

**CITY OF CEDARBURG  
PLAN COMMISSION**

**PLN20231106-1  
UNAPPROVED MINUTES**

**November 6, 2023**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, November 6, 2023, at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers and online via the zoom app. The meeting was called to order at 7:01 p.m. by Mayor Michael J. O'Keefe.

Roll Call            Present -            Mayor Michael J. O'Keefe, Council Member Patricia Thome, Adam Voltz, Jack Arnett, Tom Wiza, Sig Strautmanis

                         Excused-            Vice Chairperson Kip Kinzel

                         Also Present -      City Planner Jon Censky, Administrative Secretary Theresa Hanaman

**STATEMENT OF PUBLIC NOTICE**

Administrative Secretary Hanaman confirmed that the agenda for the meeting had been posted and distributed in compliance with the Wisconsin Open Meetings Law.

**APPROVAL OF MINUTES**

A motion was made by Council Member Thome, seconded by Commissioner Voltz, to approve the Plan Commission minutes from October 2, 2023. Motion carried without a negative vote with Commissioner Kinzel excused.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Mayor O'Keefe offered the opportunity for the public to speak on any issue unrelated to the agenda items. He advised that the Plan Commissioners would not be able to respond to any comments since it was not noticed on the agenda. No comments from the audience were offered.

**REQUEST APPROVAL FOR DEVELOPMENT AGREEMENT AND CONDOMINIUM APPROVAL FOR THE STONELAKE TWO-FAMILY PROJECT LOCATED AT 6660 SUSAN LANE**

Planner Censky reviewed and approved the detailed architectural plans for the Stone Lake Development. Since that meeting, City Engineer Mike Wieser has been working with the developer's engineer on the follow up engineering plans for this project. With that plan review nearly complete, Mr. Caliendo is now prepared to seek approval of the development agreement and the condominium documents for the first phase public portion of this project. The public portion consists of the extension of the public utilities (i.e., sewer and water facilities) and the public road extending from the entrance off Susan

Lane to a point where it loops around the south end of the quarry and then north along the east property line to the point where the road intersects the future extension to Sheboygan Road.

The development agreement was drafted by Attorney Herbrand and Engineer Wieser. The development agreement is the contract between the City and the Developer that establishes responsibilities regarding the provisions of public and private facilities, improvements, and any other agreed-upon terms.

The petitioner also requested approval of the Condominium documents for the first phase of this project. These documents were drafted in accordance with Wis. Stat. Ch. 703, *Condominiums*, and serve as the master deed or bylaws that affect and define the rights and obligations of co-owners of these condominium townhomes. Upon its approval and execution, this document will be recorded in the Ozaukee County Register of Deeds Office. *Land Division, Subdivision and Condominium Regulations found in Sec. 14, Code of Ordinances, City of Cedarburg*, requires Plan Commission review and recommendation, and Common Council approval of these documents.

City Staff review indicates that the documents are compliant with State Statutes and since the development agreement was drafted by City Attorney Mike Herbrand and City Engineer Mike Wieser staff recommends approval subject to City Engineering Department review and approval of the grading, drainage, storm water management and erosion control plans.

The petitioner discussed SEC 4.06 of the Developers Agreements pertaining to the quarry and the responsibility of the future owners and establishing rules regarding the use for recreation. Discussion and concerns related to rescues and recovery from the Cedarburg Fire Department were relayed by Commissioner Wiza.

Commissioner Strautmanis expressed his preference for leaving the use of the quarry to the residents and emphasized the need for appropriate insurance in case of any accidents.

Commissioner Arnett discussed the clarity of the declaration, specifically regarding the distinction between private and public roads. It was suggested by Commissioner Strautmanis that the declaration should include more specific language to prevent future misunderstandings regarding private and public sidewalks and should be disclosed at sale. The issue of pedestrian connectivity was also debated, with particular attention to a public street connecting to the west. The petitioner agreed that the development would be for the association only and not public use. Mayor O'Keefe recognized the need for public pedestrian access on the street and acknowledged a possible public access issue at the north end.

A City resident discussed the importance of Sec 4.02 (p) of the Developer's Agreement. The resident suggested the City's involvement in the project and the need for City Forester Westphal to be on site during the removal of trees.

**Action:** A motion was made by Mayor O'Keefe, seconded by Council Member Thome, to approve Stone Lake Condominiums and the Developer Agreement, located at 6660 Susan Lane. Subject to:

- SEC 4.02 (p) and the Impact on Woods in Southwest Corner.
- Establishing rules pertaining to use of the quarry in SEC 4.06
- Update language regarding private and public sidewalks
- The need for the Forester during development

Motion carried without a negative vote with Commissioner Kinzel excused.

**REQUEST APPROVAL FOR SITE, LANDSCAPE, EXTERIOR LIGHTING, AND ARCHITECTURAL PLAN APPROVAL FOR A 155,000 SQUARE FOOT DISTRIBUTION AND WAREHOUSE BUILDING TO BE LOCATED ON LOT #4 OF THE BUSINESS PARK**

Planner Censky explained the applicant is proposing a multi-tenant distribution and warehouse building within the City's Business Park on lot #2 of the Certified Survey Map that was approved last month. This building is proposed at 154,923 square feet in size and 39' in height. Section 13-1-61(b)(2), of the Zoning Code lists, among others, permitted uses in the M-3 District as follows: *buildings for the storage of goods and materials, where such goods and materials are stored inside the building, provided such building is not a mini warehouse building subdivided into more than three (3) multiple warehouse and storage facilities containing less than one thousand five hundred (1,500) square feet each and available for lease*. This building is proposed for the back lot in the park that is on the curve in Forward Way and backs up to the pending Stonelake Development to the south and to the west is the Fairway Village subdivision. This building will be divided into separate leasable units of around 15,000 square feet in size with the main façade fronting Forward Way, the secondary facade fronts to the south. All loading docks will be on the west or the east end of the building.

Planner Censky's review indicates that the plans are compliant with the M-3 District regulations, the plans propose the lot coverage right at the maximum limit allowed by the Code. Section 13-1-61 (h) states that the lot coverage by buildings, accessory structures and surface parking and driveways shall occupy a maximum of 70% of the lot. The City's calculation indicates that the proposed lot coverage is 69.8%. Accordingly, the applicant is aware that there is no room for future building expansion or for additional parking if the need arises. The plan proposes 104 parking stalls situated along the front and back sides of the building with loading docks at the far ends of the building.

This single-story building is located along the curve in Forward Way with one section facing to the north and the other section facing northwest. The building will be constructed of pre-cast insulated concrete panels on all four elevations. To provide interest, the

building will be painted using five separate colors of a repeating white, grey, and brown scheme with a decorative brown course that extends around the entire building at the height of the top of the blue windows. For each tenant space, the plan shows an aluminum store front entryway system.

According to the petitioner's plan, the exterior lighting plan consists of a combination of down-lit pole mounted fixtures, wall mounted and canopy fixtures. The down-lit wall fixtures will be mounted at a height of 17' and generally spaced equally around the entire building. At the northeast and west side of the site the plan shows 5 pole fixtures at a height of 17' mounted on a 2' pedestal. The canopy lighting fixtures are down lit under the entryway canopies. Staff review indicates that the lighting plan proposes no point source lighting and that it is compliant with City requirements.

The landscaping plan proposes to enhance the look of the building with planting of Swamp White Oak, Burr Oak, and Red Oak trees along the front and rear façade and the planting scheme will be further enhanced by low growth foundational plantings deciduous and evergreen shrubs and perennials and decorative grasses. In the open space directly in front of the building and along the westerly drive, they propose a planting mix of White Spruce, Black Hills Spruce, White Pine, and Douglas Fir Trees.

As noted, the plans are Code compliant, but they are at the maximum limit as regards the lot coverage. Accordingly, the applicant will need to monitor their mix of uses to ensure that their parking is adequate going forward as there is no room to add parking in the future under current Code requirements. Staff would also note that directly west of the loading docks on the west side of the building is the Fairway Village subdivision. To address potential future problems with noise and lighting, staff recommends that the developer create a substantial landscaped berm along the south drive, in line with the loading docks. In addition, Plan Commission approval should be subject to the following:

- Fire Department recommends connecting water mains to create a looped system (confirm with Cedarburg Light & Water).
- Fire protection feature locations such as FDC (Fire Department Connection), fire alarm panels, knox boxes, etc., to be determined as the project progresses. Parking shall be prohibited in front of FDC.
- The elevator should be large enough to fit EMS equipment.
- Onsite traffic circulation should be designed to ensure an adequate turning radius for Fire Department apparatus.
- Radio coverage booster system and/or testing may be needed.
- Ensure the overhang is tall enough to fit Fire/EMS equipment.
- Future storage uses may require additional fire protection features.

Commissioner Wiza discussed the impact of trees and natural features on a building project, including potential issues related to obstacles like rocks and debris. Commissioner Wiza agreed on the importance of careful drainage and water management. He also suggested using dense landscaping to shield the property from the West and an additional tree be added to the landscape.

Commissioner Voltz stated the lighting lumen should be no more than 3000k white.

Commissioner Strautmanis discussed the design and potential signage of the building, aiming to balance aesthetics with practicality while considering the unique shape of the site and potential for multiple tenants. It was discussed to have a clean sign band on the entryway.

Commissioner Wiza mentioned the subdivision close by and fire protection. Thoughts of graded land with suggestion of moving the watermain under the pavement and adding a berm to shield the west and the shed water drain.

The petitioner agreed to further explore signage options and address any concerns before finalizing the design. The petitioner will also add a tree to the landscape plan.

Council Member Thome discussed the tenant entrance in reference to the two-story portion of the building and the signage directing the public to the entryway.

**Action:** A motion was made by Commissioner Arnett, seconded by Commissioner Wiza, to approve the plans subject to:

- An additional tree to the southeast corner
- The exterior lighting not to exceed 2700K CCT
- Future submittal of a sign plan.

Motion carried without a negative vote with Commissioner Kinzel excused.

### **COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Commissioners had no comments or announcements.

### **MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe apologized to the Planning Commission regarding the Council's reaction to the development plans of Hwy 60 and appreciated the work that was done. Based on Mayor O'Keefe's comments, Planner Censky will add the item for discussion of the Land Use plan for the next meeting agenda.

### **ADJOURNMENT**

A motion was made by Commissioner Arnett, seconded by Council Member Thome, to adjourn the meeting at 7:49 p.m. The motion was carried without a negative vote with Commissioner Kinzel excused.

Theresa Hanaman  
Administrative Secretary