



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

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, December 3, 2018
6:00 PM
Christine Nuernberg Hall

Agenda

1) Call to Order, Roll Call

- a) Approval of Minutes from November 12, 2018

2) Consent

- a) Craig Cassel and Melinda Francois. The applicant is seeking certified survey map for one-lot land division for the property located at 2707 W. Cassel Lane.
- b) FT2, LLC. The applicant is seeking certified survey map approval for the reconfiguration of two existing lots for the properties located at 11050 N. Industrial Drive and the parcel to the north (Foxtown Development).

3) Regular Business

- a) Hillcrest Builders for Filinger Family Trust. The applicant is seeking preliminary plat, development agreement and open space plan approval for a 13-lot single-family subdivision located at the corner of Bonniwell and Riverland Roads (Riverland Estates).
- b) Dan Dommer for Ozaukee Country Club. The applicant is seeking building and site plan approval to allow for a 5,280 square foot accessory storage structure for golf equipment for the property located at 10823-11101 N. River Road (Ozaukee Country Club).
- c) Tom Zabjek for P2 Development. The applicant is seeking rezoning recommendation approval to amend the PUD to increase the number of homes allowed from 21 to 23 for the properties located at 6209 and 6211 W. Mequon Road and 11124, 11127 and 11050 N. Industrial Drive.

4) Policy

- a) An Ordinance Authorizing Regulatory Amendments as Measures for the 2018 Development Moratorium for the Donges Bay and Cedarburg Road Neighborhood Commercial Node.
- b) An Ordinance Authorizing Termination of the 2018 Development Moratorium for the Donges Bay and Cedarburg Road Neighborhood Commercial Node Established by Ordinance 2018-1517 approved by the Common Council on April 10, 2018.

5) Announcements

The next meeting will be Monday, January 14, 2019 at 6:00 p.m.

6) Adjourn

Dated: November 30, 2018 /s/ Dan Abendroth, Chairman
.....

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

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

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



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

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, November 12, 2018
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Rick Lemke
Commissioner Brian Parrish
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alternate Stephanie Hawley
Alternate James Baka

a) Approval of Minutes

Action

Commissioner Parrish made a motion to approve the October 8, 2018 minutes.
Commissioner Choren seconded the motion
A voice vote was taken; vote passed (8-0)

b) Planning Commissions Minutes from October 8, 2018

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Parrish, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Baka, Choren, Hawley, Lemke, Parrish, R. Schaefer, Stoker, Strzelczyk
ABSENT:	Abendroth, J. Schaefer
EXCUSED:	Wirth

2) Public Hearing / Consent

- a) Josh Minkin for Orangetheory Fitness. The applicant is seeking conditional use grant approval for a 3,456 sq. ft. fitness center to be located at 1400-1402 W. Mequon Road.

Attachment: 11.12.18 DRAFT (3732 : Minutes from November 12, 2018)

Action

Commissioner Stoker made a motion to open a public hearing.
 Commissioner R. Schaefer seconded the motion
A voice vote was taken; vote passed (8-0)

Action

Commissioner Stoker made a motion to close the public hearing.
 Commissioner R. Schaefer seconded the motion
A voice vote was taken; vote passed (8-0)

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

3) Consent

- a) Mequon Nature Preserve. The applicant is seeking rezoning recommendation and land use plan amendment approval from R-1/OA to P-1/OA for the property located at 8200 W. County Line Road.

Action

Commissioner Stoker made a motion to approve the three consent agenda items.
 Commissioner Choren seconded the motion
A roll call vote was taken; vote passed (8-0)

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

- b) Gries Architectural Group, Inc. for Hold Holdings, LLC. The applicant is seeking building and site plan amendment approval to allow for an addition for an elevator for the adjoining buildings located at 10500 & 10520 N. Port Washington Road.

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

4) Public Hearing / Regular Business

- a) Groth Design Group City of Mequon. The applicant is seeking building and site plan, sign waiver and conditional use grant approval to allow for setback waivers to allow for the construction of a new public facility for the property located at the northeast corner of Cedarburg and Mequon Roads.

Action

Commissioner Parrish made a motion to open a public hearing.

Commissioner Stoker seconded the motion

A voice vote was taken; vote passed (8-0)

Noelle Boettcher-11349 N. Parkview Drive – is concerned about an additional structure at that corner and the fact that it is such a busy intersection already. She stated that the future of that corner and Mequon Road is uncertain to possible changes.

Rachel Kruse – 11330 N. Parkview Drive – feels that this is already a congested area and that this will lower property values due to the change of the landscape by the river and is opposed to this project.

Connie Pukaite – 1230 Estates Drive – is one of the citizens working on the committee appointed by the Mayor over a year ago to help develop a design for the structure on the corner of Mequon and Cedarburg Roads. She stated this has been published in the local papers and the intent is to call attention to this new growth area and the project has been in the city plans since 2002.

Action

Commissioner Parrish made a motion to close the public hearing.

Commissioner Stoker seconded the motion

A voice vote was taken; vote passed (8-0)

A video of the proposed project was shown.

City Planner Vang reviewed the staff report and stated that Groth Design Group has been working with city staff and the Mequon-Thiensville Promenade committee and is proposing a 3,705 sq. ft. public facility that provides signage that announces the arrival to the Mequon-Thiensville community. The B-2 zoning allows community facilities as a conditional use. This property is nonconforming and the project is seeking a setback waiver. There are specimen trees that are proposed to be removed. All projects by the city are exempted from

the ordinance as long as the Common Council deems the exemption is appropriate and that the project is for public good, health or welfare. Due to this, Planning Commission action is not required regarding the removal of the specimen trees. A goal of the project has always been to preserve as many of the trees as possible, however in order to save two of the largest 24-inch Black Walnut trees, three other specimen trees are proposed to be removed. The three 8-inch trees will be removed to accommodate the structure and they are being removed due to being in the path of the structure or because they would have their root system negatively impacted by the structure. The message board will remain on site but will be relocated and redesigned to match the materials of the new structure.

The structure materials were reviewed as well as the design of the structure. The structure is 17 feet tall at its highest point, which meets the height requirement in the B-2 zoning district. There are a few sign waivers being requested. The Planning Commission has the ability to grant waivers to the sign code. Staff does support the sign waivers. The lighting plan was submitted but a cut sheet will be required to ensure it meets the lighting code. Engineering review was not required as less than ½ acre of land will be disturbed. Staff does recommend approval of the building and site plan, conditional use grant and sign waivers according to the conditions in the staff report.

There was positive feedback from the Commission regarding the process and the commitment of the resident volunteers. The Commission asked a few questions but overall expressed their support of this project. This proposal will go before the Park Board and will become part of the parks as there will be ongoing maintenance operations that need to be addressed.

Ms. Boettcher expressed concern about the height and that there will be visibility into the homes and backyards along the river. She feels that this structure is too large and that it will be dangerous for young children climbing on it.

Ms. Kruse is concerned about the lighting from this structure being intrusive into the homes and yards along the river. She stated there will be costs to maintain this facility going forward.

Richard Kailing – 10545 N. Riverlake Drive- feels that there is already a parking problem in this area and that it is congested. He is opposed to this project.

Staff addressed the lighting concerns and stated that this should not be an issue for those homes. The Commission has the authority to recommend lighting conditions such as the time of day the lights are allowed to be on as well as the Park Board will be involved in the operations. This feature has been promised to the community and the local businesses and will be a special feature for the city. Staff explained that the ancillary work will enhance the safety and pedestrian experience at that intersection. It was stated that the parking study conducted showed that there is sufficient parking for that area. There is underutilization of the 40-50 stalls along Cedarburg Road. The city hall parking lot will be redeveloped to create connectivity between city hall and other sites in the Town Center to enhance the pedestrian experience as well as add an additional 42 stalls to the civic campus area. The facility is

intended as a passive recreational experience as part of the river front area.

Action

Commissioner Stoker made a motion to approve this item subject to the conditions in the staff report.

Commissioner Lemke seconded the motion

A roll call vote was taken; vote passed (8-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Baka, Choren, Hawley, Lemke, Parrish, Schaefer, Stoker, Strzelczyk
ABSENT:	Abendroth, J. Schaefer
EXCUSED:	Wirth

5) Regular Business

- a) 6100 County Line Holdings, LLC. The applicant is seeking rezoning recommendation approval from R-1, R-2B, PUD, FW to R-1,R-2B, FW and certified survey map approval to create 2 lots for the property located at 6108-6112 W. County Line Road.

Asst. Dir. Zader stated that this property was approved in 2015 for a similar project but the applicant never followed through on that approval. The applicant is seeking removal of the PUD and CSM for a 2- lot land division. Lot 1 will have the existing home on it and the out building and Lot 2 on the corner of Baehr and County Line Road will be vacant. The applicant is asking to keep the shed and make some repairs to it. This is supported by staff if the Commission agrees to it. Staff recommends approval in accordance to the conditions in the staff report.

The applicant asked for condition #3 to be changed to have the option to remove the barn instead of repairing it.

Staff supports this request as long as it is completely removed including the foundation.

Action

Commissioner Stoker made a motion to approve the item per all 6 conditions in the staff report with the change to condition #3 in the staff report.

Commissioner Choren seconded the motion.

A roll call vote was taken; vote passed (8-0)

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Baka, Choren, Hawley, Lemke, Parrish, R. Schaefer, Stoker, Strzelczyk
ABSENT:	Abendroth, J. Schaefer
EXCUSED:	Wirth

6) Policy

a) Moratorium Study Area Update

Director Tollefson provided an update regarding the moratorium a few months ago and there has been a lot of progress since then. The intent is to come back to the Planning Commission in December for action formalizing the recommendations and then the Common Council will take action in January which will then terminate the moratorium. This meeting is intended for any feedback regarding the proposed recommendations. There are a few follow up items that will continue to take place over the next few months past the termination of the moratorium but it will not hold up any permits for property owners.

Regarding public safety, the police department recommends a digital security system for this area. This would require external and internal digital security systems for commercial properties that are a certain size or that operate in the evening or operate 24-hours. The business owners will be required to work with the police department to come up with the system that will work for their site. It helps deter as well as solve crime issues and public nuisance.

Staff has met with all but 4 of the property owners in the moratorium area. The property owners agree with the plan staff is recommending. There are a few properties that have a use that may result with non-conforming uses. Overall, the property owners appreciate the open communications and the city working to resolve any issues. They agree with the approach to downscale the commercial uses here and agree with the proposed range of the uses and potential future opportunities.

Objectives:

- Fixing as many of the non-conforming issues as possible
- Shrinking the area or land in the intersection of commercial zoning
- New zoning for remaining commercial zoned properties to Neighborhood Commercial; this will reduce the level of commercial intensity in the district

Ms. Tollefson thinks that a market analysis would be a helpful tool to look at other commercial uses in the market place that may be an opportunity for this area and to test a few of the long-range uses suggested in the staff report (senior housing and indoor/outdoor recreation uses). This will bring revitalization to the commercial uses in addition to an increased customer base.

The results of the market analysis may provide new uses that would be considered and could

be added to the Neighborhood Commercial zoning district. In addition, it will be a tool for developers that may come forward looking to invest.

It was strongly recommended that staff make every effort to reach the four outstanding property owners. It was stated that open communication and transparency are very important in this endeavor. The Commission supports the approach and the suggested changes and conditions. The Commission is supportive of the market analysis. Staff and Planning Commission agree the Economic Development Board be presented with the market analysis for feedback once it is completed.

7) **Announcements**

Planning Commission 2019 Meeting Schedule

8) **Adjourn**

Action

Commissioner R. Schaefer made a motion to adjourn.

Commissioner Stoker seconded the motion

A voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Jac Zader

Attachment: 11.12.18 DRAFT (3732 : Minutes from November 12, 2018)

TO: Planning Commission
FROM: PA PHOUALA VANG, PLANNER
DATE: December 3, 2018
SUBJECT: Craig Cassel and Melinda Francois. The applicant is seeking certified survey map for one-lot land division for the property located at 2707 W. Cassel Lane.

Applicant: Craig Cassel
Melinda Francois

Status of Applicant: Owner
Requested: Final Land Division Approval
Existing Use: Residential
Existing Zoning: R-1 Rural Residential (5 Acres)
OA Agricultural Overlay
C-1 Shoreland-wetland Conservancy
FW Floodway

Lot size: 45.63 acres
Location: 2707 W. Cassel Lane

Background: The applicant is requesting approval for a one-lot certified survey map for property at 2707 W Cassel Lane. The certified survey map (CSM) will create one 17.83 acre parcel from the original 45.63 acre farmstead. The parcel will include an existing detached garage, barn and shed. Once the CSM is approved and recorded, the shed will be converted into a single-family dwelling.

Zoning District Standards:

The proposed certified survey map is consistent with the current zoning designation of R-1 which requires a five (5) acre minimum lot size and a 300 foot average lot width and depth.

Site Conditions:

A 20 foot easement on Lot 1 will allow access to the farmstead property. Access to the properties is provided from Cassel Lane. As a condition of approval, a shared access agreement shall be reviewed and approved by the City Attorney prior to recording of the CSM. The applicant has indicated that once the CSM is approved and recorded, the existing shed will be converted into a single-family residential structure. Accessory structures are not permitted without a principal building. However, buildings used for agricultural purposes are allowed as part of a primary use. Staff will add as a condition of approval that within one year of the recording date of the CSM, the owner must apply for permits to convert the existing shed into a residential structure; otherwise, any accessory structure not used for agriculture must be removed.

A large portion of the property is within the floodway and wetlands appear to be on site. The existing detached garage and the shed that is to be converted are outside of the floodway. See Engineering Report below regarding the wetlands.

Engineering Report:

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

The proposed CSM closes and the description matches the mapping. The location map does contain a minor error. Klug Road should be Klug Lane.

Wetlands appear to be present on site. A wetland delineation report with concurrence by the Wisconsin Department of Natural Resources (WDNR) is required. The WDNR surface water data viewer and aerial photos were used to confirm that wetlands may be present.

Staff Recommendation:

Planning staff recommends approval of the land division subject to the following conditions:

1. Final staff review and approval of CSM.
2. The applicant shall make any technical corrections to the final CSM.
3. Compliance with the Tree Preservation Ordinance.
4. Inclusion of all existing and proposed easements on the CSM.
5. The owner must apply for permits to convert the existing shed into a residential structure within one year of the recording date of the CSM, otherwise, any accessory structure not used for agriculture shall be removed.
6. Review and approval by City Attorney and recording of shared access agreement dedication between properties prior to the recording of the CSM.
7. Applicant shall provide the wetland delineation report and add the wetland boundary to the face of the CSM, including applicable setbacks.
8. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2015 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 83).
9. If the wetland delineation creates any technical issues, a revised CSM may be required and may require Planning Commission approval.

Attachments:

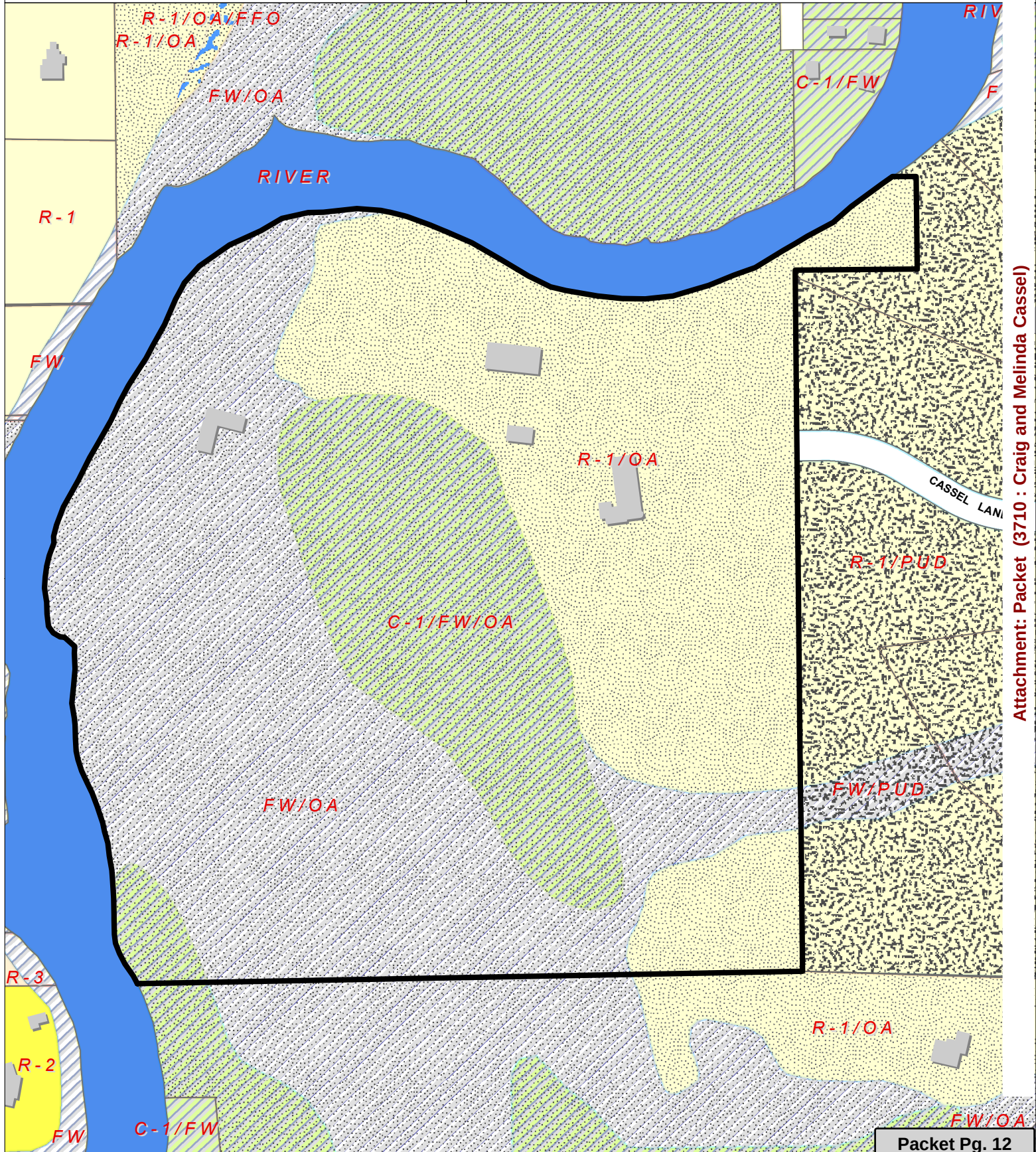
Packet (PDF)

Craig Cassel

AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth Overlay
FFO Flood Fringe Overlay
FW Floodway
IPS Institutional & Public Service

LTD Limited Use
OA Agricultural Overlay
PUD Planned Unit Development Overlay
P-1 Park & Recreation
R-1 Single-Family Residential (5 Ac. Min.)
R-1B Single-Family Residential (2.5 Ac. Min.)
R-2 Single-Family Residential (2.0 Ac. Min.)
R-2B Single-Family Residential (1.5 Ac. Min.)
R-3 Single-Family Residential (1.0 Ac. Min.)
R-4 Single-Family Residential (3/4 Ac. Min.)
R-5 Single-Family Residential (1/2 Ac. Min.)
R-6 Single-Family Residential (4 du/Ac)
RM Multi-Family Residential
TC Town Center
TDR Transfer of Development Rights

2.a.a



Attachment: Packet (3710 : Craig and Melinda Cassel)



CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 5, IN THE NORTHEAST 1/4, SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH, RANGE 21 EAST, AND LANDS IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

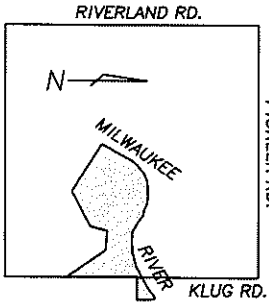


SCALE 1" = 200'



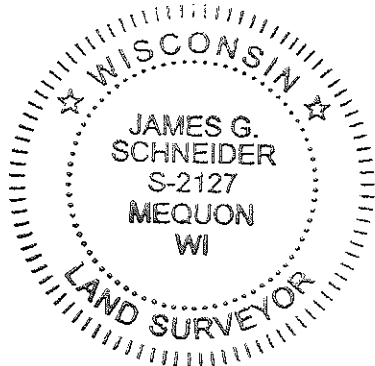
NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337
www.northshoreengineering.net

EASEMENT CURVE DATA					
NO.	ARC	RADIUS	CHORD	BEARING	DELTA
A	149.06'	225.00'	146.35'	S17°15'50"W	37°57'27"
B	168.39'	245.00'	165.10'	S17°58'30"W	39°22'47"



LOCATION MAP

NORTHEAST 1/4 SEC. 1-9-21
(SCALE 1"=2000')



LEGEND

- - DENOTES 1.315"X18" STEEL PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT (SET)
- - DENOTES STEEL PIPE (FOUND)

ALL BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (EAST LINE OF THE NE. 1/4 OF SECTION 1-9-21 WHICH BEARS N2°04'31"W)

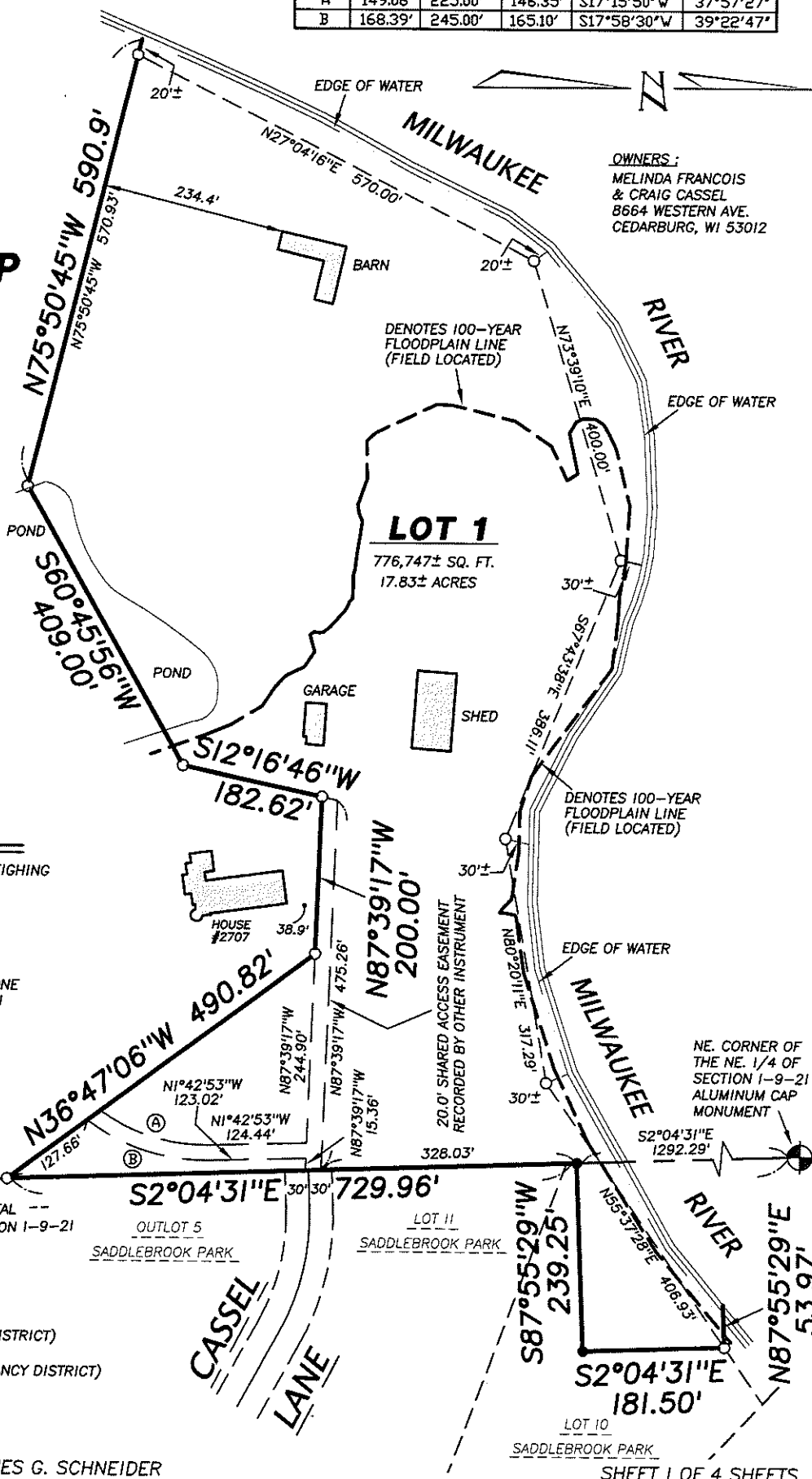
SE. CORNER OF THE NE. 1/4 OF SECTION 1-9-21 CONC. MONUMENT WITH BRASS CAP

N2°04'31"W 645.76'
-- N2°04'31"W 2668.01' TOTAL --
EAST LINE OF THE NE. 1/4 OF SECTION 1-9-21

NOTES :

- CURRENT ZONING:
R-1 (RURAL RESIDENTIAL DETACHED DISTRICT)
FW (FLOODWAY DISTRICT)
C-1 (SHORELAND-WETLAND CONSERVANCY DISTRICT)
- THIS PROPERTY IS ALSO SUBJECT TO EASEMENTS OF RECORD.

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER



OWNERS:
MELINDA FRANCOIS
& CRAIG CASSEL
8664 WESTERN AVE.
CEDARBURG, WI 53012

Attachment: Packet (3710 : Craig and Melinda Cassel)

CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 5, IN THE NORTHEAST 1/4, SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH, RANGE 21 EAST, AND LANDS IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, James G. Schneider, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped the following parcel of land:

Part of Government Lot 5, in the Northeast 1/4, Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 1, Township 9 North, Range 21 East, and lands in the Northwest 1/4 of the Northwest 1/4 of Section 6, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of said Section 1; thence N2°04'31"W along the East line of said 1/4 Section, 645.76 feet to the point of beginning of lands to be described; thence N36°47'06"W, 490.82 feet; thence N87°39'17"W, 200.00 feet; thence S12°16'46"W, 182.62 feet; thence S60°45'56"W, 409.00 feet; thence N75°50'45"W, 570.93 feet; to a meander point 20± feet from the Easterly edge of the Milwaukee River; thence N27°04'16"E along a meander line, 570.00 feet to a meander point 20± feet from the Southerly edge of the Milwaukee River; thence N73°39'10"E along a meander line, 400.00 feet to a meander point 30± feet from the Southerly edge of the Milwaukee River; thence S67°43'38"E along a meander line, 386.11 feet to a meander point 30± feet from the Southerly edge of the Milwaukee River; thence N80°20'11"E along a meander line, 317.29 feet to a meander point 30± feet from the Southerly edge of the Milwaukee River; thence N55°37'28"E along a meander line, 406.93 feet to a meander point that is N87°55'29"E, 53.97 feet from the Easterly edge of the Milwaukee River, said meander point lying in the Westerly line of Lot 10 of "Saddlebrook Park", a recorded subdivision; ; thence S2°04'31"E along the Westerly line of said Lot 10, 181.50 feet; thence S87°55'29"W along the Westerly line of said Lot 10, 239.25 feet to a point in the East line of the Northeast 1/4 of Section 1, Township 9 North, Range 21 East; thence S2°04'31"E along said East line and the West line of "Saddlebrook Park", 729.96 feet to the point of beginning.

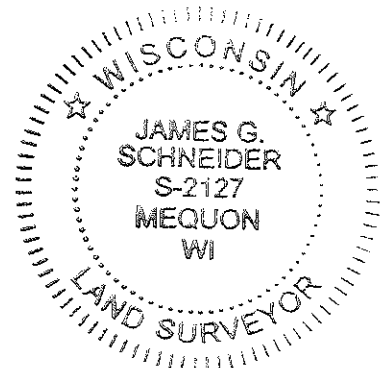
Said lands containing, 17.83 acres of land, more or less, as measured to the edge of the Milwaukee River.

That I have made such survey, land division, and plat at the direction of the Craig Cassel and Melinda Francois, OWNERS of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have complied with, Section 236.34 of the Wisconsin Statutes and the requirements of the City of Mequon.

James G. Schneider S-2127



This instrument was drafted by James G. Schneider

Sheet 2 of 4 Sheets

CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 5, IN THE NORTHEAST 1/4, SOUTHEAST 1/4 AND
SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH,
RANGE 21 EAST, AND LANDS IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4
OF SECTION 6, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON,
OZAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

WE, Craig Cassel and Melinda Francois, OWNERS, do hereby certify: THAT We have
caused the lands described in the foregoing certificate of James G. Schneider, Surveyor,
to be surveyed, divided and mapped.

Witness

Craig Cassel

Witness

Melinda Francois

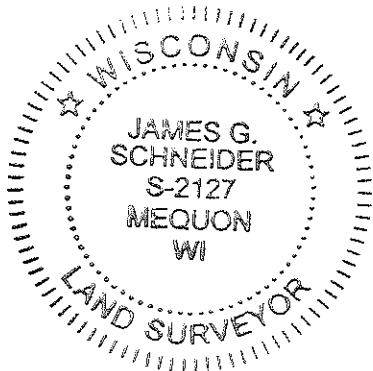
WITNESS the hand and seal of said OWNER on this _____ day of _____
20__.

STATE OF WISCONSIN)
OZAUKEE COUNTY)^{ss}

PERSONALLY came before me on this _____ day of _____, 20__
Craig Cassel and Melinda Francois, to me known to be the persons who executed the
foregoing certificate and acknowledged the same.

Notary Public

My Commission expires _____



This instrument was drafted by James G. Schneider

CERTIFIED SURVEY MAP NO. _____

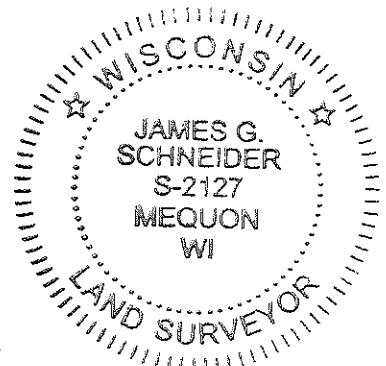
PART OF GOVERNMENT LOT 5, IN THE NORTHEAST 1/4, SOUTHEAST 1/4 AND
SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH,
RANGE 21 EAST, AND LANDS IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4
OF SECTION 6, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON,
OZAUKEE COUNTY, WISCONSIN.

CITY OF MEQUON PLAN COMMISSION APPROVAL

APPROVED by the City of Mequon Plan Commission on this _____ day of
_____ 20____.

Chairman

Secretary



This instrument was drafted by James G. Schneider

Sheet 4 of 4 Sheets

Attachment: Packet (3710 : Craig and Melinda Cassel)



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: December 3, 2018
SUBJECT: FT2, LLC. The applicant is seeking certified survey map approval for the reconfiguration of two existing lots for the properties located at 11050 N. Industrial Drive and the parcel to the north (Foxtown Development).

Applicant: FT2, LLC
Status of Applicant: Owner
Requested: Certified Survey Map
Existing Zoning: TC (Town Center)
PUD (Planned Unit Development)

Existing Land Use Plan: Town Center
Lot size: 13.97 acres
Location: 11150 N. Industrial Drive and parcel to the north
Tax Key: #14-027-01-001.00 & #14-027-01-018.00
District: #4

Background: The applicant requests certified survey map approval for the property at 11150 N Industrial Drive and the parcel directly to the north. The land division reconfigures two existing lots that are part of the Foxtown development to better align with the approved concept plan.

Certified Survey Map:

The proposed CSM shows two reconfigured lots and two outlots. Lot 1 is shown at .82 acres in size and is part of the area shown as Site D on the concept plan (see attached). The remainder of Site D will be added to the parcel in a subsequent CSM once the land transfer occurs on the site to the north. Lot 2 is the location of the single family homes identified as Site F on the concept plan. The two outlots shown on the CSM will include the storm water ponds for the development.

Engineering Report:

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

The proposed CSM mapping and the legal description do not match. The mapping metes and bounds close. The CSM shall be revised to include these technical corrections.

Staff Recommendation: Planning staff recommends approval of the CSM subject to the following conditions:

1. City Attorney review and approval of the shared access and maintenance agreement.
2. Final staff review and approval of CSM.

3. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2015 dwg or dxf in Wisconsin State Plane Coordinate system, South Zone (NAD 83).

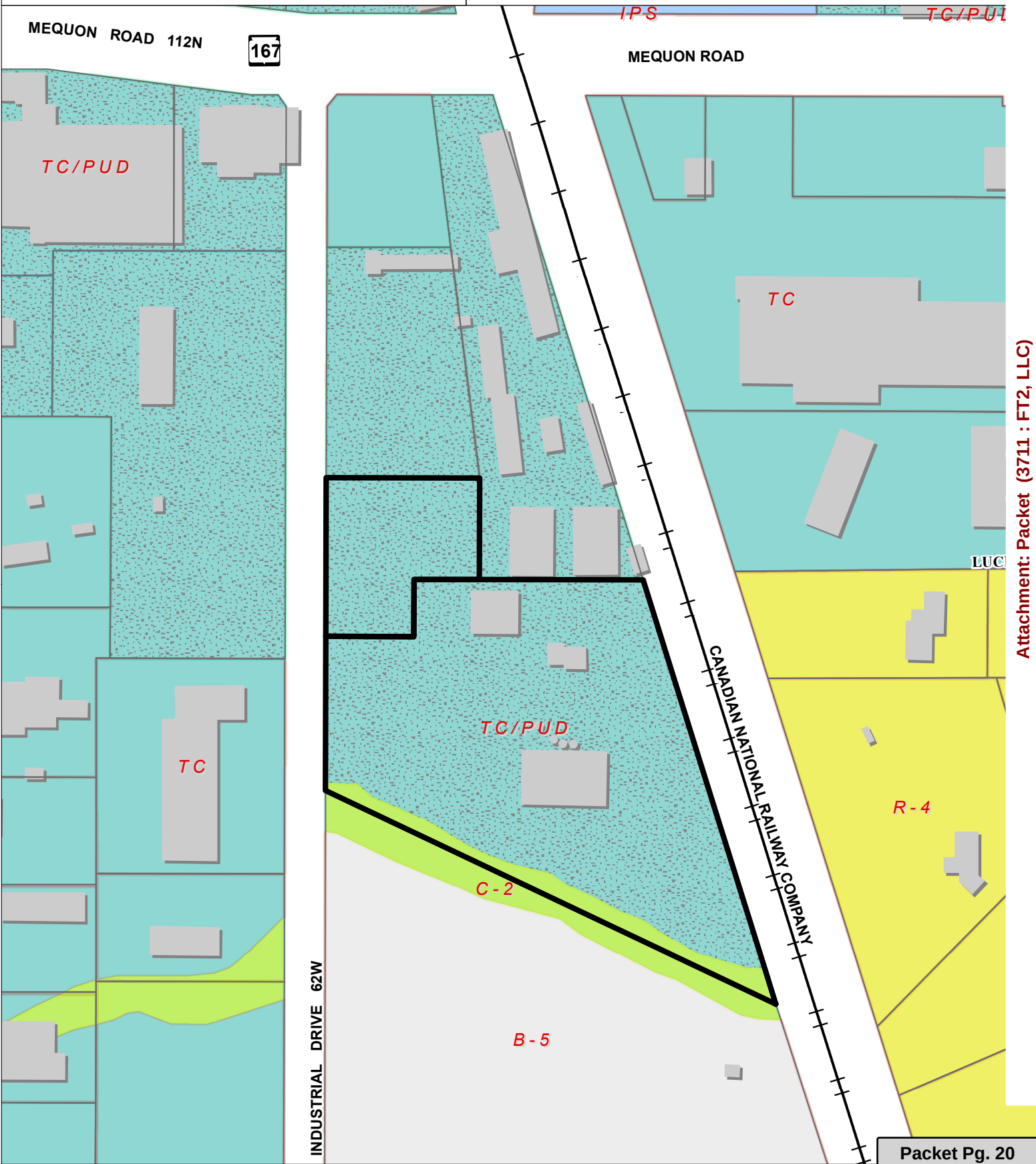
Attachments:

Packet (PDF)

FT2, LLC

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

2.b.a



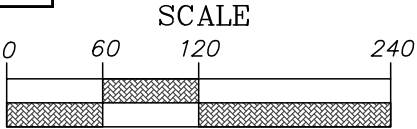
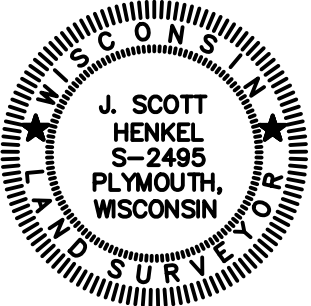
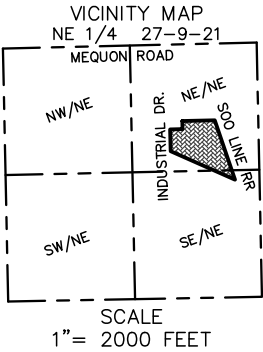
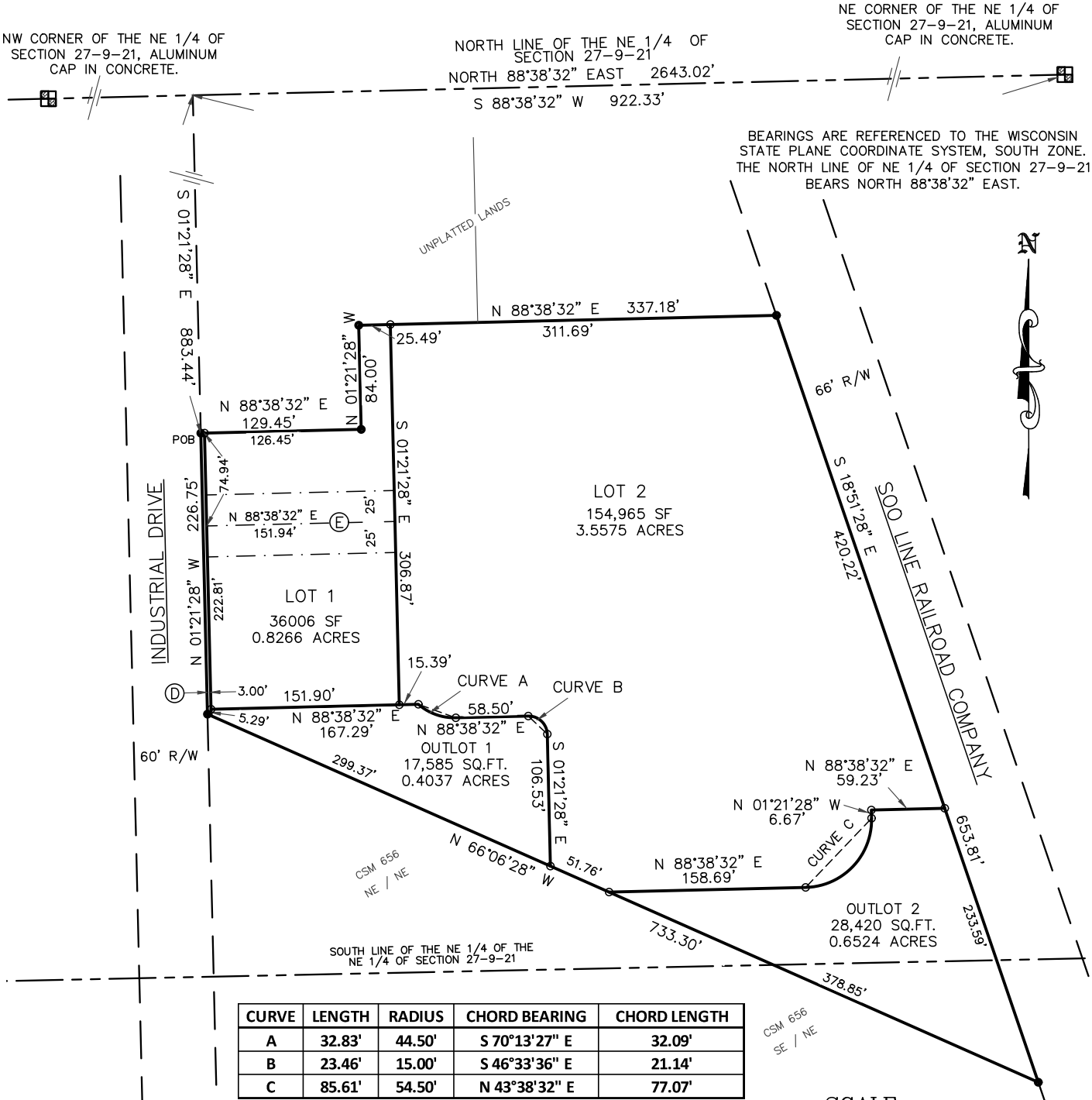
Attachment: Packet (3711 : FT2, LLC)

CERTIFIED SURVEY MAP # _____

PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, COUNTY OF OZAUKEE, STATE OF WISCONSIN.

OWNER: FT 2, LLC

PRELIMINARY



- LEGEND
- 1" IRON PIPE FOUND
 - 3/4" x 18" REBAR WEIGHING 1.13 LBS/FOOT SET.
 - ① DEDICATED TO THE PUBLIC FOR ROAD PURPOSES. 682.3 SQ. FT. // 0.0157 ACRES
 - ② 50.00' ACCESS EASEMENT

QUAM ENGINEERING, LLC

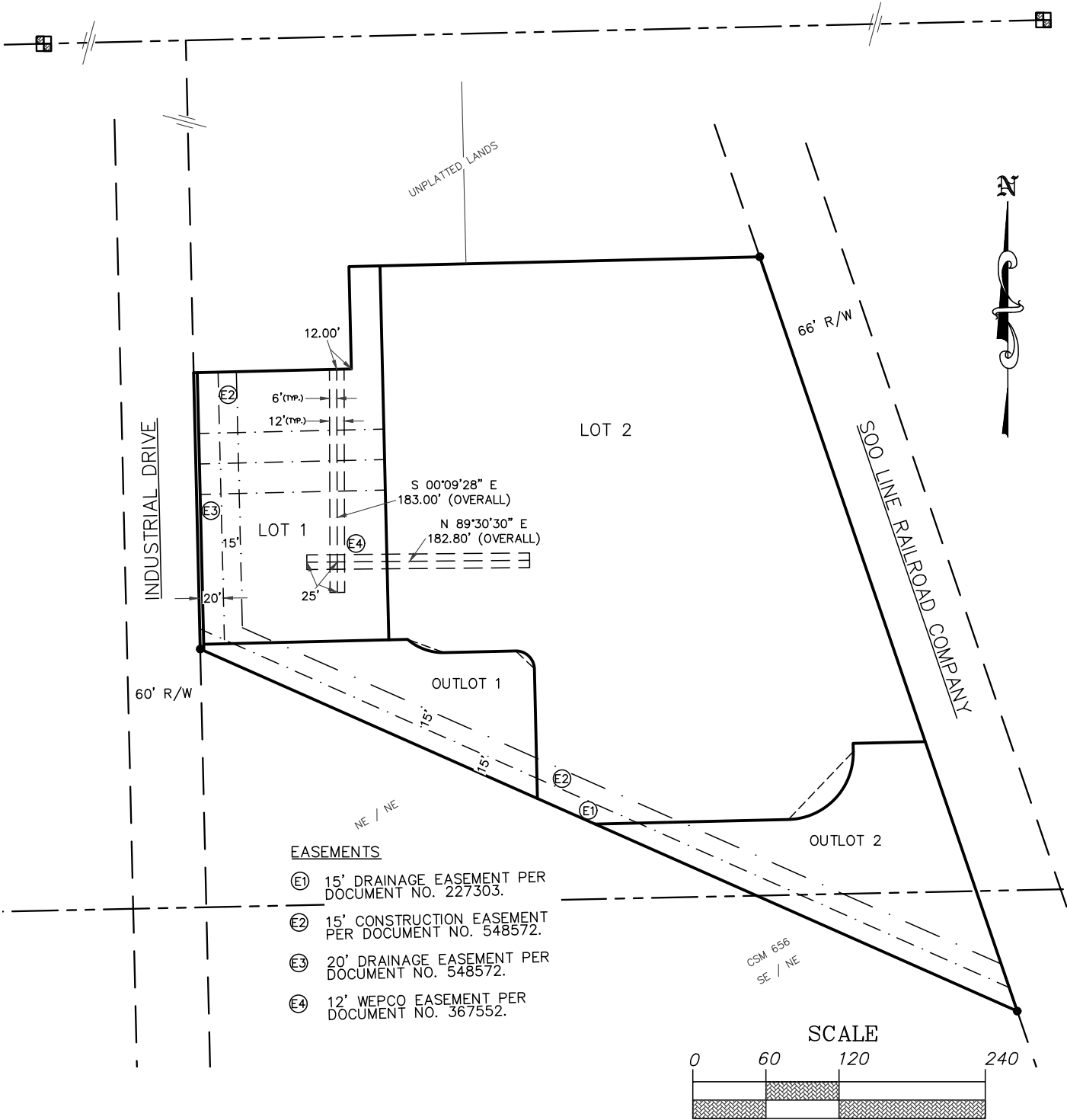
1519 E WASHINGTON ST., SUITE A, WEST BEND WI, 53095
262-338-6641 www.quamengineering.com
Project # PD-04-16 Date: 11/14/18

Attachment: Packet (3711 : FT2, LLC)

CERTIFIED SURVEY MAP # _____

PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF
THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH,
RANGE 21 EAST, IN THE CITY OF MEQUON, COUNTY OF
OZAUKEE, STATE OF WISCONSIN.

OWNER: FT 2, LLC



- LEGEND
- 1" IRON PIPE FOUND
 - 3/4" x 18" REBAR WEIGHING 1.13 LBS/FOOT SET.

QUAM ENGINEERING, LLC

1519 E WASHINGTON ST., SUITE A, WEST BEND WI, 53095
262-338-6641 www.quamengineering.com
Project # PD-04-16 Date: 11/14/18

Surveyed & Mapped
by J. Scott Henkel

CERTIFIED SURVEY MAP # _____

PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, COUNTY OF OZAUKEE, STATE OF WISCONSIN.

SURVEYOR’S CERTIFICATE

I, J. SCOTT HENKEL, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING LAND AS DIRECTED BY THE OWNER, FT 2, LLC:

PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, COUNTY OF OZAUKEE, STATE OF WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 27;
THENCE SOUTH 88°38’32” WEST, 922.33 FEET, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4;
THENCE SOUTH 01°21’18” EAST, 883.44 FEET, ALONG THE EAST LINE OF INDUSTRIAL DRIVE TO THE POINT OF BEGINNING;
THENCE NORTH 88°38’32” EAST, 129.45 FEET;
THENCE NORTH 01°21’28” WEST, 84.00 FEET;
THENCE NORTH 88°38’32” EAST, 337.18 FEET, TO THE WEST LINE OF THE SOO LINE RAILROAD RIGHT-OF-WAY;
THENCE SOUTH 18°51’28” EAST, 653.81 FEET, ALONG SAID WEST LINE;
THENCE NORTH 66°06’28” WEST, 733.30 FEET, TO SAID EAST LINE;
THENCE NORTH 01°21’18” WEST, 226.75 FEET, ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

CONTAINING 237,659 SQUARE FEET / 5.4559 ACRES, MORE OR LESS.

I FURTHER CERTIFY THAT THE MAP PREPARED IS A CORRECT REPRESENTATION OF ALL OF THE EXTERIOR BOUNDARIES AS SHOWN AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES, AND THE CITY OF MEQUON LAND DIVISION ORDINANCE.

J. SCOTT HENKEL, PLS 2495

OWNER’S CERTIFICATE

AS OWNERS, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED TO SURVEYED, DIVIDED, DEDICATED, AND MAPPED, AS REPRESENTED HEREON. WE ALSO CERTIFY THAT THIS MAP IS IN ACCORDANCE WITH WISCONSIN STATUTES 236.34 AND THE CITY OF MEQUON REQUIREMENTS FOR CERTIFIED SURVEY MAPS.

FT 2, LLC

STATE OF WISCONSIN
_____.SS
_____ COUNTY

PERSONALY CAME BEFORE ME THIS _____ DAY OF _____, 2018,
_____, TO ME KNOWN AS THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT
AND ACKNOWLEDGED SAME.

NOTARY PUBLIC, STATE OF WISCONSIN MY COMMISSION EXPIRES: _____

QUAM ENGINEERING, LLC

1519 E WASHINGTON ST., SUITE A, WEST BEND WI, 53095
262-338-6641 www.quamengineering.com
Project # PD-04-16 Date: 11/14/18

CERTIFIED SURVEY MAP # _____

PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF
THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH,
RANGE 21 EAST, IN THE CITY OF MEQUON, COUNTY OF
OZAUKEE, STATE OF WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE

INDUSTRIAL DRIVE MEQUON, LLC (A NIEMAN ENTITY), MORTGAGEE OF THE LAND DESCRIBED AND REPRESENTED ON
THIS MAP, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, AND MAPPING OF SAID LAND, AND DOES HEREBY
CONSENT TO THE CERTIFICATE OF THE OWNER.
IN WITNESS WHEREOF, THE SAID INDUSTRIAL DRIVE MEQUON, LLC, HAS CAUSED THE PRESENTS TO BE SIGNED BY:

MARTIN W. MEYER, MANAGER

AT _____, _____, AND ITS CORPORATE SEAL TO BE HEREUNTO
AFFIXED, ON THIS _____ DAY OF _____, 2018.

IN THE PRESENCE OF:

BY: _____	BY: _____
NAME: _____	NAME: _____
TITLE: _____	TITLE: _____

STATE OF WISCONSIN
_____:SS
_____ COUNTY

PERSONALY CAME BEFORE ME THIS _____ DAY OF _____, 2018,
_____, TO ME KNOWN AS THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT
AND ACKNOWLEDGED SAME.

NOTARY PUBLIC, STATE OF WISCONSIN MY COMMISSION EXPIRES: _____

CITY OF MEQUON APPROVAL

THE LAND DECRIBED HEREIN HAS BEEN SURVEYED, DIVIDED, DEDICATED, AND MAPPED AS SUBMITTED, AND APPROVED
BY THE CITY OF MEQUON ON THIS _____ DAY OF _____, 2018.

CAROLINE FOCHS, CITY CLERK

CITY COUNCIL RESOLUTION

RESOLVED, THAT THIS CERTIFIED SURVEY MAP IN THE CITY OF MEQUON IS HEREBY APPROVED BY THE CITY COUNCIL
ON THIS _____ DAY OF _____, 2018.

DAN ABENDROTH, MAYOR, CITY OF MEQUON

QUAM ENGINEERING, LLC

1519 E WASHINGTON ST., SUITE A, WEST BEND WI, 53095
262-338-6641 www.quamengineering.com
Project # PD-04-16 Date: 11/14/18

Attachment: Packet (3711 : FT2, LLC)

A

HISTORIC BREWERY & TAVERN
RESTAURANT & BEER GARDEN TERRACE
6,750 SF TOTAL

OKTOBERFEST AND FESTIVAL EXPANSION
INTO WEST PARKING AREA

PARKING:
66 SURFACE PARKING SPACES
9.5 CARS/1,000 SF

OPEN FALL 2018

B

TWO STORY RETAIL WITH
GARDEN TERRACE ABOVE:
7,000 SF/FLOOR

PARKING:
79 SURFACE PARKING SPACES
6.5 CARS/1,000 SF

SHARED PARKING WITH
SPECTRUM

OPEN SPRING 2019

C

MEQUON APARTMENTS:
(3 RESIDENTIAL LEVELS ON TOP OF ONE
UNDERGROUND LEVEL OF PARKING) :

- NORTH BUILDING 48 DWELLING UNITS (PHASE I)
- SOUTH BUILDING 48 DWELLING UNITS (PHASE II)
- 140 GARAGE PARKING (UNDERGROUND BUILDING)
- FRONT PORCH AREA WITH WALK UP UNITS

PARKING:
44 TOTAL SURFACE PARKING SPACES
184 TOTAL PARKING SPACE
1.91 CARS/UNIT

PHASE I - OPEN SUMMER 2019
PHASE II - OPEN SUMMER 2020

D

FOXTOWN BREWERY
RE-PURPOSE EXISTING - 13,081 SF
BARN AND SHEDS

PARKING:
111 TOTAL SURFACE PARKING SPACES
8.5 CARS/1,000 SF
90 TOTAL BICYCLE PARKING SPACES

OPEN AIR PAVILION/BEER GARDEN

OPEN SUMMER 2019



E

E1 GROUND FLOOR: RETAIL
SECOND FLOOR: OFFICE
THIRD FLOOR: RESIDENTIAL EXTENDED STAY (11 UNITS)
3 STORY - 11,275 SF EACH FLOOR

PARKING:
40 UNDERGROUND PARKING SPACES
67 SURFACE PARKING SPACES
18 TOTAL STREET PARKING SPACES
125 TOTAL PARKING SPACES
4.33 CARS/1000 SF

OPEN SUMMER 2020

E2

E2 GROUND FLOOR: RETAIL
SECOND FLOOR: OFFICE
THIRD FLOOR: RESIDENTIAL EXTENDED STAY (11 UNITS)
3 STORY - 11,275 SF EACH FLOOR

PARKING:
40 UNDERGROUND PARKING SPACES
78 TOTAL SURFACE PARKING SPACES
22 TOTAL STREET PARKING SPACES
140 TOTAL PARKING SPACES
4.68 2 CARS/UNIT

OPEN SUMMER 2021

E3

E3 TWO STORY: RETAIL
2 STORY - 5,500 SF EACH FLOOR
5.36 CARS/1000 SF 2 CARS/UNIT

PARKING:
23 TOTAL SURFACE PARKING SPACES
12 TOTAL STREET PARKING SPACES
35 TOTAL PARKING
3.18 CARS/100 SF

OPEN SUMMER 2022

F

"POCKET NEIGHBORHOOD"
SINGLE FAMILY "PORCH HOMES"
23 HOMES

PARKING:
46 GARAGE PARKING SPACES
28 TOTAL STREET PARKING SPACES
3.22 CARS/HOME

OPEN AIR PAVILION "POCKET PARK"

OPEN 2020 3 YEAR PHASES COMPLETION

FOXTOWN MASTERPLAN

MEQUON, WISCONSIN

NORTH

0' 50' 100' 200' 400'

JUNE 12, 2017

**STEPHEN
PERRY
SMITH**
ARCHITECTS, INC.

215 N. WATER STREET, SUITE 250
MILWAUKEE, WISCONSIN 53202
T 414.277.9700 | F 414.277.9705
sp@architects.com



TO: Planning Commission
FROM: PA PHOUALA VANG, PLANNER
DATE: December 3, 2018
SUBJECT: Hillcrest Builders for Filinger Family Trust. The applicant is seeking preliminary plat, development agreement and open space plan approval for a 13-lot single-family subdivision located at the corner of Bonniwell and Riverland Roads (Riverland Estates).

Applicant:	Hillcrest Builders Oyvind Solvang Paul Apfelbach
Status of Applicant:	Agent
Requested:	Preliminary Plat Development Agreement Open Space Plan
Existing Use:	Vacant
Existing Zoning:	R-1 (5-Acre minimum) PUD (Planned Unit Development) C-2 (General Conservancy)
Existing Land Use Plan:	Residential 5 Acre Critical Environmental
Lot size:	68.12 acres
Location:	Corner of Bonniwell Road and Riverland Road
Tax Key:	#14-001-09-001.00
District:	#1

Background: The applicant is requesting preliminary plat, development agreement and open space plan approval for a 13-lot subdivision development on 68.12 acres of land located at the corner of Bonniwell and Riverland Roads. The plan shows lots ranging from 1.6 to 3.3 acres to be served by a public road from Riverland Road. The Common Council approved the rezoning to a PUD to allow for the conservation subdivision at their November 13, 2018 meeting (see attached ordinance).

Preliminary Plat:

The preliminary plat shows a 13-lot development served by a public road that connects with Riverland Road and terminates in a cul de sac. The plat shows one storm water detention facility located in an outlot. When reviewing new development proposals, staff evaluates whether there is an opportunity to connect the development to an adjacent parcel. In this case, there is an existing subdivision to the west with no opportunity for connection. Since the property is

surrounded by wetlands and woodlands, there is no opportunity for interconnectivity to adjacent properties to the north or south. The plans show a 100 foot open space buffer along Riverland Road that will create a natural uniform look along the road frontage.

Open Space Plan:

The site seems appropriate for a conservation subdivision development in that it contains wetlands, woodlands and interesting topography. According to the plan, the subdivision contains 55% open space. The open space plan shows the northwest wooded area to remain natural and undisturbed. The existing spruce tree farm along the western portion of the site will remain as is and provide a buffer to the adjacent development. An area to the southwest is reserved for garden plots/orchard use. The plan shows a 100 foot buffer along Riverland Road that will remain natural and includes an area for spaded pines. The stormwater pond is also located in this outlot area. The wetlands and wooded area on the south end of the site will remain natural.

At the time of the rezoning recommendation, staff added as a condition of approval that a pedestrian walking trail shall be shown at preliminary plat approval. The Planning Commission added a condition that the trail be compact gravel and unpaved. The open space plan does not show a pedestrian trail. The applicant has indicated a willingness to include a path and is willing to work with the neighboring subdivision to the west on an appropriate location. At this time, the applicant has not received direction from the neighboring development. Staff is recommending a compact gravel pedestrian trail that starts from the public road where there is an adjacent pocket of open space and continues down towards the proposed garden plots in the southwest section of the site and ending at the west property line. The trail shall be maintained by the Homeowners Association.

Site Conditions:

The City Forester, Mike Gies, has walked the site to identify specimen trees. He indicated that the woodland area contains a significant amount of desirable specimen trees. This entire area will be within an outlot. The site does contain wetlands. See Engineering comments below regarding the wetlands on site.

Development Agreement:

Please see attached draft development agreement authored by Planning and Engineering staff to address the necessary improvements for the development. The development agreement provides the opportunity to construct one (1) model dwelling prior to final plat approval with the understanding that the unit can't be sold or title transferred until the associated plat is recorded.

Engineering Report:

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

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

Wetlands appear to be present on site. The Wisconsin DNR surface water data viewer and aerial photos were used to confirm that wetlands are potentially present. A wetland delineation report

with concurrence by the Wisconsin Department of Natural Resources is required. The report has been provided, however, concurrence from the WDNR has not been received. Any filling or disturbance of the wetlands is subject to WDNR approval. The wetland setbacks shall be shown on the preliminary plat.

The site is not located within the City's sewer service area, and therefore is not required to connect to public sewer nor water. A soil evaluation report for the usage of septic or mound systems is required. Per Ordinance 58-632 (d) No parcel of land may be divided where public sanitary sewer is unavailable or where soil conditions preclude the installation of approved septic or mound systems unless the divided parcel(s) are deed restricted to uses which do not require a sewage disposal facility.

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

The site proposes an increase in impervious surface in excess of one half acre and site disturbance of greater than an acre therefore requires a stormwater management plan (SWMP). The proposed site will be required to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria.

There is significant offsite drainage that flows through the center of the site, this drainage shall be accounted for in the Stormwater Management Plan and in the subdivision layout and design. A drainage easement will be required.

The site proposes land disturbance in excess of one acre, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit shall also be provided for the site. A Filling and Excavation permit is required. The total amount of filling and excavation for materials imported or exported is anticipated to be less than 1,000 cubic yards. If wetland fill is proposed approval from the WDNR is required.

Staff Recommendation:

Planning staff recommends approval of the preliminary plat, development agreement subject to the following condition(s):

1. Any changes to the preliminary plat related to modifications of the proposed wetland boundary will require Planning Commission approval.
2. All buildings shall maintain a minimum building setback of 50' from the public road right-of-way and a minimum 20' offset from the side and rear property lines and a building setback of 100' from Riverland Road, with increased offsets on lots adjacent to wetlands as required by the Department of Natural Resources (DNR).
3. Common Council approval of the Development Agreement.
4. The development shall comply with preliminary plat, development agreement, open space plan and final plat requirements.
5. A compact gravel pedestrian trail is required from the public road where there is an adjacent pocket of open space towards the proposed garden plots in the southwest section of the site and ending at the west property line. The open space plan shall be revised to incorporate the path.
6. Architectural design of residential buildings shall comply with the Architectural Board's publication entitled "Guidelines for Residential Structures" and are subject to the Architectural Review Board.
7. Street trees are subject to the approval of the Tree Board and Planning Commission.
8. Street lighting, if proposed, is subject to the approval of the Planning Commission and shall be owned and maintained by the Homeowner's Association.

9. Entryway signage and landscaping is subject to the approval of staff.
10. The final plat shall include a deed restriction that requires no land disturbing activity within the wooded area, including removal of specimen trees, without the approval of the City of Mequon.
11. There shall be a permanent open space buffer along the perimeter of this development as illustrated in the attached open space plan. An open space easement shall be reviewed and approved by the City Attorney.
12. The applicant shall submit an electronic file for the proposed preliminary plat in a format compatible with AutoCAD 2015 dwg or dxf in Wisconsin State Plane Coordinate System South Zone (NAD 83).
13. Easements shall be over existing and proposed drainage ways with supporting declaration language requiring Home Owners Association maintenance.
14. Legal documents requiring the Homeowners Association to maintain wetland buffers and and stormwater facilities.
15. The entire property is subject to the City of Mequon Tree Preservation Ordinance and necessary preservation easements, if any.
16. Execution and recording of a Development Agreement.
17. Engineering Division review and approval of grading, drainage, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
18. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
19. Application for and approval of a City Filling and Excavation Permit, if applicable.
20. Applicant shall provide the wetland delineation report with concurrence by the WDNR and show setbacks on the preliminary plat.
21. Applicant shall provide wetland fill approval from the WDNR, if filling of the wetlands is proposed.
22. Applicant shall provide a soil evaluation report verifying that each of the 13 lots may be served via approved septic or mound systems. If any lot cannot be served via approved septic or mound system, the plat shall be revised and require Planning Commission approval.
23. The final road design shall be subject to the review and approval of Engineering and the Fire Departments, in accordance with the Standard Specifications for Land Development.
24. Fire Department approval of the number and location of fire cisterns. Alternatively, a fee in lieu of fire cistern(s) could be accommodated through the Development Agreement.
25. A median island is required at the subdivision entrance and the island shall be an outlot.
26. An acceleration/deceleration lane is required on Riverland Road.
27. The cul-de-sac island shall be an outlot.
28. The driveway access to lot 13 shall be located west of the median opening, a requirement which must be recorded on the final plat.
29. 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.
30. 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).

31. Final legal documents are subject to City Attorney review and approval prior to recording of final plat.

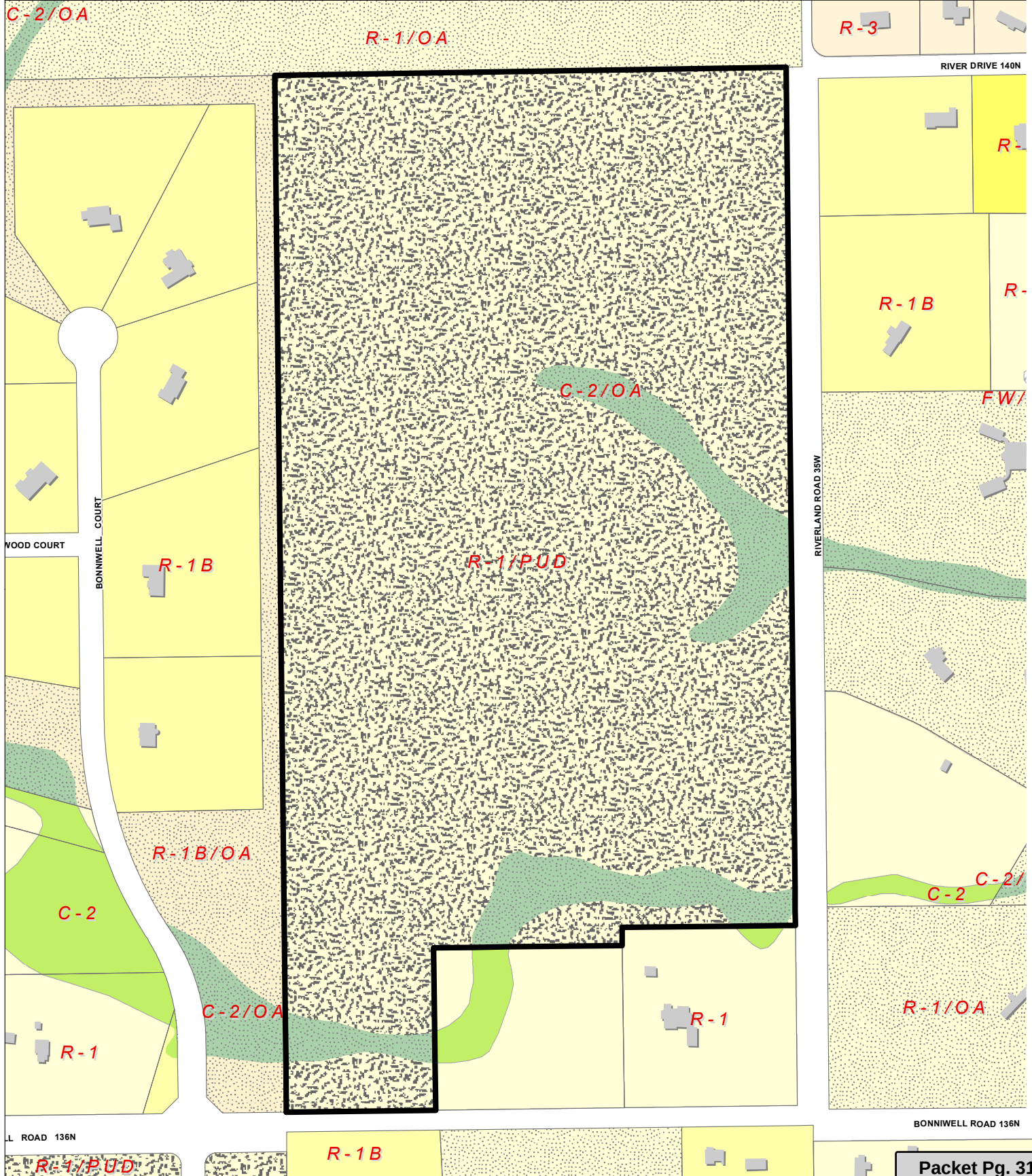
Attachments:
Packet (PDF)

Hillcrest Builders for Filinger Family Trust

AC	Arrival Corridor
A-1	Agricultural Preserve
A-2	General Agricultural
B-1	Neighborhood Business
B-2	Community Business
B-3	Office & Service Business
B-4	Business Park
B-5	Light Industrial
B-6	Rural Industrial
B-7	Rural Business
C-1	Shoreland/Wetland Conservancy
C-2	General Conservancy
CGO	Central Growth Overlay
FFO	Flood Fringe Overlay
FW	Floodway
IPS	Institutional & Public Service

LTD	Limited Use
OA	Agricultural Overlay
PUD	Planned Unit Development Overlay
P-1	Park & Recreation
R-1	Single-Family Residential (5 Ac. Min.)
R-1B	Single-Family Residential (2.5 Ac. Min.)
R-2	Single-Family Residential (2.0 Ac. Min.)
R-2B	Single-Family Residential (1.5 Ac. Min.)
R-3	Single-Family Residential (1.0 Ac. Min.)
R-4	Single-Family Residential (3/4 Ac. Min.)
R-5	Single-Family Residential (1/2 Ac. Min.)
R-6	Single-Family Residential (4 du/Ac)
RM	Multi-Family Residential
TC	Town Center
TDR	Transfer of Development Rights

3.a.a



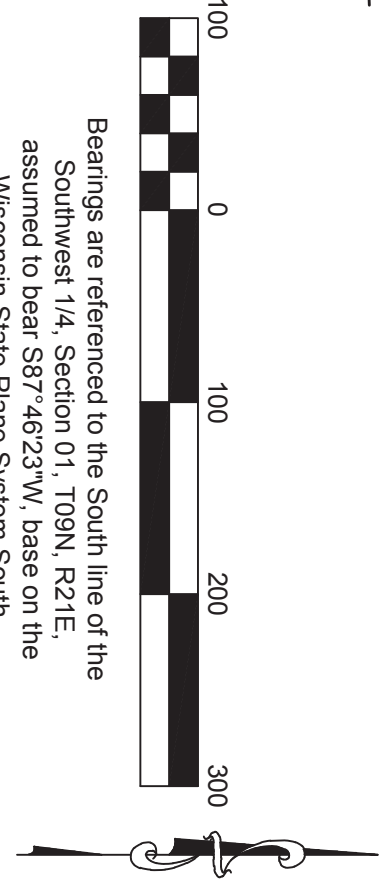
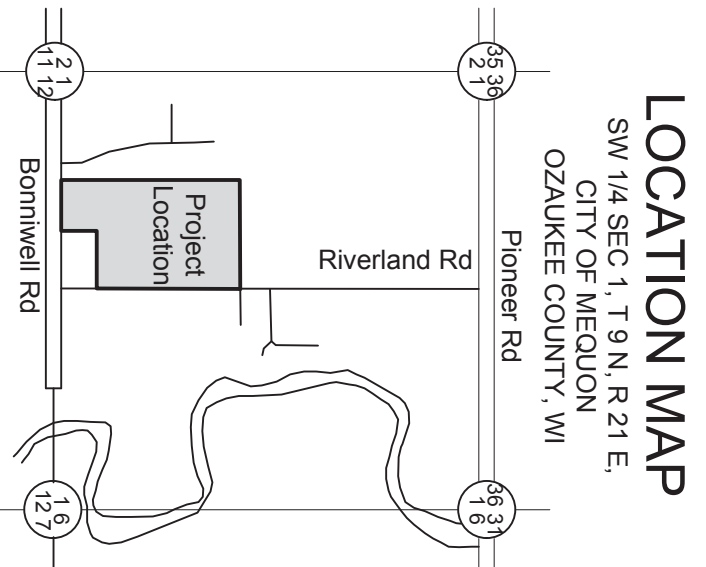
Attachment: Packet (3713 : Hillcrest Builders for Filinger Family Trust)

Preliminary Plat of

Riverland Estates

All of Parcel 3, Certified Survey Map 3498 being part of the Northeast 1/4 of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4, Section 1, Township 9 North, Range 21 East, Ozaukee County, Wisconsin

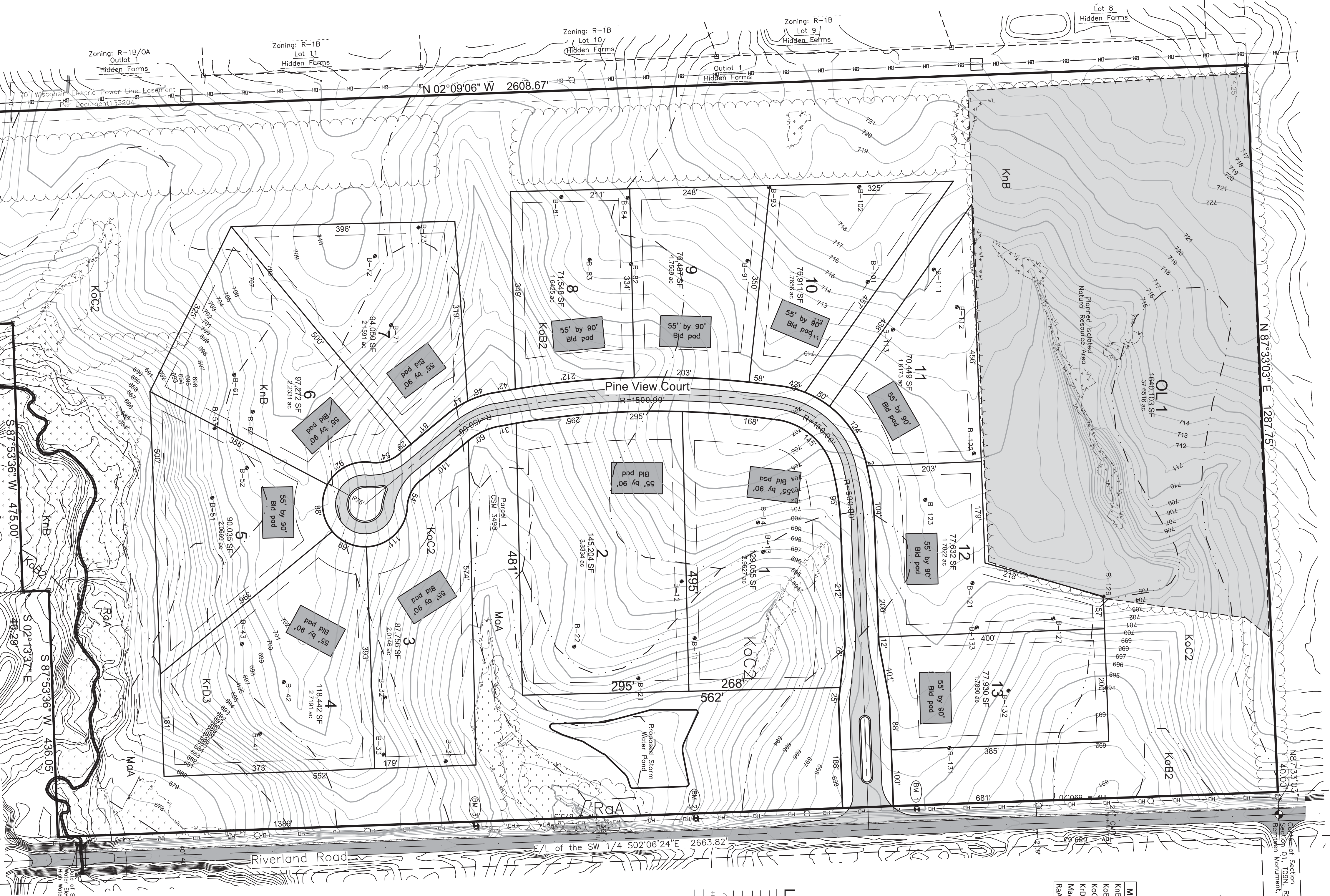
SUPPLEMENTARY DATA
Total Area = 2,968,056 SF 68.1372 acres
RW Area = 115,183 SF 6.4498 acres
Green Space = 1,647,432 SF 68.1372 acres (55.5%)
Net Area = 1,205,441 SF 27.673 acres
Number of Lots = 13 + 1 Outlot
Lineal feet of street = 1,614 LF
Existing zoning = R-1/OA
Proposed zoning = R-1B PUD
City of Mequon
Planning Department
Department of Administration
NOTES
Utility and Drainage Easements
will be shown on Final Plat



Map Unit	Map Unit Name
KnB	Keweenaw silt loam, 2 to 6% slopes
KoB2	Keweenaw silty clay loam, 2 to 6% slopes, eroded
KoC2	Keweenaw silty clay loam, 6 to 12% slopes, eroded
KrO3	Keweenaw silty clay loam, 12 to 20% slopes, severely eroded
MWA	Manawa silt loam, 0 to 3% slopes
RaA	Radford silt loam, 0 to 3% slopes

BENCHMARKS (NAVD 89)	
BM 0	NGS PID DE 7707 East side of N. Port Washington 2400 feet North of W. Bonnell Road Elev 682.35
BM 1	Nail in Powepole West side of Riverland Road 2030 feet North of Bonnell Road Elev 702.30
BM 2	Nail in Powepole West side of Riverland Road 1650 feet North of Bonnell Road Elev 687.96
BM 3	Nail in Powepole West side of Riverland Road 1250 feet North of Bonnell Road Elev 688.02

LEGEND	
Storm Sewer	Utility Pole Found
Underground Telephone	2" Iron Pipe Found
Overhead Electric Lines	Government Corner
Setback Line	Sidewalk
Soil Boundaries	Sidewalk
Trellis	Benchmark
Culvert	Apex Point
Index Contour	Apex Point
Intermediate Contour	Delimited Wetlands



Parcel 3
CSM 3498
Owner: James A. & Laura L. Holtz
Zoning: R-1

Parcel 2
CSM 3498
Owner: James A. & Laura L. Holtz
Zoning: R-1

1, James R. Seifert, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the City of Mequon.

James R. Seifert, P.L.S. No. S-2682
Date 7/11/2018



1325.64'
Southwest Corner, R21E
Section 01, T09N, R21E
Bentley Monument, Found

1325.64'
Bonnell Road

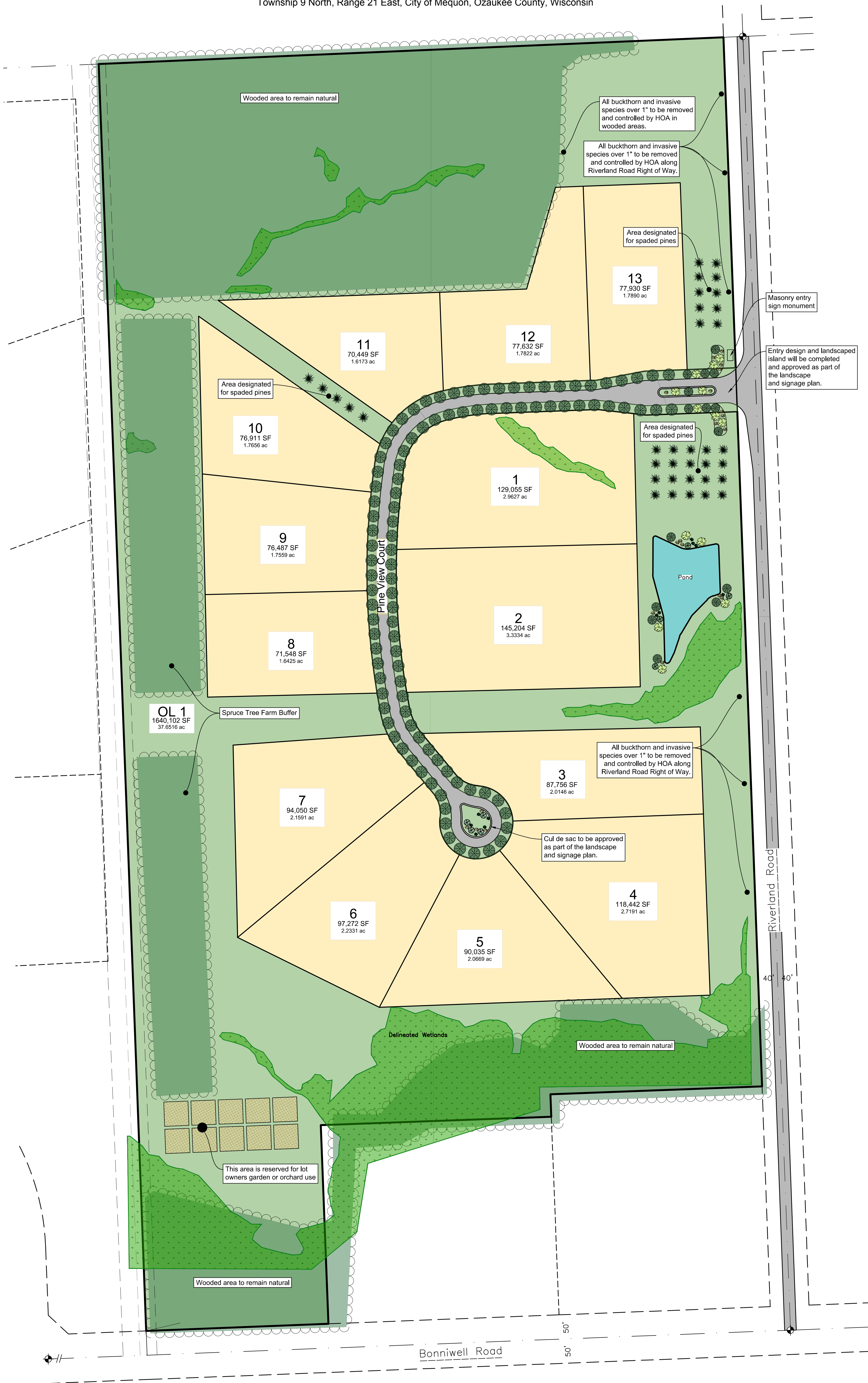
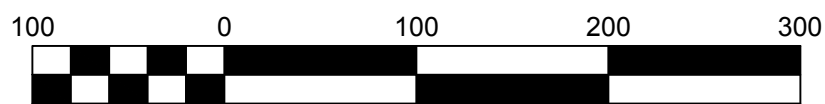
South 1/4 Corner
Section 01, T09N, R21E
Bentley Monument, Found

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

File: 521718.dwg
Date: 7/11/2018
Drawn By: Jim
Sheet: 1 of 1

Open Space Plan for Riverland Estates

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



NOTES

Open areas, pond swale, and pond to be seeded with a short grass prairie mix blended with WI DOT seed mix 20 found in section 630.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2018-1530

An Ordinance Amending Chapter 58, Zoning Code to Rezone the 68-Acre Property Located at the Northwest Corner of Bonniwell and Riverland Roads From R-1 (Residential 5-Acre) to R-1 with a PUD (Planned Unit Development) Overlay

RECITALS

A. Pursuant to section 62.23(3) of the Wisconsin Statutes, the City of Mequon is authorized to prepare and adopt a comprehensive plan, or amendment thereof, as defined in Section 66.1001(1)(a) and 66.1001(2) and 66.1001(4)(c) and 66.1001(4)(d).

B. The Planning Commission by majority vote adopted a recommendation to approve the rezoning request on the 8th day of October, 2018.

C. The required due notice and public hearing by the Common Council of the City of Mequon occurred on the 13th day of November, 2018.

BASED UPON THE FOREGOING, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

The City of Mequon Zoning Map is hereby amended so as to change the zoning classification of the property illustrated in Exhibit A as R-1 (Residential 5-Acre) to R-1 with a PUD (Planned Unit Development) subject to the conditions of approval by the Planning Commission's action of October 8, 2018.

SECTION II

The terms and provision of this ordinance are severable. Should any term of provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

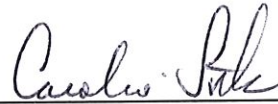
This ordinance shall be in full force and effect upon its passage and on the day after its publication.



Approved by: Dan Abendroth, Mayor

Date Approved: November 13, 2018

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 13, 2018.



Caroline Fochs, City Clerk

Published: November 20, 2018

DEVELOPMENT AGREEMENT

Riverland Estates

Articles of agreement made and entered into this ___ day of ____ 2018, by and between ____, hereinafter called the Developer, and the City of Mequon, a municipal corporation of Ozaukee County, Wisconsin, hereinafter called the City.

WITNESSETH:

WHEREAS, the Developer desires to improve and develop certain lands located in:

See Exhibit A

And as described on attached Exhibit A (the "Development"), and for that purpose requires the installation of certain public improvements; and

WHEREAS, the City Engineer's report, attached hereto as Exhibit B, identifying the improvements and other terms and conditions necessary to this Development (the "Improvements"), and

WHEREAS, Section 236.13(2) of the Wisconsin Statutes and Sections 58-634(c) and 58-637 of the Mequon Code of Ordinances provide that as a condition of approval, the City shall require that the Developer make and install or have made and installed, any improvements reasonably necessary; and

WHEREAS, the Public Works schedule and budget of the City does not now include installation of the said improvements for the said Development, and normally there would be a considerable delay in the installation of said improvements unless the instant agreement were entered into; and

WHEREAS, the City believes that the orderly, planned development of said lands will best promote the health, safety and general welfare of the community.

NOW, THEREFORE, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration to each in hand paid by the other, receipt of which is hereby acknowledged, and in consideration of the various approvals granted by the City, and in obedience to the conditions imposed upon said approvals, and the mutual covenants herein contained, the parties agree:

1. The area to be improved shall consist of that area designated in Exhibit A as Riverland Estates in the proposed development plan granted preliminary plat approval by the Planning Commission.
2. Preliminary plat approval was granted by the Planning Commission on ____.
3. The Improvements shall be as described on Exhibit B.
4. The Developer will, at its expense, have plans and specifications prepared for the aforesaid Improvements and such plans and specifications shall be submitted to the City Engineer for approval. The plans and specifications to be submitted are indicated in Exhibit B.
5. The Developer will contract for and have constructed, at its expense, all of the Improvements. The City, as a condition of final plat, will require that copies of lien waivers from all contractors and/or material suppliers performing work or supplying materials for the installation of the Improvements be filed with the City.
6. The Developer will pay for all reasonable costs incurred by the City, or its consultant in the review of the engineering plans, landscaping plans, inspection of the construction and/or installation of the

Improvements, installation of street signs, review of record drawings for City files, and any other costs that may be incurred by the City in the installation of the Improvements for this Development. The Developer will pay the costs above enumerated within thirty (30) days after being billed by the City. Billing will be made periodically and/or monthly as the improvements are completed and as costs are incurred. Full cost will include labor, equipment, materials, engineering, inspection and overhead costs incidental to said work. Past due amounts on invoices generated by the City are subject to a one and one-half (1.5) percent per month charge, computed from the date of the original invoice.

7. Upon verification by the City Engineer that all of the Improvements have been satisfactorily constructed, installed or escrowed in accordance with City of Mequon Zoning Code, inspected and found to be in compliance with City requirements and with the following conditions as described below, and that all other requirements of this agreement have been complied with, Final Plat approval will be granted by the Common Council.
 - A. The City Engineer shall only recommend Final Subdivision Plat approval to the Planning Commission and Common Council upon certification that:
 - i. All of the Improvements have been satisfactorily constructed or installed, completed and approved; and
 - ii. Letter(s) of credit in form approved by the City Attorney or, with City Engineer approval, of Letter(s) of Credit established for the installation of the street trees, open space landscaping and minimal site restoration as contemplated in Developer's plans approved by the City.
 - B. The Department of Community Development shall schedule Final Subdivision Plat recommendation before the Planning Commission and Common Council only upon certification by the City Engineer that all the improvements have been constructed, installed and approved.
8. No special assessments are contemplated in connection with the Development.
9. The following special provisions shall apply:
 - A. Easements are to be provided on the plat for the use of WE Energies, AT&T, Cable T.V. and other utilities for provision of services to the subdivision. The Developer shall provide proof of payment in full for installation of the utilities prior to Final Plat approval.
 - B. Underground utility installations shall be made without any street pavement removal, unless otherwise specifically approved by the City Engineer.
 - C. A building permit may be issued for 1 principal structure in Riverland Estates prior to the Final Plat being approved and recorded. The Developer agrees and understands that the transfer of title to any lot/residence in this development may not occur until after final certification by the City Engineer that the terms of this agreement have been complied with and the final subdivision plat is approved and recorded.
 - D. The Improvements shall be constructed in strict accordance with the requirements of the City and the City Engineer or his authorized representative, or as directed by said City Engineer; and shall be under and subject to constant inspection by the City Engineer or representative.
 - E. The Developer agrees that it shall be fully responsible for the Improvements for the Development and appurtenances thereto during the period of the construction of the Improvements, and until verification by the City Engineer, approval of the Improvements, any

damage as may occur to these facilities during this period shall be replaced or repaired by the Developer.

- F. Excess topsoil shall only be removed from the subdivision Development by means of end-loading (no screening allowed on site) and trucking from the site. The Developer shall not disrupt topsoil where it is unnecessary, and the final arbiter of necessity shall be the City.
 - G. The covenants, conditions and restrictions recorded against the property described on Exhibit A shall prohibit future property owners from removing any berms, landscaping or amenities installed on this Development as a condition of landscaping, open space, grading or drainage plans, and from placement of landscape features, berms or plantings which disrupt flow of run-off in drainage ways or courses approved as a condition of the grading and drainage plans, without express written consent from the City Engineer and by action of the Planning Commission.
 - H. The Developer, its successors and assigns along with individual future lot owners are hereby notified that "impact" fees will be assessed by the City against the Developer and/or lot owners, pursuant to the requirements of Sections 58-138 et seq. of the Mequon Code of Ordinances, which payment is due prior to obtaining a building permit. The parties understand and acknowledge at this time that the City retains full right and authority to amend and modify its impact fee ordinance, the methodology by which impact fees are calculated or the numerical component values of the impact fee calculation in the future, such that the resultant impact fee amounts in effect from time to time may differ from the impact fee assessment which is currently in effect as of the date of this agreement, and that such modifications and amendments are not susceptible of determination at this time.
10. The Developer shall not be released or discharged from the obligations assumed under this agreement until final inspection and verification of all the Improvements has been made by the City Engineer in writing, and the Improvements have been approved by the City.
 11. The Developer hereby agrees that the costs and value of said Improvements will become an integral value of the abutting lots and that no future lot assessment will be made on behalf of the Developer.
 12. Provisions of this agreement which may specify design criteria for required Improvements are subject to change by the City Engineer, upon written notice to Developer and based on changes in applicable codes or regulations, for the purpose of reflecting the most up-to-date design standards for required improvements. The design standards in effect at the preliminary approval shall apply to all Improvements for a period of two years.
 13. Developer shall indemnify, defend, and hold the City and its officers harmless from, penalties, fines, costs, or loss (including reasonable fees for attorneys, consultants, and experts) that arise as a result of the presence or suspected presence in or on the real property dedicated or conveyed to the City by, under, pursuant to, or in connection with the Subdivision Plat or this Agreement including, but not limited to street rights of way, of any toxic or hazardous substances arising from any activity occurring prior to the acceptance of dedication of all Improvements. Without limiting the generality of the foregoing, the indemnification by Developer shall include costs incurred in connection with any site investigation or any remedial, removal, or restoration work required by any local, state, or federal agencies because of the presence or suspected presence of toxic or hazardous substances on or under the real property, whether in the soil, groundwater, air or any other receptor. The City agrees that it will immediately notify Developer of the discovery of any contamination or of any facts or circumstances that reasonably indicate that such contamination may exist in or on the real property. The City also agrees that following notification to Developer that contamination may exist, the City shall make all reasonable accommodations to allow Developer to examine the real property and conduct such clean-up operations as may be required by appropriate local, state, or federal agencies to comply with applicable laws.

14. Execution of this agreement shall be accepted by the City as adequate provision for improvements within the meaning of Section 236.13(2) of the Wisconsin Statutes.
15. This agreement shall be binding upon the heirs, successors, executors and assigns of the parties hereto.
16. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within 24 months of satisfaction of the last required condition of approval of the preliminary plat, any approving authority may refuse to approve the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat, which the Developer proposes to record at that time. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Planning Commission at the time of its submission.
17. It is understood that this Development Agreement may need to be amended to cover changes to the standards regarding landscaping, stewardship plans, stormwater management, grading and/or other plans.
18. In accordance with section 58-635(3)(e), if the Developer fails to commence construction within two (2) years of development agreement approval, then the development agreement shall become null and void.

CITY OF MEQUON**OWNER**

By _____
Dan Abendroth, Mayor

By _____

By _____
Caroline Fochs, City Clerk

STATE OF WISCONSIN)
)SS
 OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2019, the above named, Mayor and City Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

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

STATE OF WISCONSIN)
)SS
 OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2019, the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

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

Approved by : _____
Brian Sajdak, City Attorney

Attachment: Packet (3713 : Hillcrest Builders for Filing Family Trust)

EXHIBIT A
DEVELOPMENT AGREEMENT

Development Title – **Riverland Estates**

DESCRIPTION OF AREA INCORPORATED IN THE SAID DEVELOPMENT:

LEGAL DESCRIPTION:

All of Parcel 3, Certified Survey Map 3498 being part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section1, Township 9 north, Range 21 East, City of Mequon, Ozaukee County, WI

Attachment: Packet (3713 : Hillcrest Builders for Filinger Family Trust)

EXHIBIT B
CITY OF MEQUON
WISCONSIN
* * * * *

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TERMS AND CONDITIONS INCORPORATED INTO DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF MEQUON AND [REDACTED]

The proposed development plans granted concept approval and preliminary plat approval by the Planning Commission have been reviewed by the Engineering Division and this report is hereby submitted in accordance with the procedural requirements established by the Common Council.

Notwithstanding anything herein to the contrary, the parties acknowledge that Developer intends to complete the improvements necessary prior to construction of principal structures, and other improvements may be constructed and obligations may be performed by Developer, as indicated below, by requiring its lot purchasers to so perform in the lot purchasers' contracts or declaration of restrictions.

The following public works improvements and conditions are necessary:

1. Sanitary Sewer System

- a. Developments covered by this agreement require a Private On-Site Waste Treatment System (POWTS).
- b. A plan of the subdivision shall include the location of soil boring and designated area for the POWTS.

2. Water Supply System

- a. The proposed development is not located within the municipal water service boundary.
- b. The lots in the subdivision will be developed with private wells in accordance with NR812 and permitted through the WDNR.
- c. The private wells shall be installed and maintained by the respective property owner.
- d. Through the permitting process, the well digger must follow proper procedures with respect to the draw down effect on adjacent wells.

3. Fire Protection Water Supply

- a. The Developer and City shall establish an escrow fund which shall be in the total amount of \$50,000 when fully funded ("Escrow"). The Escrow shall be used for the installation of a fire cistern at the Subdivision or as the City may otherwise decide to use the Escrow for fire protection purposes for the Subdivision. The Escrow shall be funded as follows: at such time as the owner of a lot in the Subdivision applies for a building permit, in addition to all other fees and costs that are due, the owner shall pay \$3,846.15 to the City ("Fire Protection Fee"). The Fire Protection Fee shall be deposited into the Escrow. When the Escrow is fully funded, the City may withdraw the funds from the Escrow and use the funds for a cistern or for other fire protection for the Subdivision in the City's discretion.

4. Grading

- a. The Developer shall submit a master site grading plan. The Developer shall grade the site in conformance with the approved grading and drainage plan. The future owners/builders who construct the principal building shall be responsible for siting the principal building, rough and fine grading the building pad to comply with the master grading plan.
- b. The Master Grading/Drainage/Storm Sewer and Erosion Control Plans shall comply with the requirements of the City's Standard Specifications for Land Development, latest edition.
- c. Grading and drainage plan showing 2' contours for both existing and proposed grades, City approved building pad grades, culverts or storm sewers. Cross-section and profiles of all drainage ways and erosion protection as required, must be indicated on the plans and detailed.
- d. Site grading plan showing only minimum setback and offset dimensions, and City approved building grades.
- e. Erosion Control Plan for land disturbing activities showing existing contours at least 200' into adjacent parcels. This plan will show location and dimension of all construction site management measures to control erosion and sedimentation.
- f. Rough grade as necessary to establish lot grades in accordance with future building grades, topsoiling, seeding and mulching as required, to all exposed ground surfaces to prevent erosion.
- f. The grading plan shall include minimum elevations for proposed top of principal building foundation wall based on proposed building envelopes shown on the approved specimen tree plan and City approved finished yard grades.
- g. Grading and filling shall be in accordance with the master grading plan and fill permit, including in individual building envelopes.
- h. The Developer is responsible for topsoiling, seeding and mulching, as required to all exposed ground surfaces to prevent erosion, including disturbance by utility contractors.
- i. Wetland fill requires the approval of the WNDR.

5. Storm Drainage System

- a. Drainage System Plan showing all tributary areas to the proposed subdivision drainage system and downstream analysis. Included on the system plan should be all proposed and existing drainage structures in the drainage system area.
- b. Drainage easements must be shown by dimension and detailed cross-section.
- c. Installation and construction of a complete storm drainage system, including culverts, storm sewer, and open ditches as required to adequately drain the surface water from and through the Development. Erosion protection and minimum velocity design shall be provided for in the storm drainage system design. All areas adjacent to existing and proposed roadways shall be restored to conform with the approved roadway cross-section.
- d. The storm water facilities shall be installed before the impervious surface.
- e. Additional considerations will be required on all ditch slopes exceeding five percent (5%). All roadside ditches or drainage easements shall have a minimum one percent (1%) slope. Areas less than one percent (1%) will require further analysis.

- f. The Development will be required to provide on-site stormwater detention and demonstrate to the City Engineer that the Development shall comply with the City's stormwater ordinance and MMSD Chapter 13 rules and regulations.
- g. The Developer shall submit hydrologic calculations for the 2, 10 and 100 year development conditions.
- h. The Developer shall provide hydraulic calculations showing pond discharge rates under proposed conditions. Under proposed conditions, the retention pond must demonstrate that the 2, 10 and 100 year discharge rate will be less than pre-settlement conditions.
- i. All sump pump discharge pipes shall discharge to the roadside drainage ditch. The discharge location shall be at the top of the ditch or as approved by the City Engineer or his/her designee. Where a storm sewer or roadside drainage ditch is unavailable, the sump pump discharge may be made to an approved drainage facility only with the approval of the City Engineer or his/her designee.
- j. Submittal, at the time of architectural review and approval, of a sump pump discharge and roof drainage plan in accordance with Storm Water management Plan approved by the City Engineer.
- k. Drainage Easements must be shown by dimension and detailed cross-section.
- l. If the storm sewer design includes underground piping, a set of utility plans showing all plan and profile views of sanitary water and storm sewer shall be used and kept current during all phases of construction.
- j. Stormwater Best Management Practices Maintenance Agreement:

The Developer shall design and construct storm water facilities, including detention and/or retention pond(s), in accordance with the approved storm water drainage plan such that they are adequate to accommodate expected surface water flow within and through the Development, in accordance with applicable City ordinances, Chapter 13 of the Milwaukee Metropolitan Sewerage District rules, and the regulations of WDNR, as may be applicable. Thereafter, it shall be the responsibility of the Developer and/or its successors and assigns, as provided below, that such storm water facilities shall be maintained to meet or exceed the standards to which they were constructed, such that in the future, they continue to accommodate the maximum potential volumes of flow through and within the development, and meet applicable performance standards for storage and release.

Accordingly, the following requirements are applicable to this Development and conditions of approval of the preliminary plat and the development agreement, pertaining to detention basin/pond maintenance.

- i. All stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be maintained and cared for by the Developer and subsequently, at such time as the Developer passes control of the stormwater elements of the Development and responsibility for maintenance thereof to the homeowners association they shall be maintained in accordance with this Section 5. g.
- ii. In order that the perpetual care and maintenance of all stormwater drainage and storage facilities shall be provided for, the Developer shall create or cause to be created an entity (the Subdivision Homeowners Association) with a perpetual existence under the laws of the State of Wisconsin for the express purpose, *inter alia*, of assuming all responsibility in connection with the perpetual maintenance of the stormwater facilities. Developer shall

provide by contract, declaration of covenants, deed provision, or otherwise that all lot owners in the subdivision development, including Developer, shall be members of the Association solely by virtue of being a lot owner, and shall be jointly responsible for its obligations, which obligations shall be assessable as against such members. If, as contemplated by the parties, any portions of the Development in or on which is located stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be conveyed to other assigns and/or successors in interest, then Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that such other assigns and/or successors in interest shall assume all responsibility in connection with the perpetual maintenance of those stormwater facilities. The Developer shall have no further responsibility for such maintenance, only after arms length sale of the lots by the Developer, conveyance of outlots and/or common areas to the Subdivision Homeowners Association or other good faith grantees, and acceptance of dedication of the Improvements by the City.

- iii. The following minimum standards for future care and maintenance of the stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be adhered to by Developer and Developer's assigns and successors in interest:
 - A. Provide normal and customary cleaning and maintenance to the detention basin(s), and pond(s) located in this Development including, but not be limited to, weed and algae control, dam stabilization, emergency overflow, outlet structure (including trash rack), dredging and biological control.
 - B. As necessary, dredging of the storm water detention facilities shall require permits and approvals under Section 30.20 Wisconsin Statutes, to remove materials from the bed of a pond ultimately connected to a navigable waterway from the Wisconsin Department of Natural Resources (WDNR).
 - C. Make chemical treatments as necessary, in keeping with the regulatory requirement(s) that the application of EPA/State Registered Chemicals to detention basins/ponds or lakes is regulated by the WDNR. With few exceptions, a permit must be filed with, and approved by the WDNR, prior to chemical treatment. In certain circumstances, a representative of the WDNR will monitor or supervise the chemical treatment. Contact the WDNR for additional information.
 - D. The detention basin(s)/pond(s) and other storm water facilities shall be certified by a licensed professional engineer or land surveyor as a condition of Final Plat approval. To assure compliance with the approved plans, the Developer shall be responsible to recertify the detention basin(s)/pond(s) as a condition of transferring ownership to the Homeowners Association, but in no event shall such recertification occur later than five years after the approval of the Final Plat.
 - E. The detention basin(s), pond(s) certification shall be submitted with an as-built record drawing.
 - F. The detention basin(s)/pond(s) shall be inspected in compliance with the Inspection Report Form supplied by the City. Any deficiencies shall be corrected immediately. A copy of the report form, including but not limited to photographs or diagrams of the deficiency and corrections with the certification shall be provided to the Homeowners Association, and any other assigns and successors in interest of Developer, and shall be promptly submitted to the City Engineer for review and approval. Specific areas shall include, but not be limited to:

- Bio-retention facility
 - Pond containment berms are stable and free of animal burrowings
 - Detention storage volume
 - Erosion
 - Vegetative cover
 - Sediment accumulation
 - Trash rack/culvert functions
 - Outlet flow
 - High water level
 - Water surface elevation at time of survey
 - Normal pond water level
 - Emergency overflow
- iv. To guarantee performance of all of the foregoing obligations concerning the private stormwater drainage and storage facilities, including detention basin(s)/pond(s), the developer shall, in accordance with City ordinance 58-677(b), 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).
- v. Not less than ninety days prior to the final expiration of the Developer's financial guarantee obligations, or at such time as the Developer shall convey the outlot(s) or common area(a) in or on which are located the stormwater drainage and storage facilities, including detention basin(s)/pond(s), to the Subdivision Homeowners Association or other assigns or successors in interest, whichever is later, the Developer shall have the detention basin(s)/pond(s) recertified in accordance with d. and e. above.
- vi. At any time in the future, if, in the opinion of the City, either the Developer (in keeping with the limitations upon its responsibility as expressed herein), the Subdivision Homeowners Association, or any other assigns or successors in interest, shall fail to maintain the stormwater drainage and storage facilities, including detention basin(s)/pond(s), the City, at its option, may give the Developer, the Subdivision Homeowners Association or other assigns or successors in interest, as may be interested, written notice requiring any or all of them within thirty (30) days thereafter, to cure the failure and to maintain and to provide the required care. If the notified party fails to comply with the demands of the notice, the City shall have the right , but not the obligation, to perform the work necessary to correct the deficiency, and to charge the cost thereof, including administrative charges, to the Developer, and/or to the Subdivision Homeowners Association, and/or other assigns and successors in interest, by drawing upon the LOC, and/or by imposing such charge as a special charge for services pursuant to §66.0627, Wisconsin Statutes, and if not promptly paid by the party to whom the charges were invoiced, as a lien and special tax on the property(ies).
- vii. The City Engineer has the authority to stop work, amend, or alter remediation measures to the detention basin/ponds. Failure to comply will result in the issuance of a municipal citation by a forfeiture as prescribed by law, or may be addressed in an action for injunction, mandatory injunction, or any combination of remedies. Each day a violation exists shall constitute a separate offense.
- viii. Upon 75% (or fewer) of the lots within this Development being sold, a Homeowners Association shall be created.

- ix. This agreement and all of its covenants are and shall be covenants running with the land, and shall encumber the Development, and shall be binding on the heirs, personal representatives, successors and assigns of the parties hereto. This agreement shall be recorded with the Ozaukee County Register of Deeds office. The Development covenants and restrictions shall include this language and not by reference.

6. Erosion and Run-off Control

- a. Installation and construction of improvements in the proposed Development shall be done in conformance with the City in cooperation with the Ozaukee County Land Conservation Guidelines (SCS) and Department of Natural Resources "Wisconsin Construction Site Best Management Practice Handbook," latest edition, requirements, with respect to erosion and sedimentation control. Temporary stormwater quality measures during construction activities shall include, as a minimum, the installation of silt fence and temporary sediment basins.
- b. The Developer shall install the drainage system, including roads (unpaved, but with gravel surface), first. The swale and ditches shall be sodded or planted with fast growing grasses immediately after grade certification by the City or designated agent. The City may request temporary mulching if ground is exposed for more than 7 days. Straw, hay bales, check dams or silt fences shall be placed in the drainage system as sediment traps in accordance with established Best Management practices. The City will decide what situation is appropriate for sod and will determine the sediment trap method to be used.
- c. The Developer may not commence land disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be approved which requires the Developer to construct in conformance with the City's erosion control ordinance.
- d. Excavated soil shall not be allowed to be piled near the drainage system. A topsoil stockpile area shall be identified and used, complete with appropriate erosion control measures.
- e. The surface of exposed bare soils shall be protected by mulches or by temporary annual grasses, or erosion matting.
- f. The Developer will periodically inspect and maintain any measures utilized above. All erosion control devices shall be inspected after each rain event.

7. Streets

- a. The road design standards shall be subject to the review and approval by the City Engineer and Fire Chief. The roads, whether public or private, shall be constructed in compliance with the City Standard Specifications for Land Development, latest edition, unless otherwise approved by the City.
- b. Private access roads/driveways shall be approved by the City Engineer and Fire Chief.
- c. Construction of a twelve (12) inch road base consisting of seven (7) inches of one and one-quarter inch (1 1/4") crushed stone base course and five (5) inches of 3/4" T.B. for all new streets. The initial surface shall consist of three inches (3") of bituminous binder course. The roads shall be constructed to the City's typical cross-section and in accordance with the City's standard specifications for land development.
- d. In developments with sanitary sewer the final one and one-half inch (1 1/2") asphalt surface course shall be applied following the construction of the binder course.
- e. The Developer shall provide to the City a Letter of Credit issued by a local bank on the US Chamber of Commerce model form or reasonable equivalent, and subject to prior review and

approval by the City, to provide security for compensation to the City for wear and tear and accelerated deterioration of City streets as a result of infrastructure improvement associated with the hauling of stone and asphalt attributable to the approved Development.

Prior to commencement of any construction activity, the Developer shall establish with the City a Letter of Credit, for road damage, in the amount equal to \$1,000 per residential lot in the proposed Development. Should the proposed development be approved as a phased Development, the Letter of Credit and evaluation process shall be established prior to commencement of each phase of Development. Prior to the commencement of any construction activity, the following provisions shall be complied with.

- i. The Developer shall meet with City Engineering and Public Works staff to identify and agree to a specific "haul" route for all construction equipment and material supplies associated with the Development. The Developer shall agree to confine the movement of its construction equipment to the approved route unless approved otherwise by the City Engineer or Public Works Director.
- ii. Prior to commencement of construction, the City shall videotape and perform a road evaluation of the agreed to haul route. This evaluation, known as a service condition rating or SCR, shall be used as the base line for establishing the level of damage that occurs as a result of the Development.
- iii. At the conclusion of the construction activity and prior to the recording of the final plat, the City will again videotape and perform a post development SCR of the Developer's "haul" route.
- iv. Prior to the City acceptance of the Improvements, the Developer will repair the road or pay to the City for the Dollar amount for the estimated repairs.

The road account and road evaluation is only applicable to that portion of the approved haul route that lies within the corporate limits of the City.

8. Landscaping and Open Spaces

- a. A street tree plan shall be subject to the review and approval of the Tree Board and Planning Commission. The species and installation of street trees shall conform to the street tree ordinance.
- b. Landscape plans shall be designed by a licensed landscape architect and shall be reviewed and approved by City staff. The City may have a licensed landscape architect review the submitted landscape plans.
- c. Signage and entryway landscape plans shall be reviewed and approved by City staff.
- d. A landscaping Letter of Credit issued by a local bank on the US Chamber of Commerce model form or reasonable equivalent, and subject to prior review and approval by the City, equal to 125% of the improvement costs for installation of landscaping and hardscape amenities shall be provided to the City.
- e. A Letter of Credit issued by a local bank on the US Chamber of Commerce model form or reasonable equivalent, and subject to prior review and approval by the City, equal to 25% of the landscape and hardscape amenities contract cost to insure that landscaping that dies within three (3) years of installation will be replaced by the Developer.

- f. A performance bond equal to 25 percent of the installation costs of the street trees is required to ensure that all street trees that die within the first 14 months will be replaced by the developer.
- f. Any required pedestrian paths shall be installed and shall be maintained by the developer or home owners association. Pedestrian and bike path plans shall address the public use of the paths and maintenance and shall be subject to the review and approval of the City Engineering Department. A ten (10) foot wide pedestrian and bike path easement shall provide for public access. An eight (8) foot wide path shall be designed and constructed in accordance with the Department of Transportation (DOT) Bike Path Facilities Handbook.

9. Miscellaneous

- a. The Developer shall be responsible for maintaining and repairing all damage done to City streets as a result of excessive hauling operations and Development construction pursuant to section 7(f) above.
- b. The Developer shall be financially responsible for the material and installation of street signs.
- c. All construction shall conform to the "Standard and Specifications for Development Construction in the City of Mequon," latest edition.
- d. Wetland Boundaries shall be identified and marked in the field and verified by the Wisconsin Department of Natural Resources. The wetlands and setbacks shall be identified on the plat. Wetland boundary markers shall be maintained and setbacks observed during all phases of land disturbance and construction.
- e. The City Engineer may make changes to the approved plans and specifications for any of the improvements covered under this agreement which are necessary to correct oversights, omissions, and errors to compensate for changing site conditions, or to complete fully the work in accordance with sound engineering practice. The Developer shall perform the work as changed entirely at its expense without any claim for reimbursement.
- f. Submittal of underground utility easements.
- g. Submittal and Planning Commission approval of the appropriate stewardship plan preservation easement, maintenance agreement and street tree landscape plan, if applicable.
- h. All sanitary, drainage, water and other utility easements must be shown on the plat. All sanitary, water and drainage easements must be prepared separately for each lot or parcel and recorded at the Developer's expense. These documents shall be required at the time of final plat approval and approved by the City.
- i. Submittal of proposed driveway culvert size plan where applicable.
- j. Developer shall be responsible for the cost of installation of one We-Energies standard street light mounted on a wooden pole, or may provide upgraded street light and mounting, as shall be approved by the City, at the main entrance to the Development. The City Public Works Department shall arrange for the installation permit and coordinate the installation. Developer shall pay for labor and materials within 30 days after being invoiced. The Developer/ Home owners association shall assume responsibility for the monthly energy costs and future maintenance for the street light.

10. Special Provisions

- a. The development process shall strictly conform to the conditions of approval of the Preliminary Plat and other approvals, and as set forth in the Development Agreement. Request for final plat approval is subject to Engineering Department certification that all improvements required to be installed have been completed and approved, and as to the Improvements, approval and acceptance of their dedication by the City.

The remainder of this page is intentionally left blank.

EXHIBIT C

CITY OF MEQUON
WISCONSIN

ENGINEERING DEPARTMENT
DEVELOPMENT AGREEMENTDevelopment Title **Riverland Estates**

In addition, the Developer shall provide a lot pipe guarantee in the form of a Letter of Credit or Cash Bond in accordance with this agreement. The Developer shall provide a financial guarantee in the amount of \$1300, which is equivalent to \$100 per lot. The financial guarantee is subject to release upon receipt by the City of a lot pipe certification stamped and signed by a professional land surveyor, registered in the State of Wisconsin.

Attachment: Packet (3713 : Hillcrest Builders for Filinger Family Trust)

TO: Planning Commission

FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT

DATE: December 3, 2018

SUBJECT: Dan Dommer for Ozaukee Country Club. The applicant is seeking building and site plan approval to allow for a 5,280 square foot accessory storage structure for golf equipment for the property located at 10823-11101 N. River Road (Ozaukee Country Club).

Applicant: Ozaukee Country Club
Dan Dommer

Status of Applicant: Owner

Requested: Building and Site Plan for Accessory Structure

Existing Use: Country Club

Existing Zoning: IPS (Institutional Public Service)

Land Use Plan: Institutional

Lot size: 152 acres

Location: 10823-11101 N. River Road

Tax Key: #14-026-01-000.00

District: #6

Background: The applicant is requesting building and site plan approval for a 5,280 square foot accessory structure at 10823-11101 N River Road. The structure will be used to store equipment related to the operations of the golf course.

Building Design:

The proposed building is shown to have a metal panel roof and metal wall panels with a three foot wainscot accent on all four elevations. There are three overhead doors on the south elevation of the building with no public view. The colors of the building are tan and light brown. The applicant has stated that they will have color samples available at the meeting. The overall height of the building is approximately 22 feet which complies with the 42 foot maximum height requirement. Since the structure will be visible from Mequon Road, staff is recommending the design include additional architectural details consistent with other recently approved buildings of a similar nature. Staff recommends the following design changes for the building:

- Windows on the upper portion of the north elevation.
- Roof overhangs on both the gable and side elevations.

Site Plan:

The site plan shows the building located 75 feet from the Mequon Road right of way which is in compliance with the IPS front setback of 65 feet. The building is shown to be offset from the side property line by 146 feet. The code requires a 30 foot offset for structures adjacent to a residential use. Access to the site is gained from an existing driveway off Mequon Road. The

applicant states that the use of the Mequon Road access point will be minimal as most of the equipment will access the facility from the interior of the site. Based on the height and location of the structure, it will be partially visible from Mequon Road. The applicant has provided a view of the building from the Mequon Road sidewalk. There is a berm currently located along the property line that screens a portion of the building from Mequon Road. Staff will add as a condition of approval that evergreen trees be added to the top of the berm to further screen the building from public view.

Engineering Report:

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

No utility connections are proposed as a part of the application.

The Wisconsin DNR surface water data viewer and aerial photos were used to confirm that wetlands are potentially present on the parcel. The wetlands indicators are significantly outside the proposed work area and would not require a wetland delineation.

The site proposes an increase in impervious surface less than one half acre and site disturbance of less than an acre therefore does not require a stormwater management plan (SWMP). An addition of 0.38 acres of new impervious with this application or any future applications will trigger the requirement to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria. The future stormwater management would need to account for all of the site impervious surface.

The site proposes land disturbance greater than 4,000 square feet, therefore a City erosion control permit is required. The land disturbance is less than an acre and a WDNR WRAPP permit is not required.

Staff Recommendation:

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

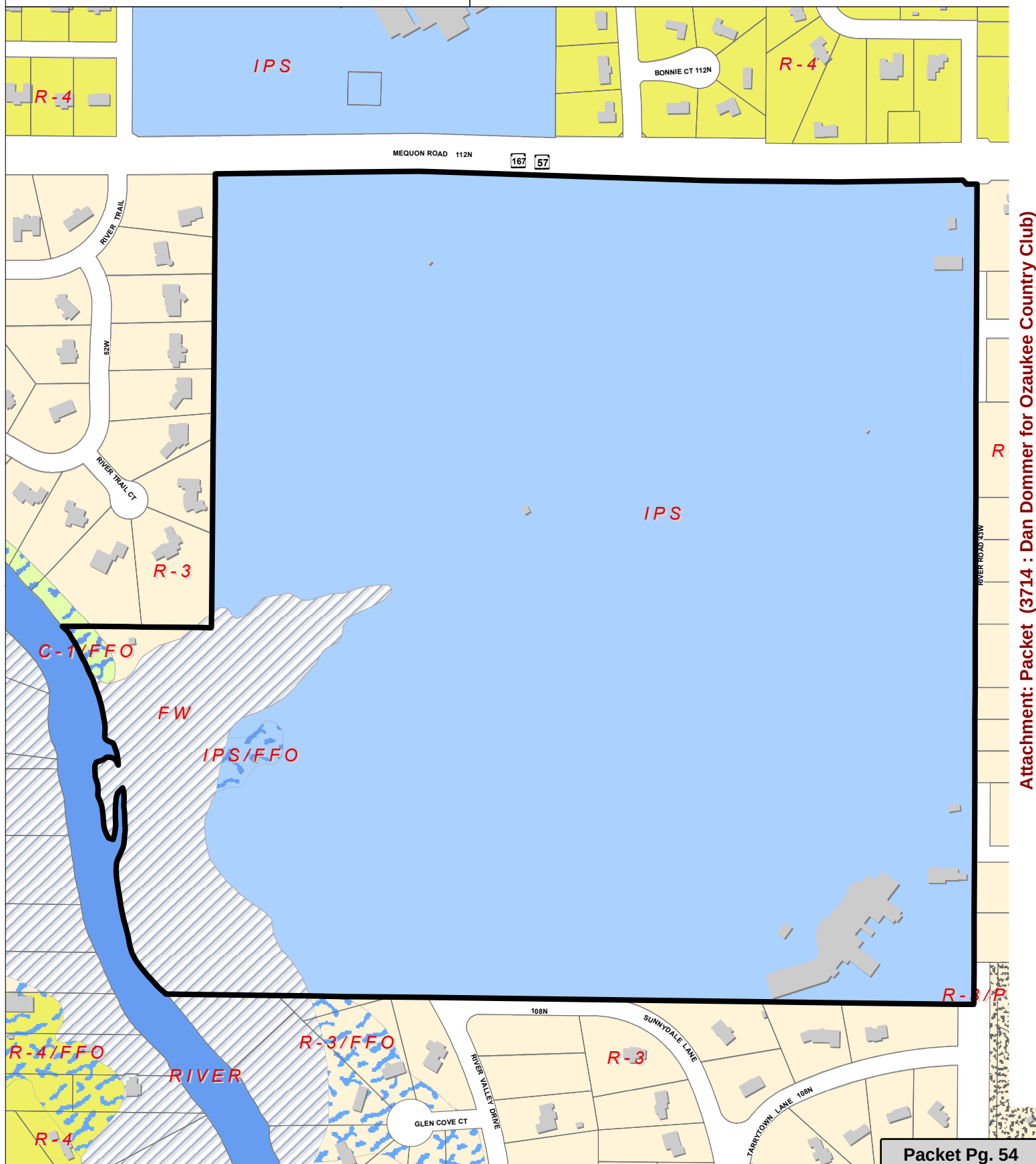
1. Staff review and approval of final site, lighting, landscaping and elevation plans.
2. Updated elevations that incorporate soffit extensions and windows along the north elevation for staff review and approval.
3. Submittal of a landscaping plan that addresses screening from Mequon Road for staff review and approval.
4. Staff review and approval of any building lighting to verify compliance with the lighting code.
5. Applicant shall submit an erosion control permit application and fees for Engineering Department approval prior to the issuance of a building permit.
6. Engineering Division review and approval of grading, drainage, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
7. An addition of 0.38 acres of new impervious with this application or any future applications will trigger the requirement to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria.

Attachments:

Packet (PDF)

Dan Dommer for Ozaukee Country Club

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



The Ozaukee Country Club (OCC) has been established as and has remained a prestigious private golf facility in Ozaukee County for nearly 100 years. Over the years, OCC has seen many changes as various course improvements projects and renovations have changed our grounds and infrastructure to keep up with the evolving desires of our membership and technological advancements. These changes have allowed us remain viable in a saturated marketplace.

Unfortunately, our golf course maintenance facilities, which pre-date the original construction our club in 1922, have remained largely unchanged for over 100 years. The maintenance staff at OCC have been storing equipment in and operating out of a single original barn structure for almost a century. Beginning more than a few decades ago, this structure became woefully inadequate to store the equipment needed to maintain an elite golf facility. Subsequently, we have been forced to store large portions of our maintenance fleet permanently outdoors; leading to enhanced depreciation and shortened equipment lifespans. The need for a supplemental building structure has been painfully obvious for a number of years now.

We are hopeful to begin the construction of a pole barn located in the far northwest area of our grounds to accommodate the storage of the larger machinery required to maintain our grounds. Our main goal is for this structure to be minimally-noticeable while still providing the much needed storage of our larger and/or limited-use equipment. I believe that we have completed the prerequisite work necessary to achieve this goal. This pole barn will strictly be for the cold storage of equipment. Traffic to and from the proposed structure will be limited after construction and beyond as any equipment stored within will be of limited-use. We're hopeful to keep these larger items sheltered from the brutal winter seasons.

Thank you for your consideration.

Custom Building Solution Proposal

Submitted to:

***Ozaukee Country Club
Thiensville, WI.***



PRESENTED BY: Bill Hamm

Proposal #: BH 10252018-OCC-A

Attachment: Packet (3714 : Dan Dommer for Ozaukee Country Club)

Ozaukee Country Club
10823 N. River Rd.
Thiensville, WI. 53092

October 26, 2018

Dear Ozaukee Country Club ,

Thank you for the opportunity to present this custom building solution proposal for your consideration. We take great pride in listening to your needs and transforming them into an attractive yet functional building. At Walters Buildings we focus on meeting your expectations through communication, honesty, dependability and a quality product at a fair price; which ultimately translates to high value for your construction dollar.

Our Company

Walters Buildings is a family owned business based out of Allenton, WI that has been building agricultural, commercial, industrial and suburban structures for over 50 years. We have manufacturing facilities in Allenton, WI and Fairfield, IL and have sales/construction centers in MN, WI, IL, OH and KY.

Our Product

In post-frame construction, the columns are the heart of the building. We have spent years in design, research, and testing to develop and patent our shear transfer plated (STP) columns. This southern yellow pine column, stronger than solid sawn posts, joins an untreated upper portion with a bottom portion treated to 0.8 pounds per cubic foot retention of chromated copper arsenate (CCA). We warrant our columns for 50 years (including material and labor) if any preservative treated material should fail due to decay or insect attack.

We know that a building is only as strong as the foundation that it is built on. Our columns are solidly anchored to a structurally designed foundation designed to carry all applicable forces applied to the structure, such as snow and wind loads.

As participants of the Truss Plate Institute's (TPI) Quality Assurance Certification program, we are required to be available at all times for unscheduled inspections of our truss plants and lumber inventory. These inspections, too stringent for most companies, check that the correct grade of lumber is used, and the quality of the truss plates and proper joint placement is maintained. To further assure the quality of our roof trusses, our in-house staff of registered engineers also supervises our manufacturing facility and constantly looks for new and improved truss designs and manufacturing techniques.

Walters Buildings utilizes roll-forming and sheet leveling equipment that provides the means to roll-form a panel that is 28-gauge 92,000 psi (80,000 psi minimum) structural quality material that has G-90 substrate with a superior paint finish. The panel features a 1" deep geometric designed - diaphragm enhancing rib that assures reliable structural integrity for your roof and sidewall panels. The quality of this panel is reflected in our warranty: 40-year film integrity, 35-year fade and chalk and 10-year non edge rust.

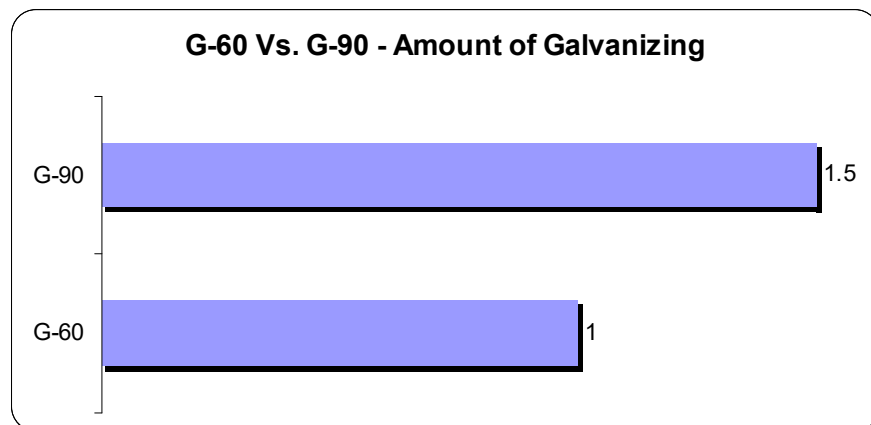
Your Project

Walters Buildings is pleased to propose the following building for your consideration.

66' 0" wide × 88' 0" long × 12' 0" high Commercial 14INHLGABLE

To include the following:

- 3' 0" high accenting wainscot installed on the entire structure
- (3) – 10' 0" wide x 10' 0" high insulated #600 Series Haas raised panel overhead doors with operators, remotes and standard lift tracks
- (2) – 3' 0" wide x 6' 8" high plain walk doors, levere style lockset. Walk doors shall be Plyco Series 20 Insulated doors.
 - ✓ Plyco Series 20 insulated doors - 16 gauge galvanized steel frame jambs and 24 gauge galvanized steel panel, 1 3/4" thick. Insulated. Not thermal broken. Plain, 9 lite or 20"x24" 1 lite. Only colors available are White, Bronze, Cocoa Brown and Beige (Clay).
- Drip Stop in roofline
- Steel panels and trims shall be applied with color matched screw fasteners
- Patented steel transfer plated columns set in a minimum **90 lbs.** of concrete. Full CCA treatment to **.8 lbs.** retention. Includes 50 year written warranty on materials and labor.
- Roof and Side Panels to be a minimum of .016 (**28 gauge**) inches thickness with an average yield stress of **92,000 P.S.I.** Our 1" high raised rib design, full-length panels, and G-90 galvanization with a XT-40 Super Durable Coating system combine for a long-term, maintenance free exterior.
- Steel Thickness (28 gauge Vs 29 gauge)
 - ✓ The 28 gauge steel we order .016 minimum thickness bare steel. This causes our steel to measure .0171.
 - ✓ Most of our competitors use 29 Gauge with a minimum thickness tolerance of .0142.
 - ✓ This amounts to having **20.4% more** steel on your entire building. This steel does cost more.
- Galvanizing (G-60 Vs G-90)
 - ✓ Because G90 has 1.5 times more galvanizing than G-60 it costs more.
 - ✓ **The benefit to you is your building will not rust and will be in service**



Ozaukee Country Club

Proposal #: BH 10252018-OCC-A

October 26, 2018

longer.

- ✓ The advantage galvanizing has over Galvalume is that galvanizing has the ability to heal itself.
- ✓ Once scratched or cut, galvanizing will come together and protect the underlying steel; Galvalume will not.
- Factory Assembled straight bottom chord Gable trusses with a 3/12 roof pitch
- Walters patented Shear Transfer Plated columns (STP) spaced 8' 0" on center
- Framing lumber to consist of Machine Stress Rated (MSR) lumber. Building includes 2"x6" corner and endwall bracing and 2"x4" lateral truss ties.
- Kneebrace free interior wall design to optimize available headroom.
- 5" steel gutters and downspouts included to control erosion.
- *Includes Walters Buildings non-prorated written warranty*
- Portable Restroom & Dumpster Charges are included
- Concrete
 - 4" thick x 66' wide x 88' long concrete slab
 - (3) - 4" thick x 4' wide x 12' 0" long concrete overhead door approaches
 - (2) - 4" thick x 5' wide x 5' 0" long concrete walk door approaches

TOTAL BUILDING PACKAGE PRICE:**\$ 104,459.00****Option #1 (Winter Discount)**

For building delivered after February 1, 2019 and built before April 15, 2019.

Deduct: \$ 3,563.00

Proposal Accepted this ____ day of October, 18 in the amount of \$_____.

The proposal is to include the basic building as well as the following options: _____.

Signed: _____ Witnessed by: _____

Terms

Price includes delivery and erection on your prepared site. The quoted price stated on this proposal is valid for 15 days. The quoted price also reflects cash terms defined as 25% when the contract is signed, 50% upon delivery of building materials and 25% upon completion of the project.

Not included unless specified previously: Local permits and exterior landscaping. All items not specifically mentioned are not to be considered to be part of this proposal. The above mentioned options do not include county sales tax where applicable.

Attachment: Packet (3714 : Dan Dommer for Ozaukee Country Club)

Ozaukee Country Club Proposal #: BH 10252018-OCC-A

October 26, 2018

Thank you for the opportunity of providing you with this custom building solution proposal. If you have any questions, please feel free to contact me at (262) 689-5688 or (262) 629-5521 ext. 159.

Highest Regards,

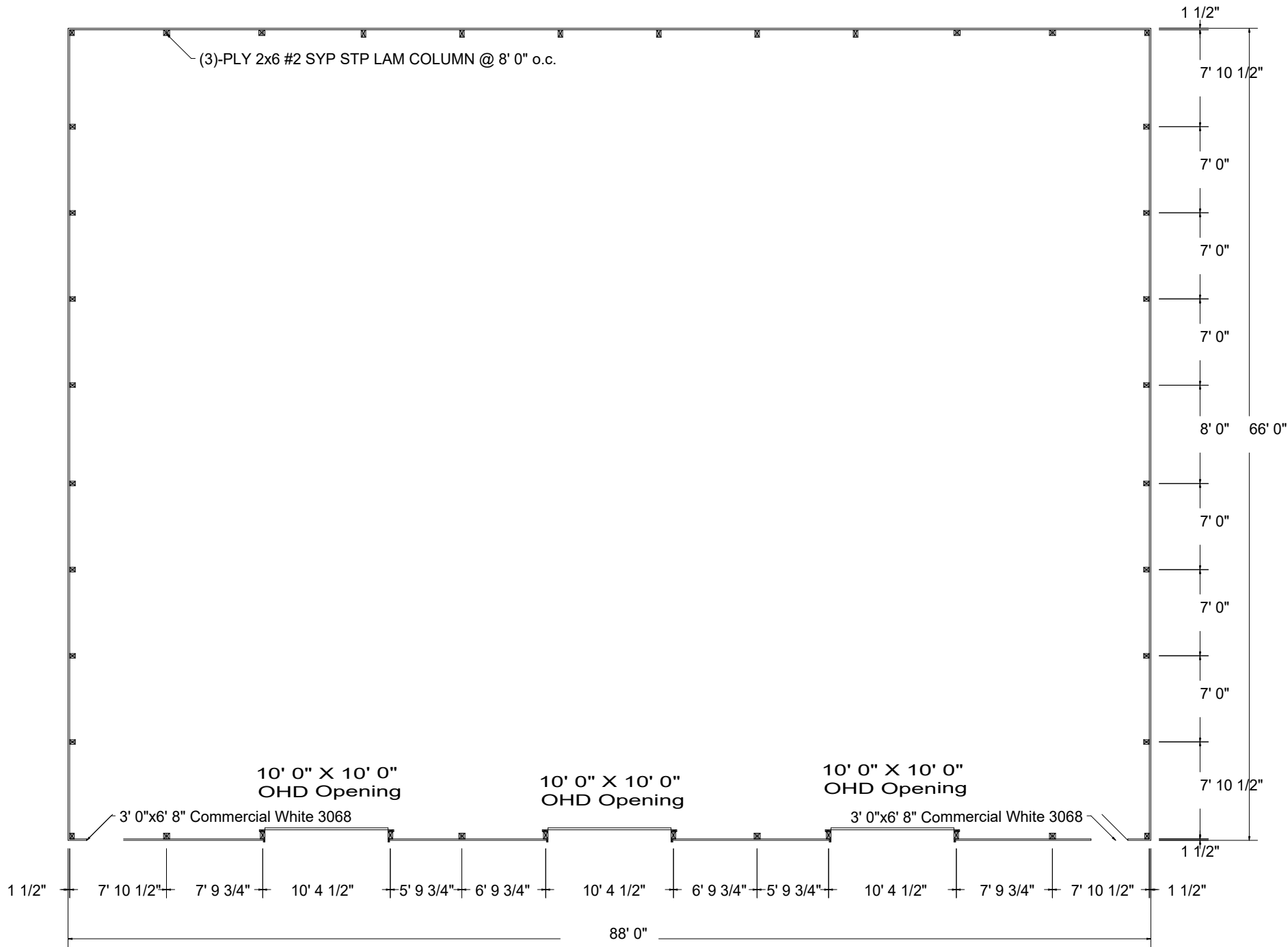
Bill Hamm
District Sales/Construction Manager



Attachment: Packet (3714 : Dan Dommer for Ozaukee Country Club)

Automatically generated by the CADMAP Drawing Program v. 6.22
Copyright 1999, Jack Walters & Sons, Corp.
Drawing may not accurately reflect the materials required and
may not show the correct placement of materials.

NOT FOR USE IN CONSTRUCTION

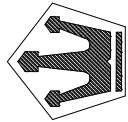


FLOOR PLAN

Scale: 3/32" = 1'

Walters Buildings

PO Box 388



Salesman: Bill Hamm

Revised By:

Date Revised:

Owner: Ozaukee Country Club

Project: Storage Building

Job No.:

Drawn By:

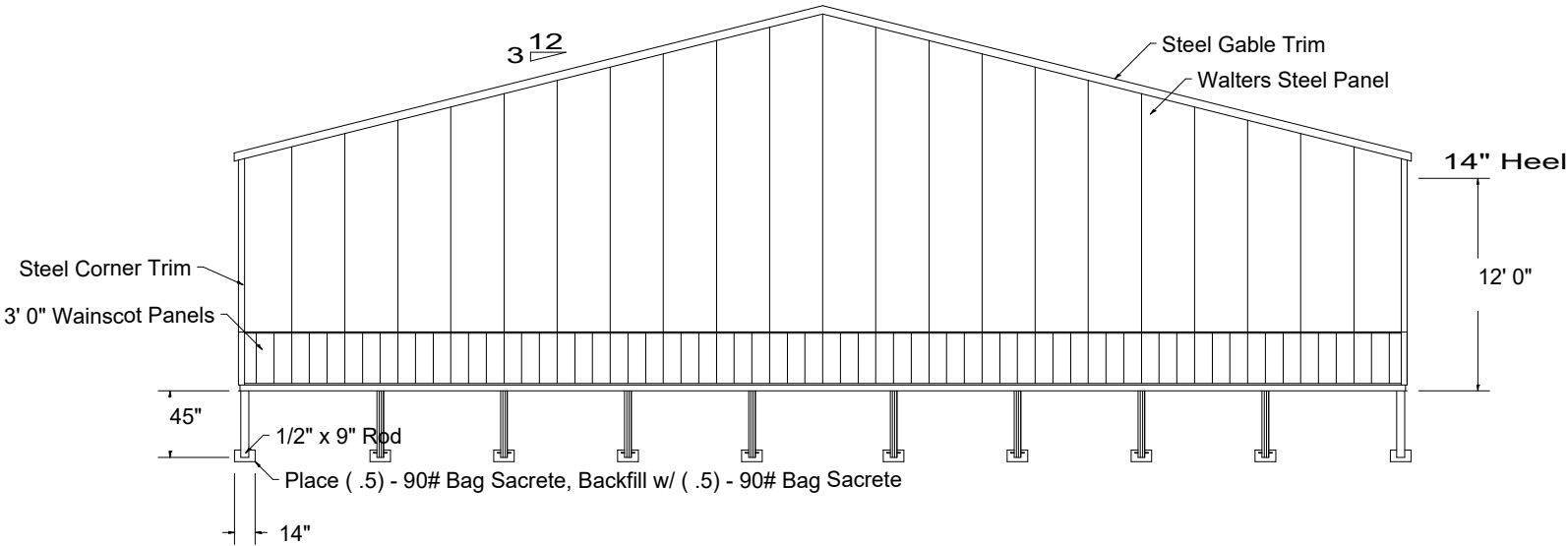
Date: 10/26/2018

Sheet No.:

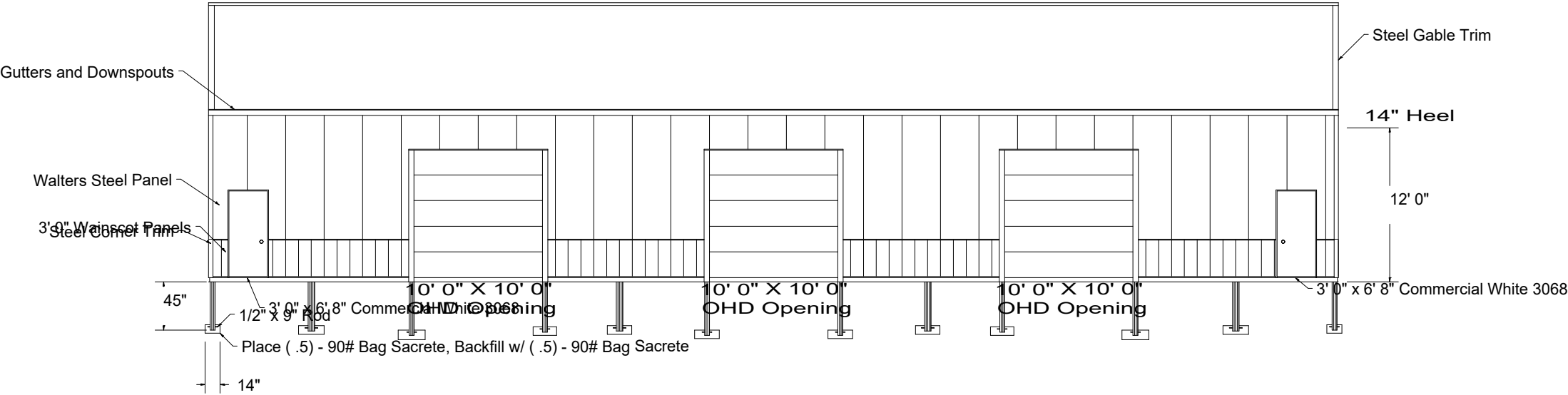
Attachment: Packet (3714 : Dan Dommer for Ozaukee Country Club)

Automatically generated by the CADMAP Drawing Program v. 6.22
Copyright 1999, Jack Walters & Sons, Corp.
Drawing may not accurately reflect the materials required and
may not show the correct placement of materials.

NOT FOR USE IN CONSTRUCTION

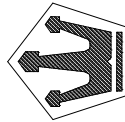


LEFT ELEVATION
Scale: 3/32" = 1'



FRONT ELEVATION
Scale: 3/32" = 1'

Walters Buildings
PO Box 388



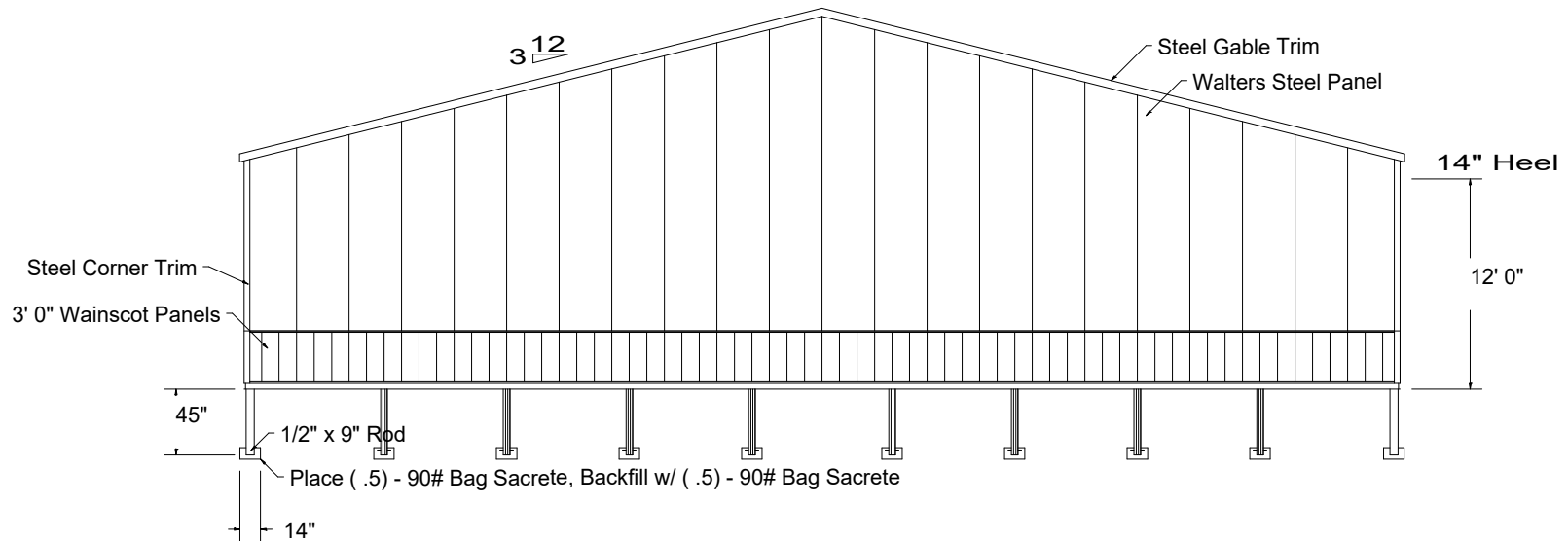
Salesman: Bill Hamm
Revised By:
Date Revised:

Owner: Ozaukee Country Club
Project: Storage Building
Job No.:
Drawn By:
Date: 10/26/2018
Sheet No.:

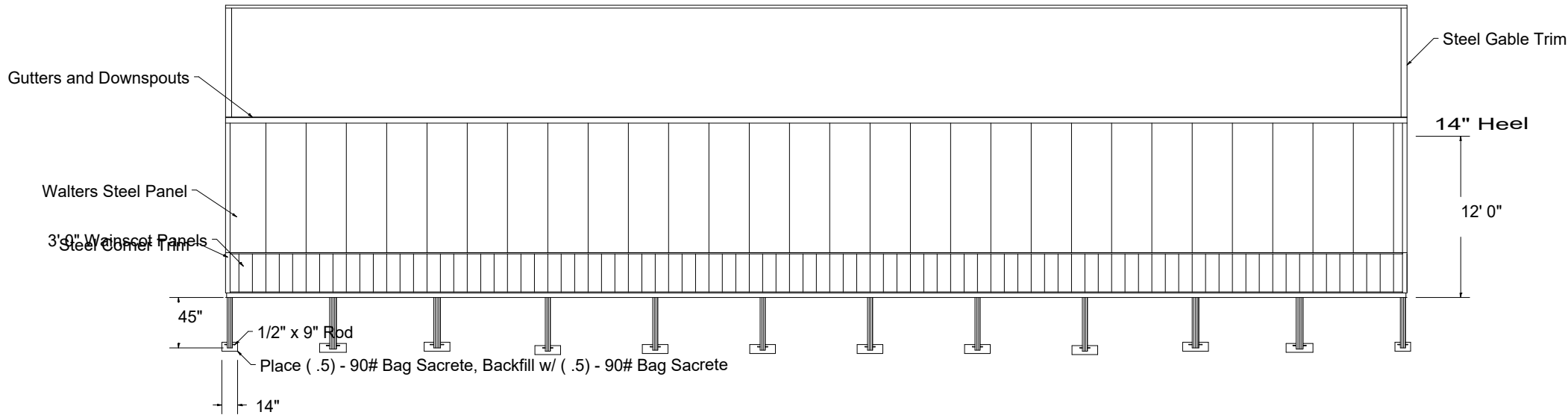
Attachment: Packet (3714 : Dan Dommer for Ozaukee Country Club)

Automatically generated by the CADMAP Drawing Program v. 6.22
Copyright 1999, Jack Walters & Sons, Corp.
Drawing may not accurately reflect the materials required and
may not show the correct placement of materials.

NOT FOR USE IN CONSTRUCTION



RIGHT ELEVATION
Scale: 3/32" = 1'

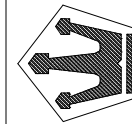


BACK ELEVATION
Scale: 3/32" = 1'

3.b.a

Walters Buildings

PO Box 388



Salesman: Bill Hamm

Revised By:

Date Revised:

Owner: Ozaukee Country Club

Drawn By: Date: 10/26/2018

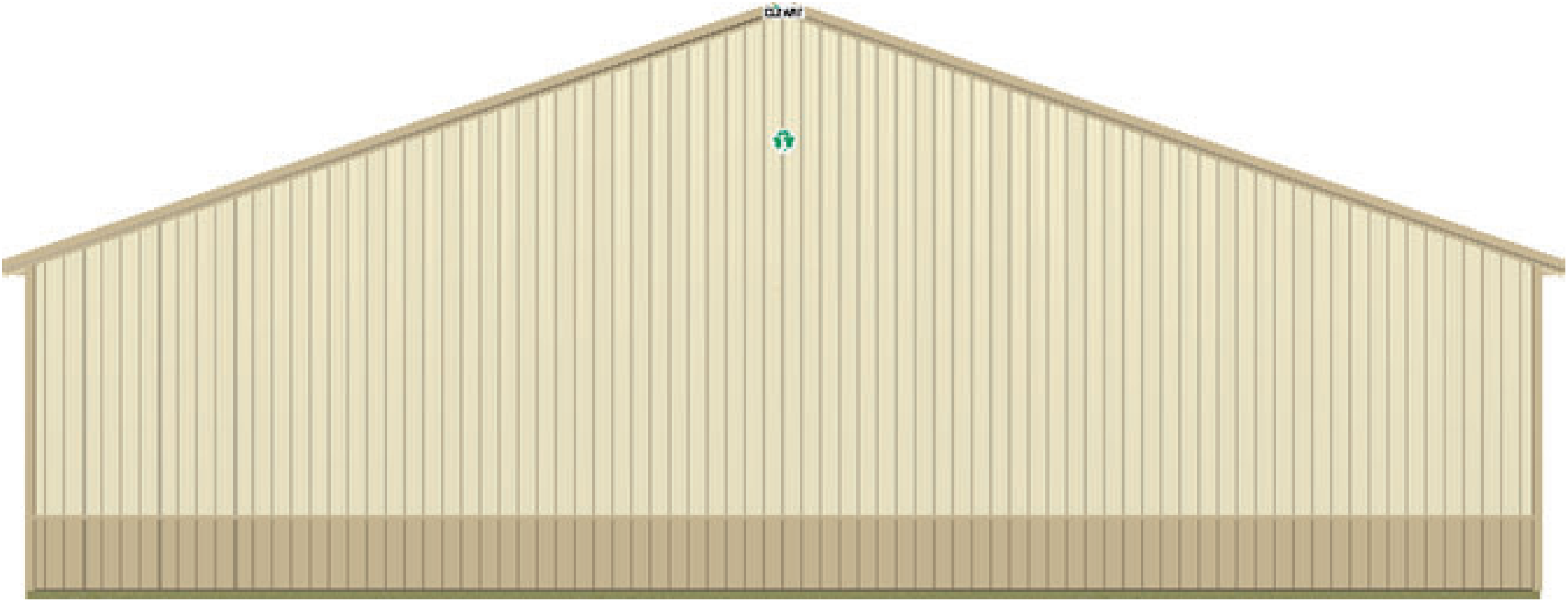
Sheet No.:

Project: Storage Building
Job No.:

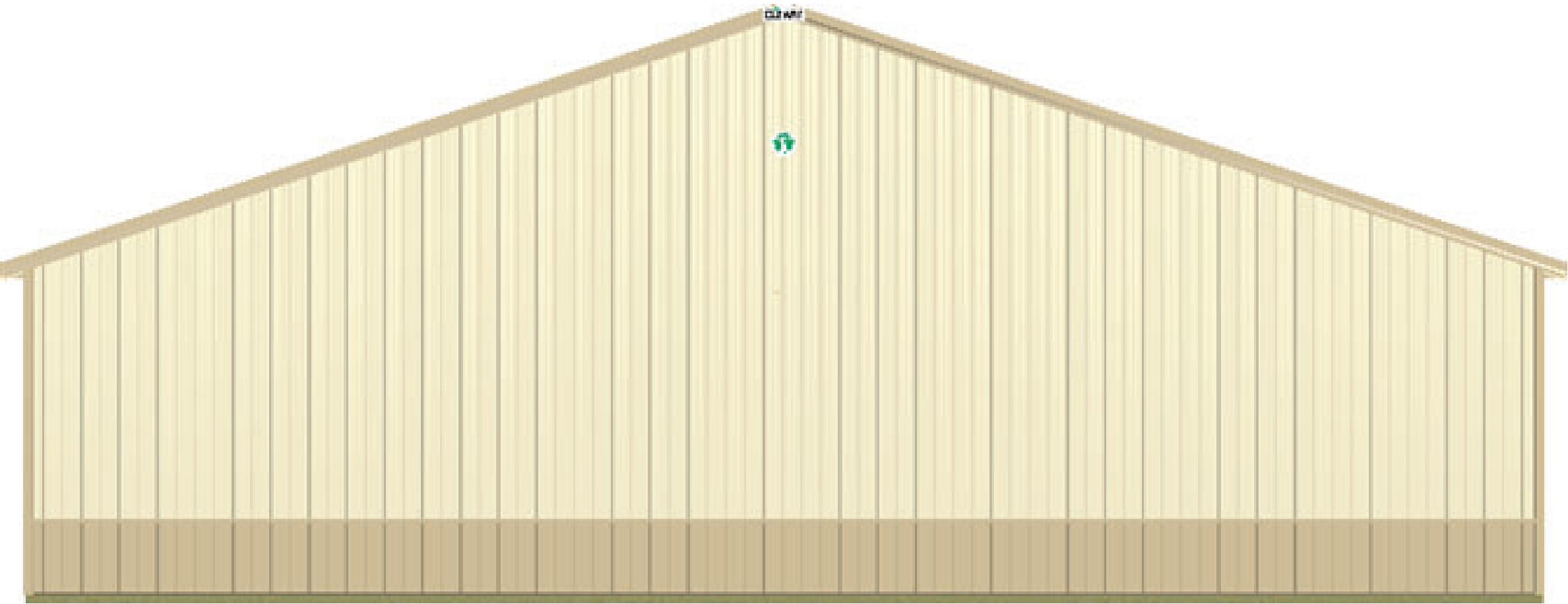
Attachment: Packet (3714 : Dan Dommer for Ozaukee Country Club)



Proposed North Side Elevation



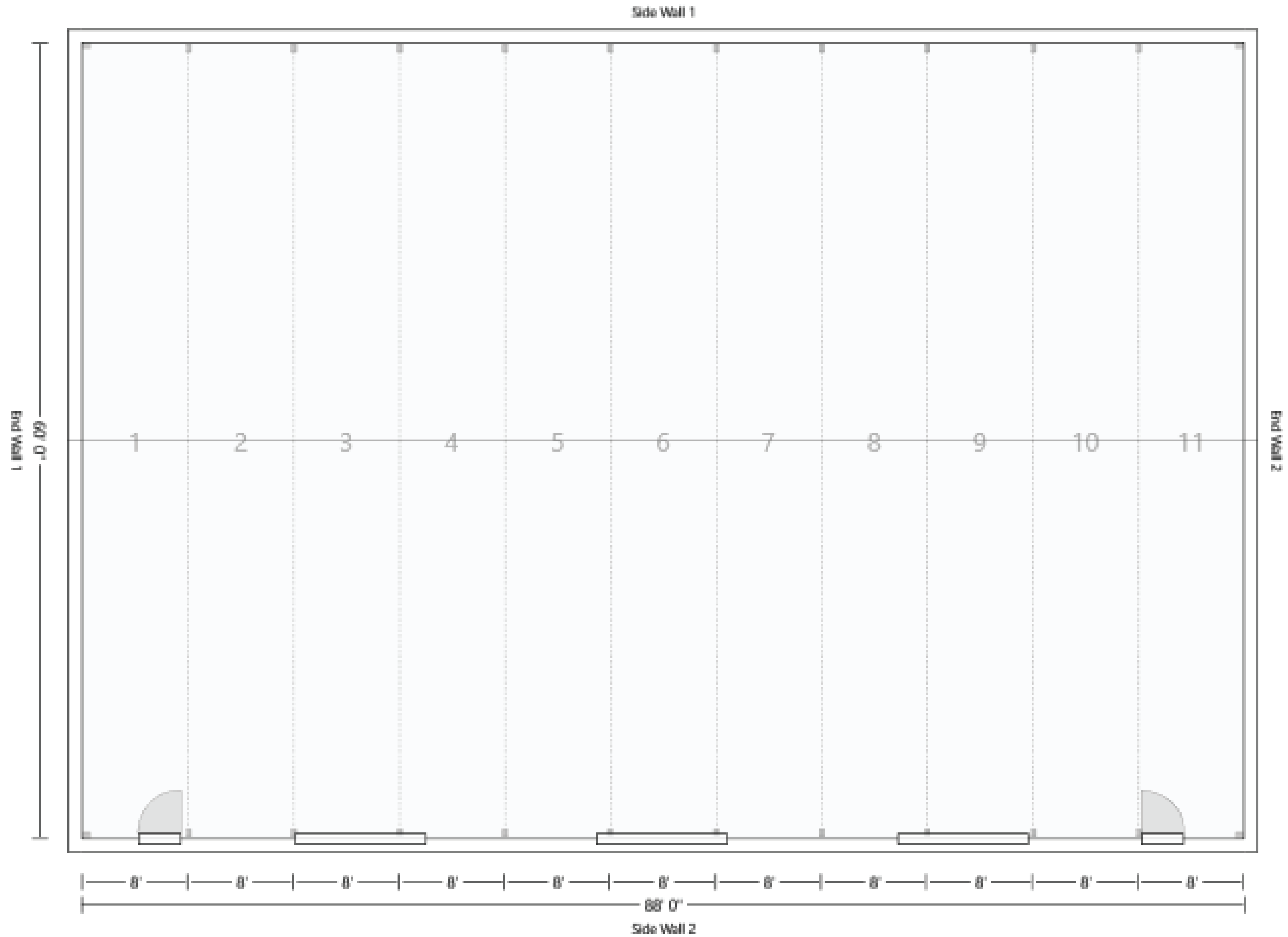
Proposed East Side Elevation



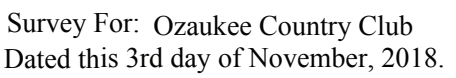
Proposed West Side Elevation



Proposed South Side Elevation



PROPOSED FLOOR PLAN
Scale: Not to Scale









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 10, 2013
SUBJECT: Tom Zabjek for P2 Development. The applicant is seeking rezoning recommendation approval to amend the PUD to increase the number of homes allowed from 21 to 23 for the properties located at 6209 and 6211 W. Mequon Road and 11124, 11127 and 11050 N. Industrial Drive.

Applicant: Lakeside Development
Status of Applicant: Contract to Purchase
Requested: Rezoning Recommendation
Concept Plan

Existing Zoning: TC (Town Center)
Existing Land Use Plan: Town Center
Lot size: 13.97 acres
Location: 6209 W Mequon Road and 11050, 11127,
11124 N Industrial Drive

Tax Key: #14-027-01-021.00, #14-027-01-023.00, #14-027-01-010.00
#14-027-01-013.00, #14-027-01-001.00

District: #4

Background: The applicant is requesting an amendment to the PUD (planned unit development) for the Foxtown development at 6209 W Mequon Road and 11050, 11127, 11124 N Industrial Drive. The original PUD allowed for 21 pocket homes located on the east side of Industrial Drive. The applicant is requesting to amend the concept plan to allow for 2 additional pocket homes. In addition, the applicant is requesting to amend the requirement of a minimum 36 foot lot width and to allow detached garages.

Concept Plan:

The original concept plan included 21 single family pocket homes on lots 36 feet in width. The applicant is requesting to add two additional homes to the development which will reduce the width of a number of the lots to as low as 30.5 feet. At the time of the PUD rezoning, the Common Council approved a text amendment to allow for single family dwellings in the TC zoning district provided they meet certain criteria (see attached ordinance). The 36 foot minimum lot width was intended to allow for a dwelling of adequate width to be built while maintaining a 5 foot side yard offset on each side of the dwelling. The applicant addresses the issue of separation with the new layout by locating all building pads to on the west side of the lot area. This will result in an 8.5-10 foot green space buffer between each dwelling. This will achieve more separation between buildings than the required 5 foot offset. Staff has no issues with the request.

The applicant is also requesting flexibility to the requirement that all garages be attached to the principal dwelling. They are requesting that they have the flexibility of allowing buyers the option of an open air covered porch or a fully enclosed conditioned breezeway. The ability to allow for the detached structure would provide additional windows on the back of the home as well as a larger greenspace area between the two structures. Staff is supportive of a allowing for flexibility provided that no more than 60 percent of the total number of units has detached garages.

Staff Recommendation: Planning staff recommends approval of the rezoning recommendation and concept plan amendment subject to the following conditions:

1. Common Council approval of the rezoning and concept plan.
2. The side yard offsets shall be 8.5 feet on the east and 0 feet on the west.
3. No more that 60% of the single family dwellings shall have detached garages.

Attachments:

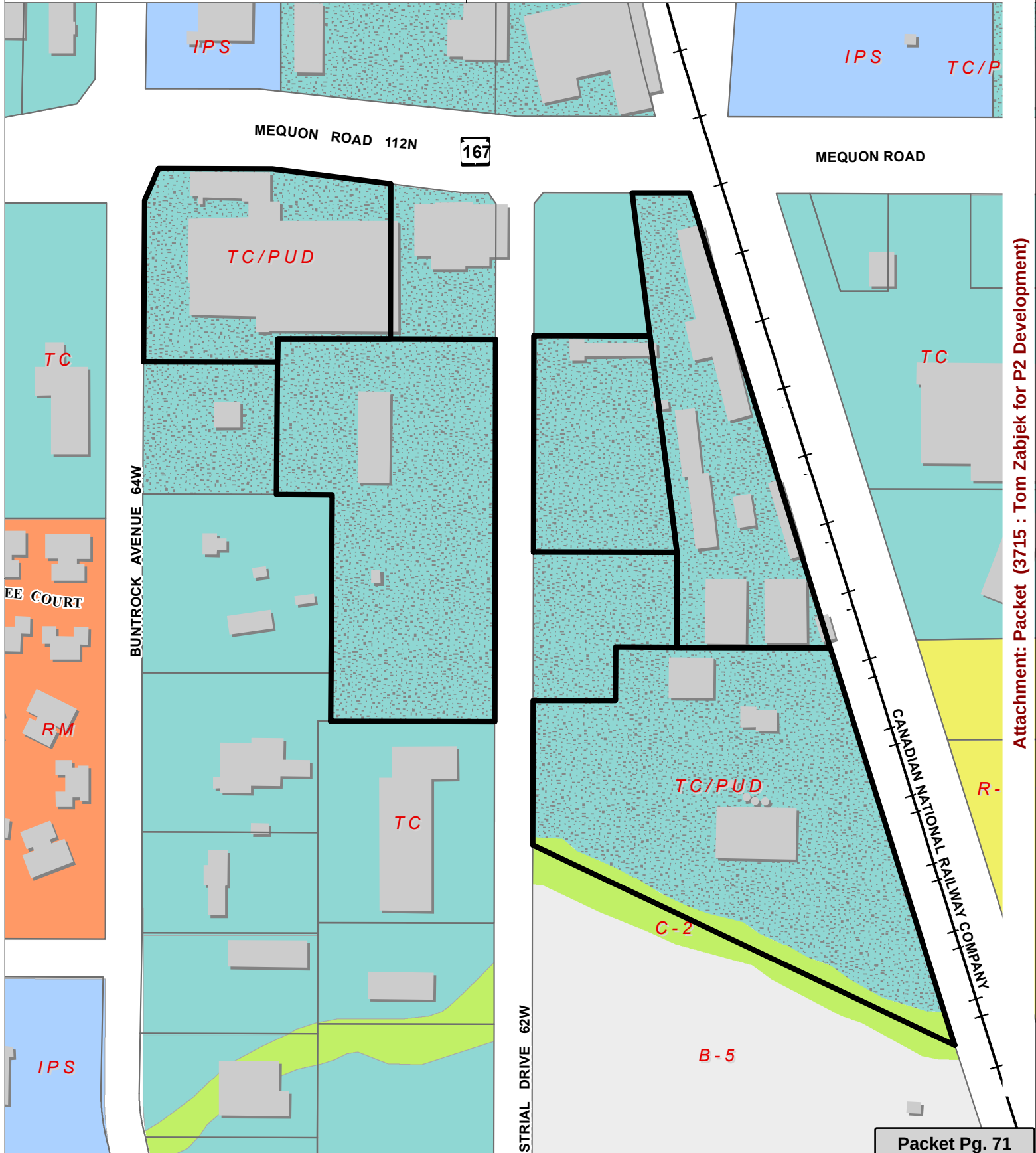
Packet (PDF)

Tom Zabjek for P2 Development

AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth Overlay
FFO Flood Fringe Overlay
FW Floodway
IPS Institutional & Public Service

LTD Limited Use
OA Agricultural Overlay
PUD Planned Unit Development Overlay
P-1 Park & Recreation
R-1 Single-Family Residential (5 Ac. Min.)
R-1B Single-Family Residential (2.5 Ac. Min.)
R-2 Single-Family Residential (2.0 Ac. Min.)
R-2B Single-Family Residential (1.5 Ac. Min.)
R-3 Single-Family Residential (1.0 Ac. Min.)
R-4 Single-Family Residential (3/4 Ac. Min.)
R-5 Single-Family Residential (1/2 Ac. Min.)
R-6 Single-Family Residential (4 du/Ac)
RM Multi-Family Residential
TC Town Center
TDR Transfer of Development Rights

3.c.a



Attachment: Packet (3715 : Tom Zabjek for P2 Development)

Narrative Pocket Neighborhood

DATE: November 7, 2018

Lakeside Development Company will contribute to the Foxtown development by proposing (23) twenty-three “Porch-Front” single family homes, of consistent exterior design, which is an increase from the previously approved (21) twenty-one single family homes. The site plan submitted includes 30.5’, 32.0’ and 35.0’ building lot widths, which is in keeping with similar Pocket Neighborhood developments. Pocket neighborhoods are small groups of houses near a shared open space, which in this instance is the amenities of the Foxtown development. They may take the form of a garden courtyard, a pedestrian street, a series of joined backyards, or an alley. These clusters form at a sub-block scale in a semi-private zone of ownership. Think of them as a neighborhood within a neighborhood. Pocket neighborhoods exist across all transects: Urban Neighborhoods, Suburbs, and Small Towns and Rural areas. The key idea is that a relatively small number of nearby neighbors socialize together. At its core, this is more than just aesthetics or style; it's about design that cultivates healthy life style. A neighborhood might contain several hundred households, but when it comes to pocket neighborhoods, the optimum size is around 8 to 12 households per block or cluster. If a cluster has fewer than 4 households, it loses the sense of being a cluster, and lacks the diversity and activity of a larger group. When the number of households in a cluster grows beyond 12 or 16, some neighbors are too far away to be neighborly, and group decision-making becomes more unwieldy. The front porch is a particular ‘layer of personal space’ that needs highlighting. It is perhaps the key element in fostering neighborly connections. Its placement, size, and relation to the interior and the public space, is both an art and a science. Beyond being amenities for residents, these common facilities foster relationships among neighbors and strengthen their sense of community - considered by some as essential ingredients for creating community. Lakeside has visited various developments that have characteristics of a pocket neighborhood in Illinois such as Basecamp in Old Irving Park, Sauganash Glen in Sauganash and School Street in Libertyville, examples enclosed, note that some of the lots are 26 feet wide.

Lakeside’s single family homes will offer both first floor Master Suite, and well as second floor Master Suite options. Lakeside is proposing detached 2-car Garages, which will provide outdoor living space between home and garage, offering more space, as well as the opportunity for privacy not possible between homes. Perspective buyers will have the option to incorporate a covered, open-air connection between home and garage, or fully enclosed, conditioned connection between home and garage if they wish.

The original Town Center zoning did not allow single family owner occupied housing when the Foxtown PUD was approved with proposed standalone housing. The ordinance was modified to accommodate the proposed plan. The ordinance required lots to be a minimum width of 36 feet,

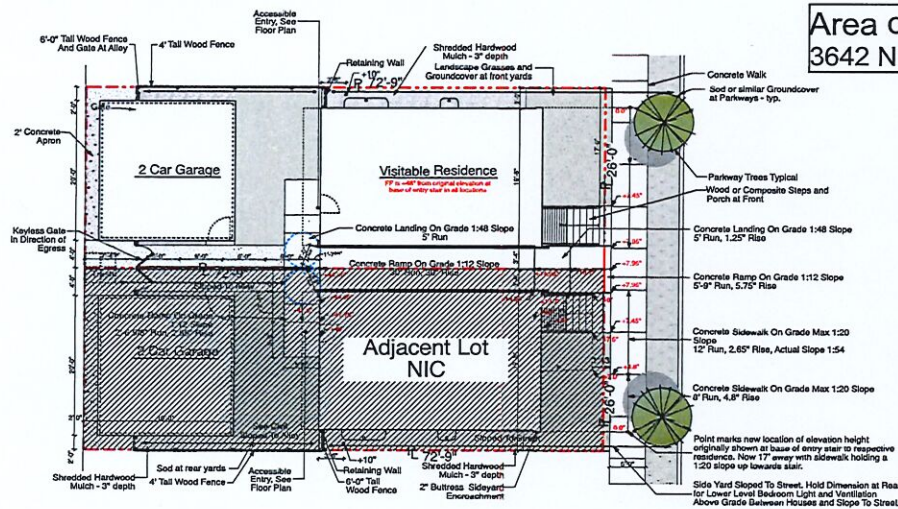
which is more than what was proposed when the PUD was approved. Lakeside is seeking approval to build on lot widths between 30.5 to 35 feet, and to allow for detached Garages, not only creating a greenspace between the House and Garage, but also allowing for additional windows in the back of the House. The Houses will be placed along one side of the property line allowing a maximum distance between the Homes.

Actual Number of Units:	48 Units
Visitable Units Required:	20% Required = 10
Visitable Units Provided:	10 Total, Lots 18 - 27 Are Visitable Units

Gross Site Area:	179,588 Sqft (4.12 acres)
Maximum FAR Ratio:	1.0
Actual Number of Units:	48 Units
Off Street Parking:	2-Car Garage Each Lot
Maximum Building Height:	35 feet (CZO, 17-17-0311-Building Height, A Measurement: Mean Height of Gable)
Construction Type:	IV A

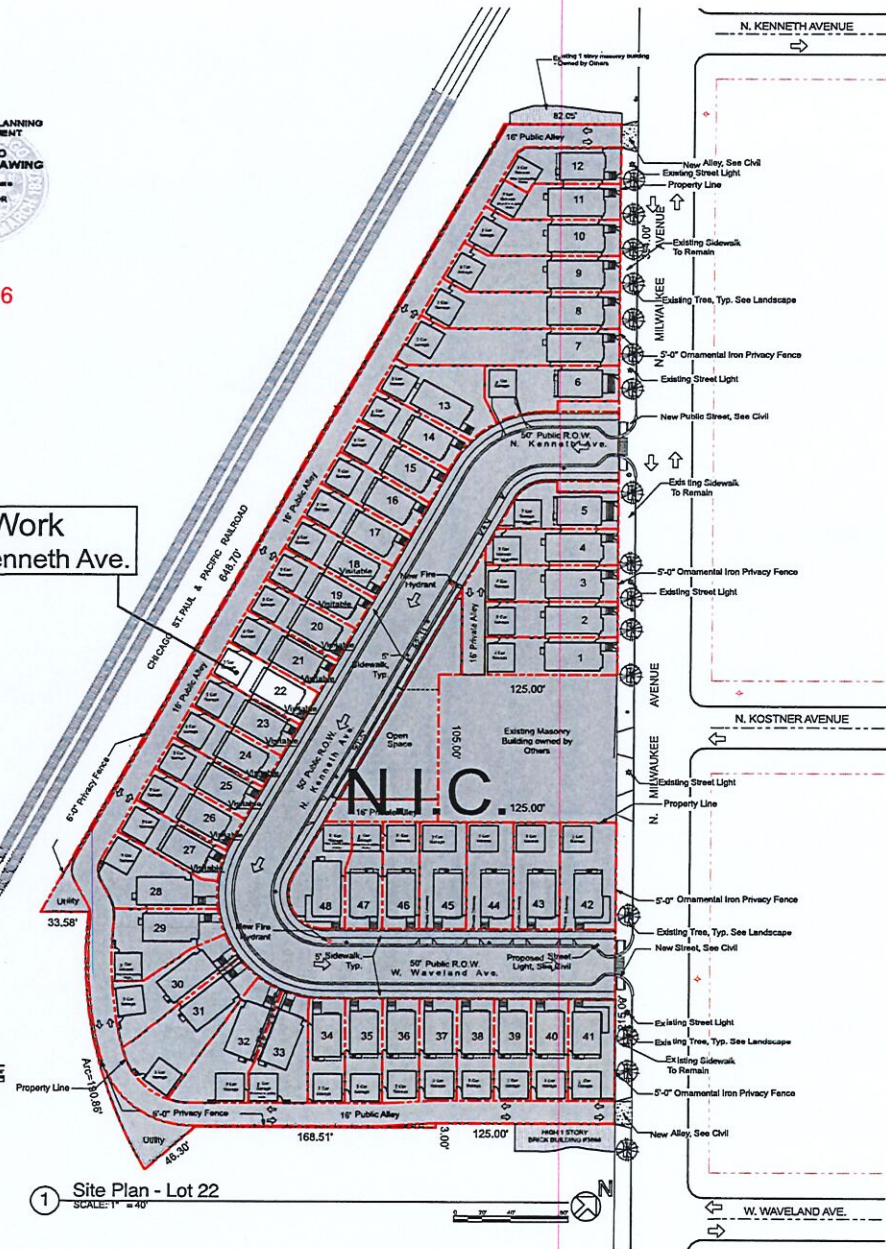


Area of Work
3642 N Kenneth Ave.



3 Lot Plan - @ Grade Plan
SCALE: 1/8" = 1'-0"

Typical Unit Area								
Unit Type	Elevation Type	Lower Level	1st Floor	2nd Floor	Total	Lot 19 Area	Total FAR Allowed	Total FAR Proposed
Plan A	1	610	610	659	1879	1692 SF	1,092 SF	1,209 SF



APPROVED
Construction subject to
compliance with the Street
Chicago and Field and
Building
Commissioner
By James J. [Signature]

640 x 100 cm (252 x 394 in) oil on canvas
 2002
 Chicago, IL
 2002

PAPAGEOS
HAYMES

7.2655 **PERSONNEL**—(1) **NEW PLANS**—*expressed job system, patterns, list, wage* (in section list, change and other) (In these plans, these plans are not to be changed or copied in any form or manner any way be assigned to any one first obtaining the expressed written and consent of *expressing/expressing part*

These changes may have been made, referred than originally drawn. Once, become no responsibility nor use of it. Character shall verify all editing and processing with *expressing/expressing and* immediately of any change/revision or use

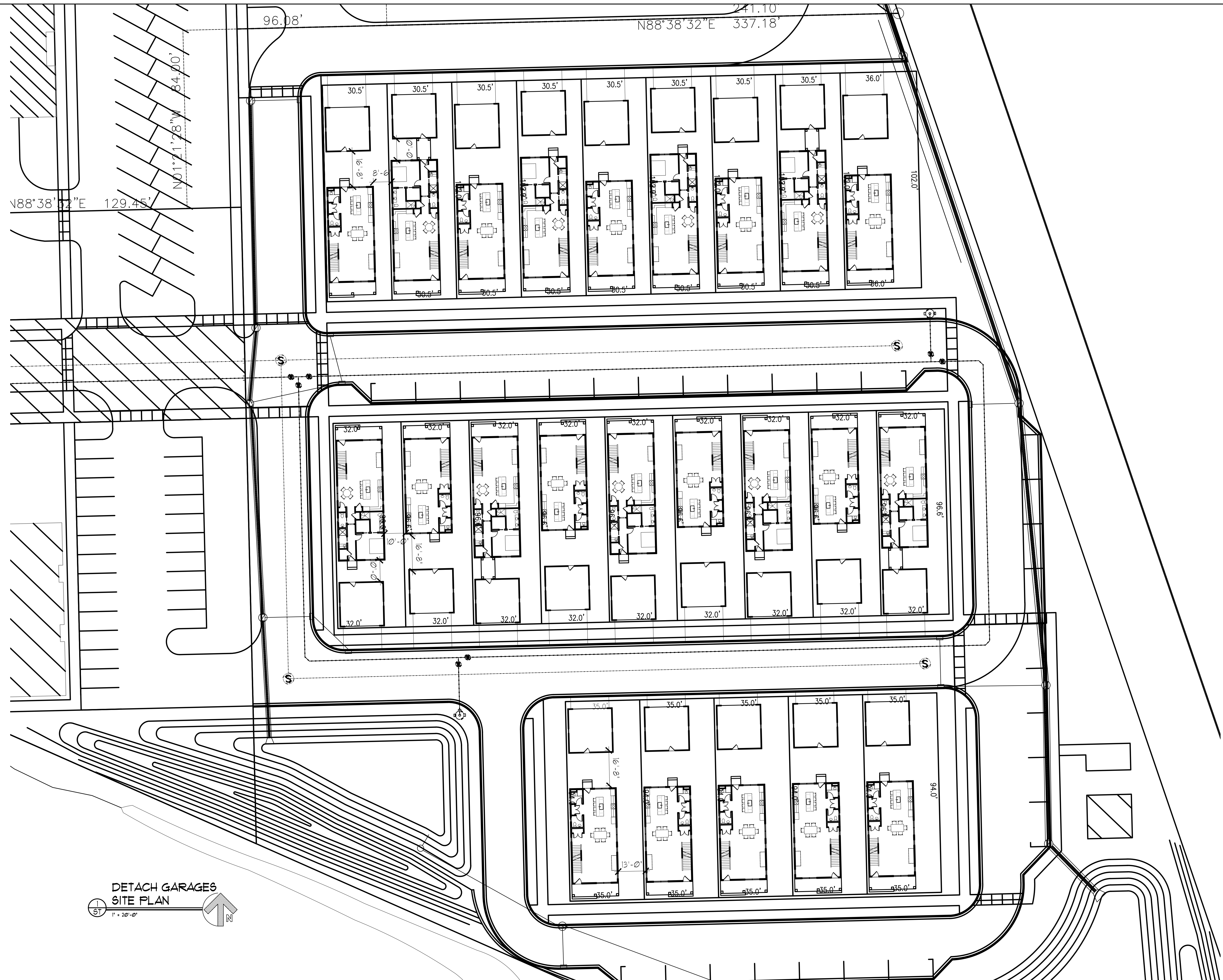


BASECAMP OLD IRVING F
3642 N. Kenneth Ave. (Lot 22 -
Chicago, IL 60641
Basecamp Old Irving Park L
owner

[illegible]

project number	
scale	1
date	
sheet title	Site Plan
sheet number	

Attachment: Packet (3715 : Tom Zabjek for P2 Development)

DETACH GARAGES
SITE PLAN
$$I' = 2\phi' - \phi'$$

REVISIONS

FOXTOWN
POCKET NEIGHBORHOOD "F"
PLAN & ELEV. CONCEPTS
MEQUON, WISCONSIN

Attachment: Packet (3715 : Tom Zabjek for P2 Development)

**LakeSide Development
Company**

The finest in architecture & construction management

1500 W. Market Street Mequon, Wisconsin 53092
Tel: (262) 241-2300 Fax: (262) 241-2310

© Copyright 2018
Lakeside Development Company (1986)

■ DATE: NOV. 06, 2018 ■
 ■ JOB: FOXTOWN ■
 ■ DRAWN BY: TAR ■
 ■ CHECKED BY: TAR ■
 ■ ■

ST

CONDO PADS



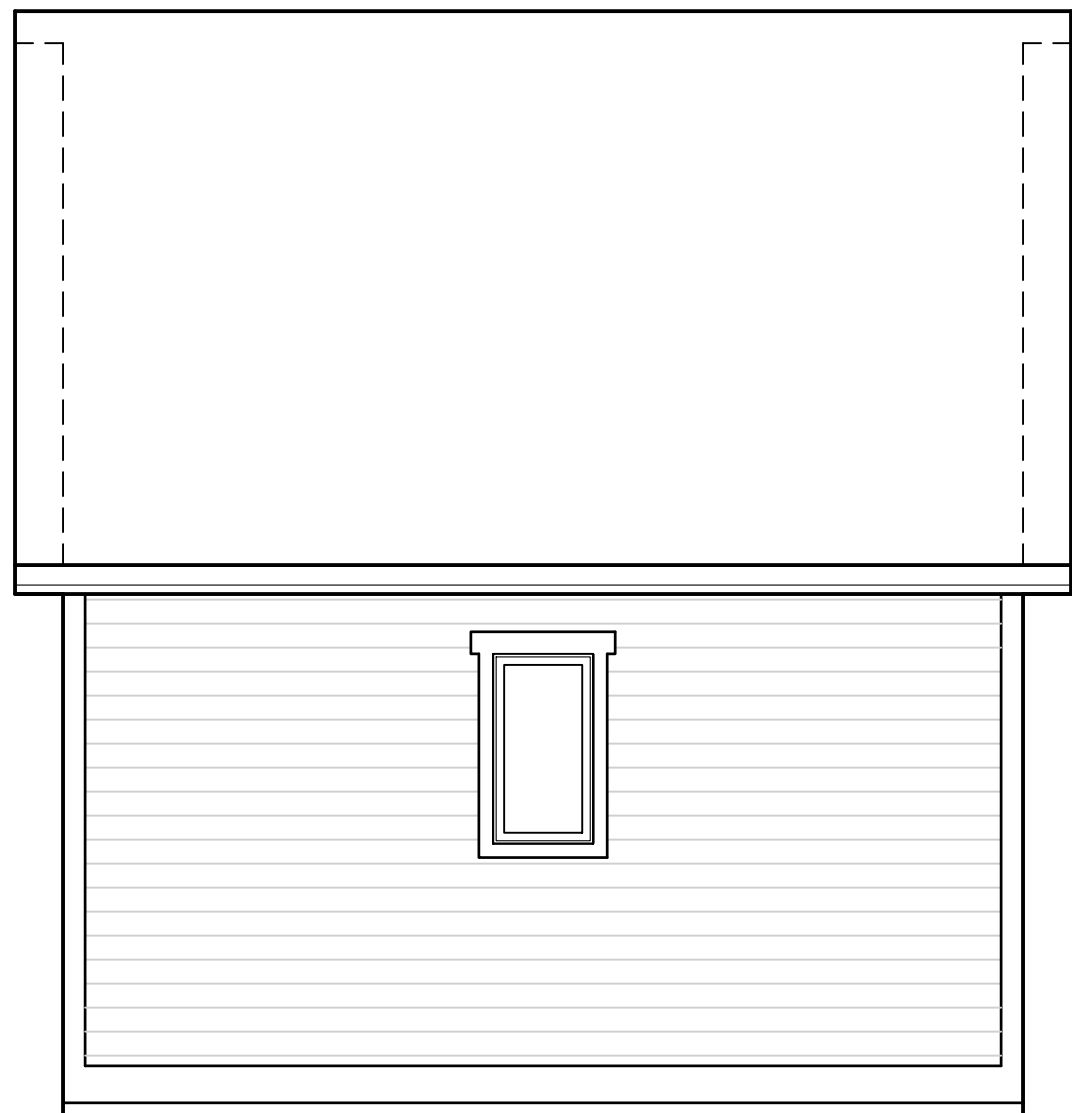
FRONT ELEVATION (MSTR. ON FIRST)
1/4" = 1'-0"



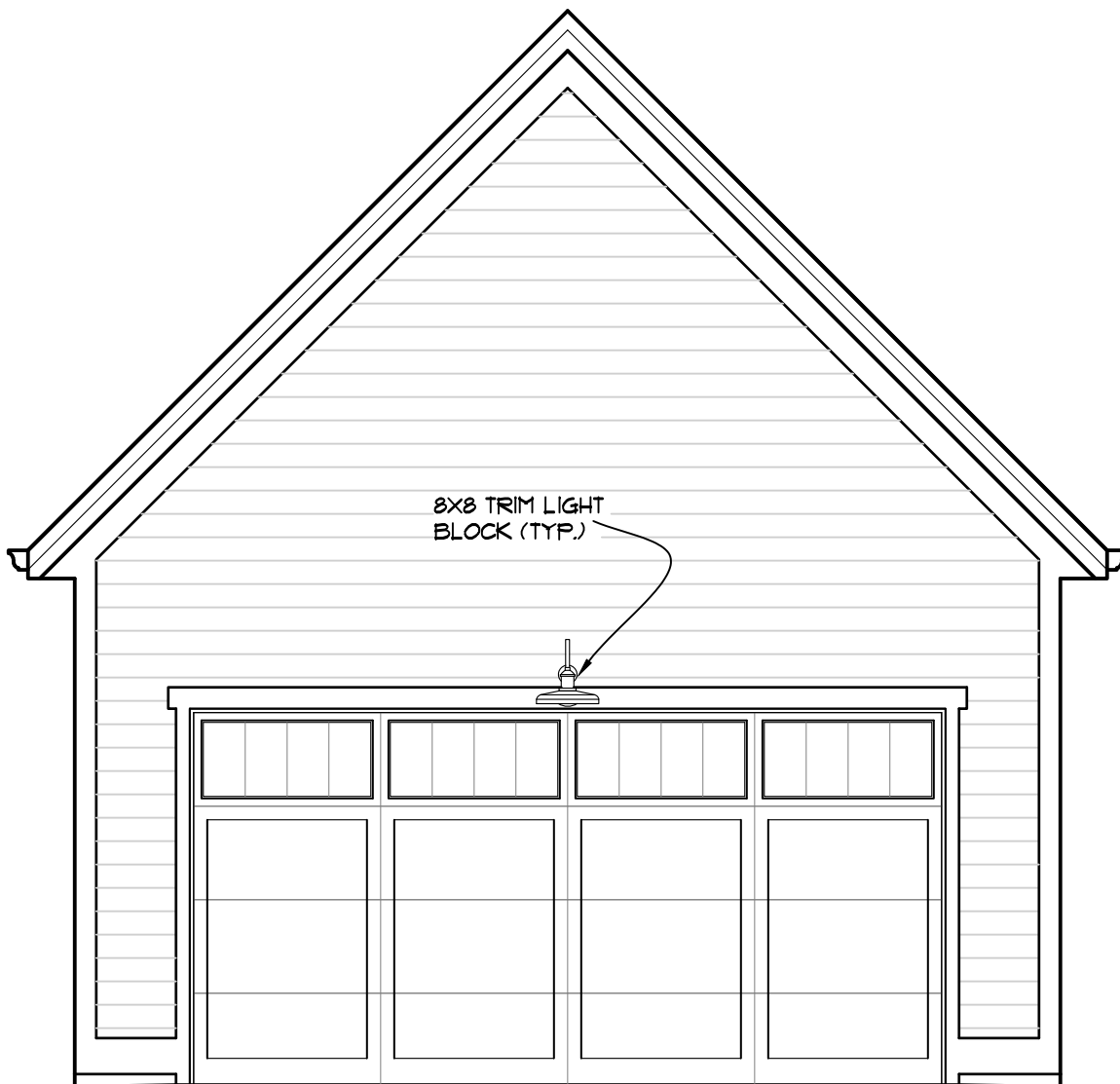
REAR ELEVATION (MSTR. ON FIRST)
1/4" = 1'-0"



LEFT ELEVATION (MSTR. ON FIRST)
1/4" = 1'-0"



GARAGE ELEVATION - LEFT/RIGHT
1/4" = 1'-0"



GARAGE ELEVATION - FRONT
1/4" = 1'-0"



RIGHT ELEVATION (MSTR. ON FIRST)
1/4" = 1'-0"

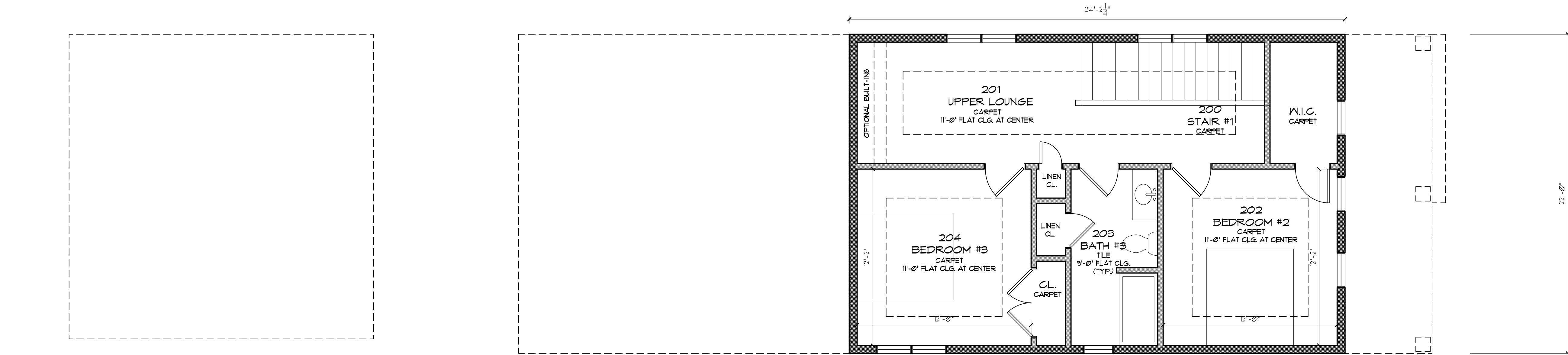
REVISIONS

FOXTOWN
POCKET NEIGHBORHOOD "F"
PLAN & ELEV. CONCEPTS
MEQUON, WISCONSIN

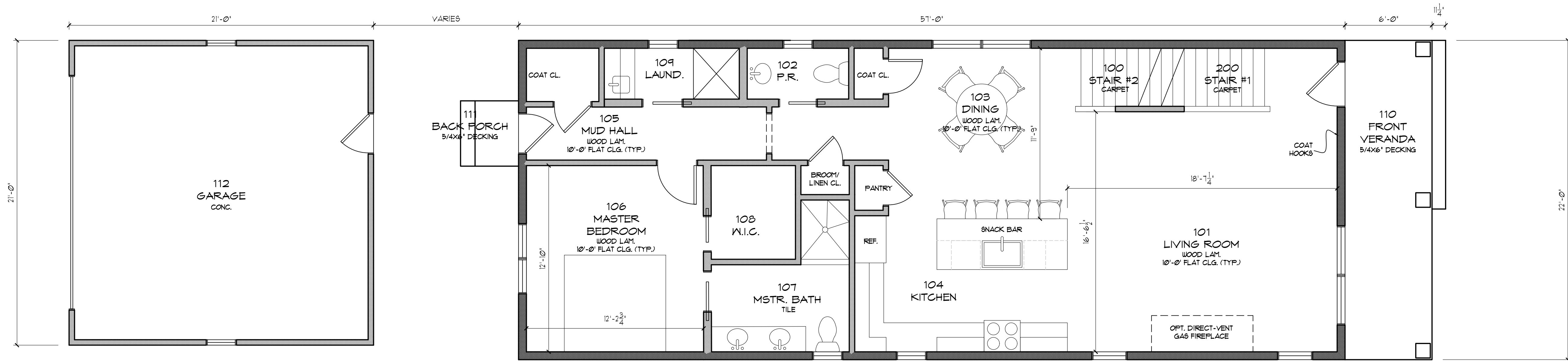
Lakeside Development
Company
The finest in architecture & construction management
1500 W. Market Street, Mequon, Wisconsin 53092
Tel: (262) 241-2300 Fax (262) 241-2310
www.lakesidedevelopment.com

© Copyright 2018
Lakeside Development Company (1986)
All Rights Reserved
DATE: NOV. 06, 2018
JOB: FOXTOWN
DRAWN BY: TAR
CHECKED BY: TAR

1EC
EXT. ELEV.



2 SECOND FLOOR PLAN (1ST FLR MSTR)
1/4" = 1'-0"
686 SF.



1 FIRST FLOOR PLAN (1ST FLR MSTR)
1/4" = 1'-0"
1254 SF.

FOR BIDDING PURPOSES ONLY NOT FOR CONSTRUCTION

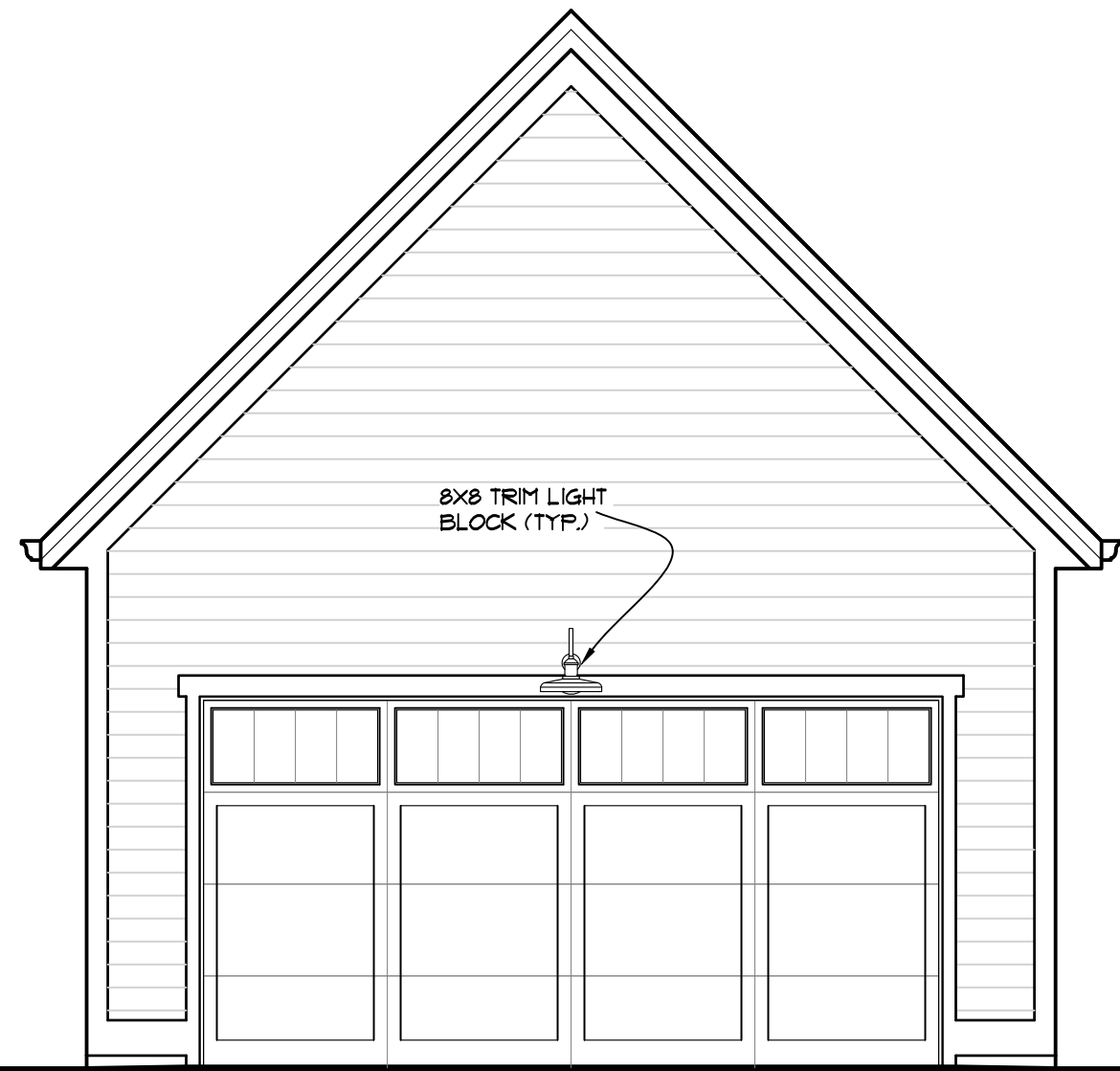
REVISIONS

FOXTOWN
POCKET NEIGHBORHOOD "F"
PLAN & ELEV. CONCEPTS
MEQUON, WISCONSIN

Lakeside Development Company
The finest in architecture & construction management
1500 W. Market Street Mequon, Wisconsin 53092
Tel: (262) 241-2300 Fax (262) 241-2310
www.lakesidedevelopment.com

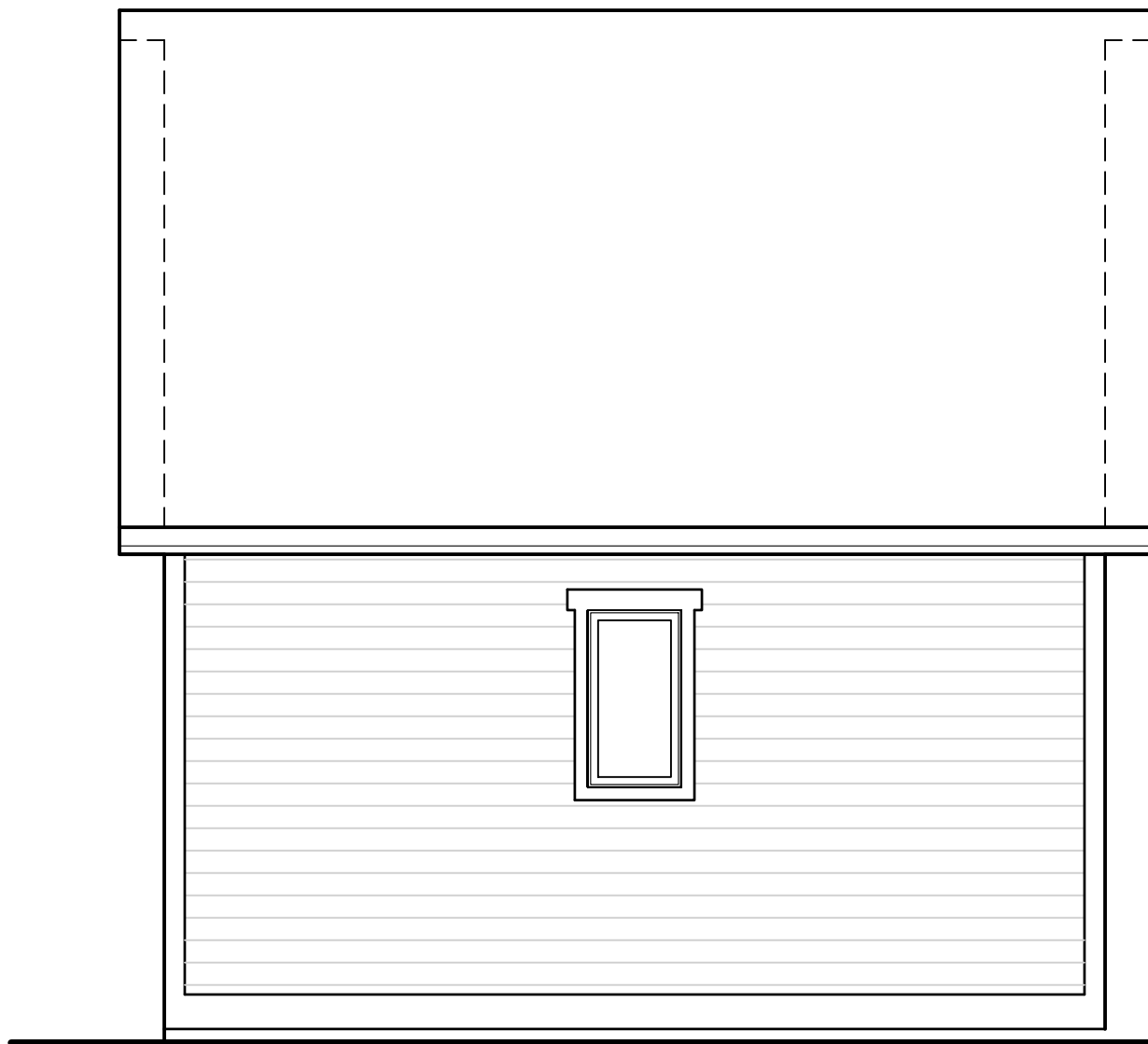
DATE:	NOV. 06, 2018
JOB:	FOXTOWN
DRAWN BY:	TAR
CHECKED BY:	TAR

1PC
FLOOR PLANS



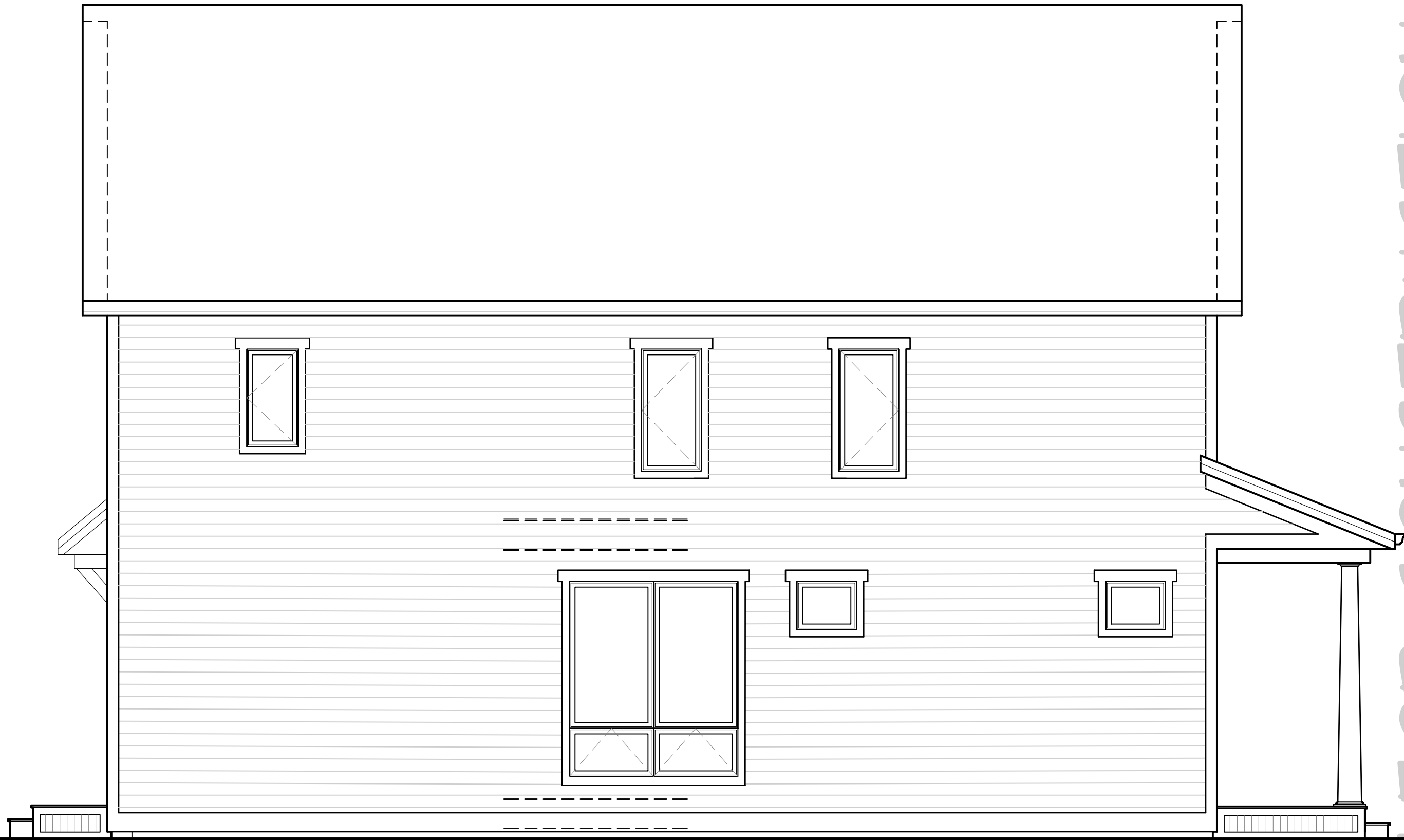
GARAGE ELEVATION - FRONT

1/4" = 1'-0"



LEFT ELEVATION (MSTR. ON FIRST)

1/4" = 1'-0"



RIGHT ELEVATION

1/4" = 1'-0"



REAR ELEVATION

1/4" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"

REVISIONS

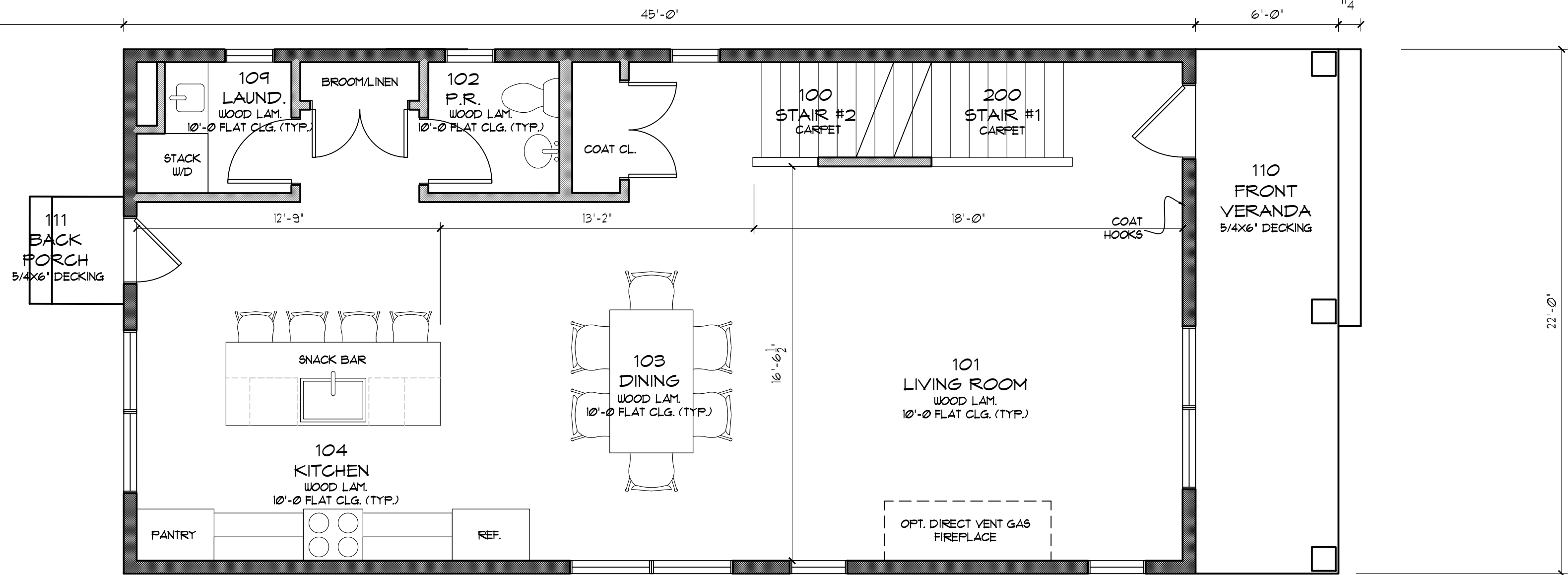
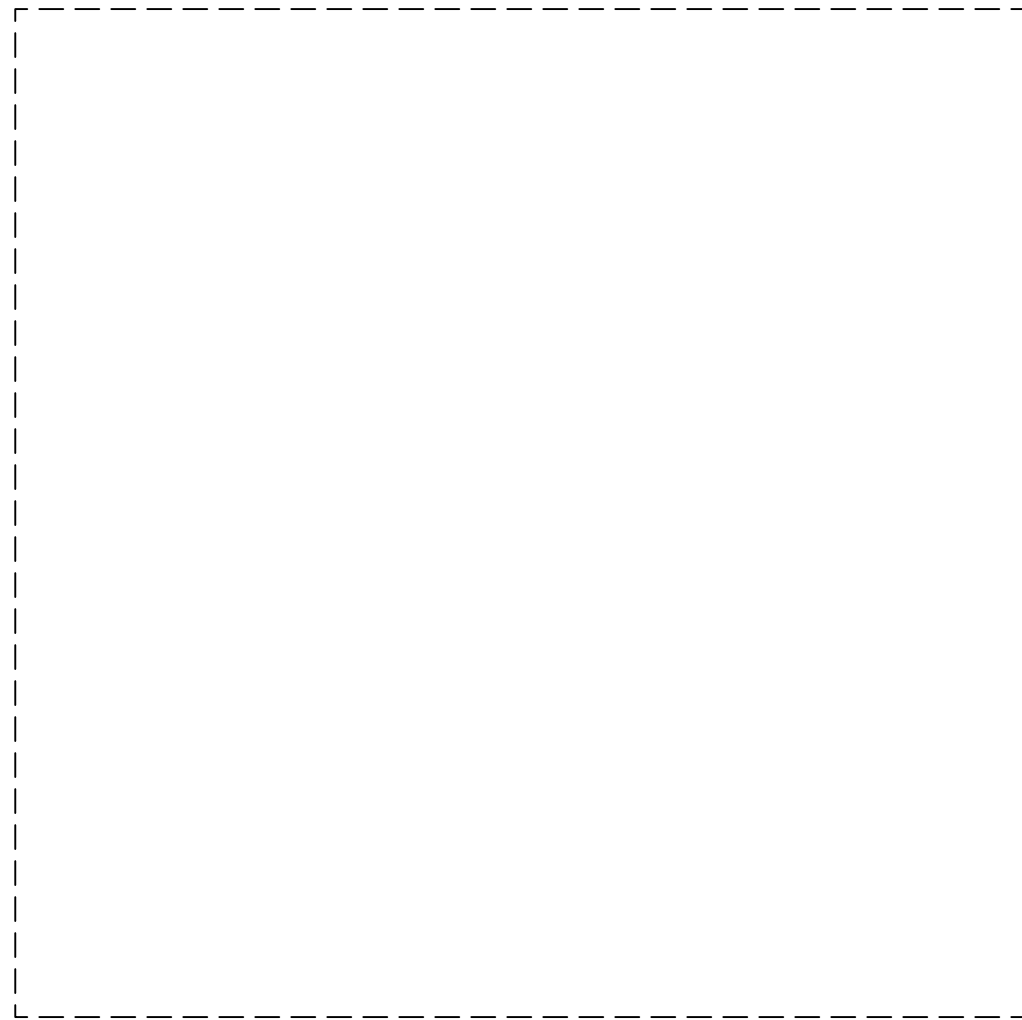
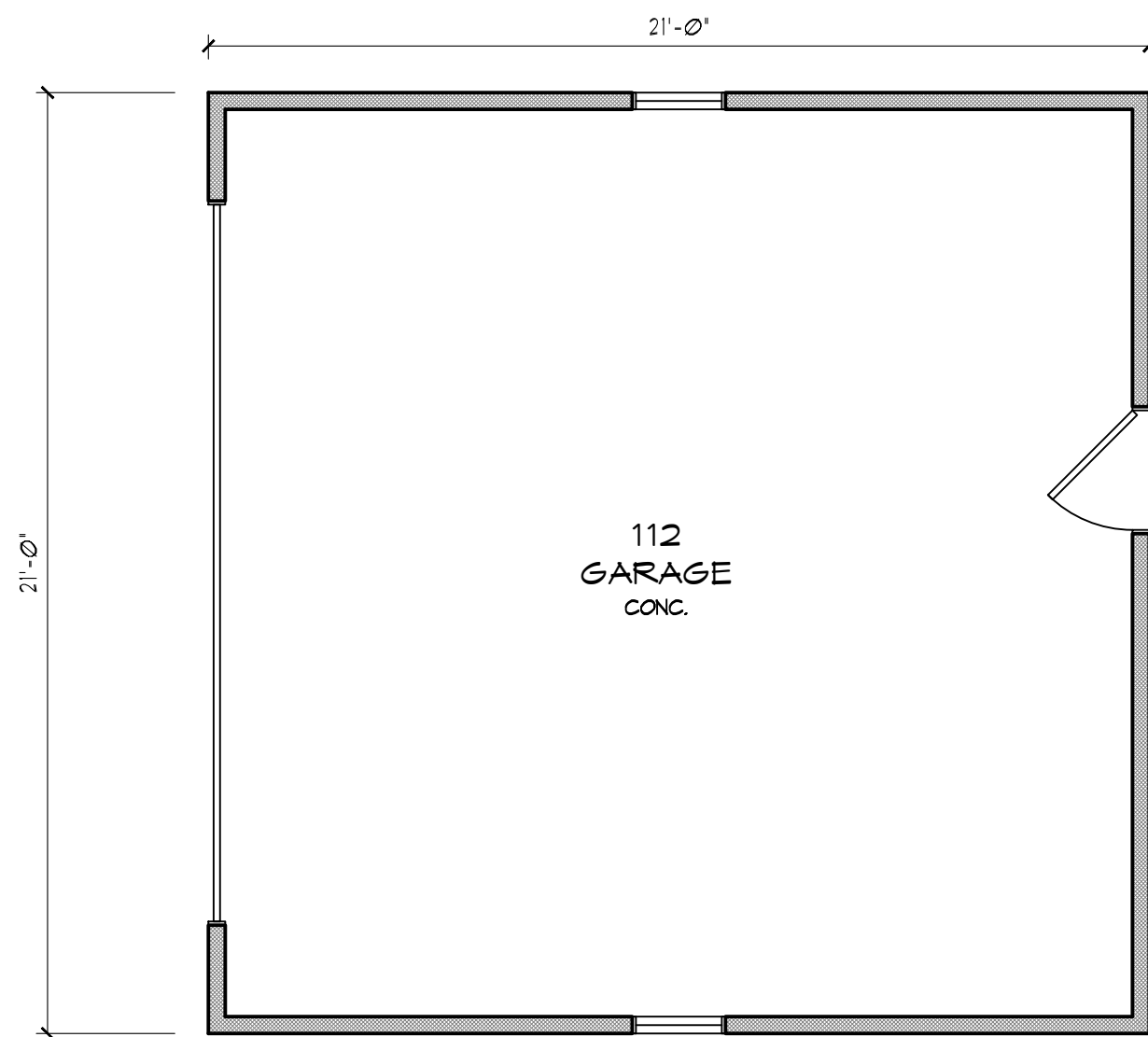
FOX TOWN
POCKET NEIGHBORHOOD "F"
PLAN & ELEV. CONCEPTS
MEQUON, WISCONSIN

Lakeside Development
Company
The finest in architecture & construction management
1500 W. Market Street, Mequon, Wisconsin 53092
Tel: (262) 241-2300 Fax (262) 241-2310
www.lakesidedevelopment.com

DATE:	NOV. 06, 2018
JOB:	FOX TOWN
DRAWN BY:	TAR
CHECKED BY:	TAR

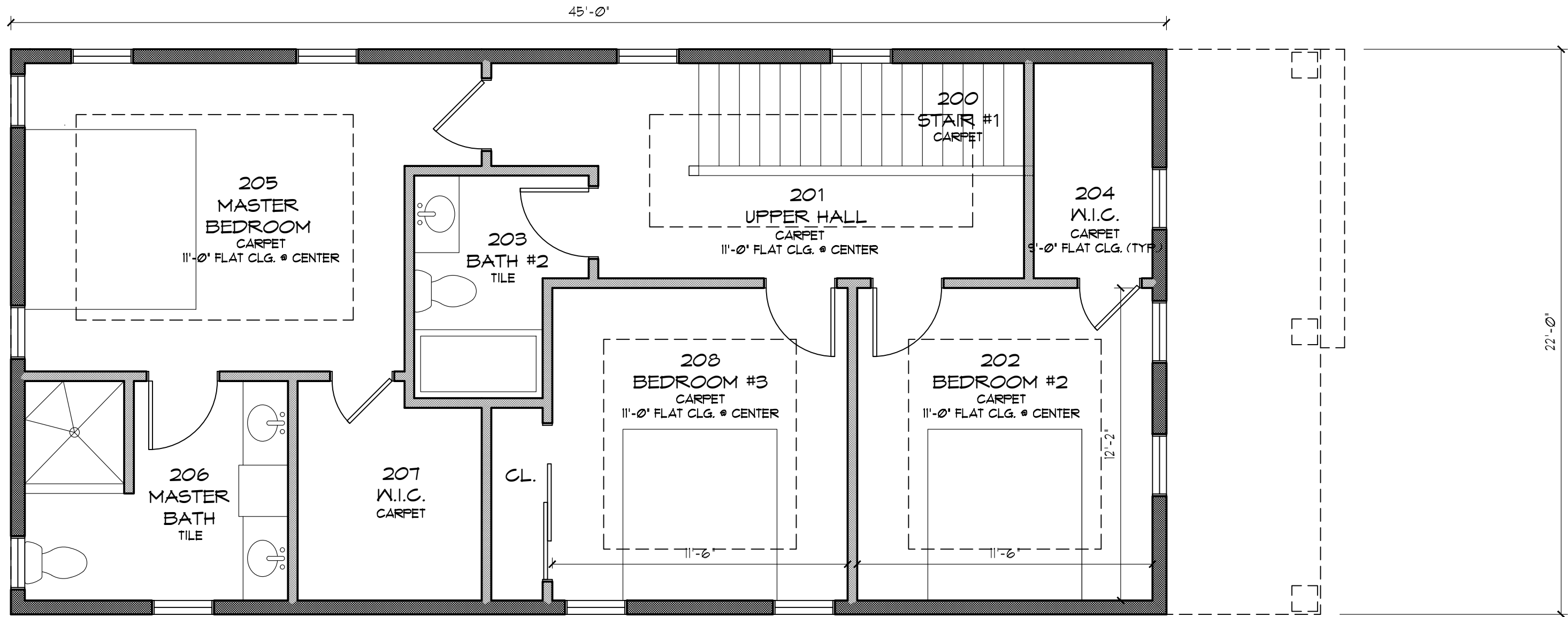
2EC

FLOOR PLANS



1
2PC
1/4" = 1'-0"
990 S.F.

2
2PC
1/4" = 1'-0"



Lakeside Development
Company

The finest in architecture & construction management
1500 W. Market Street, Mequon, Wisconsin 53092
Tel: (262) 241-2300 Fax (262) 241-2310
www.lakesidedevelopment.com

© Copyright 2018
Lakeside Development Company (1986)
All Rights Reserved
DATE: NOV. 06, 2018
JOB: FOXTOWN
DRAWN BY: TAR
CHECKED BY: TAR

2PC

FLOOR PLANS

FOXTOWN
POCKET NEIGHBORHOOD "F"
PLAN & ELEV. CONCEPTS
MEQUON, WISCONSIN



REVISIONS	

FOXTOWN
POCKET NEIGHBORHOOD "F"
PLAN & ELEV. CONCEPTS
MEQUON, WISCONSIN

Lakeside Development Company
The finest in architecture & construction management
1500 W. Market Street Mequon, Wisconsin 53092
Tel: (262) 241-2300 Fax (262) 241-2310
www.lakesidedevelopment.com

DATE:	NOV. 06, 2018
JOB:	FOXTOWN
DRAWN BY:	MAN
CHECKED BY:	MAN

P
PERSPECTIVES



FOXTOWN
POCKET NEIGHBORHOOD "F"
PLAN & ELEV. CONCEPTS
MEQUON, WISCONSIN

Lakeside Development Company
The finest in architecture & construction management
1500 W. Market Street Mequon, Wisconsin 53092
Tel: (262) 241-2300 Fax (262) 241-2310
www.lakesidedevelopment.com

© Copyright 2018
Lakeside Development Company (1986)
All Rights Reserved

DATE: NOV. 06, 2018
JOB: FOXTOWN
DRAWN BY: MAN
CHECKED BY: MAN

P

PORCH VIEW

REVISIONS



FOXTOWN
POCKET NEIGHBORHOOD "F"
PLAN & ELEV. CONCEPTS
MEQUON, WISCONSIN

Lakeside Development Company
The finest in architecture & construction management
1500 W. Market Street Mequon, Wisconsin 53092
Tel: (262) 241-2300 Fax (262) 241-2310
www.lakesidedevelopment.com

DATE:	NOV. 06, 2018
JOB:	FOXTOWN
DRAWN BY:	MAN
CHECKED BY:	MAN

P

GARAGE VIEW

A

HISTORIC BREWERY & TAVERN
RESTAURANT & BEER GARDEN TERRACE
6,750 SF TOTAL

OKTOBERFEST AND FESTIVAL EXPANSION
INTO WEST PARKING AREA

PARKING:
66 SURFACE PARKING SPACES
9.5 CARS/1,000 SF

OPEN FALL 2018

B

TWO STORY RETAIL WITH
GARDEN TERRACE ABOVE:
7,000 SF/FLOOR

PARKING:
79 SURFACE PARKING SPACES
6.5 CARS/1,000 SF

SHARED PARKING WITH
SPECTRUM

OPEN SPRING 2019

C

MEQUON APARTMENTS:
(3 RESIDENTIAL LEVELS ON TOP OF ONE
UNDERGROUND LEVEL OF PARKING) :

- NORTH BUILDING 48 DWELLING UNITS (PHASE I)
- SOUTH BUILDING 48 DWELLING UNITS (PHASE II)
- 140 GARAGE PARKING (UNDERGROUND BUILDING)
- FRONT PORCH AREA WITH WALK UP UNITS

PARKING:
44 TOTAL SURFACE PARKING SPACES
184 TOTAL PARKING SPACE
1.91 CARS/UNIT

PHASE I - OPEN SUMMER 2019
PHASE II - OPEN SUMMER 2020

D

FOXTOWN BREWERY
RE-PURPOSE EXISTING - 13,081 SF
BARN AND SHEDS

PARKING:
111 TOTAL SURFACE PARKING SPACES
8.5 CARS/1,000 SF
90 TOTAL BICYCLE PARKING SPACES

OPEN AIR PAVILION/BEER GARDEN

OPEN SUMMER 2019



E

E1 GROUND FLOOR: RETAIL
SECOND FLOOR: OFFICE
THIRD FLOOR: RESIDENTIAL EXTENDED STAY (11 UNITS)
3 STORY - 11,275 SF EACH FLOOR

PARKING:
40 UNDERGROUND PARKING SPACES
67 SURFACE PARKING SPACES
18 TOTAL STREET PARKING SPACES
125 TOTAL PARKING SPACES
4.33 CARS/1000 SF

OPEN SUMMER 2020

E2

E2 GROUND FLOOR: RETAIL
SECOND FLOOR: OFFICE
THIRD FLOOR: RESIDENTIAL EXTENDED STAY (11 UNITS)
3 STORY - 11,275 SF EACH FLOOR

PARKING:
40 UNDERGROUND PARKING SPACES
78 TOTAL SURFACE PARKING SPACES
22 TOTAL STREET PARKING SPACES
140 TOTAL PARKING SPACES
4.68 2 CARS/UNIT

OPEN SUMMER 2021

E3

E3 TWO STORY: RETAIL
2 STORY - 5,500 SF EACH FLOOR
5.36 CARS/1000 SF 2 CARS/UNIT

PARKING:
23 TOTAL SURFACE PARKING SPACES
12 TOTAL STREET PARKING SPACES
35 TOTAL PARKING
3.18 CARS/100 SF

OPEN SUMMER 2022

F

"POCKET NEIGHBORHOOD"
SINGLE FAMILY "PORCH HOMES"
23 HOMES

PARKING:
46 GARAGE PARKING SPACES
28 TOTAL STREET PARKING SPACES
3.22 CARS/HOME

OPEN AIR PAVILION "POCKET PARK"

OPEN 2020 3 YEAR PHASES COMPLETION

FOXTOWN MASTERPLAN

MEQUON, WISCONSIN

NORTH

0' 50' 100' 200' 400'

JUNE 12, 2017

**STEPHEN
PERRY
SMITH**
ARCHITECTS, INC.

215 N. WATER STREET, SUITE 250
MILWAUKEE, WISCONSIN 53202
T 414.277.9700 | F 414.277.9705
sp@architects.com

TO: Planning Commission

FROM: KIM TOLLEFSON, DIRECTOR OF COMMUNITY DEVELOPMENT

DATE: December 3, 2018

SUBJECT: An Ordinance Authorizing Regulatory Amendments as Measures for the 2018 Development Moratorium for the Donges Bay and Cedarburg Road Neighborhood Commercial Node.

Background

In 2018, the Planning Commission and Common Council took action to establish a moratorium for the area of Donges Bay and Cedarburg Road. Planning staff has updated both the Planning Commission and Public Welfare Committee on the progress of work and staff's preliminary considerations and anticipated recommendations. As stated in the past, the Planning staff's evaluation of the moratorium study area includes the following assessment:

- Site compliance review and corrections for violations
- Review of property values as part of the 2018 City assessment changes
- Determination of the desired and current uses of buildings based on property owner input
- Evaluation of zoning use classifications to determine appropriateness
- Resolution, where possible, for non-conforming uses
- Consideration of potential market demands to determine appropriateness
- Consultation with the Mequon Police Department regarding public safety

As part of the commitment to the property owners in the neighborhood, staff has offered and completed one-on-one meetings with 93% of the owners directly impacted by the moratorium. In addition, planning and inspections staff has toured the structures of commercial properties to identify building improvement needs. As a result of these factors, staff presents the following zoning recommendations and ordinance changes:

1. Creation of a new business zoning district, Neighborhood Commercial (NC)

The new zoning district addresses use classifications as permitted, accessory, conditional and prohibited (see Table 58-293-1 Uses in the Neighborhood Commercial District). Only the setback standards of the district are modified from the existing standards of the City's B-1 (neighborhood business) district. The intent of this change is to address specific neighborhood objectives and site conditions.

The new zoning district is attached as Sec. 58-293 Neighborhood Commercial (NC) district. Included, in draft form, is a Table of Uses for the majority of the City's current business zoning districts. The purpose for the inclusion of this draft chart is to allow the Commission to identify the hierarchy of uses and associated process of approval for uses in the NC district in comparison to other, current business zoning districts.

2. *Creation of a new Digital Security Imaging System ordinance*

The new regulations address the public safety concern identified as part of the establishment of the moratorium. As a reminder, there was a 123% increase in public safety calls to the neighborhood between 2015-2017. The ordinance requires commercial uses or structures of retail and service or food and beverages to provide digital security systems on-site in cooperation with the Mequon Police Department.

The new regulation is attached as Chapter 14-300. Digital Security Imaging Systems. The creation of this chapter was recommended by the Public Welfare Committee.

3. *Rezoning of specific sites within the Moratorium Study Area*

The proposed rezoning achieves a reduction in the overall commercially zoned properties, reduces the intensity of commercial uses allowed through the new zoning district, requires the achievement of specific development standards to mitigate potentially negative impacts and corrects a number of current non-conforming uses.

There are 13 properties of the 29 within the study area, in which staff recommends a zoning change. Those sites are identified on a parcel by parcel basis in the following attachments. The attachments provide the current and proposed zoning of each of the 13 properties.

There is one property in which staff and the owner disagree related to the proposed zoning. This site is located at 4828 W Donges Bay Road. The site is zoned B-3 (Office and Service), contains a single-family structure, a 5,000 square foot accessory structure and is used as a single-family home. Staff recommends rezoning the property to R-4 (3/4 acre single-family). The owner prefers to maintain commercial zoning. Staff considered alternative zoning classifications but ultimately concluded residential zoning is the most appropriate land use. The owner continues to be enthusiastic about the possibility of a youth camp or programming that includes gathering space for the youth of our community. This type of use would require a rezoning from either the B-3 zoning (current) or the R-4 zoning (proposed).

The above stated recommendations otherwise have a high level of consensus and support from the property owners within the study area.

Staff will evaluate the market analysis research, which is expected to be completed by year's end and evaluate opportunities for an economic tool to encourage redevelopment. Short term zoning solutions will likely limit the full potential for reinvestment and our ability to achieve long-term value. Staff recommends the City consider, in the near future, how to attract a new and enhanced customer base and encourage the acquisition and assemblage of the smaller commercially zoned sites. A commercial development that is comprehensively designed will be the most impactful. Staff believes assemblage and an economic tool will be necessary to make many of the desired land uses economically feasible in the near term.

The Planning Commission's recommendation is requested to forward this to Common Council for action. Coupled with these zoning and code of ordinance recommendations, is the ordinance terminating the moratorium.

Recommendation

Staff recommends approval of the Chapter 58 zoning map changes, ordinance text amendments related to uses and rezoning of 13 sites as well as the Chapter 14 ordinance text amendment related to public safety and security.

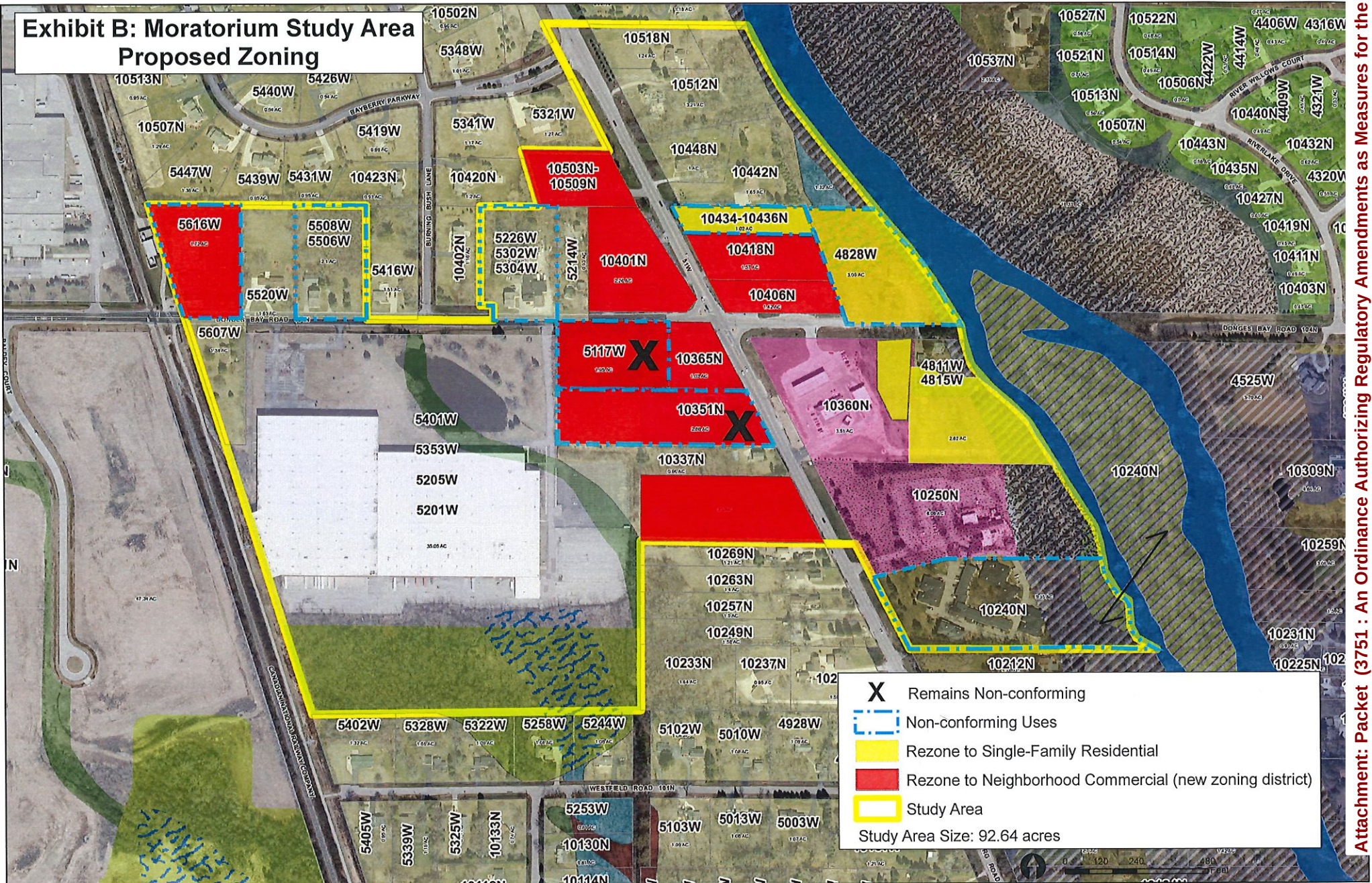
In addition, and simultaneously, staff requests the Commission take action to terminate the moratorium. This recommendation will be forwarded to Council for final action in January.

Attachments:
Packet (PDF)

 Non-conforming Uses
 Study Area
 Area of Change
 Study Area Size: 92.64 acres



Exhibit B: Moratorium Study Area Proposed Zoning



New Zoning District: Neighborhood Commercial (NC)

TRACK CHANGES VERSION

Sec. 58-293. - neighborhood commercial district.

- (a) Purpose. The NC district is established to provide a commercial environment of mixed office, retail and services designed to serve immediate residential neighborhoods and allow for new residential development.
- (b) General Requirements.
- (1) Buildings shall be designed in individual or small groupings and shall not exceed 20,000 square feet per structure, nor exceed two stories in height, except as approved as a conditional use. The commercial development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings. Outside storage is not permitted except as specifically approved by the planning commission.
 - (3) In approving or disapproving proposed locations for uses under this section the planning commission shall give due consideration to the character and suitability of development for the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the city planning commission regarding traffic generation, ground water impact, sewage disposal impact, lighting, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The city planning commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion. The applicant shall have an opportunity to present evidence contesting such unsuitability or propose adequate mitigation, if they so desire. Thereafter, the city planning commission may affirm, modify or withdraw its determination of unsuitability.
 - (4) Site development shall be approved by the planning commission in accordance with this chapter.
 - (5) Redevelopment of an existing building, where 50 percent or more of the existing building area is removed, shall be subject to the regulations in subsection (c) unless the city modifies the regulations in accordance with a conditional use process.
 - (6) Digital Security Imaging Systems in accordance with Chapter 14-300 is required.

Comment [KT1]: The purpose statement is similar to the B-1 district except to raise attention to the interest in additional, new residential development

Comment [KT2]: All General Requirements are the same as the B-1 and B-2 districts

- (c) Permitted, Accessory and Conditional Uses. Table 58-293-1, Uses in the Neighborhood Commercial District, lists all the permitted and conditional uses.
- (d) Lot size. The minimum lot size shall have an area of not less than 1.5 acres.
- (e) Building size/floor area ratio. The building(s) floor area ratio shall not exceed 30 percent.
- (f) Building height. The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
- (g) Minimum building setback. All structures within the B-1 district shall be set back from the ultimate road right-of-way as follows:
- (1) Highways. 50 feet, except when parking is proposed between the road and building the minimum setback shall be 95 feet.
- (2) Local streets. 30 feet.
- (h) Minimum building offset. No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjoining property is zoned residential, no commercial building or structure shall be placed closer than 30 feet to the adjoining residentially zoned lot line.
- (i) Open space ratio.
- (1) The open space ratio shall not be less than 40 percent except as follows:
- a. Future additions to buildings that were approved by the planning commission prior to August 12, 1994, shall be subject to a 30-percent open space ratio.
- b. Properties which were the subject of planned unit development zoning or development agreement approval prior to August 12, 1994, shall be subject to the contractual open space ratio approved by the city pursuant to such planned unit development zoning or development agreement.
- c. Construction of additional buildings on sites developed prior to August 12, 1994, shall be subject to a 30-percent open space ratio.
- d. Proposed redevelopment/reconstruction of sites developed prior to August 12, 1994, shall be subject to the 40 percent open space ratio if the redevelopment razes more than 50 percent of the existing building(s). If the redevelopment does not raze more than 50 percent of the existing building(s), a development shall be subject to a 30-percent open space ratio.

Comment [KT3]: A chart of uses is provided for greater legibility and is similar to the format of new zoning districts created, like Town Center. The proposed permitted, accessory and conditional uses are based on community input and the hierarchy of other business zoning districts already in existence.

Comment [KT4]: Staff recommends a reduction to the required front yard setbacks to make efficient use of the land and to enhance a neighborhood context to the site development

Comment [KT5]: Open Space requirements are the same as the B-1 zoning district.

(2) No lot or parcel that was previously developed under a less restrictive open space ratio shall be deemed nonconforming due to lack of compliance with this current more restrictive open space ratio.

(c) Lot width and lot length. The minimum average lot width and minimum average lot length shall be 150 feet.

Comment [KT6]: The following technical standards are similar to those in the current B-1 district.

(d) Off-street parking. In accordance with applicable regulation set forth in section 58-441 of this chapter.

(e) Minimum parking and driveway offset. No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.

(f) Minimum parking setback. No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 15 feet to the ultimate road right-of-way.

TABLE 58-293-1 USES IN THE NEIGHBORHOOD COMMERCIAL DISTRICT

<u>Use</u>	<u>Neighborhood Commercial</u>	<u>Specific Development Standards</u>
<u>Office & Clinic:</u>		
<u>Office</u>	<u>P</u>	
<u>Medical clinics</u>	<u>P</u>	
<u>Optical and vision center</u>	<u>P</u>	
<u>Veterinary clinics or hospitals</u>	<u>P</u>	<u>✓</u>
<u>Financial institutions without drive-through</u>	<u>P</u>	
<u>Financial institutions with drive-through</u>	<u>C</u>	<u>✓</u>
<u>Institutional & Public:</u>		
<u>Public parks</u>	<u>C</u>	
<u>Public administrative offices and services</u>	<u>P</u>	
<u>Religious institutions</u>		
<u>Public or private schools of 5,000 square feet or less</u>		
<u>Public or private schools</u>		
<u>Private lodges and clubs of 5,000 square feet or less</u>		
<u>Private lodges and clubs</u>		
<u>Fine Arts School and studios of 2,000 square feet or less</u>	<u>P</u>	
<u>Community centers</u>		
<u>Libraries</u>		
<u>Museums</u>		
<u>Crematory services</u>		
<u>Mausoleums</u>		
<u>Cemeteries</u>		
<u>Public parking facilities, non-accessory</u>		
<u>Residential:</u>		
<u>Artist's live/work units</u>	<u>P</u>	<u>✓</u>
<u>Residential uses, eight (8) units or less, if part of a mixed-use development</u>		
<u>Residential uses, nine (9) units to sixteen (16), if part of a mixed-use development</u>		
<u>Bed and breakfast</u>	<u>C</u>	<u>✓</u>
<u>Community Living arrangements for 8 or fewer persons</u>		
<u>Single-family residential cluster developments</u>	<u>C</u>	<u>Per Sec. 58-333</u>
<u>Age restrictive housing for persons of 55 years of age and older</u>	<u>PUD</u>	

<u>Use</u>	<u>Neighborhood Commercial</u>	<u>Specific Development Standards</u>
<u>Accessory Residential:</u>		
<u>Residential quarters for the owner/proprietor</u>	<u>P</u>	<u>Per Sec. 58-294 (d)(1)</u>
<u>Home Occupations</u>	<u>P</u>	
<u>Private outdoor recreational facilities without lights</u>	<u>P</u>	
<u>Private outdoor recreational facilities with lights</u>	<u>C</u>	
<u>Retail & Services:</u>		
<u>Art, hobby, game and educational supply stores, studios or galleries</u>	<u>P</u>	
<u>Interior design services</u>	<u>P</u>	
<u>Graphic design services</u>	<u>P</u>	
<u>Antiques, collectibles, gift or florists</u>	<u>P</u>	<u>✓</u>
<u>Commercial use of a designated historic structure</u>		
<u>Stationary stores</u>	<u>P</u>	
<u>Bookstores, new</u>	<u>P</u>	
<u>Camera and photography supply store</u>	<u>P</u>	
<u>Computer and software store</u>	<u>P</u>	
<u>Electronic goods store</u>	<u>P</u>	
<u>Tabacco , cigar or nicotine product/e-cigarette store 2,000 square feet or less</u>		
<u>Music and musical instrument store including repairs</u>	<u>P</u>	
<u>Video stores</u>	<u>P</u>	
<u>Paint and wallpaper store</u>	<u>P</u>	
<u>Luggage and leather goods store</u>	<u>P</u>	
<u>Beauty and personal aid supply store</u>	<u>P</u>	
<u>Photocopying, film development, printing and publishing, packaging store of 4,000 square feet of less</u>	<u>P</u>	
<u>Dry cleaning and tailors</u>	<u>P</u>	
<u>Clothing and accessories including repairs</u>	<u>P</u>	
<u>Home furnishings and accessories including repairs of 4,000 square feet or less</u>	<u>P</u>	
<u>Sports and fitness centers including retail of 3,000 square feet or less</u>	<u>P</u>	
<u>Bicycle repair and sales</u>	<u>P</u>	
<u>Indoor recreation and amusement facilities</u>		
<u>Pet supplies, grooming and daycare</u>	<u>P</u>	<u>✓</u>
<u>Pet kennel</u>		
<u>Garden store</u>	<u>P</u>	
<u>Hardware store</u>	<u>P</u>	
<u>Child daycare facilities, preschools, learning centers</u>	<u>C</u>	
<u>Specialty food stores</u>	<u>P</u>	
<u>Beer, wine and liquor stores</u>		

<u>Use</u>	<u>Neighborhood Commercial</u>	<u>Specific Development Standards</u>
<u>Sports and fitness retail store greater than 3,000 square feet</u>		
<u>Gas stations</u>		
<u>Gas stations with car wash</u>		
<u>Convenience store without gas</u>	<u>C</u>	
<u>Automobile service facilities including retail and repair</u>		
<u>Car dealerships</u>		
<u>Shopping centers</u>	<u>C</u>	
<u>Funeral homes</u>		
<u>Concert halls</u>		
<u>Theatres, live performances only</u>		
<u>Sexually oriented businesses</u>		
<u>Hotels</u>		
<u>Planned commercial development</u>	<u>PUD</u>	
<u>Grocery store of 20,000 square feet or less</u>	<u>PUD</u>	
<u>Pharmacy</u>	<u>C</u>	<u>✓</u>
<u>Food & Beverage:</u>		
<u>Catering services</u>	<u>P</u>	
<u>Confectionary store without drive through</u>	<u>P</u>	
<u>Bakeries, including retail sales without drive through</u>	<u>P</u>	
<u>Bakeries, including retail sales with drive through</u>	<u>C</u>	
<u>Coffee shop of 2,000 square feet or less without drive through</u>	<u>P</u>	
<u>Coffee shop of 2,000 square feet or less with drive through</u>	<u>C</u>	<u>✓</u>
<u>Delicatessen without drive through</u>	<u>P</u>	
<u>Delicatessen with drive through</u>		<u>✓</u>
<u>Snack and non-alcoholic beverage bars without drive through</u>	<u>P</u>	
<u>Fast food restaurant without drive-through</u>	<u>P</u>	<u>✓</u>
<u>Fast food restaurant with drive-through</u>		
<u>Sit-down restaurants</u>	<u>P</u>	
<u>Nightclubs</u>		
<u>Town Center breweries</u>		
<u>P = Permitted uses</u> <u>C = Conditional uses</u>		

Sec. 58-303. - Specific development and design standards

TRACK CHANGES VERSION

- (a) *Purpose.* Specific development and design standards are established to provide supplemental regulations to address unique characteristics of certain land uses.
- (b) *Standards.* The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Antiques, collectibles and florists. An antique and/or collectibles store shall be an establishment where all or a substantial part of the value of the objects is derived from its age, uniqueness or historical association.

Artist live/work units. An artist live/work unit may include the design and fabrication of jewelry, pottery and visual arts. Metalworking shall be prohibited. Artist live/work units shall be located above the ground floor.

Bed and breakfast establishments. A bed and breakfast establishment means any place of lodging that provides four or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.

Car wash facility. Car wash facilities shall only be allowed as an accessory use to an existing gas station and shall be limited to one drive bay.

Cement tile roof. Cement roof tiles shall be in natural colors.

Child daycare facilities. A child daycare facility shall provide a designated area for the short term parking of vehicles loading and unloading children. The designated area shall be located where it provides the greatest safety. Playground equipment shall be prohibited in the front yard.

Coffee shop. A coffee shop is an establishment engaged in the sale of coffee and other non-alcoholic beverages for consumption ~~on~~ⁱⁿ the premise or for carry-out, which also may include the sale of a limited number of food items. Drive-thru services shall be prohibited in the Town Center and Arrival Corridor districts. Any drive-through services approved in the Neighborhood Commercial district shall comply with the following:

a. Incorporate masonry or compatible building materials into a drive-through canopy or facility.

b. The coffee shop shall be considered the principal structure and located at the street edge and the drive-through service area and associated canopy shall be considered accessory and located to the rear.

c. The building, including the drive-through service canopy, shall incorporate the use of awnings, varied roof forms, roof lines and other elements to provide scale.

Comment [KT1]: Community support for drive-through services is predicated on preferred architectural and design solutions based on a neighborhood context.

Formatted: Indent: Left: 0.31", Right: 0.08", Space After: 2.4 pt

Formatted: Indent: First line: 0.31", Right: 0.08", Space After: 2.4 pt

Formatted: Indent: Left: 0.31", Right: 0.08", Space After: 2.4 pt

d. The accessory structures, such as service or menu boards, signs, speakers shall be designed to complement the principal structure through the building materials and colors and other features.

e. All speaker systems shall be operated at a low volume (maximum of 65 decibels) to not cause a nuisance for adjacent residential uses.

Formatted: Indent: Left: 0.31", First line: 0", Right: 0.08", Space Before: 0 pt, After: 2.4 pt

Comment [KT2]:

Confectionary. A confectionary is an establishment in which retail goods including chocolate, ice cream and frozen beverages and candy is sold, not produced.

Decorative concrete block. Decorative concrete block shall be allowed only when used in non-visible areas or as a secondary building material or accent. The use of standard, plain, gray block or glazed block is prohibited.

Delicatessen. A delicatessen is an establishment which sells ready-to-eat foods, in bulk or individual servings, primary for the consumption off the premise and is not a fast food restaurant. Drive-thru services shall be prohibited in the Town Center and Arrival Corridor districts.

Drug store/pharmacy. Drive-thru services shall be prohibited in the Town Center and Arrival Corridor districts. Any drive-through services approved in the Neighborhood Commercial district shall comply with the same design and development standards for coffee shops.

Farmer's market. A farmer's market is an establishment in which more than 50 percent of its product sold is agricultural produce. A farmer's market may be either a seasonal or year round operation and indoor or outdoor. If a farmer's market is a seasonal operation then an alternative, principal use (either permitted or conditional) shall be provided for the remainder of the year.

Fast food restaurant. A fast food restaurant is an establishment that includes five of the following:

- a. A permanent menu board.
- b. Customers pay for food before consuming it.
- c. A self-service condiment bar is provided.
- d. Customers must conduct self-service bussing.
- e. Furnishings are hard, finished, stationary seating.
- f. Most food items are prepared or cooked on premise and packaged in individual, non-reusable containers.
- g. Fast-food restaurants are only permitted within a multi-tenant building. Drive-through ~~thru~~ services shall be prohibited.

Financial institutions. Drive-through services, including an Automated Teller Machine (ATM) in the drive-through, shall be prohibited in the Town Center district. Any drive-through service approved in the Arrival Corridor or Neighborhood Commercial districts shall comply with the following:

- a. Incorporate masonry or compatible building materials into the drive-through facility.
- b. The financial institution shall be considered the principal structure and located at the street edge and the drive-through service, canopy or ATM shall be considered accessory and located to the rear.
- c. The building shall incorporate the use of awnings, varied roof forms, roof lines and other elements to provide scale.
- d. The ATM shall be designed as part of the principal structure or located under the drive-through canopy and shall compliment the building materials and colors.
- e. All speaker systems shall be operated at a low volume to not cause a nuisance for adjacent residential uses.

Flat and combined roofs. Flat roofs shall combine gabled roofs, hip roof dormers or articulated parapet walls and may include extended and shaped parapets. Any parapet wall shall be designed in a manner to appear solid, three-dimensional form, rather than a veneer.

Article VIII. Digital Security Imaging Systems

TRACK CHANGES VERSION

Chapter 14-300. Digital Security Imaging Systems

(a) Purpose and intent. To provide for the implementation and use of digital security imaging systems (“DSI System”) that monitor the exterior and interior spaces and areas of certain commercial establishments. The DSI System will afford the opportunity for public safety departments (e.g., Police and Fire Department) to visually examine certain commercial establishments and will provide emergency response personnel with a visual assessment of an emergency situation in advance of arrival. The advanced visual assessment may pertain to a person(s) (personal identification), a location (scene identification), and/or a situation (action identification) in emergency situations.

(1) While it is anticipated that the implementation and usage of a DSI System will greatly aid law enforcement agencies in subsequent criminal investigations and prosecutions, it is recognized that DSI Systems alone cannot provide for or be solely relied upon to produce positive personal, action or scene identification.

(2) Furthermore, it is recognized that since there is no City requirement that these systems be actively monitored, it cannot be expected that these systems will, on their own, provide a safer or more secure environment, nor are they a substitute for other security measures.

(3) It is also the intent of this chapter to attain commercial and industrial establishments of sustained desirability and economic stability, and to avoid unreasonable adverse effects to the property values of the surrounding properties and surrounding neighborhoods, and to maintain and promote the public health, safety and welfare of the City.

(b) Installation Requirements.

(1) All single or multitenant commercial uses falling under the Retail and Services or Food and Beverage use classifications of the Neighborhood Commercial (NC) zoning district shall provide, install and maintain in good working order a DSI System covering the interior and exterior of the property. It shall be the responsibility of the property owner and any/all successors in interest to ensure compliance. The property owner shall furnish to the Chief of Police documentation that describes the system, specifications and the name of the vendor that installed the product.

(2) Date of compliance.

a. All new commercial uses or buildings that require a DSI System, as set forth above, shall comply with the plan submittal requirements of sub. (c).

- b. All existing commercial uses or buildings that require a DSI System, as set forth above, shall comply with the plan submittal requirements of sub. (c) when there is a change in ownership, tenancy, or total area (square footage) of the use. In multitenant buildings, the affected individual tenant space shall comply
 - c. If the development consists of multiple buildings, tenant spaces and/or phases, the DSI System shall be installed and fully operational upon receipt of the occupancy permit of each building, tenant and/or phase. The adequacy of the implementation of the DSI System minimum standards for each building, tenant and/or phase shall be determined by the Mequon Police Department.
- (3) DSI Systems deployed under this chapter shall be in compliance with the hardware specifications that are approved and published by the Mequon Police Department and shall meet all of the following requirements unless modified by a developer's agreement with the City:
- a. DSI Systems shall provide for complete surveillance of all building entrances and exits, loading docks and parking lots within the development. Parking lot surveillance must be capable of monitoring and capturing all activities within 300 feet of the building.
 - b. DSI Systems shall function continuously or have an effective distance motion detection with two-second pre-record, whether the businesses are open or closed, and shall provide visible surveillance to the above-described areas during hours of darkness.
 - c. Properties having a DSI System installed shall provide and maintain a centrally located security room that will be accessible and used by the City departments responsible for public safety. Access to these spaces shall be in cooperation with the tenant or property owner.
 - d. DSI Systems shall archive video recorded by the system for a period of not less than 14 days and shall be available to the City for public safety purposes. Evidentiary copies of any such video shall be provided to the Police or Fire Department upon request within 12 hours of the request.
 - e. DSI Systems shall provide interior cameras that will, at minimum, monitor and record all areas of cash transactions with the public. This includes, but is not limited to, all cash registers and service desks.
 - f. All commercial uses that are open for business in excess of 16 hours a day will be required to install a remote access DSI System with a panic button activation feature that will allow remote access viewing of the internal surveillance system to public safety personnel.

(c) Plan submittal.

- (1) For developments that require a DSI System, the DSI System shall be a component of any required City site and/or operational plan application. Upon application, the applicant/property owner shall provide to the City seven sets of DSI System plans, which shall clearly depict the location of all proposed cameras and hardware as well as the location of the security room. The DSI System portion of the submittal shall also include a written narrative explaining in detail the required DSI System. If a site and/or operational plan is not required, the property owner must provide the DSI System plan prior to obtaining an occupancy permit.
- (2) Any occupancy or building permit application requiring the submittal of the DSI System plans will not be deemed complete and will not be released by the City until the DSI System plans are received and reviewed as required in this chapter.

(d) Nonoperational DSI System; penalty. In the event that an existing DSI System becomes nonoperational or incompatible with the Police Department for any reason, or there is a violation of any term or condition of this chapter, the Police Department shall provide the owner with a fifteen-day written notice of same and opportunity to cure. In the event that the system is not repaired within the time allowed in the notice, the owner shall be deemed in violation of this section. Any owner who shall violate this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$300, together with the costs of prosecution. Each day a violation exists or continues shall constitute a separate offense

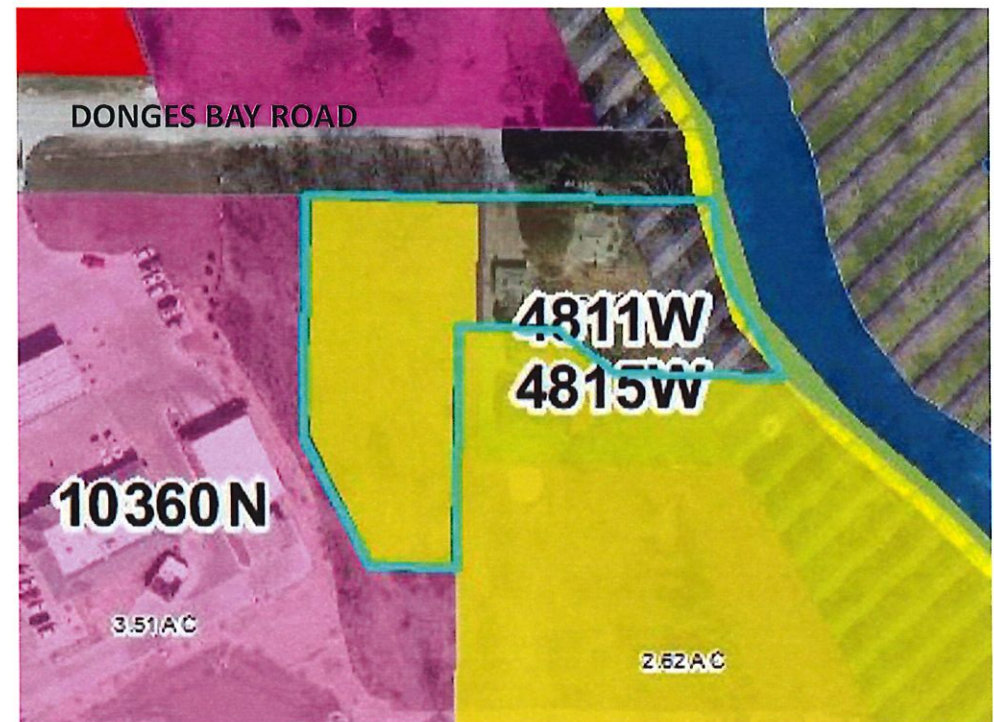
10401 N Cedarburg Road Alpine Village



Existing Zoning:
B-2 Community Business



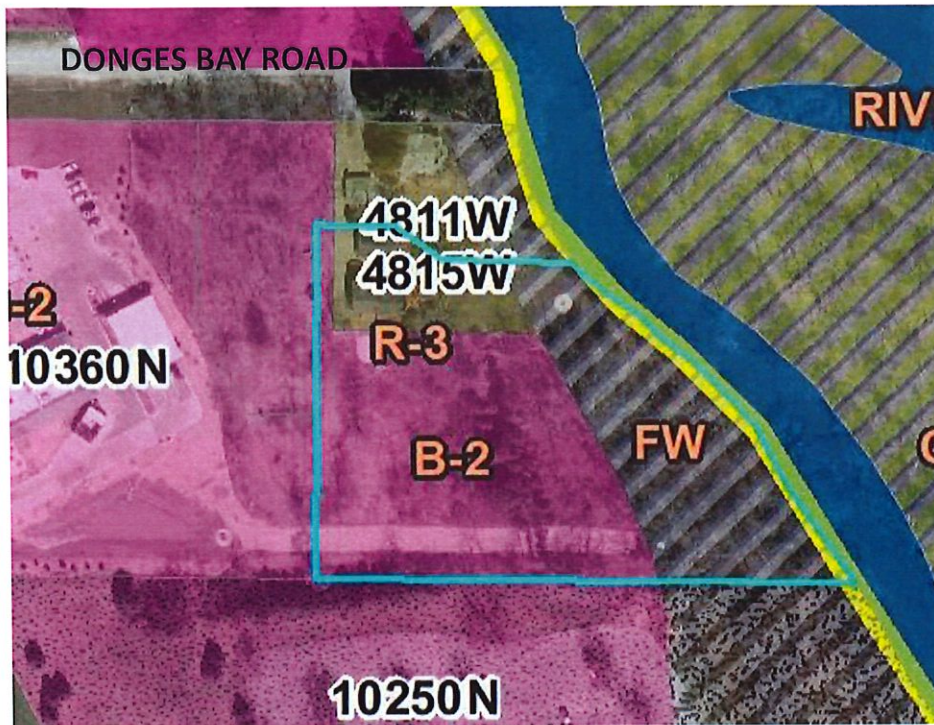
Proposed Zoning:
Neighborhood Commercial

 Study Area Boundary

Single-Family Residential & FW Floodway

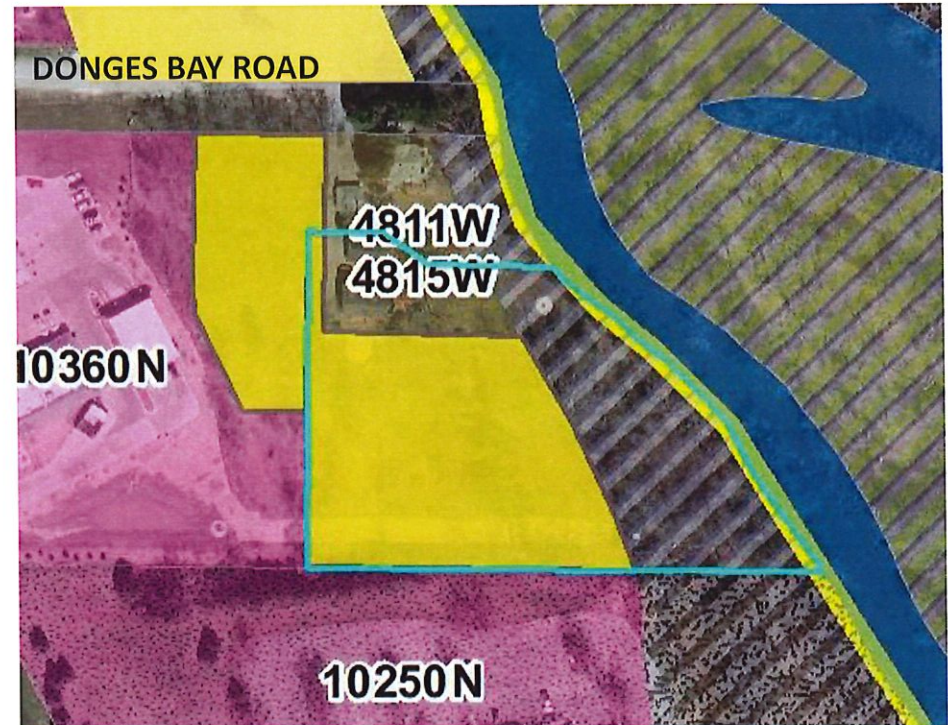
4815 W Donges Bay Road

 Study Area Boundary



Existing Zoning:

B-2 Community Business,
R-3 Single-Family Residential &
FW Floodway

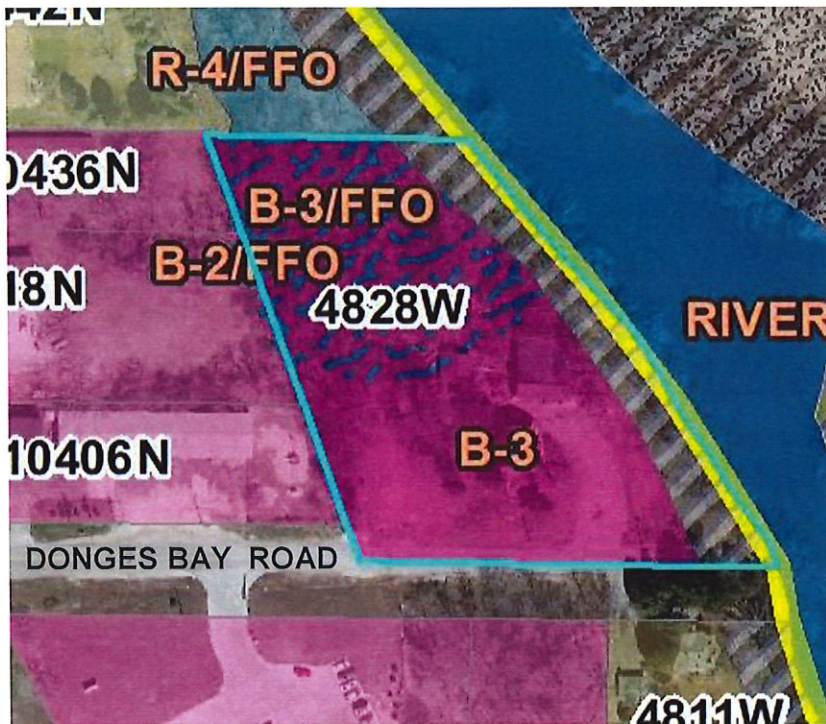


Proposed Zoning:

Single-Family Residential
& FW Floodway

4828 W Donges Bay Road

 Study Area Boundary



Existing Zoning:

B-3 Office and Service Business,
FW Floodway &
FFO Flood Fringe Overlay

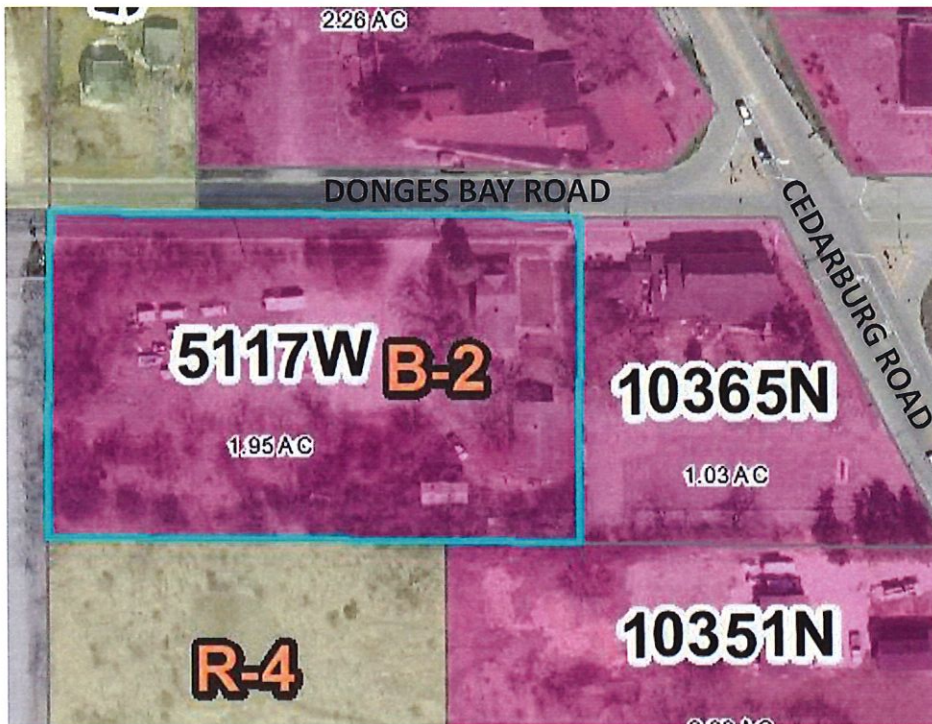


Proposed Zoning:

Single-Family Residential,
FW Floodway &
FFO Flood Fringe Overlay

5117 W Donges Bay Road

 Study Area Boundary



Existing Zoning:
B-2 Community Business



Proposed Zoning:
Neighborhood Commercial

5616 W Donges Bay Road

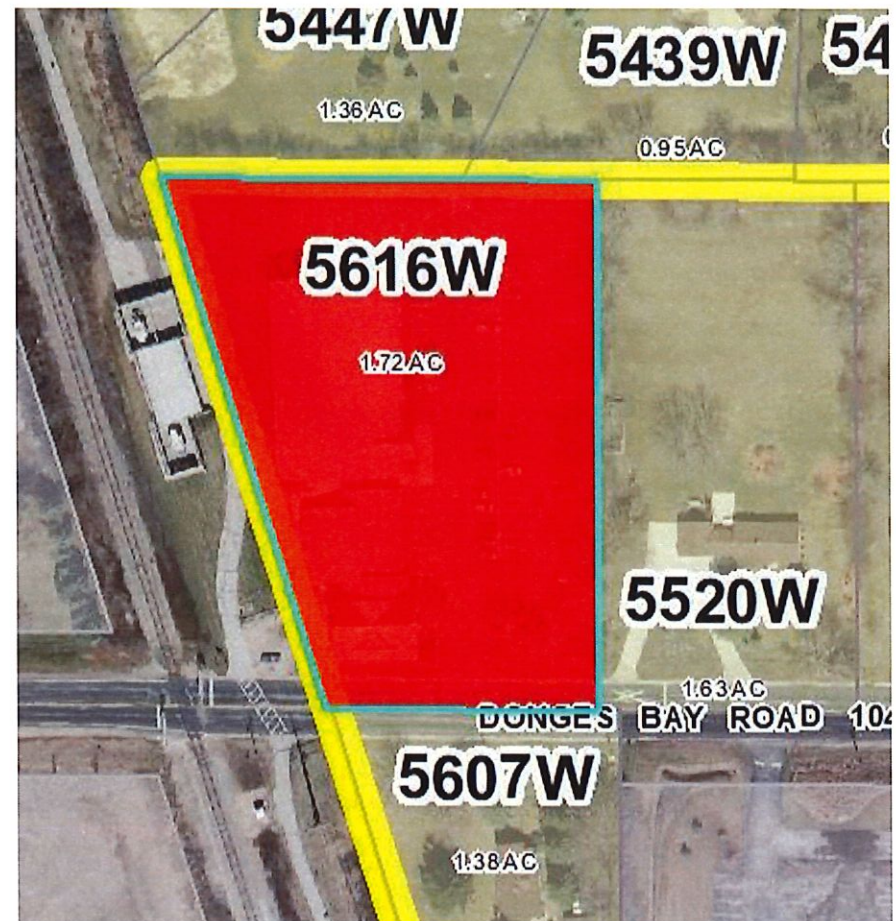
Libby Montana Bar & Grill

 Study Area Boundary



Existing Zoning:

R-4 Single-Family Residential



Proposed Zoning:

Neighborhood Commercial

Vacant Parcel - Cedarburg Road

 Study Area Boundary



Existing Zoning:

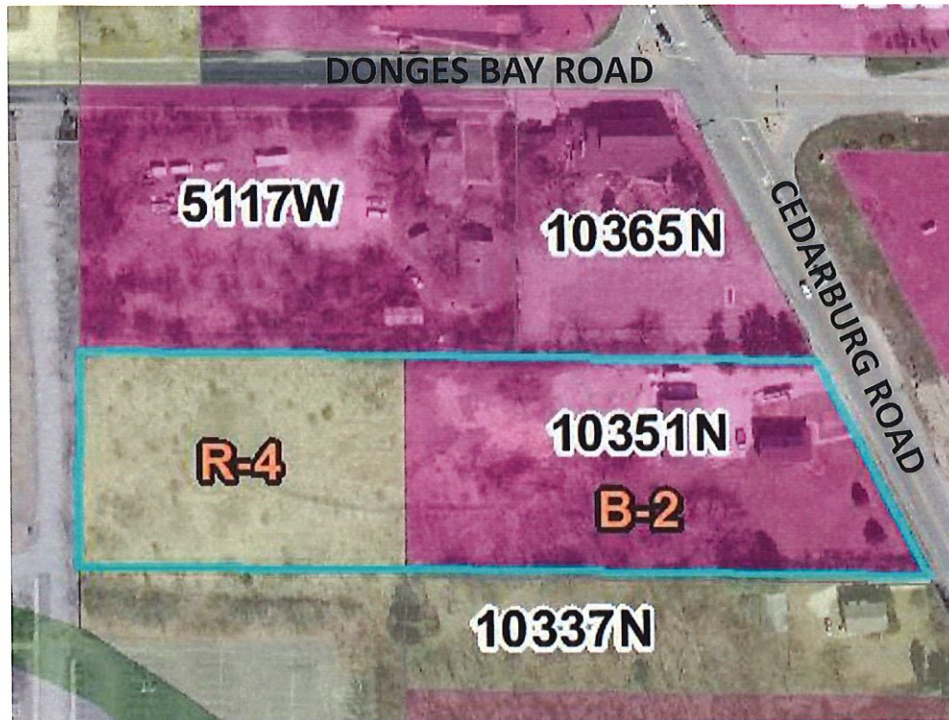
B-1 Neighborhood Business



Proposed Zoning:

Neighborhood Commercial

10351 N Cedarburg Road



Existing Zoning:

B-2 Community Business &
R-4 Single-Family Residential

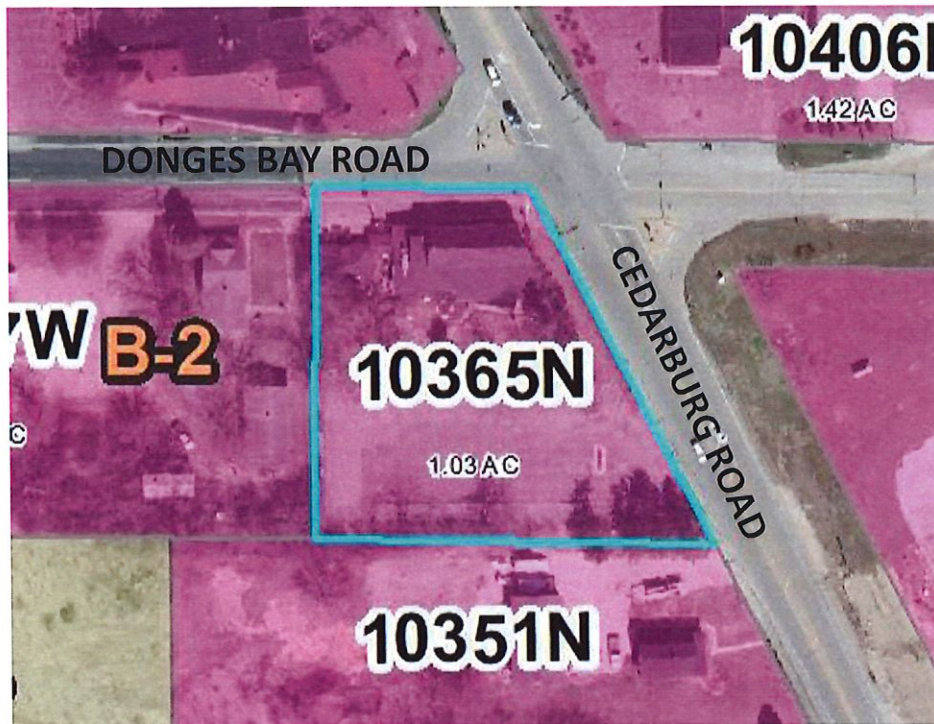


Proposed Zoning:

Neighborhood Commercial

10365 N Cedarburg Road Finn McGoo's

 Study Area Boundary

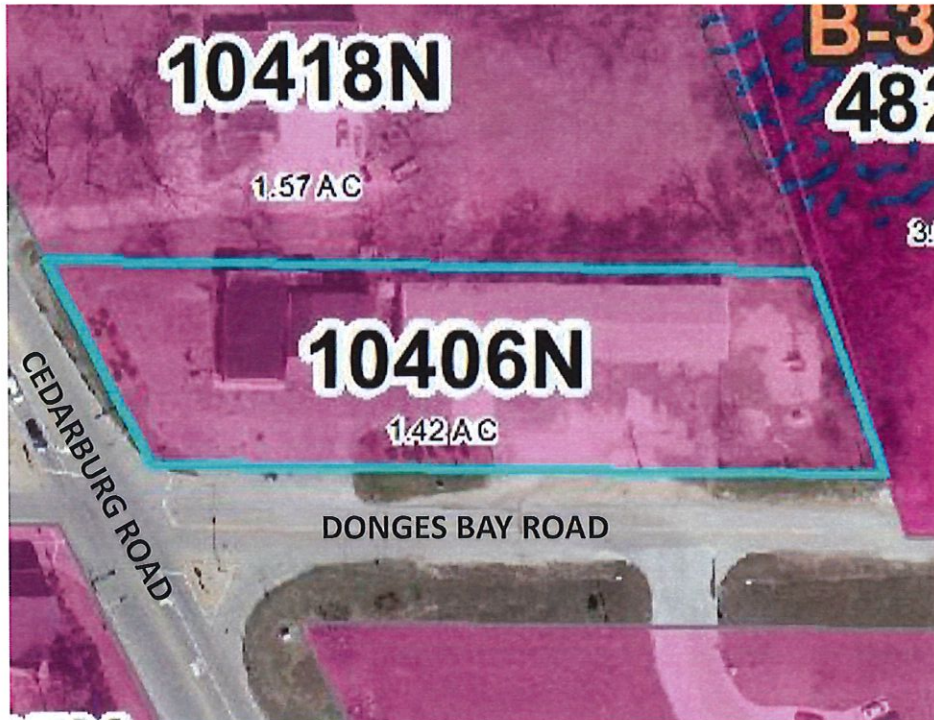


Existing Zoning:
B-2 Community Business



Proposed Zoning:
Neighborhood Commercial

10406 N Cedarburg Road
Nana's Little Ones Daycare

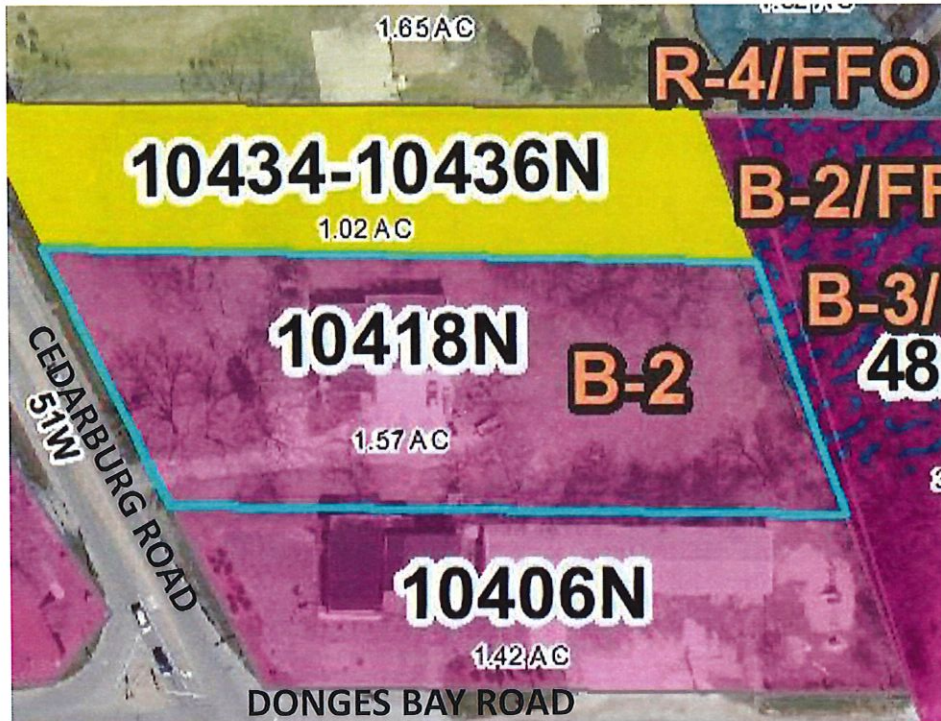


Existing Zoning:
B-2 Community Business

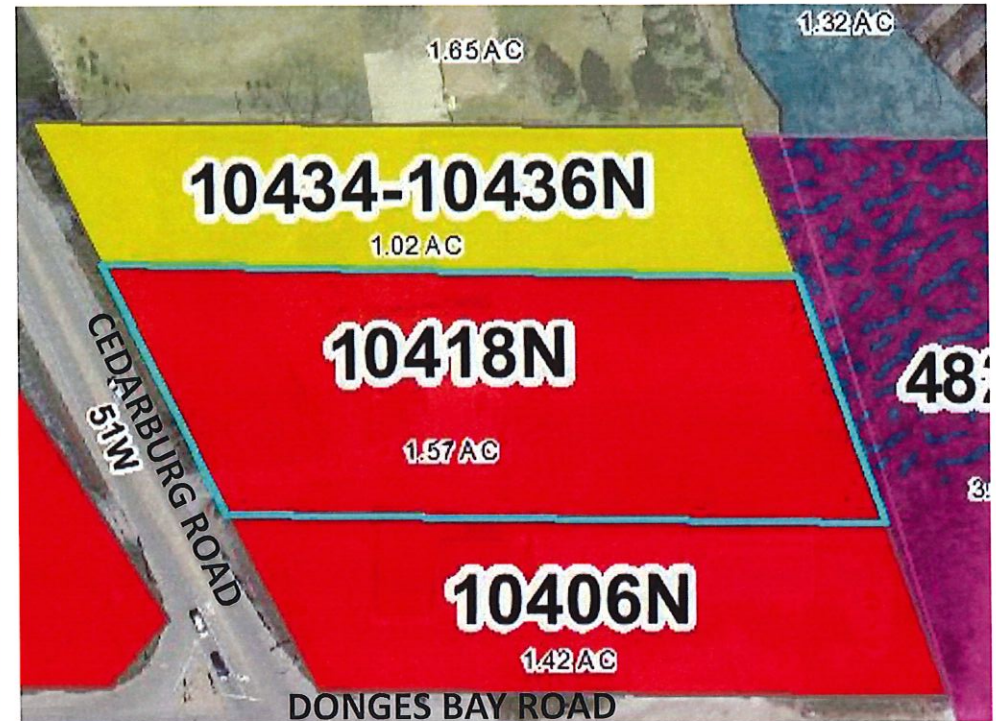


Proposed Zoning:
Neighborhood Commercial

10418 N Cedarburg Road

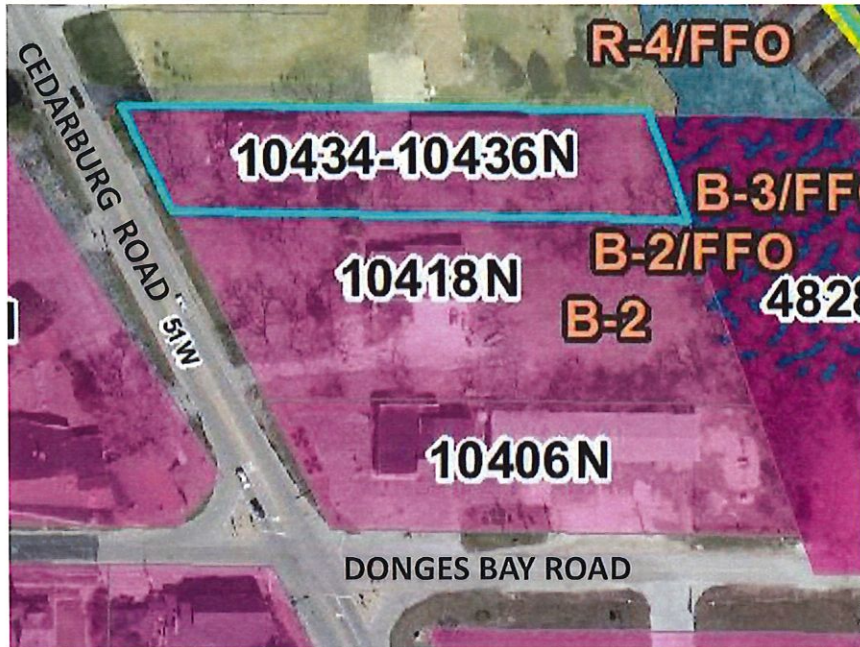


Existing Zoning:
B-2 Community Business

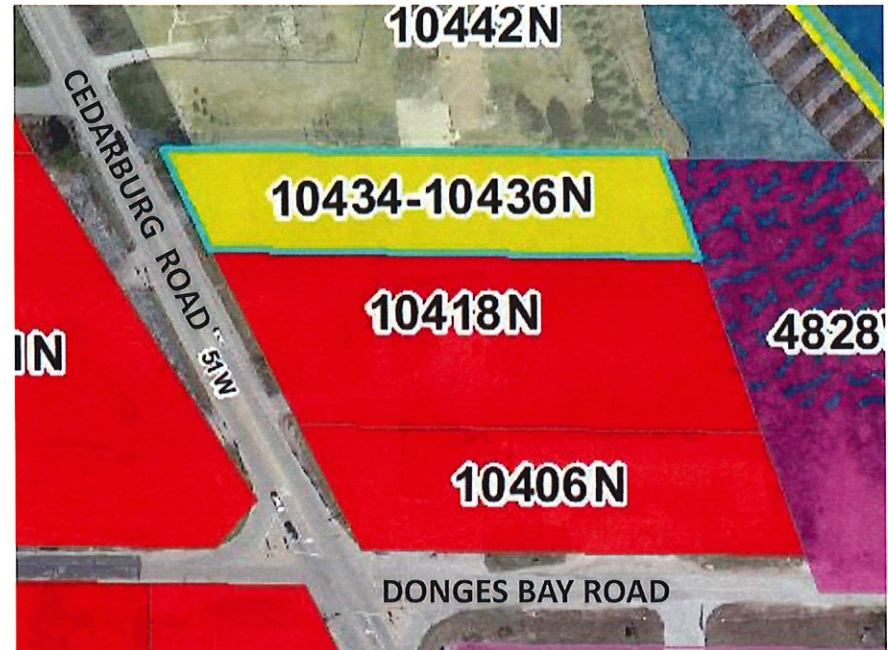


Proposed Zoning:
Neighborhood Commercial

10434-10436 N Cedarburg Road



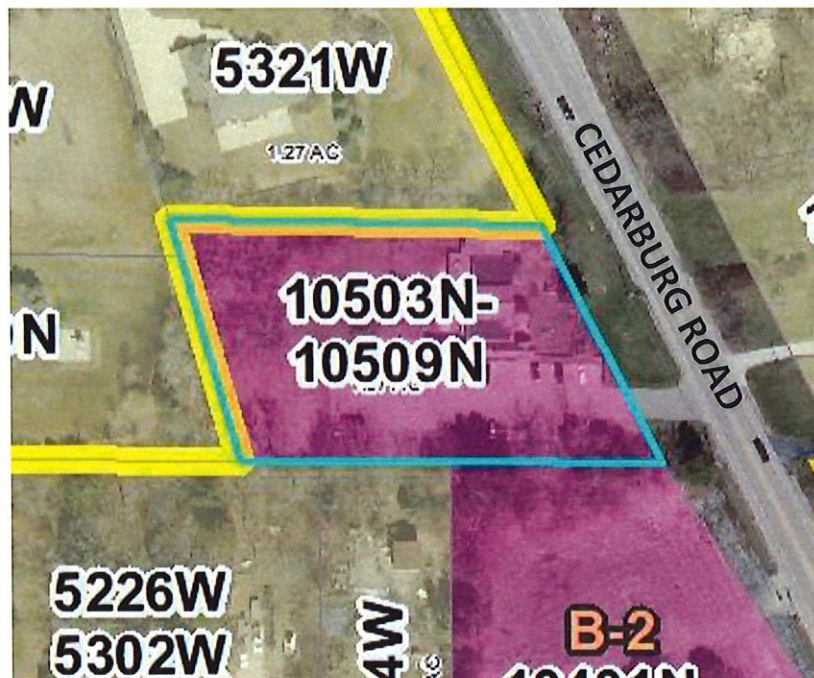
Existing Zoning:
B-2 Community Business



Proposed Zoning:
Single-Family Residential

10503-10509 N Cedarburg Road The Colour Bowl/Vintage Market

 Study Area Boundary



Existing Zoning:
B-2 Community Business



Proposed Zoning:
Neighborhood Commercial

TABLE XX USES IN THE BUSINESS DISTRICTS

Use	B-1	Neighborhood Commercial	B-2	B-3	B-4	B-5	TC	Specific Development Standards
Office & Clinic:								
Office	P	P	P	P	P	P	P	
Medical clinics	C	P	P	p	P	P	P	
Optical and vision center	C	P	P	P	P	P	P	
Veterinary clinics or hospitals	C	P	P	P	P	P		✓
Financial institutions without drive-through	P	P	P	P	P	P	P	
Financial institutions with drive-through	P	C	P	P	P	P		✓
Institutional & Public:								
Public parks	C	C	C				P	
Public administrative offices and services	C	P	C	P	P		P	
Religious institutions	C	C	C					
Public or private schools of 5,000 square feet or less	C	C	C				P	
Public or private schools	C		C					
Private lodges and clubs of 5,000 square feet or less	C	C	C				C	✓
Private lodges and clubs			C				C	✓
Fine Arts School and studios of 2,000 square feet or less	P	P	P	P	P		P	
Community centers			C				C	
Libraries	C	C	C				P	
Museums	C	C	C				P	
Crematory services	C	C	C					
Mausoleums			P					
Cemeteries	P		P					
Public parking facilities, non-accessory			PUD				C	✓
Residential:								
Artist's live/work units		P					P	✓
Residential uses, eight (8) units or less, if part of a mixed-use development							P	✓
Residential uses, nine (9) units to sixteen (16), if part of a mixed-use development							C	
Bed and breakfast	C	C					C	✓
Community Living arrangements for 8 or fewer persons								
Single-family residential cluster developments		C					PUD	

<i>Use</i>	<i>B-1</i>	<i>Neighborhood Commercial</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>B-5</i>	<i>TC</i>	<i>Specific Development Standards</i>
Age restrictive housing for persons of 55 years of age and older		PUD					PUD	✓
Accessory Residential:								
Residential quarters for the owner/proprietor	P	P	C		C			✓
Home Occupations								
Private outdoor recreational facilities without lights								
Private outdoor recreational facilities with lights		C						
Agricultural:								
Farm operations								
Roadside farmers markets								
Community farmers markets							C	
Greenhouses including wholesale nurseries and retail								
Horse stables and riding academies								
Park:								
Botanical gardens and arboretums								
Playgrounds								
Sport courts and fields, indoor and outdoor								
Golf courses and driving ranges including miniature golf								
Swimming facilities								
Archery ranges								
Nature centers								
Organized camps								
Retail & Services:								
Art, hobby, game and educational supply stores, studios or galleries	P	P	P				P	
Interior design services	P	P	P	P	P	P	P	
Graphic design services	P	P	P	P	P	P	P	
Antiques, collectibles, gift or florists	P	P	P		C	C	P	✓
Commercial use of a designated historic structure			C	C			C	✓
Stationary stores	P	P	P				P	
Bookstores, new	P	P	P		C	C	P	
Camera and photography supply store	P	P	P				P	
Computer and software store	P	P	P				P	
Electronic goods store	P	P	P				P	
Tabacco , cigar or nicotine product/e-cigarette store 2,000 square feet or less	P	P	P				P	

<i>Use</i>	<i>B-1</i>	<i>Neighborhood Commercial</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>B-5</i>	<i>TC</i>	<i>Specific Development Standards</i>
Music and musical instrument store including repairs	P	P	P				P	
Video stores	P	P	P				P	
Paint and wallpaper store	P	P	P				P	
Luggage and leather goods store	P	P	P				P	
Beauty and personal aid supply store	P	P	P				P	
Photocopying, film development, printing and publishing, packaging store of 4,000 square feet or less	P	P	P		C	P	P	
Dry cleaning and tailors	P	P	P				P	
Clothing and accessories including repairs	P	P	P				P	
Home furnishings and accessories including repairs of 4,000 square feet or less	P	P	P			P	P	
Sports and fitness centers including retail of 3,000 square feet or less	P	P	P		C	C	P	
Bicycle repair and sales	P	P	P				P	
Indoor recreation and amusement facilities			C				C	
Pet supplies, grooming and daycare	P	P	P		C	C	P	✓
Pet kennel			C		C	C		
Garden store	P	P	P					
Hardware store	P	P	P				P	
Salon & spas	P	P	P	C	C	C	P	
Child daycare facilities, preschools, learning centers	C	C	C	C	C	C	C	
Specialty food stores	P	P	P				P	
Beer, wine and liquor stores	P	C	P				P	
Sports and fitness retail store	P	P	P				P	
Gas stations			C					
Gas stations with car wash			C					✓
Convenience store without gas		C	C				C	
Automobile service facilities including retail and repair			C		C	C		✓
Car dealerships			C					
Shopping centers	C	C	C				C	
Funeral homes	C	C	P				P	
Concert halls			C					
Theatres, live performances only								
Sexually oriented businesses								
Hotels			C					
Planned commercial development	PUD	PUD	PUD				PUD	
Grocery store of 20,000 square feet or less	P	PUD	P				C	
Pharmacy	C	C	P		C	C	C	
Food & Beverage:								

<i>Use</i>	<i>B-1</i>	<i>Neighborhood Commercial</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>B-5</i>	<i>TC</i>	<i>Specific Development Standards</i>
Catering services	P	P	P				P	
Confectionary store without drive through	P	P	P				P	
Bakeries, including retail sales without drive through	P	P	P			C	P	
Bakeries, including retail sales with drive through		C	C					✓
Coffee shop of 2,000 square feet of less without drive through	C	P	P		C	C	P	
Coffee shop of 2,000 square feet of less with drive through		C	C					✓
Delicatessen without drive through	P	P	P		C	C	P	
Delicatessen with drive through			C					✓
Snack and non-alcoholic beverage bars without drive through	P	P	P				P	
Fast food restaurant without drive-through	P	P	P	C			P	✓
Fast food restaurant with drive-through			C					✓
Sit-down restaurants	P	P	P	C	C	C	P	✓
Nightclubs			C				C	✓
Town Center breweries							C	✓
Industrial:								
Wholesale								
Warehouse and distribution			C		C	P		
Research and development					C	P		
Processing				C	C	P		
Light Fabrications					C	P		
Light Manufacturing				C	C	P		
Lumber and building supply yards					C	P		
Transportation terminals						C		
Landscape contracting						C		
Indoor shooting ranges						C		
Wineries						C		

P = Permitted uses

C = Conditional uses

RECITALS

- A. On April 10, 2018, the Common Council of the City of Mequon and adopted and approved Ordinance 2018-1517 a Development Moratorium, as Authorized by Wis. State Statutes 66.1002, for the Neighborhood Commercial Node located at Donges Bay Road and Cedarburg Road.
- B. The moratorium on development within that neighborhood is in place until the earlier of March 13, 2019 or the point in time at which the City has approved and adopted measures to define and implement development goals for the subject study area.
- C. On December 3, 2018, the Planning Commission recommended certain regulatory and zoning changes as measures to achieve development and public safety goals for the moratorium area based on the input of the City of Mequon Police Department, Planning Department and specific property owners of the moratorium area and finds that implementation of these objectives will reduce concerns associated with public safety, encourage redevelopment and the assemblage of underutilized properties and stabilize or enhance property values.

BASED UPON THE FOREGOING, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION 1

Chapter 14, Businesses, of the Mequon Code of Ordinances is amended as follows in **Exhibit A** as it relates to public safety and having been placed on file and public to public inspection in the office of the City Clerk.

SECTION II

Chapter 58, Zoning Code, of the Mequon Code of Ordinances is amended as follow in **Exhibit B** as it relates to the creation of a new zoning district, Neighborhood Commercial (NC) district and having been placed on file and public to public inspection in the office of the City Clerk.

SECTION III

Chapter 58, Zoning Code, of the Mequon Code of Ordinances is amended as follows in **Exhibit C** as it relates to amendments to Sec. 58-303, Specific Development and Design Standards and having been placed on file and public to public inspection in the office of the City Clerk.

SECTION IV

Chapter 58, Zoning Code, of the Mequon Code of Ordinances is amended as follows in **Exhibit D** as it relates to the rezoning of the following properties:

- | | | |
|----|-------------------------|--------------------------------|
| 1. | 10401 N Cedarburg Road: | From B-2 to NC |
| 2. | 4811 W Donges Bay Road | From B-2, R-3 & FW to R-3 & FW |

- | | | |
|-----|--|-------------------------------------|
| 3. | 4815 W Donges Bay Road: | From B-2, R-3 & FW to R-3 & FW |
| 4. | 4828 W Donges Bay Road: | From B-3, FFO & FW to R-4, FFO & FW |
| 5. | 5117 W Donges Bay Road: | From B-2 to NC |
| 6. | 5616 W Donges Bay Road: | From R-4 to NC |
| 7. | Vacant Site located
Immediately south of 10337
N Cedarburg Road: | |
| | | From B-1 to NC |
| 8. | 10351 N Cedarburg Road: | From B-2 & R-4 to NC |
| 9. | 10365 N Cedarburg Road: | From B-2 to NC |
| 10. | 10406 N Cedarburg Road: | From B-2 to NC |
| 11. | 10418 N Cedarburg Road: | From B-2 to NC |
| 12. | 10434-10436 N Cedarburg Rd | From B-2 to R-4 |
| 13. | 10503-10509 N Cedarburg Rd | From B-2 to NC |

SECTION V

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION VI

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION VII

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

EXHIBIT A

Article VIII. Digital Security Imaging Systems

FINAL VERSION

Chapter 14-300. Digital Security Imaging Systems

- (a) Purpose and intent. To provide for the implementation and use of digital security imaging systems (“DSI System”) that monitor the exterior and interior spaces and areas of certain commercial establishments. The DSI System will afford the opportunity for public safety departments (e.g., Police and Fire Department) to visually examine certain commercial establishments and will provide emergency response personnel with a visual assessment of an emergency situation in advance of arrival. The advanced visual assessment may pertain to a person(s) (personal identification), a location (scene identification), and/or a situation (action identification) in emergency situations.
 - (1) While it is anticipated that the implementation and usage of a DSI System will greatly aid law enforcement agencies in subsequent criminal investigations and prosecutions, it is recognized that DSI Systems alone cannot provide for or be solely relied upon to produce positive personal, action or scene identification.
 - (2) Furthermore, it is recognized that since there is no City requirement that these systems be actively monitored, it cannot be expected that these systems will, on their own, provide a safer or more secure environment, nor are they a substitute for other security measures.
 - (3) It is also the intent of this chapter to attain commercial and industrial establishments of sustained desirability and economic stability, and to avoid unreasonable adverse effects to the property values of the surrounding properties and surrounding neighborhoods, and to maintain and promote the public health, safety and welfare of the City.
- (b) Installation Requirements.
 - (1) All single or multitenant commercial uses falling under the Retail and Services or Food and Beverage use classifications of the Neighborhood Commercial (NC) zoning district shall provide, install and maintain in good working order a DSI System covering the interior and exterior of the property. It shall be the responsibility of the property owner and any/all successors in interest to ensure compliance. The property owner shall furnish to the Chief of Police documentation that describes the system, specifications and the name of the vendor that installed the product.
 - (2) Date of compliance.
 - a. All new commercial uses or buildings that require a DSI System, as set forth above, shall comply with the plan submittal requirements of sub. (c).

- b. All existing commercial uses or buildings that require a DSI System, as set forth above, shall comply with the plan submittal requirements of sub. (c) when there is a change in ownership, tenancy, or total area (square footage) of the use. In multitenant buildings, the affected individual tenant space shall comply
 - c. If the development consists of multiple buildings, tenant spaces and/or phases, the DSI System shall be installed and fully operational upon receipt of the occupancy permit of each building, tenant and/or phase. The adequacy of the implementation of the DSI System minimum standards for each building, tenant and/or phase shall be determined by the Mequon Police Department.
- (3) DSI Systems deployed under this chapter shall be in compliance with the hardware specifications that are approved and published by the Mequon Police Department and shall meet all of the following requirements unless modified by a developer's agreement with the City:
 - a. DSI Systems shall provide for complete surveillance of all building entrances and exits, loading docks and parking lots within the development. Parking lot surveillance must be capable of monitoring and capturing all activities within 300 feet of the building.
 - b. DSI Systems shall function continuously or have an effective distance motion detection with two-second pre-record, whether the businesses are open or closed, and shall provide visible surveillance to the above-described areas during hours of darkness.
 - c. Properties having a DSI System installed shall provide and maintain a centrally located security room that will be accessible and used by the City departments responsible for public safety. Access to these spaces shall be in cooperation with the tenant or property owner.
 - d. DSI Systems shall archive video recorded by the system for a period of not less than 14 days and shall be available to the City for public safety purposes. Evidentiary copies of any such video shall be provided to the Police or Fire Department upon request within 12 hours of the request.
 - e. DSI Systems shall provide interior cameras that will, at minimum, monitor and record all areas of cash transactions with the public. This includes, but is not limited to, all cash registers and service desks.
 - f. All commercial uses that are open for business in excess of 16 hours a day will be required to install a remote access DSI System with a panic button activation feature that will allow remote access viewing of the internal surveillance system to public safety personnel.

(c) Plan submittal.

- (1) For developments that require a DSI System, the DSI System shall be a component of any required City site and/or operational plan application. Upon application, the applicant/property owner shall provide to the City seven sets of DSI System plans, which shall clearly depict the location of all proposed cameras and hardware as well as the location of the security room. The DSI System portion of the submittal shall also include a written narrative explaining in detail the required DSI System. If a site and/or operational plan is not required, the property owner must provide the DSI System plan prior to obtaining an occupancy permit.
- (2) Any occupancy or building permit application requiring the submittal of the DSI System plans will not be deemed complete and will not be released by the City until the DSI System plans are received and reviewed as required in this chapter.

(d) Nonoperational DSI System; penalty. In the event that an existing DSI System becomes nonoperational or incompatible with the Police Department for any reason, or there is a violation of any term or condition of this chapter, the Police Department shall provide the owner with a fifteen-day written notice of same and opportunity to cure. In the event that the system is not repaired within the time allowed in the notice, the owner shall be deemed in violation of this section. Any owner who shall violate this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$300, together with the costs of prosecution. Each day a violation exists or continues shall constitute a separate offense

EXHIBIT B

New Zoning District: Neighborhood Commercial (NC)

FINAL VERSION

Sec. 58-293. - neighborhood commercial district.

- (a) *Purpose.* The NC district is established to provide a commercial environment of mixed office, retail and services designed to serve immediate residential neighborhoods and allow for new residential development
- (b) *General Requirements.*
 - (1) Buildings shall be designed in individual or small groupings and shall not exceed 20,000 square feet per structure, nor exceed two stories in height, except as approved as a conditional use. The commercial development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings. Outside storage is not permitted except as specifically approved by the planning commission.
 - (3) In approving or disapproving proposed locations for uses under this section the planning commission shall give due consideration to the character and suitability of development for the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the city planning commission regarding traffic generation, ground water impact, sewage disposal impact, lighting, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The city planning commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion. The applicant shall have an opportunity to present evidence contesting such unsuitability or propose adequate mitigation, if they so desire. Thereafter, the city planning commission may affirm, modify or withdraw its determination of unsuitability.
 - (4) Site development shall be approved by the planning commission in accordance with this chapter.
 - (5) Redevelopment of an existing building, where 50 percent or more of the existing building area is removed, shall be subject to the regulations in subsection (c) unless the city modifies the regulations in accordance with a conditional use process.
 - (6) Digital Security Imaging Systems in accordance with Chapter 14-300 is required.

- (c) *Permitted, Accessory and Conditional Uses.* Table 58-293-1, Uses in the Neighborhood Commercial District, lists all the permitted and conditional uses.
- (d) *Lot size.* The minimum lot size shall have an area of not less than 1.5 acres.
- (e) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 30 percent.
- (f) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
- (g) *Minimum building setback.* All structures within the B-1 district shall be set back from the ultimate road right-of-way as follows:
 - (1) Highways, 50 feet, except when parking is proposed between the road and building the minimum setback shall be 95 feet.
 - (2) Local streets, 30 feet.
- (h) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjoining property is zoned residential, no commercial building or structure shall be placed closer than 30 feet to the adjoining residentially zoned lot line.
- (i) *Open space ratio.*
 - (1) The open space ratio shall not be less than 40 percent except as follows:
 - a. Future additions to buildings that were approved by the planning commission prior to August 12, 1994, shall be subject to a 30-percent open space ratio.
 - b. Properties which were the subject of planned unit development zoning or development agreement approval prior to August 12, 1994, shall be subject to the contractual open space ratio approved by the city pursuant to such planned unit development zoning or development agreement.
 - c. Construction of additional buildings on sites developed prior to August 12, 1994, shall be subject to a 30-percent open space ratio.
 - d. Proposed redevelopment/reconstruction of sites developed prior to August 12, 1994, shall be subject to the 40 percent open space ratio if the redevelopment razes more than 50 percent of the existing building(s). If the redevelopment does not raze more than 50 percent of the existing building(s), a development shall be subject to a 30-percent open space ratio.

(2) No lot or parcel that was previously developed under a less restrictive open space ratio shall be deemed nonconforming due to lack of compliance with this current more restrictive open space ratio.

- (c) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.
- (d) *Off-street parking.* In accordance with applicable regulation set forth in section 58-441 of this chapter.
- (e) *Minimum parking and driveway offset.* No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.
- (f) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 15 feet to the ultimate road right-of-way.

TABLE 58-293-1 USES IN THE NEIGHBORHOOD COMMERCIAL DISTRICT

<i>Use</i>	<i>Neighborhood Commercial</i>	<i>Specific Development Standards</i>
Office & Clinic:		
Office	P	
Medical clinics	P	
Optical and vision center	P	
Veterinary clinics or hospitals	P	✓
Financial institutions without drive-through	P	
Financial institutions with drive-through	C	✓
Institutional & Public:		
Public parks	C	
Public administrative offices and services	P	
Religious institutions		
Public or private schools of 5,000 square feet or less		
Public or private schools		
Private lodges and clubs of 5,000 square feet or less		
Private lodges and clubs		
Fine Arts School and studios of 2,000 square feet or less	P	
Community centers		
Libraries		
Museums		
Crematory services		
Mausoleums		
Cemeteries		
Public parking facilities, non-accessory		
Residential:		
Artist's live/work units	P	✓
Residential uses, eight (8) units or less, if part of a mixed-use development		
Residential uses, nine (9) units to sixteen (16), if part of a mixed-use development		
Bed and breakfast	C	✓
Community Living arrangements for 8 or fewer persons		
Single-family residential cluster developments	C	Per Sec. 58-333
Age restrictive housing for persons of 55 years of age and older	PUD	

<i>Use</i>	<i>Neighborhood Commercial</i>	<i>Specific Development Standards</i>
Accessory Residential:		
Residential quarters for the owner/proprietor	P	Per Sec. 58-294 (d)(1)
Home Occupations	P	
Private outdoor recreational facilities without lights	P	
Private outdoor recreational facilities with lights	C	
Retail & Services:		
Art, hobby, game and educational supply stores, studios or galleries	P	
Interior design services	P	
Graphic design services	P	
Antiques, collectibles, gift or florists	P	✓
Commercial use of a designated historic structure		
Stationary stores	P	
Bookstores, new	P	
Camera and photography supply store	P	
Computer and software store	P	
Electronic goods store	P	
Tabacco , cigar or nicotine product/e-cigarette store 2,000 square feet or less		
Music and musical instrument store including repairs	P	
Video stores	P	
Paint and wallpaper store	P	
Luggage and leather goods store	P	
Beauty and personal aid supply store	P	
Photocopying, film development, printing and publishing, packaging store of 4,000 square feet of less	P	
Dry cleaning and tailors	P	
Clothing and accessories including repairs	P	
Home furnishings and accessories including repairs of 4,000 square feet or less	P	
Sports and fitness centers including retail of 3,000 square feet or less	P	
Bicycle repair and sales	P	
Indoor recreation and amusement facilities		
Pet supplies, grooming and daycare	P	✓
Pet kennel		
Garden store	P	
Hardware store	P	
Child daycare facilities, preschools, learning centers	C	
Specialty food stores	P	
Beer, wine and liquor stores		

<i>Use</i>	<i>Neighborhood Commercial</i>	<i>Specific Development Standards</i>
Sports and fitness retail store greater than 3,000 square feet		
Gas stations		
Gas stations with car wash		
Convenience store without gas	C	
Automobile service facilities including retail and repair		
Car dealerships		
Shopping centers	C	
Funeral homes		
Concert halls		
Theatres, live performances only		
Sexually oriented businesses		
Hotels		
Planned commercial development	PUD	
Grocery store of 20,000 square feet or less	PUD	
Pharmacy	C	✓
Food & Beverage:		
Catering services	P	
Confectionary store without drive through	P	
Bakeries, including retail sales without drive through	P	
Bakeries, including retail sales with drive through	C	
Coffee shop of 2,000 square feet or less without drive through	P	
Coffee shop of 2,000 square feet or less with drive through	C	✓
Delicatessen without drive through	P	
Delicatessen with drive through		✓
Snack and non-alcoholic beverage bars without drive through	P	
Fast food restaurant without drive-through	P	✓
Fast food restaurant with drive-through		
Sit-down restaurants	P	
Nightclubs		
Town Center breweries		

P = Permitted uses

C = Conditional uses

EXHIBIT C
FINAL VERSION

Sec. 58-303. - Specific development and design standards

- (a) *Purpose.* Specific development and design standards are established to provide supplemental regulations to address unique characteristics of certain land uses.
- (b) *Standards.* The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Antiques, collectibles and florists. An antique and/or collectibles store shall be an establishment where all or a substantial part of the value of the objects is derived from its age, uniqueness or historical association.

Artist live/work units. An artist live/work unit may include the design and fabrication of jewelry, pottery and visual arts. Metalworking shall be prohibited. Artist live/work units shall be located above the ground floor.

Bed and breakfast establishments. A bed and breakfast establishment means any place of lodging that provides four or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.

Car wash facility. Car wash facilities shall only be allowed as an accessory use to an existing gas station and shall be limited to one drive bay.

Cement tile roof. Cement roof tiles shall be in natural colors.

Child daycare facilities. A child daycare facility shall provide a designated area for the short term parking of vehicles loading and unloading children. The designated area shall be located where it provides the greatest safety. Playground equipment shall be prohibited in the front yard.

Coffee shop. A coffee shop is an establishment engaged in the sale of coffee and other non-alcoholic beverages for consumption on the premise or for carry-out, which also may include the sale of a limited number of food items. Drive-thru services shall be prohibited in the Town Center and Arrival Corridor districts. Any drive-through services approved in the Neighborhood Commercial district shall comply with the following:

- a. Incorporate masonry or compatible building materials into a drive-through canopy or facility.
- b. The coffee shop shall be considered the principal structure and located at the street edge and the drive-through service area and associated canopy shall be considered accessory and located to the rear.

- c. The building, including the drive-through service canopy, shall incorporate the use of awnings, varied roof forms, roof lines and other elements to provide scale.
- d. The accessory structures, such as service or menu boards, signs, speakers shall be designed to complement the principal structure through the building materials and colors and other features.
- e. All speaker systems shall be operated at a low volume (maximum of 65 decibels) to not cause a nuisance for adjacent residential uses.

Confectionary. A confectionary is an establishment in which retail goods including chocolate, ice cream and frozen beverages and candy is sold, not produced.

Decorative concrete block. Decorative concrete block shall be allowed only when used in non-visible areas or as a secondary building material or accent. The use of standard, plain, gray block or glazed block is prohibited.

Delicatessen. A delicatessen is an establishment which sells ready-to-eat foods, in bulk or individual servings, primary for the consumption off the premise and is not a fast food restaurant. Drive-thru services shall be prohibited in the Town Center and Arrival Corridor districts.

Drug store/pharmacy. Drive-thru services shall be prohibited in the Town Center and Arrival Corridor districts. Any drive-through services approved in the Neighborhood Commercial district shall comply with the same design and development standards for coffee shops.

Farmer's market. A farmer's market is an establishment in which more than 50 percent of its product sold is agricultural produce. A farmer's market may be either a seasonal or year round operation and indoor or outdoor. If a farmer's market is a seasonal operation then an alternative, principal use (either permitted or conditional) shall be provided for the remainder of the year.

Fast food restaurant. A fast food restaurant is an establishment that includes five of the following:

- a. A permanent menu board.
- b. Customers pay for food before consuming it.
- c. A self-service condiment bar is provided.
- d. Customers must conduct self-service bussing.
- e. Furnishings are hard, finished, stationary seating.
- f. Most food items are prepared or cooked on premise and packaged in individual, non-reusable containers.
- g. Fast-food restaurants are only permitted within a multi-tenant building. Drive-through services shall be prohibited.

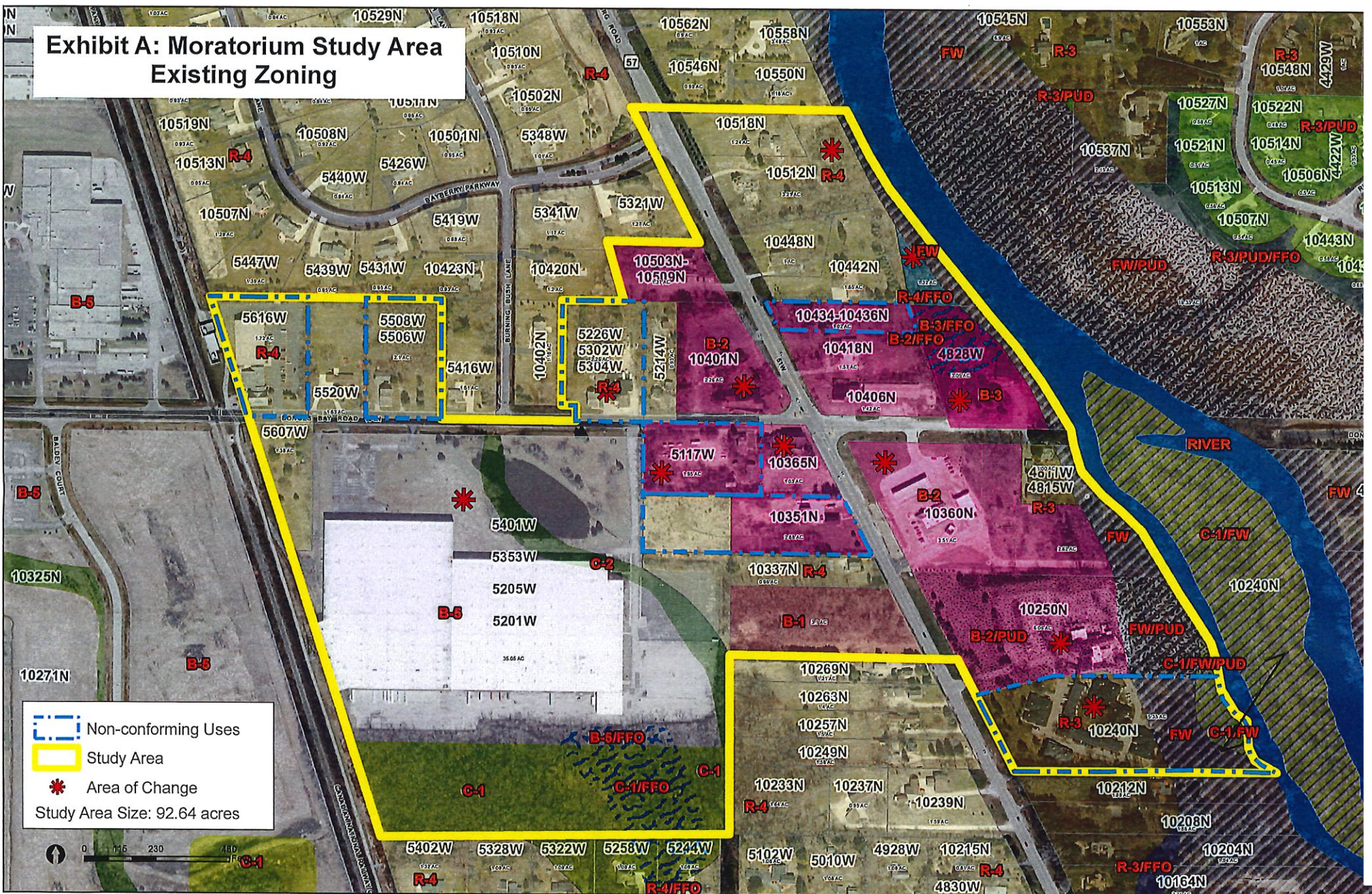
Financial institutions. Drive-through services, including an Automated Teller Machine (ATM) in the drive-through, shall be prohibited in the Town Center district. Any drive-through service approved in the Arrival Corridor or Neighborhood Commercial districts shall comply with the following:

- a. Incorporate masonry or compatible building materials into the drive-through facility.
- b. The financial institution shall be considered the principal structure and located at the street edge and the drive-through service, canopy or ATM shall be considered accessory and located to the rear.
- c. The building shall incorporate the use of awnings, varied roof forms, roof lines and other elements to provide scale.
- d. The ATM shall be designed as part of the principal structure or located under the drive-through canopy and shall compliment the building materials and colors.
- e. All speaker systems shall be operated at a low volume to not cause a nuisance for adjacent residential uses.

Flat and combined roofs. Flat roofs shall combine gabled roofs, hip roof dormers or articulated parapet walls and may include extended and shaped parapets. Any parapet wall shall be designed in a manner to appear solid, three-dimensional form, rather than a veneer.

EXHIBIT D

Exhibit A: Moratorium Study Area Existing Zoning



**Exhibit B: Moratorium Study Area
Proposed Zoning**

Legend:

- X** Remains Non-conforming
- Blue dashed line** Non-conforming Uses
- Yellow** Rezone to Single-Family Residential
- Red** Rezone to Neighborhood Commercial (new zoning district)
- Yellow outline** Study Area

Study Area Size: 92.64 acres



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: KIM TOLLEFSON, DIRECTOR OF COMMUNITY DEVELOPMENT
DATE: December 3, 2018
SUBJECT: An Ordinance Authorizing Termination of the 2018 Development Moratorium for the Donges Bay and Cedarburg Road Neighborhood Commercial Node Established by Ordinance 2018-1517 approved by the Common Council on April 10, 2018.

Background

The Common Council of the City of Mequon adopted Ordinance 2018-1517 that established a moratorium on development within that neighborhood until the earlier of March 13, 2019 or the point in time at which the City has approved and adopted measures to define and implement development goals for the subject study area; including addressing public safety.

Analysis

Staff recommends zoning use changes, rezoning of specific sites and security requirements for the neighborhood commercial node. The recommendations are based on input from the City of Mequon Police Department, Planning Commission, Attorney's Office and property owners of the study area. In addition, staff has implemented a market analysis and will consider an economic program to encourage redevelopment and assemblage of under-utilized properties for comprehensive development.

Recommendation

Planning staff recommends terminating the development moratorium established for the Donges Bay and Cedarburg Road Neighborhood Commercial node based on adopted measures to define and implement development goals subject to the following:

1. Common Council action to adopt moratorium measures.

Attachments:
Packet (PDF)

RECITALS

A. On April 20, 2009, the Common Council of the City of Mequon and adopted and approved Ordinance 2009-1270 adopting the Year 2035 City of Mequon Comprehensive Plan for the City of Mequon, which plan was also adopted by the City Planning Commission by Resolution.

B. The Comprehensive Plan articulates land use/development goals and objectives for the City and specifically identifies the need for maintaining a safe community and creating strong and vital commercial corridors, the City's goals and objectives for developing and retaining a diverse tax base by supporting small-scale sales and services in Neighborhood Commercial Node areas, and recommends studying Neighborhood Commercial Nodes to evaluate issues and opportunities for business development and formulate recommendations.

C. The neighborhood located generally around the intersections of Donges Bay Road and Cedarburg Road is identified within the Comprehensive Plan and on the City Land Use Plan as a Neighborhood Commercial Node.

D. The Common Council of the City of Mequon adopted Ordinance 2018-1517 that established a moratorium on development within that neighborhood until the earlier of March 13, 2019 or the point in time at which the City has approved and adopted measures to define and implement development goals for the subject study area; including addressing public safety.

E. On December 3, 2018, the Planning Commission recommended certain regulatory and zoning changes as measures to achieve development and public safety goals for the moratorium area based on the input of the City of Mequon Police Department, Planning Department and specific property owners of the moratorium area.

F. On December 11, 2018, the Common Council adopted certain regulatory and zoning changes as measures to achieve development and public safety goals for the moratorium area based on the input of the City of Mequon Police Department, Planning Department and specific property owners of the moratorium area.

BASED UPON THE FOREGOING, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION 1

The moratorium on development established by Ordinance 2018-1517 is hereby terminated based upon the City's approval and adoption of measures to define and implement development goals for the subject study area.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

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

Study Area

 Non-conforming Uses

 Study Area

 Area of Change

Study Area Size: 92.64 acres

