11333 N. Cedarburg Road
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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, November 21, 2022
6:00 PM
Christine Nuernberg Hall
Agenda

1) Call to Order, Roll Call

1. Approval of Meeting Minutes from October 17, 2022

2) Public Hearing

a) North Shore Bank. The applicant is seeking conditional use grant extension approval to allow for a 3,250 sq. ft. bank building previously approved on November 22, 2021, for the property located at 11319 - 11333 N. Port Washington Road.

3) Regular Business

a) Walter Buildings for Gierch Farms. The applicant is seeking minor request approval to allow for a 10,800 sq. ft. agricultural storage building for the property located at 10232 W. Bonniwell Road (Gierch Farms).

b) Tim O' Brien Homes. The applicant is seeking setback waiver and specimen tree removal to allow for the removal of specimen trees for the property located at 12333 N. Lake Shore Drive (Gehrett).

c) Prodigy Lighting & Sign LLC for Exxon Mobil. The applicant is seeking minor request approval to allow for a sign waiver to allow for structures to be constructed around the gas pumps for the property located at 11210 N. Port Washington Road.

d) East Brook Drive, LLC. The applicant is seeking rezoning recommendation approval to allow for a modification to the PUD to allow for 10 units instead of 8 units for the property located at Lot 2 behind 11649 N. Port Washington Road.

4) Announcements

The next meeting is Monday, December 12, 2022, at 6:00 p.m.

5) Adjourn

Dated: November 17, 2022 /s/ Andrew Nerbun, Chair

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the Department of Community Development's Office at 262-236-2904, Monday through Friday, 8:00 AM – 4:30 PM

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Department of Community Development
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PLANNING COMMISSION
Regular Meeting
Monday, October 17, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chair Andrew Nerbun
Alternate Gregg Bach
Alternate Bruce Barnes
Commissioner Dan Gentges
Alternate Joe Goldberger
Alderman Brian Parrish
Commissioner John Stoker
Commissioner Martin Choren - **Absent**
Commissioner Stephanie Hawley - **Absent**
Commissioner Rick Lemke - **Absent**
Commissioner James Schaefer - **Absent**
Commissioner Rebecca Schaefer - **Absent**

a) Approval of Minutes from September 19, 2022

Motion
Commissioner Bach made a motion to approve the September 19, 2022, meeting minutes. Commissioner Goldberger seconded the motion,
A voice vote was taken; vote passed (6-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Gregg Bach, Commissioner
SECONDER:	Joe Goldberger, Commissioner
AYES:	Nerbun, Bach, Barnes, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

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2) Public Hearing

a) Donges Bay LLC. The applicant is seeking conditional use grant extension approval to allow for a daycare center previously approved on June 28, 20231, for the property located at 1415 W. Donges Bay Road (Aleska Learning Center).

Motion
Commissioner Stoker made a motion to open a public hearing
Commissioner Barnes seconded the motion.
A voice vote was taken; vote passed (6-0)

No Public Comment.

Motion
Commissioner Bach made a motion to close the public hearing.
Commissioner Goldberger seconded the motion.
A voice vote was taken; vote passed (6-0)

Planner Miller stated that this is a request for an extension for a previously approved conditional use grant ("CUG"). CUG's must commence within 12 months of approval and due to unforeseen circumstances the daycare was unable to do so. She explained that the applicant has addressed several site issues and that there are not any changes to the business operations as previously approved and staff recommends approval of the extension.

Motion
Commissioner Bach made a motion to approve the CUG extension per staff recommendations.
Commissioner Goldberger seconded the motion.

Alderman Parrish made a friendly amendment to modify condition 9(a) in the CUG that public hours of operation begin at 7:00 a.m.
This friendly amendment was accepted.

A roll call vote was taken; vote passed (6-0)

3) Regular Business

a) Noffke Roofing Company, LLC. The applicant is seeking reconsideration to a previously approved condition from September 19, 2022, to allow for a modification to the driveway gate material for the property located at 10341 N. Granville Road.

Motion
Ald. Parrish made a motion to reconsider this item.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (7-0)

Planner Miller stated this is for a reconsideration of one of the conditions from the previous approval made on September 19, 2022. The applicant would like a reconsideration of the required gate material due to the fact that the uncoated gate has already been installed. Additionally, there is an increased cost associated with the recommended black vinyl coating.

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The gate will be partially obscured from the road when open due to a row of evergreen trees located on the south side of the driveway but will be visible when approaching from the north. The applicants narrative suggested that the galvanized gate is more visible at night when entering the driveway. The applicant communicated that a similar gate is located down the street from his property. The applicant does not object to any of the other conditions of approval.

Mayor Nerbun stated that the gate has already been installed and it is mostly obscured by evergreens.

The Commission provided feedback that although the vinyl finish is usually more desirable, that it is not necessary at this location due to similar fences in the area.

Motion
Commissioner Goldberger made a motion to approve the galvanized gate without any changes.
Commissioner Bach seconded the motion.
A roll call vote was taken; vote passed (6-1) (No: Mayor Nerbun)

RESULT:	**APPROVED [6 TO 1]**
MOVER:	Joe Goldberger, Commissioner
SECONDER:	Gregg Bach, Commissioner
AYES:	Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
NAYS:	Nerbun
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

b) Wade Weissmann Architect for Alevizos. The applicant is seeking specimen tree removal approval to allow for new home construction for the property located at 606. E. Juniper Court.

Parks and Forestry Superintendent Gies stated that the applicant is razing a home which would impact 2 specimen trees; an 11-inch Burr Oak and a 19-inch White Cedar, both located to the northeast corner of the existing home. Staff approves the requested tree removals based on both the impact of the razing due to proximity as well as the proximity of the new construction.

He did comment that in the staff memo there are some areas of concern on this property:

- In front of the garage to the west of the house, there is a 47-inch Burr Oak. It is about 16-feet from the corner of the garage. The applicant is not requesting that it be removed but staff is very concerned about it being negatively impacted. This is a true legacy Oak, approximately 250 years old.
- There are 4 trees on the north side of the property that are also of concern.

These concerns have been shared with the builder. The main concern is that normal protection processes are not possible in this location (minimal of diameter x 1). The footprint of the proposed house is much larger than the previous house and there is concern for the underground roots and construction impact. There are small margins for movement of construction traffic on

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site and there will be a lot more hard surface on the parcel.

The applicant stated they will work with an arborist on some selective pruning and air spading for excavation around the garage and they will make every effort to preserve and protect the trees on the property. The applicant understands that the trees are a significant contribution to the property. They commented that they have a restricted buildable area due to constrictions of the bluff set back and the configuration of the trees. They expressed the desire of the homeowner to maintain all the trees on site besides the two approved for removal.

Per Commission request, Forestry Superintendent Gies pointed out the trees of concern on the site plan. There was some discussion about processes that would aid in the protection of the existing trees on site. It was recommended that the applicant hire an arborist to work with forestry staff.

Motion

Commissioner Bach made a motion to approve removal of the two specimen trees identified and that the applicant shall hire an arborist to work with City Forestry staff to formulate a plan prior to construction to preserve the 5 trees of concern.
Ald. Parrish seconded the motion.

Commissioner Goldberger made a friendly amendment to add "reasonably possible".
The friendly amendment was accepted.

A voice vote was taken; vote passed (7-0)

RESULT:	**APPROVED WITH CONDITIONS [7 TO 0]**
MOVER:	Gregg Bach, Commissioner
SECONDER:	Brian Parrish, Alderman
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

c) Ideal Property Management for PJL 11124 LLC. The applicant is seeking minor request approval for a Christmas tree lot for the property located at 11120-11140 N. Cedarburg Road (Riversite).

Planner Miller stated this request is for a temporary use for a Christmas tree lot at the Riversite shopping center. The lot would operate between November 14th to December 31st between the hours of 9:30 a.m. – 8:00 p.m. and 2-3 employees would be on site. The lot would sell trees, wreaths, and other holiday decorations. The applicant is also proposing to have other activities besides sales such as an ice carving demonstration and live reindeer.

This property is located in the Town Center zoning district. The site plan shows that 30 parking stalls would be blocked off as well as a portion of the drive lane. A 4-foot tall plastic fence will contain the sales area and there will be mini florescent lights, wood poles and barrel anchors covered in burlap. Staff concerns include the 8' x 20' sq. ft. office trailer that would be parked near the intersection facing Cedarburg Road, the amount of parking spaces blocked and the

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blocked drive lane for the existing businesses. Staff reminded the Commission of the tremendous amount of funds and effort to revitalize this area and to hold parcels in the Town Center to a higher standard of design. Staff believes that the plastic fencing and the office trailer will detract from the appearance of this intersection. Staff recommends denial of the temporary use and recommends other locations in the community that are more conducive to this type of use.

The applicant, Richard Gasso, stated that he has being running this business for many years in different communities. He feels that this is a well-received festive community attraction. He understands the high standards of the zoning district and feels that his lot brings a sense of community and an unique and wonderful experience.

There was discussion that the Optimism Club sells trees every year on the corner across the street by the high schoolers. The applicant agreed that the trailer and the space could be reduced as some of the Commissioners believe too much space is requested to be used and it creates driving hazards in that parking lot. Staff believes the traffic flow would be negatively affected and the traffic visibility impacted by the trailer on the corner is a concern.

Staff suggested that there are some locations of vacant properties on Port Washington Road that would be a more suitable location for this use. Typically temporary uses are approved at staff level but staff felt that Planning Commission should be involved given the traffic issues and special events.

Motion

Commissioner Stoker made a motion to table the item and to have the applicant work with staff to overcome the traffic concerns and to ensure all the tenants of the shopping center have been notified about this proposed use. The applicant can resubmit this proposal at a different location without Commission approval.
Commissioner Goldberger seconded the motion.
A voice vote was taken; vote passed (7-0)

RESULT:	**TABLED [7 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Joe Goldberger, Commissioner
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

d) Manuel and Kathryn Rosado. The applicant is seeking certified survey map approval to allow for a redivision of 3 lots for the property located at and adjacent to 1746 W. Eleanor Place.

Planner Miller stated that this is a redivision of four lots, which are all approximately 1/3-acre and are non-conforming to the R-4 district standards. The lots are located to the east and north of W. Eleanor Place in the Riverdale Park subdivision. The redivision will create two lots; one which is currently vacant and proposed to be 1/3 acre and another lot which contains an existing home proposed to be approximately 1/2-acre and is legal non-conforming due to several setback issues. She explained that the combination of lots will improve the non-conformity of the home

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and the lots but will not eliminate the non-conforming status. Staff recommends the proposed CSM according to the conditions listed in the staff report.

The applicant, Manuel Rosado, stated that he agrees with all the conditions.

Motion
Commissioner Bach made a motion to approve the CSM.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (7-0)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Gregg Bach, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R.Schaefer

e) GROTH Design Group, Inc. The applicant is seeking building and site plan amendment, landscape plan, specimen tree removal approval and fill permit for 15,174 C.Y. to allow for an expansion of the school and add an accessory structure for the property located at 10729 W. Freistadt Road.

Planner Miller stated that the proposal is due to increased enrollment and the applicant is proposing a 63,000 sq. ft. addition to the school and church, construction of a 5,500 sq. ft. standalone maintenance building, a parking lot expansion and possibly removing an existing single-family home to allow for the expansion. The building is proposed to have an exterior of split-stone masonry and brick veneer with metal paneling and trim that matches the existing structure.

The gymnasium exterior will have cream-colored precast insulated panels that match the existing stone veneer on the church. Metal canopies will be constructed over entryways on the west side of the south elevation and on the east elevation of the addition. The grade on the site slopes down to the west and a retaining wall will be constructed of stone and a decorative metal railing. Rooftop mechanicals were not shown to be screened but are required to be screened from view. The highest peak will be 42-feet tall and is compatible with the existing structure.

The maintenance building is proposed to be clad with traditional vertical siding and will include three overhead garage doors. The façade materials of the building do not match the principal structure. Material for the doors and color of the siding and door was not provided in the plan. As a condition of approval, staff recommends a three-foot wainscot accent of brick veneer be incorporated on all four sides of the structure and that the color of the siding and overhead doors match the principal structure.

The site plan shows the removal of the existing parking lot and the home along Granville Road as well as the creation of pick-up and drop-off areas. Parking calculations have been provided in

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the staff report with 130 required stalls and the proposed plan showing 197 parking stalls, including nine ADA compliant stalls. Staff has concerns about the turning radius of the pick-up/drop-off area drive and the potential to create excessive queuing into the main drive lane given the relatively short driveway distance.

Planner Miller explained that a lighting plan was submitted but it is missing several items needed for staff to evaluate but staff will work with the applicant on these items. The landscape plan submitted was reviewed by the landscape consultant and based on his review, staff recommends the listed plant schedule quantities need to be updated to what is shown on the plan and that the plan meet the street tree requirements.

Staff recommends approval subject to the conditions listed in the staff report.

There was discussion from the Commission and the school principal about the car line formation, queuing and number of parents picking up students. The onsite well was discussed and whether a new one would be required.

Motion
Commissioner Goldberger made a motion to approve per staff recommendations.
Commissioner Gentges seconded the motion.
A voice vote was taken; vote passed (7-0)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Joe Goldberger, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

f) Gerald Nell, Inc. for Roettgers Company. The applicant is seeking a consultation to allow for a car wash to be added to an existing gas station for the property located at 11155 N. Wauwatosa Road (Mobil).

Asst. Dir. Zader stated that this request is for a consultation for the existing gas station to add a car wash. This is a B-1 zoned property and gas stations are not permitted in the B-1, which makes this property a non-conforming use. There is a section in the code that allows for the expansion of a non-conforming use; under an exempted use. It is similar to a conditional use grant.

The car wash would be located in the back of the property and would be relatively small with only one bay. It is a very tight site and the proposed plan would allow for the queuing of 5 vehicles with a sharp turn to pull out. Some parking from the back of the property would be relocated to the front. The code requires 15 parking stalls for the C-store and the pump aisles are included in the parking count.

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The applicant wanted a consultation before submitting a formal plan for feedback from the Commission on whether this proposal would be a desired use for the community. There are many improvements on site that would be required, such as:

- Landscaping
- Additional lighting
- Better striping
- Relocation of the parking in the front.

Asst. Dir. Zader commented that this property has been a gas station for a while and will most likely not change or be redeveloped. The Commission needs to decide if a more intense use with the car wash is acceptable or if it should remain status quo.

The applicant commented that all the equipment will be located inside the building. They also added that there will be one vacuum lane and that a vacuum already exists on site.

The feedback from the Commission was supportive of the car wash being added. There was some concern about queuing and blocking the entranceways, a suggestion of additional signage was made. A decibel reading was also suggested.

g) Lakeside Development of Mequon, LLC. The applicant is seeking development agreement amendment regarding the installation of sidewalks for the property located immediately east of 11050 N. Weston Drive (Residence at Foxtown).

Asst. Eng. McCraw stated that this is a request for development agreement ("DA") amendment regarding the installation of the sidewalks at the Residence at Foxtown. The language suggested by the applicant was to eliminate the requirement currently in the DA that requires a block-wide basis rather than piece by piece sidewalk installation. This request was made by the applicant back in February and March of 2021 and at that time staff and the Commission agreed to allow sidewalk installation after final plat which is not the normal process. Due to the uniqueness of the proximity of the homes and the manner in which they are being installed, staff and the Commission allowed for the installation of the sidewalks after final plat if it was installed on a block-by-block basis. He explained that this would help avoid hazards as well as different aged concrete with different appearances over time.

Asst. Eng. McCraw stated that the sidewalk has been installed in sections which is a violation of the DA. Additionally the City Water staff has communicated that many of the curb stop water shut offs for each of the buildings have possibly been damaged during construction. Staff is working to determine if all the shut offs need to be replaced or just some of them. This would have a negative impact on the sidewalks that have already been poured. Staff recommends denial of the proposed language from the applicant.

Asst. Dir. Zader showed the site plan and explained what sidewalks have been poured and the current conditions, including some discoloration of different sections of the sidewalk. He explained that the Commission needs to decide whether to amend the DA to allow for the piece-by-piece installation or what should be done with the non-conforming existing pours.

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The applicant, Tom Zabjek, stated that he feels that the DA is flawed because this project is unique and never done previously in the city. He talked through some of the different building processes for this development and he explained that there is an issue with the irrigation meter system. He has been working with City Water services regarding this issue.

Asst. Dir. Zader explained that staff has communicated with City Water and there seem to be faulty valves and if the valves need to be replaced the sidewalks will need to be torn out and replaced.

A Commissioner commented that the sidewalks are not aesthetically appealing due to some discoloration.

Asst. Dir. Zader stated that there are different concerns with each row:

- Middle Block (#10-#18): Staff recommends leaving the sidewalk as is until all the units are built and then if there is damage, rip out the entire sidewalk and repour it.
- South Block (#19-#23): Staff recommends waiting as there are only 3 more units to build. The sidewalk, which is already poured, can be torn out in front of #23 because the valve will most likely need to be repaired there.
- North Block (#1 - #9): Staff recommends either keeping it as is, even though there is discoloration or rip it all out and repour. There may be valve issues there which will cause more issues with the sidewalk.

The Commission acknowledges that this is a difficult predicament with many considerations. It is complicated by the issue of a shared sidewalk for multiple residents. It was commented that damaged areas of the sidewalk should be able to be replaced without ripping out the entire sidewalk.

Asst. Dir. Zader reminded the Commission that this issue has been requested by the applicant twice before, vetted by the Commission and the request has been previously denied. Staff believes that having gravel as a temporary use is more appropriate than the sidewalk patching. The Commission has agreed the previous two times this was appealed.

Asst. Eng. McCraw stated that City Water has plans to evaluate all the valves to determine which ones need to be replaced.

Motion

Commissioner Goldberger made a motion to table the item so that more information from City Water regarding the assessment of the valves can be determined to better assist the Commission in making a decision about the sidewalk pours.
Commissioner Stoker seconded the motion.

Asst. Dir. Zader stated that the DA amendment was recommended due to the development being non-compliant which triggered additional building permits from being issued. Now that the applicant has submitted the amendment and appeared before the Commission, staff will not hold up any building permits and no additional sidewalks shall be installed during this time.

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Commissioner Goldberger temporarily rescinded his motion and Commissioner Stoker seconded.

Ald. Parrish stated that he does not believe the north block (#1-#9) should not be ripped out as the DA will need to be amended. He commented that going forward the applicant should comply with the DA.

Commissioner Goldberger re-instated his motion to table this item and Commissioner Stoker seconded.

A roll call vote was taken; vote passed (7-0)

RESULT:	**TABLED [7 TO 0]**
MOVER:	Joe Goldberger, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

4) Policy

1) Text Amendment to allow for Banquet Facilities and Conference Centers in the B-2 zoning district

Asst. Dir. Zader stated that this was requested by the property owner in the building north of Life Storage on Port Washington Road. The building is currently under construction and the applicant inquired about the ability to have a banquet facility at this location. Staff communicated that the use is not currently allowed in the B-2 zoning district. Subsequently the applicant submitted the text amendment request to allow banquet facilities and conference centers in the B-2 zoning district.

Staff reviewed this for the entire city and determined that those are two distinct and separate uses and they may be appropriate in some zoning districts and not in others. The definition of a banquet facility as opposed to conference center was included in the packet.

A conference center is based on exposition halls and exhibits such as cultural civic events and conferences. A banquet facility hall is an entertainment venue for receptions and similar events. Staff determined that the B-2 zoning district would be beneficial for both types of uses. Additionally, the following changes are recommended:

• B-2	Both Uses	Conditional
• B-4	Conference Center	Conditional
• Ulao Creek	Conference Center	Conditional
• Town Center	Banquet Facility	Conditional/8, 00 sq. ft. max
• Arrival Corridor	Banquet Facility	Conditional/12,000 sq. ft. max

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If recommended by the Commission, this will go to the Common Council for a first reading and a public hearing. Final action would be taken in December.

Motion
Commissioner Stoker made a motion to recommend approval of this text amendment to the Common Council.
Commissioner Goldberger seconded the motion.
A voice vote was taken; vote passed (7-0)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Joe Goldberger, Commissioner
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

5) Announcements

The next meeting is Monday, November 21, 2022, at 6:00 p.m.

6) Adjourn

Motion
Commissioner Stoker made a motion to adjourn the meeting.
Commissioner Bach seconded the motion.
A voice vote was taken; vote passed (7-0)

The meeting concluded at 8:00 p.m.

Respectfully Submitted,

Jac Zader

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Department of Community Development

TO: **Planning Commission**

FROM: **LAURIE MILLER, PLANNER**

DATE: **November 21, 2022**

SUBJECT: **North Shore Bank. The applicant is seeking conditional use grant extension approval to allow for a 3,250 sq. ft. bank building previously approved on November 22, 2021, for the property located at 11319 - 11333 N. Port Washington Road.**

Applicant:	David Kane
Status of Applicant:	Owner
Requested:	Conditional Use Grant Extension
Existing Use:	Vacant
Existing Zoning:	B-2 (Community Commercial)
Land Use Plan:	Community Commercial
Lot size:	.78 Acres
Location:	11319 - 11333 N. Port Washington Road
Tax Key Number:	#15-019-16-025.00
District:	#5

Background:
The applicant requests approval for a conditional use grant extension for a 3,250 square foot financial institution with drive thru at 11319 - 11333 N Port Washington Road. Financial Institutions are a permitted use in the B-2 zoning district. The condition use grant was required due to the waivers requested on a substandard lot. The Planning Commission approved conditional use grant and building and site plan for the bank on October 26, 2020 and an extension of the grant on November 21, 2021. The grant requires that the use commence or building permits be obtain no later than one year from date of approval. The approved plans have not changed but since building permit have not yet been obtained, the applicant is requesting an extension of the previously approved conditional use grant.

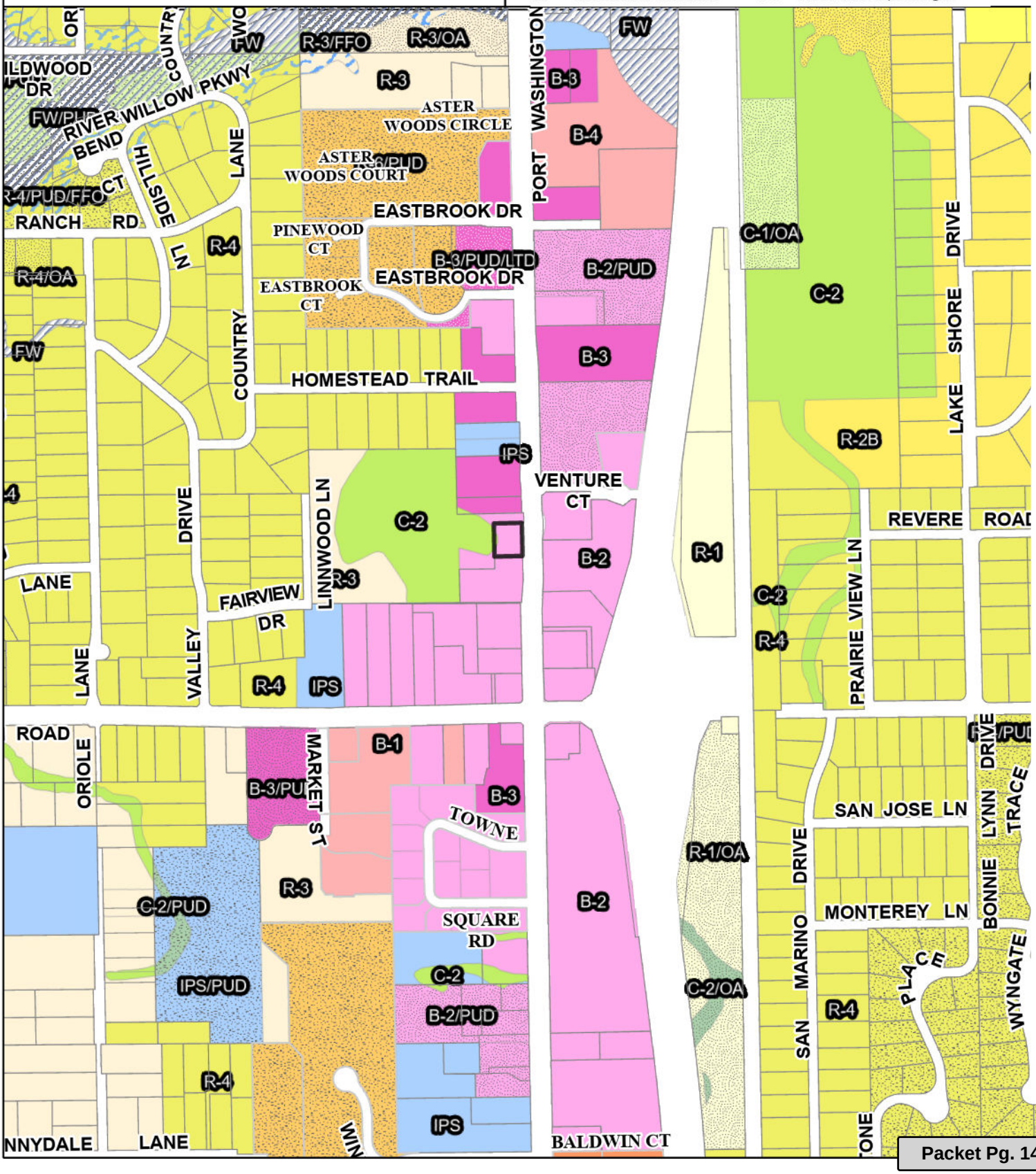
Staff Recommendation: Planning staff recommends **approval** of conditional use grant extension subject to the following condition:

1. Compliance with all conditions of the conditional use approved on October 26, 2020.

Attachments:
PacketDocs_NorthShoreBank(PDF)

NORTH SHORE BANK - CUG EXTENSION

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



Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

NORTH SHORE BANK
Corporate Office: 15700 W Bluemound Rd-Brookfield, WI 53005
262.785.1600 | northshorebank.com

October 19, 2022

Mr. Jac Zader
Assistant Director of Community Development
City of Mequon
11333 North Cedarburg Road
Mequon, WI 53092

RE: Request for Amendment to Conditional Use Grant approved on October 26, 2020 and extended on November 22, 2021 for a proposed 3,250 sq.ft. bank building with rear drive-through on the property located at 11319 N. Port Washington Road (the "Property")

Dear Mr. Zader:

The City of Mequon Planning Commission (the "Planning Commission") approved a Conditional Use Grant for a proposed 3,250 sq.ft. bank building with rear drive-through located at the above referenced Property (the "Original Conditional Use Grant") on October 26, 2020. The Planning Commission extended the Conditional Use Grant on November 22, 2021 (the "Extension"; and together with the Original Conditional Use Grant, the "Conditional Use Grant"). Pursuant to the City of Mequon Zoning Ordinances, and as set forth in the Conditional Use Grant, the Conditional Use Grant requires that the use commence, or the building permit be obtained before November 22, 2022. However, we understand that the Planning Commission may renew the Conditional Use Grant and extend the Conditional Use Grant period.

North Shore Bank has satisfied many of the conditions of the Conditional Use Grant, including without limitation, delineation of the wetlands, submission of revised plans which address City comments related to landscaping and lighting, and obtaining Ozaukee County approval of the driveway access. In addition, North Shore Bank has demolished the buildings that existed as of the date of the Conditional Use Grant (and graded and seeded the Property). Despite this progress, North Shore Bank has been delayed in obtaining a building permit within the deadline set forth in the Conditional Use Grant. However, North Shore Bank continues with diligence toward obtaining the building permit and commencing construction.

Accordingly, North Shore Bank requests that the Planning Commission renew and extend the Conditional Use Grant subject to the condition that the Conditional Use Grant will expire unless the approved use is not commenced or the building permit is not obtained within one (1) year of the date of Planning Commission approval of the renewal, or active construction is not commenced within twelve (12) months of the date on which the building permit is issued.

48083721

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

I enclose the following in connection with this request for an amendment (the "Application Materials").

1. **$717 Application Fee.**

2. **Planning Commission Application.**

3. **Business Operation Plan.** The Business Operation Plan is the same as the Business Operation Plan submitted in connection with the approval of the Original Conditional Use Grant. The Business Operation Plan includes information provided to you in the application for Planning Commission Consultation dated August 17, 2020 (attached hereto as Exhibit A-1) and your submission to the Planning Commission dated October 26, 2026 and related to North Shore Bank's request for approval of the Conditional Use Grant and Building and Site Plan (attached hereto as Exhibit A-2).

4. **Detailed Site Plan.** The Detailed Site Plan is the same as the Detailed Site Plan submitted in connection with the approval of the Original Conditional Use Grant. The Detailed Site Plan approved by the Plan Commission on October 26, 2020 is enclosed.

5. **Detailed Architectural Plan.** The Detailed Architectural Plan is the same as the Detailed Architectural Plan submitted in connection with the approval of the Original Conditional Use Grant. The Detailed Architectural Plan approved by the Plan Commission on October 26, 2020 is enclosed.

6. **Detailed Landscaping Plan.** The Detailed Landscape Plan is the same as the Detailed Landscape Plan submitted in connection with the approval of the Original Conditional Use Grant. The Detailed Landscape Plan approved by the Plan Commission on October 26, 2020 is enclosed.

7. **Signage Plan.** There are no changes to the Detailed Signage Plan incorporated in the Detailed Architectural Plan submitted in connection with the approval of the Original Conditional Use Grant and enclosed.

8. **Exterior Lighting.** There are no changes to the Exterior Lighting Plan submitted in connection with the approval of the Original Conditional Use Grant. The Exterior Lighting Plan approved by the Plan Commission on October 26, 2020 is enclosed.

Based on our recent discussions, I understand that the Planning Commission will consider this matter at its meeting of November 21, 2022. Please do not hesitate to call me at (262) 787-6816 if you have any questions regarding this request for amendment or the enclosed Application Materials, or require additional materials to evaluate the request.

Very truly yours,

David Kane Vice President

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

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 26, 2020**

SUBJECT: **North Shore Bank. The applicant is seeking conditional use grant and building and site plan approval for a proposed 3,250 sq. ft. bank building with rear drive-through for the property located at 11319 N. Port Washington Road.**

Applicant:	David Kane
Status of Applicant:	Offer to Purchase
Requested:	Conditional Use Grant Building and Site Plan
Existing Zoning:	B-2 (Community Commercial)
Existing Use:	Gas Station Lawn and Garden Store
Land Use Plan:	Community Commercial
Lot size:	.78 acres
Location:	11333 N. Port Washington Road
Tax Key:	#15-019-16-025.00
District:	#5

Background: The applicant is seeking conditional use grant and building and site plan approval for a 2,260 square foot financial institution with drive thru service at 11333 N Port Washington Road. Financial Institutions are a permitted use in the B-2 zoning district. The conditional use grant is required due to the waivers requested on a substandard lot. As shown in the chart below, the proposed plan meets all requirements of the zoning code except for the front building setback and the west parking offset.

The applicant was in front of the Planning Commission at the September 21, 2020 meeting for a consultation.

B-2 District Standards: The following table compares the proposed plan to the B-2 district standards:

District Regulations:	B-2:	Proposal
Minimum Lot Area:	2 acre	1.79 acres
Open Space Ratio:	40%	41.4%
Maximum FAR:	30%	6.7%
Maximum Building Height:	42 feet	25 feet
Building Setback	65 feet	**40 feet**
Building North Side Yard Offset:	20 feet	20 feet

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

Building South Side Yard Offset:	20 feet	64 feet
Building West Side Yard Offset	30 feet	36 feet
Minimum Parking Setback:	25 feet	40 feet
Minimum Parking Offset West	20 feet	**5 feet**
Minimum Parking Offset North	20 feet	20 feet
Off-Street Parking: (Office)	18 stalls	18 stalls

Site Plan:
The proposed site plan shows access to the site from Port Washington Road via two existing driveways. At the September PC meeting, the Commission supported the request for two connections to allow for both northbound and southbound direct access. The proposed plan shows 18 parking stalls which meets the stall requirement based on the use of a financial institution. The plan shows 10-foot parking stalls and 25-foot drive aisles which comply with the zoning code.

Site Waivers:
Since the parcel is nonconforming to lot size, the applicant can request waivers to the code as part of a conditional use grant.

Front Building Setback
In this case, staff is supportive of waiving the front building setback. Due the shallow depth of the lot, a reduction to the front yard setback is necessary. The applicant is proposing a 40-foot setback which will keep the new building in line with the multi-tenant building to the south (Starbucks/Coldwell Banker). At the time of reviewing the new projects to the south that were recently constructed, the Planning Commission evaluated the varying and reduced front yard setbacks in order to achieve a consistent street edge along the public roadway.

West Parking Lot Offset
The west parking lot offset can be increased from the applicant's proposal by incorporating 9-foot stalls in the parking lot. Complying with the required 20-foot offset would result in the loss of 1 parking space, but it is likely that another 10 feet of green space could be achieved by reducing the width of the stalls. Staff recommends approval that 9-foot stalls are permitted in order to achieve a greater offset from the west property line and recommends a 15-foot west parking lot offset.

Building Plan:
The proposed 2,260 square foot single story building is shown to be constructed of brick, stone veneer, aluminum wall panels and aluminum storefront glass. Based on feedback from the Planning Commission, the applicant has modified the roof design of the building by eliminating the dual slope and reducing the thickness of the fascia. Staff believes the changes are an improvement to the building design. The plan does show windows on the south and west elevation that are opaque to block the view into the mechanical room and the bathrooms. While staff typically does not support the use of opaque fenestration, in this case, the applicant is providing an abundance of windows in the design and the opaque features are not directly facing the public road or other public path or feature.

The windows on the east elevation are proposed to have shades to block the sun at certain times of the day. The applicant provides photographs of a similar branch showing the contrast between

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

the windows when shades are utilized. The image shows that the contrast between windows with the shade drawn and not drawn is negligible.

Landscaping:
The plan was submitted to the city's landscape architect consultant, Terry Higgins, for review and comment. Based on his review, staff will require the applicant resubmit the plan with the following changes:

- All deciduous trees shall have a 3" caliper.
- Street trees and landscaping along Port Washington Road.
- Compliance with the 30% parking lot shading requirement
- Additional trees along the northside of the south drive aisle.

The applicant has revised the plan based on feedback from the city's landscape architect consultant and has address several of the issues. Based on the updated plan, staff will recommend the following changes:

- Substitute Serviceberry for Honey Locust.
- Provide shrubs or grasses along Port Washington Road between street trees and adjacent to parking lot.

Lighting:
The lighting plan shows parking lot lights, recessed canopy lights and decorative wall sconces. The applicant has provided a dispersion plan for the site. The plan does not address whether the parking lot complies with the average 2.0 foot-candle requirement. The plan also shows that light trespass levels exceed the .05 foot-candle requirement at the rear of the site. Staff conditions the approval on an updated plan to show compliance with both of these issues. The applicant provides cut sheets for the proposed light fixtures. The documents don't show whether the parking lot lights comply with the full cutoff requirements of the lighting code. Staff requires and conditions the approval on documentation that compliance with this requirement is met.

Conditional Use Grant Findings:
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 use of a financial institution is otherwise permitted in the B-2 zone. The conditional use requirement is generated by the necessity of code waivers due to the size of the existing parcel. Staff believes that with the modifications to the site plan as discussed in this report are consistent with objectives to ensure reasonable development accommodations can be made on substandard lots and done so in a manner consistent with surrounding development patterns. The use should not endanger the public health, safety or general welfare.

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

Adjacent properties include a retail development, a vacant lot and a dentist office. The redevelopment of this site will enhance the value and aesthetics of this block. The waiver to the

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

front building setback and west parking lot offset should have no negative impact on the value of the surrounding properties.

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

This section of Port Washington Road is a main commercial corridor. The proposed use is compatible with the other commercial uses in the area. Staff believes that the proposed waivers do not have a negative impact on the compatibility of the use with the surrounding area.

Engineering Comments:
Kristen Lundeen, Director of Public Works/City Engineer reviewed the application and provided the following comments:

Driveway access is provided at two locations on Port Washington Road. Port Washington Road is under the jurisdiction of the Ozaukee County Highway Department and proof of the access approval is required.

The site is located within the City's sewer service area and connection to the public sanitary sewer and water utility is required.

The applicant indicates that the amount of impervious surface will ultimately be reduced on the site. While the site civil plans are still under review, Ozaukee County must also approve the discharge of any additional flow to Port Washington Road. A drainage financial guarantee is required even if the site does not require those plans.

While the WDNR Surface Water Data Viewer does not indicate the presence of mapped wetlands, it does identify wetland indicators and hydric soils over the entire site. Given the proximity to adjacent wetlands, a wetland screening should be completed and if wetlands are present on site, a delineation completed.

Staff Recommendation: Planning staff recommends approval of the building and site plan and conditional use subject to the following conditions:

1. The landscaping plan shall be updated to address the following:
   - Substitute Serviceberry for Honey Locust.
   - Provide shrubs or grasses along Port Washington Road between street trees and adjacent to parking lot
2. Parking lot stalls shall be 9 feet in width.
3. Staff review and approval of site, elevation, lighting and landscaping plans.
4. Staff review and approval of final site, building and lighting prior to issuance of permits. The applicant shall submit such plan within 30 days of Planning Commission action, or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
5. A landscaping escrow equal to 125% of the improvement costs for installation of landscaping by a licensed contractor and an escrow equal to 25% of the landscape contract cost to insure that landscaping that dies within three (3) years of installation will be replaced by the applicant.
6. An updated lighting plan shall be submitted to show the following:
   - 2-foot candle parking lot average
   - Light trespass does not exceed .5 foot-candle

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

- Parking lot lights are classified as full cutoff
- Parking lot lights shall not exceed 18.75 feet in height

7. All ground-level and roof top mechanical equipment shall be well screened from public view.
8. Approval by Ozaukee County of the driveway access location and discharge of runoff.
9. Applicant shall provide the wetland delineation report. The wetland boundary and applicable setbacks shall be included on the face of the CSM.
10. Applicant shall provide wetland fill approval from the WDNR.
11. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
12. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
13. Application for and approval of a City Filling and Excavation Permit, if applicable.
14. Connection to public water and sanitary sewer and execution of the associated Water Service Transfer Agreement.
15. 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 Docs (PDF)

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

RETURN TO:

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

PARCEL NO.:
1050191602500

CONDITIONAL USE GRANT

Articles of Agreement made and entered into this ___day of _____2022 by and between North Shore Bank owners of the property located at 11319 N. Port Washington Rd and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 19, Range 22 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

LEGAL DESCRIPTION

Exhibit A-1

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

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the 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 a Financial Institution with waivers.

GRANTED by action of the Planning Commission of the City of Mequon this 21st day of November 2022.

_____

Andrew Nerbun, Mayor, Planning Commission Chairperson

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this _____ day of _____, 2022, the above named Andrew Nerbun, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

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

_____

Planning Commission Secretary

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this _____ day of _____, 2022, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

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

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

The **CONDITIONS** of this Grant are:

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

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

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

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

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

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

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

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

9. **Conditions on the Operations:**

   a. Hours of operation: 7:00 AM to 6:00 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: City Water

   d. Provisions for sewage disposal: City Sewer

   e. Other:

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

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

10. **Conditions of the structures:**

   a. Site Plan: As per attached Exhibit A

   b. Landscaping Plan: As per attached Exhibit B.

   c. Elevations: As per attached Exhibit C.

   d. Sign: As on file with Community Development Department, City of Mequon

   e. Floor Plan: As on file with Community Development Department, City of Mequon

   f. Exterior lighting of the site and building: As per Exhibit D

   g. Fence / Wall / Dumpster plan details: As per Exhibit A

   h. The building shall comply with the building code.

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

11. **Conditions on the site:**

a. Street access (number, location, design): As per attached Exhibit A

b. Off-Street Parking (location and design including screening thereof): As per attached Exhibit A.

c. Outside storage of materials, products or refuse (location and screening thereof): As per attached Exhibit A

d. Parking, exterior lighting of the site, location design and power:

Any changes subject to Planning Commission approval.

e. Other:

1. The landscaping plan shall be updated to address the following:
   - Substitute Serviceberry for Honey Locust.
   - Provide shrubs or grasses along Port Washington Road between street trees and adjacent to parking lot.
2. Parking lot stalls shall be 9 feet in width.
3. Staff review and approval of site, elevation, lighting and landscaping plans.
4. Staff review and approval of final site, building and lighting prior to issuance of permits. The applicant shall submit such plan within 30 days of Planning Commission action, or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
5. A landscaping escrow equal to 125% of the improvement costs for installation of landscaping by a licensed contractor and an escrow equal to 25% of the landscape contract cost to insure that landscaping that dies within three (3) years of installation will be replaced by the applicant.
6. An updated lighting plan shall be submitted to show the following:
   - 2-foot candle parking lot average.
   - Light trespass does not exceed .5 foot-candle.
   - Parking lot lights are classified as full cutoff.
   - Parking lot lights shall not exceed 18.75 feet in height.
7. All ground-level and roof top mechanical equipment shall be well screened from public view.
8. Approval by Ozaukee County of the driveway access location and discharge of runoff.
9. Applicant shall provide the wetland delineation report. The wetland boundary and applicable setbacks shall be included on the face of the CSM.
10. Applicant shall provide wetland fill approval from the WDNR.
11. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
12. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
13. Application for and approval of a City Filling and Excavation Permit, if applicable.
14. Connection to public water and sanitary sewer and execution of the associated Water Service Transfer Agreement.
15. 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).

Owner

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

Acknowledgment:

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2022, the above named_____, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument on behalf of the petitioner acknowledged the _____ day of _____, 2022

DRAFTED BY:

City of Mequon
11333N Cedarburg Road
Mequon, WI 53092
Phone: (262) 236-2904

Attachment: PacketDocs_NorthShoreBank (7890 : North Shore Bank)

11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655
www.ci.mequon.wi.us
Department of Community Development

TO: **Planning Commission**

FROM: **LAURIE MILLER, PLANNER**

DATE: **November 22, 2021**

SUBJECT: **Walter Buildings for Gierch Farms. The applicant is seeking minor request approval to allow for a 10,800 sq. ft. agricultural storage building for the property located at 10232 W. Bonniwell Road (Gierch Farms).**

Applicant:	Bill Hamm Walters Buildings
Status of Applicant:	Agent
Requested:	Minor Request – Accessory Building in excess of 1,000 sq. ft.
Existing Zoning:	R-1 (Single-Family Rural Residential) OA (Agricultural Overlay) C-2 (General Conservancy)
Land Use Plan:	Residential 5 Acre
Lot size:	120.72 Acres
Location:	10232-10622 W. Bonniwell Road
Tax Key Number:	#14-005-09-002.00
District:	#1

Background:
The applicant is requesting Planning Commission approval for a 10,080 square foot accessory building to be used for agricultural purposes at 10232-10622 W. Bonniwell Road. Per Section 58-265 (b) of the zoning code, Planning Commission approval is required because the structure exceeds 1,000 square feet.

Accessory Structure:
The proposed pole barn will be 60’ x 168’ (10,800 sq. ft.) and 27’ – 6 ¼” tall at its peak. The structure will have green steel siding and cream color steel panels for roofing. The east elevation is proposed to have 30’ x 16’ double sliding door. The west elevation will have four windows. The south elevation is proposed to have a 24’ x 14’ overhead door and 24’ x 16’ double sliding door. In addition to the doors, the south elevation will have poly carbonate panels near the roofline to allow natural light to enter into the building. Two windows are proposed on the north elevation. The structure is shown to be located behind the existing machine shed. The narrative states that the structure will be used for the storage of agricultural equipment and other agricultural-related items.

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

No additional street access is proposed or authorized with the building.

There is no indication of wetlands near the proposed building. The site was screened for mapped wetlands using WDNR Surface Water Data Viewer.

The site is not located within the City's sewer service area, and therefore is not required to connect to public sewer or water.

The proposed improvements will add more than 5,000 square feet of impervious surface and is not covered by a stormwater management plan, therefore per MMSD rules, green infrastructure will be required. Prior to the issuance of a building permit, the applicant shall design and submit for review and approval a green infrastructure plan in conformance with MMSD rules and City ordinances. Green infrastructure plans also require the execution of a Stormwater Maintenance and Easement Agreement and a drainage financial guarantee.

The proposed improvements will disturb an area greater than 4,000 square feet and is therefore subject to a City of Mequon Erosion Control Permit. The permit is required prior to the issuance of a building permit.

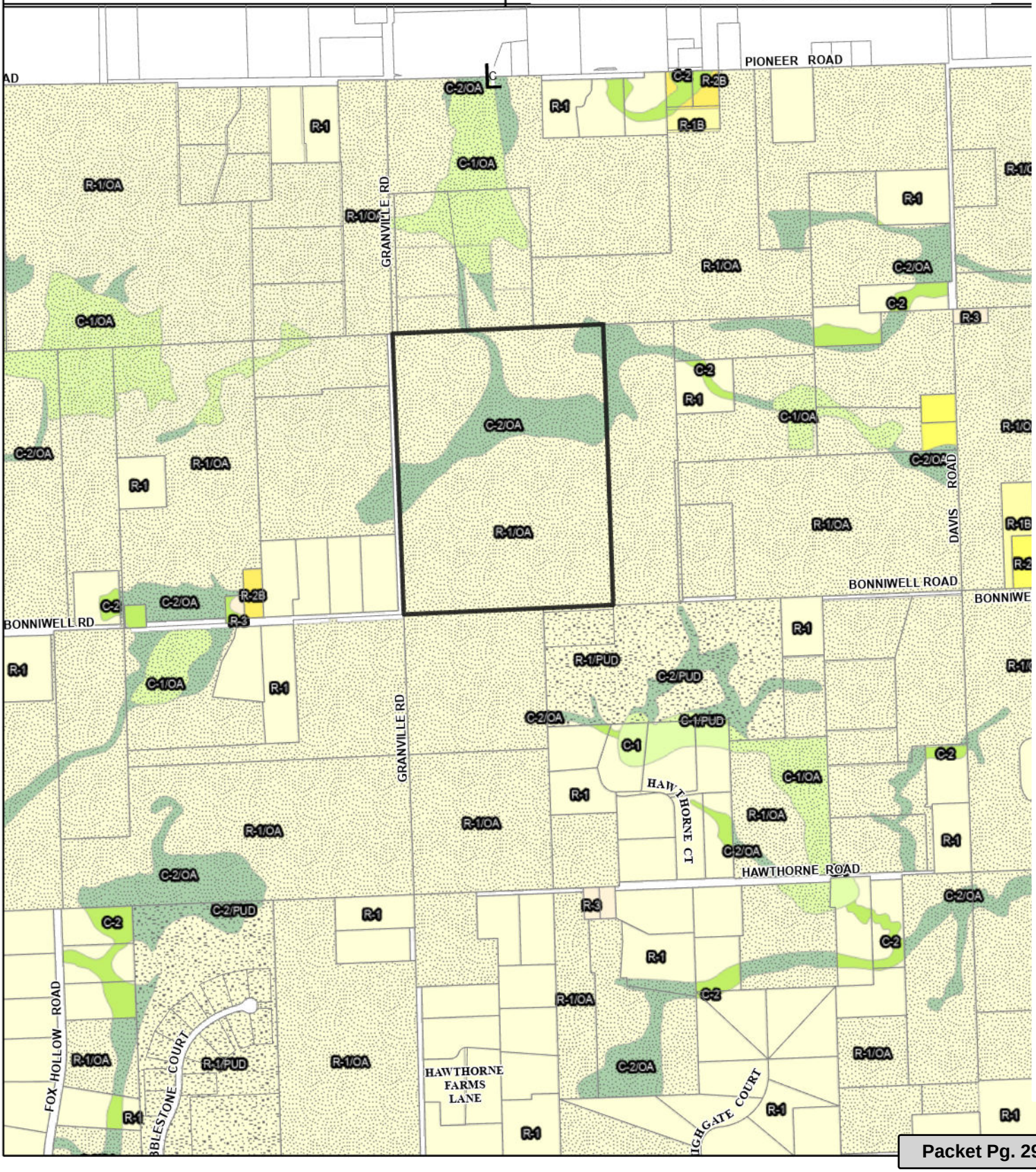
Staff Recommendation:
Since the proposed structure is consistent with prior approvals of agricultural structures and appears to be harmonious with the surrounding area, Planning staff recommends **approval** subject to the following conditions:

1. The structure shall be used for agricultural related equipment and activities.
2. The applicant shall submit final plans within 60 days of Planning Commission action. Such final plans shall be subject to staff review and approval prior to issuance of permits. Approval shall be based on consistency with applicant's application and the requirements of the Planning Commission's approval. If final plans are not submitted within such time period, or the plans are not approved by staff, the plan(s) shall be submitted to Planning Commission for additional review and action and applicant shall be responsible for all city-imposed fees associated with such additional review.
3. Any proposed lighting for the building shall be approved by staff.
4. Final staff review and approval of site, floor, and elevation plans.
5. Prior to the issuance of a building permit, the applicant shall design and submit for review and approval a green infrastructure plan in conformance with MMSD rules and City ordinances.
6. Submittal and City Attorney approval of a Stormwater Maintenance and Easement Agreement.
7. Submittal and acceptance of a drainage financial guarantee in accordance with Mequon Ordinance Sec. 58-677.
8. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit, if applicable.

Attachments:
PacketDocs_Gierach (PDF)

GIERACH FARMS - MINOR REQUEST

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



Attachment: PacketDocs_Gierach (7891 : Walter Buildings for Gierch Farms)

Walters Buildings

PHONE: 262-629-5521 - FAX: 262-629-5233 - www.waltersbuildings.com

To: Community Development Department
11232 N. Cedarburg Road
Mequon, WI 53092

October 18, 2022

Client: Bob Gierach
10232 West Bonniewell Road
Mequon, WI 53097

Subject: Machine Shed

Dear To Whom it may Concern:

Bob Gierach would like to construct a 60' wide x 168' long x 16' high (10,080 sq. ft.) post frame machine on his property located at 11232 West Bonniewell Road. It will be north of the existing machine shed at that location. The building will be used for Agricultural purposes, storage of AG Equipment and other AG related items.

Along with this letter please see the preliminary elevations, floor plan, section and site plan for review. We are looking to get conceptual approval so that Mr. Gierach can get the ball rolling.

Any questions please contact me at (262) 689-5688 or email me at bhamm@waltersbuildings.com.

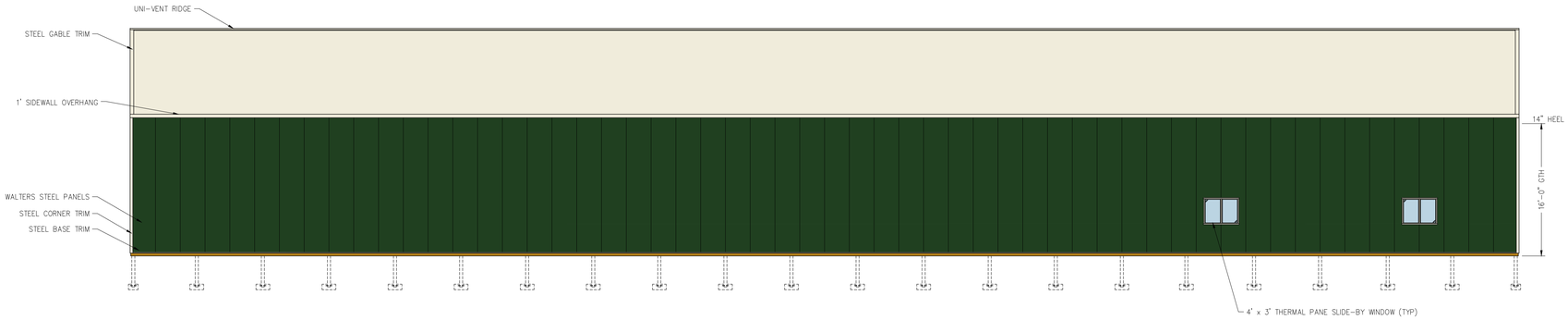
Thank you for your timely consideration on this matter.

Sincerely,

Bill Hamm
District Sales/Construction Manager
Walters Buildings

c: Bob Gierach
Job File

Attachment: PacketDocs_Gierach (7891 : Walter Buildings for Gierch Farms)



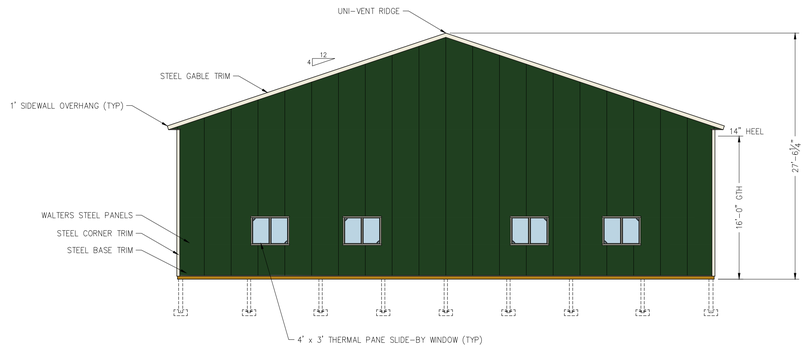
NORTH SIDE ELEVATION

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



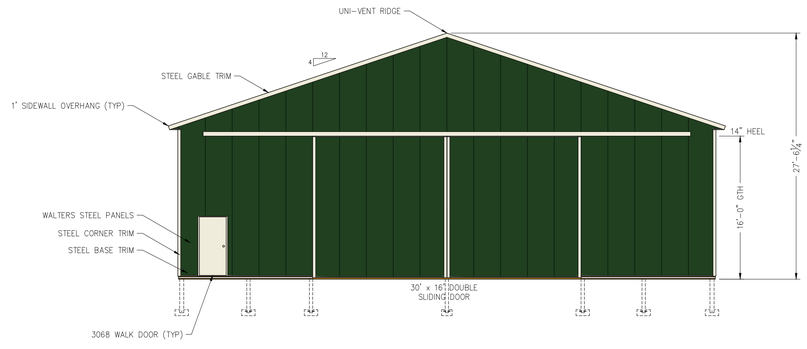
SOUTH SIDE ELEVATION

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



WEST END ELEVATION

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



EAST END ELEVATION

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

Owner: Bob Gierach
Project: Macine Storage
Location: Mequon, WI
Dealer/Salesman: Bill Hamm

Drawn By: BNH
Date: 10/10/2022
Revised By: BNH
Revised Date: 10/17/2022

Walters Buildings
Jack Walters & Sons, Corp.
P.O. Box 388, 6600 Midland Ct.
Allenton, WI 53002
1-800-558-7800
www.waltersbuildings.com

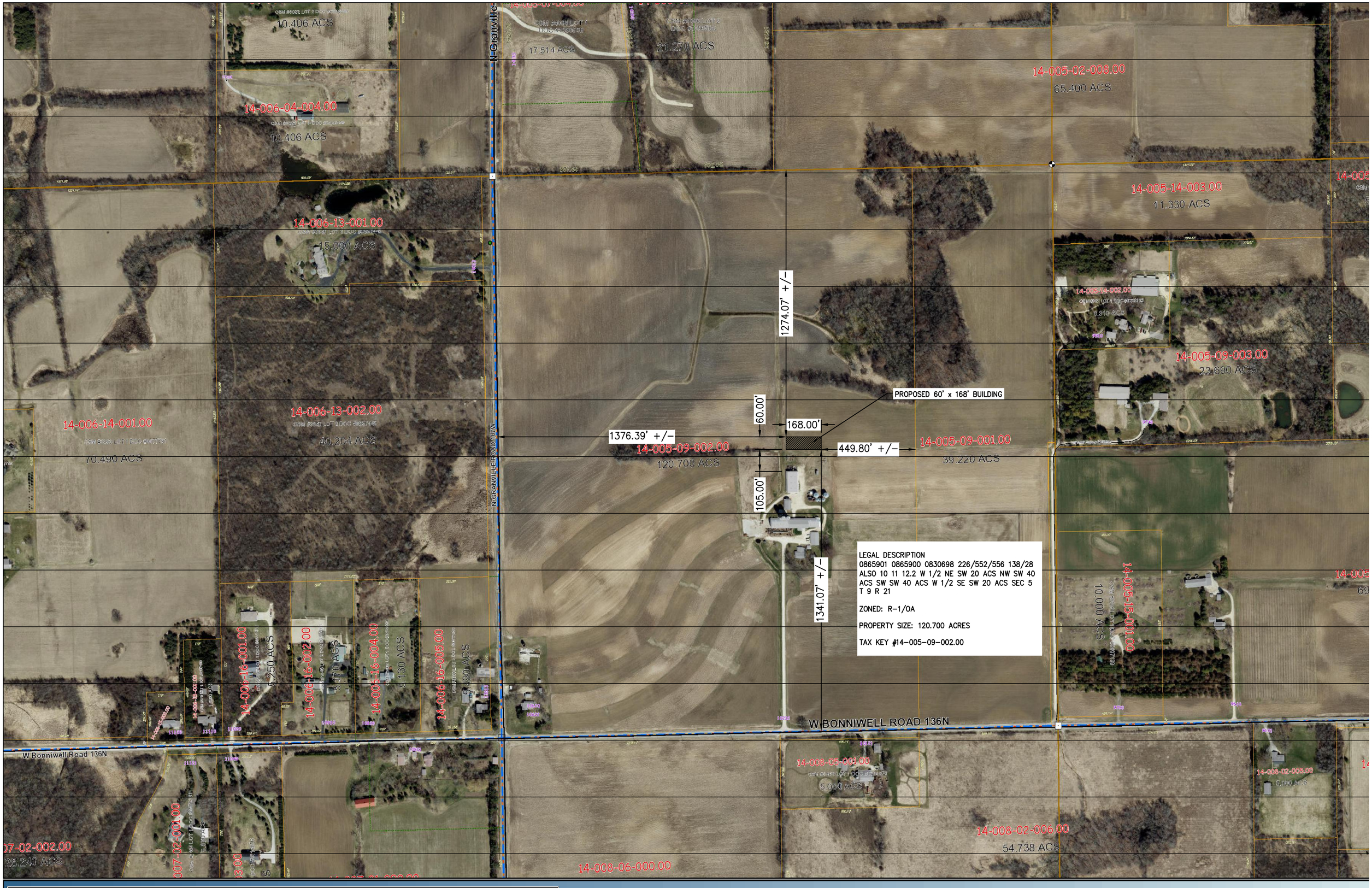
Job No:
Checked By:
Approved By:
Sheet No: 1 of 2

Attachment: PacketDocs_Gierach (7891 : Walter Buildings for Gierch Farms)



Attachment: Revolution Ranch (2991 : Water Buildings for Ranch Farms)

Parcel Information



Legend

Tax Parcel	Historical Parcel Lines	Cemetery Plat	Plat of Survey	County Road	Town/Public Road		
Gap	Assessors Plat	Condominium Plat	US Highway	Ramp	Railroad Centerline		
Overlap	CSM	Subdivision Plat	State Highway	Private Road			

Product of the LAND INFORMATION OFFICE

10/12/2022, 10:26:52 AM

OWNER: ROBERT GIERACH
10232 WEST BONNIEWELL ROAD
MEQUON, WI 53097

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation.
The accuracy of this map is limited to the quality of the records from which it was assembled.

10/12/2022, 10:26:52 AM

0 120240 480 720 960 ft

OZAUKEE COUNTY

Attachment: PacketDocs Gierach (7891 : Walter Buildings for Gierch Farms)

Parcel Information

1274.07' +/-

168.00'

PROPOSED 60' x 168' BUILDING

1376.39' +/-

60.00'

449.80' +/-

105.00' +/-

EXISTING MACHINE SHED

99.00'

72.00'

29.56'

49.29'

EXISTING MACHINE SHED

5.53'

226.74'

14.43'

41.56'

EXISTING BARN

18.48'

11.35'

14.81'

80.00'

50.00'

16.58'

EXISTING GARAGE

EXISTING SHED

EXISTING HOUSE

1341.07' +/-

LEGAL DESCRIPTION
0865901 0865900 0830698 226/552/556 138/28
ALSO 10 11 12.2 W 1/2 NE SW 20 ACS NW SW 40 ACS SW SW 40 ACS W 1/2 SE SW 20 ACS SEC 5 T 9 R 21

ZONED: R-1/OA

PROPERTY SIZE: 120.700 ACRES

TAX KEY #14-005-09-002.00

-002.00

) ACS

14-0

Legend

- Tax Parcel
- Gap
- Overlap
- Historical Parcel Lines
- Assessors Plat
- CSM
- Cemetery Plat
- Condominium Plat
- Subdivision Plat
- Plat of Survey
- US Highway
- State Highway
- County Road
- Ramp
- Private Road
- Town/Public Road
- Railroad Centerline

Product of the LAND INFORMATION OFFICE

10/12/2022, 10:35:23 AM

OWNER: ROBERT GIERACH
10232 WEST BONNIEWELL ROAD
MEQUON, WI 53097

10/12/2022, 10:35:23 AM

0 25 50 100 150 200 ft

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation.
The accuracy of this map is limited to the quality of the records from which it was assembled.

OZAUKEE COUNTY

Attachment: PacketDocs_Gierach (7891 : Walter Buildings for Gierch Farms)

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: **MIKE GIES, PARKS AND FORESTRY SUPERINTENDENT**

DATE: **November 21, 2022**

SUBJECT: **Tim O' Brien Homes. The applicant is seeking setback waiver and specimen tree removal to allow for the removal of specimen trees for the property located at 12333 N. Lake Shore Drive (Gehrett).**

Background:
The applicant is seeking approval for the removal of two (2) specimen trees on site both located on the northside of the existing home. The first tree requested for removal consideration is a 21" American Linden, survey tree #23. The second tree requested for removal consideration is a 25" Red Oak, survey tree #27. Both meet the size and species requirements to be classified as a specimen tree as outlined by Mequon's Tree Preservation Policy. Both trees remain in good condition, with each of them showing no signs of decline, or structural defect, decay, or abnormalities that would lead to concerns of the longevity of each specimen.

- 21" American Linden (#23): Recommended for removal due to proximity of new home and construction impacts. Note: Due to the restrictive nature of the lot, which includes two wetland delineations, removal may be the only option no matter which option for home placement is chosen.
- 25" Red Oak (#27): Recommended for removal due to proximity to new home and construction impacts. Note: Due to the restrictive nature of the lot, which includes two wetland delineations, removal may be the only option no matter which option for home placement is chosen.

Please note that the applicant initially submitted a plan with the application for Planning Commission approval, then subsequently submitted an alternative plan to address some of staff's concerns.

Analysis:
Two primary reasons for consideration of the removal of the two specimen trees are the combination of the lot width and the positioning of the home between two wetlands. In either proposed home location consideration, the tree locations will be either in the footprint of the home or in proximity of the home, where irrevocable root damage would be sustained due to the construction or even minimal grading. Both trees would need considered for removal based the home placements between the two wetlands.

In addition to the two specimen trees that have been identified on site, thirty-one (31) additional trees were identified that meet the species requirements to be considered specimens but are just undersized.

In accordance with Mequon's Tree Preservation Policy, lesser-sized trees can be considered specimens if the following applies:

- Tree stands that have been identified as a contiguous grouping of trees which contain 25% specimen species, and which have been determined to be of high value.
- A stand of trees that is a relatively mature native stand which is in the process of regeneration.

Although the additional trees on site are under sized, they are species and wildlife value significant. They represent a native tree stand on a lot that 1/3 of the trees that exist, will be cleared due to the presents of Emerald Ash Borer and construction. Staff would recommend the Planning Commission to consider the home placement based on preserving the highest number of these native trees.

Alternative plan #2, meets the wetland setback requirements and the setback requirements on both the south and northsides of the proposed home. Alternative #2 also preserves about 52% of the native stand of trees on site. Specifically, tree numbers 28-47 of the tree survey document. Due to this, staff would be in support of the alternative placement and not the original proposed location given the restrictiveness of site and lack of other alternatives.

The applicant is also seeking approval of a full exposure on site. Staff would like to recommend against the full exposure to preserve the existing grade around the remaining specimen trees on site. Major changes in grades will damage root integrity and impede the long term sustainability of the trees that remain on site. Staff would be in support of a home plan that keeps grading to a minimum in order to meet protection requirements around remaining trees.

Engineering Report:
In addition to the request for specimen tree removal, the lot grading plan for the site could require Planning Commission approval of a waiver to the wetland protective area. While there is not a master grading plan for this lot, there is also concern regarding the elevation of the home if a full exposure was considered.

Wetland Protective Area:
The applicant is requesting a reduction in the wetland protective area width as defined by Section 58-675(i) of City Ordinance. Protective areas are defined as a set-back distance of natural, vegetated areas of land and the width is determined by the quality of the wetland.

The wetland area east of the proposed home, or Wetland 1, has a required protective area of 10 feet. The applicant meets the minimum protective area requirements for Wetland 1.

The wetland area west of the proposed home, or Wetland 2, has a required protective area of 50 feet. The protective areas were defined by the wetland delineation report and are shown on the attached figure. The house is proposed 13.6 feet from the Wetland 2 boundary. While the Planning Commission has granted reductions in protective areas, typically in exchange for no-mow buffers. However, the applicant is requesting a considerable reduction, which staff would not support.

By meeting the wetland protective area as shown in the attached plan, dated October 18, 2022, there could be a potential for unintended impact to stands of quality trees. However, if the house

was built at grade or a lower elevation than proposed, the wetland protective area could be met and tree impacts could be reduced, as shown in Alternate Plan #2.

The property exceeds the 5,000 square foot impervious area threshold and therefore requires inclusion of green infrastructure. If the Planning Commission approves a reduction in the wetland protective area, staff recommends a requirement that the applicant utilize green infrastructure devices to capture all impervious surface runoff within 50 feet of Wetland 2.

Wetland fill for driveway access was approved by WDNR on July 22, 2022.

Groundwater impacts:
The *Soil Assessment Report* performed by LandMark Engineering Sciences, Inc. for the property recommended the following:

- *Based on the soil profile observed in our test pits and regional standard design to reduce the potential for wet or damp basement conditions, LandMark suggests basement floor grades may be set no lower than approx. elevation 692.25.*
- *The lean clay subsoils are likely not water bearing due to their low water porosity characteristics. However, this low water porosity means any disturbance of these subsoils (i.e., basement excavation or utility trenching work) will create more porous soils that will accumulate and hold infiltrating rainwater. Although outside of current regional standard design, the basement floor grade may be set at a lower grade than stated above provided the foundation design includes mitigation items to minimize the accumulation of water outside the foundation wall. These mitigation items include:*
    - *Backfill the lower 1/3 or more of the foundation wall and footings with clear, fractured, 3/4" to 1-1/4" diameter, stone to reduce the risk of drain tile clogging due to water transport of fine soil particles and to improve water drainage to the exterior drain tile;*
    - *Provide a minimum 6" of clear, fractured, 3/4" to 1-1/4" diameter, stone fill below the basement floor slab to improve water drainage to the interior drain tile;*
    - *Install clay "coffer dams" along any of the utility trenches leading to the foundation wall;*
    - *Waterproof the exterior side of the foundation walls; and*
    - *Provide a backup power source for the sump pump operations.*

It should be highlighted that a basement floor grade lower than 692.25 can be accommodated with the above mitigation techniques, according to the report. The home could also be built without a basement.
Neighboring properties:

Generally, overland storm water flows from south to north. All grading work is required to accommodate existing flows through the site. The interference with the natural flow of surface water along any natural water course is not permitted.

The applicant added a small swale around the south side of the grading limits near the south property line to direct storm water to the north. The swale is approximately one foot off the south property line. Staff recommends moving the swale bottom at least three feet from the property line to provide capacity and avoid overflow onto the neighboring property.

The approximate grades using GIS contours are as follows:

- 12345 N Lake Shore Drive yard elevation: 695
- 12333 N Lake Shore Drive yard elevation: 700 (proposed)
- 12323 N Lake Shore Drive yard elevation: 698
- N Lake Shore Drive road elevation: 694

The proposed yard elevation at 12333 N Lake Shore Drive is approximately 7 feet above the existing grade of roughly 693 and between two and five feet higher than the adjacent lots.
The final yard grade for 12333 N Lake Shore Drive is recommended at a maximum elevation of 697.00. The lower elevation would reduce impacts to stands of trees, more easily accommodate drainage, and better fit with the grades of adjacent properties.

Recommendation:
The Forestry Division recommends approval of the request to remove both the 21" American Linden, as well as the 25" Red Oak due to limited options for adjustment, wet setback restrictions with limited adjustment options without impacting additional trees, and the new construction. Should the Planning Commission approve the removal of the one (1) American Linden and the one (1) Red Oak, it should be conditioned upon:

1. The applicant replace 75% of the diameters of the specimen trees after construction is completed. This would equal to 34.5" of replacement trees, which equates to approximately seventeen (17) native trees of at least 2" caliper as approved by the City Forester. In lieu of planting, the owner could alternatively donate $3,450 to the Mequon Tree Fund, which would be used for Urban Forestry projects. With both options, a $3,450 escrow is required prior to issuance of a building permit. If the applicant decides to plant replacement trees, the money would then be returned after the tree planting is completed and inspected by the City Forester.
2. To protect and preserve the trees identified on the landscape plan or by the Planning Commission, prior to any site cleaning or construction activity, the owner/developer/contractor shall install snow fencing no closer than the tree diameter breast height times 1.25. It shall be the responsibility of the owner/developer/contractor to maintain fencing during construction. Absolutely no construction traffic within the fenced areas is permitted. Additionally, signs shall be posted saying Tree Protection Zone. These zones will be inspected by the Forestry Division prior to any construction.

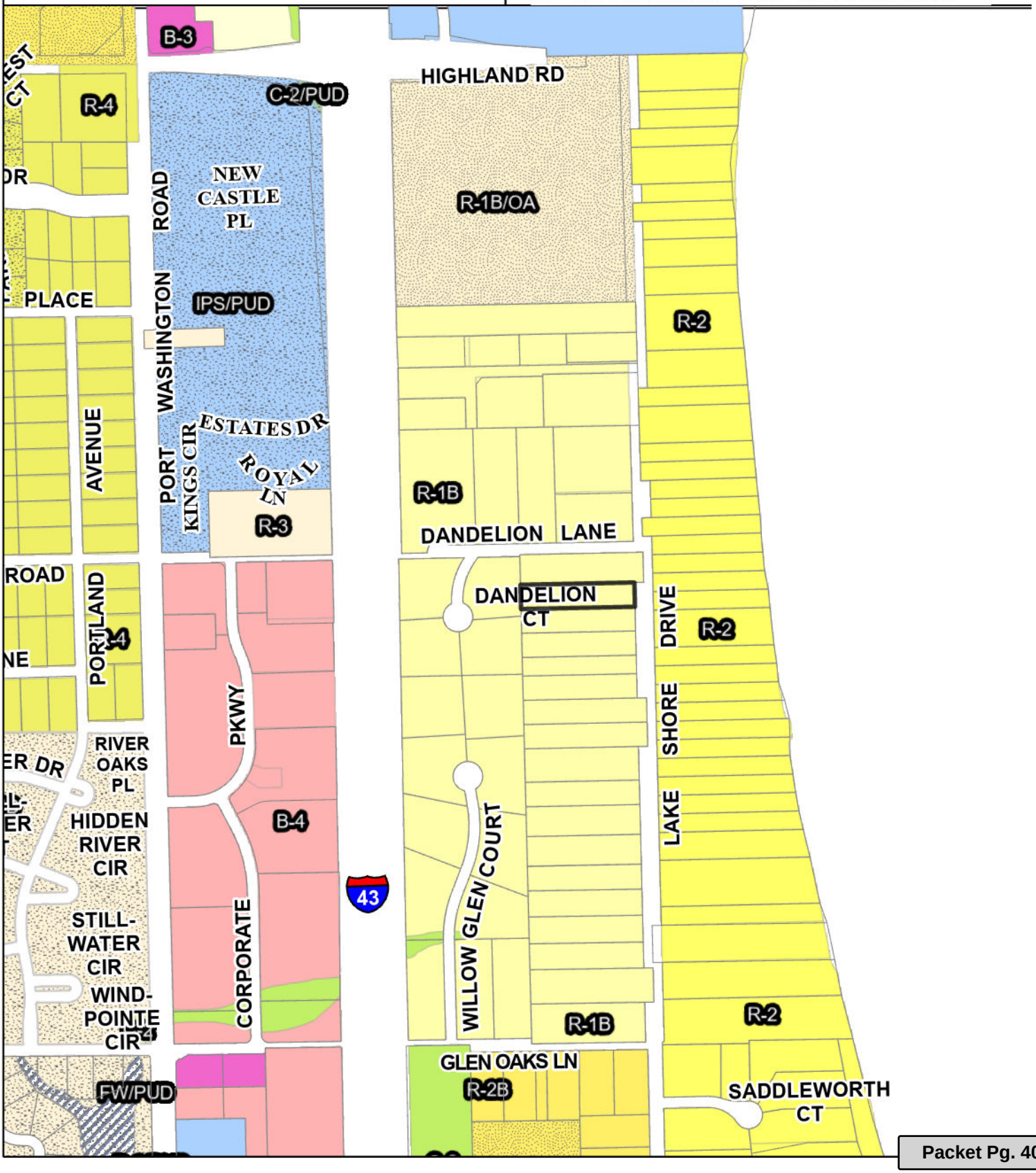
In addition to the specimen tree removal, staff recommends:

1. Planning Commission approval of a maximum final yard grade of 697.00 for 12333 N Lake Shore Drive.
2. Placement of home shall be outside of wetland protective areas and meet lot setbacks.
3. Prior to the issuance of a building permit, the applicant shall design and submit for review and approval a green infrastructure plan in conformance with MMSD rules and City ordinances.
4. Submittal and City Attorney approval of a Stormwater Maintenance and Easement Agreement.
5. Submittal and approval of a drainage financial guarantee in accordance with City Ordinance Sec. 58-677.

Attachments:
Map (PDF)
1_REVISED 10272022 99-452 (Gehrett) Mequon Plan Commission Narrative 10-27-22 (PDF)

TIM O'BRIEN HOMES - MINOR REQUESTS

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



Attachment: Map (7892 : Tim O' Brien Homes)

TIM O'BRIEN homes

Building for the way you live

October 20, 2022

Dear Planning Commissioners:

Thank you for your consideration of the application by Lance and Elizabeth Gehrett, for the purpose of constructing a single-family home on the referenced parcel. In addition to the considerations stated by Kay and Kay Attorneys in their letter of September 9, 2022, it is important to note that, at our urging, the customer engaged a professional soils engineer to conduct subsurface exploration on the site, specifically in order to determine Seasonal High Groundwater elevations in the approximate building area. The findings of this exploration are summarized in the attached report from LandMark Engineering, dated February 12, 2022. It is LandMark's, and Tim O'Brien Homes' opinion that, in order to appropriately place the basement floor above observed groundwater elevations, the home should be constructed with a fully-exposed "walkout" lower level, facing approximately West, with the basement floor just slightly above existing ground elevations at the rear (West) of the building area, essentially facing Wetland 2.

Since the homesite is relatively flat, placing the basement floor at this elevation will necessitate the importation of fill on the East side of the home, to construct the driveway and front yard areas; this elevated front yard grade will taper down toward the East, and also to the West, along the sides of the home, exposing the walkout at the rear and minimizing the amount of grading taking place West of the home. Our proposed home placement provides the greatest possible distance from Wetland 1, actually in excess of the prescribed wetland setback/protective area. This placement is based on the fact that the fill area in front of the home is adjacent to Wetland 1, and because placing and grading the associated fill in that area requires the greatest level of care, to avoid undesirable impact upon the environment. We understand that while this placement exceeds the Wetland setback to the East, it also impinges upon that for Wetland 2, to the West. Since the basement floor will be just above existing grade to the West of the building, we expect the amount of fill and grading West of the home to be minimal, and **therefore request waiver of the prescribed setback from Wetland 2**. Strict compliance with the 10' setback from Wetland 1 and the 50' setback from Wetland 2, as shown in the exhibit labeled "Alternate Home Placement 2", is not feasible; as described above, we must place fill to the East of the home, and fill placement, along with creation of stable slope, is not possible within only a 10' wide area. "Splitting the difference" by placing the home midway between the two wetlands still does not achieve compliance with the wetland 2 setback, so the same waiver would be required, yet the front yard fill area is still moved undesirably closer to Wetland 1.

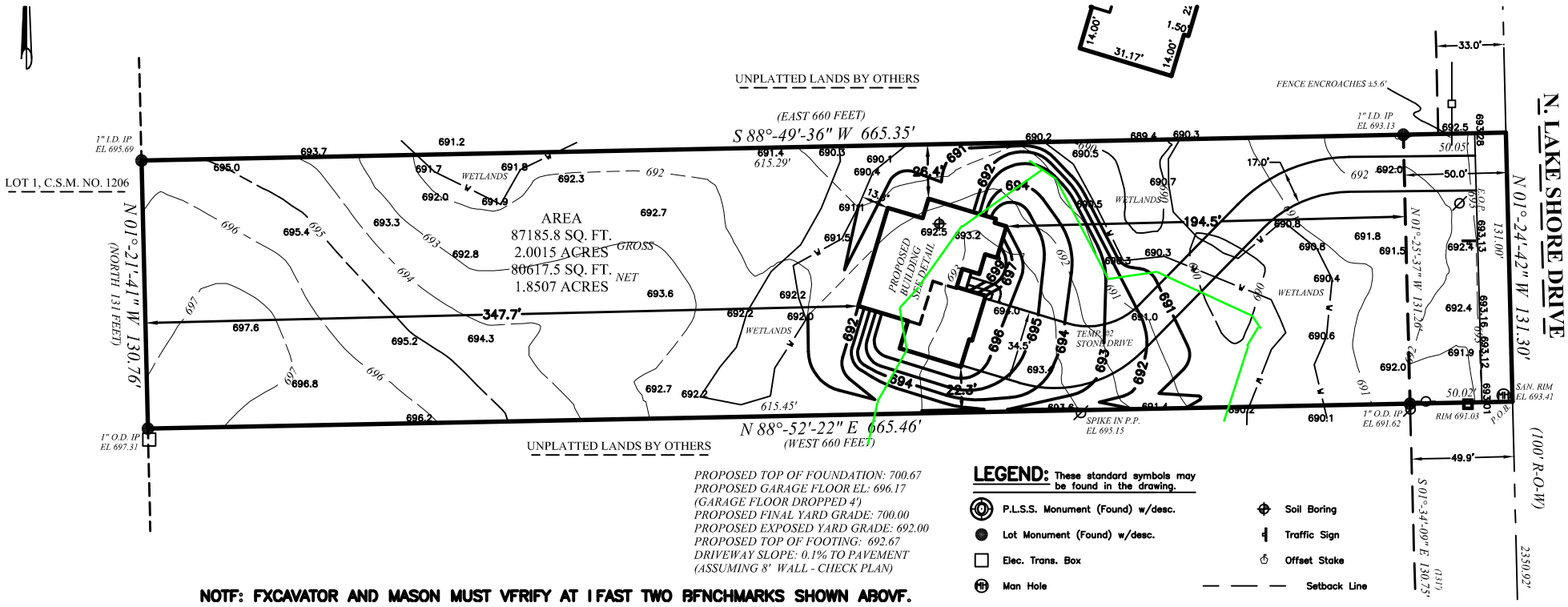
Coupled with these considerations was the constraint of complying with Tree Preservation requirements. Alternate home placements were considered, in order to attempt to respect identified specimen trees to the greatest extent possible, although all other placements would place the front of the home, and the associated front-yard fill area, much closer to Wetland 1, while still potentially impacting specimen tree(s). During discussion with City of Mequon Planning staff, it was noted that all of the observable existing neighboring residential properties required significant tree removal in order to create space for constructing and occupying the homes. We fully expect this to be a necessity when constructing the Gehretts' home. Kay and Kay's letter clarifies the Gehretts' intent to mitigate tree removal with replacement plantings. Our discussion with staff led us to reach the conclusion that, given the unique characteristics of this site, in light of the existence of multiple other completed and occupied nearby properties whose owners likely encountered a similar set of challenges, that the least binding constraint here should be tree preservation, as tree removal is a correctable condition, which corrections our customer is eager to facilitate as they take occupancy and establish their outdoor living environments. We look forward to any discussion which will facilitate forward movement toward completing the Gehrett residence on this site.

Respectfully,

Tim O'Brien Homes

N27 W24075, Paul Ct., Pewaukee, WI 53072
Office: 262-542-5750 Fax: 262-542-9780
TimOBrienHomes.com

Attachment: 1_REVISED 10272022 99-452 (Gehrett) Mequon Plan Commission Narrative 10-27-22 (7892 : Tim O' Brien Homes)



PROPOSED TOP OF FOUNDATION: 700.67
PROPOSED GARAGE FLOOR EL: 696.17
(GARAGE FLOOR DROPPED 4')
PROPOSED FINAL YARD GRADE: 700.00
PROPOSED EXPOSED YARD GRADE: 692.00
PROPOSED TOP OF FOOTING: 692.67
DRIVEWAY SLOPE: 0.1% TO PAVEMENT
(ASSUMING 8' WALL - CHECK PLAN)

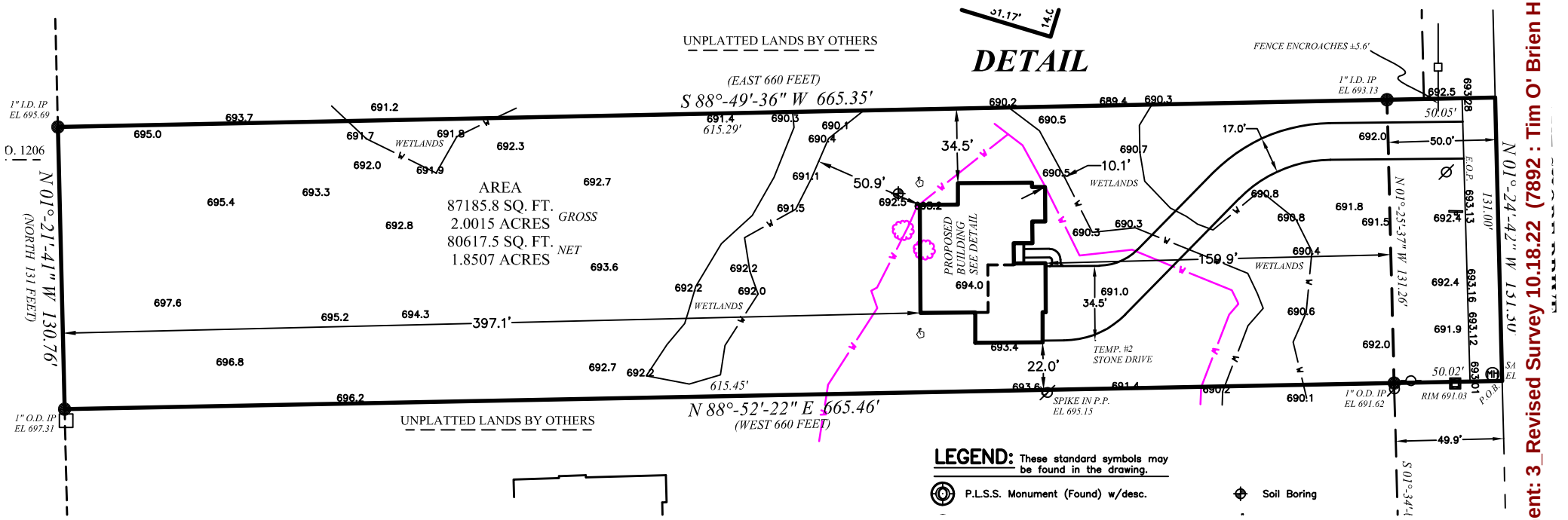
LEGEND: These standard symbols may be found in the drawing.

- P.L.S.S. Monument (Found) w/desc.
- Lot Monument (Found) w/desc.
- Elec. Trans. Box
- Man Hole
- Soil Boring
- Traffic Sign
- Offset Stake
- Setback Line

NOTE: EXCAVATOR AND MASON MUST VERIFY AT LEAST TWO BENCHMARKS SHOWN ABOVE.

Attachment: 2_Wetland Protective Area Grade Detail Rev 10.28.22 (7892 : Tim O' Brien Homes)

Alternate revised 10/18/2022



Attachment: 3_Revised Survey 10.18.22 (7892 : Tim O' Brien Homes)

Parcel Information



Legend

- Tax Parcel
- Gap
- Overlap
- Historical Parcel Lines
- Assessors Plat
- CSM
- Cemetery Plat
- Condominium Plat
- Subdivision Plat
- Plat of Survey
- US Highway
- State Highway
- County Road
- Ramp
- Private Road
- Town/Public Road
- Railroad Centerline

Product of the LAND INFORMATION OFFICE
11/10/2022, 12:37:06 PM

11/10/2022, 12:37:06 PM

0 0.0045 0.009 0.018 0.027 0.036 mi

OZAUKEE COUNTY

DISCLAIMER: This map is not a substitute for an actual field survey or onsite inves
The accuracy of this map is limited to the quality of the records from which it was as

Attachment: 5_12333 GIS Topo 2 (7892 : Tim O' Brien Homes)

11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655
www.ci.mequon.wi.us
Department of Community Development

TO: **Planning Commission**

FROM: **LAURIE MILLER, PLANNER**

DATE: **November 21, 2022**

SUBJECT: **Prodigy Lighting & Sign LLC for Exxon Mobil. The applicant is seeking minor request approval to allow for a sign waiver to allow for structures to be constructed around the gas pumps for the property located at 11210 N. Port Washington Road.**

Applicant:	Wayne Palmer Prodigy Lighting & Sign, LLC
Status of Applicant:	Agent
Requested:	Building and Site Plan Amendment
Existing Use:	Gas Station
Existing Zoning:	B-2 (Community Business District)
Land Use Plan:	Community Commercial
Lot size:	1.33 Acres
Location:	11210 N. Port Washington Road
Tax Key Number:	#15-019-04-012.00
District:	#5

Background:
The applicant is requesting a building and site plan amendment for the property at 11210 N. Port Washington Road. The proposal includes painting the convenience store north and south elevation existing canopies red and installation of decorative structures around the gas pumps and canopy. The proposed structures will be used to display additional signage. No changes were proposed for the car wash and associated structures.

Proposed Structures:
There are four types of red decorative structures proposed for the areas under the gas pump canopy.

1. Wave: The wave structure will arc over four of the six fuel pumps and are approximately 11’ – 1” (h) x 5’ - 5” (L) x 1’ – 7” (D). Each structure will have eight areas for signage including the following:

    a. Two 1.84 sq. ft. logo areas
    b. Two 3.13 sq. ft. poster areas
    c. Two 0.98 sq. ft. poster areas
    d. One 6.20 sq. ft. poster area
    e. One 0.19 or 0.21 sq. ft. 3D logo plaque

Please note that the two waves located by the north fuel pumps will be constructed to appear as though they pass through the canopy support posts.

2. Blade: The 40 – 5/16" x 4 – 9/16" blade structure will be attached to four canopy support posts above the fuel pumps and hold two 1.84 sq. ft. logo and a 0.19 or 0.21 sq. ft. logo.
3. Koala: The Koala is a three-sided structure that will snap on to six canopy support posts. Dimensions of each side of the structure have been included in the plans. The plans show that each Koala will have one 3.13 sq. ft. and two 2.03 sq. ft. poster areas.
4. Number wedge: Twelve 9 – 7/16" x 14 – 7/16" number wedges will be installed on the canopy support posts. Each wedge will hold three "number" decals to indicate the fuel pump number.

Staff analysis:
Staff believes that the proposed structures and change in canopy color will add visual interest to the site; however, staff has several concerns about the number of proposed signage associated with the proposal, color choice for the canopy, and lack of proposed changes to the car wash's associated structures. There are 62 new signage locations proposed for this site totaling 137.54 sq. ft (not including the proposed pump number decals). Staff recommends that the Koala structure not be approved, and the signage be limited to the following:

- Wave: Two 1.84 sq. ft. logo areas located at the top of each wave.
- Blade: Two 1.84 sq. ft. logo areas located on the largest face of each blade.
- Number wedge: Each wedge may hold three "number" decals to indicate the fuel pump number.

While the proposed color change to the convenience store canopies will match the red of the proposed structures, staff believes the blue found in the Exxon Mobil logo is a more subtle, appropriate.

The existing car wash pay center and touch free car wash canopy are yellow and black which do not match the color of the branding. Staff recommends that the yellow color on these structures be changed to blue to match the convenience store canopy and Exxon Mobil logo and consistency throughout the entire site.

The City is currently working on a streetscape project for Port Washington Road, from Mequon Road to County Line Road, in an effort to enhance the aesthetics of this prominent corridor. Staff is recommending a condition of approval that will grant the City an easement along the west property line and corner of Mequon and Port Washington Roads to allow for future streetscape improvements.

Staff Recommendation:
Planning staff recommends **approval** of the building and site plan based on the following condition(s):

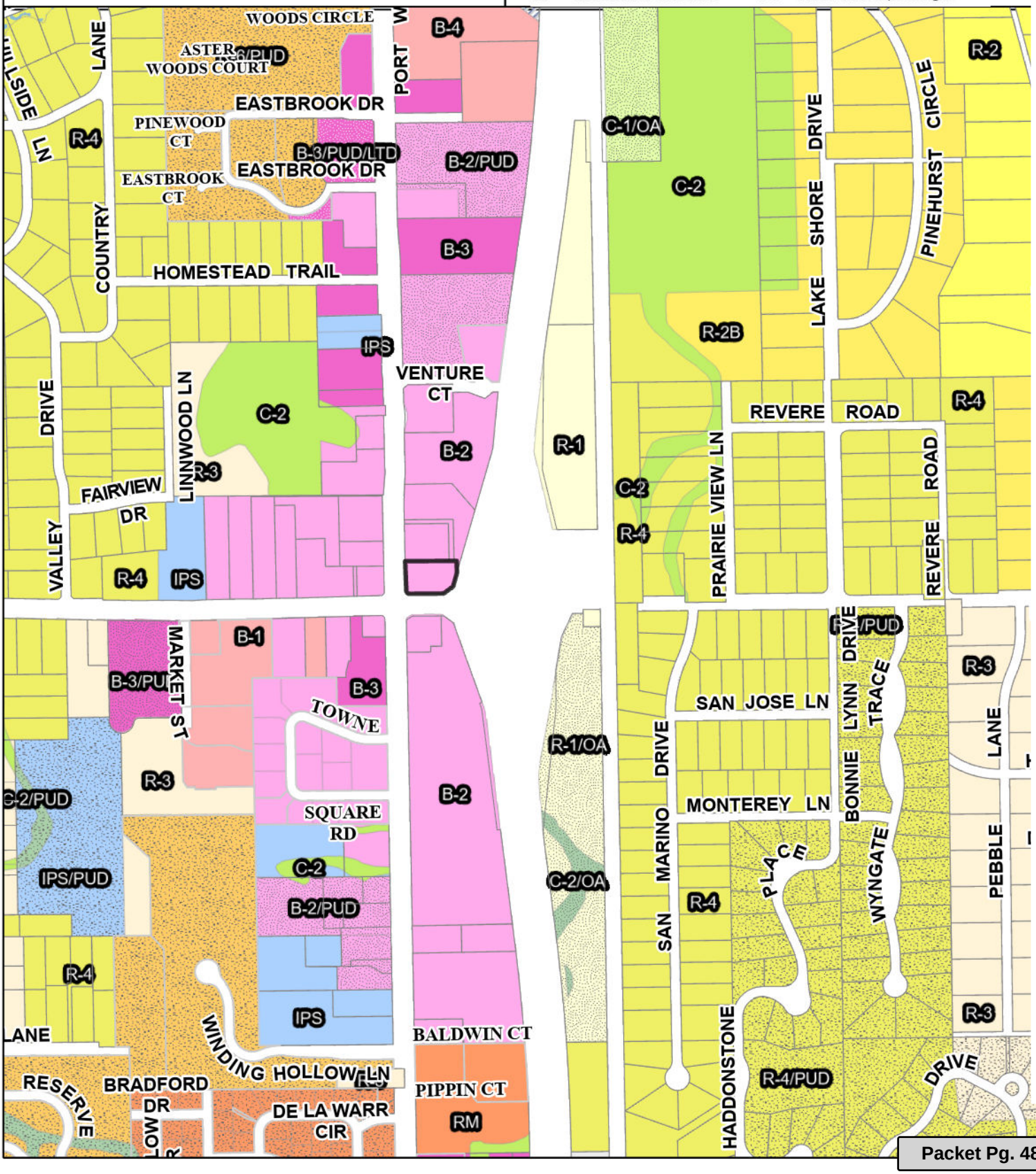
1. Staff review and approval of final plans prior to issuance of building permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
2. The north and south doorway convenience store canopy be painted blue to match the Exxon Mobil logo.

3. The yellow color on the existing car wash pay center and touch free car wash canopy be painted blue to match the Exxon Mobil logo.
4. That the wave, blade, and number wedge structures shall be permitted as proposed.
5. Signage shall be limited to the following:
    - Wave: Two 1.84 sq. ft. logo areas located at the top of each wave.
    - Blade: Two 1.84 sq. ft. logo areas located on the largest face of the blade.
    - Number wedge: Each wedge may hold three "number" decals to indicate the fuel pump number.
6. That an easement along the west property line and corner of Mequon Road and Port Washington Road be granted to allow for future streetscape improvements.

Attachments:
Packet Docs_ExxonMobil (PDF)

EXXON MOBIL - MINOR REQUEST

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



Attachment: Packet Docs_ExxonMobil (7893 : Prodigy Lighting & Sign LLC for Exxon Mobil)

PRODIGY LIGHTING & SIGN LLC

3535 14th AVE KENOSHA WI 53140 O- 262-652-0724 F 262-652-9200

Nov 1, 2022

City of Mequon
11333 N Cedargurg Rd
Mequon, Wi 53092

RE: 11210 N Port Washington Rd
Mequon, WI
Dept of Planning & Zoning

Synergy Upgrade Narrative

Recently we were requested to install the NEW Mobil Oil SYNERGY upgrade as part of their marketing strategy program. This program is being installed in cities throughout the nation in fact one was installed at 11155 Wauwatosa Rd in Mequon, Wi

The equipment involved is appertures as show in the artwork provided. The materials designed are all UL Listed and Arcitechuly engineered to meet the finest of standards. Anchoring systems have been specified to meet the proper requirements as shown.

None of the listed equipment requires electricity. No electrical work will be done. Existing Gas Dispensers will remain as seen. All pumps have the updates materials on them.

Painting shall be minimal. Both Entry awnings will be painted Synergy Red To bond the building to the forecourt Synergy appertures.

The MID (Main ID Sign) will only have the Diesel Grade Panel changed to reflect the term Diesel Efficient.

Thank you for taking time to review this information.

Sincerely

Wayne Palmer
Prodigy Lighting & Sign LLC

Attachment: Packet Docs_ExxonMobil (7893 : Prodigy Lighting & Sign LLC for Exxon Mobil)

THIS PERMIT PACK IS NOT AN INSTALLATION GUIDE

BIG RED ROOSTER FLOW

ExxonMobil

PROJECT OVERVIEW

- A Site Configurations
- B Aperture Specifications
- C Dispenser Visuals
- D Main ID Visuals
- E Paint Specifications

approval signature

I have reviewed the visuals within this document and I approve the designs and scope of work listed within.

11210 N PORT WASHINGTON
MEQUON, WI 53092
43.2218 -87.9237



Site Map A Gate D Main ID



Existing



Proposed

Branded Wholesaler: _____

Site Operator: _____

Forecourt Installer: _____

Sign Installer: _____

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BIG RED ROOSTER FLOW
2 Northfield Plaza, Ste 250
Northfield, IL 60093
P: (847) 441-1818 F: (847) 592-9564

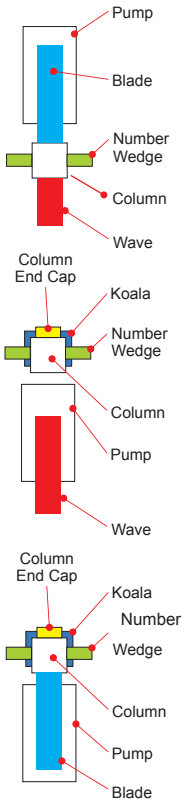
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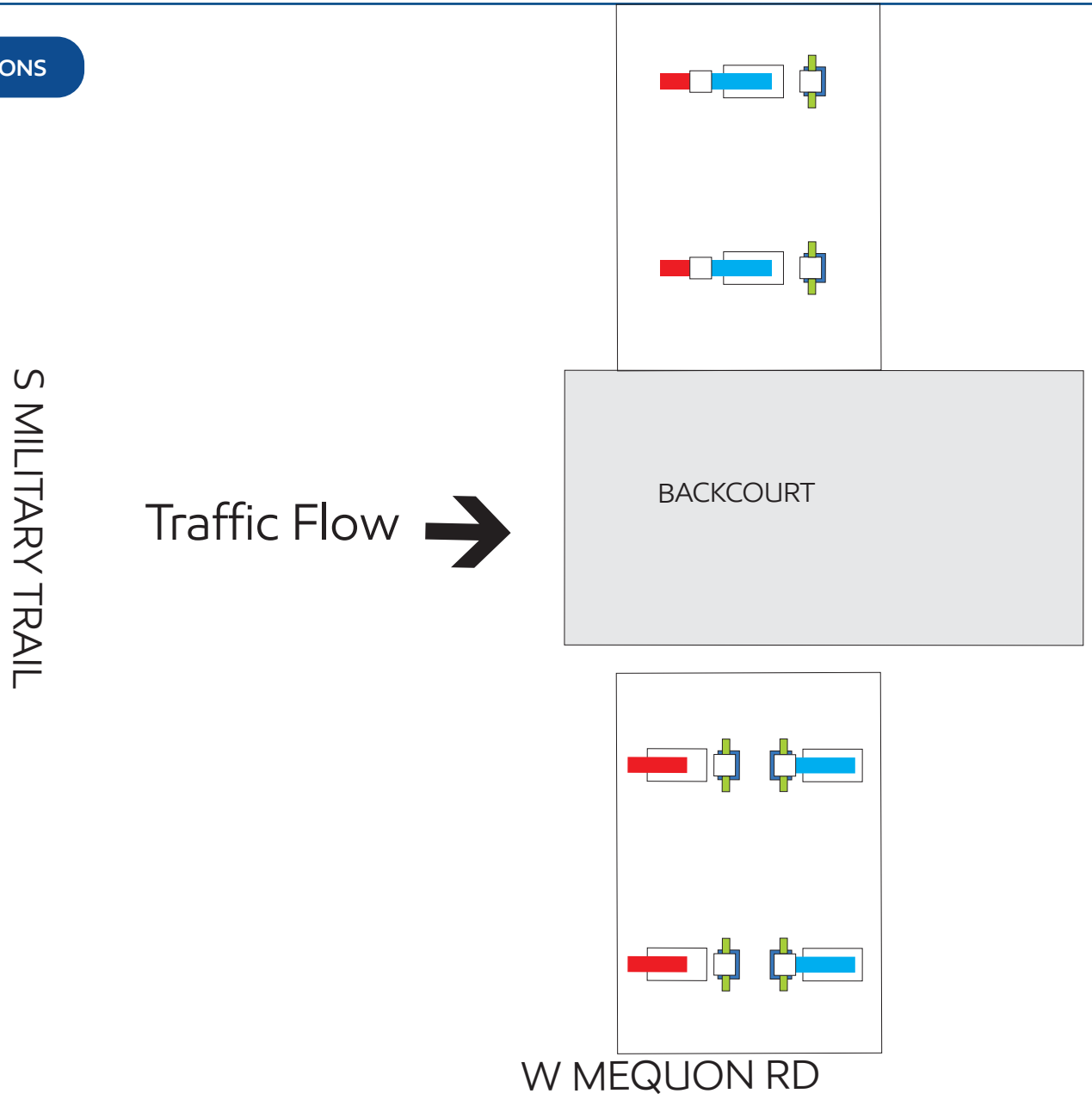
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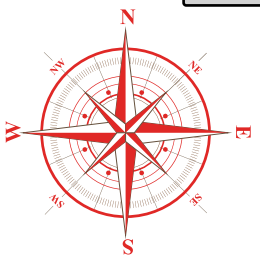
A SITE CONFIGURATIONS

Site Key

- Wave
- Blade
- Koala
- Number Wedge
- Column End Cap







Attachment: Packet Docs_ExxonMobil (7893 : Prodigy Lighting & Sign LLC for Exxon Mobil)

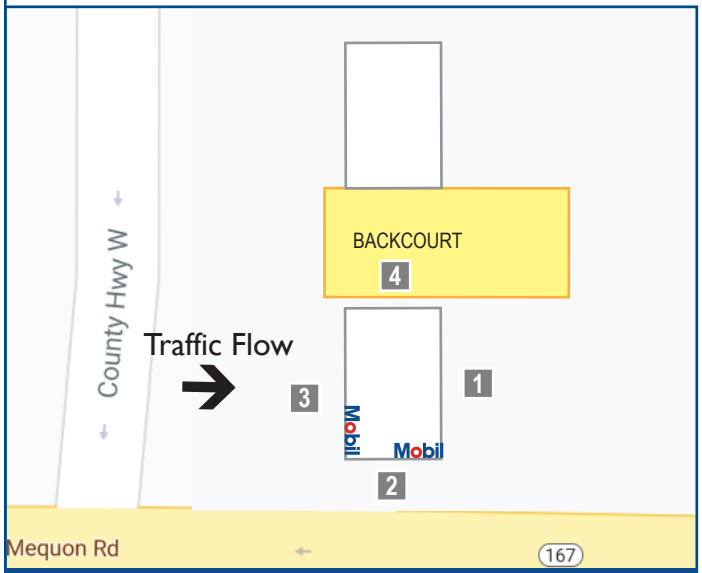
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A SITE CONFIGURATIONS

Canopy fascia artwork for visualization purposes only

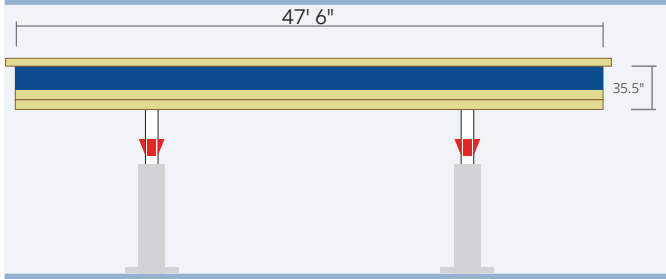


Overhead Map

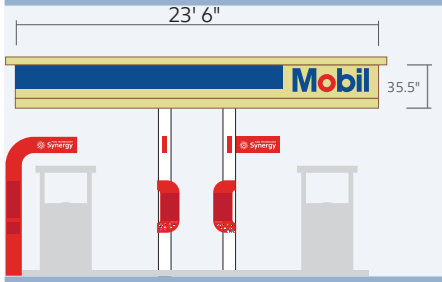


Canopy Perspective

1 | BACK ELEVATION

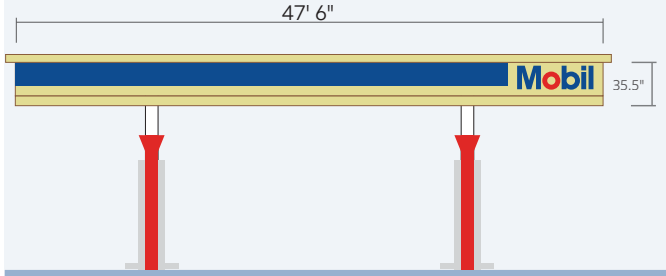


2 | RIGHT ELEVATION

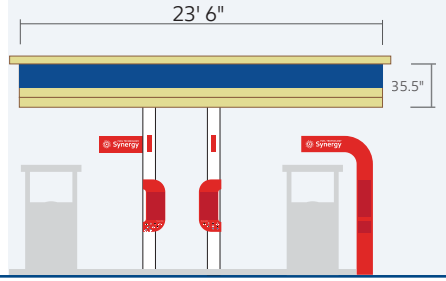


Traffic Flow

3 | FRONT ELEVATION



4 | LEFT ELEVATION



Traffic Flow

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Permit Pack

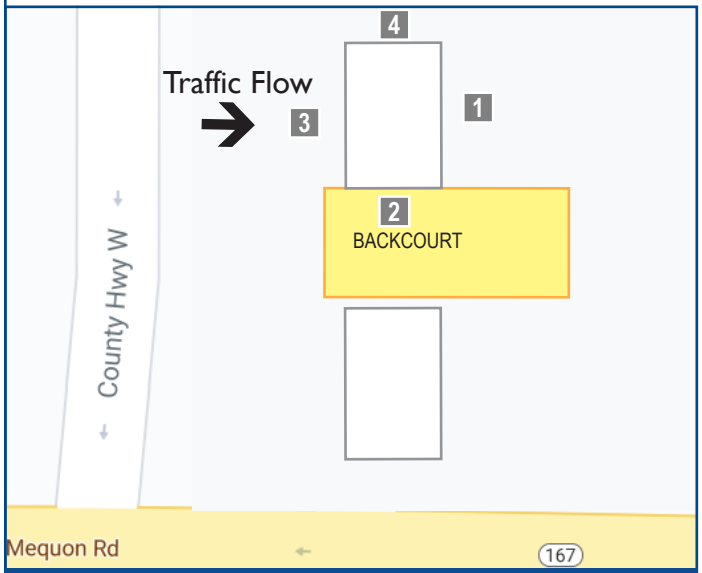
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A2 SITE CONFIGURATIONS

Canopy fascia artwork for visualization purposes only

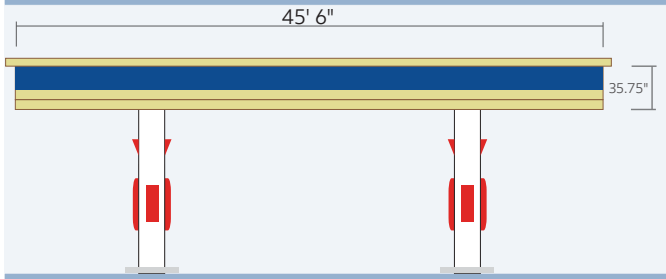


Overhead Map

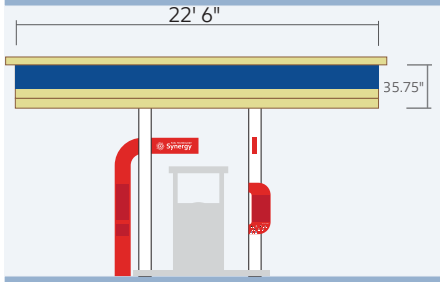


Canopy Perspective

1 | BACK ELEVATION

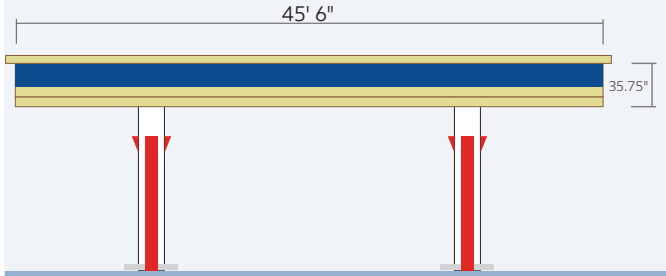


2 | RIGHT ELEVATION

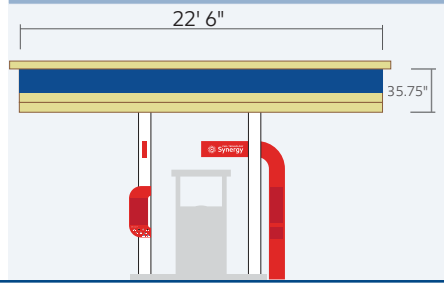


Traffic Flow

3 | FRONT ELEVATION



4 | LEFT ELEVATION



Traffic Flow

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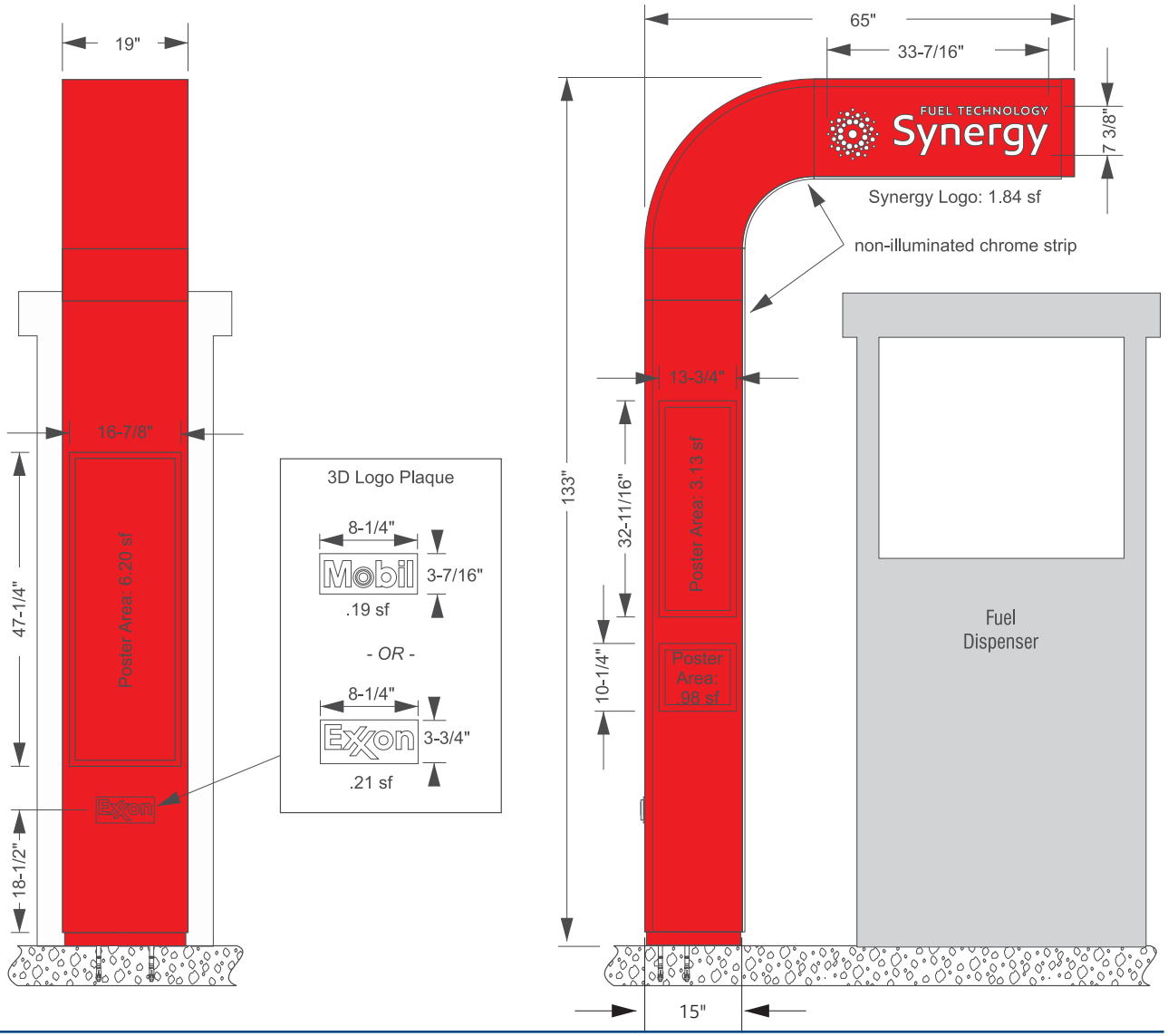
B APERTURE SPECIFICATIONS

*See installation guide

WAVE

Medium Wave

Structural Spec:
- Aluminum truss core
- Acrylonitrile butadiene styrene (ABS) outer skin
- 178 lbs total weight
- Structure rated at 120mph windload



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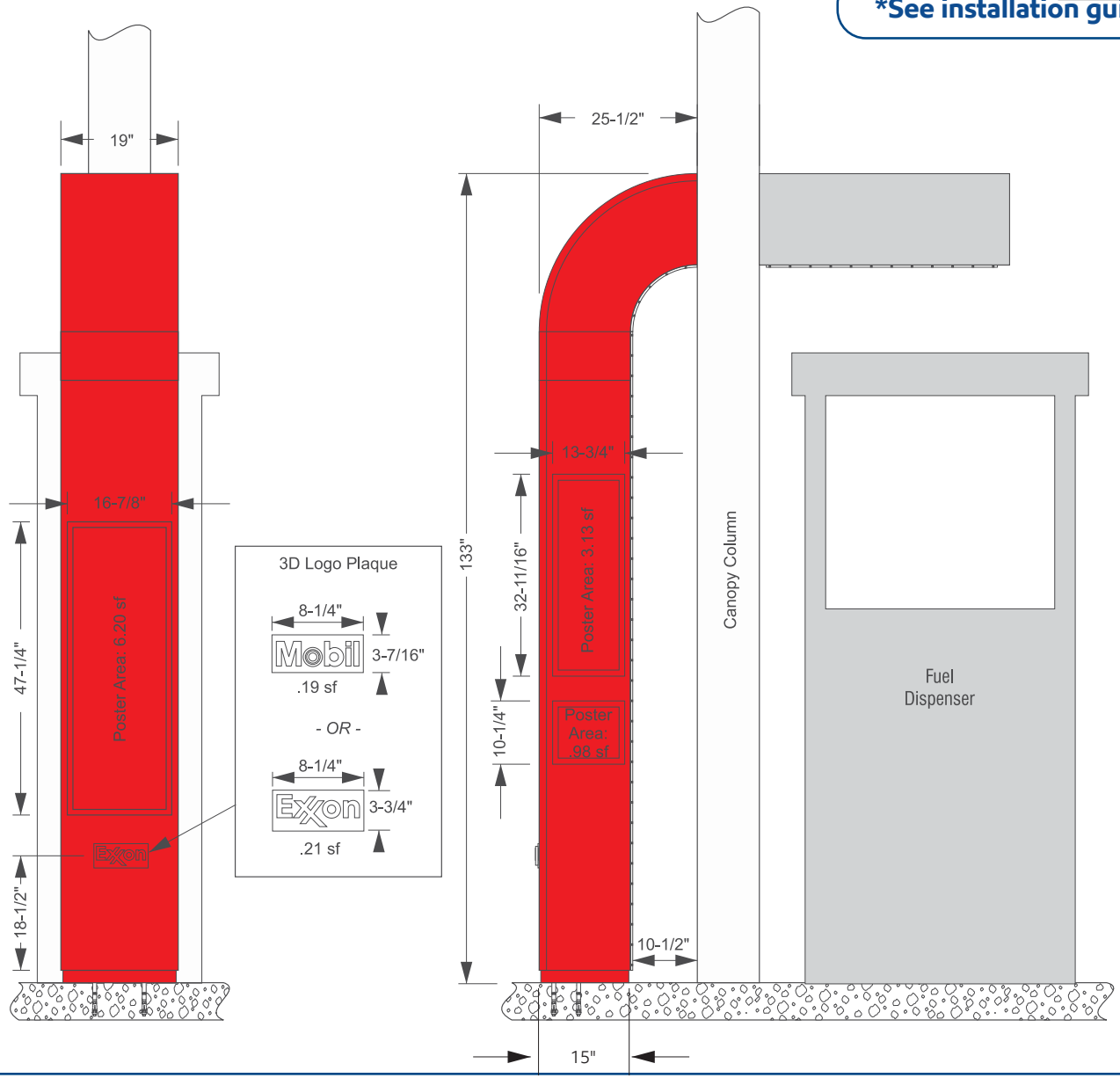
B APERTURE SPECIFICATIONS

WAVE

*See installation guide

Medium Breaking Wave

Structural Spec:
- Aluminum truss core
- Acrylonitrile butadiene styrene (ABS)
- Weight: Wave section 146 lbs
- Structure rated at 120 mph wind load



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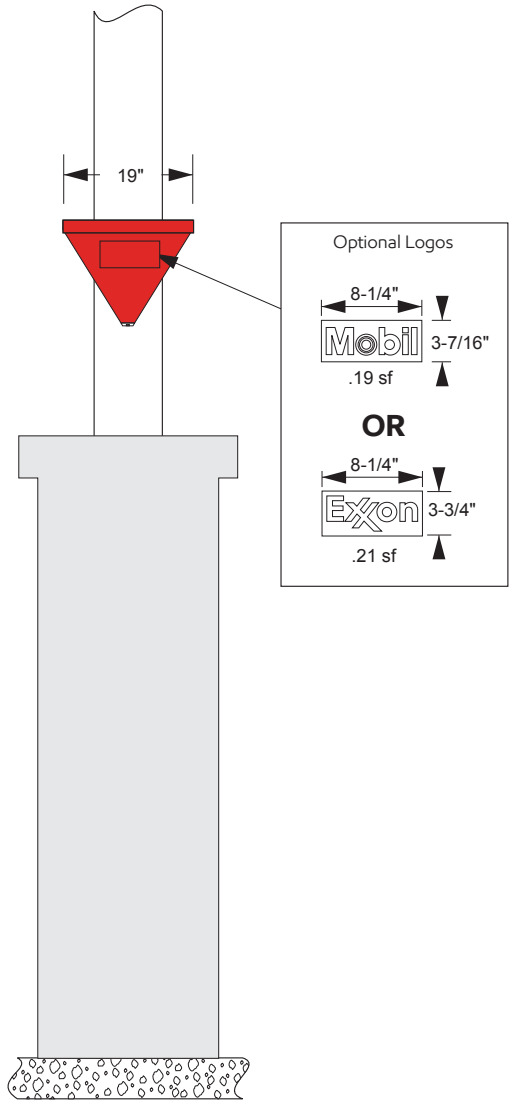
B APERTURE SPECIFICATIONS

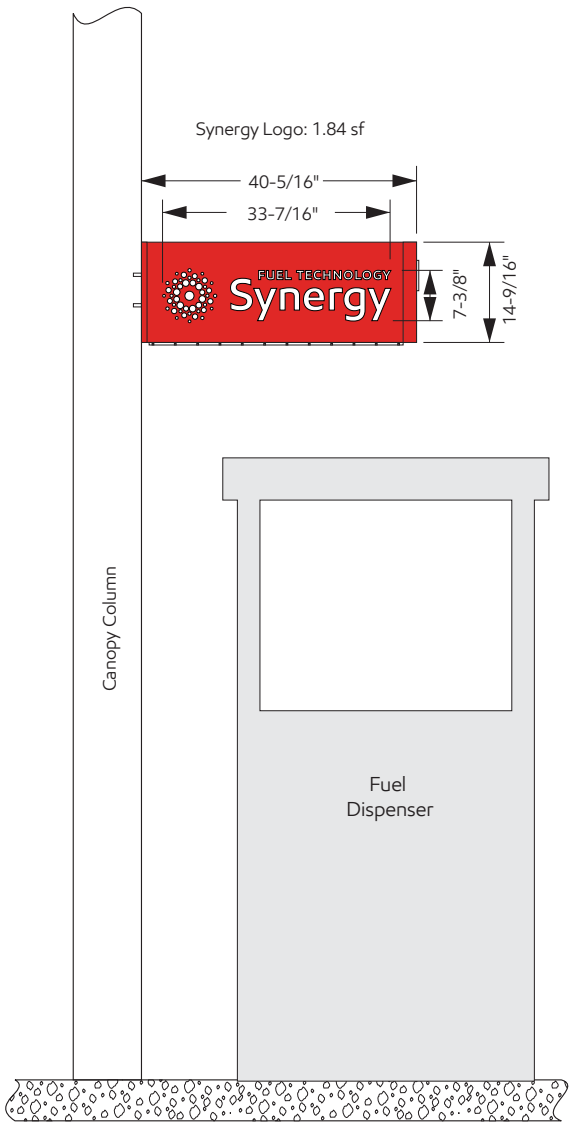
BLADE

*See installation guide

Blade

Structural Spec:
- Aluminum truss core
- Acrylonitrile butadiene styrene (ABS) outer skin
- 32 lbs total weight
- Structure rated at 180 mph wind load





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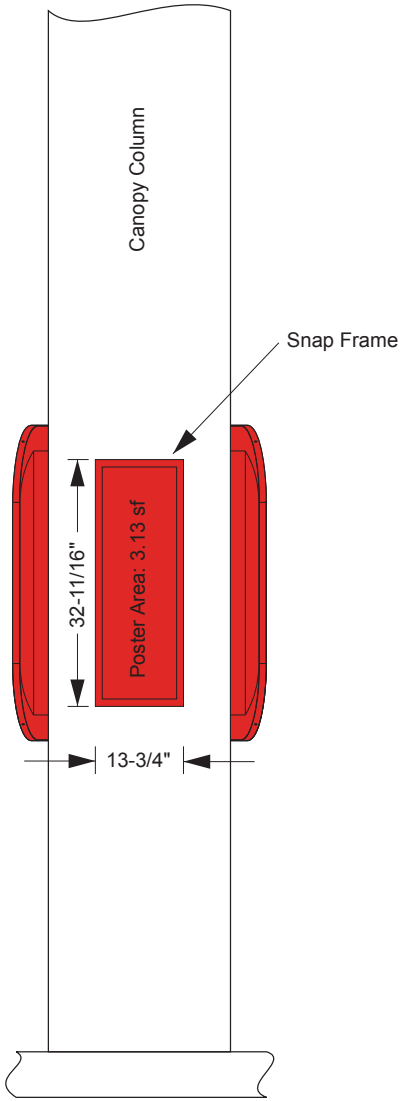
B APERTURE SPECIFICATIONS

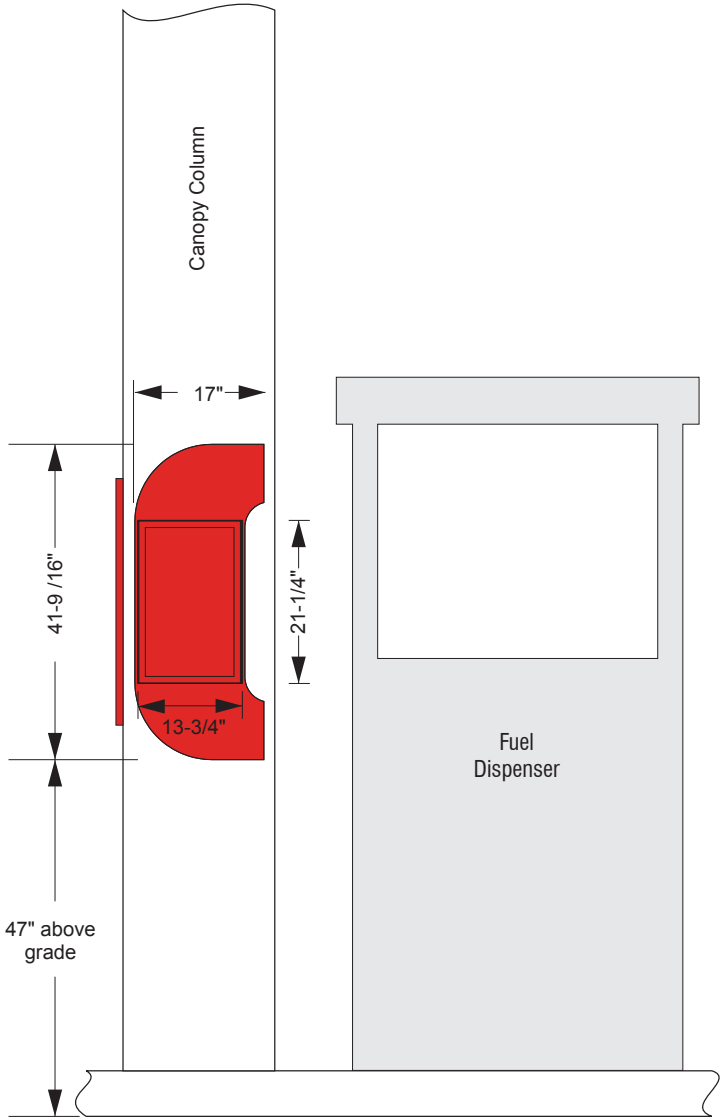
*See installation guide

KOALA

XL Koala without Back

Structural Spec:
- Koala has 3 sides, each with a snap-frame poster
- Koala is non-illuminated
- Acrylonitrile butadiene styrene (ABS) outer skin
- 20 lbs total weight
- Structure rated at 120mph wind load





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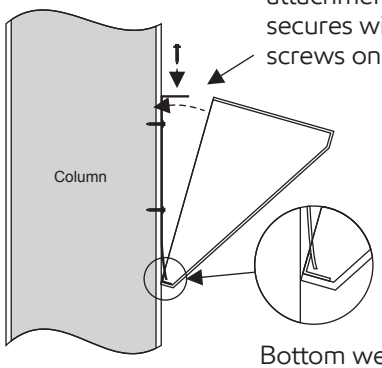
B APERTURE SPECIFICATIONS

NUMBER WEDGE

*See installation guide

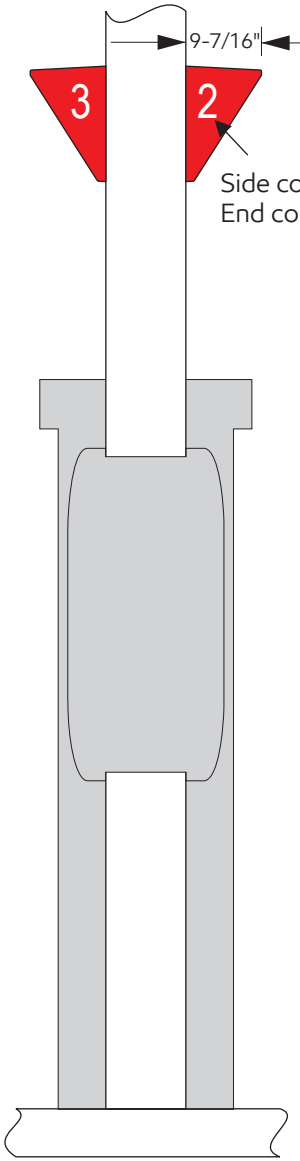
Structural Spec:
- Wedges are 2 sided, non-illuminated, with white vinyl graphics
- Acrylonitrile butadiene styrene (ABS) skin with aluminum mounting plate
- 2 lbs total weight
- Structure rated at 120 mph wind load

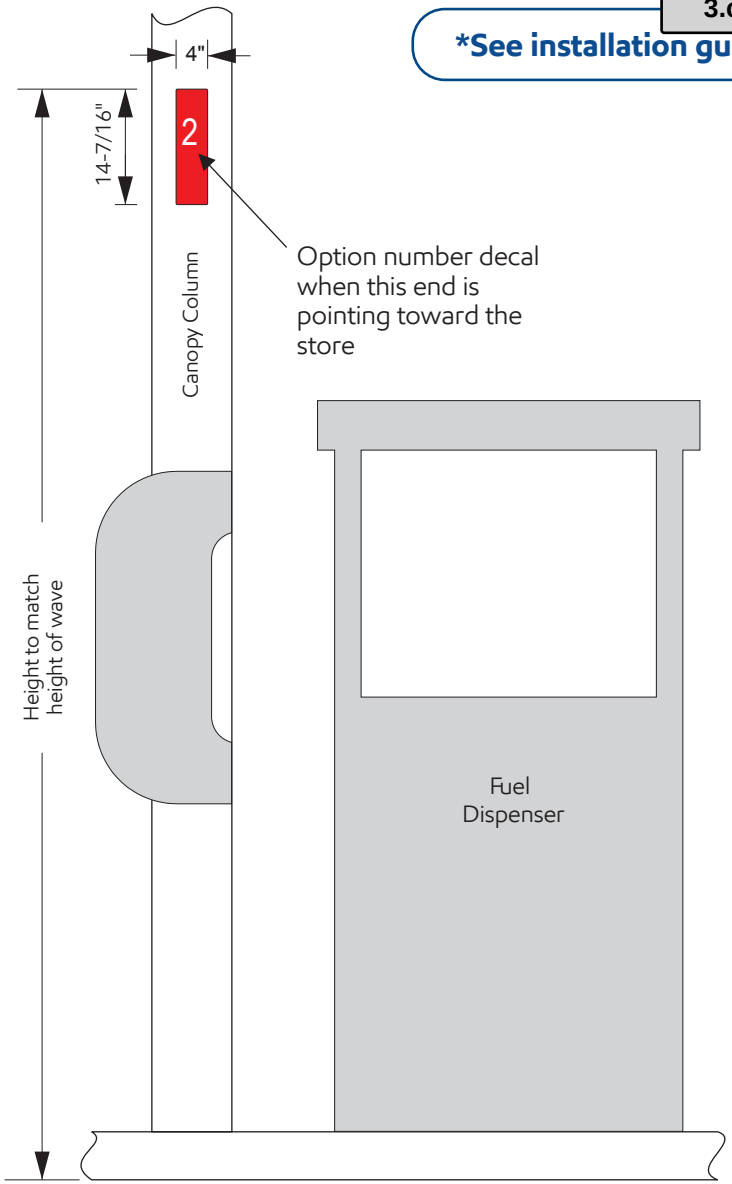
Mounting Detail



Pump wedge rolls over attachment plate and secures with hidden screws on top

Bottom wedge clip slides under wall plate to hold bottom against wall





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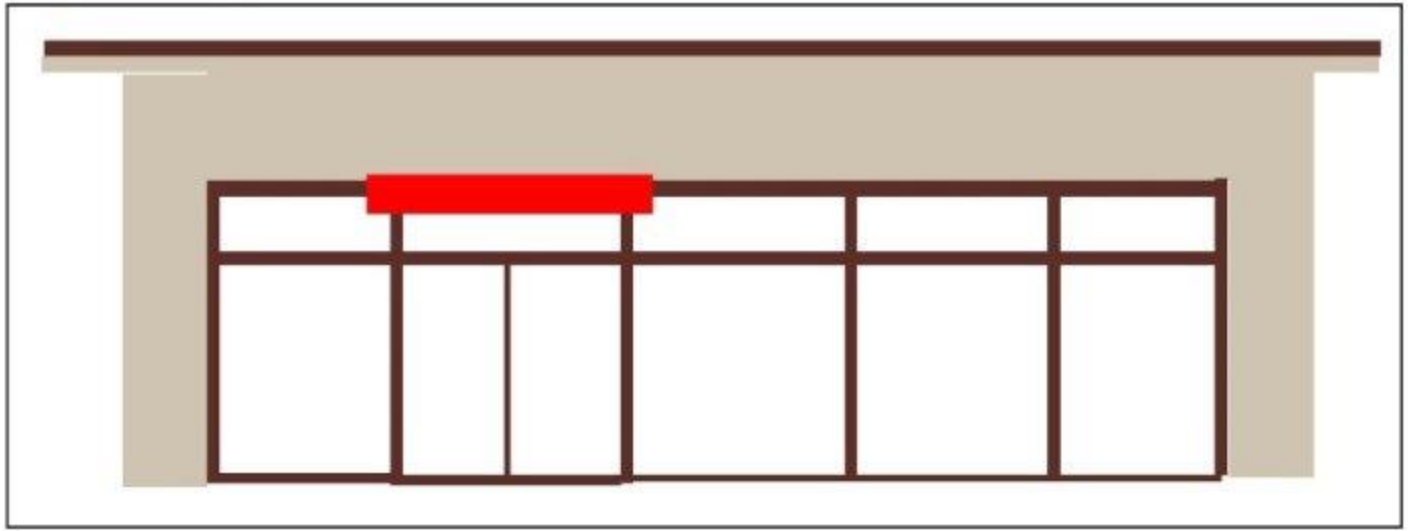
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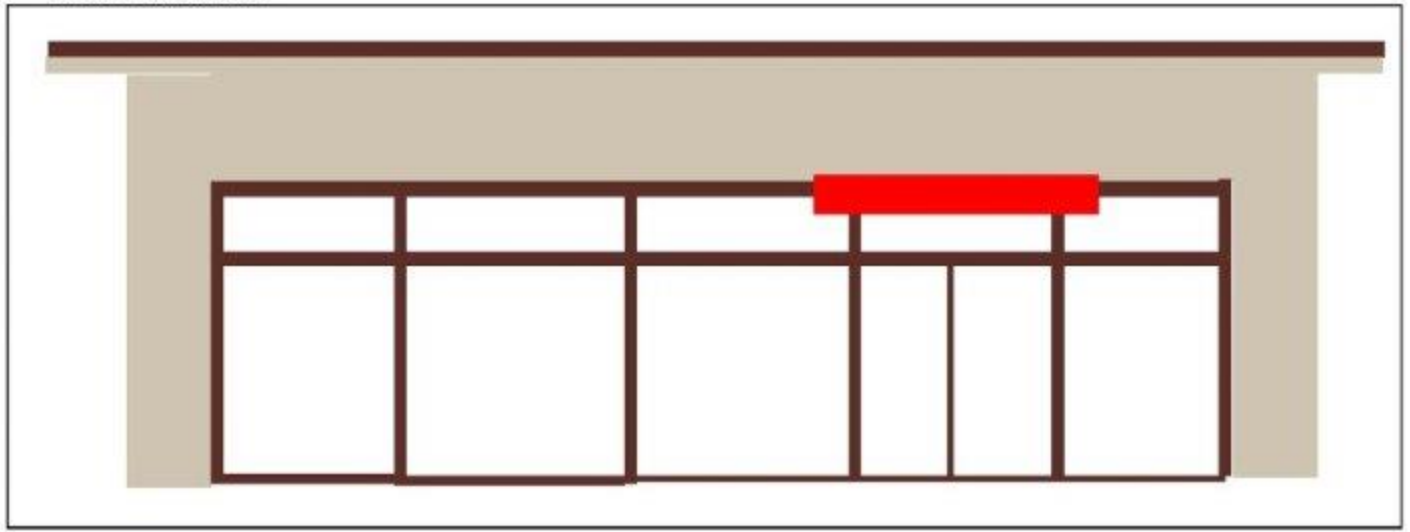
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Mobil

South Elevation



North Elevation



SCOPE:

3.c.a

Paint Existing Awning Faces
PMS 485C Red

Attachment: Packet Docs_ExxonMobil (7893 : Prodigy Lighting & Sign

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: **November 21, 2022**

SUBJECT: **East Brook Drive, LLC. The applicant is seeking rezoning recommendation approval to allow for a modification to the PUD to allow for 10 units instead of 8 units for the property located at Lot 2 behind 11649 N. Port Washington Road.**

Applicant:	Rory Oppenheimer
Status of Applicant:	Agent
Requested:	Rezoning Recommendation
Existing Zoning:	R-6 (Suburban Residential Attached) B-3 (Office and Service) PUD (Planned Unit Development) LTD (Limited Use Overlay)
Existing Land Use:	Residential Plex Office
Lot size:	2.8 acres
Location:	Immediately west of 11649 N. Port Washington Road
Tax Key Number:	#15-019-04-012.00
District:	#5

Background:
The applicant is seeking a rezoning recommendation (PUD Amendment) for the property located immediately west of 11649 N Port Washington Road. The overall development contains two multi-tenant buildings as part of Phase I and Phase II of the Lexington Square Office development and Phase III which was approved for eight residential units (see attached Ord. 95-257A and 2018-1518). The current request is to increase the total number of residential units from eight to ten. According to the R-6 district, eleven residential units are permitted based on the lot size. The current request also includes a proposed storage structure that will contain equipment used to maintain the site.

Concept Site Plan
The concept plan shows a total of five buildings with two units in each building on the proposed 2.82-acre lot. The proposed 10-unit concept plan meets the density requirement of the R-6 District, which allows up to four units per acre and the overall open space requirement of 34.7% for the development as required by the existing PUD (2018-1518). The concept plan complies with all setback and offset requirements dictated in the R-6 zoning district and the existing PUD.

The concept plan shows only one access on the north end of the parcel off Eastbrook Drive for Buildings 1 and 2 due to the proximity of the Aster Woods Circle intersection. This is a change

from the previously approved plan which allowed for two access points. There is a line on existing trees along the north end of the property that will be impacted by the new driveway. Staff will work with the applicant to determine if an alternative configuration can be achieved at this location that will mitigate impact to the trees prior to preliminary plat and site plan approval. If a viable alternative cannot be achieved, staff will require replacement trees to screen the driveway. The shared driveway for Buildings 3-5 is located on the south end of the parcel off West Eastbrook Drive. As required in the previous approval, the applicant will be required to shift the entrance to the south to avoid conflict with the existing median.

The current request is to reduce the separation between from 30 feet to 15 feet. The 30-foot requirement was required primarily for fire protection and was established prior to the accessibility to city water. The building code requires a minimum 10-foot separation for two-unit buildings without the need of fire rated construction. Staff is supportive of the requested modification.

Building Plans:
While the current request is limited to the rezoning of the parcel, the applicant has submitted renderings for the proposed buildings. Staff will continue to work with the applicant on the building design prior to building approval. Since the proposed buildings are two units, Planning Commission will approve the general design and the Architectural Board will review each individual building.

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

Access will be addressed with subsequent plat applications. The alignment of the north driveway is east of the median opening of Aster Wood Circle. The Engineering Division requires a shared access location for the north building that is as far east as practical to avoid the conflict with Aster Woods Circle. The south access point as shown conflicts with the median on West Eastbrook Circle. The proposed drive shall be moved 50 feet south of the existing Eastbrook Drive median.

No wetlands are indicated on site per the WDNR Surface Water Data Viewer.

The site is located within the City's sewer service area and connection to the public sewer utility is required. Water connection is required and shall conform to the Mequon Water Utility Water Connection Policy.

The site proposes an increase in impervious surface in excess of one-half acre and therefore requires a stormwater management plan (SWMP).

All proposed easement documents for the property and adjacent property must be submitted to the City and are subject to review and approval by the City Attorney.

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.

Retaining walls in excess of 3 feet in height require retaining wall design and certification by a State of Wisconsin Professional Structural Engineer.

A City Filling, Excavation, and Berms permit and erosion control permit will be required prior to construction. If the proposed quantity of filling and excavation exceeds 1,000 cubic yards, a minor request should be made at the time of preliminary condo plat.

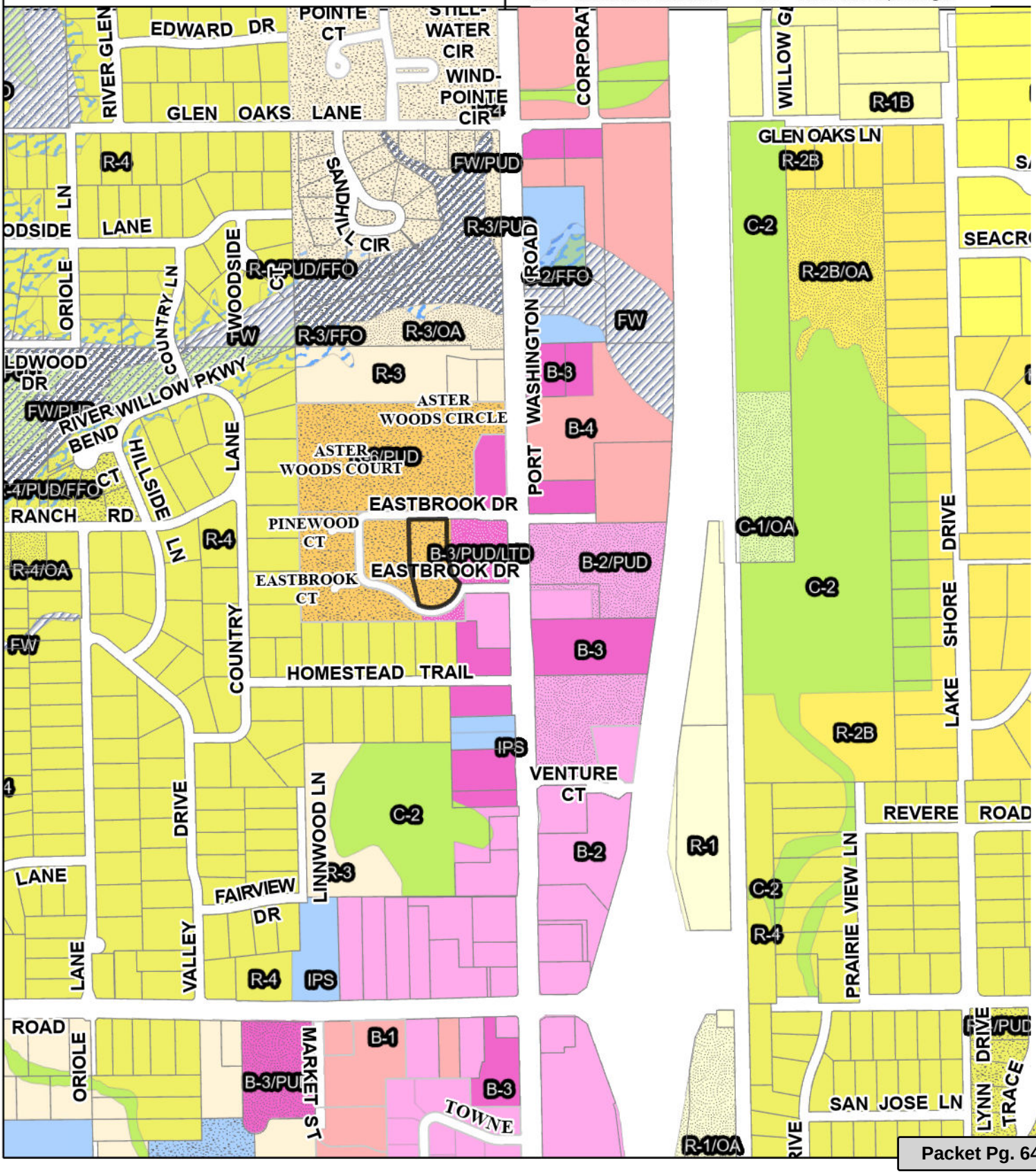
Staff Recommendation:
Planning staff recommends **approval** of the PUD Amendment based on the following conditions:

1. Common Council action on the rezoning.
2. Architectural design of the buildings shall be approved by Planning Commission.
3. Compliance with all requirements of the R-6 District except for setback waivers granted by the Planning Commission on March 12, 2018, which allows for a 30-foot front setback.
4. Final Condominium Plat approval by Planning Commission and Common Council.
5. A total of five buildings (2 units per building) are permitted.
6. There shall be no less than 15 feet separation between buildings.
7. All conditions of Ord. 95-257A and 2018-1518 that are not being impacted by the current proposal shall remain in effect.
8. Architectural design of residential buildings shall comply with the Architectural Review Board's "Guidelines for Residential Structures".
9. Any substantial change to the general concept plans illustrated in the attached exhibits shall require the review and approval of the Planning Commission.
10. Engineering Division review and approval of access, grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
11. 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.

Attachments:
Packet Docs_East Brook (PDF)

EAST BROOK DRIVE, LLC - REZONING RECOMMENDATION

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



Attachment: Packet Docs_East Brook (7894 : East Brook Drive, LLC)

10/05/2022

RE: Parcel Number: 150190401200

Eastbrook Drive, LLC
C/O: Rory Oppenheimer
1010 E. Layton Avenue
Milwaukee, WI 53207
414-788-2002

Dear Planning Commission,

We purchased the above parcel on October 11, 2021 from the prior owner/developer. The prior owner previously requested the zoning for this parcel to be changed from office to 8 residential condominium units. A planned unit development zoning overlay was approved for these units on March 12, 2018.

The prior approval included two three family condominium units and one two family condominium unit for a total of 8 condominium units. We are requesting that the planned unit development be modified to allow for 5 two family condominium units with a total amount of 10 condominium units. The neighboring area of Eastbrook Estates and Aster Woods is constructed of two family condominium buildings. We feel that staying with the same building type will better fit with the neighboring properties.

Please note that the proposed units will fit within the same building area as the original proposed units. The original plan was approved with a 34.4% impervious area while this new proposed site plan will decrease the impervious area to 26.5%.

We appreciate your consideration.

Thank you,



Rory Oppenheimer
Eastbrook Drive, LLC
414-788-2002

Attachment: Packet Docs_East Brook (7894 : East Brook Drive, LLC)

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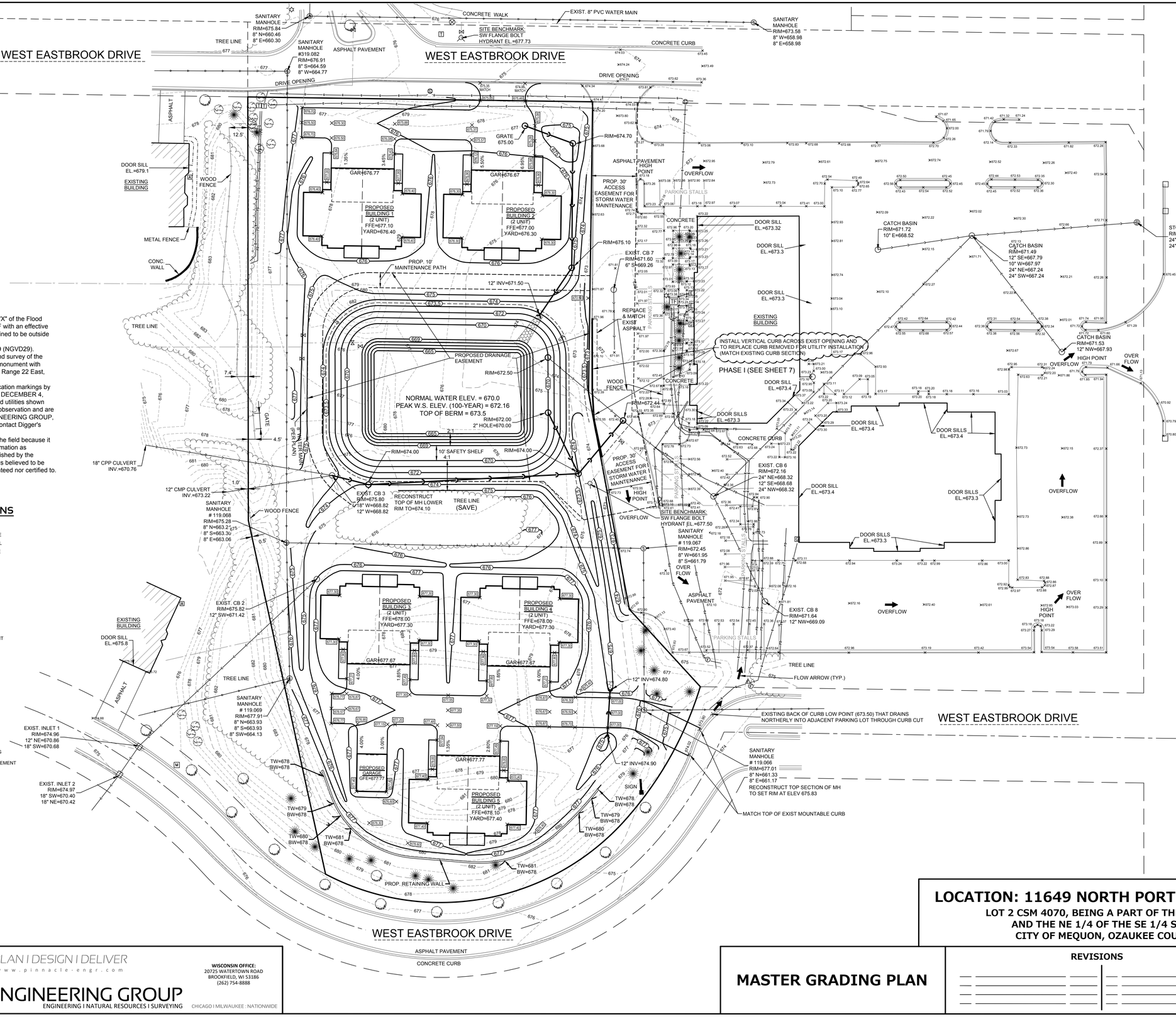
GENERAL NOTES

1. Survey prepared for: 1520 LLC
2. Field work completed on DECEMBER 7, 2017.
3. Flood Zone Classification: The property lies with in Zone "X" of the Flood Insurance Rate Map Community Panel No. 55089C0256F with an effective date of DECEMBER 4, 2007. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
4. Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Contours are shown at a 1' interval based on actual ground survey of the current ground terrain. Reference Benchmark: Concrete monument with brass cap at the east corner of Section 19, Town 9 North, Range 22 East, Elevation = 671.93.
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6. Underground 8" Water Main on site was NOT marked in the field because it was installed without tracer wire. The 8" Water Main information as graphically shown is based, in part, upon information furnished by the municipality and utility companies. While this information is believed to be reliable, its accuracy and completeness cannot be guaranteed nor certified to.

LEGEND OF SYMBOLS & ABBREVIATIONS

SANITARY MANHOLE		FIBER OPTIC MARKER	
STORM MANHOLE		FIBER OPTIC MANHOLE	
STORM INLET		TELEPHONE PEDESTAL	
CLEANOUT		TELEPHONE MANHOLE	
CATCH BASIN		TELEPHONE MARKER	
LATERAL		TRANSFORMER	
UNKNOWN MANHOLE		ELECTRIC METER	
WELL		ELECTRIC MANHOLE	
HYDRANT		CABLE TV RISER/BOX	
WATER VALVE		CABLE TV MANHOLE	
DOWN SPOUT		GAS VALVE	
SPRINKLER VALVE		GAS METER	
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SANITARY SEWER	
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CABLE TELEVISION	
GAS MAIN	
WETLANDS	
TREE LINE	
NO ACCESS	



NORTH

GRAPHICAL SCALE (FEET)

0 1" = 30' 60'

Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The east line of the Northeast 1/4 of Section 19, Township 9 North, Range 22 East has a bearing of N00°01'50"E as shown on Certified Survey Map No. 1989.

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DRAFTED: BR
REVIEWED: ASZ

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20725 WATERTOWN ROAD
BROOKFIELD, WI 53186
(262) 754-8888

LOCATION: 11649 NORTH PORT WASHINGTON ROAD

LOT 2 CSM 4070, BEING A PART OF THE SE 1/4 OF THE NE 1/4 AND THE NE 1/4 OF THE SE 1/4 SEC. 19, T9N, R22E, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN

MASTER GRADING PLAN

REVISIONS

PEG JOB No.: 1163.00A
PEG PM: ASZ
DATE: 09/30/22
SCALE: 1"=30'

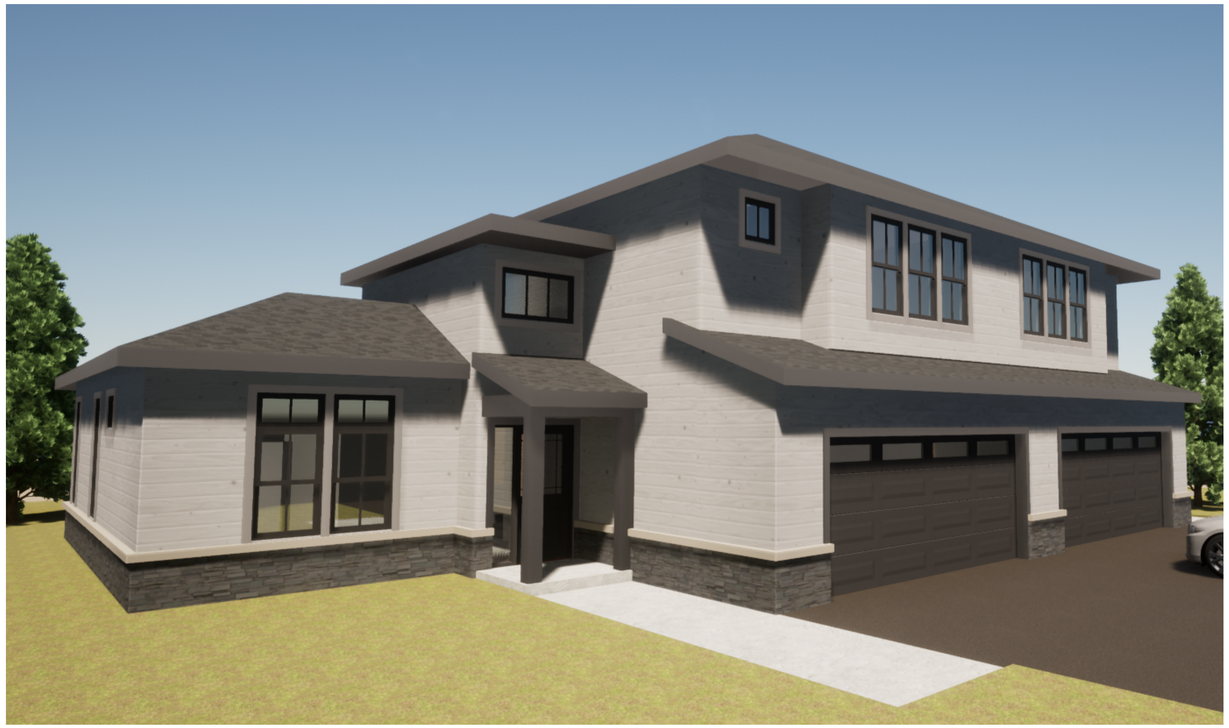
SHEET 5 OF 12

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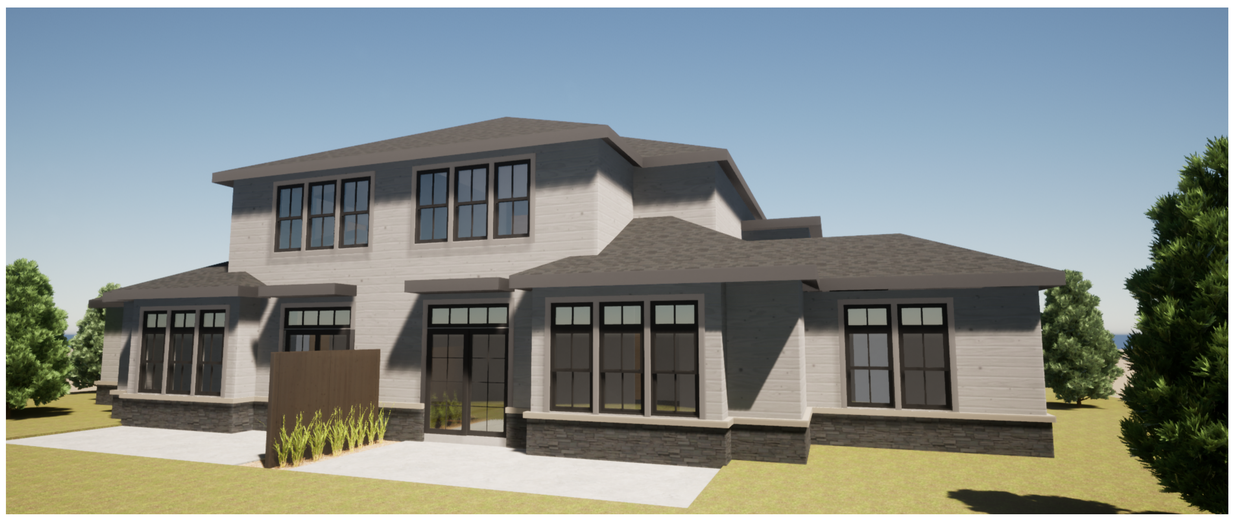
MASTER GRADING PLAN

MEQUON DUPLEXES

11649 NORTH PORT WASHINGTON ROAD
MEQUON WI



2 G100 FRONT VIEW
SCALE: 1:1.13



3 G100 REAR VIEW
SCALE: 1:1.56

SHEET INDEX

ID	NAME
G100	COVER SHEET, RENDERINGS
C100	SITE PLAN
C101	GRADING PLAN

GALBRAITH CARNAHAN ARCHITECTS
6404 West North Avenue
Milwaukee, Wisconsin 53213
(414) 291-0772 phone
www.galbraithcarnahan.com

CONSULTANTS:

MEQUON DUPLEXES
11649 NORTH PORT WASHINGTON ROAD MEQUON WI

DRAWING ISSUE | DATE
ZONING CHANGE SUBMITTAL | 10-10-22

PROJECT # 22.12

COVER SHEET, RENDERINGS

G100

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LEGAL DESCRIPTION:

Lot Two (2) of Certified Survey Map No. 4070, recorded October 17, 2019 as Document No. 1084344, being a part of Parcel 1 of Certified Survey Map No. 1989, located in the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 19, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.

Tax Key Number: 15-019-04-012.00

GENERAL NOTES

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2. Field work completed on DECEMBER 7, 2017.
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OHW OHW	OVERHEAD WIRES
CATV CATV	CABLE TELEVISION
G G	GAS MAIN
WET	WETLANDS
	TREE LINE
	NO ACCESS

NOTES

1. R-6 REQUIREMENTS (LOT 2):
   a. MIN LOT SIZE = 1 ACRE
   b. MAX DENSITY = 4 UNITS/ACRE (11 ALLOWED, 10 PROPOSED)
   c. MIN LOCAL STREET SETBACK = 50' (30' SHOWN TO MATCH DEVELOPMENT TO WEST)
   d. MIN SIDE YARD = 20'
   e. MIN REAR YARD = 35'
   f. MAX LOT COVERAGE (IMPERVIOUS) = 30% (26.5% SHOWN)
2. LOT 2 IMPERVIOUS AREA = 32,550 SF (26.5%)
   OPEN SPACE ON LOT 2 = 90,401 SF (73.5%)

CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	103.38'	236.50'	025°02'44"	S29°26'57"W	102.56'
C2	218.11'	165.00'	075°44'21"	S79°50'30"W	202.58'

GRAPHICAL SCALE (FEET)
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Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D.1927). The east line of the Northeast 1/4 of Section 19, Township 9 North, Range 22 East has a bearing of N00°01'50"E as shown on Certified Survey Map No. 1989.

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LOCATION: 11649 NORTH PORT WASHINGTON ROAD

LOT 2 CSM 4070, BEING A PART OF THE SE 1/4 OF THE NE 1/4 AND THE NE 1/4 OF THE SE 1/4 SEC. 19, T9N, R22E, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN

PROPOSED SITE PLAN

REVISIONS

PEC JOB No. 1163.00A | PEC PM ASZ | DATE 09/30/22 | SCALE 1"=30'

SHEET 4 OF 12

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PROPOSED SITE PLAN

DESIGNED: ASZ
DRAFTED: BR
REVIEWED: ASZ

PLAN | DESIGN | DELIVER
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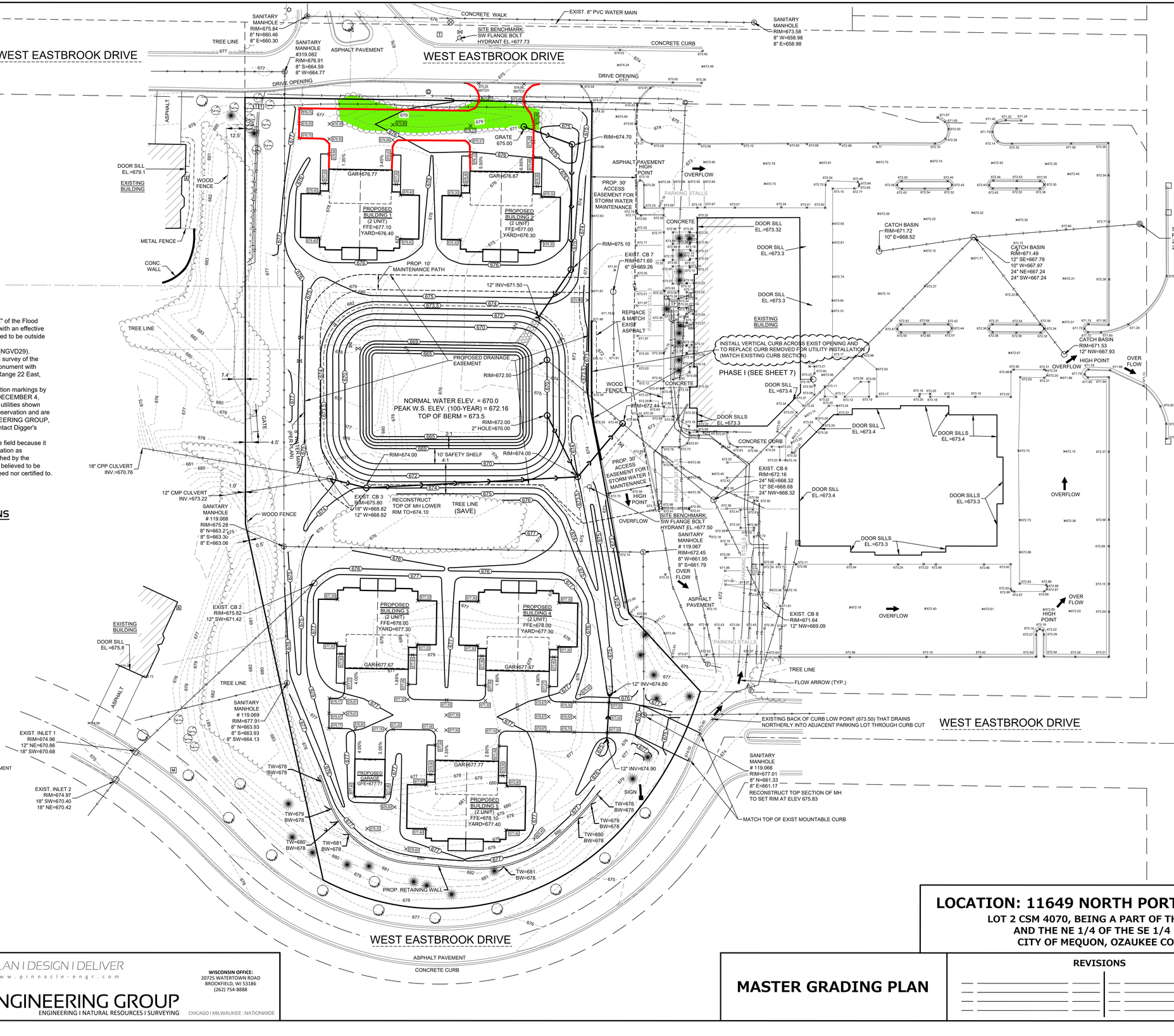
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MASTER GRADING PLAN

REVISIONS

PEG JOB No.: 1163.00A
PEG PM: ASZ
DATE: 09/30/22
SCALE: 1"=30'

SHEET 5 OF 12

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MASTER GRADING PLAN

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-

SECTION I:

Item #3 shall be amended and now read Phase III of this development shall allow for the development of ten (10) residential plex units.

Item #7 shall read the residential development shall comply with the following conditions:

1. There shall be one driveway on the north side of the property to accommodate the four units in the north building.
2. The south access shall be moved further south to eliminate a safety concern with traffic coming from an existing median located on West Eastbrook Drive.
3. Common Council action on the rezoning and Land Use Plan amendment.
4. Lot 1 and Lot 2 shall meet an open space ratio of 34.7% and FAR of 30%.
5. The applicant shall make any technical corrections to the final CSM.
6. The entire property is subject to the City of Mequon Tree Preservation Ordinance.
7. Final staff review and approval of CSM.
8. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 27).
9. Final review and approval of site and architectural design by Planning Commission.
10. Compliance with all requirements of the R-6 District, and setback waivers granted by the Planning Commission on March 12, 2018 which allows for a 30 foot front setback.
11. Final Condominium Plat approval by Planning Commission and Common Council.
12. A total of five buildings (2 units for each building) are permitted.
13. There shall be no less than 15 feet separation between buildings.
14. Architectural design of residential buildings shall comply with the Architectural Review Board's "Guidelines for Residential Structures".
15. Any substantial change to the general concept plans illustrated in the attached exhibits shall require the review and approval of the Planning Commission.
16. Engineering Division review and approval of grading, drainage, sanitary sewer, water main, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
17. Approval of a stormwater 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.
18. The south access point shall be 50 feet south of the existing Eastbrook median. ~~There shall be a median aligned with the existing median at the south access. This driveway shall be stop sign controlled.~~
19. Connection to the City ~~water and~~ sanitary sewer is required. Water connection shall

Attachment: Packet Docs_East Brook (7894 : East Brook Drive, LLC)

adhere to the Mequon Water Utility Water Connection Policy.

20. Application for and approval of a City Filling and Excavating Permit.
21. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
~~22. The bearings on the CSM shall match the section line bearing.~~
~~23. The easements are required to be shown on the CSM including the sanitary sewer, water main, electric, storm and any access easements.~~
~~24. Proposed easement should be shown on the CSM and declaration documents recorded at the time of the CSM.~~
25~~. Engineering Division technical review and approval of the CSM is required.~~
26. 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 stormwater 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).

SECTION II:

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

SECTION III:

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Attachment: Packet Docs_East Brook (7894 : East Brook Drive, LLC)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE NO. 95-857A

To amend the map portion of the "Development Ordinance of the City of Mequon" (i.e., Chapter 3) and the zoning with respect to a ±6.7 acre site identified as Parcel 1 of Certified Survey Map #1989 (located adjacent to the Eastbrook Estate Condominiums).

WHEREAS since 1993, the development of the subject parcel has been exhaustively reviewed and modified by the property owner to accommodate the ideas and preferences expressed by City planning staff and officials, and refined to decrease the density of use and overall size of the project, and to serve the spirit of zoning standards imposed after the inception of this proposed development plan, and architecturally to more fully harmonize with the surrounding neighborhood and adjacent residential area than such previously proposed plan, and

The current proposal, embodies the attributes of coordinated area site planning which is central to Planned Unit Development districts, in that:

it provides for diversified location of structures thereon, providing an efficient use of development area, yet allowing the enhancement of green space from pre-1993 levels dating back to the inception of this project in 1987;

it provides for efficiency and economy of design and implementation of improvements such as transmission facilities, drainage, water and sewer systems, and private roadways and driveways;

it maintains the spirit of land use density, technical zoning standards, and uses as set forth in the underlying zoning district, and as may be flexibly tailored in accordance with the Planned Unit Development and Conditional Use provisions of the Mequon Code of Ordinances;

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

SECTION I. Following review and consideration by the Planning Commission on December 4, 1995, and after due notice and hearing by the Common Council of the City of Mequon on the 12th day of December, 1995, the City of Mequon district zoning map is hereby amended to entirely rezone Parcel 1 of certified survey map #1989 [*See Exhibit A*] as B-3 (LTD)(PUD) [*i.e., Office and Service District, limited use retail, planned unit development*] in accordance with attached Exhibits A through J, and subject to the following:

1. The LTD District and its uses shall be allowed only on the first floors of buildings identified as Phases I and II.

2. No LTD District conditional use customer access and/or signage shall be allowed along the south building elevation of Phase I.

3. There shall be no retail uses, including B-3 District retail uses, allowed in Phase III of this development.

4. Hours of operation for Limited Use District (LTD) retail uses shall be in accordance with the Limited Use District regulations except that Sunday hours of operation shall be allowed from 9:00 a.m. to 5:00 p.m., with a maximum of five (5) hours for any one use.

5. Final architectural, landscaping, lighting, and signage plans per Exhibits: B, C, D, E, F, G, H, I, and J, appended hereto shall be deemed approved by this Common Council action. Grading, drainage, erosion control, and other engineering plans are subject to Engineering Department approval.

6. Construction of all phases of this development shall be completed within 70 months of the effective date of this ordinance, or the developer must reapply for development approval for any portion which is incomplete, and shall be subject to contemporary zoning standards for any such remaining incomplete portion. Completion shall be deemed to have occurred as to each building when a permit for its occupancy shall have been issued. Any contiguous time period of more than thirty days during which circumstances beyond the control and not the fault of the developer shall halt construction or preparation therefore, shall not be counted against the 70 month time period.

SECTION II. To the extent that any existing ordinance contravenes any of the terms of this ordinance, this ordinance shall be controlling.

SECTION III. This ordinance shall take effect and be in full force upon its passage and the day after publication.

Approved: _____ returned without signature
James J. Moriarty

Date Approved: _____

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Mequon, Wisconsin at a meeting held on the 12 day of Dec., 1995.

Louise M. Rzentkowski
Louise M. Rzentkowski, City Clerk

Published: 12/28/95
Republished 1/18/96

095857a/GJF(12-20-95)

Attachment: Packet Docs_East Brook (7894 : East Brook Drive, LLC)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2018-1518

An Ordinance Amending the City Zoning Code to Rezone the Property Located at 11649 N. Port Washington Road from B-3 (Office), LTD (Limited Use Overlay) & PUD (Planned Unit Development) to R-6 (Suburban Residential Attached), B-3 (Office), LTD (Limited Use Overlay) & PUD (Planned Unit Development), and Amending the City Land Use Plan from Office to Residential Plex & Office

SECTION I:
Following recommendation of the Planning Commission on the 12th day of March, 2018, and after due notice and hearing by the Common Council of the City of Mequon on the 8th day of May, 2018, Ordinance #95-257A, which created a planned unit development zoning overlay is hereby amended as follows:

Item #3 shall be amended and now read Phase III of this development shall allow for the development of eight (8) residential plex units.

Item #7 shall read the residential development shall comply with the following conditions:

1. There shall be two driveways on the north side of the property to accommodate the three units in the north building.
2. The south access shall be moved further south to eliminate a safety concern with traffic coming from an existing median located on West Eastbrook Drive.
3. Common Council action on the rezoning and Land Use Plan amendment.
4. Lot 1 and Lot 2 shall meet an open space ratio of 34.7% and FAR of 30%.
5. The applicant shall make any technical corrections to the final CSM.
6. The entire property is subject to the City of Mequon Tree Preservation Ordinance.
7. Final staff review and approval of CSM.
8. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 27).
9. Final review and approval of site and architectural design by Planning Commission.
10. Compliance with all requirements of the R-6 District, with the exception of setback waivers granted by the Planning Commission.
11. Final Condominium Plat approval by Planning Commission and Common Council.
12. A total of three buildings (3 units per building for two buildings and 2 units for one building) are permitted.
13. There shall be no less than 30 feet separation between buildings.
14. Architectural design of residential buildings shall comply with the Architectural Review Board's "Guidelines for Residential Structures".
15. Any substantial change to the general concept plans illustrated in the attached exhibits shall require the review and approval of the Planning Commission.

Attachment: Packet Docs_East Brook (7894 : East Brook Drive, LLC)

16. Engineering Division review and approval of grading, drainage, sanitary sewer, water main, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
17. Approval of a stormwater 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.
18. There shall be a median aligned with the existing median at the south access. This driveway shall be stop sign controlled.
19. Connection to the City water and sanitary sewer is required.
20. Application for and approval of a City Filling and Excavating Permit.
21. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
22. The bearings on the CSM shall match the section line bearing.
23. The easements are required to be shown on the CSM including the sanitary sewer, water main, electric, storm and any access easements.
24. Proposed easement should be shown on the CSM and declaration documents recorded at the time of the CSM.
25. Engineering Division technical review and approval of the CSM is required.
26. 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 stormwater 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).

SECTION II:

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

SECTION III:

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Approved by: Dan Abendroth, Mayor

Date Approved: May 8, 2018

Attachment: Packet Docs_East Brook (7894 : East Brook Drive, LLC)

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 8, 2018.

Caroline Fochs

Caroline Fochs, City Clerk

Published: May 15, 2018

Attachment: Packet Docs_East Brook (7894 : East Brook Drive, LLC)