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Department of Community Development
Taped and Televised

**PLANNING COMMISSION
Regular Meeting
Monday, October 9, 2017
7:00 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order, Roll Call

Present:

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

a) Approval of Minutes

Ald. Wirth made a correction to page 29 of the minutes to change the bank to Ziegler.

Action

Ald. Wirth made a motion to approve the minutes from August 7, 2017 & September 11, 2017

Mayor Abendroth seconded the motion.

A voice vote was called, vote passed (8-0)

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

b) PLANNING COMMISSION MEETING MINUTES

2) Consent/Public Hearing

- a) Marcus Theatres Corporation. The applicant is seeking conditional use grant and lighting waiver approval to allow for an expansion of operations and capacity with an expanded outdoor dining patio for the property located at 11700 N. Port Washington Road (Zaffiro's Pizzeria).

Action

Ald. Wirth made a motion to go into public hearing.

Commissioner Mason seconded the motion.

Voice vote was called, vote passed (8-0)

Action

Ald. Wirth made a motion to close public hearing.

Commissioner Mason seconded the motion

Voice vote was called, vote passed (8-0)

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

3) Regular Business/Consent

- a) Crossroads Presbyterian Church. The applicant is seeking certified survey map approval for 2 lots to be created for the properties located at 6031 and 6125 W. Chapel Hill.

Action

Ald. Wirth made a motion to go into public hearing.

Commissioner Jim Schaefer seconded the motion

Voice vote was called, vote passed (8-0)

Action

Ald. Wirth made a motion to close public hearing.

Mayor Abendroth seconded the motion

Voice vote was called, vote passed (8-0)

Action

Ald. Wirth made a motion to approve the consent agenda items.

Mayor Abendroth seconded the motion

Voice vote was called, vote passed (8-0)

RESULT:	APPROVED [6 TO 0]
MOVER:	John Wirth, Alderman
SECONDER:	Dan Abendroth, Chairman
AYES:	Abendroth, J. Schaefer, R. Schaefer r, Wirth, Lemke, Hawley Mason, Parrish
EXCUSED:	Choren, Stoker

4) Regular Business

- a) Alex Leykin. The applicant is seeking rezoning recommendation and certified survey map approval of 3 lots for the properties located at 14097, 14115, 14137 and 14207 N. Birchwood Lane.

Asst. Dir. Zader stated that this item was on the agenda a few months ago and was tabled. The applicant is seeking to rezone the property from R-1/PUD to R-1. A plan was previously approved that was part of the PUD that had 4 lots that abut the roadway and the wetlands were located in the outlot to the rear. The applicant wants to remove the PUD to allow him to develop the land to the R-1 standards. The applicant has a new plan showing 3 lots instead of 4 lots. The new plan shows the 3 lots that run the length of the road next to each other. These lots still encroach into the wetlands but the plan allows for 6 acre lots that are more developable than the 4 box lots previously submitted.

Asst. Dir. Zader stated that he provided an alternative plan for the Commission to consider which would amend the PUD to allow for the new concept plan which is identical to the 3 lot CSM. One issue is that the CSM shown in the packet does not show wetland delineation and the old one expired over 5 years ago, so it is no longer valid. Staff will make a recommendation that prior to action by the Common Council the wetland delineation is done to ensure that there are upland areas on all 3 lots and that there are viable buildable lots. Staff recommends denial and prefers to have the PUD remain in place and the 4 lot concept plan that was originally approved but there is an alternative plan offered in the report for a 3 lot plan.

Asst. Dir. Zader answered the Commission that if the R-1 zoning is approved, the applicant is not required to finish the 3 lot CSM and could come back at a later date with a 4 lot CSM again. The original request was for a 4 lot land division and a number of neighbors complained at that time about the wetlands and the protection of the wetlands, so the previous owner of the property agreed with the city to do the PUD to still allow the 4 lots and have the open space protected in the back. He also stated that wetlands are typically better protected on outlots than on private property.

Regarding the proposed concept plan, the biggest concern is Lot 3 is somewhat constrained and the wetlands may have grown there and that is the reason for the required wetland delineation update to ensure buildable area. It is somewhat misleading because it is 7 acres but there are two soil boring sites right in the middle of the lot.

The applicant, Alex Leykin, stated that he has had a number of conversations with Mr. Zader. He believes his proposal is an improvement all around. He plans to rezone to 3 large parcels, build a home on each parcel, sell two of the parcels and live on one of them. He stated the concerns from the neighbors in the previous rezoning was due to the potential for a high density development which is not proposed with the new concept plan. He stated that the 3 lot plan is much more desirable and will meet all of the R-1 requirements; no variances or exceptions are being requested. He stated that his rezoning request will improve the density of development of the land, improve the city's position on what can be done on currently restricted land and will improve uniformity and community acceptance.

Mayor Abendroth stated that he agrees with the applicant and that the CSM meets all the R-1 standards.

Asst. Dir. Zader stated that the property is currently zoned R-1/PUD. It would need to be rezoned to apply the R-1 standards. The PUD is an ordinance and the R-1 standards cannot be applied to it.

Mayor Abendroth stated that a PUD cannot be forced on the rural property and that the applicant should be allowed to develop the land as proposed.

Ald. Wirth stated that the current zoning is the current zoning. There is not a right to rezone the zoning under the law. He stated that the surrounding area has smaller lots. He stated that in regards to what is being proposed; he feels that the Commission should defer to private property owner rights, there is nothing wrong with the proposed lots and he feels that it is a fine looking small development. The city has rights that the previous property owner gave up.

Asst. Dir. Zader stated that action was previously taken to protect the wetlands from encroachment. He added that there are numerous examples of wetlands in rural areas that have been taken away or disappeared on private lots. There is a vested interest to have the wetlands on an outlot rather than a private lot.

Mr. Leykin stated that he fully understands the process of asking for rezoning from R-1/PUD to R-1. He also asked that he be permitted to do the wetland delineation only for the lot that he is going to build on first, as the delineation is only good for 5 years and he does not know when the other lots will be built on and does not want to have to pay twice for the delineation.

Commissioner Parrish stated that he is in favor of removing the PUD and allowing a 3 lot subdivision. He does not feel there would be a great impact on the wetlands as they are set relatively far back. He stated that the outlot would need to be managed by a homeownership and that typically is not managed well. He feels that requesting 3 big lots is appropriate for this area and he is supportive of this request.

Asst. Dir. Zader stated that regarding the timing of the wetland delineation done at different times, he suggested that a deed restriction be placed on lots 2 and 3 from being developed

that will act as a trigger that shows up on a title search. This is a way to protect those lots and to put any new owner on notice that development is restricted until the wetland delineation is completed.

Commissioner Jim Schaefer stated that he is in favor of changing the zoning to allow for the 3 lot development. He feels that if wetlands are on private property that do get altered and that they are better protected when in outlots.

Action

Mayor Abendroth made a motion to approve the R-1 zoning for the 3 lots and the lots will be deed restricted until the wetland delineation is completed.

Commissioner Parrish seconded the motion.

Roll call vote was called, vote passed (8-0)

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

- b) John Mikkelson. The applicant is seeking fill permit approval to allow for 8,105 C.Y. of fill due to the high water table for the property located at 12875 Highgate Court (Lot 3) in the Highgate subdivision.

Action

Mayor Abendroth made a motion to approve subject to staff comments.

Ald. Wirth seconded the motion.

Voice vote was called, vote passed (8-0)

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

- c) New Section
- d) Mequon Clark. The applicant is seeking a consultation for a proposed addition for the property located at 10335 N. Port Washington Road.

City Planner Vang stated that Mequon Clark is requesting a consultation for an addition to the existing convenience store. The proposal is for a west and south addition to the building. The property has received several waivers in the past, mainly because the site is so small. One of the waivers includes a 10.5 ft. setback from the west property line. Staff believes that the applicant intends to keep this setback. If the applicant wishes for a reduced setback, they

will need to request that from the Commission. They will need to address open space and parking issues for any future development. Square footage for the proposed addition has not yet been provided.

There are a number of violations on site that need to be brought into compliance including lighting and landscaping. Staff recommends removing, minimizing or screening the miscellaneous outdoor storage and any abandoned or unused equipment on site needs to be removed.

As part of any future development, staff may recommend additional improvements to the site such as landscaping, architectural improvements to the signage or the canopy if the applicant moves forward with a proposed addition.

The applicant, Mirza F. Beg, representing Mequon Clark stated they are proposing an addition to the south side of the convenience store and they will maintain the current setback. The equipment is the coolers, compressor and A/C and will be moved on to the roof when the addition is done.

Mayor Abendroth stated that he is in favor of the improvements being made to the station.

Ald. Wirth agreed with being in favor of improvements being made to the station. He stated that it is a very small site and any improvements and clean-up is appreciated and he hopes that staff will work with the applicant to help them accomplish their improvements.

Asst. Dir. Zader stated that the owner expressed an interest to do some improvements on site but did not want to incur the cost of having plans drawn up without some indication from the Commission that they were favorable of these efforts and this is the reason for the consultation.

Commissioner Parrish stated that he is favorable of an expansion as well as all of staff's comments about the site.

The applicant said they will work on their plan and be back before the Commission.

- e) Christ Church. The applicant is seeking a rezoning recommendation from R-1 (Rural Residential) to IPS (Institutional and Public Service), building and site plan amendment and master sign plan approval to allow for an expansion for the property located at 13460 N. Port Washington Road.

Asst. Dir. Zader stated that there are a number of requests for this property. The building and site plan amendment request is for a 34,900 sq. ft. addition. They are also requesting to change the zoning from R-1 to IPS zoning, master sign plan request and concept plan approval. This is a fairly major addition and the parking lot is also being reconfigured with a large number of stalls added. The proposed addition is in the back of the property. There is also an additional access point requested from Port Washington Road. The plans shows 437 additional public parking stalls and 38 additional stalls for staff. Per the code 221 spaces are required but they are trying to accommodate some of the larger events they host. Staff is ok with the additional parking requests since the open space requirements are still being met.

The access point is under the jurisdiction of the Ozaukee County and also crosses over a wetland. They have received approval from the County as well as fill approval from the DNR.

There is a 1,200 sq ft. maintenance building that the applicant is asking to be approved at a staff level at a later date. If the request meets all the requirements, the architecture is consistent with existing building and staff is comfortable with the request, then staff will discuss with the Commission chair and together they will decide whether to approve from there.

The applicant has done a nice job of keeping the massing down on the proposed building. They used a lot of the same materials on the existing building as the proposed building addition. They do incorporate some split face blocking that does not exist on the current building and staff feels that it is best to maintain the current architectural style already in place and replace the split face block with the same siding that currently exists.

The building does meet all the code requirements. The height is 45 feet which exceeds the 42 feet requirement but because they have a setback that is greater than the code requirement, they are allowed to go up to 52 feet in height per code standard.

Regarding the landscape plan, there are a number of conditions that the landscape consultant placed on it. The applicant is requesting two waivers to that code; one is a waiver to the 10% interior lot landscape requirement and the second is the 30% shading requirement. The consultant commented that the 30% shading requirement could be met by using a different species of trees. He felt that the trees selected for this property were more ornamental as opposed to canopy style.

The interior landscaping relates to concerns regarding snow removal, maintenance cost and pedestrian sight lines in to the church. Although the parking lot is large, staff does not feel there is justification for a waiver.

The new parking lot shows 61 lights that are 16 feet in height with 7 bollards, 3 wall sconces and 6 canopy lights. The applicant has submitted cut sheets for the fixtures but they do not state that they are full cutoff as required by the code. The proposed foot candles exceed the 2 foot average, so that will need to be redesigned to meet the 2 ft. candle average.

There was conversation about a master sign plan. There is a request for an additional sign on Port Washington Road to match the one currently there along the new entrance way. There is also a request for a new wall sign on the east elevation. There were conversations about whether this is a wall sign or a I-43 sign and the answer varies on whether it complies with the code requirements. The applicant was not sure and they are going to do some sight line work to determine the visibility from Port Washington Road. This issue has not been fully vetted and staff recommends that this issue be tabled and brought back before the Commission.

Staff is comfortable with the concept plan in that it meets the setbacks but has questions about the location and how it impacts the circular drive. The circular drive goes around the entire building and gets close to the storm water management pond.

The applicant is requesting that the property be rezoned from R-1 to IPS. Churches are a conditional use grant (CUG) in the R-1 zoning and there is an existing conditional use grant for this property. If rezoned to the IPS zoning, the church would be a permitted use which would alleviate the need to come back to the Commission and ask for a CUG amendment every time additions or major changes are being done at the site.

Representing the applicant was Colleen Jordan from Concord Development Company, Nat Stein, the project architect, Reverend Bob Suhr of Christ Church and Aaron Koch, project engineer. They stated that they appreciate the consideration of the proposed project and the time staff spent reviewing the requested proposal. Regarding staff's recommendations, they would like to have some clarification and further discussion regarding the following staff recommendations:

- Item #2 – the use of the split face block.
- Item #5d – the interior landscape islands.
- Item #16 – the wetland setbacks.
- Item #19 – the requirement of future utility connections.

Asst. Dir. Zader answered that on the north elevation there is predominately split face masonry and on the east section as well. Typically the 10% interior lot landscaping requirements are upheld as standard for all developments. They have been waived or modified when there is justification to do so. Regarding the setbacks, it is shown on the plan but it is not specified what the setback are and staff needs a copy of the wetland delineation to help establish what the setbacks are. As part of the East Growth Expansion there may be utilities extended to the site in the future and the engineering department requests the applicant would connect to them if available.

Asst. City Engineer, Bridget Henk, stated that the wetland delineation was done more than five years ago so it is not a current delineation that indicates the quality of the wetland and what the recommended setback would be. Staff is requesting that once the wetland delineation report is received and reviewed that if it varies from what the applicant proposes that it would be brought back to the Commission for the next steps. The site is on a holding tank which is under the jurisdiction of Ozaukee County. Staff will be working with the County on any additional holding tanks or advancements of any mounds or septic tanks that would be appropriate at this site. As utilities are extended to that area, it may be beneficial for those connections to happen.

Mayor Abendroth stated that when the sewer connection is extended, everyone is required to connect.

Mr. Stein stated that the use of the split face block was chosen after much consideration and done so for the compatible colors and they felt this was an appropriate use of these materials in consideration of the size of the addition. These materials will be concentrated on the east

and north elevations. He stated that there will be very little visibility of the split face block from Port Washington Road. Another consideration is that when Phase 3 takes place, a large amount of that material will be removed. Additionally, the east elevation is viewed from I-43 where traffic moves at a fairly high rate of speed. The applicant feels that the colors are very compatible with the existing building.

Commissioner Jim Schaefer stated that he concurs with staff and prefers stone and siding as opposed to the split face block. He added that it is quite visible from across I-43 from Lake Shore Drive. He thinks the building is nice looking architecturally and does not feel that the split face block matches the architecture especially on the east elevation and wrapping around to the north elevation.

Ald. Wirth stated that feels ok with the split face block as it is not seen except from guests to the site and from the highway. He feels this is a nice looking project and understands the applicant has a budget to work within. He stated that it is not prohibited in the ordinance and it is used elsewhere in the city.

Ms. Jordan stated that they are showing a 6.5% interior lot landscape island as well as perimeter plantings that contribute to the shading on the north and south borders of the parking lot. She stated that while these plantings contribute to the 30% canopy and tree shading requirement they do not contribute towards the interior lot landscape island requirement. In light of all of the green space, the existing vegetation, screening of adjacent properties and the perimeter plantings, they are asking for a waiver from the 10% interior lot landscape island requirement. If they are unable to receive a waiver, she stated they will need to put in more islands which will reduce the number of parking stalls.

Ald. Wirth stated that he is conflicted on this issue because he believes that all applicants should be treated consistently but that the 10% requirement is a bit ridiculous. He added that most of the interiors of the parking lots in the city look crappy a few years after they are put in. He feels that it is not an effective regulation. He feels that the rule should be changed but he is not sure that this applicant has justification for a waiver.

Ms. Jordan stated that the site is unique in that there is way more green space than required by the code, there are many natural features that will be kept intact and that provide screening from adjacent properties.

Asst. Dir. Zader stated this is always a tough issue for staff as well. He does not feel that reducing the amount of islands is a great idea as the islands help the site and he was surprised they are not closer to the required percentage based on the plan providing a significant number of islands. For consistency, code compliance is always aimed to achieve and then alternatives can be considered later to work with the applicant to get the number as close to the requirement as possible.

Ms. Jordan stated that regarding Item #16 related to the wetland setbacks, they do have a current wetland delineation that was prepared by an insured delineator. The setback that they are showing on the plan is a 30 ft. setback consistently except for the area that they have

permission to fill; which is the second driveway. They are requesting a 0 setback from the second driveway area. They are also requesting, regardless of the classification of the wetland, a 30 ft. setback requirement for the entire property and would like an approval of this. The applicant passed out language they would like to have considered.

Asst. Dir. Zader stated that setbacks are determined by two different methods. One is the size of the wetland and the other one is the quality of the wetland. If a wetland has a higher quality, it requires a larger setback. Typically 10-30 ft. is the requirement for a less quality wetland that is not very large and 30-50 ft. is the requirement for a higher quality wetland and 75 ft. is the largest wetland setback. He added the question here is whether it is 30 ft. or 50 ft.

Mr. Koch stated that he believes the setback will be 50 -75 ft. He explained that the majority of the parking lot is draining and going back to the storm water pond and that no protected area is required. He discussed the distinctions between the DNR language and the city code language. He stated that if it is a 75 ft. setback, they will lose a lot of parking in the south parking lot. The main entrance is from the south side and the best stalls are located there. They are proposing a 30 ft. setback as a compromise and would like this added to their list of requested waivers.

Ald. Wirth stated that most other communities reflect what the DNR language is but that the city language has not caught up yet.

Asst. Dir. Zader stated that the issue here is whether it is a 30ft or 50 ft. and he does not feel that it will be deemed at 75 ft. setback.

Ms. Jordan stated that regarding Item #19 that would like this be waived as a requirement. She stated that the Church will evaluate this when it becomes available but because it is not located in the sewer boundary now, that they would like the language removed from this project.

Ald. Wirth stated that he does not believe that the requirement is that a property must connect when sewer connection is made available.

Asst. Dir. Zader stated that this item was included and was intended to put the applicant on notice that there may be a requirement to connect to sewer in the future; especially considering this is a relatively large structure on a holding tank.

Commissioner Mason thinks that the issue regarding the utility connection can be silent for now and when appropriate the ordinance will cover the requirement if necessary.

Action

Ald. Wirth made a motion to recommend the rezoning to the Common Council, to table the master sign plan, to approve the building and site plan amendment subject to staff's conditions, except that conditions #2 and #19 be removed, condition #5d be waived with the

intent that additional landscaping outside the islands be added, and that item #16 be replaced with the language supplied the applicant.
Mayor Abendroth seconded the motion.

Asst. Dir. Zader made a friendly amendment to have a 5-10 ft. setback for the new driveway (not a 0 ft. setback).

The applicant accepted the friendly amendment

A voice vote was called, vote passed (8-0).

- f) Robert Bach for Foxtown Venture. The applicant is seeking rezoning recommendation and concept plan approval for a mixed-use development located in Town Center.

The applicants showed a video of the proposed project.

The applicants; Stephen Smith, Greg Thompson, Bob Bach, Tom Nieman and Tom Zabjeck were present.

Commentary during the video:

There are 6 different sites on 17 acres that will all be tied together:

Building A = Historic Brewery (Tom Nieman)

Building B = There will be a two-story building with the main restaurant on site and possible banquet hall on the ground level east side. (Gordon Goggins)

Building C = 96 high quality apartments that will be developed by Bob Bach/P2 Development.

Building D = Hamburg Hall / Foxyard Beer Hall and Garden.

Building E = 3 multi-use buildings (retail and office). Top level will have 10-11 Corporate Stay units.

Building F = 21 Condominiums which will be a very unique high quality product. (Tom Zabjek/Lakeside Development)

Ms. Mary Claire Lanser has been doing outreach which consists of going door to door and hosting a neighborhood open house meeting. They have made 89 contacts and have 21 pages of feedback.

Ms. Leah Pickett did outreach to get a feel for the temporary housing interest.

Asst. Dir. Zader stated that the applicant is requesting rezoning to PUD and concept plan approval. He stated that it was difficult to write the staff report as there are many moving parts to this project. The PUD is necessary for the stand alone restaurant; which must be part of a mixed-use development, the single family portion of the project and there are over 16 apartment units. He explained that he looked at the project parcel by parcel and reviewed the plan for any red flags. He paid special attention to the parking as that has been an issue in the area. He feels that many of the areas in the proposed plan have more than the code required parking. The applicant mentioned waivers which the code does allow for, but those would be reviewed and granted at the time of the building and site plan approvals.

He stated that one major issue is the traffic flow through the site. Staff recommends a traffic impact analysis been done related to the traffic on Industrial Drive and the major intersections of the development. Those answers are important before the Council takes action on the PUD as it could dramatically change what this development looks like in the long run. The other issue is that currently single family dwellings are not permitted in the TC zoning. Staff will be discussing making a modification to that but it will also need to be approved by the Council before the project can move forward.

Asst. Dir. Zader listed bullet points in the staff report regarding the concept plan as well as a chronological plan for the proposed development moving forward. Staff did talk with the applicant about a TIF incentive as there is a lot of demolition work that will need to be done. The TIF project plan needs to be amended which will be a several month process. The only waiver that has been granted was regarding the 800 sq. ft. minimum for the apartments. There are requirements recommended for phasing of the project which require the restaurants on Mequon Road to be the first projects completed. Criteria was included that requires occupancy for building A before building B and building B before building C. Some of these buildings will not be constructed for 2 to 3 years. Particular areas that staff will focus on are the street frontage requirement and the percentage of windows which are crucial. Staff does recommend the rezoning and the concept plan.

Mayor Abendroth stated that it is a great concept plan and in order to move forward it needs to be rezoned to a PUD. He added that the goal for this meeting is not to grant waivers or building and site plan approval. He asked the applicant about their feelings of the 20 conditions in the staff report.

Mr. Smith answered they are comfortable with all the listed conditions. They are focused on the timing of getting started on the brewery which they would like to start in the spring. They have already enlisted the parking analysis to take place, which is a 4-5 week process.

Mr. Thompson, project manager, stated that the schedule for the brewery is scheduled to start this winter in January if they can get through the approval process. They would like to have ground breaking on building B in the spring. They are aiming to have the brewery open for Oktoberfest next year.

Ald. Wirth stated that this is a phenomenal project. He feels that the staff conditions make sense and he understands the need to keep the process moving on both sides. He requested that somewhere in the process that a parking study be conducted similar to the study that was done for MTC1; given the recent parking issues and he would like this item added to the motion if approved.

Commissioner Mason welcomed the applicant to the community and stated that this will be a great asset to the community. He asked how many years it will take to finish the entire project.

The applicant answered that it will most likely be about 5 years total to complete all the phases.

Action

Ald. Wirth made a motion to approve the rezoning and recommend it to the Common Council and to approve the concept plan per staff's recommendations and conditions with the addition of a desktop parking analysis study similar in scope and authority to the parking analysis desktop study completed for MTC1.

Commissioner Jim Schaefer seconded the motion.

Commissioner Parrish commended the applicant on the great video and he appreciates their investment in the community. He asked how many pocket homes would be constructed right away. He feels that these homes feel out of place and he struggles with this price and the type of dwelling.

Matt Haven, President of TelSmith – stated he has concern about the pocket homes proposed on the south end of the project. He feels the traffic study is a good idea to assess the traffic on Industrial Drive. They want to be good neighbors but they struggle with the residential portions of the development.

Asst. Dir. Zader stated that there is a bit of a concern with the homes located so close to TelSmith but staff is comfortable with moving forward with the project. He commented that if the units sit vacant it is the risk of the developer and not to the city. This will be a life style choice.

A voice vote was called, vote passed (8-0).

- g) City of Mequon. The City of Mequon is seeking a text amendment related to residential uses in the Town Center and Arrival Corridor Zoning Districts related to single family and multi-family dwellings.

Dir. Tollefson stated that last month a potential text amendment was addressed and she took direction from the Commission regarding the opportunity for increasing owner-occupied units and allowing for detached single family dwellings as part of the housing mix for Town Center (TC). There was also an interest in maintaining a range of densities; in particular in the Arrival Corridor (AC) for smaller scaled multiple family structures as part of a change to the standard guidelines for multiple family dwellings. These provisions are suggested:

- Allow detached multifamily structures and uses
- Increasing this range of housing type
- Owner-occupancy opportunities

Staff took a hybrid approach to specific design standards which apply to both the TC and AC districts. It is still recommended that single family residential development be part of a PUD. A PUD in the TC has a minimum lot size of 1 acre. It is indicated that single family not abut Mequon Road. In keeping with a traditional neighborhood design, the lot widths are established at a minimum of 36 feet and a maximum of 80 feet. This will allow for a range of side yard setbacks as it relates to the height of those single family structures. It will also allow for varying widths associated with the floorplans for the single family homes.

Setbacks have been established and require an increase in the side yard setback for every additional story as it relates to single family. Also required is curb appeal and public interaction at the public realm and some proposed design improvements such as:

- Sidewalk connection from the public street to the private entrance of the home.
- Principal entrance of the home to face the public street and to incorporate a porch.
- The height minimum is 1.5 stories and a maximum of 2.5 stories.

Action – Recommendation #1

Alt. Wirth made a motion to approve detached single-family residential uses with a maximum of 2.5 stories (strike the minimum).

Mayor Abendroth seconded the motion.

A voice vote was called, voice passed (8-0)

Recommendation #2

Ms. Tollefson stated that last month the Commission expressed an interest in sending a signal early on to developers about what the expectations are in terms of development in this particular area.

She stated that they are only a few AC zoned sites remaining for redevelopment (a map of the area was shown). The sites front on Mequon Road and Wauwatosa Road and there are a few properties on either side of The Reserve project. With some of these standards and the structure for multiple-family in the AC district, she would like to gather some consensus from the Commission, and staff will come back with some further regulations as it relates to the TC properties that are remaining for redevelopment. She feels that the context of the two particular areas; the surrounding properties and the road system, is different between those two portions of the TC.

The recommendation is to develop some specific standards as it relates to multiple family. These will most likely be located as transitional uses.

Standards added:

- Multiple-family residential structures shall not abut Mequon Road.
- Multiple-family residential structures shall not contain distinct second story dwelling units.
- The placement of the multi-family structures facing on public or private street or interior private courtyard.
- Pedestrian access shall be provided from the public street to the principal entrance.
- Vehicular access shall be located to the rear or interior side and shall include an attached garage and a private driveway that can accommodate a minimum of one vehicle.
- The height minimum shall be 1.5 stories and a maximum of 2.5 stories.

Action

Alt. Wirth made a motion to approve with the deletion of the minimum height requirement.
Commissioner Mason seconded the motion.
A voice vote was called, voice passed (8-0)

Recommendation #3

Ms. Tollefson stated that the recommendation is to rezone The Reserve parcel and the parcel immediately to the east of it from AC/PUD to TC/PUD; so that there is a clear distinction between the AC zoning district and the TC zoning district.

Ms. Tollefson explained that the TC zoning offers some greater flexibility in terms of commercial uses and sizes associated with commercial uses. There would not be a non-compliant issue if rezoned to TC.

Ald. Wirth stated that he will vote no on this recommendation because he feels that the TC district was supposed to be a compact area that continues to grow.

Ms. Tollefson explained that part of the consideration is limiting the number of apartments and overall general massing of potential structures of the remaining parcels in the AC zoning district.

Mr. Bob Bach, developer and owner of The Reserve, stated that he is supportive of the change in that there is a distinct disadvantage to him as a property owner when zoned legal non-conforming.

Asst. Dir. Zader stated that the PUD ordinance does not allow change or increase in density.

Ms. Tollefson offered that she can bring back a little bit more of an assessment of what the potential for the middle parcel between the AC and TC districts would be. The Reserve project is developed and staff wants them to be in the best position possible to continue with all their contingencies and insurance.

Commissioner Becky Schaefer asked if the tenants or the owner of that property east of The Reserve have been contacted. She feels that it makes the property more valuable but she feels that they should be notified about the potential zoning change.

Action

Mayor Abedroth made a motion to approve the rezoning recommendation.
Commissioner Parrish seconded the motion.
A roll vote was called, voice passed (7-1; No: Ald. Wirth)

These recommendations will be brought to the Common Council in November and December.

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

5) Announcements

The next meeting is November 13, 2017 at 7:00 pm.

6) Adjourn

Respectfully Submitted,

Jac Zader