

# CITY OF CEDARBURG

A joint meeting of the Common Council and Plan Commission of the City of Cedarburg, Wisconsin, will be held on **Monday, March 11, 2024 at 6:00 p.m.** The meeting will be held online utilizing the zoom app and in-person at City Hall, W63 N645 Washington Avenue, Cedarburg, WI., in the second floor Council Chambers. The meeting may be accessed by clicking the following link:

## AGENDA

1. CALL TO ORDER - Mayor Michael O'Keefe
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: Present – Common Council – Mayor Michael O'Keefe, Council Members Melissa Bitter, Jim Fitzpatrick, Kevin Curley, Robert Simpson, Kristin Burkart, Patricia Thome, and Mark Mueller  
  
Plan Commission – Commissioners Adam Voltz, Tom Wiza, Sig Strautmanis, Patricia Thome, Kip Kinzel, Jack Arnett, and Mayor Michael O'Keefe
5. STATEMENT OF PUBLIC NOTICE
6. COMMENTS AND SUGGESTIONS FROM CITIZENS\*\* Comments from citizens on a listed agenda item will be taken when the item is addressed by the Council. At this time individuals can speak on any topic not on the agenda for up to 5 minutes, time extensions at the discretion of the Mayor. No action can be taken on items not listed except as a possible referral to committees, individuals, or a future Council agenda item.
7. NEW BUSINESS
  - A. Discussion and possible action on the future land use for property located at the Southeast corner of the intersection of Sheboygan Road and Hwy 60\*
  - B. Discussion on the proposed concept plan for the area along the north side of Hwy 60 from Sheboygan Road west to Five (5) Corners\*
8. ADJOURNMENT

Individual members of various boards, committees, or commissions may attend the above meeting. It is possible that such attendance may constitute a meeting of a City board, committee or commission pursuant to State ex. rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 NW

2d 408 (1993). This notice does not authorize attendance at either the above meeting or the Badke Meeting but is given solely to comply with the notice requirements of the open meeting law.

\* *Information attached for Council; available through City Clerk's Office.*

\*\* *Citizen comments should be primarily one-way, from citizen to the Council. Each citizen who wishes to speak shall be accorded one opportunity at the beginning of the meeting and one opportunity at the end of the meeting. Comments should be kept brief. If the comment expressed concerns a matter of public policy, response from the Council will be limited to seeking information or acknowledging that the citizen has been understood. It is out of order for anyone to debate with a citizen addressing the Council or for the Council to take action on a matter of public policy. The Council may direct that the concern be placed on a future agenda. Citizens will be asked to state their name and address for the record and to speak from the lectern for the purposes of recording their comments.*

\*\*\* *Information available through the Clerk's Office.*

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To request reasonable accommodation, contact the Clerk's Office,  
(262) 375-7606, email: [cityhall@cityofcedarburg.wi.gov](mailto:cityhall@cityofcedarburg.wi.gov)

03/07/24 tas

# LAND USE REVIEW AND DISCUSSION

To: City of Cedarburg Plan Commission

Prepared by: Jonathan P. Censky, City Planner

Agenda Item: **6.A.**

**Date:** March 11, 2024

## ***General Information***

**Applicant:**

**Status of Applicant:**

**Location:**

Southeast corner of Hwy 60 & Sheboygan Rd.  
North side of Hwy 60 west of Sheboygan Rd.

**Requested Action:**

Land Use review and discussion

**Existing Zoning:**

Rs-1 (Temporary Zoning)

**Proposed Zoning:**

**Surrounding Zoning:**

Rm-2 (PUD) - south

**Lot Size:**

17-acres and 253-acres

**Existing Land Use:**

Vacant

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## **Report:**

The purpose of this item is to discuss the future land use of the Wirth Property at the southeast corner of Highway 60 and Sheboygan Road and then to have the same discussions for the area along the north side of Highway 60 from Sheboygan Road west to just east of the 5-corners area. As you know, The Mandel Group has been working with the city on plans to develop the 17-acre Wirth property since 2022 which included presentations before the Common Council and the Plan Commission along with a neighborhood meeting, they held on their own with area neighbors. Because the Planning Commission's reaction to the latest Mandel concept plan differed from the Council's reaction, Mayor O'Keefe asked for a joint meeting of the Plan Commission and the Common Council to discuss the future use of this property and work toward an agreement that will result in consistency in direction they provide to applicants.

## **Highway 60 Corridor History/Background:**

The Wirth parcel was 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 which resulted in staff drafting a Land Use Plan map for lands with the TID boundaries. This TID was created in 2006 and served to, among other things, classify the Wirth parcel as future commercial with a small portion designated for multifamily senior housing.

As Council members and Commissioners are aware, the Land Use Plan and zoning for a site must be consistent with each other before a land use decision can be made. Currently, these two documents conflict with each other as the Land Use designation shows most of the site shown as future commercial development with a small area designated for multi-family senior house and the site is zoned Rs-1 Single-Family (temporary zoning). Since the City's sewer and water systems are readily available to this property, a decision on the futures use of it should be made prior to considering the lands along the north side of Highway 60.

## **Wirth Site: Mandel Group Project Summary:**

The Mandel Group has been working with the city on this project since 2022 when they first appeared before the Plan Commission on July 5, 2022, for consultation for a project that included ten, two-story luxury apartment buildings and three 3-story buildings for a total of 310 units. That project would have required a zoning change for this site from the Rs-1 District to the Rm-2 Multiple-Family District with the PUD Plan Unit Development Overlay District and an adjustment to the allowed density from 16.1 units/acre to 18.2 units/acre.

Those discussions resulted in some general direction for the application to consider reducing the number of units and to incorporate a commercial element into the project. This request did not receive any support from the Plan Commission due to the intensity of the project and the potential impacts on city services.

The applicant then scaled back his plans down to 250 units or 14.7 units/acre within the allowable density of the Rm-2 District, and approached the Common Council on July 11, 2022, consultation. The Council responded with a mixed reaction and supported an element of commercial within the project but concerns about high density residential and the impacts such a project would have on traffic and schools and therefore did not feel that apartment development was appropriate for the area.

The applicant then again approached the Plan Commission on November 7, 2022, with a request to recommend amending the Land Use Plan and to rezone the property for plan showing a combination of apartment buildings and townhomes and a reduction down to 240 units. After a lengthy discussion with the Plan Commission and adjacent neighbors and with no one willing to offer support for the project, the applicant withdrew his plans.

The Mandel Group then approached the Plan Commission on February 6, 2023, with plans to split off the immediate corner from the site and have that developed for commercial uses by others. The concept included 12 apartment buildings with a total of 192 units. Before the Commission considered offering a recommendation, they asked that the concept be reviewed to show the apartment buildings located along the Sheboygan Road frontage and the south property line transitioning to townhomes heading east through the site the Commission also asked more information on the traffic study and expected impacts on the school system. As part of the next submittal the Commission asked that they submit a layout of the commercial component of the project.

Based on positive feedback from the Plan Commission, the applicant then presented their revised plans to the Common Council on September 11, 2023, and after another lengthy discussion where it appeared that no action was going to take place at this meeting, the Council voted postpone additional review of the plans until the October 30, 2023, meeting. At the October 30th meeting, they proposed revised their plans to show a concept consisting of a total of 207 units, along with 9,500sf of ground floor retail space in the apartment buildings which met with resistance from the neighbors and the Council, the Mandel Group withdrew their plans due to the feedback they received from concerned neighbors and the Council's reaction to the plans.

Since the site is currently identified as future commercial on the Land Use Plan, the question is, should the city entertain a request to amendment the plan for future residential use of the site and, if so, at what density, what style of housing (i.e. apartment buildings, townhomes, single-family), or should the city hold out for a neighborhood commercial development in accordance with the existing land use classification?

Since the traffic study and the Mandel Group's information on the impacts to the school system indicates that the density of the latest concept would not over burden the area roadways and the area schools, the following is the unit count based on the density allowed for development under the latest Mandel concept at 12.2 units/acre, the Rm-1 Multiple Family Zoning District at 10.9 units/acre and the Rd-1 Two-Family District at 8.7 units/acre.

- Mandel Group's latest concept, Rm-2 Multiple Family District – **12.2 units/acre x 17acres = 207 units**
- Rm-1 Multiple Family District – **10.8 units/acre x 17acres = 184 units**
- Rd-1 Two Family District – **8.7 units/acre x 17acres = 147 units**

#### **North Side of Hwy 60 West of Sheboygan Road.**

The city is now in receipt of concept plans for a single-family project for the area along the north side of Highway 60 between Sheboygan Road and the area just east of Cover Bridge Road and therefore the second part of this item is to consider the future land uses for those lands. Our records indicated that the 60 acres at the northwest corner of Sheboygan Road and Hwy 60 was annexed into the city as part of the larger area annexed in 2005. The Hwy 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 thereof remain in the Town of Cedarburg and because public utilities were not available, those lands are shown on the Land Use Plan as Agricultural or Open Spaces (1 unit/35 acres). As part of this project, those lands will need to be annexed into the city.

The proposed project will consist of a range of housing styles and densities within the project including 140 two-family attached structures generally located along the Highway 60 frontage, 280 single-family Villa style lots and 135 smaller single-family lots for a total of 555 residential units with the individual neighborhoods separated by open space.

**CITY OF CEDARBURG  
PLAN COMMISSION**

**PLN20220705-1  
UNAPPROVED MINUTES**

**July 5, 2022**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Tuesday, July 5, 2022 at Cedarburg City Hall, W63N645 Washington Avenue, Upper Level, Council Chambers and online via the [zoom](#) app. The meeting was called to order at 7:02 p.m. by Mayor Michael J. O'Keefe.

Roll Call            Present -            Mayor Michael J. O'Keefe, Council Member Patricia Thome, Vice Chairperson Kip Kinzel, Adam Voltz, Heather Cain, Tom Wiza, Sig Strautmanis

Also Present -      City Planner Jon Censky, Administrative Secretary Victoria Guthrie

**STATEMENT OF PUBLIC NOTICE**

Administrative Secretary Guthrie 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 Vice Chairperson Kinzel, to approve the minutes of June 6, 2022. The motion carried without a negative vote.

**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 they were not noticed on the agenda. No comments from the audience were offered.

**REQUEST APPROVAL OF WAIVER TO SECTION 13-1-101(g) OF THE ZONING CODE AS REGARDS TO THE SIZE OF ACCESSORY STRUCTURES TO ADD A GARAGE TO THE PARCEL LOCATED AT W51N756 KEUP ROAD – JERRY WACHOWIAK**

Planner Censky explained that Petitioner Wachowiak is requesting a waiver to the size limit for accessory structures in residentially zoned areas to allow for construction for a second detached garage that exceeds the 720-square foot maximum. The Petitioner's existing detached garage already exceeds the maximum limit at 1,408-square feet. That garage, combined with his proposed second garage, will bring the total size of his accessory structures to 2,068-square feet. The proposed new garage is typical in design, and will be located off the northeast corner of his home, between the house and the existing garage. The walls will be wheat in color and the roof will match the roof of the house. The structure as proposed is Code compliant in terms of setback and height.

Planner Censky summarized the review by City Staff noting that, at 37,026-square feet, this parcel is large, wooded, and is bordered to the north by a church. The proposed location is in a more secluded area and would be generally out of view from the immediate neighbors.

**Action:**

Mayor O’Keefe made a motion to approve the waiver to Zoning Code Section 13-1-101(g) for the proposed accessory structure with the condition that the Petitioner secure a building permit prior to construction commencement. Commissioner Wiza seconded the motion. Motion carried without a negative vote.

**REQUEST APPROVAL FOR SITE/ARCHITECTURAL/LANDSCAPING/LIGHTING  
PLANS FOR FOX RUN DEVELOPMENT LOCATED AT N49W6337 WESTERN ROAD  
– P2 DEVELOPMENT COMPANY/ROBERT BACH**

Planner Censky reminded Commissioners that Petitioner Robert Bach received approval of his request for an amendment to the Land Use Plan and Rezoning for his parcel from the Common Council during a public hearing that was held during their February 28, 2022 meeting. Since that hearing, Planner Censky, along with Commissioners Strautmanis and Voltz, met with Petitioner Bach and his staff to review their architectural plans and provide feedback on the layout and building designs.

Petitioner Bach and his staff attended the meeting to provide Commissioners with a virtual walk-thru of their proposed plans for their residential development. This project includes single-family pocket-style homes, townhouses and apartment buildings, and features common areas for residents, as well as public parking along the Hanover Avenue extension. Commissioners reviewed the architectural plans for these residential structures, along with the Petitioner’s lighting and landscaping plans. The review is summarized as follows:

***Architectural Plan***

The proposed plans show attention to feedback from Commissioners by scaling down townhome designs along Western Avenue to reflect the surrounding neighborhood, placing apartment buildings to the east to remain consistent with the neighboring parcel, incorporating quality materials into their designs, using various but complimentary colors, and creating functional dormers. Response from Commissioners was positive; however, they would like to see varying paint pallets for the townhomes along Western Avenue to break up the repetition, and the windows facing connecting patio areas on the shared pocket homes changed to piano windows for privacy. Commissioner Voltz provided Petitioner Bach with a sketch showing column and trim details on apartment D that he would like to see incorporated, and requested the removal of the roof element placed under the balcony on the southwest corner of apartment E.

***Landscaping Plan***

In order to reduce run-off on what has been a mostly impervious parcel, the Petitioner has incorporated several areas of green space in the design. Trees include a combination of Ginkgo, Honey Locust, Maple, and Elm trees along Hanover Avenue, and repeats this planting scheme along the private streets. The periphery of the development reflects high growth trees that include Black Hill Spruce, English Oak, Tech Arborvitae, and Junipers, along with low growth Gold Flame Spirea, Kallay’s Junipers and Devil Ninebark. Planner Censky advised that the City Forester reviews and approves all landscaping plans.



### ***Lighting Plan***

The proposed lighting plan will receive final review from the City Engineer in order to ensure that lights are low intensity and directed downward to prevent spill over onto neighboring properties. The street lights along Hanover Avenue are consistent with the lighting on the existing portion of this street, with shorter poles along the development's private streets. Council Member Thome recommended the use of timer-controlled coach lights on the rear of the garages in the pocket neighborhood in place of pole lighting due to the proximity of the neighboring parcels.

Once recommended changes have been made to the plans, Planner Censky will arrange a meeting with Petitioner Bach and Commissioners Strautmanis and Voltz for a final review.

### **Action:**

A motion was made by Commissioner Voltz to approve the architectural, landscaping and lighting plans as proposed with the following conditions:

- Use of varying paint pallets for townhomes along Western Avenue
- Change of windows overlooking patio on C-2 units to piano-style
- Replacement of post lights in pocket neighborhood to timed coach lights
- Column and trim details on apartment D (per notes provided by Commissioner Voltz)
- Omit roof element under balcony on southwest corner of apartment E
- City staff review and approval

This motion was seconded by Council Member Thome and passed without a negative vote.

### **REQUEST CONCEPT REVIEW FOR PROPOSAL OF A MULTI-FAMILY DEVELOPMENT LOCATED ON THE VACANT PARCEL ON THE SOUTHEAST CORNER OF HIGHWAY 60 AND SHEBOYGAN ROAD – MANDEL GROUP INC/DAN ROMNEK**

Planner Censky informed Commissioners that the subject parcel is classified in the Comprehensive Land Use Plan as commercial. However, Petitioner Romnek has been working with the current owners on potentially using this site for a multi-family residential development, and has approached the Plan Commission for their consultation and feedback. While Planner Censky believes that the location of this site, which runs along a state highway and major local arterial, would be appropriate for multi-family use, he believes that with other recently approved multi-family developments in the City, Commissioners should discuss whether the City is nearing its saturation point for these types of projects.

Originally, Petitioner Romnek submitted a plan that consisted of 310 luxury apartment units that featured common areas and green space. After having further discussed his plans with City Staff and taking their feedback into account, he came up with a second option that would bring the number of units down to 250, thus reducing the density on the 17-acre site.



Commissioners discussed the plans, and noted their approval that the substantial wetlands have been protected and the developer has included the use of materials that are native to the area. Commissioners agreed that if the Petitioner decides to move forward with this project, they prefer the option that supports a lower density. Also, they agreed that the plan should include a commercial element in order to support the surrounding residents and business park. Commissioner Cain pointed out a similar, recent type of residential development in Grafton, featuring residential use of the upper floors and first floor commercial space that houses a small brewery. She observed their common outdoor area, visible from the street, appears to be very welcoming with seating, tables and fire pits, and seems to be a popular gathering space. She recommended that the developer consider this type of space when incorporating the commercial aspect into their design.

Several residents from the surrounding neighborhoods were present at the meeting to voice their concerns about this type of use of the parcel and the effect of increased traffic on Sheboygan Road (CTH I). Planner Censky reiterated that this agenda item is for a consultation only, with no action being requested at this time. Mayor O'Keefe stressed that it is important to maintain a balance between stagnation and over saturation when it comes to City planning.

### **RECODIFICATION OF TITLE 13 ZONING CODE**

Code review will be postponed until September, then continue until review is complete.

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

Commissioner Cain asked if the new awning was approved prior to installation on the PJ Piper Pancake House restaurant, W61N514 Washington Avenue. Planner Censky stated that he was in contact with the business owner, who stated that the awning was the original that was reattached. Commissioner Cain inquired whether updated plans were provided for the Stagecoach Inn, W61N520 Washington Avenue, delineating their outdoor alcohol beverage service area, which Planner Censky confirmed.

In the wake of the recent act of violence during a small Illinois community holiday parade, Commissioner Cain wanted to voice her praise for the Cedarburg Police Department for making sure that our hometown 4<sup>th</sup> of July parade and celebrations were safe, and commended them for their efforts.

### **MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe had no announcements.

### **ADJOURNMENT**

A motion was made by Vice Chairperson Kinzel, seconded by Commissioner Wiza, to adjourn the meeting at 10:09 p.m. The motion carried without a negative vote.

Victoria Guthrie  
Administrative Secretary

**CITY OF CEDARBURG  
COMMON COUNCIL  
July 11, 2022**

**CC20220711-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, July 11, 2022 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers and online utilizing the Zoom app.

Mayor O’Keefe called the meeting to order at 7:00 p.m.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Sherry Bublitz, Jack Arnett, Kristin Burkart, Rick Verhaalen, Robert Simpson (7:27 p.m.), Patricia Thome, Angus Forbes

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Police Chief Mike McNerney, Captain Ryan Fitting, City Planner Jon Censky, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Mayor O’Keefe’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. Citizen’s present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**NEW BUSINESS**

**DISCUSSION AND CONSULTATION REGARDING A REQUEST BY THE MANDEL GROUP INC. FOR A PROPOSED MULTI-FAMILY DEVELOPMENT WITH A TOTAL OF 250 UNITS LOCATED ON THE VACANT 17-ACRE SITE AT THE SOUTHEAST CORNER OF HIGHWAY 60 AND SHEBOYGAN ROAD**

Planner Censky explained that the Mandel Group is seeking consultation for a proposed multi-family development on the vacant land located at the southeast corner of State Highway 60 and Sheboygan Road. The applicant’s original submittal consisted of ten 2-story luxury apartment buildings, and three 3-story building that will include a total of 310 units on 17-acres for a density of 18.2 units/gross acres. However, after meeting with the Mayor, Council Member Arnett, and City Administrator Hilvo prior to last week’s Plan Commission meeting, the applicant scaled back his plans and reduced his unit count from 310 units to 250 units. Both plans are before the Common Council for discussion/consideration at this meeting. In support of these units, the plans propose 510 parking stalls, 257 of which will be enclosed and the remaining 252 as surface stalls, resulting in a count of 1.6 parking stalls per unit. City Code requires 1.5 stalls per acre.

Since this site is currently classified as commercial on the Comprehensive Land Use Plan, that Plan will need to be amended to the High-Density Residential classification at a density of up to

18.2 units/acre for this project to be realized as proposed. In addition, this project will require a zoning change from the Temporary Rs-1 District to the Rm-2(PUD) District. Procedurally, if Council Members support this concept, the applicant will need to submit a petition and application fee to the City Clerk for an amendment to the 2025 Comprehensive Land Use Map and a change to the City's Zoning District Map.

This project will be served by sewer and water facilities extended from the Cedar Place Apartment Complex to the south and then extended through his site ultimately to Highway 60 where it will be available to serve the future development of the land located to the north and west thereof. At this meeting the applicant is simply seeking feedback on the site design, architectural elevations, density, traffic patterns, etc. If he receives positive feedback, the applicant will petition for Land Use Plan and Zoning Map amendment.

City Planner Censky added that Staff would note that the applicant's plans do reflect our initial discussions that they achieve the look and feel of Cedarburg in terms of architectural style and the layout, as this site is viewed as a gateway to the City of Cedarburg. While the applicant's plans are impressive, and because of its location along a State Highway and a major local arterial, the multi-family use of this site may seem appropriate. However, Council Members should keep in mind that since this area is far removed from our downtown business and service area and even further from the south business district, the current Land Use classification was intended to promote commercial development that would serve the needs of residents in this area.

Development Associate Dan Romnek of the Mandel Group Inc. introduced himself and the project to the Common Council.

- 310 – unit, market-rate luxury apartment plan
  - Combination of 2-story townhome style buildings and 3-story buildings above underground parking
- Representative imagery takes inspiration from downtown Cedarburg with warm tones, intended to provide a modern yet comfortable and familiar aesthetic
- Four apartment styles will be offered
  - Studio, one-bedroom, two-bedroom, and three-bedroom apartments
  - Variety of styles is intended to appeal to a diverse demographic
    - Millennials, young families, and empty nesters
- Amenities superior to its competitors
  - Fitness center, clubroom, outdoor pool, outdoor courtyard with grilling stations and fire pits, dog run, bike storage and repair, and car wash
  - Walking paths that meander through the site, taking advantage of the existing wetlands and terrain
- High-end quality interior finishes
  - Stainless steel appliances, custom cabinetry with soft-close doors and drawers, quartz countertops, luxury vinyl plank flooring throughout and in-unit washers/dryers

The Common Council members discussed the pros and cons of the proposed multi-family development and offered the following comments:

- Would prefer retail/commercial on this land.
- Very little if no interest in providing a TIF, if requested by Developer.
- Against residential/already too much density.
- Hesitant to rush into anything; City should take time.
- Presented positive factors in residential development.
- Failed retail in the area.
- Sheboygan Road is the least traveled artillery road into Cedarburg.
- Several new developments being built in surrounding area.
- Concern over impact on School District.
- Do not need more luxury apartments/need more diversification.
- A substantial commercial element is needed in the proposal.
- At saturation point for high-density housing.
- Commercial would not be supported with the current residential population.
- Five Corners is the best area for commercial business.
- Apartments are not the answer on this property and the City should not be forced to accept this development on this property.

Mayor O'Keefe opened the discussion to public comment.

Four area residents spoke against the development citing the following:

- City is not meeting the requirements of the Smart Growth Plan by adding more multi-family developments.
- Better to do nothing with this property.
- Corner could be used for welcome area to the community similar to Fish Creek.
- Look for cooperative ideas for the property such as a recreational area to benefit the community.
- Nothing wrong with less traffic.
- Look for a long-term plan and work with surrounding communities.
- Building another multi-family development could end up with unintended consequences that would stretch our resources such as the Police Department, Fire Department, and water flow.

A fifth resident asked for a stop light on Sheboygan Road and Washington Avenue, due to the added traffic in the City from new developments.

**DISCUSSION AND POSSIBLE ACTION ON ISSUANCE OF A TRANSIENT ENTERTAINMENT LICENSE TO RAINBOW VALLEY RIDES, INC. FOR THE OZAUKEE COUNTY FAIR ON AUGUST 3-7, 2022 (10:00 A.M. TO 11:00 P.M.) AND THE REQUEST TO WAIVE THE REQUIREMENT FOR A CLEAN UP BOND AS REQUESTED BY AGRICULTURAL SOCIETY**

Motion made by Council Member Verhaalen, seconded by Council Member Simpson, to approve the issuance of a Transient Entertainment License to Rainbow Valley Rides, Inc. for the Ozaukee County Fair on August 3-7, 2022 (10:00 a.m. to 11:00 p.m.) and the request to waive the requirement for a clean up bond as requested by the Ozaukee County Agricultural Society. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON 2023 BUDGET CALENDAR**

City Administrator Hilvo presented the following Budget calendar:

**CITY OF CEDARBURG  
BUDGET CALENDAR 2022 (2023 Budget)**

<i>June 15</i>	Budget Memorandum distributed.
<i>July 11</i>	Council Sets Budget Priorities
<i>August 5</i>	Copy of proposed budget narrative, Capital Plan, and line- item budgets to Finance Director and City Administrator. Preliminary proposed budget review process for board, committee, and commission comments.
<i>September 2</i>	Department proposed budget requests due to Finance Director and City Administrator.
<i>September 6-9</i>	Department meetings with City Administrator and Finance Director to discuss your current year budget and 2022 requests.
<i>September 20</i>	Finance Committee Review of Budget
<i>September 26</i>	Budget delivered to Council.
<i>October 10</i>	Council review of budget.
<i>October 24</i>	Consider proposed budget.
<i>November 14</i>	Consider proposed budget. Official public budget hearing for citizen comments
<i>November 28</i>	Final budget adoption.

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the 2023 Budget Calendar as presented. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON 2023 BUDGET PRIORITIES**

City Administrator Hilvo explained that the Common Council sets the budget priorities annually to guide the development of the budget. In previous years, the Department Heads have provided their budget requests to the Common Council; however, due to having to adjust for inflation, allow for cost of living increases, and to fund current priorities for the City all other increases will not be considered unless requested by the Mayor and/or Common Council. He further explained that inflation has increased fuel, equipment, and other project costs that will require budget increases for all departments and these costs are currently unknown.

City Administrator Hilvo explained that Cost of Living (COLA) is set at 5.9%. If staff wages are increase by 6%, the annual increase to the City would be approximately \$320,000; whereas a 3% annual increase to the City would be approximately \$160,000. Some area municipalities are recommending 6% increases and evaluating other benefits to help with staff retention.

The current priorities are as listed:

- 1) **EMS Services.** Additional full-time FF/EMT's/Paramedics are needed to decrease call response times and to respond to increased calls. The recommended additional staffing levels for 2023 will be funded by a potential grant from Ozaukee County. The increased cost from 2022 to 2023 for the city is estimated at \$10,000.
- 2) **Health Insurance.** Moving to the State Health Insurance plan in 2023 will have long-term savings for the City but the initial surcharge cost will potentially increase the budget by \$428,152 in 2023.
- 3) **Email server change from the County to private provider.** Ozaukee County has advised us that they will no longer handle emails for municipalities. This, along with a Federal requirement to switch to .gov email addresses requires us to switch to Office 365. The increase for 2023 is estimated at \$30,000 with an annual increase of around \$6,000.
- 4) **Street Repairs.** Increased street repair project costs. Based on asphalt prices being increased by 40% this Spring we will either need to increase the budgeted amounts or do less street repairs in 2023.
- 5) **Public Safety.** An increase in new developments within the city and additional safety measures required for festivals, parades, and other events is taxing our police department. To assist with public safety a need for an additional officer is being requested. Estimated cost is \$124,276 with benefits. This cost is being offset with the elimination of third shift dispatch.

The Common Council provided the following budget guidelines in addition to the above priorities and discussion to City Administrator Hilvo:

- Strive for a 0% overall budget increase.
- Examine fees for added revenue.
- Use the City's Fund Balance for Health Insurance this year.

#### **DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AN ADDITIONAL PATROL VEHICLE IN 2023 TO THE CEDARBURG POLICE DEPARTMENT FLEET**

Police Chief McNerney explained that they currently have five marked patrol cars in addition to one dedicated K9 squad and the new marked School Resource Officer car. One of the patrol cars is used by the School Safety officer, which leaves them with four marked cars for the rest of the patrol. When one goes down for repairs or during special events, they are often out of cars and officers must either wait at the station for a car or double up, which is not efficient. Police Chief McNerney recommended using some of the savings from the change in dispatch for additional patrol car.

Motion made by Council Member Burkart, seconded by Council Member Simpson, to approve an additional patrol vehicle in 2023 to the Cedarburg Police Department fleet. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF ADDING AN ADDITIONAL PATROL OFFICER IN 2023 TO THE CEDARBURG POLICE DEPARTMENT**

Police Chief McNerney explained that the goal of the Cedarburg Police Department is to keep the crime rate low and quality of life high and a big part of that is unobligated patrol time. This is one of the biggest crime prevention strategies and their current staffing levels limit their ability to do this. Adding more patrol staff will allow officers more unobligated time so that they can concentrate on patrol and visibility to prevent crime and keep our citizens safe. Police Chief McNerney highlighted a thorough staff study that was completed by Captain Fitting and Sergeant Schellinger on the policing needs of the City. They researched several key areas to include comparable sized cities, population size, growth, and tourism. A police officer has not been added to the Department since 2002, while over this time period the City has added 23 subdivisions, not including any pending proposals or the additional Business Park on State Hwy. 60. The number of festivals and special events that are held within the City have increased along with the attendance levels at these events since 2002, straining their ability to properly staff them. The growth in festivals and special events has increased the number visitors to the City daily, which is also a draw on their available resources. He recommended using some of the savings from the change in dispatch for an additional patrol officer.

Motion made by Council Member Verhaalen, seconded by Council Member Forbes, to approve adding an additional Patrol Officer in 2023 to the Cedarburg Police Department. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON TOWER/LAND LEASE AGREEMENT**

City Attorney Herbrand explained that US Cellular is relocating their cell tower equipment from the old water tower on Western Avenue to the monopole. This requires a new lease agreement with them. This lease agreement has been negotiated between First American Site Acquisition Inc., who is representing US Cellular and by Attorney Herbrand for the City. The budgetary impact of this lease is revenue of \$41,523 annually beginning the first year with 3% increases each year after. A one-time payment of \$35,000 is also required to offset the City's cost of constructing the monopole.

Motion made by Council Member Bublitz, seconded by Council Member Simpson, to approve the US Cellular Tower/Land Lease Agreement. Motion carried without a negative vote.

**CONSENT AGENDA**

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the following consent agenda items. Motion carried without a negative vote.

- Approval of June 27, 2022 Common Council meeting minutes.
- Approval of new and renewal 2022-2023 Operator Licenses for:

Raymond Guerin  
Jacqueline F. Harrison

Paige M. Rochwite  
Michael R. Sheeran



Stephen C. Bicek  
Sarah N. Jellen  
James J. Levine  
Mark A. Nagy

Courtney C. Owrey  
Aubrey A. Thiede  
Raymond J. Tollefson  
Tim J. Van Ryzin

- Approval of payment of bills dated 6/24/22 through 7/1/22, transfers for the period 6/21/22 through 7/6/22 and payroll for period 6/12/22 through 6/25/22.

**CITY ADMINISTRATOR'S REPORT** - None

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Bublitz explained that the installation of fiberoptics by AT&T is a fantastic opportunity for her District and thanked everyone for putting up with the work. Service will begin on July 21.

Council Member Bublitz reported on the work of the Diversity Committee in conjunction with Bridge Builders to plan the Peace in the Park event for August 6. A Film Festival is planned July 20.

**MAYOR REPORT** - None

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Forbes, to adjourn the meeting at 9:12 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk

**CITY OF CEDARBURG  
PLAN COMMISSION**

**PLN20221107-1  
UNAPPROVED MINUTES**

**November 7, 2022**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, November 7, 2022 at Cedarburg City Hall, W63N645 Washington Avenue, Upper Level, Council Chambers and online via the [zoom](#) app. The meeting was called to order at 7:03 p.m. by Mayor Michael J. O'Keefe.

Roll Call            Present -            Mayor Michael J. O'Keefe, Council Member Patricia Thome, Vice Chairperson Kip Kinzel, Adam Voltz, Heather Cain, Tom Wiza, Sig Strautmanis

Also Present -      City Planner Jon Censky, Administrative Secretary Diana Salapata

**STATEMENT OF PUBLIC NOTICE**

Administrative Secretary Salapata 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 minutes of the September 7, 2022 meeting. The motion carried without a negative vote, with Commissioner Cain abstaining.

**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 they were not noticed on the agenda. No comments from the audience were offered.

**FAMILY PROMISE WORKHOUSE HOUSING PRESENTATION**

Joana Hemschemeyer was introduced by Connie Kincaide. Ms. Hemschemeyer works for Family Promise in Ozaukee County, and she explained the difference between affordable housing and workforce housing. She presented statistics on housing and the need for providing housing and rent assistance in Ozaukee County, as well as Cedarburg specifically. Ms. Hemschemeyer emphasized the importance of having proper resources and affordable housing and presented some solutions to the rising workforce housing issues in Cedarburg through land utilization, encouraging development and updating the Code and Zoning.

Commissioner Thome expressed her thanks for all that Family Promise has done.

**Action:** Due to the nature of the presentation, action was not needed and therefore no motion was made.

**REQUEST APPROVAL OF TEMPORARY TENT USE FOR OUTDOOR SEATING AT W62 N550 WASHINGTON AVENUE – LIME CANTINA.**

Planner Censky explained that a tent has been installed annually for the past two/three years and, following the approval process, the application for a tent has been made. There was building inspector and fire inspector approval and the tent was approved by the Landmarks Commission in the latest meeting on October 27, 2022. Mayor O’Keefe asked what heating methods were being used to which Commissioner Kinzel responded with propane. Planner Censky also mentioned that it was already up. Commissioner Cain requested that a reminder be sent to the owner that there is a process for temporary tent use.

**Action:** The motion to approve the tent was made by Commissioner Wiza with a focus on checking what heating methods are used, seconded by Commissioner Kinzel. Motion carried with one negative vote by Commissioner Cain.

**REQUEST A LAND USE AMENDMENT TO CHANGE THE CLASSIFICATION OF THE SITE OF THE CORNER OF HIGHWAY 60 AND SHEBOYGAN AND TO REZONE IT BY THE MANDEL GROUP.**

Planner Censky announced the Mandel Group, explaining that they have requested a Land Use Plan amendment and rezoning recommendation. They seek to amend the 2025 Land Use Plan from Commercial and High-Density Elderly Housing to High-Density Residential. They also want to change the zoning from RS-1 Single-Family Residential to Rm-2 Multiple Family Residential. Planner Censky also added that because they are not seeking the PUD overlay zoning, if they walked away from this project, the zoning would stay in place for other developers, and that the Commission would have limited control in future projects. He also stressed that if said developers succeeded with the amendment and zoning change, they would need to return to the Commission with extensive plans of the site, exterior architecture, and lighting plans as well as Conditional Use approval which requires a public hearing. He then introduced them to present their information.

Phillip Aielli introduced himself as one of the petitioners from the Mandel Group and started presenting various concepts and design elements they planned on incorporating into the apartments as well as their aim to have 240 units on the 17 acres of land in two story apartment buildings inspired by downtown Cedarburg. He stressed their goal of creating high-quality and highly-amenitized luxury apartments due to market demand. Mr. Aielli also noted that per the last meeting request, they conducted a report on the wetlands and the environmental corridor of the parcel and ensured their compliance of basing the designs around any natural wetlands as well as environmental preservation around the wooded area to the southeast of the parcel.

Petitioner Andrew Stefanich was introduced as one of the brokerage agents hired by the

Mandel group to oversee what the best use of the parcel would be. His data showed that there was little interest in commercial development in the area and that the Grafton area picked up a bigger market base; therefore, the current zoning would not be as successful as it would be if it was changed.

Commissioners Thome and Cain raised concern about not proposing a commercial element in the area since there are so many housing developments in the area but limited places to stop for coffee or other similar examples of retail. The petitioners responded that it would only be residential due to the results of the research they had conducted.

Mayor O'Keefe asked a question regarding the infrastructure of the lift station and its capacity in water pumps, to which Commissioner Wiza responded, stating that it has tremendous capacity. He also stated that upgrades would need to be made as time goes on and that from a utility aspect there would be no issues for the land.

Commissioner Wiza then asked about the median to the north of the parcel and whether it would be filled in or if it was unable to be filled in, due to WISDOT regulations, since it was not incorporated into the design. Petitioner Dan Beaveritz responded to any traffic concerns. It was determined that unless there is a reason for the median, it will be filled in.

Commissioner Wiza also expressed his disappointment at no commercial properties for a quick bite or a drink in the area, even just a small portion of the land. The vacancy of Five Corners was raised and that if the demand was there, it would be better since it is already built. Commissioner Voltz then emphasized that the location of the parcel in question would be a better location than Five Corners due to the number of residential areas surrounding the parcel.

Commissioner Cain expressed the hope for commercial. The potential problems that could arise with the parcel with the zoning change showed there were more negatives than positives, especially with it being one of the main gateways into Cedarburg.

Commissioner Strautmanis asked why there was no pursual of a PUD and how with a PUD, the process would have more control and would have been preferable. He also directed this question towards Planner Censky, to which he expressed his surprise at non pursual since it would have made more sense to have one done and it was recommended that one be done as well.

Commissioner Thome followed up with the PUD by stating that a PUD must be the process that is undertaken. She also expressed concern for the number of apartments.

In response to all the comments made by the Commission, Mr. Aielli responded with a continued belief that the apartments would be successful. He also moved to withdraw the amendment change and zoning request and will submit a PUD proposal instead.

Mayor O'Keefe expressed his concern at development in Cedarburg, asking about when there becomes too much new development and when Cedarburg loses its quaintness.

He also asked Planner Censky if the zoning change is premature and at what point is saturation reached with multi-family homes. (It was also decided, after bringing up the Business Park, that at a future meeting, the use of the parcel will need to be discussed.)

Commissioner Kinzel placed emphasis on keeping the parcel a commercial corridor to which Petitioner Aielli encouraged the Planning Commission to bring in experts for advice. Commissioner Cain responded to the idea positively and stated that such data did indeed need to be presented along with the appropriate usage.

Planner Censky determined that it would be put on the agenda for a future meeting, more specifically, the January 2023 meeting.

Mayor O'Keefe told the petitioners that it was a good effort to draw inspiration from historic Cedarburg and that it was a nice idea; however, it just did not fit well in the area nor with the timing of the other developments currently going on.

**Action:** Withdrawn by applicant due to feedback from Commission members

**REQUEST FOR A FENCING CONSULTATION AND PLAN REVIEW FOR LAND USE AT N70 W5266 BRIDGE ROAD**

Planner Censky explained the applicants recently purchased property by Columbia Road and Bridge Road, consisting of three parcels, and that they were requesting a consultation regarding fencing and potential business ideas for the property. Within the concept review, the petitioners wanted advice regarding a fence choice for their future dog boarding and grooming business. Planner Censky also noted that dog boarding and grooming is allowed by Conditional Use under the current zoning, but that a bed and breakfast would only be allowed in the downtown area. However, municipalities cannot prohibit renting for seven consecutive days or longer.

Petitioners Brendan Ryan and Tierra Ryan stressed the importance of maintaining the historic aspect of their properties, emphasizing restoration over remodeling. Petitioner Ryan also ensured they would be Code compliant. They provided a timeline for the next four years regarding what they want to do with the parcels. They intend to primarily modify buildings on the inside while on the outside their focus would be landscaping and fencing. They provided three different types of fencing: White 6' tall vinyl fencing going around the future dog boarding area, with black chain-link fencing within that area, and then to the front of the house, they will have white picket fencing that is also vinyl and matching the balcony fencing on the Fieldstone house. They mentioned the 6' tall fence had sound absorption for protecting the neighbors from overly disruptive dog barking.

Planner Censky suggested that dog waste pick-up and cleaning be incorporated into part of the information submission for a future Conditional Use Permit.

Commissioner Cain raised the issue of the type of fencing and how it will detract from the property. She stated that vinyl does not go with historic properties and that the fence will

shine and detract from the property, and that it is not aesthetically pleasing nor is it befitting of a historical property.

Petitioner Ryan stressed the importance of not being disruptive to neighbors, hence fencing that will absorb some sound, and that only a small portion of the 6' tall fencing is visible from the street.

The Commission offered various suggestions with whitewashed cedar fences or even plain cedar fencing to fit with Cedarburg and the historical nature of the property.

Commissioner Thome stated that she is uncomfortable with the idea of a vinyl fence and that even the currently placed vinyl fence should come down and replaced with something more historically accurate. She also asked about the dog size and number of dogs that will be kept at the property. Commissioner Voltz furthered this point and asked the petitioners about putting the Fieldhouse on the historic registry in order to receive tax credits, but Commissioner Cain notified them of the potential restraints it might create when trying to restore an old home.

A neighbor of the parcel, Justin Johnson, stated that he loved the idea of the bed and breakfast and all the low impact business ideas they presented. However, dog boarding was something he was strongly against due to the highly disruptive nature of multiple dogs barking.

After audience member's comment, the Commission and planner decided to have the petitioners seek out fencing alternatives before coming back to the next meeting.

The Commission offered advice on looking to Architect Washatko for aid, as well as looking at historic photos, and to be careful of placing their land on the historic registry as it might limit the decisions they are able to make.

**Action:** Proposal is to be discussed further at a future meeting per comments made by Commission regarding fence type. Fence type is to be natural wood material with color being approved at a future meeting. The Commission decided that a dog waste collection and dispensing plan, information on expected number and sizes of dogs permitted in outside area, number of anticipated employees, and proposed hours of operation are to be included when they return for Conditional Use approval.

**REQUEST TO REVIEW AND APPROVE THE MONUMENT SIGN TO BE LOCATED AT THE MAIN ENTRANCE OF THE BUSINESS PARK**

Planner Censky presented detailed plans on the business park sign. Commissioner Voltz recused himself due to being hired by the City of Cedarburg to design said sign. Planner Censky highlighted the desire to add some landscaping befitting of the sign and to otherwise have its design be approved.

**Action:** Motion to approve the sign was made by Commissioner Wiza, on the condition that landscaping be added to the plan for the sign. The motion was seconded by Commissioner Thome. Motion carried without a negative vote

### **RECODIFICATION OF TITLE 13 ZONING CODE**

Code review will be postponed until December, then continue until review is complete.

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

Commissioner Cain brought to attention some points from a previous meeting that she felt were not represented appropriately in Fairway Village. She also raised the concern about the buildings not having the architectural interest they were supposed to have on the back of the houses rather than just being flat.

Commissioner Cain also raised the question regarding Commissioner enforcement when businesses do not uphold the decisions made by the Commission. She asked the question in response to seeing an outdoor area not following the rules the Plan Commission has laid down regarding outdoor seating and wondered whether any repercussions take place or if it is just continual warnings to owners that they start listening to the rules. Planner Censky responded to this by stating that liquor licenses could be pulled if owners did not listen to warnings.

Lastly, Commissioner Cain brought up the Stagecoach Inn building and questioned whether the owner still planned on building it since it was approved at a past meeting. City Administrator, Mikko Hilvo, responded that there was an easement issue that was in the process of being resolved and that the owner was also struggling to find contractors for the new building and that once these issues were resolved, the building would commence.

Planner Censky announced the appointment of new Administrative Secretary, Diana Salapata.

### **MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe had no announcements.

### **ADJOURNMENT**

A motion was made by Mayor O'Keefe, seconded by Commissioner Kinzel, to adjourn the meeting at 9:39 p.m. The motion carried without a negative vote.

Diana Salapata  
Administrative Secretary



**February 6, 2023**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, February 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, Vice Chairperson Kip Kinzel, Adam Voltz, Heather Cain, Tom Wiza, Sig Strautmanis

Also Present -      City Planner Jon Censky, Administrative Secretary Diana Salapata

### **STATEMENT OF PUBLIC NOTICE**

Administrative Secretary Salapata 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 minutes of the January 3, 2023, meeting. The motion carried without a negative vote with Commissioner Strautmanis abstaining.

### **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 they were not noticed on the agenda. No comments from the audience were offered.

### **REQUEST THE APPROVAL OF EXTERIOR ARCHITECTURAL RENOVATIONS ON HOUSE LOCATED ON N50W6208 WESTERN ROAD**

Planner Censky explained that the applicant was requesting approval of a second story addition to the rear porch and to add dormers to the roof elevations as part of a renovation on the house. Commissioner Voltz expressed that the design seemed consistent with the existing architecture.

**Action:** A motion was made by Council Member Thome to approve the architectural renovations of the house on N50 W6208 Western Road. The motion was seconded by Commissioner Strautmanis and the motion carried unanimously.

**REQUEST APPROVAL FOR SLIGHT MODIFICATION TO PREVIOUSLY APPROVED  
PLAN FOR REAR YARD ENTERTAINMENT BUILDING AT THE STAGECOACH INN  
LOCATED AT N61W520 WASHINGTON AVENUE**

Planner Censky stated that Petitioner Bill Conley modified the previously approved plan per the discovery of a sewer line at the site during the December 6, 2021, meeting, finding the location and protecting the sewer was required as a condition for approval. An easement was established and put on the Ozaukee County registrar. The type of the building was changed to a timber frame and Mr. Conley increased the size from 1,646 square feet to 1990' square feet. Onsite parking had also been increased from seven parking stalls to eight. There would be no setback from the north property line and the building would be placed on top of the sewer line.

Commissioner Wiza had some concerns over the building being directly over the sewer line, and that even though the risk was low, there was no guarantee that an accident could not happen with this sewer and that from his perspective, he could not approve such a modification. Commissioner Cain asked for more information on the potential damage that could happen. After discussion, it was decided to correspond with the City Attorney to indemnify the city from liability for future problems that may arise.

**Action:** A motion was made by Vice Chairperson Kinzel to approve the modification of the plan for the rear yard entertainment building on the condition that the City was indemnified. The motion was seconded by Commissioner Thome and the motion carried with one negative vote from Commissioner Wiza.

**REQUEST CONCEPT REVIEW FOR PROPERTY LOCATED ON THE CORNER OF  
STATE HIGHWAY 60 AND SHEBOYGAN ROAD**

Planner Censky presented the changes that the Mandel Group proposed with a revised site plan for the parcel located southeast of Sheboygan Road and State Highway 60. Per the suggestions of the Commissioners at the December 5, 2022, meeting, there was a section left for a commercial corridor that allowed for approximately 6,000-9,000 square feet. This section also decreased the amount of the units from 240 units to 192.

Commissioner Wiza questioned the design of State Highway 60 containing the left-hand turn into the site and whether that was addressed per the last meeting. Petitioner Aiello stated that the DOT (Department of Transportation) would not allow for a cut into the area.

Commissioner Strautmanis stated that there was a logical space for the commercial corridor in the northeast corner of the property.

Planner Censky asked the petitioners to consider the Sheboygan Road and Washington Avenue intersection in their traffic study. He also asked when the commercial component would be realized or pursued. Mr. Aiello responded that it was being pursued currently by Michael Wirth.

Commissioner Cain posed a concern over the location of the pool being so close to State Highway 60 and asked whether there was a way to reconsider the location somewhere further south on the site.

Council Member Thome asked whether the statistics about the development of the property considered all future developments in Cedarburg that had currently been approved. Petitioner Dan Romnek responded that they were, along with parts of the Grafton area. Council Member Thome also stated that at the current time, she did not feel ready to go forward with any more developments in the area.

Mayor O'Keefe also had a concern with the number of apartment buildings in Cedarburg currently, adding that this area had more flexibility with what could be built unlike the areas where other multi-density development projects are located.

Vice Chairperson Kinzel recommended more covered garages considering the climate in Wisconsin. He also questioned whether that space was enough for a commercial corridor or whether something else was desired on the site.

Commissioner Wiza mentioned that he was hoping for less apartment units and wondered if there was a way to incorporate more covered garages. He also cautioned that there was a sewer at the midpoint and that an easement would be needed.

Commissioners Voltz and Cain expressed their concern over what the commercial portion would look like and how it would fit with the apartments. Specifically, they wanted a space that fit with the apartments and had pedestrian connectivity and possibly a plaza.

Jim Nicoud from The Glen at Cedar Creek was concerned that the demand would not be there with all these other units and that the population of Cedarburg was not increasing at such a high rate to fill these units.

Richard Patek, also from The Glen, had a concern with the schools, and that while they were able to handle population increases now, with all the upcoming developments, there would be a point they reached if approximately 200-300 new students came in based on demographics of students in these developments.

Richard Rosenbalm, from The Glen, stated that he would like if the owner of the property would present both residential and commercial aspects of the property.

Tom Czech, from The Glen, stated that the statistics showing the median household income required to pay for the rent of these apartments was higher than that of the average household income in Cedarburg.

Planner Censky preferred that, per the overall comments of the Commission, the whole project be laid out in front of the Commission rather than a portion and stated he would like to see a traffic impact study for the intersection on Sheboygan Road and Washington Avenue.

### **RECODIFICATION OF TITLE 13 ZONING CODE**

Planner Censky asked the Commission to look over the commercial and conditional uses within the Zoning Code and emphasized the importance of proper language being used for the changes made to the Zoning Code.

Commissioners Cain and Strautmanis briefly discussed accessory structures and the proper way to word the Zoning Code in the case of them changing to principal structures and how that was to be accomplished.

Commissioner Strautmanis and Planner Censky discussed the possibility of listing liquor stores, auto parts stores, and Airbnb's as Conditional Uses.

Code review was divided up into sections to review for the March meeting.

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

Commissioner Cain asked whether the landscaping plans for Fairway Village were reviewed per the November 7 meeting comments. Planner Censky stated that they were checked by the Building Inspector and were in compliance with the City Ordinances.

### **MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe had no announcements.

### **ADJOURNMENT**

A motion was made by Commissioner Kinzel, seconded by Council Member Thome, to adjourn the meeting at 9:35 p.m. The motion carried without a negative vote.

Diana Salapata  
Administrative Secretary

**July 11, 2023**

A regular meeting of the Plan Commission of the City of Cedarburg was held on Tuesday, July 11, 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 7:00 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, City Administrator Mikko Hilvo, Administrative Secretary Diana Salapata

### **STATEMENT OF PUBLIC NOTICE**

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

### **APPROVAL OF MINUTES**

Commissioner Voltz requested that mention of the brief discussion regarding a grading plan be added to the minutes for the infill home on Riveredge Drive, since it was a discussion that needed to be had between the builder and the City Engineer. A motion was made by Council Member Thome, seconded by Commissioner Wiza, to approve the minutes of the June 5, 2023, meeting as amended. 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 FOR RECOMMENDATION OF APPROVAL FOR ALCOHOL BEVERAGE LICENSE FOR CHEESE WEDGE, LLC, LOCATED AT N56 W6339 CENTER STREET, AND ACTION THEREON.**

Planner Censky stated that The Cheese Wedge, LLC was requesting an Outdoor Alcohol Beverage License for their patio area to serve alcohol associated with their wine and cheese operation. He explained that it would be in the northeast corner of the building and that there was an access point through a door for the servers, as well as ADA accessibility.

**Action:** A motion was made by Commissioner Arnett, seconded by Council Member Thome, to recommend approval for an Outdoor Alcohol Beverage License for The Cheese Wedge LLC, at N56 W6339 Center Street. Motion carried without a negative vote with Commissioner Kinzel excused.

**REQUEST FOR A PICKLEBALL COURT RELOCATION AND SIGN PLAN APPROVAL FOR THE FOX RUN DEVELOPMENT, AND ACTION THEREON.**

Planner Censky explained that the petitioner was requesting approval for a minor site change and for the development's identification sign.

The petitioner requested to move the proposed location of the pickleball court from the single-family portion of the project to an area at the northeast corner of the south apartment building. Planner Censky stated that it would have no additional lighting, as it was intended to be for daylight hours only.

Planner Censky detailed the proposed identification sign. It would be for the entire development and is to be located off the northeast corner of the northern apartment building. It would be set back 10' from the Western Road right-of-way, 15' back from Hanover Avenue, and it would be placed perpendicular to Western Road. The measurements of the sign were proposed to be 8' by 3.5' for a total of 28 square feet in size, and it would stand 7' tall. The sign would have background lighting that would illuminate the words and the fox emblem.

Commissioner Wiza asked if it was possible to only have the Fox Run and fox emblem illuminated and to not illuminate the contact information on the sign. Mr. Bach was amenable to the suggestion and agreed to adjust the lighting at the request of the Commission.

**Action:** A motion was made by Commissioner Wiza, seconded by Commissioner Arnett, to approve the relocation of the pickleball court to the open area adjacent to the southern apartment building and to approve the identification sign, with only the Fox Run and fox emblem portion illuminated, for Fox Run Development. Motion carried without a negative vote with Commissioner Kinzel excused.

**REQUEST RECOMMENDATION OF APPROVAL FOR A ZONING TEXT AMENDMENT TO ADD HOTELS AND RESTAURANTS TO THE LIST OF PERMITTED USES IN THE M-2 DISTRICT, AND ACTION THEREON.**

Planner Censky reported that Consolidated Construction Company, Inc was interested in developing a hotel and restaurant on the LaRosa site at N144 W5800 Pioneer Road. Before they could move forward, they were requesting a Zoning-Text Amendment to add hotels and restaurants to the list of uses permitted in the M-2 General Manufacturing District. Originally, the idea evolved from discussions from the Economic Development Board along with a feasibility study conducted at the direction of the Common Council in 2016 that determined the city could support an upper-midscale 50-60-room hotel. Since

the district allowed other uses such as: gymnasiums, health resorts, and athletic clubs, adding hotels and restaurants to the list of Conditional Uses would not be unusual for the area.

Commissioner Strautmanis asked whether there was a way to ensure it was in an area that was not amidst the more industrial-based portions of the district. Planner Censky recommended requiring that hotels and restaurants front a major arterial road so that it would not be obstructed by industrial uses and was visible to those who passed by.

**Action:** A motion was made by Commissioner Strautmanis, seconded by Council Member Thome, to recommend approval for a Zoning-Text Amendment to add hotels and restaurants as permitted uses in the M-2 General Manufacturing District only on major arterial roads. Motion carried without a negative vote with Commissioner Kinzel excused.

**REQUEST FOR REVIEW AND RECOMMENDATION OF APPROVAL OF THE REVISED FLOODPLAIN ORDINANCE, AND ACTION THEREON.**

Planner Censky stated that the Wisconsin Department of Natural Resources (DNR) had updated the floodplain ordinance and mandated that all affected communities adopt their new model ordinance. The DNR reviewed the floodplain ordinance drafted by staff and recommended putting it through the approval process. The ordinance included both the minimum regulatory standards required in Ch. NR 116, Wis. Admin. Code, and those of the National Flood Insurance Program 44 CFR 59-72. Section 87.30(1)(b), Stats. The City was required to adopt the ordinance as FEMA flood insurance maps are periodically revised and failure to adopt the ordinance could result in suspension from the National Flood Insurance Program.

Additionally, the DNR recently completed their new flood plain study and are in the review phase of the revised maps. When they have made their final determination on the new maps, all affected municipalities will be required to adopt the new maps, likely to be later this year or early next year.

Mayor O'Keefe asked whether the Commission had any say in what was put in the floodplain ordinance. Commissioner Wiza responded that while a challenge could be made, it was highly difficult to get approval on that challenge, based on his own experience with the floodplain ordinance in the past.

**Action:** A motion was made by Commissioner Wiza, seconded by Commissioner Arnett, to recommend approval for the Model Floodplain Ordinance. Motion carried without a negative vote with Commissioner Kinzel excused.

**LAND USE DISCUSSION FOR THE VACANT PROPERTY IN THE SOUTHEAST CORNER OF SHEBOYGAN ROAD AND STATE HIGHWAY 60.**

Planner Censky referenced the previous meeting held in June, where Mr. Blair Williams presented information on the economic reality of retail development for the southeast



corner of Sheboygan Road and State Highway 60, also known as the Wirth property. Mr. Williams indicated that due to current interest rates and market conditions, commercial development at this location was not advisable and thought that some form of residential development would likely fare better. A review of the Land Use Plan and a discussion of potential new uses was requested by the Commissioners after hearing about the challenges of profitable retail development for the site.

Commissioner Arnett emphasized the importance of considering outside developments when looking at possibilities for the Wirth site, using the Five Corners Development Plan from the Town of Cedarburg as an example.

Commissioner Wiza added that while water and sanitary sewers were not necessary when considering potential developments, this site offered that, making it a good area to pursue future development.

Mayor O'Keefe confirmed with Council Member Thome that the site would not be considered for a TIF site. Due to it being a clean site, that was not an option when considering development for the site.

Council Member Thome and Commissioner Wiza suggested looking into less high-density residential options due to the demand of citizens and the amount of future development that would consist of high-density residential and not wanting to oversaturate the City with that type of residential use.

Commissioner Voltz offered an alternative of having a mixed-use site consisting of two-story/three-story apartment buildings that contained retail on the first level. He elaborated that there could be a higher density mixed-use area coming off State Highway 60, and it could progress into a less-dense residential area consisting of rowhouses or townhouses as was suggested by Council Member Thome.

Planner Censky stated that if a consensus was reached with the land use based on Commissioner Voltz' suggestion, a new Zoning District could be created to allow the possibility of such varied use across the site. A PUD Overlay was also something to consider since it allowed oversight on projects.

Development options were proposed, and the Mandel Group was mentioned in consideration of their extensive research on the history of Cedarburg when proposing their development. Mayor O'Keefe suggested that staff reach out to them due to their diligence in previous proposals for the site and the quality of their work in other developments.

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

Commissioner Voltz announced that restoration work for the Fire Department garage doors was underway.

**MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe had no announcements.

**ADJOURNMENT**

A motion was made by Commissioner Arnett, seconded by Council Member Thome, to adjourn the meeting at 8:25 p.m. The motion was carried without a negative vote with Commissioner Kinzel excused.

Diana Salapata  
Administrative Secretary

**CITY OF CEDARBURG  
COMMON COUNCIL  
September 11, 2023**

**CC20230911-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 11, 2023 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers and online utilizing the Zoom app.

Mayor O’Keefe called the meeting to order at 7:00 p.m. A moment of silence was observed, and the Pledge of Allegiance was recited.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Melissa Bitter (via zoom), Jim Fitzpatrick, Kristin Burkart (via zoom), Kevin Curley, Robert Simpson, Patricia Thome

Excused - Mark Mueller

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Amy Kletzien, Police Chief Michael McNerney, City Planner Jon Censky, Attorney Michael Herbrand, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Mayor O’Keefe’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. Citizen’s present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

**NEW BUSINESS**

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2023-15 HONORING RETIRED SERGEANT BRIAN EMMRICH**

Motion made by Council Member Thome, seconded by Council Member Simpson, to adopt Resolution No. 2023-15 honoring retired Sergeant Brian Emmrich. Motion carried without a negative vote with Council Member Mueller excused.

**CONSIDER APPROVAL OF A CLASS “A” FERMENTED MALT BEVERAGE AND “CLASS A” INTOXICATING LIQUOR (OFF-PREMISE CONSUMPTION ONLY) LICENSE FOR DAKOTA CREEK, LLC, N70W5266 COLUMBIA ROAD, CEDARBURG, WI 53012, BRENDAN RYAN, AGENT, PREMISES TO BE LICENSED: N70W5336 BRIDGE ROAD, KNOWN AS BOTTLES ON BRIDGE**

Motion made by Council Member Curley, seconded by Council Member Simpson, to approve a Class “A” fermented malt beverage and “Class A” intoxicating liquor (off-premise consumption only) license for Dakota Creek, LLC, N70W5266 Columbia Road, Cedarburg, WI 53012, Brendan Ryan, agent, premises to be licensed: N70W5336 Bridge Road, known as: Bottles on Bridge. Motion carried without a negative vote with Council Member Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF HOLDING COUNTRY IN THE BURG EACH YEAR ON THE FRIDAY AND SATURDAY BEFORE LABOR DAY WEEKEND**

City Administrator Hilvo explained that Country in the Burg (CITB) has proven to be a very advantageous event for the City. The event raises money for charity while also providing a huge benefit to the City's local economy. Country in the Burg would like to hold this event on Friday and Saturday on the weekend prior to Labor Day weekend each year.

Alex Uhan addressed the Common Council with this request. He stated that the event brought in visitors from 27 states and three countries this year. Country in the Burg has given back \$240,000 to 16 different charities over the past three years. He explained that by knowing that the event can be held each year, will help him book future performers farther out than one year.

Attorney Herbrand confirmed that an application and permits should still be issued each year, however, this will afford him the opportunity to plan farther out than one year.

Alex Uhan stated that he met with Sergeant Fitting to view the police reports after Country in the Burg this year and it was the best in terms of any incidents. Mr. Uhan stated that he is willing to meet with the Common Council after each event for a post-debriefing to address any problems or concerns.

Motion made by Council Member Thome, seconded by Council Member Fitzpatrick, to approve of holding Country in the Burg each year on the Friday and Saturday before Labor Day weekend in Cedar Creek Park with an annual post de-briefing with the Common Council after the event. Motion carried without a negative vote with Council Member Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON A CONCEPT PLAN APPROVAL OF THE MANDEL GROUP'S LATEST MULTI-FAMILY DEVELOPMENT PLANS FOR THE 17-ACRE WIRTH SITE AT THE SOUTHEAST CORNER OF HIGHWAY 60 AND SHEBOYGAN ROAD**

Planner Censky reminded the Common Council that the Mandell Group was before the Council in July 2022, seeking consultation for a proposed multi-family development on the vacant site located at the southeast corner of State Highway 60 and Sheboygan Road. Those plans were thoroughly discussed by the Common Council, with input received from area residents, and the result was that there was not sufficient support for the project for the applicant to proceed ahead. He further explained that the Plan Commission then held a land use discussion for this site on January 3, 2023 to determine the best and most appropriate uses for the Wirth property. Based on that discussion, the applicant modified his plans and appeared before the Plan Commission on February 6, 2023, for concept review and again left without a positive recommendation. The Plan Commission then invited a real estate expert on land use to discuss the economic realities of commercial uses vs. residential use of the Wirth property and that expert opined that based on the current market, the Wirth property would be best suited for multi-family use. The Commission followed up with another land use discussion at their July 11 meeting and felt they could support a mixed-use project consisting of three-story buildings with commercial on the first floor at the corner and along Sheboygan Road transitioning down to two-story townhomes as one heads east into the site. Based on that feedback, the applicant revised his plans again and is now seeking consultation on the latest plan revision as presented this evening.

Phil Aiello presented the current plan for the property along with statistics regarding the schools and traffic, all of which presented well within the current structure.

Joel Aeacki explained the strategy of the layout for the 207 units along with the retail space, parking, event space, and activity zones. There will be entrances on State Hwy 60 and Sheboygan Road. They surveyed buildings in Cedarburg as the basis for the spirit of the architecture using quality materials. They want to create a sense of place as a reflection of the community.

John Bieberitz explained how the traffic analysis was done and that it showed there will not be a significant amount of additional traffic from this development and Stonewall Farms that would cause any meaningful problems. An additional traffic analysis update was done and will be presented in a couple of weeks.

In answer to Council Member Simpson's question, Mr. Bieberitz explained that the City will need to make a request to the County to lower the speed limit on Sheboygan Road.

Council Member Burkart expressed concern for unsustainable growth affecting the schools and traffic in the City. She opined that the City is getting away from its small town atmosphere and should not build more apartments because we can.

Mayor O'Keefe expressed support for the development stating that it is an ideal development and that residents will likely use Hwy 60 most often. The Mandel Group has met with the City several times and has reduced the number of units, added retail space, and used the wetlands to enhance the project with activity zones creating a very nice development.

In answer to Council Member Fitzpatrick's concern, Mr. Aiello explained that the Mandel Group will be able to finance the project within today's increased costs and financing. They could not build their last five developments fast enough, with the Oconomowoc project filling occupancy within 79 days of finishing the project, adding that apartments are in high demand.

Council Member Thome expressed appreciation for the Mandel Group's efforts and confidence in their ability to create a nice development; however, she would like to see a better mix of townhomes.

In answer to Council Member Curley's question, Mr. Aiello explained that the parking will not add height to the two story apartments.

Mayor O'Keefe opened the meeting to public comment.

Kurt Thomas, N118W5523 Lucas Ct., expressed favor for the retail space added to the development.

Cathy Czech, N119W5835 James Circle, expressed many concerns involving increased traffic, stress on the schools, stress on municipal services and safety, water runoff, City resources, downtown parking, use of nearby private roads for exercise and dog walking, and the long range success of multiple multi-family developments in Cedarburg. She asked to put the brakes on this development.

David Newell, N111 W5921 Carolyn Ct., opposed the development for two uncontrollable problems; additional traffic and motorists using other roads in place of the main arterial roads and possibly driving through neighborhoods. He asked that limits be considered.

Jim Nicoud, N119W5826 James Cir., would like to see the development be 170 units with a better mix of apartments and townhomes.

Connie Kincaide, N75W7255 Linden Street, spoke as an individual resident of Cedarburg. She would like to see more detail regarding the increase in school age children, along with bussing and safety. The high cost of luxury apartments being built in Cedarburg concerns her and opined that people are being priced out of Cedarburg. She would like to see a better balance in housing.

Tom Czech, N119W5835 James Circle, expressed concern for the \$2100 rents being based on a median income of \$120,000 and the median income in Cedarburg is \$80,000. He questioned the economics of the proposed development and asked if the rents were based on lower interest rates. Mr. Aiello said that the market can bear the \$2100 rent.

Discussion continued between the Mayor and Common Council and the following points were made:

- The infrastructure was planned for growth and is oversized.
- Need to balance tax base with sustainable growth.
- Less apartments and more townhomes are desired.
- Where is the tipping point for too many apartments.
- Desire to see the updated traffic analysis available in two weeks.

It was the consensus of the Common Council to take more time to gather understandable information and talk with their constituents about the development before making a decision.

City Administrator Hilvo will put the development plans on the City website stating that the Common Council is looking for input from residents and it will also be sent to those residents who have requested this type of information.

Motion made by Council Member Fitzpatrick, seconded by Council Member Thome, to postpone action on a concept plan approval of the Mandel Group's latest multi-family development plans for the 17-acre Wirth site at the southeast corner of Highway 60 and Sheboygan Road to the October 9 Common Council meeting.

Mayor O'Keefe stated that he will not be at this meeting.

Motion was amended by Council Member Fitzpatrick, seconded by Council Member Thome, to postpone additional review and possible approval of the Mandel Groups development plans to the October 30, 2023 Common Council meeting. Motion carried without a negative vote with Council Member Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-11 AMENDING SECTION 2-4-3(b) OF THE CITY OF CEDARBURG MUNICIPAL CODE RELATED TO THE LIBRARY BOARD**

City Administrator Hilvo explained that the Library Board gave their approval of a new ordinance to allow up to (2) members of the Library Board to be non-residents of the City of Cedarburg. This new ordinance mirrors what is written in Wisconsin State Statutes regarding Library Boards and will allow for the Cedarburg School District Administrator or his representative to be appointed to the Library Board. Motion made by Council Member Fitzpatrick, seconded by Council Member Simpson, to

approve Ordinance No. 2023-11 amending Section 2-4-3(b) of the City of Cedarburg Municipal Code related to the Library Board. Motion carried without a negative vote with Council Member Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON MAYORAL APPOINTMENT TO THE LIBRARY BOARD**

Motion made by Council Member Fitzpatrick, seconded by Council Member Thome, to approve the Mayoral appointment of School Superintendent Jeridon Clark to the Library Board. Motion carried without a negative vote with Council Member Mueller excused.

**CONSENT AGENDA**

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve the following consent agenda items:

- Approval of August 28, 2023 Council meeting minutes
- Approval of new and renewal 2023-2024 operator licenses for:

Anders J. Dowd  
Jennifer A. Olsen

Wendy Porterfield  
Tierra L. Ryan

Brittany L. Schmidt  
Carrie A. Wolf

- Payment of bills dated 8/21/23 through 9/01/23 and payroll for period 8/20/23 through 9/02/23.

Motion carried without a negative vote with Council Member Mueller excused.

**CITY ADMINISTRATOR'S REPORT**

City Administrator Hilvo explained that Council Member districts are being added to the Common Council agenda items to provide clarification, as to which district the item concerns. Also, the draft Common Council agenda that is available after the staff meeting, on the Monday prior to the meeting, will be sent to the Common Council Members to provide more preparation time with the understanding that items may be added or dropped after the initial draft agenda is distributed.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** – None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Curley explained that the Economic Development Board learned at their last meeting that Dairy Queen has closed permanently. The Board continues to look at ways to enhance and draw attention to South Washington Avenue.

Common Council Simpson thanked first responders for their work, especially on the anniversary of 911.

**MAYOR REPORT**

Mayor O'Keefe presented a Proclamation acknowledging National Rail Safety Week.



**ADJOURNMENT**

Motion made by Council Member Fitzpatrick, seconded by Council Member Curley, to adjourn the meeting at 9:36 p.m. Motion carried without a negative vote with Council Member Mueller excused.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk

**CITY OF CEDARBURG  
COMMON COUNCIL  
OCTOBER 30, 2023**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, October 30, 2023, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

Mayor Michael O’Keefe called the meeting to order at 7:00 p.m. A moment of silence was observed, and the Pledge of Allegiance was recited.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Jim Fitzpatrick, Kristin Burkart, Patricia Thome, Robert Simpson, Kevin Curley, Mark Mueller, Melissa Bitter

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Police Chief Michael McNerney, Engineering and Public Works Director Michael Wieser, interested citizens and news media.

**STATEMENT OF PUBLIC NOTICE**

At Mayor O’Keefe’s request, City Clerk Sette 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.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**PRESENTATIONS**

**CEDARBURG SCHOOL DISTRICT PRESENTATION ON ENROLLMENT TRENDS**

The Business Director of the Cedarburg School District, Ben Irwin, presented enrollment trends for each school building within the Cedarburg School District. Capacity for each building is typically four (4) sections per grade, with Parkview Elementary and Thorson Elementary having smaller footprints and smaller enrollment. The secondary buildings, Webster Middle School and Cedarburg High School, have capacity to take on additional students if needed. The enrollment trends have been stable over the last couple of years but have increased slightly in recent years due to the pandemic. Additional students moving to Cedarburg would help balance the effect of smaller families. The team plans to do an updated study in the next year or two to assess future trends and adjust capacity based on recent data.

**MANDEL GROUP PRESENTATION ON PROPOSED DEVELOPMENT**

The Mandel Group shared its plan for a high quality, highly amenitized, market rate multi-family apartment community that has gone through multiple changes, eventually settling on a design featuring 207 apartments and 9,500 square feet of retail on the ground floor. The Group presented its site planning and architecture for the project, which includes a third of the site dedicated to wetlands, and features play spaces, interconnected paths, and green space to enhance the topography. The plan is still in its first pass and will be refined in subsequent rounds with the Plan Commission.

The Council discussed the assessed value of the site, which was stated to be \$31 million, leading to annual taxes of \$478,000 to be distributed among various taxing authorities. Concerns about population growth were addressed, revealing that the actual growth of the City had been less than projected in the Smart Growth Plan. The 2020 census showed a population of 12,121. The impact of development on the character and charm of Cedarburg was also discussed, with examples of municipalities that have successfully grown while retaining their identity. The Mandel Group presented data on the housing market, noting the high demand for apartments and that the proposed development would not significantly alter the balance of owner-occupied to rental homes. The average rent for the proposed apartments was given as approximately \$2,200, and it was noted that this would likely attract a higher income demographic. Concerns about affordability were acknowledged, but it was pointed out that people often move from less expensive housing to more expensive homes, creating opportunities for new affordable housing.

Concerns were also raised about student transportation as well as the impact the proposed development would have on traffic, schools, and emergency services. The Council expressed concerns about the size of school classes and the need for high-density housing to be more centrally located. The discussion further explored traffic and speeding issues on Sheboygan Road. The Council expressed appreciation for the work of the Planning Commission, yet voiced concerns about traffic issues in the area, suggesting a pause is needed to assess the impact of current developments. The Council emphasized the importance of maintaining the City's unique atmosphere and the need to support local businesses, while acknowledging the need for development in the area.

The following public comments were made:

- Paul Rushing-W62N799 Sheboygan Rd: supportive of the project if contingencies were in place
- Sherry Bublitz-W66N670 Madison Ave: the public is not in support of this project
- Richard Didier-W60N859 Sheboygan Rd: not in support of the project due to traffic concerns
- Carrie Kelley-W61N839 Sheboygan Rd: not in support of the project due to traffic concerns
- Cathy Czech-N119W5835 James Cir: not in support of the project
- Jullane Jackson-W74N755 Spruce Ave: not in support due to added population
- Tamara Oda-W60N914 Arbor Dr: not in support of project
- Deborah Kaylor-N95W5750 Dorchester Dr: not in support of high density housing
- Mark King-W62N775 Sheboygan Rd: not in support due to too many other current developments
- Kate Myers-W64N201 Fairfield St: supports project with increased tax base, beautiful entrance to the City

- Steve Leonard-N91W5939 Dorchester Dr: not in support of project due to so many current developments
- Terry King-W63N762 Sheboygan Rd: not in support of project due to added population
- Pam Matar-W56N1172 James Cir: not in support due to traffic concerns
- William Mrotek-N93W5743 Dorchester Dr-not in support due to added population, traffic concerns
- Lynda Johnson-W62N780 Sheboygan Rd: not in support of project, not the right time for it
- Kate Erickson-W60N892 Glenwood Dr: not in support due to crowding in school system
- Connie Kincaide-N75W7255 Linden St: not in support due to traffic and school concerns
- Thomas Robel-W64N762 Washington Ave: not in support, too much progress too fast

Chief McNerney conducted a speed study on October 24 – 26. The study recorded the speed and number of cars on Sheboygan Road between Washington Avenue and Willowbrooke Dr. The study showed an average speed of 28.4 mph with an average of 3,488 cars per day.

Council Member Fitzpatrick spoke in support of the Mandel project citing the traffic study results, added tax base for the City, and the fact that ‘small town charm’ is very subjective.

The remainder of the Council spoke against the project citing the following:

- The City is approaching a tipping point for multifamily developments
- Potential traffic issues on Sheboygan Road
- The need to represent the opinions of constituents
- Interested in having more townhomes than apartments

In conclusion to the feedback received from concerned residents and the Common Council, Mandel Group CEO, Phil Aiello, withdrew the Mandel proposal, thanking everyone for their feedback.

### **UNFINISHED BUSINESS**

#### **DISCUSSION AND POSSIBLE ACTION ON CONCEPT PLAN APPROVAL FOR THE MANDEL GROUP MULTI FAMILY DEVELOPMENT PLAN FOR A 17-ACRE SITE AT THE SOUTHEAST CORNER OF HIGHWAY 60 AND SHEBOYGAN ROAD**

No formal action was taken by the Common Council.

### **NEW BUSINESS**

#### **DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AN ENGINEERING DESIGN CONTRACT FOR THE 2024 STREET AND UTILITY PROJECT**

Cedarburg Light & Water will most likely replace lead water services as part of the 2024 Street and Utility Project. It was decided to forgo the typical RFP process for the engineering design and obtain a price from RA Smith since they have completed the engineering for the past two lead service replacement projects. RA Smith submitted a total price of \$39,000 for the engineering design on the 2024 Street and Utility Project. The cost of the lead service replacement design is part of a separate

contract with Cedarburg Light & Water. The average cost submitted for the engineering design of the 2022 and 2023 projects was \$40,544 and \$40,002 respectively. The average cost of engineering per foot of road reconstructed for the 2022 and 2023 projects was \$7.85/ft and \$9.72/ft respectively. The cost of engineering per foot of road to be reconstructed for this proposed project is \$6.94/ft for a total cost of \$39,000.

A motion was made by Council Member Thome, seconded by Council Member Mueller, to award the 2024 Street and Utility project engineering design contract to RA Smith, in the amount not to exceed \$39,000. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON OZAUKEE COUNTY EMERGENCY COMMUNICATIONS AND DISPATCH SERVICES AGREEMENT**

The Common Council made a motion to approve the transfer of Dispatch Services to Ozaukee County at the October 9<sup>th</sup> meeting. Police Chief McNerney and Administrator Hilvo met with the Ozaukee County Administrator and Sheriff on October 12<sup>th</sup> to discuss the procedures to make the transfer on January 1, 2024. Chief McNerney will continue to work with Sheriff Knowles to ensure a smooth transition of dispatch services to the County.

A motion was made by Council Member Thome, seconded by Council Member Burkart, to approve the Ozaukee County Emergency Communications and Dispatch Services Agreement. Motion carried with Council Members Thome, Fitzpatrick, Curley, Burkart, Mueller and Bitter voting aye and Council Member Simpson voting nay.

**DISCUSSION AND POSSIBLE ACTION ON REVIEW OF 2024 PROPOSED CITY BUDGET**

Administrator Hilvo summarized the 2024 proposed budget, with a tax rate of \$6.06 and allocations for various projects, including improvements to Fire & EMS, street projects, a new filtration system for the pool, and a public safety building facility study. The General Fund will support a surcharge to continue providing the State Health Insurance Plan to City employees.

No formal action was taken by the Common Council.

**DISCUSSION AND POSSIBLE ACTION ON THE 2024 STRATEGIC PLAN**

Administrator Hilvo provided a summary of the 2024 Strategic Plan. No official action was taken by the Common Council.

**CONSENT AGENDA:**

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to approve the following consent agenda items. Motion carried without a negative vote.

- October 9, 2023 Common Council meeting minutes
- New 2023-2024 Operator Licenses for period ending June 30, 2024 for Christopher Ernster, Kaitlyn M. Ruppert, Barbara J. Soto, Dante Threats

- Payment of bills dated 10/01/2023 through 10/24/2023, transfers for the period 10/07/2023 through 10/26/2023, and payroll for period 10/01/2023 through 10/14/2023

### **ADMINISTRATOR'S REPORT**

Administrator Hilvo explained that he continues to work with environmental consultants to oversee the Amcast site. Attorney Herbrand will be scheduling a meeting with the DNR.

### **COMMENTS AND SUGGESTIONS FROM CITIZENS**

Connie Kincaide thanked the Council for allowing citizen input about the Mandel proposal. She also mentioned an event taking place on November 10, 2023, at the American Legion Hall to honor our Veterans.

### **COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Burkart reiterated the November 10, 2023 event to honor our Veterans.

Council Member Curley is looking forward to hearing any updates on the Amcast site.

### **MAYOR'S REPORT**

Mayor O'Keefe summarized the Proclamation to change batteries in smoke detectors and turning the clocks back on November 5, 2023.

### **ADJOURN TO CLOSED SESSION**

A motion was made by Council Member Fitzpatrick, seconded by Council Member Burkart, to adjourn to closed session at 10:20 p.m. pursuant to State Statute 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. More specifically discussed was a proposed First Amendment and Assignment of Agreement for the purchase and sale of property with Jackson Distribution and Warehouse, LLC. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Burkart, Curley, Simpson, Thome, and Mueller voting aye.

### **RECONVENE TO OPEN SESSION**

The meeting was reconvened to open session at 10:28 p.m.

### **DISCUSSION AND POSSIBLE ACTION ON PROPOSED FIRST AMENDMENT AND ASSIGNMENT OF AGREEMENT FOR PURCHASE AND SALE OF PROPERTY WITH JACKSON DISTRIBUTION AND WAREHOUSE, LLC**

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to approve the proposed First Amendment and Assignment of Agreement for purchase and sale of property with Jackson Distribution and Warehouse, LLC. Motion carried without a negative vote.

**ADJOURNMENT**

A motion was made by Council Member Mueller, seconded by Council Member Burkart, to adjourn the meeting at 10:30 p.m. Motion carried without a negative vote.

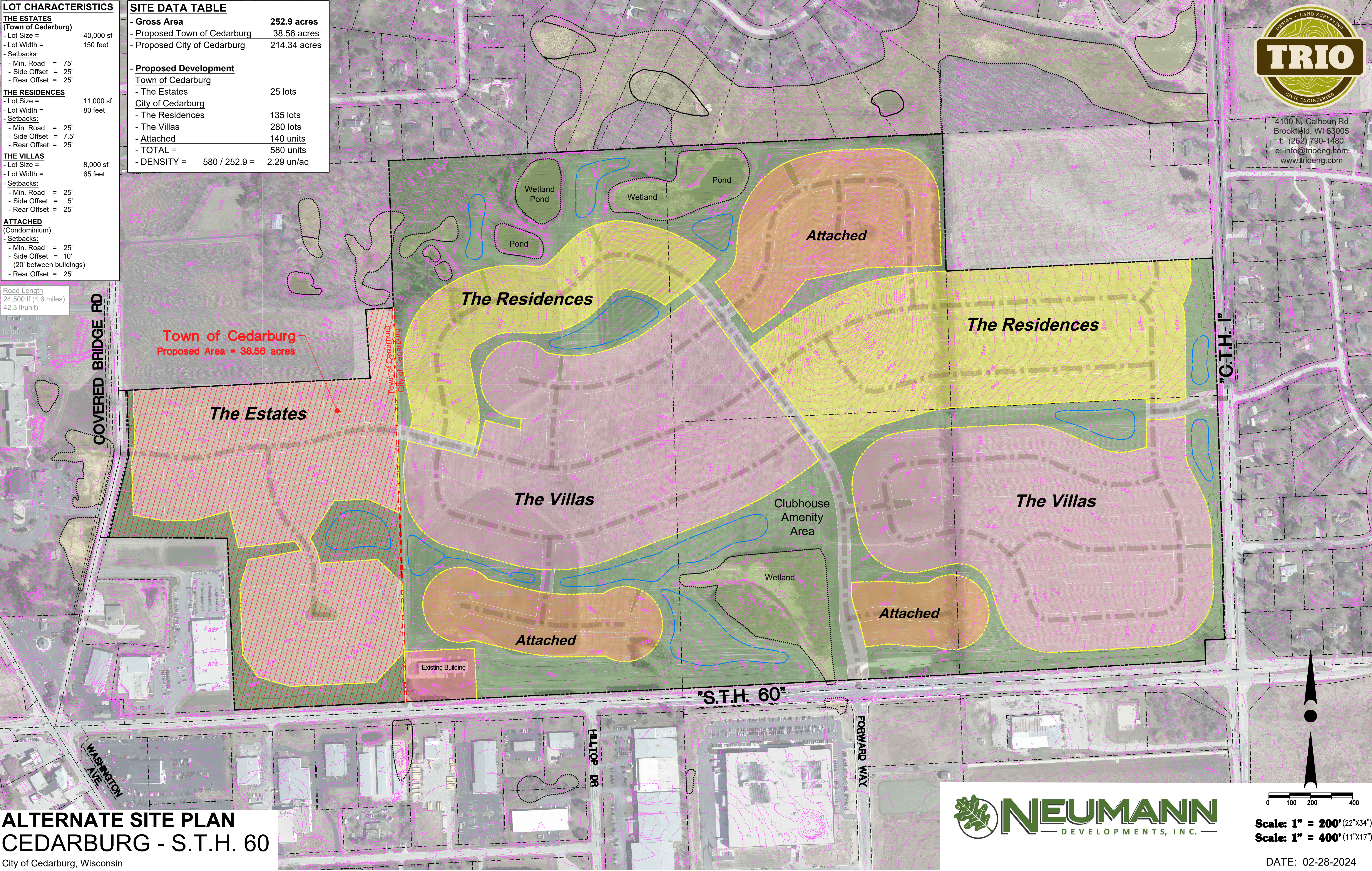
Tracie Sette  
City Clerk



LOT CHARACTERISTICS	
<b>THE ESTATES</b> (Town of Cedarburg)	
- Lot Size =	40,000 sf
- Lot Width =	150 feet
- Setbacks:	
- Min. Road =	75'
- Side Offset =	25'
- Rear Offset =	25'
<b>THE RESIDENCES</b>	
- Lot Size =	11,000 sf
- Lot Width =	80 feet
- Setbacks:	
- Min. Road =	25'
- Side Offset =	7.5'
- Rear Offset =	25'
<b>THE VILLAS</b>	
- Lot Size =	8,000 sf
- Lot Width =	65 feet
- Setbacks:	
- Min. Road =	25'
- Side Offset =	5'
- Rear Offset =	25'
<b>ATTACHED</b> (Condominium)	
- Setbacks:	
- Min. Road =	25'
- Side Offset =	10' (20' between buildings)
- Rear Offset =	25'

SITE DATA TABLE	
- Gross Area	252.9 acres
- Proposed Town of Cedarburg	38.56 acres
- Proposed City of Cedarburg	214.34 acres
<b>- Proposed Development</b>	
Town of Cedarburg	25 lots
City of Cedarburg	
- The Estates	135 lots
- The Villas	280 lots
- Attached	140 units
- TOTAL =	580 units
- DENSITY =	580 / 252.9 = 2.29 un/ac

Road Length  
24,500 lf (4.6 miles)  
42.3 lf/unit



4100 N. Calhoun Rd  
Brookfield, WI 53005  
t: (262) 790-1480  
e: info@trioeng.com  
www.trioeng.com



0 100 200 400

Scale: 1" = 200' (22"x34")  
Scale: 1" = 400' (11"x17")

DATE: 02-28-2024

# ALTERNATE SITE PLAN CEDARBURG - S.T.H. 60

City of Cedarburg, Wisconsin