

**CITY OF CEDARBURG
PLAN COMMISSION
April 1, 2024**

A regular meeting of the Plan Commission, City of Cedarburg, Wisconsin, will be held at 7:00 p.m. on Monday, April 1, 2024. Attendees have the option of joining the meeting in person at City Hall, W63N645 Washington Avenue, upper level, Council Chambers, or online via the following Zoom link:
<https://us02web.zoom.us/j/85190311401>

AGENDA

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

Excused- Commissioner Adam Voltz

Also Present - Jon Censky, City Planner, Administrative Assistant Theresa Hanaman
 3. STATEMENT OF PUBLIC NOTICE
 4. APPROVAL OF MINUTES – March 4, 2024
 5. COMMENTS AND SUGGESTIONS FROM CITIZENS
 6. REGULAR BUSINESS: AND ACTION THEREON
- * A. Petitioner: **Ryan Fitting**
Request: **Certified Survey Map Approval**
Briefing: The applicant is requesting Certified Survey Map approval to divide the existing parcel located at N50 W7106 Western Road into two separate parcels of 22,133sf and 16,200sf in size.
- Current Zoning:
Tax Key No.: 13-027-12-002.00
Aldermanic District: W2/AD2
Previous Discussion Dates:
- * B. Petitioner: **City of Cedarburg**
Request:
A. Discussion and possible action on the future land use of property located at the southeast corner of Hwy 60 and Sheboygan Road.
B. Review and discuss the revised conceptual plan for Covered Bridge residential development.
- Briefing:
- Current Zoning:
Aldermanic District: W1/AD1
Tax Key No.: 13-023-06-007.00
Previous Discussion Dates: 02/06/2023, 07/11/2023, 12/4/2023
- C. Petitioner: **City of Cedarburg**
Request: **Recommend approval of Revised Zoning Code**
Briefing: Review and possibly recommend approval of the revised Zoning Code which can be found online via link: <https://www.cityofcedarburg.wi.gov/planning>

7. COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

**8. MAYOR'S ANNOUNCEMENTS

9. ADJOURNMENT

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

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

City of Cedarburg is an affirmative action and equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, age, sexual orientation, gender identity, national origin, veteran status, or genetic information. City of Cedarburg is committed to providing access, equal opportunity, and reasonable accommodation for individuals with disabilities in employment, its services, programs, and activities. To request reasonable accommodation, contact the Clerk's Office at (262) 375-7606 or email: cityhall@ci.cedarburg.wi.us.

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

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

03/29/2024

**CITY OF CEDARBURG
PLAN COMMISSION**

**PLN20240304-1
UNAPPROVED MINUTES**

March 4, 2024

A regular meeting of the Plan Commission of the City of Cedarburg was held on Monday, March 4, 2024, at Cedarburg City Hall, W63N645 Washington Avenue, upper level, Council Chambers and online via the Zoom app. The meeting was called to order at 7:04 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, Kip Kinzel, Sig Strautmanis

Also Present - City Planner Jon Censky, Administrative Secretary Theresa Hanaman, Minal Hahm, Jordan Larson, Christina Luick, Mark Flaig

STATEMENT OF PUBLIC NOTICE

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

APPROVAL OF MINUTES

A motion was made by Commissioner Thome, seconded by Commissioner Arnett to approve the Planning Commission minutes from February 5, 2024. Motion carried without a negative vote, with Commissioner Strautmanis abstaining.

COMMENTS AND SUGGESTIONS FROM CITIZENS

None

**REVIEW AND POSSIBLY APPROVE REQUEST OF CEDARWAY DEVELOPMENT
DETAILED PLANS OF PROPERTY LOCATED AT W61N449 WASHINGTON AVENUE**

Planner Censky reminded Commissioners that this project successfully went through the PUD rezoning process last year, with review and recommendation on July 11, 2023, and the public hearing and Council approval on October 9, 2023. Since then, the applicant has been working with City Engineer Mike Wieser on the infrastructure, grading, drainage, and erosion control plans, and with City Attorney Mike Herbrand on the development agreement.

This project will consist of one 3-unit townhome condominium structure located south of the driveway court and one 4-unit townhome structure located on the northside of the court. The garage behind the existing home fronting Washington Avenue will be removed to make room for the 3-unit building. With the removal of the garage, the applicant will

need to provide a parking stall behind the home for the tenants of the home. To address the safety concerns regarding the access from Washington Avenue, the applicant has redesigned the entryway to widen the drive at its intersection with Washington Avenue to provide a better turning radius for those entering the site from the south bound lane.

Following rezoning last year, the applicant did meet with Commissioners Sig Strautmanis, Adam Voltz and Planner Censky to review and discuss the applicant's architectural details and drafted architectural plans based on those discussions.

Accordingly, the applicant proposes to use LP Smartside Vertical, Horizontal and Shake siding in Desert Stone color for the exterior materials. The roof will be covered with 50-year dimensional fiberglass dark shingles to compliment the Midnight Shadow colors of the trim boards. The windows will be fiberglass single hung units, the buildings will be equipped with exterior insulated doors and the garage insulated pre-finished metal garage doors.

The applicant proposes to have a series of planting beds around the periphery of this project, each including two or three Black Hills Spruce trees accented with Bark Mulch. Adjacent to the building, each patio will be bordered with a planting bed of low grow deciduous shrubs, upright arborvitae, and a colorful assortment of flowers. The plan shows the unscreened dumpsters to be located on the south side of the entrance drive which staff recommends be screened with a wood fence and gate system.

Planner Censky confirmed as a condition of approval of this project, the applicant is required to combine the front lot that supports his home with the rear lot. To accomplish that task the applicant submitted the certified survey map. This CSM will also serve to officially remove the unnecessary Road Reservation located at the west end of this parcel.

Planner Censky requested the applicant work with our fire department to satisfy their access needs and with our engineering department on the drainage details. Furthermore, the City is asking the applicant to produce the condo documents for Plan Commission review and Common Council approval. Staff's review indicates compliance with former conditions of approval and therefore recommends approval subject to the following:

- The minimum slope of the 8" sanitary sewer pipe shall be 0.40%.
- The applicant shall show elevations of the water main.
- Staff recommends the applicant place a storm water BMP at the low point in the parking lot to slow surface drainage.
- Staff recommends the parking lot to slope between 1% and 6%
- The entrance drive shall have a vertical face curb and gutter radius and a depressed head curb and gutter along Washington Ave.
- The maximum drive approach slope shall be 8%.
- The dimensional scale on pages 6-9 is wrong.
- the applicant securing Engineering department approval of the grading plans for the area along the south property line.

- The applicant shall provide a 12' wide utility easement along the north, south and west property line.
- The applicant to work with Cedarburg Light and Water for water connection issues/questions.
- Submittal of the final condominium documents.

Commissioner Arnett questioned if the Development Agreement is a standard agreement which is signed off by City Attorney Herbrand. It was noted by the applicant that the Development Agreement should not have been included in the packet as the applicant's Attorney needs to review it.

Commissioner Wiza questioned the slope and scale of the building and whether this would cause the building to be raised. Minah Hahm of M Squared informed Commissioner Wiza the corrections were sent to City Engineer Wieser with the updated scale and slope. Commissioner Wiza also suggested another joint meeting with Commissioners Sig Strautmanis and Adam Voltz.

Commissioner Voltz addressed several issues and recommendations that were made during the meeting with the applicant, including the alignment of windows, the overall aesthetic appeal of the structure, and the unusable porch space that makes the property look like a parking lot. Commissioner Voltz suggested ways to break down the scale of the building by making changes in the siding, adding smaller details by adding dormers. Commissioner Voltz referenced drawing five, the two end units, western most units that do not have vehicular circulation and the eastern unit on building one to the north which also does not have a vehicular circulation to allow for a porch.

Council Member Thome would like Cedarway Development to be more pleasing to the eye as it sits closer to an older section of town and will be visible.

The applicant mentions the front porches impede parking areas and were not incorporated due to the turn radius not being sufficient but windows were added to the upstairs bedroom above the front door and texture of the siding had been changed.

Commissioner Strautmanis commented that the entrance looked spread apart and did not line up with the windows above. Commissioner Strautmanis would also like to see some more green space and not pavement foundation to foundation.

Because the applicant did not have a chance to review the development agreement with his attorney and the architectural plans did not include some of the comments from Commissioners Strautmanis and Commissioner Voltz, the Commission asked this request be tabled.

Action: Motion made by Commissioner Arnett to postpone approval to the next Plan Commission meeting on April 1, 2024, seconded by Council Member Thome. The motion was carried without a negative vote.

REVIEW AND POSSIBLE RECOMMENDATION OF THE REVISED ZONING CODE

Planner Censky updated Plan Commission regarding the changes made to the Zoning Code such as removing the accessory residential dwelling unit from all residential districts, clarified the verbiage in the historic district for changes to designated landmark structures, added the Criteria for Landmark Status to the historic designation process and removed CBD dispensaries from the B-2 District. While there was some discussion about the verbiage under the Purpose and Intent section, Planner Censky confirmed with Attorney Herbrand the City will not change this section as it is intended to identify the goals, objectives and rules listed in the zoning code that govern the community. It is not intended to be used for site specific purposes and consequently it is vague.

Commissioner Arnett would like to update SEC. 13-1-3, Purpose and Intent (f) Reduce or prevent congestion on the streets and promote safe and efficient use of the streets and highway to Promote safe and efficient use of streets and highways.

Action: None

PUBLIC COMMENT

No comment

COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS

Commissioner Arnett mentioned The City of Port Washington hired an outside engineering firm to update their zoning code at the price of \$165,000.

MAYOR'S ANNOUNCEMENTS

Mayor O'Keefe had no comments or announcements.

ADJOURNMENT

A motion was made by Commissioner Arnett, seconded by Council Member Thome to adjourn the meeting at 7:41 p.m. The motion was carried without a negative vote.

Theresa Hanaman
Administrative Secretary

**CITY OF CEDARBURG
JOINT MEETING OF THE COMMON COUNCIL
AND PLAN COMMISSION
March 11, 2024**

**CC20240311-1
UNAPPROVED**

A joint meeting of the Common Council and Plan Commission of the City of Cedarburg, Wisconsin, was held on Monday, March 11, 2024 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 6:03 p.m. A moment of silence was observed, and the Pledge of Allegiance was recited.

Roll Call: Present - Common Council - Mayor Michael O’Keefe, Council Members Melissa Bitter, Jim Fitzpatrick, Kristin Burkart, Kevin Curley, Robert Simpson, Patricia Thome, Mark Mueller (arrived at 6:08 p.m.)

Plan Commission - Commissioners Adam Voltz, Tom Wiza, Sig Strautmanis, Patricia Thome, Kip Kinzel, Jack Arnett, and Mayor Michael O’Keefe

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Jessica Campolo, City Attorney Michael Herbrand, City Planner Jon Censky, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor O’Keefe’s request, Deputy City Clerk Campolo 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.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Cathy Czech N119W5835 James Cir.
Cathy went over the procedures for changing the Land Use Plan.

NEW BUSINESS

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

City Planner Censky explained the purpose of this joint meeting is to discuss future land use for the Wirth property located at the southeast corner of Sheboygan Road and Hwy 60. The most recent concept plan was from the Mandel Group and included 207 residential units with first floor commercial space. These plans were met with support from the Plan Commission but met with resistance by the Common Council. Mayor O’Keefe stated that it is fair for the Wirth family, as property owners, to understand what they can and cannot do with their property. Mayor O’Keefe asked Council Members and Plan Commissioners for their thoughts, and discussion ensued.

Council Member Thome shared she was not in favor of more apartments, but possibly townhomes or rowhouses. She feels there should be a retail component. Council Member Burkart expressed that the

needs on the north end of the city are not yet known. She is in favor of commercial property that would serve the residents of the north end. She is not in favor of apartments. Council Member Bitter shared that with discussion of new residential development in that area, the dynamic has now changed, and she needs to learn more. Council Member Simpson agreed. Council Member Mueller does not want to add more apartments. He wants to look at the long-range plan for that specific area. Council Member Curley sees the intersection as a gateway to the City, and feels it needs to be well designed. He also feels there should not be any investment from taxpayers. Council Member Fitzpatrick shared that he supported the Mandel proposal, and that zoning laws should not be a tool to micromanage personal property owned by others.

Commissioner Wiza shared that any future development should meet the City's needs and the needs of the public. He would like to see commercial use, as well as residential that is more affordable for smaller, younger families or retirees. Commissioner Arnett would like to master plan the entire area with the Town of Cedarburg. Commissioner Strautmanis expressed that the property owner and the Council should be able to rely on the Land Use Plan. He supported the Mandel plan because it was consistent with the zoning. Commissioner Voltz shared that current market conditions are not ideal for commercial, he inquired what kind of commercial would support the area. He said given the major intersection and the gradient of the housing, denser housing like rowhouses or townhouses makes sense on the Wirth property. Commissioner Kinzel shared that he agrees with everything that has been said.

Mayor O'Keefe asked City Planner Censky about the options regarding zoning, and Censky went over the various options.

DISCUSSION ON THE PROPOSED CONCEPT PLAN FOR THE AREA ALONG THE NORTH SIDE OF HWY 60 FROM SHEBOYGAN ROAD WEST TO FIVE (5) CORNERS

Bryan Lindgren from Neumann Developments presented a concept development for the land north of Hwy 60, containing a variety of housing styles totaling 580 homes. It would be developed over a decade. Following the presentation the following comments were made by Council Members and Plan Commissioners:

Council Member Curley shared that the architecture should fit in with the City of Cedarburg. Council Member Bitter shared that the development looks dense, lacking enough green space. Commissioner Arnett shared that this would bring in about \$2 million in taxes and about the same amount to the school district. Commissioner Wiza thinks growth of fifty units per year for ten years is reasonable. A discussion was held regarding the backs of homes facing important roads and how that is not desirable. Ideas were shared regarding landscaping. Common Council Thome expressed that she knows this land will be residential eventually, and it must be done right, it must have a "Cedarburg" feel to it. Council Member Burkart said that she is concerned about the schools and does not feel that \$500,000 is affordable for a home. Council Member Curley agreed with Council Member Burkart about affordability, and stated the City should be attracting people who can build a legacy in Cedarburg. There was a consensus among Council Members and Plan Commissioners that this area of Cedarburg needs to be looked at holistically. Ideally this is done using a Master Plan.

PUBLIC COMMENT

Cathy Czech N119W5835 James Cir.

Cathy likes the idea of smaller, single-family homes on the north side of Hwy 60. She inquired if there will be sidewalks on Hwy 60 and if Hwy 60 will be made wider. She desires commercial space on the Wirth property.

Terry King W63N762 Sheboygan Rd.

Terry likes the idea of redoing the Master Plan, looking at the big picture, and involving the whole community in these discussions.

Mark King W62N775 Sheboygan Rd.

Mark wants commercial development on the Wirth property. He wants to see the current housing units that are in development come to fruition and learn the impact those have on the City.

Steve Leonard N91W5939 Dorchester Dr.

Steve stated with the loss of Baehmann's Golf and potential loss of Circle B, there needs to be more recreation/entertainment available to City residents. He supports the idea of a Master Plan.

ADJOURNMENT

Motion made by Commissioner Arnett, seconded by Commissioner Kinzel, to adjourn the meeting at 7:43 p.m. Motion carried without a negative vote.

Motion made by Council Member Burkart, seconded by Council Member Thome, to adjourn the meeting at 7:43 p.m. Motion carried without a negative vote.

Jessica Campolo
Deputy City Clerk

FITTING LAND DIVISION

To: City of Cedarburg Plan Commission

Prepared by: Jonathan Censky, City Planner

Agenda Item: 6.A.

Date: April 1, 2024

General Information

Applicant:

Ryan Fitting

Status of Applicant:

Owner

Location:

N50 W7106 Western Road

Requested Action:

2-Lot CSM Approval

Existing Zoning:

Rs-3

Lot Size:

3.2 acres and 1 acre

Report:

The applicant is seeking approval of his Certified Survey Map (CSM) which will serve to divide the existing 38,333 square foot parcel located at N50 W7106 Western Road into two separate lots of 16,200 square feet and 22,133 square feet in size. The proposed land division will result in a front lot with 135' of frontage and the back lot with 30 feet of frontage extending back to the buildable area. While the applicant would like two side-by-side lots, the existing lot lacks sufficient width to achieve the 90-foot width requirement for each lot.

Staff notes that the Rs-3 District requires a minimum lot size of 12,000 square feet and lot width of 90 feet and therefore, while the applicant has more than sufficient area to support two lots that exceed 12,000 square feet, the site cannot meet the width requirement for two side-by-side lots. However, **Section 13-1-27 Site Restrictions (b) Public Road Frontage** state: all lots shall abut upon a public street, and each lot shall have a minimum frontage of 30'.

Staff Comments:

Staff notes that since the land division does include the dedication of public right-of-way, Common Council approval is required. Staff's review indicates compliance with the two sections of the code state above and therefore we recommend approval subject to Common Council approval.



LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: _____

APPLICANT/BUSINESSNAME: _____

APPLICANT/BUSINESS ADDRESS: _____

STATUS OF APPLICANT: ☐ OWNER ☐ AGENT ☐ BUYER ☐ OTHER _____

PHONE: _____ EMAIL: _____

PROPERTY OWNER (IF DIFFERENT): _____

PROPERTY OWNER MAILING ADDRESS: _____

PROPERTY OWNER PHONE: _____ PROPERTY OWNER EMAIL: _____

REQUEST FOR (CHECK ALL THAT APPLY):

- | | |
|---|--|
| <input type="checkbox"/> CONCEPT REVIEW | <input type="checkbox"/> CONDITIONAL USE ZONING |
| <input type="checkbox"/> SITE/ARCHITECTURAL PLAN APPROVAL | <input type="checkbox"/> ANNEXATION REQUEST |
| <input type="checkbox"/> SUBDIVISION PLAT OR CSM REVIEW | <input type="checkbox"/> VARIANCE/BOARD OF APPEALS |
| <input type="checkbox"/> ZONING DISTRICT CHANGE | <input type="checkbox"/> OTHER _____ |

DESCRIBE REQUEST: _____

PLEASE SUBMIT: FIVE (5) COPIES OF WRITTEN DESCRIPTION OF PROPOSAL OR REQUEST FOR CITY STAFF REVIEW
FIVE (5) FULL SETS OF SUPPORTING DRAWINGS, SKETCHES OR SURVEY MAPS FOR CITY STAFF REVIEW
THIRTEEN (13) SETS OF PLANS (11" x 17" MAX) FOR PLAN COMMISSION REVIEW

The undersigned certifies that he/she has familiarized themselves with the State and Local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct. This application shall be signed by the property owner(s).

PROPERTY OWNER(S) SIGNATURE: Ryan Fitting DATE: _____

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ _____ (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: _____

APPLICATION AND FEE RECEIVED BY: _____ PLAN COMMISSION MEETING DATE: _____

ATTACHMENTS (CHECK IF RECEIVED):

- ☐ FIVE DESCRIPTIONS ☐ FIVE FULL-SIZE SETS ☐ THIRTEEN PLAN SETS

PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: _____

SCALE: 1"=40'

CONTINUED HWY 60 LAND USE DISCUSSION

To: City of Cedarburg Plan Commission

Prepared by: Jonathan P. Censky, City Planner

Agenda Item: **6.B.**

Date: April 1, 2024

General Information

Applicant:

City of Cedarburg and Neumann Development Inc.

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

Report:

The purpose of this item is to continue the discussion of the future land use of the Wirth Property at the southeast corner of Highway 60 and Sheboygan Road and to discuss the revised plans for the Neumann proposed for the area along the north side of Highway 60 from Sheboygan Road west to just east of the 5-corners area. As regards the Wirth property, the comments from last month's joint meeting seemed to suggest that a mix of commercial uses and less intense residential uses would be acceptable. The results of the discussion regarding the Neumann project seemed to indicate the Council and this Commission could support the combined single-family and two-family project but at a lower density and with a look that reflected Cedarburg's image.

Wirth Site:

In consideration of the comments received, staff has drafted a new zoning district which could be applied to the Wirth property. The intent of this new zoning district is to allow for a mix of commercial and residential uses with the residential uses being restricted to the south portion of the site to serve as a transition from the apartment building to the south and future commercial development to the north along highway 60. This Ordinance would limit residential uses to no more than 40% of the total developed area of the site and the commercial area to constitute the larger developable area of the site. The uses allowed in the commercial area are defined in the B-1 Neighborhood business District and the residential area would be limited to the restrictions of the Rm-1 Multiple-Family District which includes a maximum density of 10.9 units/net acre and a maximum 4 units/building, among other things. Furthermore, since this site is a gateway to the City of Cedarburg, the ordinance goes on to state that all buildings and sites shall be designed to reflect Cedarburg's historic image through architecture, use of materials, building placement, landscaping, and low intensive lighting.

Neumann Project:

In response to the comments received at the joint meeting, Neumann Development Inc. has downsized their plans to reflect the direction they received. While the overall concept is similar in layout, the applicant has reduced the total number of lots/units for the area to be within the city from 570 down to 422 units at a density of 1.97 units/gross acre. As you know, a portion of this land is located in the Town of Cedarburg and will need to be annexed into the City as part of the approval process. The project is divided into two, single-family neighborhoods and two, two-family condo neighborhoods with an element of open space meandering throughout the project. The two single-family neighborhoods are distinguished from each other by the size of the lots with the minimum lot sizes in the Villas to be 8,400sf and the minimum lot sizes in the Residence at

11,000sf. The two-family condo portion includes 70 units, 35 structures and are also separated from Hwy 60 and County Trunk I, by a swath of open space.

Staff Comments:

Commissioners are reminded 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). The areas that will need to be annexed into the city will result in the need to address the Land Use Designation and zoning upon annexation.

Preliminary technical comments:

- The proposed road pattern is such that traffic flow and snow plowing operations will be difficult and therefore staff recommends a better defined east to west and north to south roadway design.
- Staff recommends a side yard setback of at least 8'.
- The applicant shall ensure that the cul-de-sacs are sized to support Fire Department equipment.
- Ensure fire hydrants are appropriately placed.
- A fire hydrant shall be placed at the westerly end of the project.
- Consider comments from the City Forrester in his memo attached herewith.

State Highway 60

13-023-05-000.01

WIRTH PROPERTY

13-023-06-007.00

17.072 ACS

13-023-06-009.00

03-023-05-012.00

03-023-05-013.00

2.1772 ACS

03-02

5527

05330

N124 W5670

N124 W5780

N124 W5880

N124 W5910

N124 W5930

60

13-023-06-006.01

13-022-01-000.01



LAND DEVELOPMENT APPLICATION

PROPERTY LOCATION/ADDRESS: approx. 253 acres at 6212 Hwy 60
APPLICANT/BUSINESSNAME: Neumann Developments Inc.
APPLICANT/BUSINESS ADDRESS: N27W24025 Paul Ct., Pewaukee, WI 53072
STATUS OF APPLICANT: ☐ OWNER ☐ AGENT ☒ BUYER ☐ OTHER _____
PHONE: 262-542-9200 EMAIL: blindgren@neumanncompanies.com

PROPERTY OWNER (IF DIFFERENT): Airport View LLC
PROPERTY OWNER MAILING ADDRESS: 1731 10th Ave, Grafton, WI 53024
PROPERTY OWNER PHONE: _____ PROPERTY OWNER EMAIL: kpetrie@ldvusa.coi

REQUEST FOR (CHECK ALL THAT APPLY):

- | | |
|---|--|
| <input checked="" type="checkbox"/> CONCEPT REVIEW | <input type="checkbox"/> CONDITIONAL USE ZONING |
| <input type="checkbox"/> SITE/ARCHITECTURAL PLAN APPROVAL | <input type="checkbox"/> ANNEXATION REQUEST |
| <input type="checkbox"/> SUBDIVISION PLAT OR CSM REVIEW | <input type="checkbox"/> VARIANCE/BOARD OF APPEALS |
| <input type="checkbox"/> ZONING DISTRICT CHANGE | <input type="checkbox"/> OTHER _____ |

DESCRIBE REQUEST: requesting review of a conceptual plan for Covered Bridge
residential development. Seeking feedback on land use, entitlement
process, layout, utility services, etc.

PLEASE SUBMIT: *FIVE (5) COPIES OF WRITTEN DESCRIPTION OF PROPOSAL OR REQUEST FOR CITY STAFF REVIEW*
FIVE (5) FULL SETS OF SUPPORTING DRAWINGS, SKETCHES OR SURVEY MAPS FOR CITY STAFF REVIEW
THIRTEEN (13) SETS OF PLANS (11" x 17" MAX) FOR PLAN COMMISSION REVIEW

The undersigned certifies that he/she has familiarized themselves with the State and Local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct. This application shall be signed by the property owner(s).

PROPERTY OWNER(S) SIGNATURE:  DATE: 3/20/24

FOR CITY STAFF USE ONLY

TOTAL FEE: \$ _____ (SEE FEE SCHEDULE ON REVERSE PAGE) DATE FEE PAID: _____
APPLICATION AND FEE RECEIVED BY: _____ PLAN COMMISSION MEETING DATE: _____
ATTACHMENTS (CHECK IF RECEIVED):
☐ FIVE DESCRIPTIONS ☐ FIVE FULL-SIZE SETS ☐ THIRTEEN PLAN SETS
PROPERTY TAX KEY NO/PLAN COMMISSION FILE NO: _____

LOT CHARACTERISTICS	
THE RESIDENCES	
- Lot Size =	11,000 sf
- Lot Width =	85 feet
- Setbacks:	
- Min. Road =	25'
- Side Offset =	10'
- Rear Offset =	25'
THE VILLAS	
- Lot Size =	8,400 sf
- Lot Width =	70 feet
- Setbacks:	
- Min. Road =	25'
- Side Offset =	7.5'
- Rear Offset =	25'
THE RESERVE (Condominium)	
- Setbacks:	
- Min. Road =	25'
- Side Offset =	10'
- Rear Offset =	25'
(20' between buildings)	
THE ESTATES (Town of Cedarburg)	
- Lot Size =	40,000 sf
- Lot Width =	150 feet
- Setbacks:	
- Min. Road =	75'
- Side Offset =	25'
- Rear Offset =	25'

SITE DATA TABLE - "Covered Bridge"	
- Gross Area	252.9 acres
- Proposed Town of Cedarburg	38.56 acres
- Proposed City of Cedarburg	214.34 acres
- Proposed Development	
City of Cedarburg	
- The Residences	127 lots
- The Villas	225 lots
- The Reserve	70 units
- CITY TOTAL =	422 units
- CITY DENSITY =	422 / 214.34 = 1.97 un/ac
Town of Cedarburg	
- The Estates	25 lots
- TOWN DENSITY =	38.56 / 25 = 1.54 ac/un
Total Development =	447 units
Total Density =	447 / 252.9 = 1.77 un/ac

Road Length
City = 22,060 lf
(52.3 lf/unit)
Town = 2,185 lf
(87.4 lf/unit)
Total = 24,245 lf
(4.6 miles)
(54.2 lf/unit)



CONCEPT PLAN

"COVERED BRIDGE"

STH 60, Cedarburg, Wisconsin



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

DATE: 03-20-2024



Memo

City of Cedarburg

To: Plan Commission and Jon Censky, City Planner
From: Kevin Westphal, City Forester
Date: March 25, 2024
Re: Comments for Neumann Project - Covered Bridge: Right-of-Way Width

I respectfully ask the Plan Commission to consider requiring Sixty-six foot (66') right-of-way (ROW) widths for all Minor Streets, and Sixty foot (60') ROW width for all Cul-De-Sac Streets within the proposed Covered Bridge development north of Hwy. 60. This is consistent with the road ROW widths used in the Sandhill Trails subdivision.

In a typical 60 ft. ROW with a 32 ft. road surface and 6 inch curb head and 5 ft. sidewalk, the grass strip known as the Parkway or Tree Terrace is 7 ft. wide. The benefit of requiring a 66 ft. wide ROW, providing the road surface width stays the same, is the tree terrace now becomes 10 ft. wide.

A 10 ft. wide tree terrace would be a great benefit to the health and long-term survival of the street trees which will be planted along the new subdivision streets.

Street trees provide many environmental and economic benefits to the citizens of Cedarburg.

These benefits include: improved air quality, improved physical and mental health of citizens, wildlife habitat, carbon sequestration, noise reduction, storm water reduction, soil erosion control, cooling of the air, pavement and buildings; reduced energy costs and increased property values.

These benefits are directly proportional to the size of tree canopy. The mature size of a tree is directly proportional to the volume of soil in it's growing space. For example, for an urban tree to grow to maturity (16 inch diameter) a soil volume of 1,000 cu. ft. is required.

In order to maximize these benefits we need to plan for adequate growth space for large shade trees along City streets.

Some additional benefits a 66 ft. ROW with 10 ft. wide tree terrace area would provide are:

SEC. 6-4-14 TREE PRESERVATION (Ord. 2001-52)

(a) Purpose and Intent.

- (1) Cedarburg recognizes that trees and woodlands help to reduce storm water runoff and erosion, replenish ground water supplies, preserve wildlife habitats, enhance and preserve air quality, the climate, the environment, protect property values and provide educational and recreational opportunities.
- (2) Cedarburg also recognizes that preservation and/or replacement of trees during the land development/building construction process is a public benefit and in the interest of preserving the health and welfare of the people.
- (3) This ordinance applies to all land disturbance activity on undeveloped property, which has been recently annexed to the City or is in the process of being annexed for development. It shall be applied to such lands in their pre-development condition through the process of reviewing and approving land divisions, site plan approvals and subdivision development. Said development activity shall comply with the Tree Preservation ordinance and implementing regulations.
- (4) This ordinance shall not apply to lands after their initial development has occurred.

(b) Definitions

- (1) **Superintendent of Parks and Forestry** is designated as the “City Forester” per the meaning in Sec. 6-4-3.
- (2) **Diameter at Breast Height (DBH):** A standard measure of tree size. A tree trunk diameter measured at a height of four and on-half (4 ½) feet above the ground. If a tree splits into multiple trunks below the 4-½ foot mark, then the trunk is measured at its most narrow point beneath the split.
- (3) **Land Disturbance Activity:** Any manmade change of the land surface including removal of a tree(s) or vegetative cover, excavation, filling, and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops.
- (4) **Development Site:** Any area in the process of annexation; any undeveloped property already annexed, any area subject to land division, condominium or subdivision development.
- (5) **Natural Areas:** Any area found on a parcel of land that includes but may not necessarily be limited to one of the following: wooded areas (trees, shrubs, etc), undisturbed areas, prairies, wetlands and natural ecosystems.
- (6) **Undeveloped Property:** Lands, which are devoid of structures above and below the ground. (Note: Structures shall be as defined in Section 12-1-240(141) of the Zoning Code.)
- (7) **Specimen Tree (s):** Any tree or grouping of trees which has been determined to be of high value by the Superintendent of Parks and Forestry because of its size (24” or greater DBH), age, historic significance or other professional criteria.
- (8) **Tree:** Any self supporting woody plant having a well-defined stem, a well-defined crown and has attained a height of at least eight feet with a trunk of not less than three (3) inches diameter at breast height (DBH). Or, a cluster of main stems having an aggregate diameter of not less than three (3) inches DBH. (Note: Containerized trees and nursery stock in licensed commercial nurseries are exempt from the provisions of this ordinance.)

- (9) **Tree Preservation Guidelines and Administrative Standards:** The implementing regulations established by the Park and Forestry Board and published by the Park and Recreation Department to be used by the Superintendent of Parks and Forestry, developers and residents of Cedarburg in identifying, preserving and protecting specimen and other trees.

(c) **Applicability**

- (1) The terms of this ordinance shall apply to all proposed land disturbance activity occurring on undeveloped/unplatted annexed property and property in the process of being annexed, or platted property associated with a land division, other condominium and subdivision development including but not limited to residential, commercial, industrial, and institutional uses except as otherwise noted herein.
- (2) With the submission of a preliminary plat or certified survey map, the developer/owner must identify and delineate all natural areas and indicate the approximate average DBH and the range of DBH sizes found in each natural area.
- (3) Provisions of this ordinance shall not apply to the following:
 - a. Lots developed and platted prior to the adoption of this ordinance
 - b. Lots for which a building permit has been issued for principal structures or principal use
 - c. Projects initiated by the City, as determined by the Common Council on a case-by-case basis, where the public good and/or health and welfare are a concern (including but not limited to installation of sanitary sewer, public roads, drainage improvements)

(d) **Permit Procedure**

- (1) The developer/owner shall submit a landscape plan in conjunction with the proposed development or land disturbance as specified in the Tree Preservation Guidelines. The landscape plan shall be submitted to the Superintendent of Parks and Forestry, Park and Recreation Department and Plan Commission or Park and Forestry Board, as applicable, for review. The Superintendent of Parks and Forestry may be requested to inspect the designated site for specimen and/or other trees for the purpose of preservation.
- (2) Based upon the Superintendent of Parks and Forestry inspection and review of the land disturbance, preliminary plat or certified survey map (and landscape plan submitted for subdivision development, as required in the Tree Preservation Guidelines), the Superintendent of Parks and Forestry and/or Plan Commission, as applicable, may suggest a modification and/or alternate location for site development, if in their opinion it may preserve trees in accordance with this ordinance and the Tree Preservation Guidelines. This recommendation shall be in writing.
- (3) The Superintendent of Parks and Forestry shall review all preliminary plats and certified survey maps and, when necessary, recommend modifications prior to Plan Commission approval.

(e) **Removal of Specimen Trees**

- (1) No specimen trees shall be removed from a development site as of November 12, 2001 except as provided in (e) of this ordinance. Documentation requesting removal shall be submitted to the Superintendent of Parks and Forestry, as applicable, as part of a landscape plan, in accordance with the Tree Preservation

Guidelines prior to final plat or land division or site plan approval.

- (2) It shall be unlawful to remove, injure, destroy, or undertake any procedure that may cause the death or substantial destruction of any specimen tree located on the development site without the express written permission of the Superintendent of Parks and Forestry or his representative.
- (3) If a specimen tree is proposed to be removed, the Superintendent of Parks and Forestry shall review the site for any alternative location for driveway, building and/or other construction in order to preserve the specimen trees.
 - a. If it is found that construction cannot occur on a development site without removal of specimen tree(s), the Park and Forestry Board may require reconfiguration of the proposed locations of buildings, roads, parking areas, or lot lines in an effort to preserve trees.
 - b. In the case outlined above, the Park and Forestry Board can direct the Superintendent of Parks and Forestry to authorize the removal of specimen trees pursuant to Sec. 4 d. below.
- (4) Authorization for removal of any specimen tree located on the development site may be granted for the following reasons:
 - a. The tree is dead or dying; or
 - b. The tree is diseased; or
 - c. The tree is damaged or injured to the extent that it is likely to die or become diseased; or
 - d. Where removal will avoid or alleviate unreasonable difficulty or hardship.
- (5) The owner/developer shall pay specimen tree replacement fees in each of the following instances, as directed by the City:
 - a. In the event the removal of the tree is authorized to avoid or alleviate unreasonable difficulty or hardship.
 - b. In the event the tree is damaged or injured by other than natural causes to the extent that is likely to die or become diseased, or it constitutes a hazard to persons or property.
 - c. In the event the tree is unlawfully removed in violation with this ordinance.
- (6) Tree replacement fees, pursuant to Subsections (e) (5) a. or (e) (5) b. will be in accordance with the Tree Preservation Guidelines. Where tree replacement fees are due as a result of unlawful removal of a tree, in violation of the ordinance, the Superintendent of Parks and Forestry will require fees based upon the replacement value as determined by a certified arborist in accordance with the latest revision of a Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens, as published by the International Society of Arboriculture.
- (f) **Enforcement.** It shall be the duty of the Superintendent of Parks and Forestry, Parks and Recreation Department, or its authorized representative to enforce this ordinance. The Superintendent of Parks and Forestry, Parks and Recreation Department or authorized representative shall have the authority to revoke, suspend or void any land disturbance permit and shall have the authority to suspend all work on a site or portion thereof for violation of this ordinance.
- (g) **Violations and Penalty.** Any person, firm or corporation violating any of the provisions of the ordinance may be subject to a forfeiture of not less than \$500.00 per violation together with the costs of such action. Each day during which any violation of the provisions of this

ordinance shall occur or continue shall be a separate offense. If, as a result of the violation of any provision of this ordinance, the injury, mutilation or death of a specimen tree is caused, the cost to repair or replacement shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined by a certified arborist in accordance with the latest revision of a Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens, as published by the International Society of Arboriculture. The developer/owner shall pay all fees associated with the certified arborist's appraisal.

- (h) **Appeal.** Any person aggrieved or affected by any decision of the Superintendent of Parks and Forestry, Park and Forestry Board, Plan Commission or City Staff relating to the application of this ordinance may appeal to the City of Cedarburg Board of Appeals.

SEC. 6-4-15 ADOPTION OF STATE STATUTES.

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

State Law Reference: Sections 27.09 and 86.03, Wis. Stats.

- Lower future costs for sidewalk replacement due to roots heaving sidewalks
- More room for underground utilities since several utilities share the tree terrace area with trees
- More room to store snow
- More room for brush and yard waste storage
- More aesthetically pleasing streetscape

In recent meetings with Director of Public Works Mike Wieser, and Superintendent of Public Works Joel Bublitz, both were either not opposed to or in favor of to the use of 66 ft. ROW in new subdivisions, respectively.

The City has used 66 ft. ROW for Minor Streets in the past. Some examples include Hilbert Ave. from Lincoln Blvd. to Wurthmann St. platted in 1956 and the more recent Sandhill Trails and Covington Square East of Keup Trail subdivision. See photos below.



Hilbert Ave. - Platted 1956



Sandhill Trails – Platted 2016



Covington Square East of Keup Trail Subdivision



CITY OF CEDARBURG FEES

Type of Request	City Code/ Policy Reference	Fees
Concept/Consultation Plat Review	SEC. 14-1-100(d)(1)	\$100
Preliminary Plat Review Fee	SEC. 14-1-100(d)(2)	\$150 plus \$6/dwelling unit
Preliminary Plat Reapplication Fee	SEC. 14-1-100(d)(3)	\$75
Final Plat Review Fee	SEC. 14-1-100(e)(1)	\$100 plus \$3/dwelling unit
Final Plat Reapplication Fee	SEC. 14-1-100(e)(2)	\$50
Certified Survey Map (w/o dedication)	SEC. 14-1-100(d)(4)	\$300
Certified Survey Map (with dedication)	SEC. 14-1-100(d)(5)	\$325
Rezoning Petition (Map)	SEC. 13-1-230(b)(7)	\$250
Rezoning Petition (Text)	SEC. 13-1-230(b)(6)	\$200
Planned Unit Development Overlay Petition	SEC. 13-1-230(b)(3)	\$350
Conditional Use Fee	SEC. 13-1-230(b)(4)	\$300
Board of Appeals or Variance	SEC. 13-1-230(b)(5)	\$150
Concept/Consultation Plan Review	SEC. 13-1-230(b)(13)	\$100
Minor Site Plan Modifications	SEC. 13-1-230(b)(9)	\$100
Site, Architectural, Lighting and Landscaping Plan Review	SEC. 13-1-230(b)(10)	\$350
Individual Architectural Review	SEC. 13-1-230(b)(11)	\$110
Annexation	SEC. 13-1-230(b)(8)	\$150
Land Use Map Amendment	SEC. 13-1-230(b)(15)	\$200
Occupancy Permit/Temporary Use	SEC. 13-1-230(b)(2)	\$27.50
Residential Infill Lot Architectural Review	SEC. 13-1-230(b)(12)	No Fee
Accessory or Minor Structure Review	SEC. 13-1-230(b)(14)	\$100
Street Opening Permit	SEC. 6-2-3(g)(1)	
Opening street	a.	\$250
Opening curb, alleyway, walkway, or parkway	b.	\$150
Perform work or labor or deposit excavation or construction materials within a public right-of-way	c.	\$50

COMMERCIAL AND LIMITED RESIDENTIAL DISTRICT

The intent of this district is to allow for a mix of uses with commercial uses to constitute in excess of sixty (60) percent of the total developed floor area and multiple family uses to constitute a smaller portion of the developed floor area. The multiple-family uses shall generally be located along the south property line and then transition into the commercial uses.

13-1- General Restrictions.

All sites and buildings shall be designed to reflect and promote the historic nature of the City of Cedarburg in terms of architecture, use of building materials, building placement, landscaping, low intensity lighting.

Use Regulations.

Commercial and Limited Residential District – Highway 60 and Sheboygan Road Neighborhood

- A. Permitted Uses. Subject to all approvals and required by Article F Site Plan and Architectural Review and the provisions of this district, the permitted uses shall be:
- Any retail and customer service uses allowed in the B-1 Neighborhood Business District.
 - Office. Those uses allowed as permitted uses in the B-4 Office and Service District.
 - Multiple-family dwellings as permitted in the Rm-1 Multiple-family district.
 - Mixed Use buildings.

TABLE 13-1-

COMMERCIAL AND LIMITED RESIDENTIAL DISTRICT

Development Standards

TYPE OF STANDARD	STANDARD
MINIMUM OPEN SPACE AND FLOOR AREA RATIOS	
Open Space Ratio (OSR)	35% ^(a)
Floor Area Ratio (FAR)	50%
LOT DIMENSIONAL REQUIREMENTS	
Minimum Zoning District Area	10,000sf
Minimum Lot Width at Setback Line	Site design dependent(b)
Minimum Setback	25'
Minimum Setback from Wetlands	Principal Structure: 25' Accessory Structure: 5'

Minimum Offset (side)	20'
Minimum Offset (rear)	25'
<u>Minimum Setback from a Navigable Stream</u>	<u>75'</u>
Maximum Lot Coverage	50%
MINIMUM LIVING AREA PER DWELLING UNIT	
Residential Units excluding store front spaces	Efficiency or 1-bedroom=420sf 2-bedroom=550sf
MAXIMUM BUILDING HEIGHT	
Principal Structure	35'
Accessory Structure	20'

- (f) **Traffic, Loading, Parking, and Access.** (See Article D.)
- (g) **Nonconforming Uses, Structures, and Lots.** (See Article G.)
- (h) **Performance Standards.** (See Article H.)
- (i) **Signs.** (See Title 15, Chapter 5 of the Municipal Code.)
- (j) **Site Plan Review.** (See Article F.)
- (k) **Architectural Review.** (See Article F.)

ZONING TEXT RECODIFICATION

To: City of Cedarburg Plan Commission

Prepared by: Jonathan Censky, City Planner

Agenda Item: 6.C.

Date: April 1, 2024

General Information

Applicant:

Cedarburg Plan Commission

Requested Action:

Zoning Code Recodification

Report:

Since our last meeting, staff has made the changes as previously discussed and corrected the Scribner's errors identified by Commissioner Arnett. We have also reworded the verbiage under the Purpose and Intent section to reflect the comments made at last month's meeting. Again, if Commissioners are now prepared to recommend approval, we will send it to the Common Council for their review and ultimate adoption.