City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, January 15, 2018
7:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chairman Dan Abendroth
Commissioner Martin Choren
Commissioner John Mason
Commissioner Brian Parrish
Alternate John Stoker
Commissioner James Schaefer
Alternate Stephanie Hawley
Alderman Robert Strzelczyk

a) Approval of Minutes

Action
Commissioner Mason made a motion to approve the minutes from December 4, 2017. Ald. Strzelczyk seconded the motion.

Commissioner Parrish stated a correction need to be made to page 9 that showed his status as recused.

A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED BY VOICE ACCLAMATION [UNANIMOUS]**
MOVER:	Mason, Commissioner
SECONDER:	Strzelczyk, Alderman
AYES:	Abendroth, Choren, Mason, Parrish, Stoker, J. Schaefer, Hawley, Strzelczyk
ABSENT:	R. Schaefer, Lemke
EXCUSED:	Wirth

b) PLANNING COMMISSION MEETING MINUTES from December 24, 2017

2) Consent /Policy

a) **ORDINANCE 2018-1514** - An Ordinance Amending Section 58-41(g) of the Mequon Municipal Code Establishing a Regular Meeting Schedule for the Board of Appeals.

RESULT:	**APPROVED BY VOICE ACCLAMATION [UNANIMOUS]**
MOVER:	Strzelczyk, Alderman
SECONDER:	Choren, Commissioner
AYES:	Abendroth, Choren, Mason, Parrish, Stoker, J. Schaefer, Hawley, Strzelczyk
ABSENT:	R. Schaefer, Lemke
EXCUSED:	Wirth

b) **ORDINANCE 2018-1513** - An Ordinance Amending Chapters 10 and 58 of the Mequon Municipal Code as it Relates to Sump Pump Discharge.

Action
Ald. Strzelczyk made a motion to approve the consent items.
Commissioner Choren seconded the motion.
A voice vote was called; vote passed (8-0)

Commissioner Mason asked if any changes can be made to the sump pump item regarding discharging above grade.

Director of Engineering and Public Works, Kristen Lundeen, answered that it is currently stated in the code as such and that the plumbing inspector has requested that it remain as stated. Some of the language has been changed that allows for requests for an exception so that it can be reviewed and placed below grade if desired.

She explained that the storm sewer and sanitary sewer are separate systems.

Commissioner Stoker asked if there is a fee for this application and the likelihood of the plumbing inspector approving this.

Dir. Lundeen answered that there is not a fee, that it is part of the plumbing permit application review. She stated that there is a very high expectation that these requests would be approved. She clarified that the applications are geared toward commercial properties and not as much for residential and should not meet with much resistance.

Commissioner Stoker asked about corner lots and the allowance to discharge to the side as opposed to the front.

Dir. Lundeen explained that the language has been changed to state that the discharge should be directed to the roadside ditch and not to the front to roadside ditch. She stated that the hierarchy for discharge is: first to the storm sewer, if there is one; second to the outside ditch and third to an approved drainage way.

3) Public Hearing

a) Holstein School. The applicant is seeking conditional use grant to allow waivers to the district standards and building and site plan amendment approval for a proposed addition to the existing local landmark building located at 12740 N. River Road.

Action
Ald. Strzelczyk made a motion to go into public hearing.
Commissioner Stoker seconded the motion.
A voice vote was called; vote passed (8-0)

Action
Ald. Strzelczyk made a motion to close the public hearing.
Commissioner Stoker seconded the motion.
A voice vote was called; vote passed (8-0)

Asst. Dir. Zader stated that the applicant is seeking a conditional use grant (CUG) and building and site plan amendment. The property is zoned B-3 which allows offices as a permitted use. The CUG is required because the existing building does not conform to the setback as well as the addition will not conform. The site plan was shown and Asst. Dir. Zader stated that the building is tight to the road. There was a vacation done in 2003, and the updated map was included in the board packet, but the addition is situated on the property. The addition will be set back from the existing building but still does not comply with the setback. It does comply with all the other technical requirements of the zoning code. The addition is for a conference room and the applicant did not include any additional parking at the site. There is ample room if the parking lot would need to be extended. Staff is supportive of the setback waiver. The building plan was in front of the Landmarks Commission and the recommended requirements from this Commission were included in the staff report. Staff feels that the applicant did a good job blending the new materials with the existing materials. Staff recommends approval of the project.

Action
Commissioner Stoker made a motion to approve the item per staff recommendations.
Ald. Strzelczyk seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Stoker, Alternate
SECONDER:	Strzelczyk, Alderman
AYES:	Abendroth, Choren, Mason, Parrish, Stoker, J. Schaefer, Hawley Strzelczyk
ABSENT:	R. Schaefer, Lemke
EXCUSED:	Wirth

4) Regular Business

a) Concordia University. The applicant is seeking building and site plan approval for a new academic building at Concordia University of Wisconsin campus located at 12800 N. Lake Shore Drive.

Asst. Dir. Zader stated that there was a request in 2016 for a business building for 85,000 sq.ft. that did not get built. This plan is for a slightly reduced sized building of a 3-story, 40,000 sq. ft. building for the business school and other on campus facilities. It is located central on the campus and will connect to Luther Hall. The east elevations show ample views of the lake from all 3 stories. The architecture matches the other buildings on site. Staff is supportive of the design except there is a recommendation for the rooftop screening to be reduced in size. Staff will continue to work with the applicant to mask some of the rooftop screening. The architect is agreeable to working with staff and this issue can be worked out at staff level.

The site plan does not have additional parking added. They have some calculations with their growth projection and they currently have an ample supply of parking for the next five years. This project will do some modifications to the existing front parking lot. The plan shows a potential addition to the east parking lot that can add 70 spaces if needed. The inside of the building faces west; to a small courtyard which leads to the pharmacy building, with another pedestrian connection on the west side. Staff is supportive of the project as it meets all the zoning code requirements. A note was made regarding the FAR getting close to 30%; it is currently at 27%. The applicant had a slightly different FAR number as the overall acreage number used to calculate was different than staff's number.

The applicant stated that there is one correction to the report regarding the height of the building will be 46 ft.

Mayor Abendroth asked the applicant if they have any issue with the 17 staff recommendations.

The applicant commented that are aware of the recommendations and agree with them except they would prefer not to have to supply a landscaping Letter of Credit. He stated they have always done a good job and they would like to eliminate that item.

When asked about the cast stone and alternate bricking mentioned in the report, the applicant responded that it will not be alternate bricking and that could be crossed out of the report. They will be using architectural precast that shares elements on existing campus buildings.

Ald. Strzelczyk asked staff about the parking and if there is room to expand if needed.

Asst. Dir. Zader responded that there is plenty of room to expand. He showed the site plan and explained that there are several internal pockets where there is parking available. He also stated that there is the parking structure on the campus which provides a surplus of parking spaces. The proposed business building will house current functions on campus and they are not adding new activities; so they do not anticipate additional parking needs.

Action
Ald. Strzelczyk made a motion to approve the item.
Commissioner Jim Schaefer seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Strzelczyk, Alderman
SECONDER:	J. Schaefer, Commissioner
AYES:	Abendroth, Choren, Mason, Parrish, Stoker, J. Schaefer, Hawley, Strzelczyk
ABSENT:	R. Schaefer, Lemke
EXCUSED:	Wirth

b) Steckling Builders for Guo Medical Office. The applicant is seeking removal from table and building plan amendment approval for changes to the exterior building materials and a new entryway for the existing office structure located at 10624 N. Port Washington Road.

Action
Ald. Strzelczyk made a motion to remove from table.
Commissioner Stoker seconded the motion.
A voice vote was called; vote passed (8-0)

City Planner Vang stated that at the last meeting the applicant had proposed a stucco style siding material with a hunter green metal roof. They have revised the colors and the materials. They are proposing a tan siding on the building and a brown roof to match the siding. They will use stone on the facades on each side of the entry way and it will extend to the roof line. Staff met with the applicant and the building owner and staff is comfortable with the materials and colors being proposed. The applicant has brought sample materials for review.

The applicant stated that they had a good meeting with staff and they feel comfortable with the changes that have been made.

Commissioner Choren stated that he is concerned about the siding on the slope under the windows and the inseams whether water will penetrate. He spoke to the applicant and as long as they find a material that does not have seams and is the same color, he feels comfortable with supporting this project.

The applicant stated that they will work with their contractor and will have staff approve the material and the color. It will most likely be metal and will work on the slope and will blend and be the same color as the exterior siding.

Commissioner Jim Schaefer stated that he agrees that it should be metal and match the siding in color. He stated that he feels that the Hardiplank siding should have the smooth side facing out as he feels that would look better.

Action
Commissioner Jim Schaefer made a motion to approve the item with the condition that the smooth side of the siding faces out and that the color below the windows matches the siding color.
Commissioner Parrish seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	J. Schaefer, Commissioner
SECONDER:	Parrish, Commissioner
AYES:	Abendroth, Choren, Mason, Parrish, Stoker, J. Schaefer, Hawley, Strzelczyk
ABSENT:	R. Schaefer, Lemke
EXCUSED:	Wirth

c) Spectrum Investment Advisors. The applicant is seeking building plan amendment approval for a 1,777 sq. ft. second floor expansion for existing building located at 6329 W. Mequon Road.

The applicant showed a power point presentation.

City Planner Vang stated the applicant is proposing a 1,700 sq. ft. second floor addition to accommodate a new conference room with a 17 ft. high tower. There will be additional restrooms and a kitchenette as well as additional cubic space for future growth. The materials do match the existing building materials and colors. The tower does provide some symmetry with the northeast corner element and gives balance to the building. It does meet the Town Center design guidelines which encourage 2nd and 3rd story buildings. Staff is supportive of the building plan amendment.

Ms. Vang explained that the wall to the west of the building will need to be rebuilt and the applicant will be back for review and approval at a later date. The wall is part of the Fox Town project and will be worked on together. They are also negotiating a parking agreement. There is currently ample parking on their site for their current needs.

The applicant, Jim Marshall, explained that they currently have 24 employees and there is parking for 35. They thought it is best to act now along with the Fox Town development and collaborate efforts for improvements to the wall. The plan is to take the 8 ft. wall down to 42 inches. There will be pillars on the wall about every 40 ft. that will match the building and there will be a bronze fence between the pillars. There will be steps between the two parking lots so that they will be shared long term. The east side of the wall will be stucco to match the building.

Ald. Strzelczyk stated that he is concerned about the parking. He wants to ensure that the spots are not being double counted. He wants to ensure the parking is carefully reviewed.

Asst. Dir. Zader stated that the code dictates the parking need based on number of

employees, not only the size of the building. The applicant is not adding employees at this time. They are building the addition and doing the shared parking agreement in advance of any growth of their company.
The complement of this shared parking is that Spectrum has needs in the morning and the afternoon, while building B demand will mostly be after regular business hours. There is parking on Industrial Road available as well. Staff is not concerned about the parking. The Common Council examined the rezoning of the Fox Town project and the Planning Commission had required a desktop exercise be done which concluded there was a surplus of about 50 parking stalls.

He explained that the Commission could require that the shared parking agreement be in place prior to the Fox Town project approval of the building and site plan.

Ald. Strzelczyk agreed that this is a good measure to put into place. He feels that it is important for the short term as well as the long term.

Action
Commissioner Mason made a motion to approve the item.
Ald. Strzelczyk seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mason, Commissioner
SECONDER:	Strzelczyk, Alderman
AYES:	Abendroth, Choren, Mason, Parrish, Stoker, J. Schaefer, Hawley, Strzelczyk
ABSENT:	R. Schaefer, Lemke
EXCUSED:	Wirth

d) David Hoff. The applicant is seeking rezoning and concept plan and fill permit approval for a proposed residential condominium project including 6 dwelling units on 2.68 acres located at 10950 N. Cedarburg Road.

Steve Smith, 11046 N. Cedarburg Road – is opposed and does not wish to speak. He wrote; "existing zoning was deemed acceptable when Highlands was built as part of the 'mixed' aspect. Low traffic business off the road. I would oppose altering flood plane which the old Kyle company us in as well as its garage. Over 1./2 this property appears to be in the flood plane. Altering this causes problems for everyone along the river."

Asst. Dir. Zader stated that the applicant is requesting rezoning recommendation and concept plan approval. In June they were in front of the Commission for a consultation and there was limited data at that time regarding the site specific design. The issue of the PUD was discussed and the applicant stated that he was not going to be able to meet technical standards per the code, but the PUD would not allow him to move forward because of the PUD requirements. The PUD requirements were recently changed and lowered to 2 acres and gives standing for this development to go forward to request a PUD.

There are a number of issues that have come up while reviewing the application for the concept plan, some have been resolved and some are still pending. It was discussed with the applicant that the recommendation for tonight would be to table and the applicant is agreeable but would like additional feedback from the Commission regarding some of the site specific conditions to ensure there are no red flags or concerns before he fulfills that additional requests as there are costs associated with some of the items.

Asst. Dir. Zader showed the concept plan and explained that there will be 6 units, which does comply with the density. The site to the south is an existing office building with a detached garage. There are several issues that do not meet the technical standards. The applicant does not meet the setback requirements along the north side or the east side; it is fairly tight on both sides. A suggestion was made to the applicant to reach out to the Riverwalk Highlands for support from them as there is a shared outlot. There were discussions and it sounds like there is support from the Riverwalk Highlands. There are wetlands on the plan. A wetland delineation has been completed and there is a fill request to fill in some of the wetlands as well as for a retaining wall that would be located in the outlot that would hold back the fill on the site. A wetland fill permit will be required from the DNR in order to proceed with the project.

The project is located in the floodplain and there is a small portion that is located in the floodway, but it won't be touched as part of this project. Most of the remaining area is within the 100 year flood plain. In order to develop it in accordance with the city's floodplain standards; 2-3 feet of fill would be required for almost the entire site. That would allow the building to meet the 2 foot of free board above the floodplain for the building for the first elevation as well as the 15 ft. buffer along the building. The floodplain fill will require DNR approval as well as LOMAR for FEMA. There is a small portion of the driveway that will remain in the floodway.

The applicant did receive a letter from the Fire Chief that they would be able to use wheeled access to get to the property if needed.

They City Forester walked the property and determined there is one specimen tree (a white pine). There will mostly likely be a request to remove one specimen tree as an approval going forward.

The site plan does not comply with the 30% lot coverage requirement in the R-6 zoning. This has not been confirmed yet as the applicant is working on the final details. This will come back at a later date.

The B-3 to the south also needs to comply with the FAR and open space requirements for that section of the condominium and the applicant is also working on these details as well.

The final issue that engineering addressed in the report, dealing with meeting the storm water requirements as being in the floodplain and flowing out of the floodway. There are some technical issues there to still be dealt with.

Staff recommends tabling the issue but the applicant is looking for feedback from the Commission to gauge the level of concern regarding this issues.

The applicant, David Hoff, stated that it was been great working with Mr. Zader and Ms. Henk. He feels guardedly confidant that they will work through the issues to reach consensus to get the necessary approvals. He is excited about the project and feels that it is beautiful and it is a great site. He would like feedback from the Commission regarding the change of use (from commercial to residential) as well as the site plan. One of the main variances requested is the setbacks. To the east is about 150 yards of woods and river. It is not next to other buildings. On the west side there are tall trees that almost obscure the view of any neighbors.

He stated that there is 0.05 acres of wetlands that is being impacted. There will be 37 feet between the buildings with heavy landscaping.

Mayor Abendroth asked about Lot 1 and about the concerns of the neighbors regarding the fill.

Mr. Hoff answered that the Highlands own Lot 1 and they are concerned about any grading on the parcel. They requested trees in areas that will be graded and a retaining wall. Mr. Hoff stated that he will be constructing a boulder wall. They are very supportive of the project but they haveabout 6 concerns that are being addressed.

He explained that the project will require about 1 acre of fill for the floodplain. He stated this is done fairly regularly. This is a very small area and there should not be other compensation needed. He thinks this will be approved from FEMA and will not have an adverse effect to other areas.

Asst. Dir. Zader added that this property requires fill for any use, either commercial or residential.

Commissioner Parrish stated that he is in favor of the use. He feels the applicant has done a good job of maximizing the site and has good justification for the setback waivers. He stated that the Commission is careful about setting precedent but in this case he feels that the lack of neighbors of the property lines is just reason for the setback waivers.

Ald. Strzelczyk stated that he struggles with a denser plan close to the river. He listed the red flag items for him as the following:

- The proximity to the lot line. He would request a written letter from the Highlands stating their approval and not just a phone call to Mr. Zader.
- Request to be closer to the lot line; he wants to walk the property to assess for himself.
- The amount of fill and that it does not meet the FAR; would like more details; possibly a expert report on impact.
- Residential use versus commercial seems minimal.
- Need good reasons to deviate from standards.

Asst. Dir. Zader stated that the 30% lot coverage requirement is very difficult to meet if you meet the density of the code at its highest point; which is 4 units per acre and do side by sides. Most of the other R-6 developments were not near the 4 unit/per acre density and the lot coverage percentage was not an issue. It is a difficult number to achieve. He stated that they can work with the applicant to alleviate the amount of deviations as much as possible.

Mr. Hoff stated that he will not be able to meet the 30% impervious surface standard. They will be over 40% and they will not hit the setbacks. The site plan is the best they can provide. He realizes what he is asking from the city. He needs some flexibility from the PUD process or whatever will make this project work. He feels that the project will be very desirable and it will add to the tax base.

Ald. Strzelczyk stated that he struggles with the impervious surface. He stated Ald. Wirth is diligent on deviating from the code standards. Those are issues to consider. He appreciates Mr. Hoff's approach and idea for the project.

Asst. Dir. Zader stated that the lot coverage requirement in the R-6 zoning district is unique. It is the only district that has that requirement and includes buildings and impervious surfaces and limits to the 30%. If this parcel remained B-3/office, a 40% open space ratio would be required. While the intent is to be as close to the code requirements as possible, a commercial building on this site could have more impervious surface than any waiver possibly granted for the proposed residential project.

Commissioner Stoker stated that he is completely supportive of the setback waivers and the impervious surface issue.

When asked about where the storm water would drain, Asst. City Eng. Bridget Henk answered that the applicant is proposing pervious pavers within the drive aisles between the two buildings. She explained that unfortunately when located in the 100 year floodplain, providing detention for the 100 year storm event gets complicated. The applicant will have to do concept calculations as they move forward to the next step in the approval process to verify whether they can detain that the 100 year storm event. There is a possibility that this site may not meet 100 year storm event. The pervious pavers would provide the storage for the 2 and 10 year storm events per the ordinance.

Mayor Abendroth stated that there are many limitations regarding this site but the concept is something that people are looking for. He feels that the limitations of this site are off-set by the fact that the parcel is isolated and there are not neighbors to contend with. He feels that this unique property might just work for this concept.

Mr. Hoff stated that there are two existing buildings on this property. They are proposing tearing down two dilapidated buildings to build three new ones that will be constructed on pervious stone with a stone bed and drain tile. The net difference between the existing impervious area and the proposed development is very small; about 2,500 sq. ft. of increased pervious surface.

Mr. Hoff stated that he feels that the impact to the environment is very negligible and the asset to the city is valuable. He appreciates the feedback and he will continue to push forward through the approval process.

Action
Commissioner Parrish made a motion to table the item.
Ald. Strzelczyk seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Parrish, Commissioner
SECONDER:	Strzelczyk, Alderman
AYES:	Abendroth, Choren, Mason, Parrish, Stoker, J. Schaefer, Hawley, Strzelczyk
ABSENT:	R. Schaefer, Lemke
EXCUSED:	Wirth

5) Announcements

The next meeting is February 12, 2018 at 7:00 p.m.

6) Adjourn

Action
Ald. Strzelczyk made a motion to adjourn the meeting.
Commissioner Mason seconded the motion.
A voice vote was called; vote passed (8-0)

Meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Jac Zader