TOWN OF CEDARBURG
SPECIAL MEETING OF THE BOARD OF SUPERVISORS
October 19, 2026

Present:
David Salvaggio, Chairman
Wayne Pipkorn, Supervisor Seat 1
Russ Lauer, Supervisor Seat 2
Larry Lechner, Supervisor Seat 3
Thomas Esser, Presiding Supervisor Seat 4
Eric Ryer, Administrator
Sara Jacoby, Clerk/Assistant Administrator
Amy Barrows, Consulting Planner
Brad Hoeft, Town Attorney
Matthew Nugent, Town Attorney

1. **CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
   Presiding Supervisor Esser called the special meeting to order at 7:00 pm. The meeting began with the pledge of allegiance.

2. **PUBLIC HEARING**
   a. **None**

3. **OLD BUSINESS**
   a. **None**

4. **NEW BUSINESS**
   a. **Discussion and possible motion on Ordinance 2026-13, "AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 320, ZONING, OF THE TOWN OF CEDARBURG CODE OF ORDINANCES AND TO ADOPT THE ACCOMPANYING OFFICIAL ZONING MAP FOR THE TOWN OF CEDARBURG, OZAUKEE COUNTY, WISCONSIN"***
   Administrator Ryer gave a brief history of the process leading to the draft proposed ordinance and accompanying draft Official Zoning Map and introduced Consulting Planner Barrows. Planner Barrows summarized the more significant updates to the draft proposed zoning code ordinance and zoning map including modification of allowable uses to align with the Town's vision for future development including a shift from more intense and industrial uses to residential and mixed uses, resolve discrepancies, comply with state statutes, and align with the Comprehensive Plan.

   Noting visioning sessions with the Town Board, staff and legal review, an open house, and a public hearing, Planner Barrows summarized the changes to the code language, including consolidation of design standards, triggers for design standards, opportunities for exceptions, clean-up of the conditional uses, accessory structure provisions, prohibition of storage containers, updated lists for principal uses highlighting the new mixed-use districts, PUDs, non-conforming uses and structures, administrative processes and responsibilities, and signage.

   Planner Barrows cautioned a significant update such as this could lead to unintended errors being found in the future. She also summarized the Open House and Public including the following questions/comments:

   - The owner of 1111 Wauwatosa Road whose property was changed to MU-2 was hoping to maintain their residential uses. [The residential use would be allowed to continue.]
   - The property owner at 889 Horns Corners Road requested that their agricultural property be allowed to be divided into one-acre lots. [The zoning on this property did not change and 1-acre lots are not consistent with their current or future zoning.]
   - W63N671 Washington Avenue commented that Town should work to master plan development, and to restrict parking in the front or street yard. [Design standards in the mixed-use zones do address this parking issue.]

- The property owner at 1123 Washington Avenue made unrelated comments regarding STH 60.
- The property owner at 5207 Cedar Creek Road submitted some ideas for farm-to-table events, event rental, storage rental or barn space, and short term rentals. [During the initial visioning sessions, it was determined that those ideas would not be addressed with this update. It would be a large undertaking to amend the code for these activities.]
- During the public hearing the representative from Kwik Trip questioned if they were allowed to continue their use [yes – it will become legal, nonconforming], if they could rebuild after a natural disaster [yes], and if there were any other areas of the Town in which gas stations would be allowed [no].
- During the public hearing a representative from Neumann Developments spoke about their opposition to the property they are under contract to purchase along HWY 60 being rezoned to agricultural.

Attorney Nugent added process clarification. Because an objection has been made by Neumann Companies regarding the proposed rezoning of certain lands along STH 60 from M-2 to A-1 Agricultural, a super majority of the Board Members would be needed to approve the Ordinance and Zoning Map.

Matt Neumann of Neumann Companies was permitted to speak. Mr. Neumann spoke about the property they are under contract to purchase along HWY 60 totaling 160 acres that is proposed to be rezoned from M-2 to A-1. He gave a brief history and noted that they spent the last few years or so working with the City Cedarburg who has the right – but not obligation – to annex lands within the City Growth Area on the inside of the Boundary Agreement. He noted the City of Cedarburg recently declined to annex the lands for which they applied.

The City of Cedarburg amended components of their master plan including housing. Neumann Companies felt that their proposal to the City met their housing goals and were willing to stagger construction of homes to comply. After denial by the City of Cedarburg, Neumann became aware of the Town's Zoning Code and Zoning Map update process.

Believing that they have property rights under the existing M-2 zoning, Mr. Neumann notified the Town of their request to allow the 160 acres remain M-2. At the Plan Commission's public hearing on October 1st, Neumann Development requested that the property remain zoned M-2, the property be rezoned to an equivalent such as MU-1, or that the process be paused until they could have a discussion regarding the property now that the annexation failed. The Plan Commission recommended the Town Board approve the Zoning Code and Zoning Map as proposed, opting not to recommend the 160 acres remain M-2.

Mr. Neumann noted Neumann Developments will be looking to develop portions of that land in the Town instead of annexing it to the City pursuant the Boundary Agreement. He feels that the property is being downzoned. He noted that if the property was rezoned tonight, he would have no option but to try to defend his property rights and value on behalf of Neumann Development and the current landowner. He requested that this item be tabled, or at least not change the zoning for the 160 acres until he has an opportunity to meet with the Town to discuss long-term development or that the Town Board retain the M-2 zoning for the property, or rezone it to MU-1, but not A-1 Agricultural. Because of the Boundary Agreement between the City of Cedarburg and the Town of Cedarburg, he believes that any proposed change will be challenged and create a significant reduction in the value of the property.

Kurt Petrie, representing the owner of the lands being addressed by Matt Neumann along HWY 60, spoke of the history of his family and holding the property for future use of manufacturing. Their family desires to sell the property to Neumann Companies for development. He asked that the property

not be rezoned to A-1 as proposed, and that the property be carved out of this rezoning because the City has no interest in annexation at this time.

Supervisor Esser asked Town legal to explain why the Boundary Agreement would make the rezoning complicated as Matt Neumann stated. Attorney Nugent commented that the intergovernmental agreement (Boundary Agreement) indicates a preference to keep zoning difficult for development while the lands remain in the Town. It does not necessarily preclude the Town from rezoning the land in the future if there was a desirable plan that was agreed upon.

Matt Neumann of Neumann Companies recognized that there is currently a great deal of opposition to development and feels that working within the Town with larger lots would be a good fit if the City of Cedarburg was willing to release that land from the Boundary Agreement. Mr. Neumann was specifically concerned about a clause in the agreement that states that the Town will discourage premature development by imposing and maintaining zoning districts that do not permit development and that to the extent authorized by law, the Town will refuse to approve Certified Survey Maps or Platted subdivisions within the City Growth Area.

Attorney Hoeft noted that the Boundary Agreement does not restrict rezoning, rather it speaks to subdivision and land division. He clarified that the item in front of the Board at this time is the Zoning Code Ordinance and Zoning Map, and not the Boundary Agreement. The Board is not being asked to interpret or consider contractual issues, they are being asked to perform their legislative function regarding the Zoning Code and Zoning Map. Mr. Neumann was allowed to speak, and while Attorney Hoeft does not necessarily agree with all the opinions expressed, debate is not part of this process.

Attorney Nugent addressed the comment that the proposed A-1 zoning change of the 160 acres was a result of the Boundary Agreement, which is not the case. The reason that A-1 is a more fitting district for this land is because of the Comprehensive Plan and Future Land Use Map.

Attorney Hoeft clarified that the request by the property owner to exclude the 160 acres of property from the rezoning under the proposed Zoning Map is not an option because M-2 is being removed as an available zoning district.

Supervisor Lauer noted this project has been worked on for over two years, including Plan Commission work, professional staff zoning code review, multiple workshops, open houses, proper notification, and a noticed public hearing, and he made a motion to approve Ordinance 2026-13, "AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 320, ZONING, OF THE TOWN OF CEDARBURG CODE OF ORDINANCES AND TO ADOPT THE ACCOMPANYING OFFICIAL ZONING MAP FOR THE TOWN OF CEDARBURG, OZAUKEE COUNTY, WISCONSIN." Supervisor Lechner seconded and the motion carried unanimously.

Attorney Hoeft clarified that the vote was 5-0.

5. ADJOURNMENT

Supervisor Lechner made a motion to adjourn the special meeting at 7:50 pm. Chairman Salvaggio seconded, and the motion carried unanimously. The meeting was adjourned.

Respectfully Submitted,

Sara Jacoby
Assistant Administrator/Clerk