. The proposal at this meeting is a moderate change in color and he feels it is in improvement over the June 26 proposal. He advised that he was pleased with the changes made and believes the buildings have enough variety to make a very attractive development that is sensitive to the neighborhood.

Council Member Czarnecki believed the color pallette is soft and in keeping with the City of Cedarburg. The changes in roof pitch and the addition of shingles in the gables were terrific improvements.

Commissioner Zimmerschied advised that biggest concern he has heard is about the façade that faces Washington Avenue. He understands that there was a desire to bring the scale of the building down, but believes it would be worth at least exploring taking it back to three stories so that more authentic rooflines would be created, which would be more homogeneous with the neighborhood. Commissioner Zimmerschied stated that he felt the first drawing of Building A was more of a positive presence for Washington Avenue.

Council Member Czarnecki reminded Commissioners that the complaints about the original proposal were that the building on Washington Avenue was too large

Commissioner Zimmerschied felt that the Plan Commission is now looking at architecture and it would be appropriate to explore a new option for the building on Washington Avenue. There is a trade off by having a reduced building size with modern rooflines or a roofline that reads more like Cedarburg as the gateway vision of the project. He stated he was bringing the issue up to see if it was worth pursuing.

Council Member Czarnecki stated that he liked the latest proposal.

Vice Chairperson Burgoyne stated that the Plan Commission has discussed several reiterations of the architectural plans and two or three items of concern were identified at the June 26, 2017 meeting. As far as he is concerned, the Plan Commission is past redesigning an entire building. The Commissioners can spend a month or so reviewing

more architectural plans but he thought a very good plan was before them. To his way of thinking, architecture is not on the table other than reviewing the requested changes.

Commissioner Zimmerschied stated he understood this was a contentious issue and he has no desire to delay the project. However, he felt one of his functions as a Plan Commission member is to go out and seek expert opinions from other architects. His contacts are people who look a lot at Cedarburg and he respects their opinion. Commissioner Zimmerschied advised that he does not take it likely to bring it up at this time and would not if he did not think it was important. It is his responsibility to represent what he thinks are the viewpoints of the citizens of Cedarburg and this is just the third meeting talking about architecture on one of the most important projects proposed in the City. It has been said to HSI several times that this project would be wonderful on any other site in Cedarburg. His desire is to see if anything could be changed on the Washington Avenue façade of Building A.

Council Member Czarnecki advised that he liked the architecture and disagreed with requiring additional changes.

Commission Poellot agreed that the project looks very nice, but there different forms on the Washington Avenue façade that are not similar to anything else on the site. The easy fix would be to echo a gable to clean up the big horizontal hip roof.

Mr. DeRosa noted that the Common Council directed that the ends of the building be dropped down with their rezoning approval and that the gables would bring it back up again. He pointed out that the façade was a result of trying to satisfy many masters and that installing gables could cause other changes to the structure. Mr. Cronin added that the west façade would rarely be seen. It would be the north and south ends of the building seen by northbound and southbound traffic. At street level the hip roof will disappear and the view will be more of a two-story gable element.

Commissioner Poellot advised that he was not advocating raising the corner at all; he likes the current architecture, but would like to see a gable placed about four feet from the corner. The fascia board is about forty to fifty feet long and everywhere else there is a nice proportion of gables. Commissioner Poellot advised he will vote to approve the project but is just saying that the Washington Avenue elevation of Building A is the only elevation that could be improved. He would not like to hold the project up by requiring a new elevation and the window sample in the motion.

Mr. DeRosa advised that is not opposed to his firm continuing to look at the façade, but requested that it not be a condition of approval.

Commissioner Zimmerschied clarified that it was not that he was advocating going back to the original drawing, but as Commissioner Poellot pointed out, the Washington Avenue elevation is the only one in the project that could be improved. He would like to work together to accomplish that while not holding the developer back.

Bob Roessler of N47 W6075 Spring Street asked what the height of buildings were from the road to the rooflines; whether a privacy fence would be maintained between Building A and Building B along the property lines of adjacent homes; and whether the promised light deprivation study was ever done.

Commissioners responded that a discussion on the fence would occur with the landscape plan review, and that a light deprivation study was not a requirement in any approval motion.

Mr. Cronin advised that 100 feet was the level at grade, so the building height was approximately 45 feet.

Commissioner Zimmerschied asked whether his request to work on the panels as either brick or siding would be considered along with the Washington Avenue façade of Building A.

Commissioner Cain opined that the panels break up the façade and replacing them with siding or brick could possibly create a more monolith effect. She would not consider it necessary change to have the panels removed.

Mayor Kinzel agreed that he would not like the brick because it would create a large flat surface. He liked the panels as well. He added that the panel detail does exist in the City.

Commission Poellot added that he also liked the panels because they add a level of texture. He advised that he also understood Commissioner Zimmerschied's point of view that that architectural feature is not common in Cedarburg.

Vice Chairperson Burgoyne felt that Cedarburg has a variety of architectural elements and is not a major issue.

Action:

A motion was made by Commissioner Cain to approve the architectural plans as submitted subject to submittal and approval of the window sample with a minimum three-quarter inch mutton extending from the outside of the glass.

Commissioner von Barga stated that he appreciated all the effort and accommodations the developer has made and the project is much closer.

The motion was seconded by Commissioner Poellot.

Continued Discussion:

Mayor Kinzel understood both sides of the color issue. He questioned whether color was open to discussion yet.

Mr. DeRosa noted that they had chosen colors in the middle range that are similar to many buildings in the City.

Mayor Kinzel advised that he is not opposed to the color scheme, but concluded that if someone came in with a color scheme that Mr. DeRosa really liked, the project is not too far along to make a change.

Council Member Czarnecki confirmed that everything as proposed is acceptable, except for the need to see the window sample. Planner Censky responded that this is the final discussion on architecture, but still need to review and approve site, landscaping, lighting, and stormwater plans.

Vice Chairperson Burgoyne stated that the colors proposed were approved with the motion, and if new colors were proposed, they would need to be reviewed and approved by the Plan Commissioners.

Council Member Czarnecki added that if the façade on Washington Avenue were to be modified, it would also need Plan Commission approval.

Final Action:

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

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

Architectural Standards for Smart Growth Areas (SGA)

Commissioner Poellot suggested that for Smart Growth Areas a study be done of the area that identify the current features and forms that would help developers quickly understand what look is desired by the City, which could help shorten up the approval process. Or the City could create a template to provide to developers and/or architects so that they could do that work.

Council Member Czarnecki found Cedarburg unique because of all its differences. His concern was that if the City starts handing out pamphlets on what is acceptable, that might create too much similarity. He noted that the first plans submitted for the Arrabelle project were based on the Washington House Inn and the nearby buildings.

Mayor Kinzel understood the thought to try to provide information so that it does not take eight months to receive approval, but also had concerns of limiting architectural options.

Commissioner Poellot noted that initially the developers had proposed flat roofs and doors facing inward instead of the facing the street. Those are some of the issues that could be addressed.

Planner Censky suggested that the process may help the community accept development because they can see that the Plan Commission and Council are looking out for them to make sure the development benefits and reflects Cedarburg. If the process moves faster, it could be construed that things are being rushed through.

Council Member Czarnecki wondered if standards are set, some exceptional piece may be missed. Even if a developer submitted plans identical to the standards, the process would probably not be any shorter. Issues always unfold.

Mayor Kinzel agreed that coming in for consultation has been working well.

Commissioner Poellot was not advocating telling developers exactly what to build but, for example, noting that all the homes in the neighborhood are set twenty-five feet from the road right-of-way.

Commissioner Zimmerschied left the building at 8:20 p.m.

Code of Ethics

Council Member Czarnecki stated that individuals from the Council and the Plan Commission, who are not being asked to do so, are calling and/or meeting with those who desire to do business with the City. These discussions are not legally noticed, and are not documented in minutes. His concern is that these individuals may overstate their influence and cause confusion by telling developers what to do or to meet with the opposition to their projects. This has happened more than once and it only serves to diminish the actions of the Council and Plan Commission. He would like to have the Code of Ethics reviewed to clearly spell out that such activity is prohibited.

Commissioner Cain noted that this type of activity came into focus when a petitioner was surprised by the Plan Commission when he believed there was no problem with his proposal. Whether a public individual initiates the contact or is asked for direction, that individual does not speak for her. Such activity can smack of impropriety and can smack of favors. If she should be approached, she would direct them to the City Planner.

It was determined that the issue is related to the Ethics Code and should be reviewed by the Common Council.

MAYOR'S ANNOUNCEMENTS

Mayor Kinzel advised that there has been an interest for years in cottage-style neighborhoods, called "Pocket" neighborhoods, and he forwarded an email link to Plan Commissioners because Architect Paul Rushing and others are interested in doing that

kind of project. The idea is for high density, real small cottage-style homes, with a central common area.

Planner Censky explained that he will try to get the developers to meet with the Police and Fire Departments to get their input.

Commissioner Czarnecki noted that parking and snow removal may be a problem with a pocket neighborhood.

ADJOURNMENT

Mayor Kinzel moved to adjourn the meeting at 8:40 p.m. The motion was seconded by Commissioner Cain and carried without a negative vote.

Darla Drumel,
Administrative Secretary