City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Wednesday, September 5, 2018
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Brian Parrish
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner Rick Lemke
Alternate Stephanie Hawley

Commissioner Stoker - Absent
Alderman Wirth - Excused

2) Approval of Minutes from July 23, 2018

a) PLANNING COMMISSION MEETING MINUTES from July 23, 2018

Action
Ald. Strzelczyk made a motion to approve the minutes from July 23, 2018.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

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

3) Consent

a) P2 Development Co. LLC for Foxtown Commons. The applicant is seeking landscape plan approval for a proposed 96-unit apartment building for the property located at 11127 N. Industrial Drive.

Action
Ald. Strzelczyk made a motion to approve the consent agenda.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

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

b) Enclave at Mequon Preserve - Phase III. The applicant is seeking final plat approval for a 17 lot single-family subdivision for the final phase for The Enclave at Mequon Preserve located at 10729-10839 N. Wauwatosa Road.

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

c) Poblocki Sign Company for Finastra. The applicant is seeking approval to allow for a building wall sign facing I-43 for the property located at 12080 N. Corporate Parkway (Finastra).

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

d) Groth Design Group for Concordia University. The applicant is seeking building and site plan amendment approval for an expansion of 9,781 sq. ft. to the Kreft Center (music department) to add space for practice rooms, rehearsal and band areas for the property located at 12800 N. Lake Shore Drive (Concordia University).

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

e) Ranch Court. The applicant is seeking final plat approval for a 6-lot single family subdivision located at 2100 Ranch Road.

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

4) Regular Business

a) Irgens Partners, Inc. The applicant is seeking building and site plan and certified survey map approval for the construction of two 38,000 sq. ft. single-story, multi-tenant office buildings to be located at 12100 N. Corporate Parkway (East Mequon Corporate Center).

Planner Vang gave an overview of the details in the staff report. She stated that the applicant is seeking 9x18 foot parking staffs which the Commission has previously approved. They are also seeking parking offset waivers, which staff does approve due to the shared access but will require a recorded shared access agreement prior to the recording of the CSM. Staff does recommend approval subject to the conditions in the staff report.

The applicants, Karin Censky and Rob Oldenberg from Irgens Partners, showed a presentation of the proposed project. The project would be phased beginning with the north building.

The Commissioners shared feedback that they are supportive of the changes that have been made and that the proposed buildings are attractive. They are also pleased with the location of the trash location as it is not along I-43.

<u>Action</u>
Ald. Strzelczyk made a motion to approve the item including the parking waivers and subject to the conditions in the staff report.
Mayor Abendroth seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Dan Abendroth, Chairman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, J. Schaefer, R. Schaefer, Lemke, Hawley
ABSENT:	Stoker

b) The Woods at Highland Park. The applicant is seeking development agreement amendment, building plan and landscape plan approval for the property located at 12431 N. Green Bay Road and the parcel immediately to the west, 12424 N. Green Bay road and 5555 W. Highland Drive (The Woods at Highland Park). Remove from table.

Action
Ald. Strzelczyk made a motion to remove this item from the table.
Commissioner Choren seconded the motion.
A voice vote was taken, vote passed (8-0)

Asst. Dir. Zader stated that this item was tabled at the previous meeting as some issues needed to be worked out with the development agreement. The item is back along with the concept plan and landscape plan. There are three different designs for the proposed development which staff approves with the condition that no more than 50% of the buildings can be of one design. One of the issues that was a sticking point in the development agreement was the number of spec homes that would be allowed. Typically only two would be allowed but the applicant is requesting three. There is environmental clean-up that needs to be done which includes excavation. The applicant would like to excavate the basements and replace it all with clean fill, which would require all the buildings to be done at the same time. Without doing all three buildings he would not be able to get clear title on the property, so staff is supportive of allowing the three spec homes. Regarding the landscape plan, staff is requiring the street tree requirement be met on Green Bay Road. Staff will work with the applicant on this issue. Staff recommends approval subject to the conditions in the staff report.

The applicant, David Hoff, stated that he has no outstanding issues as he has worked through them with staff.

He did state that he would like to have the bypass lane be removed from the other side of the road from the development.

Action
Mayor Abendroth made a motion to approve the item subject to the conditions in the staff report and approves the removal of the bypass lane on the opposite side of the road.
Ald. Strzelczyk seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dan Abendroth, Chairman
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, J. Schaefer, R. Schaefer, Lemke, Hawley
ABSENT:	Stoker

c) The Hoff Group for Dave Schenker. The applicant is seeking rezoning recommendation from B-3 (Office) to R-6 (Residential plex) to allow for 6 condominiums for the properties located at 10950 & 10922 N. Cedarburg Road (Riverway Condominium). Remove from table.

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

Asst. Dir. Zader stated that this item was tabled in January of this year. The request is to rezone a portion of the property. The south half would remain B-3 and the north would be changed to R-6 with a PUD overlay. The applicant is proposing a condominium development as it does not meet the lot width for either of the zoning districts. The requirement for the fill has been approved by the DNR. Mr. Zader gave an overview of the details in the staff report. He noted that there is one specimen tree that will need to be removed. The concept plan does not comply with a number of requirements; rear offset, side offset and lot coverage. The Riverwalk Highlands are supportive of the project as long as there is understanding regarding the shared access. Staff recommends approval subject to the conditions in the staff report and C-LOMR approval from FEMA.

Brian Schneider – 10923 N. Cedarburg Road lives directly across from the proposed development and stated that there are many emergency vehicles that go to the Riverwalk Highlands. He is concerned that adding six more units is not favorable to the neighbors.

Action
Ald. Strzelczyk made a motion to approve this item subject to staff recommendations.
Commissioner Choren seconded the motion.
A voice vote was taken, vote passed (8-0)

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

d) Paul Apfelbach for Fillinger Family. The applicant is seeking rezoning recommendation from R-1 to R-1/PUD and concept plan approval to allow for a 13-lot single-family subdivision on 70 acres located at the corner of Bonniwell and Riverland Roads (Riverland Estates).

Action

Ald. Strzelczyk made a motion to suspend the rules to allow for agenda item 4d to be discussed first due to a large public presence.
Commissioner Choren seconded the motion.
A roll call vote was taken, vote passed (8-0)

Planner Vang stated that staff had received a letter from the neighbors and both the planning and engineering staff answered the questions asked and provided the letter to the Commissioners on the dias.

She stated that the applicant had previously requested the use of six TDR credits to develop 19 lots on this site. The request was denied by the Parks and Open Space Board. The applicant is now requesting to rezone to a PUD to develop the 13-lot subdivision without using any TDR credits. She gave an overview of the details in the staff report.

Staff recommends that the entire wooded portion of the site remain outside of the individual lots and remains in open space. Staff recommends that the applicant meets the goals of the conservancy subdivision. The applicant submitted a revised concept plan (submitted to the Commission tonight) that addresses many of the recommendations from staff including the wooded area remaining entirely off of individual lots and in the out lots. The applicant does not wish to cluster the lots as recommended and the Commission may need to discuss this issue.

Asst. Eng. Henk stated that an issue of concern is the drainage swell through the center of the site that serves the properties to the west and to the north that would need to be considered part of the storm water management plan. They do not need to detain that water but they do need to account for it. She explained the definition of “detained”.

<u>Bruce Ross – 14038 N. Highland Drive</u> stated that he lives at the northeast corner of the proposed development. He is a county supervisor and stated that this site is considered environmentally sensitive. He asked that the Commission consider this issue. The Bonni-River neighborhood has actively organized and submitted the letter with their concerns to staff. They are not against the development; but they wish to protect the characteristics of this property/area and would like to be a respected partner in this process.

Amy Braeger – 13700 W. Riverland Road is opposed. She lives directly east of this site and will be directly affected. She is concerned about how the construction will affect her as well as the water coming off this property. She stated there is a riverland creek that runs through the center of two of the lots on the concept plan. She would like the Commission to reconsider moving the south entrance as it is directly lined up to her driveway (headlights direct into her property). Not only will she be disturbed but she owns horses and worries they will be scared by the lights. She is concerned about the wildlife being both disturbed and not taken care of.

Pamela Resnick Ross – 14038 N. Highland Drive is opposed. She lives one block away from this site. She stated that she is very passionate about this special neighborhood. She is concerned about the hydrology and that they are part of the Milwaukee water shed. She is worried about the two entrances off Riverland in regards to safety. The tree buffer (evergreens) is desired by the neighbors and they do not want them moved. She is also concerned that no one takes cares of the out lots and wetlands in conservation subdivisions.

Terry Wilkerson – 13800 N. Riverland is opposed. He stated that he lives on 32 acres to the east of this site and that there is a swell that runs between his property and Ms. Braeger's property. He also feels that only one entrance is needed for this subdivision and that trails are not needed. He feels that this development will have a negative impact on the surrounding properties values as the proposed subdivision is not in character of the surrounding area.

Stacey Willians-Ng – 3310 W. River Drive is opposed. She lives 200 yards from the northeastern corner of this site. She agrees with much of what her neighbors stated and she is completely opposed to this proposed development. She wishes to maintain the natural and rural character of the neighborhood.

Ben Arnold – 4225 W. Pioneer Road is opposed. He is concerned about the invasive plants and the maintenance of the common areas. He believes the weed ordinance should be updated.

Mayor Abendroth stated that the conservation design is intended to protect the environment and environmentally sensitive areas and to keep these areas intact (wetlands and wood lands) and not divide them up on individual lots. He reminded the public that this is a concept plan only and that the applicant has the right to develop this land into a conservation subdivision. He explained the issues will be discussed this evening and the Planning Commission will make a recommendation to the Common Council. The Council is the body that has the authority to approve the rezoning request to enable a conservation subdivision. There will be a meeting in October, a public hearing in November and a final decision in December.

The applicant, Paul Apfelbach, stated that he originally wanted to do 19-lots on this site but he redesigned the plan to 13-lots due to the neighbors influencing the Parks and Open

Space Board to not allow 19 lots. He has been in communication with the City Forester about the woodlands and he better understands the beauty of the area. In an effort to protect these areas he revised the concept plan to contain the woodlands only in the open spaces and not on individual lots. He is well aware of the water concerns and stated that the review process by the city staff, DNR and MMSD is extremely comprehensive and he expects that the water quality in the area will be better after the development of this site.

Mr. Apfelbach explained that he made adjustments to his concept plan based on staff recommendations:

- Moved the lots further away from the tree line.
- Clustering and sizing of the lots. More clustering could be achieved. He is leaving room for the mound systems. There is room to make some adjustments to the lot sizes if needed.
- Path to Hidden Farms could be enhanced and installed as necessary. The rest of the walking paths should be passive and not paved.

He stated that the neighbors are opposed to the acceleration and deceleration lanes and would like to know if there is any flexibility in having these lanes removed.

There was discussion regarding the two proposed entrances and whether there could only be one entrance and whether the second entrance can be moved due to the feedback from the neighbor directly across from it. It was agreed upon by the applicant that the second entrance can be moved and he is agreeable to only one entrance to the development if a cul du sac would be allowed.

The swell on the site was discussed and the option of a culvert being placed was discussed. There is mutual agreement by the Commissioners and the applicant to maintain as thick as possible tree buffer. There was support from the Commissioners for the conservancy subdivision as there is protection for the environmental elements.

Staff does strongly recommend the acceleration and deceleration lanes remain as there are safety issues but the Commission has previously approved the removal of the bypass lane.

Action
Ald. Strzelczyk made a motion to table this item.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken, vote passed (7-1, No: Mayor Abendroth)

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

e) Boulder Venture for Associated Bank. The applicant is seeking rezoning recommendation from B-2 to B-2/PUD and concept plan approval for two proposed developments to allow a financial institution and a fast food restaurant to share access, parking, storm water management and green space for the properties located at 11223 & 11249 N. Port Washington Road.

Planner Vang gave an overview of the details in the staff report for the proposed developed located at 11249 and 11223 N. Port Washington Road. Staff recommends the building to the south be flipped so that the long side of the building faces Port Washington Road and the drive thru is located in the rear. The applicant indicated that flipping of the building is not possible due to the operational floorplan layout. Regarding Phase II, staff has concerns with potential conflict areas on overall site and drive circulation. The applicant will need an approval for an open space waiver as they do not meet the required ratio. They are asking for a waiver to the open space to accommodate more parking for the Phase II user. Staff believes there are opportunities to increase the open space for the development. Staff has concerns with the existing access point on Port Washington Road. Staff supports the PUD but has concerns regarding the general concept plan including the layout of the bank building, open space ratio and site access and circulation. Staff is looking for feedback from the Commission for both staff and the applicant and recommends tabling the item.

The applicants, Rob Schmidt and Curt Smith from Boulder Venture and Andrew Kerr from Rinka Chung Architects, stated that Associated Bank is leading this project. They stated that the north portion of the site is conceptual only at this point. The focus is the orientation and function of the bank. They explained how the different sides of the bank work and the flow of the operations. This would be a flagship branch and they are committed to the Mequon market. The plan shows the drive thru concealed from Port Washington Road. They are open to conversation regarding an additional driveway to the south and also to moving the main entrance. Their plan is to move forward with the PUD and then once they have users for the north building they would come back (2019-2020). They also explained that due to federal government ruling they are not allowed to close the bank while they are building the new one, it must stay open and operational.

There was discussion amongst the Commissioners and staff about moving the bank building as well as its location to the street. It is preferable for the drive thru to be hidden from Port Washington Road. Green space waivers are unusual in this case due to the two lots being used together. Traffic flow is a concern at that intersection. The Commission is not supportive of a fast food restaurant. There was also discussion about how the road may change in the future due to the possibility of the intersection being widened.

Action
Ald. Strzelczyk made a motion to table this item.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

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

f) Gregory Thompson. The applicant is seeking building and site approval to allow for a proposed storage unit development (StorageShopUSA) for the property located at 5717 W. Donges Bay Road (located in the Donges Bay Corporate Park). The applicant has appealed previous conditions of approval from the April 9, 2018 Planning Commission meeting (items 14 and 17) to the City of Mequon Board of Appeals. The Board of Appeals has remanded the matter back to the Planning Commission.

Asst. Eng. Henk stated that this item was before the Board of Appeals in June 2018 and August 2018 and that the applicant is contesting conditions #14 and #17 from the April 9, 2018 Planning Commission Conditions of Approval. Both of the items are standard items from the Standard Specifications for Land Development. #14 relates to how the water service is connected to the water main and it could have been made more clearly; hence the recommendation to clarify that condition. She further explained that #17 is standard for all developments in the city that the Engineering Department reviews the plan in relation to the Standard Specifications for Land Development. Even if it had not been listed as a condition, it is still required as it is also listed in the City Ordinances as is the connection to the water main requirements. She stated that these conditions were not contested at the April Planning Commission meeting.

Since the Conditions of Approval in April, the applicant has submitted a set of engineering plans which have been approved by the engineering department and he has building permits and he has started work on the site.

She advised the Commission that they can send this item to the Water Utility Commission for review of water specific items.

It was discussed by the Commission that conditions #14 & #17 do not need to be included as conditions in the staff approval because they are included in the ordinances and still are required even if the conditions were be taken out of the Planning Commission Conditions of Approval. Specific watermain and tariff related items and would need to be submitted to the Water Utility Commission to decide if the conditions could be waived.

The applicant, Gregory Thompson, handed out a packet that he wants to be included as part of the meeting record. He believes that the decision is a collective one from the City Water Utility Commission, The Planning Commission, City Engineering and the Common Council. He stated that there is not a process in which he is able to appeal these conditions through the Water Utility Commission.

It was explained that the Water Utility Commission is a subset committee of the Common Council. It was discussed that the Planning Commission does not have the authority to change the ordinance in which these conditions are required. The ordinance is what is being challenged by the applicant. The suggestion is to refer this issue to the Water Utility Commission per the instructions provided by Director Tollefson on May 23, 2018.

Action
Commissioner Lemke made a motion for the conditions to remain as is in the original Conditions of Approvals from April 9, 2018.
Commissioner Becky Schaefer seconded the motion.
Voice vote was called; vote passed 8-0

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

g) Gregory Thompson Board of Appeals Documentation

RESULT:	**APPROVED AND FORWARDED**

5) Announcements

The next meeting will be on Monday, October 8, 2018 at 6:00 p.m.

6) Adjourn

Action
Ald. Strzelczyk made a motion to adjourn.
Commissioner Becky Schaefer seconded the motion
Voice vote was called, vote passed 8-0

Meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Jac Zader