

**CITY OF CEDARBURG
PLAN COMMISSION
January 17, 2024**

A regular meeting of the Plan Commission, City of Cedarburg, Wisconsin, will be held at 7:00 p.m. on Wednesday, January 17, 2024. Attendees have the option of joining the meeting in person at City Hall, W63N645 Washington Avenue, upper level, Council Chambers, or online via the following Zoom link: <https://us02web.zoom.us/j/88243607139>

AGENDA

1. CALL TO ORDER - Mayor Mike O'Keefe
2. ROLL CALL: Present - Mayor Mike O'Keefe, Council Member Patricia Thome, Jack Arnett, Adam Voltz, Kip Kinzel, Sig Strautmanis, Tom Wiza

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

3. STATEMENT OF PUBLIC NOTICE
4. APPROVAL OF MINUTES – December 4, 2023
5. COMMENTS AND SUGGESTIONS FROM CITIZENS
6. REGULAR BUSINESS; AND ACTION THEREON

- * A. Petitioner: **St. Francis Borgia**
Request: **Remove the No-Left-Turn stipulation**
Briefing: **St Francis Borgia Parish requests that the No-Left-Turn stipulation that was placed on the Washington Avenue egress from the church parking lot, be removed.**

Current Zoning: **Rm-2 (PUD)**
Aldermanic District: **5**
Tax Key No.: **13-050-22-07-000**
Previous Discussion Dates: **3/13/2017**

- * B. Petitioner: **Plan Commission**
Request: **Review and possibly recommend approval of the updated and revised Zoning Code.**
Briefing: **Code to be distributed at meeting**

Current Zoning:
Tax Key No.:
Aldermanic District:
Previous Discussion Dates:

- C. Petitioner: **City of Cedarburg**
Request: **Consultation Regarding locating a Cellular Tower in the Business.**
Briefing: **The city is seeking feedback on possibly locating a cellular tower in the Business Park.**

Current Zoning: **M-3**
Tax Key No.: **13-022-02-000.00**
Aldermanic District: **7**
Previous Discussion Dates:

7. COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

**8. MAYOR'S ANNOUNCEMENTS

9. ADJOURNMENT

* *Information attached for Commission Members; available through City Clerk's office.*

** *This topic is to be limited to such items as establishing the next meeting date, items for the next agenda, reminders of scheduled community events, etc.*

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MEMBERS – PLEASE NOTIFY CITY CLERK'S
OFFICE IF UNABLE TO ATTEND MEETING

It is possible that a quorum of members of the Common Council may attend Plan Commission meetings held the first Monday of each month at 7:00 p.m. No business will be conducted by the Common Council and no action will be taken. Attendance is for the purpose of information gathering and exchange.

01/04/2024

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 here 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 95,892sf and potential future 155,000sf 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 Kuep 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

REMOVE NO-LEFT-TURN STIPULATION

To: City of Cedarburg Plan Commission

Prepared by: Jonathan P. Censky, City Planner

Agenda Item: 6.A.

Date: January 15, 2024

General Information

Applicant:

St. Francis Borgia Parish

Status of Applicant:

Owner

Location:

N44 W6035 Hamilton Road Parking Lot

Requested Action:

Remove “No-Left Turn” Stipulation

Existing Zoning:

RM-2 (PUD)

Proposed Zoning:

No Change

Surrounding Zoning:

N, S, E &W; Rm-2(PUD)(HPD)

Lot Size:

N/A

Existing Land Use:

Parking Lot

Report:

The St. Francis Borgia Parish is asking that the *No-Left-Turn* requirement be removed from their parking lot to allow those wishing to head south into Washington Avenue traffic. Having had the experience of complying with this requirement for the past several years, they feel this requirement is not necessary as their typical service hours are at times when traffic on Washington Avenue is low. Accordingly, they would like the ability to exit the church parking lot into the south bound Washington Avenue traffic.

A review of our records indicates that this stipulation was put in place as part of the approval of the Arrabelle site plan back in 2017 to address concerns regarding the impact of having the parking lot traffic exiting onto Washington Avenue. Because this stipulation was placed on the use of the parking lot by action of this Commission, you are responsible for its removal (See attached motion from the 3/13/2017 Plan Commission Minutes).

Engineering staff has no objection.

Mr. DeRosa confirmed that the price of the property is a relatively small percentage of the cost of developing the property. Even if the property purchase price was cut in half, it would not substantially change the size of the project due to other costs. As he has been working on this project for the last nine months, he does not believe that there are other developers in the market watching from afar that would have a high level of confidence or certainty looking take a shot at this property. If this project is not desired by the City, be prepared to deal with uses in the current Institutional and Public Service District zoning.

Action:

Council Member Czarnecki moved to recommend the Land Use Plan amendment and rezoning recommendation to the Common Council as presented with 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 no 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.

Commissioner Cain seconded the motion.

Continued Discussion:

Commissioner Zimmerschied requested clarification on what are the conflicts in the Land Use Plan. Planner Censky advised that the Comprehensive Land Use Plan is made up of two documents, one of which is a map which labels every square inch of the City into use categories. Also, as part of the planning process, redevelopment sites were identified and labeled as Smart Growth Areas. As part of that, certain text suggestions were written for each Smart Growth Area and that is where the conflict occurred. The map shows the St. Francis Borgia site as high-density residential at 16.1 units per acre, but the text specifically states that the site be considered for high-medium density residential up to 10.8 units per acre. The conflict was discovered going through the review process and are addressing that conflict through this amendment.

Continued Action:

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

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

No comments or announcements were offered.

MAYOR'S ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Mayor Kinzel moved to adjourn the meeting at 9:45 p.m. The motion was seconded by Commissioner Poellot and carried without a negative vote.

Darla Drumel,
Administrative Secretary

ZONING TEXT RECODIFICATION

To: City of Cedarburg Plan Commission

Prepared by: Jonathan Censky, City Planner

Agenda Item: 6.B.

Date: January 15, 2024

General Information

Applicant:

Cedarburg Plan Commission

Requested Action:

Zoning Code Recodification

Report:

The revised code will be provided to you at Wednesday evening's meeting. This item is before you for review prior to your recommendation to the Common Council for adoption. Included herein are the changes that were made by the subcommittee over the past several months. Staff suggests Commissioners take this copy home with you for review and then, if you agree to the changes, be prepared to make your recommendation at our February meeting.

BUSINESS PARK CELL TOWER

To: Cedarburg Plan Commission

Prepared by: Jon Censky, Planner

Agenda Item: 6.A.

Date: January 15, 2024

General Information

Applicant:

City of Cedarburg Administration

Status of Applicant:

Owner

Location:

City Business Park

Requested Action:

Consultation

Existing Zoning:

M-3 Business Park District

Lot Size:

acres

Existing Land Use:

Business Park

Report:

The City Administrator is in discussions with a wireless telecommunication firm who is seeking to locate a cell tower within or near the city's Highway 60 Business Park. The request is for a monopole designed to support several wireless antennas. The tower measures 195 high and is proposed to be located directly northeast of the multi-tenant building approved last month for Lot number 2 of the park. This request is before you to provide staff with your thoughts and direction regarding having a cell tower in the Business Park, the height of the tower, the specific location, and any other thoughts you can provide. The City Administrator will be available at Wednesday's meeting to discuss this request further.

Photo Simulations

Proposed New Multi-Carrier Wireless Telecom Facility – Cedarburg, WI
TowerCo Site WI0353 - 195' Monopole



View Locations

Photo Simulations

Proposed New Multi-Carrier Wireless Telecom Facility – Cedarburg, WI
TowerCo Site WI0353 - 195' Monopole



View with Proposed Facility

Photo Simulations

Proposed New Multi-Carrier Wireless Telecom Facility – Cedarburg, WI
TowerCo Site WI0353 – 195' Monopole

View 1 – Before
Hilltop Dr. Looking East



View 1 – After
Not Visible

Photo Simulations

Proposed New Multi-Carrier Wireless Telecom Facility – Cedarburg, WI
TowerCo Site WI0353 – 195' Monopole



View 2 – Before



View 2 – After

Route 60 Looking South

Photo Simulations

Proposed New Multi-Carrier Wireless Telecom Facility – Cedarburg, WI
TowerCo Site WI0353 – 195' Monopole



View 3 – Before



View 3 - After

County Road I Looking West