

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20231204-1
UNAPPROVED MINUTES**

December 4, 2023

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, December 4, 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, 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 to approve, seconded by Commissioner Wiza to approve the minutes from November 6, 2023, as corrected in the following sentences:

- Commission Wiza discussed the impact of trees and natural features on a building project, ~~including potential issues related to obstacles like rocks and debris.~~
(Page 4, fifth paragraph, first sentence)
- Commissioner Wiza ~~mentioned the subdivision close by and fire protection.~~ suggested moving the water main which is shown along the south property line to a location under the pavement.
(Page 5, third paragraph, first sentence) Motion

carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Debra Kaylor, N95W5750 Dorchester Drive, expressed displeasure of this Plan Commission to expand the population and promote Cedarburg to tourists and commercially. Debra also objected to closing Washington Avenue for certain weekends as the City has enough festivals.

REQUESTING APPROVAL OF THE PHASING PLANS FOR THE APPROVED 155,000 SQUARE FOOT DISTRIBUTION AND WAREHOUSE BUILDING TO BE LOCATED ON LOT #4 OF THE BUSINESS PARK WITH THE FIRST PHASE INCLUDING THE 95,892 SQUARE FOOT SOUTH PORTION OF THE BUILDING

Planner Censky explained the applicant received approval of a 155,000 square foot multi-tenant distribution and warehouse building to be located on lot #2 of the certified survey map within the City's Business Park at the November 6th Plan Commission meeting. Due to financing commitments, the applicant has now decided to phase the construction of this building and is now requesting approval of his phasing plan. The first phase will consist of the 95,892 square foot western portion of the building, loading docks, and 165 parking stalls.

Planner Censky reminded Commissioners that the plans were approved at the maximum lot coverage limit and therefore 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. Commissioners are also reminded that directly west of the loading docks on the west side of the building is the Fairway Village subdivision. These loading docks will be added as part of the second phase. To address potential future problems with noise and lighting, the developer was required to create a substantial landscaped berm along the south drive, in line with the loading docks.

Commissioner Strautmanis questioned the potential impact of a multi-phase project regarding the end wall once phase one has been completed and if the end wall will be the same architectural style and quality.

Chris Wenzler from Briohn shared a rendering via zoom. Mr. Wenzler explained the plan for phase one of a development project will involve capturing the southern portion of the building and creating a 45-degree turn towards the northeast. Precast material was suggested for the north wall to facilitate future expansion. The façade of the building's end wall for phase one will be the same precast as the rest of the building, making it look uniform.

Action: Council Member Patricia Thome made a motion to approve the request for the phasing plan with the description given by Chris Wenzler of the panel, also approving the 95,892 square foot and potential future 155,000 square foot plan subject to staff comments. Commissioner Wiza seconded the motion. Motion carried without a negative vote.

COMMISSIONERS WILL DISCUSS AND POSSIBLY RECOMMEND APPROPRIATE AND REASONABLE LAND USES FOR LANDS LOCATED AT THE SOUTHEAST CORNER OF HWY 60 AND SHEBOYGAN ROAD AND LANDS LOCATED ALONG THE NORTH SIDE OF HWY 60 WEST OF SHEBOYGAN ROAD.

Planner Censky informed the Commission the Mandel Group decided to withdraw their development plans from consideration at the October 30th Council meeting for the Wirth site at Sheboygan Road/Highway 60. This plan withdraw was due to the Council's response to the negative comments received from area neighbors regarding their concept plans. This latest concept consisted of a mix of apartment buildings and townhomes, for a total of 207 units, along with 9,500sf of ground floor retail space.

Because of the Council's reaction to these plans and in fairness to the Wirth family, Mayor O'Keefe asked that this Commission review and possibly recommend an appropriate and reasonable land use classification for this site as an amendment to the Comprehensive Land Use Plan. Planner Censky made available a map dated 2006 that was created in support of the creation of TID 2 showing the zoning and a map showing recommended land use classifications for the sites that were annexed back in 2005.

The second part of this item is to consider the future land uses for the lands located along the north side of Highway 60 west of Sheboygan Road to the area across from the Business Park. The purpose of this discussion is to establish the appropriate future use of the lands as an amendment to the Comprehensive Land Use Plan to help guide future developers for when these lands are officially annexed into the City.

Planner Censky describes the Wirth parcel as part of a large swath of land located at the north end of Cedarburg between Cedar Creek and Washington Avenue within the Highway 60 corridor that was annexed into the City from the Town of Cedarburg in 2005. In accordance with the City's Zoning Code, this parcel, along with others that were annexed, was placed in the RS-1 Single-Family Zoning District as temporary zoning until permanent zoning was established. Once these parcels were in the city, work began on the process for creating TID #2. This TID included all the land as shown in the attached map identified as Map No. 2. As part of the creation of TID 2, staff drafted the attached Land Use Plan map which was ultimately adopted as Resolution 2006-21 in 2006. While a number of these sites have since been rezoned as development occurred, the Wirth parcel remains in the Rs-1 Temporary Zoning District.

Mayor O'Keefe questioned Planner Censky if there is congruency between zoning and what is designated in the comprehensive land use plan and inquired if there would be legal trouble for denying high density zoning for a property when the adjacent property has twelve apartment buildings on it.

Planner Censky responded that land use and zoning must be consistent with each other before any land use decision can be made. The Wirth property does not have consistency between the proposed land use and the commercial classification with the southeast corner being for senior housing. The zoning is single family residential on a temporary basis. Right now, the City needs to classify land use and then follow up with zoning to reflect the proposed use.

Commissioner Wiza spoke on behalf of resident Lynda Johnson regarding an email he received and paraphrased that Lynda and many others in the community have concerns

over density of multifamily units and is suggesting lower density. Commissioner Wiza understands the concern about multi-family units in Cedarburg and would suggest two-family developments. Previous multi-family developments have been justified due to contaminated sites as a TID which was needed for cleanup. Commissioner Wiza believes that the Wirth site should not be for single families, with the existing apartments in Cedar Place. Commissioner Wiza would like to see duplex condos or row town homes whether that be senior housing, it would provide a good transition.

Representing the Wirth family, Michael Wirth spoke to the Planning Commission about the property and the process the family has gone through regarding developing on the land. Land use plans in early Two thousand were created as a **TID** to extend utilities to the business park and to incorporate with the 2025 land use plan. After meeting with several developers over the years to find the highest use for the property, it was decided that industrial, institutional, and retail are not a good fit. The municipality is not interested in Self-storage and the Stone Wall Farms development on Keup Road and Highway 60 have single family homes. Michael is requesting guidance from the Planning Commission.

Planner Censky commented that land use plans are guides for future development and zoning is the law in which development occurs. The two must be consistent before any land use can take place and before rezoning to reflect a plan. The City would have to justify a denial and there would need to be supporting reasons, but the City cannot say no to development, the law does not allow it. The City must have reasonable land use classifications to guide future development and try to reach a compromise. The original land use plan showed large commercial and senior opportunity. There is no land use classification for owner occupied condos, either two-family, single, or multi-family.

The Commission deliberated on the incorporation of commercial elements into the plan, preferring retail and restaurants. There was a suggestion for a mixed-use development but concerns about feasibility and market demand were raised. The importance of careful consideration and discussion pertaining to long-term goals and potential risks was emphasized.

Commissioner Arnett and Council Member Thome mentioned the expiration of the current land use plan in 2025 and suggesting the need for a review and potential update.

Planner Censky shows the City records indicate that the 60 acres at the northwest corner of Sheboygan Road and Highway 60 was annexed into the City as part of the larger area annexed in 2005. The Highway 60 frontage of this site, extending 300 feet back, is classified on the Comprehensive Land Use Plan as future 'Office' uses with the remainder of the site being classified as "Medium Density Residential". The lands west there of remain in the Town of Cedarburg and because public utilities are not available,

those lands are shown on the Land Use Plan as Agricultural or Open Spaces (1 unit/35 acres)

The Commissioners discussion about a pending decision and the importance of City residents staying informed. Mayor O'Keefe suggested that people subscribe to a free email service for instant access to City agendas and minutes.

PUBLIC COMMENT

Debra Kaylor, N95W5750 Dorchester Drive
Terrance King, W63N762 Sheboygan Road
Mary Jo Wirth, N61W5987 Columbia Road
Cathy Czech, N119W5835 James Circle
Lynda Johnson W62N780 Sheboygan Road

Residents discussed the impact of new projects, the need for infrastructure, and potential commercial uses such as retail and restaurants. There were concerns about the potential impact of a development plan on the City's value and reputation. Concerns were raised about understaffing of the police force and the lack of public consultation on property rezoning. The potential impact of changing the smart plan was also discussed. Towards the end, Lynda Johnson emphasized the need for a long-term, strategic plan for Highway 60, which the City agreed with.

Ultimately it was agreed that Mayor O'Keefe will schedule a joint meeting between the Common Council and Plan Commission to discuss the land use plan for the Highway 60 corridor with input from citizens is the next step.

Action: No action made

CHOOSE JANUARY PLANNING COMMISSION MEETING DATE

Mayor O'Keefe and the Planning Commission members approved January 17, 2024 as the next Planning Commission meeting.

Action: A motion was made by Commissioner Arnett, seconded by Commissioner Kinzel, to approve. Motion carried without a negative vote.

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

Commissioners had no comments or announcements.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe had no comments or announcements.

ADJOURNMENT

A motion was made by Commissioner Arnett, seconded by Council Member Kinzel to adjourn the meeting at 8:05 p.m. The motion was carried without a negative vote.

Theresa Hanaman
Administrative Secretary