

**CITY OF CEDARBURG
COMMON COUNCIL
March 13, 2017**

**CC20170313-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 13, 2017, at the Community Center Gym, W63 N641 Washington Avenue. Mayor Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council – Mayor Kip Kinzel, Council Members John Czarniecki, Jack Arnett, Dick Dieffenbach, Rick Verhaalen, Mitch Regenfuss, Patricia Thome, Mike O’Keefe

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Assistant City Attorney Tim Schoonenberg, City Clerk Constance McHugh, Deputy City Clerk Amy Kletzien, City Planner Jon Censky, Police Chief Tom Frank, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Kinzel’s request, Deputy City Clerk Kletzien verified that notice of this meeting was provided to the public by forwarding the agenda to the City’s official newspaper, the *News Graphic*, to all news media and citizens who requested copies, and by posting in accordance with the Wisconsin Open Meetings law. Citizens present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member O’Keefe, to approve the minutes from the February 27, 2017 meeting.

NEW BUSINESS

PUBLIC HEARING - CONSIDER RESOLUTION NO. 2017-04 AMENDING THE CITY OF CEDARBURG COMPREHENSIVE LAND USE PLAN – 2025 FOR THE PROPERTIES LOCATED AT N44 W6035 AND N43 W6005 HAMILTON ROAD AND THE PARKING LOT ACROSS THE STREET ALONG WITH THE VACANT PARCEL LOCATED BETWEEN THE PARKING LOT AND SPRING STREET FROM THE HIGH MEDIUM DENSITY RESIDENTIAL (5.2 TO 10.8 UNITS/ACRE) USE CLASSIFICATION AS REFERENCED IN THE TEXT OF THE PLAN AND THE HIGH DENSITY RESIDENTIAL (10.9 TO 16.1 UNITS/ACRE) USE CLASSIFICATION AS SHOWN ON THE MAP, TO THE HIGH DENSITY RESIDENTIAL (18.24 UNITS/ACRE) USE CLASSIFICATION AND MEDIUM DENSITY RESIDENTIAL (12,000 SQUARE FEET) FOR THE 17,000 SQUARE FOOT AREA ON SPRING STREET; AND ACTION THEREON

Mayor Kinzel outlined the public hearing process and verified with Deputy Clerk Kletzien that this public hearing was properly noticed.

Motion made by Council Member O’Keefe, seconded by Council Member Thome, to open the Public Hearing to consider Resolution No. 2017-04 at 7:03 p.m.

Planner Censky explained that as part of any rezoning or other land use change, State Law requires that the Comprehensive Land Use Plan and the zoning be consistent with each other before such action can take place. This request is before the Common Council for two reasons: first, as a result of the comments received at the November 14, 2016 Common Council public hearing the applicant has made certain changes to the plans which are significant enough to require Council's review and recommendation and secondly, during the review process it was discovered that there is a conflict between the Comprehensive Land Use Plan map and the Land Use Plan text which needs to be addressed by amending both the map and the text to now reflect the overall project density of 18.2 units/acre. At the March 6, 2017 Plan Commission meeting, the members recommended the Land Use amendment as proposed by a vote of 4 – 2 and one abstention.

In answer to Council Member Czarnecki's question, Planner Censky confirmed that the Plan Commission approved a plan in October that was comprised of a different density.

Tony DeRosa of HSI provided a context of what has happened since November 2016. He met with Aaron Schultz, Attorney Alan Marcuvitz representing the neighborhood surrounding the St. Francis Borgia property, Mayor Kinzel, Planner Censky, City Attorney Herbrand, and City Administrator/Treasurer Mertes. At that point in time he was told that the neighborhood was okay with the three story plan; however, they had concerns regarding the density. Tony DeRosa asked for feedback from this meeting and he never received any formal proposed changes.

Tony DeRosa presented the significant changes that have been made to the project, as a result of the feedback from the community.

- Original plan: 98 luxury apartment homes
- Final Plan: 69 luxury apartment homes (a 30% reduction)
- Project density: reduced to approximately 18 units/acre (including the single family lot)
- Building "C" has been significantly reduced in size from a 3 story building and has been replaced with a 2 story, townhome style building with 9 townhomes
 - Each townhome will have a 2 car attached garage and private entrance
- Building "B" has been reduced in length by 40 feet creating a 70' green space buffer off of Hilgen Avenue
- Buildings "A" and "B" still have heated underground parking for all residents
- Building setbacks have been significantly increased
- Additional green space and landscaping has been added
 - Green space is 1.2 acres or 33% of the total site
 - Open space is 2.9 acres or 77% of the total site

Eric Harmon from AEG Architects presented aerial views, renderings and elevations for the three buildings:

Building "B" Design Comparison

- Reduced the length of building footprint by 40'
- Reduced overall building height due to natural site grading
- Increased building setback off of Hilgen Avenue by 40'
- Increased greenspace of corner of Hilgen Avenue and Hamilton Road
- Hilgen Avenue front yard setback increased from 34' to 70'
- Hilgen side yard setback increased from 71' to 83'
- Reduced number of units from 33 to 28

- Dropped building corner from 3 stories to 2 stories
- Eliminated gable form to reduce overall height of building by 6'

Building “C” Design Comparison

- Number of units reduced from 28 to 9 with conversion from corridor building to private entry townhomes
- Reduced height of building from 3 stories to 2 stories
- Adjusted building layout to work with existing grade further reducing building height on southern end
- Design aesthetic and rhythm to compliment typical Cedarburg residential road
- Setbacks – side yard – 37 feet, 9 inches
- rear yard – 36 feet, 10 inches

Building “A” exhibits showed:

- Existing conditions vs. Building “A” rendering
- Elevation and grading of building in relation to the church rendering
- Perception of building in relation to the church vs. actual rendering

James Grover asked for a point of order to ask why two speakers for the development have presented for a half an hour and the public will be limited to two minutes. Mayor Kinzel explained that the petitioner is allowed to make his presentation and assured him that everyone will be heard.

Tony DeRosa presented A New Way of Living:

- There is nothing like Arrabelle in the City of Cedarburg
 - A type of luxury housing for the people of this community
- High market demand
 - Appealing to baby boomers, empty nesters and snow birds in particular
- Hassle free way of living is growing in appeal
 - People that are choosing to rent
- High-end finishes
 - Quartz countertops, high-end stainless steel appliances, custom cabinetry, walk-in closets, large balconies & heated underground parking
- Luxury building amenities
 - Fully furnished clubroom, fitness center, pet-friendly, professional management, on-site storage, complimentary coffee bar, 24 hour controlled access, & car care station
- High-end services provided
 - Valet dry-cleaning, watering plants if out of town & resident social events throughout the year

Tony DeRosa explained why Arrabelle is good for the Community:

- Vacancy rate of approximately 2% = pent up demand
- Cedarburg lacks this type of modern, high-end housing
- People in the community are looking for something like Arrabelle
- Comprehensive Plan calls out for the City to do the following as it relates to housing in the community:
 - Provide adequate housing supply that meets existing and forecasted housing demand in the community

- Promote adequate supply of renter housing to serve current & future residents
- Direct future residential development to areas that can be served conveniently and economically with public utilities and community facilities and services
- Encourage the use of redevelopment sites where streets, sewer, & water systems are already in place
- Site identified as Smart Growth Area: targeted for high medium density residential of 16.1 units/acre (roughly 60 units)
- City does not currently collect tax revenue on property
- The school is at the end of its useful life
 - Status quo is not desired for this property

Tony DeRosa explained that the current zoning is Institutional which allows for the following uses: schools, day cares, clinics, offices, funeral homes, hospitals, sanatoriums and other institutional type of uses (none that are desired).

Kevin Barry of the Barry Company explained that they were hired two years ago to market the St. Francis Borgia property. After meeting with the City and St. Francis Borgia members, Barry Company determined that the best use of the property would be residential multi-family housing. They contacted 100 developers and received feedback from ten interested developers, all of which exceeded the City's current density parameters. They ultimately received three proposals and HSI was chosen because it had the least density and was the most feasible development. He explained that HSI reduced the size of the development and St. Francis Borgia reduced their price, to get to this point.

Tony DeRosa explained the economic benefits as follows:

- Arrabelle will generate an estimated \$340,000 of impact fee revenue
- Arrabelle will add over \$8.5M+ of tax base
- Downtown vibrancy
 - 105 people spending \$3k/year within walking distance of Arrabelle
 - \$300k/year x 10 years = \$3M economic impact over 10 years
 - Shopping patterns now vs. the next generation and how they shop (online)
 - Local business owners should be embracing this additional business that they stand to benefit from

Tony DeRosa stated the City has a chance to do something good with this property, unlike the Cedarburg Lumber Company property that remains unchanged. The decision should not be about emotion but what is best for the community. He told stories of people who were interested in this type of housing and had to leave the City because it was not available. He stated that the proposed development does fit the Master Plan and the PUD is a tool that gives the City added control. Tony DeRosa stated that if the Council votes against this project it will send a message to other developers that the City is not open for business or growth. He explained that HSI has made concessions to the project and it is better than what was proposed 9 months ago and they will continue to work with the City through the final stages of the project.

In answer to Council Member Dieffenbach's questions, Planner Censky explained that a legal document will need to be drafted regarding a cross easement and he is satisfied that there will be enough parking for the church.

In answer to Council Member Czarnecki's question, Planner Censky stated that the next steps are as follows:

- The developer will be required to have a detailed traffic study conducted to be reviewed by the Plan Commission and Common Council.
- If the traffic study demonstrates the project will not have a significant adverse impact on traffic patterns, the developer will then be required to generate fully detailed site, architectural, landscaping, erosion control and stormwater management plans. In addition, the City will work with the developer to draft a development agreement.
- Upon submittal of those plans and the development agreement, the Plan Commission and then the Common Council will review and approve the plans.
- Upon receiving approval of all details and associated plans, the applicant generates construction plans and submits them for review and approval by the State of Wisconsin.
- The applicant submits the State approved plans to the Building Inspector for his review and building permit issuance.

In answer to Council Member Regenfuss' question, Planner Censky stated that the Engineering Department will be involved with the traffic study and it will include the surrounding area.

Council Member Arnett expressed concern for the church sign that obscures the drivers view when turning right on Washington Avenue from Hamilton Road. Planner Censky stated that the City will talk to the church in regard to relocating this sign.

In answer to Council Member Thome's question, Planner Censky explained that the traffic study is typically not done until after the initial approval because the study is very costly. In this case it is a condition before further approval.

In answer to Council Member Verhaalen's question, Planner Censky confirmed that the church and parking lot are exempt from taxes and beginning this year taxes will be collected on the school property and the vacant land.

In answer to Council Member Thome's question, Tony DeRosa explained that it is not feasible in this economic environment to offer the townhomes as owner occupied condominiums. Currently rental units are the preferred option.

In answer to Council Member Czarnecki's questions, Tony DeRosa stated that HSI started 10 years ago and they have built five projects (500 units) to date. The vacancy rate for their projects are approximately 3%; whereas, the market is closer to 5 or 6%. Their buildings outperform the market because people want to stay in their buildings.

Council Member O'Keefe stated that he has heard concerns with the buildings being sold or becoming low rent or low income housing years later. Tony DeRosa stated that they do not cut corners on their projects. They use a long-term approach, as if they will own the building forever. If the property is sold in the future it will attract high end investors, as they will be a premium to own.

In answer to Council Member Arnett's question, Planner Censky stated that PUD zoning allows the Common Council and Plan Commission to act specific to this project and gives the City control over the project. Approving this PUD is not precedent setting.

City Clerk McHugh explained the procedure for public comments using the speaker cards stating that she would call three people at a time to line up at the podium for comments.

Daniel Carr, W59 N397 Hilbert Avenue, stated that the neighborhood has never agreed to apartments on the St. Francis Borgia site. He stated that he has addressed the Council before on this subject and has also expressed himself twice in the *News Graphic* against this project. The City is now ready to accept or reject this project. Before voting, he asked the Council to think carefully about the following:

- Do you want change in the historical status in Cedarburg?
- Is this project harmonious to the neighborhood in the City itself?
- Do we need to change our City because an entity has overspent for a new building?
- Is this going to affect the future growth of the neighborhood? For instance, Amcast that is on the horizon. Is that going to affect Hamilton Road?
- When looking at the single-family lot, does that increase the density even further?
- What else could be put on the school site that would be more conducive to the City?

Mr. Carr stated this issue has brought forth more creative ideas for the project and there are developers waiting in the wings with ideas that would generate funds and add to the historical theme. He stated that the Council's legacy is being engraved this evening and he asked if they want to change the City that was created by past leaders or do they want to further enhance it with a more conducive and creative project that will attract even more people to come to Cedarburg. After tonight, there is no turning back.

Gil-Marie Janssen, W59 N397 Hilbert Avenue, asked the Common Council to look to the future and make the best decision. The current plan is a monolithic beast and is oversized for that lot. She stated that the Arrabelle development breaks the City Code and has created upheaval and mayhem in their neighborhood, on the streets, and in the community. She compared this situation to a Dr. Seuss book about environmental awareness entitled *The Lorax*, which is a story of someone who saw an economic opportunity in a community. The tale turns dark when the main character and greed starts to destroy the town, leaving the area a barren waste land. The Lorax issues a warning about the dangers of land exploitation and greed. The Lorax teaches lessons about what we as individuals can do to save our communities. Upon reflection, HSI and St. Francis Borgia follows the storyline of *The Lorax*. She urged the Common Council to vote no.

Chris Capelle, N69 W7123 Bridge Road, stated that the HSI development is too big, too tall, the style is not becoming to historic Cedarburg, is too close to Washington Avenue, and the parking area will be blasted with lights all night long, with no regard for the existing property owners. Most empty nesters own their homes. She can live in her home for less than \$2,000/mo. including the utilities and hire a high school student to do the outside work. She referenced a cartoon in the *News Graphic* showing that a funeral home could be built on the St. Francis Borgia property. She would welcome that business because it would be quiet, not busy, and not be three stories tall. She questioned the things people will leave on the curb when they move out of an apartment. Ms. Capelle expressed concern for the extra need for policing and parking during festivals because festival goers would love this parking. She questioned what people will get for their \$2,000 rent (lawn care and dry cleaning, which is available across from Piggly Wiggly). Renters will not have only one car and they will not walk to Piggly Wiggly because it is too far. She said that Mayor Kinzel has made the following remarks in the past: he grew up here, married here, and had his

children here. Cedarburg is a fun place to be, has a small town atmosphere, beautiful buildings, and a beautiful downtown. Her mission is preserving what we love about Cedarburg.

Steve Brill, W69 N419 Fox Pointe Avenue, explained that the eventual sale of the St. Francis Borgia property was known years ago and that St. Francis Borgia and the City should have reached out to sell and purchase the land that would have resulted in an equitable deal for both parties. This would have avoided the present community division. Buying private owned land by local governments has recently occurred in Thiensville, Grafton, Mequon, Glendale and the North Shore. It is the correct way for a community to develop a cohesive plan for a targeted property such as this. After input from adjacent property owners, citizens, City staff and professionals, they could develop a cohesive plan and set it in place. Developers are then asked to review the guidelines and solicit proposals. Many projects are built using this process. He stated that he wanted to build an addition to his home to accommodate his aging mother-in-law. He presented his plans to the City that were not within the City's setback, height and floor area ratio rules. He was sure he would be told to go back to the drawing board, as getting the variance from all commissions and boards is highly unlikely. He asked how this project, despite all of the non-conforming specifications or requests has gotten this far. This appears about pleasing the owners of the property and supersedes what is correct for the community. As owners of the property, they have a right to do with it as they please, providing it is legal and within the established ordinances and codes; which they are not meeting. He is here because the proposal does not come close to the existing guidelines. They are asking for Code changes and or variances to Floor Area Ratio rules, height, setback, historic district and many more. He also expressed concern for not setting aside part of the project for classifications of targeted affordable housing. He would like the area to be made better for all. Neighbors are at odds with each other when exchanging opposing views of the project and he views this as a doorstep to the downtown district. The correct step is for the City to pay the owners a fair market price for the property and develop a cohesive plan for the property. He asked the Council to please vote no to the three requests tonight. As a Christian he asked that St. Francis revisit their mission statement on their website. He asked to take another direction and donate the property to Habitat for Humanity who will build single family homes and find deserving owners.

Vera Brissman, W58 N432 Hilbert Avenue, asked Tony DeRosa to stop insulting the citizens of Cedarburg by saying that the Friends of Historic Cedarburg have many opinions. They have one specific opinion that is to vote no on this project. She stated that snowbirds living in the new development would not be shopping in the City for half of the year. She did not agree with his statement that Cedarburg is a stagnant City because like most suburbs in the area and many places around the country, Cedarburg is a very dynamic city. People are very involved and interested in the City. Vera Brissman continued by stating the following:

Thank you again for allowing me to speak. It is easier this time when I know it is only two minutes. The people of the CITY of Cedarburg have risen up steadfastly against this particular project because it provides far too big of a footprint on a small parcel of land. This is not just ANY piece of land - but the Heart, Soul, and Center of Cedarburg and the Downtown Historic District. This development may be well suited for other areas of Cedarburg, but not this particular heart and soul site. This small, special parcel of land would not stand to be over-developed; instead - the City and its people need to have a creative eye and foresight. Please do not vote for this project because it is the one before you. I ask you to stand firm to help Cedarburg remain and grow in what Cedarburg does best -- MELD A UNIQUE LIVING CULTURE OF THE OLD WITH THE NEW. Consider the new building on the northwest corner of Washington Avenue and Western Road, where the old Tri-Par once stood. It now houses the Clementine Salon. It is new - it fits in scale - its design and

use of materials is fantastic - IT ULTIMATELY IS HARMONIOUS WITH ALL OF CEDARBURG.

The building invites people, it inspires people, and it has fully incorporated the past, present, and future of Cedarburg. In contrast, the HSI development is new -- but overbearing. Its design is common to all suburbs. Its use of materials again is similar to that of the large office buildings of Mequon. It does not and cannot hope to enhance the Cedarburg Historic Downtown District. The St. Francis Borgia site deserves to have the best -- the best overall quality, within the best overall standards - which will only add to, and enhance the Historic Downtown and be truly harmonious with all of Cedarburg. We, as residents, business owners, and The Friends of Historic Cedarburg, will stand with you to help develop Cedarburg with a fine-tuned eye, an open mind, and a creative spirit. Thank you again for your patience and consideration.

Phil Bail, N47 W8050 Parkland Road, stated that he is in his third home since 1993 and Arrabelle may be his next move. He compared this issue to the story of Chicken Little, stating that the sky will not fall if this rezoning is approved. He expressed concern for what he heard from the President of Lake Shore Development who spoke at the last Plan Commission meeting. He had a proposal for the Lumberyard property and was rejected. He stated that he was in favor of the HSI proposal and that the word has gotten out about Cedarburg. Developers will not come into this community because it is not a friendly community. Developers figure that Cedarburg is closed to development. He recommended that the citizens of Cedarburg get behind HSI because the proposal will add value to the City and will not harm the downtown district. Mr. Bail talked about the state of the City where one-third of the Cedarburg Settlement is empty and the last two businesses that were approved in the City are tax exempt (Cedarburg Visitor Center & Museum and The Student Union). Arrabelle will provide taxes for the City. When he was in the Air Force for twenty years he noticed that cities that were willing to accept change survived. The cities that refused change died and that is what is going to happen here in Cedarburg if the development is rejected. He mentioned the Cedarburg Merchants Association is not going to do their annual events such as the Pumpkin Walk and the luminaries during the holidays and he questioned what people will think. Festivals are getting out of hand. Festivals may give a little bump to the downtown businesses but they don't provide day-to-day shopping. He wants the City to continue growing. He is concerned that people don't understand how property is bought and sold. It is important when you make comparisons to the cost of the land alone, the cost is very reasonable. The St. Francis Borgia property is 3.83 acres and since the price has been reduced by about one-third since the density has been reduced by one-third, the cost of the land is barely \$1 million. The Green Bay Packers bought a piece of land of 1.48 acres for \$1.5 million. They got half of the land for the same amount of money that St. Frances Borgia will be receiving.

Kevin Barry, W74 N304 Cedar Pointe Avenue, agreed that there is a demand for this type of housing in Cedarburg and there is nothing else like it in the City. It offers unique, hassle free living that will keep people in the area that no longer want the burden of owning a home. Let's keep people here and not drive them away. This development is not a Walmart and calling the development a monolithic beast is rhetoric. HSI is building homes for people to share in our community and introducing new neighbors and making new friends. Moreover, the local businesses and downtown will benefit economically from having more customers within walking distance to downtown. This City will also benefit by collecting tax revenue from this property. He asked the Council to use this opportunity to help residents lower their taxes. He hopes the Council has the foresight to do what is best for the entire community. He expressed concern for the manner in which the Vote No faction has proceeded in opposition to this development and their attempts to introducing misleading poster boards, questionable petition tactics, and personal attacks on Council

Members have all been noted on the public record. Primarily the opposition has been inflexible. In the end, these projects are about compromise by the developer, the City, and the neighborhood. Any other community would welcome a project of this caliber even before HSI heard concerns at the November meeting. He reviewed the petitions that have been circulated. The original petition addressing HSI's original design turned over 800 signatures; whereas, the new petition with revised drawings has only garnered fewer than 200 signatures. This suggests that the revised plans are acceptable to a greater number of people. This should be the case because HSI met with the neighborhood leadership to understand and address their concerns. As a result, HSI has been flexible and has compromised by listening to the concerns of the citizens and the Common Council and has made significant concessions by reducing this project by 30%. In regard to following past leaders, former Mayor Coutts has said that the developers made several changes to meet concerns in opposition to this project. This is common and he feels the developer has made an honest effort to put forth a product that is both aesthetically and economically feasible for the City of Cedarburg, (according to a letter to the editor in March 2 edition of the *News Graphic*.) He echoes this endorsement of the project. Former Mayor Kuerschner voiced his support by stating that he finds it very difficult to turn down an attractive development that produces an estimated \$80,000 per year in City portion tax payments and has the potential of increasing economic activity and make positive growth happen in Cedarburg (February 9, 2017). Voices of leadership are clear. The positives for this development simply outweigh the negatives. St. Francis Borgia School educates over 325 students, many of those families pay taxes to the City of Cedarburg but do not partake in the great educational benefits offered by the School District and paid for by those taxes. St. Francis Borgia parents pay extra to send their children to school and they do so because they value a Catholic education. This is a right and a choice but it is not indicative of being concerned about the money. Tax payments enrich the community as a whole. Please vote yes on this project.

Richard Wilde, W65 N527 St. John Avenue, stated that he is opposed to the size and scope of the HSI proposal as presented and to the rezoning to higher density they are seeking. It matters not that a possible 1.2% increase in population may or may not make a significant impact on the vibrancy of downtown, it matters not that this is the best and only proposal out there, you all know that's not the case, it matters not that this developer seems upstanding, easy to work with and forthright, and it matters not that the apartments are upscale with pretty interiors. Tonight, the Council is charged with making a decision on allowing or disallowing a proposal that is too dense for this site and not harmonious with the surrounding quiet single family residential neighborhood. Both the PUD and City Zoning Code (page 62) clearly mandate that to justify rezoning to high density they must be in harmony with the surrounding neighborhood. This revised project clearly is not in harmony with the surrounding neighborhood and therefore must be denied. Furthermore, a proposal that incorporates setbacks that are 50% less than the City Code, building heights that exceed the City Code by 26% and dedicated parking for the church that is reduced by 50% that required by City Code is clearly too dense for this site. You must vote no. As stated in the September 6, 2016 Plan Commission meeting minutes with reference to the Lakeside Development proposal for the old lumberyard site, he quoted, "Mayor Kinzel advised that the economics of the proposal was good for the City but an infill lot needs to fit better with the area. He still was uncomfortable with a three-story building. And Commissioner Cain agreed that the size of the building and the degree of nonconformity were problematic." That proposal was denied, how is this any different? Finally, as elected officials of the City, I implore you to do the right thing and vote against the rezoning to higher density now and in the future.

John Schauble, W56 N805 Meadow Lane, stated that because the topic of conflict of interest arose at an earlier meeting he disclosed that he is a trustee at St. Francis Borgia Parish. Rather than a

conflict of interest, he thought there is a confluence of interest. This is an opportunity for St. Francis Borgia to dispose of unneeded property and for Cedarburg to achieve an important objective. Over the past year two different neighbors decided it was time to downsize and they moved to Grafton. Another friend, who lived and was active in Cedarburg his entire life moved to Mequon after selling his home. He questioned whether Cedarburg provided them a choice to stay in the community. Whereas, Grafton has provided options for their residents in a central location where they walk together and shop. His former neighbor said it took four minutes to walk to Sendik's, which is about the same amount of time from the proposed development to Piggly Wiggly. He said it was a shame that these people did not have a choice to remain in Cedarburg. Many residents have paid taxes to the City for many years and contributed to the fabric of this community. The trend for older adults to reduce their household size will continue. Will Cedarburg pretend that it is not happening here and turn a blind eye to this need? Or do they have a need to serve all the residents? Several of his friends and acquaintances have said that they would seriously consider staying in Cedarburg if such an apartment complex was available. To some people it is a possibility that means increased congestion and other undesirable things, to him it means new vitality in the heart of Cedarburg. Looking forward, who should the City be focusing their attention on? It seems pretty clear; people like his former neighbors should be given the nod. He hopes the Council agrees.

Karen Johnson, N68 W5671 Bridge Commons Ct., stated that there is so much wrong with this particular project in this particular place. Particularly if talking about downsizing. She stated that she is moving to Grafton because there is not the right kind housing in Cedarburg. The proposed project is not the right kind of housing. Upon reflection of the past couple of months, she was reminded of the fact that the Common Council was elected to preserve and protect the character of Cedarburg. It is the only commodity that the City has. It is not Cedarburg's responsibility to change the rules just to pay for St. Francis Borgia's new school. The land is overpriced, which leads to the need for this density of apartments and still have some dollars left over for the developers. This is the wrong project for historic downtown Cedarburg.

Ellen Kellen, N46 W5881 Spring Street, stated that she attended the Plan Commission meeting last Monday and listened to many people say how important this high density apartment complex would be and how much it would benefit Cedarburg. She also listened when people stated their names and addresses; whereas, most if not all lived nowhere within the vicinity of this project. Their lives would not be changed by it. She guessed it was much easier to support something that will cause you no harm or inconvenience. But those that live in the area, know that this project is not in Cedarburg's best interest and their lives will be changed greatly. They will be faced on a daily basis with traffic jams and parking problems. Not just twice a day at 8 a.m. and 3 p.m. when the school was there. This area cannot handle the additional traffic. Even now at certain times of the day, with Hamilton Road and Spring Street so close together, it is difficult to turn north on Washington Avenue and almost impossible to turn south. It is dangerous. There is no room to add extra lanes or turn lanes because it is too close to the traffic light on Western Road. Has everyone forgotten about the two ladies that were killed in this area leaving St. Francis Borgia Church a number of years ago? She understands that the Council has a tough job of keeping the community safe and contributing to the tax base in the community. She sincerely hopes that the Council will listen to the residents who live in this area who will be forced to live this nightmare, rather than the people who have no skin in the game. Their lives should not change because St. Francis Borgia has a lot to sell and is asking an absorbent price for just over three acres.

Donna McElligott, W59 N380 Hilbert Avenue, thanked the Common Council. A truer word was never spoken when she heard that nothing is like this in Cedarburg. True, this is exactly the problem. Her house is an example of the area homes; it is 20 feet wide and 30 feet tall. Unit B of the proposed development is 44 feet tall and 193 feet wide. They have a quiet neighborhood, with a problematic accident prone intersection. They are being told to accept a large scale project that is inappropriate for this area. It is not a good fit. They need a project that fits this area. Plan Commission Member Dan von Bargaen voted no after walking the neighborhood several times. He noted that his neighborhood would not allow such a dense large scale project and he said that this is not what the neighborhood signed on for. Three apartment buildings being plopped in the middle of a residential site is not what any City resident is barking for. There are smart growth areas scattered throughout the City, including another one on Hamilton Road at the Amcast site. Plan Commission Member Greg Zimmerschied voted no after expressing concerns about the density of 69 apartments contained in three buildings and he asked why HSI is offering a smaller development in another historic community. Mr. DeRosa said that the building could not be adjusted to two stories. Council Member Thome told her that it is not economically feasible to have elevators in a two story building. If that is the case, then why does the new library have two stories and an elevator? She is asking for the Council's no votes and especially Council Member Regenfuss because this project is too large for their neighborhood. Businesses come to Cedarburg because the City is a small scale historic City filled with small historic buildings. People work hard renovating historic buildings and have successful businesses along with homeowners who walk to these areas. Nothing against Mequon, Fox Point and Grafton who are willing to jump on the big box apartment band wagon, but the preservation of the small town atmosphere is what attracts tens of thousands of visitors here. Tonight is about looking at this project and considering the density, let's continue to attract people here. She agrees totally with Mr. DeRosa; this is not about emotion. She can't help but know that he mentioned emotionally six times referring to the school property and or Amcast. There was no mention of the break-in at Thorson Elementary school.

Robert McElligott, W59 N380 Hilbert Avenue, stated that he is asking for the Council's no vote. They moved to Hilbert Avenue because of the history, lifestyle, walkability and bikeability, which is part of Cedarburg's successful branding. The City's Smart Growth Plan, City ordinances, and Codes are what citizens rely upon. Homeowners should have a reasonable expectation in the City's Smart Growth Plan. He heard tonight that the developer said that St. Francis Borgia holds a dominant position in the overall financing. He understands that this is the highpoint of the area; however, the church footprint is 4,400 sq. ft. and Building C's footprint is 240% larger than the church. Building B's footprint is 280% larger than the church and Building A's footprint is 370% larger than the church. It is hard to see how this is going to be the dominant structure in the area. Putting two, three-story buildings on one side essentially raises that side's density to 26 units per acre, a 240% increase over the Smart Growth Plan of 10.8 units per acre. Even looking at the larger PUD number, of 16.1 units per acre the density of the apartments on the south side exceeds the plan by 60%. He stated that he has a civil engineering degree from the University of Wisconsin-Madison and he understands this math. There are 18 identified smart growth areas in the City's Smart Growth Plan. A strong message is being sent to homeowners living near these areas, as well as future home buyers, that the City disregards its own Codes and ordinances. For several weekends, he and his wife walked and talked to their city neighbors and he shared some of their comments:

- A man who came from Chicago and lives on Center Street expressed concern about large scale growth since his historic home is near an open field.
- Another woman on Madison Avenue expressed safety concerns because a friend of hers who lost a leg at an accident during a festival. Traffic is an issue and don't take it lightly.

- One gentleman volunteered that he would be interested in living in the City in this very area, buying not renting.

Cedarburg's Vision Statement requires a preservation of historic small town atmosphere and a PUD requires neighborhood compatibility. That is what residents and visitors have said. Cedarburg has a successful brand and, like Coke which belly flopped when they changed their recipe, Cedarburg brand has been built over the years and it can be destroyed in a blink. Please vote no.

Carol Smith, W62 N387 Hanover Avenue, stated that she agreed with the position of holding the City's ordinances and Codes the way they are rather than being changed. Once something is changed, you cannot go back. As for traffic, with the school being closed it is still difficult to make a right hand turn (almost any time of the day), much less trying to make a left hand turn. The neighbors are not the only ones positioning against this situation. She read about Fox Point who is doing the same thing, trying to get rid of a school with new developers coming in and the neighborhood does not want what is being proposed, high density housing.

Jim Myers, N59 W5542 Edgewater Drive, has been a resident of Cedarburg since 1979 and has been at his current address for 19 years. A long time ago before the yard signs were planted, tweets were sent, emails, letters to the editor, and snapchats were shared, he spoke at the November Council meeting in favor of the HSI proposal for the St. Francis Borgia school property. When he came to the meeting, he was not prepared for such a large gathering and his sense at that time was that many of the people opposed to the HSI proposal would only be in favor of single family detached homes on that property and that makes no economic sense. He reviewed the latest proposal from HSI, which reduces the number of apartments on the property and he personally thinks that it is beautiful. He remains in favor of the HSI proposal. Past Mayors have supported the HSI plan as have other community leaders. They agree that replacing a tax exempt property with a tax paying high end apartment complex would be good for the City's finances. It will also eliminate a vacant property on the south entrance to downtown and he agrees that the City does not need another Amcast. He believes the apartments would put more feet on the street, creating more business for the community. He asked the Council to approve the HSI project because it would be good for the City as a whole and would show that we are open for business.

Ann Bruene, W65 N523 St. John Avenue, stated that she moved to Cedarburg 10 years ago and rented an apartment. She fell in love with the community and the dynamic of the City and the historical value. She purchased a home on St. John Avenue between Center Street and Western Road. She loves where she lives and she loves her community. What she does not like is the size and dynamic of the proposed project. She is all for developing this area, but it has to fit within the neighborhood dynamic; it has to be cohesive. She uses Washington Avenue, Spring Street and Hamilton Road to get to work five days per week. Monday through Thursday trying to get down Hamilton Road is a nightmare because it goes down to one lane of traffic. Going down Washington Avenue on Tuesday morning ends up in one lane of traffic because Michael is doing his route and collecting garbage. She knows her garbage man's name because she loves her community. But that street is a nightmare to get out of and the developer is asking to put a very high volume development into a very small area. There is a traffic problem and she felt that it is very negligent and irresponsible if this is not looked at prior to voting on this project. To her it seems as though they are trying to fit an elephant into a bird cage. Please vote no.

Rachel Wilde, N44 W6010 Hamilton Road, reiterated what her neighbors have said and to Mr. DeRosa's comments they have never said that they would approve of three stories and they have never agreed with apartments. What other things is he saying that don't hold the truth. She bought

her 1880 house on Hamilton Road in June 2015 and at that time she knew that the school would be closing and the church was planning to sell the property. She understood the possibility of what could be built there by understanding the Zoning Code and the Land Use Plan. She did her research and knew that the Mission Statement of the Council is to preserve the historic small town atmosphere. She trusted that the City would not allow large uncharacteristic development to be built there. This trust in the City to do what is right, fueled her to not only buy the house but also invest \$40,000 to maintain its historic charm despite not being an official historic building. Her background is in mechanical engineering and that is why she is talking numbers and what she understands. She said that she would talk about the project in numbers and it will clearly show that this project is too dense for the site. The developer is asking to rezone to 18.2 units per acre and according to her math this is not true. There are two different PUDs, there are two multi-family residential buildings and there is an RS-3 single family district. You have to separate these two as she reads it. This takes it up to 20.7 units per acre density. When it is further broken down by the tax records the density grows to greater than 25 units per acre between the north and south side. In that perspective it is pretty darn big. Despite the downsized plan, there are seven nonconforming items. The current plan states that there are 8 units per structure; however, the building on the south side has 32 units and 28 units. Her math tells her this is at least four times the standard. The standard for height is 35 feet, which seems reasonable next to her two-story historic home. The new proposal shows the heights of buildings A & B and Building B is directly across from her house at 43 feet tall which is significantly taller and will overshadow her house to the point where in the winter time she will not have any sun in her windows. She did not buy into this community to have no sunlight during the winter time. She hopes that the architect can prove her wrong, this is her math and she does not have the tools that he has. Regarding the setbacks, Building C does not fit on the site and it violates the setbacks from the side yard as well as the street. The proposed setback is half of the standard. She is not talking about a foot or a couple of inches, it is half the standard. Building B (directly across from her house) is similarly too close to the sidewalk. Once again, showing the space needed for the density of this development is not available on this site. The standard for lot areas required for two and three bedroom units is 3300 sq. ft. per unit. Buildings A & B on the south side are planned to have 60 units and this would require 4.55 acres. According to the standards these buildings are nearly double the size allowable. The parking plan for the church has been discussed and there is only 40 surface stalls on paper and then 39 stalls will be shared. She challenged everyone to think about when the church is in use...Christmas Eve, Saturdays for weddings, funerals. On a Saturday or Sunday, is no one going to be visiting the empty nesters and not want to use the same parking spots? Her parents are empty nesters and they go to their house for holidays; she expects it will be the same here. A cartoon that she found shows the width of Hamilton Road as it is today and there is no room to make it wider. The setbacks are not far enough for HSI and her house is also close to the road and there is no room to expand. There is barely space for two cars to pass next to each other without taking off the mirrors. To summarize the gross non conformities of this proposal, sixty percent too dense, four times too many units, twenty-two percent too tall, two times too close to the neighboring buildings, provides only forty percent of the setbacks required, ninety percent too large for the lot area and provides half the parking required for the church. These are not small nonconformities. The numbers cannot be debated and are clear. The size and density of the proposal are too big and will never blend with the primarily historic residences that surround it. How is this development any better than one that actually fits on this property? Let's not forget that the right proposal will also add a boost to the downtown merchants, as the school provides nothing today. When you approve these amendments you are stating that this development is a better utilization of this property than one that fits within the Codes. Do we have the data to make that conclusion? She asked that the Council do the right thing and vote no for this development.

Bill Bujanovich, W61 N459 Washington Avenue, stated he hears this project represents the highest and best use for this site and this project maximizes investment return on capital. He feels changing the Comprehensive Land Use Plan to accommodate investment needs of a seller and buyer is not what the City should focus on in this decision. The City's developments should not be shaped by a developer in a single sale of a property. More on the Blue Visioning Committee study and recommendation – do the results point to a need for large commercial apartment buildings in the historic downtown corridor? To the contrary, the findings at the time of the study found that Cedarburg led Wisconsin and Milwaukee in almost all categories of multi-family housing. Today, according to the American Community Surveys estimate, Cedarburg continues to lead or be close to the City of Milwaukee in four of six categories of multi-family housing. The Blue Ribbon Visioning survey studied, and questionnaires returned to City Hall, indicated the need for smaller single-family homes and condominiums in the downtown area, not more apartments. For this reason, the Comprehensive Plan and Smart Growth plan on Hamilton Road is designated to be high/medium density at five to ten units per acre. The intention is not the development of commercial apartment buildings, which can be as high as 25 to 26 units per acre, but for condominium homes and small multi-family developments like what is located on Washington Avenue and Hamilton Road. When the Amcast site is built and fully implemented, that site will be adding a considerable amount of density to Hamilton Road which is a secondary arterial to the City. The Blue Ribbon Visioning Survey employed countless volunteers who worked diligently for 13 months beginning with two public forums. Taking into account more than 800 attendants and respondents, it conducted six focus group sessions and sent surveys to all City residents. The City received 1,780 completed surveys, gathering the vision for the City of Cedarburg's residents. The Comprehensive Plan represents all of Cedarburg. Vote yes and you say no to Cedarburg. Keep the Comprehensive Plan and density as it is. He urged the Council to vote no.

Irene Clausen, N13 W6866 Pheasant Court, stated that Arrabelle means peace. This is not peace. The people who built the St. Francis Borgia parish wanted a spiritual home for the community, a place of worship and love. They had no idea that the parish they built with their modest coins would be sold to the highest bidder, leaving their neighbors in a bind that they lose equity in their buildings and their loss of quality of life. Millions were donated, and she still donated to the parish. It is not moral to take from Paul to pay Peter, it is a sin. She hopes that the Council will vote no in what is best for community. We cannot be greedy and have to think of our neighbors. We all love our community. The St. Francis Borgia land is not private property, it belongs to the parish, and it belongs to the people.

Aaron Schultz, W59 N370 Hilbert Avenue, stated that HSI was very transparent and forthright in dealing with the neighborhood group when they met on January 9. Very bluntly they told him that they felt the neighborhood would not sign on to anything. To which point he expressed disappointment. He thought the neighborhood group was open and did not express that they were anti-renter. The concerns of this property are very objective, not subjective and are not an emotional set of concerns, even though there is an emotional reaction at times. He referenced a packet of material that he distributed to the Common Council. The front page shows how much the set of buildings is out of scale with the surrounding properties. Building A next to the cape cod, shows that he would not want a building like this next to his house, along with the scale of the townhomes and Building B. The St. Francis Borgia proposal is really four projects and four proposals and could be presented individually as they are not interconnected in any way. The Spring Street lot is specifically one lot that is included in the proposal to boost the "green space" and to lower the density for the overall proposal. The nine townhome units on little over an acre is closer to the visioning in the Comprehensive Plan. The water feature behind it adds to the open

space calculation of the overall site. His two largest concerns are the slope of the site and what will become of the church when the land is divided for the properties. Forty parking stalls are not sufficient to meet the parking demand for the church of 238 seats, especially in the event the church wants to move the church onto another congregation or wants to operate as a separate congregation. Those 238 seats are filled at times. That creates a lot of problems because there are 39 spots, cross easement spots, that are not included in any of HSI submissions. He wonders if there is a process in place to get this in writing. If St. Francis Borgia were to subdivide out the parking and reduce the lot, elsewhere in the City in a commercial or industrial district they would ask to offset that parking requirement by moving it either to street parking or other lots. The process that is in the Cedarburg Code requires very specifically a set of written requests to be considered, proof of a hardship and a need, fundamentally it also requires that space be held in reserve so that parking can be demonstrated in the future. The Code states that you can build 39 spots but you have to maintain 40 spots as an equivalent green space. So if the need comes up in the future, you can expand it. This cross easement does not do any of those sorts of things. This cross easement is a hope and a prayer that when the church needs 80 spots that the residents will not be parking there. There is a demonstrated strain on the roadway. There are too many buildings on too small of a site. The school site is 25 plus units per acre. The fact is that they are putting too much building on this site, it squeezes the parking area that should be reserved for it. He asked that the Council look at this closely. He also asked Tony DeRosa from HSI to stop misrepresenting their meetings. They have been very plain and forthcoming with the church. They have offered to bring the community together and the neighbors together to offer input, which has gone nowhere. He visited the Delafield site of the Wells Street Station that was developed by HSI. The front side of the building on Main Street is located on a 45 foot wide street with sufficient parking on both sides of the road, a bicycle lane, surrounded by commercial properties and on the back side of the development is a 35 foot wide street with no parking on either side. It is also neighbor to approximately 140 spots of parking and a series of soccer fields. It is not in a residential neighborhood or part of a historic district. Delafield markets as historic; however, this property matches none of the criteria that are being used in Cedarburg in terms of how it fits in the neighborhood.

Al Lorge, N86 W5484 Warwick Square, stated that he was on the Council 25 years ago and they were concerned then about housing for seniors who wanted to downsize and nothing was available. Now he is one of those seniors and he still does not have options available for seniors to stay in the community. This type of housing isn't just for seniors. It would serve young couples very well. Another thing to keep in mind is the very few opportunities in this community to grow. The project will also significantly add to the tax base, which is critical to the City, to hold down taxes. He recalled that approximately 30 years ago, the Piggly Wiggly store was proposed, and there were 900 signatures against the development. They heard very similar concerns: traffic, gateway to the historic community and will destroy the community. They heard many negative opinions but the Council did the right thing. Mayor Kuerschner said, in a letter to the editor, that he led the petition and now he is thankful that the project went through. He questioned what the community would do without Piggly Wiggly now; it has been a great addition to the community. Finally, the audience is hearing a lot of angst and emotion tonight, from his vantage point this is the heart of Cedarburg. It is all of the people in attendance, people who care so much about their community that they are willing to spend 2 to 3 hours at this meeting. That is the heart and small town atmosphere. Yes, we need to honor the past and protect the historical significant buildings. But we cannot live in the past. We must move forward with resolve and do what is best for the long term in Cedarburg. He urged the Common Council to approve the project.

Laura Bruederle, N49 W5693 Portland Road, stated that she lives on the corner of Portland Road and Hilbert Avenue. She has a quarter acre and they just mortgaged their house again at \$217,000 for a house that was built in 1873. Her daughters are fifth generation in this house. That means that she has been around longer than all of the Council. She can trace her house back. This is not okay. This dividing is not okay. We are Christian, Catholic, Lutheran people. Where is the empathy that we have, she did not feel empathy from anyone in this building. It is disgusting. People pay a lot to teach their children the right thing. This is not right. The Council needs to find a way that we can work together. She told the Mayor and Council Members that this is not right and they cannot think that this will be an okay thing. Once you take the school away and dig that first hole in the ground, there is no going back. We need to teach our children empathy on how both sides of the street are feeling. This is not okay. This needs to have a very deep thought. They cannot take the first issue that is coming up. We need to really think this over. We need to think of our kids that are going to be living here in the next generation. What about the kids that will be coming up in the next generation. That is what they need to think about. Her vote is no. Yes, they need something there. Yes, we need someplace for the seniors and the snowbirds and the young up and coming but we need something that will fit both of their hearts together.

Paul Hayes, N63 W5795 Columbia Road, stated that when they moved to their first house in Cedarburg, their neighbor was E. Stephen Fischer. He lived in a modest ranch home in the Westlawn subdivision with them. E. Stephen Fischer is the former Mayor who saved this town because he loved its history. He loves its history also and the stories that come with that. He read a portion of the history of Cedarburg that he wrote about 25 years ago after interviewing Mr. Fischer. Cedarburg was a City of 1,700 persons when Frank Fischer moved his family into the house on Washington Avenue on Armistice Day 1918 marking the end of WWI. Celebration prompted Frank to unpack his accordion and join the impromptu parade on Washington Avenue outside. Speaking in regard to high grade apartments, the eleven members of the Fischer family, including two grandparents, all lived in an apartment above the shoemaker shop that was run by Frank on the first floor on Washington Avenue. Grandma and Grandpa had one room; the four boys had another, the three girls the third. Oldest of the seven children was E. Stephen Fischer who roamed the old German town freely as a boy and fell in love with it. Many years later, when he was an adult and a disappointed artist, he was still living in Cedarburg when Father Leo Zingsheim of the St. Francis Borgia Church proposed a massive architectural renovation to the church. When he heard what Father Leo had in mind, he and his brother Tony hit the streets to get signatures so that he could meet the deadline only hours away to file as a candidate for Mayor. Once elected, Fischer refused to let the City issue a demolition order for the church. It was the first major victory to save Cedarburg's distinctive architecture. More than a quarter century later, everyone is glad that Fischer blocked his fellow parishioners. St. Francis Borgia is a grand building. When he and his wife moved here they thought they would stay for five years and that was 50 years ago this month. Cedarburg has a hard to describe hold on people who live here. He heard a lot about the burden of single-family ownership tonight. He owns a single-family home and they would fight for their neighborhood as the people around St. Francis Borgia are fighting to save their neighborhood. There are intangible things that cannot be reduced to numbers; however, he wished that this type of thing could be worked into the calculations of market driven transactions. Which he has heard this project described as tonight. When he heard it spoken, he thought he felt E. Stephen Fischer roll over in his grave. Please vote no.

Eric Hofhine, N64 W 5782 Columbia Road, stated that he has been a resident of the City of Cedarburg since 1971. He is a product of the Cedarburg School system and everything good and everything unique about Cedarburg. There have been many learned people, engineers, and people

much more intelligent than he is speaking tonight. He spoke from his own personal experience. His home on Columbia Road was built in 1861 and is the oldest stone house on the street. It was described in the Columbia Road historic district charter that is registered with the State of Wisconsin as the oldest and most simple house with an unfortunate addition. The house is previously owned by some very prominent members of St. Francis Borgia, Francis and Mathilda Messa. They owned the house for almost 60 years and raised 13 children. When they decided to leave the house, one of the challenges of leaving was selling the contiguous property that they owned behind his house, which is almost three acres. It took them almost five years to come up with a plan that ended up being what is now Bridge Commons, an outstanding infill project in the City of Cedarburg that fits within the scope of the City, the scope of the neighborhood and has met the needs of people in the community and those who want to come to the community. For Sale signs are not up that often. The first project that was proposed by the eventual developer, Mr. Stroebel, was a larger box type; cookie cutter type building that was a much higher density. It was frustrating for Messa's not to be able to sell their property because they had to work through the project with the City, while also having to work through the needs and desires of their neighbors for what was right for the neighborhood. They got to the point where they realized that what they were leaving there in their former property, that they owned and paid taxes on for over 50 years, is a legacy that is a once in a lifetime chance for this infill property. The St. Francis Borgia property is an infill property and has heard that the school has exceeded its useful life. The building he is in tonight was part of a school to the Washington building which exceeded its life as a school but is now City Hall. The Lincoln building exceeded its life as a school but has been a valuable asset to the community for a long time. This was a shared gym. The Hacker building also has been a developed property for many years. His main point is that they could take time to come up with a good plan and the right plan, as the right infill plan at that moment in time for Bridge Commons and for the future and for the betterment of the City. What he continues to hear is that there is a rush to get something done and nobody else will be interested in the property; and he does not believe that at all. He told the Common Council that there should not be changes made to the Master Plan and as a passive member of the Fire Department he has concerns about the width of the street and fire trucks getting down Hamilton Road. He has concerns about density and tearing down the rectory, which has been described as an old building. His house was described as an old simple home with an unfortunate addition. There is value in these old properties and once they are gone, they are gone for good.

Edward Foy, W61 N955 Glenwood Drive, thanked the Mayor and Common Council for their long hours during the course of this project. He also thanked them for their leadership and willingness to take on issues like this by volunteering their time and energy. He is appreciative. He is a St. Francis Borgia parishioner and school parent. His concerns are his and he is not choosing to speak for the rest of the parishioners and other school parents. The sense that he gets from this community is that many people like him want the vibrant historic Cedarburg. They have also looked at the property that he has come to know, as the place where they send their children. While they have fond memories of that school community including the teachers, mission and service that was conducted there in the community, they have also gotten to know that facility. He professionally spends his day in schools. There is nothing historic about that facility. It is old, dilapidated, and it needs to be improved. Across the street is an empty parking lot. He wants a fantastic and vibrant historic Cedarburg but voting no means that the community will be stuck with a falling apart building and an empty parking lot, potentially for years and years to come. Down the street is the Amcast building, he questioned how long it has been there. He worries that a no vote sends a clear message to all of Cedarburg that we don't want anything new. In order to improve the vibrancy of our downtown district, we need more people within walking distance who want to come

and spend their money in our restaurants, stores and shops. This is a great message to send that says it is a good plan from a great community coming together who want to improve the City. He loves St. Francis Borgia, he loves his school community; however, there is nothing there that children will look back on and say they are connected to that building. Please vote yes.

Philia Hayes, N63 W5795 Columbia Road, stated that Arrabelle could be anywhere but Cedarburg is not just anywhere. It is Cedarburg's well preserved historic district and architecture that has drawn admirers from far and wide. As a former member of both the Common Council and the Landmarks Commission she is well aware of this. Over the years, and more recently serving as a volunteer docent in several historic buildings in Cedarburg, she has heard from visitors who come from the east coast, west coast, and everywhere in-between. They are the people that Cedarburg must continue to draw to the beautiful community. They are the ones who patronize the shops on Washington Avenue. Those who live here, she believes would agree with her that although we appreciate the history that has been preserved, we don't really shop in those shops downtown very often. They eat in the restaurants, but it is the tourists that come in that keep those shops busy. Tourists come because it is a special place. Its architecture is special, its history is special, and she is always amazed at how people know about Cedarburg who come from Canada and Australia and we cannot change the historic district. She does not believe, as people have said, that Cedarburg is somehow failing. She thanked the Mayor and Council Members, having served as a Council Member; she knows how much time, effort and dedication that they give to the community. Thank you and please vote no. Remember that downtown Cedarburg has two significant book ends, St. Francis Borgia at one end and the Settlement at the other end. Please don't reduce the footprint of the historic district. Please do not surround St. Francis Borgia with buildings that do not in any way contribute to the aesthetics of our historic community.

Jennifer Zastrow, W59 N416 Hilgen Avenue, stated that she purchased her home in Cedarburg in July 2015. As a young professional, she was drawn to Cedarburg for its small town atmosphere, as well as its vibrant downtown area. She chose to buy, not to rent, because she did not want to throw away \$1,500 per month in rent when she could spend it on a mortgage and build equity. Aware that the vacant St. Francis Borgia school would be sold, she also understood that the City has worked hard to preserve its historic charm and trusted that the City would approve only development that would appropriately fit the size of the site and compliment the surrounding structures. On review of the proposed plan for the SFB site, Arrabelle is simply too large for this location. The addition of 60 units on 2.32 acres translates to a density of 25.77 units per acre. A density that is significantly out of proportion to the recommended 5.2 to 10.8 unit per acre density advised by the Smart Growth Plan. With such an increase in population at this site, the traffic on Washington Avenue and Hamilton Road are sure to increase and also residents who travel along these main roads will face increased congestion entering and exiting the downtown area. What does this mean for St. Francis Borgia? The density that Arrabelle will bring to the St. Francis Borgia site has a potential to diminish the viability of their lovely restored church. During weekday mass, there is frequently 50 – 60 cars parked for mass and the dedicated 40 spaces for the church and HSI's plan will not be sufficient to accommodate parishioners already in regular attendance. This problem will be heightened for special events held at the church. Parishioners attending Easter mass last year, parked on Hilgen Avenue and even Hilbert Avenue because there simply was not enough space in the current 83 spot parking lot. The insufficient parking will worsen if Arrabelle becomes a reality and parishioners and guests are no longer able to park close to the church that will need space that can still be utilized. Is it possible that St. Francis Borgia's historic church, an iconic landmark in the heart of downtown Cedarburg, will become obsolete? Arrabelle is simply too large for the site.

It will negatively impact Cedarburg residents and St. Francis Borgia members alike. Cedarburg can do better and this is why she urged the Council to vote no to the proposed rezoning.

Val Loughran, N40 W6096 Jackson Street, negated some things that were said by Tony DeRosa. He is not confused as to what they want; they want less density and that is what they have been saying all along. He said if the property were free it would be difficult to develop; then she wonders if he is the person for this project. He also said that in order to build the project with less density he would probably need to cheapen the materials; she wonders if he should rethink a different approach or maybe he should not be doing the project. To the architect, thank you for the townhouses as it does show they are listening. She thanked them also for the access and the front porches. If they did not like the visuals that they provided you, then you should have given them a 3D model, like they have asked for a number of times. HSI has a business profit responsibility on the table, St. Francis Borgia has a financial responsibility, but in front of them is a civic responsibility. The residents of the City of Cedarburg are getting a lot of pressure to do what a lot of the other communities in the area are doing and that is to jump on the band wagon to provide high density apartment living. But she is not here to help HSI or the Catholic church, she sees nothing wrong with building this type of complex, however, she has a problem with the location. This is not the right place for a large cluster of buildings. This type of development does not belong in or adjoining the historic district. This is evidenced by the number of zoning ordinances that will need to be changed in order to push the development through. It seems that HSI likes to build these complexes in what is considered somewhat high end areas as they boasted they are building in Delafield, Wauwatosa and others as though it would make it right for Cedarburg. Cedarburg is not those communities and telling us that everyone else is doing it should not be the reason for us to do it too. Cedarburg needs growth, needs to expand our tax base, have bills to pay, but with our current renewed political energy and the predicted growth in small businesses, perhaps we should not be so quick to wring our hands. Perhaps we can keep our City's small town character and create other taxable opportunities and leave this piece of real estate to be developed in a manner more in keeping with the neighborhood it has been. She once watched over the years, as someone started to fix up an old Victorian house and at first they did minor improvements and then they added new windows, reconfigured the porch, altered the roofline, and then put on new siding. One day looking at it, she saw that it no longer was an old Victorian, but it wasn't a new home either. It had completely lost its identity. It had no charm and appealed to no one and now it is just a house and the only unique thing about it was that it had once been an old Victorian. Cedarburg is charming because we historically have been very careful how we changed things. This is not the time to throw caution to the wind and just go for it. We can make Cedarburg great again if we focus on what we do well and we do small town better than any City around.

Brian Brewer, W49 N669 Cedar Reserve Circle, thanked the Mayor and Common Council for their service to the City, as well as the Plan Commission. Residents get to voice their opinions occasionally but they are here night in and night out making decisions for long term and he appreciates that. In the course of his work, he gets to work with long range capital planning with municipal governments and school districts across the state. What we have going in Cedarburg, he would not trade it for the world. This passion back and forth would be appreciated more if it was less personal, but he gets it that we are passionate because we love the place we live. This includes the Town and City in his mind. The Town and the growth and development there, has helped insulate what the City does. His concern mainly comes from the fact that we as a City only have so many sites available to develop. The City is going to have to get good at redeveloping. Specifically, he is asking the Council to support this project but more generally he is asking them to continually do what they have been doing. This has been a transparent process, this has not been

rushed, this has been laid out under the Smart Growth Plan and the Comprehensive Plan overlaid with the Planned Unit Development. These are economic development tools that are used in most municipalities across the State. The City is just fortunate to have this gym full of passionate people that love living here and tell others about it. He takes exception to the fact that this is a lush project and that the original plan had nearly 100 units and it wasn't scaled back or modified. In fact, some of the numbers that have been quoted, have been manipulating the developers willingness to compromise on the north side of Hamilton Road, single family lot on Spring Street and the town homes so it takes less density there. That is great and it is responsive, but now those numbers are being thrown back at the developer for density on the south side. In this process, you are never going negotiate with every single resident because it will never happen. There will always be someone who will disagree with what the plan is. As he walked up the stairs at City Hall for the Plan Commission meeting, while looking at all of the different aerial pictures where Cedarburg was nearly vacant, he wondered if it took this process each time the City infilled? Did it take this to make these types of decisions? He guessed that there was leadership and vision by the Common Council at the time that made out what we see for our future, we need the growth of the next 50 years, not the last 150 years, and we need to keep this in perspective. If the City does not continue to make Smart Growth decisions, we will be looked over. He does not want what Grafton is building right in the middle of their downtown. That is not what this is. This is charming houses, town homes; they give a higher end residential opportunity to replace an outdated institutional facility. To him, that is smart vision, smart growth, anchoring the south end of our commercial district. He stated that he did not envy the Council's choice this evening. He wanted to support the City's process for making these decisions about each individual redevelopment opportunity. That is what the City is going to have to be good at going forward.

Andy Traynor, N66 W4800 Cedar Reserve Circle, voiced his support for this proposal and to ask the City to think in a visionary way towards the future, much like Mr. Brewer reiterated so eloquently. When he looks at what he works with and also what he sees working with the next generation, Millennials and Generation Z coming down the line, he is learning more about their tendencies and what they are hoping to do. The Urban Land Institute surveys summarized what they are looking for in their life. They are seeing a great blend of optimism but also realism. Realism about what they can afford, what is practical for them, and where they want to be in diversity and housing options that are available for that group is extremely important. They wish to own homes; however, a lot of them are not ready now and they need a pathway to get there. As he looks towards the future and considers a couple of other important issues right now, Cedarburg is not going to be immune from some of the dangers that are happening in society such as crime and issues related to prescription drug abuse that is happening everywhere and knows no exception based on geography or income. He imagines that buildings that are not used like this, are suspect to being broken into when not monitored. He asked that the Council consider the economic boost and what is important. While he appreciates the mission of protecting the small town atmosphere, when he rode into town seven years ago to establish his sense of community, while buildings were notable and neat, he is not staying here for buildings that are maintaining a Victorian structure. He is staying here because of what he learned about the people, and the heart, and how we celebrate our history and our culture, which is extremely important. He encouraged the Council to make those best decisions and move forward.

James Grover, N97 W6712 Aspen Street, stated that he wants to voice his opinion. Forty-five years ago he was a teacher in Milwaukee and a teacher from Cedarburg invited him to come out and open up his science department where we had a new middle school. He was interested; however, he was trying to save for a house and by moving to Cedarburg he would take more than \$1,000 cut in

salary. He had to wait and he got his opportunity when he finally got a raise in Milwaukee. In regard to opportunities in this City, the opportunities presented themselves when the new middle school, high school and elementary schools were built in Cedarburg. The land where a gas station once stood downtown is still vacant. This was an opportunity to advance the City in a very positive way. The City has reviewed plans that are very commendable and the Common Council has been very attentive. He wants the group to move forward in the advancement of this opportunity for Cedarburg to move along past an old building and parking lot and develop it. There will be people moving out here as fast as possible.

Claudette Lee Roseland, N56 W6431 Center Street, stated that traffic congestion was inadvertently and accidentally created by selling the old library building to a company with employees with cars. She asked as a constructive action item, when they consider the zoning, rezoning, and engineering of this project, that they consider eliminating the parking spaces on one side of Hamilton Road. If that had been done on the first block of Center Street, it would have made backing out of her driveway a lot less confusing than it is now.

Mike Houlihan, W74 N1087 Montgomery Avenue, stated that he and his wife have raised three children. He is not new to this topic, as twelve plus years ago he led the Strategic Planning Committee for St. Francis Borgia. When they started talking about a new school, from the beginning it had been very transparent that they needed to sell this property. As he looks at what at he heard, he heard many outlandish ideas (youth hostels, retrofit for a nursing home, daycare center, etc.) He shared four ideas because he supports the project and because it is the best idea he has seen.

1. Partnership – they continue to be a partner with the community. 2,500 plus families supporting the community. They continue to support the church on the south end for \$240,000/year. It will continue to be the shining beacon on the south end of Washington Avenue. He does not believe this development changes the look, feel, or nature of the historic downtown.
2. Amenities – they are needed for the community. However, what about the time these residents will commit to the community such as supporting the performing arts, charities, and long term endowments because they are integrated into the community.
3. Diversity – for years they have walked downtown and there are only a handful of communities that are well done for options to newly ordained empty nesters. The challenge in Cedarburg is there is not enough of it. He appreciates Grafton developing the big box corridor near I-43 but he is not going to move there or on First Avenue which is truly big box complexes. They have been here 28 years and love the community. They have more visitors today as empty nesters than they did while raising their children. Many would love to live in this community but their demographic is not going to buy a house.
4. Trust – the one thing that has been consistent over the years is that our architectural integrity in the work that the Plan Commission, architectural reviews, and Council have done has been evident for years. It has taken some businesses months to get a sign up because of the integrity of the City.

He has empathy for what the residents around the development are going through; however, he trusts that as the process continues, if it is approved tonight, as they look at architectural review and the many discussions that are yet to come, the City should look at the traffic studies and ask the parish if they would move their sign. Look at the hardscape, soft scape and landscaping to ensure that the integrity that he has come to recognize in Cedarburg continues. This will expedite the time it takes to immigrate that new community which is now encouraging a different demographic to come here and live. This would be a commendable action.

Janet Bolin, W60 N417 Hilgen Avenue, stated that she and her husband have lived next to the St. Francis Borgia School for twenty-four years. They have enjoyed the school being good and conscientious neighbors by keeping the adjacent sidewalks clean and shoveled while enjoying an adjacent property line with trees and green space. They built a substantial addition to their home about five years ago, when talk was just beginning of the school property selling. They had no qualms about investing money in their home and adding additional living space. As a side note, they were required to setback their new porch about two feet to conform to current building and zoning codes in the area. If you look around the neighborhood, you will see at least four homes on the block that have invested in major remodeling projects. She said with confidence, that the entire neighborhood takes pride in their homes history and preservation. They are a small town community neighborhood. When the community is asking to vote no, they are asking that the current zoning laws be upheld and that the high density apartments be denied to develop on this small piece of land that the school has vacated. They are not anti-progress or anti-development of this property, they are anti-big box developers from out of town, deciding what is good for our downtown merchants or empty nesters. As an empty nester she plans on staying in her home as long as possible. And when they move they will not spend that much money for rent in the future. So they are anti-box developers, who assume their project is worthy of changing height requirements, zoning regulations, density requirements, and reducing the required amount of parking spaces for the churches special events. Most of all they are anti-destroying the ambience and character of one of Cedarburg's oldest neighborhoods.

Thomas Kandziora, N74 W5408 Georgetown Drive, stated that he worked in Port Washington for 12 years, when Simplicity moved out the City fathers attitude at the time was: well that is okay someone else will move in. Well, no one has moved into there. He is sure that St. Francis Borgia has not been swamped with offers; if they were we would be home drinking hot chocolate tonight. If you like looking at Weil Pump, Amcast, and Cedarburg Lumber, you are going to love looking at a boarded up empty school. Right now that is St. Francis Borgia's problem and he is afraid that a no vote is going make it Cedarburg's problem.

Chris Frommell, W53 N934 Hawthorne Lane, is a St. Francis Borgia parish member. His daughter attended the last graduating class of the old school and his son is attending the new school. He supports the project and he urged the Common Council to vote yes. He is also an architect and he worked with Lakeside Development when the proposal was brought forward for the Cedarburg Lumber building on Washington Avenue and Jackson Street ten years ago. They proposed 16 units that were broken into four different buildings; each building was a four plex. They were condominiums at the time and they were designed to fit into the Victorian and Queen Anne styles of the urban fabric in that area. At the time, they did not even make it to the Common Council level as they were voted down by the Plan Commission because of concerns for too much density, too much traffic, too much, too much. Sixteen units was too much ten years ago and that building still stands there as a sign of what happens when a no vote is not progressive and looking at trying to fit something into the fabric and redevelop a smart growth property. He no longer works with this developer but he understands that they have been back asking for a lot more units ten years later when construction costs and interest rates are higher. How many years will go by that the building stands as a blighted eyesore in the neighborhood fabric. There has been a lot of energy over the last nine months and certainly a lot of arguments tonight. What it comes down to is what use do you want on this site? Do you want this to be a residential use? If you vote no, you will never see a residential use on this site because Mr. DeRosa and HSI are proposing an attractive development. Is it large, it is big; it is filling in smart growth on this site with the density that is needed to make it economically feasible? They talked about investing \$10 million; also the sale price of the land to

the developer is more than \$1 million; less than one-tenth of the public development costs. If the church were giving the land away for free, do the math, reduce the units by 10 percent and you would still be looking at a 62 unit proposal to develop residential on this site. It is never going to be feasible for single family residential. The developer is essentially saying that to develop this into a residential site, it is going to need to be 60 plus units. If you say no, he does not think you will see any developers come back with residential proposals this year or next year, or in five years, or 10 years. This is the choice before the Common Council. Do you want this to be a residential development? If so, vote yes, work with HSI Properties, they seem to be a great partner, very transparent, and very accommodating and is a developer any City should like to work with. He would much rather this site be residential over anything else. Vote yes tonight.

John Pintor, W55 N453 Lenox Place, stated he is 82 years and worked at Meta Mold which is now the abandoned Amcast. That work was so rough, he wore a sign one night, he became smart and adept to business, that said "Remember the foundry." He brings this up because for economical common sense, logical and ethical purposes the Council Members should vote in favor of this project. His wife was a teacher at St. Francis Borgia for many years and was known as Mrs. Pintor and taught sixth grade. The school meant a lot to them. He is afraid that if things continue as they are, it will not be good. In regard to the opposition, he has heard a lot of talk but no action. Why don't they put their heads together and resolve this problem and come up with a plan, no one has come up with another plan for the property. On one side of the church there are three residents, on the other side there are four residents, which makes seven residents within three or four blocks. Is that justifiable for voting no? No, it is not. He is afraid that Hamilton Avenue is going to be renamed Eyesore Lane because of the blight that will happen if the school property is not developed. He asked the no voters to please help them pass this resolution and make Cedarburg a better place to live. He suggested an option for this property or for Hamilton Road, he is one of those horrible renters who lives on Spring Street which is a slope similar to Hamilton Road, in the summer they have carloads of young people who use the newly paved Spring Street for skateboarding. This goes on night and day. He suggested that maybe Hamilton Road could become a raceway for skateboarders and they could use the former school as a hall for their purposes. Another option is making a zip line down Hamilton Road. Seriously, he hoped the Council votes in favor of the rezoning, it will do a lot of good for Cedarburg. It is economical, common sense, logical, and a practical purpose for the property.

Jason Piunti, W75 N1011 Montgomery Avenue, thanked the Mayor and Common Council for their time and passion to listen to both sides. His family moved to Cedarburg seven years ago for the people and the community, it was not the buildings. He sees more and more people leaving and going to other cities and communities because they do not have the opportunity to stay here. Residents having the opportunity to rent and have the opportunity for the high end amenities could choose to stay here. This is a loss to Cedarburg and community and the people. Vote yes for this so you can keep the great people in the City of Cedarburg, to continue to grow and keep the same value system, the same structure that is here and available for their children and the next generation. Please vote yes.

Linda Smith, N32 W7367 Lincoln Boulevard, has lived in Cedarburg since 1970 and has seen a lot of changes happen. When she first moved to Cedarburg the Mill was about ready to be torn down, but Jim Pape stepped forward and had the vision to see something greater. Many people in community have given their heart and soul over the years to try to preserve what special place this is and make it even better. The Hayes' have donated hundreds of hours to this community to help make it what it is. Linda Smith worked on the Visioning Committee, Master Plan Committee,

Cedarburg Festivals Board, and the Board of Appeals. When she served on the Board of Appeals, they had to turn down citizen's requests to make a small addition to their home or to add that second stall to their garage because they did not comply with the current City Codes or they did not have enough green space or it would present a hardship to their neighbors. Now the Council is willing to throw out all of the ordinances and codes for this project which violates seven of the current Code and ordinances. What makes this project special and worth destroying the current Zoning Code? By the way, many people served on the committees to develop these Codes and ordinances and plans for the City. Now they will be cast aside because somebody is willing to pay a little bit more than maybe some of the local developers would. She does not think this is planning for the future by selling out to the highest bidder. Sure, St. Francis Borgia wants to sell their property, but she spoke with an architect last week that said he submitted a proposal for the property and it was not for a \$1 million, now she is hearing the property is available for this amount. They were told it was \$1.5 million and there were five other people who submitted proposals to Barry and they were shot down. The architect she spoke to told her that it took three months to even get the basic information from Barry about what was allowed in this development. She knows there are other developers who would be jumping at the opportunity to submit a new plan now that the sale is \$1 million. This is a big difference for someone who has to do environmental cleanup. She asked how many would want to move into this property for \$2,000/month. She does not think that many Cedarburg residents in their golden years are going to spend \$2,000/month for rent. She can stay in her own home, her mortgage is paid, her property taxes are \$800/month, why would she want to live somewhere where she would not own her own property and have to smell someone else's food cooking down the hallway, or listen to someone else's dog barking all evening, or listen to someone else's music or the party they are having. Renting is not all it is cracked up to be. She went through this as a single person and she does not care to go back to that again in her golden years. Keep in mind; this is not the only proposal that will come forward. The architect she spoke to said "We are all just waiting because we know that if this falls through there is going to be a lot more of us beating a path to the door to bidding on this project." She asked how many people would want to have one of these buildings built next to their home. She asked the Council to be fair to the people in this neighborhood and vote no. It is not a good deal and the best proposal for this property, it is too dense, it violates too many Codes.

Tony DeRosa spoke in response to the public comments. He stated that before HSI started thinking about developing in Cedarburg, they reached out and did some homework in regards to current City leadership and appetite for development in general. Historically, Cedarburg has not always been pro development but after doing their homework they concluded that City leadership was different, new and open to looking at new development. He clarified a few things he heard from the opposition tonight. He did not say that Cedarburg is stagnant – he said Cedarburg cannot be stagnant. The reality of the situation before the Council this evening, is that the property is privately owned, this is not owned by the City and the Council is making a decision tonight based on the plan that is before them. He is also not hearing from the opposition any viable alternatives. If this was 36 units as recommended by the neighborhood, they would still be here having a debate over 36 units. No one has been able to articulate what that thing will all of sudden happen if Arrabelle is built. No one is talking about the benefits to the downtown businesses. There is a big difference between perception and reality. At previous meetings he stated that it is not a matter of if this property will be developed, but rather when and by who. After going through this process for the past nine months, he cannot say that anymore with confidence. If Arrabelle does not move forward, he is not convinced there is another developer out there after witnessing these past nine months would have interest in developing there. People have taken notice of what is happening and there is little confidence in the developer market that if this high quality type of project does not get

support, what will. Some people mentioned the character of Cedarburg with this school. What happens to the character of the community if the school continues to be broken into and sits vacant for 10 years. No one is talking about that. Arrabelle will not add to the traffic, the traffic study will substantiate that as a condition of their approval. There will never be a consensus no matter what is proposed. He encouraged the Council to do what is best for the City. In terms of a cross access easement agreement, he has no problem making that a condition of approval as he has agreed to this and will put it in writing. The Council needs to fully understand what happens after tonight. If you vote yes, they will move forward to the next step and they start working on detailed plans and design that has not started yet. If you vote no, the church which has continued to market this property for sale will continue to do so and those types of buyers will be brought forward that fit within the current zoning by permitted uses. These do exist. Those opposed, say vote no, let's all work together as a neighborhood and get exactly what we want; the problem is that is not the reality. If people like it or not, that is not how this process works. An institutional use could move forward without the City or even the neighborhood having any input on what happens here. Lastly, Cedarburg is a great community and that is why he is still around after nine months of this process. As said earlier, it is the people of Cedarburg that make it great not just its buildings.

Mayor Kinzel asked for any final comments or questions at this time.

Dan Carr commented that Mr. DeRosa is being irrational about the community. He has attended other meetings and he is very demeaning to this group. They live and pay taxes here; Mr. DeRosa will leave with his money. The last statement, that they don't understand, is demeaning. Do they want someone that owns something in the community that does not live here? That is demeaning. Dishonesty is number one.

Vera Brissman stated that it has been brought up many times about the St. Francis Borgia property being an eyesore, dilapidated and broken into. If a citizen happens to be a snowbird, someone needs to take care of their property and this is St. Francis Borgia's responsibility to take care of their property. As far as she knows, they have not abandoned the property. They need to stop saying the property will be dilapidated unless they choose to stop taking care of it anymore.

A citizen said that he would put a chain link fence around the property to prevent intruders. If the neighborhood wants this, they should ask for it.

Irene Clausen suggested that St. Francis Borgia take the debt off the property and ask the people to contribute, as they have, and give the property to the City to make a meditation garden.

Donna McElligott said that she never considered herself the opposition. She is their neighbors and they are going to be here. She has nothing but compassion in all sincerity for every single member of St. Francis Borgia Church as she is a product of Catholic schools along with her husband. They are coming to the City asking for them to understand that they are all here because they love their neighborhood. For those who have chosen to live in new subdivisions, that is their choice. They have chosen historic homes, smaller scale, and they are asking the people to respect their choice. She asked the Council and specifically Council Member Regenfuss to help them maintain this style. Please consider them, they are not the enemy.

Mayor Kinzel asked for any further comments three times.

Motion made by Council Member Thome, seconded by Council Member Czarnecki, to close the public hearing to consider Resolution No. 2017-04 at 10:45 p.m. Motion carried without a negative vote.

City Attorney Herbrand outlined the steps to be taken from this point. There are three action items before the Council tonight. In the end, the developer needs approval for each item to do what they are asking to do. He stated that a protest petition has been filed and this will require a 75% vote or six votes to pass the rezoning; however, the petition only applies to action items 7.B. and 8.A., as these are rezoning items under Chapter 62.23 of the State Statutes. Item 7.A. requires a majority vote or a minimum of four votes to pass.

In answer to Mayor Kinzel's question, City Planner Censky stated that if the Council approves item 7.A. and denies the second action then the first one really fails because they are tied together.

City Attorney Herbrand stated that essentially all three items need to pass to continue the development process of the proposed site.

Council Member Czarnecki stated that this format has been terrific. He also serves on the Plan Commission along with the Common Council. He approximated 22 hours of discussion on this topic. He likes the focus and format allowing two minutes of discussion because it worked well for everyone involved. He thanked the volunteers of the Boards and Commissions that make Cedarburg great. At times what is missed is that everyone involved are volunteers. Everyone chooses to come forward to do what they think is best for the City. He thanked City staff for all of their hard work; he especially expressed gratitude to Planner Jon Censky, Administrative Secretary Darla Drumel, Attorney Herbrand for his steady demeanor, City Administrator/Treasurer Christy Mertes and City Clerk Connie McHugh. As a Council Member and Plan Commission Member he has come to understand the gravity of his position and others positions in what represented democracy means. He can say that no one sitting on this stage or at this table takes tonight's vote lightly. In regard to a gentleman's comment about the rush to sell this site, he has lived in Cedarburg since 2002 and he understood that it was the wish of St. Francis Borgia to build a new school and things were set in motion five years ago and were understood in Cedarburg. More than two years ago St. Francis Borgia began formally marketing their three acre site. In 2015, a group put in a contract and nothing happened. HSI came forward in the middle of 2016 approximately nine months ago. Through the efforts of concerned neighbors, the developer has significantly reduced the size of the project from 100 units to 69 units on the three acre site. Through numerous meetings with staff, neighbors, and at times the neighbor's legal counsel, the site layout and buildings have been altered all in consideration of the near neighbors. This project, if approved tonight, will continue to go through further refinements at subsequent meetings. He promised that all concerned, staff, elected officials and members of the various commissions and boards will continue to watch the progress closely and guide the details of this project into a project the City can be proud of including landscaping, lighting, traffic impact and more. Since day one, he has paid attention to the business impact of this development to include the bars and restaurants downtown. It is very interesting and telling in regard to this development that no business came forward this evening. (A citizen interjected that is because they do not want to lose business.) He realized this after talking to different business owners and they understand the impact of this development as well. Everyone's voices have been heard and he suspects that some in attendance do not feel this is a correct statement. It might shock both the opponents and proponents of the project that their opinions of the project are the exact opposite of their own. The Council has heard all the voices and there may be a difference of opinion. Everyone believes there is something special in Cedarburg,

this place is different and unique and those fortunate enough to be born here, good for you, he found Cedarburg. Cedarburg is not defined by its buildings; it is in fact the people. He thanked AEG and HSI for their professionalism and patience in the process as it has been greatly appreciated. The community's thoughts and concerns are also appreciated. He thanked everyone for attending. It is because of the efforts of the proponents and the opponents that the City has a fine project tonight to consider. He thanked the Common Council Members; the decision is on their shoulders and they are only voting on this project that has been proposed. They are collectively Cedarburg here tonight to vote on this project. It is truly humbling and he is very honored to represent everyone in the City.

Council Member Arnett thanked Mayor Kinzel, fellow Common Council Members and City staff. This has been a difficult issue for everyone and it is a big decision for Cedarburg. It is something that he has taken very seriously along with everyone. The project has been divisive and we have all seen the competing signs and it is the first thing people bring up. It has been on his mind for many months and he is sure the Council feels the same way. He put many hours of research into this project and he is sure that he is not alone. As an example of the commitment, every Council Member was at last week's Plan Commission meeting listening. No matter what is decided this evening, many people will be disappointed. If the project is approved, many neighbors near the site and other concerned citizens will be very upset. If the project is rejected, many people who support Arrabelle will be angry. This Council has a terrific combination of wisdom, experience, and fresh ideas. He is confident that whatever decision is made, will be the right one. He thanked Mayor Kinzel for the manner in which he handled these proceedings because it is tough to balance the rigid enforcement of the two minute rule with the desire to allow people to speak. Cedarburg is an involved community comprised of all the organizations that make up Cedarburg; PTA groups, Rotary, government boards and commissions, Cultural Center, Museum, Education Foundation, Fire Department, athletic support groups, etc. He believes everyone is involved because they care deeply about Cedarburg and this passion has been shown tonight. He thanked everyone for their emails, speeches and signs as he has read each one along with speaking with many people. The arguments against this project boil down to a few major themes: traffic, density, too many units, exceeds smart growth; too high, negative impact on the historic nature of the City/gateway, a different development would be better suited for this site along with the concept of ownership vs. rental. They have listened and heard all of the concerns. The general arguments for the project include: looks nice, fits in with the image of Cedarburg, replaces a vacant building, supports downtown and the historic district, it fills a need because there is very little new product in Cedarburg and some financial benefits such as tax base and impact fees. They have listened and heard both sides. For the record, his vote will have nothing to do with the Church's mortgage; it is irrelevant in his mind. He pointed out that the Smart Growth Plan does not permit single homes; the very minimum is ten units per acre. He quoted the following from the Smart Growth Plan, "It is not intended to be considered rigid and unchangeable but rather is viewed as a flexible guide to help City officials and concerned citizens review development proposals....and as conditions change from those used as a basis to the preparation of this (now nine year old) document. The plans should be revised as necessary." The Smart Growth Plan outlines 16.1 units per acre, an arbitrary number that comes from the underlying zoning, and the plan is considering 18.2 units per acre tonight.

Council Member Verhaalen stated that St. Francis Borgia's financial responsibility definitely should not be part of the Council's vote tonight. He looks at this as a yes or no vote. Yes, means they move forward with the plan and a no vote could mean many things: the property sits vacant, HSI will revisit the proposal again, a different developer will come forward with a development that does not need a zoning change such as industrial or institutional. Or another developer comes

forward that does need a zoning change that St. Francis Borgia approves of. These are the options, and the Council does not have a crystal ball to look forward. They are not sure the development will be exactly as shown in their renderings; they do not know what will happen if nothing is built on the site, or even if something else will come forward. The Council tries to look at past history and make the best guess they can. He emphasized that this is not an easy decision for the Council and they understand the impact the development has on the community. It is an entry to the historic district.

Council Member O'Keefe thanked everyone for their emails, phone calls and personal conversations. The passion and the concern of the community are incredible and should be congratulated. He thanked everyone for their input. He started leaning no for this project because he had concerns about the density and the design of the project. He saw HSI come back with several revisions, reducing the development by 30% and different roof levels, double gable design, and some front porch entries. He thinks it looks like Cedarburg. When you are on the Council, the individual needs to throw everything on a scale and his scale is what is best for the City of Cedarburg. With positives on one side and negatives on the other, they need to make the best decision they can. No Council Members are taking this lightly and are passionate themselves and careful to do a lot research. He worries that perception against any kind of development is really going to inhibit Cedarburg from developing the areas that are underutilized or contaminated such as Amcast that they would really like to clean up. The only way this can be done, other than spending millions and millions of tax dollars is to develop these areas. He has heard negative comments about bringing this property back onto the tax rolls and he does not understand this. If the Council is guilty of trying to maintain the taxes, then yes they are guilty. In closing, he worries that the greatest threat to the City is a certain degree of stagnation. He thinks the greatest asset, other than the people, is the historic downtown. In contrast to some who think that this will damage the downtown, he thinks this is a way of actually keeping the historic district alive and vibrant. If you don't do anything, nothing will ever be done.

Council Member Thome stated that her thoughts are not going to be coordinated; they will be a series of thoughts and comments. Her first home was on Hilbert Avenue and their youngest daughter learned to ride her bike there. She is not taking this lightly. Ultimately, they are looking for what is best for the City of Cedarburg. The proposal in front of them is what they are responsible for reviewing and voting on. They have examined, reviewed, agonized, questioned and have walked and lived the area; they have listened and talked with many people. She stated that she appreciates the emails, letters, calls from residents from both perspectives. She saw a lot of faces in the audience that she has known for years and others she has gotten to know better over the last couple of months. She clarified some statements that she heard: she verified with Planner Censky that the original plan showed setbacks that were pretty much in compliance. She corrected that the Plan Commission asked that the buildings be moved street side to create walkability and a friendliness and accessibility within the neighborhood. Particularly the townhomes that have street access will provide this. She believed that was how the large setback change occurred. Others have shown concern about stormwater retention and seeing retention ponds or activities occur in that area, she guaranteed that whatever is built there will be stormwater compliant because those are the rules that need to be followed. It is different than when the Wittenberg subdivision was originally developed. Finally, she expressed how hard this decision is. Two people who she respects, more than imaginable, Al Lorge and Paul Hayes. These are two people in the community that she has looked up to for a long time. They have opposite views on this development and it is hard for her. If the development is approved, there is a long way to go before it is actually finalized. There are a lot decisions to be made going forward and there is a lot of examination. In defense of HSI, if

indeed this development passes, the City is fortunate to be working with these people because they have been credible, honest and polite. She knows that emotions become involved with all of this.

Council Member Regenfuss stated he thought that everyone could agree on the uniqueness of this site and it's irregular shape, location, presence of the church building and the unique opportunity it presents for the City. He appreciates the passion from the residents on both sides, echoing that they have spent a lot of time reading emails and taking phone calls. At 89 units, he had some reservation; however, the revised plans show they have listened. He thought they need everyone's passion towards design, material and landscaping. As well as making sure they have a safe and reasonable traffic flow.

Council Member Dieffenbach thanked those who have yes and no signs, sent emails and letters, as they were very helpful in his vote. He thanks each of them for coming forward and he hopes their interest in the proposal does not mean they are single issue constituents. Regardless of tonight's vote, we need you to follow all issues facing Cedarburg and respond by voting and or running for future office. He favors many of the changes made to the original sketches; however, there are many areas that need to be further revised. He is not an architect; he does not fully understand the proposed building footprint, use of construction materials, and the parking arrangements. Other City committees with more appropriate architectural credentials will determine the final look of the project based on more complete design documents than are available today. He thinks the townhouse section is compelling and he feels that the developer is valuable. He also understands the passion of the contiguous neighbors who want to get it right for the neighborhood and also the need to bolster the City's tax base. He visited the HSI Wells Street Station multi-family project in Delafield and personally he does not feel the project was harmonious to the adjacent structures. He understood from talking to the planner in Delafield, HSI was very cooperative and professional and delivered a design that was pleasing and agreed to by the neighboring businesses, residents and the City.

Motion made by Council Member Arnett, seconded by Council Member Dieffenbach, to adopt Resolution No. 2017-04 amending the City of Cedarburg Comprehensive Land Use Plan – 2025 for the properties located at N44 W6035 and N43 W6005 Hamilton Road and the parking lot across the street along with the vacant parcel located between the parking lot and Spring Street from the High Medium Density Residential (5.2 to 10.8 units/acre) Use classification as referenced in the text of the plan and the High Density Residential (10.9 to 16.1 units/acre) Use classification as shown on the map, to the High Density Residential (18.24 units/acre) Use classification and Medium Density Residential (12,000 square feet) for the 17,000 square foot area on Spring Street. Motion carried without a negative vote.

PUBLIC HEARING - CONSIDER ORDINANCE NO. 2017-08 TO REZONE PROPERTIES LOCATED AT N44 W6035 AND N43 W6005 HAMILTON ROAD AND THE PARKING LOT ACROSS THE STREET ALONG WITH THE VACANT PARCEL LOCATED BETWEEN THE PARKING LOT AND SPRING STREET FROM I-1 INSTITUTIONAL AND PUBLIC SERVICE DISTRICT TO RM-2 (PUD) AND RS-3 PUD MULTIPLE-FAMILY RESIDENTIAL DISTRICT, SINGLE-FAMILY RESIDENTIAL DISTRICT AND PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT; AND ACTION THEREON

Mayor Kinzel declared the public hearing open at 11: 15 p.m. to consider Ordinance No. 2017-08 and verified with Deputy Clerk Kletzien that this public hearing was properly noticed.

Planner Censky stated that the intent is to rezone the site from I-1 Institutional and Public Service District to RM-2 Multi-family Residential and RS-3 single family for the area fronting on Spring Street. Those are the base zoning districts; the entire project area will be covered by the Planned Unit Development District which serves to tie this entire project together as one unified development project. It is this district that provides the flexibility for the Council to consider certain adjustments to the Zoning Code.

Mayor Kinzel clarified that the PUD is a tool that is utilized quite a bit for the last fourteen or fifteen years. It is way of trying to mold the project to the best of the City's needs and allowing maybe less density in one place in exchange for more density in a different area, while also looking at the big picture. This is a rezoning item, it is not that the Council is breaking any ordinances; they are rezoning the project with a PUD overlay so they can incorporate the various aspects of the project. The zoning is different than it was before and that is why they have gone through this process.

Mayor Kinzel asked for any comments three times.

Motion made by Council Member Thome, seconded by Council Member Czarnecki, to close the public hearing to consider Ordinance No. 2017-08 at 11:18 p.m. Motion carried without a negative vote.

City Attorney Herbrand clarified that there is a valid protest petition attached to this item and that means that a favorable vote of six of the seven Council Members is necessary. He stated they have been provided with a PUD ordinance by the City Planner. The PUD ordinance sets forth basics for consideration that is covered in the Planner's report. As noted, Planner Censky has spoken with all Department Heads including the Police Chief and Fire Chief when reviewing this proposal and all of the comments from them are factored into the report. At the end of the report are 13 conditions of approval and that any motion should be subject to or conditioned upon the 13 conditions set forth in the Planner's report.

In response to Council Member Verhaalen's question, Planner Censky verified that there is a parking restriction on the school side of Hamilton Road from 7:30 a.m. – 3:00 p.m. This restriction is left from when the school was in operation and it will need to be discussed at the Public Works Commission.

Motion made by Council Member Arnett, seconded by Council Member O'Keefe, to adopt Ordinance No. 2017-08 to rezone properties located at N44 W6035 and N42 W6005 Hamilton Road and the parking lot across the street along with the vacant parcel located between the parking lot and Spring Street from I-1 Institutional and Public Service District to RM-2 (PUD) and RS-3 PUD Multiple-Family Residential District, Single-Family Residential District and Planned Unit Development Overlay District subject to the following conditions:

1. Submittal of a traffic impact study prior to approval of the final detail plans.
2. The exit onto Washington Avenue will need to be posted "No left turn" or designed to functionally prohibit left turns.
3. Submittal of the detailed site, architectural, landscaping, exterior light, etc. after the Common Council's decision on the rezoning request.
4. A development agreement to be processed along with the review and approval of the final detailed plans.
5. Grading, drainage and storm water management plans will be required.

6. Impact fees due at time of building permit acquisition.
7. Building must meet all State Fire Codes (sprinkler, alarms, access, etc.)
8. Submittal of a cross-easement to allow parishioners the right to use the 39 surface stalls when needed.
9. Submittal of a Certified Survey Map of the project area.
10. Direct all sanitary sewer laterals to Hamilton Road.
11. Post development runoff shall not exceed redevelopment conditions.
12. Building must meet all State and local Fire Codes.
13. All elevators must be able to accommodate the ambulance cot.

Motion carried without a negative vote.

UNFINISHED BUSINESS

CONSIDER ORDINANCE NO. 2017-09 TO REZONE THE PORTION OF PROPERTIES LOCATED AT N44 W6035 AND N43 W6005 HAMILTON ROAD WHERE THE RECTORY IS LOCATED TO REMOVE THE HPD, WASHINGTON AVENUE HISTORIC PRESERVATION OVERLAY DISTRICT; AND ACTION THEREON

Mayor Kinzel introduced the consideration of Ordinance No. 2017-09.

City Attorney Herbrand stated that the last action item resulted in rezoning the parcels and this parcel was rezoned to RM-2. This action item is to remove the property from the Historic Preservation District designation. This will allow for the removal of the rectory building. Again, this will require a super majority vote to pass and the only other contingency he mentioned is that the item came from the Plan Commission that no raze permit would be granted until all development plans have been approved. He suggested that any motion to approve Ordinance No. 2017-09 should be contingent upon the same condition from the Plan Commission.

In answer to Council Member Thome's question, Planner Censky confirmed that this action is specific to this developer through the PUD and if the project is not built, then removal of the rectory would need to be considered again with any other development proposal.

In answer to Council Member Dieffenbach's question, City Herbrand explained that if the Council wishes to turn the decision of razing the rectory over to St. Francis Borgia in the event the project is not built then the Council would not include the contingency that came from the Plan Commission.

Motion made by Council Member Arnett, seconded by Council Member Thome, to adopt Ordinance No. 2017-09 to rezone the portion of properties located at N44 W6035 and N42 W6005 Hamilton Road where the rectory is located to remove the HPD, Washington Avenue Historic Preservation Overlay District under the stipulation that the razing permit shall be withheld until the final detailed plans of the 69 unit apartment complex have received approval from the Plan Commission and the Common Council.

Motion made by Council Member Dieffenbach to add an amendment to eliminate the stipulation that the razing permit shall be withheld until the final detailed plans of the 69 unit apartment complex have received approval from the Plan Commission and the Common Council, as the church should have control over their property. Motion died for lack of a second motion.

Motion carried without a negative vote to adopt Ordinance No. 2017-09 with the contingency.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 02/24/17 THROUGH 03/06/17, TRANSFERS FOR THE PERIOD 02/28/17 THROUGH 03/08/17, AND PAYROLL FOR THE PERIOD 02/12/17 THROUGH 02/25/17; AND ACTION THEREON

Motion made by Council Member Czarnecki, seconded by Council Member O'Keefe, to approve payment of bills for the period 02/24/17 through 03/06/17, transfers for the period 02/28/17 through 03/08/17, and payroll for the period 02/12/17 through 02/25/17. Motion carried without a negative vote.

ADMINISTRATOR'S REPORT - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT - None

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to adjourn the meeting at 11:26 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk