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Department of Community Development
Taped and Televised

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

Minutes

1) Call to Order, Roll Call

Present:

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

a) Approval of Minutes from November 12, 2018

Action

Ald. Wirth made a motion to approve the November 12, 2018 minutes.
Commissioner Hawley seconded the motion.
Voice vote was taken; vote passed (6-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Wirth, Alternate Alderman
SECONDER:	Stephanie Hawley, Alternate
AYES:	Abendroth, Hawley, Lemke, J. Schaefer, R. Schaefer, Wirth
ABSENT:	Choren, Parrish, Stoker

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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Wirth, Alternate Alderman
SECONDER:	Stephanie Hawley, Alternate
AYES:	Abendroth, Hawley, Lemke, J. Schaefer, R. Schaefer, Wirth
ABSENT:	Choren, Parrish, Stoker

- 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).

Action

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

Commissioner Hawley seconded the motion.

Voice vote was taken; vote passed (6-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Wirth, Alternate Alderman
SECONDER:	Stephanie Hawley, Alternate
AYES:	Abendroth, Hawley, Lemke, J. Schaefer, R. Schaefer, Wirth
ABSENT:	Choren, Parrish, Stoker

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).

Planner Vang stated that the preliminary plat is for a 13-lot subdivision. There is an open space plan submitted for approval. It includes a preservation of a wooded area and an area reserved for spruce farming. The southwest corner is an area for gardens or an orchard and the buffer along River Road will remain natural. As a condition of the rezoning, staff will recommend a pedestrian walking trail which shall be compact gravel and unpaved. The open space plan does not currently show a pedestrian trail but the applicant has stated that he is willing to work with the neighboring subdivision to the west to agree on an appropriate location. Staff's recommendation is that the path start at the public road and continue towards the southwest section and end at the west property line. The trail shall be maintained by the Homeowners Association.

Asst. Eng. Henk stated that the Development Agreement is the standard format but there are two items that the developer has asked to have incorporated:

1. 10% increase in volume required for storm water management facilities.
2. Two model homes will be allowed prior to final plat.

Staff is supportive of both of these requests.

The applicant, Paul Apfelbach, confirmed his commitment to install the pedestrian walking trail as recommended and to work with Hidden Farms to get it done correctly.

Action

Ald. Wirth made a motion to approve the item including the two revisions to the development agreement.

Commissioner Jim Schaefer seconded the motion.

Voice vote was taken; vote passed (6-0)

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	John Wirth, Alternate Alderman
SECONDER:	James Schaefer, Commissioner
AYES:	Abendroth, Hawley, Lemke, J. Schaefer, R. Schaefer, Wirth
ABSENT:	Choren, Parrish, Stoker

- 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).

Asst. Dir. Zader stated that due to the large site, he did receive calls asking for the exact location of the proposed accessory structure. It will be located in the northwest corner of the property off of Mequon Road. The applicant met with adjacent neighbors and they are supportive of this project.

A new rendering was handed out at the meeting showing the visibility from the neighbors' properties.

Staff is recommending that all additional trees be added to provide as much buffering as possible. Included in the staff report are building changes which include roof overhangs on both gable and side elevations.

The applicant, Dan Domner and John Kruse, agreed to make all the recommended changes.

Action

Ald. Wirth made a motion to approve the items subject to the conditions in the staff report.

Commissioner Jim Schaefer seconded the motion.

Voice vote was taken; vote passed (6-0)

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

- 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.

Asst. Dir. Zader stated that this item is for the proposed pocket homes to be located on the east side of the Foxtown Development site. At the time of the original PUD rezoning, there was a text amendment to allow for single family dwellings in the TC zoning district. A few criteria were added including a 36-foot minimum lot width size for all frontage lots with garages attached to the principal unit. The applicant is proposing two additional homes with a reduced lot width size of 30.5 ft. The new proposed layout addresses the side yard setback issue with the units being shifted to the west and achieving more separation between buildings.

On the original plan, all the garages were shown as attached. The applicant is asking for flexibility regarding the garages and the option for some to be detached. Staff recommends that no more than 60% of the total number of units have detached garages. Staff is supportive of the request for two additional homes (from 21 to 23)

The applicant, Tom Zabjek, stated that the additional two homes enhance the overall development and helps to create a neighborhood. The option to have some detached garages creates a backyard, greater fenestration and more character.

There was some discussion regarding the value of the product with attached vs. detached garages.

Action

Ald. Wirth made a motion to approve the item omitting staff report condition #3.

Commissioner Lemke seconded the motion.

Voice vote was taken; vote passed (6-0)

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	John Wirth, Alternate Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Hawley, Lemke, J. Schaefer, R. Schaefer, Wirth
ABSENT:	Choren, Parrish, Stoker

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.**

Director Tollefson stated that a moratorium established by the Common Council in April 2018 and she has been working on it for several months. During that time there have been updates to Planning Commission and the Public Welfare Committee. She has met with all but four of the property owners in the moratorium area. There is a high level of consensus from the property owners regarding the neighborhood uses and they are supportive of the overall goals communicated by staff.

A new zoning district, Neighborhood Commercial, is proposed for the area. This creates an opportunity to capture new retail and services that are more compatible to commuter traffic with a distinct level of intensity which differs from the Town Center zoning. A draft form of the chart with the permitted uses is included in the Planning Commission packet.

Of the 29 properties included in the study area, staff recommends a zoning change for 13 properties. The majority of these properties are currently zoned B-2.

Due to a 123% increase in public safety calls to this neighborhood from 2015 -2017, the Police Department will require digital security systems on-site for all commercial businesses.

There is one property located at 4828 W. Donges Bay Road in which the property owner and staff are in disagreement regarding the proposed zoning. It is currently zoned B-3, contains a single-family home, a 5,000 sq.ft. accessory structure and is used as a single-family home. It was not disclosed during the one-on-one meeting between the property owner and staff that there are three businesses operating at this site nor is there record of these businesses being permitted by the City.

Staff recommends rezoning the property to R-4 (3/4 acre single-family). The owner prefers to maintain commercial zoning. The owner has previously presented a proposal for a youth camp at the property but the operations were speculative at the time of presentation. That type of business would only be permitted in a P-1 (Park District) zoning. Properties to the south of this location are zoned single-family or are being rezoned to single-family. The goal is to reduce the number of non-conforming properties as a result of this study.

There was discussion among the Commissioners regarding the property located at 4828 W. Donges Bay Road. There has also been public feedback from the community across the river regarding their concern about what commercial use may be allowed at this property as it directly affects them. The owner was not able to attend the meeting and the feeling of the Commission is to hear directly from the property owner regarding the zoning change.

Staff will evaluate the results of the market analysis research conducted on this area in hopes of creating opportunities for an economic tool to encourage redevelopment in this area.

Staff recommends the approval of the rezoning of the 13 sites as well as the Chapter 14 ordinance text amendment related to public safety and security which when then be forwarded to the Common Council.

Simultaneously, Planning Commission will be asked to approve the termination of the moratorium which will be also be forward to the Common Council in January for final action.

Action

Ald. Wirth made a motion to approve the zoning map as proposal and to separate out the 4828 W. Donges Bay property.

Commissioner Lemke seconded the motion.

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

Action

Ald. Wirth made a motion to approve the zoning change for 4828 W. Donges Bay to the new proposed Neighborhood Commercial district zoning.

Commissioner Lemke seconded the motion.

A roll call vote was taken; vote failed (3-3, No: Mayor Abendroth, Jim Schaefer, Becky Schaefer)

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Rick Lemke, John Wirth
AYES:	Abendroth, Hawley, Lemke, J. Schaefer, R. Schaefer, Wirth
ABSENT:	Choren, Parrish, Stoker

- 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.

Action

Ald. Wirth made a motion to terminate the moratorium subject to the final zoning decision regarding 4828 W. Donges Bay.

Commissioner Lemke seconded the motion.

A voice vote was taken; vote passed (6-0)

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Rick Lemke, John Wirth
AYES:	Abendroth, Hawley, Lemke, J. Schaefer, R. Schaefer, Wirth
ABSENT:	Choren, Parrish, Stoker

5) Announcements

The next Planning Commission meeting is Monday, January 14, 2019 at 6:00 pm.

6) Adjourn

Action

Ald. Wirth made a motion to adjourn.

Commissioner Jim Schaefer seconded the motion.

A voice vote was taken; vote passed (6-0)

Meeting adjourned at 6:55 pm.

Respectfully Submitted,

Jac Zader