



11333 N. Cedarburg Road
Mequon, WI 53092
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www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION

Regular Meeting

Monday, July 25, 2022

6:00 PM

Christine Nuernberg Hall

AGENDA

1) Call to Order, Roll Call

2) Approval of Minutes from June 27, 2022

3) Consent/Public Hearing

- a) Lakeside Development for Partnership LSD. The applicant is seeking conditional use grant approval to allow for a medical office for the property located at 1535 W. Market Street (The Milwaukee Hand Center).
- b) Lakeside Development for Partnership LSD. The applicant is seeking conditional use grant approval to allow for a medical office for the property located at 1511 W. Market Street (Well Family Chiropractic).
- c) Daystar Properties. The applicant is seeking conditional use grant approval to allow for a medical clinic for the property located at 1500 W. Market Street (North Shore Center, LLC).
- d) Concord Development Company. The applicant is seeking conditional use grant approval to allow for a fitness center for the property located at 1350-1370 W. Mequon Road (Anytime Fitness).
- e) Concord Development for GF-Smoothies. The applicant is seeking conditional use grant approval to allow for a restaurant for the property located at 1400 W. Mequon Road.
- f) Park Avenue Plaza of Mequon LLC. The applicant is seeking conditional use grant approval to allow for a fitness center for the property located at 10000 N. Port Washington Road (Living Life Ala Mode).

CANCELLED

4) Regular Business

- a) Mark Hilgendorf. The applicant is seeking minor request approval for a 2,100 sq. ft. (42' x 50') accessory structure for the property located at 11521 W. Mequon Road.

- b) Lokre Companies. The applicant is seeking building and site plan amendment approval to allow for a conversion from office/commercial use to residential use for the property located at 11205 - 11315 N. Cedarburg Road and 5900-6048 W. Mequon Road (2nd floor of the South Bldg).
- c) Hickory Hollow Subdivision. The applicant is seeking open space plan and easement amendment approval for the property located at 9801 N. Old Barn Road.
- d) Torrey Drive, LLC for Carol Wiensch. The applicant is seeking rezoning recommendation from R-3 to R-3/PUD and concept plan approval to allow a 11-lot subdivision for the property located at 10766 Torrey Drive.

5) Announcements

The next meeting is Monday, September 19, 2022 at 6:00 p.m.

6) Adjourn

Dated: July 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, June 27, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Alderman Robert Strzelczyk
Alderman Brian Parrish
Commissioner Greg Bach
Commissioner Dan Gentges
Commissioner Stephanie Hawley
Commissioner Rick Lemke
Commissioner Rebecca Schaefer
Commissioner John Stoker
Commissioner Martin Choren - **Absent**
Commissioner James Schaefer - **Absent**

Chairman Strzelczyk called the meeting to order at 6:00 p.m.

2) Approval of Meeting Minutes from May 23, 2022

Action

Commissioner Hawley made a motion to approve the May 23, 2022, meeting minutes.

Commissioner Becky Schaefer seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Stephanie Hawley, Commissioner
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Strzelczyk, Bach, Gentges, Hawley, Lemke, Parrish, R. Schaefer, Stoker
ABSENT:	Choren, Schaefer

Attachment: PC_06.27.22_DRAFT (7507 : Meeting Minutes from June 27, 2022)

3) Public Hearing / Consent

- a) Kolbrook Design Inc for Brixmor SPE1 LLC. The applicant is seeking conditional use grant approval to allow for a restaurant for the property located at 10990 N. Port Washington Road (Tropical Smoothie Cafe).

Action

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

No comment.

Action

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

4) Regular Business/ Consent

- a) Peter Budnik. The applicant is seeking fill permit approval to allow for 4,850 C.Y. for the property located at 11701 W. Freistadt Road.
- b) Rob Oldenbury for East Mequon IVA, LLC. The applicant is seeking master sign plan amendment to allow for sign location modifications for the properties located at 12100 & 12200 N. Corporate Parkway (The Pointe).
- c) Gan Ami Mequon. The applicant is seeking building and site plan amendment approval to allow for a 638 sq. ft. addition to the existing building for the property located at 10813 N. Port Washington Road.

Action

Commissioner Bach made a motion to approve all 4 of the Consent Agenda items.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Gregg Bach,
SECONDER:	Rick Lemke
AYES:	Strzelczyk, Bach, Gentges, Hawley, Lemke, Parrish, R. Schaefer, Stoker
ABSENT:	Choren, Schaefer

5) Regular Business

- a) An Ordinance Amending Chapter 58, Zoning Code, as it Relates to Permitted Uses in Table 58-301-1 of the Town Center (TC) Zoning District to Allow Event Planning Services with Facilities

Director Tollefson stated that staff does recommend approval for event planning services with facilities. Staff recommends approval for this permitted use with specific design standards that it be small scale and there be control on the amount of the square foot warehouse and storage. The warehouse, storage or other components should not be a larger component of the use than the event services themselves.

The action of the Commission will be forwarded to the Common Council for a first reading in July and action taken in August.

There was a short discussion regarding parking and that parking capacity will be evaluated once an actual business applies for approval.

Action

Commissioner Hawley made a motion to recommend approval of this item to the Common Council.

Commissioner Lemke seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Stephanie Hawley, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Strzelczyk, Bach, Gentges, Hawley, Lemke, Parrish, R. Schaefer, Stoker
ABSENT:	Choren, Schaefer

- b) Kwik Trip. The applicant is seeking minor request approval to allow for a fence for the property located at 10360 N. Cedarburg Road.

Director Tollefson stated that there has been a lot of work with neighboring property owners and Kwik Trip representatives. There was a joint meeting with open dialogue and a chance for everyone to be heard between city staff, Kwik Trip representatives and property owners that led to the recommendations presented to the Commission. The application is for the approval of a fence greater than 6-feet in height.

About 18 months ago, a fence was installed at the Kwik Trip property, which per the code was 6 feet in height. It did not do the job of mitigating the spread of trash that it was intended to do for the neighbors. That fence was removed, and the current application was made.

Staff proposes that the fence run along the east property line, but also turn the corners at the northeast and southeast corners to help control the debris. There are single family homes and the Milwaukee River located to the east of the property. The neighbors expressed an interest in a 12-

foot-tall fence, but staff is concerned about the height due to precedent setting. She explained that there is a grade difference of about 1-2 feet along the east parking lot curb line and where the fence would be located. This area of the site contains the vacuum area and is an area where garbage is being unloaded from cars. There are over-sized trash cans located there and Kwik Trip placed additional trash cans in this area over the past year to help control debris blowing around on the site. The shed roof of the car wash building is approximately 10 feet in height and the enclosed brick dumpster is about 9 feet in height, also located near the east property line.

Dir. Tollefson explained that there will be some green space between the fence and the more formal landscape areas of the site as well as a natural buffer immediately east of the proposed fence location. The location of the fence was determined by city staff and Kwik Trip representatives and purposefully winds around some natural landscaping located in the northwest corner of the property. The landscape and trees in that area are all over 14-feet in height, a factor of scale for determining height of fence. Staff is recommending that the fence height drop a bit as it gets closer to Donges Bay Road to soften the look of it at the driveway entrance.

Staff recommends that the fence not be higher than 10 feet and anything over 8 feet should include a decorative top element to the fence. Kwik Trip originally proposed a white fence, but it does not match any of the features on the site. Staff recommends a darker brown color to better match the C-store, car wash and dumpster enclosure. Additionally, there are several other site improvements that are required as part of the approval of the fence, including:

- Dampening the horn in the car wash facility.
- Car wash interior light will be on a sensor.
- Control over the timing of deliveries of services on site – no overnight services.
- Some landscape on the east side of the fence to help mitigate light pollution.
- No Parking Signs to be added along Donges Bay Road to discourage parking there.

Dir. Tollefson stated that prior to the meeting, Kwik Trip communicated they are having difficulty locating the suggested 8–10-foot brown colored fence. She suggested that the Commission make an approval that the fence colors and materials be consistent with the other structures on site and that the final design be subject to staff approval.

The applicant, Carrie Wiggins, Kwik Trip District Leader, stated that the neighbors are justified in their complaints of the debris on their properties. She believes that the fence is the best option to help mitigate this issue.

There was discussion that this is a unique site with a specific issue that needs to be addressed to protect the neighboring residential properties and should not be considered precedent setting. This is the only gas station in the city that is located immediately adjacent to single-family homes and single-family zoning. The grade separation of the finished elements on site compared to where the fence will be located already eliminates a few feet of visual impact the fence would make.

It was discussed that the neighbors left the joint meeting feeling that their concerns were heard. There was collaboration between all parties as to where the fence will be located. Dir. Tollefson

has maintained contact with the neighbors regarding the other improvements that will be required along with the installation of the fence.

Action

Commissioner Becky Schaefer made a motion to approve the 10-foot fence subject to the conditions in the staff report.

Commissioner Stoker seconded the motion.

Ms. Wiggins stated that they have implemented several measures to help reduce the trash on site and on the neighboring properties, including these actions:

- Increased number of trash pick-ups throughout the day.
- Increased number of large trash cans on site.
- Mowed lawn and clippings are bagged.

Ald. Strzelczyk made a friendly amendment to add the non-precedent setting reasons for approving the height of the fence is a multi-purpose gas station with grocery and car wash and its location adjacent to single family homes.

The amendment was accepted.

A roll call vote was taken, vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Strzelczyk, Bach, Gentges, Hawley, Lemke, Parrish, R. Schaefer, Stoker
ABSENT:	Choren, Schaefer

- c) K&B Investment Group, LLC. The applicant is seeking building and site plan amendment approval to allow for a new to lease a portion of the building for the property located at 10903 N. Weston Drive (L & A Crystal).

Asst. Dir. Zader stated that this is an unusual request as the Town Center zoning district requires building and site plan approval any time a single tenant building switches ownership, if not done in the past five years. This site is located on the curve of Buntrock Avenue and Weston Drive. Most of the site will be leased to a graphic design firm, which is a permitted use in the Town Center zoning district. Staff completed an on-site elevation of the property and made recommendations for items that should be addressed which are listed as conditions in the staff report and include:

- All outdoor storage shall be removed.
- Paint the windows and trim.
- Replace some non-conforming light fixtures.
- Update the foundation planning.
- Dead tree removal.

The owner has agreed to all the conditions and many of them have already been completed. The removal of the outdoor storage will be handled when they relocate their business operations in the near future. Staff recommends approval.

The applicant confirmed the list of improvements have been completed except the removal of the outdoor storage.

Action

Commissioner Lemke made a motion to approve the item.

Commissioner Becky Schaefer seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Rick Lemke, Commissioner
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Strzelczyk, Bach, Gentges, Hawley, Lemke, Parrish, R. Schaefer, Stoker
ABSENT:	Choren, Schaefer

- d) Michael Perlewitz. The applicant is seeking preliminary plat, development agreement and specimen tree removal approval to allow for a new 7-lot conservation subdivision for the property at the southwest corner of Villa Grove and Freistadt Road (The Green at Mequon).

Asst. Dir. Zader stated this approval request is for a 7-lot conservation subdivision located at Villa Grove Road and Freistadt Road. The zoning change was approved in November and approved by the Common Council in January. The seven lots will be accessed by a private road, Villa Grove Road. At the November rezoning approval meeting there was discussion regarding specimen trees as there are several on this site. The City Forester did recommend the two trees on Lot 4 be removed as they impact the house pad. This was ratified in the PUD to include the condition that tree replacement or donation policy be included as a condition of removal. The applicant is requesting one exception regarding the entrance island sizing which can be addressed by Eng. Dir. Lundeen. Staff recommends approval according to the conditions in the report.

The applicant, Michael Perlewitz is present.

Public Feedback

Wendy Porterfield – 3245 Oak Shore Lane – she is opposed to this development as she has concerns about the river and the high levels of water on Villa Grove Road. She also stated that there has been much increased boat traffic, and this is now a very busy road with limited parking.

David Schlageter - 3827 Freistadt Road - he has concerns about this development as he believes that Villa Grove Road is not sufficient to handle the traffic. He also has concerns about the water that comes out between Lots 2 & 3 and the amount of fill approved as he stated that this area floods.

There was some discussion about the watershed and the storm water management facilities. Eng. Dir. Lundeen stated that the water will follow the overall natural drainage pattern and not block or redirect the water. The applicant is required, per city ordinance that the release rate be equal to or less than what the rate is currently predevelopment.

Asst. Dir. Zader stated that SEWRPC and DNR are currently working on updating and modifying the floodplain maps based on modeling done on the Milwaukee River. For the most part it will remain the same, with some parts slightly increased by less than ½ foot

Staff answered that Villa Grove Road is 20 feet wide and although 22 feet is the standard width, there are other roads in the city that are also 20 feet in width.

The fill total requested is less than 1,000 C.Y. Each individual lot will be required to have a grading plan adhere to the master grading plan. The specimen tree issue was addressed at the PUD rezoning approval meeting in November and the Common Council had the opportunity to address any concerns. It was adopted as part of the PUD that the two trees on Lot 4 are allowed to be removed and the replacement language is included as part of the PUD.

There was discussion from the Commission regarding the concern about flooding in the area. Eng. Dir. Lundeen answered that the entrance island is required at all subdivision entrances and the standard specifications do not distinguish public roads from private roads. The applicant is requesting a reduction in the standard specifications as it relates to the width of the island and the width of the entrance road which is proportionate with the rest of the road.

Action

Commissioner Stoker made a motion to recommend approval subject to staff recommendations. Commissioner Hawley seconded the motion.

A roll call vote was taken; vote passed (6-2) (No: Becky Schaefer, Ald. Strzelczyk)

RESULT:	APPROVED [6 TO 1]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Bach, Gentges, Hawley, Lemke, Parrish, Stoker
NAYS:	R. Schaefer, Strzelczyk
ABSENT:	Choren, Schaefer

7) Policy

An Ordinance Amending Chapter 58 of the Mequon Municipal Code as it Relates to Stormwater Facilities (Maintenance Responsibility and Green Unfractured)

Eng. Dir. Lundeen stated that the proposed amendment addresses two different issues. One is the storm water facility maintenance which utilizes the MS4 Permit which is regulated by the EPA and administered by the DNR. It requires that the city has a certification program for its storm water facilities. It requires that every 5 years the storm water facilities are certified, and that the HOA is responsible for maintaining those facilities between certifications. Staff is diligent to

ensure that all new developments are required to have storm water maintenance and easement agreements that define all those responsibilities. Unfortunately, those from several decades ago were inconsistently approved with storm water maintenance and easement agreements. She explained that staff believes that the proposed ordinance provides that the requirements are in place, but unfortunately in administering some of these certification requirements, the legal responsibility has fallen on the lot owners on which the storm water facilities exist. The proposed ordinance corrects that and in the absence of a HOA that the responsibility is equally shared by all lot owners within the subdivision.

She stated that while reviewing the ordinance amendment it caused staff to review the storm water ordinance as it relates to green infrastructure requirements. Two years ago, MMSD implanted some green infrastructure requirements for the addition of impervious surface between 5,000 and less than ½ acre in developments where there is not an existing storm water maintenance and easement agreement. This proposed update includes the pass through of those requirements which as an MMSD community in the city is required to administer. She commented that it also addresses a reduction in the drainage financial guarantee. Right now, the financial guarantee is intended for subdivisions and larger developments, but the burden has been passed to single family homeowners that are required to post the drainage financial guarantee. Staff finds value in these guarantees as it is the only clause that ensures that the facilities are installed per the approval.

Staff is requesting that if the Commission recommends approval of the ordinance that at the Council level that it is accompanied by a fee schedule to set a standard fee for the drainage financial guarantee for green infrastructure rather than having it scaled based on the required improvements.

Eng. Dir. Lundeen answered that there are 7 subdivisions without agreements that staff has struggled to get certified, and the responsibility is falling onto individual single-family homeowners.

She added that the city will do an analysis of whether the fee should be based on the amount of impervious surface or the size of the lot to determine if there should be a scaled version of the fee.

There was discussion from the Commission about concerns regarding this subject including the legal issue and management of compliance. Ald. Parrish suggested that the City Attorney review the language as he believes it is missing some context. Eng. Dir. Lundeen clarified that the proposed language would assess not only the fees but a penalty to avoid the city involvement.

Action

Commissioner Stoker made a motion to recommend approval of this item to the Common Council as written.

Commissioner Lemke seconded the motion.

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

8) Announcements

9) Adjourn

Action

Commissioner Becky Schaefer made a motion to adjourn the meeting.

Commissioner Stoker seconded the motion.

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

Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Jac Zader



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Department of Community Development

TO: Planning Commission
FROM: LAURIE MILLER,
DATE: July 25, 2022
SUBJECT: Lakeside Development for Partnership LSD. The applicant is seeking conditional use grant approval to allow for a medical office for the property located at 1535 W. Market Street (The Milwaukee Hand Center).

Applicant:	Lakeside Development for Partnership LSD
Status of Applicant:	Agent
Requested:	Conditional Use Grant
Existing Use:	Multi-Tenant Office Building
Existing Zoning:	B-1 (Neighborhood Business)
Lot size:	2.44 acres
Location:	1535 W. Market Street
Tax Key Number:	#15-185-00-020.00
District:	#6

Background:

The applicant requests a conditional use grant to operate The Milwaukee Hand Center in the Lakeside Building West located at 1535 W. Market Street. The parcel is zoned B-1 which allows medical offices as a conditional use. The medical office has occupied the space for approximately a decade without the issuance of a Conditional Use Grant which was brought to staff's attention after a building permit request for an adjacent medical use was received. The medical use occupies approximately 2,350 square feet of space with no current plans to expand their existing tenant space.

Site Plan:

No site plan changes have been proposed by the applicant.

Conditional Use Grant:

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.

All of the activities will take place within the building and will be monitored at all times by staff. The State of Wisconsin regulates activities in a medical office. The use should not have a negative impact on the public health, safety and general welfare.

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

The Land Use Plan designates the site as Community Commercial. Surrounding properties are zoned B-1 as well. A medical office can be considered compatible with the Land Use Plan designation and expected uses in the area. All of the activities will take place within the office and are similar to other professional uses (medical, dental, chiropractic) in the surrounding area.

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

The proposed activities of the use will fit the character of the surrounding area. The proposed hours of operation are Monday through Friday 7:00 a.m. to 7:00 p.m. Per parking code, five patron parking spaces per doctor, plus one parking space per employee for the work shift with the largest number of employees are required. Staff calculated a total parking requirement of 13 stalls to accommodate all patients, one doctor, and seven employees. The tenant space is within a multi-tenant property that has 48 parking spaces to accommodate the needs of both tenants of Milwaukee Hand Center and Baird Private Wealth Management.

Site Compliance:

Staff identified compliance issues while conducting a site visit. The following list identifies the compliance issue and recommendation as a condition of approval for the CUG:

- Deteriorating parking lot conditions were observed to the east and north of the building (Exhibit 1).
 - Recommendation as a condition of approval: Restriping and repair or replacement of the parking lot by August 1, 2023
- Missing landscaping were observed near the northeast corner of the parking lot. Additionally, much of the landscaping along the periphery of the parking lot were overgrown. Exhibit 1 shows a missing patch of landscaping and overgrown landscaping blocking a portion of the monument sign panels.
 - Recommendation as a condition of approval: The missing landscaping shall be replaced, and overgrown landscaping be trimmed or replaced in accordance with the approved landscaping plan by November 1, 2022.

Staff Recommendation:

Since the proposal meets the Zoning Code and Land Use Plan, planning staff recommends **approval** of the conditional use grant based on the following condition(s):

1. Hours of operation are Monday through Friday 7:00 a.m. to 7:00 p.m.
2. Any future changes to the floor plan be subject to building permit review.
3. Signage for the use shall comply with the Master Sign Plan for the development.
4. The parking lot shall be restriped and repaired or replaced by August 1, 2023.
5. The missing landscaping shall be replaced, and overgrown landscaping be trimmed or replaced in accordance with the approved landscaping plan by November 1, 2022.

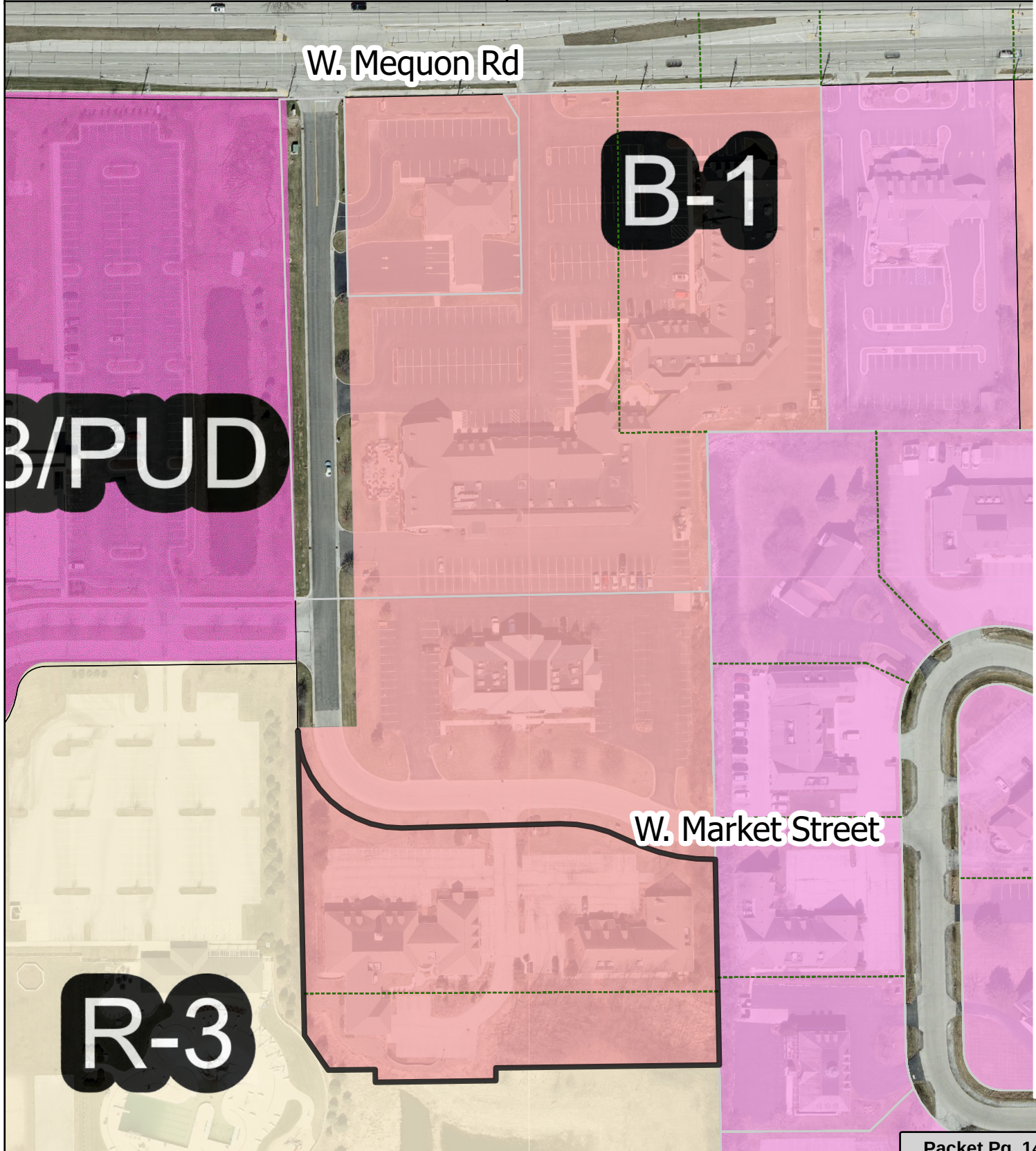
Attachments:

PacketDocs_Mke Hand (PDF)

LAKESIDE DEVELOPMENT FOR PARTNERSHIP LSD - THE MILWAUKEE HAND CENTER CUG

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

3.a.a



Attachment: PacketDocs_Mke Hand (7508 : Lakeside Development for Partnership LSD)



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MEQUON, WISCONSIN
53092

(262) 241-2300
(262) 241-2310 FAX

TRANSMITTAL LETTER

TO: LAURIE MILLER
CITY OF MEQUON

FROM: BRIAN K. SCHEIVE CELL 414-524-9141
BRIAN@LAKESIDEDEVELOPMENT.COM

DATE: JUNE 21, 2022

RE: CONDITIONAL USE GRANT
FOR TENANT, THE MILWAUKEE HAND CENTER
LOCATED AT THE LAKESIDE WEST BUILDING
1535 W. MARKET STREET

APPLICATION: SEE ATTACHED

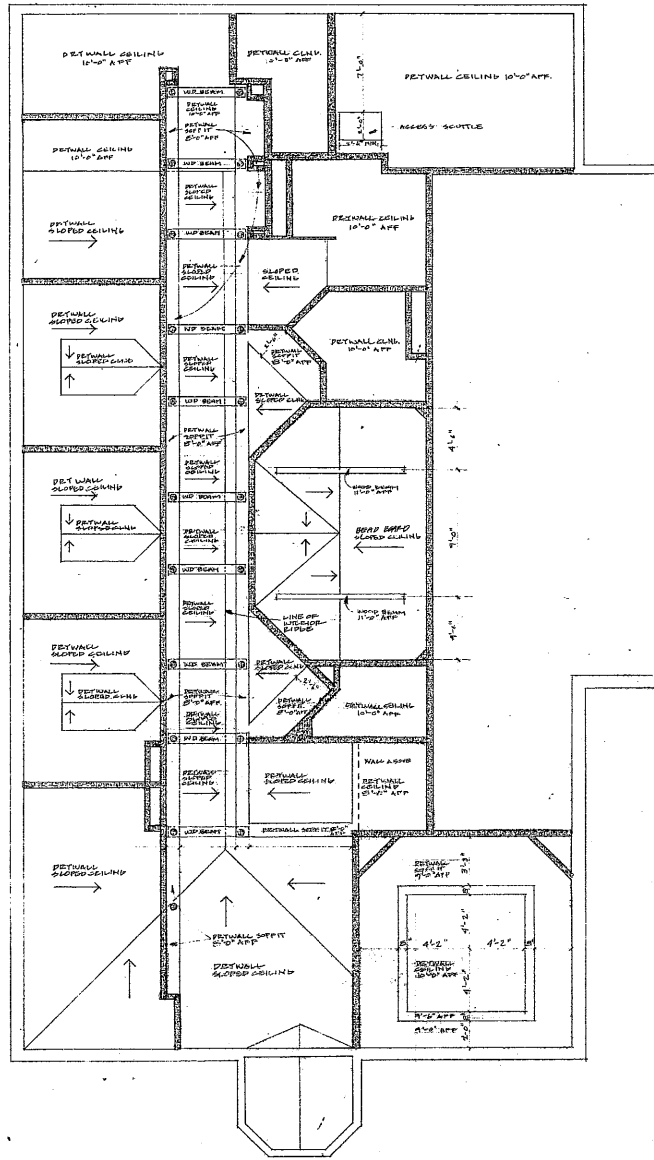
APPLICATION FEE: VERIFY NONE

DRAWINGS: SEE ATTACHED FLOOR PLANS

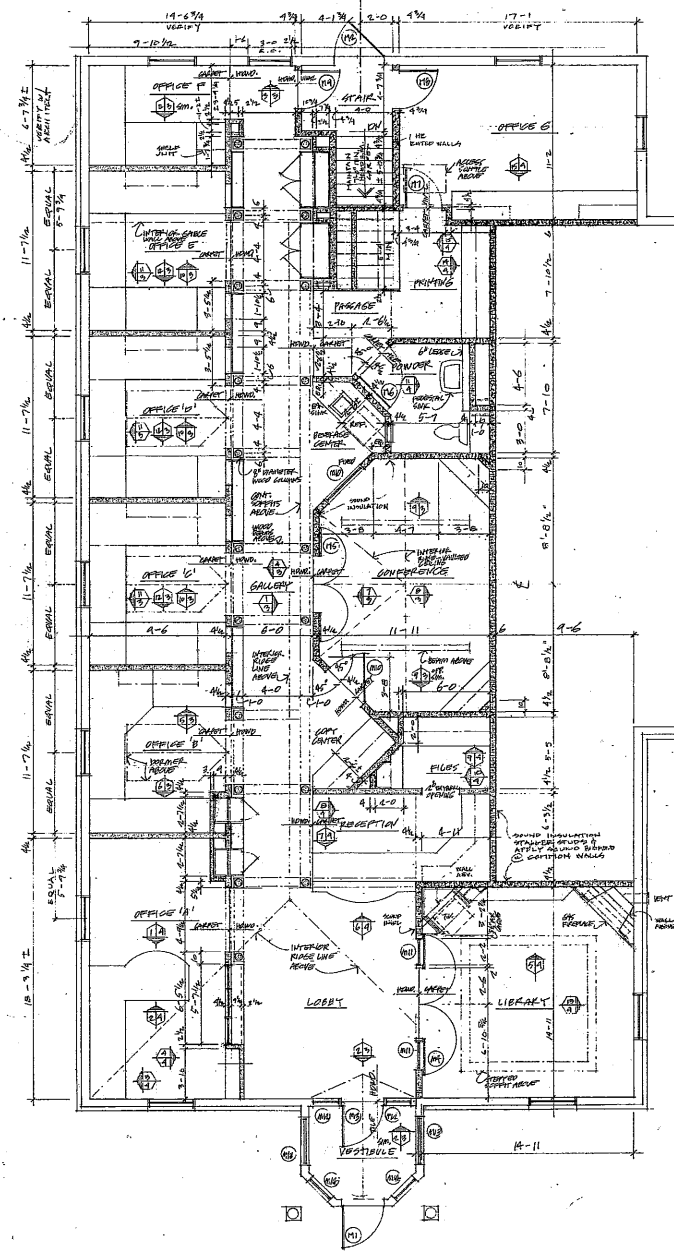
NARRATIVE:

THE MILWAUKEE HAND CENTER HAS BEEN OPERATING ON THIS LOCATION FOR OVER A DECADE. THEY PROVIDE OUTPATIENT, HAND SPECIALIST THERAPY. THERE ARE APPROXIMATELY 8 EMPLOYEES. HOURS OF OPERATION ARE FROM 9AM-5PM MONDAY-FRIDAY. THEY HAVE APPROXIMATELY 2,350 S.F. THERE ARE NO PLANNED CHANGES TO THE SIZE OF THEIR SPACE OR NUMBER OF EMPLOYEES.

Attachment: PacketDocs_Mke Hand (7508 : Lakeside Development for Partnership LSD)



REFLECTED CEILING PLAN



MAIN LEVEL PLAN
1/4" = 1'-0"

Revisions

LAKESIDE DEVELOPMENT COMPANY
OFFICE INTERIOR
1535 WEST MARKET STREET MEQUON WI 53092

Lakeside Development
Company

Job No. 5-12
Date 5-12
Sheet 1
of 1

Attachment: PacketDocs Mke Hand (7508 : Lakeside Development for Partnership LSD)

THE MILWAUKEE HAND CENTER

Exhibit 1:**Deteriorated Parking Lot****Overgrown Landscaping**

		3.a.a		
CONDITIONAL USE GRANT Articles of Agreement made and entered into this 25th day of July, 2022 by and between Lakeside Development for Partnership LSD owners of the property located at 1535-1539 W. Market Street 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 30, Range 22 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows: LEGAL DESCRIPTION Exhibit A-1 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 <u>City of Mequon</u> 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 <u>medical (The Milwaukee Hand Center)</u>. GRANTED by action of the Planning Commission of the City of Mequon this 25th day of July 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 _____, 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) _____ RETURN TO: City of Mequon 11333 North Cedarburg Road 60W Mequon, WI 53092 PARCEL NO.: 15-185-00-002.00 Attachment: PacketDocs_Mke Hand (7508 : Lakeside Development for Partnership LSD) <tr><td colspan="2"></td><td>Packet Pg. 18</td></tr>				Packet Pg. 18
		Packet Pg. 18		

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 through Friday 7:00 a.m. to 7:00 p.m.
 - 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.
10. Conditions of the structures:
 - a. Site Plan: per original site plan
 - b. Landscaping Plan: per approved landscaping plan
 - c. Elevations: N/A
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: Exhibit A
 - f. Exterior lighting of the site and building: As on file with Community Development Department, City of Mequon
 - g. Fence / Wall / Dumpster plan details: Need to submit to Community Development Department, City of Mequon, for approval.
 - h. The building shall comply with the building code.
11. Conditions on the site:

- a. Street access (number, location, design): Per original site plan.
- b. Off-Street Parking (location and design including screening thereof): Per original site plan.
- c. Outside storage of materials, products or refuse (location and screening thereof): Per original site plan.
- d. Parking, exterior lighting of the site, location design and power: Per original site plan.
- e. Other:
 - 1. Hours of operation are Monday through Friday 7:00 a.m. to 7:00 p.m.
 - 2. Any future changes to the floor plan be subject to building permit review.
 - 3. Signage for the use shall comply with the Master Sign Plan for the development.
 - 4. That the parking lot shall be restriped and repaired or replaced by August 1, 2023.
 - 5. That the missing landscaping shall be replaced in accordance with the approved landscaping plan by November 1, 2022.

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



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: LAURIE MILLER,
DATE: July 25, 2022
SUBJECT: Lakeside Development for Partnership LSD. The applicant is seeking conditional use grant approval to allow for a medical office for the property located at 1511 W. Market Street (Well Family Chiropractic).

Applicant:	Lakeside Development Company for Partnership LSD
Status of Applicant:	Agent
Requested:	Conditional Use Grant
Existing Use:	Multi-Tenant Office Building
Existing Zoning:	B-1 (Neighborhood Business)
Lot size:	2.44 acres
Location:	1511 W. Market Street
Tax Key Number:	#15-185-00-010.00
District:	#6

Background:

The applicant requests a conditional use grant to operate Well Family Chiropractic in the Lakeside Building East located at 1511 W. Market Street. The parcel is zoned B-1 which allows medical offices as a conditional use. The medical office has occupied the space since 2016 without the issuance of a Conditional Use Grant which was brought to staff's attention after staff received building permit application for the expansion of their suite. The medical use currently occupies approximately 2,476 square feet of space and plans to expand 1,020 square feet from an adjacent unoccupied tenant space.

Site Plan:

No site plan changes have been proposed by the agent; however, the suite will be expanding approximately 1,020 square feet into the adjacent unoccupied tenant space. The expansion project will allow the practice to treat more patients by growing the space from four treatment rooms to eight treatment rooms plus one general purpose room.

Conditional Use Grant:

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.**

All of the activities will take place within the building and will be monitored at all times by staff. The State of Wisconsin regulates activities in a medical office. The use should not have a negative impact on the public health, safety and general welfare.

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

The Land Use Plan designates the site as Community Commercial. Surrounding properties are zoned B-1 as well. A medical office can be considered compatible with the Land Use Plan designation and expected uses in the area. All of the activities will take place within the office and are similar to other professional uses (medical, dental, chiropractic) in the surrounding area.

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

The proposed activities of the use will fit the character of the surrounding area. The proposed hours of operation are from 7:00 AM to 7:00 PM, Monday through Friday. Per parking code, five patron parking spaces per doctor, plus one parking space per employee for the work shift with the largest number of employees are required. Staff calculated a total parking requirement of 19 stalls to accommodate all patients, three doctors and one employee. The tenant space is within a multi-tenant property that has 29 parking spaces to accommodate the needs of Well Family Chiropractic. A new parking analysis will need to be completed should a new tenant move into the remaining vacant tenant space.

Site Compliance:

Staff observed site compliance issues during a site visit. The following list identifies the compliance issue and recommendation as a condition of approval for the CUG:

- Deteriorating parking lot conditions were observed to the east and north of the building (Exhibit 1).
 - Recommendation as a condition of approval: Restriping and repair or replacement of the parking lot by August 1, 2023.
- Missing landscaping were observed near the northeast corner of the parking lot. Additionally, much of the landscaping along the periphery of the parking lot were overgrown. Exhibit 1 shows a missing patch of landscaping and overgrown landscaping blocking a portion of the monument sign panels.
 - Recommendation as a condition of approval: The missing landscaping shall be replaced, and overgrown landscaping be trimmed or replaced in accordance with an approved landscaping plan by November 1, 2022.
- UPS drop box located in the parking lot (Shown in Exhibit 2).
 - Recommendation as a condition of approval: The UPS Dropbox shall be removed from the site by September 1, 2022. The City does not allow any new structures without building and site plan review and, historically, have declined the installation of drop box or donation kiosk structures in parking lots.
- Garbage receptacles are not located in an enclosure (Shown in Exhibit 3).
 - Recommendation as a condition of approval: Per code, garbage and refuse containers shall be screened from view from streets and adjacent sites. The enclosure shall be constructed with materials mimicking those of the primary structure. Plans to construct the garbage enclosure shall be submitted to the Department of Community Development by October 1, 2022 and the garbage enclosure should be constructed by November 1, 2022.

Staff Recommendation:

Since the proposal meets the Zoning Code and Land Use Plan, planning staff recommends **approval** of the conditional use grant based on the following condition(s):

1. Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
2. Hours of operation are 7:00 AM to 7:00 PM, Monday through Friday.
3. Signage for the use shall comply with the Master Sign Plan for the development.
4. That the parking lot shall be restriped and repaired or replaced by August 1, 2023.
5. That the missing landscaping shall be replaced in accordance with an approved landscaping plan by November 1, 2022.
6. That the UPS drop box shall be removed by September 1, 2022.
7. Garbage enclosure plans shall be submitted to the Department of Community Development for approval by October 1, 2022 and the garbage enclosure should be constructed by November 1, 2022.

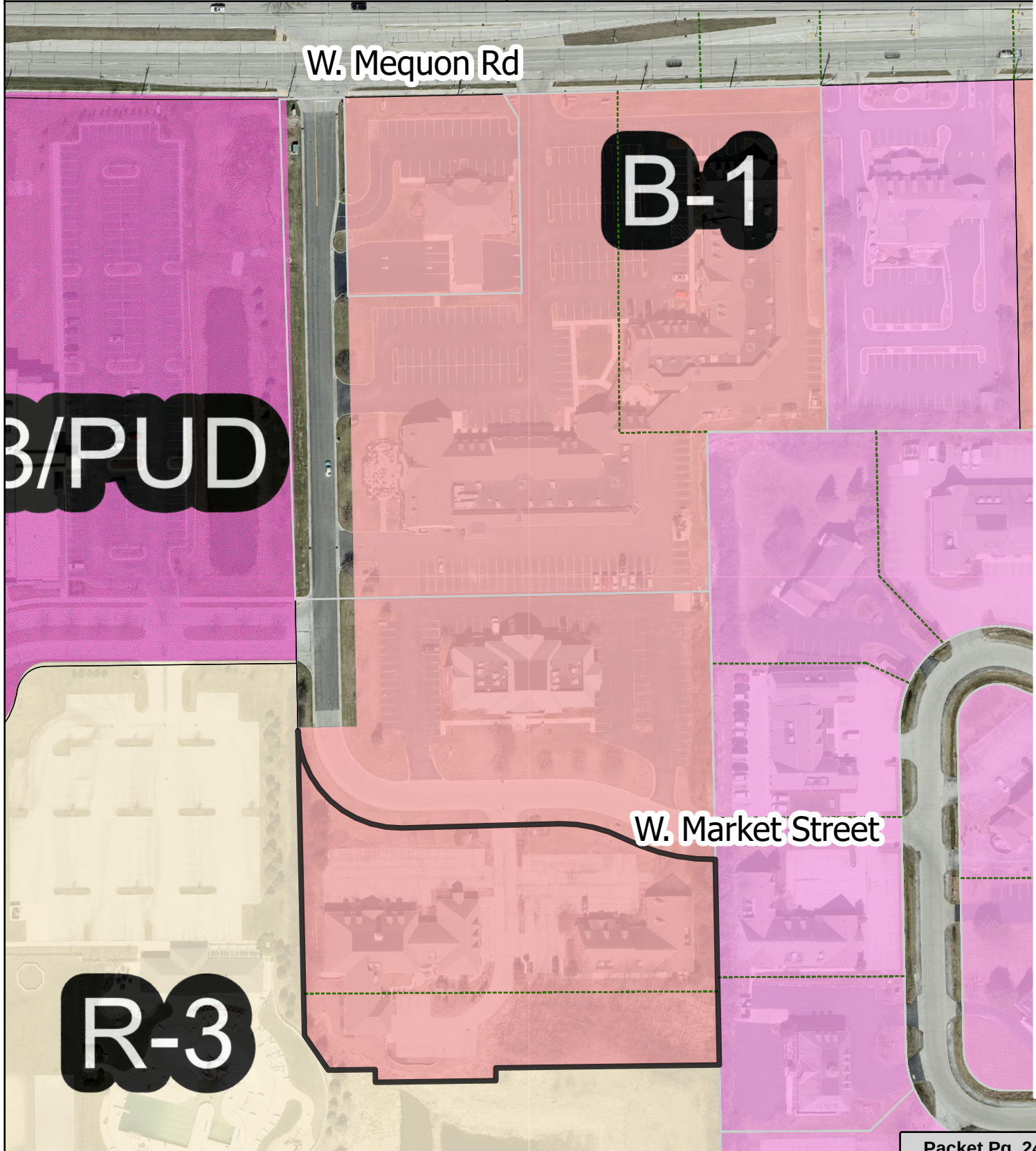
Attachments:

Packet Docs_WellFamily (PDF)

LAKESIDE DEVELOPMENT FOR PARTNERSHIP LSD - WELL FAMILY CHIROPRACTIC CUG

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

3.b.a



Attachment: Packet Docs_WellFamily (7509 : Lakeside Development for Partnership LSD)



The finest in architecture & construction management

10033 N. PORT
WASHINGTON ROAD.
MEQUON, WISCONSIN
53092

(262) 241-2300
(262) 241-2310 FAX

TRANSMITTAL LETTER

TO: LAURIE MILLER
CITY OF MEQUON

FROM: BRIAN K. SCHEIVE CELL 414-524-9141
BRIAN@LAKESIDEDEVELOPMENT.COM

DATE: JUNE 21, 2022

RE: CONDITIONAL USE GRANT
FOR TENANT, WELL FAMILY CHIROPRACTIC
LOCATED AT THE LAKESIDE EAST BUILDING
1511 W. MARKET STREET

APPLICATION: SEE ATTACHED

APPLICATION FEE: VERIFY NONE

DRAWINGS: SEE ATTACHED FLOOR PLANS

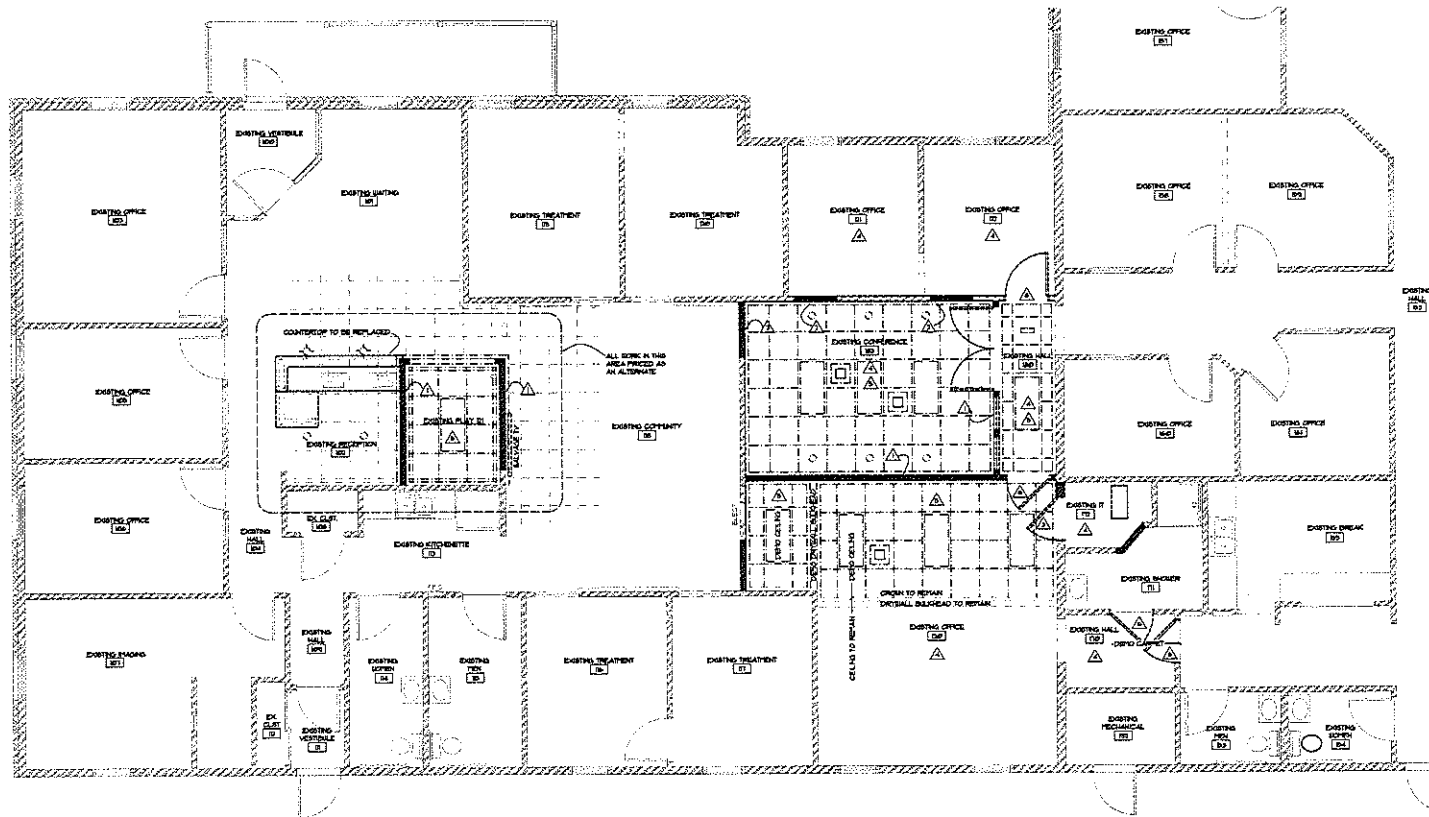
NARRATIVE:

WELL FAMILY CHIROPRACTIC HAS BEEN OPERATING ON THIS LOCATION SINCE 2016. FORMERLY KNOWN AS EPIC CHIROPRACTIC. IT PROVIDES OUTPATIENT CHIROPRACTIC CARE. THEY ARE FOCUSED ON PEDIATRICS, PREGNANCY AND FAMILY CARE. THERE ARE CURRENTLY 2 CHIROPRACTORS AND ONE RECEPTIONIST FOR A TOTAL OF 3 EMPLOYEES. THEIR PLANNED EXPANSION WOULD GIVE THEM THE OPTION TO ADD 1 EMPLOYEE. THEY CURRENTLY HAVE 2,476 S.F. WITH 4 TREATMENT ROOMS. THE PLANNED EXPANSION OF 1,020 S.F. WOULD ADD 4 TREATMENT ROOMS AND ONE GENERAL PURPOSE ROOM ALLOWING THEM TO TREAT MORE PATIENTS. THEIR HOURS OF OPERATION WOULD NOT CHANGE FROM MONDAY-FRIDAY FROM 8AM TO 6PM. THIS EXPANSION WOULD NOT REQUIRE A NEED FOR MORE PARKING. THE 1,020 S.F. EXPANSION IS BEING TAKEN FROM AN ADJACENT UNOCCUPIED TENANT SPACE.

Attachment: Packet Docs_WellFamily (7509 : Lakeside Development for Partnership LSD)

[illegible]

Packet Pg. 26



EXISTING / DEMOLITION PLAN
1/8" = 1'-0"

DEMOLITION CODED NOTES

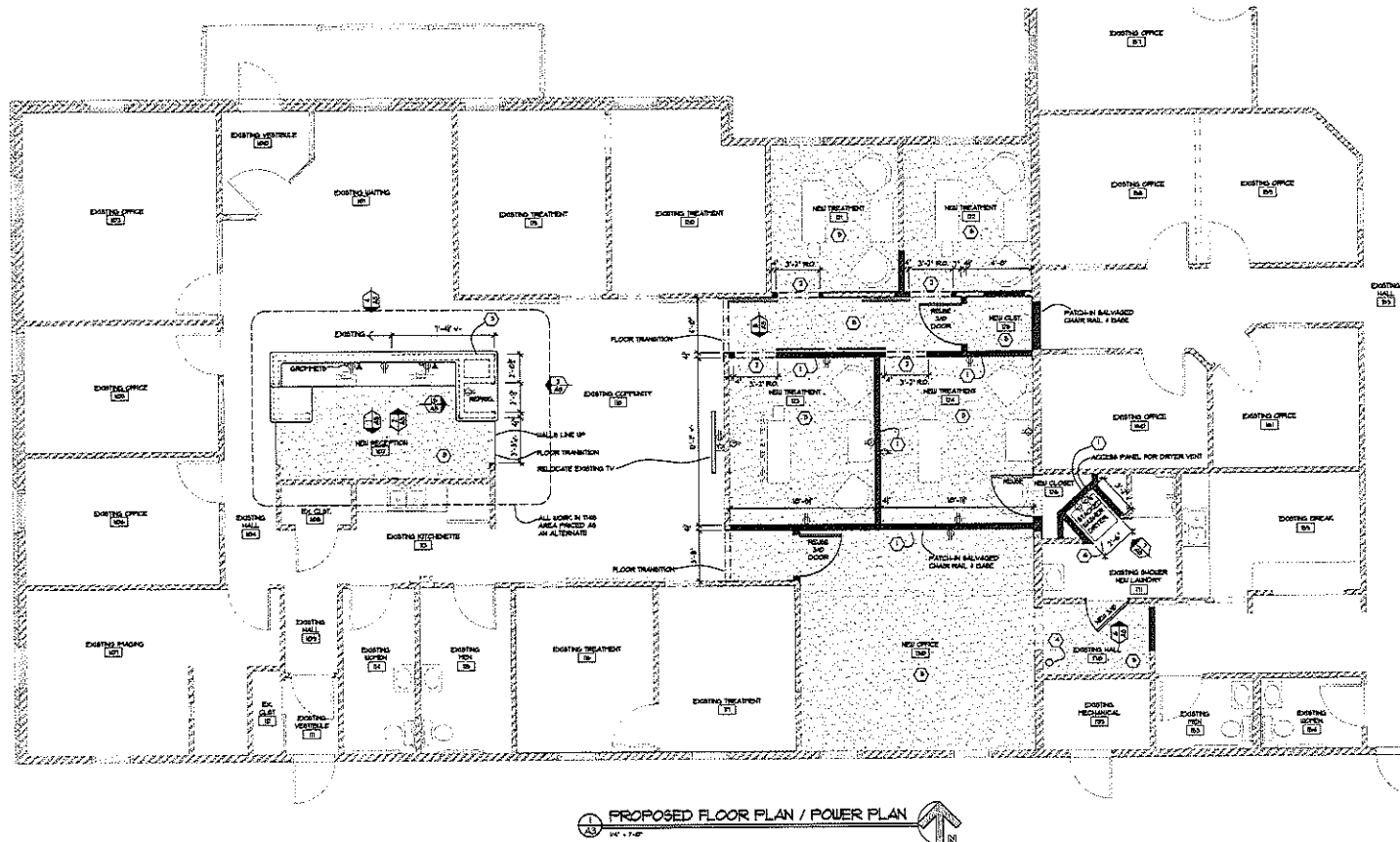
- △ DEMO COMPLETE WOOD STUDENT HALL, DEMO ELECTRICAL, SALVAGE WOOD CHAIR RAIL FOR REUSE, SALVAGE WOOD CROWN MOLDING FOR REUSE, SALVAGE WOOD BASE FOR REUSE
- △ DEMO WOOD STUDENT HALL FOR NEW DOOR OR OPENING, LEAVE BACKHEAD SO THAT CEILING FINISHES CAN REMAIN IN PLACE UNDISTURBED
- △ DEMO CROWN DOOR AND JAMB FOR WALL TO BE FILLED IN ON DOOR LINT TO BE REPLACED
- △ DEMO CROWN IN THIS ROOM
- △ DEMO ACoustICAL CEILING, CROWN, DEMO ELECTRICAL, DEMO HVAC, SALVAGE ALL PARTS FOR REUSE
- △ SALVAGE DOOR RAIL AND DOOR FRAME FOR REUSE, DEMO CROWN

WELL FAMILY CHIROPRACTIC EXPANSION
1511 W. MARKET STREET
MEQUON, WISCONSIN 53092

Lakeside Development
Company
The Lakeside Development Company
10000 W. 100th Avenue, Suite 100, Mequon, Wisconsin 53092

DATE: APRIL 19, 2011
BY: JLD
DRAWN BY: JLD
CHECKED BY: JLD

A2



PROPOSED FLOOR PLAN CODED NOTES

- ① NEW WALL TO BE 24\"/>

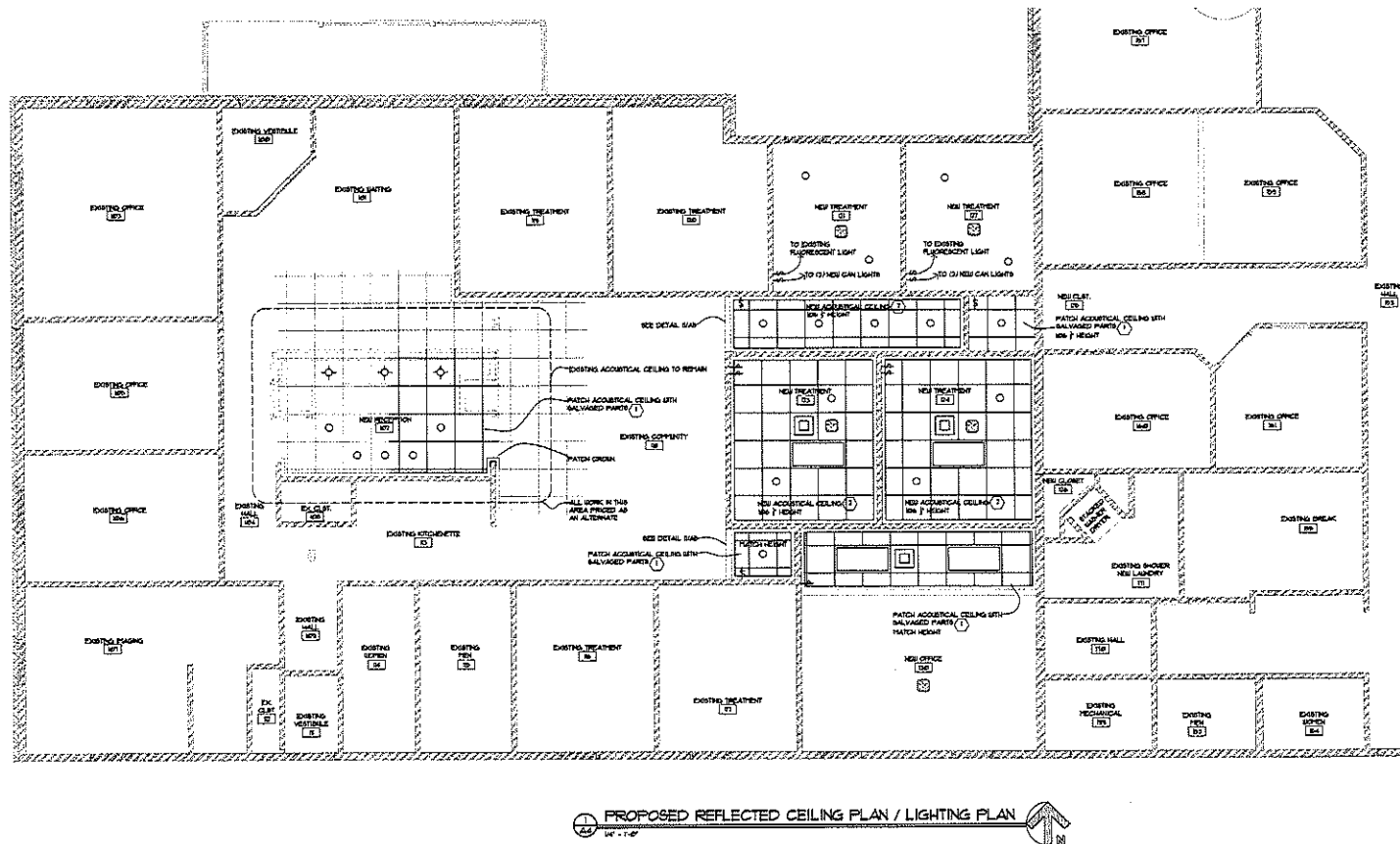
REVISIONS

WELL FAMILY CHIROPRACTIC EXPANSION
1511 W. MARKET STREET
MEQUON, WISCONSIN 53092

Lakeside Development
Company
The first in architecture & construction management

DATE: APRIL 19, 2012
FOR:
DRAWN BY:
CHECKED BY:
BID SET

A3



PROPOSED FLOOR PLAN CODED NOTES

- ① PATCH PERIMETER CROWN MOLDINGS AND ACOUSTICAL CEILING WITH SALVAGED PANELS, MATCH HEIGHTS
- ② NEW PERIMETER CROWN MOLDINGS AND NEW ACOUSTICAL CEILING SIMILAR TO EXISTING, MATCH HEIGHTS
- ③ NEW DRYWALL TO MATCH EXISTING
- ④ NEW COVE LIGHTS TO MATCH EXISTING
- ⑤ REUSE 2x4 FLUORESCENT FIXTURE
- ⑥ RELOCATE HVAC SUPPLY, REMOVE 2x4 DIFFUSER
- ⑦ SPEAKER SIMILAR TO EXISTING
- ⑧ NEW PENDANT LIGHT

WELL FAMILY CHIROPRACTIC EXPANSION
1511 W. MARKET STREET
MEQUON, WISCONSIN 53092

Lakeside Development
Company
The Well Family Chiropractic Expansion
1511 W. Market Street, Mequon, WI 53092

DATE: APRIL 19, 2018
DRAWN BY: A. CROOKER
CHECKED BY: A. CROOKER

A4

Exhibit 1: Deteriorated Parking Lot and overgrown/missing landscaping.



Exhibit 2: UPS Drop Box



Exhibit 3: Missing Garbage Enclosure



		3.b.a
CONDITIONAL USE GRANT Articles of Agreement made and entered into this 25th day of July, 2022 by and between Lakeside Development for Partnership LSD owners of the property located at 1501-1511 W. Market Street 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 30, Range 22 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows: LEGAL DESCRIPTION Exhibit A-1 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 <u>City of Mequon</u> 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 <u>medical office (Well Family Chiropractic)</u>. GRANTED by action of the Planning Commission of the City of Mequon this 25th day of July 2022. Andrew Nerbun, Mayor, Planning Commission Chairperson Acknowledgment: STATE OF WISCONSIN))SS OZAUCKEE COUNTY) Personally came before me, this ____ day of _____, 2022, the above named _____, 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 OZAUCKEE 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) _____ RETURN TO: City of Mequon 11333 North Cedarburg Road 60W Mequon, WI 53092 PARCEL NO.: 15-185-00-001.00 Attachment: Packet Docs_WellFamily (7509 : Lakeside Development for Partnership LSD) Packet Pg. 32		

Conditional Use Grant

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 through Friday 7:00 a.m. to 7:00 p.m.
 - 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.
10. Conditions of the structures:
 - a. Site Plan: per original site plan
 - b. Landscaping Plan: per approved landscaping plan
 - c. Elevations: N/A
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: Exhibit A
 - 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 submitted and approved by the Community Development Department, City of Mequon.
 - h. The building shall comply with the building code.
11. Conditions on the site:
 - a. Street access (number, location, design): Per original site plan.

Conditional Use Grant

- b. Off-Street Parking (location and design including screening thereof): Per original site plan.
- c. Outside storage of materials, products or refuse (location and screening thereof): Per original site plan.
- d. Parking, exterior lighting of the site, location design and power: Per original site plan.
- e. Other:
 - 1. Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
 - 2. Hours of operation are Monday through Friday 7:00 a.m. to 7:00 p.m.
 - 3. Signage for the use shall comply with the Master Sign Plan for the development.
 - 4. That the parking lot shall be restriped and repaired or replaced by August 1, 2023.
 - 5. That the missing landscaping shall be replaced in accordance with the approved landscaping plan by November 1, 2022.
 - 6. That the UPS drop box shall be removed by September 1, 2022.
 - 7. Garbage enclosure plans shall be submitted to the Department of Community Development for approval by October 1, 2022 and garbage enclosure should be constructed by November 1, 2022.

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

Attachment: Packet Docs_WellFamily (7509 : Lakeside Development for Partnership LSD)



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: LAURIE MILLER,
DATE: July 25, 2022
SUBJECT: Daystar Properties. The applicant is seeking conditional use grant approval to allow for a medical clinic for the property located at 1500 W. Market Street (North Shore Center, LLC).

Applicant:	Daystar Properties
Status of Applicant:	Agent
Requested:	Conditional Use Grant
Existing Use:	Multi-Tenant Office Building
Existing Zoning:	B-1 (Neighborhood Business)
Land Use Plan:	Community Commercial
Lot size:	2.35 acres
Location:	1500 W. Market Street
Tax Key Number:	#15-030-01-014.00
District:	#6

Background:

The applicant requests a conditional use grant to operate North Shore Center, LLC in the Lakeside Building North located at 1500 W. Market Street. The parcel is zoned B-1 which allows medical offices as a conditional use. North Shore Center has operated at 10303 N. Port Washington Road for approximately 30 years and plans to move their business to 1500 W. Market Street. Currently the business has seven full-time mental-health providers, 15 part-time providers, and three full-time administrative staff. North Shore Center serves on average of 300 clients per week; however, many of those are remote tele-health sessions, in addition to a blend of 60-minute in-person therapy sessions, 45-min medication management appointments and 1.5 to 3-hour health assessments.

Site Plan:

No changes will occur to the site plan; however, the suite will undergo several improvements requiring a building permit.

Conditional Use Grant:

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.**

All of the activities will take place within the building and will be monitored at all times by staff. The State of Wisconsin regulates activities in a medical office. The use should not have a negative impact on the public health, safety and general welfare.

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

The Land Use Plan designates the site as Community Commercial. Surrounding properties are zoned B-1 as well. A medical office can be considered compatible with the Land Use Plan designation and expected uses in the area. All of the activities will take place within the office and are similar to other professional uses (medical, dental, chiropractic) in the surrounding area.

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

The proposed activities of the use will fit the character of the surrounding area. The proposed hours of operation are from 7:00 AM to 8:00 PM, Monday through Friday and 7:00 AM to 3:00 PM on Saturday. Per parking code, five patron parking spaces per doctor, plus one parking space per employee for the work shift with the largest number of employees are required. Staff calculated a total parking requirement of 90 stalls to accommodate all patients, seven full-time and fifteen part-time mental health providers and three employees to meet code; however, since many patients are treated via remote tele-health sessions staff recommends dedicating 45 stalls for North Shore Center. The multi-tenant building houses Health Services Law Group, Reinhart Partners, and Merrill Lynch. There are 92 parking spaces on site.

Site Compliance:

Staff observed compliance issues while conducting a site visit. The following list identifies the compliance issue and recommendation as a condition of approval for the CUG:

- Deteriorating parking lot conditions were observed to the east and north of the building (Exhibit 1).
 - Recommendation as a condition of approval: Restriping and repair or replacement of the parking lot by August 1, 2023.
- Garbage enclosure is severely damaged and missing walls (Exhibit 2).
 - Recommendation as a condition of approval: Per code, garbage and refuse containers shall be screened from view from streets and adjacent sites. The Enclosure shall be constructed with materials mimicking those of the primary structure. Plans to construct the garbage enclosure shall be submitted to the Department of Community Development by October 1, 2022, and the garbage enclosure should be constructed by November 1, 2022.

Staff Recommendation:

Since the proposal meets the Zoning Code and Land Use Plan, planning staff recommends **approval** of the conditional use grant based on the following condition(s):

1. Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.

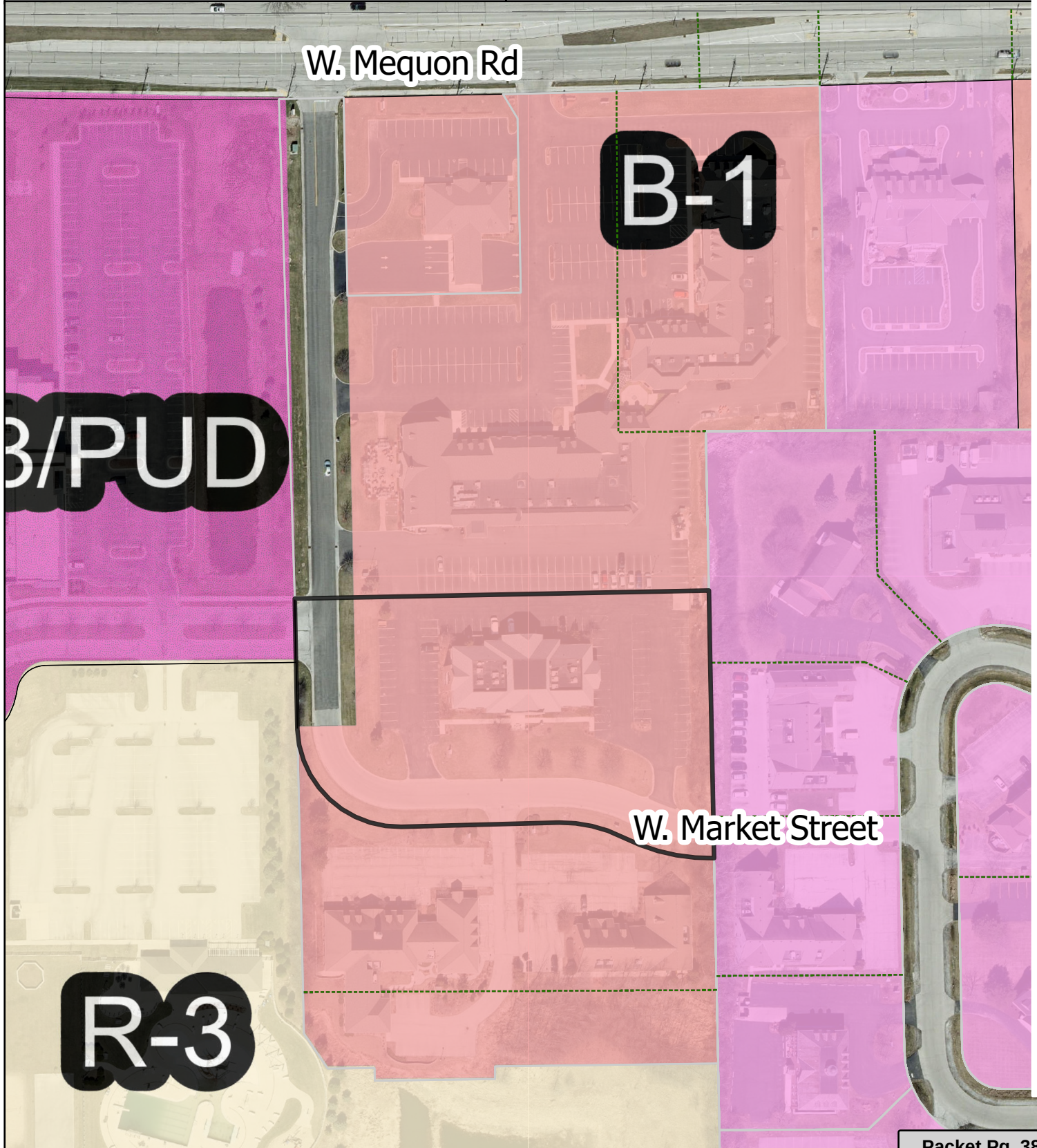
2. Hours of operation are 7:00 AM to 8:00 PM Monday through Friday and 7:00 AM to 3:00 PM on Saturday.
3. Signage for the use shall comply with the Master Sign Plan for the development.
4. That the parking lot shall be restriped and repaired or replaced by August 1, 2023.
5. Garbage enclosure plans shall be submitted to the Department of Community Development for approval by October 1, 2022, and the garbage enclosure should be constructed by November 1, 2022.

Attachments:

PacketDocs_NorthShoreCenter (PDF)

DAYSTAR PROPERTIES - NORTH SHORE CENTER, LLC CUG

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



Dear City of Mequon Planning Commission,

North Shore Center, LLC has been operating in Mequon as a behavioral health clinic at its current location at 10303 North Port Washington Road for almost thirty years, having first opened in 1994.

We offer a blend of adult, child and family diagnostic, therapeutic and consultative services. As a practice we strive to serve our community and those within it to improve the mental health and lives of our clients and subsequently those around them. North Shore Center has relationships with the local schools, physician offices, faith-based programs, anti-suicide initiatives, other mental health agencies, tutoring programs, parent groups, nonprofits organizations such as Ozaukee Family Services, collaborative family attorneys, and the like.

We have roughly 7 full-time mental-health providers, 15 part-time providers, and 3 full-time administrative staff. North Shore Center serves on average 300 clients per week; however, many of those are remote tele-health sessions, in addition to a blend of 60-minute in-person therapy sessions, 45-min medication management appointments, and 1.5-to-3-hour health assessments. This results in staggered in-person client visits and generally limits the number of people in the office at any given time.

North Shore serves clients online or in-person Monday through Friday from 8am to 7:00pm. On Saturdays, there may be 2 to 3 providers seeing clients that are typically done by 2:00pm.

If I can provide any other information or clarification, please do not hesitate to contact me.

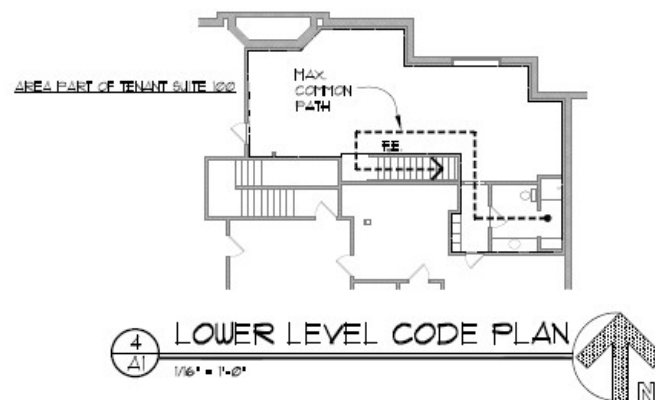
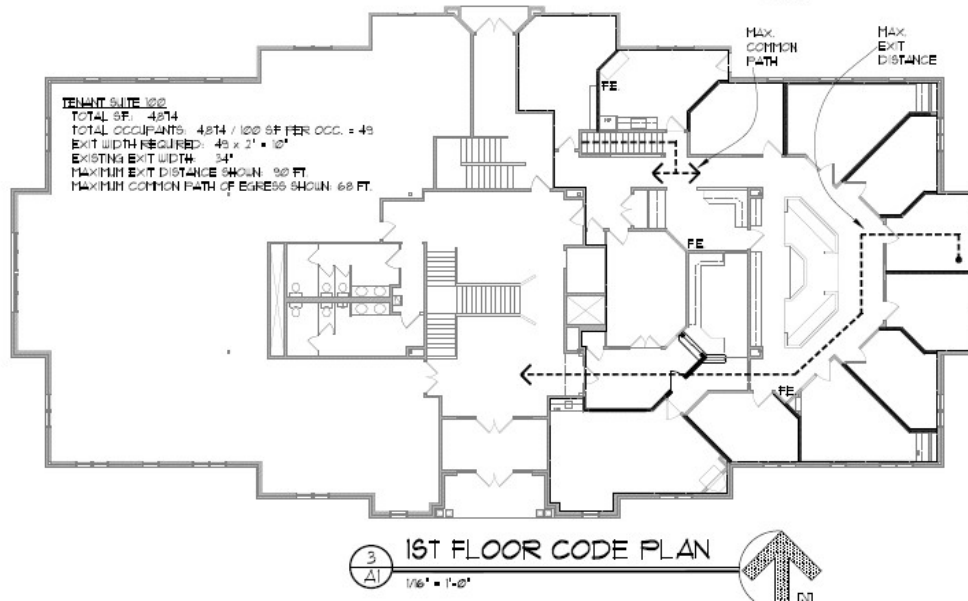
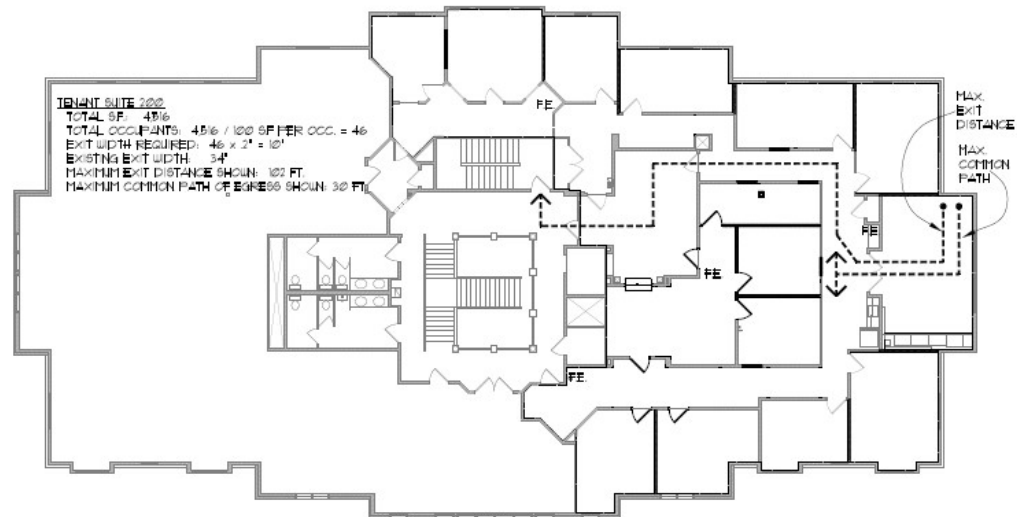
Much appreciated,
Jenny Strom, MA, LPC, Co-Director

Cell: 414-350-1325

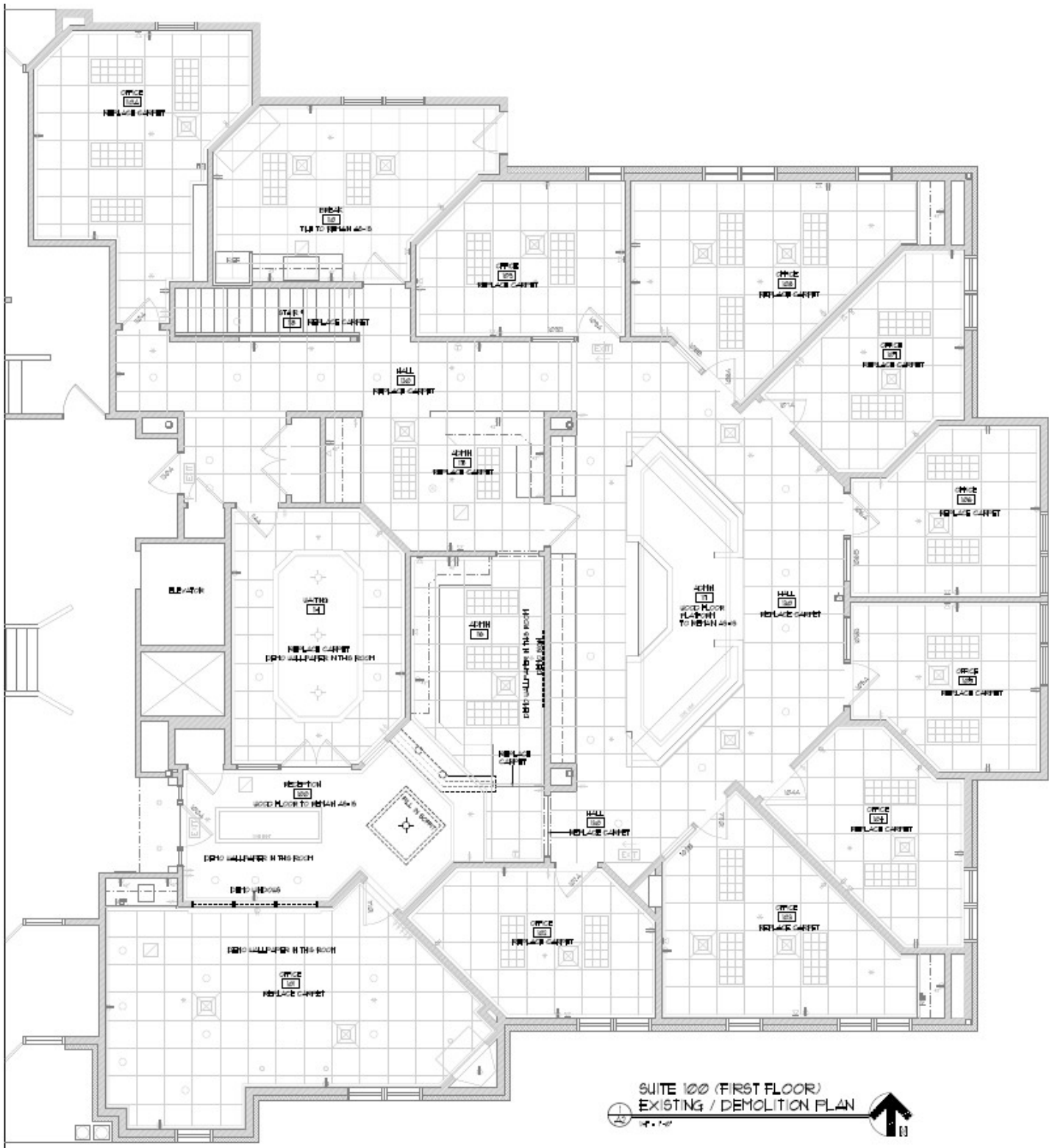
Email: jenny.northshorecenter@gmail.com

Attachment: PacketDocs_NorthShoreCenter (7514 : Daystar Properties)

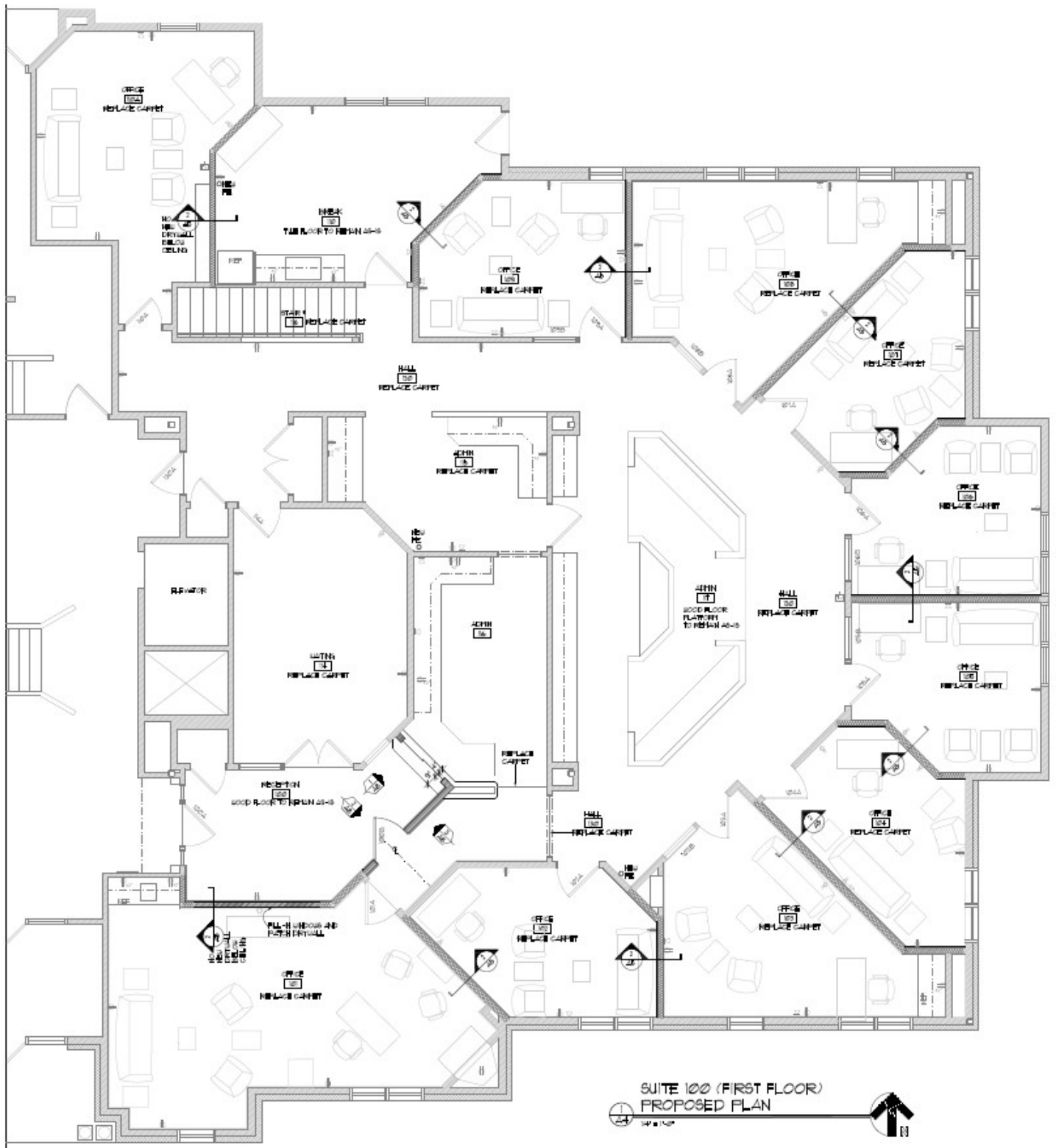
Suites 200, 100, and 100 lower-level floor plan



Suite 100 (existing plan)

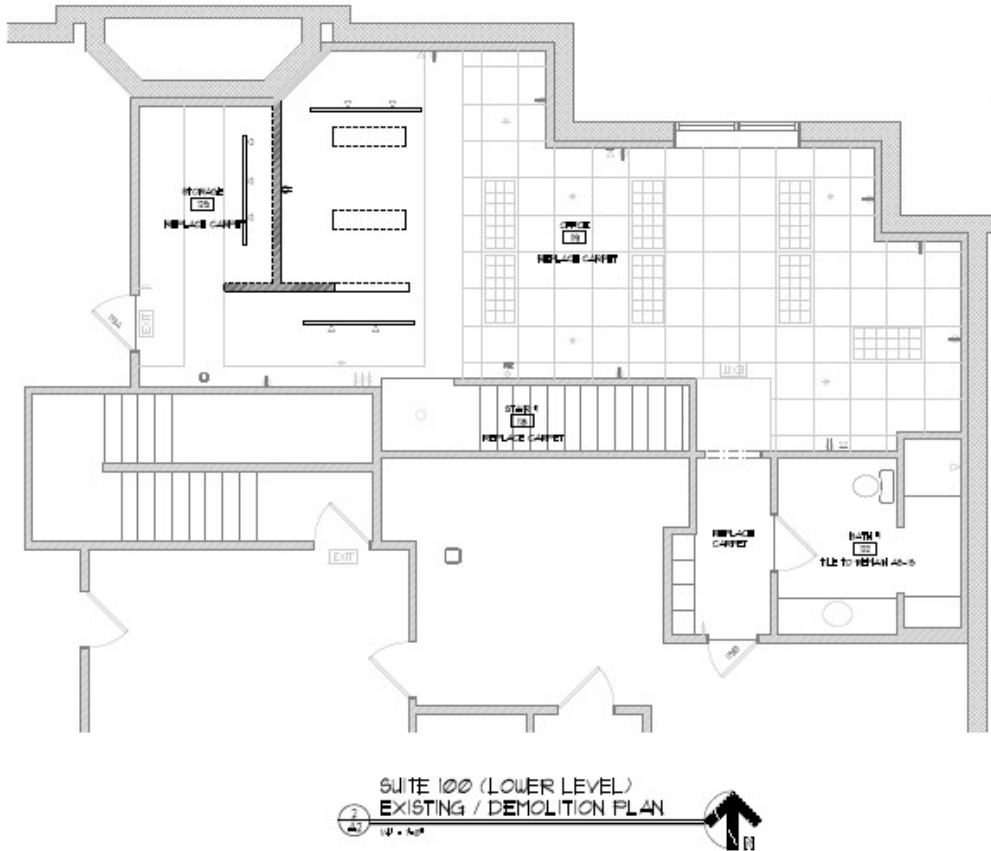


Suite 100 (proposed plan)

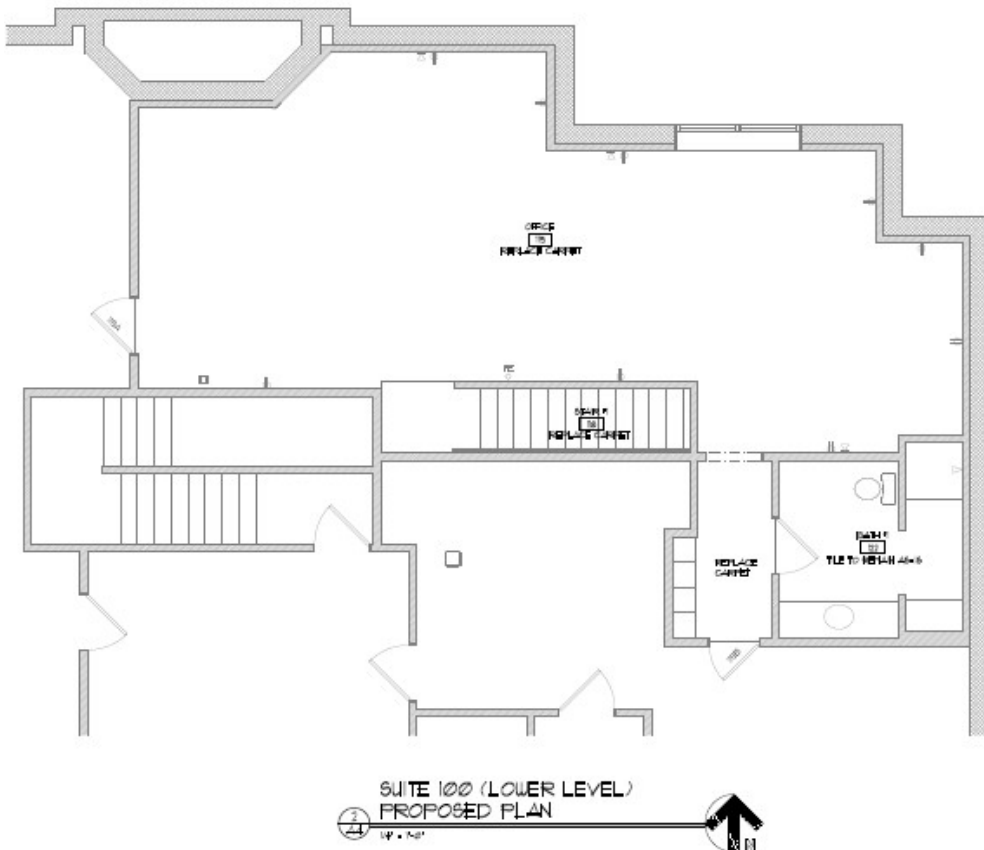


Attachment: PacketDocs_NorthShoreCenter (7514 : Daystar Properties)

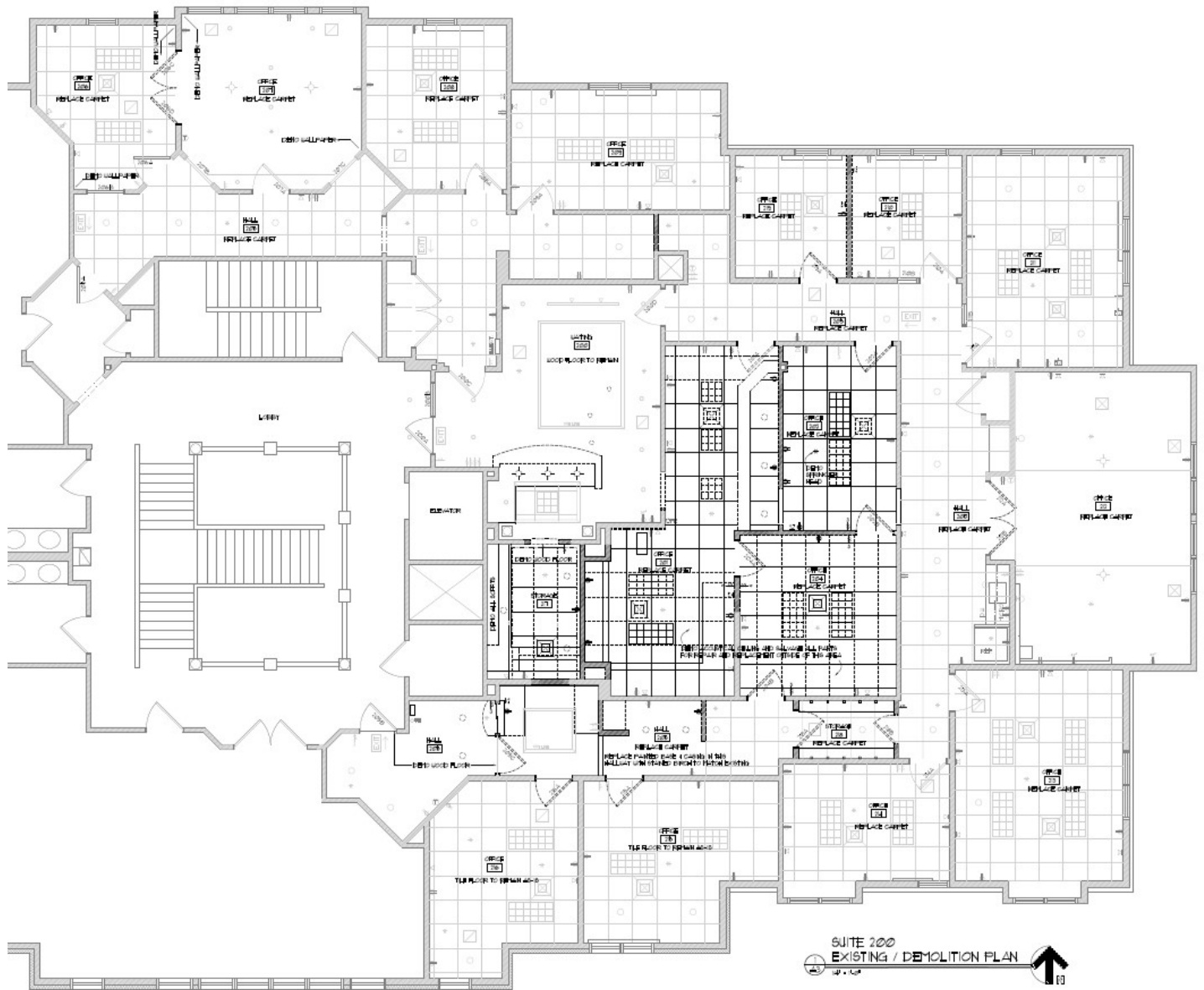
Suite 100 – lower level (existing plan)



Suite 100 – lower level (proposed plan)



Suite 200 – (existing plan)



Suite 200 – (proposed plan)

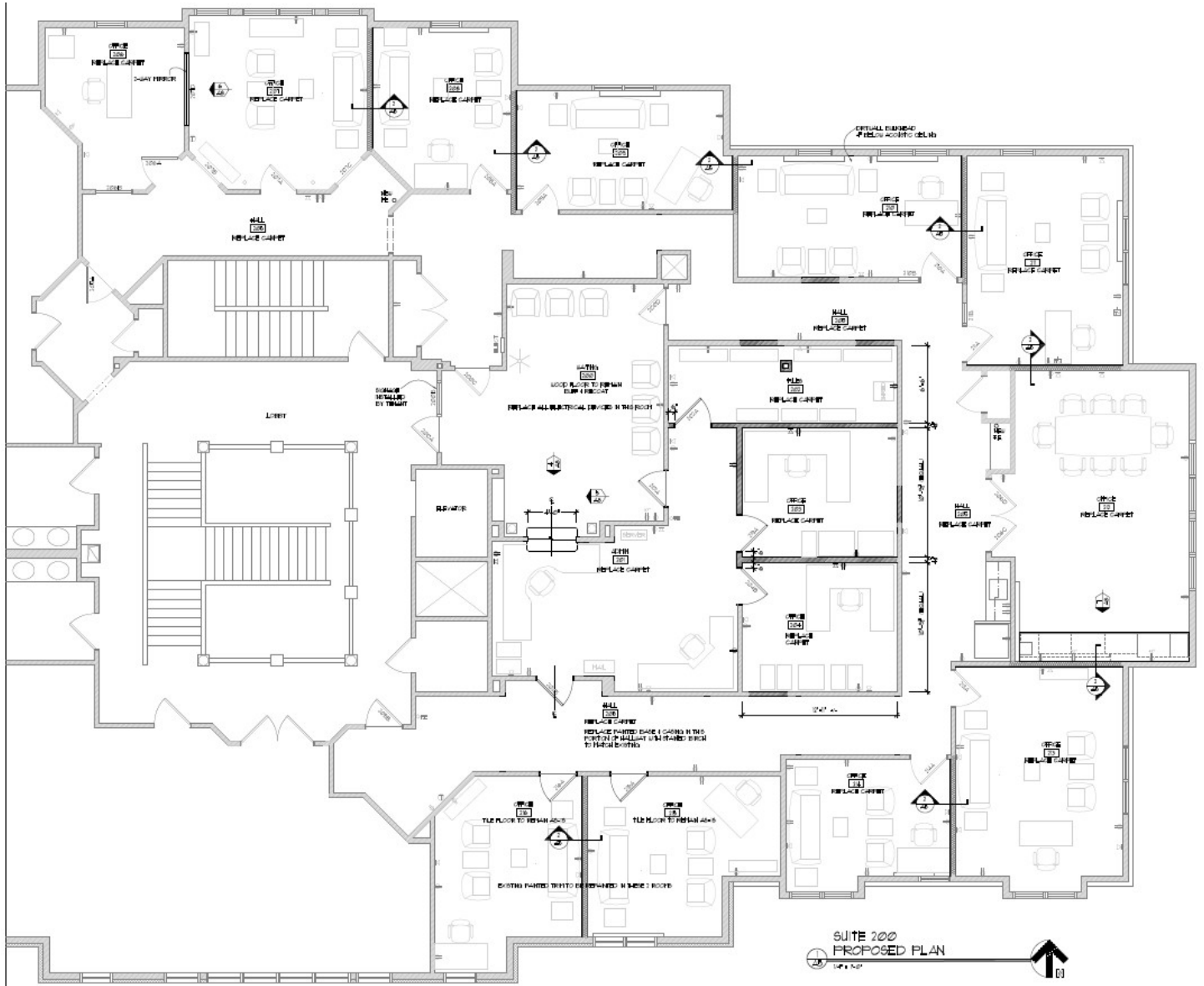


Exhibit 1: Deteriorating Parking Lot



Exhibit 2: Dilapidated garbage enclosure with missing and broken walls



		3.c.a
CONDITIONAL USE GRANT Articles of Agreement made and entered into this 25th day of July, 2022 by and between Daystar Properties, owners of the property located at 1500 W. Market Street 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 30, Range 22 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows: LEGAL DESCRIPTION Exhibit A-1 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 <u>City of Mequon</u> 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 <u>medical office (North Shore Center, LLC)</u>. GRANTED by action of the Planning Commission of the City of Mequon this 25th day of July 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 _____, 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) _____ RETURN TO: City of Mequon 11333 North Cedarburg Road 60W Mequon, WI 53092 PARCEL NO.: 15-030-01-014.00		

Attachment: PacketDocs_NorthShoreCenter (7514 : Daystar Properties)

Conditional Use Grant

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 through Friday 7:00 a.m. to 8:00 p.m., Saturday 7:00 a.m. to 3:00 p.m.
 - 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.
10. Conditions of the structures:
 - a. Site Plan: per original site plan
 - b. Landscaping Plan: per approved landscape plan
 - c. Elevations: N/A
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: Exhibit A
 - 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 submitted and approved by the Community Development Department, City of Mequon.
 - h. The building shall comply with the building code.

11. Conditions on the site:
- a. Street access (number, location, design): Per original site plan.
 - b. Off-Street Parking (location and design including screening thereof): Per original site plan.
 - c. Outside storage of materials, products or refuse (location and screening thereof): Per original site plan.
 - d. Parking, exterior lighting of the site, location design and power: Per original site plan.
 - e. Other:
 - 1. Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
 - 2. Hours of operation are 7:00 AM to 8:00 PM Monday through Friday and 7:00 AM to 3:00 PM on Saturday.
 - 3. Signage for the use shall comply with the Master Sign Plan for the development.
 - 4. That the parking lot shall be restriped and repaired or replaced by August 1, 2023.
 - 5. Garbage enclosure plans shall be submitted to the Department of Community Development for approval by October 1, 2022, and the garbage enclosure should be constructed by November 1, 2022.

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



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: LAURIE MILLER,
DATE: July 25, 2022
SUBJECT: Concord Development Company. The applicant is seeking conditional use grant approval to allow for a fitness center for the property located at 1350-1370 W. Mequon Road (Anytime Fitness).

Applicant:	Concord Development Company
Status of Applicant:	Agent
Requested:	Conditional Use Grant
Existing Use:	Multi-Tenant Office Building
Existing Zoning:	B-2 (Community Business)
Land Use Plan:	Community Commercial
Lot size:	2.15 acres
Location:	1350-1370 W. Mequon Road
Tax Key Number:	#15-019-16-023.00
District:	#5

Background:

The applicant requests a conditional use grant to operate Anytime Fitness in the Concord Court Shopping Center located at 1300-1370 W. Mequon Road. The parcel is zoned B-2 which allows fitness centers as a conditional use.

Anytime Fitness, a member-based workout facility, is an international fitness franchise with more than 2,500 facilities in 30 countries. There are 40 locations in Wisconsin, 25 of which are in southeast Wisconsin. Each Anytime Fitness has 24-hour access, 7-days a week, 365-days a year as a brand standard. The proposed 5,400 sq. ft. space will be equipped with 15-20 cameras with remote access and recording capabilities. Members access the facility with digital key fobs, each with a unique identification. Peak hours for the gym are between 6:00 AM and 10:00 PM; however, those working non-traditional 8am to 5pm hours find the 24-hour aspect of Anytime Fitness appealing and drive the number of visits in the overnight hours.

Site Plan:

No changes will occur to the site plan; however, the property owner has indicated that the business will consume two available suites.

Conditional Use Grant:

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.

All of the activities will take place within the building and will be monitored at all times by staff and/or remote access cameras and digital key fobs. City of Mequon Police Department did not have any objections to the 24-hour Fitness Center if they adhere to their own rules with security and key fob surveillance. The use should not have a negative impact on the public health, safety and general welfare.

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

The Land Use Plan designates the site as Community Commercial. Surrounding properties are zoned B-2 as well. A fitness center can be considered compatible with the Land Use Plan designation and expected uses in the area. All of the activities will take place within the fitness center.

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

The proposed activities of the use will fit the character of the surrounding area. The proposed hours of operation are Monday through Sunday, 24 hours per day, 7-days a week, 365-days per year. On average, the business estimates that there will be four employees during the busiest shift, approximately 5-20 members present during daylight hours, and significantly fewer during non-peak times. Per parking code, the site requires one space per three persons that can be accommodated at the same time and one space per employee. Staff calculated a total parking requirement of 11 stalls to accommodate estimated employees and members. The multi-tenant building houses 10 tenants including Panera Bread, Vietnamese Noodles of Mequon, Cocoa Tree Confectionery and North Shore Cleaner. There are 155 parking spaces on site which are anticipated to be adequate for the multi-use building that has varying peak operations.

Site Compliance:

Staff observed site compliance issues while conducting a site visit. The following list identifies the compliance issue and recommendation as a condition of approval for the CUG:

- Areas surrounding building wall signage is damaged and/or is painted a different color than the remaining areas of the wall.
 - Recommendation as a condition of approval: Repair wall around existing signs and paint façade a color consistent with the remainder of the wall by November 1, 2022.
- Lighting fixtures surrounding the parking lot are rusted (Exhibit 2).
 - Recommendation as a condition of approval: Replace or repaint lighting fixtures by November 1, 2022.
- The exterior areas behind the building are being used for outdoor storage (Exhibit 3).
 - Recommendation as a condition of approval: Relocate items stored outside to the interior area of the suites by September 1, 2022.
- Missing landscaping were observed around the periphery of parking lot (Exhibit 4)
 - Recommendation as a condition of approval: That the missing landscaping shall be replaced in accordance with the approved landscaping plan by November 1, 2022.

Staff Recommendation:

Since the proposal meets the Zoning Code and Land Use Plan, planning staff recommends **approval** of the conditional use grant based on the following condition(s):

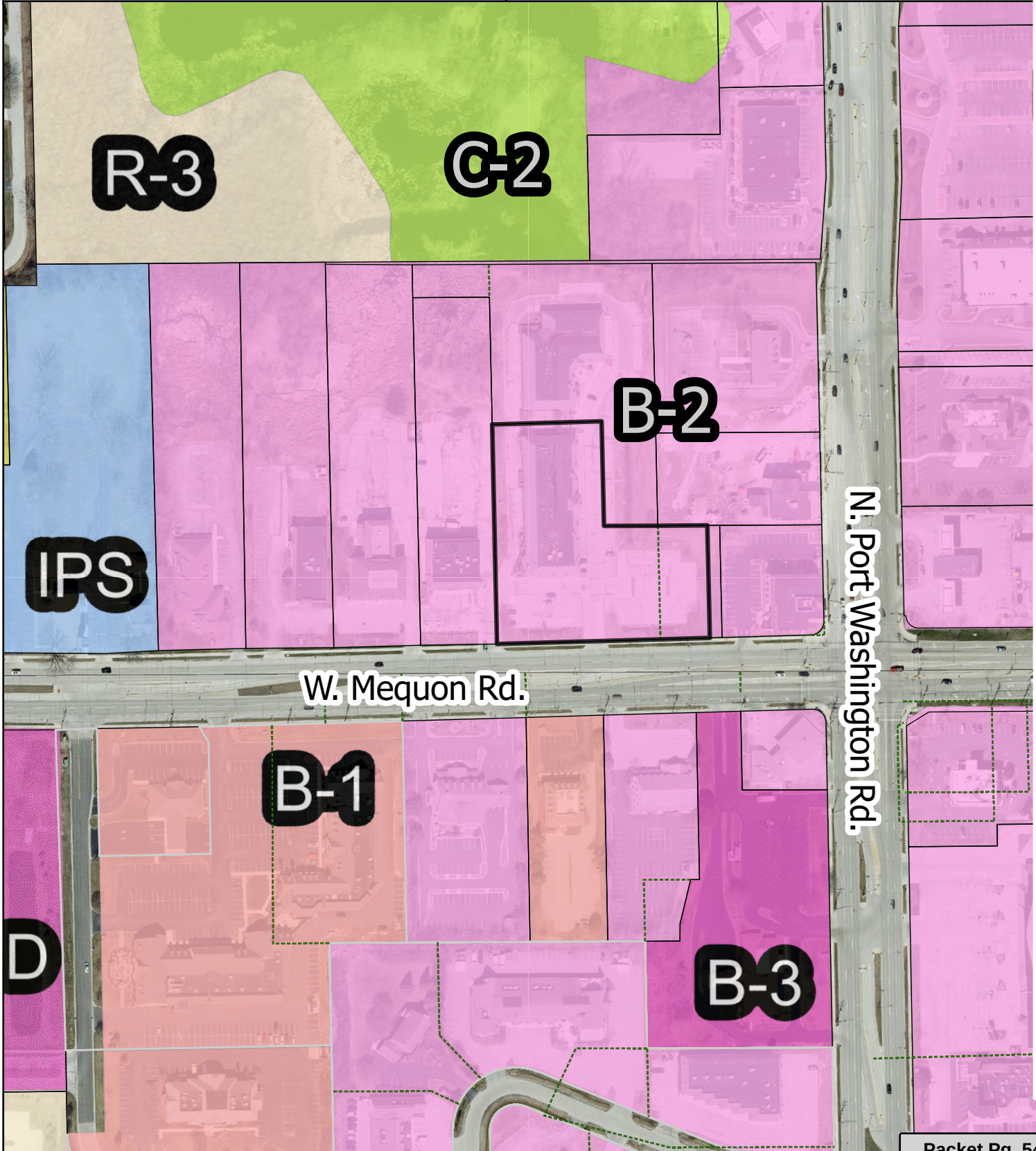
1. Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
2. Hours of operation are Monday through Sunday, 24 hours per day, 7-days a week, 365-days per year.
3. Signage for the use shall comply with the Master Sign Plan for the development.
4. That the wall shall be repaired around existing signs and façade be painted a color consistent with the remaining portions of the wall by November 1, 2022.
5. That the lighting fixtures surrounding the parking lot shall be replaced or repainted by November 1, 2022.
6. That the items being stored outside behind the building shall be relocated to an interior space of the building by September 1, 2022.
7. That the missing landscaping shall be replaced in accordance with the approved landscaping plan by November 1, 2022.

Attachments:

Packet Docs_AnytimeFitness (PDF)

CONCORD DEVELOPMENT COMPANY - ANYTIME FITNESS CUG

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.)
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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



June 21, 2022
Planning Commission Application
Property Owner: Concord 37, LLC
Property located at: 1370 W. Mequon Road

Conditional Use Grant Request:

We are requesting a Conditional Use Grant to operate Anytime Fitness at the above referenced property. The business will occupy approximately 5,400 sq.ft. and is requesting approval to be open 24-hours a day.

Background:

Anytime Fitness is an international fitness franchise with more than 2,500 facilities in 30 countries. There are 40 locations in Wisconsin, 25 of which are in southeast Wisconsin. The nearest gym to Mequon is in Cedarburg, which has been open for approximately 15 years and recently relocated to expand to serve its members.

Anytime Fitness is a member-based workout facility. Members enjoy the ability to use the facility at their convenience, and have access to personal training, fitness and nutrition consultation, and other ancillary services. Workout equipment includes but is not limited to Peloton bikes, various cardio equipment, weightlifting stations, free weights, resistance training and areas for movement and group classes.

As a brand standard, each Anytime Fitness has 24-hour access. The franchise company was founded in 2002 has fine-tuned and continuously improves security, access, and convenience. We have 15-20 cameras with remote access, and recording. Members access the facility with digital key fobs, each with a unique identification. Most members utilize the gym between 6 am and 10 pm, but some members will use the facility at other times (ex. first responders or others working 2nd shift).

The franchisee for this proposed location has operated successfully in local communities including Brookfield, Pewaukee, Delafield, New Berlin, West Allis, and Milwaukee.

Operations:

Daily hours of operation: 24/7/365

A concept floor plan is attached.

Site Plan is attached.

Franchisee/Owner: Lawrence Lupton

The number of employees during the busiest shift is 4, which includes a full-time manager and occasional personal trainers.

On average, there will be approximately 5-20 members present during daylight hours and significantly fewer during non-peak times.

Signage will be consistent with the sign plan for this building.



Anytime Fitness

Sales Contact:

Tom Ouren

Date:

Version:

Scale: 5/64" = 1'-0"

Disclaimer:

Floor plan dimensions are based on information provided by facility owner or its representatives and should be verified in the field. This drawing is NOT to be used as building document by any parties as layout provided is for equipment spacing purposes only.

Verify Accessibility requirements with state and local building codes.

NOTES:

Ceiling Height:

Recommended height is 9'-0" (2.74m) above finish floor for units with step-ups, pull-up bars(s) & recumbent. Units taller than 8'-0" (2.44m) may require additional clearance height.

EQUIPMENT STABILIZATION:

SYNDRY & HAMMER STRENGTH units are either required or recommended (based on unit) to be bolted to a concrete sub-floor. Please refer to product manual or contact customer service.

CARDIO SPACING:

*Treadmills - 4 min. of 18.7m (0.6 m) on each side and 76m (2 m) from the rear to the nearest obstruct.

*Other Cardio equipment - 4 min. of 18.7m (0.6m) on at least one side, and 18.7m (0.6m) behind or in front of the machine.

Additional Notes:

Electrical Legend:

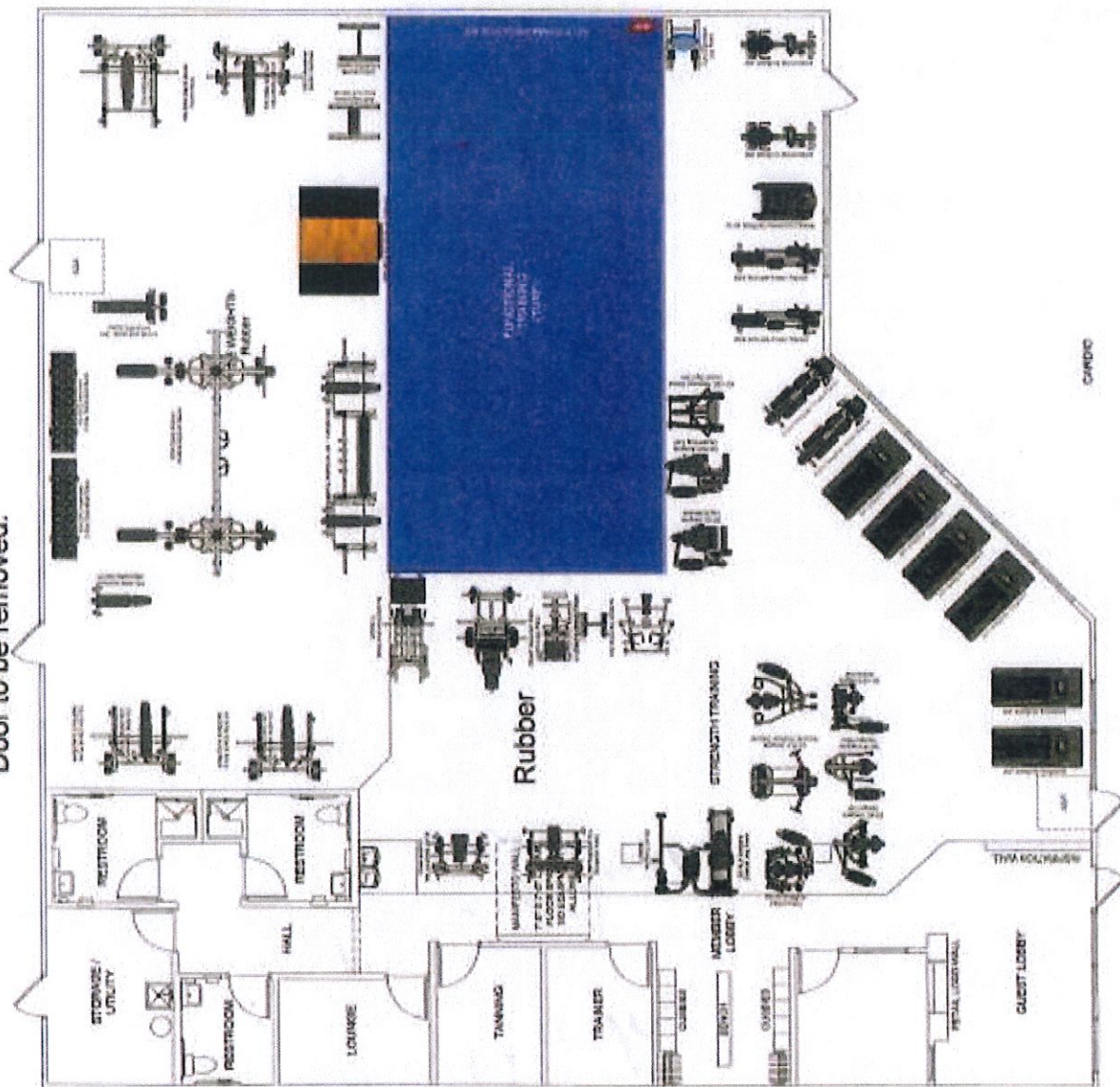
- SYNDRY RECEIPTER
- DEDICATED RECEIPTER
- WIFI / ANTENNA
- TV CONNECTION

*Ground loadings are appropriate. Consult a qualified electrical professional to determine exact power placement. *Reference Product Manual (A) and/or Life Fitness website for product specifications.

*Cardio power outlets TV, very heavy on base and outside systems.

Life Fitness

Door to be removed.



0 3 5 10 ft

HAMMER STRENGTH

Exhibit 1: Repair and paint façade to match the building in areas where signs have been removed.



Exhibit 2: Replace or repaint parking lot lighting fixtures to address rust issues.



Exhibit 3: Remove outdoor storage items.



Exhibit 4: Missing Landscaping



		3.d.a
CONDITIONAL USE GRANT Articles of Agreement made and entered into this 25th day of July, 2022 by and between Concord 37, LLC, owners of the property located at 1300-1370 W. Mequon 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 19, Range 22 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows: LEGAL DESCRIPTION Exhibit A-1 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 <u>City of Mequon</u> 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 <u>fitness (Anytime Fitness)</u>. GRANTED by action of the Planning Commission of the City of Mequon this 25th day of July 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 _____, 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) _____ RETURN TO: City of Mequon 11333 North Cedarburg Road 60W Mequon, WI 53092 PARCEL NO.: 15-019-16-023.00		

Attachment: Packet Docs_AnytimeFitness (7516 : Concord Development 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 through Sunday, 24 hours
 - 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.
10. Conditions of the structures:
 - a. Site Plan: per original site plan
 - b. Landscaping Plan: per approved plan
 - c. Elevations: N/A
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: Exhibit A
 - 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.

11. Conditions on the site:
- a. Street access (number, location, design): Per original site plan.
 - b. Off-Street Parking (location and design including screening thereof): Per original site plan.
 - c. Outside storage of materials, products or refuse (location and screening thereof): Per original site plan.
 - d. Parking, exterior lighting of the site, location design and power: Per original site plan.
 - e. Other:
 - 1. Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
 - 2. Hours of operation are Monday through Sunday, 24 hours per day, 7-days a week, 365-days per year.
 - 3. Signage for the use shall comply with the Master Sign Plan for the development.
 - 4. That the wall shall be repaired around existing signs and façade be painted a color consistent with the remaining portions of the wall by November 1, 2022.
 - 5. That the lighting fixtures surrounding the parking lot shall be replaced or repainted by November 1, 2022.
 - 6. That the items being stored outside behind the building shall be relocated to an interior space of the building by September 1, 2022.
 - 7. That the missing landscaping shall be replaced in accordance with the approved landscaping plan by November 1, 2022.

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



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: LAURIE MILLER,
DATE: July 25, 2022
SUBJECT: Concord Development for GF-Smoothies. The applicant is seeking conditional use grant approval to allow for a restaurant for the property located at 1400 W. Mequon Road.

Applicant:	Concord Development Company for GF-Smoothies
Status of Applicant:	Agent
Requested:	Conditional Use Grant
Existing Use:	Multi-Tenant Office Building
Existing Zoning:	B-2 (Community Business)
Land Use Plan:	Community Commercial
Lot size:	2.04 acres
Location:	1400 W. Mequon Road
Tax Key Number:	#15-019-16-022.00
District:	#5

Background:

The applicant requests a conditional use grant to operate GF-Smoothies in the Concord Court Shopping Center located at 1400-1412 W. Mequon Road. The parcel is zoned B-2 which allows restaurants as a conditional use.

GF-Smoothies is proposed as an all-natural healthy smoothie outlet to cater to those who prefer food that is gluten free. The restaurant will serve smoothies and gluten free bowls and sell all-natural grass-fed beef and chicken.

Site Plan:

No changes will occur to the site plan; however, the property owner has indicated that there will be a new door installed to access the existing patio space.

Conditional Use Grant:

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.

State and city health departments regulate the restaurant. The use should not have a negative impact on the public health, safety and general welfare.

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

Staff believes the proposed restaurant will continue to stimulate the economic viability of the shopping center and the city in general. The proposed hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. Saturday and Sunday, which is consistent with other food related businesses in the shopping center.

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

The subject site is located in the B-2 (Community Business) district. Restaurants are conditional uses in the B-2 district. Adjacent uses are also located in B-2 district and include restaurants, retail stores, and a salon. These B-2 uses, and associated activities are compatible with each other.

The applicant states that the maximum number of employees at any given shift will not exceed eight. The proposed tenant space is 1,700 sq. ft. The space will have an interior seating capacity of 25 and an outdoor patio that can seat up to 8 guests. Per parking code, the site will require one space per 100 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees. Staff calculated a total parking requirement of 25 stalls to accommodate the estimated employees and guests. The multi-tenant building houses 10 tenants including Panera Bread, Vietnamese Noodles of Mequon, Cocoa Tree Confectionery and North Shore Cleaner. There are 155 parking spaces on site which are anticipated to be adequate for the multi-use building with varying peak operations. Planning staff believes that if the conditions of approval listed below and within the attached conditional use grant document are met, the proposal should be harmonious with the surrounding uses.

Site Compliance:

Staff observed site compliance issues while conducting a site visit. The following list identifies the compliance issue and recommendation as a condition of approval for the CUG:

- Areas surrounding wall signage is damaged and/or is painted a different color than the remaining areas of the wall.
 - Recommendation as a condition of approval: Repair wall around existing signs and paint façade a color consistent with the remainder of the wall by November 1, 2022.
- Lighting fixtures surrounding the parking lot are rusted (Exhibit 2).
 - Recommendation as a condition of approval: Replace or repaint lighting fixtures by November 1, 2022.
- Missing landscaping was observed around the periphery of parking lot (Exhibit 3)
 - Recommendation as a condition of approval: That the missing landscaping shall be replaced in accordance with the approved landscaping plan by November 1, 2022.

Staff Recommendation:

Since the proposal meets the Zoning Code and Land Use Plan, planning staff recommends **approval** of the conditional use grant based on the following condition(s):

1. Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required

plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.

1. Hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. Saturday and Sunday.
2. Signage for the use shall comply with the Master Sign Plan for the development.
3. That the wall shall be repaired around existing signs and façade be painted a color consistent with the remaining portions of the wall by November 1, 2022.
4. That the lighting fixtures surrounding the parking lot shall be replaced or repainted by November 1, 2022.
5. That the missing landscaping shall be replaced in accordance with the approved landscaping plan by November 1, 2022.

Attachments:

PacketDocs _ GFSmoothies (PDF)

GF-SMOOTHIES

RE: GF-SMOOTHIES
1400 W. MEQUON RD

We are looking to open Mequon's first all-natural healthy smoothie outlet location. Our name, GF-Smoothies, will be recognized by many as a Gluten Free store to help so many people with gluten allergies. In addition to smoothies, we will also sell bowls. Bowls are an all-natural and healthy smoothie but thicker and served in a bowl, almost like ice-cream. All of our products will be made to order and have a healthy protein base which we will also sell separately. We will also sell all-natural grass-fed beef and chicken. After endless hours of research, we are finding that people are looking for all natural foods without all of the "Other Stuff" added to them to make them taste good. We have the solution to so many people's needs and understand that people will pay for high quality healthy and delicious foods and the convenience of having the basics under one roof.

We are looking to have this location open seven days a week M-F 8-5 and S-S 9-2. We are looking to employee 4-5 individuals including a strategic manager plus us, Jill and Al. We also believe that we have the recipe for success and plan to open one new location every 10-12 months throughout the Ozaukee and Washington County area.

With regards to this location, the interior 1700+ S.F. and additional est 500 S.F. existing patio to the South of our inside sitting area (New door being installed by Concord) will be sufficient to start our business by having ample room to prepare our delicious smoothies and also have comfortable seating for up to 25 people at a time. We will also have Free WI-FI and charging stations for those that want to "chill-out" in our location to study etc.

We believe that there is no real "competition" to us as what we will provide to our customers is NOT processed or built with flavored sugars etc. What we are providing is a delicious and healthy alternative for our customers and with our high energy and fun

approach to this business, we believe that not only will this be highly successful but also recession proof.

If you have any questions about any of the above, please do not hesitate to reach out to us.

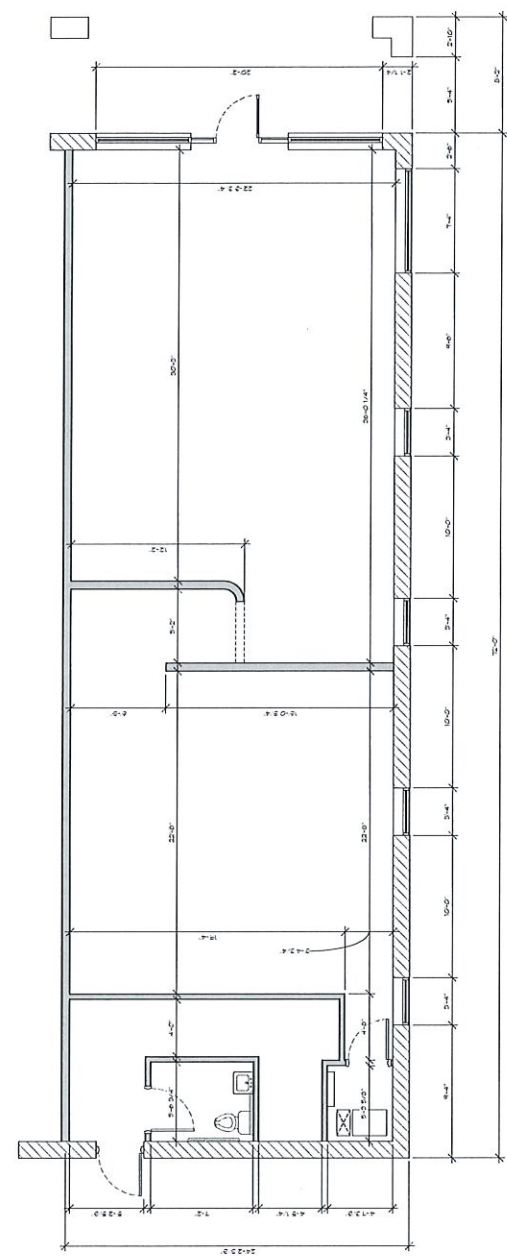
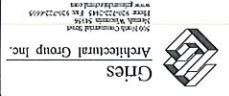
Al – 414-397-3017

Jill – 414-678-8792

A-1.1

date: 02-02-21
job: 150400
d. by: JAC
rev:

CONCORD 37 NORTH:
1400 W. MEQUON RD
MEQUON, WISCONSIN



1 FLOOR PLAN
1/4" = 1'-0"



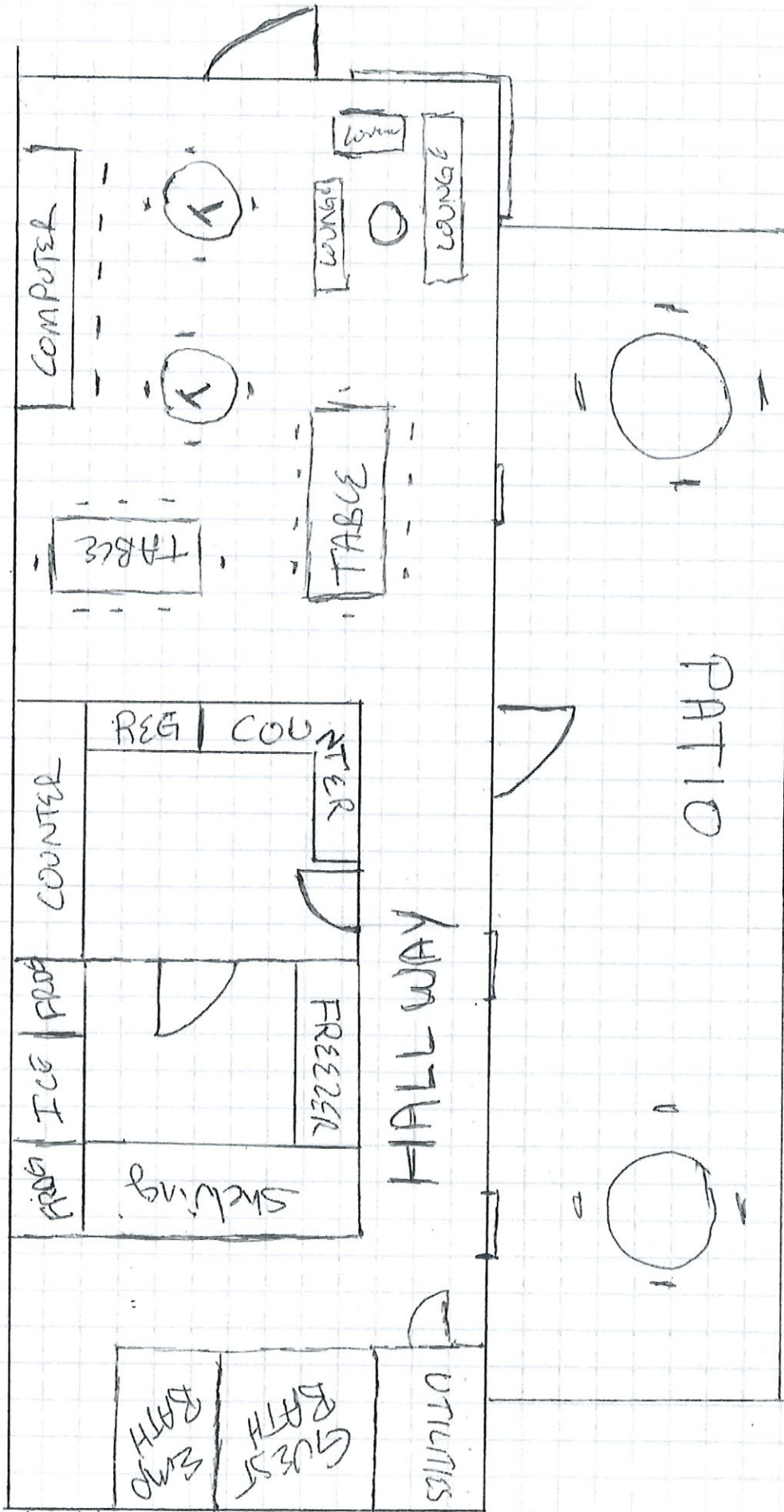


Exhibit 1: Repair and paint façade to match the building in areas where signs have been removed.



Exhibit 2: Replace or repaint parking lot lighting fixtures to address rust issues.



Exhibit 3: Missing landscaping



		3.e.a
CONDITIONAL USE GRANT Articles of Agreement made and entered into this 25th day of July, 2022 by and between Concord 37, LLC, owners of the property located at 1400-1412 W. Mequon 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 19, Range 22 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows: LEGAL DESCRIPTION Exhibit A-1 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 <u>City of Mequon</u> 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 <u>restaurant (GF-Smoothies)</u>. GRANTED by action of the Planning Commission of the City of Mequon this 25th day of July 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 _____, 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) _____ RETURN TO: City of Mequon 11333 North Cedarburg Road 60W Mequon, WI 53092 PARCEL NO.: 15-019-16-022.00		

Attachment: PacketDocs _ GFSmoothies (7517 : Concord Development for GF-Smoothies)

Conditional Use Grant

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: 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. Saturday and Sunday.
 - 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.
10. Conditions of the structures:
 - a. Site Plan: per original site plan
 - b. Landscaping Plan: per approved plan
 - c. Elevations: N/A
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: Exhibit A
 - 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.

11. Conditions on the site:
- a. Street access (number, location, design): Per original site plan.
 - b. Off-Street Parking (location and design including screening thereof): Per original site plan.
 - c. Outside storage of materials, products or refuse (location and screening thereof): Per original site plan.
 - d. Parking, exterior lighting of the site, location design and power: Per original site plan.
 - e. Other:
 - 1. Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
 - 2. Hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. Saturday and Sunday
 - 3. Signage for the use shall comply with the Master Sign Plan for the development.
 - 4. That the wall shall be repaired around existing signs and façade be painted a color consistent with the remaining portions of the wall by November 1, 2022.
 - 5. That the lighting fixtures surrounding the parking lot shall be replaced or repainted by November 1, 2022.
 - 6. That the missing landscaping shall be replaced in accordance with the approved landscaping plan by November 1, 2022.

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



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: LAURIE MILLER,
DATE: July 25, 2022
SUBJECT: Mark Hilgendorf. The applicant is seeking minor request approval for a 2,100 sq. ft. (42' x 50') accessory structure for the property located at 11521 W. Mequon Road.

Applicant:	Mark Hilgendorf
Status of Applicant:	Owner
Requested:	Minor Request – Accessory Structure greater than 1,000 sq. ft.
Existing Zoning:	R-1 (Single-Family Rural Residential) OA (Agricultural Overlay) C-2 (General Conservancy)
Land Use Plan:	Residential 5-Acre
Lot size:	56.68 acres
Location:	11521 W. Mequon Road
Tax Key Number:	#14-030-05-001.00
District:	#3

Background: The applicant is requesting Planning Commission approval for a 2,100 square foot accessory building to be used for agricultural purposes at 11521 W. Mequon Road. Per Section 58-265 (b) of the zoning code, Planning Commission approval is required because the structure exceeds 1,000 square feet.

Accessory Structure:

The proposed structure will be 42' x 50' (2,100 sq. ft.) and 16' tall at its peak. The structure is shown to be located 52 feet from the rear property line of the neighboring property located at 11805-11807 W. Mequon Road, 382 ft from the property line along W. Mequon Road, and 687 feet from the east and west property line. The building is a pre-galvanized tubing structure covered with fabric (see Exhibit 1). The color of the structure will be predominately white with green striping. Exhibit 2 provides information on how the trusts are constructed and fabric is tied into the frame. No information was provided on the foundation of the structure. The purpose of the structure is to house farm equipment.

The proposal states that the structure will have a life span of 10 to 15 years; therefore, this structure is considered permanent and architectural requirements and standards apply. Architectural requirements that are not being met by this proposed structure are as follows:

Section 58.566(a)

- (3) *Materials: Material selection for architectural design shall be based upon the prevailing material already on existing buildings in the area. No building shall be permitted when any exposed façade is constructed or faced with a finished material which is aesthetically incompatible with other building facades in the area and which presents an unattractive appearance to the public and surrounding properties.*

No structures in the area have fabric roofs and the finished materials are aesthetically incompatible with other buildings facades in the area (See Exhibit 3 for surrounding structures)

- (4) *Colors: ...colors shall be selected in general harmony with the existing neighborhood buildings.*

The bright white with green stripe fabric is not consistent with the colors of the buildings on the property.

- (6) *Compatibility. No building shall be permitted to the design or exterior appearance which is of such unorthodox or abnormal character in relation to the surroundings as to be unsightly or offensive to generally accepted taste.*

The roof structure shape, colors, and materials are not consistent or compatible to the surrounding structures (Please see Exhibit 3 for surrounding structures).

Staff Summary:

Since the proposed structure does not meet architectural requirements, Planning Staff does not recommend approval of the structure.

Staff Recommendation:

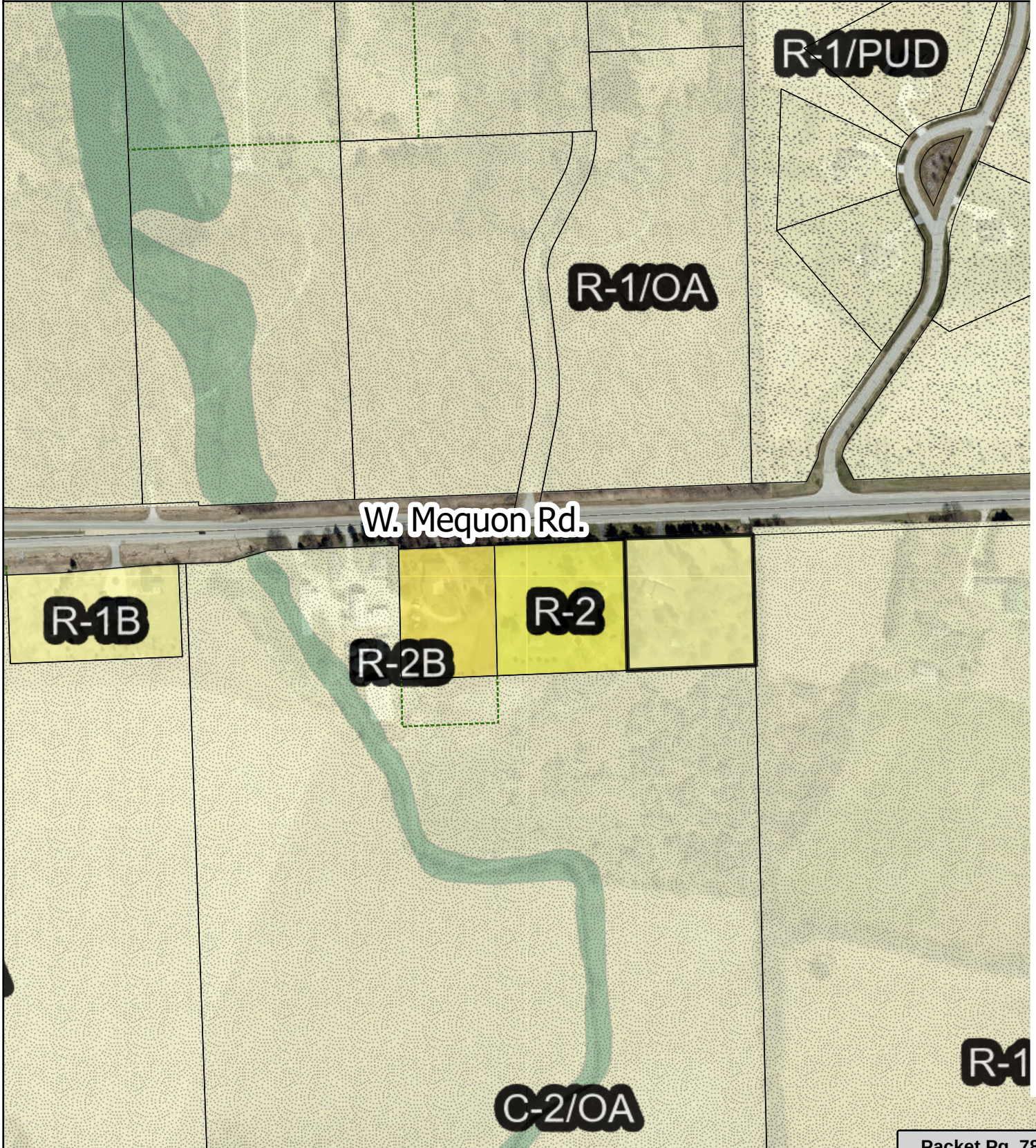
Planning staff recommends **denial**.

Attachments:

PacketDocs_Hilgendorf (PDF)

MARK HILGENDORF - MINOR REQUEST

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



July 13 2022

To; Mesuon Plan Commission

The purpose of the structure is to
used as a cover for farm equipment, The
Fabric structure is 42' width x 50' long
arched height 16' at peak. Length of
time the structure is to be used 10-15 years

Sincerely,

Mark Hilgendorf
owner

MEQUON ROAD (SH 167) 112N

14-030-05-000.01
2.273 AC

435.60
14-030-06-004.00
12017W
2.5 AC
435.60

558.54'

243.00
330.00
325.00
14-030-05-004.00
11805W/11807W
1.84 AC
243.00
330.00
325.00
14-030-05-002.00
11823W
2.49 AC
330.08
335.08
14-030-05-001.00
11521W
2.5 AC
335.08

687 ft

687 ft

14-030-05-005.00
11819W
56.79 AC

14-030-06-000.00
74.41 AC

Page 13 structure Marked with X
Page 17 color of Fabric MARKED with X

606.95

105.95

14-030-06-001.00
10717N
12.95 AC

1195.17

1425.37

920.00'

14-030-06-003.00
25.26 AC

611.45

LAST REV DATE: MAY 16, 2002

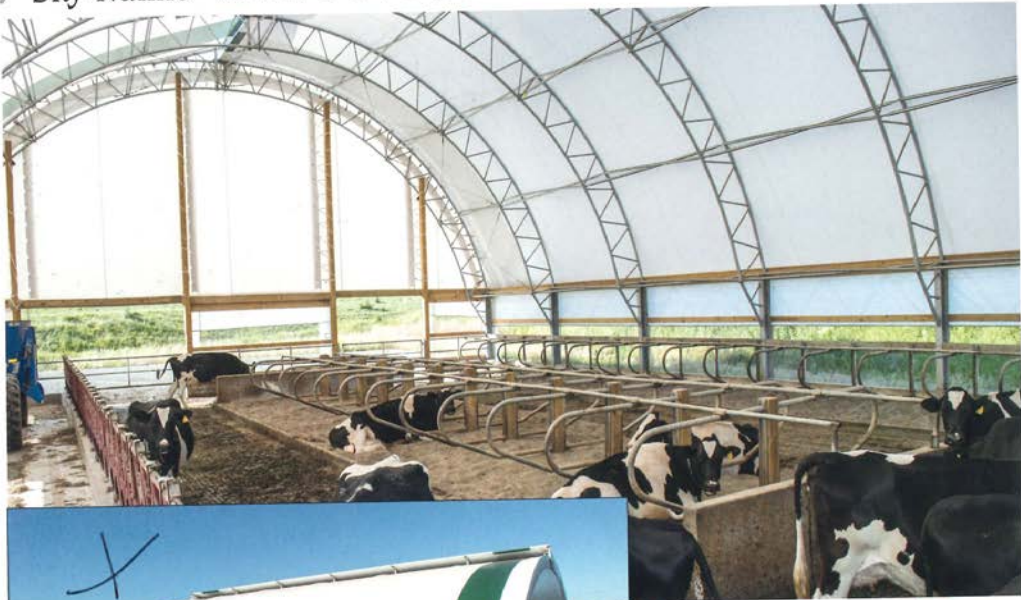
SCALE: 1" = 300'

PAGE: 118 OF

NW 1/4 Sec 30, R 21

Exhibit 1: The structure design and color scheme

Sky-Namic STRUCTURES







- SAVE ON BEDDING COSTS WITH A FABRIC BUILDING
- BENEFIT FROM NATURAL LIGHT

- ROLL UP SIDE CURTAINS ALLOW YOU TO HAVE CROSS VENTILATION ON WARM SUMMER DAYS, MAKING LESS STRESS ON LIVESTOCK.

- OUR OVER SHOT RIDGE SYSTEM IS DESIGNED TO GIVE YOU PROPER VENTILATION TO PROMOTE GOOD AIR QUALITY AND MAINTAIN ANIMAL HEALTH
- OVER SHOT RIDGE KEEPS YOUR BUILDING DRIER THAN STANDARD OPEN RIDGE.
- END VENTS CAN BE USED AS AN ALTERNATIVE TO A RIDGE VENT IN SMALLER BUILDINGS.

17

Exhibit 2: Trust construction and fabric tie downs

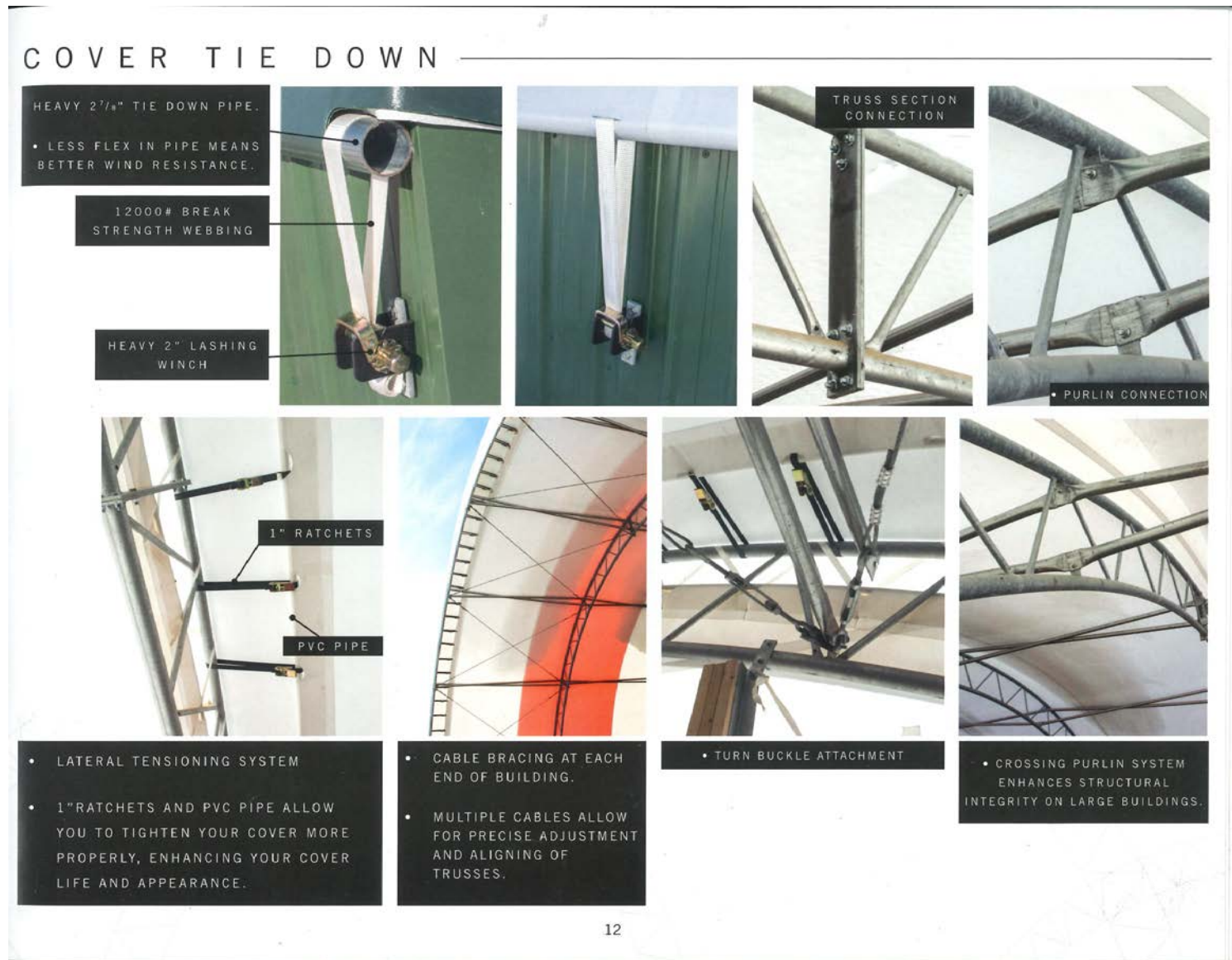


Exhibit 3: Photos of surrounding structures

Photos of the Hilgendorf property from google street view.



Surrounding homes near the Hilgendorf property





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: July 25, 2022
SUBJECT: Lokre Companies. The applicant is seeking building and site plan amendment approval to allow for a conversion from office/commercial use to residential use for the property located at 11205 - 11315 N. Cedarburg Road and 5900-6048 W. Mequon Road (2nd floor of the South Bldg).

Applicant:	Lokre Companies for Mequon Town Center LLC
Status of Applicant:	Property Owner
Requested:	Building and Site Plan Amendment
Existing Zoning:	Town Center (TC)
Land Use Plan:	Town Center (TC)
Lot size:	3 acres
Location:	11205 – 11315 N. Cedarburg Road and 5900-6048 W. Mequon Road.
Tax Key Number:	#14-050-02-050.03
District:	#3

Background:

The applicant is requesting building and site plan amendment for the Mequon Town Center located at 5900-6048 W Mequon Road and 11205-11315 N Cedarburg Road. The request involves the conversion of the second floor of the south building from commercial tenant spaces to eight residential apartments. The PUD for the development (Ord. 2013-1392) allows for up to 50 residential units on the parcel provided that no more than 30% are less than 1,000 square feet. There are currently 28 units residential units on the property. There are no changes to the exterior of the building requested.

Building and Site Plan Amendment:

The plan shows eight units all greater than 750 square feet as required per the PUD. Of the 36 total units, four of the units are less than 1,000 square feet (11%). All the proposed units are one-bedroom apartments accessible by a common hallway that leads to an elevator and stairway to the first floor. The eight one-bedroom units result in a parking demand of 14 parking stalls.

Based on a parking study by TADi the conversion from commercial to residential will result in an overall net parking demand loss of 12 spaces during the peak weekday afternoon timeframe. The parking demand will increase during non-peak nighttime weekday hours and on weekends. The biggest change occurs between 6:00 PM to 8:00 PM on Saturdays where there is a net increase of seven parking spaces. According to the analysis by TADi, the overall demand for the site during this time frame is 100 spaces. The total number of available spaces available in the development is 194 spaces. This does not include the 75 spaces in the civic campus parking lot

that is part of an easement with the city. The applicant is proposing to use one space per unit in the first-floor indoor parking garage to free up spaces in the surface parking lot for commercial tenants.

Site Compliance:

Staff performed a site compliance inspection on July 13, 2022, and is recommending that the following issues be addressed by the applicant prior to August 31, 2022:

- Replace dead tree in center aisle of parking lot.
- Replace dead tree along Mequon Road.
- Eliminate trip hazard in front of Marathon Bank.
- Repair stop sign at exit onto Mequon Road.
- Make doors functional on dumpster enclosures.
- Remove window coverings in commercial tenant spaces that have not been approved by the city.

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

1. Staff review and approval of final site, building and lighting prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action, or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
2. Compliance with Ordinance 2013-1392.
3. The first-floor indoor parking lot shall provide one space for each residential unit in the south building.
4. Resolve all site compliance issues by August 31, 2022.

Attachments:

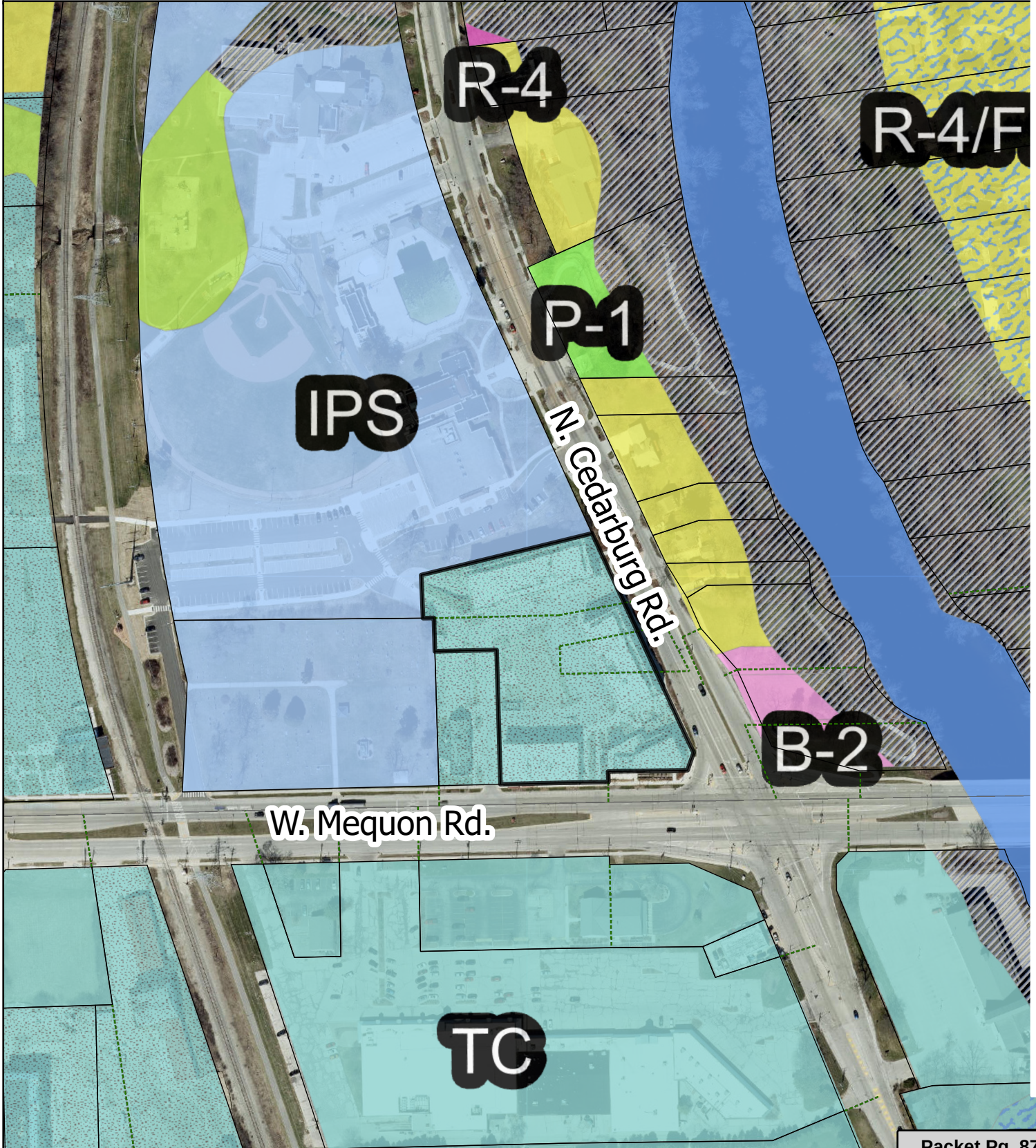
PacketDocs_MTC1 (PDF)

LOKRE COMPANIES BUILDING AND SITE PLAN AMENDMENT

AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth Overlay
FFO Flood Fringe Overlay
FW Floodway
IPS Institutional & Public Service

IPS Institutional & Public Service
NC Neighborhood Commercial
OA Agricultural Overlay
PUD Planned Unit Development Overlay
P-1 Park & Recreation
R-1 Single-Family Residential (5 Ac. Min.)
R-1B Single-Family Residential (2.5 Ac. Min.)
R-2 Single-Family Residential (2 Ac. Min.)
R-2B Single-Family Residential (1.5 Ac. Min.)
R-3 Single-Family Residential (1 Ac. Min.)
R-4 Single-Family Residential (3/4 Ac. Min.)
R-5 Single-Family Residential (1/2 Ac. Min.)
R-6 Single-Family Residential (4 DU/Ac.)
RM Multi-Family Residential
TC Town Center
TDR Transfer of Development Rights

4.b.a



Attachment: PacketDocs_MTC1 (7519 : Lokre Companies)

June 14, 2022

To: City of Mequon Planning Commission

From: Lokre Companies (Mequon Town Center)

Re: Planning Commission Application Supplemental Details (Conversion of South Building 2nd Floor Office/Commercial to Residential)

Narrative:

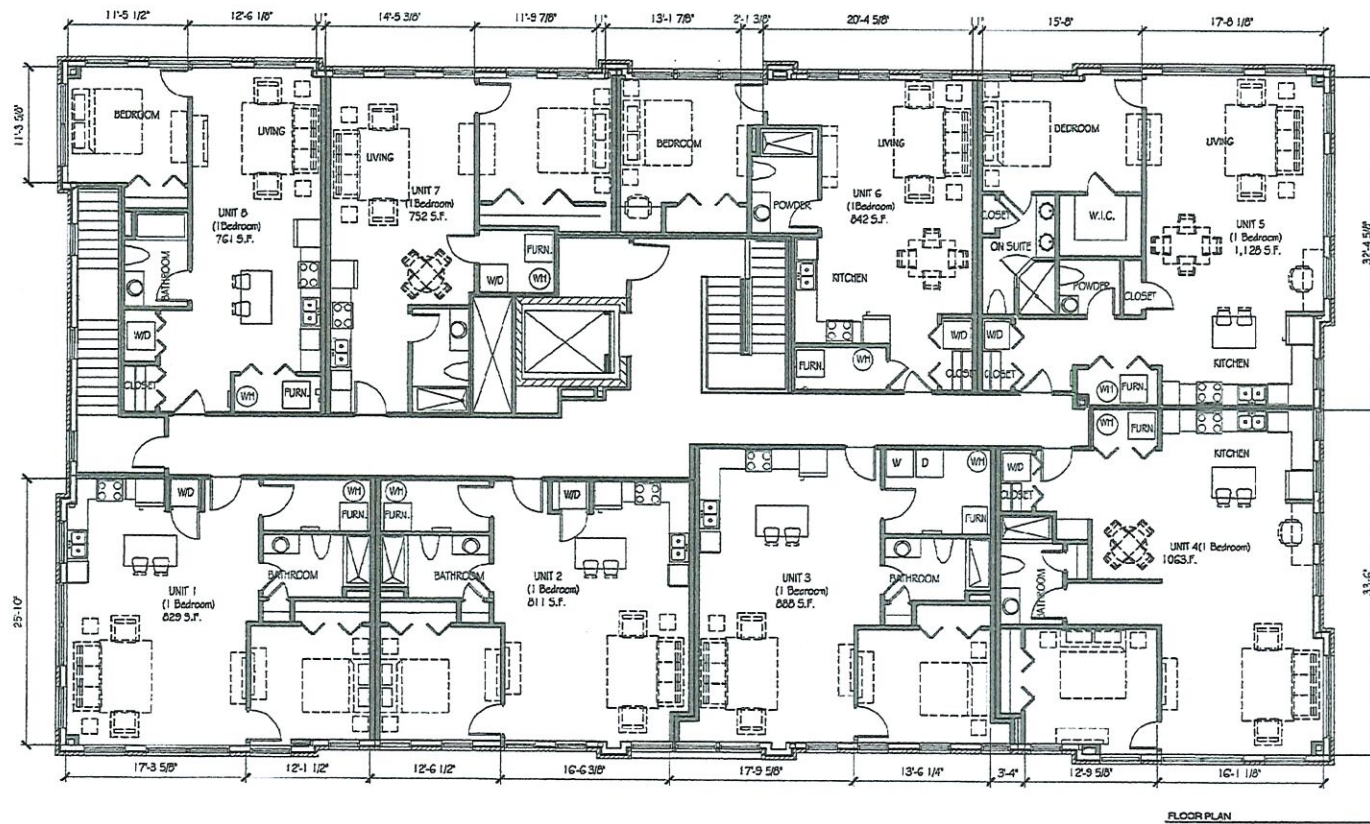
The South building lost two large sized 2nd floor tenants over the past two years of which they have not been successfully replaced. Though we have not replaced those tenants, the vacancy has created a Highest and Best Use opportunity for the entire 2nd floor of the South building. We are working with the third tenant Edwards Jones to move them to a ground level location and will successfully complete that process before the end of summer. The Highest and Best Use opportunity would be to convert the vacant space into 8 residential units (See Plan). The 8 residential units comply with the PUD so they will only need Planning Commission Site Plan Approval. The 752-1,128 square foot units will be an excellent addition to what Mequon already has to offer residents for housing rentals. The 8 units will be built to a high-level finish including hard surface flooring, granite countertops, stainless appliances and open concept kitchens with islands.

Building Elevations:

Please note that the outside of the building elevations will not be affected by the conversion.

Parking Analysis:

The 8 new residential units will have designated parking available in the existing underground parking structure. Through lease renewals we are in the process of recapturing these underground parking spaces. In addition to addressing the 8 parking stalls needed for the new residents, we will be redesigning the parking lot this summer to add an additional 6 parking stalls which have been previously approved by the City. Addressing the 8 stalls and adding 6 stalls on the surface and removing the designated stalls of the previous commercial 2nd floor tenants we are adding more parking opportunities for Mequon Town Center visitors.



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Mequon Town Center Apartments
11223 N Cedarburg Rd
Mequon, Rd 53092

FLOOR PLAN

[illegible]

A1

Mequon Town Center Parking Demand
Peak Parking - Saturday Evening (7pm)

Business/Use	Existing	Full Build
Collectivo	0	0
Elements	1	1
Mitch's Card Break	0	0
A Nails	0	0
Retail (Future-North Building)	0	0
Edward Jones	0	0
Marathon Bank	0	0
MTC Apartments-North & East Buildings	25	25
MTC Apartments (Future-South Building))	0	7
Forward Dental	0	0
Ruby Tap	23	23
Super Cuts	0	0
La Marie Beauty	0	0
Café Hollander	44	44
Total Demand*	93	100
Supply Surface Outside	124	124
Supply Surface Inside	14	14
Supply Underground	56	56
Total Supply	194	194

Notes:

Total demand based on ITE Parking Generation, 5th Edition.

Existing demand accounts for hours of operation for existing businesses, and excludes vacant business units.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE NO. 2013-1392

To amend the map portion of the “Development Ordinance of the City of Mequon” (i.e., Chapter 58) with respect to approximately 3 acres of land located at 11209, 12215 and 11229 N Cedarburg Road, a portion of City owned land located at 11333 N Cedarburg Road, and 6006 Mequon Road

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

SECTION 1.

Following recommendation of the Planning Commission on the 7th day of January, 2013, and after due notice and hearing by the Common Council of the City of Mequon on the 12th day of February, 2013, the existing and official City of Mequon district zoning maps are hereby amended so as to change the zoning classification of property as legally described in Exhibit A from existing TC (Town Center) and R-4 (Single Family $\frac{3}{4}$ acre) to TC (Town Center with a PUD (Planned Unit Development) Overlay.

Pursuant to section 62.23(3) of the Wisconsin Statutes, the City of Mequon, is authorized to prepare and adopt a comprehensive plan, or amendment thereof, as defined in section 66.1001(1)(a) and 66.1001(2).

1. Common Council approval of the rezoning and concept plan.
2. Planning Commission approval of conditional use grant and building and site plan and platting.
3. Total number of residential units shall not exceed fifty.
4. The South building shall begin implementation within 2 years of completion of north or east building, whichever occurs first or the applicant shall return to the Planning Commission and Council for a PUD amendment.
5. The portions of the site not initially developed shall be seeded and mulched.
6. All portions of the Mequon Road street frontage not occupied by a building wall, including the open space in front of the Legion building, shall contain very significant and active amenities along the public sidewalk that will bridge the gap between the structures, create a defined edge between the street and semi- public area and help screen the interior parking.
7. No more than 30 percent of the residential units shall be less than 1,000 square feet provided that no unit will be less than 750 square feet.
8. The upper floor area on the north building shall be limited to 60% of the floor below and the upper floor of the east building shall be limited to 65% of the floor below.
9. The design of the south building should be compatible in scale and massing with the rest of the development which may require a second story or additional height thru a parapet or other architectural feature.

10. Curb cut locations and any median opening in Mequon Road and Cedarburg Road is subject to staff review and approval.
11. The development must connect to the City of Mequon public sanitary sewer system.
12. Sewer connection fees and necessary plan development for sewer is subject to the review and approval of the Engineering Department.
13. The development must connect to the City of Mequon Water Utility for water service.
14. Water connection fees and necessary plan development for water is subject to the review and approval of the Engineering Department.
15. Grading, drainage, erosion control, storm water management and other engineering plans are subject to Engineering Department review and approval.
16. Final site design is subject to the applicable regional permitting for erosion control and storm water, applicable permitting from WisDOT for median modifications, drainage letter of credit requirements by City ordinance and lateral abandonment permits for existing buildings.
17. Street trees are subject to the approval of the Tree Board and Planning Commission.
18. Street lighting, if proposed, is subject to the approval of the Planning Commission.
19. Any substantial change to the general concept plan illustrated as full build-out in the attached exhibit shall require appropriate amendments to this approval.
20. An access agreement is required to allow ingress/egress through City property.
21. A shared parking agreement is required between the applicant and the City of Mequon.
22. Landmarks Commission approval of the demolition of the American Legion building.
23. Common Council approval of the sale of the lands owned by the City of Mequon.
24. Common Council approval of the Development Agreement.

SECTION II:

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION III:

In accordance and to the extent consistent with SECTION II above, this ordinance shall take effect and be in full force upon its passage and the day after publication.

Approved: Curtis Gielow, Mayor

Date Approved: February 19, 2013

Th is to certify that the foregoing ordinance was adopted by the Common Council of the City of Mequon, Wisconsin at a meeting held on the 12th day of February 2013.

Lee Szymborski, City Clerk

Published: February 26, 2013

TECHNICAL MEMORANDUM

Date: July 13, 2022

To: Victor Anderson
Lokre Development Company

From: Tammi Czewski, P.E., PTOE
Traffic Analysis & Design, Inc.

Subject: **Mequon Town Center Apartments Parking Demand
Mequon, WI**

Introduction

The existing two-story Mequon Town Center building at 11223 N. Cedarburg Road is planned to be remodeled with eight one-bedroom apartments on the upper floor. These apartments will replace upper floor tenants (lower-floor tenants to remain) as follows:

- Physical Therapy office: about 10 employees in a 3,750-square foot unit
- Chiropractic office: about five employees in a 2,400-square foot unit
- Financial office: about two employees in a 959-square foot unit

This technical memorandum was prepared to compare the weekday (Monday-Friday) and Saturday parking demand for the previous office uses in the upper floor of the Mequon Town Center building to the proposed apartment use.

Parking Demand Comparison

Parking demand calculations were completed using the national parking generation rates for each land use type as published in the Institute of Transportation Engineer's (ITE) *Parking Generation Manual, 5th Edition*. Parking demand for the physical therapy and chiropractic offices were calculated using the average rates per square feet for the ITE land use #720 (medical-dental office building). Parking demand for the financial office was calculated using the average rates per square feet for the ITE land use #710 (general office building), and parking demand for the proposed apartments was calculated using the average rates per dwelling unit for the ITE land use #220 (multi-family housing (low-rise)). The average office rates per employee yielded similar weekday parking generation to the average rates per square footage but were not used in this study as there is no Saturday parking data available for the medical-dental office use.

The Weekday and Saturday parking demand for the existing upper-floor office uses in the Mequon Town Center building and the proposed apartments that will replace them is shown in [Table 1](#). [Table 1](#) also shows the typical peak period of parking demand for each use.

Table 1. Weekday and Saturday Parking Demand Comparison

Land Use Type	ITE Code	Independent Variable	Parking Demand	
			Weekday	Saturday
Medical-Dental Office Building <i>Physical Therapy Office</i>	720	3,750 Square Feet	12 3.23	2 0.56
Medical-Dental Office Building <i>Chiropractor</i>	720	2,400 Square Feet	8 3.23	1 0.56
General Office Building <i>Edward Jones</i>	710	959 Square Feet	2 2.39	0 0.28
Total Parking Demand (Existing)			22	3
Multi-Family Housing (Low-Rise)	220	8 Dwelling Units	10 1.21	10 1.31
Total Parking Demand (Future)			10	10
Difference			-12	7

Based on ITE, the office uses in the upper floor of the Mequon Town Center building generate a parking demand of 22 spaces on a typical weekday and three spaces on a Saturday. Apartments in that same space generate a parking demand of 10 spaces on both a typical weekday and on Saturday. The apartment parking demand is therefore 12 fewer spaces than the office uses on a weekday, and seven more spaces than the office uses on Saturday.

The weekday and Saturday peak parking demand data was applied to hourly parking distribution percentages by land use also published in the ITE *Parking Generation Manual*, 5th Edition. The weekday hourly parking demand comparison between the office and apartment land uses is in [Table 2](#). The Saturday hourly parking demand comparison is in [Table 3](#). As shown, the peak parking demand period for the apartments occurs overnight (11:00 a.m. to 6:00 a.m./7:00 a.m.). The peak parking demand period for the office uses occurs during the daytime (7:00 a.m. to 6:00 p.m./8:00 p.m.). Therefore, fewer parking spaces within the Mequon Town Center will be occupied during the day and more will be occupied overnight with the apartment uses in place of the office uses. According to City planners, eight parking spaces within the northern Mequon Town Center building will be allocated for the apartment use.

Table 2. Weekday Hourly Parking Demand

Weekday	Med-Dental Office ITE 720		General Office ITE 710		Total Office	Apartments ITE 220		Diff.
Peak Demand=>	20		2		22	10		
Hour Beginning	%	Demand	%	Demand	Demand	%	Demand	Demand
12:00-4:00 a.m.	0%	0	0%	0	0	100%	10	10
5:00 a.m.	0%	0	0%	0	0	97%	10	10
6:00 a.m.	0%	0	0%	0	0	90%	9	9
7:00 a.m.	12%	2	13%	0	2	77%	8	6
8:00 a.m.	43%	9	48%	1	10	56%	6	-4
9:00 a.m.	88%	18	88%	2	20	45%	5	-15
10:00 a.m.	99%	20	100%	2	22	40%	4	-18
11:00 a.m.	100%	20	100%	2	22	37%	4	-18
12:00 p.m.	83%	17	85%	2	19	36%	4	-15
1:00 p.m.	74%	15	84%	2	17	36%	4	-13
2:00 p.m.	94%	19	93%	2	21	37%	4	-17
3:00 p.m.	93%	19	94%	2	21	43%	4	-17
4:00 p.m.	86%	17	85%	2	19	45%	5	-14
5:00 p.m.	54%	11	56%	1	12	55%	6	-6
6:00 p.m.	0%	0	20%	0	0	66%	7	7
7:00 p.m.	0%	0	11%	0	0	73%	7	7
8:00 p.m.	0%	0	0%	0	0	77%	8	8
9:00 p.m.	0%	0	0%	0	0	86%	9	9
10:00 p.m.	0%	0	0%	0	0	92%	9	9
11:00 p.m.	0%	0	0%	0	0	97%	10	10

Table 3. Saturday Hourly Parking Demand

Saturday	Med-Dental Office ITE 720		General Office ITE 710		Total Office	Apartments ITE 220		Diff.
Peak Demand=>	3		0		3	10		
Hour Beginning	%*	Demand	%*	Demand	Demand	%	Demand	Demand
12:00-4:00 a.m.	0%	0	0%	0	0	93%	9	9
5:00 a.m.	0%	0	0%	0	0	100%	10	10
6:00 a.m.	0%	0	0%	0	0	98%	10	10
7:00 a.m.	12%	0	13%	0	0	96%	10	10
8:00 a.m.	43%	1	48%	0	1	92%	9	8
9:00 a.m.	88%	3	88%	0	3	80%	8	5
10:00 a.m.	99%	3	100%	0	3	78%	8	5
11:00 a.m.	100%	3	100%	0	3	71%	7	4
12:00 p.m.	83%	2	85%	0	2	68%	7	5
1:00 p.m.	74%	2	84%	0	2	66%	7	5
2:00 p.m.	94%	3	93%	0	3	65%	7	4
3:00 p.m.	93%	3	94%	0	3	68%	7	4
4:00 p.m.	86%	3	85%	0	3	70%	7	4
5:00 p.m.	54%	2	56%	0	2	73%	7	5
6:00 p.m.	0%	0	20%	0	0	77%	8	8
7:00 p.m.	0%	0	11%	0	0	81%	8	8
8:00 p.m.	0%	0	0%	0	0	82%	8	8
9:00 p.m.	0%	0	0%	0	0	86%	9	9
10:00 p.m.	0%	0	0%	0	0	87%	9	9
11:00 p.m.	0%	0	0%	0	0	92%	9	9

**Office uses show weekday hourly percentages - Saturday data is not provided.*

Summary/Conclusions

The different land uses within the Mequon Town Center development share parking space. Based on the ITE data, the parking demand for residential and office or retail uses peak at opposite times – residential uses have peak demand overnight and office or retail uses have peak parking demand during the daytime hours. When the south Mequon Town Center building remodels with eight one-bedroom apartments instead of 7,109-square feet of office space, the daytime parking demand for the Mequon Town Center will decrease. The overnight parking demand will increase, but most of the parking demand (eight spaces out of 10) will be accommodated by allocated parking within the northern Mequon Town Center building. Therefore, very few apartment vehicles will occupy surface lot spaces on site.



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: July 25, 2022
SUBJECT: Hickory Hollow Subdivision. The applicant is seeking open space plan and easement amendment approval for the property located at 9801 N. Old Barn Road.

Applicant:	Hickory Hollow Association
Status of Applicant:	Owner
Requested:	Open Space Plan and Easement Amendment
Existing Zoning:	R-3 (Single Family 1 Acre) PUD (Planned Unit Development)
Lot size:	1.18 acres
Location:	9801 N. Old Barn Road
Tax Key Number:	#15-070-00-000.04
District:	#8

Background:

The applicant is requesting open space plan and easement amendment approval for the Hickory Hollow Subdivision located at 9801 N Old Barn Road. The subdivision was approved in the early 1970's as a PUD (Planned Unit Development) that included a number of outlots as common open space. Included in these areas was Outlot 4, which contained an existing barn among other structures. Recently, the city received a complaint about the use of the barn as well as the vacant lot adjacent to the barn. Since there is very little documentation that dictates the use of the open space and the facilities on the outlot (barn, pool, and tennis courts), staff reached out to the Hickory Hollow HOA and recommended submittal of an application to amend the open space plan and easement. The open space easement document was recorded as part of the Hickory Hollow bylaws (see attached).

In addition to the zoning approval, the applicant has been working with the Fire department and Inspections Division to address code violations in the barn that have been identified by the complainant.

It should be noted that the use of the land south of the outlot which also owned by the HOA is not part of the open space application. This parcel was purchased by the HOA in 1977 and has been vacant since. Last winter, the association installed a hockey rink on the parcel which generated several complaints from adjacent neighbors. After discussions with the City Attorney, it was decided that to use the parcel as part of the open space, an amendment to the PUD is required. The applicant is aware that no further use of the parcel is permitted without an amendment to the PUD.

Chronology of Events:

- Common Council approval of Zoning Ordinance creating the PUD adopted 7/18/72
- Common Council approval of Final Plat adopted 8/1/72
- Common Council approval of HOA articles including open space easement 8/1/72
- Hickory Hollow Subdivision regulations recorded 8/11/72
- Permits issued March 1, 1973, for offices, bathrooms, and pool equipment in ground floor of barn
- Permits issued June 25, 1973, for swimming pool and tennis courts
- Permits issued October 1973 for caretaker apartment
- Lot 28 purchased on May 25, 1977, by Hickory Hollow HOA.
- Staff memo on September 14, 2004, to City Attorney stating that could not find any information regarding use of the barn.
- Permits issued on June 6, 2005, for clubhouse and bathroom remodel.

Open Space Plan:

The original approval of the Hickory Hollow Subdivision HOA documents included Section H (see attached) related to the open space easement. The easement identifies seven outlots including outlot 4 which currently contains the barn, pool, tennis court and parking area. The document states that the open space may be used for the non-commercial, aesthetic, recreational and cultural enjoyment of the residents in the subdivision and such properties near the subdivision. The easement references a tool house, gate house, barn, tennis court but not a swimming pool. Several of the buildings on site have been torn down since the original approval. The document also contains the open space plan for outlot 4 in Section P (see attached). The plan for outlot 4 is consistent with the easement language. There is no documentation in the file regarding the caretaker unit, the swimming pool or detailed uses for the upper portion of the barn.

The applicant is requesting that the open space plan and easement be modified to incorporate the use of the caretaker apartment, dictate the allowable uses for the barn and codify hours of operation for the onsite uses. The apartment is located on the first floor of the barn and contains a family room, kitchen, two bedrooms and a full bath. According to the terms of the lease, the tenant is responsible for maintenance of common space including the pool and tennis courts.

In addition to the apartment, the barn contains a clubhouse on the first floor. The clubhouse is available to residents of the subdivision and guests. It is used occasionally for birthday parties, graduations, association meeting and other HOA events. The area is not rented out to the general public for events.

The hours for the pool and barn are 8:00 AM to 11:00 PM Monday through Thursday and weekends from 8:00 AM to 12:00 AM. The tennis courts are 8:00 AM to dusk.

Staff Comment:

While the current operations do not follow the original approval, the city has signed off on permits that are consistent with the current use of the outlot. The request by the applicant is also consistent with how the site has operated over the last several decades. Staff is supportive of the amendment and has added several conditions that will help clarify what is permitted in the open space areas.

Planning Staff Recommendation:

Planning Staff recommends **approval** of the open space plan and easement amendment, subject to the following conditions:

1. The caretaker unit lease shall include language that requires maintenance responsibilities of the tenants. City Attorney review and approval of the lease agreement is required.
2. The barn, pool and tennis courts shall only be used by residents of the association and guests. No leasing or renting the clubhouse space to outside entities.
3. The barn and the apartment shall comply with all applicable building and fire codes.
4. The hours of operation of pool and barn shall be 8:00 AM to 11:00 PM Monday thru Thursday and 8:00 to 12:00 AM Friday and Saturday. The tennis courts shall be open from 8:00 AM to dusk.
5. No outdoor amplified music shall be permitted after 9:00 PM.
6. Any event in the barn that will result in on street parking shall require Police Department approval prior to the event.
7. Any substantial change to any of the other Outlots shall require Planning Commission approval.
8. The use of Lot 28 for open space activities shall require an amendment to the PUD.
9. The open space easement shall be modified to incorporate all approved conditions.

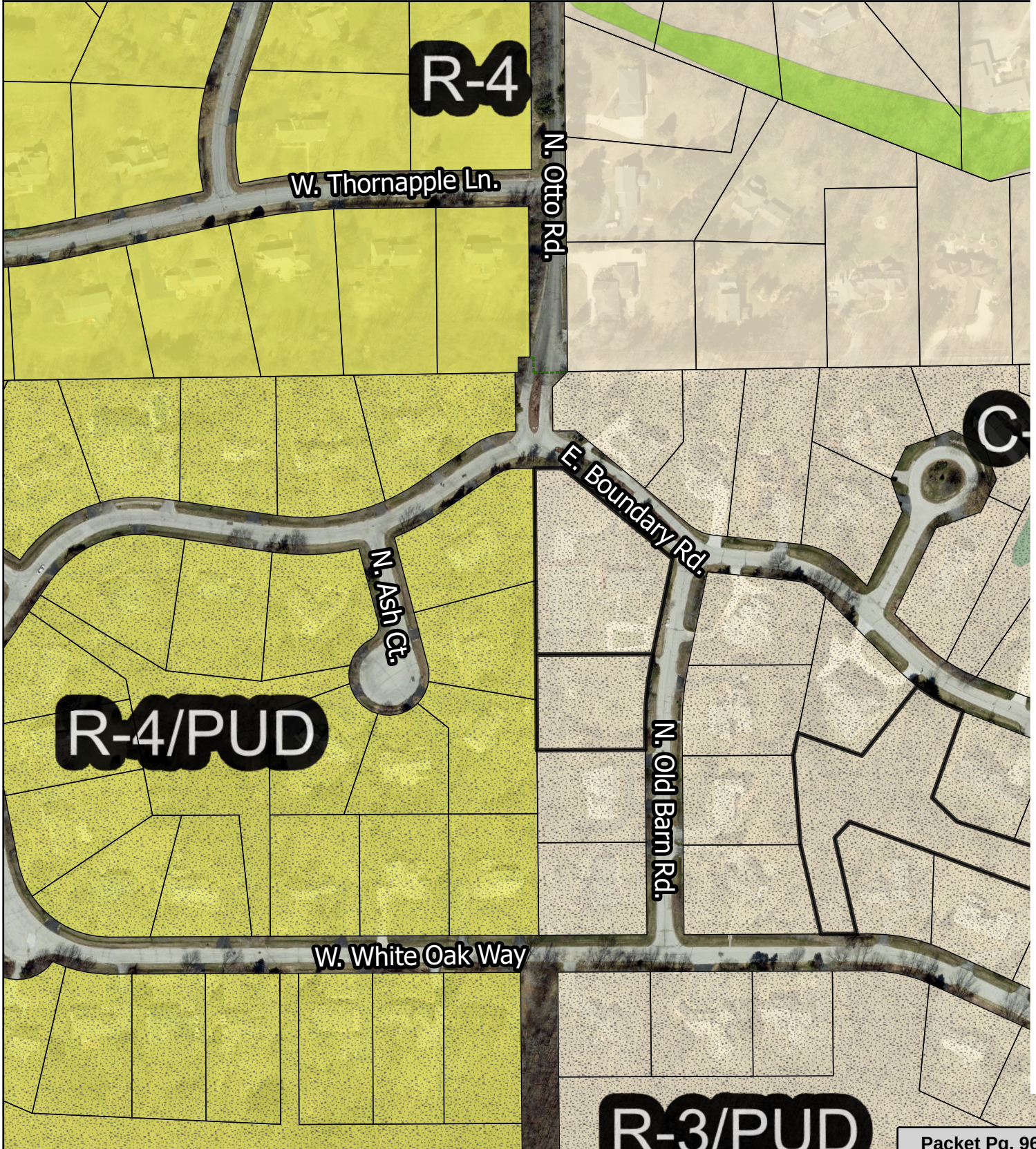
Attachments:

PacketDocs_Hickory Hollow (PDF)

HICKORY HOLLOW

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

4.c.a



Attachment: PacketDocs_Hickory Hollow (7520 : Hickory Hollow Subdivision)

Mequon Planning Commission Application Project Description

Date of Planning Request: 6/20/22

Owners Name: Hickory Hollow Homeowners Association (HH HOA): 9809 Old Barn Road, Mequon WI 53092

Site Plan: Included

Description of Proposed Project: Description of proposed project for Hickory Hollow Clubhouse (City approved 2005) "Barn"

Hickory Hollow Association has operated a Clubhouse in its Barn owned by HH association members since inception 1973. The Clubhouse is the upper portion of the barn and accessible only to the HH members and their accompanied guests. The primary purpose of the Clubhouse is for year round storage. The secondary and occasional purpose is for member sponsored and attended gatherings such as birthdays, graduations, retirement, association meetings, charities and HH association events. The HH association prohibits the general public from any and all use associated with the clubhouse without a member present. The clubhouse operates spring, summer and fall for events with hours 8am-11pm M-R and 8am-12am F-S.

The Clubhouse project is to improve the area to meet City and MFD codes relating to this structure. The only noticeable exterior change will be the expansion of the current exterior door on the northside. Upon approved competition, Hickory Hollow Ass. plans to resume usage mentioned above.

Summary of Changes:

1. New Larger entrance/exit door northside
2. Realign/add current safety spindles in pool overlook southside and loft area as per City/MFD
3. Adding handrail up loft stairs
4. Improve electrical locations for existing lighting, appliances, electronics per City/MFD
5. Install online fire alarm system connected to Barn apartment(2 zone) and MFD.
6. Continue Cintas fire extinguisher annual service.
7. Add emergency exit lighting and signage
8. Add exterior "knox" box allowing MFD access

Exhibits

1. Floor Plan
2. Contactor bids
3. City and MFD codes

Note: Last request for improvement to clubhouse/barn was in 2005 per city documents. Parking access/volume will not change. HH HOA Property and Liability Insurance covers the Barn.

Mequon Planning Commission Application Project Description

Date of Planning Request: 6/20/22

Owners Name: Hickory Hollow Homeowners Association (HH HOA): 9809 Old Barn Road, Mequon WI 53092

Site Plan: Included

Description of Proposed Project: Clubhouse Caretaker Apartment Improvements

The HH HOA has operated a Caretakers Apartment in the HH HOA barn apartment since inception 1973. The apartment is the majority of the lower lever of the Barn. Tenants maintain some of the Hickory Hollow common assets (Pool and Tennis,etc). The apartment consists of a family room, kitchen, 2 bedrooms, one full bathroom and some storage rooms. The dwelling has multiple exits.

The submitted project is to improve the apartment to meet Mequon Fire and City codes to improve the interior living space which has been damaged by flooding.

Included are the site plan, plan date, building footprint, codes reports (MFD and City).

Residents in the apartment are covered by HH HOA Property and Liability insurance.

Below are the noticeable changes effecting the exterior of the Hickory Hollow Barn appt.

1. Lower Northwest corner of the barn's "Milk House" to be finished with a white foundation with red vertical painted wood(currently), photo's attached.
2. Re-positioning of Northwest downspout to allow water to drain away from the barn apartment into existing drain.

Hickory Hollow is asking for approval from planning commission to resume leasing the apartment on an annual basis upon meeting all City and MFD code requirements. Current lease/amendment attached.

Summary of improvements:

1. Fire proofing existing interior walls and ceilings with 5/8" drywall. Apartment as well as storage closets.
2. Replace current exterior south apartment door with a 90 minute fire resistant door, standard fire code dimensions.
3. Install MFD approved Fire Alarm system (2 zone) with connection to MFD
4. Change Dryer ventilation to use existing exterior vent, closing up vent into Barn Clubhouse.
5. Remove rotten wood floors in apartment bedrooms

Exhibits:

1. Lot/structure footprint/floor plans submitted to City of Mequon in May 2022.
2. Contractor bids(McCoy and Built By Dave)
3. Photos of the exterior of "milkhouse"
4. City and MFD codes/letters
5. Lease agreement (standard WI lease) and Amendment(care taker's duties)

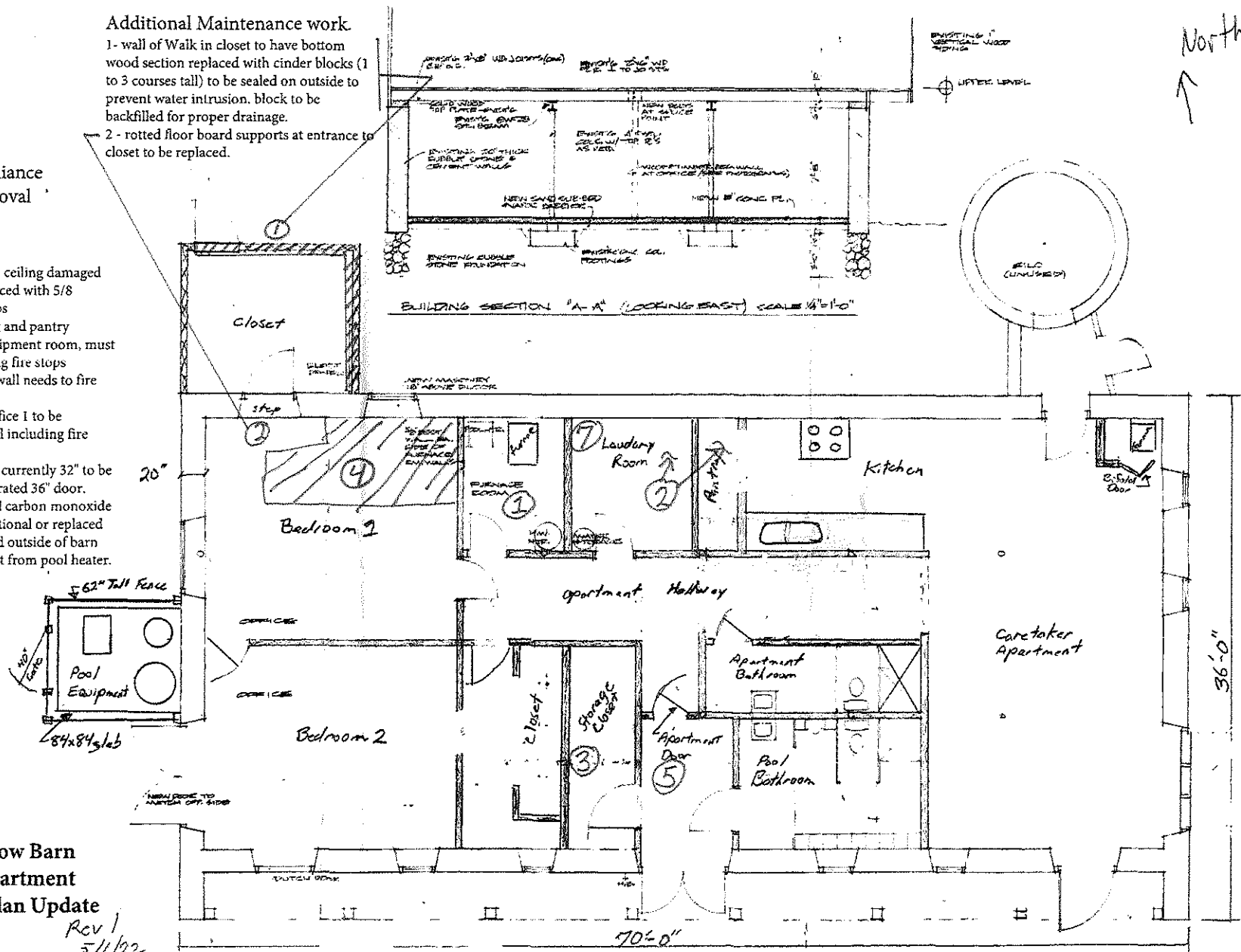
2022 - Code Compliance work for City Approval

The changes consisted of:

- 1 - Furnace Room drywall ceiling damaged by water needs to be replaced with 5/8 drywall including fire stops
- 2 - Laundry room ceiling and pantry ceiling, formerly pool equipment room, must have 5/8" drywall including fire stops
- 3 - Old Storage closet drywall needs to fire stopped and sealed up.
- 4 - Drop ceiling area in office 1 to be drywalled with 5/8 drywall including fire stops.
- 5 - Exterior security door, currently 32" to be replaced with 90 min fire rated 36" door.
6. All smoke detectors and carbon monoxide detectors to be made functional or replaced
7. Dryer vent to be repiped outside of barn using existing leftover vent from pool heater.

Additional Maintenance work.

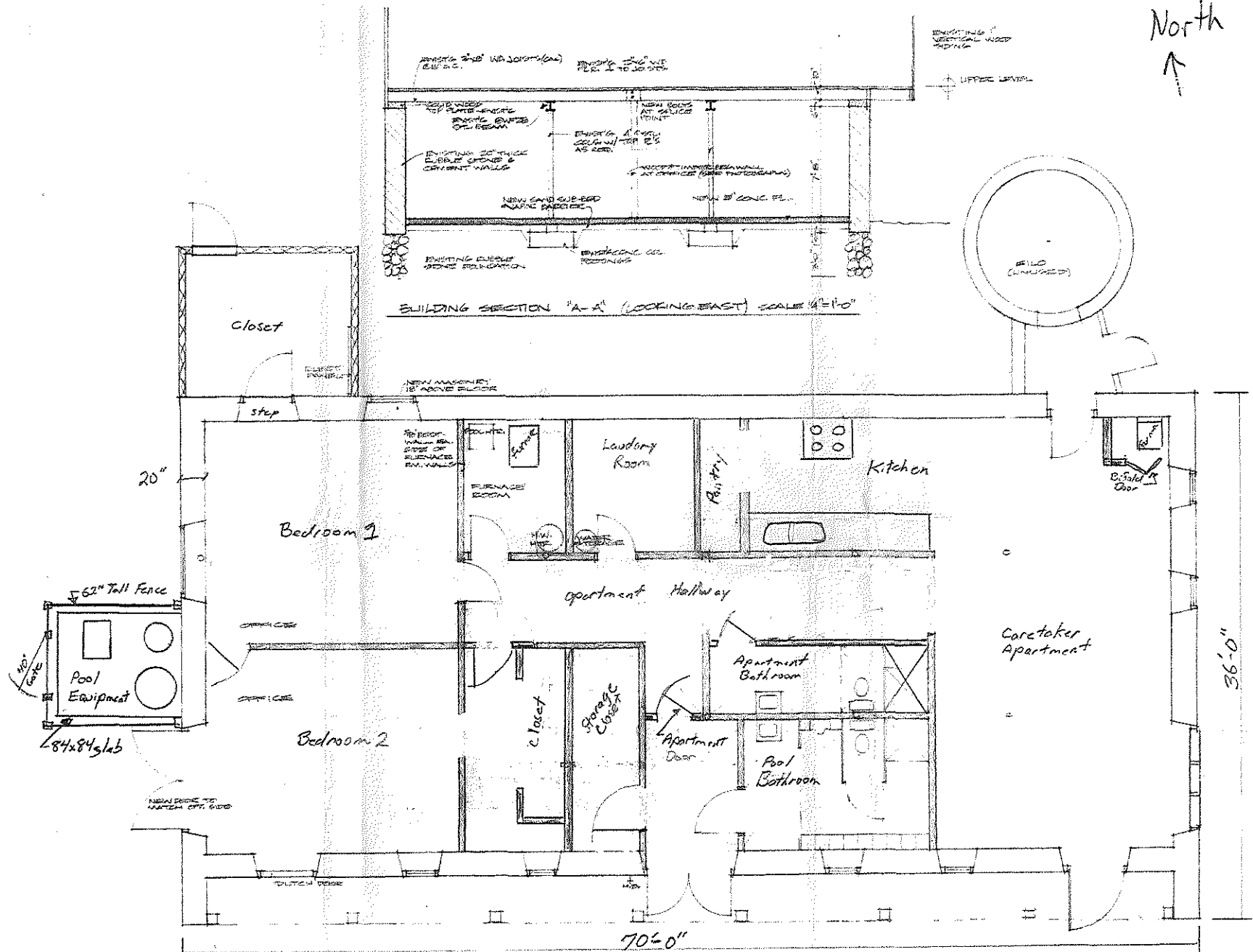
- 1 - wall of Walk in closet to have bottom wood section replaced with cinder blocks (1 to 3 courses tall) to be sealed on outside to prevent water intrusion. block to be backfilled for proper drainage.
- 2 - rotted floor board supports at entrance to closet to be replaced.



Hickory Hollow Barn
Caretaker Apartment
2022 Work Plan Update
Sheet 2 of 2

Rev 1
5/6/22

North
↑



THIS INDENTURE, Made this 8 day of August, 1972,
between WARREN STRINGER, Grantor, and the CITY OF MEQUON, a
municipal corporation duly organized and existing under the laws of the
State of Wisconsin, Grantee,

WITNESSETH:

WHEREAS, Grantor is the owner of certain land which he
proposes to subdivide as the Hickory Hollow Subdivision (hereinafter
referred to as "the Subdivision"), which land is described as follows:

The South one-half (S 1/2) of the East one-
half (E 1/2) of the South East one-quarter
(SE 1/4) of Section Thirty-two (32) in Township
Nine (9) North, Range Twenty-two (22) East
in the City of Mequon, Ozaukee County, Wisconsin;
more particularly described on that certain
Plat recorded in the Office of the Register of
Deeds for Ozaukee County, Wisconsin, on
Aug 11, 1972, in Volume Q,
and page 11 + 12.

WHEREAS, Grantee, by ordinance, permits the subdivision of
land into smaller lots than otherwise permitted on the condition that the
subdivider reserves a non exclusive easement to the Grantee of certain
of the land in the proposed subdivision as open space for the aesthetic
and recreational use of the residents of the proposed subdivision and
other purposes not inconsistent therewith; and

WHEREAS, Grantor has proposed and Grantee has agreed to
approve such smaller sized lots in the Subdivision upon the execution of
this open space easement;

NOW THEREFORE, Grantor for and in consideration of the
approval by Grantee of the final plat of the Subdivision, hereby conveys
and warrants to Grantee an easement and right in perpetuity to restrict
the future use and development of those portions of the Subdivision

Attachment: PacketDocs_Hickory Hollow (7520 : Hickory Hollow Subdivision)

designated and described as Outlets 1, 2, 3, 4, 5, 6, and 7 on the above described recorded plat of the Subdivision (hereinafter referred to as "Open Space"), in accordance with the following terms and conditions:

The Open Space may hereafter be used only for:

1. Non-commercial, aesthetic, recreational and cultural enjoyment of residents in the Subdivision and such property or properties adjoining or near to the Subdivision which grantor may hereafter acquire for residential purposes;
2. The Construction, maintenance, and use of buildings and/or structures for or accessory to the purposes described in Paragraph 1 above; provided that the grantor, or his assigns, and the City of Mequon Plan Commission shall first approve the building site and the plans of any such building and/or structure;
3. Drainage courses;
4. The installation, as inconspicuously as possible, of sewer, water, gas, electric and telephone lines and related facilities such as a water system and gatehouse to serve the subdivision and adjoining or nearby properties and homes in the Subdivision; provided, that the location and plans for any installation above ground must have the prior approval of the Grantor, or his assigns, and the City of Mequon Plan Commission.. Grantor, or his assigns, may grant easements for the installation of the foregoing lines and facilities;
5. A tool house, existing barn, sign, and gate house which may contain and be used for water system facilities, water trust administration office, HICKORY HOLLOW ASSOCIATION, INC. office, and Subdivision development office, and any structure accessory to the general maintenance and operation of the above listed permissable uses subject to the approval of the City of Mequon Plan Commission and Grantor of such accessory structure and its building plans, and

6. Any permanent excavation or work necessary for purposes
of the above listed permissible uses.

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The Open Space shall be owned, maintained and cared for by HICKORY HOLLOW ASSOCIATION, INC. (as more particularly provided in its Articles and By-laws) unless and until such Association shall cease to maintain such Open Space, in which case the owners of the lots in the Subdivision shall be jointly responsible for the maintenance of such Open Space. If said lot owners shall thereafter fail to maintain such Open Space, Grantee shall have the right to give said lot owners written notice requiring them within thirty (30) days thereafter to provide the required maintenance or give evidence satisfactory to Grantee of a willingness to provide such maintenance. If said lot owners then fail to provide such maintenance or evidence, Grantee shall have the right to provide the required maintenance and include in the annual tax bill for each lot in the Subdivision a proportionate share of the cost of such maintenance.

Grantee, or its agents, shall have the right to enter upon the Open Space only in order to:

1. Inspect and enforce the above terms of this instrument;
2. Install, maintain, and improve under the surface of the Open Space, pipes and mains for the purpose of providing a water and/or sanitary sewer system for the Subdivision, and/or by future written agreement between Grantee and Grantor, or his assigns, other properties adjoining or nearby the Subdivision; provided that Grantee's right to ingress and egress for the maintenance of such facilities shall be restricted to an area which lies within ten (10) feet on either side of the center line of the pipe or main to be maintained.

It is understood that the Grantee shall not be responsible for draining surface water on or from the Open Space and that this easement

Attachment: PacketDocs_Hickory Hollow (7520 : Hickory Hollow Subdivision)

does not grant the public the right to enter the
open space for any purpose.

IN WITNESS WHEREOF, the Grantor has caused this instrument
to be duly signed and sealed this 28 day of July, 1972

In the Presence of:

Walter M. Anderson

Warren Stringer
Warren Stringer

James J. Harris

STATE OF WISCONSIN }
 } SS.
OZAUKEE COUNTY }

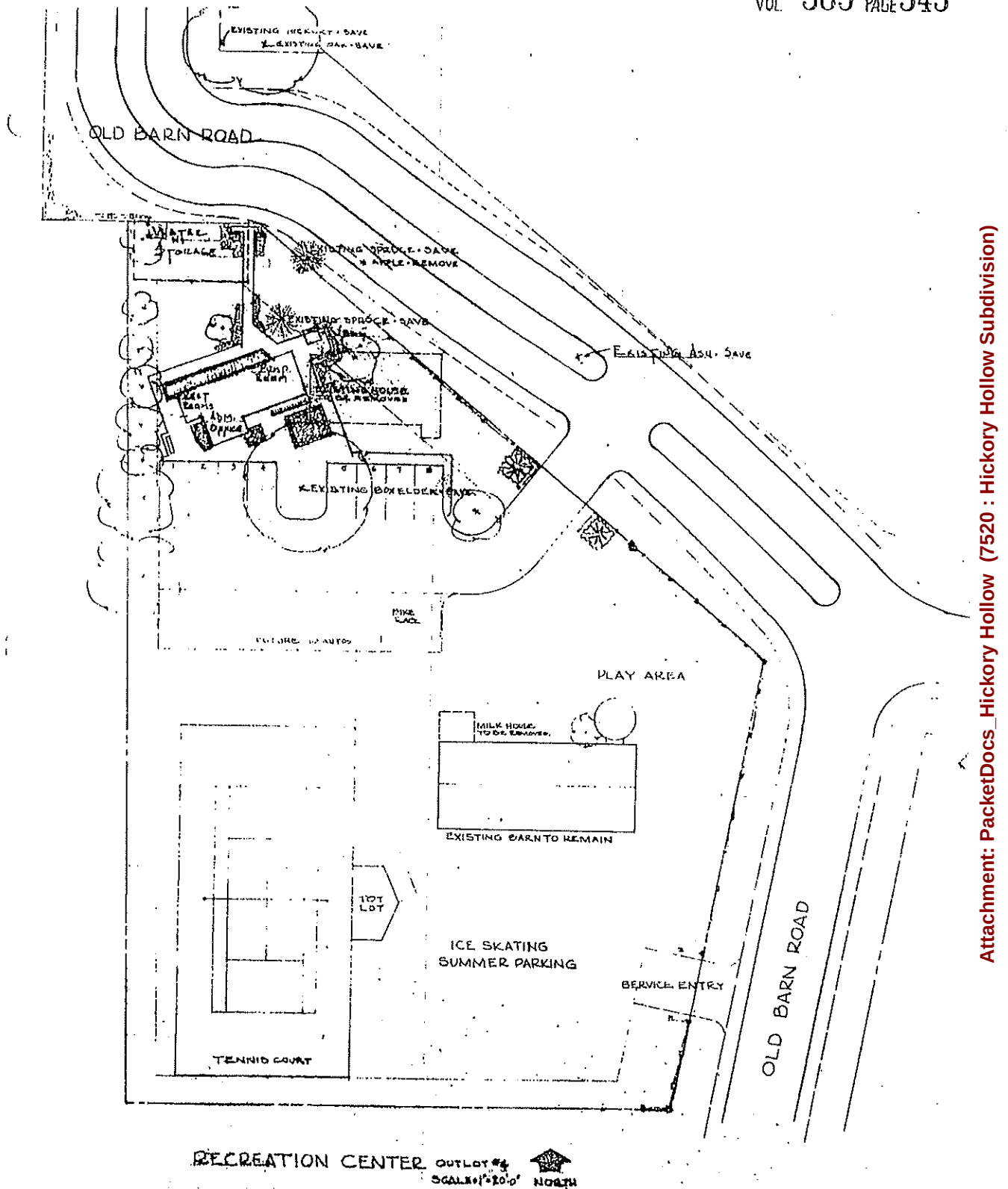
Personally came before me, this 28 day of July A.D.
1972, the above named Warren Stringer, to me known to be the
person who executed the forgoing instrument and acknowledged
the same.

Walter M. Anderson
Notary Public Ozaukee County
My Commission 6-24-1974

This instrument was drafted by John Scripp.

Attachment: PacketDocs_Hickory Hollow (7520 : Hickory Hollow Subdivision)

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Attachment: PacketDocs_Hickory Hollow_Hickory Hollow (7520 : Hickory Hollow Subdivision)

(3)

Mr. Warren Stringer, Hickory Hollow Subdivision developer, appeared in connection with the documents and ordinance relating to his subdivision.

Actg Mayor Hoffman read following letter from Plan Commission regarding action taken at meeting of July 10, 1972 regarding said matter:

"At the meeting of the Planning Commission held Monday evening July 10, 1972, the following action was taken:

Mr. Kane moved, seconded by Mr. Kolb and unanimously carried that the Planning Commission recommends to the Common Council that the Documents for Hickory Hollow Subdivision be approved as amended.

The amendment as approved is in the By-Laws of the Hickory Hollow Association. It reads, "It is understood that the Developer, Warren Stringer, may hereafter acquire ownership of certain other property or properties adjoining or near to Hickory Hollow for residential development purposes. It is further understood that the Developer, when conveying property within Hickory Hollow to the Association for use as open space and/or recreational facilities, reserves the right to use and enjoy such property and the facilities located thereon at the time of such conveyance or thereafter, for himself and such of his assigns who may thereafter become owners of a portion of the above described other property; and that in consideration for such use as open space and/or recreation facilities, as he may deem appropriate, with the consent of the Common Council of the City of Mequon and the majority of the Association membership."

Discussion then followed, during which Ald. Kulfan pointed out that he felt the document required further clarification to avoid future complications in the matter of regulation of open space and/or recreational facilities, and also suggested that the matter of elimination of a limit on the expiration of the letter of credit should be considered, in light of problems that have recently arisen. This also resulted in discussion of inclusion of some funds for development of the recreational facilities, to insure that this work will be done.

Extensive discussion occurred during which Mr. Stringer expressed concern over the additional requirements in the matter of letter of credit and additional funds for recreational guarantee - items not originally discussed. He felt all conditions have been complied with as requested by the Council and the Plan Commission and now at this late hour there are additional items being introduced. He stressed the great investment he has already made in this project and that all the delays are making it difficult to get started so as to permit embarking on recovery of this investment, in both time and money.

After extensive discussion, Ald. Kulfan moved, seconded by Ald. Lind, that the recommendations of the Plan Commission for acceptance of the documents, subject to the amendments as outlined at this meeting to provide for consent of the Common Council and the majority of the

(3)

Mr. Warren Stringer appeared in the matter of obtaining final authorization for signing of the documents pertaining to Hickory Hollow Subdivision, as well as final approval on the Plat of said Subdivision, all prepared in accordance with the directions of the Council and Plan Commission.

Discussion followed during which Ald. Kulfan suggested that the City Attorney provide a written opinion to the Council for filing with the documents, indicating that the documents contain the various provisions that have been of concern to the Council, and that they are in otherwise satisfactory state for signature by the proper city officers.

City Attorney Meyer stated he would review the completed documents and so advise as to their sufficiency, based on the discussions at the Council meetings. It must be understood that the intent of the Council in this matter prevails, notwithstanding the actual language that may occur in the documents.

After discussion, Ald. Barnes moved, seconded by Ald. Kuehn, that the Common Council approve the documents as prepared by Mr. Stringer, subject to review by City Attorney Meyer, and that the proper city officers be authorized to sign said documents relating to Hickory Hollow Subdivision.

Vote on this motion was:

Ayes: Ald. Hilgendorf, Kolb, Hoffman, Kuehn, Barnes, Lind, Kulfan -- 7

Noes: None.

Motion carried by unanimous vote, and so ordered.

Ald. Kuehn then moved, seconded by Ald. Barnes, that the Final Plat of Hickory Hollow Subdivision be approved and proper city officers be authorized to sign said Plat, as provided by Statute.

Vote on this motion was:

Ayes: Ald. Hilgendorf, Kolb, Hoffman, Kuehn, Barnes, Lind, Kulfan -- 7

Noes: None.

Motion carried by unanimous vote, and so ordered.

(4)

File 750

Minutes of meeting of June 20, 1972, were presented, copies having been previously forwarded to all members of the Council. In conjunction with the minutes, the Mayor had submitted two vetoes under date of June 26, 1972, relative to the following items:

- (a) Item "I" of the Public Works report of June 13, 1972, pertaining to the request of Mr. Curt Schwarten for a variance to reduce the required inside parking in the Mequon Park apartment units to 1 1/4 spaces per unit as opposed to the 1 3/4 spaces per unit required by the zoning code.
- (b) Item 19 of the Council minutes of June 20, 1972, pertaining to the preparation of a Resolution recommending former alderman, Gildea Hutchinson, for the position of County Supervisor to fill the unexpired term left vacant due to the death of Robert Ells.

Attachment: PacketDocs_Hickory Hollow (7520 : Hickory Hollow Subdivision)



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

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Department of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: July 25, 2022
SUBJECT: Torrey Drive, LLC for Carol Wiensch. The applicant is seeking rezoning recommendation from R-3 to R-3/PUD and concept plan approval to allow a 11-lot subdivision for the property located at 10766 Torrey Drive.

Applicant:	Torrey Drive LLC
Status of Applicant:	Offer to Purchase
Requested:	Rezoning Recommendation PUD (Planned Unit Development)
Existing Use:	Vacant
Existing Zoning:	R-3 (1-Acre minimum)
Proposed Zoning:	R-3 (1-Acre minimum) PUD (Planned Unit Development)
Land Use Plan:	Residential 1 – 1.5 Acres
Lot size:	11.27 acres
Location:	10766 N. Torrey Drive
Tax Key Number:	#14-025-09-001.00
District:	#6

Background:

The applicant is requesting rezoning and concept plan approval for an 11-lot conservation subdivision development on 11.27 acres located at 10766 N Torrey Drive. The property is currently zoned R-3 (Residential 1 Acre). The parcel currently contains a single-family home and outbuildings that will be razed as part of the development.

Rezoning Analysis: Some factors to consider when analyzing a rezoning request include:

Is the proposed rezoning consistent with existing and surrounding Land Use Designations?

The Land Use Plan Map shows the surrounding area as primarily Residential 1-1.5 acres. An amendment to the Land Use Plan is not required as part of the rezoning. Staff finds the proposal consistent with the surrounding Land Use designations.

Are there reasonable uses under existing zoning?

The existing R-3 zoning allows 11 lots with one-acre minimum lot sizes. Development of the parcel under the current zoning would require one acre lots which would result 11 lots on a private road and stormwater facilities on individual lots or a less dense development with a public road.

Has there been a change in character or trend in development in area of proposal?

There has not been a change in character in the area over the years. The area remains a predominately single-family neighborhood with lots sizes ranging from .37 to .87 acres in size. The site is the last largely undeveloped parcel in the immediate area.

Proposed Yield Plan:

As part of the PUD process, staff requires a yield plan to establish the number of zoning compliant lots achievable. The yield plan shows 11 lots, conforming to the R-3 zoning district. The plan would include the use of a private road with access from Torrey Drive.

Site Conditions:

The site seems appropriate for a conservation subdivision development in that it matches the development pattern of the surrounding subdivisions, and it contains several small wetlands and woodlands. The City Forester (see report) has walked the site and has determined there are 10 specimen trees which are located on Lot 3 of the proposed concept plan. Staff recommends that the group of specimen trees shall be located within the outlot area, and no specimen trees will be removed as part of the development.

Proposed Concept Plan:

The concept plan shows 11 lots served by a public road from Torrey Drive. The proposed lots range in size from .70 to .87 acres. There is a perimeter open space buffer proposed that ranges in width from 20 to 30 feet. There are two proposed stormwater ponds shown as part of the development which are in the outlot. Staff recommends that the width of the outlot shall be a minimum of thirty feet around the perimeter of the development and shall include a natural trail in the open space.

The proposed plan shows the road extending from the current stub of Torrey Drive to serve the development which terminates in a cul de sac. Including the two existing dwellings, there will be a total of 13 lots that are located on the dead-end road. The land development specifications do not specify a maximum number of lots on a dead-end road. Other roads in the adjacent subdivisions have a similar number of lots being served by a dead-end road. However, since the parcel has access to the right of way adjacent to the Fairway Circle cul de sac, the Engineering department is recommending a secondary road connection (see report below).

Engineering Report:

Cole McCraw, Assistant City Engineer, has reviewed the application and has the following comments:

A concept plan was provided to the City for review. As the Planning Commission application is for rezoning, the engineering comments are provided as information as the pending and likely conditions of preliminary plat in the future.

Access is proposed as a connection to North Torrey Drive ending in a cul-de-sac. Staff recommends that the street continue from the existing termination point on North Torrey Drive and connect through to the north side of the cul-de-sac on North Fairway Circle. Each additional cul-de-sac adds 15-20 minutes to a snowplow route, resulting in an inefficient operation. The right-of-way for North Fairway Circle runs along the east property line of the proposed development. Connections also provide benefits for emergency services, school buses and waste haulers. If Planning Commission or Common Council do not support staff's recommendation, the cul-de-sac shall be constructed to standard specifications.

Per the City Forester, there is stand of trees (non-specimen) on the west side of North Fairway Circle are poplar, which do not have a long lifespan (average 30-35 years). Most of the trees appear to be 20-25 years old and show signs of decline.

The plat shall dedicate a 60-foot right-of-way in the development. If ultimately constructed, the cul-de-sac design and right-of-way dedication shall be consistent with the City of Mequon Standard Specifications for Land Development. Dedications shall be recommended to the Common Council as a condition of preliminary plat approval.

Wetlands are present on the site. The developer provided a map of the wetland locations. The developer is required to provide the wetland delineation report and proof of WDNR concurrence. Wetland protective areas should also be indicated on the preliminary plat. No impervious surface shall be proposed in these areas. The storm water management devices are proposed on or near the wetland areas provided in the figure. Should wetland fill be required, the developer shall submit the permitting documents from the WDNR prior to application for preliminary plat.

No flood plain is indicated on the property.

The site is located within the City's sewer service area and connection to the public sewer in Torrey Lane is required. The development must connect to the public water main and should connect to both the existing water main in Torrey Lane and North Fairway Court, if the road extends through to connect. Otherwise, the water main shall meet the requirements of the Water Connection Policy.

The subdivision will result in an increase in impervious surface. Increases more than one-half acre require a stormwater management plan (SWMP) and are subject to MMSD Chapter 13 and NR151/216. As the proposed development is surrounded by existing, developed residential lots, the discharge for the proposed stormwater facilities shall be directed to existing ditches within the public right-of-way to minimize impact to adjacent properties.

The site proposes land disturbance in excess of one acre, therefore a City erosion control permit is required. Evidence of the WDNR-required WRAPP permit shall also be provided.

If proposed grading includes fill or excavation greater than 1,000 cubic yards, an application for approval of the minor request should be included with the preliminary plat submittal.

Developer must submit a development agreement using the city template at the time of preliminary plat. The developer must submit the development agreement draft with their Planning Commission application or earlier. The document must be approved by Planning Commission and Common Council.

Staff Recommendation:

Planning staff recommends approval of the rezoning and concept plan subject to the following condition(s):

1. Common Council approval of the rezoning.
2. All existing wetlands, and associated offsets, shall be contained in the outlot.
3. The perimeter outlot shall be a minimum of 30 feet and shall include the significant stand of trees shown on Lot3 of the concept plan.

4. All buildings shall maintain a minimum building setback of 50' from the public road right-of-way and a minimum 20' offset from the side and rear property lines and a building setback of 50 feet from the right of way. Offsets to wetlands as established by the Department of Natural Resources (DNR).
5. Lot coverage shall not exceed 20%.
6. An open space plan with a natural trail shall be submitted for Planning Commission approval.
7. The development shall comply with preliminary plat, development agreement, and final plat requirements.
8. Architectural design of residential buildings shall comply with the Architectural Board's publication entitled "Guidelines for Residential Structures" and are subject to the Architectural Review Board.
9. Street trees are subject to the approval of the Tree Board and Planning Commission.
10. Street lighting, if proposed, is subject to the approval of the Planning Commission.
11. Entryway signage and landscaping is subject to the approval of Planning Commission.
12. Any substantial change to the general concept plans illustrated in the attached exhibits shall require appropriate amendment to this ordinance.
13. The entire property is subject to the City of Mequon Tree Preservation Ordinance and necessary preservation easements, if any.
14. The road shall connect North Torrey Lane and North Fairway Court.
15. The development shall connect to public water and sewer with appropriate road reparations where existing pavement is impacted.
16. A WDNR concurrence letter should be submitted with the preliminary plat application. The wetland boundaries and protective areas should be shown on the preliminary plat. Assuming wetland fill is required, the developer shall submit the permitting documents from the WDNR prior to application for preliminary plat.

Attachments:

PacketDocs_TorreyDrive (PDF)

Forestry Division Assessment
 10766 N. Torrey Drive
 Date: 7-20-22

A tree assessment of the proposed development of Torrey Drive was completed on July 6, 2022.

The trees marked with in the assessment that meet the city's specimen criteria are, (1) American basswood (*Tilia americana*), (8) white-cedar (*Thuja occidentalis*), and (1) eastern red-cedar (*Juniperus virginiana*). The (10) specimen trees are marked with green marking ribbon and have been requested to be located and shown on the preliminary plat.

The northernmost tree line of the property contains (9) of the (10) trees deemed to be specimen, and could be considered for a subdivision out lot. Additionally, there is one eastern red-cedar (12") roughly 30' from the existing house to the west that has been determined to be a specimen.

The trees marked on site, and included on the preliminary plan are as follows:

Species	DBH
Basswood	24"
White cedar	13"
White cedar	8"
White cedar	11"
White cedar	13"
White cedar	9"
White cedar	12"
White cedar	11"
White cedar	13"
Red cedar	12"

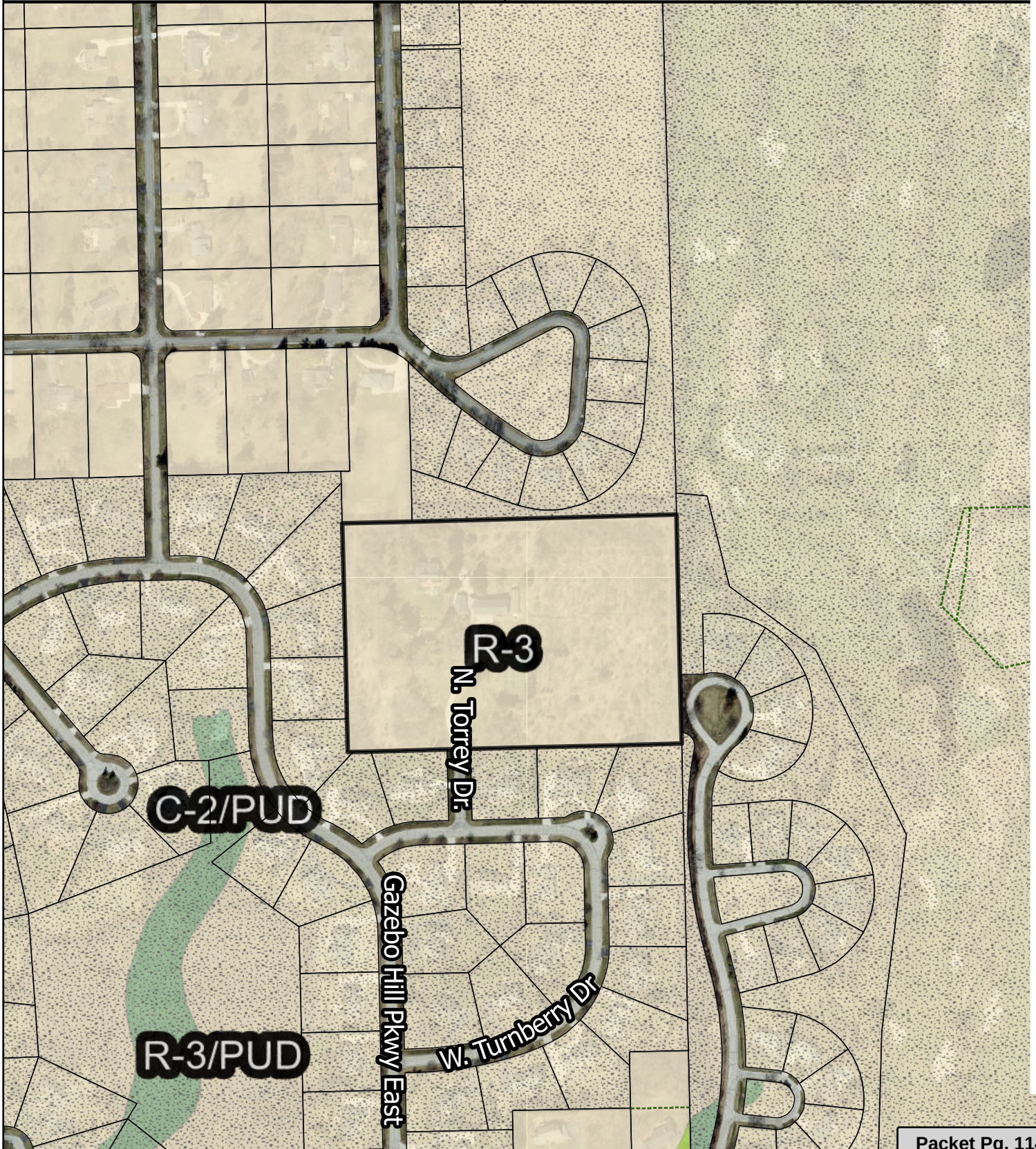
Note that none of the trees marked as specimens appear to be affected by the current road placement or the proposed building pad sites.

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 and contact the city forester upon installation. Additionally, signs shall be posted saying Tree Protection Zone. These zones will be inspected by the City Forester prior to any construction.

TORREY DRIVE, LLC REZONE AND CONCEPT PLAN APPROVAL

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



Planning Commission Narrative

Rezoning and Subdivision Concept Plan

June 20, 2020

Torrey Drive, LLC
11 Lot Residential Subdivision
10766 N. Torrey Drive

11.27 Acres (Net)

Tax Key: 14-025-09-00-100

Current Zoning: R-3

Desired Zoning: R-3 PUD

Working with the landowner of nearly 46 years, we are requesting rezoning of the 11.27 acre parcel at 10766 N. Torrey Drive from R-3 to R-3 PUD in order to develop 11 single family residential lots consistent with the surrounding Gazebo Hills Subdivision zoning, land use and lot sizes. Earlier this year, the landowner began looking for a developer to take down the existing structures, purchase and divide the property.

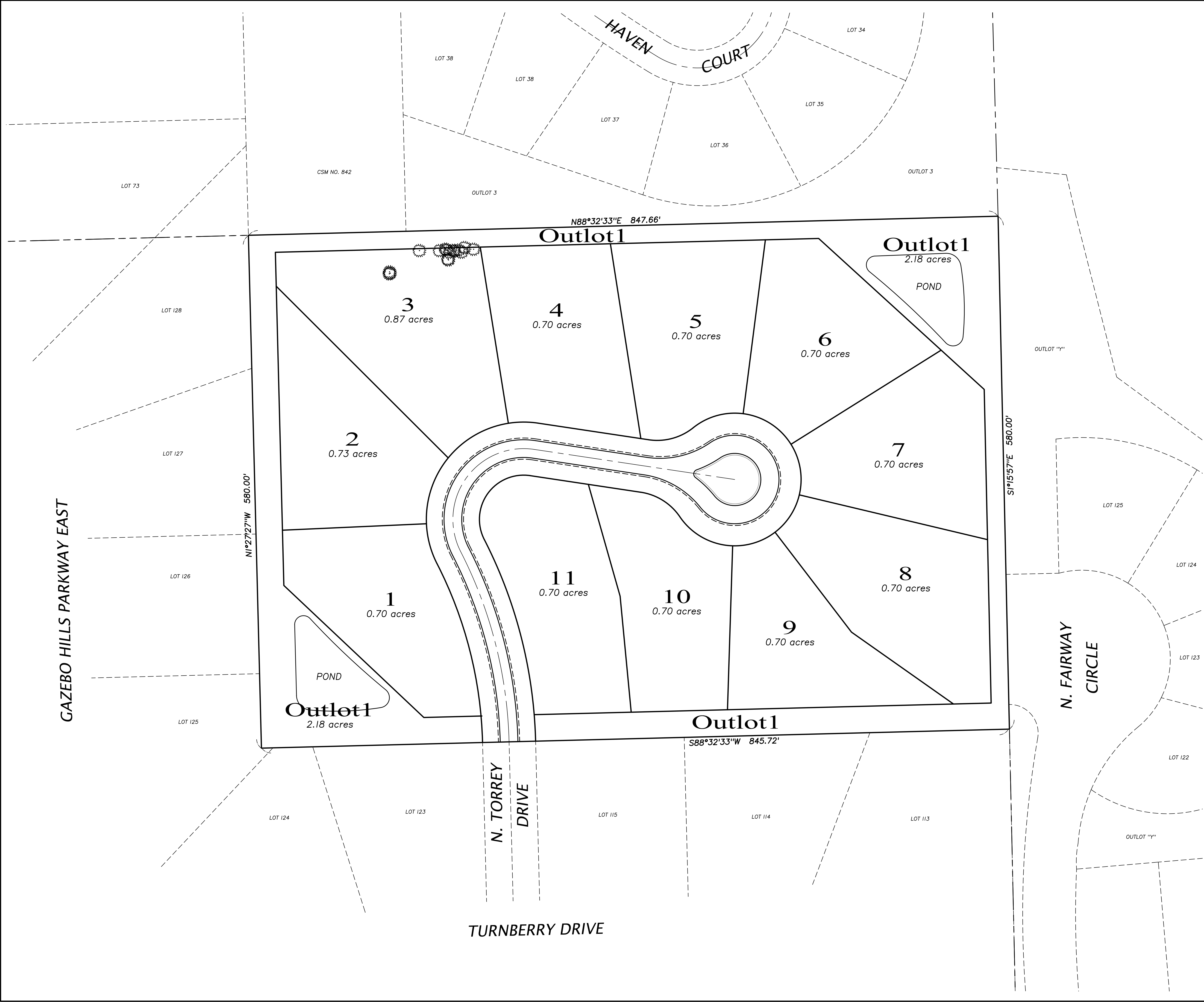
When Gazebo Hills was developed, Torrey Drive was extended to the southern lot line of this parcel in preparation for future land division. Basement depth sanitary sewer and a water main was extended to the lot line to serve future homes on this property. This parcel is also connected at its eastern property line to the Fairway Circle right-of-way.

Utilizing these two road connections, 11 one-acre R-3 lots can be developed without PUD rezoning using a combination of a private driveway and a private road. We do not believe that this would enhance or be consistent with the quality of the current developments or be the optimal land use planning decision. For these reasons we are requesting your support for rezoning the parcel to R-3 PUD for an 11 lot subdivision.

In our application we have included an 11 lot yield plan, an 11 lot PUD Concept Plan and a copy of the Field Delineated Wetlands. We have met with the City of Mequon Forester, Mike Gies, to identify specimen trees. We have investigated the sanitary sewer extensions and water service connections necessary for the development of the 11 lots. We are proposing two storm water ponds to be consistent with current development criteria and the existing stormwater flow from this parcel. We are proposing a public road to serve these new homes.

Thank you.

Attachment: PacketDocs_TorreyDrive (7521 : Torrey Drive, LLC for Carol Wiensch)



LEGAL DESCRIPTION :
Parcel 1 of Certified Survey Map No. 841, being a part of the Northeast 1/4 of the Southwest 1/4 of Section 25, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.
Said Parcel containing 11.274 acres of land, more or less.

LEGEND :
 DENOTES SPECIMEN TREES AS FLAGGED BY THE CITY FORESTER

Proposed Zoning Statistics:
Lot Coverage = 20%

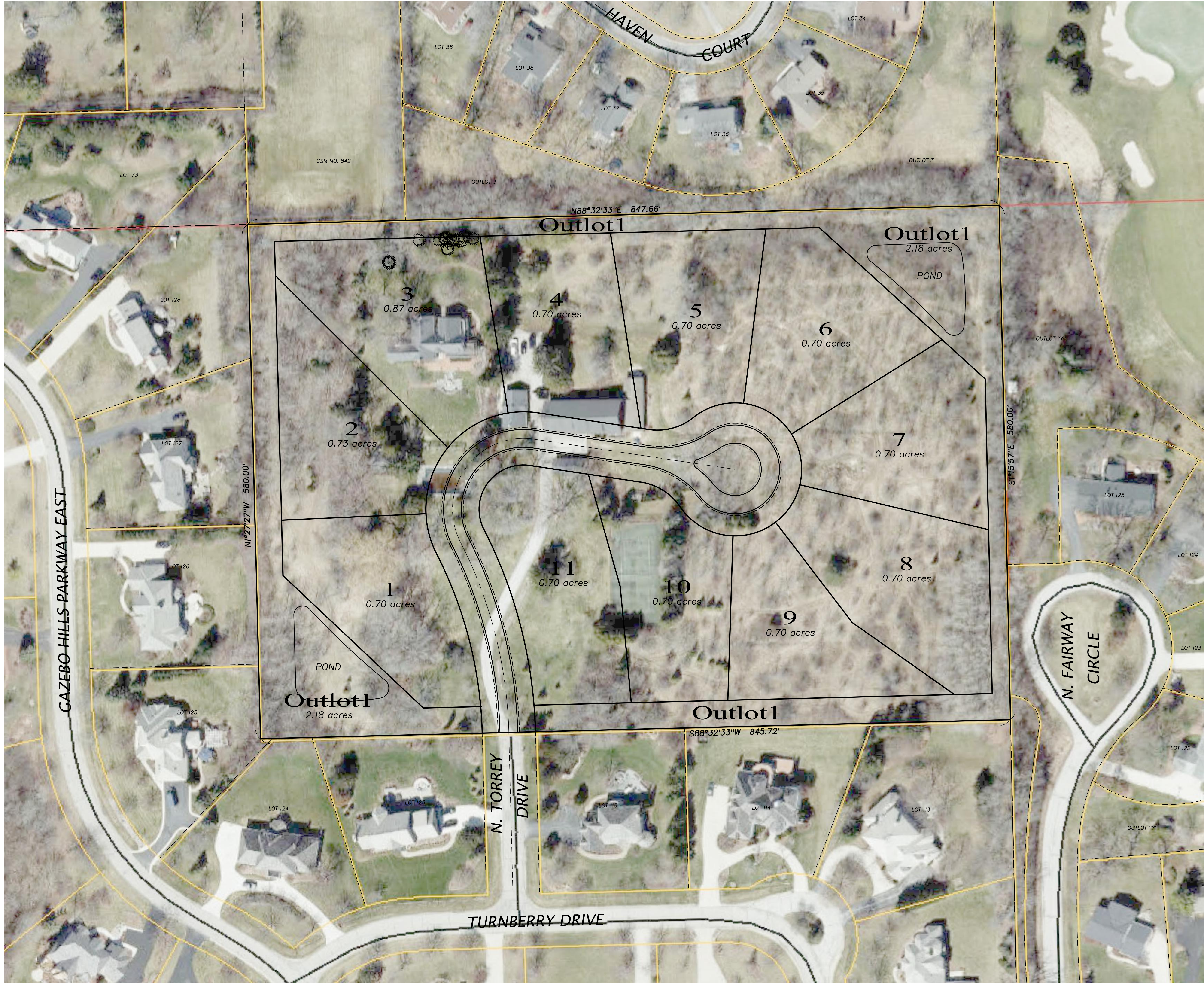
Minimum Building Setbacks:
Front/Street = 30.0'
Side yard = 20.0'
Rear yard = 20.0'

Property Statistics:
Total Property Area = 11.27 acres (100%)
N. Torrey Court Road Dedication Area = 1.17 acres (10.38%)
Outlot 1 Area = 2.18 acres (19.34%)
Average Lot Area = 7.92 acres x 11 = 0.72 acres (70.28%)



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

2	7/18/22	MINOR REVISIONS AND ADD SPECIMEN TREES	JGS	JWH
1	6/29/22	MINOR REVISIONS AS REQUESTED	JGS	JWH
MARK	DATE	REVISION	BY	APVD
"CONCEPTUAL LAYOUT"				
for Torrey Drive, LLC				
10766 N. Torrey Drive Mequon, WI				
DATE:	JUNE 17, 2022	DRAWN BY:	J.G.S.	
FIELD CREW:	N/A	Plot No.	LS-5310-22-CONCEPT	



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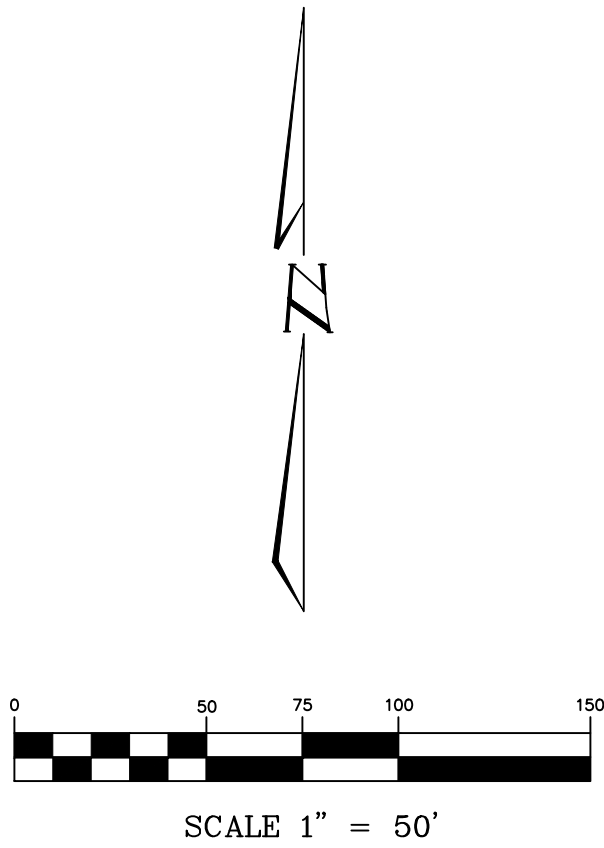
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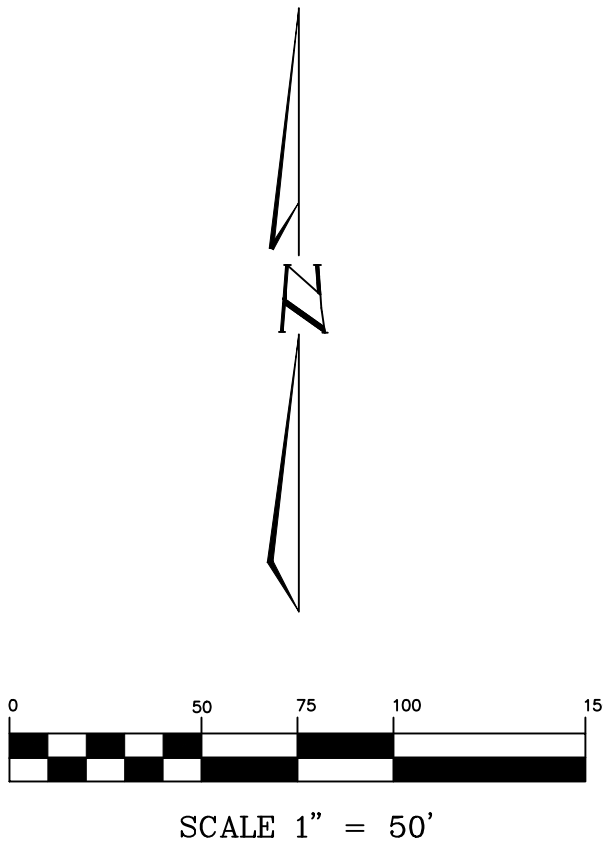
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for Torrey Drive, LLC				
10766 N. Torrey Drive Mequon, WI				
DATE:	JUNE 17, 2022	DRAWN BY:	J.G.S.	
FIELD CREW:	N/A	Plat No.	LS-5310-22-CONCEPT	



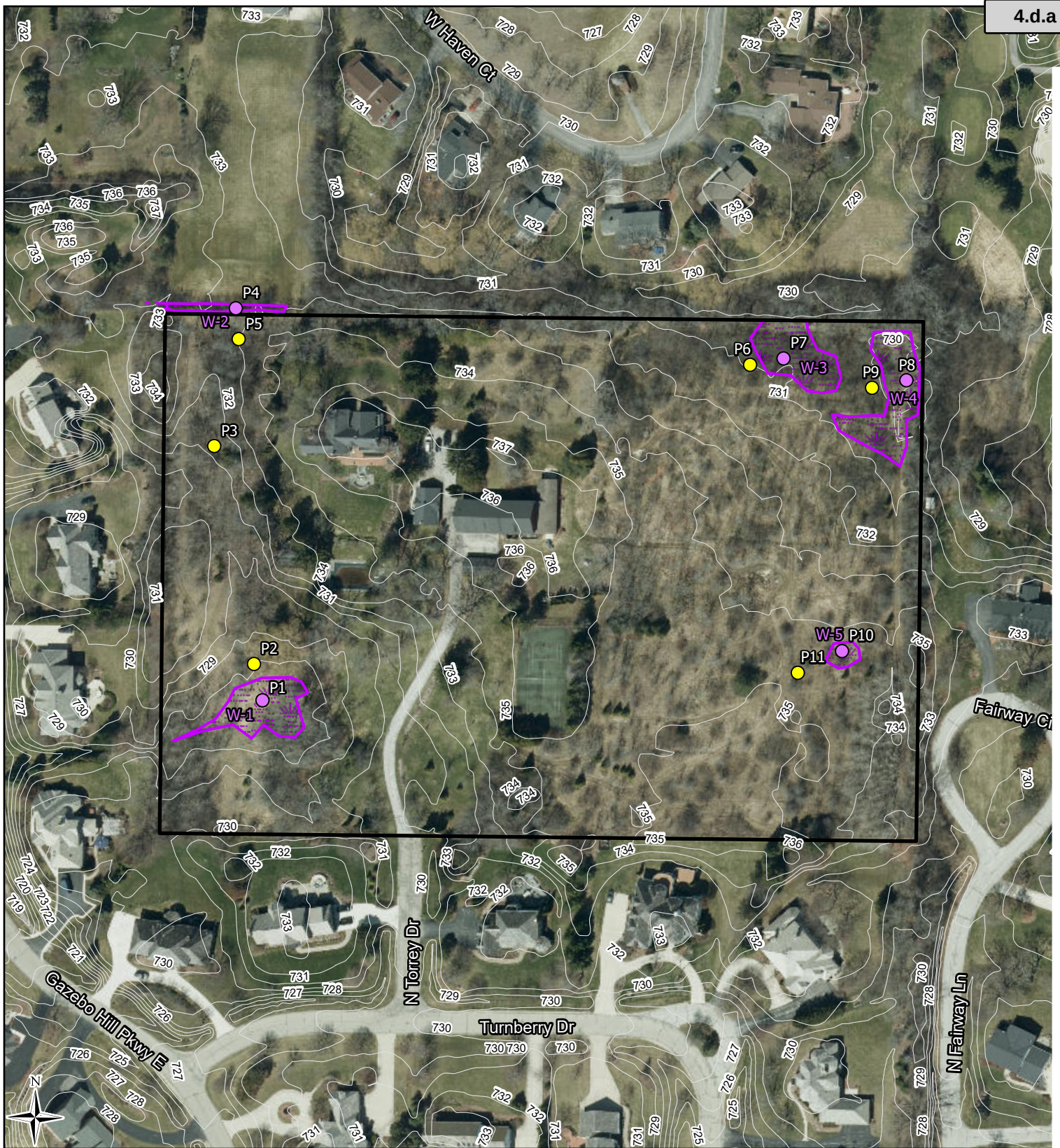
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Said Parcel containing 11.274 acres of land, more or less.

Property Statistics:
Total Property Area = 11.27 acres (100%)
Average Lot Area = 1.02 acres x 11 = 11.27 acres (100%)

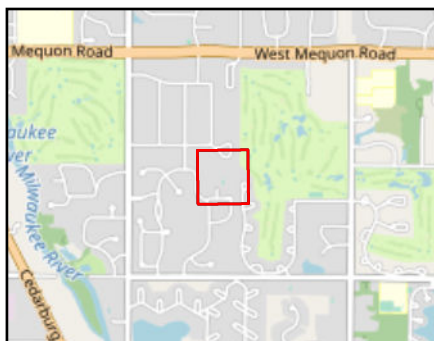


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www.NorthShoreEngineering.net

MARK	DATE	REVISION	BY	APVD
"YIELD PLAN"				
for Torrey Drive, LLC				
10766 N. Torrey Drive Mequon, WI				
DATE:	JUNE 17, 2022	DRAWN BY:	J.G.S.	
FIELD CREW:	N/A	Plot No.	LS-5310-22-YIELD	



Attachment: PacketDocs_TorreyDrive (7521 : Torrey Drive, LLC for Carol Wiensch)



- Study Area (11.26 ac)
- Ozaukee Co 1' Contours
- Field Delineated Wetlands (0.43 ac)
- Offsite Wetland Boundaries

Sample Points

- Upland
- Wetland

0 150
Ft

Heartland
ECOLOGICAL GROUP INC

Figure 6. Field Delineated Wetlands

10766 N Torrey Drive
Project #20220766
T9N, R21E, S25
C Mequon, Ozaukee Co

2020 NAIP
Ozaukee Co
LDR, NCNE