City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, May 13, 2019
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chairman John Wirth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Rick Lemke
Commissioner Brian Parrish
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alternate James Baka
Alternate Stephanie Hawley

a) Approval of Minutes

Mayor Wirth stated that he had sent an email to the Commission regarding a second Planning Commission each month and it was met with a tepid response. He has appointed two additional alternate members that will be officially appointed at the Common Council meeting tomorrow night. This will provide more Commissioners to enable a quorum for an additional monthly meeting to discuss policy issues. He stated that there are several issues he would like to address during these meetings: some state law changes that require changes to our ordinances as well as continued analysis of the permitted uses for conditional use grants, the sign code regarding various waivers, a conservation subdivision ordinance and general planning for the Port Washington Road corridor. There will be a subcommittee formed, chaired by Mayor Wirth, which will meet one additional Monday each month.

Action
Ald. Strzelczyk made a motion to approve the April 8, 2019 meeting minutes.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker

2) Public Hearing

a) Stephen Perry Smith for Foxtown Venture. The applicant is seeking conditional use grant and building and site plan approval for two proposed buildings that exceed two stories in height as part of the Foxtown development for the property located at 11124 N. Industrial Drive.

The applicant was represented by: Stephen Perry Smith; Stephen Perry Smith Architects
Ben Mather, Architect, Stephen Perry Smith Architects
Greg Thompson; Thompson Project Management

Action
Commissioner Jim Schaefer made a motion to go into public hearing.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (8-0)

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

Asst. Dir. Zader stated that this is a request for two buildings; referred to as E1 and E2 of the Foxtown Development. He explained that the only change from the proposed plan is that one of the buildings will have two floors of offices and the second building will only have one floor of offices and the other floor will be extended stay suites. At the time of the PUD approval it was proposed that both buildings would have extended stay suites on the top floors. One change from the PUD approval is the elevation of the buildings. It was shown at the time of the approval that the buildings were flat to the Industrial Drive sidewalk but due to drainage and grading issues at the site there is an elevation difference from the sidewalk to the building. Staff has worked with the applicant and agreed upon a solution of adding steps in the middle of the building and ramps on the ends. Although this is segregated from the sidewalk level, it still maintains a pedestrian feel and it does somewhat match the apartments across the way. There were a few additional sidewalk connections made since the approval of the PUD to ensure connectivity throughout the site. The parking area has a few additional spaces due to the bump outs on each end due to the protection of the underground parking. It does comply with all the district standards except for the rear setback.

The site has roughly 185 parking stalls. Due to the change in use of buildings E1 & E2, the applicant did update their traffic study done by TADI (included in the board packet). The study

states that overall, with all the shared parking amongst all the parcels, there are sufficient parking spaces.

The building design includes brick, stone, fiber cement, cedar shake and aluminum storefront windows. The only issue is that it is only 56% primary materials which does not meet the requirement of 80%. The applicant is using the same TC standard fixtures for the parking lot. Any additional lighting proposed will need to be approved at staff level. There were some changes to the landscaping plan which mostly include adding additional trees and adding some landscaping on some of the islands not shown on the plan. Trees may not be able to be planted, as recommended along the northern and southern access drives, as the underground parking extends under there and there is not a lot of cover for planting trees. Other alternative plantings will be considered to fill in that area.
This is a conditional use grant (CUG) because the building is over 2.5 stories in height. The applicant included a shadow study which shows very little impact on the public realm except for some shadowing on the interurban bike trail for a few hours during December. Staff does recommend approval subject to the conditions in the report.

The applicant stated that they do not have any objections to the staff report and appreciate the work done by staff. Mr. Smith stated they are happy with the change in elevation as it brings an enhancement to the building and is in harmony with the whole site. He explained that the use of cedar shake, the stone elements, the lighting elements and the signage will be carried out throughout the entire project and will help Foxtown create a sense of place. He stated that the parking study was updated and they are comfortable with everything and are looking to move forward.

The feedback from the Commission was that they like the materials used (red brick and the cedar shake), the renderings are very attractive and they are very supportive of the architecture. It was stated that the stone on the storefronts is very appealing and with the buildings set back it helps to soften the streetscape. Due to all the architectural features and additional elements in the stonework, the Commission supports the exception of the required 80% use of stone and brick.

There was discussion regarding the amount of available parking and the Commission's efforts to ensure the project has sufficient parking. It was discussed that tenants can change over the years and there should be the ability to accommodate different types of users. The applicant explained that the TADI report showed a peak time of use for about four hours from 10:00 am to 3:00 pm that requires overflow. Mr. Smith explained that the variety of users in the various buildings on the site creates a synergy of uses but not competing parking times. The offices close at the end of the day prior to heavy use of the restaurants and the offices are closed on the weekends. He stated that TADI concluded that there is not an issue and they feel confident with the results. He stated they will be mindful as they continue to lease up the buildings and they are conscientiously working together to not compromise the success of this project.

Staff stated that there is a master shared parking agreement amongst all of the Foxtown businesses regardless of ownership. If there is a tenant change with a significant change in required parking, the property owner would be required to do an updated TADI study to ensure there is sufficient parking available. Asst. Dir. Zader also commented that there will be times

where the parking is full outside a specific building and that patrons will need to park elsewhere on site, but this is the intent of TC to provide shared parking and the reason for all the pedestrian connections. There will be peak demand at different times for each user, but overall there is sufficient capacity in the Foxtown development to handle the peak time of all of the uses when looked at all together. For every new proposed user, the parking use is reviewed and a traffic study will be required to be conducted if needed. Mayor Wirth stated that he has asked staff to maintain permanent records of the parking for each user in the city to ensure it is being reviewed and is sufficient.

Mr. Smith explained that the elevation change is based on the utilities to obtain the proper drainage from the building and the site drainage as well as a water table issue, required the buildings to be elevated about 3 ½ - 4 feet above Industrial Drive.
Mayor Wirth requested to change some of the language in the report to state conditions are subject to staff approval and if there is a disagreement the item will be brought back to the Planning Commission.

Asst. Eng. Henk stated that there has been discussion whether a traffic signal is warranted with this particular portion of the project. She explained that the original traffic study reviewed two different traffic volumes;

- 2019 buildout which included buildings A, B & C
- 2023 buildout which included E, F & D

The 2023 full buildout will trigger the traffic signals. Every time the applicant updates their plans, staff is reviewing if they have hit trigger to warrant to installation of the traffic signal. Provisions for a traffic signal are included in the Development Agreement.

Action
Ald. Strzelczyk made a motion to approve the item with the condition that any of the staff conditions are subject to staff approval and any disagreement would be brought back before the Commission.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker

3) Regular Business

a) Eric Vanden Heuvel. The applicant is seeking building and site plan approval for a proposed 2,400 sq. ft. building for a landscape contractor business for the property located north of 10122 N. Baehr Road.

Fred Schneeberg – 10060 N. Baehr Road is supportive of the item and does not wish to speak.

Planner Vang reminded the Commission that in January an amendment to the B-5 zoning district was made regarding permitting specialty trade contractors as a permitted use. The applicant is proposing a building on his site for a landscape contractor which would be considered a permitted use based upon the text amendment. Although this site is non-conforming to the B-5 district, the proposal does comply with all the requirements. There will be no outside storage as part of the operations.

The building will have metal panel siding and a metal panel roof. There will be a porch which faces Baehr Road. The overhead doors facing the south and east elevations will not be visible from the street. There is existing mature landscaping on site which will provide some screening. Staff recommends additional screening along Baehr Road, along the north property line screening the south overhead door so that it is not visible from Baehr Road.

Asst. Eng. Henk stated that the applicant has proposed a gravel parking lot. The ordinance requires all off-street parking be an asphalt or concrete surface. The applicant has indicated that the parking area is for service only to be used by his staff and parked equipment and will not be used by the public. Staff does support a gravel parking lot without the stripping or other regulations under that particular ordinance section. She stated that Planning Commission does have authority to grant a waiver to the parking lot requirements. Staff does approve the proposal subject to the conditions in the staff report.

The applicant, Eric Vanden Heuvel, stated he appreciates the help from staff and is agreeable to all the conditions.

There was a question for a Commissioner regarding the inconsistency in approving a gravel parking lot and a question regarding the proposed materials.

Asst. Eng. Henk stated that gravel driveways are allowed in various parts of the city especially in rural areas. The requirement for the pavement is under an off-street parking requirement and due to it being used for equipment parking and that there is not public access; a gravel driveway is acceptable. Planner Vang explained that there is not a section in the code that dictates the type of building materials required. The surrounding properties were reviewed and determined that the proposed materials were in harmony.

Mayor Wirth stated that an item on his list is to examine Baehr Road as it is an anomaly as it has many businesses and many residences. He explained that many uses there are not in compliance with the zoning and an overlay should be looked at for the area.

Asst. Dir. Zader stated it is a mixed use area. The neighboring Industrial Park has covenants that need to be followed regarding building materials for the buildings there. This area is unique and was evaluated in context of the Industrial Park as well as the neighboring residences.

There was discussion regarding landscape contractors formerly not allowed in the B-5 zoning district; they are now allowed as permitted use but outdoor storage was not deemed appropriate

and is not permitted as part of the use.

Action
Commissioner J. Schaefer made a motion to approve the item.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (7-1); (No: Parrish)

RESULT:	**APPROVED [7 TO 1]**
MOVER:	James Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Wirth, Strzelczyk, Choren, Lemke, J. Schaefer, R. Schaefer, Stoker
NAYS:	Parrish

b) NORR LLC for Brixmor SPE 1 LLC. The applicant is seeking building and site plan amendment and landscape plan amendment approval for facade and site upgrades for the property located at 10906-11116 N. Port Washington Road (The Pavilions).

Brixmor Property Group was represented by Mike Palella, Corinne Cecil, John Hendrickson and Joe Wight.

Planner Vang stated that the applicant is proposing Phase I improvements for the Mequon Pavilions. The applicant has the desire to complete improvements on the entire site however that depends on funding and a timeline has not been submitted. Phase I starts at The Chancery, includes the main building A which extends to Sendiks and includes the two building in the front of the site. Staff approves of the improvements overall but there are a few areas of concern. One issue is the proposed heights of the towers; there are three proposed heights; 26 feet, 30 feet (matches the existing height of the building) and 33 feet. The existing height refers to the roof ridge which is sloped away from the facade. The new façade at this height will have a more noticeable effect on the overall development. Staff recommends keeping all the parapet walls at roughly no greater than 26 feet in height (the height of The First Watch building).

Staff feels that some of the sign wall areas proposed are too large. The approved Master Sign Plan (MSP) regulates the size of the permitted size based on the length of the storefront area and the height of the sign band. The existing maximum sign band has a maximum height of 6 feet and the proposal shows sign bands up to 13 feet in height. Staff recommends the size of the sign band area be reduced to be more in scale with the text (the sign size that is permitted). Some of the proposed signs exceed the 20 foot height restriction; which is calculated from the base of the building wall to where the sign is placed. Staff will add as a condition of approval that no sign be placed above 20 feet from the base to wall. Another condition of approval is that sign band areas not exceed 9 feet in height as opposed to the 13 feet proposed.

Staff does not support increasing the overall height of the permitted signs. Staff added a condition that the Master Sign Plan be brought to the Planning Commission to address changes and inconsistencies due to the proposed changes to the facades.

Staff is also recommending additional brick be added in some areas as there are some areas that

brick was excluded. The applicant indicated to staff that this was done to allow for variation in the façade of the development. Staff does not agree that the inclusion of brick takes away from the variation due to varying heights as well as placement awnings. Exhibit A included in the packet highlights areas where staff recommends brick be included.

The color palette shows various shades of gray and beige. Staff supports the proposed dark gray awnings and canopies as it enhances and modernizes the building. The applicant indicated on plans to intent to paint the north and east elevation; however, plans were not submitted. At a minimum, staff wants the paint colors to match the street frontage side as well as the existing awnings to be replaced with proposed awnings on the west elevation.

Staff is supportive of the lighting plan as it is an upgrade to the entire site and the fixtures fit in with the treatments on the buildings. The landscaping plan submitted was missing details and a revised plan was submitted too late for review to be included in the board packet. There are concerns regarding the landscaping and how it is performing on site; the size and location of landscape beds as well as the maintenance of the beds. Staff would like the opportunity to work with the applicant to review the landscaping plan proposal and recommends tabling the landscaping tonight and bringing it back in June after they can meet.

In summary, staff recommends approval of the building and site plan amendment and tabling of the landscape plan.

Mark Haslam -10900 N. Port Washington Road– he is the owner of The Feed Bag which is located at the south property line of The Pavilions. He has a contract with Brixmor. He is supportive of the improvements but is concerned that there is not a timeline submitted regarding the improvements to the rest of the development. He stated that the south boulevard between The Pavilions and his property is neglected and needs attention. He has maintained the south side of the boulevard roadway by asphalting, crack sealing and seal coating. The West side of the boulevard needs repair. He is also concerned about the dumpster which he feels needs an enclosure as it is unsightly and there is often garbage on the ground. He also said that the boulevard area should have a stop sign as many people drive the wrong way there and it is a dangerous area. He recommends arrows on the pavement or a wrong way sign. He has asked Brixmor to clean up their side of the boulevard but it has not yet happened.

Mike Palella, Director of Construction for Brixmor, explained that the plan for Phase I will address about half of the development (indicated in the red outline on their site plan included in the packet) as well as the area in front of Sendiks and to the south. They want to replace the lights there as they are outdated.

Mr. Hendrickson, President of the Central Region for Brixmor, stated they have owned the development for more than 20 years. A new management team was put in place three years ago. The team has secured $4M from the parent company to invest into The Pavilions property and they are focused on doing it well and finishing the project. They appreciate the feedback and passion of their neighbor, The Feed Bag, and they also hope to be a good neighbor.

Corrine Cecil, Leasing Director, stated that 1 year ago there was roughly 40,000 sq. ft. of vacant

space at The Pavilions. Within the next two months there will only be one vacancy remaining. About 32,000 sq. ft. of leases have been signed in the past six months based on showing potential tenants the proposed plans and renderings. They needed to fix the vacancy issue first. The plan for Phase II is to focus on the anchors.

Mr. Palella stated that the height restrictions are the biggest problem for them because of the lack of visibility of their tenants from Port Washington Road. There are trees along the road and out lot buildings in front of the back tenants. The features on the proposed plan were created to draw attention from Port Washington Road. They are also trying to change the image of the development. They are very excited about the $4M to be able to make improvements.

He stated that they have too many tiny planters up against the buildings that they cannot grow anything in them and have become blighted. The plan is to remove the planters and pave them over and to add significant landscaping to the islands. There will be new benches and garbage cans throughout the development. New asphalt will be placed and sidewalks will be repaired to ensure safety and address ADA issues. The tower features will be all similar but different to avoid the "cookie cutter" look and to add character. They lowered seven of the towers to the hip roof level. The roofs will be cleaned and stained (concrete roofs). They want this to be dramatic and they are excited about their new tenants and want to get the work done.

Feedback from the Commission is that they are pleased that there will be improvements made here as it has been needed for some time. The MSP should come back for approval. The signs should not be dramatically changed in size. They agree with staff that the bands should be lowered. Architecturally the lower heights are preferred. There was discussion that some other issues should be addressed such as the parking and traffic flow, the southern border of the property and the request for a timetable for all of the phases to be complete. The suggestion to table the entire item was made. The Commission is supportive of the investment being made but would like to revisit how the money is being spent on the development.

Asst. Dir. Zader stated he agrees that the entire site should be addressed. The entrance ways should be redone, the parking lot is a concern and the landscaping needs further conversation.

Mayor Wirth stated he generally likes the proposed plans; particularly the variation in the parapet and the height as the current development looks dated. He agrees that the parking needs attention and more attractive entranceways are a welcome suggestion. He likes the idea of phasing but he thinks the anchor tenants will not be addressed unless one of those tenants moves out. He supports the idea of the south end being addressed as it is a safety issue and it needs better signage and needs attention. He is excited there is attention on this development as he receives many comments and questions about the condition of this property.

Action
Commissioner Parrish made a motion to table this item.
Commissioner J. Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Brian Parrish, Commissioner
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker

d) Ginny Storck. The applicant is seeking rezoning recommendation approval from R-1 (Rural Residential 5-acre minimum) to R-1B (Rural Residential 2.5 acre minimum) for the property located at 8601 W. Highland Road.

Asst. Dir. Zader stated that there are four properties that share a common driveway and there has been litigation between the neighbors. The result is an agreement to swap land so that the driveway would be transferred to an adjacent parcel. In doing so there was concern that this would create a non-conforming lot, which is the reason for the request for the rezoning to R-1B zoning. The newly formed 4.4 acre parcel would be then be conforming under the R-1B zoning (2.5 acre minimum). The zoning change would not provide the opportunity for this parcel to be divided in the future and would maintain the existing development pattern. There is currently an easement shared by all four properties which will remain intact, it will be now be on a different parcel. Staff recommends approval subject to the conditions in the report.

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

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker

4) Announcements

The next scheduled meeting is June 10, 2019 at 6:00 pm.

There is a tentatively scheduled special meeting on May 28, 2019 at 6:00 pm. The Commission will be notified with a draft agenda by Thursday morning to confirm the meeting.

5) Adjourn

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

Respectfully Submitted,

Jac Zader