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

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, October 8, 2018
6:00 PM
Christine Nuernberg Hall

Agenda

1) **Call to Order, Roll Call**
   a) Approval of Minutes from September 5, 2018

2) **Public Hearing / Consent**
   a) Wavy Bones, LLC for HYPE Fitness. The applicant is seeking conditional use grant approval for a fitness center of 2,400 sq. ft. for the property located at 6000 W. Executive Drive.
   b) Gregory Thompson for Storage USA. The applicant is seeking final condo plat approval for 8 storage units for a proposed development (Storage USA) for the property located at 10271 Baldev Court.

3) **Regular Business**
   a) Bear Arms, LLC. The applicant is seeking sign waiver approval to allow for an awning sign that exceeds the allowed size for the property located at 9653 N. Granville Road.
   b) Oyvind Solvang & 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). Remove from table.
   c) Shaffer Development Company for St. Paul Fish Company. The applicant is seeking sign waiver approval to exceed the allowable number of signs and the size of the signs for the property located at 6200 W. Mequon Road.

4) **Policy**
   a) City of Mequon Chapter 58 of the Zoning Code as it relates to Conditional Uses in Residential zones

5) **Announcements**
   The next meeting is Monday, November 12th at 6:00 p.m.

6) Adjourn

Dated: October 4, 2018 /s/ Dan Abendroth, Chairman

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

City of Mequon

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: **ROBIN BUZZELL, ADMINISTRATIVE ASSISTANT**

DATE: **October 8, 2018**

SUBJECT: **PLANNING COMMISSION MEETING MINUTES**

Memorandum

Attached please find the City of Mequon Planning Commission Meeting Minutes of September 5, 2018 for your review.

Attachments:
09.05.18 DRAFT (PDF)

City of Mequon

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Department of Community Development
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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

Attachment: 09.05.18 DRAFT (3535 : Planning Commission Minutes from September 5, 2018)

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).

Attachment: 09.05.18 DRAFT (3535 : Planning Commission Minutes from September 5, 2018)

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.

Action

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)

Attachment: 09.05.18 DRAFT (3535 : Planning Commission Minutes from September 5, 2018)

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)

Attachment: 09.05.18 DRAFT (3535 : Planning Commission Minutes from September 5, 2018)

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)

Attachment: 09.05.18 DRAFT (3535 : Planning Commission Minutes from September 5, 2018)

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".

Bruce Ross – 14038 N. Highland Drive 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.

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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

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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)

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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.

Attachment: 09.05.18 DRAFT (3535 : Planning Commission Minutes from September 5, 2018)

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

Attachment: 09.05.18 DRAFT (3535 : Planning Commission Minutes from September 5, 2018)

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

Attachment: 09.05.18 DRAFT (3535 : Planning Commission Minutes from September 5, 2018)

City of Mequon

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Department of Community Development

TO: **Planning Commission**

FROM: **PA PHOUALA VANG, PLANNER**

DATE: **October 8, 2018**

SUBJECT: **Wavy Bones, LLC for HYPE Fitness. The applicant is seeking conditional use grant approval for a fitness center of 2,400 sq. ft. for the property located at 6000 W. Executive Drive.**

Applicant:	Wavy Bones, LLC
Status of Applicant:	Owner
Requested:	Conditional Use Grant
Proposed Use:	Fitness Center
Existing Zoning:	B-5 (Light Industrial)
Land Use Plan:	Business Park
Location:	6000 W. Executive Drive – Suite C
Tax Key:	#14-027-16-009.00
District:	#4

Background: The applicant requests a conditional use grant approval for a fitness center located at 6000 W Executive Drive. The proposed fitness center will occupy 2,400 square feet in an existing multi-tenant building within the Business Park. The property is zoned B-5 (Light Industrial), which allows fitness centers as a conditional use.

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

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

The proposed use should not endanger the surrounding area; all of the activities will take place within the building and will be monitored at all times by staff. The proposed floor plan shows two offices, a restroom and a warehouse with an open floor plan and various equipment stations.

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

The Land Use Plan designates the site as Business Park. Surrounding properties are zoned B-5. A fitness center can be considered compatible with the Land Use Plan designation and expected uses in the area. In the past, the Planning Commission has approved other similar uses (Splash + Swim, Moro Performance, Askren Wrestling Academy, Give me Strength, Pure Fitness) in industrial areas.

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

The proposed activities of the fitness center fit the character of the surrounding area. The daily hours of operation will be as follows:

Monday – Friday	5:00 AM to 11:00 AM and 3:30 PM to 8:00 PM
Saturday	8:00 AM to 12:00 PM
Sunday	9:00 AM to 10:00 PM

The estimated number of customers at the busiest times is 20. On the busiest shift, there will be a total of 3 staff members. There are a total of 73 parking spaces to accommodate all customers and employees of the multi-tenant building at 6000 W Executive Drive. Staff anticipates a majority of traffic to the site will come from Industrial Road and Baehr Road, which has adequate ingress/egress facilities to accommodate the increased traffic. The proposed use is required to have a total of 10 parking spaces based on the estimated number of customers and staff. Staff believes the parking is adequate to accommodate the proposed number of clients within the proposed hours of operation. Planning staff believes the proposed use and activities should be harmonious with the surrounding uses.

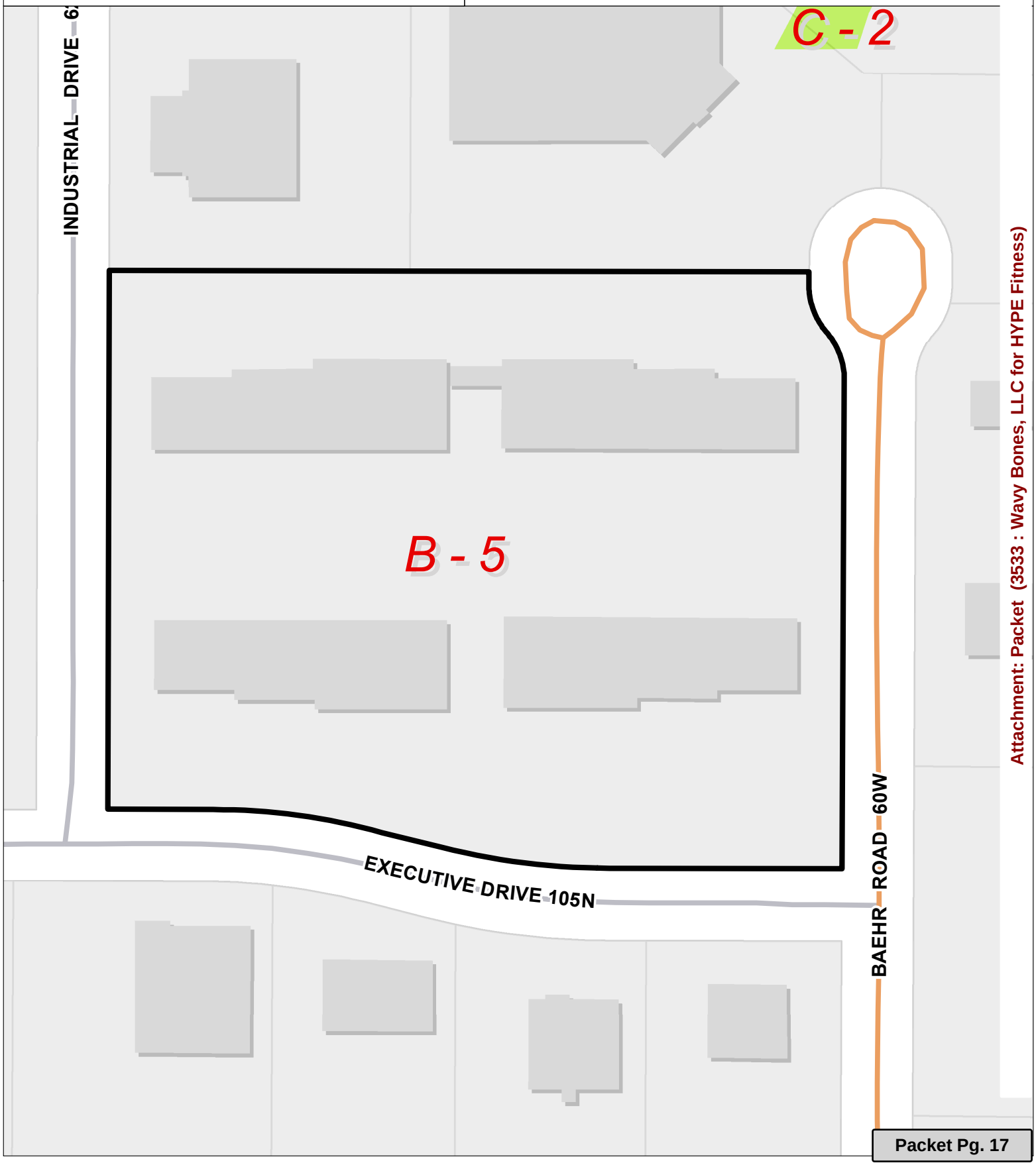
Staff Recommendation:
Planning staff recommends approving the conditional use grant based on the following criteria:

1. Staff review and approval of final floor plans.
2. Compliance with sign code ordinance.

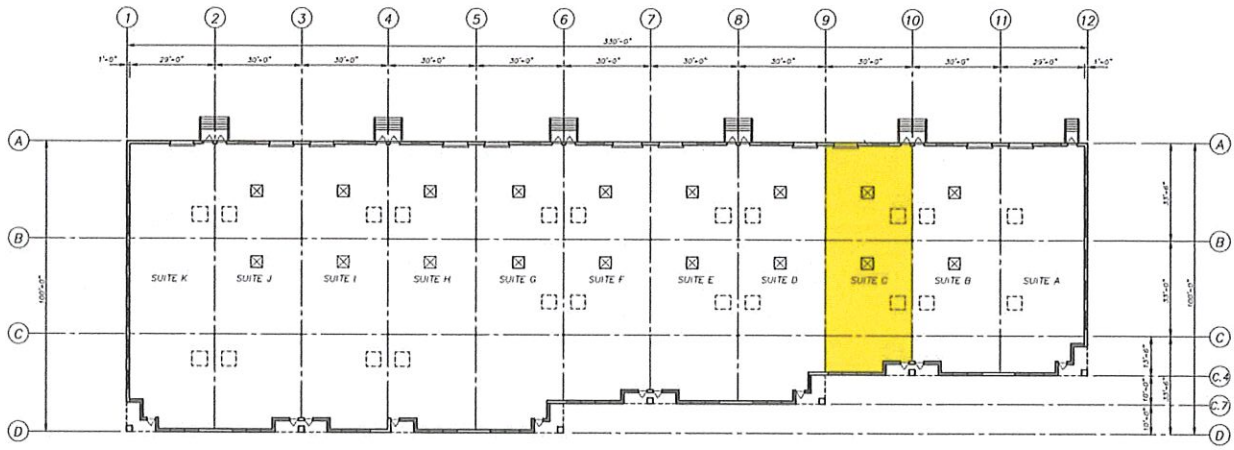
Attachments:
Packet (PDF)

Wavy Bones, LLC for HYPE Fitness

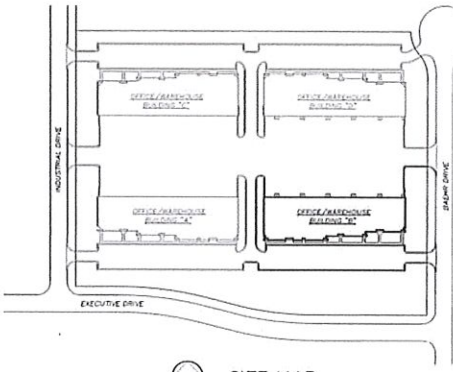
AC	Arrival Corridor	LTD	Limited Use
A-1	Agricultural Preserve	OA	Agricultural Overlay
A-2	General Agricultural	PUD	Planned Unit Development Overla
B-1	Neighborhood Business	P-1	Park & Recreation
B-2	Community Business	R-1	Single-Family Residential (5 Ac. Min.)
B-3	Office & Service Business	R-1B	Single-Family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



Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)



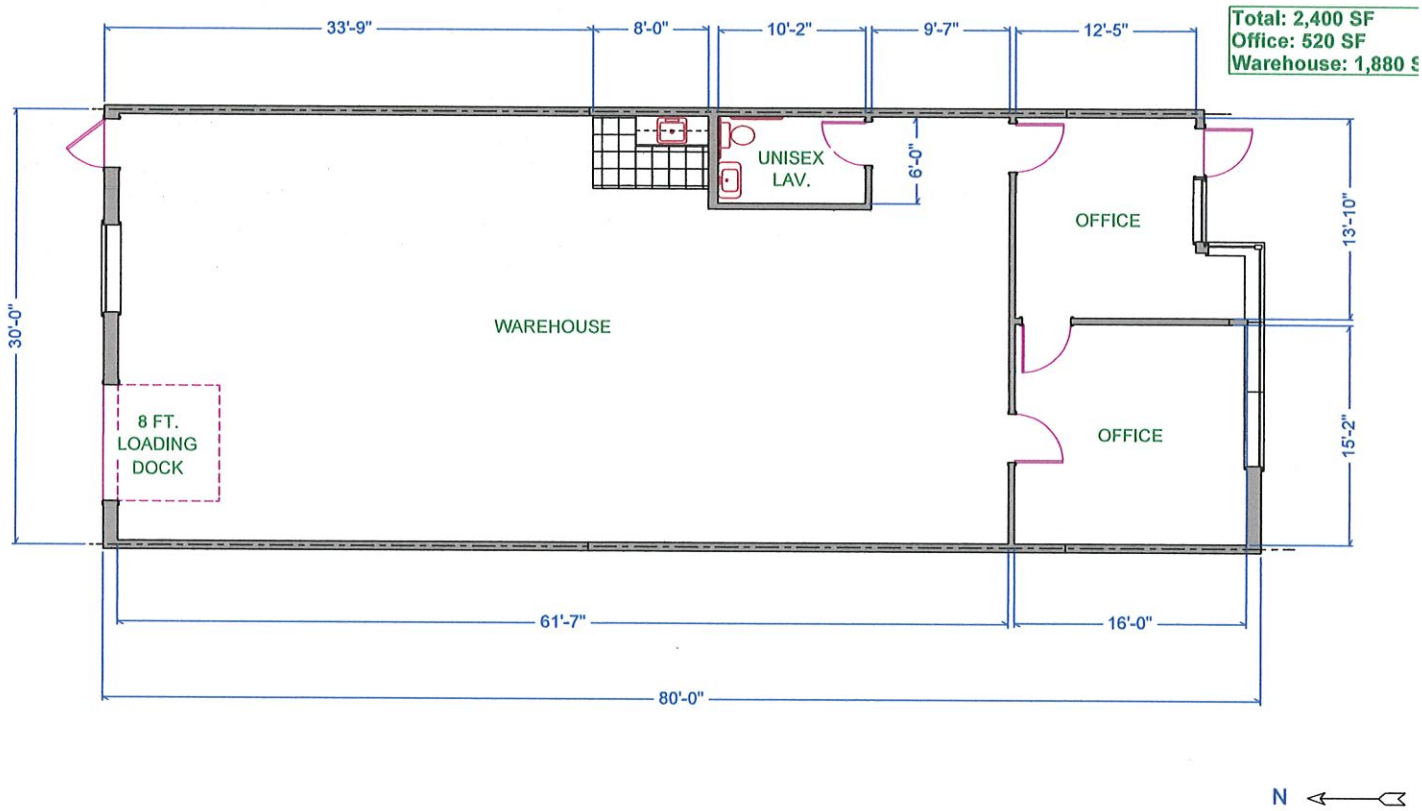
FLOOR PLAN
1/16" = 1'-0"



SITE MAP
NTS

DESIGNED BY R.C.J.	VERIFY SCALES LENGTH OF BAR IS 1" ON ORIGINAL DRAWING			- PRELIMINARY - NOT FOR CONSTRUCTION			Applied Technologies	MIE PROPERTIES INC.	MEQUON RESEARCH CENTER MEQUON BUSINESS PARK MEQUON, WISCONSIN	BUILDING 'B' LEASING PLAN	PROJECT NO. 0000 DATE 00-
DRAWN BY J.C.S.											
CHECKED BY R.C.J.	IF BAR IS NOT 1" ON THIS DRAWING, ADJUST SCALE(S) ACCORDINGLY										DRAWING NO. LP-1
APPROVED BY R.C.J.		NO.	DATE	REVISION		BY	APVD				

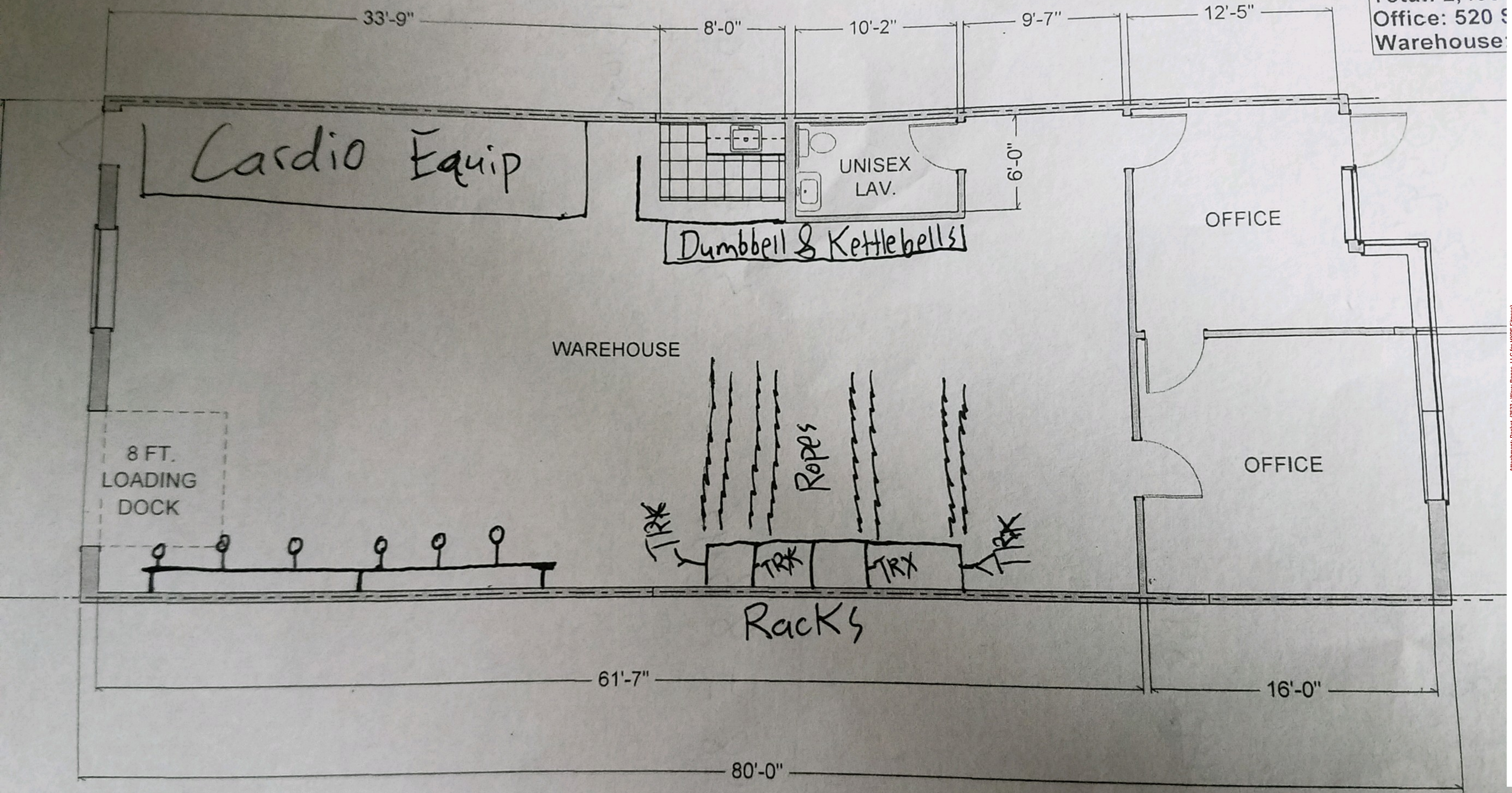
Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)



DESIGNED BY:	**ST. JOHN PROPERTIES, INC.** 1020 JAMES DRIVE, SUITE G HARTLAND, WI 53029	**FLOOR PLAN / TENANT BUILDOUT FOR:** 6000 W. EXECUTIVE DRIVE, SUITE C MEQUON, WI 53092	PROJECT NO.	DATE 6-8-18
DRAWN BY:				
CHECKED BY:			DRAWING NO.	
APPROVED BY:			ME6000C	

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

Total: 2,400 S
Office: 520 S F
Warehouse: 1



Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

BUSINESS PLAN

Wavy Bones, LLC

Erica & Greg Lampert, Owner

Created on September 3, 2018

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

1. EXECUTIVE SUMMARY

1.1 Product

Wavy Bones, LLC operates a boutique gym and fitness center operating as HYPE Fitness. HYPE fitness will provide small group, large group, and one-on-one HIIT (High intensity interval training), kickboxing, and boxing classes.

1.2 Customers

Our target customers are everyone from beginners, intermediates to fitness professionals. We also target those who have tried the "Big Box" gyms that provide the same cookie cutter workout and are looking for something different. Members at HYPE fitness will feel no pressure to be in peak shape and will walk away feeling like they are part of a family.

1.3 What Drives Us

Fitness is an ever-changing industry with new trends constantly evolving. Our goal is to stay ahead of the curve and provide a work out that is never exactly the same to ensure that HYPE fitness is their go-to facility for all of their fitness needs. With our knowledge base and exceptional customer service, it will ensure that customers refer new prospects to us and keep them coming back again and again.

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

2. COMPANY DESCRIPTION

2.1 Mission Statement

Our mission is to integrate health, fitness, and personal training in a way to make it easy, fun and safe. We can make fitness make sense by showing people how to work it into their busy schedule and make it a priority that doesn't take up all their free time while also making them feel as if they are all part of one big family.

2.2 Principal Members

Erica Lampert, Owner

Erica attended Milwaukee Area Technical College and graduated with an associate degree in Accounting. She has worked in Banking her entire career and has spent the last nine years working in SBA compliance review. She has also worked part time as the bookkeeper for a consulating firm which will benefit greatly in the handling all finacial aspects of the company.

Greg Lampert, Owner

Greg atteded Univeristy of Wisonsin Whitewater and Carbinal Stritch University where he graduated with a dgree in Business Management. He has worked in various Management roles throughout his career with his current position being Director of Sales/Project Management. With his sales and project management background his expertise witl be utilized throughout the fitness center to make sure everything is running like a well oiled machine.

Jordan Semevolos, Key Employee and Head Personal Trainer

Jordan attended Concordia University Wisconsin and graduated with a degree in Youth Minisrty with an emphasis on health promotion. From there he became a fitness instructor at the Center for Autism in Mequon and a personal trainer at 9Round in Grafton. At 9Round, he quickly moved up to the roles of lead personal

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

trainer and gym manager in 2 years time. In this time period 9Round became a major training program in the area and the gym skyrocketed in memberships, member retention and increased income. His passion in life is fitness, health goals or others and sales. When you are passionate about fitness and believe in it so much selling it becomes a natuarl way of life. His focus and dedication will be customer service, club culture, member aquisition and retention, and growing the business as a whole.

2.3 Legal Structure

A Wisconsin Limited Liability Company

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

3. MARKET RESEARCH

3.1 Industry

Our first emphasis is membership sales. Through diligent prospecting you can have new prospects continue to walk in the front door. Most other fitness facilities in the industry rely on this alone. The membership attrition rate is used to measure the growth or fall of the membership base. At 50% attrition a gym will be breaking even for the month. If the attrition rate is higher than 50% you have more people leaving than joining. Through our member experience, and dedication we can acheive a 25% attrition rate to ensure that we are not only brining in new members but we are holding on to those members for years to come.

Personal Training can double the revenue of a fitness facility. Throughout the fitness industry you can expect anywhere from 2 - 8% of a membership base take part in the personal training program.

3.2 Customers

Our customers have the widest range throughout the industry. It ranges from beginners to intermediates to fitness professionals. This includes the busy working mom, a 70 year old looking to stay in shape and gain strength, or an indivudal training for a competition. We also target those who have tried the "big Box" gyms and feel intimidated and limited due to the hours and clientele. We anticipate that or our customer base will have tried other fitness brands and have been unsuccesful.

Our current customer base are people with a 20 mile radius which shows that once they are part of this familiy they are willing to travel to work out. We will however focus on new customers that are within a 5 mile radius because studies have shown that people do not typically drive more than 3 - 5 miles to go to their fitness faciity and they will typically pay more for convenience alone. Our combination of an outstanding trainer, combines with a unique workout tailormade for each individual will bring individuals from all around to try out or fitness center and once they do they will be hooked.

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

3.3 Competitors

Our competitors are the YMCA, Anytime Fitness, Orangetheory, 9Round and Elite.

3.4 Competitive Advantage

1. Personal Training in group or one on one sessions

2. Our small size allows us to give the personal attention that most customers appreciate

3. Knowledgeable, certified staff

4. Convenient staffed hours

5.Immaculate facility

6. Workout program unlike any other in the industry

3.5 Regulations

We will abide by all State and Federal Regulations for Fitness centers

- Fitness center and weight reduction center Contracts, 100.177

- Good Samaritan Protection, WI Statue 895.48 - 2007

- Staff requirements, 100.178

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

4. PRODUCT/SERVICE LINE

4.1 Product or Service

1. We offer month-to-month, 12 month and 24 month full membership to HYPE fitness

2. We offer unlimited month-to-month large and small group classes (16 - 24 individuals)

3. We offer one on one personal training to members

4, We provide quality commercial weight and cardiovascular equipment

5. We offer a full range or boxing and kickboxing by a certifeid Box N Burn trainer

4.2 Pricing Structure

1. Large Group Class packages

- Unlimited Month-to-Month $129.00/mo

- Unlimited 12 month contract $99.00/mo

2. Small Group Classes

- 10 Session $119.00

3. Personal training

- $79.00/hr.

4. Drop-Ins

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

- $20.00 per class

4.3 Product/Service Life Cycle

All services are currently and successfully being offered.

4.4 Intellectual Property Rights

A proven selling system for memberships and personal training, HYPE (Heighten Your Perfromance Every Day).

4.5 Research & Development

1. We will make sure we are aware of other finess centers in Mequon to ensure we are ahead of the game on the product and services our competitiors are offering

2. Research and Development in the fitness industry is always ongoing. We will make sure we stay knowegeable about the latest fitness trands and contour them to make out members successfull

3. Fitness Consulant (A mentor who is knowledgeable on owning and operating a Boutique Gym)

4. Social Media adverstising to get our name out there

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

5. MARKETING & SALES

5.1 Growth Strategy

1. We will do direct mailers within a 10-15 mile target radius.

2. We will advertise through Social Media.

3. We can offer a complimentary workout with a personal trainer to incentivize the customer to further their goals and want to continue.

4. Most importantly, focusing on customers we already have by treating them all like they are family.

5.2 Communication

1. Utilizing Social Media such as facebook and Twitter

2. Providing contact information on our website

3. Message board (white board, chalk board) inside the club

4. Face to face interaction inside the club

5. Participating in and/or sponsoring local events within the community

6. Creat business to business partnerships

7. Communicate via e-mail with our members. Members can provide an e-mail when they sign up and we can generate new prospect emails from lead boxes or event signups.

5.3 Prospects

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

1. We will offer month to month large group class packages

2. We will offer month to month small group class packages

3. We offer 1 on 1 personal training

4. We provide quality training equipment

5. Customer referral will be important in bringing on and maintainings new customers.

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

RETURN TO:

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

PARCEL NO.:
14-027-16-009.00

CONDITIONAL USE GRANT

Articles of Agreement made and entered into this 8th day of October, 2018 by and between Mequon Joint Venture, owner of the property located at 6000 W Executive Drive and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 27, Range 21 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

LEGAL DESCRIPTION

Exhibit A

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

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

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

GRANTED by action of the Planning Commission of the City of Mequon this 8th day of October 2018.

_____

Dan Abendroth, Mayor, Planning Commission Chairperson

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this _____ day of _____, 2018, the above named Dan Abendroth, 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 _____, 2018, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

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

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

The **CONDITIONS** of this Grant are:

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

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

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

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

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

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

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

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

9. **Conditions on the Operations:**

   a. Hours of operation: Monday-Saturday: 5:00 AM to 8:00 PM

   Sunday: 9:00 AM – 10:00 PM

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

   c. Water supply requirements:

   Public

   d. Provisions for sewage disposal:

   Public

e. Other:

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

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

a. **Conditions of the structures:**

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

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

11. **Conditions on the site:**

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

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

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

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

e. Other:

_____

Owner

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2018, 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 _____, 2018

Document drafted by: City of Mequon

Attachment: Packet (3533 : Wavy Bones, LLC for HYPE Fitness)

City of Mequon

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: **BRIDGET HENK, ASSISTANT CITY ENGINEER**

DATE: **October 8, 2018**

SUBJECT: **Gregory Thompson for Storage USA. The applicant is seeking final condo plat approval for 8 storage units for a proposed development (Storage USA) for the property located at 10271 Baldev Court.**

Applicant:	Gregory A Thompson
Status of Applicant:	Owner
Requested:	Condominium Plat
Existing Use:	Vacant
Existing Zoning:	B-5 (Light Industrial) C-2 General Conservancy
Existing Land Use Plan:	Industrial
Lot size:	1.59 Acres
Location:	10271 Baldev Court

Background:
The applicant is requesting final condominium plat for the property located at 10271 N Baldev Court. The building and site plan and CSM was approved by Planning Commission on April 9, 2018.

Condominium Plat:
The applicant is seeking a condominium plat for 8 storage units to complete the Planning Commission approvals for the Storage Shop USA project. The applicant had previously indicated that the development would become a condominium with the intent of selling the individual storage units.

The applicant has appeared before Planning Commission and the Board of Appeals regarding the water service connection. The applicant has indicated a preference for the site to be master metered. The proposed development can be served by a master metered water service with one lateral to each building provided that the property is a condominium. The combination of a master metered system and the condominium plat would comply with the City of Mequon Water Tariff and Public Service Commission regulations. If the property was ever removed from the condominium plat revisions to the water service may be needed.

Engineering Report:
The applicant has indicated expansion lands on the condominium plat; however, there has been no application or approvals for any expansion of lands to the south of the subject parcel. The reference to expansion land shall be removed from the proposed plat. The plat also does not contain the City of Mequon Certificate signed by the Mayor and City Clerk and the Treasurer's Certificate signed by the Director of Finance. The certificates shall be included on the final plat prior to its recording.

Staff Recommendation
Staff recommends that the Planning Commission recommend approval of the condominium plat to Common Council subject to the following conditions:

1. The expansion lands and associated language are removed from the Condominium Plat prior to recording.
2. The certificate of approval for the City of Mequon Mayor, Clerk and Treasurer shall be added to the Condominium Plat prior to recording.

Attachments:
Packet (PDF)

Gregory Thompson

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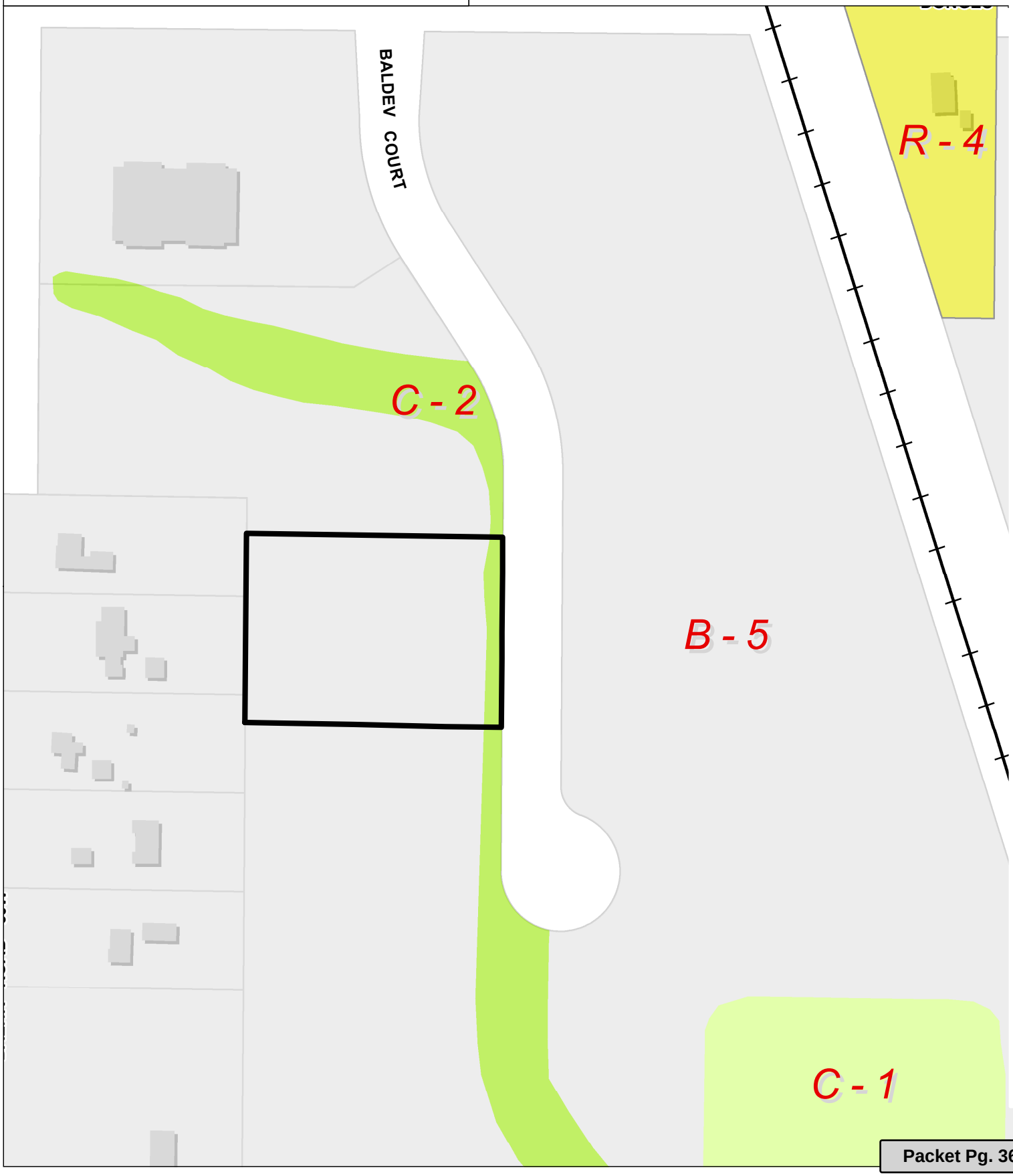


Attachment: Packet (3612 : Gregory Thompson for StorageUSA)

Copy of initial application

City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092

RE: Plan Commission Application
StorageShopUSA™ - Mequon
Baldev Ct, Donges Bay Corporate Park

February 12, 2018

Accompanying this letter are plans and specifications necessary to construct 12,500 square feet (sf) of office/warehouse space on a 1.58 acre site in the Donges Bay Corporate Park. Unique to this project, the space is physically divided into five (5) separate buildings each having 2500 sf. From there, each building has two (2) - 1250 sf units. The simple contrast is that, the space between the buildings, serves as the fire separation distance equivalent to, if not better than, other fire rated wall assemblies required when the units are all in one building. The separation provides more natural light, less complex construction, attracts more owners (as opposed to renters), and creates a "duplex" style commercial property attractive and affordable to many more people than what one large multi-space building can offer.

The proposed CSM, site plan, and building plans are consistent with the trademarked and copyrighted StorageShopUSA™ developments located throughout Wisconsin. Currently there are 17 locations, and over 280 units with hundreds of owners. ***Once constructed, each location forms a condominium association of individual owners. StorageShopUSA – Mequon Unit Owners Association will be formed pursuant to Wis. Stats. § 703.*** The only advantage the condominium offers is that, by creating tax parcel numbers, the units can be bought or sold conventionally.

Enclosed are screen shots of the StorageShopUSA™ website explaining the concept and highlighting various potential users. The project is located in the B-5 zoning district. The proposed uses will be consistent with the attached list of current and past uses of the StorageShopUSA™ units and in accordance with Sec. 58-298. - B-5 light industrial district (City of Mequon's Code of Ordinances); none of the listed "conditional uses" in the B-5 zoning classification are proposed.

I am requesting that the project be placed on the March 12, 2018 Plan Commission agenda. This letter and the accompanying documents represent the complete packet sufficient and necessary for placement on the

Attachment: Packet (3612 : Gregory Thompson for StorageUSA)

agenda. If not, please consider the error an oversight and, contact me so I can deliver what is missing in a very timely fashion so as not to cause delay or confusion.

Thank you for your consideration and look forward to bringing this real estate product to the people in your community. It already has been well received as I have 7 of the 10 units reserved at the moment.

Sincerely,

Gregory A. Thompson, Owner
www.StorageShopUSA.com
6810 Cross Country Rd.
Verona, WI 53593
608 444 1515

Attachment: Packet (3612 : Gregory Thompson for StorageUSA)

CONDOMINIUM PLAT OF SURVEY

STORAGESHOPUSA - MEQUON CONDOMINIUM

CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN

LEGAL DESCRIPTION: Lands in StorageShopUSA - Mequon Condominium
All of the lands known as Lot 2 of Certified Survey Map No. 4024 in the Ozaukee County Register of Deeds Office and being part of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 35, Town 9 North, Range 21 East, City of Mequon, County of Ozaukee, State of Wisconsin further bounded and described as follows: Commencing at the southwest corner of the Northwest Quarter (NW ¼) of Section 35; thence North 89°21'11" East 334.18 feet; thence North 01°04'49" West 261.20 feet; thence South 89°21'11" West 1.75 feet; thence North 01°04'44" West 1463.79 feet to the point of beginning of the lands hereinafter described; thence North 01°04'44" West 204.00 feet; thence North 89°21'11" East 340.91 feet to the west right-of-way line of Baldev Court; thence South 01°08'09" East 204.00 feet along said right-of-way line; thence South 89°21'11" West 341.11 feet to the point of beginning. Containing 69,563 square feet or 1.5969 acres of land.

REFERENCE BEARING: The North line of the Northwest (NW) ¼ of Section 35, T9N, R21E was used as the reference bearing and has a bearing of South 89°21'11" East based on the Wisconsin State Plane Coordinate System (South Zone, NAD 27).

CERTIFICATE OF SURVEYOR:
I, John R. Stigler, a professional land surveyor, authorized to practice the profession in the State of Wisconsin, do hereby certify that there is shown in the foregoing condominium Plat of Survey for the STORAGESHOPUSA - Mequon Condominium a correct representation of the Condominium described in the Declaration. The identification and location of each unit and the common elements either as constructed or proposed can be determined from the Plat of Survey and the other documents and drawings attached.

John R. Stigler
JOHN R. STIGLER - Wis. Reg. No. S-1820
Dated this 26th day of September ,2018

NOTES:
The Limited Common Elements consist of the private roads, lawn areas, outside decks, walks, patio or porches, if any, immediately adjacent and appurtenant to each unit to which it has access by a door from the unit and the driveway immediately adjacent and appurtenant to the garage door to each unit.

There shall be a minimum front setback of 40 feet from the right-of-way of all streets. There shall be a side setback of all buildings of not less than 20 feet. There shall be a rear setback of all buildings of not less than 20 feet.

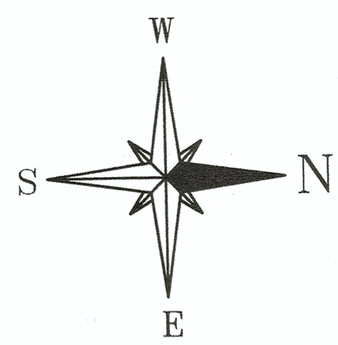
There shall be a minimum front setback of 30 feet from the right-of-way of all streets. There shall be a side setback of all buildings of not less than 10 feet. There shall be a rear setback of all buildings of not less than 30 feet.

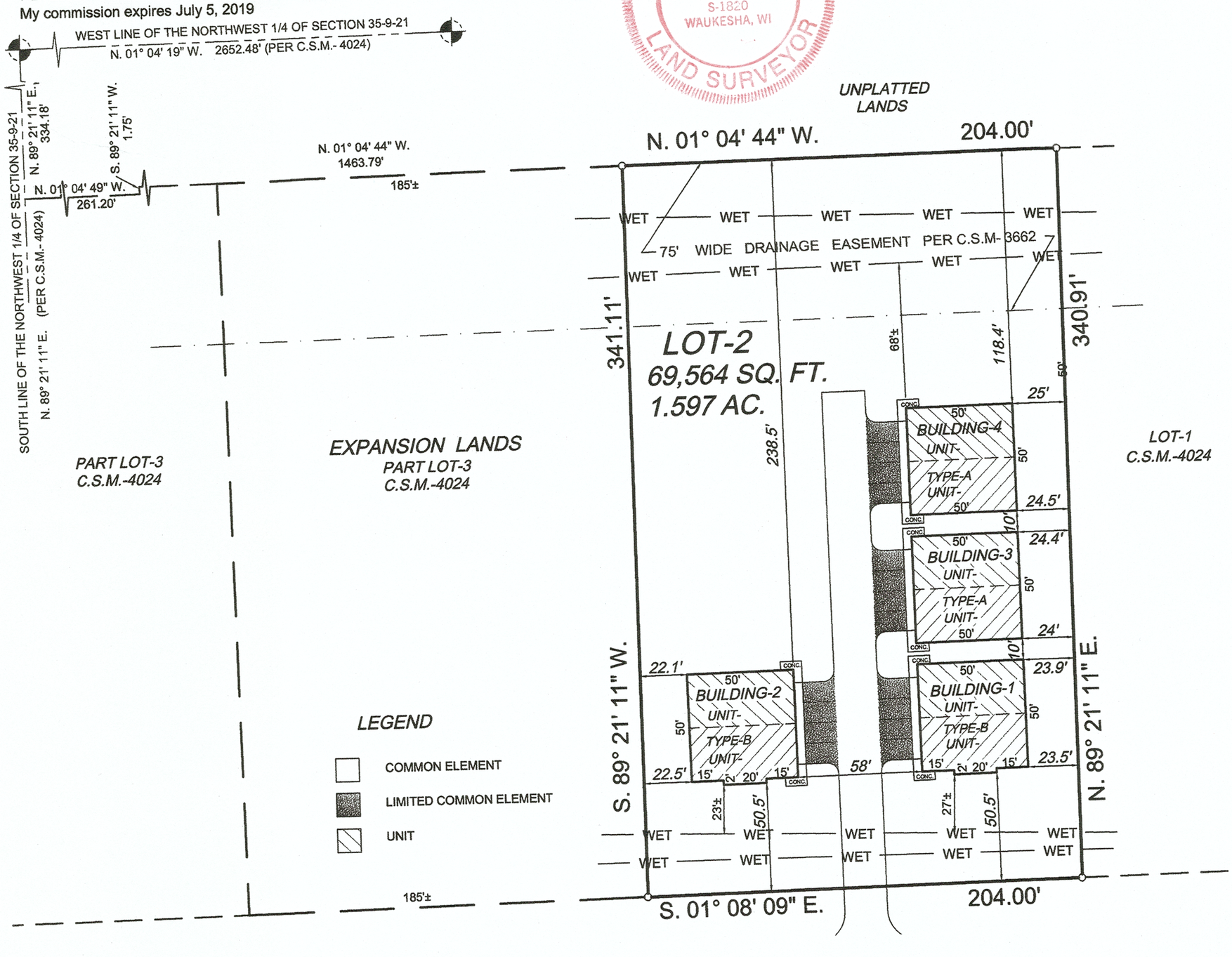
STATE OF WISCONSIN
COUNTY OF WAUKESHA
The above certificate subscribed and sworn to me this ____ day of September ,2018

PETER A MUEHL - NOTARY PUBLIC
My commission expires July 5, 2019

WISCONSIN JOHN R. STIGLER S-1820 WAUKESHA, WI LAND SURVEYOR

SCALE 1" = 50'





Attachment: Packet (3612 : Gregory Thompson for StorageUSA)

City of Mequon

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: **PA PHOUALA VANG, PLANNER**

DATE: **October 8, 2018**

SUBJECT: **Bear Arms, LLC. The applicant is seeking sign waiver approval to allow for an awning sign that exceeds the allowed size for the property located at 9653 N. Granville Road.**

Applicant:	Cheryle and Mark Rebholz
Status of Applicant:	Agent
Requested:	Sign Waiver
Existing Zoning:	B-5 (Light Industrial) OA (Agricultural Overlay)
Land Use Plan:	Industrial
Lot size:	2.355 acres
Location:	9653 N. Granville Road
Tax Key:	#14-031-16-010.00
District:	#4

Background: The applicant is requesting a sign code waiver for the property at 9653 N Granville Road. BearArms currently has an existing canopy sign that was installed without approval and exceeds the allowable size per the Sign Code.

Sign Waiver:
The applicant is requesting approval for an existing sign that is on the canopy over the north entrance. The Sign Code allows tenants which have their own principal, exterior entrance any number of awning signs if each awning sign is less than four square feet. The awning sign shall be affixed to or located over windows or entryways. The existing sign above the door is approximately 7.6 square feet (7' x 13"). The applicant has indicated in their letter to the Planning Commission that staff recommended a canopy over the entrance. The existing waiver is not for the canopy itself, but for the sign that was installed without approval.

A sign which exceeds four square feet is subject to review and approval by the Planning Commission. The code requires waivers to the sign code to be granted based on site specific hardships such as topographic aberrations and visual encumbrances. Staff does not find that an increase in size meets the criteria for the waiver and that the request is based on an existing sign instead of a site specific hardship. The applicant's reasoning for the waiver is that this sign is the only identification for the business and that they were not aware of the size limitations. The property currently has a wall sign on the east elevation (this sign was also installed without a permit or City approval).

Based on the current zoning, the building is allowed one wall sign up to 2.5% of the building wall or 60 square feet, whichever is less. The property also has one freestanding sign which does

not list tenant names. There are opportunities to provide tenant identification on the freestanding sign. Based on the types of signs permitted for the property, staff disagrees that the canopy sign is the only opportunity for identification of the business and that there is no particular hardship preventing the sign from meeting the four square feet requirement.

If the Planning Commission considers approval of the larger awning sign, then staff recommends a condition that no other wall sign is allowed on the building.

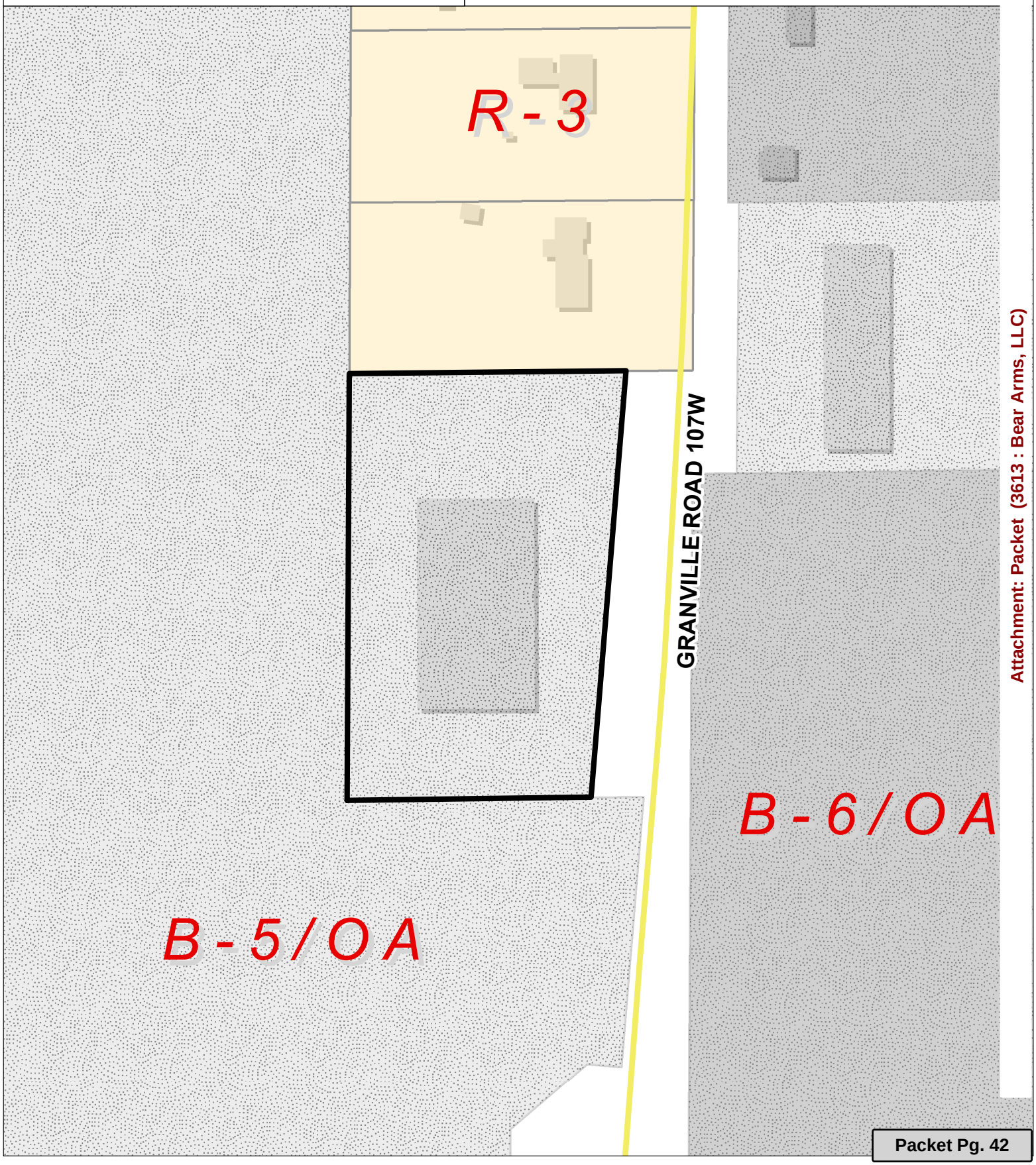
Staff Recommendation:
Planning staff recommends **denial** of the sign waiver based on following:

1. Lack of site specific hardship or unique physical condition of the site.

Attachments:
Packet (PDF)

Bear Arms, LLC

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



Attachment: Packet (3613 : Bear Arms, LLC)

Mequon Planning Commission Members,

We are formally requesting approval of our business letters on the canopy of the entrance into our new business as our sign identification.

We have paid the $199.00 fee to the City of Mequon for a waiver per the recommendation of Staff from the Economic Development/Planning Department.

The awning or canopy in question is not a sign but a function of the building exterior to protect the public and employees from the weather. It was recommended from staff, Kim Tollefson, when she visited our site at the inspection with another range designer that BearArms enhance the exterior approach into our entrance and add some curb appeal to the exterior. Upon her recommendation we took the steps to add a custom beautiful $5,000 canopy to match the scale of the building an exterior building materials.

Now after the install we have been denied the finished product. There was no criteria included with the sign application.

The BearArms or 8 letters on the front or North side of the 3 sided canopy is our only identification of the business.

The awning is oversized by 12 inches. We were not aware of the 4' preference.

Attachment: Packet (3613 : Bear Arms, LLC)

BEAR ARMS
RESERVED PARKING
WARNING
H&S
PROTECTION SYSTEMS, INC.

BEAR ARMS

City of Mequon

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: **PA PHOUALA VANG, PLANNER**

DATE: **October 8, 2018**

SUBJECT: **Oyvind Solvang & 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). Remove from table.**

Applicant:	Hillcrest Realty Oyvind Solvang Paul Apfelbach
Status of Applicant:	Agent
Requested:	Rezoning Recommendation Concept Plan
Existing Use:	Agriculture
Existing Zoning:	R -1 (5-acre minimum) C-2 (General Conservancy PUD (Planned Unit Development)
Land Use Plan:	Residential 5 Acre Minimum
Lot size:	68.12 acres
Location:	Corner of Bonniwell Road and Riverland Road
Tax Key:	#14-001-09-001.00
District:	#1

Background:
The applicant is requesting rezoning and concept plan approval for a 13-lot conservation subdivision development on 68 acres located at the corner of Bonniwell and Riverland Roads. The property is currently zoned R-1. The concept plan for the Planned Unit Development (PUD) results in a density of one (1) unit per five (5) acres which is consistent with the current zoning and Land Use Designation. The conservation plan proposes approximately 55% open space with lots ranging from 1.6 to 3.3 acres in size to be served by a public road. The item was tabled at the Planning Commission meeting in September.

Parcel History:
There have been recent attempts to develop the property. The applicant requested the use of six TDR credits to develop 19 lots ranging from 1.3-4.5 acres on the site (see attached). The use of the property as a receiving site for the TDR credits was denied at the Parks and Open Space Board, and the applicant is now requesting rezoning to a PUD to develop a 13-lot conservation subdivision without any TDR Credits.

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 5 acre and Critical Environmental. 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-1 zoning allows 13 lots with five acre minimum lot sizes. Development of the parcel under the current zoning would preclude the ability to provide common open space features, an open space buffer around the development, and would limit public access. Development under the existing zoning also would not prioritize protection of the woodlands and wetlands.

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 predominately single-family homes with lots sizes of approximately two to five acres in size and estate lots over 5 acres.

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 13 lots, conforming to the R-1 and C-2 district standards (see attached). A few of these lots would contain significant environmental features which is undesirable.

Proposed Concept Plan:
The concept plan shows 13 lots surrounded by common open space. The 100 feet deep open space along Riverland Road preserves the rural character of the area. The proposed plan shows one stormwater pond for the development. The site contains woodlands, wetlands and an Isolated Natural Resource Area as classified by SEWRPC. The plan shows open spaces along the perimeter of the subdivision which preserve the wetlands and much of the existing woodlands.

LOT SIZES and LAYOUT
The concept plan shows lots ranging from 1.6 to 3.3 acres. The 13 lots average 2.13 acres in size and only one of the lots exceeds three acres in size. Previously approved conservation subdivisions have 1.5 to 2 acre lot sizes (The Uplands, Country Breeze Estates, Sutton Ridge, Hawks Glen and Ashbury Woods). The following table shows characteristics of surrounding subdivisions:

Subdivision	Zoning	Number of Lots	Lot Size
Hidden Farm	R-1B	12	2-4.3 acres
The Uplands*	R-1/PUD	7	1.5-1.8 acres
Country Breeze Estates*	R-1/PUD	10	1.7-2.1 acres

*Conservation Subdivision

The revised concept plan addresses the recommendations made by staff and the comments made at the Planning Commission meeting in September. The revised plan shows an overall decrease in average lot size for the lots. The concept plan now meets the goals of conservation subdivisions by clustering the lots into four groups which creates open space between the groups and connectivity between the proposed road and perimeter open space. The previous concept

plan showed a portion of the woodland area on individual lots. The revised concept plan shows the significant woodland area on the northwest portion of the site entirely within the outlot. In addition, individual lots are now shown outside of the drainage swale that runs through the middle of the site. Staff recommends including a trail in the open space area. The applicant has indicated that he is willing to work with staff and neighboring subdivisions on an appropriate location for the trail. A trail shall be shown at the time of preliminary plat approval and as part of the open space plan.

ACCESS and INTERCONNECTIVITY:
The plan shows access to the subdivision from Riverland Road. Based on concerns and comments made at the September meeting, the revised concept plan eliminates the second access and now shows one access point off Riverland Road and a cul-de-sac for the public road.

Connectivity:
The three options regarding connectivity are as follows:

1. Require no connection;
2. Require a road reservation suggesting a road would be constructed in the future when the City deems it necessary;
3. Require a road dedication and require immediate construction of a road sub to the adjacent property line.

Staff recommends no connection due to the existing conditions. There is an existing subdivision to the west with no opportunity for connection. Since the property is surrounded by wetlands and woodlands, there is no opportunity for interconnectivity to adjacent properties to the north or south.

OPEN SPACES:
The subdivision contains 55.5% open space around the perimeter of the development. The Planning Commission policy has been for 60% open space in conservation subdivisions. The open space preserves the entire woodlands and most of the wetlands on the site. A wetland on Lot 1 is proposed to be filled and will require DNR approval.

The applicant has indicated that the open space areas can be divided into five regions, including: 1) the stormwater ponds, 2) Riverland Road buffer, 3) northwest wooded area, 4) spruce tree farm and 5) remaining outlet area, to be constructed as follows:

Stormwater ponds
The ponds will be constructed to meet regulatory storm water management guidelines. The perimeter of the ponds will be seeded with grass, supplemented with a native prairie and flower mix. Subsequent certifications will be managed by the homeowners association.

Riverland Road buffer
The lots have been set back from Riverland Road to maintain the current vista and rural feel. Grading and land disturbing activities will be held to a minimum in order to keep the rural, farm condition. The moving of some spruce trees from the tree farm area will break up the grass and native shrubs. No berms will be constructed to isolate the homes. A modest project entry sign and low maintenance welcoming entry landscaping will be constructed.

Northwest wooded area
This part of the project area will be left natural. The revised lot configuration avoids the woods and the entire woodland is within the outlot. The applicant indicates that a tree preservation easement would be appropriate as this area of woods should be maintained.

Spruce tree farm
The applicant indicates that hundreds of trees were planted approximately 15 years ago by the Fillinger family in this area located outside the proposed lots on the west side of the project. These trees have grown and will benefit from minor thinning in order to allow for more room. Trees will be relocated to the other areas throughout the project based on site lines evaluated in the field.

Remaining outlot(s)
The remaining outlot grading will be minimized in order to preserve existing natural swale and trees. Areas include the south west corner and the west boundary. These areas have not been actively tilled and are very natural in appearance and will be left alone subject to the control of invasive species and weeds. Trees from the property will also be randomly placed that will result in a long term existence of many pine trees.

Staff supports maintaining the rural characteristic along Riverland Road and the overall plan for the open space areas. A trail shall be shown at the time of preliminary plat approval and a plan for the open space will be reviewed and approved by the Planning Commission in the future.

Site Conditions:
The site seems appropriate for a conservation subdivision development in that it contains wetlands, woodlands and interesting topography. The City Forester, Mike Gies, has walked the site to identify specimen trees. He indicated that the woodland area contains a significant amount of desirable specimen trees. As previously stated, this entire area will be within the outlot. The site does contain wetlands. See Engineering comments below regarding the wetlands on site.

Engineering Report:
Bridget Henk, Assistant City Engineer, has reviewed the application and has the following comments:

The conceptual plan details 13 lots that have access to Riverland Road via a proposed public roadway that connects at one location. The roadway will be required to include an entrance median island, acceleration lanes, deceleration lanes, and a bypass lane at the intersection with Riverland Road, per the Standard Specifications for Land Development. The median island, acceleration lane and deceleration lanes are conceptually shown on the plans. The driveway access to lot 13 shall be located west of the median opening, a requirement which must recorded on the final plat.

The concept plan provided does not include the footprint of buildable area for each lot, which is a requirement of preliminary plat approval.

Wetlands appear to be present on site. The Wisconsin DNR surface water data viewer and aerial photos were used to confirm that wetlands are potentially present. A wetland delineation report with concurrence by the Wisconsin Department of Natural Resources is required. Any filling or disturbance of the wetlands is subject to WDNR approval. The wetland setbacks shall be shown on the preliminary plat.

The site is located outside the City's sewer service area. A soil evaluation report for the usage of private onsite wastewater systems is required. Per Ordinance 58-632 (d) No parcel of land may be divided where public sanitary sewer is unavailable or where soil conditions preclude the installation of approved septic or mound systems unless the divided parcel(s) are deed restricted to uses which do not require a sewage disposal facility.

Fire cisterns ae required for fire protection of the site per the Standard Specifications for Land Development. The Fire Chief has indicated that a fee in lieu of the installation of a fire cistern(s) would be acceptable. This type of fee has been accepted by the City in the past, the requirements of which would be outlined in the Development Agreement should the project move forward.

The site proposes an increase in impervious surface in excess of one half acre and site disturbance of greater than an acre therefore requires a stormwater management plan (SWMP). The proposed site will be required to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria. There is significant offsite drainage that flows through the center of the site, this drainage shall be accounted for the in the Stormwater Management Plan and in the subdivision layout and design.

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 for the site.

A Filling and Excavation permit is required. The total amount of filling and excavation for materials imported or export greater than 1,000 cubic yards would require Planning Commission review and approval.

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

1. Common Council approval of the rezoning.
2. 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 100’ from Riverland Road, with increased offsets on lots adjacent to wetlands as required by the Department of Natural Resources (DNR).
3. Pedestrian/bike paths and the necessary easements shall be required as noted in the staff report.
4. The development shall comply with preliminary plat, development agreement, and final plat requirements.
5. There shall be a permanent open space buffer along the perimeter of this development as illustrated in the attached development concept plan.
6. An open space plan shall be submitted at the time of the preliminary plat approval.
7. The final plat shall include a deed restriction that requires no land disturbing activity within the wooded area, including removal of specimen trees, without the approval of the City of Mequon.
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. Easements shall be over existing and proposed drainage ways with supporting declaration language requiring Home Owners Association maintenance.
14. Legal documents requiring the Home Owners Association to maintain pedestrian trails within the common open space, wetland buffers, and stormwater facilities.

15. The entire property is subject to the City of Mequon Tree Preservation Ordinance and necessary preservation easements, if any.
16. Staff review and approval of appropriate landscape/open space easement documents and maintenance agreements.
17. Execution and recording of a Development Agreement.
18. Engineering Division review and approval of grading, drainage, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
19. Buildable area shall be shown on the preliminary plat.
20. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
21. Application for and approval of a City Filling and Excavation Permit, if applicable.
22. Applicant shall provide the wetland delineation report and show setbacks on the preliminary plat.
23. Applicant shall provide wetland fill approval from the WDNR, if filling of the wetlands is proposed.
24. Applicant shall provide a soil evaluation report verifying that each of the 13 lots may be served via approved private onsite wastewater system.
25. The final road design shall be subject to the review and approval of Engineering and the Fire Departments, in accordance with the Standard Specifications for Land Development.
26. Fire Department approval of the number and location of fire cisterns. Alternatively, a fee in lieu of fire cistern(s) could be accommodated through the Development Agreement.
27. Median islands are required at the subdivision entrances.
28. The final plat shall include a deed restriction that restricts the driveway to lot 13 to be located west of the median.
29. Acceleration/deceleration lanes are required on Riverland Road.
30. A bypass lane is required on Riverland Road.
31. The island in the middle of the roadway shall be within an outlot.
32. Approval of a storm water management plan for the site in conformance to City ordinances, WDNR and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
33. The existing drainage through the center of the site is required to be accounted for in the layout and design of the subdivision.
34. As a condition of approval and issuance of the permit, the city engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

Attachments:
Packet (PDF)

Oyvind Solvang & Paul Apfelbach for Fillinger Family

AC	Arrival Corridor	LTD	Limited Use
A-1	Agricultural Preserve	OA	Agricultural Overlay
A-2	General Agricultural	PUD	Planned Unit Development Overla
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FFO	Flood Fringe Overlay	TC	Town Center
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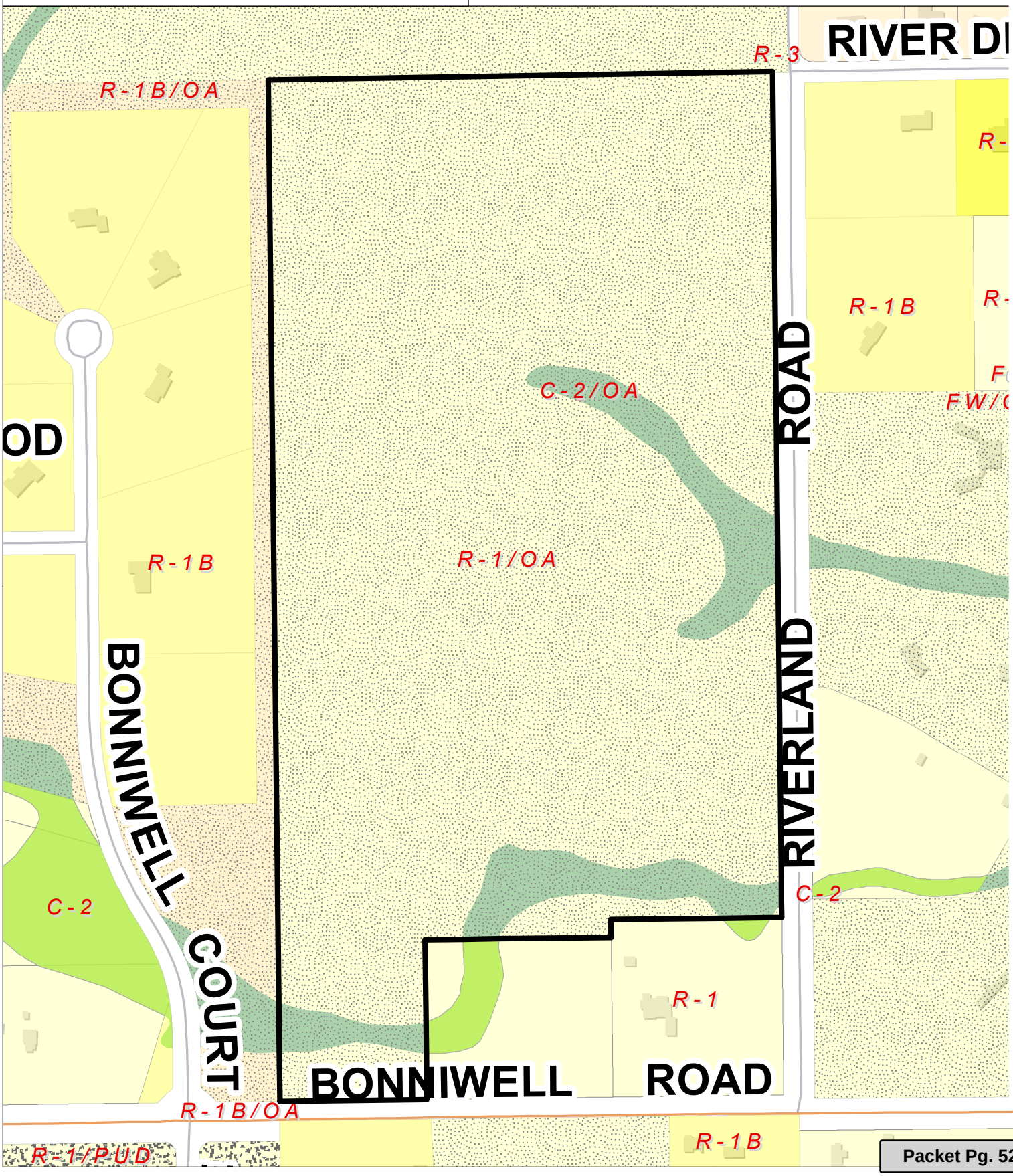


Attachment: Packet (3534 : Oyvind Solvang & Paul Apfelbach for Fillinger Family)

Concept Plan

SUPPLEMENTARY DATA
Total Area = 2,968,056 SF 68.1372 acres
R/W Area = 115,183 SF 6.4498 acres
Green Space = 1,647,432 SF 68.1372 acres (55.5%)
Net Area = 1,205,441 SF 27.6773 acres
Number of Lots = 13 + 1 Outlot
Lineal feet of street = 2,188 LF
Approving Authorities
City of Mequon
Objecting Authorities
Department of Administration

Concept of

Riverland Estates

Part of the NE 1/4 and SE 1/4 of the SW 1/4 of Section 1,
Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

Bearings are referenced to the Ozaukee County coordinate system

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1811 Racine Street Menasha, WI 54952
Ph 920-991-1866 Fax 920-830-9595
www.davel.pro

Attachment: Packet (3534 : Oyvind Solvang & Paul Apfelbach for Fillinger Family)

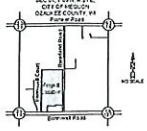
Yield Plan

Concept of

Riverland Estates

All of Parcel 1 CSM 3494 being part of the Northeast 1/4 of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4 of Section 1, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

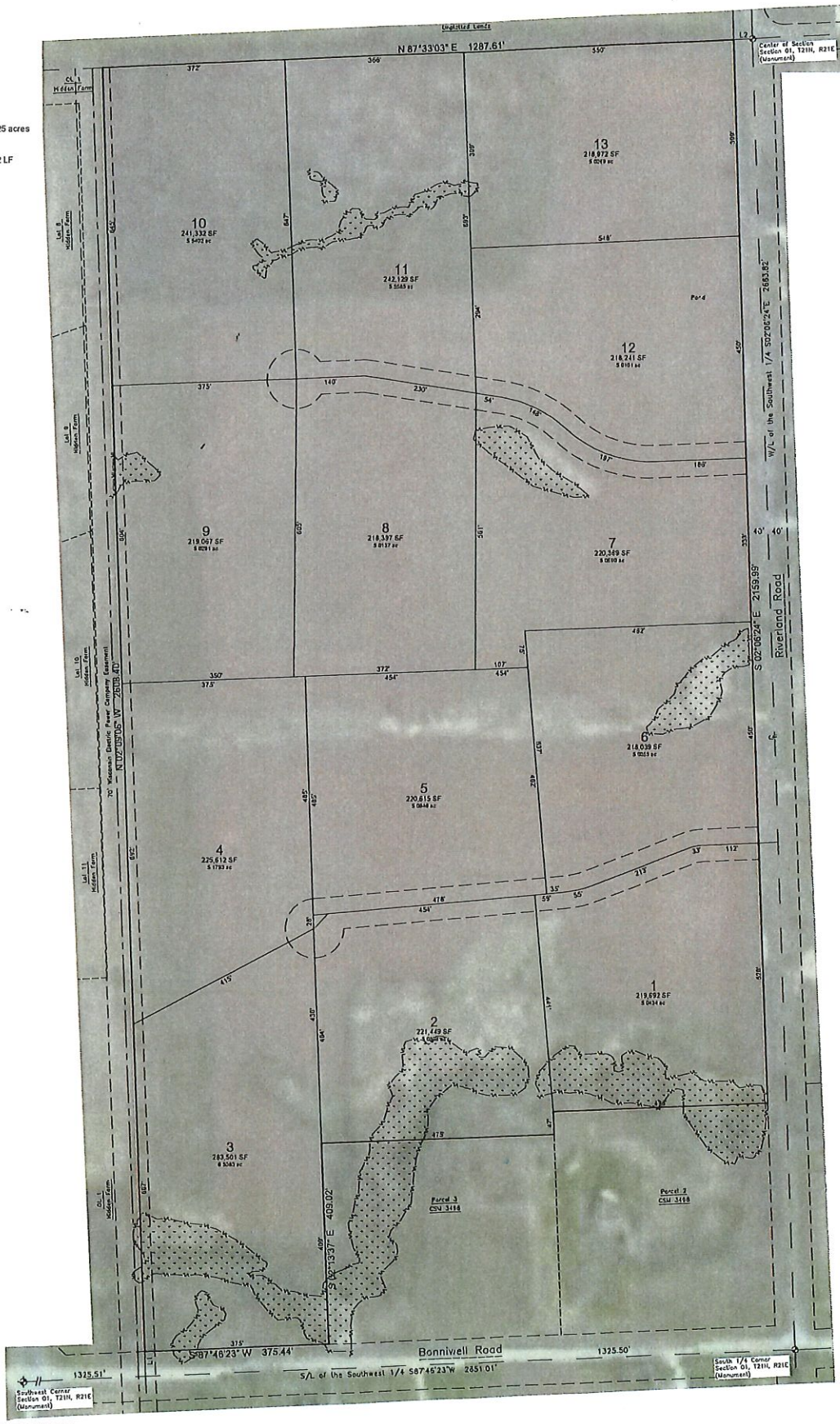
LOCATION MAP



SUPPLEMENTARY DATA
Total Area = 2,967,415 SF 68.1225 acres
Number of Lots = 13 Lots
Average lot size = 5.0 Acres
Lineal feet of private street = 1,932 LF
Approving Authorities
City of Mequon
Objecting Authorities
Department of Administration
NOTES

Utility and Drainage Easements will be shown on Final Plat

LINE TABLE		
Line	Bearing	Length
L1	S 02°05'06" E	60.00'
L2	N 87°33'03" E	40.00'



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Ph: 920-991-1866 Fax: 920-830-9595
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Attachment: Packet (3534 : Oyvind Solvang & Paul Apfelbach for Fillinger Family)

City of Mequon

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: **October 8, 2018**

SUBJECT: **Shaffer Development Company for St. Paul Fish Company. The applicant is seeking sign waiver approval to exceed the allowable number of signs and the size of the signs for the property located at 6200 W. Mequon Road.**

Applicant:	Shaffer Development LLC
Status of Applicant:	Owner
Requested:	Sign Waiver
Existing Zoning:	Town Center (TC) PUD (Planned Unit Development) C-2 (Conservancy)
Existing Land Use Plan:	Town Center Critical Environment
Lot size:	13.97 acres
Location:	6200 W. Mequon Road
Tax Key:	#14-050-02-020.01
District:	#2

Background: The applicant is requesting sign waiver approval for the St. Paul Fish Company restaurant at the Spur 16 development at 6100 W Mequon Road. The sign waiver is required since the proposal exceeds the number of sign permitted as well as the square footage permitted for each wall sign. The applicant provided renderings of the signs at the June 11, 2018 meeting when the exterior elevations were approved. The applicant has submitted the sign waiver request separate from the rest of the development in order to have the painting completed prior to winter.

Sign Waiver:
Based on the sign code, the proposed restaurant is allowed two wall signs not to exceed 60 square feet or 2% of the wall area where the sign is located. The applicant is proposing a total of six signs all of which exceed 60 square feet in area. The proposed signs are painted on the building in a manner that was common during the 1890's to the 1960's. These "ghost signs" were found on brick buildings similar to the St. Paul Fish building. While not original, the signs will be painted in a way to make them look aged.

As the Commissioners may recall, the signs were shown on the buildings at the time the exterior elevations were approved in June. At the time, there was overwhelming support for the signage and on how the sign package complimented the building architecture. Staff doesn't have a concern of setting a precedent with the approval of the waiver due to the unique nature of the proposed sign design and the building's architecture.

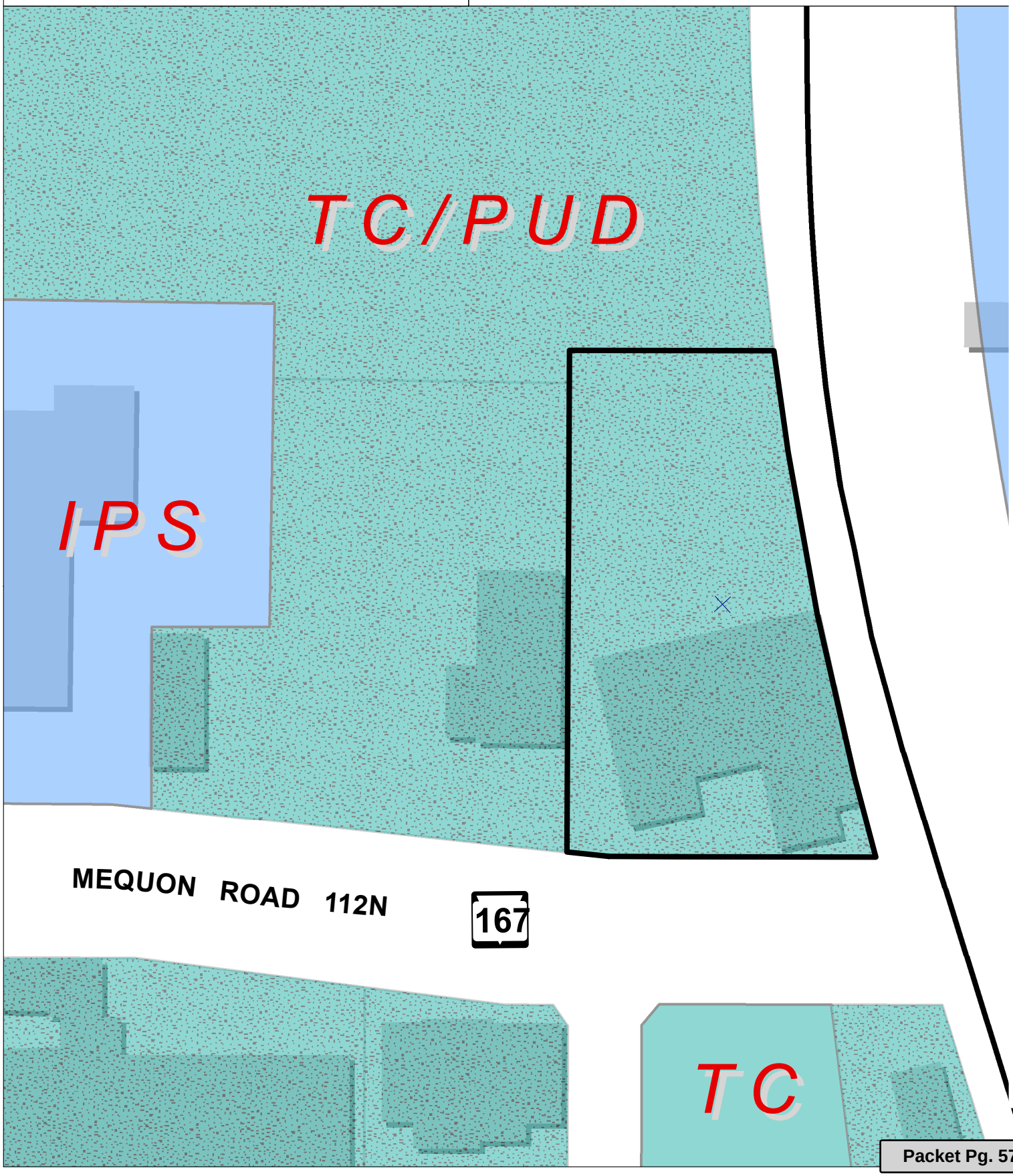
Staff Recommendation:
Staff recommends **approval** of the sign waiver based on the following conditions:

1. Staff review and approval of final sign plan.

Attachments:
Packet (PDF)

Schaffer Development for St. Paul Fish Company

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

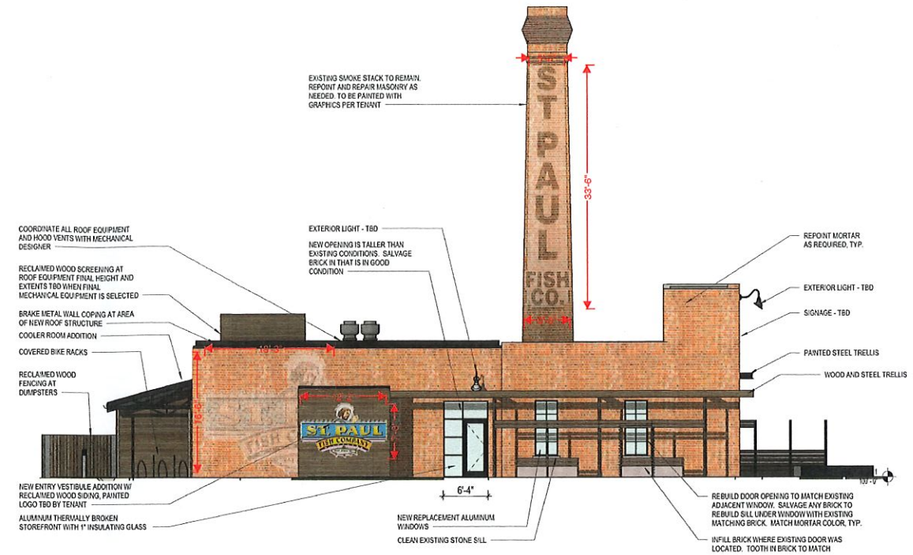


Attachment: Packet (3614 : Shaffer Development Company for St. Paul Fish Company)

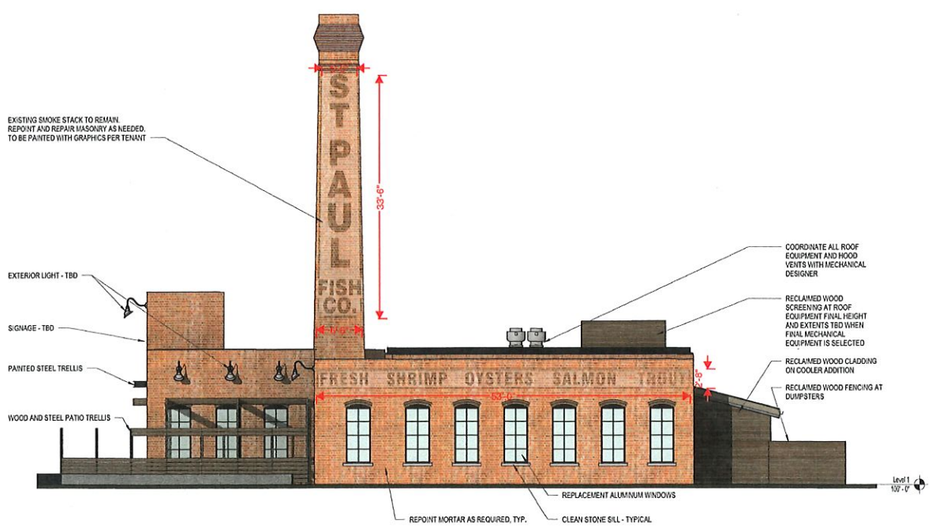
Engberg Anderson ARCHITECTS

MILWAUKEE | MADISON | TUCSON | CHICAGO

2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

Mequon Town Center II

6300 W. MEQUON RD.
MEQUON, WI

MEQUON SPUR 16, LLC
CINDY SHAFFER
10046 N. Sheridan Dr.
Mequon, WI 53092

EA PROJECT NUMBER	152499.01
HUD PROJECT NUMBER	075-35471

ISSUED FOR:	
PERMIT SET	04-30-2018

REVISION FOR: NO.	DESCRIPTION	DATE

DRAWN BY	Author
CHECKED BY	Checker

ELEVATIONS

Attachment: Packet (3614 : Shaffer Development Company for St. Paul Fish Company)

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City of Mequon

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: **Planning Commission**
FROM: **Jac Zader, Assistant Director Community Development**
DATE: **October 8, 2018**
SUBJECT: **City of Mequon Chapter 58 of the Zoning Code as it relates to Conditional Uses in Residential zones**

Background: Back in March, the Planning Commission set up a subcommittee to look at changes to Conditional Uses in the residential zoning districts. This decision to form the subcommittee was based on recently enacted legislation (2017 Wisconsin Act 67) which among other things, makes significant changes to the rules and requirements regarding conditional use grants. Staff and the subcommittee met several times over the last six months recommend changes to the residential section of the zoning code related to conditional uses. Prior to creating the final ordinance for review and approval, staff is requesting input on the changes from the entire Commission.

There are three separate code sections that are impacted by the proposed changes. Staff has added a number of definitions as part of this process (see attached). The only change that is substantive in nature is the new definition for Accessory Dwelling Unit. This definition replaces the attached non-income producing living accommodation language. Based on feedback from the subcommittee, use of the accessory dwelling unit is expanded to allow not only relatives of the property owner but to also include the ability to have an in home caretaker. This was historically allowed in the code but removed due to concerns over the ability to regulate the legitimacy of the need for a caretaker.

In making changes to the conditional use section in the residential districts, staff made changes by one of the following methods:

- Change the use from conditional to permitted
- Remove the use and effectively make it prohibited
- Add specific conditions to the listed conditional use

Attached is a track changes version of the R-1 zoning district for the Commission to review. At the meeting, staff will discuss the rationale for changes to each of the listed conditional uses. In addition, to the changes made to the residential section of the code, staff also moved some of the uses to the OA (Agricultural Overlay). Staff and the subcommittee felt that some of the uses should be confined to the OA which requires a 10 acre minimum and is typically found in the rural portion of the city.

As part of this process staff tried to identify any existing uses that would become nonconforming based on the changes being proposed. If the proposed changes are acceptable, then additional action is necessary for a few specific sites. Currently, MATC, Donges Bay School and Unitarian Church are zoned residential and will require a rezoning to IPS (Institutional).

Attachments:

Packet (PDF)

Sec. 58-234. - R-1 rural residential detached district.

(a) *Purpose.* The R-1 district is intended to provide for large lot single-family detached residential development in rural areas that are not served by public water or sewerage facilities and that are not yet appropriate for development at higher densities. This district shall generally be located within the area designated on the land use plan map as "rural service area."

(b) *Permitted uses.*

(1) Single-family detached dwellings.

(2) Agricultural uses shall be allowed subject to the following:

a. Poultry and domestic livestock (excluding horses which are addressed in subsection (b)(2)b.) shall be permitted on lots of at least ten acres. No more than one head of livestock per acre and 20 fowl per acre shall be allowed.

Exception: Chickens shall be permitted on lots of one and one-half acres or greater per the following criteria:

1. No more than four chickens per parcel shall be allowed.
2. Roosters are prohibited.
3. All chickens must be kept at all times in a secure, clean enclosure that is kept in sanitary conditions.
4. All enclosures shall be set back at least 50 feet from any property line, shall be located only in the rear yard and shall be located closer to the principle dwelling on the subject parcel than the neighboring lot lines.
5. Enclosures shall not exceed 40 square feet and six feet in height.
6. Feed kept outside shall be kept in sealed containers so that it is rodent-proof.
7. Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 50 feet from the property line.
8. Yards, enclosures, premises and animals shall be kept free of insect infestations.
9. No odor or noise nuisance shall be permitted.
10. An initial and annual permit fee is required.
11. Applicable home owners associations shall provide consent on only the initial permit to allow the keeping of poultry in accordance with the above listed standards.

b. One horse shall be permitted on lots of at least 1½ acres. One additional horse shall be allowed per each additional acre.

c. ~~Farms primarily for the keeping or raising of fur bearing animals, hogs, or goats shall not be permitted except as a conditional use.~~

d. ~~Commercial fish hatcheries shall not be permitted except as a conditional use.~~

e. ~~Commercial greenhouses shall not be permitted except as a conditional use.~~

f. Stables, barns, poultry houses, riding arenas, greenhouses, sheds and other similar structures, provided that no such structure may exceed 1,000 square feet in size in any residential district where they are located without planning commission approval, and provided that no building housing domestic livestock or poultry shall be closer than 100 feet to any lot line. Any structure listed in this subsection in excess of 1,000 square feet located within an OA zoning district and on a parcel of at least 40 acres or more is subject to approval by the planning commission but the application processing fee will be waived,

since the intent of this section is to not overly burden the farmers of the City of Mequon and to encourage agricultural pursuits. (This section shall apply to structures constructed after the effective date of the ordinance from which this section is derived.)

(3) Community living arrangements for eight or fewer persons in accordance with Wis. Stats. § 62.23(7)(i).

(4) Long-term rental of a structure described in subsection (b)(1).

(c) *Permitted accessory uses.*

(1) Private garages, carports, and paved parking areas shall be allowed provided that no garage or carport shall be erected prior to the erection of the principal building to which it is accessory. Garages and storage structures shall conform to the following:

a. Except as otherwise specifically provided below, no more than one principal garage; either attached or detached, shall be permitted on a lot.

b. Any property having a residence without an attached garage shall be permitted one principal detached garage not to exceed 800 square feet in area.

c. Any property having a residence which was constructed prior to year 2003 with an attached garage in which two full-sized personal automobiles cannot reasonably be stored side-by-side shall be permitted one principal detached garage not to exceed 675 square feet in area, provided no such garage structure shall be sited in front of an existing residence or in such other location as shall unreasonably affect or adversely impact the beauty and general enjoyment of existing residences or adjoining properties.

d. Any property may have, in addition to any permissible garage, one detached storage structure or guesthouse not exceeding one percent of the property area or one percent of the property's minimum lot size zoning requirement, whichever is less.

Comment [JZ1]: Discussion item.

e. Properties whose principal use is agricultural shall not be restricted in the number or size of detached storage structures permitted on the property.

f. Enclosed vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as an area not to exceed 300 square feet.

(2) Home occupations and professional offices which are clearly incidental to the principal residential use subject to the following:

a. The home occupation shall be carried on wholly within the principal residential building or within a building accessory thereto, and only by residents occupying the premises and one additional person not a resident on the premises.

b. No article or service shall be sold or offered for sale on the premises.

c. The home occupation shall not normally generate customer or client traffic to the residential premises.

d. Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

e. The home occupation shall not include the conducting of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.

f. The home occupation shall not include outside storage of materials or other operational activity resulting in offensive noise, vibration, smoke, dust, odors, heat, or glare which may create a nuisance or be otherwise incompatible with the surrounding residential area.

(3) Private outdoor recreational facilities normally accessory to a residential use.

(4) Short-term rental of a structure described in subsection (b)(1).

(d) *Conditional uses.*

(1) ~~Public or private~~ Commercial outdoor recreational facilities as part of Planned Residential Development.

(2) ~~Public and private schools,~~ In home child day care facilities in accordance with Wis. Stats 66.1017 and 48.65.

(3) ~~Churches and religious institutions.~~

(4) ~~Public administrative offices and service buildings.~~

(5) Historically significant structures used as a ~~P~~private lodge~~s~~ or ~~and~~ club~~s~~.

(6) ~~Commercial use of historically significant structures.~~

(7) ~~Country inns (i.e. bed and breakfast facilities) and country restaurants~~ . Bed and breakfast facilities in accordance with WI Stats 97.01 and ATCP 73

(8) Public and or private utility, transmission and distribution lines, poles, ~~and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.~~

(9) Guesthouse ~~subject to, among other things, a living quarters being within a detached accessory building which is located on the same lot with the principal residential structure. Furthermore, the guesthouse is intended for use by temporary guests of the residents and shall have no kitchen facilities and not be rented or otherwise used as a separate dwelling.~~

(10) Accessory Dwelling Unit ~~Additional attached non-income producing living accommodation with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.~~

(11) ~~Wholesale greenhouses, wholesale nurseries, wineries, and~~ landscape contracting businesses in accordance with the following requirements

1. No outside storage of materials or equipment
2. Must be at least 500 feet from a residential strcutrure
3. No on site sales of mulch or other related products.

(12) ~~Commercial fish hatcheries.~~

(13) ~~Hogs, goats and fur bearing animals. Poultry, livestock and horses in greater quantities than allowed by right.~~

(14) ~~Microbreweries.~~

(15) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).

(e) *Lot size.* The minimum lot size shall have a net area of not less than five acres.

(f) *Dwelling standards.* Single-family dwellings within the R-1 district shall have a 1,800-square-foot minimum living area measured from the outside of exterior walls (excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes).

(g) *Building height.*

(1) The height of any dwelling unit shall not exceed 42 feet.

Comment [JZ2]: Stand- alone facilities allowed under the OA. All current conformi s have OA designation

Comment [JZ3]: This will be moved to permitted use

Comment [JZ4]: See definition

Comment [JZ5]: See definition

Comment [JZ6]: These will be moved t

Comment [JZ7]: This can cover R-1 onl OA also allows Landscape Contractors which c more intense perhaps?

Comment [JZ8]: Add conditions based discussion with City Attorney

(2) The height of accessory structures shall not exceed 15 feet.

(3) The height of farm structures shall not exceed 60 feet.

(h) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 300 feet.

(i) *Minimum building setback.* No building or structure, hereafter erected, shall be placed closer than 100 feet to the ultimate right-of-way line of any public street, road, or highway upon which the subject property abuts.

(j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 30 feet to a side or rear lot line. Buildings or structures housing livestock shall not be erected closer than 50 feet to a side or rear lot line.

(k) *Lot coverage.* Not more than five percent of the lot may be covered by buildings or structures.

Sec. 58-265. - OA agricultural overlay district.

(a) *Purpose.* The OA agricultural overlay district is intended to provide for, maintain, preserve, and enhance agricultural lands. The purposes of the district are to:

(1) Protect and encourage the continuation of existing farm operations.

(2) Minimize conflicts between farm and non-farm uses.

(b) *Permitted uses* .

(1) Any use by right in the underlying base district.

(2) All uses commonly classified as agriculture, horticulture, or forestry, including crop and tree farming, truck farming, gardening, nursery operation, stock raising (not including raising of fur-bearing animals, or animal hospitals), dairy farming, and forestry operations, together with the operation of any machinery or vehicles incidental to the above uses.

(3) Municipal utilities.

(c) *Permitted accessory uses.*

(1) Temporary roadside stands for display and sale of agricultural products grown or produced on the premises. Such uses shall be subject to planning commission approval and the following requirements:

a. Off-street parking for a minimum of four vehicles shall be provided.

b. No stand shall be permitted in a location where it would create a traffic hazard or nuisance. Driveways shall be located to minimize possible interference with normal flow of highway traffic.

c. No such stand shall be closer than 50 feet to the existing street line or closer than 20 feet to any other lot line.

d. One sign, not exceeding 20 square feet in area, shall be set back at least ten feet from the road right-of-way.

(d) *Conditional uses.*

(1) Commercial hatcheries.

(2) Commercial greenhouses and nurseries.

(3) Animal kennels.

(4) Parks, forest preserves, and recreational areas.

(5) Horse riding academies and stables.

(6) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions of section 58-265 regarding, among other things, effective screening from public view with all season vegetation.

(7) Raising of fur-bearing animals.

(8) Landscape contracting businesses.

(9) Commercial outdoor recreational facilities

(10) Wineries

Formatted: Normal

(e) *Lot size.* The minimum lot size shall have an area of not less than ten acres for uses in the OA district. The minimum lot size for property used only as residential shall be in accordance with the underlying base district.

(f) *Building height.*

(1) The height of any dwelling unit shall not exceed 42 feet.

(2) The height of other farm structures shall not exceed 60 feet.

(g) *Minimum average lot width.* The minimum average lot width shall be no less than 400 feet when land is used in accordance with the OA district. Average lot widths for other uses shall be in accordance with the underlying base district.

(h) *Minimum building setback.* In accordance with the underlying base district.

(i) *Minimum building offset.* Residential structures shall be in accordance with the underlying base district. Buildings or structures housing livestock shall not be erected closer than 50 feet to a side or rear lot line.

(Code 1957, § 3.075(3); Ord. No. 2001-1008, 3-13-2001; Ord. No. 2001-1017, § XV, 5-8-2001; Ord. No. 2008-1238, § I, 4-8-2008)

Definitions

Kitchen- an area used for the preparation or cooking of food that contains a sink, stove/range/oven/ cooktop and a refrigerator.

Commercial Outdoor Recreational Facility – a facility open to the public or available through membership for the purpose of recreation including but not limited to athletic fields, sport courts, playgrounds, and golf courses.

Attached - when referencing a structure attached to a dwelling, but not when referencing an attached dwelling as defined below, means that (a) the structure has interior access to the dwelling at floor level, (b) the distance between the attached structure's two connecting walls with the primary structure is at least 30% of the maximum width of the attached structure (c) the structure and the dwelling have a common roof line or roof connection, and (d) there is a connection between the foundation of the structure and the dwelling.

Accessory Dwelling Unit- A dwelling that is attached to the primary dwelling that occupied by a relative of the property owner or by someone who is providing caretaking responsibilities to the owner of the property. The primary dwelling must be owner occupied. The ADU shall be no larger than 30% of the overall area of the primary dwelling (excluding any attached garage) and shall have at least one common entry with the primary dwelling.

Guesthouse – A detached structure with living quarters which is intended for the temporary stay of occasional guests. The guesthouse shall not contain any kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

Historically Significant Structure – A structure that is listed on the Nation Register of Historic Places or has been designated a local landmark by the Mequon Landmarks Commission.