

**TOWN OF CEDARBURG  
PLAN COMMISSION MEETING MINUTES  
September 20, 2017**

Present: David Salvaggio, Ralph Luedtke, Wayne Pipkorn, Dan Wundrock, Edward Downey  
Excused: Rick Goeckner, Mark Wittenberg  
Also Present: Tim Rhode, Town Administrator, Brad Hoeft, Town Attorney, Eric Ryer, Assistant  
Administrator/Clerk

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Chairman Salvaggio called the regular meeting to order at 7:00 pm. The meeting began with the Pledge of Allegiance.

**2. MINUTES OF PREVIOUS MEETING:**

**a. Approval of August 16, 2017 Plan Commission Meeting Minutes\***

Commissioner Pipkorn moved and Commissioner Wundrock seconded a motion to approve the minutes from August 16, 2017. The motion passed unanimously.

**3. PUBLIC HEARING**

**a. Public hearing to take comment on an application by Stanford Kraft for a conditional use permit to operate a massage practice and retain existing dental office and existing residential use at 5009 Columbia Road (SE ¼ of Section 26, 1.6 acres, zoned B-2 Planned Business District)**

Stanford Kraft has submitted a text amendment application that would add “massage” as a conditional use to the B-2 Planned Business District. Currently, the Town Code addresses massage under Chapter 200. However, none of the Town zoning districts lists massage as a principal or conditional use. If the Town Board proceeds and approves such a text amendment, Mr. Kraft must also amend his conditional use permit.

Stanford Kraft explained he has been a resident of Cedarburg since 1974, and he is looking to amend his existing CUP for his property at 5009 Columbia Road and allow Brooke Weigand to lease space for her massage therapy business. With no further comment from the public, Commissioner Wundrock moved to close the public hearing. Commissioner Pipkorn seconded, and the motion passed unanimously.

**b. Public hearing to take comment on an application by Sid Prom for a conditional use permit amendment increasing the number of allowed special events and to allow for the construction of a related permanent bathroom for the property located at 2408 Spring Hill Drive (NW ¼ Section 6, 38.31 acres, zoned A-2 Prime Agricultural and R-2 Single-Family Residential)**

Sid Prom has submitted an application to amend the CUP he was granted by the Town Board in 2013 for the operation of horse-drawn dinner rides, sleigh rides, summer rides, weddings/receptions, corporate packages, private parties, farm experience packages, log cabin rental (not overnight), and pumpkin patch and haunted rides, and to have to have agricultural buildings and high-density animal enclosures within 500 feet of a residential district. Mr. Prom is seeking to amend the CUP to increase the number of events from 12 per year up to a maximum of 30 events per year, increase the hours of operation from 5-9pm Thursday-Sunday to 10am to midnight with no specification of days of the week, and to construct an addition to the existing 768 square foot barn, adding 432 square feet for permanent bathroom facilities.

Sid Prom noted his daughter is getting married at his property in 2018 and he would like to construct permanent bathrooms to help with the event. He noted he supplied information to staff via phone and email, resulting in the required public notice postcard explaining he was seeking to host events up to 250 people up to 30 times per year. He noted his neighbors had concerns regarding those numbers, and he himself agreed that increase would raise concerns. He said he was now alright with the idea of not changing the number of events. He noted his permit does not currently cap the number of people that can attend events, but rather notes that if 100 or more people attend, that is then considered an event counting towards his 12 event total for the year. He also noted he is no longer asking for a change in number of people that may attend events, but did ask for an hour extension from 10am to 11pm. He would also like to be allowed to hold the 12 events at his convenience instead of being limited to 2 events per month under the existing permit.

Dale Schultz of 11809 Settlers Road noted Mr. Prom is now not seeking as many changes as originally proposed. He noted he moved to the area for the quiet atmosphere about 30 years ago. He noted the events hosted by Mr. Prom creates traffic and noise. By increasing the number of events and extending hours, this will create more traffic and noise and the proposed use seems more commercial in nature.

Elroy Klug of 11420 Pleasant Valley Road noted he has not had a problem with Mr. Prom's current operation. He felt the existing operation and hours are reasonable, notes Mr. Prom hosts community events, and noted it has become popular to host weddings and events in old barns. He felt the Commission should allow the expansion.

Chris Knoeppel of 11921 Settlers Road supports the charity events and sleigh rides that Mr. Prom hosts. He did, however, have an issue with the proposed increase in hours and noise, as well as safety issues created by guests that may potentially be drinking alcohol and driving through the subdivision. He did not feel it is the duty of the neighbors to call and complain about the noise and hours of the events.

Dale Engel of 2420 Spring Hill Drive was initially against the proposal but after speaking to Mr. Prom, did not have an issue with events starting earlier, but would like to see a limit of 200 people per event. He would like to see a limit on the number of early starting events. He supported the community oriented events, but supported a limit on the number of weddings that would be allowed to start early and run late into the night.

Dan Buntrock 2303 Spring Hill Drive had concerns regarding traffic and noise, and an increase in the number of events. He would be more concerned about noise if he lived closer to the Prom's. His main concerns were traffic, expanded hours, and alcohol being served at events.

Gene Collins of 2461 Dove Court explained concerns regarding speed limit in the subdivision. He noted Mr. Prom is a family man dedicated to the church. He noted that although Mr. Prom is requesting additional events and longer hours, he would be responsible for the associated liabilities. He noted he assists the Proms with the events and maintenance. He felt he provides a unique environment for the events.

Bill Wattson of 2297 Granville Road noted he would not be directly affected by the proposal. He attended a charity event at the Prom's about 7 years back. He noted the concern of neighbors, and questioned how the existing conditional use permit was issued and felt it was a commercial use in the agricultural district. He understood people live in the Town so they can do what they

want with their land, but noted when the enjoyment of one's property affects their neighbor that crosses the line. He noted many neighbors appear to have concerns. He opposed changes being made to the permit.

Al Braun of 11780 Settlers Road explained his concern is what happens if the Prom's move and the property has a permit allowing for expanded use; could the property become more of a business operation?

Collette Thiel of 2230 Washington Avenue noted she moved here in 1980 and understood previous comments from neighbors to mean they are willing to put up with the existing operation and associated noise and traffic. She felt the neighbors appeared to not want an expansion. She questioned if the permit is expanded, how could it ever be scaled back. She opposed an expansion of the permit as the noise is noticeable on her property.

With no further comment from the public, Commissioner Downey moved to close the public hearing. Commissioner Pipkorn seconded, and the motion passed unanimously.

#### 4. OLD BUSINESS

- a. None

#### 5. NEW BUSINESS

- a. **Discussion and possible recommendation on Ordinance 2017-6, "An ordinance to amend Chapter 320 Zoning to allow for massage establishments in the B-2 district"\***

This item continues from item #3a. Commissioner Downey asked why the ordinance is required. Attorney Hoeft noted massage is not a principal or conditional use listed in the B-2 district currently. Brooke Weigand noted all her employees are licensed therapists, and the business would include massage and possibly aesthetics. She has three employees currently, and would like to move out of her current City of Cedarburg location due to the traffic associated downtown Cedarburg to Mr. Kraft's location that provides sufficient parking and accessibility. The amount of build-out she will need to do is minimal. She noted she plans on 6-8 total employees in the future.

Following discussion, Commissioner Downey made a motion to recommend the Town Board approve Ordinance 2017-6 to amend Chapter 320 Zoning to allow for massage establishments in the B-2 district. Commissioner Luedtke seconded, and the motion passed unanimously.

- b. **Discussion and possible recommendation on an Ordinance to amend Chapter 320 Zoning to allow for weddings and special events in the A-1 and A-2 districts as conditional uses\***

This item continues from #3b. Chairman Salvaggio noted property owners can hold private weddings and events on their properties currently; this ordinance addresses non-agricultural commercial use of property. He noted the Town has 146 barns so there are many buildings that lend themselves to this type of operation. Also, there are 274 agricultural parcels. He noted allowing commercial type use outside of business districts will have implications. He questioned what happens when the barn wedding trend changes, what type of use would be proposed to recoup the investment in the property? A map was displayed showing the prevalence of agricultural zoning in the Town. He also noted zoning is meant to protect property values.

Commissioner Downey did not want to see the Commission set a precedent allowing this type of use in agricultural zoning. He noted the purpose of the Commission is to preserve the rural

feel of the community and felt allowing such use could be done in an adverse manner. He questioned if there were other conditional use permits for similar uses. Staff noted there are conditional use permits for equestrian related uses, but not for special events other than Mr. Prom's existing CUP. Commissioner Downey noted the Commission's responsibility is to maintain the current ordinance unless there is the opportunity to change it for the better. He was in favor of leaving the ordinance unchanged, as were Commissioners Pipkorn and Wundrock, and Chairman Salvaggio.

Following discussion, Commissioner Pipkorn made a motion not to allow for non-agricultural commercial use of property in the agricultural districts. Attorney Hoeft clarified that in this case that pertained to weddings and special events; Commissioner Pipkorn confirmed that intent. Commissioner Wundrock seconded, and the motion passed unanimously.

**c. Discussion and possible recommendation on an application by Stanford Kraft for a conditional use permit to operate a massage practice and retain existing dental office and existing residential use at 5009 Columbia Road (SE ¼ of Section 26, 1.6 acres, zoned B-2 Planned Business District)\***

This item continues from item #3a. Asst. Administrator/Clerk Ryer noted the amended CUP as drafted would allow for a massage practice, and continuation of the existing dental practice and residential use of the second floor by the property owner. Attorney Hoeft noted that Town Code also requires massage establishments to obtain a Town license, and suggested adding a condition to the permit requiring such a license.

Following discussion, Commissioner Wundrock made a motion the Town Board approve an application by Stanford Kraft to amend his existing CUP to operate a massage practice and retain existing dental office and existing residential use at 5009 Columbia Road with licensing as required. Commissioner Pipkorn seconded, and the motion passed unanimously.

**d. Discussion and possible recommendation on an application by Sid Prom for a conditional use permit amendment increasing the number of allowed special events and to allow for the construction of a related permanent bathroom for the property located at 2408 Spring Hill Drive (NW ¼ Section 6, 38.31 acres, zoned A-2 Prime Agricultural and R-2 Single-Family Residential)\***

This item continues from item #3b. A member of the audience raised the question if the Prom's property is zoned for business. Asst. Administrator/Clerk Ryer explained the property is zoned agricultural, not commercial. Attorney Hoeft clarified the original conditional use permit was issued under Sec. 320-60 which allows for limited non-agricultural commercial activities in the agricultural district with a conditional use permit. He explained the applicant is seeking an amendment to the original permit; it is up to the Plan Commission to determine whether or not such amendments are appropriate.

Chairman Salvaggio questioned if the addition of the proposed bathrooms would trigger additional reviews of the building via Town or State inspections. Administrator Rhode noted the site has not been inspected for holding large numbers of people; the bathroom was an indication such assembly could take place. Chairman Salvaggio noted there is a difference between using the proposed bathroom for personal use versus public assembly associated with events. Mr. Prom noted the building is currently used primarily for sleigh ride participants for seating. Chairman Salvaggio noted the assembly use and bathrooms would require the building and bathrooms to comply with State/Town building code like other commercial structures. Mr. Prom welcomed the Chairman to stop out and look at the building.

Commissioner Downey questioned if the building would be subject to ADA requirements. Attorney Hoeft explained it would be subject to state approval for plans and requirements if it is for public assembly. Attorney Hoeft also explained the existing permit was issued to Sid Prom and could be transferred to a future owner following the process in the Town Code requiring Board approval of such transfer. Asst. Administrator/Clerk Ryer noted Mr. Prom does not need a liquor license per the advice of the Wisconsin Department of Revenue since he is not charging for alcohol. Mr. Prom noted he does not provide alcohol, it is up to patron to provide their own.

Mr. Prom noted he is no longer asking for a change in the number of events or limitation on the number of people per event; that would leave the permit unchanged at 12 events per year with 100 or more people and unlimited events with under 100 people.

A member of the audience asked if Mr. Prom charges for sleigh rides; he confirmed he does charge for sleigh rides.

Following discussion, Commissioner Wundrock made a motion to recommend the Town Board approve an amended CUP to maintain the same number of events as listed in the exiting CUP, but not specifying the number per month, to extend the hours to 10am-11pm, with the addition of permanent bathrooms. Commissioner Pipkorn seconded. Chairman Salvaggio then explained that he supported Mr. Prom at the time of his initial application in 2013, but does not support the proposed expansion. He cited concerns of the public including noise and hours of operation. He noted an expansion is at the expense of neighbors and is an imposition to them. He noted Mr. Prom's property is adjacent to a residential district. Mr. Prom noted the bathroom would be for personal use and by those coming for sleigh rides. He noted he is only seeking the bathroom addition and change in hours. Chairman Salvaggio elaborated a main consideration to him is the use of the building as a public gathering place and related building inspections to meet code. Commissioner Downey noted that once the bathrooms are there, they are there for patrons to use. He will likely want a return on his investment in the bathrooms, which could mean more events. He was not in favor of that in the A-2 district. The motion then failed with no one in favor and five voting against.

## **6. ADJOURNMENT**

Commissioner Wundrock moved to adjourn the meeting. Commissioner Luedtke seconded, the motion carried unanimously and the meeting was adjourned at 8:34 p.m.

Respectfully Submitted,

Eric Ryer  
Assistant Administrator/Clerk