



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Clerk

BOARD OF APPEALS
Thursday, May 2, 2024
6:00 PM
Christine Nuernberg Hall

Agenda

- 1) Call to Order, Roll Call
- 2) Approve meeting minutes of January 4, 2024
- 3) Hear evidence concerning; debate, deliberate and decide the request of:
 - a. Applicants: Tracy & Mike LaLonde
 - Owners: Tracy & Mike LaLonde
 - Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Tracy & Mike LaLonde appealing the February 19, 2024 Planning Commission's building and site plan amendment approval to allow for a renovation for office use at 6714 W. Mequon Road.
- 4) Adjourn

Dated: April 25, 2024

/s/ Kathleen Massey, Chair

.....
Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting. Persons with disabilities requiring accommodation 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 City Clerk's Office at 262-236-2914, Monday through Friday, 8:00 AM – 4:30 PM.



draft

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BOARD OF APPEALS
Thursday, January 4, 2024
6:00 PM
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Minutes

1) Call to Order, Roll Call

Chairman Massey called the meeting to order at 6:00 PM.

Present:

Chair Kathleen Massey
Vice Chair Joseph Russell
Board Member Ramona Larson
Board Member Steve Helfer
Board Member Thomas Flanagan -- **Absent**
Board Member Robert Stern -- **Absent**
Board Member Kirsten Hildebrand -- **Excused**

Also present: City Attorney Brian Sajdak, City Clerk Caroline Fochs, Building Inspections Supervisor Greg Golden, Andrej Sitarski, General Manager of About Nature, LLC, and interested public.

2) Approve meeting minutes of November 2, 2023

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Russell
SECONDED BY: Helfer

AYES: Massey, Russell, Larson, Helfer

3) Hear evidence concerning; debate, deliberate and decide the request of:

- a. Applicant: Kevin Walenta
- Owner: Kevin Walenta
- Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Kevin Walenta requesting a variance from Section 58-416(c)(2) of the City of Mequon Code of Ordinances in order to construct a floating staircase system at 11300 N. Lakeview Place.

Attachment: 01-04-24 draft BOA minutes (9248 : BOA minutes January 4, 2024)

Hearing no objection, Chairman Massey opened the public hearing, stated the variance appeal and the process.

All parties appearing before the Board of Appeals were sworn.

The Building Inspector Supervisor, Mr. Golden, stated that the City believes a floating staircase is a structure and therefore per Mequon Code 58-416(c)(2) shall be set back at least 75 feet from the top edge of the Lake Michigan bluff at the time of construction. The proposed plans for the floating staircase have a less than 75-foot setback. Discussion ensued on the definitions of building vs. structure. City Attorney Sajdak stated that the City's view is that the proposed staircase is a structure and more than 6 inches above ground and therefore subject to the 75-foot setback requirement.

Appellant Mr. Walenta provided an introduction and background about Mr. Sitarski and Above Nature, LLC, the company who designed the proposed staircase. In the past 15 years they have built numerous staircases along the Lake Michigan shoreline, including at Virmond Park, the County-owned park located in Mequon. He explained that the anchors for the staircase are permanently embedded into the ground at 75 feet from the bluff and the staircase can be adjusted with the cables if bluff conditions change. He believes the current ordinance was written to protect homeowners from the dangers of bluff erosion while also providing environmental protection for the bluff. The practical difficulties he faces are: 1) the ordinance is outdated and irrelevant as technology has improved and traditional staircases are not the only option available; 2) the top half of his bluff is too steep to access the bottom half of his bluff without a safe, reliable system; 3) his property is "unique" in that neighboring properties have less steep bluffs; 4) there is no safe access to his property without the proposed staircase and Code 58-419(c)(2) allows structures, other than buildings, which are anchored to supports and less than 4 1/2 feet of height to be constructed within the 75 foot setback.

Discussion ensued on the staircase at Virmond Park. Mr. Sitarski stated that conceptually it is identical to the one proposed by the appellant. City Attorney Sajdak stated that the Virmond Park staircase was not given any permits or approvals by the City of Mequon. There is a legal disagreement between the County and Mequon on whether our zoning codes apply to the county park property. After meetings with the County, both sides have agreed to withhold on enforcement of the code at this time and monitor this as a test case to study the impacts. Mequon's Common Council is scheduled to review the Code as it relates to this case later this year.

Mr. Walenta mentioned the 15-year successful track record of the floating staircase systems. He proposed a staircase seven years ago and discussed the project with City staff. It was disallowed. The costs increase the longer he waits. No one but About Nature, LLC designs the floating staircase. He does not want to wait for the ordinance to be reviewed and amended.

Discussion ensued on the ability of the Board of Appeals to recommend the Common Council to review the current ordinances in a timely manner. Bluff conditions are constantly

changing, priorities change while conducting city business, and there is another homeowner that would be interested in an ordinance revision. The system is not designed to be removed between seasons. Mr. Sitarski explained that there is nothing from the edge of the bluff to the 75-foot setback that is above 6 inches. The platform is about 5 inches and sits on the edge of the bluff and the cables lay flat on the ground or are buried under the soil. The anchors are 75 feet from the bluff. He further stated that over the 15 years he has built such staircases there has not been a collapse to-date. The Virmond Park bluff is eroding but the staircase is holding. The staircase maintenance is performed by the homeowners or with company assistance. The structure is not more than 6 inches above ground and therefore does not require a permit. The height of the proposed stairs is 124 feet. The platform is not a necessity but rather a convenience and could be removed from the plan. Stairs are typically 3 feet or wider.

Discussion ensued on the steepness of his bluff and the possibility to grade the bluff. His is not the only really steep bluff. It is thought that in order to grade his bluff he would lose approximately 40 feet of his backyard. He maintains that building a traditional staircase would be money wasted because it could not withstand erosion over the years.

Motion to close the public hearing.

RESULT:	Approved by Voice Acclamation [Unanimous]
MOVED BY:	Board Member Russell
SECONDED BY:	Board Member Larson

AYES:	Massey, Russell, Larson, Helfer
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Board discussion ensued.

- The Board can only enforce code 58-416(c)(2), they cannot rewrite it.
- This code may be outdated.
- The platform portion of the proposed staircase is a permanent structure.
- No unique condition on the appellant's property to be able to grant a variance.
- What is the durability of this type of staircase?
- No showing of hardship for the subject property.
- The matter should be addressed by the Common Council regarding amending the ordinance.

Board Member Helfer moved to grant the variance to construct a floating staircase.

The motion died due to a lack of a second.

Motion to deny the request for a variance pursuant to 58-416(c)(2) and a recommendation to the Common Council that they consider this issue of Mr. Walenta, along with the other similar issues, in at their meeting in March.

RESULT: **Approved by Roll Call Vote [3 to 1]**
MOVED BY: Board Member Massey
SECONDED BY: Board Member Russell

AYES: Massey, Russell, Larson
NAYS: Helfer

4) Adjourn

Motion to adjourn at 7:18 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Russell
SECONDED BY: Board Member Helfer

AYES: Massey, Russell, Larson, Helfer

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk

Attachment: 01-04-24 draft BOA minutes (9248 : BOA minutes January 4, 2024)

BOARD OF APPEALS ADMINISTRATIVE APPEAL APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: Tracy & Mike LaLonde Address: P.O. Box 396
City/zip: Greethen, WI 53024

Owner: Tracy & Mike LaLonde Address: P.O. Box 396
City/zip: Greethen, WI 53024

Contact Person/Name: Mike LaLonde
Phone Number: 414-788-0151 Email: mikel@fwdcont.com

TO THE BOARD OF APPEALS:

The above hereby requests an appeal to a decision made by:

Planning Commission Feb 20th 2024
(please list the City Department or Board/Commission/Committee whose decision you are appealing)

APPLICANT MUST PROVIDE:

Application form
\$250 filing fee

1 copy each of the following documents

1. Copy of denial letter if any, or a description of the denial
2. Letter explaining the reason for the appeal

FOR OFFICE USE ONLY	
Receiving Officer: <u>Cecelia Fink</u>	Received Date: <u>3-20-24</u>
Parcel #: <u>140 500 102 002</u>	Hearing Date: <u>5/2/24</u>
Zoning District: <u>B-3/LTD</u>	Receipt #: <u>415004</u>
Alderman & District #: <u>Ald. Mayor, District 3</u>	Published: <u>4/18/24</u>

- c: Notice of scheduled hearing to DISTRICT ALDERPERSON, OWNER(S) OF RECORD as listed in the Office of the Assessor and all parcels in the City of Mequon as per state statute and City of Mequon Communication Policy.

March 15th, 2024

To: City of Mequon, Plan Commission

From: Tracy and Mike LaLonde

RE: Building and Site Plan Amendment Appeal

Board of Appeals Variance Application by Tracy and Mike LaLonde from the February 19, 2024, meeting of the Planning Commission regarding the 6714 Mequon Rd plan amendment approval to allow for office use for the property.

Condition from the Planning Commission that we agree with and conditions we want to appeal:

1. Agree with approval of final site, lighting, and landscaping plan.
2. Agree with landscaping escrow.
3. Agree with screening of mechanical equipment.
4. Landscaping plan compliant with section 58-564.
 - a. **Remove this condition** of a fence along the East property line. Existing trees along the East lot line would need to be removed and trimmed back for a fence to be installed. Some trees are 50% on either side of the lot line. Replace this condition with, install a natural screening of six-foot arborvitaes spaced along lot line. From the North lot line to North wall of residential garage. See attached.
 - b. **Remove this condition.** This condition does not help screen the existing building. The owner does not want bushes along the building.
 - c. Agree with but revise to state, planting arborvitaes on a limited length of the North lot line to screen the rear exit door to the sitting area. See attached.
 - d. **Remove this condition.** This is a driveway, not a roadway or in the right of way. No trees are necessary or wanted by the owner.
 - e. Agree with, we have no plans to remove this tree currently.
 - f. Agree with the parking lot area 10% for interior parking lot landscaping.
5. **Remove this condition.** There is a legal easement on the property for this driveway to 6720 Mequon Rd.
6. Agree with, WisDOT replacing approach on Mequon Rd along with another project. See attached.
7. Agree with calculations for new surface area.
8. Agree with setting dispute with River Birch Condos.
9. Agree, but revise to state, with no commercial traffic access to River Birch Rd from 6714 Mequon Rd.

Sincerely,

Tracy and Mike LaLonde

Owners

Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)



11333 N. Cedarburg Road
Mequon, Wisconsin 53092
Phone: (262) 236-2908
Fax: (262) 242-9819

www.ci.mequon.wi.us

Department of Community Development

February 20, 2024

Tracy & Michael LaLonde
PO Box 396
Grafton, WI 53024

Re: Building and Site Plan Amendment

Dear Tracy & Michael,

At their February 19, 2024, meeting, the Planning Commission took the following action regarding building and site plan amendment approval to allow for a renovation for office use for the property located at 6714 W. Mequon Road.

Approval of the building and site plan subject to the following conditions:

1. Planning staff review and approval of final site, lighting, and landscaping plans prior to the issuance of permits. The applicant shall submit such plan within 180 days of Planning Commission action, or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
2. A landscaping escrow equal to 125% of the improvement costs for installation of new landscaping by a licensed contractor and an escrow equal to 25% of the landscape contract cost to ensure that landscaping that dies within three (3) years of installation will be replaced by the applicant.
3. All ground-level and rooftop mechanical equipment shall be well-screened from view.
4. Submission of a landscaping plan, compliant with Section 58-564, to city staff with all the following included:
 - a. Installation of an 6-foot lock board privacy fence, subject to staff approval, placed from the north property line to the southeast corner of the parking lot and then cutting west to screen the view from the residential parcels.
 - b. Installation of tall bushes or hedges on the north side of the office building to provide screening, subject to staff approval.
 - c. Installation of trees along the north side lot line to screen from the residential property to the rear.
 - d. Installation of street trees along the driveway with 2 trees near the residential building to the south and 1 between the parking lot and residential building to the south.
 - e. Protection of the existing pine tree between the parking lot and the residential building to the south.
 - f. Compliance with both the 10% interior parking lot landscaping and the 30% parking lot shading provisions under Section 58-564.

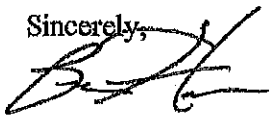
Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)

Over ↓

5. There shall be no expansion of the driveway, or commercial activity to the north for connection to River Birch Drive. In the event that a residential driveway on River Birch Drive is installed for 6720 W. Mequon Road, the driveway connection from 6720 W. Mequon Road and 6714 W. Mequon Road must be severed.
6. The driveway entrance on Mequon Road shall be widened to conform to WisDOT standards, with associated permitting. WisDOT approval shall be provided to the City prior to the issuance of a building permit.
7. A calculation of added impervious surface shall be submitted. If the improvements or future improvements add more than a net 5,000 square feet of impervious surface and is not covered by a stormwater management plan, therefore per MMSD rules, green infrastructure will be required. Prior to the issuance of a building permit, the applicant shall design and submit for review and approval a green infrastructure plan in conformance with MMSD rules and City ordinances. Green infrastructure plans also require the execution of a Stormwater Maintenance and Easement Agreement and a drainage financial guarantee.
8. Final occupancy is not to be granted until the unauthorized tree removal issue with the River Birch Homeowners Association is resolved.
9. No access to River Birch Drive to the north is allowed.

Pursuant to Section 58-41, you may appeal an order, requirement, decision, or determination made by the Planning Commission, which you believe to be an erroneous interpretation or application of the law. An appeal may be taken by the aggrieved person within 30 days of the date of this letter by filing a notice of appeal with the City Clerk on the prescribed form specifying the grounds for the appeal and paying the prescribed fee.

Sincerely,



Evan Hoier
City Planner

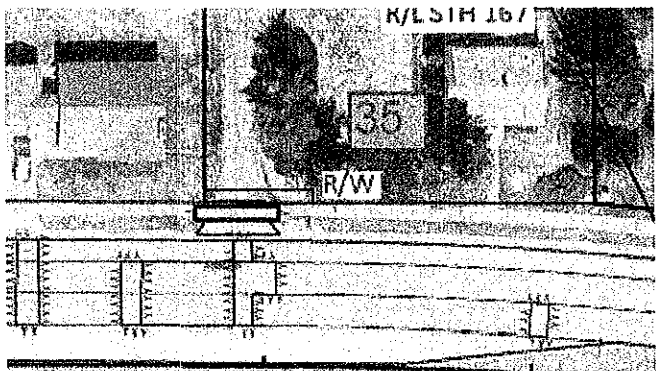
Condition # 6

Mike LaLonde

From: Koenig, Bradley - DOT <bradley.koenig@dot.wi.gov>
Sent: Wednesday, January 10, 2024 6:40 AM
To: Mike LaLonde
Subject: RE: 6714 Mequon Rd TE RE: DOT offer Hwy 167
Attachments: 1380-02-21_RW_Plat (CSH Signed).pdf; parcel 7a.jpg; Parcel 7 paperwork La Londe.pdf

Good Morning Mike, Here is a snippet of the plat and picture of work to be done. We will replace the sidewalk and the entire driveway apron. I also included the full version in a pdf. (see last page) For the paperwork to be signed. The first is the nominal offer of \$500. The statement to construction form goes to the crews in the field. They will coordinate with you on the work. They will replace any asphalt if disturbed as well as plant any grass. On wider driveways, they have replaced half at a time but with yours, it will be done all at once. There will be a few days you can't use the driveway until the concrete sets. The temporary easement form which needs to be notarized will be recorded. The legal description states it will automatically be removed when construction is complete. (Scheduled for 2025) Let me know if you have any questions.

Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)



From: Mike LaLonde <mikel@fwdcont.com>
Sent: Tuesday, January 9, 2024 2:32 PM

LEGAL DESCRIPTION

A Temporary Limited Easement for the right to construct cut and/or fill slopes, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable, in and to the following tract of land, in the City of Mequon, Ozaukee County, State of Wisconsin, described as:

That part of Lot 2, Block 1 in Assessor's Plat of the City of Mequon, in the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 9 North, Range 21 East, described as follows:

Commencing at the Southwest corner of said Southeast 1/4 of Section 22; thence South 89°54'48" East along the south line of said Southeast 1/4, 100.00 feet; thence North 00°19'12" East, 60.00 feet to the north line of STH-167 and the point of beginning; thence continuing North 00°19'12" East, 15.00 feet; thence South 89°54'48" East, 37.34 feet; thence South 00°05'12" West, 15.00 feet to the north line of STH-167; thence North 89°54'48" West along said north line, 37.40 feet to the point of beginning.

Said parcel contains **0.013 acres**, more or less.

The above temporary limited easement is to terminate upon the completion of this project or on the day the highway is open to the traveling public, whichever is later.

TEMPORARY LIMITED EASEMENT

Wisconsin Department of Transportation
 Exempt from fee: s. 77.25(2r) Wis. Stats.
 Exempt from filing transfer form [s. 77.21(1), 77.22(1) Wis. Stats.]
 RE1677 10/2023

THIS EASEMENT, made by Tracy La Londe and Michael La Londe
 GRANTOR, conveys a temporary limited easement as described below
 to the Wisconsin Department of Transportation, GRANTEE, for the
 sum of Five Hundred and 00/100 Dollars (\$500.00) for the purpose
 of Sidewalk construction, slopes and grading.

Any person named in this conveyance may make an appeal from the
 amount of compensation within six months after the date of recording
 of this conveyance as set forth in s. 32.05(2a) Wisconsin Statutes. For
 the purpose of any such appeal, the amount of compensation stated on
 the conveyance shall be treated as the award, and the date the
 conveyance is recorded shall be treated as the date of taking and the
 date of evaluation.

Other persons having an interest of record in the property:

LEGAL DESCRIPTION IS ATTACHED AND MADE A PART OF THIS
 DOCUMENT BY REFERENCE.

1157109

RONALD A. VOIGT
OZAUKEE COUNTY
REGISTER OF DEEDS
RECORDED ON

03/18/2024 08:02 AM

REC FEE: 30.00

TRANS FEE:

PAGES: 2

EXEMPT #:

ELECTRONICALLY RECORDED

This space is reserved for recording data

Return to

Wisconsin Department of Transportation
 WisDOT SE Region 141 NW Barstow Street
 Waukesha, WI 53187-0798

Parcel Identification Number/Tax Key Number
 14-050-01-02-002

Michael La Londe 1-10-24
 Signature Date

Michael La Londe
 Print Name

Signature Date

Print Name

Signature Date

Print Name

Tracy La Londe 1/30/24
 Signature Date

Tracy La Londe
 Print Name

Date

State of Wisconsin

Ozaukee County) ss.
 On the above date, this instrument was acknowledged before me by the
 above named person(s) Michael La Londe, Tracy La Londe,

The signer was: ☒ Physically in my presence. OR ☐ In my
 presence involving the use of communication technology.

Chyna Sincere
 Signature, Notary Public, State of

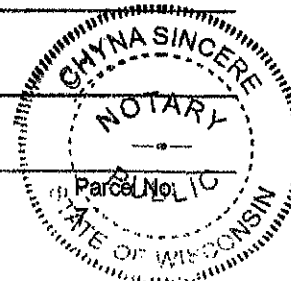
Chyna Sincere
 Print or Type Name, Notary Public, State of

11-22-26
 Date Commission Expires



Project ID
 1380-02-21

This instrument was drafted by
 Wisconsin Department of Transportation



Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)





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

www.ci.mequon.wi.us

Office of Community Development

TO: Board of Appeals
FROM: Kim Tollefson, Director of Community Development
DATE: May 2, 2024
SUBJECT: Tracy and Mike LaLonde Appeal for Property Located at 6714 W. Mequon Road

Background:

The appellant is appealing the decision of the Planning Commission dated February 19th, 2024, related to the conditions of building and site plan approval for the property located at 6714 W. Mequon Road. The appellant intends to use the property, and its existing single-family home as an office. The building and site plan review application was triggered because the site did not have the required minimum number of parking spaces. The City of Mequon Zoning Code, Section 58-108(c) – General Requirements states the following:

To implement the purposes set forth in this division, the planning commission shall review the site, existing and proposed structures, neighboring uses, lighting, signage, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading (in the case of commercial and industrial uses), highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation. The planning commission will approve said site plans only after determining that 58-108 (c)(1-12) (Section 58-108(c) (1-12) can be found in Exhibit A).

Legal Matters:

At the time of Planning Commission action, there was an ongoing legal case against the appellant by the neighboring Homeowner's Association regarding the unauthorized removal of trees on the Homeowner's Association property. Mitigating the negative externalities of the proposed use was also considered in staff's report to the Planning Commission and the subsequent action taken by the Commission at the February 19th, 2024, meeting (see attached Planning Commission staff report, materials, and Planning Commission meeting minutes).

Appeal:

The appellant alleges error by the Planning Commission of the following conditions of the building and site plan approval on February 19, 2024:

Appellant: 4(a). Remove condition of a fence along the east property line.

Planning Commission Condition: *Installation of a 6-foot lock board privacy fence, subject to staff approval, placed from the north property line to the southeast corner of the parking lot and then cutting west to screen the view from the residential parcels.*

Appellant claims that existing trees along the east property line would need to be removed and trimmed back for a fence to be installed. Some trees are 50% on either side of the lot line. The appellant requests replacing this condition with a natural screening of six-foot tall arborvitae spaced along the lot line from the north lot line to the north wall of residential garage. See

Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)

attached titled "Appellant Landscaping Suggestions." Also see "Staff Landscaping Suggestions" below for a mock-up of Planning Commission's conditions placed on the site pertaining to landscaping.

The Planning Commission condition does not stipulate that the fence would be directly on the property line. The fence can be installed so not to affect any existing vegetation or screening while also providing additional measures for adjacent residential uses. Per Chapter 58, Zoning Code, the Planning Commission has the right to require solid walls or fences to screen single-family residential sites from non-residential or multifamily uses under Section 58-564(e)(2) and more generally require sufficient screening to shield adjacent properties from adverse external effects of a development under Section 58-564(e)(1). The negative external effects present identified by the Planning Commission commercial traffic, lighting, and noise pollution for a multi-tenant office use..

Appellant: 4(b). Remove condition for installation of tall bushes or hedges on the north side of office building.

Planning Commission Condition: *Installation of tall bushes or hedges on the north side of the office building to provide screening, subject to staff approval.*

Applicant claims that this condition does not help to screen the existing building. The owner of the building (applicant) does not want bushes along the building either.

The appellant's business narrative indicates that an outdoor patio may be installed on the north side of the building. The Planning Commission recognized that patio could be occupied by business owners throughout the operating hours and could result in a greater use of outdoor space than typical in an otherwise primarily residential neighborhood. Per section 58-564(e)(1), sufficient screening to shield adjacent properties from adverse external effects of a development is within Planning Commission's authority.

Appellant: 4(d). Remove condition for the installation of street trees along driveway to parking lot.

Planning Commission Condition: *Installation of street trees along the driveway with 2 trees near the residential building to the south and 1 between the parking lot and residential building to the south.*

Applicant claims that because this is a driveway, and not a roadway or right-of-way, no trees are necessary or wanted by the owner (applicant).

Because the driveway is public access to the commercial operations, , Section 58-564(a) allows the Planning Commission to require street trees where deemed appropriate for aesthetic purposes and along existing roadways adjacent to a development.

Appellant: 5. Remove condition for severing access to 6720 W. Mequon Road if driveway to 6720 W. Mequon Road is installed on River Birch Drive.

Planning Commission Condition: *There shall be no expansion of the driveway, or commercial activity to the north for connection to River Birch Drive. In the event that a residential driveway*

on River Birch Drive is installed for 6720 W. Mequon Road, the driveway connection from 6720 W. Mequon Road and 6714 W. Mequon Road should be severed.

Appellant claims there is a legal easement on the property for this driveway to 6720 W. Mequon Road.

This condition would only sever the connection between 6714 W. Mequon Road and 6720 W. Mequon if there was to be a driveway for 6720 W. Mequon Road installed on River Birch Drive. Section 58-605(e) allows for street connections to be denied where the effect would encourage the use of such streets by substation through traffic. The Planning Commission is authorized to prohibit commercial access to the north, across residentially zoned properties and prohibit commercial through traffic on River Birch Drive, when direct access to the primary and commercial arterial of Mequon Road is present and provided.

Appellant: 9. Revise condition to state no commercial access to River Birch Drive is allowed.

Planning Commission Condition: *No access to River Birch Drive to the north is allowed.*

Applicant did not provide reasoning.

The applicant did not present a claim of Planning Commission error for this condition. The Planning Commission's authority is identified above under response to Appellant #5 Condition.

Recommendation:

Based on the analysis above, staff recommends **denial** of any and all appeals to the conditions of building and site plan approval by the Planning Commission dated February 19th, 2024.

EXHIBIT A

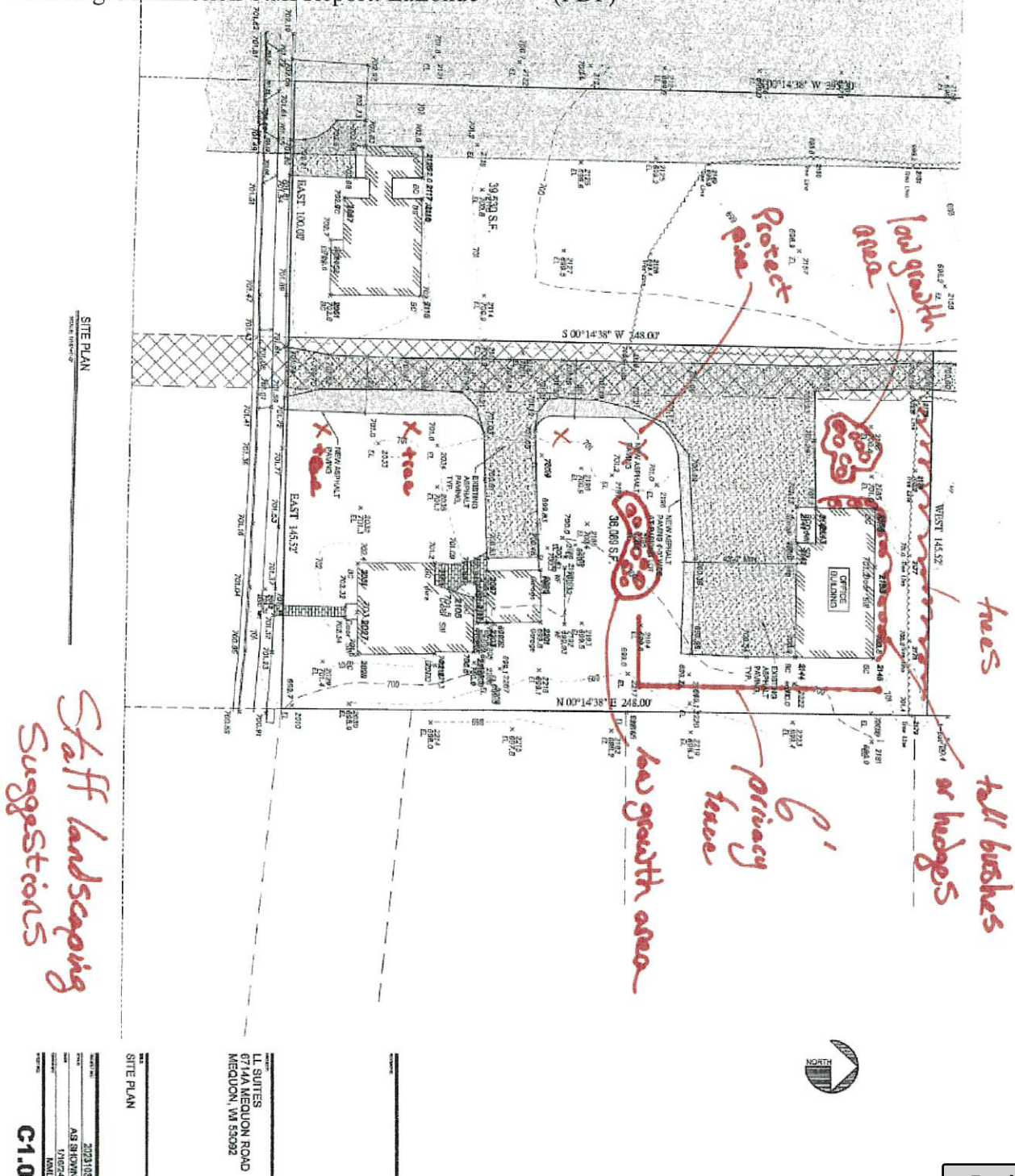
- (1) The proposed use(s) conform(s) to the uses permitted in that zoning district.
- (2) The dimensional arrangement of buildings and structures conform to the required area offset, setback and height restrictions of this chapter.
- (3) The proposed use conforms to all use and design provisions and requirements (if any) as found in this chapter for the specified uses.
- (4) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.
- (5) The proposed on-site buildings, structures and entryways are on-site and situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting and parking, as specified by this chapter.
- (6) Natural features of the landscape are retained where they can enhance the development on the site or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare and appearance of the neighborhood. Furthermore, the site plan shall conform to the tree preservation requirements found in [Chapter 84](#) and the City of Mequon Policy Manual for Tree Protection and Preservation.
- (7) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing or landscaping, as provided or required in this chapter.
- (8) Land, buildings and structures are readily accessible to emergency vehicles and persons with disabilities.
- (9) The proposed use does not significantly impact ground water quantity and quality, environment, drainage, the level of transportation service on public streets and any other public health, safety and welfare concerns.
- (10) The site plan is consistent with the intent and purpose of this chapter, which is to promote the public health, safety and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the overcrowding of populations, to lessen congestion on the public roads and streets, to reduce hazards to life and property and to facilitate existing community development plans.
- (11) The site plan is consistent with the public goals, objectives, principles, standards, policies and urban design criteria set forth in the city's adopted comprehensive plan or components thereof.
- (12) If a property has been identified by the Wisconsin department of natural resources (DNR) as a contaminated site, the planning commission shall condition site plan approvals upon compliance with a remedial plan approved by the DNR.

EXHIBIT B

Attachments:

Planning Commission Meeting Minutes - February 2024 (PDF)

Planning Commission Staff Report: LaLonde (PDF)





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, February 19, 2024
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
Alderman Brian Parrish
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Rebecca Schaefer – arrived 6:03 p.m.
Commissioner John Stoker
Commissioner Nancy Urbani - **Absent**
Commissioner Dan Gentges - **Absent**
Commissioner Stephanie Hawley - **Absent**

Mayor Nerbun called the meeting to order at 6:00 p.m.

- a) Approval of meeting minutes from January 22, 2024.

Action

Commissioner Stoker made a motion to approve the meeting minutes from January 22, 2024.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	APPROVED [4 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Barnes, Choren, Stoker
ABSENT:	Urbani, Gentges, Hawley, Schaefer

Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)

2) Regular Business

- a) Tracy & Michael LaLonde. The applicant is seeking building and site plan amendment approval to allow for a renovation for office use for the property located at 6714 W. Mequon Road.

Planner Evan Hoier stated that this request is for a building and site plan amendment approval for converting a former woodworking shop into individual office spaces to be rented out. It is located on a B-3 limited site (office and service district) on a 0.83-acre lot size, which is less than the minimum lot size required for that district; it also does not meet parking lot setback or offsets for the site required as per the code.

This was originally submitted as a building permit, but upon review it was noted that the proposed plan did not meet the code requirements and an expansion of the parking lot by 4 feet to the south is required as well as the driveway needs to be expanded from 18 feet to 22 feet to allow for a 2-lane drive aisle.

City Attorney Woodward informed staff that there is an on-going dispute between the applicant, the owner of this parcel, and the adjacent homeowners association regarding trespassing and unauthorized removal of trees from the HOA's property. As a condition of this approval, final occupancy will not be granted until this matter is resolved.

There is also concern from neighbors about the previous actions of the applicant and how the future of the site will be affected from past actions. There is concern about potential noise and light pollution from increased activity at the site. Staff has created a suggested landscape plan to help mitigate the neighbors' concerns which includes some trees along the north lot line, a 6-foot privacy fence along the east side, low growth areas to the south and north of the parking lot, and a couple of hearty street trees along the driveway. The applicant will also need to meet the landscaping standards for parking lots which include requirements of 10% of the interior must be landscaped and 30% shading in the summer within 10 years. A final landscaping plan is required to be submitted for review and approval. Another concern from the neighbors and a condition of approval is that there shall not be access to River Birch Drive.

Public Feedback

Lora Reinholz – 11264 N. River Drive – is the president of the River Birch Homeowners Association. She is opposed and raised questions about the final plans and the use of the site; questioning if the building and site will be ADA compliant. She discussed the suggested landscaping plan and stated that she would like the fence to be extended to Mequon Road. She commented that she prefers that a company other than the property owner's company do the restoration work. She related that Mr. Mike LaLonde has been difficult to work with and has not responded to previous communication sent. She asked that no permits be granted until final restitution is completed.

Alan Neva – 6871 W. River Birch Drive – is opposed and stated that there has not been a neighborly process and he is strongly opposed to an access to River Birch Drive as he feels it will not be safe for children riding bikes. He emphasized the request for landscape coverage on the west side of the property as screening for the exposure that was created from the tree

removal.

Steve Schaefer – 6944 W. River Birch Drive – is opposed and is very upset about the clearing of the trees and landscaping that took place. He strongly encourages the suggested landscaping requirements be followed to provide shielding the structures on the applicant's site.

Jeff Schoutern – 6942 W. River Birch Drive – is opposed and he does not believe it should be zoned for commercial use as he does not feel that it is appropriate zoning. He concurs with the other neighbors that the west side of the property needs shielding, there should not be a driveway connection to River Birch Drive and recommends the Commission deny the request until more answers are provided by the applicant.

The applicant, Mike LaLonde, stated that the existing building formerly was a woodworking shop and is now underutilized and will be repurposed as rental office spaces. He said that as of right now he is uncertain as what the end game plan is regarding the use of this property for the future, but stated there will be additional development there at some point.

It was clarified that the applicant's home address is W49 N636 Cedar Reserve Circle, Cedarburg, WI.

There was discussion amongst the Commission and feedback including the following:

- Hours of operations (no limit on hours in B-3).
- Suggestion that the fence also be extended to the north property line (as well as south to Mequon Road).
- Support for as much landscape shielding as possible, due to neighbor concerns.
- Question about why the parcel was cleared of the trees (the applicant did not answer due to the on-going litigation).
- Required parking spaces based off the square footage of the building (10 spaces required plus 1 ADA space with striping).
- The trees cut down were deemed not to have been specimen trees.
- Connection/access point to River Birch Drive to be severed and restricted to serving the house to the north side of the property (applicant strongly objects to this condition and does not agree to this condition).

Action

Commissioner Barnes made a motion to approve per staff recommendations with an amendment to condition #5 that if the connection to the north property extends a driveway onto River Birch Drive, the driveway connection to 6714 must be severed.

Commissioner Choren made a friendly amendment to extend the fence on the east side of the parcel to extend to the north property line as far as allowed and that if a patio is installed a privacy fence must also be installed.

Commissioner Barnes accepted the friendly amendments.

Commissioner Stoker made a friendly amendment to the friendly amendment that any addition to the site requires Commission approval.

Ald. Parrish stated that he does not agree with the current zoning of this property, and he will not support any multi-family proposals in the future.

Commissioner Stoker seconded the motion and the friendly amendment.

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

RESULT:	APPROVED WITH CONDITIONS [6 TO 0]
MOVER:	Bruce Barnes, John Stoker
AYES:	Nerbun, Barnes, Choren, Schaefer, Stoker, Parrish
ABSENT:	Urbani, Gentges, Hawley

3) Policy

1) Design Guidelines for Commercial Structures

Asst. Dir. Zader stated that this is part of the efforts to make improvements along Port Washington Road, which includes streetscaping, a market analysis and this phase addresses design guidelines. It was determined that because there are already design guidelines for Town Center, Ulao Creek and the rural business area; that it makes more sense to update the guidelines for the entire city, excluding the areas that already have their own specific guideline standards, than treat this as another distinguished area. Staff is seeking feedback from the Commission on whether they believe this is the appropriate path to take.

Secondly, there is not a lot of language in the guidelines addressing industrial or multi-family uses. Staff is seeking feedback from the Commission whether there should be specific guidelines for these two uses or whether these should be addressed on a case-by-case basis, as it is currently being handled.

He commented that almost any future multi-family proposed would most likely be a PUD, and there is a lot of oversight under that zoning.

He added that most of the industrial issues have been regarding metal paneling requested by developers and staff believes some standard language is probably sufficient, as much of the design is handled through the building and site plan approval review process. Mayor Nerbun concurred with this thought process.

Asst. Dir. Zader stated that both the current and the proposed standard guidelines are included in the packet, along with some questions for the Commission.

Guideline topics being considered include:

- Primary and secondary materials.
- Specific types of roofing materials.
- Corner lots (new language).

- Massing requirements.
- Buildings related to the context of the neighboring buildings.
- Drive-throughs.

He reiterated the update is in a preliminary stage and he encourages feedback from the Commission.

Ald. Parrish stated that many of these topics are important to be reviewed and included in the standard guidelines going forward.

There was some discussion and suggestions made to staff. Mayor Nerbun asked staff to reach out for feedback from Commissioners not present.

Asst. Dir. Zader stated that there will be a few rounds of iterations. Staff will provide visuals of existing buildings in the city for the Commission to review and provide feedback.

4) **Announcements**

The next meeting is Monday, March 18, 2024, at 6:00 p.m.

The April meeting will be changed to Monday, April 29th at 6:00 p.m.

5) **Adjourn**

Action

Commissioner Choren made a motion to adjourn the meeting.

Commissioner Stoker seconded the motion.

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

The meeting concluded at 7:30 p.m.

Respectfully Submitted,

Jac Zader

LALONDE

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





BUSINESS PROPOSAL

Prepared For
City of Mequon

6714A Mequon Rd



ABOUT US



Having extensive experience in the Real Estate industry, I have encountered numerous professionals in search of singular office spaces for lease. The prevailing trend in the local commercial property market involves lengthy leases spanning 3, 5, or even 10 years, often accompanied by a triple net lease structure. This practice has rendered such arrangements financially impractical for individuals seeking single-office solutions. Recognizing this gap, LL Business Suites emerges as the definitive solution tailored to meet the specific needs of these individuals.

Welcome to the epitome of professional workspace at our 5-Business Suites in the prestigious City of Mequon, Wisconsin. Nestled in a prime location, this contemporary facility offers a conducive environment for businesses of all sizes, providing a perfect blend of individual office suites and shared amenities.

Each tenant is afforded a private suite with fully furnished common area, meticulously designed to meet their professional needs. The suites feature ample natural light, secure and private work spaces, and high-speed internet connectivity, creating an ideal atmosphere for productivity. One of the suites even boasts its own private entrance, allowing for a unique and distinguished presence within the building.

In addition to the exclusive office spaces, tenants have access to shared facilities that elevate the overall work experience. The communal kitchen is equipped with modern appliances, providing a convenient space for lunch breaks and casual meetings. The conference room is designed to accommodate collaborative sessions, presentations, and client meetings, fostering a professional and impressive setting.

For those seeking a breath of fresh air, the outdoor patio beckons, offering a relaxing oasis amidst the workday hustle. This inviting space is perfect for informal gatherings, networking, or simply unwinding amidst the beauty of Mequon. Tenants can also take advantage of the well-appointed restroom facilities, ensuring comfort and convenience throughout the day.

To simplify the tenant experience, the monthly rent for each suite will be \$400 and up, and offer an attractive package that includes parking spaces and covers all utilities. This transparent pricing model allows businesses to focus on their core activities without the hassle of managing additional expenses.

LL Business Suites in Mequon, WI, is not just a place to work – it's a community of professionals coming together to thrive and succeed. Whether you are a startup, freelancer, or an established business, our facilities are tailored to meet your needs, fostering an environment where innovation and collaboration flourish. Elevate your workspace and join us in creating a vibrant and productive business community in the heart of Mequon.

WHAT WE DO



01

Rentals

- **Lease Duration:** Minimum commitment of one year, providing businesses with stability and convenience.
- **All-Inclusive Lease:** Monthly lease includes all utilities, ensuring a hassle-free experience for tenants without the need to manage additional expenses
- **Prime Location:** Situated in a desirable and accessible location, offering convenience for both employees and clients.

02

Features

- **Dedicated Work Area:** The space provides a dedicated and versatile work area, catering to the specific needs of businesses of all sizes.
- **Versatility:** Suitable for startups, growing businesses, and established enterprises, offering a versatile environment to meet the unique needs of different businesses.
- **Access to Common Spaces:** Tenants have the privilege of utilizing well-maintained common spaces designed for collaboration and relaxation.

03

Environment

- **Community and Collaboration:** More than just a workspace, the leased area fosters a sense of community, encouraging growth and collaboration among professionals.
- **Supportive Environment:** Elevate your business experience with a space that goes beyond functionality, providing a supportive and comprehensive environment for success.

LL BUSINESS SUITES LL

POSSIBLE LEASEES



A discerning entrepreneur, such as a counselor, jewelry wholesaler, or computer programmer, who is currently in search of a dedicated and private workspace.



A professional seeking an alternative to a home office setting or desiring a more collaborative and social work environment.



A professional who requires occasional office space but primarily operates in the field, exemplified by roles such as a real estate agent, electrician, or small contractor.



LL BUSINESS SUITES

Contact us :



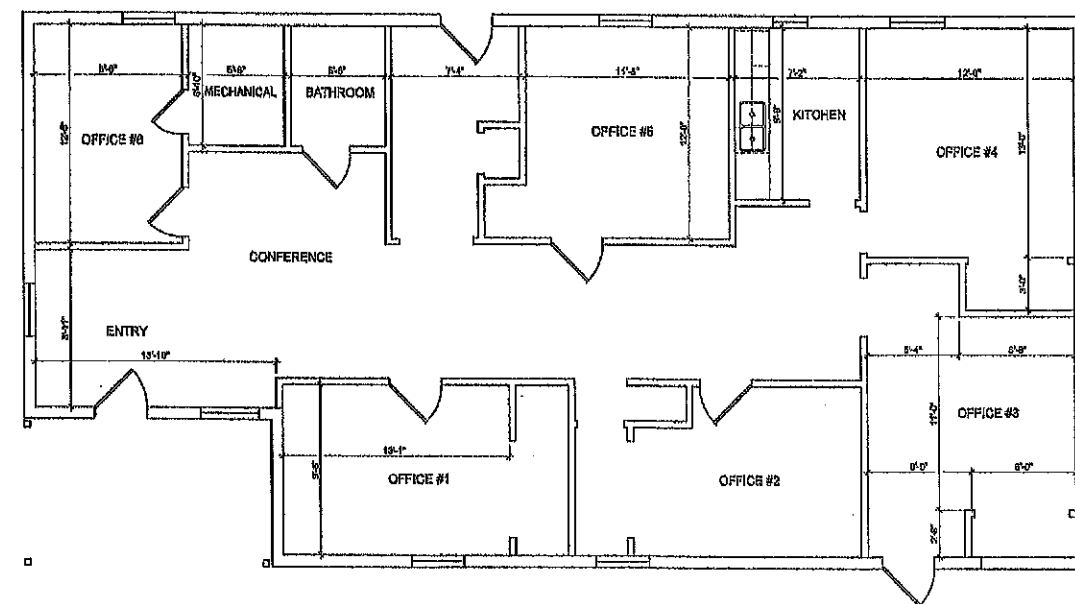
414.581.1535



tracylalonge@sbcglobal.net



6714A Mequon Rd, Mequon WI



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

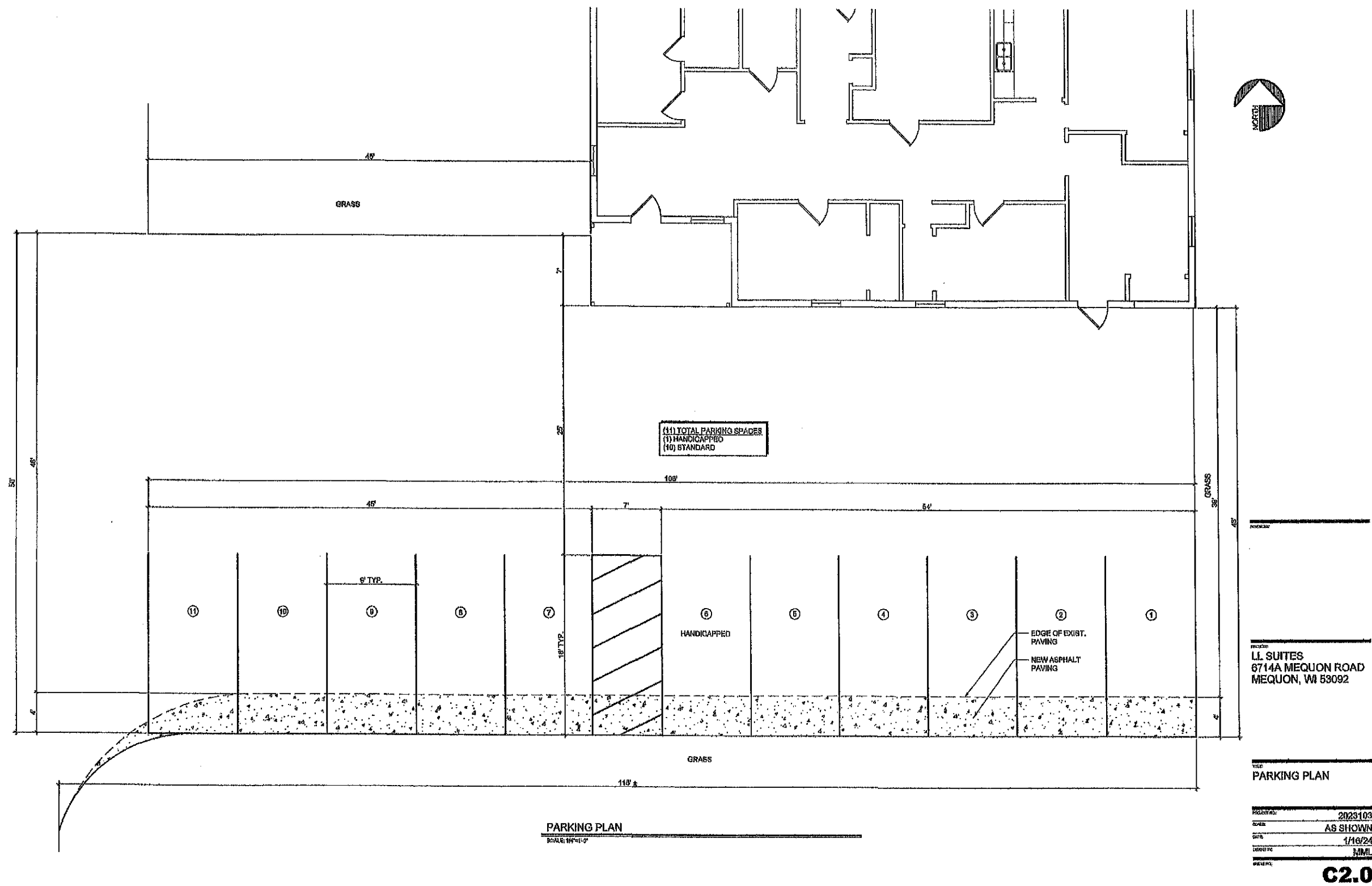
AS SHOWN

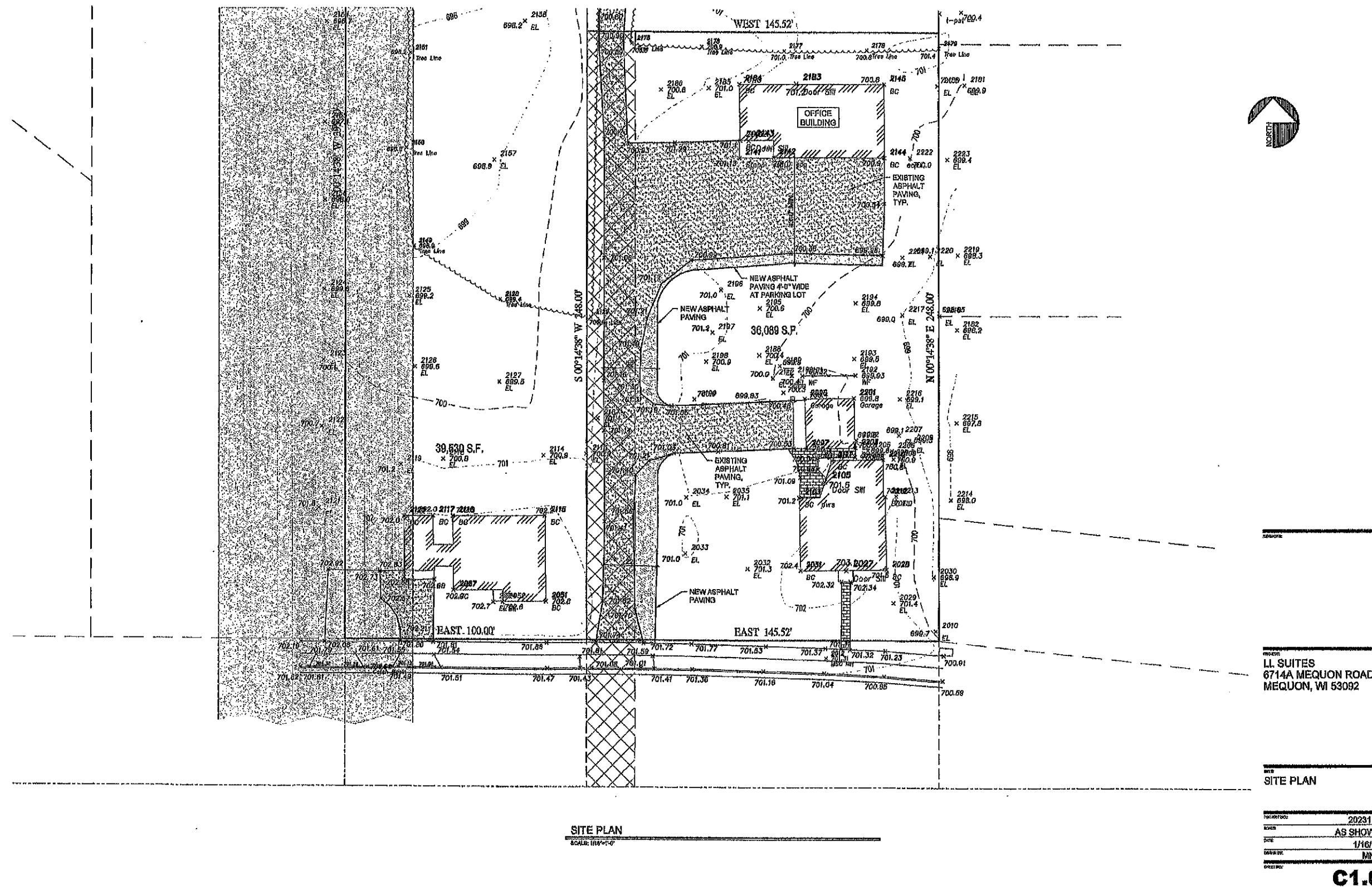
L.I. SUITES
6714A MEQUON ROAD
MEQUON, WI 53092

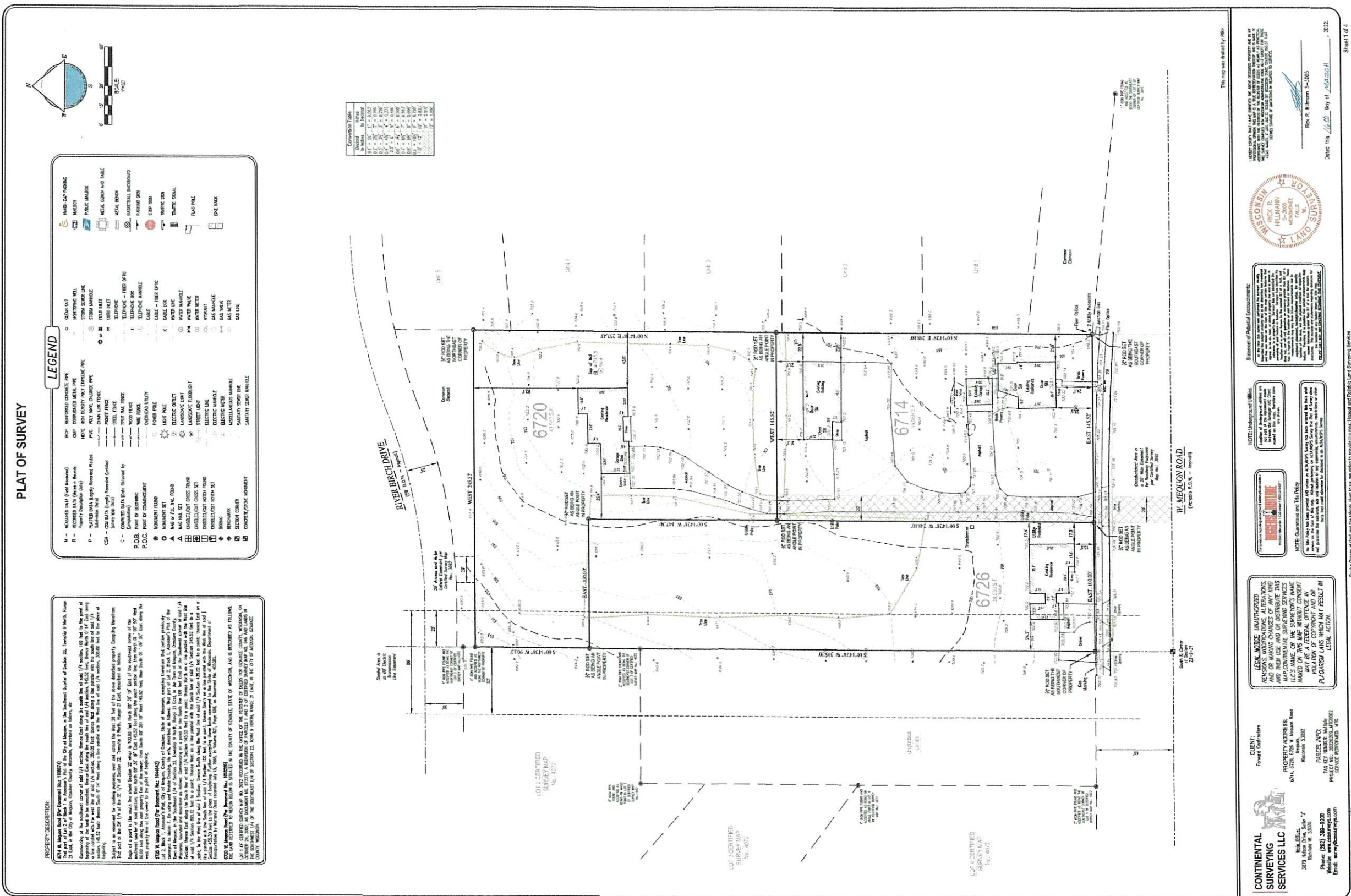
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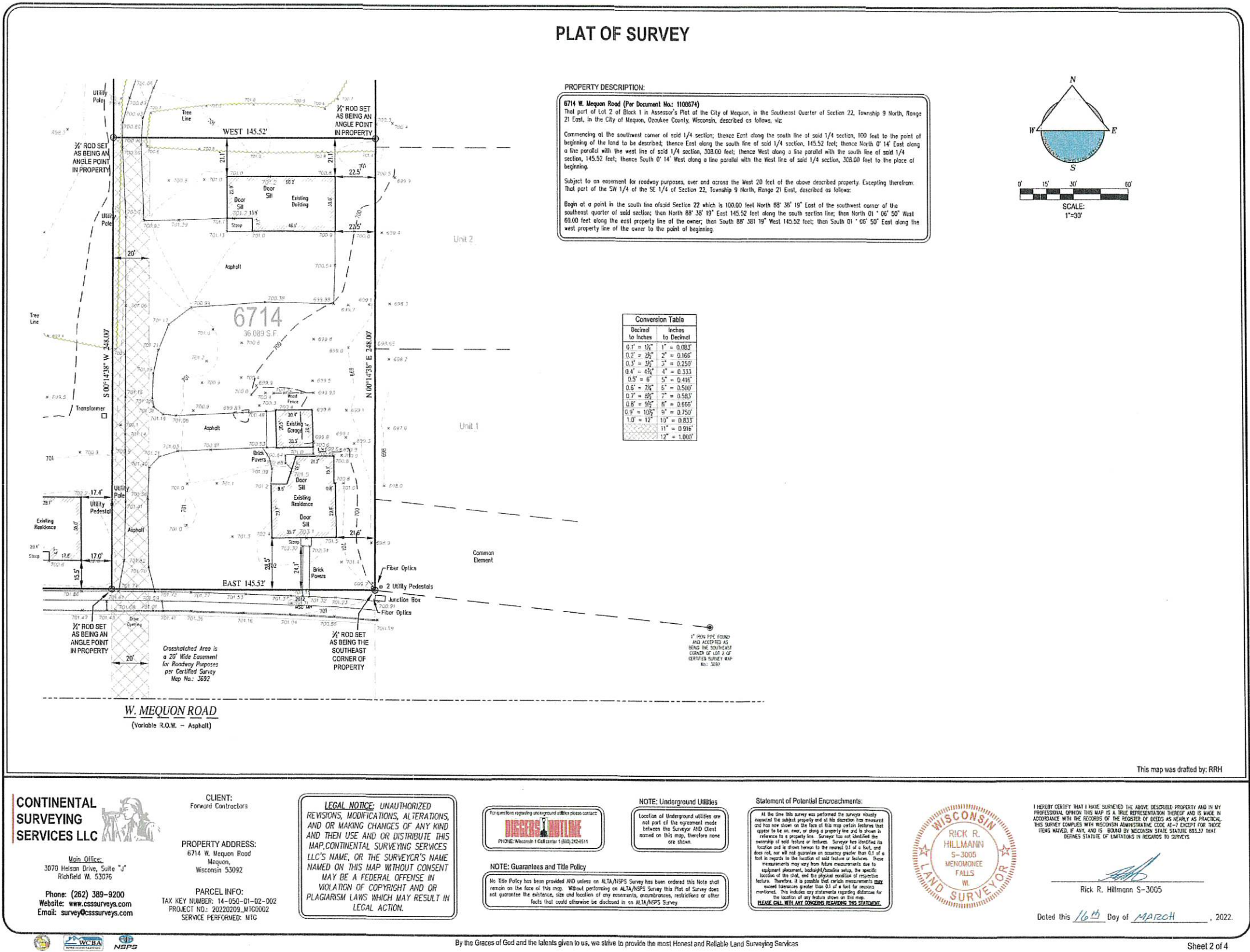
PROJECT NO. 2023103
DATE AS SHOWN
DATE 11/13/23
DRAWN BY MML

A1.0

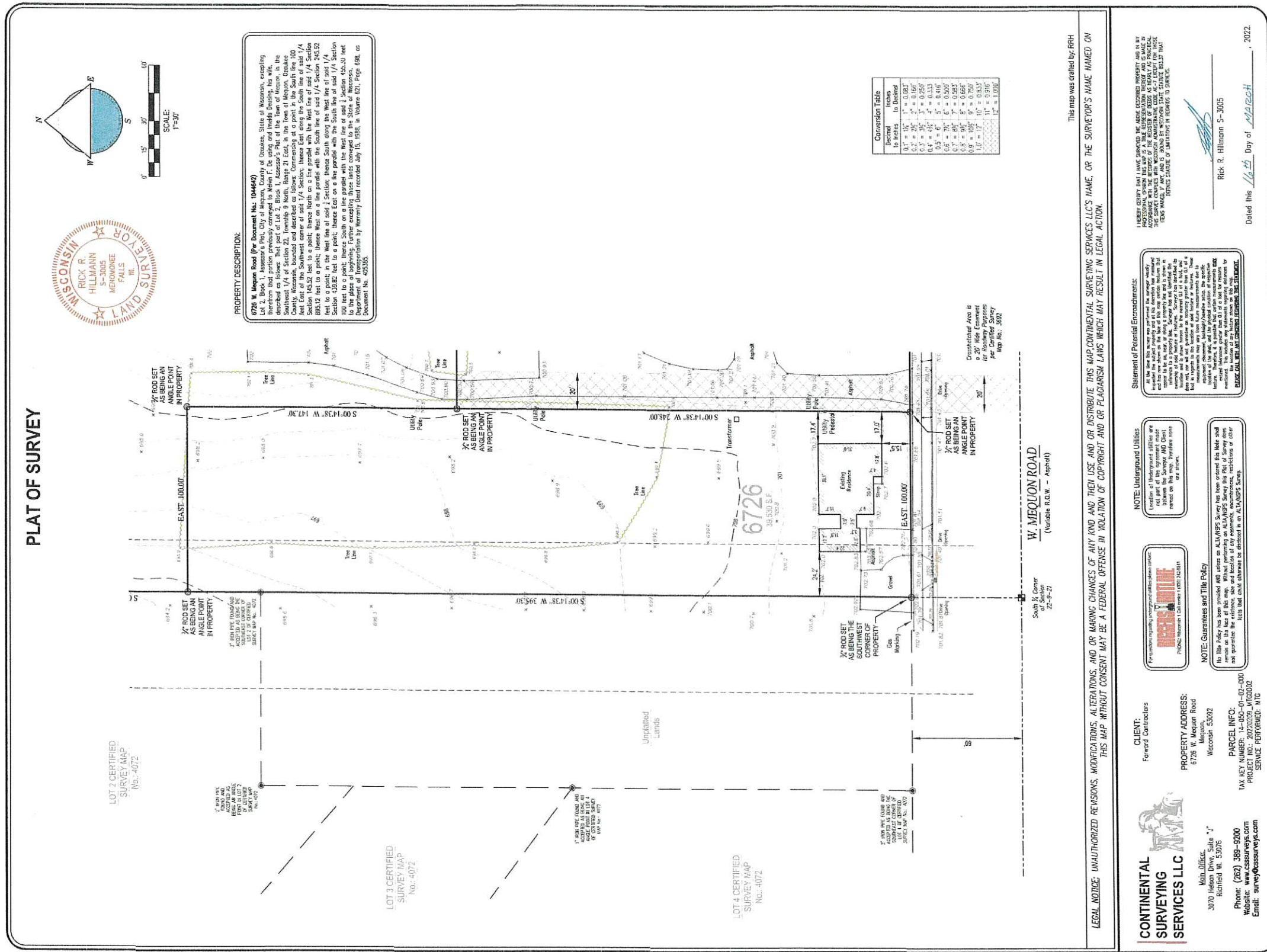








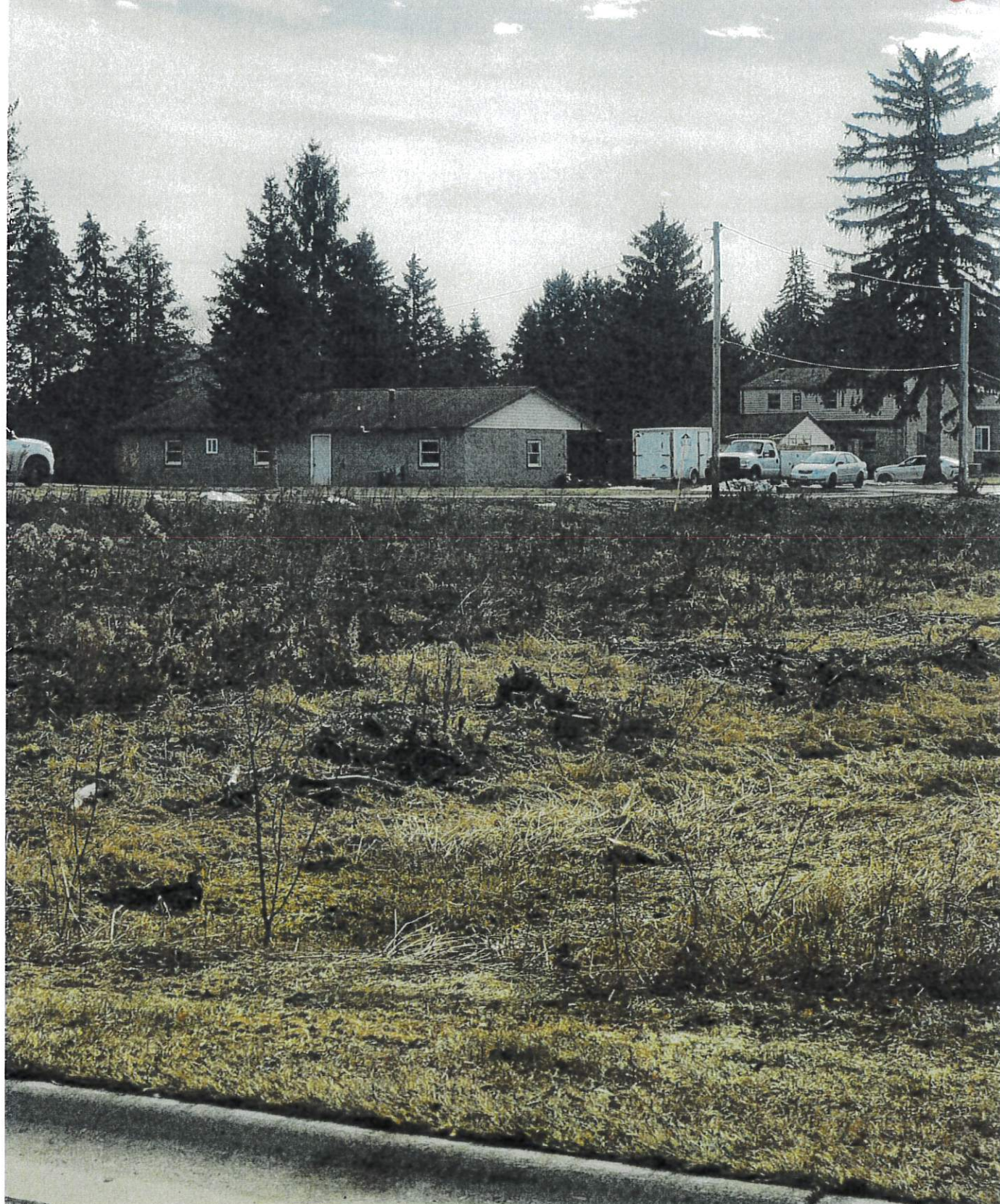




2/12/24, 2:41 PM

20240208_110417.jpg

View From River Birch Dr (North)



Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)



11333 N. Cedarburg Road
 Mequon, Wisconsin 53092
 Phone: (262) 236-2924
 Fax: (262) 242-9819

www.ci.mequon.wi.us

INSPECTION DIVISION

February 14, 2024

Ms. Tracy LaLonde
 P.O. Box 396
 Grafton, WI 53024

STOP WORK ORDER

Dear Tracy,

This is a follow-up letter to the February 8, 2024, email discussion with the Inspections Department about work being done at 6714 W. Mequon Road. All work must stop at once until proper permits, which includes building and mechanicals, are submitted to the City after the Planning Commission approves your plans. Any permits that we have received thus far have been placed on hold.

When your plans are approved by the City, you then must submit them to E-Plan Exam or the State (DSPS) for review before submitting them to the City of Mequon. Once our review is completed, we will then issue the permit. See the City of Mequon's website for contact information.

If work continues at this property, municipal citations may be issued.

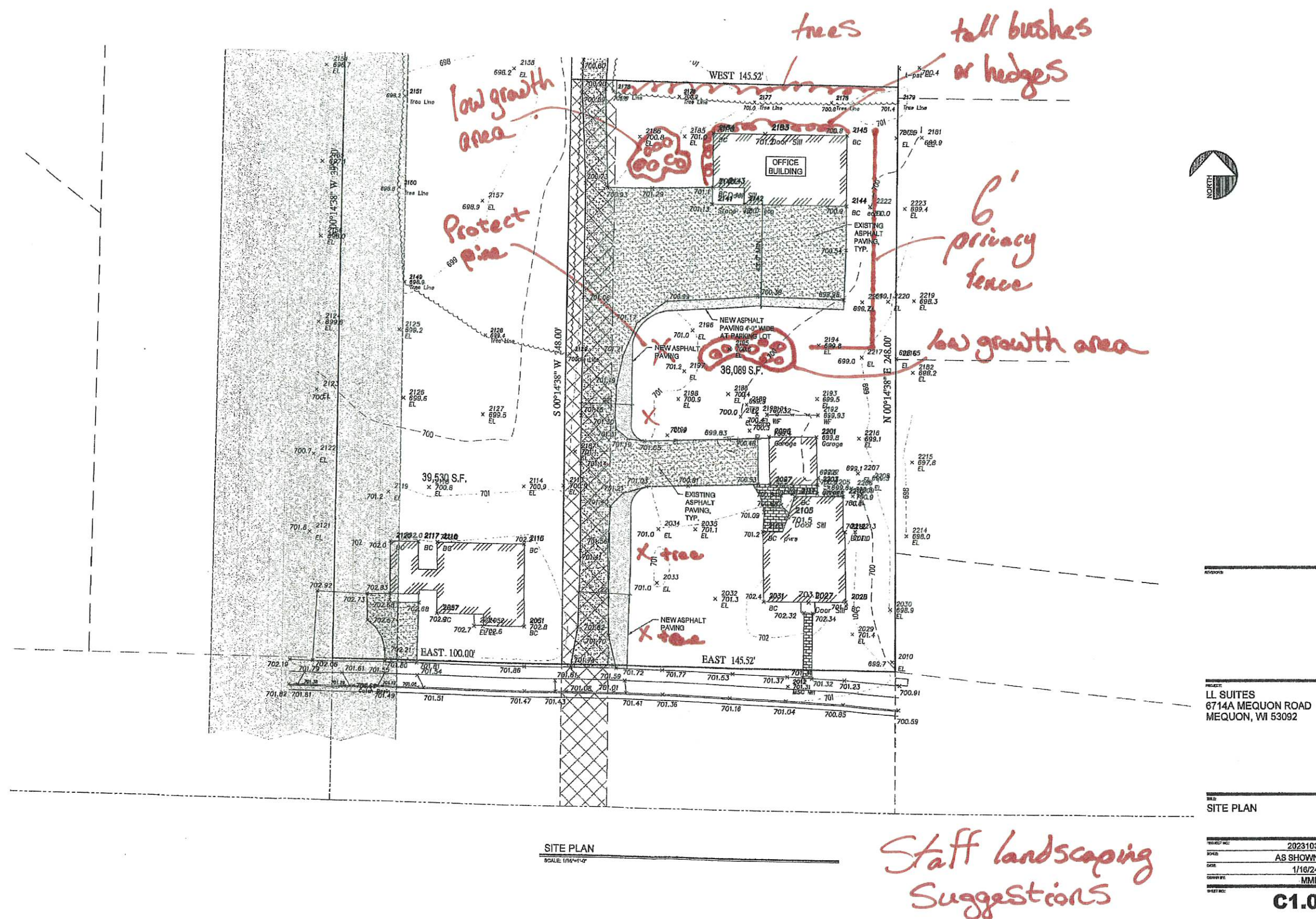
If you should have any questions, please contact me during normal office hours.

Respectfully,

Greg Golden
 Building Supervisor
 262-236-2921
ggolden@ci.mequon.wi.us

GG / kh

Cc: Holton Electric
 Alliance Heating & Air Conditioning
 City of Mequon Community Development Department



Public Feedback

February 12, 2024
City of Mequon Planning Commission
11333 N Cedarburg Rd
Mequon, WI 53092

Dear City of Mequon Planning Commission:

I am writing to express my deep concern regarding the proposal to add a business use adjacent to two neighborhoods with homes valued at \$750,000 or more. As a resident of one of these neighborhoods, I am extremely worried that this development will have a significant negative impact on our community.

To begin with, the proposed office building that would back up to River Birch Dr and several homes, including mine at 6871 W River Birch Drive, is a major point of contention. I cannot emphasize enough that the lot proposed for development is currently zoned for single-family suburban residential use. A commercial development in this area would be a significant departure from the existing zoning regulations. This could lead to a decline in the property values of the surrounding homes, which would be detrimental to the residents who have invested their life savings into their homes.

Furthermore, the potential increase in traffic and noise that this development could bring is a major concern. The addition of a driveway onto River Birch Dr would undoubtedly increase the traffic in the area and noise pollution from the office building could be a major issue for the nearby residents. The increased traffic would also be dangerous for the children who play in the neighborhood. Imagine the chaos and disruption this would cause in our peaceful neighborhood.

Finally, I must raise the issue of the lack of shielding that currently exists between the proposed development and the nearby homes (especially my home), which now has a considerable amount of reduced vegetation shielding. The shielding trees and vegetation that once provided privacy and protection for the residents were removed in 2022. In addition, these trees were also burned, which caused an uncomfortable amount of smoke throughout the neighborhood. Being at home with a newborn, this was very concerning as we had to exit our home/neighbor because of the smoke intensity during the burn. It is essential that these be replaced to ensure the privacy and well-being of the residents. The lack of shielding would expose the residents (especially my home) to unwanted noise and lack of privacy from the office building.

In conclusion, I urge the City Council to take our concerns seriously and consider the impacts of this development on our community. The well-being of the residents should be the top priority, and any decision should be made in favor of preserving our peaceful and comfortable way of life. I hope that you will carefully evaluate the potential impacts of this development on our community and take steps to protect the well-being of the residents. It is vital that you consider the existing zoning regulations and ensure that any development in this area is consistent with the surrounding neighborhoods.

Thank you for your attention to this urgent matter.

Sincerely,



Alan Neva & Rachel Ansay
6871 W. River Birch Dr. Mequon WI 53092

Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)

David and Suzy Boerke
6720 River Birch Drive
Mequon, WI 53092

Ms. Kim Tollefson
Director of Community Development
City of Mequon
11333 N Cedarburg Road
Mequon, WI 53092

Re: River Birch Place/ Lalonde Property

Dear Ms. Tollefson,

As residents of River Birch Place, my wife Suzy and I greatly appreciate your letting us know that Mr. Lalonde has now come forward with specific requests to the city. As we have discussed numerous times previously, Lalonde's actions have become quite worrisome in our community.

There are numerous issues and concerns being expressed by RBP residents. We ask that before the city accommodates any request relating to development of the contiguous property, that Lalonde agree in writing to pay for the full restoration of all of the screening that was destroyed by him.

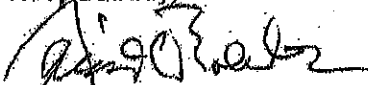
It is important to point out that the evergreen tree line along River Birch Dr., is on RBP property and was without notice or permission dramatically trimmed from the bottom up by Lalonde. This action removed most or all of the screening protecting our property.

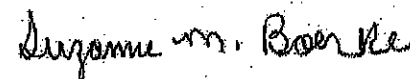
It will take mature plantings to be installed south of the damaged trees (and on Lalonde's property), to avoid the existing shade to the north and provide enough south light for them to survive. This in turn may require an access agreement or easement in favor of RBP to ensure that the new plantings can be maintained.

We believe it would be reasonable for the city to require Lalonde to resolve this ongoing dispute before the it supports any further development of their property.

We greatly appreciate your valuable assistance in this matter.

Respectfully,


David C. Boerke


Suzanne M. Boerke

Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)

Kim Tollefson
Director of Community Development
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092

February 10, 2024

Dear Kim,

In response to the recent proposal to add office and parking spaces to the Lalonde property, directly to the west of River Birch Condominiums, we are requesting that the planning commission require a screening fence be built by Lalonde on his eastern property adjacent to condo units 1 and 2 (11201 and 11203 River Birch Drive). These units will be directly affected by this proposed project and our requested fencing will provide privacy and a barrier from car lights, traffic noise, business lighting, parking lot noise/lighting, and trash.

We request a solid lock board, engineered wood 8-10 ft privacy fence running the continuous length of the eastside of Lalonde's property from 11201's southwest back lot corner marker, just north of large pine tree, to 11203's northwest lot line corner marker. This request is in line with the current B3 limited zoning requiring business to be compatible with surrounding area.

Please let us know what further information you might need to ensure that this request is granted.

Thank-you,

David and Sue Dicks
Owners at 11203 N. River Birch Drive



David Dicks <daviddicks1958@gmail.com>

Lalonde Proposal for new Buisness

Sylvia Fishman <syfishman@gmail.com>
 To: David Dicks <daviddicks1958@gmail.com>

Sun, Feb 11, 2024 at 10:21 AM

A letter to be presented from Joel and Sylvia Fishman. 11267 N River Birch Drive. My concerns regarding the plan brought forward to the west of us called the LaLonde proposal. We have spent the last two years watching our beautiful backyard views disappear. We have watched trees disappear from our property line we watched the arrival of a chipper that left logs and chips all over our once beautiful view. When we bought our condo we were told that the trees on the tree line behind us were part of The Conservancy. This turns out to be not true. These aren't concerns:

1. Lights from traffic on Mequon Rd will be shining into my neighbors home The traffic is constant.
2. I am fearful that our property values will be affected by the unsightly view of a parking lot to the west of us.
3. A kitchen is in the LaLonde proposal. What will be its use? I would like the proposal to include a landscape or fence proposal to make the LaLonde plan more acceptable. The present plan is not acceptable to us.

Sylvia and Joel Fishman

Sent from my iPhone

On Feb 10, 2024, at 7:46 PM, David Dicks <daviddicks1958@gmail.com> wrote:

[Quoted text hidden]

Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)

Evan Hoier

From: lorar@twc.com
Sent: Sunday, February 11, 2024 9:38 PM
To: Kimberly Tollefson; Evan Hoier
Cc: rkremer2@wi.rr.com; daverx1@aol.com; preinholz@twc.com
Subject: Planning Commission - LaLonde Development

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Director Tollefson,

I am writing as the President of River Birch Place Condominium Owner's Association (RBP) which owns land directly east of the proposed development by Mike LaLonde along West Mequon Road.

Mr. LaLonde is requesting the addition of offices inside an existing building on the property and, as a result, will have a larger surface parking lot.

As you know, we have had a contentious relationship with Mr. LaLonde as he trespassed onto RBP property and damaged the landscaping. Mr. Johnathan Woodward, the Attorney for the City of Mequon, is currently working with Mr. LaLonde's attorney so we can get restitution, repair the damage, and have closure.

As the Planning Commission is considering the approval of LaLonde's proposal, we are requesting that adequate screening from Mequon Road to the north corner of the property being developed be installed to provide privacy as well as a barrier from car lights, traffic noise, business lighting, parking lot noise/lighting, and trash for our residents along our western border. In fact, residents at 11201 and 11203 N. River Birch Drive are specifically requesting a tall, solid fence be installed behind their properties. Since we anticipate that the fence will be used for many years, we would like assurance that it be properly maintained without having Mr. LaLonde or any contractors requiring access to RBP property.

We are also seeking assurance that any exterior lighting (e.g., parking lot, lighting on the building) be shielded from RBP properties.

In addition, because of the proximity to the homes, we request that working hours at the site be limited to regular business hours with access beginning no earlier than 7AM and ending no later than 7PM.

Finally, we request the opportunity to review plans and speak before the Planning Commission regarding the development before the Planning Commission votes on this matter.

Please let us know what additional information we can provide regarding these requests.

Regards,

Lora Reinholz
 President, River Birch Place Condominium Owners Association

Evan Hoier

From: rkremer2@wi.rr.com
Sent: Sunday, February 11, 2024 7:45 PM
To: Kimberly Tollefson; Evan Hoier
Cc: 'lorar@twc.com'; 'happiness@wi.rr.com'
Subject: Planning Commission Request - LaLonde Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Tollefson and Mr. Hoier:

In response to the recent proposal to add office and parking spaces to the LaLonde property, directly to the west of River Birch Place Condominium Association (RBP), we are requesting that the planning commission require a screening fence be built by LaLonde on his eastern property adjacent to RBP Units 1 and 2 at 11201 and 11203 N. River Birch Drive. These Association units will be directly affected by this proposed project and our requested fencing will provide privacy and a barrier from car lights, traffic noise, business lighting, parking lot noise, and loose trash.

We request a lock board, solid wood, 8-10 ft privacy fence running the continuous length of the eastside of LaLonde's property from 11201's southwest back lot corner to 11203's northwest back lot corner. This request is in line with the current B3 limited zoning requiring businesses to be compatible with the surrounding area.

Please let us know if additional information is required to ensure that this request is granted.

Thank you,

Richard Kremer (414)426-8108

Elizabeth Staehler

11201 N. River Birch Drive

Cc: Lora Reinholz, President - River Birch Place Condominium Association

Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)

The Otto family · 6850 W River Birch Drive · 336-608-9184 · pagedickson@gmail.com

February 12, 2024

City of Mequon Planning Commission
11333 N Cedarburg Rd
Mequon, WI 53092

Dear City of Mequon Planning Commission,

My family and I recently built our forever home on River Birch Drive in Mequon. We have six children who attend local schools, and I am a teacher at Homestead High School.

We are very concerned about the possibility of a business development being constructed across the street from our home. Our oldest two children ride their bikes to and from school and sports practices daily. If the proposed driveway is added with access from River Birch Drive, the road would not be safe enough for my kids to travel on their bikes. I also often take my youngest two children out for walks or to learn to ride their bikes in front of our home, and the safe space to do that would be destroyed.

We believe that single family residential lots would be a much better use of the property on River Birch Drive. This would maintain the quiet, safe environment for the Mequon families that already live on this street.

We have already felt the effects of less privacy and more noise from the unfortunate unapproved clearing of trees and vegetation in 2022, and we hope to retain the tranquility and safety that we do have in the neighborhood.

Thank you for your attention to this important matter, and thank you for taking care of our city!

With gratitude,

Page D. Otto Richard Otto

Page and Richard Otto
Carson, Everett, Faye, Isla, Vera and Weston Otto

Everett Otto Isla Otto
Carson Otto
Faye Otto *VI* *R-A*

Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)

JEFFREY AND SUSAN SCHOUTEN

6942 W River Birch Dr | 414-975-6016 | jeff.schouten@gmail.com

February 10, 2024

City of Mequon Planning Commission
11333 N Cedarburg Rd
Mequon, WI 53092

Dear City of Mequon Planning Commission:

We are writing in opposition to a zoning and business proposal to be considered at the Planning commission meeting on February 19. The property is at 6720 West Mequon Road, but the property abuts quiet, residential River Birch Drive, and is just a few yards from homes in 3 directions. This proposal entails a zoning change from R-3 (SF Residential) to business use, with the construction of an office building and parking lot across the street from our homes.

Here are our main concerns:

- Immediately adjacent to this property are two residential neighborhoods with homes valued at \$750,000+. How might a business affect our property values? This adjacency is not apparent from the site plan. Take a drive to visit you'll see how close it is to two neighborhoods.
- A new driveway is being proposed to the north to access River Birch Drive. We are concerned about the added traffic and noise, the safety of the many children living in 2 homes immediately adjacent to this driveway, and of the many, many grandchildren that frequently visit the neighborhood. Isn't access only from Mequon Road sufficient?
- In 2022, the developer cleared out all of the new and old-growth trees and vegetation to the west, north and east, exposing the property to the adjacent homes. It's been an eyesore since. This clearing was not reviewed or approved by the city (I confirmed this with the city). Will this be replaced with mature trees and vegetation to shield the new business property from the neighborhoods? It should be at least as dense as prior to removal, which could take many years.
- What's next for the larger property at 6714 and 6726 W. Mequon Road? More business development and more traffic and noise? I would hope that the committee would consider the full plan for these lots before approving any development.
- A far more compatible use of the property would be to keep single family residential zoning and to move the proposed office building to the south, onto Mequon Rd where it belongs.

Sincerely,



Jeffrey and Susan Schouten

Attachment: LaLonde BOA hearing packet_05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)

Kim Tollefson
Director of Community Development
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092

February 10, 2024

Dear Kim and Commission Members,

In response to the recent proposal to add office and parking spaces to the Lalonde property, directly to the west of River Birch Condominiums, we are requesting that the planning commission require a screening fence be built by Lalonde on his eastern property adjacent to condo units 1, 2, 3, and 4 (11201, 11203, 11237, and 11267 River Birch Drive). These units will be will directly affected by this proposed project and our requested fencing will provide privacy and a barrier from car lights, traffic noise, business lighting, parking lot noise/lighting, and trash.

We request a solid lock board, engineered wood 8-10 ft privacy fence running the continuous length of the eastside of Lalonde's property from 11201's southwest back lot corner marker, just north of large pine tree, to 11267's northwest lot line corner marker. This request is in line with the current B3 limited zoning requiring business to be compatible with surrounding area.

The previous business owner lived in the house on Mequon road and worked in the building proposed for renovation. It was his small workshop business. He had 3-4 cars a day max come to his shop. Kim's typical work day was 9 to 4 or so. We had a good relationship with Kim as he was a good neighbor.

Once taking possession of the property, there was a 3-week period when Lalonde had a crew of men cut down hundreds of trees, some of which were not even on his property. Our view of his business was blocked by trees on his property which have since been cut down. The 2 windows on the east side of the building now have a clear view into our house.

We now have any truck or cars headlights shine directly into our house from the existing parking lot, which is only going to get larger according to his plan.

We see the high-tension wires which previously weren't visible.

We have headlights from east bound traffic on Mequon road flash into the house since all the trees were cut down.

We spent well over \$1000 on blinds for our west facing windows because the heat from the afternoon sun is so intense it raises the house temperature. Prior to the trees being cut down, we had shade.

He has been unresponsive to letters and emails from our Condominium President. He was verbally abusive to our neighbors Rich and Liz.

We are concerned about the business type, hours, number of occupants, noise and light pollution. The B3/Ltd business is supposed to fit into the surrounding residential community. The previous business did.

Lalonde wants to put 6 offices, a bathroom, and kitchen into a building that was previously a wood shop. He is creating 11 parking spaces for the building. This is a zoned B3/Ltd lot.

Please let us know what further information you might need to ensure that this request for fencing is granted.

Thank-you,

David and Sue Dicks
Owners at 11203 N. River Birch Drive

February 11, 2024

City of Mequon Planning Commission

11133 N Cedarberg Rd

Mequon, WI 53092

Dear City Official

My name is Richard Brock and reside at 6926 W River Birch Dr. I currently serve as president of Pine Reserve HOA consisting of ten townhomes on said street. Purpose of this letter is to express our opposition to what I understand is a proposed office building at 6714 at Mequon road by lalonde Group.

My thoughts:

1. The woods on the property were removed 3-4 years ago and my understanding is Lalonde did not receive the proper authority from the city to do so.
2. Then the timber remained stacked on the lot for months as an eye sore for all of us who live there.
3. Zoning should not be changed. In this area on the north side of Mequon Road are all high end homes and townhouses. This is not an appropriate place for offices, which in our opinion will have a significant negative impact on our home's values.
4. With the way Lalonde has behaved in the past, my concern is that this is the first step before coming back and wanting to develop more offices. Before making any changes at all, they should be required to submit their long-term development plans for the property.

5. We have great concern with granting access off River Birch Dr. We now have young families living next to our townhouses who have several young kids, frequently playing in the street. The increased traffic would present a hazard to all of us who live there, and we do not see it as an advantage to Lalonde.

My recommendation and the other owners in Pine Reserve HOA is the developer needs to present a comprehensive long term plan for the entire property before and changes should even be considered.

I can be reached on my cell phone at 850-687-4974 or my email at rabrock@brockreport.com.

Thank you,



Richard Brock

President Pine Reserve HOA

Stephen A. Schaefer
6944 W. River Birch Dr.
Mequon, WI 53092

February 11, 2024

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

Re: 6714A Office Building and Zoning

Dear City Official,

It is my understanding the City is considering allowing an office building to be developed and/or occupied at 6714A Mequon Road, with possible access from River Birch Dr. We have lived at 6944 W River Birch Drive since 2008, when the surrounding area was in early stages of development. Part of our due diligence process was to consider the neighboring buildings, plans, developers, and zoning.

Since 2008, the area has developed into a cohesive neighborhood, thanks to City efforts, to build single family and side-by-side condos. We enjoy the proximity to the Mequon-Thiensville Town Center project and appreciate the City's efforts to develop this commercial area. It is what first attracted us to this part of Milwaukee.

Based on the facts presented to me, I am having difficulty comprehending why a developer would be interested in constructing a small office building in the middle of a neighborhood, sandwiched between two houses. Further, I believe this office building is not consistent with the current property zoning, which has been in place since at least 2008.

I also understand the property owner may not have acted in good faith with the City and the directly impacted property owners, when clearing the property a few years ago, and thus future representations should be treated as suspect.

The City of Mequon has done a great job avoiding many of the issues Brookfield faces with Bluemond Road, when overseeing the development of Park road, and the Town Center project is coming along very nicely to foster a better sense of community. The addition of this proposed building would not be in keeping with the City's stewardship of Mequon Road and our neighborhood.

I would like to officially go on record as opposing this proposed development and/or building occupancy for the reasons:

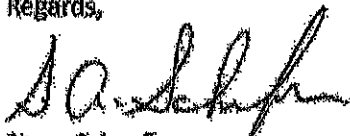
1. *Building and occupancy not consistent with neighboring area*
2. *Zoning is not appropriate, and should not be changed to accommodate this building, due to the above rational*

3. *Additional traffic on River Birch Dr may create safety concerns for the current neighborhood.*
4. *Building/occupancy may adversely impact our property values and hence the City's tax revenue.*
5. *Noise and light pollution would detract from the environmental attractiveness of the immediate area.*
6. *There appears to significant unoccupied office space in the Town Center Project and in neighboring Thiensville, as well as along Port road, and additional office space may serve to harm current building owners.*

My recommendation, for the City's consideration, is for the developer to present a complete plan for the subject property and work with the surrounding property owners and the City, prior to advancing new plans, which results in undue frustrations on all parties.

If you have any questions, please feel free to call me at (262) 648-4455.

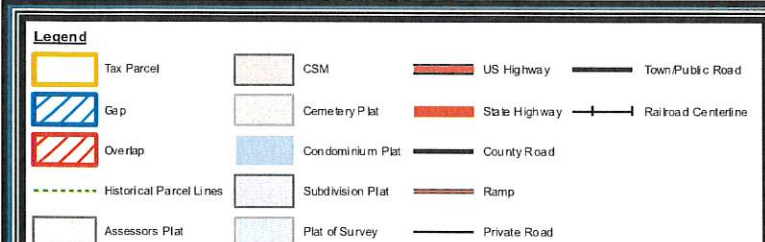
Regards,



Steve Schaefer



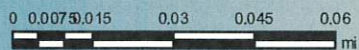
Attachment: LaLonde BOA hearing packet 05-02-24 (9318 : LaLonde BOA hearing packet 05-02-24)



Product of the LAND INFORMATION OFFICE

3/27/2024, 2:13:15 PM

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DISCLAIMER: This map is not a substitute for an actual field survey or other measurements.



Packet Pg. 56

- (a) *Street trees.* The developer shall provide for the planting or retention of street trees on both sides of all new roadways and, where deemed appropriate by the planning commission for aesthetic purposes, along existing roadways adjacent to the development. Such trees shall have an average trunk dimension of three inches at a point six inches above the grade. To insure proper planting and growth, the trees shall be balled, burlapped and staked in accordance with city specifications. Such trees shall be provided at a rate of not less than one tree every 30 feet of new roadway frontage and located within the road right-of-way at a point two feet from the right-of-way line unless otherwise required by the planning commission. The species of trees shall be subject to planning commission approval and should be selected from an established list of street trees supplied by the tree board. Planting of native species shall be encouraged. The city reserves the right to retain the services of a qualified consultant to verify proper installation and health of required landscaping.
- (b) *Retention of existing trees.* See tree preservation regulations in Chapter 84 and the City of Mequon Policy Manual for Tree Protection and Preservation.
- (c) *Parking lot landscaping.* Off street parking lots with more than ten stalls shall have at least ten percent of the interior parking area landscaped. The species of landscape plantings are subject to planning commission approval, or park and open space board approval if the landscaping is to be located within a public park or preserve.
- (d) *Parking lot shading.* Landscaping in and around parking lots shall be designed, planted and maintained so that a minimum of 30 percent of the parking area will be shaded during summer growth within ten years of planting.
- (e) *Screening.* The following requirements apply:
 - (1) Every development shall provide sufficient screening to shield adjacent properties from any adverse external effects of that development and/or to shield the development from the negative impacts of adjacent uses, streets or railroads.
 - (2) Where a non-residential or multifamily residential site adjoins a single-family residential site, a solid wall or fence, vine covered fence or compact vegetative screen not less than 4½ nor more than six feet in height, shall be located adjoining the property line except in a required front yard.
 - (3) In non-residential or multifamily residential developments a landscaping area at least 25 feet in depth between the abutting ultimate road right-of-way and parking/driveway areas will be planted with materials suitable for screening or ornamenting the site, whichever is appropriate.
 - (4) A compact landscaping hedgerow or undulating berm, not more than three feet in height, shall be located directly adjacent to commercial and multi-family residential parking and driveway areas facing public roads. Hedges shall be a minimum of two feet in height when measured immediately after planting and shall be maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after time of planting. This landscaping buffer is intended to screen the view of parked cars and asphalt from pedestrian and motorist view.
 - (5) Dumpsters shall be located and screened in accordance with city approval.
- (f) *Landscaping standards.* The following standards apply to commercial or multi-family residential sites.
 - (1) The undeveloped area of any commercial or multi-family residential site (exclusive of areas under roof or pavement) shall be landscaped with approved living trees, shrubs, vines, flowers, grass and ground covers and may include water bodies, crushed rock, sand, wood chips, landscaping furniture and ornamental pieces.
 - (2) At least one tree and two shrubs shall be planted for each 1,000 square feet or portion thereof of the area to be landscaped. Each required tree shall have an initial caliper of no less than two inches and a height of at least seven feet.
 - (3) No tree as measured from its center shall be located within five feet of a vehicular accessway, bike trail or public sidewalk or within ten feet of a street light, stop sign, fire hydrant, street sign or directional sign.
 - (4) All landscaping material located within a sight distance triangle shall be two feet or less in height or have a clearance of eight feet beneath the lowest branch or projection.
 - (5) No permanent impervious surfacing or sub-surfacing shall be located around the base of any tree or shrub which may impede growth of said plant.
 - (6) Landscaping plans for development proposals shall be designed and stamped by a licensed landscaped architect. This requirement may be waived for minor alteration or improvement plans that, in the discretion of the department of community

development, do not require the services of such a professional.

Additionally, the department of community development and/or planning commission may require the applicant to pay an additional administrative fee for the city to contract with a landscape architect to review and comment on the applicant's proposed landscape plan.

- (g) *Landscaping installation.* All landscaping shall be installed in a sound workmanship manner and according to accepted good planting procedures with quality plant materials. A qualified representative of the city shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided or the appropriate escrow is established in compliance with section 58-110 for future installation of the required landscaping.
- (h) *Landscaping maintenance.* The owner and/or agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat and orderly appearance that shall be kept free from refuse and debris. All landscaping areas shall be provided with a readily available water supply. The developer or property owner of an industrial, institutional, park, commercial or multi-family residential site shall promptly replace any landscaping which has died or is damaged beyond repair. The replacement planting shall be the same size and quality as in the approved landscaping plan. The site's landscaping shall be maintained perpetually in accordance with the approved landscaping plan on file in the department of community development or department of parks. The planning commission shall require the developer to establish an escrow account equal to 25 percent of the initial landscape contract cost to insure that landscaping that dies within three years of planting will be replaced by the developer. Note: This escrow amount is in addition to the escrow account required by section 58-110, and will be returned after three years.
- (i) *Berm requirements.* The construction of earth berms shall require a filling, excavation and berms permit and shall comply with the City of Mequon Standard Specifications for Land Development in effect at the time of permit application or unless otherwise agreed to by the applicant.
- (j) *Aesthetic and recreational pond requirements.* The construction of new aesthetic or recreational ponds or enlargement of existing aesthetic or recreational ponds require a filling, excavation and berms permit and shall comply with the City of Mequon Standard Specifications for Land Development in effect at the time of permit application or unless otherwise agreed to by the applicant.

(Code 1957, § 3.14(3); Ord. No. 96-878, 5-14-1996; Ord. No. 97-910, 2-11-1997; Ord. No. 98-952, 7-14-1998; Ord. No. 2007-1202, § IV, 6-12-2007; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2017-1506, §§ IV, V, 10-10-2017; Ord. No. 2018-1520, § I, 8-15-2018)

Sec. 58-605. - Streets and access drives.

- (a) All streets shall be constructed in accordance with the publication "City of Mequon Standard Specifications for Land Development, Seventh Edition, December 2002, or any amendment or revision thereof approved by the common council. The planning commission may waive or modify these specifications if, in its judgment, it is not adverse to the public health, safety and welfare.
- (b) The right-of-way of all streets shall be the width specified on the official map and/or Resolution No. 441 of the City of Mequon.
- (c) Streets shall be classified in accordance with the adopted street and highway functional classification system specified in Resolution No. 607 of the City of Mequon.
- (d) Streets shall be designed and located in relation to existing and planned streets, topographical conditions and natural terrain, features such as streams and existing tree growth, public convenience and safety.
- (e) Local and minor residential streets may be required to connect with surrounding streets when necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons. Connections may be denied where the effect would be to encourage the use of such streets by substantial through traffic.
- (f) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the city may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this section, no temporary dead-end street in excess of 1,000 feet may be created unless no other practicable alternative is available.
- (g) The grade of major and collector streets shall not exceed six percent and the grade of all other streets shall not exceed ten percent, unless necessitated by exceptional topography and approved by the planning commission. The minimum grade of all streets shall be no less than one-half percent and such minimum shall not be permitted for sustained distances.
- (h) A minimum sight distance with clear visibility, measured along the centerline, at least 300 feet on major streets, 200 feet for collector streets and 100 feet on minor streets shall be provided.
- (i) New street names shall not duplicate the names of existing streets; but streets that are continuations of others already in existence and named shall bear the name of the existing streets.
- (j) Reserve strips controlling access to streets shall be prohibited except where approved by the planning commission.
- (k) Streets shall intersect as nearly as possible at right angles and no two streets may intersect at less than 60 degrees. Not more than two streets shall intersect at any one point unless the city engineer certifies to the planning commission that such an intersection can be constructed with no extraordinary danger to public safety.
- (l) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet.
- (m) Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet.
- (n) No poles, planters, walls, fences, rocks, berms or any other structures or landscaping which could create a road hazard or impede road or ditch maintenance ("manmade impediments") shall be permitted on or over any roadside right-of-way without the city engineer's written consent, except for mailboxes. After notice to the owner and unless the owner has eliminated the manmade impediment to the city's satisfaction, the city shall remove at the owner's expense any manmade impediment in the roadside right-of-way whenever necessary for road or ditch maintenance or to remove a road hazard. A driveway is not considered a manmade impediment; however, if it becomes necessary to remove any part of a gravel or asphalt driveway for road or ditch maintenance or to remove a road hazard, the city shall replace it with like material at the city's expense. Concrete driveways shall be permitted to be installed within the right-of-way to the edge of the pavement. However, the portion in the public right-of-way is at the owner's risk. If road or ditch maintenance requires the removal of a concrete driveway, the owner may replace it with like material at the owner's expense; otherwise, the city shall replace it with asphalt at the city's expense.
- (o)

In no case shall a driveway culvert extend beyond an imaginary line of the side lot lines extended to the edge of pavement of the public street, except for shared driveways and lots narrower than 24 feet at the centerline of the roadside ditch. It shall be the responsibility of the property owner to provide the correct location for culvert placement. Any relocation of a culvert, after initial installation by the city shall be at the owner's expense.

- (p) On corner lots having frontage on one or more streets with an established road right-of-way width in excess of 60 feet, street access shall be restricted to that street having the smaller established road right-of-way width, unless specifically waived by the planning commission.

(Code 1957, § 3.12(8); Ord. No. 2001-1017, § XXII, 5-8-2001; Ord. No. 2008-1238, § I, 4-8-2008)