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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, January 13, 2020
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair John Wirth
Alderman/Vice Chair Robert Strzelczyk
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alternate Greg Bach
Alternate Dan Gentges
Alternate James Baka
Commissioner Rick Lemke - **Absent**

Chair Wirth called the meeting to order at 6:00 p.m.

Roll Call was taken.

a) Approval of Minutes from December 2, 2019

Action

Ald. Strzelczyk made a motion to approve the minutes from December 2, 2019.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker

2) Consent

Three items were taken off the Consent Agenda; two remain: the Prah! CSM and ICAP Development CSM.

Action

Commissioner Stoker made a motion to approve the two consent agenda items.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed 8-0

- a) Jim Bruce. The applicant is seeking certified survey map approval to allow for a 3-lot land division for the property located at 14221 Klug Lane.

Marnie Harris – 3109 W. Pioneer Road – lives adjacent to Lot 1 & Lot 2. She is opposed to this item as she was told that nothing would be built on this land besides a residence for the Bruce family.

Heidi Hren – 3121 W Pioneer Road – her property abuts proposed Lot 3 and she is opposed to this proposal. She wants the area preserved for wildlife. She is also concerned about the flooding in the area and that Highway C floods often. She does not believe that the road can handle construction traffic. She feels that there is too much building in Mequon and she wants to preserve the greenspace. Overall, she is opposed to this proposal as she wants to preserve the wildlife habitat, ecological productivity and the water quality of the Milwaukee River.

Lynn Bichler -14264 N. Klug Lane – supports this proposed land division but does not wish to speak.

Planner Vang stated that this request is for a 3-lot land division. The sites do contain a significant number of wetlands, floodway and floodplain. Once subdivided, each lot does have a buildable area and the lots meet the 5-acre minimum requirement of the R-1 single-family residential zoning district. The applicant has submitted a Wetland Delineation Report from the DNR which indicates where the floodway and the floodplain lines are; those areas are not buildable areas.

Asst. Eng. Henk stated that building in floodway is not allowed but building in floodplain is allowed with special approvals. The conditions for meeting approvals are listed in the board packet. It is a rigorous process and anything that is built in the floodplain needs to be compensated for elsewhere. The applicant is required to meet the requirements of the Tree Preservation Ordinance to ensure that the specimen trees are protected. She explained that Lot 1

& Lot 2 would have access from Pioneer Road and that Lot 3 would have access from Klug Lane. The fire department confirmed that they can access these homes if needed. She acknowledged that there was high water on Highway C a few years ago where residents needed to be evacuated and this was done safely.

Mayor Wirth confirmed with staff that by state law the applicant can divide the property and that staff, and the Planning Commission simply need to ensure that all the technique standards are met under city ordinances and state law.

Asst. Eng. Henk answered that fill is not allowed in the floodplain and that fill brought in for any other areas on the site are subject to building permit review

Action

Commissioner Stoker made a motion to approve the land division request per staff conditions. Commissioner Choren seconded the motion.

A roll call was taken; vote passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker

- b) William and Bonnie Prah Revocable Trust. The applicant is seeking certified survey map approval to allow for a one lot land division for the property located at 12519/12521 N. Granville Road.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker

- c) Homesealed, LLC for Bank First. The applicant is seeking building plan amendment approval for exterior building changes for the property located at 11740 N. Port Washington Road.

Commissioner Jim Schaefer requested that this item be removed from the consent agenda. He stated that much of the top of the building is deteriorated and needs to be addressed. The current proposal from the applicant will not work at the top and he stated that trim is needed.

Planner Vang stated that staff has been on site several times and have asked the applicant to submit plans for the entire building. The applicant has expressed an interest in updating the first-floor windows and making changes to the portico under the canopy and to change the round

columns to square columns; all which staff supports. She added that staff and Commissioner Jim Schaefer can work with the applicant regarding alternate materials/design for under the canopy.

Action

Commissioner Jim Schaefer made a motion to approve the item subject to the applicant submitting plans that supplement their existing plan including more details on the canopy to be approved at staff level.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed 8-0

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	James Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker

- d) ICAP Development. The applicant is seeking rezoning recommendation (PUD amendment) and certified survey map approval for a 3-lot land division for the property located at 10865-10911 N. Port Washington Road.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker

- e) The Woods at Highland Park. The applicant is seeking final plat for Phase I and certified survey map approval for a 28-unit condominium development located at 12431 N. Green Bay Road and the parcel to the west; a one-acre portion of 12424 N. Green Bay Road and a 1.6-acre portion of 5555 W. Highland Drive.

Mayor Wirth stated that he removed this item from the consent agenda as he needs to recuse himself from this item and the following item regarding I-43 signage. Ald, Strzelczyk will chair these two items.

Action

Commissioner Jim Schaefer made a motion to approve the item.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed 8-0 {Mayor Wirth recused, Commissioner Bach voted}

RESULT:	APPROVED [7 TO 0]
MOVER:	James Schaefer, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker, Bach
RECUSED:	Wirth

3) Regular Business

- a) East Mequon III, LLC. The applicant is seeking I-43 signage approval for the property located at 12308 N. Corporate Parkway.

Planner Vang stated that the applicant is proposing three new I-43 signs which require Planning Commission (“PC”) approval. The PC previously approved two signs for this location. The applicant is also requesting two waivers:

1. Minimum height requirements for letters.
2. Sign Area.

The minimum height requirement for letters on signs facing I-43 is 18-inches. Based on a rendering of lettering at this height, staff feels that at this size the scale is out of context with the building elevation. Additionally, it also exceeds the allowable sign area by 30 square feet. The applicant then proposed 12-inch letters which is preferred by staff as it relates better to the building and is still visible. Staff supports the two waivers for the letter height and the size area.

The applicant, Dave Bauer from Bauer Sign & Lighting, stated that he was working to honor the brand logo standards from Trustmark as this is their corporate standard.

Action

Commissioner Stoker made a motion to approve the item subject to staff recommendations. Commissioner Choren seconded the motion.

A roll call vote was taken; vote passed 8-0 {Mayor Wirth recused; Commissioner Bach voted}

RESULT:	APPROVED [7 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker, Bach
RECUSED:	Wirth

- b) ICAP Development. The applicant is seeking building and site plan approval for a proposed Credit Union for the property located at 10945 N. Port Washington Road.

Asst. Dir. Zader stated that this item was in front of the Planning Commission last month for a consultation for a proposed Credit Union. The previous ICAP Development item tonight approved the CSM and a minor ordinance change that allows for smaller lot sizes due to added storm water ponds placed in outlots. The proposed building and site plan approval will be contingent on the Common Council approval of those approvals. All district requirements are met except for the open space ratio. The open space ratio was addressed in the original PUD approval which requires that individual sites may deviate from the required ratio, but that the overall open space ratio of 40% requirement must be met once the development is complete. It is a bit short on this site so it will need to be made up on another site.

The new site plan is similar to what was previously proposed. The angled parking stalls from the back of the drive-thru were removed which staff supports. The applicant did supply the projected number of employees and based on this number as well as square footage, there are 4 more stalls than are required by code. Overall the lighting plan does meet the ordinance requirements. Parking lot illumination candles slightly exceed the code.

The landscaping plan was reviewed by the independent consultant Terry Higgins, and he had a few recommendations:

- Provide street trees along Port Washington Road corridor at 35-foot intervals
- Meet species size requirements

At the last meeting there was not much consensus among the Commissioners about recommended changes to the building, but the following items were discussed:

- Color of the brick
- Potential for adding more windows along the front
- Possibly adding more building volume on the bottom section

The following items were changed by the applicant and are shown on the new rendering:

- More detail at the top of the building
- Recessed the brick portion around the proposed sign

Other suggestions by the Commissioners were not addressed because the applicant wanted to meet the brand standard of the Kohler Credit Union as much as possible.

Due to the large number of windows, a shading plan was provided as requested by staff. The concern is due to other proposals of buildings with ample window space and the windows eventually get covered by shades or other equipment.

Staff does welcome recommendations regarding elevations but is otherwise supportive of all the proposed plans subject to the conditions in the staff report.

The Architect from Milwaukee Group represented the Kohler Credit Union. She stated that she brought brick samples for the Commissioners to view as last time there was concerns about the brick color and she did not feel that the computer images adequately represented the actual color of the brick. She also had a retaining wall sample to review. The Commission viewed the different material samples.

There was discussion regarding the height of the front and a suggestion was made to drop the elevation by 1 foot. The applicant responded that they would entertain this suggestion. It was also suggested to make the four columns bigger/heavier for better balance.

Action

Commissioner Choren made a motion to approve the item per the conditions in the staff report, lowering the roof elevation by 1 foot, reducing the glass exposure and increase the size of the columns.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed 8-0

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Martin Choren, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker

- c) Steckling Builders for Guo Medical Office. The applicant is seeking minor request approval to omit the canopy over the entrance from the approved building plan for the existing office structure located at 10624 N. Port Washington Road.

Planner Vang that a canopy was approved as part of the building plan amendment approval in January 2019. Upon the completion of construction staff inspected the building and noted that the canopy was omitted. The agent indicated that it was omitted during construction due to cost. Staff did not want to approve this at staff level and wants the Planning Commission to decide whether this is permitted. Staff recommends that the canopy be required per the approved plan as it adds dimension to the front façade as well as indicates the point of entry. The applicant was asked to supply alternate options to staff, but they opted to ask for approval to omit the canopy.

The applicant, Rick Steckling with Steckling Builders, stated that he did the remodel on this building. He stated that the owner did not want to invest the money (about \$6,500) into the canopy as she is selling the building and she feels that the vestibule at the front of building is adequate and that it looks more modern and sleeker.

The feedback from the Commission is that approved plans; whether commercial or residential, are required to be followed as approved. The Commission provided feedback that they prefer the look of the canopy on the building as they feel that it pronounces the entrance and provides some cover from the elements. It was also suggested that the address be added to the building as shown on the approved plan as well.

Action

Ald. Strzelczyk made a motion to deny the request for a waiver and to require the canopy and address be installed per the approved plan.

Commissioner J. Schaefer seconded the motion.

A voice vote was taken; vote passed 8-0

RESULT:	DENIAL [UNANIMOUS]
MOVER:	Robert Strzelczyk, Stephanie Hawley
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker

- d) Fred Bersch & Paul Apfelbach. Rereferred from Common Council for reconsideration - Rezoning recommendation; from R-1/OA (Rural Residential Detached/Agricultural Overlay) to R-1B (Rural Residential Detached, 2.5 acre minimum), approval to allow for a 6-lot single family subdivision for the property located at the southwest corner of N. Birchwood Land and W. Hemlock Lane.

Mayor Wirth explained that the city ordinance requires that when there is a rezoning recommendation to the Common Council ("CC") and the CC chooses not to adopt the rezoning recommendation by the Planning Commission ("PC"), then the item is rereferred to the PC for reconsideration.

Asst. Dir. Zader showed the proposed 4-lot concept on the overhead screen. Rezoning to R-1B zoning is required because the lot sizes are less than 5-acres; mostly in the 4-acre range. There would be a deed restriction that would limit development of this land to only 4-lots. He also stated that there was discussion at the CC meeting regarding whether the PC fully understood the dynamics of the lot sizes of the surrounding neighborhood. Asst. Dir. Zader stated the he felt this issue was covered pretty well; but this issue was questioned by the CC. He created a new map that clearly outlines the surrounding context:

- 4 lots to the north range from approx..1.72 – 2.15 acres
- Lots along Lake Shore Drive just adjacent to the parcel which range from approx. 2.7 – 4.6 acres
- 2 properties to the south; one is just under 2 acres and the other one is 4.16 acres.

He explained that there are two larger parcels in the area. One of them is zoned R-1B which is divisible and has the same type of deed restriction as the proposed parcel. That parcel can only be divided into 2 parcels. He explained that there are 5-acre and larger parcels to the north and some to the south but the surrounding context; other than the 2 along the freeway and the road; that the remaining lots are still smaller than the proposed 4 lots. Because this is a rereferral there is not staff recommendation.

Daniel Dunar - 13708 N Lake Shore Drive – he is opposed and feels that the Land Use Plan created 20 years should be honored. He does not feel that 4 lots are any more acceptable than 6 lots and that the developer is still asking for a special request. He does not feel that case by case decisions set precedents. He feels that the city needs to create clear criteria standards and transparent processes.

Louise Dernehl - 915 W. Ranchito Lane – is opposed as this parcel is covered in wetlands. She has concerns regarding the wells and water levels and the effect that more homes will have on these systems.

Chandra Schmida - 424 W. Hemlock – is opposed and does not wish to speak.

Frank Sandberg – 524 W. Shady Lane- is opposed and does not wish to speak.

Danielle Forina – 13833 N. Lakeshore Drive – is opposed. She lives across the street from the proposed parcel on Lake Shore Drive. Her concerns are the effect on the rural nature of the area, the wildlife and the water table. She feels that the rezoning change is not the intent of the original land use plan. She does not feel that new homes will fit in to the existing neighborhood.

Dan Bradley – 344 W. Bonniwell Road – he opposes this proposal and feels that the process is never-ending. He does not want this parcel to be rezoned as he feels that it sets a precedent and he worries about the other large parcels in the area also being rezoned. He stated that this area is a rural residential neighborhood and not a subdivision neighborhood. He asks that the decision be to maintain the 5-acre zoning and only allow 3 lots.

Barbara Sandberg - 524 Shady Lane – is opposed. She is concerned about the surface water in that area and stated that there is a lot of flooding. She is concerned about pervious surface on the vacant parcel and that it will cause more water run-off and effect on the watershed. She requests that the zoning not be changed.

The applicant was represented by Fred Bersch and Paul Apfelbach. Mr. Bersch stated that at the last CC meeting the issue of the aquifer and the quality of the water was discussed and he would like staff to address this issue. He stated that the property owner of this parcel has the right to request the rezoning. He explained that all the proposed lots are larger than any of the surrounding parcels and are consistent with the lots in the neighborhood. He talked about the depth of the neighboring wells and stated that the suggestion that one individual property owner would be responsible for the performance of other wells in the area is unprecedented. The Water Utility communicated to Mr. Bersch that they have been very successful in taking properties off the aquifer. He does not believe that either plan submitted is an unreasonable change to the rural character of the neighborhood. The applicant does not believe that 3-lots lay out well on this parcel, but 4-lots provide a nice layout. Lot 2 does have adequate building space despite the wetlands located in that area. He stated there is not any drainage from this parcel that travels north to Shady Lane. This property will not contribute to any additional water issues in the area. He explained that the Land Use Plan is not representative of the current land use in this neighborhood as most of the parcels are under the 5-acre minimum.

When questioned about the changes from 6-lots to 4-lots; Asst. Dir. Zader explained that the proposal changes from a subdivision to a certified survey map (“CSM”) approval and include:

- Individual Storm water management plans.
- Fire cistern fee no longer applicable.
- No other subdivision conditions apply

He explained that the setback condition can be added as part of the rezoning on 4-lots but not for 3-lots.

A few of the Commissioners communicated that the Land Use Plan from 20 years ago should still be applicable and that the property owner had the opportunity to ask for a rezoning change several years ago. Other Commissioners stated that this rezoning does not set a precedent as most of the surrounding parcel sizes are smaller and do not adhere to the 5-acre minimum dictated in the Land Use Plan.

Asst. Dir. Zader explained that the rezoning request would cause a change to the Land Use Plan and is not considered an exception or special waiver. The Land Use Plan currently states that all the parcels in this area are supposed to be 5-acres and many parcels; as parcel sizes were noted earlier, are not in accordance with Land Use Plan.

Mayor Wirth stated that good standards to evaluate when considering a rezoning is the surrounding neighborhood. He feels that this rezoning request is consistent with the neighborhood. The Land Use Plan from 20 years ago has many good standards that still apply today (rural parcels shall be a minimum of 5- acres, conservation subdivisions, etc.). but it is a generation later and sometimes there are appropriate changes. The larger parcels in this area are completely different situations; precedent is not being set. He believes this is reasonable planning, the decision respects the rights of the property owner and is compatible with the neighborhood.

Action

Ald. Strzelczyk made a motion to approve the item as a 4-lot land division with a deed restriction and to increase the setback on the southeast lot of 50-feet.

Commissioner Stoker seconded the motion.

A roll call vote was taken; vote passed 6-2 (No votes: R. Schaefer, J. Schaefer)

RESULT:	APPROVED WITH CONDITIONS [6 TO 2]
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, Stoker
NAYS:	J. Schaefer, R. Schaefer

4) Policy

a) Development Agreement Policy Review

Eng. Dir. Lundeen stated that after the December meeting there was a request for a policy discussion regarding the Development Agreement (“DA”). Many of the terms and practices for negotiating development agreements are outlined in the staff report. After review at the staff level, many modifications are recommended.

First is the template agreement which is distributed to all developers as they come forward; this would be adopted as an exhibit to the Standard Specifications for Land Development and would be included as part of the Development Agreement. Development Agreements are typically

reviewed every two years but can be reviewed at any time as needed for review for any amendments to be made.

The other suggested change would be that the developer would need to populate the agreement and provide it at the time of application submittal. Typically, the negotiation starts after the application has been made and has resulted in what has been presented in the past where terms of the agreement are still being discussed at the approval meeting. The responsibility would be on the developer/applicant to populate the template and identify any deviations from the template agreement to be addressed by Planning Commission and ultimately the Common Council as it moves forward.

No recommendations are being made to the fundamental form of the document which in the city consists of full public improvements prior to final plat. Open for discussion is the inclusion of a table addressing the number of model homes that would be allowed based on the number of lots; or the phase, of a subdivision. Additionally, a deviation of allowance of up to 10% of that number is recommended. It would need to be justified and provided at the time the application request is made. One change that would be considered is one model home prior to binder course. Up until this point it has been a standard requirement that all model homes be constructed after binder course construction. Due to the constraints on developments and late starts; if the binder course cannot be installed prior due to weather conditions, there could be consideration for one model home if it is constructed closest to the primary access. This condition is based on the inspectors and emergency personnel having ability to access the model home.

Another consideration for review is the standards as they relate to traffic volume for the consideration of bypass lanes. There have been several requests recently and in response the revised standards will define the number of lots or anticipated traffic volumes on the existing roadway.

Eng. Dir. Lundeen concluded by reminding the Commission that Development Agreements are negotiations and while striving for transparency and policy language as guidance, there still will be requests by developers for deviations for this Commission and the Council to consider based upon their individual projects.

There was discussion by the Commission regarding different conditions that could be included to hold developers responsible for their developments to ensure they are accessible for inspectors and emergency vehicle access. This conversation also included the placement of the model home on a development site and that developers request flexibility for model homes to be located on lots that are not closest to the primary access. Commissioner feedback is supportive for allowances for subdivisions participating in for Parade of Homes. The discussion also included the issue of developers building contracted homes and not spec/model homes. They acknowledged that it is difficult to establish set policies to eliminate all exceptions.

There were a few developers in the audience that spoke and supported the template and the process of being open to negotiation prior to the approval meetings. They feel that there will be a much better understanding at the beginning of the process, and this will help in eliminating

negotiations of unresolved issues the PC and CC meetings. They stated that some flexibility and common sense needs to be exercised in the negotiation process.

Commission overall feedback:

- Support early application process and that a completed template is necessary for application submittal.
- Support revised model homes chart, possibly more allowed in Town Center district.
- Support flexible model home placement based on language specifications that the need for adequate access.
- Bypass lanes will have renewed standards included in DA.

It was stated that there needs to be a further conversation regarding street trees and changes to that have been made regarding developer responsibility.

5) Regular Business

- a) Mequon I, LLC/VH Mequon II, LLC. The applicant is seeking preliminary plat, open space plan, development agreement and fill permit approval to allow for an 82-lot single-family subdivision for the property located at 10565 N. Wauwatosa Road and lands to the west (The Enclave II).

Asst. Dir. Zader stated that this was recently approved in November 2019 for a rezoning. A map of the area was shown and he gave an explanation of the changes of adding 5 acres and adding new land to the PUD. The applicant is seeking preliminary plat, open space plan and development agreement approval. The preliminary plat was shown as some changes have been made. Another change is that the post office has relented on their request for bulk mailboxes and there will be individual mailboxes on the site. Pedestrian and bike path changes have been made as requested. One issue that is still outstanding is a traffic calming device to be installed; staff and the applicant are working together to resolve this. There is a berm along the east side of the development that is 6-8 feet in height and the Planning Commission has always required berms to be limited to 4 feet in height. Staff requests that berm be reduced in size.

The applicant will be back in front of the Commission for street tree plan and landscape plan approvals. The street tree plan will go in front of the Street Tree Board before it is before the Commission. Staff did communicate that street trees along Wauwatosa Road are required in accordance with city ordinance requirements.

Based on the previous discussion of the policy changes to the Development Agreement standards the applicant will be allowed 3 model homes. The first phase in the front of the development is 26 lots. There is a requirement as part of the second phase that there be a connection to the subdivision to the north.

The open space is similar to Enclave I and Highlander subdivisions. It includes a playground, pocket areas and trails around the development. There is one very large specimen tree on the site and the City Forester said that it is about 250 years old. There is a split in the tree, but the forestry department will spend some money in an effort to keep the tree healthy and alive.

Staff recommends approval based on the conditions in the report and the approval from Common Council in February.

Mayor Wirth stated that he has received several complaints regarding Enclave 1 subdivision that there is no paper box and there are papers flying all over. He requests that the mailbox include a paper box.

Action

Commissioner Stoker made a motion to approve the item with the condition that all mailboxes include a paper box.

Commissioner Choren seconded the motion.

A voice vote was taken; vote passed 8-0

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker

- b) Farmdale Estates. The applicant is seeking development agreement amendment approval for a six-lot single-family subdivision for the property located at the northwest corner of Mequon and Farmdale Roads.

Commissioner Stoker recused himself.

Asst. Eng. Henk stated that staff has worked with the applicant on the Development Agreement and they agree on almost everything except for two issues:

1. Wants the flexibility to construct model home on any lot.
2. The acceleration and deceleration lanes be removed.

Staff recommends the model home be constructed on Lot 1 or Lot 6 as these lots are closest to the primary access point.

The issue of the acceleration and deceleration lanes was discussed at the June meeting and it was determined that they should be required; but this item can be re-evaluated and discussed at this meeting. The bypass lane has been removed from requirement.

The applicant is represented by John Graham. He stated that the lanes are not necessary for this development as there will only be 6 lots and there is not much traffic there. He also stated that the additional pavement there is wasteful to the environment as well as makes for an unattractive entrance.

Mr. Graham stated that there is a private road that already has 12 inches of stone with another layer of stones to be added in the spring before the binder course and it is completely strong and safe to be driven on. They do not feel that they should be limited to which lot they can construct their model home.

Asst. Dir. Zader stated that once a sign was placed at the site notifying a proposed development in the area, he received phone calls regarding the concern of the amount of traffic in that area. He stated that this item will be in front of the Council in February and the binder course will be down in March; there is not a lot of time that there will be an unfinished road.

There was discussion regarding acceleration and deceleration lanes.

Action

Ald. Strzelczyk made a motion to approve the item, the model home may be constructed on any lot and that the acceleration and deceleration lanes shall be constructed to the standard specifications of land development in effect at the time of construction.

Commissioner Hawley seconded the motion.

A voice vote was taken; vote passed 8-0 {Stoker recused, Commissioner Bach voted}

RESULT:	APPROVED WITH CONDITIONS [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	Stephanie Hawley, Alternate
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Bach
RECUSED:	Stoker

- c) Residence at Foxtown. REMOVE FROM TABLE. The applicant is seeking fill permit and development agreement amendment approval for a proposed 23 single-family home development for the property located immediately east of 11050 N. Weston Drive.

Action

Ald. Strzelczyk made a motion to remove from table.

Commissioner B. Schaefer seconded the motion.

A voice vote was taken; vote passed 8-0

Asst. Dir. Zader stated this request is due to the applicant disagreeing with the approved development agreement and the request for 6 homes to be constructed prior to the construction of the binder course. The applicant's reasons for the request are for efficiency as the lots are in a row and very close together. Staff believes that the request is based on the applicant's desire to have more homes to better demonstrate the feel of the neighborhood. The applicant submitted renderings of 6 homes versus 3 homes. Staff maintains the recommendation for 3 homes per the conditions in the staff report.

The applicant, Tom Zabjek, stated that they are selling a community and a neighborhood and not just a single house. He feels this is a unique product and the timing is crucial to being able to have product to sell at a good time of year.

Asst. Dir. Zader stated that something more specific is needed to justify a deviation from policy. Every developer faces the same issues of timing and market issues.

Mr. Zabjek asked for any explanation of condition #7 in the staff report.

Asst. Eng. Henk explained condition #7 is a standard condition which applies to the filing, excavating and berms permit. If the conditions of the permit are not being followed, staff has the right to stop work at any point. This is a city ordinance so it would apply even if it is not listed as a condition.

Mayor Wirth agreed with Mr. Zabjek that it is vague, and he stated this will be a friendly amendment of the motion.

There was discussion regarding the request to allow 6 homes instead of 3 homes to be constructed. Many of the Commissioners agree that this is a unique product with homes in very close proximity and they support the deviation from the policy. Some Commissioners stated that the Town Center zoning district should have different requirements, and this does not send a precedent for the rest of the city. The financial risk to the city was discussed as well.

Mr. Zabjek stated that they issued a Letter of Credit for 125% of the cost of the infrastructure.

Asst. Eng. Henk explained that two Letters of Credit have been provided:

1. A Road Bond (protects roadways) based on \$1,000/lot
2. Drainage Financial Guarantee

She explained that improvements not completed at the time of final plat are covered under the development agreement amendment. Any infrastructure that is not in at the time of final plat is covered by the 125% Letter of Credit. The amount of lots does not affect this.

Action

Ald. Strzelczyk made a motion to approve 6 homes prior to binder course construction, the friendly amendment to the language of condition #7 and the conditions included in the staff report.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed 8-0

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker

6) Announcements

The next meeting is February 10, 2020 at 6:00 p.m.

7) Adjourn

Action

Commissioner R. Schaefer made a motion to adjourn.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed 8-0

Meeting concluded at 10:00 PM.

Respectfully Submitted,

Jac Zader