11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2904
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, April 25, 2022
6:00 PM
Christine Nuernberg Hall
AGENDA

1) **Call to Order, Roll Call**

2) **Approval of Meeting Minutes from March 21, 2022**

3) **Consent/Public Hearing**

   a) Milwaukee Flower Company. The applicant is seeking conditional use grant approval to allow for a florist for the property located at 6100 W. Executive Drive, Suite A.

   b) La Terre. The applicant is seeking conditional use grant approval to allow for a florist for the property located at 10650 N. Baehr Road, Suite C.

4) **Public Hearing**

   a) Trees for Less. The applicant is seeking conditional use grant approval to allow for a landscape contractor business for the property located at 11550 N. Wausaukee Road.

5) **Regular Business**

   a) Ascension Medical Office. The applicant is seeking PUD Amendment approval to allow for amended hours of operation for the medical office for an existing PUD for the property located at 12831 N. Port Washington Road.

   b) Lemel Homes for Gregory Devorkin. The applicant is seeking specimen tree approval to allow for the removal of 5 specimen trees for the property located at 13106 N. West Shoreland Drive.

6) **Announcements**

   The next meeting is Monday, May 23, 2022, at 6:00 p.m.

7) **Adjourn**

Dated: April 21, 2022 /s/ Andrew Nerbun, Chair

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the Department of Community Development's Office at 262-236-2904, Monday through Friday, 8:00 AM – 4:30 PM

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PLANNING COMMISSION
Regular Meeting
Monday, March 21, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chair John Wirth
Commissioner Gregg Bach
Commissioner Rick Lemke
Commissioner James Schaefer
Commissioner John Stoker
Alderman Robert Strzelczyk - **Absent**
Commissioner Martin Choren - **Absent**
Commissioner Dan Gentges - **Absent**
Commissioner Rebecca Schaefer - **Absent**

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

2) Approval of Meeting Minutes from February 28, 2022

Action
Commissioner Stoker made a motion to approve the meeting minutes from February 28, 2022. Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Bach, Lemke, J. Schaefer, Stoker
ABSENT:	Strzelczyk, Choren, Gentges, R. Schaefer

Attachment: pc_03.21.22_DRAFT (7258 : Meeting Minutes from March 21, 2022)

3) Public Hearing

a) Angelo Vasta for MPP Group. The applicant is seeking conditional use grant approval to allow for expansion of research and development at the existing facility for the property located at 12250 Corporate Parkway.

Action
Commissioner Stoker made a motion to open a public hearing.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (5-0)

Action
Commissioner Stoker made a motion to close the public hearing.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (5-0)

Asst. Dir. Zader stated this is a minor request to amend the original Conditional Use Grant (CUG) issued in 2016. There is an area on their floorplan identified as warehouse which is planned to be converted for APIs (Active Pharmaceutical Ingredients). All of the conditions of the original CUG will remain in place. There are scrubbers on the building which help to neutralize odors for the surrounding area. At the most there will be 25 employees on site and there ae about 65 parking stalls on the premises. The operating hours are not changing.

Action
Commissioner Stoker made a motion to approve subject to staff recommendations.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Bach, Lemke,j. Schaefer, Stoker
ABSENT:	Strzelczyk, Choren, Gentges, r. Schaefer

b) Christie Ronge for Clean Living Nutirtion and Detoxification. The applicant is seeking conditional use grant approval to allow for a wellness center including nutrition and detoxification treatment for the property located at 1025 W. Glen Oaks Lane.

Action
Commissioner Stoker made a motion to open a public hearing.
Commissioner Bach seconded the motion.
A voice vote was taken; vote passed (5-0)

Action
Commissioner J. Schafer made a motion to close the public hearing.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (5-0)

DRAFT

Attachment: pc_03.21.22_DRAFT (7258 : Meeting Minutes from March 21, 2022)

Asst. Dir. Zader stated that this is a minor request for a wellness center located in the B-4 zoning district. Staff determined this use qualified as a fitness center due to the nutritional aspect of the business. This is a one-person operation in an office building with one client at a time. Staff recommends approval.

Action
Commissioner Lemke made a motion to approve subject to staff recommendations.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Rick Lemke, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Bach, Lemke,J. Schaefer, Stoker
ABSENT:	Strzelczyk, Choren, Gentges, R. Schaefer

4) Consent/Regular Business

a) Minahan Children LLC. The applicant is seeking minor request for approval to allow for a proposed (60'x 80') agricultural structure for the property located immediately west of 5630 W. Bonniwell Road

b) Samantha and Jason Caulfield. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 12650 N. Wasaukee Road.

Action
Commissioner J. Schafer made a motion to approve the two consent items.
Commissioner Bach seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Schaefer, Commissioner
SECONDER:	Greg Bach, Alternate
AYES:	Wirth, Bach, Lemke, J. Schaefer, Stoker
ABSENT:	Strzelczyk, Choren, Gentges, R. Schaefer

5) Regular Business

a) John Mikkelson for LM Developers LLC. The applicant is seeking certified survey map approval to allow for four single family lots located at 12535 N. Lake Shore Drive including the 5 vacant parcels to the south and west.

Asst. Dir. Zader stated this is not a typical CSM as there are six existing parcels that will be

Attachment: pc_03.21.22_DRAFT (7258 : Meeting Minutes from March 21, 2022)

reconfigured into a 4-lot CSM. The zoning is R1-B and Lots 3 & 4 do not meet the minimum size requirement, but because existing non-conforming lots are being reconfigured, staff recommends approval based on the condition that the CSM will improve the situation. Staff is requesting that the boundary line between Lots 3 and 4 be shifted about 30-feet to the west to allow for a larger building pad on Lot 4.

He explained that this will require some approval from the DNR due to some wetland crossing.

The applicant, John Mikkleson, stated they are downsizing from 6 parcels to 4 parcels. They have minimized the private drive so that there is less wetland crossing and less disturbance to the land. The drive has been moved further south to preserve some trees along the north lot line and will now be 10.7 feet from the lot line. The driveways will be constructed to preserve 2 specimen trees. He explained that they have applied to the DNR for a general permit.

Action
Commissioner Stoker made a motion to approve subject to staff conditions.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Bach, Lemke, J. Schaefer, Stoker
ABSENT:	Strzelczyk, Choren, Gentges, R. Schaefer

b) Elevated Identity for Super Steel, LLC. The applicant is seeking sign waiver approval to allow for wall signs over the main entrance for the property located at 10910 Industrial Drive.

Asst. Dir. Zader stated that this is the old Telsmith site, and the applicant is requesting two sign waivers to the sign code. One is for 2 wall signs to increase the square footage allowed per the code. He showed an image of the front entrance of the main building. He explained that staff measured an area to be considered that is about 15 sq. ft. The request is for 2 separate signs at 70 sq. ft. The rational is that while it is one company, they have two separate brands and need identification for both brands. Two signs are not compliant with the sign code. Staff does not support the sign waiver due to the freestanding sign at the front of the parking lot has two signs which identifies both brands and there is only one customer entrance into the building. Staff cannot regulate content of the sign so they can use whatever language they chose as long as it is compatible with one another and not considered two separate signs. Staff recommend denial of the sign waiver as a hardship is not considered warranted.

The applicant, Paul Kaminsky from Elevated Sign Company, stated there are two entrances; although only one functions as an entrance, and they want to the proposed sign to eliminate confusion about where the correct entrance is located. He also believes that the square footage of the front wall is not calculated correctly per the code; the entire wall is 2,400 sq. ft. and they believe they should be allowed the 60 sq. ft. sign. He also explained that although the two brand

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signs have a different font; both signs are located within one cabinet with the same background, and he believes it should be considered one sign.

There was discussion among the Commission that the entire front wall should be considered for the square footage calculation and that the larger sign should be allowed due to the size of the wall as well as a wayfinding sign for clarification due to multiple entrances on site. There was consensus that the larger size is a more appropriate size for that location and that both brands should be allowed to be represented.

Action
Mayor Wirth made a motion to approve the requested sign waiver.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Wirth, Chair
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Bach, Lemke, J. Schaefer, Stoker
ABSENT:	Strzelczyk, Choren, Gentges, R. Schaefer

c) Point Real Estate for Linda Johnston. The applicant is seeking rezoning recommendation from R-1/OA, C-2 to R-3/CGA, C-2, land use plan and concept plan approval for a proposed 84-lot single-family residential development for the property located on the west side of Swan Road, approx. 1,200 feet north of County Line Road (Swan Ridge Farms).

Asst. Dir. Zader stated that this is a request for a rezoning from R-1 to R-3/CGA for roughly 86 acres, after the dedication of right-of-way. The yield plan shows 84 lots but there is a note one of the lots is non-compliant so one lot may need to be dropped to a total of 83 lots. The lots range in size from .5 - .71 acres. This would require a change to the sewer service area to incorporate this area to the sewer area. There is one lot (far northeast corner) that will not receive sewer service but will receive water service. The proposal meets all the requirements of the CGA district but there are a few recommendations from staff:

- There is a transition from Huntington Park which does not have sidewalks and it is recommended that that the sidewalk extend to the open space area pathway.
- Two connections to the existing subdivision and to connections off of Swan Road.
- Engineering recommends aligning the sidewalk to the MNP entrance.

Staff recommends approval subject to the conditions in the staff report.

Mayor Wirth explained that there will not be final approvals tonight. The Commission can make a recommendation to the Common Council which will then have two separate meetings before a final decision is made.

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The applicant, Joe Bukovitch from Point Real Estate and Mike Kaerck, stated they are excited about the concept plan layout due to the great lot sizes and open space plan. He explained that due to the location of the property with a denser subdivision to the west and the Mequon Nature Preserve to the east, they believe this parcel is a great candidate for a cluster-style development. He stated that the sewer service will be connected at the southwest side of the property, and it will help to support the size of the lots (all lots are .5 acres or larger). The size of the lots, the open space and lot widths are larger than required per the CGA requirements:

- Average lot size is 23,000 sq. ft as opposed to 22,000 required.
- Lot widths are all over 100 sq. ft. wide on average as opposed to 95 sq. ft. required.
- Increased the open space requirement by about 5.5%.

Public Comment

James Jossie resides at 10014 N. Concord Drive is opposed to the connections due to the safety of increased traffic and more predators due to increased entrances.

Jane Chevako resides at 10129 N. Swan Road is opposed due to the smaller lot sizes as she does not believe this concept plan maintains the rural nature in this area. She feels that it is too congested and believes R-1B (2.5 acre lots) should be the smallest lots allowed in this location. She also has concerns about water issues in this location.

Timothy Spears resides at 9211 W. Stanford Court is opposed as he is concerned about the stormwater management. He stated there is flooding in this area already and is concerned about additional impervious surface resulting in more water drainage issues.

Andrew Binversie resides at 9123 W. Stanford Court is opposed due to concerns about water issues/drainage as well. He is interested in information regarding water mitigation plans. He also believes the connections should be walking and bike paths and not vehicular traffic due to safety concerns.

Jennifer Watzka resides at 9317 W, Stanford Court is opposed to the rezoning request and he believes that eliminating the 5-acre lot minimum eliminates the rural nature and feeling of that area. He is also concerned about the high-water level in the area.

Andrew Plier resides at 9308 W. Concord Drive is opposed for many of the reasons previously stated. Additionally, he is concerned about maintaining a green corridor in that area for nature life. He suggests that the neighborhood signs should all match and that the two subdivisions should coordinate on these efforts.

Mayor Wirth stated that he has represented this area for 15 years and has had many conversations with many residents. He commented on the following issues of concern from the public comments:

- **Water** – this is a concept plan only and the developer is not obligated to have these plans at this stage. He stated that city code requirements all developers to work with city

DRAFT

Attachment: pc_03.21.22_DRAFT (7258 : Meeting Minutes from March 21, 2022)

engineering staff to ensure that water issues are not made worse that the existing status and is almost always made better.

- **Crime** – he is concerned about this issue and although there has been a spike in the entire city recently, it already seems to be going down again. He feels the concern is not limited to this area.

- **Connections** – he believes they are good for the community and that neighborhoods are made safer when they are connections.

- **Rezoning** – He stated that he is an advocate for 5-acre lots on the north and south sides of the city, but each property needs to be considered individually. This parcel is surrounded by smaller lots, it is a relatively small property and the configuration of being long and narrow does not lend to 5-acre lots easily configured on the property. Nearby neighborhoods have same zoning as proposed development. He agrees with maintaining the rural feel similar to surrounding properties.

Mayor Wirth's only concern is that the parcel is not currently zoned CGA and he does not believe it should be rezoned to CGA zoning. He believes that lots should not be less than 110 feet wide and that the proposed lots are too narrow. He believes a few fewer homes is worth having wider, nicer lots.

Asst. Dir. Zader stated that there is ongoing discussion regarding giving up open space or having narrower lots. Whether a CGA or PUD, the yield will be the same depending on the base zoning. The PUD allows the developer to create a design without specific parameters while the CGA requires specific parameters.

There was consensus among the Commission that the proposed lot sizes are appropriate given the surrounding neighborhoods and the proposed development fits into the area well. The Commission supports the connections as they will help traffic flow. The Commission encouraged the residents to allow the engineering department to do their job and to trust that the water issues will be addressed and will most likely improve in that area.

Action
Commissioner Stoker made a motion to approve recommendation to the Common Council per staff recommendations.
Commissioner Jim Schaefer seconded the motion.

Mayor Wirth offered an amendment that the average width of the lots shall not be less than 110 feet.
Commissioner Bach seconded the motion.
A roll call vote was taken; vote passed (3-2) (No: Lemke, Stoker)

Action
A voice vote was taken on the amended motion; vote passed (5-0)

DRAFT

Attachment: pc_03.21.22_DRAFT (7258 : Meeting Minutes from March 21, 2022)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Bach, Hawley, Lemke, J. Schaefer, Stoker
ABSENT:	Strzelczyk, Choren, Gentges, R. Schaefer

6) Announcements

The next meeting is Monday, April 25, 2022, at 6:00 p.m.

7) Adjourn

Action
Commissioner Stoker made a motion to adjourn the meeting.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (5-0)

Meeting adjourned at 7:23 p.m.

Respectfully Submitted,

Jac Zader

DRAFT

Attachment: pc_03.21.22_DRAFT (7258 : Meeting Minutes from March 21, 2022)

11333 N. Cedarburg Rd
Mequon, WI 53092-1930
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Department of Community Development

TO: **Planning Commission**

FROM: **JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT**

DATE: **April 25, 2022**

SUBJECT: **Milwaukee Flower Company. The applicant is seeking conditional use grant approval to allow for a florist for the property located at 6100 W. Executive Drive, Suite A.**

Applicant:	Milwaukee Flower Shop
Status of Applicant:	Tenant
Requested:	Conditional Use Grant
Proposed Use:	Florist
Existing Zoning:	B-5 (Light Industrial)
Land Use Plan:	Business Park
Location:	6100 W. Executive Drive, Suite A
Tax Key Number:	#14-027-16-009.00
District:	#4

Background:
The applicant requests conditional use grant approval for a florist located at 6100 W Executive Drive. Milwaukee Flower Company will occupy 3,000 square feet in an existing multi-tenant building within the Business Park. The property is zoned B-5 (Light Industrial), which allows florist as a conditional use.

According to Section 3.05(1)(b) of the Zoning Code, the following findings shall be considered when analyzing a conditional use grant application:

1. **The proposed use should not endanger the public health, safety or general welfare of the city and the immediate neighborhood.**

The proposed use should not endanger the surrounding area; all of the activities will take place within the building and will be monitored at all times by staff. The proposed use will be used for design and construct various flower arrangements. The tenant space will not be open to the public.

2. **The proposed use should not injure the value of adjoining or abutting property.**

The Land Use Plan designates the site as Business Park. Surrounding properties are zoned B-5. A florist can be considered compatible with the Land Use Plan designation and expected uses in the area.

The proposed use shall be harmonious or compatibility with the area in which it is located.

The proposed activities of the construction and assembly fit the character of the surrounding area. The proposed hours of operation are from 9:00 AM to 5:00 PM, daily. As with other Conditional Use Grants, staff recommends approval of hours from 8:00 AM to 6:00 PM to accommodate changes to business plan and flexibility in the operations. The applicant indicated a total of 4 full time employees for the operations. The space is within a multi-tenant property with over 400 parking spaces to accommodate all customers and employees of the site.

Staff anticipates a majority of traffic to the site will come from Baehr Road which has adequate ingress/egress facilities to accommodate the increased traffic. Planning staff believes the proposed use and activities should be harmonious with the surrounding uses.

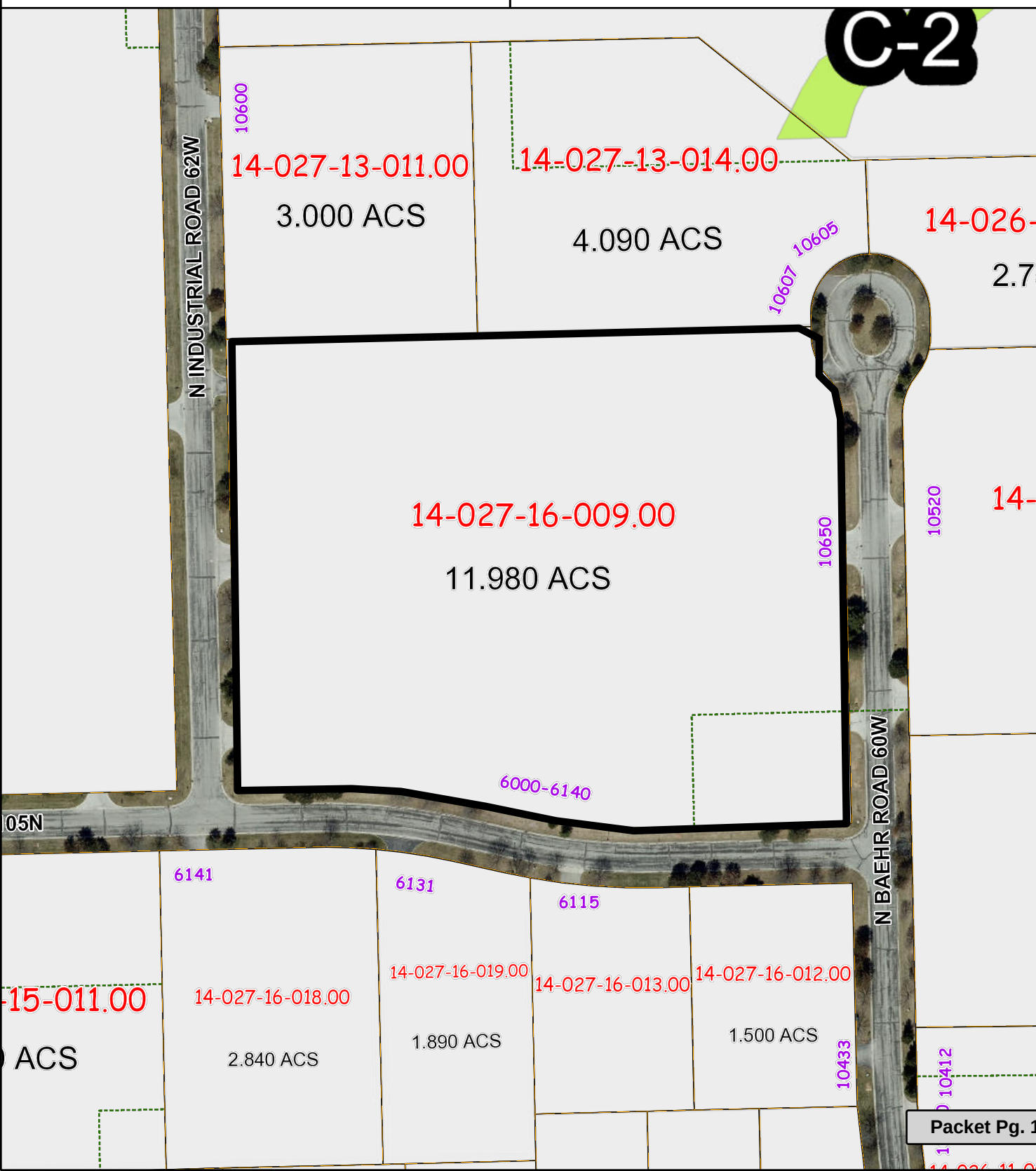
Staff Recommendation:
Planning staff recommends **approval** the conditional use grant based on the following criteria:

1. The applicant shall submit final plans within 60 days of Planning Commission action. Such final plans shall be subject to staff review and approval prior to issuance of permits. Approval shall be based on consistency with applicant's application and the requirements of the Planning Commission's approval. If final plans are not submitted within such time period, or the plans are not approved by staff, the plan(s) shall be submitted to Planning Commission for additional review and action and applicant shall be responsible for all city-imposed fees associated with such additional review.
2. Hours of operation are from 8:00 AM to 6:00 PM.

Attachments:
Packet Doc_MKEFlower (PDF)

MILWAUKEE FLOWER SHOP

AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family Residential (5 Ac. Min.)
B-4	Business Park	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-5	Light Industrial	R-2	Single-Family Residential (2 Ac. Min.)
B-6	Rural Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-7	Rural Business	R-3	Single-Family Residential (1 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-4	Single-Family Residential (3/4 Ac. Min.)
C-2	General Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
CGO	Central Growth Overlay	R-6	Single-Family Residential (4 DU/Ac.)
FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights



Attachment: Packet Doc_MKEFlower (7260 : Milwaukee Flower Company)

Milwaukee Flower Company

Milwaukee flower Company will be using 6100 Executive Dr. Suite A as a space to design and construct various flower arrangements. These arrangements will be taken to events such as weddings, graduations, parties etc.

The space will not be open to the public and will have 3-4 employees working within the space.

The space will contain an air-conditioned cooler to preserve flowers and floral arrangements prior to delivery.

Attachment: Packet Doc_MKEFlower (7260 : Milwaukee Flower Company)

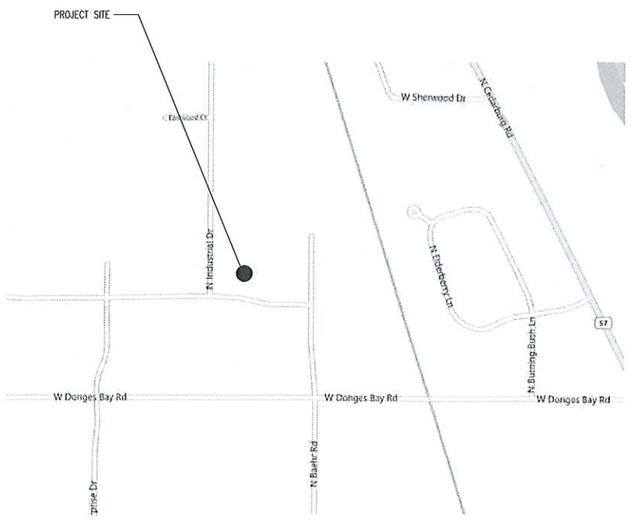
ST.JOHN PROPERTIES

1020 JAMES DRIVE SUITE G
HARTLAND, WISCONSIN 53029
262.524.0100

TENANT BUILDOUT FOR:

MILWAUKEE FLOWER COMPANY

MEQUON RESEARCH CENTER I
6100 W. EXECUTIVE DR. STE A
MEQUON, WI 53092



N

LOCATION MAP

CODE DATA - TENANT BUILDOUT*		
WISCONSIN COMMERCIAL BUILDING CODE (IBC 2015)		
CODE DATA	PROPOSED	CODE REFERENCE
USE AND OCCUPANCY*	B	S-302
ACTUAL AREA	3000 SF	MEASURED
OCCUPANCY RATE	100 SF/OCC	T-1004.1.2
OCCUPANCY LOAD	PER CODE: 30 OCC ACTUAL: LESS THAN 15	CALCULATED
CONSTRUCTION TYPE	2-B	T-601
PLUMBING FACILITIES	UNISEX: 1 WC; 1 LAV; 1 UTILITY SINK	T-2902.1
USE SEPARATIONS	NON-SEPARATED	S-508.3
PROJECT VOLUME	3000 SF X 18'-8" = 56,010 CU FT	SPS 361.30

* SEE SP-1 FOR CODE DATA FOR BUILDING SHELL AND OCCUPANCY DESIGNATION

Sheet List Table

Sheet Number	Sheet Title
T-1	TITLE SHEET
SP-1	SITE PLAN
A-1	FLOOR PLAN

WISCONSIN
JONATHAN R. GNORSKI
A-11602
BROOKFIELD WI9.
ARCHITECT

Applied Technologies Engineers Architects

ST.JOHN PROPERTIES

MILWAUKEE FLOWER COMPANY
MEQUON RESEARCH CENTER I
6100 W. EXECUTIVE DR. STE A
MEQUON, WI 53092

ISSUED FOR

DATE

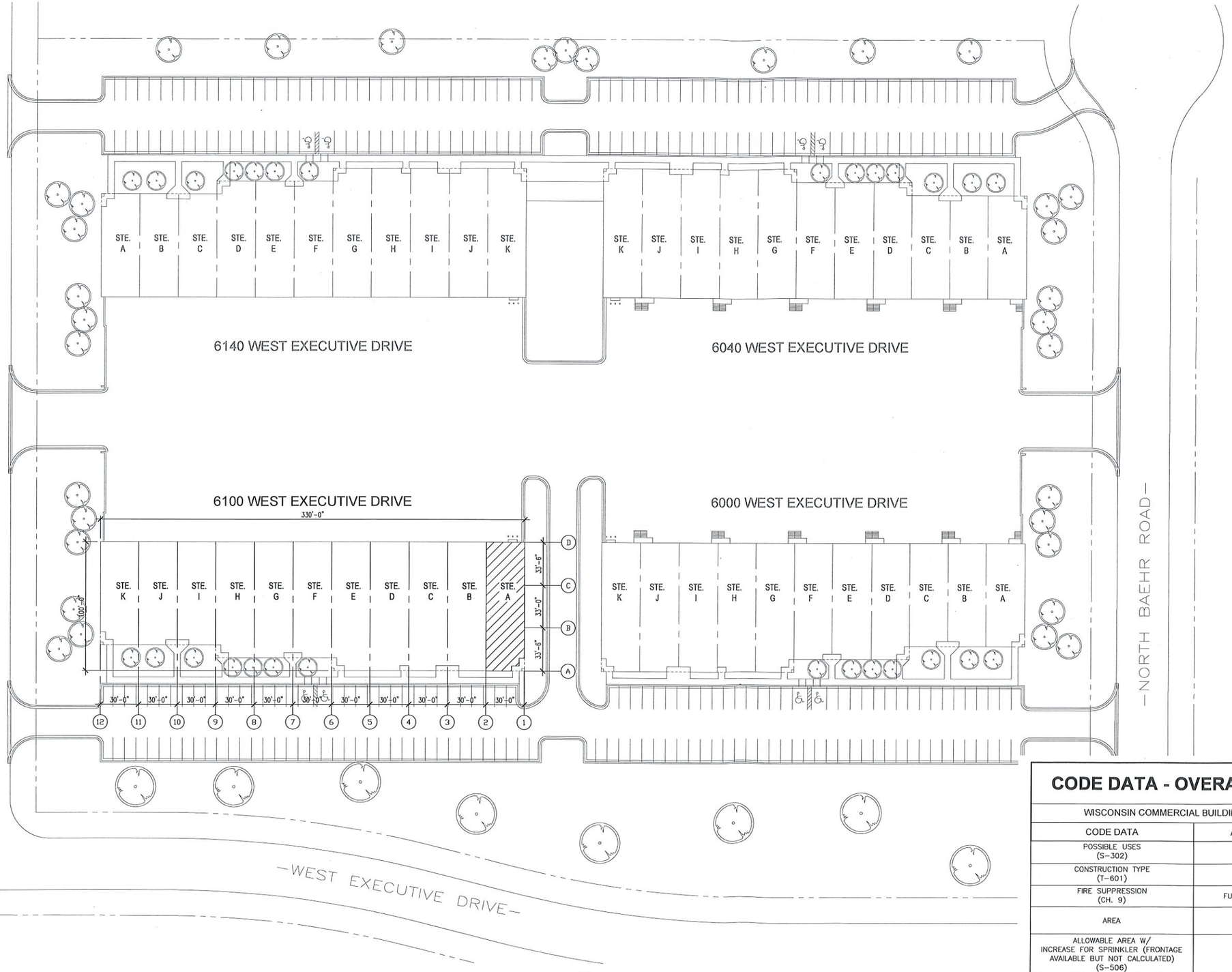
TITLE SHEET

22-007 | 2.8.22

T-1

Attachment: Packet Doc_MKEFlower (7260 : Milwaukee Flower Company)

Designed By: JJK Drawn By: JJK Checked By: JPG Approved By: JPG
P:\shared folders\projects\6500 - stp 2022 tenant improvements\2.0 tenant improvements\22-007 - milwaukee flower co\11.0 graphics\11.3 drawings\T-1 TITLE SHEET.dwg Last Modified:2.9.22
Copyright ©2021 Applied Technologies, Inc.
Modified:2.9.22 Plotted On: 2.9.22 4:20 PM By:jon gnorski



1 SITE PLAN
1" = 40'

CODE DATA - OVERALL BUILDING

WISCONSIN COMMERCIAL BUILDING CODE (IBC 2015)

CODE DATA	ALLOWABLE PER CODE
POSSIBLE USES (S-302)	B, S1, S2, F1, F2
CONSTRUCTION TYPE (T-601)	IIB
FIRE SUPPRESSION (CH. 9)	FULLY SPRINKLERED (NFPA 13)
AREA	30300 SF
ALLOWABLE AREA W/ INCREASE FOR SPRINKLER (FRONTAGE AVAILABLE BUT NOT CALCULATED) (S-506)	MOST RESTRICTIVE: F1 62,000 SF
HEIGHT/STORIES (T-504.3 & T-504.4)	75'-0"/3 STORIES
ZONING	B-5 LIGHT INDUSTRIAL DISTRICT CITY OF MEQUON

Applied Technologies Engineers&Architects

ST.JOHN PROPERTIES

MILWAUKEE FLOWER COMPANY
MEQUON RESEARCH CENTER I
6100 W. EXECUTIVE DR. STE A
MEQUON, WI 53092

SITE PLAN

22-007 | 2.8.22

SP-1

Attachment: Packet Doc_MKEFlower (7260 : Milwaukee Flower Company)

Designed By: JJK Drawn By: JJK Checked By: JPG Approved By: JPG
r:\shared folders\projects\6500 - slp 2022 tenant improvements\22-007 - milwaukee flower co\1.0 graphics\1.3 drawings\SP-1 SITE PLAN.dwg Last Modified: 2.8.22 Plotted On: 2.8.22 4:20 PM By: jon gorski
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GENERAL NOTES:

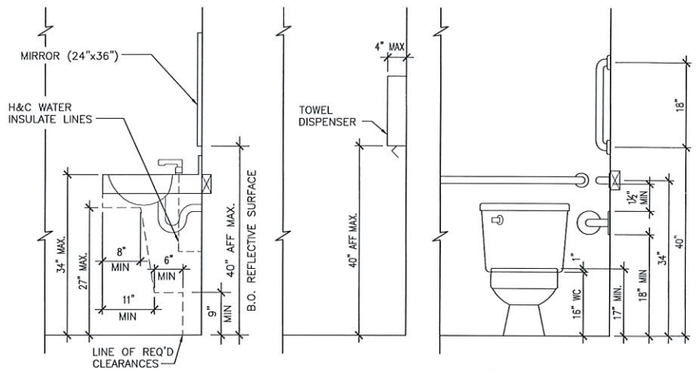
1. ALL WORK IN THIS PROJECT SHALL CONFORM TO ALL APPLICABLE CODES, STANDARDS, REGULATIONS, ETC., REQUIRED, ISSUED, OR OTHERWISE ENFORCED BY ANY AND ALL AUTHORITIES HAVING JURISDICTION.
2. ALL SUBCONTRACTORS (PLUMBING, ELECTRICAL, HVAC, AND FIRE SPRINKLER) ARE RESPONSIBLE FOR DESIGNING THEIR RESPECTIVE SYSTEMS, AND FOR PREPARING AND SUBMITTING DRAWINGS AND CALCULATIONS (TO THE STATE AND LOCAL MUNICIPALITY) NECESSARY TO OBTAIN PERMITS.
3. ALL EXISTING DIMENSIONS, CONSTRUCTION, AND CONDITIONS ARE TO BE FIELD-VERIFIED BY CONTRACTOR PRIOR TO COMMENCING WORK. CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES BETWEEN ACTUAL FIELD CONDITIONS AND DRAWINGS.
4. ALL MANUFACTURED ARTICLES, MATERIALS, AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ERECTED, USED, CLEANED, AND CONDITIONED IN ACCORDANCE WITH MANUFACTURER'S DIRECTIONS, UNLESS HEREIN SPECIFIED TO THE CONTRARY.
5. ALL WORK BE GUARANTEED AGAINST DEFECTS IN WORKMANSHIP AND MATERIALS FOR ONE (1) YEAR FROM OCCUPANCY UNLESS A LONGER PERIOD IS SPECIFIED HEREIN.
6. INCLUDE ALL CLEANUP DURING AND AT THE COMPLETION OF THE PROJECT. THE CONSTRUCTION MANAGER WILL DESIGNATE AREAS FOR TEMPORARY STORAGE OF WASTE MATERIALS AND RUBBISH FOR EACH CONTRACTOR. EACH CONTRACTOR IS RESPONSIBLE FOR CLEANING UP HIS OWN MATERIALS AS SOON AS HE HAS COMPLETED A PHASE OF WORK, OR AT LEAST ONCE A WEEK IF HIS WORK IS ONGOING.
7. INCLUDE ALL PATCHING AND REPAIR OF FINISHES THAT HAVE BEEN DISTURBED OR DAMAGED AS A RESULT OF THE WORK.
8. ALL DOORS 3'-0"x 7'-0". ALL DOORS TO BE SOLID CORE OAK IN HOLLOW METAL FRAME UNLESS OTHERWISE NOTED. HARDWARE TO BE 1-1/2 PAIR BUTTS AND LATCHSET. PRIVACY LOCKSET REQUIRED AT TOILET ROOMS. DOOR HARDWARE SHALL BE ADA COMPLIANT. ALL GLAZING AT DOORS AND SIDELIGHTS TO BE TEMPERED GLASS.
9. TENANT AND BUILDER TO COORDINATE ALL FINISH MATERIALS WITH THE OWNER, PRIOR TO CONSTRUCTION.
10. PROVIDE 6" HIGH WATERPROOF BASE IN TOILET ROOMS.
11. ALL WINDOWS TO BE INSTALLED W/ 42" SILL HEIGHT UNLESS OTHERWISE NOTED.
12. IT SHALL BE THE RESPONSIBILITY OF THE ELECTRICAL CONTRACTOR TO DETERMINE THE QUANTITY AND LOCATION OF LIGHT FIXTURES, SWITCHES, OUTLETS ETC. IN ACCORDANCE WITH APPLICABLE CODES. COORDINATE QUANTITIES, LOCATIONS AND POWER REQUIREMENTS FOR WAREHOUSE AREA WITH TENANT AND OWNER.
13. FE – FIRE EXINGUISHER: MULTIPURPOSE DRY-CHEMICAL TYPE: UL RATED 4-A:60-B:C, 10 LB. MOUNT PER ADA REQUIREMENTS.
14. ADA APPROVED DRINKING WATER DISPENSER TO BE PROVIDED BY TENANT.

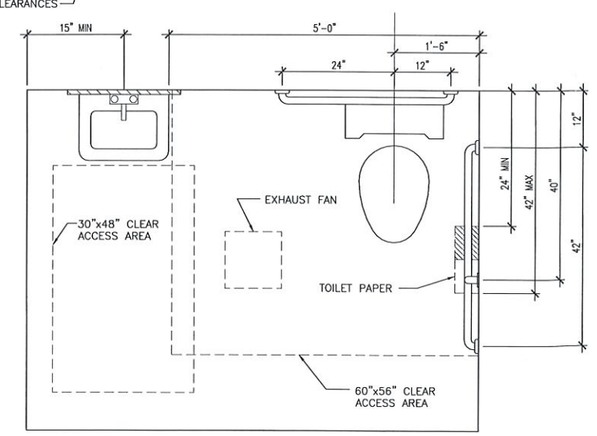
WALL CONSTRUCTION:

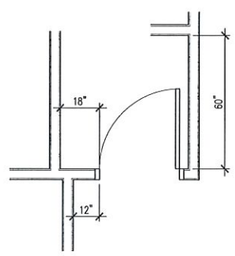
NEW	EXISTING	
1	1	TYPICAL WALL: 3⅝" 25 GAGE METAL STUD AT 24" O.C. ⅝" GYPSUM WALL BOARD ON BOTH SIDES TO 10'-0" A.F.F. UNLESS OTHERWISE NOTED ON DRAWINGS. AT TOILET ROOMS AND OTHER PLUMBING WALLS USE WATER-RESISTANT GYPSUM WALLBOARD PLUS 3½" ACOUSTIC BATT INSULATION.
2	2	FULL HEIGHT WALL: 6" 20 GAGE METAL STUDS AT 24" O.C. EXTEND WALL UP TO ROOF DECK UNLESS OTHERWISE NOTED ON DRAWINGS. CONNECT WALL TO ROOF DECK WITH SLIP JOINT ALLOWING FOR 1½" ROOF DEFLECTION. ⅝" GYPSUM WALLBOARD TO 10'-0" A.F.F. ON OFFICE SIDE. ⅝" GYPSUM WALLBOARD FULL HEIGHT ON WAREHOUSE SIDE. 5½" ACOUSTIC BATT INSULATION TO 10'-0" A.F.F. TAPED AND FINISHED READY FOR PAINTING.

WALL CONSTRUCTION NOTES:

1. ALL WALLS ARE TYPE 1 UNLESS INDICATED OTHERWISE.

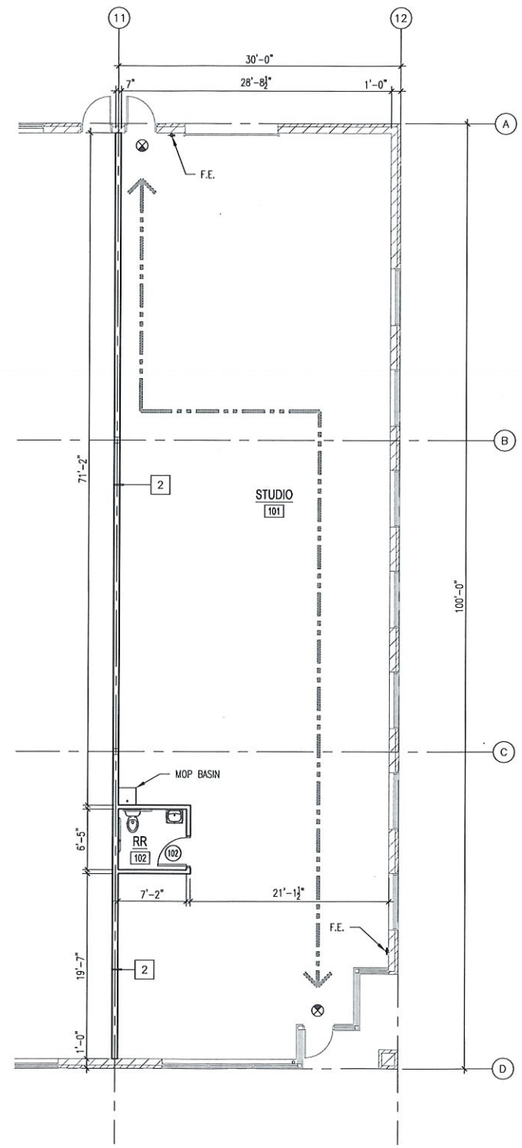






2 ADA DOOR CLEARANCE
NTS

2 TOILET ROOM REQUIREMENTS
NTS



1 FLOOR PLAN
1/8" = 1'-0"

SYMBOL LEGEND:

100	ROOM TAG
100	DOOR TAG
1	WALL TAG
	EGRESS PATH

N

Applied Technologies Engineers/Architects
ST.JOHN PROPERTIES
MILWAUKEE FLOWER COMPANY
MEQUON RESEARCH CENTER I
6100 W. EXECUTIVE DR. STE A
MEQUON, WI 53092

FLOOR PLAN

22-007 | 2.8.22

A-1

Attachment: Packet Doc_MKEFlower (7260 : Milwaukee Flower Company)

Designed By: JJK Drawn By: JJK Checked by: JPG Approved By: JPG
r:\shared folders\projects\6500 - sjp 2022 tenant improvements\22-007 - milwaukee flower co\1.0 graphics\1\3 drawings\A-1 FLOOR PLAN.dwg Last Modified: 2.9.22 Plotted On: 2.9.22 4:20 PM By: jon gnarski
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CONDITIONAL USE GRANT

Articles of Agreement made and entered into this 25th day of April, 2022 by and between St. Johns Properties, owner of the property located at 6100 W Executive Drive, and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 26, Range 21 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

LEGAL DESCRIPTION

Exhibit A

RETURN TO:

City of Mequon
11333 North Cedarburg Road 60W
Mequon, WI 53092

PARCEL NO.:
#14-027-16-009.00

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statues, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the City of Mequon having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, **IT IS GRANTED**, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of florist.

GRANTED by action of the Planning Commission of the City of Mequon this 25th day of April 2022.

_____

Andrew Nerbun, Mayor, Planning Commission Chairperson

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2022, the above named Andrew Nerbun, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) _____

_____

Planning Commission Secretary

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2022, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) _____

Attachment: Packet Doc_MKEFlower (7260 : Milwaukee Flower Company)

The **CONDITIONS** of this Grant are:

1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.

2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.

3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.

4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.

5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.

6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.

7. The Grantee and its successors in interest shall hold the City of Mequon harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.

8. Any change to the approved use or change to the building or site plan will require an amendment to the Conditional Use. Minor changes to the building and site plan shall be approved by the Department of Community Development.

9. **Conditions on the Operations:**

a. Hours of operation: Monday-Saturday: 8:00 AM – 6:00 PM

b. Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.

c. Water supply requirements:

Public

d. Provisions for sewage disposal:

Public

e. Other:

- If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.

- If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.

a. **Conditions of the structures:**

a. Site Plan: As on file with Community Development Department, City of Mequon
b. Landscaping Plan: N/A
c. Elevations: As on file with Community Development Department, City of Mequon
d. Sign: As on file with Community Development Department, City of Mequon
e. Floor Plan: Exhibit B
f. Exterior lighting of the site and building: As on file with Community Development Department, City of Mequon
g. Fence / Wall / Dumpster plan details: As on file with Community Development Department, City of Mequon
h. The building shall comply with the building code.

Attachment: Packet Doc_MKEFlower (7260 : Milwaukee Flower Company)

11. **Conditions on the site:**

a. Street access (number, location, design: As on file with Community Development Department, City of Mequon

b. Off-Street Parking (location and design including screening thereof): As on file with Community Development Department, City of Mequon

c. Outside storage of materials, products or refuse (location and screening thereof): As on file with Community Development Department, City of Mequon

d. Parking, exterior lighting of the site, location design and power: Any changes subject to Planning Commission approval.

e. Other:

Owner

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2022, the above named_____, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument on behalf of the petitioner acknowledged the _____ day of _____, 2022

Document drafted by: City of Mequon

Attachment: Packet Doc_MKEFlower (7260 : Milwaukee Flower Company)

11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us **Department of Community Development**

TO: **Planning Commission**

FROM: **JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT**

DATE: **April 25, 2022**

SUBJECT: **La Terre. The applicant is seeking conditional use grant approval to allow for a florist for the property located at 10650 N. Baehr Road, Suite C**

Applicant:	La Terre
Status of Applicant:	Tenant
Requested:	Conditional Use Grant
Proposed Use:	Florist
Existing Zoning:	B-5 (Light Industrial)
Land Use Plan:	Business Park
Location:	10650 N. Baehr Road, Suite C
Tax Key Number:	#14-027-16-009.00
District:	#4

Background:
The applicant requests conditional use grant approval for a florist located at 10650 N Baehr Road. La Terre will occupy 1,800 square feet in an existing multi-tenant building within the Business Park. The property is zoned B-5 (Light Industrial), which allows florist as a conditional use.

According to Section 3.05(1)(b) of the Zoning Code, the following findings shall be considered when analyzing a conditional use grant application:

1. **The proposed use should not endanger the public health, safety or general welfare of the city and the immediate neighborhood.**

The proposed use should not endanger the surrounding area; all of the activities will take place within the building and will be monitored at all times by staff. The proposed use will be used for design space, wholesale and floral workshops. The retail shop for the business is located in the Mequon Public Market.

2. **The proposed use should not injure the value of adjoining or abutting property.**

The Land Use Plan designates the site as Business Park. Surrounding properties are zoned B-5. A florist can be considered compatible with the Land Use Plan designation and expected uses in the area.

The proposed use shall be harmonious or compatibility with the area in which it is located.

The proposed activities of the wholesale, assembly operations fit the character of the surrounding area. The proposed hours of operation are from 9:00 AM to 5:00 PM, daily. As with other Conditional Use Grants, staff recommends approval of hours from 8:00 AM to 6:00 PM to accommodate changes to business plan and flexibility in the operations. The applicant indicated a total of 2 full time employees for the operations. The space is within a multi-tenant property with over 400 parking spaces to accommodate all customers and employees of the site.

Staff anticipates a majority of traffic to the site will come from Baehr Road which has adequate ingress/egress facilities to accommodate the increased traffic. Planning staff believes the proposed use and activities should be harmonious with the surrounding uses.

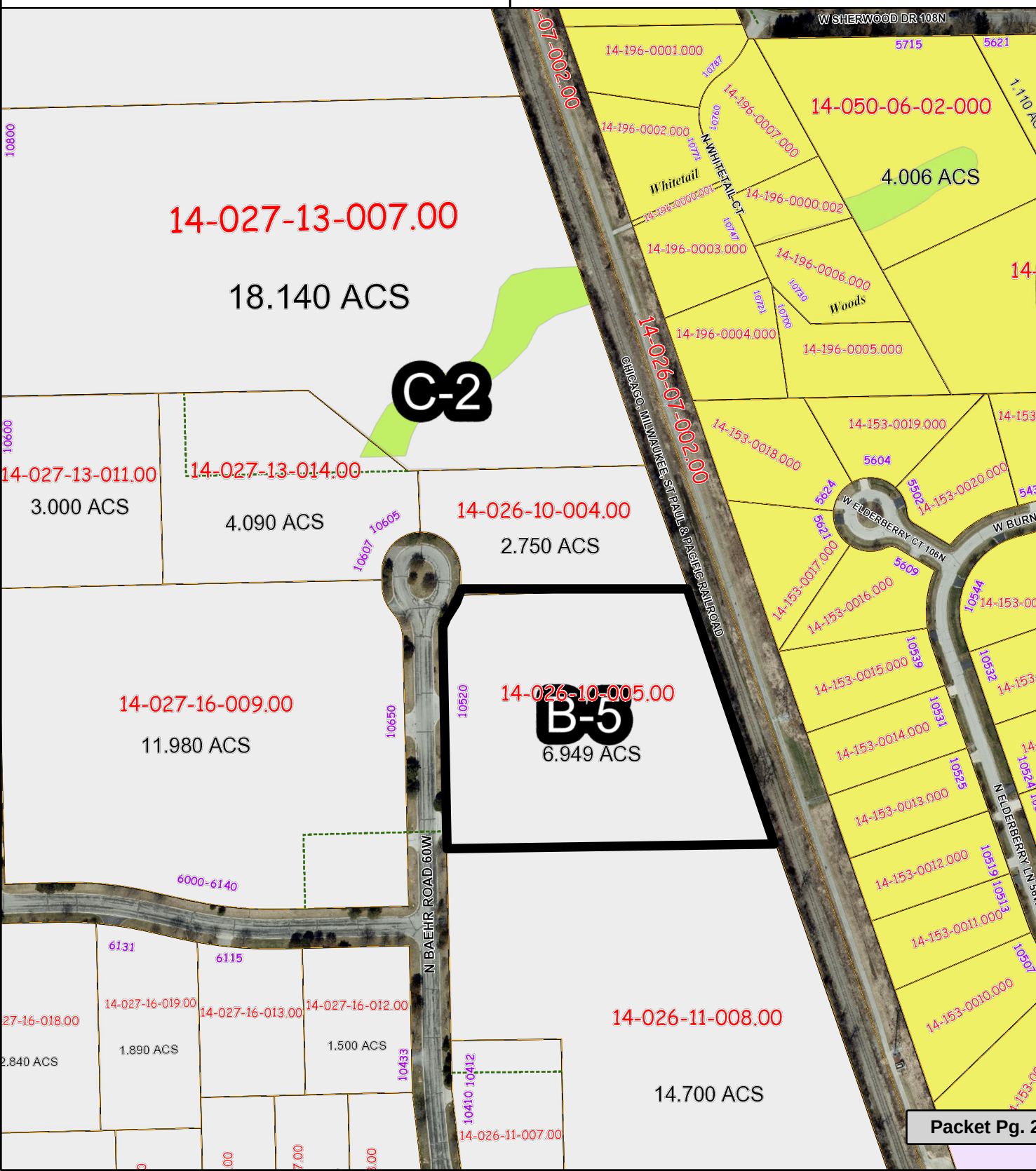
Staff Recommendation:
Planning staff recommends **approval** the conditional use grant based on the following criteria:

1. The applicant shall submit final plans within 60 days of Planning Commission action. Such final plans shall be subject to staff review and approval prior to issuance of permits. Approval shall be based on consistency with applicant's application and the requirements of the Planning Commission's approval. If final plans are not submitted within such time period, or the plans are not approved by staff, the plan(s) shall be submitted to Planning Commission for additional review and action and applicant shall be responsible for all city-imposed fees associated with such additional review.
2. Hours of operation are from 8:00 AM to 6:00 PM.

Attachments:
Packet Docs_LaTerre (PDF)

LA TERRE

AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family Residential (5 Ac. Min.)
B-4	Business Park	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-5	Light Industrial	R-2	Single-Family Residential (2 Ac. Min.)
B-6	Rural Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-7	Rural Business	R-3	Single-Family Residential (1 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-4	Single-Family Residential (3/4 Ac. Min.)
C-2	General Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
CGO	Central Growth Overlay	R-6	Single-Family Residential (4 DU/Ac.)
FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights



Attachment: Packet Docs_LaTerre (7261 : La Terre)

LA TERRE

Use of our 10650 Baehr Rd, Suite C Space

- Backstock for merchandise (our retail store is in the Mequon Public Market)
- Design Space for parties and weddings
- Walk in cooler for back stock of florals
- Small wholesale business
- Floral workshops (tbd)

Attachment: Packet Docs_LaTerre (7261 : La Terre)



1 SITE PLAN
1"=40'

CODE DATA - OVERALL BUILDING

WISCONSIN ENROLLED COMMERCIAL CODE 2002

CODE DATA	ALLOWABLE PER CODE	PROPOSED
USE AND OCCUPANCY (S-302)	B, F1, F2, S1, S2	B, F1, F2, S1, S2
CONSTRUCTION TYPE (T-601)	III	III
FIRE SUPPRESSION (CH. 9)	SPRINKLERED	SPRINKLERED
ALLOWABLE AREA W/ INCREASE FOR FRONTAGE AND SPRINKLER (S-506)	73625	21000
HEIGHT/STORIES (T-503)	55'-0"/2 STORIES (ASSUME 'F1' MOST RESTRICTIVE)	18'-8"/1 STORY
OCCUPANTS (T-1003.2.2.2)	100SF / OCC. = 210 (ASSUME 'B' MOST RESTRICTIVE)	210
ZONING	B-5 - LIGHT INDUSTRIAL DISTRICT CITY OF MEQUON	OFFICE / WAREHOUSE

Applied Technologies Engineers/Architects

ST. JOHN PROPERTIES

MEQUON RESEARCH CENTER II
10650 N. BAEHR RD.
MEQUON, WI 53092

ISSUED FOR	DATE
PERMIT SET	8.26.10

SITE PLAN

4744 | 8.26.10

SP-1

Attachment: Packet Docs_LaTerre (7261 : La Terre)

CONDITIONAL USE GRANT

Articles of Agreement made and entered into this 25th day of April, 2022 by and between St. Johns Properties owner of the property located at 10650 N Baehr Road, and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 26, Range 21 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

LEGAL DESCRIPTION

Exhibit A

RETURN TO:

City of Mequon
11333 North Cedarburg Road 60W
Mequon, WI 53092

PARCEL NO.:
#14-027-16-009.00

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statues, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the City of Mequon having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, **IT IS GRANTED**, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of florist.

GRANTED by action of the Planning Commission of the City of Mequon this 25th day of April 2022.

_____
John Wirth, Mayor, Planning Commission Chairperson

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2022, the above named Andrew Nerbun, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) _____

_____
Planning Commission Secretary

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2022, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) _____

Attachment: Packet Docs_LaTerre (7261 : La Terre)

The **CONDITIONS** of this Grant are:

1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.

2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.

3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.

4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.

5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.

6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.

7. The Grantee and its successors in interest shall hold the City of Mequon harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.

8. Any change to the approved use or change to the building or site plan will require an amendment to the Conditional Use. Minor changes to the building and site plan shall be approved by the Department of Community Development.

9. **Conditions on the Operations:**

a. Hours of operation: Monday-Saturday: 8:00 AM – 6:00 PM

b. Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.

c. Water supply requirements:

Public

d. Provisions for sewage disposal:

Public

e. Other:

- If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.

- If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.

a. **Conditions of the structures:**

a. Site Plan: As on file with Community Development Department, City of Mequon
b. Landscaping Plan: N/A
c. Elevations: As on file with Community Development Department, City of Mequon
d. Sign: As on file with Community Development Department, City of Mequon
e. Floor Plan: Exhibit B
f. Exterior lighting of the site and building: As on file with Community Development Department, City of Mequon
g. Fence / Wall / Dumpster plan details: As on file with Community Development Department, City of Mequon
h. The building shall comply with the building code.

Attachment: Packet Docs_LaTerre (7261 : La Terre)

11. **Conditions on the site:**

a. Street access (number, location, design: As on file with Community Development Department, City of Mequon

b. Off-Street Parking (location and design including screening thereof): As on file with Community Development Department, City of Mequon

c. Outside storage of materials, products or refuse (location and screening thereof): As on file with Community Development Department, City of Mequon

d. Parking, exterior lighting of the site, location design and power: Any changes subject to Planning Commission approval.

e. Other:

Owner

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2022, the above named_____, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument on behalf of the petitioner acknowledged the _____ day of _____, 2022

Document drafted by: City of Mequon

Attachment: Packet Docs_LaTerre (7261 : La Terre)

11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655
www.ci.mequon.wi.us
Department of Community Development

TO: **Planning Commission**

FROM: **JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT**

DATE: **April 25, 2022**

SUBJECT: **Trees for Less. The applicant is seeking conditional use grant approval to allow for a landscape contractor business for the property located at 11550 N. Wausaukee Road.**

Applicant:	Richard O'Malley
Status of Applicant:	Owner
Requested:	Conditional Use Grant
Existing Zoning:	R-1 (Rural Residential) OA (Agricultural Overlay)
Existing Land Use Plan:	Rural Residential
Lot size:	70.8 Acres
Location:	11550 N. Wausaukee Road
Tax Key Number:	#14-019-09-014.00
District:	#3

Background:
The applicant is requesting conditional use grant approval for a landscape contractor business at 11550 N Wausaukee Road. The property has operated as a nursery since 1972 which is permitted under the OA (Agricultural Overlay) zoning. In December of 2016, the Planning Commission approved a conditional use grant for a landscape contractor business at this site. Since the owner failed to commence operations of the business within a year, the approval has lapsed.

Site Compliance:
The City issued a letter to the owner dated September 28, 2016 (see attached) that outlined a number of compliance issues. As part of this application, staff conducted an inspection to verify that all compliance issues have been resolved. Code Enforcement Officer, Scott Pinzer inspected the site and determined that all previous code violations have been corrected.

Conditional Use Grant Findings:
According to Section 3.05(1)(b) of the Zoning Code, the following findings shall be considered when analyzing a conditional use grant application:

1. **The proposed use should not endanger the public health, safety or general welfare of the city and the immediate neighborhood.**

The applicant states that the primary function of the landscape contractor business is the sale and delivery of mulch. The survey of the property shows the mulch storage area on the northeast portion of the lot. The proposed storage area complies with the 30-foot side yard property line

offset. Staff will require a final storage plan as a conditional of approval. The applicant shall also provide year-round screening if final location is visible to surrounding properties.

2. The proposed use should not injure the value of adjoining or abutting property.

There is a single-family home to the south and vacant land zoned R-1 (Residential 5 Acre) to the north. The proposed use is located on a 70-acre parcel that includes the tree nursery. The business plan states that the hours of operation of the landscape business is 8:00 AM to 4:30 PM daily. A condition of the CUG will clarify that all activities on site including deliveries will be required to take place between 8:00 AM and 4:30 PM daily. By limiting the hours of operation and relocating the operations and outside storage on site to comply with setbacks, staff feels the use should not injure the value of the adjoining parcels.

3. The proposed use shall be harmonious or compatibility with the area in which it is located.

This area of Mequon is predominantly zoned R-1 and consists of active farming operations and residential five-acre home sites. Access to the site is from Wausaukee Road which is classified as a local arterial and handles approximately 4000 cars per day. The applicant states that there are two full time and one part time employee on site at any given time. Staff believes that the additional traffic generated from the site due to the proposed use can be accommodated on Wausaukee Road without any needed improvements. The city has approved other landscaped contractor businesses in Mequon located in the R-1 zoning districts and the use can be considered harmonious with the rural character.

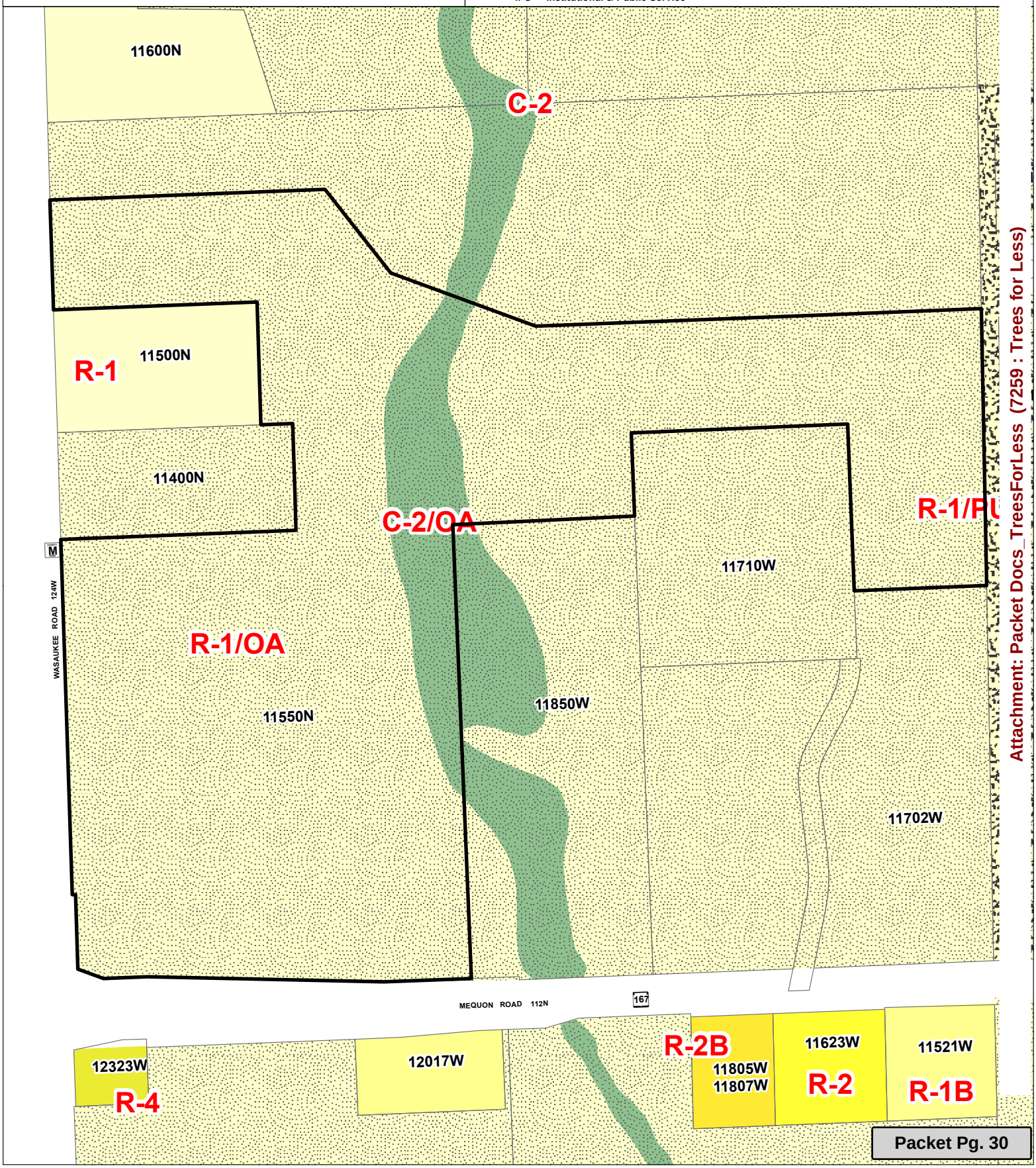
Staff Recommendation:
Planning staff recommends **approval** of the conditional use grant subject to the following condition(s):

1. The hours of operation for all activities shall take place between 8:00 AM and 4:30 PM.
2. There shall be no retail sales or wholesale distribution of mulch.
3. The applicant shall submit a final storage plan for staff review and approval.

Attachments:
Packet Docs_TreesForLess (PDF)

Trees for Less Nursery

AC	Arrival Corridor	LTD	Limited Use
A-1	Agricultural Preserve	OA	Agricultural Overlay
A-2	General Agricultural	PUD	Planned Unit Development Overlay
B-1	Neighborhood Business	P-1	Park & Recreation
B-2	Community Business	R-1	Single-Family Residential (5 Ac. Min.)
B-3	Office & Service Business	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-4	Business Park	R-2	Single-Family Residential (2.0 Ac. Min.)
B-5	Light Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-6	Rural Industrial	R-3	Single-Family Residential (1.0 Ac. Min.)
B-7	Rural Business	R-4	Single-Family Residential (3/4 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
C-2	General Conservancy	R-6	Single-Family Residential (4 du/Ac)
CGO	Central Growth Overlay	RM	Multi-Family Residential
FFO	Flood Fringe Overlay	TC	Town Center
FW	Floodway	TDR	Transfer of Development Rights
IPS	Institutional & Public Service		



Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

Trees for Less Nursery
Business Plan 2022 and beyond

Introduction:

- Trees for Less is seeking to obtain a Landscape Contracting (CUG). The nursery currently uses mulch for everyday nursery activities and is seeking the ability to sell and deliver mulch. Trees for less does not wish to have any retail mulch sales on premise.

Current Services:

- Growing of Nursery stock for sale to residential and commercial properties.
- Delivery of Nursery stock.
- Seasonal Christmas Tree Business (Mid November through mid December)

Business Hours:

- Monday through Friday 8am to 430pm
- Saturdays 9am to 2pm
- Closed Sundays

Proposed New Service:

- **Mulch sales for delivery to accompany nursery activities for both commercial and residential customers.**
- **Change in hours, close earlier during the week and open later on the weekends as well as closing on the weekends January – March.**

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

Trees for Less Nursery
Site Plan

Proposed Location:

- Mulch to be moved 75' from property line. The city had maintained that it needed to be a 30' minimum at the time of the 2017 approval that was not finalized.
- Mulch will be stored in concrete bins that are regularly used for nursery applications.
- A large screening of the operations was finalized in 2017.
- *Drawings attached

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)



Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

Previous Mulch location

Proposed New location

CERTIFIED SURVEY MAP NO. 3852

A DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP 3749, BEING A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

0 400 600 800 1200

SCALE 1" = 400'

NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337
northshoreengineering.net

1-15-2013

WISCONSIN JAMES G. SCHNEIDER S-2417 MEQUON, WI LAND SURVEYOR

LEGEND

- O – DENOTES 1.315"X18" STEEL PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT (SET)
- ● – DENOTES 1.3" STEEL PIPE (FOUND)
- ◉ – REBAR (FOUND)

ALL BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (SOUTH LINE OF THE SW. 1/4 OF SECTION 19-9-21 WHICH BEARS S87°41'22"W)

OWNER :
RICHARD S. O'MALLEY
11550 N. WASAUKEE RD.
MEQUON, WI. 53092

LOCATION MAP

SW. 1/4 SEC. 19-9-21
(SCALE 1"=2000')

N. WASAUKEE RD.
W. MEQUON RD. – S.T.H "167"

UNPLATTED LANDS

N. LINE OF THE SW. 1/4 OF SECTION 19-9-21
(ALSO REC. AS S89°55'16"E 2797.80')
--- N87°46'04"E 2797.83' TOT.

NE. CORNER OF THE SW. 1/4 OF SECTION 19-9-21 CONC. MONUMENT WITH BRASS CAP

--- N87°46'04"E 2747.83'

40'X60' LEASE SITE AS (SEE SHEET 3)

60.0' WIDE ROAD RESERVATION (PER PLAT)

556.79'

N87°46'04"E 812.65'

S38°12'38"E 314.75'

S69°51'38"E 455.22'

LOT 2
1,361,063± SQ. FT.
31.246± ACRES

ACCESS EASEMENT RECORDED BY OTHER INSTRUMENT (SEE SHEET 4)

N87°46'04"E 1317.66'

S1°04'23"E 1474.44'

(ALSO REC. AS S1°13'45"W 1474.59')

ASHBURY WOODS DRIVE

ASHBURY WOODS

N1°49'20"W 363.00'

CENTERLINE OF 15' WIDE INGRESS & EGRESS EASEMENT (SEE SHEET 3)

SHED

S87°45'59"W 93.50'

N1°49'20"W 315.00'

S87°41'22"W 639.19'

249.91'

S2°18'38"E

N2°18'38"W 493.01'

817.65'

S87°41'22"W 537.00'

LOT 3 C.S.M. NO. 3570

LOT 1
3,084,029± SQ. FT.
70.800± ACRES

POND

LOT 2 C.S.M. NO. 3730

(ALSO REC. AS WEST 391.56')
S87°41'22"W 391.45'

E. LINE OF THE SW. 1/4 OF SECTION 19-9-21

S1°04'23"E 2647.61' (TOTAL)

ASHBURY WOODS

S2°18'38"E 1351.00'

LOT 2 C.S.M. NO. 3570

60' PRIVATE ROAD

LOT 2 C.S.M. NO. 1701

50.0' HIGHWAY SETBACK LINE SEE SHEET 6 OF 8

HATCHED AREA DENOTES APPROXIMATE PRIMARY ENVIRONMENTAL CORRIDOR PER S.E.W.R.P.C. REGIONAL MAPPING

200' OPEN SPACE PRESERVATION EASEMN'T

N. R/W LINE OF MEQUON RD. – S.T.H. "167"

(ALSO REC. AS WEST)
S87°41'22"W 1037.77'

1180' 100' 478'

--- S87°41'22"W 2763.25' (TOTAL)

55.00'

HATCH DENOTES ACCESS RESTRICTION SEE SHEET 6 OF 8

1-RESIDENTIAL A.P.

S. LINE OF THE SW. 1/4 OF SECTION 19-9-21

SE. CORNER OF THE SW. 1/4 OF SECTION 19-9-21 (CONC. MONUMENT WITH ALUMINUM CAP IN HANDHOLE)

W. MEQUON RD. - S.T.H. "167"

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 1 OF 8 SHEETS

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

City of Mequon

11333 N. Cedarburg Rd 60W
Mequon, WI 53092-1930
Phone (262) 242-2943
Fax (262) 242-9655
Email spinzer@ci.mequon.wi.us

Department of Community Development: Planning Division

September 28, 2016

Trees for Less
C/o Mr. O' Malley
11550 North Wasaukee Road
Mequon, WI 53097

Re: Compliance Statement for Business Operations and Site Conditions at 11550 N. Wasaukee Road, Mequon

Dear Mr. O'Malley,

The Community Development Department has received a complaint regarding the business operations taking place at premises listed above. Based on a recent inspection of the property and review of your business operation plan it has been determined there are operations and site and building conditions taking place that are not authorized by the City or permitted in the R-1 zoning district. Please note that I have discussed these conditions and the necessary submittals outlined within this letter with your attorney, Marvin Bynum II.

Nursery Operations: Permitted Use
Under the current zoning, the only permitted uses allowed include horticulture, agriculture or forestry including nursery operations. Based on the site inspections conducted by City staff and the business operations plan submitted on August 28, 2016, the City has identified operational conditions that are ***not*** classified as a permitted nursery operation, but as a landscape contracting business or warehouse and distribution. Please note that a landscape contracting business is a conditional use within the current zoning district and requires Planning Commission approval (see section below) and warehouse and distribution is a prohibited use in the current zoning district (see section below).

- The importing of material to produce mulch or purchasing mulch from outsourced supplies, which is then stored on-site and distributed from the site, is not allowed under nursery operations.
- The importing of limited nursery stock not grown on-site, depending on the scale and amount, ***may*** not be allowable under nursery operations. The City requires further details associated with this function.

At this time, the above listed operational conditions shall cease on the subject site. On or before October 28, 2016, please submit evidence of these operations being ceased on the site to avoid further enforcement action.

In order to remain in conformance with the nursery operations at the site, the following site and building conditions shall be resolved by taking the following actions:

- The City needs to further assess the site and building conditions, therefore a to-scale site plan of the property used for the nursery operations shall be submitted by October 28,

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

2016. The standard of detail for which the site plan must show is indicated in the attached *Planning Commission Application Checklist Commercial Development.*

- The cabin on the premises and located along Wasaukee Road has not been approved or permitted by the City of Mequon. Please indicate the use of the cabin and submit a building permit per Section 10-55, by October 28, 2016.
- The hoop house on the premises located on the premises has not been approved or permitted by the City of Mequon. Please indicate the use of the hoop and submit a building permit per Section 10-55, by October 28, 2016.
- The existing storage bins for materials are considered structures and are located within the required setbacks per section 58-234(j). If approved to remain on site, the storage bins shall be relocated on site to an area to be determined and approved by the City.
- The existing access driveway does not comply with the required three foot setback per section 58-416(f). The site plan you are required to submit shall indicate a revised location for the driveway that complies with the required setback and include your proposed date in which to reconstruct.
- Given the amount of impervious surface that has been added to the site without City approval, stormwater management requirements may be required. Please provide on the required to-scale site plan the dimensioned areas of impervious surfaces and provide calculations for each footprint as well as the accumulative impervious surfaces. This shall be included on the plan due October 28, 2016.

Building Permit applications are attached for your convenience.

Landscape Contracting: Conditional Use

Landscape contracting businesses are a conditional use in the R-1 zoning district (see attached zoning district regulations). There is no record of any conditional use approved for this location. If it your desire to continue operations consistent with a landscaping contracting business, then an application for a conditional use, applicable fees and plans are required. This can be applied for at any time so long as the operations cease until approval for landscaping contracting is achieved. Please find attached a *Planning Commission Application* packet.

Warehouse and Distribution Use: Prohibited

Staff has also determined that if the primary operations collectively are the warehouse and distribution of nursery stock and mulch from off-site sources, then the principle use would be deemed warehouse and distribution, which is prohibited.

Miscellaneous Site and Structure Conditions:

There are other site issues that need to be addressed that may or may not be permitted depending on the nature of their use and size. The following items may be permissible if they are associated with an approved use only.

- The deliveries associated with importing and distributing stock and materials that are deemed not consistent with the nursery use are generating complaints. Starting immediately, please conduct only the nursery operations within the hours of operations of 8 a.m. to 5 p.m. as indicated in the business operation plan.

- Based on a site visit, two fuel storage tanks are located on the property and the necessary permits through the State of Wisconsin have not been achieved. Evidence of approval by the State shall be submitted to the City by October 28, 2016.

- According to our records the banners located at the corner of Wasaukee and Mequon Roads have not achieved the necessary permit approvals from the City. The existing banner shall be removed by October 3, 2016.

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

In the future, please be advised that banner permits are required and shall be approved through the Community Development Department at City Hall prior to installation (see attached).

The City recognizes that this notice outlines several actions steps and that it may be beneficial to meet and discuss the operations and processes for achieving compliance. Please conduct us early in the process should you desire such a meeting.

If you have any questions, please contact me at (262) 236-2943 during normal business hours.

Sincerely,

Scott Pinzer
Zoning Enforcement Officer

CC: Kim Tollefson
Jac Zader
Marvin Bynum II
Alderman Strzelczyk

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

Meeting Minutes from December 5, 2016
CUG Approval

Roll vote was called; vote passed 7-1 (No: Jim Schaefer)

RESULT:	**APPROVED WITH CONDITIONS [7 TO 1]**
MOVER:	Dan Abendroth, Chairman
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, R. Schaefer, Lemke
NAYS:	J. Schaefer
ABSENT:	Mason
EXCUSED:	Adams

4) Regular Business

a) Conditional Use Grant. The applicant, Rick O'Malley for Trees for Less, is seeking conditional use grant approval to operate a landscape contractor business located at 11550 N. Wasaukee Road.

Ald. Strzleczyk made a motion to go into public hearing.
Commissioner rebecca Schaefer seconded the motion.

Peter O'Malley - 11710 W. Mequon Rd. is opposed to this item. He is the closest neighbor to the Trees for Less property. He stated that the Trees for Less business has grown and there is a lot of commotion with semi-trucks coming off Mequon Rd. The applicant has offered to provide screening to deal with the noise. He feels that they have not had enough time to review the screening or the enforcement of the noise being offered by the applicant.

Matt O'Malley - owns the property north of Trees for Less. He opposes the CUG approval. He believes that Trees for Less does not meet the definition of a landscape contractor business and they should not be approved. He feels that the actual on site uses versus the uses stated in the approval request are not in unison. He stated that there are many additional buildings on the site that did not have permits prior to being built. He stated that as a family they tried to work this out. He said that staff has a very good understanding of the issues on site but that city enforcement has had to visit the property several times, which he feels is a waste of the taxpayers' money. He stated that this site is not the appropriate place for this type of business.

Ald. Strzleczyk made a motion to close public hearing.
Commissioner Rebecca Schaefer seconded the motion.
Voice vote called; vote passed (8-0)

Asst. Dir. Zader stated that the applicant is requesting a CUG to operate a landscape contractor business at 11550 N. Wasaukee Road. There have been some compliance issues on site. The site has operated as a nursery since 1972. Nurseries are permitted in the Agricultural Overlay zoning district; so this is a permitted use. Staff has outlined the permitted uses that are allowed there under a landscape contractor use, what things are prohibited and what things would be allowed under a temporary use (for example; Christmas

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

tree sales). The code enforcement officer was at the site in the summer of 2016 and a letter was generated in September with a number of issues that needed to be resolved in a given time frame, which prompted the applicant to apply for a CUG. There are a number of items on the site, regardless of the PC action today, that still need to be corrected from a compliance statement:

- The cabin on Wasaukee Rd is in violation of the setback; it was not approved by the city.
- There is a hoop house that is not in compliance with the 30 foot setback that was not approved by the city.
- The storage bins do not meet the 30 feet set back; and they were not approved by the city.
- There is a fuel storage tank that needs approval.

Staff believes the code does not allow for any retail sales on site. A nursery is a place where trees are grown and either sold via wholesale or a retail shop at another location. A nursery does not allow retail sales or for bringing in plants from other locations to sell.

Regarding the landscape contractor business; there are items that were mentioned that do not fit the definition. The only narrative submitted by the applicant that does meet the definition of a landscape contractor business is being allowed to sell mulch to individuals and deliver it and install it at their premises. There are not any other businesses in the city that engage in the retails sale of mulch or in the wholesale distribution of much. Staff recommends a narrowly defined definition of a landscape contractor business where residents could go to the site (or call), order mulch and have it delivered. It would not be permitted to have any on-site pick up of mulch, no sales of mulch to other landscapers or suppliers for delivery and for usage. There is nothing in the zoning code that defines this so staff is using best practices and is basing this recommendation on what has been done with other developments in the city. There are a few landscape contractor businesses in the city and when they were granted approval they did not ask for sales as part of their approvals.

In order to achieve this approval there are a number of items that staff is requesting:

- All the compliance issues must be addressed.
- If the applicant goes forward with the mulch landscape contractor sales, they must be relocated and comply with setback off the property lines.
- The hoop house and other buildings on site must all meet city setback approvals.
- Aesthetic treatment and buffering is to be provided for neighboring properties to help mitigate the impact of onsite uses (landscaping trees, berms).
- A condition was placed on the 8 a.m. -5 p.m. hours that applies to *all* operations on site.

Staff does recommend approval of the landscape contractor business CUG with the narrowly defined conditions in the staff report.

The applicant, Rick O'Malley was joined by his lawyer Marvin Bynum II. Mr. Bynum thanked staff for all the work they put into working through this application. The applicant has been working to get the property in compliance and to address the neighbors' concerns.

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

In response to the list of conditions from staff, he responded:

- #1 - The applicant intends to move the mulch storage area away from the property lines.
- #2 – They are happy to comply with this item.
- #3 – They are happy to comply with the business hours suggested.
- #5 – They are working towards righting the compliance issues. They will continue to work with staff.
- #4 - They would like to work with staff to find a middle ground. The mulch operations are important to the applicant's business. It is a seasonal business but it is substantial enough to have a detrimental impact to the applicant if not allowed.

Mr. Rick O'Malley stated there is a long family history on this site and he has been involved in the nursery business for 40+ years. He stated that the entire business is a seasonal business. He stated that April and May are active months for mulch. They do many deliveries but it is mostly in April and May and then it is sporadic throughout the rest of the summer. The mulch is an adjunct to the nursery business. The Christmas tree business is a great seasonal business. He wants to keep his business moving forward. He has offered to work with Peter O'Malley to build a berm and plant trees to provide a buffer between the properties.

Asst. Dir. Zader stated that zoning code has been in place for many years and tree nurseries were always located in the rural areas. It was not intended to be a retail type business. There needs to be a distinction made about what constitutes a retail business, a nursery and what constitutes a landscape contractor business. Staff is trying to limit the number of trips to the site because it is located in a rural area. A non-retail business would have fewer visits to the site but there will always be some traffic to any type of business. There is some concern about distribution and semi-trucks coming and going bringing mulch chips.

He instructed the PC to decide on the definition of what a landscape contractor business constitutes. He reminded the PC that this will apply to other landscape contractor businesses in town and that any area in the R-1 has the ability to ask for a CUG for this type of use.

Commissioner Parrish thanked the neighbors for their insight. He stated that he likes the solution presented by the staff. His concern is that historically this has been happening without any reported issues. He also asked the applicant about the volume of truck traffic.

Mr. Rick O'Malley answered that the truck traffic is mostly during the month of May. He stated that he will adhere to the newly recommneded hours of 8 a.m.-5 p.m. and he is committed to building a berm to buffer the noise for the neighbor to the south. He also added the tree business and mulch business go hand in hand and it is an integral part of the nursery business. He said that many people prefer to come to the site to view the mulch.

George and Danielle Mladenov - 11500 Wasaukee. They support this item. Their driveway runs parallel with the driveway that goes into Trees for Less. They see all of the traffic that enters the Trees for Less site. They stated that if anyone would have a problem with the traffic or noise it would be them and they do not have a problem with any of the traffic or

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

noise. They stated that nothing from next door is a nuisance to them. They said the property is well-groomed and they enjoy the families visiting the site to buy Christmas trees.

Mr. Peter O'Malley stated that the Mladenov's experience is different because they are not located near where any of the noise or activity takes place. His first option would be for the operations to move closer to the front of the property. The berm is a secondary option and he is not certain how much it will reduce the noise.

Mr. Matt O'Malley stated that his property has incurred a 20% decrease in value due to activity at Trees for Less.

Commissioner Choren stated that he understands the importance of the mulch business but he also is concerned about the issues the neighbors are complaining about. He suggested that the applicant move the mulch business elsewhere on site to help alleviate the impact to the neighbors.

Mr. Rick O'Malley stated that most of the traffic is residents coming to look at the mulch and also deliveries of mulch. He stated that 90% of the business is delivering mulch to a property. He stated that it is a benefit to his nursery business.

Commissioner Stoker made motion to approve per staff recommendations, excluding item #4 (would allow for retail sales, but exclude wholesale sales).
Commissioner Parrish seconded the motion.

Ald. Strzleczyk stated that he has done business with Rick O'Malley and has had a very good experience. He is supportive of the retail sales. He feels that the issue is the wholesale distribution of mulch, which Mr. Rick O'Malley stated they do not provide. Ald. Strzleczyk stated that the Trees for Less website promotes mulch wholesale distribution; which causes a conflict. He feels that manufacturing of the mulch is taking place at the site. He would like that operation to be moved closer to Wasaukee Road with an increased setback required. He supports the local business but he also feels that the neighbors deserve the feel of a rural living experience without the noise of semi-trucks. He wants to make sure this is an enforceable issue. He feels that the mulch business is an all summer long business, not just two months in the spring. He wants to be supportive but he believes the heavy use of the semi-trucks will continue and that is the complaint that the neighbors have.

Ald. Strzelczyk made a motion to table the issue based on further discovery. He would like the neighbors' issues to be addressed. He stated that he would like to include that no semi-truck deliveries be allowed or limited to a certain number of times a year and in certain months. He does not feel that the wholesale distribution of mulch should be allowed on this site; as it is zoned residential. He does support a heavier retail business there.

Commissioner Stoker disagreed with Ald. Strzelczyk's motion. He stated that he had looked into purchasing lots #8, #9, and #10 in Ashbury Woods and he has spent many hours there. He did not purchase there due to noise from Mequon Rd, but there was never any noise from the applicant's site. He does not feel it is the responsibility of the PC to regulate how many

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

loads of mulch this property receives.

Commissioner Choren seconded the motion to table the item.
Roll call was called; Motion failed (5-3; No votes: Mayor Abendroth, R.Schaefer, Parrish, Stoker, Lemke).

Ald. Strzelczyk made a friendly amendment to Commissioner Stoker's motion for this item for the applicant to come back to establish setback and that a site plan presented be to PC.
Commissioner Stoker did not accept the friendly amendment.
Commissioner Jim Schaefer seconded that motion.

Roll call was called; Motion passed, (5-3; No votes: Parrish, Stoker, Lemke)

Roll call was called regarding Commissioner Stoker's motion (to approve excluding #4) including the amendment that the site plan comes back for PC review.
Motion passes (5-3; No Votes: Ald. Strzleczyk, J. Schaefer, Choren).

The CUG was approved and the site plan will come back for PC review.

RESULT:	**APPROVED WITH CONDITIONS [6 TO 3]**
MOVER:	Brian Parrish, Commissioner
SECONDER:	John Mason, Commissioner
AYES:	Abendroth, Mason, Parrish, Stoker, R. Schaefer, Lemke
NAYS:	Strzelczyk, Choren, J. Schaefer
EXCUSED:	Adams

b) Building and Site Plan Amendment. The applicant, CelluSite, LLC, is seeking building and site plan approval for a cell tower located at 6131 W. Chapel Hill.

Asst. Dir. Zader stated that this is a request for a cell tower on Chapel Hill Road. He reminded the PC that recent changes made to the state law make it very difficult for the city to deny a cell tower request if it meets conditions within the statue. The tower is shown at 190 feet tall with a 5 foot lighting rod which puts it at 195 feet, under the 200 foot statutory requirement that would allow the city to take action. He showed a plan of where the tower and enclosure would be located on the site. The enclosure does not currently meet the required offset and the city has the authority to require that it is met. The enclosure shows a chain link fence with barbed wire for the enclosure. All previous enclosures the city has required a masonry or brick type structure with landscaping around it.

Asst. Dir. Zader asked the City Attorney to provide a memo of his legal opinion and that has not yet been received. The City Attorney has commented in previous discussions that the city is unable to stop these facilities as long as the conditions of the statue are met. Staff does recommend approval. He added that the PC could ask for more information from the City Attorney but there is a 90 day time line that if there is not any action taken, it is automatically approved.

Attachment: Packet Docs_TreesForLess (7259 : Trees for Less)

11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655
www.ci.mequon.wi.us
Department of Community Development

TO: **Planning Commission**

FROM: **JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT**

DATE: **April 25, 2022**

SUBJECT: **Ascension Medical Office. The applicant is seeking PUD Amendment approval to allow for amended hours of operation for the medical office for an existing PUD for the property located at 12831 N. Port Washington Road.**

Applicant:	Ascension Medical Office
Status of Applicant:	Owner
Requested:	PUD Amendment
Existing Use:	Medical Office
Existing Zoning:	NC (Neighborhood Commercial) PUD (Planned Unit Development)
Existing Land Use Plan:	Neighborhood Commercial
Lot size:	3.56 Acres
Location:	12831 N. Port Washington Road
Tax Key Number:	#15-007-16-001.00
District:	#5

Background:
The applicant is seeking PUD amendment approval for the recently constructed Ascension medical office building at 12831 N Port Washington Road. The rezoning was approved on October 13, 2020 (see attached Ord# 2020-1579) and included a hours of operation limitation of 8:00 AM to 6:00 PM. The current proposal would extend the hours to 7:00 AM to 7:00 PM.

PUD Amend:
The use of medical office is permitted in the NC zoning district and there are no hours of operation restrictions in the district. Other uses in the area including the Highland House, Ascension Hospital and the medical office building have hours of operation more extensive than the current request. Staff understands the current requirement was added at the time of Common Council approval as a means to mitigate impacts of the use on the surrounding area. Staff believes that extending the hours to the proposed request should not have a negative impact on the surrounding properties.

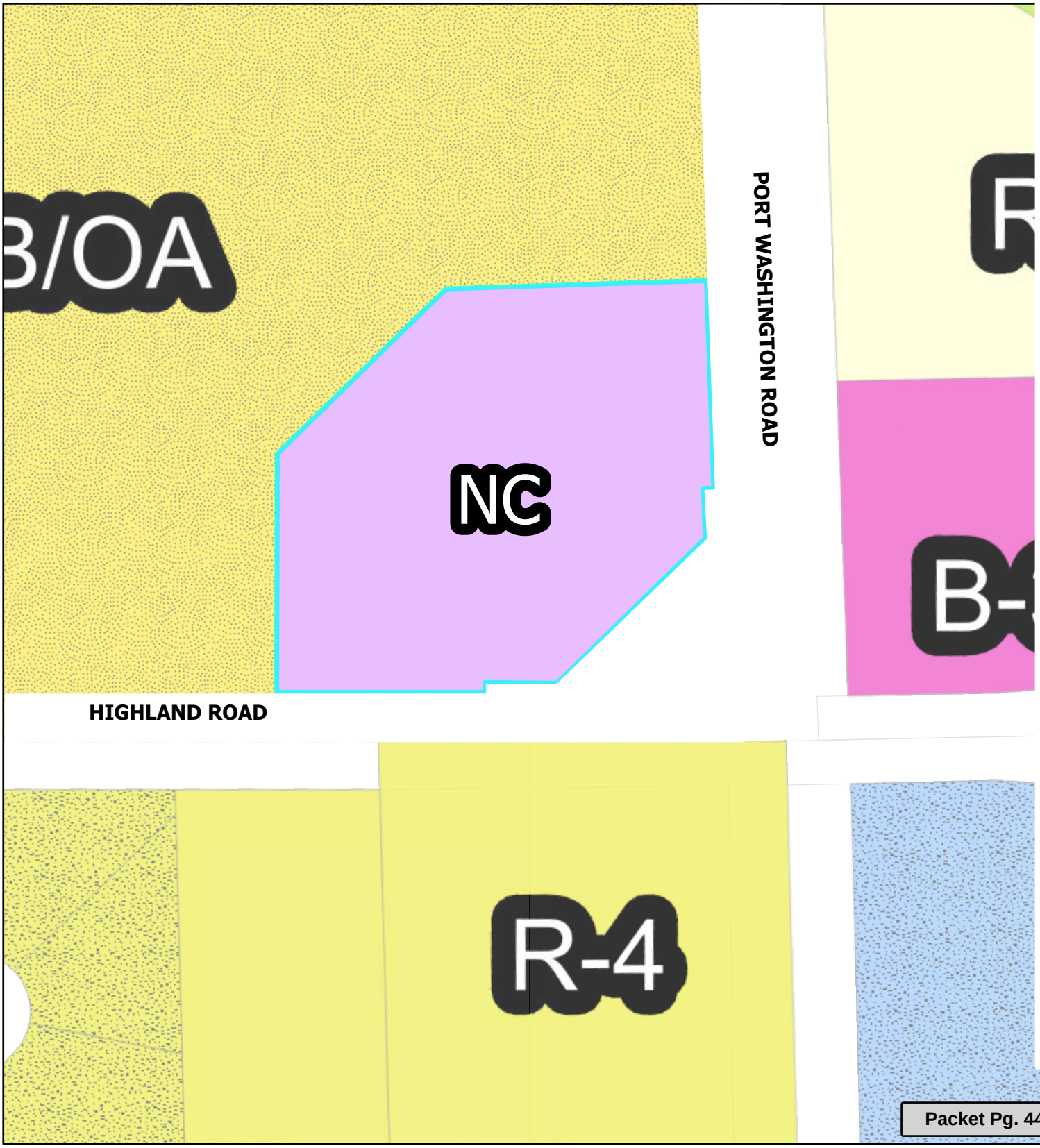
Staff Recommendation: Planning staff recommends approval of the PUD amendment subject to the following conditions:

1. Common Council approval of the rezoning.

Attachments:
PAcket Docs_Ascension (PDF)

Ascension

AC	Arrival Corridor	LTD	Limited Use
A-1	Agricultural Preserve	OA	Agricultural Overlay
A-2	General Agricultural	PUD	Planned Unit Development Overlay
B-1	Neighborhood Business	P-1	Park & Recreation
B-2	Community Business	R-1	Single-Family Residential (5 Ac. Min.)
B-3	Office & Service Business	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-4	Business Park	R-2	Single-Family Residential (2.0 Ac. Min.)
B-5	Light Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-6	Rural Industrial	R-3	Single-Family Residential (1.0 Ac. Min.)
B-7	Rural Business	R-4	Single-Family Residential (3/4 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
C-2	General Conservancy	R-6	Single-Family Residential (4 du/Ac)
CGO	Central Growth Overlay	RM	Multi-Family Residential
FFO	Flood Fringe Overlay	TC	Town Center
FW	Floodway	TDR	Transfer of Development Rights
IPS	Institutional & Public Service	NC	Neighborhood Commercial



Attachment: PAcket Docs_Ascension (7263 : Ascension Medical Office)

Ascension

March 21, 2021

VIA E-MAIL

Mr. Jac Zader
Assistant Director
City of Mequon Community Development
11333 N Cedarburg Rd.
Mequon, WI 53092-1930
jzader@ci.mequon.wi.us

Re: Submission to Plan Commission for change in Hours of Operation

Dear Mr. Zader:

Thank you for talking with me over the phone recently regarding a request for change in hours of operation for the Medical Office Building located at 12831 N. Port Washington Road in Mequon. As stated, I am an in-house attorney for the tenant of the building, Ascension healthcare. Due to the nature of the original Rezoning Recommendation for this project, Ascension and the new owner of the property, Montecito, are submitting a new Plan Commission Application. Despite the longer form, Ascension and Montecito are simply requesting a slight modification to the hours of operation approval from current state of 8:00am-6:00pm to 7:00am-7:00pm. The original rezoning approval letter is enclosed in the application packet. This request only applies to the medical office building at the above address and not the entirety of the larger development.

The change in hours will provide several benefits to the Mequon community. The expanded hours will allow for more convenient appointment times before and after work or school. Those added times will provide greater access to healthcare for community members. Ascension has already had appointment requests from community members in the requested expanded timeframe.

Ascension does not expect a significant increase in traffic, light, noise, or other nuisances due to this change. Ascension would be happy to further discuss the plans for this location at the next Plan Commission Subcommittee meeting. Please feel free to reach out to me with any questions in the interim.

Thank you for your time and attention.

Ascension Wisconsin
400 W. River Woods Parkway
Glendale, WI 53212
ascension.org/wisconsin

Attachment: PAcket Docs_Ascension (7263 : Ascension Medical Office)

Warmest regards,



Andrew Harlos, Esq.
Ascension Wisconsin

Enclosure: Plan Commission Application Packet

CC: Blake Estes, Vice President, Ambulatory Development, Ascension Wisconsin (via email)
Jennifer Recker-Jones, Regional Director, Medxcel Real Estate (via email)
Tracy Wymelenberg, Director, Government Relations and Advocacy, Ascension Wisconsin (via email)
Ashley Lynn, Montecito (via email)

Attachment: PAcket Docs_Ascension (7263 : Ascension Medical Office)

Minutes from July 27, 2020 PUD approval

Asst. Dir. Zader responded that this request is acceptable to maintain the widened approach for pedestrian traffic with the exception that the curb not be removed as he explained that it is confusing and dangerous regarding vehicular traffic.

Action
Commissioner Stoker made a motion to approve per staff conditions with an amendment to condition #5 to change the vehicular driveway to a pedestrian driveway only without vehicular access and to eliminate staff condition #14.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passes (6-0)

Action
Commissioner Becky Schaefer made a motion to deny the rezoning request.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passes (6-0)

RESULT:	**APPROVED WITH CONDITIONS [6 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Choren, Gentges, Lemke, Schaefer, Stoker
ABSENT:	Hawley, Schaefer, Bach
NOT PRESENT:	Wirth

g) Project 4 Services. The applicant is seeking rezoning recommendation from R-2B to NC/PUD, land use plan amendment to Neighborhood Commercial and certified survey map approval for a 2-lot land division to allow for a medical office clinic for the property located at the northwest corner of Highland Road and Port Washington Road.

Public Feedback

Tom Zabjek – supports this project and believes this is the best use for this site. He is on the Ascension Board and communicated that they really want this medical office building to be located at this site.

Mary Marchare – feels that the public feedback is that this development is not supported from the community. She feels that a high-density project will cause high-volume traffic to the area and she feels it will lower the property taxes of the homes nearby. She feels that this project should be built next to the hospital and not on the highly visible corner.

{Mayor Wirth returned to the meeting 6:56 pm}

Patrick Rochford – he sent a letter that was included in the Resident Feedback packet which was forwarded to the Commission. He feels that the new interchange provides an opportunity for new

Attachment: PAcket Docs_Ascension (7263 : Ascension Medical Office)

development in this area. He encourages the Commission to look at the long view and not be short-sighted in making these decisions.

Asst. Dir. Zader stated that the request is to rezone the corner of Port Washington and Mequon Roads and it is similar to what was previously submitted. The difference is the request to rezone to Neighborhood Commercial ("NC") zoning with a PUD (Planned Unit Development). The PUD would limit the use to medical office only and would limit the building to a one-story, 30,000 sq. ft. building. There is a corner outlot on the property which the applicant has offered to the city to use; could be used to add signage or sidewalks in the future if desired.

The Policy Subcommittee has been meeting monthly to discuss land use and zoning for this area as well as the remainder of this site. There was consensus from the Subcommittee that it is appropriate for the corner of this parcel to be a use other than residential.

Asst. Dir. Zader explained that there are many instances of office used as a buffer from Port Washington Road to residential developments. Based on the Subcommittee's recommendation which also went before the Committee of the Whole and the Common Council in July, there was no objection to this portion of the site being zoned and used for something other than residential. Based on all of these factors, staff does support the rezoning of the corner to Neighborhood Commercial zoning with the conditions listed in the report; which limit it to one-story, not greater than 30,000 sq. ft. There is also a condition that if the rest of the non-residential district is rezoned to something other than NC, that this site will rezone to that zoning name so as to have consistency with the land use plan in this area.

The applicant was represented by Patrick Shanahan, Blake Estes, Nick Patera and Josh Pedelko. Mr. Estes, representative from Ascension, stated that Ascension Wisconsin is seeking to relocate the current office across the street to a bigger facility to include primary care, specialty care, diagnostic and physical therapy services and they are very excited about this site and its potential to expand their health care offerings. They strive to be a good neighbor and excellent healthcare provider to the City of Mequon.

Mr. Shanahan, representative from Project4 as agent for the owner, stated that of the 4.2-acre parcel, just under 3.7 acres will be used for the medical office. The corner outlot of .5 acres will be dedicated as a community outlot for the city to use as an open space landscaping area. He explained that they have closely monitored the Subcommittee and they are respectful of the process the city is going through to analyze and evaluate the best uses and zoning for this area. Based on the feedback from the various discussions among the city committees, they are focused on the front corner in response to the support of the NC zoning there and they have slowed down the development of the remaining 36 acres of this parcel.

Mr. Patera, representative from Teska Partners, stated that they are viewing this site from a land planning and a site planning point of view. They view this site as a cornerstone that will emphasis the landscape and the architecture; the parking is located behind the building and not in front of it. He explained that the building will have a 400-foot front set back to avoid being so close to the corner. The 45-degree angle of the building is to emphasis the architecture and the surrounding landscape.

Attachment: PAcket Docs_Ascension (7263 : Ascension Medical Office)

Mr. Pedelko, representative from Trio Engineering, stated that the property has been studied; a wetland delineation was completed and the water service and sanity sewer around the site has been evaluated. He explained that there is sanity sewer present as well as a 16" water main which has ample capacity for the proposed building. He talked about the topography of the site. Overall, he feels that the design fits into the environment and respects the corner.

There was discussion among the Commission regarding the hours of operation and the impact on traffic in the area. They also inquired about the discussions and ongoing recommendations of the Subcommittee. Mayor Wirth explained that these discussions are ongoing and that conclusions have not yet be made regarding exact uses or definitions of the proposed Neighborhood Commercial zoning district. He stated that the intent is for low density uses and for uses that do not fit into other commercial areas along Port Washington Road to be allowed in this new zoning district. He explained that the NC zoning typically recommends that buildings stay under 20,000 sq. ft. with the exception that with a PUD it can be approved to be larger. He had hoped that the EDB or the Subcommittee would have had architectural design standards established before applications were submitted, but that has not happened. He added that more work needs to be done but that applications need to be reviewed and addressed as they are submitted.

Mayor Wirth stated that he is conflicted about this application. He stated that if the rest of the parcel was committed to proposed single-family housing on the remainder of the parcel, he would be much more supportive of this proposed development. Although the visual is attractive from the front of Port Washington and Highland Roads, he questions the rear view from potential residential housing behind it. A concept plan has not been submitted yet and he is concerned about what a 30,000 sq. ft building will look in a residential neighborhood. He feels this is a big decision to be made with very little information. He feels that this use on the corner is an acceptable use, but he is unsure how it all will fit together.

Ald. Nerbun stated he feels that an amendment limiting the operating hours be limited to 8:00 a.m. – 6:00 p.m. as well as language requiring enough buffering along the perimeter to block headlights from shining into a potential residential area.

Other Commissioners commented they are also struggling with making their decision regarding this application. They agree that strong language needs to be included regarding landscape buffering to protect the remainder of the parcel. Most of the Commissioners feel that a medical office is a good use for this corner, but some do not agree with the exceptions that would need to be made to accommodate this proposed development. Some commented that they would be more favorable if a concept plan that included the plans for the entire site was submitted.

The applicant was asked by the Commission if they could accommodate a 20,000 sq. ft building and Mr. Estes replied that is not feasible for them to do so.

Motion

Commissioner Stoker made a motion to approve the rezoning per the conditions in the staff report.

Commissioner Lemke seconded the motion.

Attachment: PAcket Docs_Ascension (7263 : Ascension Medical Office)

Ald. Nerbun made an amendment to include restricted hours of operation to 8:00 a.m. to 6:00 p.m.

Commissioner Stoker and Commissioner Lemke accepted this friendly amendment.

Commissioner Choren made an amendment regarding the landscape and sufficient buffering to be required at the north and west property lines in order to avoid headlights from shining into potential residential homes on the remainder of the parcel in the future.

Commissioner Stoker and Commissioner Lemke accepted this friendly amendment.

A roll call vote was taken; vote passed (5-2) (No votes: Mayor Wirth, Becky Schaefer).

RESULT:	**APPROVED WITH CONDITIONS [5 TO 2]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Choren, Gentges, Lemke, Stoker
NAYS:	Wirth, Schaefer
ABSENT:	Hawley, Schaefer, Bach

3) Announcements

The next meeting will be Monday, September 21st at 6:00 p.m.

4) Adjourn

Action
Commissioner Stoker made a motion to adjourn the meeting
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (7-0)

The meeting adjourned at 7:56 p.m.

Respectfully Submitted,

Jac Zader

Attachment: PAcket Docs_Ascension (7263 : Ascension Medical Office)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2020-1579

An Ordinance Amending Chapter 58 of the Mequon Municipal Code to: A) Rezone 3.9 Acres of the Property Located at 1310 W. Highland Road from R-2B (Single-Family 1.5 Acre) to NC (Neighborhood Commercial) with a PUD (Planned Unit Development) Overlay; and B) Amend the City's Land Use Plan Map from Single-Family 1-1.5 Acre to Neighborhood Commercial

RECITALS

A. Pursuant to section 62.23(3) of the Wisconsin Statues, the City of Mequon, is required to prepare, adopt, and amend as may be necessary a comprehensive plan, as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2).

B. Pursuant to this authority, the City of Mequon's comprehensive plan includes a Land Use Plan Map which illustrates the planned uses for all lands within the City.

C. The Planning Commission of the City of Mequon, by majority vote of the Commission on July 27, 2020 has recommended approval of a Land Use Plan Map amendment and rezoning to designate the property illustrated in Exhibit A as “Neighborhood Commercial.”

D. The City of Mequon Common Council held a public hearing on this proposed Land Use Plan Map amendment and rezoning at its October 13, 2020 meeting, in accordance with sections 66.1001(4)(d) and 62.23(7)(d) of the Wisconsin Statutes.

E. Following the recommendation and the public hearing, the Common Council finds that the proposed amendment promotes the health, safety, morals and general welfare of the City.

BASED UPON THE FOREGOING, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

The City of Mequon Common Council, by enactment of this ordinance, formally approves and adopts the Land Use Plan Map amendment illustrated in Exhibit A, pursuant to section 66.001(4)(c) of the Wisconsin Statutes.

SECTION II

Following recommendation of the Planning Commission on July 27, 2020, and after due notice and hearing by the Common Council of the City of Mequon on October 13, 2020, the existing and official City of Mequon district zoning maps are hereby amended so as to change

Attachment: PAcket Docs_Ascension (7263 : Ascension Medical Office)

the zoning classification of certain properties, as described and illustrated in Exhibit A, to NC/PUD subject to the following conditions:

1. The use shall be limited to medical office only. Any future change of use will require an amendment to the PUD.
2. The proposed building shall be less than 30,000 square feet.
3. Hours of operation are restricted to 8:00 a.m. to 6:00 p.m.
4. The applicant shall consent to the rezoning the parcel at a later date if the City creates a specialized zoning district for commercial properties for the East Growth Corridor.
5. The City of Mequon shall have the right to install streetscaping and signage in the outlot at the corner of Highland and Port Washington Roads.
6. All other technical standards of the NC District shall be complied with.
7. Planning Commission approval of the Building and Site Plan shall be required.
8. Adequate landscaping and buffering, as determined by the Community Development Department, shall be required along the north and west property lines to adequately buffer the development from the adjacent parcel.
9. Applicant shall provide a wetland delineation report and add the wetland boundary to the face of the CSM, including applicable setbacks.

Based on site, building and operation advancements between the applicant and City staff since the Planning Commission recommendation, additional conditions of the rezoning are as follows:

10. The development must comply with all recommendations of the Traffic Impact Analysis.
11. Vehicular access shall be limited to a full access from Port Washington Road and a right in/right out from Highland Road.
12. Installation of a multi-use path for the entire length of right-of-way. The width of the path shall be as approved by the Planning Commission.
13. Installation of East Growth designated light fixtures within or along the public right-of-way.
14. Installation of landscaping and streetscaping within or along the public right-of-way as approved by Planning Commission.
15. An approved landscaping and open space plan for the outlot that includes City entryway features if desired by the City, paths interior to the outlot that connect to the multi-use path(s) and to the building entrance(s).
16. A dedication and development agreement that outlines ownership and maintenance of the outlot including the following:
    - Ownership and maintenance of the outlot, including landscaping, paths and any structural elements (excluding signage) shall be Ascension.
    - Ownership and maintenance and easements for access to such for any entryway signage shall be City of Mequon.
17. Installation and maintenance of a multi-use path that connects the Ascension site to the adjacent parcel to the northwest along the rear property line.
18. The Developer and City shall enter into a Developer's Agreement which shall address infrastructure, utilities and include a provision related to the future payment of park and open space impact fees which the City is contemplating for properties within the East

Attachment: PAcket Docs_Ascension (7263 : Ascension Medical Office)

Growth area for passive recreation opportunities for residents and employees of businesses within the area.

19. A PILOT agreement shall be negotiated into the development agreement.
20. No emergency room service.

SECTION III

The terms and provisions of this ordinance are severable. Should any term of provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IV

All ordinances and parts of ordinances in contravention to this ordinance are repealed.

SECTION V

This ordinance shall take effect and be in full force upon its passage and the day after its publication.

_____

Approved by: John Wirth, Mayor

Date Approved: October 13, 2020

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on October 13, 2020.

_____

Caroline Fochs, City Clerk

Published: November 17, 2020

Attachment: PAcket Docs_Ascension (7263 : Ascension Medical Office)

11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655
www.ci.mequon.wi.us
Department of Community Development

TO: **Planning Commission**

FROM: **MIKE GIES, PARKS AND FORESTRY SUPERINTENDENT**

DATE: **April 25, 2022**

SUBJECT: **Lemel Homes for Gregory Devorkin. The applicant is seeking specimen tree approval to allow for the removal of 5 specimen trees for the property located at 13106 N. West Shoreland Drive.**

Applicant:	Gregory Devorkin
Status of Applicant:	Owner
Requested:	Specimen Tree Removal
Existing Zoning:	R-2 (Rural Residential)
Land Use Plan:	Residential
Lot size:	0.65
Location:	13106 N. West Shoreland Drive
Tax Key Number:	#14-098-04-170.00
District:	#1

Background:
The applicant is requesting removal of (1) specimen white pine and (4) specimen shagbark hickories located on Parcel #1, West Shoreland Drive. The white pine and shagbark hickories requested for removal consideration meet the size and species requirements as outlined by Mequon's Tree Preservation Policy, the diameters of the shagbark hickories and white pine are as follows:

- 12" White Pine (recommended for removal due to location of proposed house)
- 8" Shagbark Hickory (recommended for removal due to location of proposed house)
- 9" Shagbark Hickory (recommended for removal due to location of proposed house)
- 15" Shagbark Hickory (recommended for removal due to location of proposed house)
- 16" Shagbark Hickory (recommended for removal due to location of proposed house)

Analysis: The white pine and 4 shagbark hickories should be considered for removal. The trees remain in good condition, with each of them showing no signs of decline, and structure of each tree free of defect, decay, or abnormalities that would lead to concerns of the longevity of each specimen. However, the dimensions of the proposed home, construction traffic, and setbacks would make removal the only viable option for the 5 specimens.
The 12" white pine that is east of the proposed structure is in good condition with no visible signs of defect or decline found upon inspection. The 8" and 9" shagbark hickories south of

proposed construction are also in good condition with no visible signs of defect of decline found upon inspection. Similarly, the 15" shagbark hickory that is east of proposed structure is in good condition, as is the 16" shagbark hickory north of proposed construction.

Recommendation: The Forestry Division recommends approval of the request to remove both the 12" white pine within the footprint of the proposed home, as well as the 8", 9", 15", and 16" shagbark hickories due to limited options for adjustment. The new proposed home has been designed and placed purposely to reduce removal of specimen trees. With the number of specimen trees on this lot (30+), the design of the home is critical to minimize the number of removals. The proposed garage and drive have been adjusted to the south side of lot to ensure the health of specimen trees on the north side. The southeast corner of the proposed home was moved inward to avoid removal of two specimen swamp white oaks (both 36"). The proposed home has also will not have a basement to minimize excavation depth that would result in root damage to surrounding specimen trees.

Should the Planning Commission approve the removal of (1) white pine and the (4) shagbark hickories, the applicant would be responsible for replacing 75% of the diameters of the specimen trees after construction is completed. This would equal (45") of replacement trees, which equates to approximately (20) native trees of at least 2" caliper approved by the forester. In lieu of planting, the owner could donate $4,500 to the Mequon Tree Fund, which would be used for Urban Forestry projects. Whether the owner decides to replant or not, the $4,500 would be put into a non-lapsing escrow account before a building permit is issued. The money would then be returned after the tree planting is completed and inspected by the city forester.

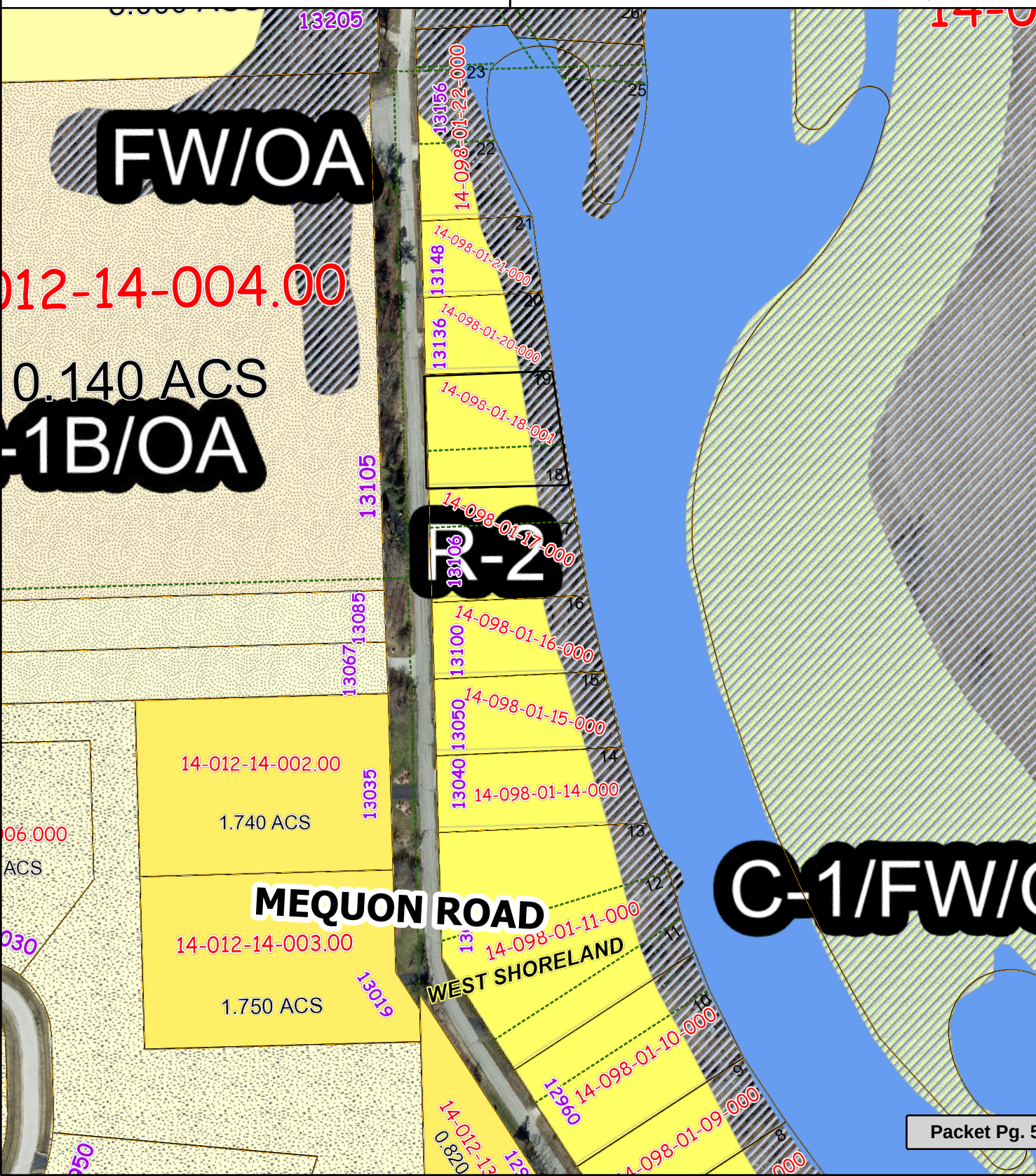
Tree Protection Requirement:

The following is required prior to any site cleaning or construction activity. To protect and preserve the trees identified on the landscape plan or by the Planning Commission, the owner/developer/contractor shall install snow fencing no closer than 3' outside the dripline of the tree. It shall be the responsibility of the owner/developer/contractor to maintain fencing during construction. Absolutely, no construction traffic within the fenced areas is permitted. Additionally, signs shall be posted saying Tree Protection Zone. These zones will be inspected by the Forestry Division prior to any construction.

Attachments:
Packet Docs_DevorkinSpec (PDF)

DEVORKIN

AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
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B-5	Light Industrial	R-2	Single-Family Residential (2 Ac. Min.)
B-6	Rural Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-7	Rural Business	R-3	Single-Family Residential (1 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-4	Single-Family Residential (3/4 Ac. Min.)
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CGO	Central Growth Overlay	R-6	Single-Family Residential (4 DU/Ac.)
FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights



Attachment: Packet Docs_DevorkinSpec (7262 : Lemel Homes for Gregory Devorkin)

03.15.22

Dear Mequon Planning Commission,

Please see attached survey, marked up survey application and letter from the Mequon Forester in regards to this request to remove (5) specimen trees from the property. The property is parcel #1 of CSM #676 on West Shoreland Drive. This lot currently has over 30 specimen trees. The owner of the property would like to build a new home on this lot. The new home has been designed and placed purposely to require a minimal number of specimen trees to be removed. It is requested that permission be granted for (5) trees be removed. They are colored in red on the attached survey. This lot has many specimen trees so our design of the structure was critical for minimizing the number. The garage and drive were placed on the south side to make sure the large clump of trees to the North can remain. The buildings SE corner was moved inward so the 2 large Oak trees could remain. The home has been designed with frost walls only (No Basement) to minimize the depth of excavation to allow tree roots to remain as much as possible. Much thought has gone into getting the requested number of specimen trees to be removed down to (5) based on how many specimen trees are on this property.

Thank you for your time and consideration

Attachment: Packet Docs_DevorkinSpec (7262 : Lemel Homes for Gregory Devorkin)

LEGAL DESCRIPTION:

Parcel 1 of Certified Survey Map No. 676, recorded in the Office of the Register of Deeds for Ozaukee County on September 26, 1974 in Volume 3 of Certified Survey Maps, Page 16, as Document No. 0266931 being a redisivision of Lots 17, 18, and 19, West Shoreland being a Subdivision of a part of Section 12, Township 9 North, Range 21 East, ion the City of Mequon, Ozaukee County, Wisconsin

GENERAL NOTES

1. Survey prepared for: Greg Devorkin
2. Field work completed on 06/16/2021 and 02/24/2022
3. Boundary based on First American Title Insurance Policy No.5011400-498074, with an effective date of January 30, 2014
4. Existing improvements graphically shown on this survey are limited to a predefined "Project Area" specified by the Owner/Client. Pinnacle Engineering Group, LLC takes no responsibility for improvements outside of this "Project Area".
5. Existing vehicular access to this subject property is via North Shoreland Drive, being a public right of way.
6. Gross Land Area: 233,964 Square Feet (5.3711 Acres), Net Land Area Square Feet (Acres).
7. Vertical Datum: National Geodetic Vertical Datum of 1929

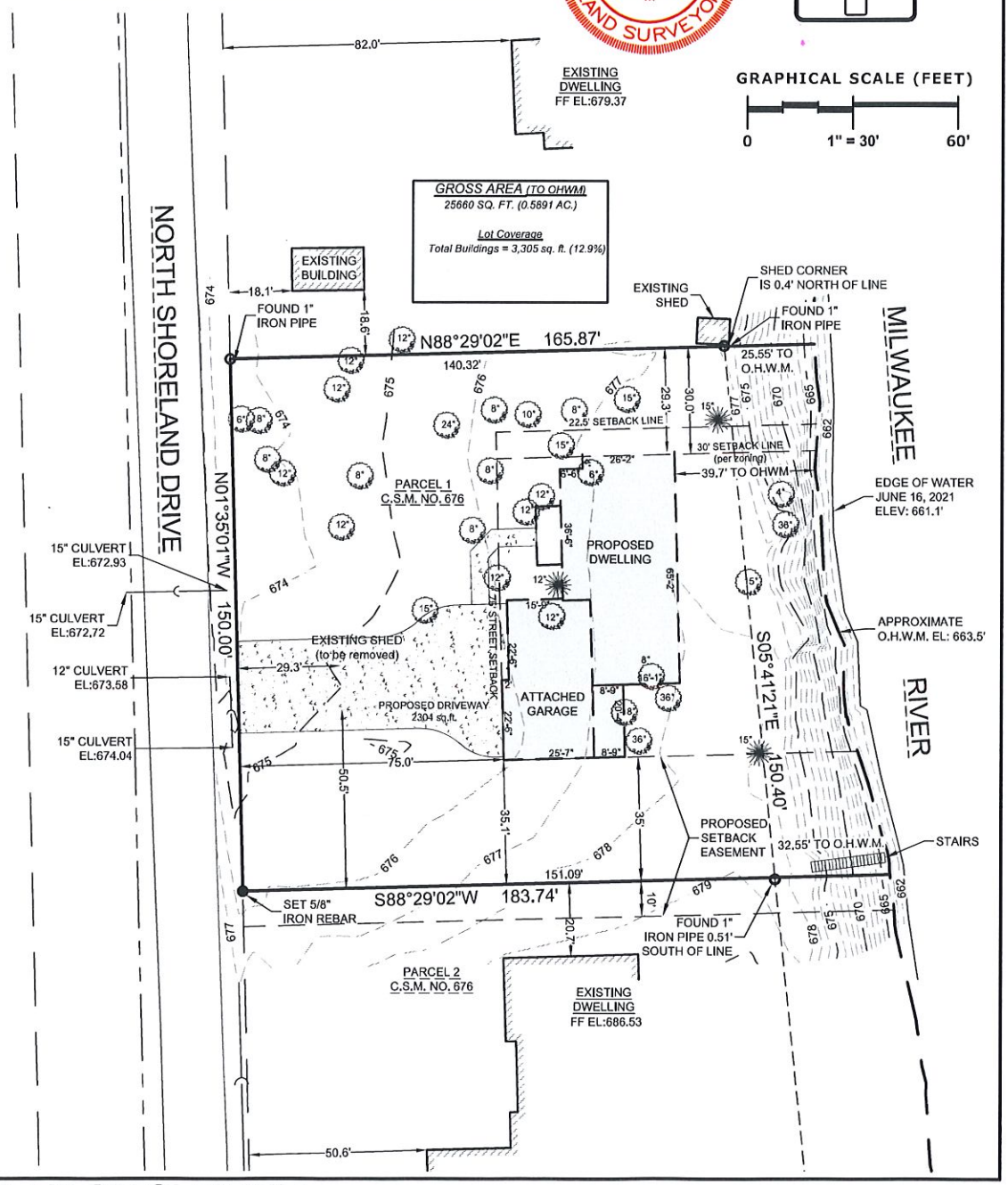
I, Jesse Zoltowski, Professional Land Surveyor, hereby certify that this survey map is correct to the best of my knowledge and belief with the information provided.

SIGNED Jesse Zoltowski

JESSE ZOLTOWSKI, PROFESSIONAL LAND SURVEYOR S-3094

WISCONSIN JESSE ZOLTOWSKI S-3094 Milwaukee, WI LAND SURVEYOR

NORTH



PLAT OF SURVEY

3/14/2022

PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186
WWW.PINNACLE-ENGR.COM
PLAN | DESIGN | DELIVER
PEG JOB#2514.00

Attachment: Packet Docs_DevorkinSpec (7262 : Lemel Homes for Gregory Devorkin)

PROPOSED TREES TO BE REMOVED

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6. Gross Land Area: 233,964 Square Feet (5.3711 Acres), Net Land Area Square Feet (Acres).
7. Vertical Datum: National Geodetic Vertical Datum of 1929

I, Jesse Zoltowski, Professional Land Surveyor, hereby certify that this survey map is correct to the best of my knowledge and belief with the information provided.

SIGNED Jesse Zoltowski

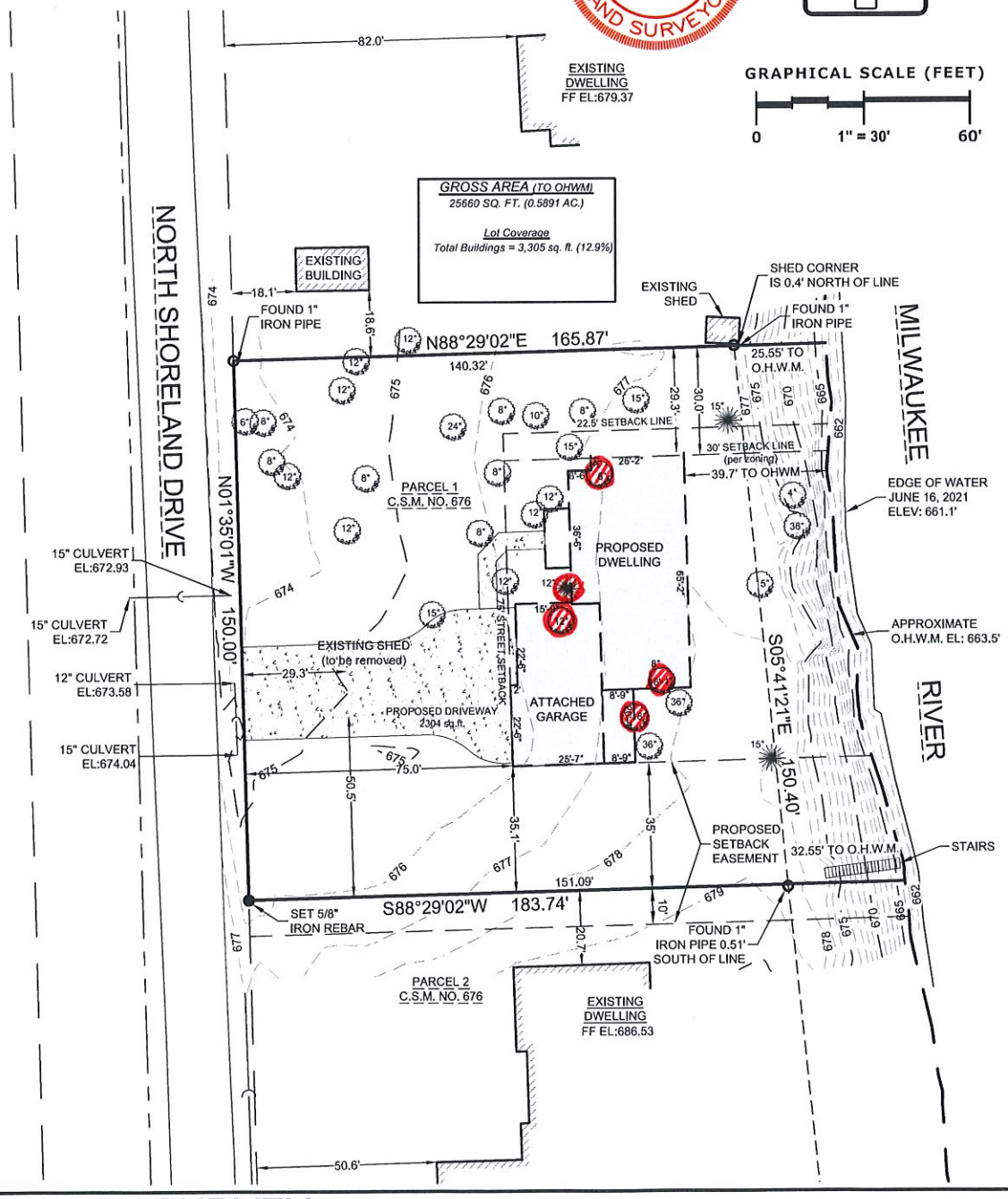
JESSE ZOLTOWSKI, PROFESSIONAL LAND SURVEYOR S-3094

WISCONSIN JESSE ZOLTOWSKI S-3094 Milwaukee, WI LAND SURVEYOR

NORTH

GRAPHICAL SCALE (FEET)

0 1" = 30' 60'



PLAT OF SURVEY

3/14/2022

PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186
WWW.PINNACLE-ENGR.COM

PLAN | DESIGN | DELIVER

PEG JOB#25

Attachment: Packet Docs_DevorkinSpec (7262 : Lemel Homes for Gregory Devorkin)

PROPERTY TREE INVENTORY

There is a considerable number of trees on this lot that would meet the size and species requirements for Mequon's tree preservation ordinance. The trees listed in the inventory are marked with both green and pink/orange ribbon (we ran out of green and had to finish with alternative colors). Both colors indicate that the tree/s would meet the size and species requirements to be considered a specimen tree. No cutting/removals would be permitted on this lot at this time, until a formal request and permissions were granted from the Mequon Planning Commission.

Mike Gies

Parks and Forestry Superintendent

City of Mequon

11333 N. Cedarburg Road

Mequon, WI 53092

mgies@ci.mequon.wi.us

262-512-1297

Shoreland Lot Specimen Tree Inventory

Inspection route began on NW corner of the property, where the most conflict between proposed structures and specimen trees will be. There will be substantial conflict on the northern half of the property based on tree location in relation to the blueprints given to us.

There are also specimen trees along the eastern and southern permitters of the property that won't conflict with proposed structures.

Specimen trees are marked with pink and green tape. Pink does not represent trees that are to be removed. If marking tape is present, it represents a specimen tree.

Specimen Trees located on lot:

- American Beech (Fagus grandifolia)
- Swamp White Oak (Quercus bicolor)
- Shagbark Hickory (Carya ovata)
- Red Oak (Quercus rubra)
- Red Pine (Pinus resinoas)

Attachment: Packet Docs_DevorkinSpec (7262 : Lemel Homes for Gregory Devorkin)

- White Oak (Quercus alba)
- Ironwood (Ostrya virginiana)
- Bitternut Hickory (Carya cordiformis)
- White Pine (Pinus strobus)

Specimen Trees (from N to S)

American Beech: 7”

Shagbark Hickory: 7”

Shagbark Hickory: 13”

Shagbark Hickory: 13”

Shagbark Hickory: 13”

Shagbark Hickory: 27”

Shagbark Hickory: 11”

Red Oak: 7”

Red Oak: 7”

Shagbark Hickory: 16”

Red Pine: 15”

Ironwood: 5”

Swamp White Oak: 30”

Bitternut Hickory: 12”

Swamp White Oak: 34”

Swamp White Oak: 35”

White Pine: 15”

Shagbark Hickory: 8”

Shagbark Hickory: 9”

Shagbark Hickory: 15”

White Pine: 12”

White Pine: 11”

Shagbark Hickory: 11”

Shagbark Hickory: 11”

Shagbark Hickory: 10”

Attachment: Packet Docs_DevorkinSpec (7262 : Lemel Homes for Gregory Devorkin)

Shagbark Hickory: 14”

Shagbark Hickory: 15”

Shagbark Hickory: 11”

Bitternut Hickory: 7”

Shagbark Hickory: 12”

Shagbark Hickory: 11”

Attachment: Packet Docs_DevorkinSpec (7262 : Lemel Homes for Gregory Devorkin)