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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, August 7, 2017
7:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chairman Dan Abendroth
Commissioner Martin Choren
Commissioner John Mason
Commissioner Brian Parrish
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Alderman John Wirth
Commissioner Rick Lemke
Alternate Stephanie Hawley

2) Public Hearing

- a) Raposa Design for Brixmor SPE I LLC. The applicant is seeking conditional use grant amendment approval to allow for an expansion to the outdoor dining patio at 11046 N. Port Washington Road (Chancery).

Action

Ald. Wirth made a motion to go into public hearing.
Commissioner Parrish seconded the motion.
All voted aye; vote passed (8-0).

Action

Ald. Wirth made a motion to close public hearing.
Commissioner Parrish seconded the motion.
All voted aye; vote passed (8-0).

Action

Ald. Wirth made a motion to approve the item per staff comments.
Commissioner Mason seconded the motion.
All voted aye; vote passed (8-0).

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

- b) WS Design for AWJ International Corporation. The applicant is seeking conditional use grant and building and site plan approval for a new 13, 000 s.q. ft. building to be use for warehousing operations for the property located at 10501 N. Commerce Street.

Action

Ald. Wirth made a motion to go into public hearing.
Commissioner Choren seconded the motion.
All voted aye; vote passed (8-0).

Richard Lamb – 10498 N. Hidden Creek Court – stated that there is a significant berm along the part of the back of the property and he requests that the berm be completed as well as he feels that some Evergreens should be added on the southern part of the berm. He also requests that the application take precautions with the lighting on the back dock as to not negatively affect the Hidden Creek subdivision behind there.

Action

Ald. Wirth made a motion to close the public hearing.
Commissioner Mason seconded the motion.
All voted aye; vote passed (8-0).

Asst. Dir. Zader stated the request is for a conditional use and building and site plan approval for a 13,475 square foot building on a vacant parcel located in Phase II in the Mequon Business Park. A&V Waterjet Tech is a distributor of industrial CNC waterjet cutting system and is looking to move its operations to Mequon. Due to the primary function being distribution and warehousing, a conditional use grant approval is required.

The Hidden Creek subdivision is directly west of this property. There is a 50 foot landscape easement along the west property line. The landscape consultant did visit the site and his report was not available at the time the packet was sent out but was left on the dais for the Commissioners to review.

The business will only be open from 8:00 AM to 5:00 PM weekdays. Staff feels this is a compatible use for the area as the operations on site are relatively low impact. An issue that can be improved is the lighting plan. There are a few wall packs shown on the back loading dock but the cut sheets were not provided. Staff will ensure that the lights are full cut off and that the lights shine down and do not have any impact on the neighboring subdivision.

The landscape report does show an opportunity for additional landscaping along the west property line. All of the conditions from the landscape consultant's report will be included as

part of staff's approval. If there are Ash trees that are dying, they will be required to be replaced. The berm mentioned by Mr. Lamb will be looked at to assess if there is work needed there.

Asst. Dir. Zader stated that the building is constructed with block and hardy plank panels with store front windows. The architecture is similar to what is seen in the rest of the business park in terms of materials and design. Staff does suggest adding some mezzanine windows on the north and south elevation in order to break up the massing of the wall. The Engineering report is included.

Staff does recommend approval of the project according to the conditions in the report with the addition of the comments from Terry Higgins landscape report.

The applicant, Kevin Wahlgren with WS Design and Ziming Wu, owner of the business were present. Mr. Wahlgren stated that he has not yet seen the landscape report but they are willing to work with the City to enhance the berm if necessary. He stated that they did bring the glass well into the warehouse and into the architecture on the south elevation. The glass along the wall on the north side is the warehouse. The building is only 20 feet in height. They feel that they have done a significant amount of glazing on the building. He stated that the tenant is looking to get started and to be in the building in the first quarter of 2018.

Ald. Wirth stated that he feels that the building is nice looking and a great use for it. The condominiums to the west are sensitive about the type of business going in at the location. He agrees that some additional landscaping and buffering of the light there is important. He did not get a chance to read the landscape report yet; but he will make a motion to approve the item with the condition that the landscape plan come back to the Commission for review and approval and not only be approved through staff due to the residents' concerns. He does not feel that the mezzanine windows are necessary.

Mr. Wahlgren stated that the lighting are LED lights and are 75 watt equivalent and these lower intensity lights were chosen purposefully. He also suggested the lights could be on a timer so that they are off after the work day. He stated they lights will be cut off.

Action

Ald. Wirth made a motion to approve the item subject to staff conditions in the report; a requirement that deliveries and pick-ups be pursuant to the hours of operations submitted by the applicant, the applicant come back before the Commission with a revised landscape plan but can proceed otherwise and there is no requirement for additional windows to be added.

Commissioner Choren seconded the motion.

All voted aye; vote passed (8-0).

RESULT:	APPROVED [8 TO 0]
MOVER:	John Wirth, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Choren, Parrish, J. Schaefer, R. Schaefer, Wirth, Lemke, Mason
EXCUSED:	Stoker, Hawley
RECUSED:	

3) Regular Business

- a) Fred Bersch & Paul Apfelbach for Bill Frick. The applicant is seeking rezoning recommendation, concept plan and land use plan approval for a 13 lot single family subdivision located at 2100 W. Ranch Road.

Mayor Abendroth explained to the audience that the process for this item is that the Planning Commission will make a recommendation tonight to the Common Council. The Common Council will hold a public hearing subsequent to the recommendation.

Ald. Wirth recused himself from this item.

Asst. Dir. Zader stated that this is a request for a 13 lot conservation subdivision on 21 acres of land at 2100 W. Ranch Road. The applicant is requesting to rezone a portion of the land that is currently zoned C-2 (General Conservancy) to R-3 (single Family 1 Acre) zoning. The plan proposes 52% open space with lots ranging from .6 -.81 acres in size. He included a lengthy history of the property in the staff report:

- Prior to 1994, the parcel was zoned RS-1 which permitted 40,000 square foot lots (less than an acre).
- In 1994, the parcel was reclassified to R-4 (3/4 acre or 32, 670 square feet) as part of the city wide zoning code updates.
- In March of 1995, an ordinance initiated by city staff to rezone the parcel to R-2B (1.5 Acre) did not achieve a supermajority and failed at the Common Council.
- In 1995, a plan was submitted to develop the property into a 12 lot subdivision. The code allowed up to 16 lots per the R-4 district standards. The development plan was not approved.
- In 1996, a plan was submitted for an 11 lot subdivision. The development plan was not approved.
- In 1997, the upland portion of the parcel was rezoned to C-2 (Conservancy) despite an objection by the property owner. The City's decision to rezone the parcel to C-2 was based on information provided by SEWPRC that the land was suitable for Primary Environmental Corridor Designation.
- In 1997, The Park Board discussed purchasing the land for a city park. It was agreed upon that the Board was not interested in purchasing the parcel at the time.

He stated that regardless of action of Commission or Common Council, there are a few issues the City needs to rectify. One is that the current cul de sac at the end of Ranch Road is on

private property and there are no records of easements or agreements to install it. There is also a sewer easement with a bike path on it. There is an easement agreement for the sewer but no easement in place to allow public access to the path.

The proposed concept plan and yield plan show 13 lots, which would be allowed per the R-3 requirements. The plan also shows a couple storm water ponds and an extension of the path that would circle the perimeter of the property and will connect to the existing trail. This plan is similar to other subdivisions that have been approved in this sewer area. The lots are consistent in size with other developments as well as the neighboring subdivision to the southeast. The City Forester visited the property and he did identify a number of specimen trees but they are mostly all located in the Primary Environmental Corridor. Staff feels that it is appropriate for the zoning to be changed back to R-3 which will allow for densities of 1 acre in the non-corridor lands and would allow for the proposed plan.

Karen Gunderman - 11618 N. Country Drive – asked what the maximum square footage for the houses will be and if a maximum size could be included as part of the approval. She stated that by lots #10 - #13 there is the walking path and she is wondering if the trees there will be allowed to be cut down for a view of the marsh. Her final question was regarding whether the existing path around the property would be made public and accessible to anyone.

Asst. Dir. Zader answered that the area in question is part of the Environmental Corridor and the developer was instructed to draw the plans so that there are not any areas on individual lots. They will all be located in open space and will be owned by the association. SWRPC will have a deed restriction that will prevent any land disturbing activities within that area. He also answered that the path would be deemed a public path and could be accessed by anyone in the city.

Eleanor Lee – 1930 W. River Bend Court – is opposed and does not wish to speak.

Kirk Anderson - 1928 W. Ranch Road - is opposed and does not wish to speak.

Kathy Lorenz – 11707 N. Hillside Lane - is opposed and does not wish to speak.

Dixie Lowin – 2028 W. Ranch Road – showed pictures of her backyard under water. She is concerned about how the proposed project will affect the existing wells in the area. She asked if there would be individual wells or a community well. She is also concerned about lift station E because it has backed up previously with raw sewage and caused a lot of damage to her property. She worries that 13 new homes with basements and driveways will take up a lot of land that would normally soak up water in the area.

Amy Kirkland – 11816 N. Oriole Lane – stated that this area is not a high land and that there are many creatures that live there that would be displaced. She is very much opposed to this project as this is a wetland with many mosquitos and that no one will want to live there.

William Nimke – 2042 W. Ranch Road – is opposed and does not wish to speak.

Peter Gardner- 2350 W. Ranch Road – he lives on the 30-acre parcel adjacent to this property. When he built his house he was not allowed to build a basement due to the water in the area. He has three issues with the proposed development:

1) Well issue – how this will affect the wells in the area.

2) Sewer issue – when it rains and floods, the river is backing up and there is nowhere for the run off to go.

3) Run off – there is not a drainage plan proposed to handle the water in this area.

He stated that the land there is needed to soak up the water there for the existing homes.

JoAnn Maloney – 2010 W. Ranch Road - is opposed and does not wish to speak.

Charles Stevens – 2525 Hickory Lane – stated that he lives right next to the water easement that travels from the south to the north. He predicts his home that was built in 1970 will be lower than new homes that would be built. He constantly has a wet yard and has had a flooded basement. He is concerned that the DNR will not permit any digging out or enlarging of the drainage ditches or culverts and the new higher properties will just cause the flood water to be higher. He worries about the flooding and sewer back up. He stated that other new developments south of Mequon Road have caused higher river levels.

Howard Schlei – 1935 W. River Bend Court – stated that he feels that this is a bad idea all around. It was not permitted 20 years ago and he feels that it should not be permitted now. He stated that there were 600 residents that signed a petition 20 years ago against the building on this land. Residents were opposed then and they are opposed now. He stated that the land is vast marsh and wet land. He feels that the surrounding neighborhoods will be negatively impacted. He commented that nobody wants the path to have public access and he hopes that the Commission will reject this proposal.

Asst. Dir. Zader explained that the proposed development is within the city water service boundary and the sewer service boundary. The developer would be required to extend city water to the property. If the applicant would choose to get a deferral, he would need to go before the Water Utility Committee. Bringing city water to the property would be required for the 13 proposed lots but not if the project would only be only 5 or 6 lots. Extending Laguna was not explored as it would have to cross the wetland. A drainage plan would be required later on if the project moves forward.

Kristen Lundeen, Director of Engineering and Public Works, stated that the East trunk sewer project is in place which would provide additional capacity to address wet weather events as well as additional development in the area and staff has no qualms that adding 5 to 13 homes would have a negative impact on the sewer service area. She too stated that the applicant would be required to complete a drainage assessment and storm water management plan to address the drainage on the site if the project moves forward.

The applicants, Fred Bersch, Paul Apfelbach were joined by Bill Frick and Kristen Glass. Mr. Bersch stated that he was engaged by Bill Frick and Christine Glass, the land owners, to assist them in realizing their father's dream of developing the 21 acre property. They appreciated Mr. Zader giving the history from 1994. However, Mr. Frick purchased the

property in 1952 and has paid the taxes on it every year since then, although he has never lived on the property. He allowed easement access across his property and has tried to be part of the neighborhood and part of the community since 1964. He explained that the culvert that restricts the flow from the primary wetland, including floodplain, is several feet above the floodplain. It goes under Mr. Gardner's driveway and is actually located on the Frick's property. It is a significant restriction in flow because the water coming from Laguna goes through wetland and tries to exit at that location. He stated that this is an upland property and that it is located several feet above the adjacent land.

Mr. Bersch stated that the property was downzoned to C-2 because the Planning Commission at the time was misinformed that the property was considered Primary Environmental Corridor. In this case, because the 5 acre density is not in keeping with the neighborhood; which is $\frac{3}{4}$ and 1 acre lots, it was zoned Conservancy. The property owners are opposed to the five acre density requirement as well as the fact that this land is not Primary Environmental Corridor.

Regarding the size of the homes to be built, he stated that he builds modest homes in the community and they intend to build homes in keeping with the neighborhood that are community sensitive. He commented that in the 20 years of recent history of the neighborhood, no one has moved away because of the flooding, has built a raingarden, a bio swell or storm water ponds, but they have enlarged their driveways, built concrete patios, built additional garages, sheds and swimming pools; all adding more impervious surface to the area. They were under no obligation to help mitigate the loss of impervious area. 20 years ago the zoning codes in the city did not require a storm water management plan, but today they are required. This will be the first development since the ordinance that will provide for collection storm water on the site. He stated that more than 52% of this site will have open space.

Mr. Apfelbach stated that this land does not seem low and is in fact upland. He feels that based on the DNR, SWRPC and Engineering standards it is buildable upland.

Mr. Bersch stated that they do not feel that 5 acre estate lots are in harmony with the surrounding neighborhoods. He also stated that having 5 acre estate lots does not necessarily mean that there will be less impervious area than the proposed 13 lot subdivision. They also feel that these homes would support school aged children which they feel is important to the community.

Commissioner Mason asked the applicant if they would be able to dig and build a 9 ft basement. He also asked whether they would need to bring in fill and if they plan to bring city water to the site.

Mr. Bersch answered that they intend to dig basements but they do not know if they would be 9 ft. He stated that he contacted Jim Voigt, Director of Operations for City Water, to get a proposal for bringing water to the site. Per Mr. Voigt's report, they feel that at 13 lots it is feasible but not for a fewer amount. Mr. Voigt indicted his support for a waiver at the lower number of lots but not for the 13 lots. Mr. Bersch stated that his preference is to bring city

water to the site and he feels that it is an important part of the development to the community.

Commissioner Choren feels that there is a big drop from the east at that location and the reason for the wetlands between Laguna and Ranch. He asked about the ponds shown on the plan and if this is the storm water management plan.

Mr. Bersch answered that North Shore Engineering has done and redone the ponds and they continue to come up in the same locations. In addition, the DNR Wetland Specialist and they feel confident that the storm water management plan would provide adequate coverage for the site. He stated that the requirement is that the developed site discharges water at no higher rate than prior to development.

Commissioner Parrish stated that he sympathizes with the neighbors as he has had a similar experience by his neighborhood, He feels that development will eventually happen at this site. He feels that a controlled development is much more attractive. He feels that 13 lots are a bit excessive. He would like to table this item to work out some additional issues.

Commissioner Mason asked for clarification about the zoning change.

Asst. Dir. Zader answered that the issue has to deal with this property being deemed Environmental Corridor. He stated that this is the only property in the city that has C-2 zoning on buildable land.

Mayor Abendroth stated that C-2 zoning was used as a less intense zoning. It is a tricky piece to consider for development as it is surrounded by marsh and wetland. The property owner's desires should also be considered. This issue will be passed along to the Common Council. He feels that if this becomes a controversial issue, as it was last time, then it is not going to pass and it would be best to find an agreeable solution for all sides.

Action

Commissioner Choren made a motion to approve the item per staff recommendations and with the condition that city water must be brought to the site.

Commissioner Lemke seconded the motion.

A roll call vote was taken; vote passed 5-3 (No: Becky Schaefer, Parrish, Mayor Abendroth).

RESULT:	APPROVED [5 TO 3]
MOVER:	Martin Choren, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Choren, Mason, J. Schaefer, Lemke, Hawley
NAYS:	Abendroth, Parrish, R. Schaefer
EXCUSED:	Stoker
RECUSED:	Wirth

- b) Highlander Estates, Addition 2. The applicant is seeking landscape plan and street tree plan approval to allow for Phase III (Addition #2) consisting of 45 lots of the 111 lot single family subdivision located immediately south of Brighton Ridge and Knightsbridge subdivisions between Swan and Wauwatosa Roads.

Planner Vang stated that this request is for Phase III of the Highlander Estates subdivision. This went to the Tree Board for street tree approval in June. The landscape plan is consistent with the overall open space plan that was approved in 2015. The proposal includes details related to a subdivision sign and fencing along Swan Road as well as landscape beds at the west entrance. They are also proposing landscaping around the perimeter of the storm water ponds. Along the north property line there will be a dense grouping of evergreen trees in an effort to shield headlights traveling on Highlander Drive. Staff believes this is sufficient but recommends this grouping of trees be expanded to the east and to the west to help buffer as effectively as possible. Staff does recommend approval of the street tree and landscape plans according to the conditions in the report.

Ald. Wirth asked about the bike path that crosses the subdivision entrance on Swan Road and if the developer is responsible for restoring the path once the construction is finished. He also stated that the safety of the bike paths going across the entrance to the subdivision is an issue and he would like to ensure there are measures taken to make it as safe as possible and he requested striping there so that bikers are aware there is a crossing there.

Action

Ald. Wirth made a motion to approve subject to staff comments and striping the lane and restoring the bike path.

Commissioner Parrish seconded the motion.

All voted aye; vote passed (8-0).

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

- c) Badger Lighting and Signs. The applicant is seeking master sign plan amendment approval for the property located at 11120 N. Cedarburg Road (Mr. B's restaurant).

Planner Vang stated that the applicant is requesting an amendment to the master sign plan for the River Site shopping center. The amendment is to allow for a 59 ft. wall sign on the north elevation. Mr. B's currently has approval for two wall signs on the west elevation. In addition they will have tenant panel signs on two free standing signs for the property. Staff and the Commission have not supported signs on the north elevation in the past. Staff recommends denial due to insufficient justification for the sign on this elevation.

The applicant, Marty Westberg from Badger lighting and Signs, stated that the Mr. B's is looking to maximize the visibility of the restaurant using the space on the north elevation for traffic traveling eastbound and westbound.

Ald. Wirth has stated that he has empathy for the applicant and he feels that the sign code may be short-sighted regarding this type of sign.

Asst. Dir. Zader explained that a former tenant had a sign on that elevation that was required to be removed but the shopping center's name was allowed to go on that side as signage on that elevation. Mr. B's will have visibility from the monument sign as well as two signs (one on the tower and one on the wall) that are on the building that were approved by the Commission as part of the master sign plan. This is beyond what is typically allowed.

Ald. Wirth commented that the signage on that building is difficult to see and not useful. He feels it is hard to know what is at that shopping center.

Mayor Abendroth stated that the business is located on the south end of the building and the requested sign would be on the north end which he feels does not make a lot of sense.

Commissioner Parrish stated that he feels that it was a big investment for the restaurant and that he does not want the restaurant to fail. He feels strongly that they should have sufficient signage and that the city should do everything possible to support them.

Asst. Dir. Zader stated that this is a slippery slope because other tenants may also want additional signage and the city does not want multiple signs along that elevation.

Mr. Westberg stated that the fact that the restaurant is located on the other end of the building is the main reason that they want the sign on the north elevation so people know they are there.

Planner Vang stated that they have been approved for two new tenant panels for the monument sign which will have better visibility of the tenants in the shopping center.

Mayor Abendroth commented that if approval was allowed for Mr. B's sign, they sign would not match the River Site sign at all and should be designed to fit in better.

Commissioner Jim Schaefer stated that he agrees with staff not to allow more signage and he feels that the sign is unattractive.

Asst. Dir. Zader explained that the wall sign already exceeds the Town Center requirements as they were still governed by the former 10 ft. requirement. Current is a 6 ft. maximum. He commented that the main wall sign is around 60 sq. ft. which is twice the typical allowed sign size for a multi-tenant building.

Ald. Wirth stated that changes should be a policy decision and not made for each tenant as it is not fair to all businesses.

Action

Ald. Wirth made a motion to deny the request.

Commissioner Mason seconded this motion.

A roll call vote was called; vote passed 7-1 (No: Parrish)

RESULT:	APPROVED [6 TO 1]
MOVER:	John Wirth, Alderman
SECONDER:	John Mason, Commissioner
AYES:	Abendroth, Choren, Mason, Schaefer, Schaefer, Wirth, Lemke
NAYS:	Parrish
EXCUSED:	Stoker, Hawley
RECUSED:	

- d) The Hoff Group. The applicant is seeking rezoning recommendation, land use plan amendment and concept plan approval for a proposed 32 unit residential side-by-side plex duplex condominium project from Institutional/Residential 1 - 1.5 acre to Plex zoning for the properties located at 12431 N. Green Bay Road and the parcel located immediately west.

Asst. Dir. Zader stated that there are two parcels that are part of this request. One is owned by the city and is used for storage. In July, the Common Council approved the sale of the parcel to the applicant contingent on getting approvals. The applicant has a contract on the other parcel and it is zoned R-1. The request is to change the zoning from R-1 and Institutional to R-6 plex to allow for 16 side-by-side units. Staff feels that this is an appropriate location for the rezoning and for this type of development; as there is a larger multi-family complex to the south and rural and single family homes to the north. Staff feels that this is a good location for this type of transition.

There is one single family home to the west and the resident is not opposed to development but has asked for a few conditions that would be added as conditions of approval (letter included in board packet). One of the issues is related to the roadway connection. The plan currently shows two access points; one off Cedarburg Road and one off Green Bay Road. The neighbor is requesting the Cedarburg Road access be eliminated. The engineering issue does indicate that there is spacing issue on Cedarburg Road and does not meet the spacing requirement. If the road goes in, the neighbor requests additional buffering between his property and the development.

The applicant is requesting a few waivers as part of the PUD; there are some deviations from the current setback requirement. Staff is supportive of the waivers. There is also a request to

deviate from the required 30% maximum impervious surfaces. If the driveway is removed, it will be close to meeting the requirement. There have been conversations about other options regarding whether it would be a private or public road there.

It has been the Commission's policy, not an ordinance, that 50% of the garages be side loading. It is difficult in this case because of the ranch style units and the higher density. Staff feels there is opportunity to get a few more side loading garages than proposed. Staff has talked to the developer and suggested that in exchange for not meeting the 50% requirement, that a more architectural door may be required on the garages.

The City Forester visited the site and there are some specimen trees located on the south property line but the majority is located within the setback area and should not be impacted by the development.

Staff recommends approval subject to the conditions in the report.

Greg Latsch – 5108 W. Cairdel Lane – asked about the lighting and if the light could be reduced. He asked about the implications of not meeting the impervious surface requirements and the effect on the storm water management.

Asst. Dir. Zader answered that street trees are not a requirement of the city and if they are provided by the developer they would need approval from the Commission. There are standards in regard to street lighting and in this case requires them to be full cut off fixtures. If they are not full cut off and are partial cut off then the amount of lumens has to be significantly reduced.

He answered that they still need to meet the storm water management plan based on the impervious surface created whether it meets the 30% or not. The other issue is a zoning issue as the R-6 allows for 4 units per acre and there would be no way to meet that density and meet the 30% lot impervious requirement.

James Wilke – 12434 N. Cedarburg Road – lives just west of the proposed project. His biggest concern is the road access onto Cedarburg Road as there will be many cars there and he feels that there is a safety issue. He commented that there are four drive ways with multiple family homes in close proximity. He said that there is a school bus stop there as well. He feels that the access should only be from Green Bay Road. He also expressed concern regarding the setback and he heard from the developer that the size of the cul du sacs could change which would give him more set back. He also stated that the developer stated that he would only take green space foliage away within 15 feet of all the buildings. He expects this standard to be honored.

The applicant, David Hoff, stated that he feels that this is a great site as it is heavily wooded and there is a good market for this design of housing and price point. He stated that he met with Mr. Wilke and they have discussed Mr. Wilke's concerns. He said that he was unaware of the amount of traffic there. The plan is to lay out public sized road and public sized cul du sacs. The concept plan shows 32 units, 16 duplex buildings which are 2.9 units per acre. The

impervious area of 30% would be impossible to achieve but they are proposing 36% which is close.

Mr. Hoff stated his intent is only to clear the minimum amount of foliage from around the buildings specifically in the buffer areas; the perimeter of the property, especially the north property line. He stated that it is to his benefit to keep as many of those trees as a buffer as possible. He stated that he will include a penalty in his contract with the excavator of \$500 per tree that may be accidentally taken down. On the west side of the property, other than 15 ft. around the building pads, the rest of the foliage would be protected. The roadways will be private and will be close to city specification. He will reduce the size of the cul du sacs which will allow him to move some of the buildings to the east to increase the setback there.

Regarding the access to Cedarburg Road, Mr. Hoff felt that this would be the main entrance and Green Bay Road access would be a secondary entry. He feels about 75% of the traffic will be coming from the south. He is sensitive to the safety concerns there. He will analysis the site plan to look at other options to mitigate the safety issues and possibly eliminate the Cedarburg Road entrance.

Mr. Hoff stated that the roadway would be about 20 ft. in width and must accommodate trash trucks, fire trucks and moving trucks.

He stated that he is very sensitive to light poles and light pollution. He would like the community to keep a lower profile and would most likely not have light poles out in front of every building.

Mr. Hoff stated that the biggest issue is regarding the ability to have side loading garages on all of the buildings. He showed examples of current units in Mequon that will be similar to his project. He explained that the cul du sac prevents the side loading garages because there is not enough surface area at those buildings. He needs to find another solution but the solution will not meet the 50% side loading requirement. He stated that the garage doors that will be facing the street will be upgraded doors and will be very attractive.

He explained the driveways will be designed to accommodate two cars and there will be two parking spaces in the garages. Cars can park on the road if necessary.

Mr. Hoff explained that the site is currently not serviced by city water. The nearest water main is about ¼ mile south of the site. He is currently analyzing a private well system that would be multiple high capacity wells and also analyzing what it would cost to extend the water main to the site. The wells are less costly than extending the water main. If the water quality from the wells is great, that may be the preferred choice. If the water quality is an issue or the costs are close, then city water will be brought to the site.

Mayor Abendroth stated that any new development in the city requires city water hook up unless a waiver is granted.

Mr. Hoff stated that he would request a waiver is it makes sense for him to do so.

Asst. Dir. Zader stated that the Commission may want to weigh in on the issue of the two roads and make a recommendation to the Council. The ordinance will state that any substantial change to the concept plan will require an amendment to the PUD.

Ald. Wirth stated that he prefers that all developments have dual accesses. He feels that there is a safety benefit for emergency vehicles, plows and road reconstruction, so there is another option available. He thinks there definitely should be an access to Cedarburg Road but engineering needs to look at the safety issues there.

Asst. Dir. Zader commented that staff will work with the applicant to analysis public versus private road and one access versus two accesses and will evaluate all possible alternatives.

Commissioner Jim Schaefer stated that he feels that this is a well thought-out development and he agrees that the Cedarburg Road access should be maintained and suggested a deceleration lane could be installed. He does not feel that the side loading garages make sense on the cul du sac buildings.

Motion

Mayor Abendroth made a motion to approve per staff conditions; with the exception to #8 that staff works with the applicant to maximize the number of appropriate side loading garages.

Ald. Wirth seconded the motion

All voted aye; vote passed (8-0).

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Dan Abendroth, Chairman
SECONDER:	John Wirth, Alderman
AYES:	Abendroth, Choren, Mason, Parrish, J. Schaefer, R. Schaefer, Wirth, Lemke
EXCUSED:	Stoker, Hawley

- e) Alex Leykin. The applicant is seeking rezoning recommendation from R-1/PUD to R-1 for the properties located at 14097, 14155, 14137 and 14207 N. Birchwood Lane.

Asst. Dir. Zader explained that the previous owner had requested a 4-lot land division on this property. There were some neighbors that were highly concerned about the impact on the wetlands. At the time, the PUD ordinance was approved to allow the four lots to be smaller and the wetlands were placed in an out lot. The four lots are also in keeping with the pattern in the area.

The applicant is looking to rezone it to remove the PUD to allow for a similar land division. Staff feels that the Commission at the time was supportive of the 4-lot PUD and rezoning it back would be a step backwards. Staff recommends denial of the request based on the protection of the wetlands as a high concern for the city as well as for some of the neighbors that were here at the time.

Asst. Dir. Zader stated that if the Commission does approve the rezoning request, there is a condition in the report that the rezoning will need to be stayed until the CSM is redone so that there is not a non-conforming lot issue. Staff does recommend denial.

The applicant, Mr. Leykin, stated that he intends to create 3 equal lots of about 6.5 acres each. He supplied staff with a plan and he does not plan to go forward with what was proposed in the packet. He is looking to live there.

Asst. Dir. Zader explained that currently the 4 lots are non-conforming with R-1 zoning. The City Attorney suggested that the rezoning would be conditioned upon the CSM approval. He suggested that the PUD could be amended to the 3-lot concept plan presented at the meeting and then the applicant would be bound by the 3-lot requirement if the PUD is approved.

Mr. Leykin stated that he wants some certainty of the rezoning and that he does not want a PUD. He does not want an out lot set aside, he wants private lots. He is comfortable having the item tabled.

Action

Ald. Wirth made a motion to table the item.

Commissioner Parrish seconded the motion.

All voted aye; vote passed (8-0).

RESULT:	TABLED [7 TO 0]
MOVER:	John Wirth, Alderman
SECONDER:	Brian Parrish, Commissioner
AYES:	Abendroth, Choren Mason, Parrish, J. Schaefer, R. Schaefer, Wirth, Lemke,
EXCUSED:	Stoker, Hawley
RECUSED:	

- f) Robert Bach for Foxtown Venture. The applicant is seeking consultation for a mixed-use development located in Town Center.

Lora Reinholz – 11264 N. River Birch Drive - is the River Birch Condominium President. She has talked to Bob Bach to get a good understanding of the proposed project. She wants to make sure the parking gets done correctly. She feels that some of the concerns for those wanting to walk and bike are:

- Inter Urban Trail – need some improvements as it is very important to be able to cross safely there.
- Mequon Road needs to be safe; plowed, sidewalks accessible and well lit.
- Egress/Ingress traffic is a concern with the two schools nearby.

She is very concerned about approving more housing units as markets do change. She recommends that the residential portion be delayed.

Cheryl Milbauer – 10910 N. Industrial Drive – HR Manager at Telsmith – stated that they

manufacture heavy duty rock crushing equipment. They employ 267 employees who work mostly in manufacturing, earning on average \$25/hour. They have concerns about the new development as it relates to truck traffic; often classified as “over-sized” as they operate 24 hrs./day. On average there are 39 trucks through their parking lot daily. They are concerned about the parking proposed on Industrial Drive. They are also concerned about the proposed housing in building F as it is close to their northern end door on the bay there. They operate a burn table, a break press and assembly their largest equipment on that bay. They have reached out to the Foxtown members and have invited them to tour their facility and she extended this invitation to the Commission.

Richard Herron – 11501 N. Port Washington Road – supports the project but does not wish to speak.

Representing the applicants; Robert Bach, Tom Nieman, John Graham, Tom Zabjek, Elliot Young from Rinkachung, Gordon Goggins who will run the restaurants, Mary Claire Lanser, Peter Moegenburg and Stephen Smith from Stephen Perry Smith Architects

Mr. Smith gave a presentation of the proposed project. He stated that there are 6 components to this project constructed over 17 acres of blighted properties:

- Project is estimated at about \$50M
- Project consists of commercial retail, restaurants and residential components.
- Parking – proposing a shared parking agreement with Spectrum Investments; but all the uses will have the required parking spaces available.
- Bldg A - Historic Brewery – Tom Nieman’s vision – new brew pub and restaurant,
- Bldg B - Mixed-use (retail and commercial) 12,000 sq. ft. building, 2 stories with a roof top garden. Retail will be on the first floor and offices on the second floor.
- Bldg C – luxury apartments.
- Bldg D – Fox Yard Brewery and Hamburg Hall – beer hall with a retail component (outside beer garden/public space).
- Bldgs E1& E2 – 3-story with retail on the first floor, offices on the second floor and extended stay apartments on the 3rd floor.
- Bldg E3 – Mixed-use, 2-story building of retail and commercial uses.
- Bldg F – Single Family Homes.

There are storm water management plans for the entire site with underground storage.

Pete Moegenburg, owner of Moegenburg Research, Inc.; a real estate appraisal and consultant business, stated that he has been studying markets for 28 years. He stated that their research supports the units that have been approved for development (The Reserve, Spur 16 and Foxtown) and that there is room for more units. The average absorption rate of units is 10-12 units per month. Foxtown has proposed two multifamily residential buildings planned with a common feature in the middle; it is a two-phased development. Typically 30-40% of the units are already leased upon occupancy. The target tenant is 25-35 years old and 37% do not own cars. They place a premium on walkability between where they live and recreate. The empty nester is also a target tenant who also places a significant appreciation on walkability. He stated that Foxtown is delivering a lot of commercial space. The residential

leads the commercial sector. People need to be in place for the commercial spaces to prosper.

Mary Claire Lanser has done public outreach to the community on behalf of Foxtown. This started with 194 door to door visits; and her team spoke with 107 people. She stated there were many supporters. There was also an open house held at Spectrum Investment in an effort to answer questions and provide information about the proposed project to the public.

Mr. Smith stated that they are very excited about this project. He feels that all the uses work together to create synergy and that the project fits perfectly within the Town Center parameters. The walkability has been created and accomplished and helps to create a sense of place. He feels that taking 17 acres of mostly blighted land and developing a projected \$50M project is amazing.

He stated that they have discussed the concerns regarding the noise from TelSmith. The orientation of the cluster of the single family homes will help buffer the noise to some degree. He explained that Lakeside Development will design the single family homes that are referred to as porch homes; or a pocket neighborhood. He stated that these are a very unique component to the project. They will be individually owned homes with a condominium feel.

He added that the market has changed and people want flexibility and they want nice homes. He stated that the apartment units are being absorbed in the community already. There is a high demand from people that want to stay in the area but do not want to be homeowners. He feels the market in Mequon is an older tenant that wants high end living.

Ald. Wirth stated that he feels that this is a great looking project. He has a concern about the number of apartments and if they will be absorbed. He is cautious about how long this bubble will last, although he feels that we should move forward. He asked if all the pocket homes will look alike. He feels that the 8 feet of dead space between the houses does not provide for sunlight. He asked what goes between the homes. He is concerned that there will be hardscape there. He feels that townhomes there would be a better fit.

Mr. Smith answered that there will be variety in how the pocket homes look and they will not all look the same. He explained that the garages are somewhat detached and connected by a breezeway and thus courtyards are created. He stated that they can provide photos of how other communities with this style of houses to the Commission. The design is meant to promote a sense of community.

Mayor Abendroth stated that the proposed project is a wonderful opportunity for the city by taking underutilized land and creating a \$50M town center. He supports this project and encourages them to continue.

Commissioner Parrish feels that this great project. He was concerned about the pocket homes and he reached out to John Graham for answers. He feels that there is a demand for this type of product by he feels that the price point is too high.

Commissioner Mason stated that he likes the project and is happy to see this area developed

into something new and productive.

Commissioner Jim Schaefer is excited about the project, especially the brewery. He is concerned about the pocket homes and he feels that are not the right fit for Mequon.

Commissioner Becky Schaefer stated that she feels that this is a wonderful project.

Asst. Dir. Zader stated that this project will come back for PUD and concept plan approval. There will also be some text amendments for the single family homes and for the brewery.

- g) Robert Bach for Foxtown Ventures. The applicant is seeking text amendment to allow for breweries in the Town Center Zoning District.

Dir. Tollefson stated that there were two issues identified while working on the master plan for the proposed Foxtown project. One is the brewery and the second is the single family component; which will come back in September.

The request for the brewery was reviewed in context of how it relates to the entire Town Center and not just this specific site or particular project. A few years ago a use classification was created for microbreweries which were allowed in the rural districts. The definition of microbrewery for the rural residential areas included:

- Limits the production to 3,500 barrels per year.
- 70% or more of the beer has to be sold off site.

Because of the context of Town Center and the desire to create more vitality; a sense of gathering and event space, a slightly different approach is being taken for this particular definition for this zoning district.

Included in the conditons being proposed:

1. Must be a Conditional Use Grant (CUG) and located in the Town Center (TC) zoning district.
Thus it would go through Planning Commission for review and approval. Common Council also has the right to review CUG's and confirm the action by the Planning Commission.
2. A TC Brewery is defined as an establishment that produces less than 10,000 barrels of beer on site per year.
3. The manufacturing, bottling and packaging are allowed on site.
4. Storage of beer on the premises as well as shipment from the premise is allowed.
5. Retail sales of the beer and the consumption of the beer on the premises are required.
6. A tasting room as well as indoor and outdoor event spaces would be required.
The intent is to protect the TC district from being strictly manufacturing as it relates to production and not be an industrial style use.
7. No more than 60% of the total brewery operations, when located in TC, can be associated with the manufacturing, bottling, storage and shipment.

Other ancillary standards have been outlined:

- Allowed to include a sit down restaurant

- Deli or prepackaged food allowed

Prohibited uses:

- Drive-thru associated with brewery
- Fast food services associated with brewery

Staff recommends approval, subject to this being listed as a conditional use grant and the specific development standards get accepted as part of the text amendment.

This will proceed to the Common Council for a first reading tomorrow night and then action by the Council in September.

The applicant, Tom Nieman, stated that Ms. Tollefson did a great job. He commented that 10,000 barrels a year is state law for brew pubs. He commented that there will be fresh ales and it will be great for the public to tour there and see where the beer is brewed. He feels this will be a wonderful place for the public to visit.

Action

Ald. Wirth made a motion to approve subject to putting it into ordinance form.

Commissioner Jim Schaefer seconded the motion.

All voted aye; vote passed (8-0).

RESULT:	APPROVED [6 TO 0]
MOVER:	James Schaefer, John Wirth
AYES:	Abendroth, Choren, Mason, Parrish, J. Schaefer, R. Schaefer, Lemke Wirth
EXCUSED:	Stoker, Hawley
RECUSED:	

- h) Shaffer Development for Spur 16. The applicant is seeking building and site plan approval for Phase II for a mixed use development on 13.9 acres located at 6200 and 6300 W. Mequon Road and 11300-11350 N. Buntrock Avenue.

Asst. Dir. Zader stated that back in back in December Phase I; which is primarily residential and the north-south and east-west through streets, were approved. Now the applicant is requesting building and site plan approval for Phase II which consists of the three existing buildings along Mequon Road as well as two parking areas and the amenities along the street.

This is similar to what has been presented in the past. The design has not changed much. The applicant has communicated the following updates regarding uses in specific buildings:

- Building A will have a physical therapy component.
- Building B will be a public market.
- Building C will be a restaurant.

Based on these uses the applicant has submitted a shared parking calculation based on the parking spaces available, there is a slight surplus in the number of stalls based on the shared

parking calculation.

There had been a “to be determined (TBD)” building on previous plans and the applicant has communicated that she would like to hold off on that building until the parking demand on the site is vetted out. One of the unknown variables is how much demand the public market will drive.

One of the conditions in the staff report is that if there is a continued surplus of parking spaces available, staff would like the TBD building to be located on the east side of the drive aisle as discussed earlier.

The applicant is also requesting approval for building and site plan for the buildings. Final tenant plans have not been submitted at this time. The applicant is requesting some deviations from the codes but not specific requirements of what those are.

Building A – staff is not comfortable granting blanket waivers at this point. Staff would like to review the final floorplans and then the applicant will need to come back in front of the Commission to request any specific waivers required.

The plan shows all the existing windows and doors being replaced by glass (there are several overhead doors) but the applicant is concerned with regard to the use of HIPA requirements that some of these may be blocked off. Without specifics to the extent of that, staff feels it is premature for the Commission to give a blanket approval for exceptions without having the details.

For this building and the other two buildings, staff is requesting that the applicant return to the Commission and ask for specific waivers once they have final floorplans.

Building C – restaurant along Mequon Road – rendering shows glass overhead doors and windows being replaced with glass windows. Staff would like a requirement to be additional windows added on the north and west elevations. The final floorplan has not been done and there is the opportunity to get some more fenestration on those two elevations.

Building B – public market – all doors and windows to be replaced with glass. Entryways are shown on the north and the south elevations and there is also an entryway on the west elevation.

If waivers are needed, the applicant should come back with final plans.

The impact of the streetscaping will be determined by the potential users of the development. Staff would like this to come back in front of the Commission as this is a highly visible area; the area between the buildings and Mequon Road. There may be an outdoor seating area there.

The landscape plan was late getting to the consultant for review and staff would like this to come back in front of the Commission for review.

The lighting plan is similar to Phase I. The distinction is that the parking lot pole lights will be limited to 16 ft. in height due to the commercial buildings that are there. The dispersion plan meets the code requirements.

Staff is supportive overall and wants to see the project continue to move forward. Staff does not want to get into a situation where these issues have to be negotiated at a staff level and would like them to be brought back to the Commission for review and approval.

Staff would like the following back before the Commission:

- Landscaping Plan
- Master Sign Plan
- Any waivers to the design guidelines
- Portion between the buildings and street

Staff recommends approval and there are comments from the engineering department in the report as well.

Alan Siggelkow – 204 Division Street, Thiensville – stated that he is very favorable of the proposed project, especially the walkability. He likes the bike path that goes north-south. He has concerns about the sidewalks as he feels they are too narrow. He says many people walk on Division Street where there are no sidewalks. He would like more sidewalks installed that are safe and accessible.

The applicant, Cindy Shaffer, stated that because she will be back in front of the Commission with her landscape plan, she requested the following conditions be removed from the staff report and addressed when she is back: #3, #4, #6, #9 and #11.

Asst. Dir. Zader stated that because these conditions are required, staff prefers to keep them on record as being required. Some of them are just general conditions. These items need to be incorporated into the final design. If there are changes, staff is comfortable with modifications but feels that these conditions should be included in this approval.

Ald. Wirth asked if there is any harm in removing the requested conditions as they all relate to landscaping.

Asst. Dir. Zader answered that the applicant should just be on notice that these requirements need to be included going forward.

Ms. Shaffer stated that she is aware of all the conditions.

Dir. Lundeen stated that regarding condition #9 the wording “per the TIA” should be included.

Ald. Wirth asked staff to address the resident regarding the widening and expanse of sidewalks.

Asst. Dir. Zader answered that staff has been highly promotive of additional sidewalks. Phase I of the plan shows sidewalks along Buntrock Avenue. The Dermond Property will be putting

in sidewalks in front of their property and Foxtown has shown sidewalks all along that project. Staff is trying to make as many connections as possible and anticipates that eventually the entire length of Buntrock down to the schools will have sidewalks. Unfortunately Division Street will not be addressed in regards to any current development projects and would need to be addressed from a policy issue, which staff would be supportive of.

Action

Ald. Wirth made a motion to move approval subject to the replacement language for condition #9 per Dir. Lundeen and leaving out the other conditions that only relate to landscaping (#3, #4, #6, #11).

Mayor Abendroth seconded the motion

All voted aye; vote passed (8-0).

RESULT:	APPROVED WITH CONDITIONS [7 TO 0]
MOVER:	John Wirth, Alderman
SECONDER:	Dan Abendroth, Chairman
AYES:	Abendroth, Choren, Mason, Lemke, Parrish, J. Schaefer, R. Schaefer, Wirth
EXCUSED:	Stoker, Hawley
RECUSED:	

4) Announcements

5) Adjourn

Action

Ald. Wirth made a motion to adjourn.

Commissioner Mason seconded the motion.

All voted aye; vote passed (8-0).

Respectfully Submitted,

Jac Zader