

COMMUNITY DEVELOPMENT AUTHORITY
February 21, 2018

CDA20180221-1
UNAPPROVED

A meeting of the Community Development Authority of the City of Cedarburg, Wisconsin, was held on Wednesday, February 21, 2018 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers.

The meeting was called to order by Mayor Kip Kinzel at 7:00 p.m.

Roll Call: Present: Mayor Kip Kinzel, Council Member Jack Arnett, Eric Stelter, Eric Arvold, Dale Lythjohan, Joe Kassander

Excused: Andy Dettro

Also Present: City Administrator/Treasurer Christy Mertes, City Attorney Mike Herbrand, City Planner Jon Censky, Greg James, Brian James, Mr. & Mrs. Jim Doornek

STATEMENT OF PUBLIC NOTICE

Mayor Kinzel acknowledged that the agenda for this meeting was posted and distributed in compliance with the Wisconsin Open Meetings Law.

COMMENTS & SUGGESTIONS FROM CITIZENS - None

APPROVAL OF MINUTES

Motion by Council Member Arnett, seconded by Joe Kassander, to approve the minutes from the November 13, 2017 and January 25, 2018 meetings. Motion carried unanimously with Andy Dettro excused.

NEW BUSINESS

Consider Recommendation to the Plan Commission Regarding Whether the City Should Rezone the Vacant 5.5-Acre Parcel Located in the City's Business Park East of Evergreen Boulevard and North of Pioneer Road to Allow for a Two-Family Development or Retain the Existing Zoning for Future Business Development; and Action Thereon

Planner Censky explained the Plan Commission had received a request to amend the Land Use Plan for this site in the first business park. The land is currently zoned M-3 Business Park and the request for rezoning would be to Rd-1 – Two-Family Residential.

The three questions from the Plan Commission to the CDA are:

1. Should the CDA consider purchasing and reselling the site to retain the Business Park M-3 zoning?
2. Should the zoning remain and allow development to occur as the market allows?
3. Does the CDA support the rezoning of the site to residential?

The Business Park Covenants do not allow rezoning. The covenants may be amended by recording in the public records, a document to that effect executed by owners of all the land and their mortgagees, with all signatures duly notarized. Such amendment shall become effective only upon recording.

In response to Mayor Kinzel's question, Planner Censky stated the restriction was put in place by the City and runs with the land in perpetuity. Mayor Kinzel stated that one owner could have veto power of the amendment to the covenants if they do not sign.

In answer to Eric Stelter's question, Mr. James stated no public funds are being requested.

In response to Mayor Kinzel's question, Planner Censky stated the parcel was too narrow for business development.

Dale Lythjohan said the parcel is one of the few five-acre lots zoned M-3 available for manufacturing in the City. He is reluctant to consider making it residential.

Planner Censky noted the parcel has been vacant for a very long time without any activity. Dale Lythjohan noted part of this time was due to the slow economy. Planner Censky also stated this parcel has a joint driveway for access with the property to the north.

Council Member Arnett said the site is not suitable for an industrial site and is not conducive to semi-truck traffic. It is well suited for two-family development. The estimated value to be built is \$7 million, which is more than what any industrial building could bring to the City. The parcel has been vacant for approximately 15 years.

In response to Eric Arvold's question, Planner Censky stated there has not been any other official interest in the property.

Dale Lythjohan asked about the noise complaints and wondered if they would be an issue for the proposed residential development. Planner Censky stated the previous noise complaint was related to the rooftop HVAC unit and was resolved with barriers being put in place. If there were future complaints they would be addressed with the business.

Mr. Greg James referenced a letter he handed out to the CDA members and stated there are currently residential properties in this area.

To proceed with the changing of the covenants, the signature of nine business owners and their mortgagees need to be collected.

Mr. Doornek stated the owner of the business to the north of his property had no interest in purchasing this parcel.

Motion made by Council Member Arnett, second by Eric Stelter, to recommend rezoning the parcel to allow two-family residential development.

In answer to Eric Stelter's question, City Attorney Herbrand stated the City cannot purchase homes and flip property as there has to be a public purpose. In addition, three of the bordering residential properties are in the Town of Cedarburg.

The motion carried unanimously with Andy Dettro excused.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Mayor Kinzel, to adjourn the meeting at 7:29 p.m. Motion carried unanimously with Andy Dettro excused.

Christy Mertes
City Administrator

adk